

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on May 6, 2013 at 7 p.m. in the Council Chambers, 1369 25 Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on May 1, 2013, 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, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon. Council Member Jim Bulkley was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Engineer David Goedeken, Finance Director Anne Kinnison, Public Property Director Doug Moore, Public Works Director Roger Buell, Police Chief William Gumm and Lead Animal Control Officer Donna Winig.

PRAYER: Mayor Moser asked all to rise and Council President Schilling led in prayer.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE: Mayor Moser asked all to remain standing and join him in the National Anthem and Pledge of Allegiance.

CONSENT AGENDA: City Administrator Mangiamelli stated that the following items are considered routine by the City Council and will be enacted by one motion. He pointed out that there will be no separate discussion of these items unless a City Council Member or a citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda.

- A. Approval of minutes of the April 15, 2013, City Council meeting.
- B. Approval of reappointments of Peggy Engel, Keith Kline and Robert Kloke to the Employee Pension Committee for two-year terms.
- C. Approval of plans, specifications, and estimate of cost, as submitted by City Engineer Goedeken, for Christopher's Cove Storm Pipe Relocation Project and authorization for city staff to advertise for bids.

- D. Approval of plans, specifications, and estimate of cost, as submitted by City Engineer Goedeken, for Street Construction 2013 and authorization for city staff to advertise for bids.
- E. Approval of Resolution No. R13-41 accepting the 2013 Comprehensive Revitalization Needs Assessment/Strategy Study for Community Development Block Grant Project 12-CR-006 outlining potential projects in a targeted area of Columbus to be implemented in three phases.
- F. Approval of award of lowest quote that meets specifications to Terry's Painting in the amount of \$20,490, as submitted by Public Property Director Moore, for painting the exterior of the Aquatic Center.
- G. Approval of payroll and bills on file. 5/20/13 Payroll \$477,021.81; Nebraska Department of Health – Water Main Replacement Project 1,085.00; Petty Cash – Pawnee Plunge Start-Up 2,100; State of Nebraska Department of Revenue – Sales Tax 31,725.35 TOTAL \$512,342.01

Council Member Bogus requested that Item C, Approval of plans, specifications, and estimate of cost, as submitted by City Engineer Goedeken, for Christopher's Cove Storm Pipe Relocation Project and authorization for city staff to advertise for bids and Item D, Approval of plans, specifications, and estimate of cost, as submitted by City Engineer Goedeken, for Street Construction 2013 and authorization for city staff to advertise for bids be removed from consent status and considered in their normal sequence on the agenda under Item 13, New Business. Moved by Schilling, seconded by Lohr, the items on the consent agenda, with the exception of Items C and D, being routine in nature, be approved as presented. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried.

APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR CHRISTOPHER'S COVE STORM PIPE RELOCATION PROJECT AND AUTHORIZATION FOR CITY STAFF TO ADVERTISE FOR BIDS: A memorandum was presented from City Engineer Goedeken submitting detailed information as well as a staff recommendation to approve the plans, specifications and estimate of cost for the Christopher's Cove Storm Pipe Relocation Project and authorize City staff to advertise for bids. Council Member Bogus noted that the engineer's estimate of cost for this project is \$27,000.

AND

APPROVAL OF PLANS, SPECIFICATIONS, AND ESTIMATE OF COST FOR STREET CONSTRUCTION 2013 AND AUTHORIZATION FOR CITY STAFF TO ADVERTISE FOR BIDS: A memorandum was presented from City Engineer Goedeken submitting detailed information as well as a staff recommendation to approve the plans, specifications and estimate of cost for the Street Construction 2013 Project

and authorize City staff to advertise for bids. Council Member Bogus noted that the engineer's estimate of cost for this project is \$325,000. Moved by Bogus, seconded by Augustine-Schulte, the plans, specifications and estimates of cost for the Christopher's Cove Storm Pipe Relocation and Street Construction 2013 Projects be approved and City staff be authorized to advertise for bids. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried.

