

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on October 7, 2013 at 7:05 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 October 2, 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, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Attorney Stephen Hansen, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison, Public Property Director Doug Moore and Public Works Director Roger Buell.

**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 September 16, 2013, City Council meeting.
- B. Approval of application of Patricia Kuehn as manager of Super Saver #18, 3318 23 Street, Columbus, Nebraska, in conjunction with Class "C" Liquor License.
- C. Approval of application of Margaret Stine as manager of Applebee's Neighborhood Grill & Bar, 328 E. 23 Street, Columbus, Nebraska, in conjunction with Class "I" Liquor License.

- D. Approval of application of Patricia Mueller, dba Traditions Inn, for Special Designated License to serve wine and distilled spirits at Kelly Jewelry, 3100 23 Street, Columbus, Nebraska, 5:00 p.m. to 8:00 p.m., November 7, 2013 for a reception.
- E. Approval of appointment of Rich Jablonski, John Lohr and Ron Schilling to Joint City/County Committee for one-year terms.
- F. Approval of payroll and bills on file. 10/11/13 Payroll \$480,096.21; Arbor Health Plan – Refund 188.04; State of Nebraska Department of Revenue – Sales Tax 39,591.41 TOTAL \$519,875.66.

Moved by Schilling, 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.

**SPECIAL PRESENTATION – PROCLAMATION DECLARING OCTOBER 2013 AS DOMESTIC VIOLENCE AWARENESS MONTH:** Mayor Moser reported that he recently presented a proclamation declaring October 2013 as Domestic Violence Awareness Month at a special event held in Frankfort Square.

**SPECIAL PRESENTATION – PRESENTATION OF AMERICAN FLAGS BY WOODMEN OF THE WORLD:** Public Property Director Moore reported that Woodmen of the World has been donating flags for city use the past 30 years and he introduced Jed Johnson of Woodmen of the World who presented a new flag. Mayor Moser and the City Council thanked Johnson for the flag and Johnson expressed gratitude for the opportunity.

**COMMITTEE OF THE WHOLE REPORT – PRESENTATION BY HDR ENGINEERING ON CONSTRUCTION PHASING FOR WASTEWATER TREATMENT PLANT EXPANSION PROJECT:** An oral report of the Committee of the Whole was presented with the recommendation that the phasing plan for the Wastewater Treatment Plant expansion be approved as presented with an effort to combine Phases 2 and 3 after the cost effectiveness of that proposal is evaluated. Moved by Bahr, 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.

**COMMITTEE OF THE WHOLE REPORT – DISCUSSION AND POSSIBLE ACTION ON SIDEWALK REPAIR POLICY:** An oral report of the Committee of the Whole was presented with the recommendation that the sidewalk complaint procedures be approved with a revision that only the reported sidewalks be inspected. Moved by Bahr, seconded by Bulkley, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and Bogus voted “Nay.” Motion carried.

**COMMITTEE OF THE WHOLE REPORT – AMEND DATE OF COMPLETION FOR SIDEWALK REPAIRS IN AREA OF 27 STREET AND 29 AVENUE:**

An oral report of the Committee of the Whole was presented with the recommendation that the owners of the properties at the following locations be ordered to repair the sidewalks prior to May 31, 2014: 27th Street: 2905, 2909, 2910, 3003, 3004, 3005, 3010, 3017 and 3020; and 29th Avenue: 2754 and 2756. Moved by Schilling, 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.

