

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on February 21, 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, John Lohr and Terry Reardon.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Linda Walters, City Attorney Steve Hansen, Finance Director Anne Kinnison, City Engineer David Goedeken, Public Property Director Doug Moore, Police Chief William Gumm 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 February 6, 2012, City Council meeting.
- B. Approval of award of low bid to Johnson Sand & Gravel for one-year supply of road gravel in the amount of \$10.58 per cubic yard delivered or \$8.60 per cubic yard if picked up by the city.
- C. Approval of Resolution No. R12-10 approving Agency Agreement with Nebraska Department of Aeronautics for Project LO3 to obtain federal assistance for development of Columbus Municipal Airport.
- D. Approval of Resolution No. R12-11 approving licenses for use of hangar space at Columbus Municipal Airport with Bill Abbott, James Bauermeister, Robert Dahlstedt, Dowd Industries, Warren Janssen, Jeff Krings, Steve Larson, Robert McConville, William L. Mount, Duayne Muhle, Kurt Muhle, Paul Muhle/Best Air, Kirk Nelson, Nicor, Inc., Ed Osantowski, Gene Overturf, Herman Person, Platte Valley Air, Dr. David Roberts, Sky Roamers, Sutherland Construction Co. and Michael Wendt.
- E. Approval of Resolution No. R12-12 authorizing payment of various improvement projects.
- F. Approval of Finance Department reports.
- G. Approval of payroll and bills on file. 3/2/2012 Payroll 459,495.79; A & J Guns – Supplies 739.98; A & S Detailing – Service 45.00; Ace Hardware & Garden