RESOLUTION NO. R13-37 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

RESOLUTION NO. R13-37

ADOPTED: MAY 6, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE DEED OF DEDICATION TO A PARCEL OF LAND SITUATED WITHIN THE N1/2S1/2SE1/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF TALLGRASS SECOND ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA, LOCATED IN THE N1/2S1/2SE1/4 OF SECTION 11, TOWNSHIP 17 NORTH, RANGE 1 WEST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA; THENCE N02°13'23"W ON AN ASSUMED BEARING ON THE WEST LINE OF SAID TALLGRASS SECOND ADDITION, 578.10 FEET TO THE NORTHWEST CORNER OF SAID TALLGRASS SECOND ADDITION; THENCE S88°06'48"W, 260.00 FEET; THENCE S02°13'23"E AND PARALLEL TO SAID WEST LINE, 298.03 FEET; THENCE S88°07'45"W AND PARALLEL TO THE SOUTH LINE OF THE N1/2S1/2 OF SAID SE1/4, 365.00 FEET; THENCE S02°13'23"E AND PARALLEL TO SAID WEST LINE, 280.00 FEET TO A POINT ON SAID SOUTH LINE; THENCE N88°07'45"E ON SAID SOUTH LINE, 625.00 FEET TO THE POINT OF BEGINNING, CONTAINING 5.80 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS "MEADOW RIDGE SECOND ADDITION TO THE CITY OF COLUMBUS, NEBRASKA"; APPROVING THE PLAT THEREOF, APPROVING THE INCLUSION OF SAID PLAT INTO THE CORPORATE CITY LIMITS OF COLUMBUS, PLATTE COUNTY, NEBRASKA AND APPROVING AND ACCEPTING THE MEADOW RIDGE SECOND ADDITION SUBDIVISION AGREEMENT BY AND BETWEEN THE CITY OF COLUMBUS, NEBRASKA, A MUNICIPAL CORPORATION, AND MEADOW RIDGE PROPERTIES, LLC, A NEBRASKA LIMITED LIABILITY COMPANY WHICH SETS FORTH THE AGREEMENT BETWEEN THE PARTIES INCLUDING THE DUTIES AND RESPONSIBILITIES OF THE SUBDIVIDER AND THE LOT OWNERS WITH RESPECT TO SAID ADDITION; AUTHORIZING THE MAYOR TO SIGN THE MEADOW RIDGE SECOND ADDITION SUBDIVISION AGREEMENT PROVIDING FOR PUBLIC IMPROVEMENTS TO SERVE THIS ADDITION; AND RESCINDING RESOLUTION 11-102 ADOPTED ON OCTOBER 17, 2011.

It was noted that Resolution No. R13-37 was continued from the April 15, 2013 City Council meeting due to the fact it had not been finalized. Moved by Bahr, seconded by

Lohr, Resolution No. R13-37 be passed and adopted. In response to Council President Schilling, City Engineer Goedeken confirmed that the drainage plans have been submitted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried.

RESOLUTION NO. R13-42 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R13-42

ADOPTED: MAY 1, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING THE E-911 SYSTEM MAINTENANCE AGREEMENT WITH GEO-COMM, INC. FOR SERVICES AND SUPPORT ASSOCIATED WITH THE PROVISION OF ENHANCED 911 SERVICES, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA.

Moved by Lohr, seconded by Bahr, Resolution No. R13-42 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried.

RESOLUTION NO. R13-43 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R13-43

ADOPTED: MAY 6, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AMENDMENT TO THE AGREEMENT WITH GILMORE & ASSOCIATES, INC., IN THE AMOUNT OF \$164,400 FOR ADDITIONAL SERVICES TO FACILITATE THE INSTALLATION OF PUBLIC INFRASTRUCTURE TO SERVE DISCOVERER SECOND SUBDIVISION, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH.

Moved by Augustine-Schulte, seconded by Schilling, Resolution No. R13-43 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried.

RESOLUTION NO. R13-44 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R13-44
ADOPTED: MAY 6, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, DIRECTING THAT THE SOUTH HIGHWAY 81-30 CORRIDOR BLIGHTED AND SUBSTANDARD AREA DETERMINATION ANALYSIS, COLUMBUS, NEBRASKA, PREPARED BY STAHR & ASSOCIATES, INC. MAY 2013 RECOMMENDING PORTIONS OF THE CITY BE DECLARED AS BLIGHTED AND SUBSTANDARD PURSUANT TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW BE REFERRED TO THE PLANNING COMMISSION FOR ITS RECOMMENDATION AND REVIEW; DIRECTING THAT A PUBLIC HEARING BE HELD ON THE ISSUE OF WHETHER SUCH PORTIONS OF THE CITY SHOULD BE DECLARED AS BLIGHTED AND SUBSTANDARD; AND DIRECTING THAT PUBLIC NOTICE BE MADE ACCORDING TO THE NEBRASKA COMMUNITY DEVELOPMENT LAW.

Council Member Jablonski requested to be excused from discussion and abstain from voting on this agenda item due to a conflict of interest. Moved by Schilling, seconded by Lohr, Council Member Jablonski be excused from discussion and allowed to abstain from voting on this agenda item. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Jablonski abstained from voting. Council Member Bulkley was absent. Motion carried. Council Member Jablonski excused himself and left the room. Moved by Schilling, seconded by Bogus, Resolution No. R13-44 be passed and adopted. Council Member Reardon expressed support for the adoption of this resolution. In response to Mayor Moser, City Administrator Mangiamelli described the boundaries included in the study and explained the benefits of declaring an area blighted and substandard. Mangiamelli pointed out that a developer may use the increase in real property taxes to help pay for certain items of a project. Discussion followed with regard to the effect on property values, options for redeveloping a property and Tax Increment Financing. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Jablonski abstained from voting. Council Member Bulkley was absent. Motion carried. Council Member Jablonski returned to the room and was seated.

