

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on May 1, 2017, 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 Bulkley announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor James Bulkley and Council Members Beth Augustine-Schulte, Charlie Bahr, Troy Hiemer, Rich Jablonski, Dennis Kresha, John Lohr, Prent Roth, and Ron Schilling. City staff members included City Attorney Stan Emerson, City Administrator Tara Vasicek, City Clerk Janelle Kline, City Engineer Rick Bogus, Police Chief William Gumm, Finance Director Anne Kinnison, Human Resources Director Mike Oglevie, Public Works Director Greg McCaffery, Public Property Director Doug Moore, Fire Chief Dean Hefti, and Assistant City Clerk Michaela Luckey.
2. **PRAYER:** Bahr led in prayer.
3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** Bulkley invited all to join in the National Anthem and Pledge of Allegiance.
4. **CONSENT AGENDA:** Vasicek stated that the following items are considered routine by the city council and will be enacted by one motion. She 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 Hiemer. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
 - 4.A. **Minutes of April 17, 2017, City Council meeting.**
 - 4.B. **Resolution No. R17-65 awarding bid to Municipal Pipe Tool Co., LLC in the amount of \$320,515 for 2017 Sanitary Sewer Rehabilitation Project.** Resolution No. R17-65 is entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO MUNICIPAL PIPE TOOL CO., LLC IN THE AMOUNT OF \$320,515 FOR THE 2017 SANITARY SEWER REHABILITATION PROJECT.
 - 4.C. **Resolution No. R17-66 authorizing payment of various improvement projects.** Resolution No. R17-66 is entitled: A RESOLUTION OF THE

MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AUTHORIZE AND DIRECT THAT A CHECK BE ISSUED AND MADE PAYABLE TO THE RESPECTIVE CONTRACTOR(S) FOR LABOR, EQUIPMENT, AND MATERIALS FURNISHED FOR IMPROVEMENTS IN THE FOLLOWING DESIGNATED DISTRICTS AND PROJECTS WITHIN THE CITY OF COLUMBUS, ALL AS SET FORTH ON THE ATTACHED CERTIFICATES OF PROGRESS PREPARED BY THE RESPECTIVE SPECIAL ENGINEER, TO WIT: B-D CONSTRUCTION, INC. – COLUMBUS AREA TRANSIT BUILDING \$59,608.80.

- 4.D. **Payroll and bills on file.** 5/5/17 Payroll \$521,364.66; Ernst Auto Center – Vehicles 9,988.00. TOTAL \$531,352.66.
5. **APPROVAL OF MINUTES:** Included in Consent Agenda
6. **SPECIAL PRESENTATIONS:**
- 6.A. **Recognition of Police Chief William Gumm for receiving the prestigious "Centurion Award" from the Nebraska FBI National Academy Association honoring his professionalism, integrity, and morality in both his professional and personal life.** Bulkley commended Police Chief Gumm for receiving the prestigious Centurion Award for Excellence from the Nebraska FBI National Academy for his extraordinary contribution and exemplary accomplishments in both his personal and professional life. Bulkley noted that Gumm has served as Police Chief of Columbus for the past 22 years and has been serving in law enforcement since 1969. Gumm thanked the mayor, city council, and the national academy for the recognition. He announced that he submitted notice of his retirement to the mayor earlier in the day and said it has been an honor and privilege to serve in Columbus. He also noted that the Columbus Police Department is one of the best in the state.
- 6.B. **Proclamation declaring the week of May 7 through May 13, 2017, as Municipal Clerks Week.** Bulkley proclaimed the week of May 7 through May 13, 2017, as Municipal Clerks Week and he commended the City Clerk's office on the work they do.
7. **PUBLIC HEARINGS:**
- 7.A. **Application of Ana Villegas Alvarez & Jesus Ramos Llamera dba Bacardi Club, for Retail Class "I" Beer, Wine, and Distilled Spirits On Sale Only Liquor License at 4704 Howard Boulevard.** No public testimony was heard. The public hearing closed and the application was approved with a motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, 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. **Quote from Bound Tree Medical in the amount of \$14,007.12 for controlled access pharmaceutical dispenser for Fire Department.** The quote for a controlled pharmaceutical dispenser was approved with a motion by Bahr and a second by Kresha. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Hefti reported that the fire department makes daily trips to the hospital to obtain pharmaceuticals for restocking units and he explained that the hospital has requested that the fire department store more of their own pharmaceuticals in order to reduce the hospital's paperwork and workload. Hefti described the functionality of the dispenser as well as the security procedures that will be used.
 - 13.B. **Specifications and estimate of cost in the amount of \$65,000 for booster pump for Wilderness Park irrigation system and authorization to advertise for bids. (Specifications are on file in the Engineering Department.)** The specifications and estimate of cost for a booster pump were approved and staff was authorized to advertise for bids with a motion by Bahr and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Moore explained that the irrigation system at Wilderness Park is currently being connected to the city's water system and a booster pump is needed to increase water pressure. He noted that the pump will reduce the amount of irrigation time and will not have an affect on the water pressure of neighboring properties.
 - 13.C. **Discuss options to cancel or change date and/or time of July 3, 2017, City Council meeting due to Independence Day holiday activities.** Bulkley pointed out that Tuesday, July 4th is a holiday and there are holiday activities planned for the evening of Monday, July 3rd, which would be a regularly scheduled council meeting, and he asked the council whether they feel the meeting should be held as regularly scheduled, changed to another date, or cancelled. He pointed out that payroll and bills could be approved at the second meeting in June should they decide to cancel the July 3rd meeting. Bulkley said he does not have any issues with cancelling the meeting; however, should the council choose to hold a meeting, he suggested the date be changed to July 5th in order to provide for anyone who would like to take Monday off. Roth said he feels that the meeting should not be cancelled. Augustine-Schulte suggested that the meeting time be changed to 5 p.m. on July 3rd. Schilling said he prefers that if the meeting is not

