

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on April 16, 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 March 28, 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 Engineer David Goedeken, Public Property Director Doug Moore, Finance Director Anne Kinnison, Police Chief William Gumm and City Attorney Steve Hansen.

PRAYER: Mayor Moser asked all to rise and Council President Bogus led the 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 April 2, 2012, City Council meeting.
- B. Approval of Resolution No. R12-37 approving Commercial Operator Agreement with Har-Mor Ag Air or its designee for nonexclusive rights as an Aircraft Charter (FAA Part 135), Aircraft Rental Operator and Aerial Applicator Operator at Columbus Municipal Airport (Hangar 1328).

- C. Approval of Resolution No. R12-38 authorizing payment of various improvement projects.
- D. Approval of payroll and bills on file. 4/27/2012 Payroll 449,381.37; A & J Guns – Supplies 144.00; A & S Detailing – Service 80.00; A C & L Sprinklers Plus – Service 64.95; A.L.S. Irr. & Welding, Inc. – Service 479.96; Ace Hardware & Garden Center – Supplies 1,201.42; Donald D Adkisson – Pension 609.00; Advance Auto Parts – Supplies 80.27; Alamar Uniforms – Supplies 367.84; American Red Cross Health & Safety Services – Training 145.00; ANSIR4U – Service 95.00; Aqua-Pure, Inc. – Chemicals 8,057.52; AS Central Services – Service 704.00; ASCAP – Music License 323.21; Asphalt & Concrete Materials – Supplies 1,493.80; AT&T – Utilities 10.29; ATCO International – Supplies 149.15; Geraldine J Austin – Cemetery Spaces 575.00; Awards & Engraving – Supplies 218.25; Baird Holm LLP – Service 90.00; Barco Municipal Products – Supplies 2,582.81; Wesley J Baxa – Pension 1,232.54; Beard-Warren Heating & Air Conditioning – Service 307.50; Beard-Warren Heating & Air Conditioning – Heat Pump 8,386.00; Behlen Auto Repair – Service 120.89; Behlen Towing – Service 1,520.00; Big Red Printing – Supplies 20.50; Big Red Sanitation – Service 275.00; Bill's Tire Outlet – Service 1,807.00; Bissell Hose Company – Expenses 187.90; Carroll A Bisson – Pension 716.51; Black Hills Energy – Utilities 8,650.53; Frank J Blahak Jr – Pension 762.00; Bomgaars – Supplies 531.68; Bound Tree Medical LLC – Supplies 33.28; Business Telecommunication Systems – Service 126.92; California Contractors – Supplies 139.90; Carolina Software – Service 200.00; Casey's General Store – Refund 300.00; Cat's Pro Mow – Service 53.90; CDW Government – Supplies 172.34; Central Parts & Machine – Supplies 1,580.33; Central Valley Ag – Supplies 481.30; Century Link – Utilities 1,513.03; City Directory, Inc. – Supplies 2,703.00; City of Columbus – Utilities 80.33; Diane Clause – Expenses 15.00; Club Prophet Systems – Service 90.00; Columbus Area Chamber of Commerce – Supplies 1,360.00; Columbus Community Hospital – Service/Supplies 10,327.09; Columbus Dry Cleaners & Laundry – Service 9.50; Columbus Medical Center – Service 341.00; Columbus Plumbing Company – Service/Supplies 493.80; Columbus Screen Printing – Supplies 693.00; Columbus Steel Supply – Supplies 23.06; Columbus Telegram – Publications 2,495.87; Columbus Tire & Service – Supplies 16.50; Community Internet – Service 255.00; Consolidated Management Co. – Supplies 82.50; Consolidated Water Solutions – Chemicals 5,790.00; Cornhusker Public Power District – Utilities 926.65; Credit Bureau Services – Membership 5.00; Culligan of Columbus – Supplies 162.65; Danko Emergency Equipment – Supplies 994.54; Davidson Titles, Inc. – Supplies 20.95; DEMCO – Supplies 244.53; DHHS Division of Public Health – Training 200.00; Diamond Vogel Paints – Supplies 115.85; Doernemann Construction, Inc. – Contract 12,500.00; DPC Industries – Supplies 956.18; Drain Surgeon – Service 185.00; Dugan Business Forms – Supplies 307.39; Douglas Dunbar – Contract 5,070.00; Douglas Dunbar – Commissions 4,260.00; Douglas Dunbar – Expenses 2,395.20; Eakes Office Plus – Supplies 12,074.43; Marty Eaton – Expenses 30.27; Electric Pump, Inc. – Lift Pumps 54,913.15; Electrical Engineering & Equipment Co. – Supplies 80.52;

