

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on April 7, 2014, 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 April 3, 2014, 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, Rich Jablonski, John Lohr, Terry Reardon. Council President Ron Schilling was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Attorney Stephen Hansen, Interim City Engineer Merlin Lindahl, Finance Director Anne Kinnison, Police Chief William Gumm, Public Property Director Doug Moore, Public Works Director Roger Buell and Street Superintendent Jay Nickolite.

PRAYER: Mayor Moser asked all to rise and Council Member Lohr 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 March 17, 2014, Board of Equalization meeting and City Council meeting.
- B. Approval of application of NBC Capital, LLC dba River's Edge Convention Center for Special Designated License to serve beer at 265 33 Avenue, 5 p.m. to 1 a.m., June 6, 2014, for an outdoor concert.

- C. Approval of Resolution No. R14-35 amending Resolution No. R96-78 to include street lighting and existing subdivisions and additions in the policy for the City of Columbus with respect to the financial responsibilities for both the City and developers.
- D. Approval of payroll and bills on file. 4/11/14 Payroll \$471,595.37 TOTAL \$471,595.37.

Moved by Lohr, seconded by Bahr, the items on the consent agenda, being routine in nature, be approved as presented. Council Member Jablonski requested to abstain from voting on Item 4, Consent Agenda, due to a conflict of interest with Item 4B, application of NBC Capital, LLC dba River's Edge Convention Center for Special Designated License to serve beer at 265 33 Avenue, 5 p.m. to 1 a.m., June 6, 2014, for an outdoor concert. Moved by Bulkley, seconded by Bahr, Council Member Jablonski be allowed to abstain from voting on this agenda item and to suspend the City Council rules requiring him to leave the Council Chambers during vote on this agenda item. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Jablonski abstained from voting. Council President Schilling was absent. Motion carried. Roll call on the motion to approve the items on the consent agenda as presented and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Lohr and Reardon voted "Aye" and none voted "Nay". Council Member Jablonski abstained from voting. Council President Schilling was absent. Motion carried.

SPECIAL PRESENTATION – PROCLAMATION DECLARING MONTH OF APRIL 2014 AS "SEXUAL ASSAULT AWARENESS MONTH": Mayor Moser proclaimed the month of April 2014 as "Sexual Assault Awareness Month". Hope Freshour, representing the Center for Survivors, thanked the Mayor and City Council for helping raise sexual assault awareness. Freshour presented statistics on sexual assaults in the community and noted the importance of education, particularly at the Middle School and High School levels.

PUBLIC HEARING – APPLICATION OF ICING ON THE CAKE, LLC DBA DOOZY'S FOR RETAIL CLASS "I" BEER, WINE, & DISTILLED SPIRITS ON SALE ONLY LIQUOR LICENSE AT 2610 23 STREET: The Affidavit of Publication and Notice of Hearing were presented on the application of Icing on the Cake dba Doozy's for a Retail Class "I" Beer, Wine, & Distilled Spirits On Sale Only Liquor License at 2610 23 Street, Columbus, Nebraska. The following exhibits were also presented: Exhibit "A" - Application; Exhibit "B" - Notice of Hearing; Exhibit "C" - Letter to Applicant; Exhibit "D" - Police Chief's Report; Exhibit "E" - City Engineer's Report; Exhibit "F" - List of Current Liquor License Holders; and Exhibit "G" - Criteria for approval/denial of License. A memorandum was included from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. A communication was also included from Police Chief Gumm making no recommendation regarding this application. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, seconded by Lohr, the public hearing be closed, the application be approved and a letter be sent to

the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

APPLICATION OF JACQUELINE D. HAKE AS MANAGER OF DOOZY'S IN CONJUNCTION WITH CLASS "I" LIQUOR LICENSE: The application of Jacqueline D. Hake as manager of Doozy's, 2610 23 Street, in conjunction with their Class "I" Liquor License was presented. A memorandum was also presented from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. Moved by Bulkley, seconded by Bahr, the manager application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

PUBLIC HEARING – FOR THE PURPOSE OF AMENDING HOURS OF SERVICE FOR COLUMBUS AREA TRANSIT FOR WHICH FINANCIAL ASSISTANCE IS BEING SOUGHT FROM THE FEDERAL TRANSIT ADMINISTRATION: The Affidavit of Publication and Notice of Hearing were presented for the hearing held for the purpose of amending hours of service for the Columbus Area Transit (CAT) for which financial assistance is being sought from the Federal Transit Administration. A memorandum was also presented from Public Property Director Moore submitting detailed information and a staff recommendation that the hours of service for CAT be amended to close at 7 p.m. weekdays and 5 p.m. on Saturdays and Sundays for the entire year and the application for funding assistance with the Nebraska Department of Roads, as well as the Columbus Area United Way, Inc. budget, be forwarded for review. Public Property Director Moore explained that CAT currently provides service until 8 p.m. on weekdays and 6 p.m. on Saturdays and Sundays during Daylight Savings Time; however, due to the fact there has been an average of less than five riders per month during the extended hours, staff feels the decrease in evening hours would be more cost effective with minimal effect on services. Discussion followed regarding possible reasons for the decrease in riders as well as the practice of maintaining a log of comments regarding the hours of service. Moved by Bogus, seconded by Reardon, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

RESOLUTION NO. R14-36 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

RESOLUTION NO. R14-36
ADOPTED: APRIL 7, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AUTHORIZE AND DIRECT THE MAYOR AND CITY CLERK TO

APPLY FOR FUNDS FOR THE OPERATION OF THE COLUMBUS AREA TRANSIT SYSTEM PROGRAM FOR THE FISCAL YEAR 2014-2015.

