

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on February 6, 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 February 1, 2012, 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 and John Lohr. Council Member Terry Reardon was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Linda Walters, City Attorney Steve Hansen, City Engineer David Goedeken, Public Works/Environmental Services Director Chuck Thomerson, Public Property Director Doug Moore, Police Captain Todd Thalken and Community Development Director Dan Curtis.

**INVOCATION:** Mayor Moser asked all to rise and Council President Bogus led the invocation.

**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 January 16, 2012, City Council meeting.
- B. Approval of memorandum from David Hogelin, on behalf of the Columbus Firefighters, submitting the January 19, 2012 election results of the following for positions on the Firefighters Pension Board: David Hogelin, Tim Bartholomew, Dan Janicek and Rick Kubler.
- C. Approval of January 6, 2012, Civil Service Commission minutes certifying list of police officer candidates as follows: Jorge Magdaleno, Luke Southwick and Clayton Wennekamp.
- D. Approval of Resolution No. R12-03 appointing the following officers for Columbus Fire Department:
  - Dean Hefti.....Fire Chief
  - Pat Miller.....Assistant Fire Chief
  - Mike Steiner.....Safety/Training Officer
- E. Approval of Resolution No. R12-09 accepting agreement between City of Columbus and State of Nebraska Department of Roads regarding purchase of twelve passenger van for Columbus Area Transit System.
- F. Approval of payroll and bills on file. 2/17/12 Payroll 448,737.13; State of Nebraska Department of Revenue – Sales Tax 28,698.31. TOTAL \$477,435.44.

Moved by Bogus, seconded by Schilling, 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 and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**PUBLIC HEARING – APPLICATION OF TIMOTHY A. BRUNKEN, D.B.A. PICKET FENCE CAFÉ, FOR RETAIL CLASS “C” BEER, WINE AND DISTILLED SPIRITS ON AND OFF SALE LIQUOR LICENSE AT 2714 13TH STREET, COLUMBUS, NEBRASKA:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Timothy A. Brunken, d.b.a. Picket Fence Cafe, for a Retail Class "C" Beer, Wine and Distilled Spirits On and Off Sale Liquor License at 2714 13<sup>th</sup> Street, 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. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bulkley, 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, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**COMMITTEE OF THE WHOLE REPORT – DISCUSSION REGARDING RESPONSE TO RECYCLING REQUEST FOR PROPOSALS:**

The report of the Committee of the Whole was presented with the recommendation that recycling services through city forces be terminated and directed to Shred Monster, Inc. effective October 1, 2012. Moved by Bogus, seconded by Bahr, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**APPOINTMENT OF JACK GUTIERREZ TO BOARD OF PARKS COMMISSIONERS:**

A memorandum was presented from Mayor Moser submitting the name of Jack Gutierrez for appointment to the Board of Parks Commissioners for a three-year term. Council President Bogus read a brief resume and it was moved by Bulkley, seconded by Schilling, to waive the two-week waiting period and ratify the Mayor's appointment. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**DISCUSSION AND POSSIBLE ACTION ON FINAL DESIGN OF TRANSFER STATION:**

A memorandum was presented from City Administrator Mangiamelli submitting detailed information and a staff recommendation to proceed with negotiating a contract with HDR Engineering, Inc. for final design of a new transfer station. Mangiamelli stated that with the recent recommendation of the Committee of the Whole to proceed with privatizing the recycling in the community with Shred Monster, a decision needs to be made to move forward with planning and design for a new transfer station. It was noted that the city previously contracted with HDR Engineering, Inc. for preliminary design services through a selection process that provided an opportunity for additional services for final design. It was further noted that city staff recommends that option be exercised and plans and specifications for a new facility be initiated before the existing facility is no longer operational. Moved by Bogus, seconded by Bahr, to direct city staff to proceed with negotiating a contract with HDR Engineering, Inc. for final design of a new transfer station. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**MEMORANDUM FROM PUBLIC WORKS/ENVIRONMENTAL SERVICES DIRECTOR THOMERSON RECOMMENDING APPROVAL OF CHANGE ORDER NO. 5 WITH B-D CONSTRUCTION, INC. IN AMOUNT OF \$11,748 FOR EXISTING SOUTH WATER PLANT DEMOLITION:**

A memorandum was presented from Public Works/Environmental Services Director Thomerson submitting detailed information and

a staff recommendation to approve Change Order No. 5 with B-D Construction, Inc. in the amount of \$11,748 for demolition of the existing South Water Plant. In response to Council Member Bogus, Thomerson explained that during the course of abatement, additional asbestos was discovered when the roof was cut into. Thomerson also explained that the engineering firm recommended compaction requirements for any potential plans for rebuilding on the property. Moved by Bogus, seconded by Bahr, Change Order No. 5 be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**APPROVAL OF AWARD OF BIDS FOR VEHICLES AND EQUIPMENT:** A memorandum was presented from City Engineer Goedeken submitting detailed information and a staff recommendation to award the bids for vehicles and equipment as follows: 1) Cemetery Department – Tractor-Loader-Backhoe in the amount of \$64,638 to Titan Machinery; 2) Golf Department – 11 foot Rotary Mower in the amount of \$43,500 to Van Wall Turf & Irrigation; and 3) Street Department – Tractor in the amount of \$31,517 to West Point Implement of Columbus and Self-Propelled Street Sweeper in the amount of \$192,677 to NE Environmental Products. Moved by Bogus, seconded by Augustine-Schulte, to award the bids for the purchase of vehicles and equipment for various city departments as presented. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Mayor Moser stated that he and Council Members Lohr and Jablonski, along with members of the Chamber of Commerce, attended the Northeast Nebraska Day at the Legislature to discuss with senators the issues that are significant to Columbus.