cancelled, it be scheduled for an earlier time on July 3rd as he would not be available on July 5th. Following discussion, concurrence was to schedule the July 3rd meeting for 5 p.m.

- 13.D. Comments from mayor and city council members.** Bulkley reported that he has accepted the retirement notice of Police Chief Gumm. He thanked Gumm for all his years of service and said Gumm will truly be missed. Bulkley pointed out that the new theme for Columbus is "Something Good Columbus". He also noted that he, Tara Vasicek, and Rick Bogus, along with representatives from the Columbus Area Chamber of Commerce, Loup Power District, and Platte County recently returned from a trip to Washington D.C. where they had the opportunity to meet with representatives to thank them for all they have done for Columbus and Platte County and also discuss issues that are important to the community. Bulkley thanked K.C. Belitz for organizing the trip. Augustine-Schulte invited the public to attend the National Day of Prayer events that are scheduled for May 4th. Jablonski advised the public to use caution while driving on 31 Street between 33 Avenue and 48 Avenue during the construction period.

14. RESOLUTIONS:

- 14.A. Resolution No. R17-67 accepting the Hold Harmless Agreement with Jon W. Kiser, Jeannie A. Kiser, and Coley R. Kiser for claims, losses, damages, or other rights asserted by any individual, party, or entity against the City of Columbus, arising out of the construction, maintenance, use, and establishment of a barbed wire fence on property located east of Sock Pond along 11 Street.** Resolution No. R17-67 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE HOLD HARMLESS AGREEMENT WITH JON W. KISER, JEANNIE A. KISER, AND COLEY R. KISER FOR CLAIMS, LOSSES, DAMAGES, OR OTHER RIGHTS ASSERTED BY ANY INDIVIDUAL, PARTY, OR ENTITY AGAINST THE CITY OF COLUMBUS, ARISING OUT OF THE CONSTRUCTION, MAINTENANCE, USE, AND ESTABLISHMENT OF A BARBED WIRE FENCE ON PROPERTY LOCATED EAST OF SOCK POND ALONG 11 STREET; A COPY OF WHICH IS ATTACHED HERETO; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE HOLD HARMLESS AGREEMENT ON BEHALF OF THE CITY OF COLUMBUS was adopted with a motion by Hiemer and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".
- 14.B. Resolution No. R17-68 approving budget revision request to the Nebraska Department of Economic Development to reallocate \$4,300 from Risk Assessment/Testing to Single Family Purchase/Rehab/Resale for Project 15-CR-006.** Resolution No. R17-68 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A BUDGET REVISION REQUEST TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT TO

REALLOCATE \$4,300 FROM RISK ASSESSMENT/TESTING TO SINGLE FAMILY PURCHASE/REHAB/RESALE FOR PROJECT NO. 15-CR-006 was adopted with a motion by Kresha and a second by Jablonski. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

