

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on February 7, 2011 at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on January 26, 2011, 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, 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 Linda Walters, City Attorney Stephen Hansen, City Engineer David Goedeken, Police Chief William Gumm, Public Property Director Doug Moore, Finance Director Anne Kinnison and Public Works/Environmental Services Director Chuck Thomerson.

PRAYER: Mayor Moser asked all to rise and Council President Bogus 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 January 17, 2011, City Council meeting and February 3, 2011, Special City Council meeting.
- B. Approval of appointment of the following officers for the Columbus Fire Department: Dean Hefti – Fire Chief; Pat Miller – Assistant Fire Chief; and Greg Brahmstedt – Safety/Training Officer.

- C. Approval of reappointment of Kim Brandt and Allan Vyhnalek to Municipal Golf Board for three-year terms.
- D. Approval of application of Michael Whiting as manager of Fraternal Order of Eagles, d.b.a. Eagles, 3205 12th Street, Columbus, Nebraska in conjunction with Class "C" Liquor License.
- E. Approval of 90 day contract extension for 09-CR-106 grant with NeighborWorks Northeast Nebraska purchase/rehab/resell program.
- F. Approval of payroll and bills on file. 02/18/11 Payroll \$430,440.24 TOTAL \$430,440.24.

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

PUBLIC HEARING – CITIZEN'S ADVISORY REVIEW COMMITTEE'S SEMI-ANNUAL

REPORT: 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. A memorandum was also presented from City Administrator Mangiamelli explaining that the Committee met on November 30, 2010, regarding a proposed loan to help defray startup costs for locating the recycling operations of Maine Plastics, Inc. It was noted that Maine Plastics is making progress toward its opening and its contract start with the BD plants in Columbus. A copy of the minutes of the November 30, 2010 CARC meeting were also included for the Council's information. Mangiamelli reported that an agreement has been signed by the Vice-President of Maine Plastics and the associated documents will appear on the February 22, 2011 City Council meeting. No one appeared in opposition. Moved by Bogus, seconded by Bahr, the public hearing be closed and the report be placed on file. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

SPECIAL PRESENTATIONS – CHAMBER OF COMMERCE LEGISLATIVE COMMITTEE REPORT AND PROCLAMATION DESIGNATING FEBRUARY 2011 AS NEBRASKA CHAMBER OF COMMERCE MONTH:

Mayor Moser read a proclamation designating the month of February 2011 as Nebraska Chamber of Commerce Month. Neal Suess, Chair of the Chamber of Commerce Board, introduced the following Chamber representatives: Bernie Hansen, Drive for Five and Workforce Coordinator, Sharyle Sands, Vice-President and Board Members Dick Zach and Joe Tooley. Suess, on behalf of the Chamber, expressed appreciation to the Mayor, City Council and city staff for the service they provide to the community. Suess referred to the working relationship between the two entities and said it is through collaborations such as the Quality of Life concept that the city has been and will continue to be looked at as one of

the leaders in the State of Nebraska and continue to be thought of as the City of Power and Progress.

PRESENTATION ON INTRODUCTION TO 2010-2011 DREAM IT DO IT COLUMBUS

REGIONAL TEAM: Bernie Hansen, Drive for Five Coordinator for the Columbus Area Chamber of Commerce as well as the area director for the Nebraska Dream It Do It Campaign, reported that the 2010-2011 Columbus Regional Dream Team marks the third year a dream team has been established in Columbus as part of the Dream It Do It Initiative. Ruth Chermok distributed a brochure highlighting the achievements of the 2009-2010 campaign and a poster of the following current members: Eric Pohl – MDP Process Engineer, BD Pharmaceutical; Lowell Dolney – Protection Engineer, NPPD; Ryan Woehl – Welding Instructor, Central Community College; Hugo Ham-Oliva – Fabrication Supervisor, Cargill; Nate Werner – Engineer Manager, Katana Summit; Isaac Himanga – Chemical Engineer, ADM; and John Faltys – Engineering Technician, Behlen Mfg. Co. Hansen pointed out that in Columbus there are advanced manufacturing jobs that cannot be filled due to the skills shortage in the area. Hansen explained that the Team consists of young adults who have advanced technology careers in manufacturing as well as related businesses and said in their mentor roles, they will focus on students in the Columbus region by talking to them about their educational and career pathways. The following members of the Team introduced themselves and presented a brief background on each: Hugo Ham-Oliva; Isaac Himanga; and Lowell Dolney. Hansen explained the other members were unable to attend. Hansen expressed appreciation to the businesses who have committed employees to serve on the Team as well as the Mayor and City Council for supporting their efforts. Mayor Moser commended the Chamber of Commerce for their efforts in involving these young professionals in this role.