ORDINANCE NO. 13-07 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

ORDINANCE NO. 13-07
FIRST READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND SECTION 90.034 OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR THE ADMINISTRATIVE AND CRIMINAL PROCEDURES FOR OWNERS OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith AND TO PROVIDE FOR AN OPERATIVE DATE AS PROVIDED BY LAW.

On its first reading, Ordinance No. 13-07 was read by title only at this meeting. City Administrator Mangiamelli requested this ordinance be continued to the May 20, 2013 City Council meeting for a second reading to allow for public input and advanced to the June 3, 2013 City Council meeting for a final reading. Council Member Lohr said he feels there should be a provision in the ordinance to remove a potentially dangerous designation for dogs when no reports have been filed for two years. Lohr also said he feels there should be verbiage included in the ordinance to provide specific criteria for incidents when police officers may feel it necessary to shoot a dog. Lohr explained that he addressed these concerns with city staff and was assured the ordinance will be amended for the second reading on May 20th. Police Chief Gumm explained that the county attorney requested the city adopt an ordinance to provide for an appeal process for owners of dangerous or potentially dangerous dogs. Gumm pointed out that the Public Property, Safety and Works Committee recommended city staff draft an ordinance to define and govern dangerous and potentially dangerous dogs, to add a hearing/appeal process and to require owners to acquire liability insurance for dogs deemed dangerous. Gumm explained that Section II of the ordinance mirrors state statutes and research was conducted from other agencies to determine additional provisions. In response to Council Member Lohr, Gumm confirmed that an owner of a dog deemed potentially dangerous without incident after the specified amount of time can submit a letter to Animal Control requesting the dog be removed from the list and no fee would be charged for the request. Gumm explained the appeal process as detailed in the draft ordinance. John McPhail, 2108 Oak Park Place, stated that he supports the ordinance; however, has concerns that it does not contain provisions for criminal charges against owners of dogs who have caused injury or damage. Mangiamelli reported that there is ample time to discuss this issue with the city attorney as well as the county attorney and incorporate language into the ordinance prior to its second reading. Council Member Bogus said he feels there are substantial changes to the ordinance being proposed and it was moved by Bogus, seconded by Reardon, to refer this issue back to the Public Property, Safety and Works Committee. Mangiamelli pointed out that this ordinance is time critical as there are currently no provisions in place for future incidents. Mangiamelli further pointed out that an amended ordinance can be presented to the May 20th meeting for a second reading to hear public comments, comments can be considered and if necessary, incorporated into the ordinance prior to a third reading on June 3rd. Deb Potter, Executive Director and Board Member of the Platte Valley Humane Society, stated that she fully supports a dangerous dog ordinance to protect the public; however, she has concerns with grouping dangerous dogs and potentially dangerous dogs in the same category. Potter referred to Omaha's policy for potentially dangerous dogs and said following an incident that is reported to Animal Control, a designated person conducts an investigation to determine whether the incident would benefit from an appeal process. Potter suggested that additional information be gathered from other agencies who have had this type of ordinance in place for a number of years and a provision be included in the ordinance for a third party to conduct a full investigation following an initial report. Potter cited the Nebraska Humane Society's policy for potentially dangerous dogs. Esmerelda Hernandez reported on an incident she had with a former pet and questioned the

criteria for requiring a dangerous or potentially dangerous dog to be euthanized. Following extensive discussion, roll call on the motion to refer this issue to the Public Property, Safety and Works Committee and Council Members Bogus, Jablonski, Lohr and Reardon voted "Aye" and Augustine-Schulte, Bahr and Schilling voted "Nay." Council Member Bulkley was absent. Motion carried.

ORDINANCE NO. 13-08 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

ORDINANCE NO. 13-08
FIRST READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND CHAPTER 110 OF TITLE XI OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY ADDING SECTIONS 110.60 THROUGH 110.101, INCLUSIVE, WHICH SHALL PROVIDE FOR THE PROCESS FOR A NON-EXCLUSIVE CABLE TELEVISION FRANCHISE; ESTABLISH REGULATIONS AND STANDARDS FOR THE OPERATION OF FRANCHISED CABLE TELEVISION SYSTEMS; ESTABLISH THE PROCEDURES FOR AWARD, RENEWAL AND REVOCATION OF CABLE TELEVISION FRANCHISES, AND PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

On its first reading, Ordinance No. 13-08 was read by title only at this meeting. City Administrator Mangiamelli requested this ordinance be continued to the May 20, 2013 City Council meeting for a second reading to allow for public input and advanced to the June 3, 2013 City Council meeting for a final reading.

Moved by Schilling, seconded by Jablonski, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bulkley was absent. Motion carried and the meeting was adjourned at 8:26 p.m.

Presented and approved this 20th day of May, 2013.

MAYOR

ATTEST:

CITY CLERK