Moved by Bogus, seconded by Jablonski, Resolution No. R14-36 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

PURCHASE OF SALT BRINE PRODUCTION SYSTEM FOR STREET DEPARTMENT FROM KANSAS STATE BID CONTRACT:

A memorandum was presented from Public Works Director Buell submitting detailed information as well as a staff recommendation to approve the purchase of a salt brine production system from the Kansas State Bid Contract in the amount of \$33,357. Moved by Augustine-Schulte, seconded by Bahr, the purchase from the Kansas State Bid Contract be approved. Buell reported that the brine system is environmentally cleaner than salt and provides for pre-treating streets up to 72 hours prior to a snow and ice storm. In response to Council Member Lohr, Street Superintendent Nickolite explained that the sprayer provides a direct application, minimizing harm to nearby vegetation, and said he will notify the Chamber of Commerce to inform them of the process that can be taken into consideration when making plans for landscaping improvements along the streets. Nickolite further explained that the Nebraska Department of Roads has been providing salt brine to the city for the past three years in order to allow time for installation of a system. Council Member Reardon commended the Street Department for their efficiency with snow and ice removal the past few years. Nickolite confirmed that the cost for this system is included in the budget and he pointed out that the Street Department will continue using salt in residential areas. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

AWARD OF QUOTE FOR CONSTRUCTION OF DUGOUT ROOFS AT GERRARD PARK:

A memorandum was presented from Public Property Director Moore recommending that the quote for construction of dugout roofs at Gerrard Park be awarded to Blaser Remodeling and Exteriors in the amount of \$33,399.72. Moved by Bulkley, seconded by Augustine-Schulte, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Bulkley referred to the recent flushing of fire hydrants and Public Works Director Buell explained the process and purpose for it. Council Member Reardon pointed out that highway improvements have begun and he advised drivers to use caution in these areas.

RESOLUTION NO. R14-37 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R14-37
ADOPTED: APRIL 7, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDED CONTRACTS FOR INFRASTRUCTURE TO SERVE DISCOVERER ADDITION AS FOLLOWS: PAVING IMPROVEMENTS IN THE AMOUNT OF \$1,632,061.90 AWARDED TO GEHRING CONSTRUCTION AND READY MIX CO., INC., AND WATER AND SEWER IMPROVEMENTS IN THE AMOUNT OF \$787,781.50 AWARDED TO OBRIST & CO. INC.

Moved by Jablonski, seconded by Reardon, Resolution No. R14-37 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

RESOLUTION NO. R14-38 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R14-38
ADOPTED: APRIL 7, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDED A CONTRACT TO B-D CONSTRUCTION, INC., IN THE AMOUNT OF \$367,114.50 FOR STREET CONSTRUCTION 2014 AND \$6,280.00 FOR SIDEWALK IMPROVEMENT DISTRICT NOS. 16 AND 17.

Moved by Augustine-Schulte, seconded by Bahr, Resolution No. R14-38 be passed and adopted. In response to Mayor Moser, Interim City Engineer Lindahl reported that \$350,000 was included in the budget for this project. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

RESOLUTION NO. R14-39 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

RESOLUTION NO. R14-39
ADOPTED: APRIL 7, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDED A CONTRACT TO CONSTRUCTORS, INC. IN THE AMOUNT OF \$54,240 FOR 8TH STREET ASPHALT PROJECT.

Moved by Bahr, seconded by Bulkley, Resolution No. R14-39 be passed and adopted. In response to Mayor Moser, Interim City Engineer Lindahl explained the process for the street repairs. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

RESOLUTION NO. R14-40 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**RESOLUTION NO. R14-40****ADOPTED: APRIL 7, 2014**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING THE AGREEMENT WITH MIDWEST RIGHT OF WAY SERVICES, INC. IN AN AMOUNT NOT TO EXCEED \$15,090, IN CONJUNCTION WITH THE LOUP RIVER LEVEE PROJECT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH.

Moved by Bulkley, seconded by Bahr, Resolution No. R14-40 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

ORDINANCE NO. 14-04 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**ORDINANCE NO. 14-04****ADOPTED: APRIL 7, 2014**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO LEVY SPECIAL ASSESSMENTS ON THE LOTS AND PARCELS OF REAL PROPERTY INCLUDED WITHIN STREET IMPROVEMENT DISTRICT NOS. 174 (26 AVENUE FROM NORTH LINE OF 32 STREET TO SOUTH LINE OF 38 STREET) AND 179 (200 FEET EAST OF CENTERLINE OF DEER CREEK PLACE, EASTERLY 695 FEET ALONG SOUTH 5 STREET), WATER EXTENSION DISTRICT NO. 61 (200 FEET EAST OF CENTERLINE OF DEER CREEK PLACE, EASTERLY 695 FEET ALONG SOUTH 5 STREET) AND SEWER EXTENSION DISTRICT NO. 43 (200 FEET EAST OF CENTERLINE OF DEER CREEK PLACE, EASTERLY 695 FEET ALONG SOUTH 5 STREET) TO PAY THE COST OF CONSTRUCTION OF IMPROVEMENTS IN SAID DISTRICTS; TO PROVIDE FOR THE METHODS OF PAYMENT OF SAID ASSESSMENTS; TO REPEAL ALL ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Lohr, seconded by Bahr, the rules be suspended and Ordinance No. 14-04 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried and Ordinance No. 14-04 was read by number only at this meeting.

Moved by Lohr, seconded by Bahr, Ordinance No. 14-04 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 14-04 be passed and adopted?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 14-04," and it was duly signed.

Moved by Bulkley, seconded by Augustine-Schulte, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council President Schilling was absent. Motion carried and the meeting was adjourned at 7:43 p.m.

Presented and approved this 21st day of April, 2014.

MAYOR

ATTEST:

CITY CLERK