

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on October 6, 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 October 1, 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, and Ron Schilling. City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Engineer Rick Bogus, City Attorney Stephen Hansen, Public Works Director Roger Buell, Public Property Director Doug Moore, and Police Captain Todd Thalken.

PRAYER: Council President Schilling led in prayer.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE: Mayor Moser asked all to 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 15, 2014, City Council meeting.
- B. Approval of Resolution No. R14-99 approving Service/Consultant Agreement with Northeast Nebraska Economic Development District for General Administration Services (Project 14-CR-006).
- C. Approval of payroll and bills on file. 10/10/14 Payroll \$488,647.91; Nebraska APCO/NENA – training 357.00; State of Nebraska Dept. of Revenue – sales tax 40,865.44; Total Funds by Hasler – postage 1,000.00 TOTAL \$530,870.35.

Moved by Schilling, seconded by Lohr, the items on the consent agenda, being routine in nature, be approved as presented. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

SPECIAL PRESENTATION – DISCUSSION ON ORDINANCE NO. 11-37 REGARDING UTILITY TYPE VEHICLES: A memorandum was presented from City Administrator Mangiamelli submitting information regarding the use of Utility Type Vehicles (UTV's) on city streets. Copies of the city code and state statute as they relate to the use of UTV's on city streets were also included with the memorandum. Council Member Reardon said he requested this issue be brought to the City Council for discussion as there are residents in the city who are land locked in their neighborhoods by this law. City Attorney Hansen explained that state statute allows UTV's to cross at open intersections with controlled lights where there are no medians. Hansen reported that it is his understanding that Senator Schumacher is reviewing this statute and may attempt to change legislation. Mangiamelli stated that legislation was passed in 2007 to

allow UTV's on city streets and following extensive review, the city passed an ordinance in 2011 that mirrored state statutes. A municipality can adopt laws that are more restrictive than state law but not less restrictive. Council Member Bulkley said he also requested this issue be brought to the City Council as he feels there should be public clarification of the legislation. Terry Pinkley, 2012 2 Street, said he feels the resurfacing of 33 Avenue would have been an opportune time to remove the medians and would have enabled UTV's to cross the highway. Mayor Moser reported that the Nebraska Department of Roads requires medians on 33 Avenue and 23 Street for safety purposes. Mangiamelli encouraged citizens to contact Senator Schumacher with their ideas and concerns regarding this issue.

PUBLIC HEARING – CITIZEN'S ADVISORY REVIEW COMMITTEE REPORT OF ACTIVITIES PRESENTED IN ACCORD WITH THE COLUMBUS ECONOMIC DEVELOPMENT PLAN:

The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of receiving comments from the Citizen's Advisory Review Committee (CARC) and its report of activities presented in accord with the Columbus Economic Development Plan. This public hearing was continued from the September 15, 2014, City Council meeting. A memorandum was also presented from Connie Hellbusch, Chair of the CARC, through City Administrator Mangiamelli, reporting that Maine Plastics, a previous loan recipient, has ceased operation in Columbus due to a corporate level bankruptcy. Maine Plastics had made two payments of \$30,000 each along with \$33,675 for auctioned equipment for a total of \$93,675 repaid against the \$150,000 loan and no action of the committee was required. The committee has recommended the following actions: 1) to amend the agreement with Apogee to modify the job hiring requirements; 2) to proceed with the possible acquisition of a 55 acre tract of land to facilitate development adjacent to Highway 81 west of the city limits and to extend water and sewer service to this area; and 3) to approve the loan request of \$90,000 for assistance for Columbus Tarps, Inc., a South Sioux City business opening in Columbus. No public testimony was heard. Moved by Bogus, seconded by Schilling, the public hearing be closed and the report be placed on file. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

PUBLIC HEARING – APPLICATION OF IMAGINE THAT SCRAPBOOKING & GIFTS, LLC, DBA ARTZY HAVEN, FOR RETAIL CLASS "I" BEER, WINE & DISTILLED SPIRITS ON SALE ONLY LIQUOR LICENSE AT 1354 27 AVENUE, SUITE 501:

The Affidavit of Publication and Notice of Hearing were presented on the application of Scrapbooking & Gifts LLC, dba Artzy Haven, for a Retail Class "I" Beer, Wine & Distilled Spirits On Sale Only Liquor License at 1354 27 Avenue, Suite 501 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. Audra Jedlicka, owner of Artzy Haven, explained that she is opening a business in the lower level of the building that will introduce art to the community and this license will allow her to offer alcoholic beverages for art gathering events she will be hosting. Moved by Bogus, seconded by Augustine-Schulte, 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, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