Eller Heating & Air Conditioning – Supplies 297.00; Emergency Medical Products – Supplies 2,204.10; Engine Company #1 – Expenses 28.14; Enterprise Electric CO/CED – Supplies 13.68; Ernst Auto Center – Service 91.67; Evident Crime Scene Products – Supplies 97.00; Excel Commercial – Utilities 50.11; Fastenal Company – Supplies 506.02; First Bankcard – Expenses 10,810.30; First Impressions LLC – Supplies 177.00; Foreman Supply – Supplies 8.38; Diana Foust – Refund 193.60; Frontier – Utilities 4,920.70; Frontier Communications – Utilities 238.16; Gaeth Pest Control Services, Inc. – Service 285.00; Gale – Supplies 587.46; Galls – Supplies 5,588.18; Gehring Construction & Ready-Mix Company – Supplies 188.75; General Traffic Controls – Supplies 380.46; Geno's Ice – Supplies 15.00; Jane George – Service 4.00; Gerhold Concrete Company – Supplies 1,275.75; Gilmore & Associates – Service 392.00; David Goedeken – Expenses 83.60; Graphic Screen Printing – Supplies 55.00; Great American Outdoor – Supplies 3,046.46; Great Plains GFOA – Training 150.00; Great Plains One Call Service – Service 189.16; The Greenkeeper – Chemicals 12,330.75; Annette Griffith – Expenses 121.37; Hach Company – Service 524.05; Hadley-Braithwait Company – Supplies 537.78; Hawkins, Inc. – Chemicals 9,060.84; HDR Engineering, Inc. – Rail Access 12,683.44; Dean Hefti – Expenses 72.86; Bob Hiner – Expenses 165.00; Hometown Leasing – Supplies 177.12; Mark S Howerter MD – Contract 500.00; Brad Hruska – Expenses 70.40; Hy-Vee, Inc. – Supplies 151.80; IBM Corporation – Service 85.40; Bryan Imus – Expenses 12.10; Industrial Control Systems, Inc. – Service 275.00; Ingram Library Services, Inc. – Library Materials 10,783.25; International Association of Plumbing and Mechanical Officials – Membership 150.00; International Institute of Municipal Clerks – Membership 160.00; Jackson Services, Inc. – Supplies 2,832.20; Jackson Services, Inc. – Rent/Electricity 1,406.86; Daniel Janicek – Expenses 195.00; JEO Consulting Group, Inc. – Loup River Levee Recertification 24,109.25; Kelly Supply Company – Supplies 1,178.03; Keith Kline – Expenses 31.00; Bob Kloke – Expenses 14.99; Michael Kratochvil – Expenses 38.50; Laerdal Medical Corp – Supplies 325.51; Lake Stop – Supplies 24.90; Lakeview Small Engine – Supplies 491.92; Larue Distributing, Inc. – Supplies 58.61; Lawson Products, Inc. – Supplies 189.28; League of Nebraska Municipalities – Supplies 57.50; Liberty Art Works, Inc. – Supplies 1,925.00; Pete Lien & Sons, Inc. – Chemicals 8,838.40; Lincoln Winwater Works – Supplies 748.08; John Lohr – Expenses 108.90; Loup Power District – Utilities 83,424.37; Lucity, Inc. – GIS Software 24,000.00; M & O Door Products – Supplies 21.00; Mail Prep, Etc. – Postage 287.03; The Mailbox – Postage 38.25; MailFinance – Postage Meter 585.63; Marley's Electric, Inc. – Service 825.62; Matheson-Linweld – Supplies 148.97; McDermott & Miller – Audit 17,700.00; McDonalds – Meals 86.64; Rachelle McPhillips – Expenses 99.40; Menards – Supplies 1,690.53; Metron-Farnier LLC – Supplies 273.04; Mid Con Systems, Inc. – Supplies 551.10; Mid-American Research Chemical – Supplies 492.50; Mid-Iowa Solid Waste Equipment Co, Inc. – Supplies 49.72; Midwest Glass Service, Inc. – Service 330.00; Midwest Laboratories, Inc. – Service 774.33; Midwest Machine & Tool, Inc. – Service 310.00; Midwest Service & Sales – Supplies 5,331.08; Midwest Special Services, Inc. – Service 145.80; Midwest Tape LLC – Supplies