Center – Supplies 1,113.38; Donald D Adkisson – Pension 609.00; Advance Auto Parts – Supplies 22.96; Alamar Uniforms – Supplies 74.95; The Alarm Center, Inc. – Service 90.00; All American Laundry Equipment – Service 419.50; Altec Industries, Inc. – Service 867.00; American Red Cross Prairie Valley Chapter – Supplies 107.10; American Red Cross Health & Safety Services – Training 265.00; American Water Works Association – Membership 1,615.00; ANSIR4U – Service 90.00; Aqua-Chem, Inc. – Service 527.68; Aqua-Pure, Inc. – Chemicals 7,198.88; AS Central Services – Service 704.00; Ashbrook Simon-Hartley Operations LP – Supplies 3,732.00; Asphalt & Concrete Materials – Supplies 709.50; AT&T – Utilities 26.41; ATCO International – Supplies 788.40; Automated Drive Systems LLC – Service 2,914.65; B-D Construction, Inc. – South Water Plant 72,138.00; Barone Security Systems – Service 437.04; Timothy Bartholomew – Expenses 20.00; Wesley J Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service 582.94; Angela Beckman – Expenses 26.75; Behlen Towing – Service 720.00; Benes Service Company – Supplies 27.31; Best Disc Repair, Inc. – Supplies 299.98; Big Red Sanitation – Service 275.00; Bill's Tire Outlet – Service 781.00; Bill's Volume Sales – Service 146.96; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 15,079.88; Frank J Blahak Jr – Pension 762.00; Bomgaars – Supplies 327.38; Bound Tree Medical LLC – Supplies 589.08; Brown's Shoe Fit Co. – Supplies 139.20; Tom Bryan Flag Sales – Supplies 46.06; David Burritt – Expenses 20.00; Business Telecommunication Systems – Service 373.79; California Contractors – Supplies 169.80; Capstone Press, Inc. – Supplies 180.93; Cartegraph Systems, Inc. – Service 1,080.00; Center Point Large Print – Supplies 86.48; Central Community College – Business Incubator 10,000.00; Central Community College – Training 70.00; Central Parts & Machine – Supplies 1,879.97; Central Sand & Gravel Co. – Supplies 808.44; Central Valley Ag – Supplies 244.90; Century Link – Utilities 3,027.14; Child's World, Inc. – Supplies 303.20; City of Columbus – Utilities 81.02; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Supplies 1,260.00; Columbus Community Hospital – Service/Supplies 1,059.50; Columbus Safety & Health Council – Membership 25.00; Columbus Telegram – Publications 1,487.38; Columbus Tire & Service – Service 540.04; Commonwealth Electric Co. – Supplies 40.24; Commonwealth Electric Co. – Refund 45.00; Community Internet – Service 255.00; Connecting Point/Radio Shack – Supplies 54.96; Consolidated Management Co. – Supplies 22.25; Consolidated Water Solutions – Chemicals 5,990.00; Cornhusker Public Power District – Utilities 935.33; CRA Payment Center – Service/Supplies 171.34; Crane Sales & Service – Service 1,566.73; Creative Product Sourcing – Supplies 2,067.63; Credit Bureau Services – Membership 5.00; Culligan of Columbus – Supplies 175.75; Danko Emergency Equipment – Supplies 209.71; Jim Davis – Expenses 20.00; DHHS – Training 200.00; Diamond Vogel Paints – Supplies 37.78; Ditch Witch of Nebraska – Bobcat Trailer 8,222.00; Driver's License Guide Company – Subscription 82.50; Douglas Dunbar – Contract 5,070.00; Douglas Dunbar – Commissions 2,544.32; Douglas Dunbar – Expenses 920.88; Eakes Office Plus – Supplies 4,154.22; Enterprise Electric CO/CED – Supplies 503.80; Eriksen Construction Co., Inc. – UV Disinfection 2,000.00; Ernst Auto Center – Service 162.87; ESRI – GIS System 7,450.00; ESU #3 – Training 15.00; Excel Commercial – Utilities 50.11; Extractor Corporation – Supplies 210.00; Fairbanks International – Supplies 234.55; Fastenal Company – Supplies 1,424.95; Fedex – Postage 50.07; First Bankcard – Expenses 1,610.60; First National Bank & Trust Company – Safe Deposit Box 40.00; First National Bank & Trust Company – Service Fee 320.56; Flat River Corp – Supplies 21.53; S A Foster Lumber Co. – Supplies 167.93; Frontier – Utilities 4,899.47; Frontier Communications – Utilities 258.49; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 1,070.92; Galls – Supplies 139.99; Gehring Construction & Ready-Mix Company – Supplies 901.38; Gerhold Concrete Company – Supplies 937.86; Fernando Gil – Service 40.00; Godfather's Pizza – Meals 160.25; Great American Outdoor – Supplies 985.35; Great Plains One Call Service – Service 47.58; Hach Company – Service 947.57; Hadley-Braithwait Company – Supplies 802.45; Hawkins, Inc. – Chemicals 7,369.16; HD Supply Waterworks Ltd – Supplies 3,665.29; HDR Engineering, Inc. – Rail Access 25,902.24; HDR Engineering, Inc. – Lost Creek Parkway 1,197.18; HDR Engineering, Inc. – UV Disinfection 1,192.50; Dean Hefti – Expenses 92.27; Lawrence Hergott – Expenses 31.00; Hi-Lo Equipment