SPECIAL PRESENTATIONS – COLUMBUS INDUSTRIAL FACTS BOOK:

David Bell, Loup Power District and Co-Chair of the Columbus Economic Council, introduced Dennis Hall, Economic Development Manager at Nebraska Public Power District, who presented the updated Columbus Industrial Facts Book to the City Council on behalf of Nebraska Public Power District, Cornhusker Public Power District and Loup Power District. Hall explained that the Facts Book is an important component of the economic development recruitment activities of the Columbus Economic Council and pointed out that it is also available online on various web sites. David Bell expressed appreciation to Dennis Hall and the NPPD Economic Development staff for their support and publication of the Facts Book, with a special thank you to Nancy Saalfeld, City of Columbus, Karla Schaecher of the Chamber of Commerce, Ardith Behlen of Nebraska Public Power District and Sandi Meays of Loup Power District. Bell also acknowledged the various entities that contributed information for the Facts Book.

COMMITTEE OF THE WHOLE REPORT – PRESENTATION REGARDING QUALITY

OF LIFE PROJECT: City Administrator Mangiamelli reported that the Committee of the Whole met at 5:30 p.m. on February 7, 2011 for a presentation and update in conjunction with the Columbus Public Schools Board of Education, East Central District Health Department Board, Good Neighbor organization, Columbus Community Hospital

and the YMCA Board regarding planning for the Quality of Life Project at 33rd Avenue and 38th Street. Mangiamelli stated that no action was taken at this meeting and said more information will be presented as this project advances.

APPOINTMENT OF DARLENE ERNESTI TO SENIOR CENTER ADVISORY BOARD TO FILL UNEXPIRED TERM OF ARTHUR GERSIB:

A memorandum was presented from Mayor Moser submitting the name of Darlene Ernesti for appointment to the Senior Center Advisory Board to fill the unexpired term of Arthur Gersib. Council President Bogus read a brief resume and it was moved by Bogus, seconded by Schilling, to approve the Mayor's appointment. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

CHANGE ORDER NO. 4 WITH BD CONSTRUCTION IN CONJUNCTION WITH SOUTH WATER PLANT CONSTRUCTION PROJECT:

A memorandum was presented from Public Works/Environmental Services Director Thomerson submitting detailed information and a staff recommendation to approve Change Order No. 4 with B-D Construction, Inc., Columbus, Nebraska, in the net deductive amount of \$2,677.50 for additional water lines, hose bibs, strainer, floor drain with piping, laboratory faucets, NEMA 4X enclosure, motor starters with contact button, 1" anti-siphon valve, 1/2" flexible polyethylene tubing, the deletion of the pavement replacement on 28th Avenue, the deletion of the 18" line stop and additional circuitry for the exhaust fans and for the extension of contract completion time in conjunction with the Columbus South Water Plant Construction Project. Council Member Bulkley voiced concerns regarding portions of this change order as they relate to the initial design. Thomerson said he would conduct an exit meeting prior to the close out of the project and address some of the issues that city staff feels may fall under the errors and omissions clause of the consultant's contract. Thomerson stated he would provide the Mayor and Council with a summary of the exit meeting assessment. Moved by Bogus, seconded by Bulkley, Change Order No. 4 be approved. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:

City Attorney Hansen stated he wished to respond to the Editorial in the February 6, 2011 Columbus Telegram titled 'Senior Project Handling Built No Public Trust'. Hansen listed and explained in detail the following three types of City Council meetings: regular, special and emergency. Hansen pointed out that the City Council meeting held on February 3, 2011 at 3 p.m. was a special City Council meeting, as opposed to an emergency City Council meeting as reported in the newspaper. Hansen referred to State Statute as well as City Code and pointed out that all aspects involved with calling a special City Council meeting as well as notification were complied with. Council Member Augustine referred to the events that transpired leading to the special meeting and said she was satisfied with the process.