797.49; Mike's Towing – Service 3,758.49; Miracle Recreation Equipment – Playground Equipment 2,521.75; Mountain View LLC – Service 1,565.40; MPH Industries, Inc. – Vehicle 4,116.00; Shane Mueller – Service 146.50; Mueller Sod Farm – Supplies 100.00; Mueller Sprinklers – Service/Supplies 2,278.87; Nebraska Cycling & Fitness – Supplies 26.99; Nebraska Department of Economic Development – Grants 4,773.73; Nebraska Department of Labor – Service 108.00; Nebraska Department of Roads – 33rd Avenue Viaduct 10,402.82; Nebraska Department of Roads – Van 4,530.00; Nebraska Environmental Products – Supplies 140.67; Nebraska Harvestore Systems – Service 2,862.98; Nebraska Heart Institute – Service 197.82; Nebraska Law Enforcement Training Center – Training 380.00; Nebraska Library Commission – Training 20.00; Nebraska Public Health Environmental Laboratory – Service 995.00; Nebraska Society of CPA's – Membership 125.00; Nebraska UC Fund – Unemployment 8,258.17; Marvin O Nelson – Pension 502.50; Nemaha Landscape Construction – Field Turf 28,125.00; Newman Traffic Signs – Supplies 1,133.60; Linda Nickeson – Expenses 90.75; NMC Exchange LLC – Service 367.85; Northeast Nebraska Economic Development District – Grant 363,018.00; Northeast Nebraska Solid Waste Coalition – Landfill Disposal 41,969.28; Northwest Electric LLC – Service 356.45; NWOD – Membership 20.00; O'Keefe Elevator Company – Service 487.09; O'Reilly Automotive, Inc. – Supplies 138.97; Obrist & Company, Inc. – Sewer Line Repair 59,551.78; Occupational Health Services – Service 1,388.00; OCLC, Inc. – Service 653.07; Valerie Olson – Refund 79.65; Omaha World Herald – Subscription 221.52; OMB Guns – Supplies 21.00; Oscar Ossosio – Refund 32.81; Overhead Door Company – Service 1,018.50; Overturf Electric Motors – Service 490.00; Paragon Consulting Services – Service 375.00; The Parts Bin – Supplies 877.24; Luis Pavon – Refund 27.51; Rachel Pensick – Expenses 41.12; Performance Group, Inc. – Supplies 702.58; Petty Cash – Expenses 182.97; Terry Pfeifer – Expenses 235.00; Phil Spady Chrysler Jeep Dodge – 2 Pickups 40,951.00; Pioneer Hook & Ladder Company – Expenses 90.75; Platte County – Contract 2,750.00; Platte County Treasurer – TIF Payment 49.22; Platte Valley Humane Society – Payment 12,855.00; Presidio Technology – Refund 66.37; Presto-X-Company – Service 177.19; Quill Corporation – Supplies 8.97; Jeff Quinn – Service 225.00; Recorded Books LLC – Supplies 519.65; Redstone Veterinary Clinic – Service 577.00; Les & Viola Rosenthal – Transfer Station Property Acquisition 5,000.00; S & S Willers, Inc. – Supplies 1,485.47; Sackett Electric – Service 981.47; Sahling Kenworth, Inc. – Service 632.94; Sapp Bros Columbus, Inc. – Fuel 9,576.29; Sapp Bros Petroleum, Inc. – Fuel 17,521.48; Keith Schademann – Expenses 75.00; Schneider's O K Tire Company – Lease Payment 30.00; School District #1 – Payment 9,795.00; Servicemaster By Shevlin – Service 2,134.00; Don Shafer Display, Inc. – Supplies 288.68; Jean Sharman – Expenses 55.00; Sherwin-Williams Co. – Supplies 20.53; Shevlin Supply – Supplies 37.40; Short Elliott Hendrickson, Inc. – Loup River Levee Recertification 2,954.75; Sipple, Hansen, Emerson & Schumacher – Service 2,467.92; Sirsidynix – Computer Software Maintenance 10,014.89; SlideCare LLC – Slide Renovation 32,614.00; Molly Smith – Expenses 40.00; State of