Company – Supplies 135.84; Holiday Inn of Kearney – Lodging 149.90; Hometown Leasing – Supplies 177.12; Horiba International Corp – Supplies 447.50; Hornady – Supplies 854.70; Houchen Bindery Ltd – Service 783.00; Mark S Howerter MD – Contract 500.00; Husker Coop – Fuel 6,985.45; Hy-Vee, Inc. – Supplies 907.70; IAFC Membership – Membership 254.00; IBM Corporation – Service 960.75; Imagetrend, Inc. – Supplies 1,250.00; Ingram Library Service, Inc. – Library Materials 6,445.19; International Association of Chiefs of Police – Membership 120.00; International Code Council, Inc. – Membership 125.00; International Public Management – Training 862.00; Jackson Services, Inc. – Supplies 2,620.11; Jackson Services, Inc. – Rent 200.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 3,371.48; Johnson Controls – Service/Supplies 1,439.93; Kelly Jewelry – Supplies 251.72; Kelly Supply Company – Supplies 909.49; Kentucky Fried Chicken – Meals 76.00; Amber Keyes – Expenses 10.00; Kirkham Michael – South Water Plant 779.25; KJSK – Advertising 169.00; KKOT/KTTT – Advertising 338.00; Keith Kline – Expenses 18.45; KLIR – Advertising 169.00; Knudsen Berkheimer Richardson & Endacott LLP – Service 148.50; Koch Excavating – Service 1,762.50; Kralik's Sew & Vac Center – Supplies 48.36; Michael Kratochvil – Expenses 18.70; KZEN – Advertising 169.00; Lab Safety Supply – Supplies 205.43; Lakeview Small Engine – Supplies 994.73; Larue Distributing, Inc. – Supplies 68.50; Lawson Products, Inc. – Supplies 287.33; Liberty Cleaners – Service 13.00; Pete Lien & Sons, Inc. – Chemicals 8,793.86; Lifeguard Store, Inc. – Supplies 445.50; Lincoln Winwater Works – Supplies 1,257.26; Lindahl Engineering LLC – Pawnee Park Field/Track 4,631.25; Owen Lloyd – Refund 11.65; Logan Contractors Supply, Inc. – Supplies 8,493.08; John Lohr – Expenses 108.90; Loup Power District – Utilities 88,633.86; Randy Lucht – Expenses 142.44; Kathy Maca – Refund 493.50; Mail Prep, Etc. – Postage 324.20; The Mailbox – Postage 136.18; Marley's Electric, Inc. – Service 848.45; Marshall Cavendish Corp. – Supplies 129.20; Matheson-Linweld – Supplies 687.41; Rachelle McPhillips – Expenses 83.60; Tim Meays – Expenses 115.00; Mechanical Sales, Inc. – Aquatic Center Air Handling System 245,787.88; Menards – Supplies 2,528.08; Mid Con Systems, Inc. – Supplies 184.46; Mid-American Research Chemical – Supplies 3,570.80; Mid-State Engineering & Testing, Inc. – Service 741.00; Midwest Glass Service, Inc. – Service 8.50; Midwest Right of Way Services – Airport Runway Protection 1,058.43; Midwest Service & Sales – Supplies 9,085.92; Midwest Tape LLC – Supplies 119.97; Midwest Turf & Irrigation – Supplies 216.29; Mike's Towing – Service 2,821.37; Miller & Associates – Sewer Study 6,500.00; Motion Industries, Inc. – Supplies 1,715.01; Mountain View LLC – Service 195.00; MTM Recognition – Supplies 281.00; Shane Mueller – Service 146.50; Municipal Supply, Inc. – Supplies 256.03; James Murphy – Expenses 311.60; Natare Corporation – Service 1,863.39; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Department of Environmental Quality – Grant 125,391.04; Nebraska Environmental Products – Service/Supplies 6,050.49; Nebraska Environmental Products – Street Sweeper 192,677.00; Nebraska Harvestore Systems – Service 20.98; Nebraska Law Enforcement Training Center – Training 114.00; Nebraska Library Commission – Supplies 1,022.00; Nebraska Notary Association – Notary 98.25; Nebraska Public Health Environmental Laboratory – Service 1,295.00; Nebraska Sports – Supplies 39.98; Nebraska-Iowa Industrial Fasteners Corp – Supplies 117.90; Marvin O Nelson – Pension 502.50; Newman Traffic Signs – Supplies 4,057.50; Northeast Library System – Training 40.00; Northeast Nebraska Economic Development District – Grants 1,095.57; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 35,760.05; Northeast Nebraska Volunteer Firefighters – Dues 50.00; Novicki Fire Prevention Service Co. – Supplies 167.00; NSAWWA – Training 300.00; O'Reilly Automotive, Inc. – Supplies 345.04; Occupational Health Services – Service 1,108.00; OCLC, Inc. – Service 887.46; Officenet – Supplies 358.54; Overhead Door Company – Service 2,598.07; Overturf Electric Motors – Service 570.00; Paragon Consulting Services – Service 450.00; The Parts Bin – Supplies 747.50; Jon Paul – Expenses 215.15; Pet Care Specialists – Service 447.54; Petty Cash – Expenses 275.90; Pioneer Hook & Ladder Company – Expenses 245.00; Platte County – Contract 2,750.00; Police Officers' Association of Nebraska – Supplies 35.00; Presto-X-Company – Service 248.00; Pumping Solutions – Service 1,002.21; Pyramid Canvas & Mfg Co. – Supplies 30.00; Quartermaster –