RESOLUTION NO. R11-04 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

RESOLUTION NO. R11-04
ADOPTED: FEBRUARY 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO APPROVE AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE BOARD OF SUPERVISORS OF PLATTE COUNTY, NEBRASKA, FOR PROSECUTION SERVICES FOR THE CITY OF COLUMBUS TO EXTEND THE CONTRACT FROM MARCH 16, 2011 TO MARCH 15, 2012 AND TO INCREASE THE MONTHLY PAYMENT TO PLATTE COUNTY TO REFLECT THE COST OF LIVING INCREASE BY A FACTOR OF 1.1% BEGINNING APRIL, 2011, 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.

Moved by Bogus, seconded by Bulkley, Resolution No. R11-04 be passed and adopted. In response to Council Member Jablonski, City Administrator Mangiamelli explained that this agreement allows the County Attorney to provide prosecutorial services for violations of city ordinances. Council Member Jablonski referred to the dollar amount of the contract and questioned the number of cases that are prosecuted each month. Mangiamelli said he would obtain this information and forward it to the Mayor and Council. City Attorney Hansen explained that when their law firm first began doing attorney work for the City of Columbus, the Nebraska State Bar Association advised that they could act as City Attorney but could not prosecute cases. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-05 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R11-05
ADOPTED: FEBRUARY 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ESTABLISHING POLICIES AND PROCEDURES NECESSARY FOR THE USE OF DESIGN-BUILD AND CONSTRUCTION MANAGEMENT AT RISK CONTRACTS FOR CERTAIN PUBLIC PROJECTS.

Moved by Schilling, seconded by Lohr, Resolution No. R11-05 be passed and adopted. In response to Council Member Lohr, Merlin Lindahl, Lindahl Engineering Inc., explained the process of design-build as well as construction management at risk. Lindahl also explained that either of these methods should limit change orders on future projects. In response to concerns from Council Member Bogus regarding the potential for substandard work or materials, Lindahl said there are steps in place to hold a contractor accountable, such as requiring work to be completed under criteria established by the city or a performance criteria developer. Council Member Bogus also expressed concerns regarding the fact that only a few municipalities have

approved these contract options since adopted by the State Legislature in 2008. City Administrator Mangiamelli explained that the Council previously approved an amendment to the city's Purchasing Policy to include these alternate project delivery methods and adopted a resolution selecting design-build for construction of six tennis courts at Pawnee Park. Council Member Bogus stated he is opposed to using this method for bidding public projects and will be voting in opposition. Roll call and Council Members Augustine, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bogus voted "Nay." Motion carried.

RESOLUTION NO. R11-06 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

RESOLUTION NO. R11-06

ADOPTED: FEBRUARY 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, RECEIVING THE REPORT OF THE ELECTION COMMISSIONER OF PLATTE COUNTY, NEBRASKA FINDING THE ELECTION RESULTS FOR THE SPECIAL ELECTION HELD NOVEMBER 2, 2010 ON THE ISSUANCE OF NOT TO EXCEED \$5,350,000 BONDS FOR PUBLIC FACILITY IMPROVEMENTS AND THE LEVY OF A ONE-HALF OF ONE PERCENT (0.50%) SALES TAX.

Moved by Lohr, seconded by Bahr, Resolution No. R11-06 be passed and adopted. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R11-07 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE.

RESOLUTION NO. R11-07

ADOPTED: FEBRUARY 7, 2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, CALLING SWIMMING POOL/WATER PARK SALES TAX REVENUE BONDS, SERIES 2004, FOR REDEMPTION.

Moved by Augustine, seconded by Bogus, Resolution No. R11-07 be passed and adopted. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

ORDINANCE NO. 11-05 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

ORDINANCE NO. 11-05

ADOPTED: FEBRUARY 7, 2011

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA CONTINUING TO IMPOSE A SALES AND USE TAX OF ONE-HALF OF ONE PERCENT (0.50%) UPON THE SAME TRANSACTIONS WITHIN THE CITY OF

COLUMBUS ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2011.

Moved by Bulkley, seconded by Schilling, the rules be suspended and Ordinance No. 11-05 be read by number only at this meeting. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Moved by Bulkley, seconded by Schilling, Ordinance No. 11-05 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 11-05 be passed and adopted?" Roll call and Council Members Augustine, 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. 11-05," and it was duly signed.

Moved by Augustine, seconded by Bulkley, the meeting be adjourned. Roll call and Council Members Augustine, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 7:53 p.m.

Presented and approved this 22 day of February, 2011.

MAYOR

ATTEST:

CITY CLERK