Nebraska Department of Revenue – Sales Tax 31,343.78; Gene Steffy Ford – Service 57.26; Stericycle, Inc. – Supplies 149.79; Super Saver – Supplies 202.66; Swisher Hygiene Franchisee – Supplies 149.76; Sysco Lincoln – Supplies 2,194.83; T & L Services – Service 525.00; T-Bone Fuel Delivery – Fuel 9,663.39; Technology Associates – GIS System 47,594.89; Telemate.net Software – Computer Software Maintenance 4,348.00; Telvent DTN – Service 627.00; Three Eagles Communications – Advertising 845.00; Todd Valley Farms, Inc. – Supplies 685.00; Totalfunds by Hasler – Postage 1,000.00; Tractor Supply Credit Plan – Supplies 344.01; Tri Air Testing, Inc. – Service 232.00; Tri-County Truck Repair – Service 132.64; Turfwerks – Supplies 42.38; Tweet's Sport Shop – Supplies 17.97; Jerry Tworek – Service 356.00; Typhoon Wash – Service 42.00; U & I Sanitation – Service 83.00; U S Bank – Expenses 360.09; Ultra Graphics – Supplies 607.18; Ultramax – Supplies 220.00; United States Post Office – Postage 2,009.51; University of Nebraska-Lincoln – Training 185.00; USA Blue Book – Supplies 1,480.26; USDA APHIS – Service 4,190.25; Utilities Section League of Nebraska Municipalities – Training 140.00; Utility Service Co., Inc. – Water Tank Maintenance 22,288.25; Van Diest Supply Company – Supplies 735.30; Verizon Wireless – Utilities 1,929.83; Vessco, Inc. – Supplies 75.10; Vidacare – Supplies 997.40; Volunteer Fire Department – Expenses 140.00; Walmart Community – Supplies 1,721.03; Waste Connections of Nebraska – Service 328.43; Water Environment Fed – Membership 96.00; Wellness Councils of America – Supplies 15.20; West Point Implement of Columbus – Supplies 1.47; Yamaha Golf & Equipment – Supplies 82.27; Zoll Medical Corporation – Supplies 1,076.98. TOTAL 1,719,190.43.

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, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PUBLIC HEARING – APPLICATION OF GRANVILLE CUSTOM HOMES FOR FINAL PLAT OF WEST ELKS SUBDIVISION (68TH STREET AND 57TH AVENUE) AND REQUEST FOR WAIVERS:

The Affidavit of Publication and Notice of Hearing were presented on the application of Granville Custom Homes for the final 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) and request for the following waivers: 1) to allow the cul-de-sac street to have a length that exceeds 350 feet; and 2) that vision from entrance to end not be restricted. A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the final plat and request for waivers with the following contingencies: 1) the width of the easement between Lots 7 and 8 and Lots 15 and 16 be defined on the plat; 2) the applicant provide storm water calculations; 3) the applicant provide spot and finish elevations for all lot corners; and 4) the applicant provide a subdivision agreement. The Planning Commission recommended approval subject to the contingencies listed in the staff recommendation.