Supplies 182.97; Quill Corporation – Supplies 413.13; RDG Planning & Design – Downtown Revitalization 7,500.00; Recorded Books LLC – Supplies 354.40; Reis Environmental – Service 3,550.00; S & S Services – Service 437.50; Sahling Kenworth, Inc. – Service 720.48; Sapp Bros Columbus, Inc. – Fuel 9,630.50; Sapp Bros Petroleum, Inc. – Fuel 14,752.27; Schneider's O K Tire Company – Lease Payment 30.00; Servicemaster by Kudron – Service/Supplies 1,215.78; Servicemaster By Shevlin – Service 1,626.00; Settje Plumbing – Service 549.06; Mike Shemek – Expenses 12.50; Charles Sherer – Expenses 50.00; Shevlin Supply – Supplies 365.60; Short Elliott Hendrickson, Inc. – Loup River Levee Recertification 2,396.96; Sipple, Hansen, Emerson & Schumacher – Service 5,806.49; Chuck Sliva – Expenses 29.75; Duane Smith – Refund 17.05; Jim Speicher – Expenses 150.00; Gene Steffy Ford – Service 25.94; Stericycle, Inc. – Supplies 149.79; Harold Stevens P C – Service 130.00; Karen Stuart – Expenses 70.05; Surefire LLC – Supplies 21.24; Swissphone LLC – Supplies 4,162.16; Symbolarts LLC – Supplies 215.00; Sysco Lincoln – Supplies 2,625.39; T & L Services – Service 525.00; T-Bone Fuel Delivery – Fuel 7,250.64; Technology Associates – GIS System 24,376.42; Telvent DTN – Service 627.00; Donna Thiem – Expenses 51.70; Charles Thomerson – Expenses 266.75; Time Warner Cable – Service 359.70; Titan Machinery – Loader/Backhoe 64,638.00; Tool Shed Supply & Maintenance LLC – Supplies 18.14; Totalfunds by Hasler – Postage 1,000.00; Tractor Supply Credit Plan – Supplies 719.68; Tri-County Truck Repair – Service 38.39; Jim Tubbs – Expenses 32.86; Turfwerks – Supplies 1,759.87; Jerry Tworek – Service 771.00; Typhoon Wash – Service 42.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 1,072.58; Uline Shipping Supply – Supplies 198.35; Ultra Graphics – Supplies 403.00; United States Post Office – Postage 1,968.31; United States Post Office – PO Box Rent 260.00; University of Nebraska-Lincoln – Training 25.00; UPS Store – Postage 61.58; Upstart – Supplies 267.86; USA Blue Book – Supplies 150.50; Utilities Section League of Nebraska Municipalities – Training 225.00; Utility Service Co., Inc. – Water Tank Maintenance 22,288.25; Vacin, Inc. – Mower 3,900.00; Van Wall Turf & Irrigation – Mower 43,500.00; Verizon Wireless – Utilities 1,478.77; Vessco, Inc. – Service 2,404.05; Village Cobbler – Service 10.00; Jacob Wacha – Expenses 124.68; Wahoo Heritage Inn – Lodging 840.40; Walmart Community – Supplies 1,219.34; Waste Connections of Nebraska – Service 328.43; Wellness Councils of America – Supplies 15.20; Wemhoff Refrigeration, Inc. – Service 329.71; West Point Implement of Columbus – Supplies 374.99; West Point Implement of Columbus – Tractor 31,517.00; Wingate Inn – Lodging 308.00; Wize Buys Abbey Carpet – Service/Supplies 450.00; Wunderlich's Catering – Meals 406.00; Zoll Medical Corporation – Supplies 1,529.47. TOTAL 1,786,316.19.

