

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on January 3, 2012 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 December 28, 2011, with a copy of the proof of publication being on file in the office of the City Clerk. Notice of this meeting was given simultaneously to the Mayor and members of the City Council, with a copy of the acknowledgement of receipt of notice being on file in the office of the City Clerk. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public.

STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT: Mayor Moser read the following statement: "In compliance with the Open Meetings Act, Legislative Bill 898, Second Session Ninety-Ninth Legislature of Nebraska, a current copy of the Act is posted in this meeting room".

ROLL CALL: Present were Mayor Michael Moser and Council Members Beth Augustine-Schulte, Charlie Bahr, Ron Bogus, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon.

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

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 19, 2011, City Council meeting.
- B. Approval of report from Columbus Housing Authority (Annual Report) ~ Computation of Payments in Lieu of Taxes.
- C. Approval of specifications and estimate of cost, as submitted by City Engineer Goedeken, for the following vehicles and equipment and authorization for city staff to advertise for bids:

QTY	UNIT	DEPARTMENT
1	3/4 Ton Crew Cab Pickup	Airport
1	Tractor-Loader-Backhoe	Cemetery
1	Rotary Mower	Golf
1	3/4 Ton Pickup w/Utility Box	Sanitary Sewer
1	3/4 Ton Pickup	Street
1	Tractor	Street
1	Street Sweeper	Street

- D. Approval of plans, specifications and estimate of cost, as submitted by City Engineer Goedeken, for Pawnee Plunge Slide Rehabilitation Project and authorization for city staff to advertise for bids.
- E. Approval of plans, specifications and estimate of cost, as submitted by City Engineer Goedeken, for armor coating at Pawnee Park, Centennial Park and Columbus Cemetery and authorization for city staff to advertise for bids.
- F. Memorandum from City Engineer Goedeken recommending approval of Change Order No. 1 with Obrist & Co., Inc., Columbus, Nebraska, in the amount of \$1,630 for Water Extension District No. 61 (South 5th Street near 3rd Avenue).
- G. Approval of Resolution No. R12-01 authorizing payment of various improvement projects.
- H. Approval of payroll and bills on file. 01/06/12 Payroll 463,017.89; Platte County – 8th Street Paving 107,655.30; David H. Ptak – Training 388.10 TOTAL 571,061.29.

Council Member Bulkley requested that Item C, Approval of specifications and estimate of cost, as submitted by City Engineer Goedeken, for various vehicles and equipment and authorization for city staff to advertise for bids be removed from consent status and considered in its normal sequence on the agenda under Item 13, New Business. City Administrator Mangiamelli requested that Item F, Memorandum from City Engineer Goedeken recommending approval of Change Order No. 1 with Obrist & Co., Inc., Columbus, Nebraska, in the amount of \$1,630 for Water Extension District No. 61 (South 5th Street near 3rd Avenue) be removed from consent status and considered in its normal sequence on the agenda under Item 13, New Business.

Moved by Bogus, seconded by Reardon, the items on the consent agenda, with the exception of Items C and F, 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 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 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 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. This public hearing was continued from the December 19, 2011 City Council meeting. In response to Council President Bogus, Tom Fehringer, 3919 25th Street, on behalf of the applicant, explained that the city proposed an option to grant a lower zoning classification of "LC" (Limited Commercial District) with a Special Use Permit which would allow the applicant's potential tenant to conduct business on the property. Fehringer also explained that following negotiations regarding a five year lease, the tenant opted to not relocate. Fehringer further explained that the applicant's business would fit in the requested zoning of "ML/C-1" (Limited Industrial District) and is proposing the city transfer 30 feet of city property on the west side with an easement for gas lines in exchange for a quit claim deed for the walking trail that is encroaching on the applicant's property as well as granting the city an easement for ten parking stalls on the south side. Fehringer said the applicant would move the fence back to allow the city an easement for the extra parking and also slat the fence to provide a visual barrier. City Attorney Hansen referred to discussions with City Attorney Schumacher regarding this proposal and pointed out there is a legal process to go through for transfers of city property. Discussion followed regarding parking spaces as well as potential for violations of the easement and Fehringer pointed out that details would have to be specified in the easement language. In response to Council Member Augustine-Schulte, Fehringer noted the applicant would be storing trucks, trailers, equipment and project materials behind the slatted fence. In response to Council Member Bahr, Community Development Director Curtis cited all uses permitted in an "ML/C-1" zoning district. In response to Council President Bogus, City Attorney Hansen stated that Fehringer and City Attorney Schumacher have been discussing a possible agreement as well as procedures for transferring property and if an agreement can be reached, it could be presented at the next meeting. Moved by Bogus, seconded by Bulkley, 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.

PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT - ELECT CHAIR AND VICE CHAIR:

An oral report of the Public Finance, Judiciary and Personnel Committee was presented stating that the Committee elected Council Member Beth Augustine-Schulte to serve as Chair and Council Member John Lohr to serve as Vice Chair of the Public Finance, Judiciary and Personnel Committee. City Administrator Mangiamelli announced that in accordance with the City Council Rules, no further action is required.