**APPOINTMENT OF WILLIAM "BILL" RONGISCH TO COLUMBUS HOUSING AUTHORITY:**

A memorandum was presented from Mayor Moser submitting the name of William "Bill" Rongisch for appointment to the Columbus Housing Authority for a five-year term. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Bulkley, to approve the Mayor's appointment. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

**REQUEST OF NBC CAPITAL, LLC FOR LOTTERY SALES OUTLET LOCATION AT NEW WORLD INN AND CONFERENCE CENTER, 265 33 AVENUE:**

A communication was presented from NBC Capital, LLC requesting permission for a Lottery Sales Outlet location at New World Inn and Conference Center, 265 33 Avenue. A memorandum was also presented from City Clerk Kline submitting detailed information and a staff recommendation that New World Inn and Conference Center be approved as a Lottery Sales Outlet location. 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 Augustine-Schulte, seconded by Bulkley, 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, Bulkley, Schilling, Lohr and Reardon voted “Aye” and none voted “Nay.” Council Member Jablonski abstained from voting. Motion carried. Council Member Jablonski excused himself and proceeded to leave the room. Moved by Bogus, seconded by Augustine-Schulte, the Lottery Sales Outlet Location be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted “Aye” and none voted “Nay.” Council Member Jablonski abstained from voting. Motion carried. Council Member Jablonski returned and was seated.

**AWARD OF QUOTE FOR WARNING TRACK MIX FOR PAWNEE PARK BASEBALL INFIELD PROJECT:**

A memorandum was presented from Public Property Director Moore submitting detailed information and a staff recommendation to award the quote to Odeys, Inc. in the amount of \$14,058 for warning track mix for the Pawnee Park Baseball Infield Project. Moved by Bogus, seconded by Schilling, the quote be awarded. In response to Council Member Augustine-Schulte, Moore explained the purpose of an infield warning track. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Mayor Moser referred to the Committee of the Whole report with regard to the sidewalk repair policy that was adopted earlier at this meeting and said he feels it would not be efficient to inspect only the reported sidewalks. Mayor Moser offered a compromise to amend the policy to state that all sidewalks from the reported property to the corner on both sides of the street be inspected. Council Member Jablonski questioned whether further decisions on this policy should be delayed pending outcome of the ADA meeting that City Engineer Goedeken will be attending this week. Council Member Augustine-Schulte expressed support of Mayor Moser's compromise.

**RESOLUTION NO. R13-115 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**

**RESOLUTION NO. R13-115**  
**ADOPTED: OCTOBER 7, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A CONTRACT WITH CARROTHERS CONSTRUCTION COMPANY, LLC FOR CONSTRUCTION MANAGER AT RISK SERVICES IN THE AMOUNT OF \$27,730 FOR PRECONSTRUCTION SERVICES FOR THE PAWNEE PLUNGE EXPANSION PROJECT.

Moved by Schilling, seconded by Augustine-Schulte, Resolution No. R13-115 be passed and adopted. Following various questions from the Council, City Engineer Goedeken explained the functions as well as the benefits of utilizing the Construction Manager at Risk option. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bulkley voted "Nay." Motion carried.

**RESOLUTION NO. R13-116 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R13-116**  
**ADOPTED: OCTOBER 7, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING MAINTENANCE AGREEMENT NO. 8 WITH THE STATE OF NEBRASKA DEPARTMENT OF ROADS SETTING FORTH THE MAINTENANCE RESPONSIBILITIES OF THE CITY AND THE STATE REGARDING THOSE PORTIONS OF THE STATE HIGHWAY SYSTEM THAT LEAD INTO AND TRAVEL THROUGH THE CITY OF COLUMBUS, 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 OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Bahr, seconded by Schilling, Resolution No. R13-116 be passed and adopted. In response to Mayor Moser, City Engineer Goedeken confirmed that the

State of Nebraska Department of Roads establishes the terms in this agreement. 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. 13-22 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**ORDINANCE NO. 13-22**

**ADOPTED: OCTOBER 7, 2013**

AN ORDINANCE OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF \$2,850,000 PRINCIPAL AMOUNT OF SWIMMING POOL/WATER PARK SALES TAX REVENUE BONDS, SERIES 2013, OF THE CITY FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE CITY'S PAWNEE PLUNGE SWIMMING POOL/WATER PARK AND FURNISHING THE NECESSARY EQUIPMENT AND APPARATUS FOR THE SAME; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE COVENANTS AND AGREEMENTS TO PROVIDE FOR THE PAYMENT AND SECURITY THEREOF; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND AUTHORIZING CERTAIN ACTIONS AND DOCUMENTS AND PRESCRIBING OTHER MATTERS RELATING THERETO.