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 – ONE AND SIX YEAR STREET PLAN: The Affidavit of Publication, Posting and Notice of Hearing were presented on the public hearing held for the purpose of hearing testimony in favor of, opposition to, and to answer questions in relation to the proposed One and Six Year Street Plan for the City of Columbus, Nebraska. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the One and Six Year Street Plan. In response to Council President Bogus, City Engineer Goedeken cited the following projects that are included in the One Year Plan for 2012: 1) Discover Addition-41st Avenue from 38th Street to Lost Creek Parkway; 2) Build left turn lane on Lost Creek Parkway at proposed 41st Avenue; 3) Meadow Ridge Subdivision-38th Street from 49th Avenue and .15 mile west; 4) Quail Landing 2nd Subdivision-Quail Landing Place from South 5th Street and 560 feet north; and 5) Jackson Meadows-51st Avenue from 34th Street to 36th Street. In response to Council Member Lohr, Goedeken said Items 1 and 2 are included in anticipation of East Central District Health Department being awarded a grant. In response to Mayor Moser, Goedeken explained that federal funds are available for the paving of 14th Avenue East. No one appeared in opposition. Moved by Bogus, seconded by Lohr, 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.

RESOLUTION NO. R12-13 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R12-13

ADOPTED: FEBRUARY 21, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ADOPT A ONE AND SIX YEAR STREET PLAN FOR THE CITY OF COLUMBUS, NEBRASKA.

Moved by Lohr, seconded by Bulkley, Resolution No. R11-13 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.

PUBLIC HEARING – APPLICATION TO NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTING \$30,000 FOR COMMUNITY DEVELOPMENT ACTIVITIES (\$27,900 FOR DOWNTOWN REVITALIZATION PLAN AND \$2,100 FOR GENERAL ADMINISTRATION):

The Affidavit of Publication and Notice of Hearing were presented on the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant requesting \$30,000 for community development activities (\$27,900 for downtown revitalization plan and \$2,100 for general administration). A memorandum was also presented from Lisa Hurley, Northeast Nebraska Economic Development District, explaining that the grant requirements call for a second public hearing on grants for citizen participation towards the end of the project.

AND

PUBLIC HEARING – APPLICATION TO NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT REQUESTING \$350,000 FOR COMMUNITY DEVELOPMENT ACTIVITIES (\$325,500 FOR DOWNTOWN REVITALIZATION STEPS PURSUANT TO FINDINGS OR RECOMMENDATIONS OF PLANNING REPORT DRAFT AND \$24,500 FOR GENERAL ADMINISTRATION):

The Affidavit of Publication and Notice of Hearing were presented on the public hearing concerning an application to the Nebraska Department of Economic Development for a Community Development Block Grant requesting \$350,000 for community development activities (\$325,500 for downtown revitalization steps pursuant to findings or recommendations of planning report draft and \$24,500 for general administration). A memorandum was also presented from Lisa Hurley, Northeast Nebraska Economic Development District, explaining that the city is finalizing the planning phase and this application for Phase II needs to be submitted before March 8, 2012. It was noted that there will be two years to complete Phase II and each phase requires a 25 percent match from the city and/or the business owners. City Administrator Mangiamelli explained that Phase I was the planning phase and Phase II is an application for a grant to implement recommendations from the planning phase. Mangiamelli pointed out that a number of people participated in the various studies and design studios. Cory Scott, Project Manager for RDG Planning and Design, presented a draft of the plan, said the plan is available at <http://www.rdgusa.com/crp/columbus> and said a final hard copy will also be available. Scott pointed out that the importance of the Downtown Plan is an attempt to attract and retain additional businesses as well as create a more active community. Scott also said that although the 20-year master plan for the area has both long and short term goals, the group focused mainly on more immediate possibilities in the following five main areas: Frankfort Square, face improvements, aesthetic upgrades to 11th and 13th Streets, the downtown Quality of Life project and renovating the old Columbus Theater. Scott pointed out that sidewalks have already been improved but street enhancements such as shades trees, different facades, outside lighting and the replacement of deteriorating lighting would also enhance the streets. Scott stated that RDG's plan includes adding an interactive water feature in Frankfort Square and opening the Columbus Theater building for live entertainment. Scott said a proposed Quality of Life city campus master plan includes moving City Hall to the current Library building once