AND

PUBLIC HEARING – APPLICATION OF GRANVILLE CUSTOM HOMES, INC. TO REZONE A TRACT OF LAND AT 68TH STREET AND 57TH AVENUE FROM “RR” (RURAL RESIDENTIAL DISTRICT) TO “R-2” (URBAN-FAMILY RESIDENTIAL DISTRICT): The Affidavit of Publication and Notice of Hearing were presented on the application of Granville Custom Homes, Inc. to rezone a tract of land 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) from “RR” (Rural Residential District) to “R-2” (Urban-Family Residential 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. City Administrator Mangiamelli reported that the applicant did not submit the necessary documents by the agenda deadline and he asked that the Council continue these two public hearings to the May 7, 2012 City Council meeting. Moved by Bogus, seconded by Lohr, these two public hearings be continued to May 7, 2012 at 7 p.m. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

PUBLIC FINANCE, JUDICIARY AND PERSONNEL COMMITTEE REPORT – ISSUING GENERAL OBLIGATION BONDS IN APPROXIMATE AMOUNT OF \$535,000, SERIES 2012: The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to authorize the issuance of General Obligation Bonds, Series 2012, in the approximate amount of \$535,000 to pay a portion of the cost for Sidewalk Improvement District No. 13 and Water Extension District No. 59. Moved by Augustine-Schulte, seconded by Bogus, 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 – CONSIDERATION OF REFUNDING AND CALL OF SERIES 2007 TAX ALLOCATION BONDS, HY-VEE REDEVELOPMENT PROJECT: The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to call \$395,000 of the Tax Allocation Bonds, Series 2007 of the Hy-Vee Redevelopment Project, apply funds in City Treasury in the amount of \$100,000 and issue Tax Allocation Bonds, Series 2012, in an amount not to exceed \$300,000. Moved by Augustine-Schulte, seconded by Lohr, 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 – DISCUSSION OF NEW REGULATIONS CONCERNING: A) BONDS UNDERWRITER ROLE; AND B) POLICY AND PROCEDURES FOR ISSUERS OF TAX-EXEMPT BONDS: The report of the Public Finance, Judiciary and Personnel Committee was

presented with the recommendation that the City Council adopt the Tax-Exempt Financing Compliance Procedures as proposed by the Bond Counsel, Gilmore and Bell. Moved by Augustine-Schulte, seconded by Reardon, 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 – DISCUSSION ON POSSIBLE ACTION ON DOWN PAYMENT ASSISTANCE/LOAN REFINANCING:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to direct city staff to complete the subordination agreement to allow the City of Columbus to take a third position behind the original mortgage and the new second mortgage. Moved by Augustine-Schulte, seconded by Bulkley, 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 – DISCUSSION REGARDING AUDITOR'S RECOMMENDATION FOR COUNCIL:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation that Council Members of the Finance Committee take the opportunity once or twice throughout the year to review accounts payable claims or payroll stubs. Moved by Augustine-Schulte, seconded by Lohr, 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 – RECOMMENDATION FOR APPROVAL OF PURCHASE AGREEMENT FOR PROPERTY ACQUISITION NECESSARY FOR TRANSFER STATION CONSTRUCTION:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to approve the purchase agreement for property acquisition to proceed with the design of a new Transfer Station. Moved by Augustine-Schulte, seconded by Bulkley, 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 – DISCUSSION OF PROVIDING "WI-FI" SERVICES AT PAWNEE PARK FACILITIES:

The report of the Public Finance, Judiciary and Personnel Committee was presented with the recommendation to direct city staff to continue investigation into the possibilities of providing Wi-Fi services at the Pawnee Park facilities. Moved by Augustine-Schulte, seconded by Bulkley, this report be adopted. Public Property Director Moore explained that city staff has been working with Frontier Communications, a local telephone and internet provider, regarding the feasibility of providing Wi-Fi at Pawnee Plunge and Memorial Stadium. Moore pointed out that Frontier provided wireless internet during the state American Legion baseball tournament last year and has agreed to provide a line for public time lapse photography of the progress of the new field turf project for viewing by the contractor as well as for viewing on the city's website. Moore said that as

discussions on the field turf project progressed, city staff sought information from Frontier as to the ability and cost to provide Wi-Fi at Pawnee Plunge and Memorial Stadium. Moore explained that Frontier has agreed to undertake the engineering analysis and cost estimating to provide these services. Moore also pointed out that Frontier is currently seeking approval from its corporate office to provide WiFi to Frankfort Square as a community service at no cost to the city. Discussion followed regarding other internet providers that may be interested in providing this service and Moore said staff would contact all local providers to determine their interest and a basic Request For Proposals (RFP) could be drafted with a narrow time frame. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

ANNUAL RENEWAL OF SOLID WASTE HAULING LICENSES: The following applications for renewal of Solid Waste Hauling Licenses were presented: Ace Sanitation Service, Inc., Don Peterson, Columbus, NE; Big Red Sanitation, Inc., Gary Schlesinger, Columbus, NE; Callaway Roloffs LLC, Ted Glock, David City, NE; Custom Trash, Dan Rosenthal, Columbus, NE; Diamond Sanitation, Michael B. Rosenthal, Columbus, NE; U & I Sanitation, Joan Cech, Columbus, NE; and Waste Connections, Inc., Michael Mulhall, Fremont, NE. City Administrator Mangiamelli pointed out that the bond requirements for all applications have now been met. Moved by Bogus, seconded by Schilling, these Solid Waste Hauling Licenses 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.

CITY ATTORNEY REPORT ON SEWER BACK-UP APPEAL OPINION AND POSSIBLE ACTION: City Attorney Hansen explained that in July of 2004 the city sustained a four inch rain overnight and as a result, sewer back-up claims were filed against the City of Columbus. Hansen explained the events that transpired which resulted in claims being filed. Hansen reported that the main issue in the case is whether inverse condemnation, a legal term that requires just compensation for private property taken or damaged for a public use without permission to do so, should apply. Hansen reported that Platte County District Court Judge Steinke rejected the homeowner's claims. Hansen further reported that the Nebraska Court of Appeals panel reversed a portion of Steinke's decision based on inverse condemnation and ruled that it was not necessary for homeowners to prove the city was negligent in the claim but only that their private property was damaged for a public purpose. Hansen said their law firm would like to seek to have the Nebraska Supreme Court review the Court of Appeals decision. Hansen pointed out that the city is leaning on a 1996 decision where the court clearly talks about negligence when determining who is to blame, while the Court of Appeals is citing a 1952 decision that does not require property owners to prove negligence. Following discussion, it was moved by Bogus, seconded by Schilling, to authorize the city's law firm, Sipple, Hansen, Emerson, Schumacher and Klutman, to appeal this decision to the Nebraska Supreme Court. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Schilling invited the Mayor and City Council as well as the public to a Town Hall meeting sponsored by Back to the Basics Coalition, a drug and alcohol diversion program, and T4C (Time For Change), a gang diversion program. Council Member Schilling noted that this Town Hall meeting will be held April 26, 2012 at the Columbus Middle School and said Patrolman Bill Price will be the guest speaker.

Council Member Bahr welcomed Boy Scout Troop 406.

City Administrator Mangiamelli referred to the groundbreaking ceremony to be held April 18, 2012 at Memorial Stadium in Pawnee Park and asked the Council Members to notify him if they would be attending.

RESOLUTION NO. R12-39 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

RESOLUTION NO. R12-39
ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE AMENDMENT TO THE LEASE AGREEMENT WITH NEBRASKA PUBLIC POWER DISTRICT FOR HANGAR SPACE AT THE COLUMBUS MUNICIPAL AIRPORT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH.

Moved by Bahr, seconded by Schilling, Resolution No. R12-39 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R12-40 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

RESOLUTION NO. R12-40
ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A 25 YEAR LEASE WITH WINFIELD SOLUTIONS, LLC, FOR HANGAR AND LOAD PAD SPACE AT THE COLUMBUS MUNICIPAL AIRPORT.