Moved by Lohr, seconded by Schilling, the rules be suspended and Ordinance No. 13-22 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. 13-22 was read by number only at this meeting.

Moved by Lohr, seconded by Augustine-Schulte, Ordinance No. 13-22 be passed and adopted. Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, explained that the unexpended portion of the \$5,350,000 voter authorized ballot question for public facilities is \$3,600,000. With a positive sales tax cash flow, it is being recommended that swimming pool/water park sales tax revenue bonds be issued in the amount of \$2,850,000 in order to save transaction costs. The True Interest Cost (TIC), including transaction costs, calculates to be 1.93 percent and Lorenzen recommended that parameters not to exceed 2.15 percent be incorporated in the ordinance in order to proceed quickly with the process due to an unsettled market.

Mayor Moser put the question, "Shall Ordinance No. 13-22 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. 13-22," and it was duly signed.

**ORDINANCE NO. 13-21**

**NOT ADOPTED**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AMEND SECTION 112.16 OF CHAPTER 112 OF TITLE XIII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE); TO AUTHORIZE THE SALE OF ALCOHOLIC LIQUORS ON SUNDAYS FROM 6:00 A.M. TO 1:00 A.M.; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AS PROVIDED BY LAW.

On its second reading, Ordinance No. 13-21 was read by title only at this meeting. A memorandum was presented from Brenda Preister, East Central District Health Department and on behalf of the Back to BASICS coalition, submitting their opinion that increasing access to alcohol will send a message to the youth which reiterates the value society places on the importance of alcohol. It was noted that should Ordinance No. 13-21 be adopted, Back to BASICS will support and advocate for the comprehensive training of all staff who serve alcohol. A memorandum was presented from Christine Walker, 4820 37 Street, expressing opposition to the adoption of Ordinance No. 13-21 and submitting detailed information with regard to the effects alcohol related accidents have had on her family. Barbara Sedlak, owner of Pawnee Bar, pointed out that the bar opens at 11 a.m. and the adoption of this ordinance would not change the hours of operation. Sedlak pointed out that the patrons originally requested this change as it would provide more options for them. Council Member Lohr referred to a conversation he had with Senator Schumacher and said the legislative bill allowing the sale of alcoholic liquors on Sunday mornings was requested by Omaha merchants who were losing business to Council Bluffs, Iowa and the casinos. Daryl Johnson, 815 2 Street, expressed support of the ordinance and pointed out that the option for a person to purchase alcohol on a Sunday morning is a personal preference. Jim Schaefer, 2214 34 Street, pointed out that he is speaking as a citizen and not a member of the Nebraska court system and he expressed opposition to the ordinance. Schaefer referred to the number of establishments who sell alcohol as well as the hours available to purchase alcohol and said he does not feel this community needs the additional hours for sales. Preister expressed opposition to the ordinance and confirmed that if adopted, the coalition would advocate for mandatory training of all who serve alcohol. Discussion followed with regard to results of community assessments and surveys that have indicated youth access to alcohol is an issue in Columbus and Platte County. Moved by Lohr, seconded by Jablonski, the rules be suspended and Ordinance No. 13-21 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bulkley voted "Nay." Motion carried and Ordinance No. 13-21 was read by number only at this meeting.

Moved by Bulkley, seconded by Bogus, Ordinance No. 13-21 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 13-21 be passed and adopted?" Roll call and Council Members Bahr, Bogus and Bulkley voted "Aye" and Augustine-Schulte, Schilling, Jablonski, Lohr and Reardon voted "Nay." Motion failed. Mayor Moser declared that the motion to adopt Ordinance No. 13-21 failed.

Moved by Augustine-Schulte, seconded by Schilling, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bulkley voted "Nay." Motion carried and the meeting was adjourned at 8:29 p.m.

Presented and approved this 21st day of October, 2013.

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MAYOR

ATTEST:

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CITY CLERK