APPOINTMENT OF SHIRLEY MARTYS AND GARY WILLIAMS TO CEMETERY BOARD AND TRACI CERNY TO BOARD OF PARKS COMMISSIONERS:

Memorandums were presented from Mayor Moser submitting the names of Shirley Martys and Gary Williams for appointment to the Cemetery Board for three-year terms as well as Traci Cerny for appointment to the Board of Parks Commissioners for a three-year term. Council President Bogus read a brief resume for each and it was moved by Bogus, seconded by Bulkley, to approve the Mayor's appointments. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR TWO SEWAGE LIFT STATION PUMPS: A memorandum was presented from Water Utility Supervisor Chuck Sliva submitting detailed information and a staff recommendation to award the sole source quote to Electric Pump, Des Moines, Iowa, in the amount of \$50,582.75 for two sewage lift station pumps. Moved by Bogus, seconded by Bulkley, the quote be awarded. 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: Mayor Moser asked all Department Heads to submit a summary of their department's accomplishments in 2011 as well as plans for 2012 for preparation of the "State of the City" address to be presented at the next City Council meeting.

SPECIFICATIONS FOR VEHICLES AND EQUIPMENT FOR VARIOUS DEPARTMENTS:

A memorandum was presented from City Engineer Goedeken submitting detailed information as well as a staff recommendation to approve specifications for the following vehicles and equipment and authorize city staff to advertise for bids: 3/4 Ton Crew Cab Pickup for the Airport; Tractor-Loader-Backhoe for the Cemetery Department; Rotary Mower for the Golf Department; 3/4 Ton Pickup w/Utility Box for the Sanitary Sewer Department; and 3/4 Ton Pickup, Tractor and Street Sweeper for the Street Department. Council Member Bulkley requested that the pickup specifications be referred to the Public Finance, Judiciary and Personnel Committee. Bulkley referred to an email sent to city staff inquiring about the policy for purchase and trade-in of pickups and asked whether the pickups listed on this agenda are being

added to the fleet or are replacing pickups that are in no condition for trade in. City Engineer Goedeken explained that the Engineering and Street Departments guideline is to rotate vehicles every seven years. Goedeken pointed out that a number of factors are taken into consideration that may deviate from this rotation plan as snow plow and salt spreader attachments create excessive wear and tear. Goedeken, Public Works/Environmental Services Director Thomerson and Public Property Director Moore said old pickups, depending on condition, are generally passed down to other departments to replace older ones or sent to surplus to be sold at auction. In response to Council Member Bulkley, Finance Director Kinnison cited the number of various types of vehicles included on the insurance policy as of October 1, 2011 and said she could submit a separate report listing the age of the light trucks included on the list. In response to Council President Bogus, Bulkley said he feels it would be appropriate for the Public Finance, Judiciary and Personnel Committee to review the city's policy for purchasing vehicles, particularly pickups. Moved by Bogus, seconded by Schilling, the specifications and estimate of costs be approved and city staff be authorized to advertise for bids. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

CHANGE ORDER NO. 1 WITH OBRIST & CO., INC. FOR WATER EXTENSION DISTRICT NO. 61 (SOUTH 5TH STREET NEAR 3RD AVENUE): A letter was presented from Obrist & Co., Inc., submitting Change Order No. 1 for a valve box and hydrant extension for Water Extension District No. 61 (South 5th Street near 3rd Avenue) in the amount of \$1,630. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve this Change Order. City Administrator Mangiamelli referred to the dollar amount of the Change Order in comparison with the total project cost and explained that the current approval process could have potentially held up work on this project had it developed during the project. Mangiamelli requested that establishing a policy for Change Orders be referred to the Public Finance, Judiciary and Personnel Committee and the City Council concurred. Moved by Bulkley, seconded by Bahr, Change Order No. 1 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.

ORDINANCE NO. 11-42 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

ORDINANCE NO. 11-42
CONTINUED FROM DECMEBER 19, 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: 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.

Ordinance No. 11-42 was read by title only at this meeting. It was noted that this ordinance was continued from the December 19, 2011 City Council meeting.

ORDINANCE NO. 11-40

THIRD READING

ADOPTED: JANUARY 3, 2012

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 third reading, Ordinance No. 11-40 was read by title only at this meeting.

Moved by Lohr, seconded by Bogus, Ordinance No. 11-40 be passed and adopted. Council Member Lohr referred to the solid buildings in the downtown area and said he feels this phase of the project is the first of many that will be necessary for progress.

Mayor Moser put the question, "Shall Ordinance No. 11-40 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. 11-40," and it was duly signed.

Moved by Bulkley, seconded by Lohr, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 8:27 p.m.

Presented and approved this 16 day of January, 2012.

MAYOR

ATTEST:

CITY CLERK