Moved by Reardon, seconded by Bogus, Resolution No. R12-40 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.

RESOLUTION NO. R12-41 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R12-41
ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A PURCHASE AGREEMENT WITH LEO S. AND VIOLA ROSENTHAL FOR ACQUISITION OF A TEN ACRE TRACT OF LAND IN THE AMOUNT OF \$100,000 FOR CONSTRUCTION OF A NEW TRANSFER STATION.

Moved by Jablonski, seconded by Bogus, Resolution No. R12-41 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R12-42 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R12-42
ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE CITY OF COLUMBUS, NEBRASKA APPROVING A TAX-EXEMPT FINANCING COMPLIANCE PROCEDURE.

Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, referred to new regulations for tax-exempt bonds as a result of stricter policing by the Securities and Exchange Commission as well as the Congress and explained the requirements in detail. Lorenzen also explained that the city will be required to go through an annual compliance process and pointed out that a forgiveness clause is included in the policy. Moved by Schilling, seconded by Bahr, Resolution No. R12-42 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R12-43 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R12-43
ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE CITY OF COLUMBUS, NEBRASKA CALLING FOR REDEMPTION OUTSTANDING TAX ALLOCATION BONDS, SERIES 2007 (HY-VEE SHOPPING CENTER REDEVELOPMENT PROJECT), OF THE CITY OF COLUMBUS, NEBRASKA, DATED AS OF MAY 15, 2007, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$395,000).

Moved by Augustine-Schulte, seconded by Bahr, Resolution No. R12-43 be passed and adopted. Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, distributed the Proposed Financings for April 2012, referred to the Tax Allocation Bonds, Series 2007 in the amount of \$490,000, with a current unpaid balance of \$395,000, for the Hy-Vee Redevelopment Project and said he is recommending the

refunding of Tax Allocation Bonds, Series 2007, in an amount of \$395,000, applying funds in City Treasury in the amount of \$100,000 and the issuance of Tax Allocation Bonds, Series 2012 in an amount not to exceed \$300,000. Lorenzen explained the calculations in detail, pointed out there would be an estimated savings of \$46,000 and said he feels it would be prudent to refund the bonds. Lorenzen referred to alternate calculations that would shorten the payment schedule and result in an estimated savings of \$53,000. Lorenzen also referred to the Table of Projected Tax Increment Tax Revenues document included in the packet and said his recommendation to shorten the term by one year would amount to an accumulated surplus of \$75,000 in taxes that would be allocated to the political subdivisions. 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. 12-04 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

ORDINANCE NO. 12-04

ADOPTED: APRIL 16, 2012

AN ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2012, OF THE CITY OF COLUMBUS, IN THE PRINCIPAL AMOUNT OF FIVE HUNDRED SEVENTY THOUSAND DOLLARS (\$570,000) TO PAY A PORTION OF THE COST OF IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 59, AND SIDEWALK IMPROVEMENT DISTRICT NO. 13; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Moved by Lohr, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 12-04 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. 12-04 was read by number only at this meeting.

Moved by Lohr, seconded by Augustine-Schulte, Ordinance No. 12-04 be passed and adopted. Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, referred to the issuance of Various Purpose Bonds and explained that the Public Finance, Judiciary and Personnel Committee's recommendation was for the approximate amount of \$535,000 and after final reconciling of the calculations, it was determined that the final amount should be \$570,000. Lorenzen pointed out that Bond Anticipation Notes, Series 2009 in the amount of \$790,000 will be maturing June 1, 2012 and city staff is requesting the issuance of General Obligation Bonds, Series 2012, in the amount of \$570,000. Lorenzen pointed out that the short term maturity schedule was based on Central Community College's plan to pay for the assessment in five years. Moved by Lohr, seconded by Augustine-Schulte, to amend the motion to approve the issuance of Various Purpose Bonds in the amount of \$570,000. 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 put the question, "Shall Ordinance No. 12-04 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. 12-04," and it was duly signed.

