

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on July 5, 2016, 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, 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.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL CALL:** Mayor Moser announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor Michael Moser and Council Members Beth Augustine-Schulte, Charlie Bahr, Jim Bulkley, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. City staff members present included City Administrator Joe Mangiamelli, City Clerk Janelle Kline, City Attorney Neal Valorz, City Engineer Rick Bogus, Finance Director Anne Kinnison, Police Captain Chuck Sherer, Public Works Director Greg McCaffery, Library Director Drew Brookhart, Fire Chief Dean Hefti, and Assistant City Clerk Michaela Luckey.
2. **PRAYER:** Bahr led in prayer.
3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** Moser invited all to join in the National Anthem and Pledge of Allegiance.

The order of the agenda was amended to consider Agenda Item 13.C., Discussion and possible action regarding employment contract with City Administrator Joseph A. Mangiamelli as requested by Council President Bahr, following Agenda Item 15.B., Ordinance No. 16-18, with a motion by Bahr and a second by Augustine-Schulte. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

4. **CONSENT AGENDA:** 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 citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda. The items on the consent agenda were approved as presented with a motion by Bahr and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
 - 4.A. Minutes of June 20, 2016, City Council meeting.

- 4.B.** Minutes of June 17, 2016, Civil Service Commission meeting certifying the following Firefighter/EMT-P candidates: Elizabeth Wallace, Adam Pitts, and Roger Scholting.
- 4.C.** Reappointment of Nancy Roubal, William Gumm, and Dean Hefti to E-911 Technical Committee for two-year terms.
- 4.D.** Reappointment of Kristi Lloyd to Business Improvement Board for three-year term.
- 4.E.** Reappointment of Steve Anderson, Dennis Hirschbrunner, John Lippert, and Bruce Schneider to Planning Commission for three-year terms.
- 4.F.** Resolution No. R16-69 designating Bank of the Valley, Bank of the West, BankFirst, Columbus Bank and Trust Company, Cornerstone Bank, First National Bank of Omaha, First Nebraska Bank, Great Plains State Bank, Great Western Bank, Pinnacle Bank, and U.S. Bank as depositories for municipal funds. Resolution No. R16-69 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO DESIGNATE VARIOUS BANKS AS DEPOSITORIES FOR MUNICIPAL FUNDS OF THE CITY OF COLUMBUS, NEBRASKA.
- 4.G.** Resolution No. R16-70 approving pipeline crossing agreement with Union Pacific Railroad Company in the amount of \$2,500 regarding construction, maintenance, and operation of a 12-inch carrier, 20-inch casing pipeline for transporting and conveying potable water only, in conjunction with the Union Pacific Railroad Waterline Undercrossings Project. Resolution No. R16-70 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY IN THE AMOUNT OF \$2,500 REGARDING CONSTRUCTION, MAINTENANCE, AND OPERATION OF A 12-INCH CARRIER, 20-INCH CASING PIPELINE FOR TRANSPORTING AND CONVEYING POTABLE WATER ONLY, IN CONJUNCTION WITH UNION PACIFIC RAILROAD WATERLINE UNDERCROSSINGS PROJECT; A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.
- 4.H.** Resolution No. R16-71 approving pipeline crossing agreement with Union Pacific Railroad Company in the amount of \$3,300 regarding construction, maintenance, and operation of a 12-inch encased underground pipeline for transporting and conveying potable water only, in conjunction with the Union Pacific Railroad Waterline Undercrossings Project. Resolution No. R16-71 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING PIPELINE CROSSING AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY IN THE AMOUNT OF \$3,300 REGARDING CONSTRUCTION, MAINTENANCE,

AND OPERATION OF A 12-INCH ENCASED UNDERGROUND PIPELINE FOR TRANSPORTING AND CONVEYING POTABLE WATER ONLY, IN CONJUNCTION WITH UNION PACIFIC RAILROAD WATERLINE UNDERCROSSINGS PROJECT; A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

- 4.I. Payroll and bills on file. 07/15/16 Payroll \$581,267.68; Union Pacific Railroad Co. – Supplies 5,800.00. TOTAL \$587,067.68.
5. **APPROVAL OF MINUTES:** Included in Consent Agenda
6. **SPECIAL PRESENTATIONS:** None
7. **PUBLIC HEARINGS:**
- 7.A. **Application of SERC, LLC for final plat and subdivision agreement of East Canal Property Subdivision located west of the intersection of East 29 Avenue and 27 Street. (Planning Commission recommends approval contingent upon subdivision agreement being finalized.) (Continued from June 20, 2016, meeting.)**

and

- 7.B. **Application of SERC, LLC to rezone all of Lot 2 and a portion of Lot 1, East Canal Property Subdivision from "RR" (Rural Residential District) and "ML/C-1" (Light Industrial District) to "ML/C-1" and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. (Planning Commission recommends approval.) (Continued from June 20, 2016, meeting.)**

It was noted that the subdivision agreement has not been finalized at this time. The public hearings were continued to 7 p.m., July 18, 2016, with a motion by Bahr and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