APPLICATION OF AUDRA L. JEDLICKA AS MANAGER OF ARTZY HAVEN IN CONJUNCTION WITH CLASS "I" LIQUOR LICENSE:

The application of Audra L. Jedlicka as manager of Artzy Haven, in conjunction with their Class "I" Liquor License was presented. Moved by Bogus, seconded by Schilling, 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, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

APPOINTMENT OF DEBRA COPPLE TO LIBRARY BOARD: A memorandum was presented from Mayor Moser submitting the name of Debra Copple for appointment to the Library Board to fill the unexpired term of Lucia Schulz. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Lohr, to approve the Mayor's appointment. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR GPS UNIT AND SOFTWARE FOR ENGINEERING DEPARTMENT: A memorandum was presented from City Engineer Bogus recommending the quote for a GPS unit and software for the Engineering Department be awarded to A & D Technical Supply in the amount of \$15,799.16. City Administrator Mangiamelli explained that this item, as well as the next agenda item, is for the same GPS unit and software at the same cost. This unit is for the Engineering Department and will be 100 percent funded by the Stormwater Management Program Grant. Moved by Augustine-Schulte, seconded by Bogus, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR GPS UNIT AND SOFTWARE FOR WATER UTILITIES DIVISION: A memorandum was presented from Public Works Director Buell recommending the quote for a GPS unit and software for the Water Utilities Division be awarded to A & D Technical Supply in the amount of \$15,799.16. Moved by Augustine-Schulte, seconded by Schilling, the quote be awarded. Buell pointed out that this unit will replace the current one as it has become obsolete. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR SANITARY SEWER MANHOLE REHABILITATION PROJECT FOR WATER UTILITIES DIVISION: A memorandum was presented from Public Works Director Buell recommending the quote for the Sanitary Sewer Manhole Rehabilitation Project for the Water Utilities Division be awarded to Johnson Service Company in the amount of \$22,250. Moved by Schilling, seconded by Lohr, the quote be awarded. Buell explained that this project covers various manholes throughout the city. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR RELINING OF WELL NO. 4 FOR WATER PRODUCTION DIVISION: A memorandum was presented from Public Works Director Buell recommending the quote for the relining of Well No. 4 for the Water Production Division be awarded to Layne Christensen Company in the amount of \$14,853.41. Moved by Augustine-Schulte, seconded by Bahr, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF PROPOSAL FOR COMPREHENSIVE SECURITY SYSTEM FOR NEW TRANSFER STATION FACILITY: A memorandum was presented from Public Works Director Buell recommending the proposal for a comprehensive security system for the new transfer station facility be awarded to Security Equipment Inc. (SEi) in the amount of \$48,062. Moved by Schilling, seconded by Augustine-Schulte, the proposal be accepted. Buell explained that city staff requested a proposal from SEi as they have provided the same security system for other city facilities. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

REQUEST FOR PROPOSALS FOR ARCHITECTURAL SERVICES FOR QUAIL RUN GOLF COURSE STORAGE PROJECT: A memorandum was presented from City Engineer Bogus recommending authorization to proceed with a request for proposals

for architectural services for Quail Run Golf Course cart storage. Moved by Reardon, seconded by Augustine-Schulte, to authorize city staff to proceed with the request for proposals. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Lohr reported that the League of Nebraska Municipalities has indicated that an elected official can endorse a candidate as long as public funds are not used.

RESOLUTION NO. R14-100 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R14-100
ADOPTED: OCTOBER 6, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A GRANT AWARD FOR DOWNTOWN REVITALIZATION FOR WORK AT 11TH STREET GRUB AND PUB, 2501 11 STREET IN THE AMOUNT OF \$8,633 WITH A GRANT AWARD OF \$4,316.50.

Moved by Jablonski, seconded by Bahr, Resolution No. R14-100 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R14-101 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

RESOLUTION NO. R14-101
ADOPTED: OCTOBER 6, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE TRANSFER OF LAND LEASE AND OWNERSHIP OF A 70 FOOT TOWER LOCATED AT THE COLUMBUS MUNICIPAL AIRPORT FROM THE FEDERAL AVIATION ADMINISTRATION TO THE CITY OF COLUMBUS.

Moved by Bogus, seconded by Schilling, Resolution No. R14-101 be passed and adopted. City Administrator Mangiamelli reported that the Federal Aviation Administration originally had plans to demolish this tower and have granted the city's request to transfer ownership to the city for potential use in the future. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

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

Presented and approved this 20 day of October, 2014.

MAYOR

ATTEST:

CITY CLERK