ORDINANCE NO. 12-05 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

ORDINANCE NO. 12-05
ADOPTED: APRIL 16, 2012

AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED THREE HUNDRED THOUSAND DOLLARS (\$300,000) PRINCIPAL AMOUNT OF CITY OF COLUMBUS, NEBRASKA TAX ALLOCATION REFUNDING BONDS (HY-VEE SHOPPING CENTER REDEVELOPMENT PROJECT), SERIES 2012, FOR THE PURPOSE OF (A) PAYING AND REDEEMING \$395,000 OUTSTANDING PRINCIPAL AMOUNT OF TAX ALLOCATION BONDS (HY-VEE SHOPPING CENTER REDEVELOPMENT PROJECT), SERIES 2007, DATED AS OF MAY 15, 2007, AND (B) PAYING THE COSTS OF ISSUANCE; PRESCRIBING THE FORM AND CERTAIN OF THE DETAILS OF THE BONDS; PLEDGING CERTAIN TAX ALLOCATION AND OTHER TAX REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THE SAME BECOME DUE AND TO CARRY OUT ALL OTHER COVENANTS OF THIS ORDINANCE; LIMITING PAYMENT OF THE BONDS TO SUCH TAX ALLOCATION AND OTHER TAX REVENUES; CREATING AND ESTABLISHING FUNDS AND ACCOUNTS; AUTHORIZING THE PUBLIC OR PRIVATE SALE AND DELIVERY OF THE BONDS; DELEGATING, AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO EXERCISE HER INDEPENDENT JUDGMENT IN DETERMINING AND FINALIZING THE TERMS AND PROVISIONS OF THE BONDS NOT SPECIFIED HEREIN; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE BONDS; PROVIDING FOR PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS; TAKING OTHER ACTION AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING; AND RELATED MATTERS.

Moved by Bulkley, seconded by Bahr, the rules be suspended and Ordinance No. 12-05 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. 12-05 was read by number only at this meeting.

Moved by Bulkley, seconded by Bahr, Ordinance No. 12-05 be passed and adopted. Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, pointed out that this ordinance provides for the issuance of Tax Allocation Bonds in an amount not to exceed \$300,000.

Mayor Moser put the question, "Shall Ordinance No. 12-05 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. 12-05," and it was duly signed.

ORDINANCE NO. 12-03

THIRD READING

ADOPTED: APRIL 16, 2012

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND SECTION 97.01(P) OF CHAPTER 97 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) SO AS TO PROVIDE AUTHORITY FOR THE CITY COUNCIL TO ADOPT A RESOLUTION TO PERMIT PERSONS TO BE IN A CITY PARK BETWEEN THE HOURS OF 12:00 MIDNIGHT AND 5:00 A.M.; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR AN OPERATIVE DATE AS PROVIDED BY LAW.

On its third reading, Ordinance No. 12-03 was read by title only at this meeting. Moved by Schilling, seconded by Reardon, Ordinance No. 12-03 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-03 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. 12-03," and it was duly signed.

RESOLUTION NO. R12-44 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

RESOLUTION NO. R12-44

ADOPTED: APRIL 16, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE USE OF GERRARD PARK ON JUNE 2, 2012, FOR AN OVERNIGHT SOFTBALL TOURNAMENT SPONSORED BY COLUMBUS SOFTBALL

ASSOCIATION AND PHIL SPADY DEALERSHIP, IN ACCORD WITH ORDINANCE NO. 12-03.

Moved by Bulkley, seconded by Bahr, Resolution No. R12-44 be passed and adopted. In response to Council Member Reardon, Public Property Director Moore confirmed that representatives of Phil Spady Dealership are allowed to go door-to-door to notify neighbors of the overnight tournament. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

CONSIDERATION OF PAYROLL AND BILLS ON FILE: ARL Credit Services – Services 792.52; Reardon Lawn & Garden, Inc. – Services 283.75. TOTAL \$1,076.27. 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, 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 Augustine-Schulte, 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 8:10 p.m.

Presented and approved this 7 day of May, 2012.

MAYOR

ATTEST:

CITY CLERK