8. **PETITIONS AND COMMUNICATIONS:** None
9. **REPORTS OF CITY OFFICES:** None
10. **REPORTS OF COUNCIL COMMITTEES:** None
11. **REPORTS OF SPECIAL COMMITTEES:** None
12. **REPORTS ON LEGISLATION:** None

13. NEW BUSINESS:

- 13.A. Appointment of Elizabeth Wallace as Firefighter/EMT-P for the Columbus Fire Department.** The mayor's appointment was ratified with a motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 13.B. Appointment of Mary Nyffeler to Business Improvement Board for three-year term.** The mayor's appointment was ratified with a motion by Bahr and a second by Bulkley. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 13.D. Comments from Mayor and City Council Members.** Roth mentioned that he has received a number of negative comments from the public regarding the cable franchise agreement. Augustine-Schulte commended the Chamber of Commerce on the event they sponsored for the Fourth of July celebration.

14. RESOLUTIONS:

- 14.A. Resolution No. R16-72 approving contract with Eriksen Construction Co., Inc. in the amount of \$11,247,863 for Wastewater Treatment Facility, Phase 3 Improvements.** Resolution No. R16-72 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO ERIKSEN CONSTRUCTION CO., INC. IN THE AMOUNT OF \$11,247,863 FOR WASTEWATER TREATMENT FACILITY, PHASE 3 IMPROVEMENTS was adopted with a motion by Lohr and a second by Kresha. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 14.B. Resolution No. R16-73 approving Amendment No. 1 to the agreement with HDR Engineering, Inc. in an amount not to exceed \$1,354,800 for construction and post construction phase services in conjunction with Wastewater Treatment Facility, Phase 3 Improvements.** Resolution No. R16-73 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AMENDMENT NO. 1 TO THE AGREEMENT WITH HDR ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED \$1,354,800 FOR CONSTRUCTION AND POST CONSTRUCTION PHASE SERVICES FOR WASTEWATER TREATMENT FACILITY, PHASE 3 IMPROVEMENTS; A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith was adopted with a motion by Bulkley and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

15. ORDINANCES ON FIRST READING:

- 15.A. Ordinance No. 16-17 rescinding Ordinance No. 16-07 issuing Special Use Permit to James and Lori Stecker for Columbus Rescue Mission.** The rules were suspended and Ordinance No. 16-17 was read by number only with a motion by Jablonski and a second by Bahr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 16-17 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO RESCIND ORDINANCE NO. 16-07, PASSED APRIL 18, 2016, WHICH GRANTED A SPECIAL USE PERMIT WITH CONDITIONS TO ALLOW FOR A NON-COMMERCIAL SHELTER IN A "B-2" (GENERAL COMMERCIAL DISTRICT) ZONING DISTRICT ON THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOTS 5 AND 6, BLOCK 17, BECHER PLACE ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE passed with a motion by Jablonski and a second by Bahr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 15.B. Ordinance No. 16-18 amending Section 70.001 of Chapter 70 of Title VII of Ordinance No. 05-47 (Columbus City Code) to define that a Utility Type Vehicle (UTV) be any motorized off-highway vehicle that is not more than 180 inches, including the bumper, in length.** On its first reading, Ordinance No. 16-18 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AMEND CHAPTER 70 OF TITLE VII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) BY AMENDING SECTION 70.001 TO DEFINE THAT A UTILITY TYPE VEHICLE BE ANY MOTORIZED OFF-HIGHWAY VEHICLE THAT IS NOT MORE THAN 180 INCHES, INCLUDING THE BUMPER, IN LENGTH; TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH AND TO PROVIDE FOR AN EFFECTIVE DATE was read by title.
- 13.C. Discussion and possible action regarding employment contract with City Administrator Joseph A. Mangiamelli as requested by Council President Bahr.** A motion was made by Bahr and seconded by Augustine-Schulte to go into closed session; the subject matter to be discussed in closed session shall be employment contract with City Administrator Joseph A. Mangiamelli; the reason for going into closed session is for prevention of needless injury to the reputation of an individual; and Mayor Moser will also be included in the closed session. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Moser restated the motion that the City Council voted to go into closed session; the subject matter to be discussed in closed session shall be employment contract with City Administrator Joseph A. Mangiamelli; the

reason for going into closed session is for prevention of needless injury to the reputation of an individual; and Mayor Moser will also be included in the closed session. The City Council went into closed session at 7:22 p.m. The City Council exited closed session at 7:52 p.m. with a motion by Augustine-Schulte and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

16. **ORDINANCES ON SECOND READING:** None
17. **ORDINANCES ON THIRD READING:** None
18. **CONSIDERATION OF PAYROLL AND BILLS ON FILE:** Included in Consent Agenda
19. **UNFINISHED BUSINESS:** None
20. **ADJOURNMENT:** The meeting adjourned at 7:52 p.m. with a motion by Bulkley and a second by Augustine-Schulte. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

Presented and approved this 18 day of July, 2016.

MAYOR

ATTEST:

CITY CLERK