the new Library/Cultural Arts Center is built and using the vacated City Hall building for offices. Scott said relocating the Rescue Mission would create additional parking space. Scott also addressed the preservation of the traditional Middle School. Scott pointed out the need for updated facades, especially on 11th Street. Scott said another proposal calls for the closure of 25th Avenue in this area and said this campus would tie in with a revamped Frankfort Square. Scott said among the long term proposals are development of apartment-style residential housing on the Columbus Middle School property and along 10th Street on the former Joe and Al's grocery store property; creating a campus for technology-focused businesses between 21st and 23rd Avenues; and constructing an arch-type piece to serve as a fitting "entrance" for the downtown. Scott said their firm is also against building any downtown viaducts, instead favoring the closing of 21st, 24th and 25th Avenues but keeping 23rd and 26th Avenues open as "quiet" zones where special medians and gates would be installed for safety in order to allow trains to pass through without blowing their whistles. Scott concluded by stating that the eventual "anchor" for the area is a multi-million dollar conference center and hotel along 26th Avenue, spanning the railroad tracks. No one appeared in opposition. Moved by Bogus, seconded by Bahr, the public hearings 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.

RESOLUTION NO. R12-14 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R12-14

ADOPTED: FEBRUARY 21, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AUTHORIZING THE MAYOR TO SIGN THE APPLICATION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR NEBRASKA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, A COPY OF WHICH IS ATTACHED HERETO; PROVIDING FOR THE MAYOR AND CITY CLERK TO EXECUTE THE SAME.

Moved by Lohr, seconded by Augustine-Schulte, Resolution No. R12-14 be passed and adopted. Mayor Moser said that although he supports this project, he would not be using any of the grant funding for improvements to the downtown properties that he owns. 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 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 letter from Clark Grant, on behalf of the applicant, requesting these public hearings be removed from the agenda was also presented. The Planning Commission recommended the public hearings be removed from the agenda. Moved by Bogus, seconded by Schilling, the public hearings be removed from the agenda. 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 RICHARD R. JOHNSON TO REZONE 3629 23RD STREET FROM "B-2C" (GENERAL COMMERCIAL DISTRICT-CONDITIONAL) TO "B-2" (GENERAL COMMERCIAL DISTRICT):

The Affidavit of Publication and Notice of Hearing were presented on the application of Richard R. Johnson to rezone Lot 2, except the south 10 feet thereof, and all of Lot 1, Boettcher Second Addition to the City of Columbus, Platte County, Nebraska except a tract of land described in the Report of Appraisers for Highway Right of Way (3629 23rd Street) from "B-2C" (General Commercial District-Conditional) to "B-2" (General Commercial District). 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. The Planning Commission recommended approval. Tom Maul, 2468 18th Avenue, on behalf of the applicant, explained that this property was originally rezoned in November 1990 from "R-3" (Multiple-Family Residential District) to "B-2C" (General Commercial District-Conditional). Maul further explained that the original rezoning was processed prior to revisions to the Land Development Ordinance that no longer allow conditions to be attached to rezonings. Maul pointed out that the condition placed on the property in 1990 requires the property to be used as a floral shop with the exception that a portion may be used for offices. Maul said this condition limits the number of potential buyers for this property. Maul stated that notices of this public hearing were sent to all property owners within 300 feet and although his office received a number of phone calls inquiring about the future of the property, no objections to the rezoning were received. No one appeared in opposition. Moved by Bogus, seconded by Augustine-Schulte, 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. 12-02 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

ORDINANCE NO. 12-02

ADOPTED: 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: LOT 2, EXCEPT THE SOUTH 10 FEET THEREOF, AND ALL OF LOT 1, BOETTCHER SECOND ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, EXCEPT A TRACT OF LAND DESCRIBED IN THE REPORT OF APPRAISERS FOR HIGHWAY RIGHT-OF-WAY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 1; THENCE EASTERLY A DISTANCE OF 131.73 FEET ALONG THE SOUTHERLY HIGHWAY RIGHT-OF-WAY LINE TO THE NE CORNER OF SAID LOT 2; THENCE SOUTHERLY DEFLECTING 099°06' RIGHT, A DISTANCE OF 5.06 FEET ALONG THE EAST LINE OF SAID LOT 2; THENCE WESTERLY DEFLECTING 080°54' RIGHT, A DISTANCE OF 130.91 FEET TO A POINT ON THE WEST LINE OF SAID LOT 1; THENCE NORTHERLY DEFLECTING 089°49' RIGHT, A DISTANCE OF 5.00 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING; FROM THE PRESENT ZONING CLASSIFICATION OF "B-2C" (GENERAL COMMERCIAL DISTRICT-CONDITIONAL) TO "B-2" (GENERAL COMMERCIAL 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 Reardon, seconded by Bogus, the rules be suspended and Ordinance No. 12-02 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. 12-02 was read by number only at this meeting.