- 14.C. Resolution No. R17-69 approving agreement with the Federal Aviation Administration to waive receipt of the non-primary entitlement funds in the amount of \$150,000 for a snow removal equipment storage building for Columbus Municipal Airport and transfer to the Nebraska Department of Aeronautics for use by another Nebraska airport.** Resolution No. R17-69 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO WAIVE RECEIPT OF THE NON-PRIMARY ENTITLEMENT FUNDS IN THE AMOUNT OF \$150,000 APPORTIONED TO THE CITY OF COLUMBUS FOR A SNOW REMOVAL EQUIPMENT STORAGE BUILDING FOR THE COLUMBUS MUNICIPAL AIRPORT IN FISCAL YEAR 2014 AND TRANSFER TO THE NEBRASKA DEPARTMENT OF AERONAUTICS FOR USE BY ANOTHER NEBRASKA AIRPORT, 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 was adopted with a motion by Roth and a second by Lohr. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". It was noted that the funds are to be used within three years and it is common for municipal airports to annually waive receipt of funds as projects are delayed in order to redistribute to other municipal airports.
- 14.D. Resolution No. R17-70 approving amendment to Intergovernmental Agreement with Nebraska Department of Environmental Quality to extend term to commence July 1, 2017, and expire on June 30, 2019, and include a budget in an amount not to exceed \$537,991, for operation and maintenance of the groundwater extraction and treatment system at the 10th Street Superfund site.** Resolution No. R17-70 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT WITH NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ), TO EXTEND THE TERM TO COMMENCE JULY 1, 2017, AND EXPIRE ON JUNE 30, 2019, AND INCLUDE A DETAILED BUDGET IN AN AMOUNT NOT TO EXCEED \$537,991, FOR OPERATION AND MAINTENANCE OF THE GROUNDWATER EXTRACTION AND TREATMENT SYSTEM AT THE 10TH STREET SUPERFUND SITE, DEQ REFERENCE #2015-46685698, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; 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 Schilling and a second by Hiemer. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". It was noted that the budget will cover the operational expenses.

- 14.E. Resolution No. R17-71 approving Loan Repayment Modification Agreement with Central American Foods, LLC in conjunction with Memorandum of Understanding and loan for use of economic development "840" funds.** A motion was made by Bahr and seconded by Jablonski to go into closed session; the subject matter to be discussed in closed session shall be strategy session with respect to potential litigation; specifically, Resolution No. R17-71 approving Loan Repayment Modification Agreement with Central American Foods, LLC in conjunction with Memorandum of Understanding and loan for use of economic development "840" funds; the reason for going into closed session is for prevention of needless injury to the reputation of an individual. The following individuals will be included in closed session: Mayor Bulkley, City Attorney Emerson, City Administrator Vasicek, and Finance Director Kinnison. Bulkley restated the motion that the council president has made a motion to go into closed session at this time. The subject matter to be discussed in closed session shall be strategy session with respect to potential litigation; specifically, Resolution No. R17-71 approving Loan Repayment Modification Agreement with Central American Foods, LLC in conjunction with Memorandum of Understanding and loan for use of economic development "840" funds; the reason for going into closed session is for prevention of needless injury to the reputation of an individual. The following individuals will be included in closed session: Mayor Bulkley, City Attorney Emerson, City Administrator Vasicek, and Finance Director Kinnison. Bulkley asked for a vote to go into closed session and Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Motion carried. The City Council went into closed session at 7:41 p.m. The City Council exited closed session at 7:48 p.m. with a motion by Schilling and a second by Bahr. Augustine-Schulte, Bahr, Bulkley, Kresha, Jablonski, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Resolution No. R17-71 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A LOAN REPAYMENT MODIFICATION AGREEMENT WITH CENTRAL AMERICAN FOODS, LLC, IN CONJUNCTION WITH THE MEMORANDUM OF UNDERSTANDING AND LOAN (DATED JULY 2, 2012) FOR USE OF ECONOMIC DEVELOPMENT "840" FUNDS, 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 PORTION THEREOF IN CONFLICT HEREWITH was adopted with a motion by Bahr and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

15. ORDINANCES ON FIRST READING:

- 15.A. Ordinance No. 17-10 approving the revised Merit System Rules of the Civil Service Commission.** The rules were suspended and Ordinance No.

- 17-10 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE REVISED MERIT SYSTEM RULES OF THE CIVIL SERVICE COMMISSION, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE was read by number only with a motion by Jablonski and a second by Kresha. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay". Ordinance No. 17-10 was adopted with a motion by Jablonski and a second by Schilling. Augustine-Schulte, Bahr, Hiemer, 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 7:50 p.m. with a motion by Augustine-Schulte and a second by Jablonski. Augustine-Schulte, Bahr, Hiemer, Jablonski, Kresha, Lohr, Roth, and Schilling voted "Aye" and none voted "Nay".

Presented and approved this 15 day of May, 2017.

MAYOR

ATTEST:

CITY CLERK