**RESOLUTION NO. R12-04 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**

**RESOLUTION NO. R12-04**  
**ADOPTED: FEBRUARY 6, 2012**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO APPROVE THE AWARD OF CONTRACTS WITH L.E.R., INC. DBA RENNER SPORTS SURFACES IN THE AMOUNT OF \$509,818 FOR REPLACEMENT OF TRACK AND NEMAHA LANDSCAPE CONSTRUCTION, INC. IN THE AMOUNT OF \$839,605 FOR INSTALLATION OF FIELD TURF AT PAWNEE PARK MEMORIAL STADIUM.

Moved by Schilling, seconded by Augustine-Schulte, Resolution No. R12-04 be passed and adopted. Moved by Bulkley, seconded by Bogus, to amend Resolution No. R12-04 and direct staff to prepare a Change Order to reduce the contract by \$6,808 for a total of \$832,797 by removing the decorative letter 'C'. Roll call on the motion to amend Resolution No. R12-04 and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried. Roll call on the motion to adopt Resolution No. R12-04 as amended and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**RESOLUTION NO. R12-05 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**RESOLUTION NO. R12-05**  
**ADOPTED: FEBRUARY 6, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A LOAN AGREEMENT WITH CENTRAL COMMUNITY COLLEGE IN THE AMOUNT OF \$10,000 FOR FURNITURE FOR THE BUSINESS INCUBATOR PROGRAM AT 1415 17TH STREET USING ECONOMIC DEVELOPMENT "840" FUNDS AS RECOMMENDED BY THE CITIZENS ADVISORY REVIEW COMMITTEE WITH REPAYMENT TERMS AS DETAILED IN THE AGREEMENT.

Moved by Lohr, seconded by Augustine-Schulte, Resolution No. R12-05 be passed and adopted. In response to Council President Bogus, Doris Lux, Business Incubator Director for Central Community College, stated that the business incubator program provides guidance with the start up of businesses aiding in the economic development of the city. Lux further explained the success rate of businesses that have utilized this program. In response to Council Member Bahr, City Administrator Mangiamelli explained that funding for LB840 from the Economic Development Plan is provided by one tenth of one percent of sales tax dollars up to \$300,000 in an effort to assist with expansion of businesses and to create jobs in the community. Mangiamelli further explained that the requested \$10,000 will be a forgivable loan provided the business stays in operation for 36 months. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**RESOLUTION NO. R12-06 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**RESOLUTION NO. R12-06**  
**ADOPTED: FEBRUARY 6, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A LOAN AGREEMENT WITH MONSTER STORAGE, LLC IN THE AMOUNT OF \$150,000 FOR A BUILDING EXPANSION FOR ITS RECYCLING OPERATIONS AT 4930 HOWARD BOULEVARD USING ECONOMIC DEVELOPMENT "840" FUNDS AS RECOMMENDED BY THE CITIZENS ADVISORY REVIEW COMMITTEE WITH REPAYMENT TERMS AS DETAILED IN THE AGREEMENT.

Moved by Bulkley, seconded by Bogus, Resolution No. R12-06 be passed and adopted. In response to Council President Bogus, City Administrator Mangiamelli stated that this will be a seven year interest free loan with no payments due the first two years and annual payments of \$30,000 due at 36, 48, 60, 72 and 84 months. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**RESOLUTION NO. R12-07 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.**

**RESOLUTION NO. R12-07**  
**ADOPTED: FEBRUARY 6, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AWARD A CONTRACT TO STA-BILT CONSTRUCTION IN THE AMOUNT OF \$30,804.80, BEING THE LOWEST RESPONSIBLE BID RECEIVED, FOR THE ASPHALT RESURFACING PROJECT.

Moved by Augustine-Schulte, seconded by Bogus, Resolution No. R12-07 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**RESOLUTION NO. R12-08 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.**

**RESOLUTION NO. R12-08**  
**ADOPTED: FEBRUARY 6, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AWARD A CONTRACT TO SLIDECARE, LLC (SOLE BIDDER) IN THE AMOUNT OF \$32,614.00 FOR THE PAWNEE PLUNGE SLIDE REHABILITATION 2012 PROJECT.

Moved by Jablonski, seconded by Bogus, Resolution No. R12-08 be passed and adopted. In response to Council Member Lohr, Public Property Director Moore explained that two companies, along with SlideCare, submitted quotes for this project a year ago; however, SlideCare was the only company to submit a bid this year. Moore confirmed that SlideCare is a reputable company and City Engineer Goedeken pointed

out that the company is bonded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

**ORDINANCE NO. 12-01**  
**SECOND READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE AND ADOPT BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2011 EDITION AS SPONSORED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, UNDER THE AUSPICES OF THE AMERICAN NATIONAL STANDARD INSTITUTE; TO AMEND SECTION 150.020 OF CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY PROVIDING FOR THE ADOPTION OF SAID UPDATED CODE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 12-01 was read by title only at this meeting. It was noted that this ordinance will be advanced to the February 21, 2012 City Council meeting for final reading. Mayor Moser asked for public comment and none was received. In response to Mayor Moser, Community Development Director Curtis stated that the State of Nebraska requires this Code to be adopted. In response to Council Member Bogus, Curtis verified that this code reflects the same requirements as the State Code.

**ORDINANCE NO. 11-42**

**CONTINUED TO FEBRUARY 21, 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.

Moved by Bulkley, seconded by Bogus, the third reading of Ordinance No. 11-42 be continued to February 21, 2012 at 7.p.m. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried.

Moved by Bogus, seconded by Bulkley, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski and Lohr voted "Aye" and none voted "Nay." Council Member Reardon was absent. Motion carried and the meeting was adjourned at 7:30 p.m.

Presented and approved this 21st day of February, 2012.

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MAYOR

ATTEST:

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CITY CLERK