Moved by Reardon, seconded by Bogus, Ordinance No. 12-02 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-02 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. 12-02," and it was duly signed.

PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT – REVIEW CITY’S POLICY ON VEHICLES, PARTICULARLY PICKUPS, AND REPORT ON AGE OF VARIOUS CITY VEHICLES:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation that review of the city’s policy on vehicles, particularly pickups, and the report on the age of various city vehicles be removed from the agenda. Moved by Augustine-Schulte, seconded by Schilling, this report be adopted. 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 – SUGGESTION REGARDING BID PROCESS WITH PREFERENCE FOR LOCAL COMPANIES:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation that the Council contact State Senator Paul Schumacher in regard to pursuing a change in state law that would allow local preference in competitive public bidding. Moved by Bulkley, seconded by Augustine-Schulte, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

APPLICATION OF GRANVILLE CUSTOM HOMES, INC. FOR THE PRELIMINARY PLAT OF WEST ELKS SUBDIVISION LOCATED AT 68TH STREET AND 57TH AVENUE AND REQUEST FOR VARIANCES FOR STREET WIDTH AND CUL-DE-SAC LENGTH:

The Affidavit of Publication and Notice of Hearing were presented on the application of Granville Custom Homes, Inc. for the preliminary plat of West Elks Subdivision located in the Northwest 1/4 of Section 2, Township 17 North, Range 1 West of the 6th P.M., Platte County, Nebraska (68th Street and 57th Avenue). A request for the following waivers of the Zoning Regulations was also presented: 1) street width; 2) cul-de-sac length; 3) cul-de-sac design; and 4) cul-de-sac radius. A memorandum was presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat with the following contingencies: 1) the property owners will be responsible for complying with all state and federal requirements in the construction and maintenance of the private wells and septic systems; and 2) the street be named 56th Avenue Place. It was also noted that staff recommends the request for a waiver on the cul-de-sac length be approved and the request for a 29 foot wide street with curb and gutter be denied or held over until such time as staff could review possible amendments of city standards as there is no compelling reason to waive city policy, other than financial. The Planning Commission recommended approval of the preliminary plat with the condition that the street be named 56th Avenue Place and the following waivers of the Zoning Code regulations be granted: 1) street width; 2) cul-de-sac length; 3) cul-de-sac radius; and 4) cul-de-sac design. Moved by Bulkley, seconded by Schilling, the preliminary plat be approved with the following contingencies: 1) the property owners will be responsible for complying with all state and federal requirements in the construction and maintenance of the private wells and septic systems; and 2) the street be named 56th Avenue Place; the request for a waiver on the cul-de-sac length be approved and the request for waivers on street width and cul-de-sac radius be denied or held over until such time as staff could review possible amendments of city standards. John Zwingman, Advanced Consulting Engineering Services, on behalf of the applicant, explained the plans to develop 21 large residential lots while maintaining openness on the property. Zwingman referred to the request for a waiver of the street width requirements and pointed out that the narrower street meets the county’s requirements,

exceeds city standards for a rural street and will result in slower traffic flow. Zwingman further pointed out that the county will be responsible for maintenance of the street. Zwingman referred to the request for a waiver for an extended cul-de-sac and pointed out that due to the nature of the property, it is not feasible to extend a road to the south. Zwingman referred to the request for a waiver of the cul-de-sac radius requirements and said City Engineer Goedeken has discussed these plans with the Fire Chief and the Police Chief. Council Member Lohr referred to the street he resides on and said there is not sufficient space for a fire truck to get through. Steven Ramaekers, owner of Granville Custom Homes, stated that there will be ample off-street parking with the 125 front footage space on each lot in addition to a requirement that each home will include three or four car garages. In response to Council President Bogus, Ramaekers said he does not feel a 33 foot wide street is justified and pointed out that a narrower street will be less to maintain as well as aid in the control of traffic speed. Council Member Bulkley referred to the possibility of future annexation and Ramaekers pointed out that there will not be any city paving or city water and sewer connections on this property. In response to Council Member Lohr, City Administrator Mangiamelli confirmed that city staff stands by their recommendation as presented. Zwingman distributed a copy of the State of Nebraska Minimum Design Standards – Municipal Streets for rural and urban roads, pointed out the requirement for 11 foot wide streets for two lanes and said this property is classified as a rural residential district. In response to Mayor Moser, Mangiamelli explained that the county does not have zoning classifications and everything within the city's two mile jurisdiction is considered rural residential until developed and assigned a zoning designation. Following discussion, Council Member Bulkley, with the consent of his second, withdrew his motion. Moved by Bulkley, seconded by Schilling, to approve the preliminary plat and grant waivers on the requirements for cul-de-sac length and design. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried. Moved by Reardon, seconded by Bulkley, to grant waivers on the requirements for street width and cul-de-sac radius. Roll call and Council Members Bulkley and Reardon voted "Aye" and Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski and Lohr voted "Nay." Motion failed. Mangiamelli stated that the applicant will submit a final plat and work with the city on creating a subdivision agreement to include the approved waivers.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Mayor Moser announced that a Mayor's Round Table has been scheduled for 7 p.m. on March 27th to answer any questions members of the community may have. Mayor Moser pointed out that questions can be submitted via email to askcity@columbusne.us.

ORDINANCE NO. 11-42

THIRD READING

ADOPTED: 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.

On its third reading, Ordinance No. 11-42 was read by title only at this meeting. Moved by Augustine-Schulte, seconded by Bogus, Ordinance No. 11-42 be passed and adopted. Moved by Bulkley, seconded by Bogus, to amend Ordinance No. 11-42 to make the rezoning, if passed, conditioned upon the property not being used for the rezoned class until all zoning laws have been complied with. City Attorney Hansen confirmed that the motion is to require an amendment to the ordinance to comply with the zoning laws and said if the amended ordinance passes, he has prepared a substitute ordinance that includes language that requires compliance with the law before it can be put to use. In response to Mayor Moser, Bulkley said he does not feel the rezoning of this property would be detrimental to the area and pointed out that the owner is willing to comply with the ordinance as written. Lohr expressed concerns with degradation of surrounding property to a park. Augustine-Schulte said that while the requested zoning may not be detrimental to the area, she does not feel it would be beneficial to the community. Roll call on the motion to amend Ordinance No. 11-42 and Council Members Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Augustine-Schulte and Jablonski voted "Nay." Motion carried. City Attorney Hansen said he does not feel it is necessary to suspend the rules on this ordinance as it has been presented for three readings and the amendment did not create a new ordinance. In response to Council Member Lohr, Community Development Director Curtis stated that the rezoning is attached to the property and not the property owner. Moved by Bulkley, seconded by Bahr, to call for the question. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried. Moved by Bogus, seconded by Bulkley, to adopt Ordinance No. 11-42 as amended.

Mayor Moser put the question, "Shall Ordinance No. 11-42 be passed and adopted as amended?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley and Reardon voted "Aye" and Jablonski, Schilling and Lohr voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 11-42 as amended," and it was duly signed.

ORDINANCE NO. 12-01

THIRD READING

ADOPTED: FEBRUARY 21, 2012

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 third reading, Ordinance No. 12-01 was read by title only at this meeting. Moved by Augustine-Schulte, seconded by Reardon, Ordinance No. 12-01 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-01 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. 12-01," and it was duly signed.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 623.67; Reardon Lawn & Garden, Inc. – Services 297.86. TOTAL \$921.53. 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 Bulkley, 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 Bulkley, 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 Augustine-Schulte, 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 9:13 p.m.

Presented and approved this 5th day of March, 2012.

MAYOR

ATTEST:

CITY CLERK