

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on November 5, 2012 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 October 31, 2012, 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, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon.

City staff members present included City Administrator Joseph Mangiamelli, Assistant City Clerk Janelle Kline, City Attorney Steve Hansen, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison and Library Director Jill Owens.

**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 October 15, 2012, City Council meeting.
- B. Approval of plans, specifications and estimate of cost, as submitted by City Engineer Goedeken, for Sidewalk Improvement District No. 15 (3919 13th Street, 3617 Howard Boulevard, 3704 16th Street, and 2153 37th Avenue), and authorization for city staff to advertise for bids.
- C. Approval of specifications and estimate of cost, as submitted by City Engineer Goedeken, for the following vehicles and equipment and authorization for city staff to advertise for bids.

QTY	UNIT	DEPARTMENT
1	11 ft. Rotary Mower	Golf
1	Fairway Mower	Golf
1	Skid Steer Loader	Street
1	Motor Grader	Street
1	Tractor	Street
1	Paint Machine	Street
3	Moving Slat, Tandem Axle Solid Waste Transfer Trailer	Transfer Station
1	High Pressure Sewer Cleaner	Sanitary Sewer

- D. Approval of award of low quote to Midwest Turf & Irrigation in the amount of \$12,046 for Model 3000 Bed Knife Grinder for golf courses.
- E. Approval of award of low quote to Midwest Turf & Irrigation in the amount of \$25,384 for Model 3000 Reel Grinder for golf courses.
- F. Approval of award of low quote to Mid-Nebraska Repair & Construction in the amount of \$25,955 for paving between Wilderness Park concession stand and pump house.
- G. Pay study establishing the 2012-2013 Firefighter pay rates.
- H. Approval of Resolution No. R12-99 approving Service/Consultant Agreement with Northeast Nebraska Economic Development District in the amount of \$40,000 for general administrative services for 12-TFHP-5051 in conjunction with the Phase 2 of the New Neighborhood Initiative for the development of a housing subdivision.
- I. Approval of Resolution No. R12-100 approving Down Payment Assistance Guidelines for Centennial Park 6th Addition as presented by NeighborWorks Northeast Nebraska.
- J. Approval of Resolution No. R12-101 approving Program Income Reuse Plan for Centennial Park 6th Addition as presented by NeighborWorks Northeast Nebraska.
- K. Approval of Finance Department reports.
- L. Approval of payroll and bills on file. 11/9/12 Payroll \$476,575.31.

Council Member Bulkley requested that Item B., Approval of plans, specifications, and estimate of cost for Sidewalk Improvement District No. 15 (SWID No. 15) and authorization to advertise for bids, be removed from consent status and considered with Item 14C, Resolution No. R12-105 determining necessity of SWID No. 15. Moved by Bogus, seconded by Bahr, the items on the consent agenda, with the exception of Item B, being routine in nature, be approved as presented. Roll call and Council Members

Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**PUBLIC HEARING – APPLICATION TO DEPARTMENT OF ECONOMIC DEVELOPMENT FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A NEEDS ASSESSMENT/COMPREHENSIVE REVITALIZATION STRATEGY FOR TARGETED AREAS OF THE CITY IN THE AMOUNT OF \$12,000 (\$10,500 FOR THE ASSESSMENT AND \$1,500 FOR GENERAL ADMINISTRATION):**

The Affidavit of Publication and Notice of Hearing were presented on the application to the Department of Economic Development for Community Development Block Grant funds for a needs assessment/comprehensive revitalization strategy for targeted areas of the city in the amount of \$12,000 (\$10,500 for the needs assessment/comprehensive revitalization strategy and \$1,500 for general administration). A memorandum was also presented from Lisa Hurley, Northeast Nebraska Economic Development District (NENEDD), submitting detailed information and a recommendation that the application for a Comprehensive Revitalization Grant be accepted. It was noted in the memorandum that the City of Columbus will provide a 25% match of \$3,500 toward the project cost. Tina Engelbart, Deputy Director of Northeast Nebraska Economic Development District, explained that a 2012 Comprehensive Needs Assessment is required to apply for an additional three phases of the Comprehensive Revitalization Program. Engelbart stated that the targeted area was determined in 2005 and can be expanded by five blocks in each direction following a request from a citizen at a town hall meeting and completion of an income survey determining need. No one appeared in opposition. Moved by Bogus, seconded by Schilling, the public hearing be closed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**RESOLUTION NO. R12-102 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**RESOLUTION NO. R12-102**  
**ADOPTED: NOVEMBER 5, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA AUTHORIZING THE MAYOR TO SIGN THE APPLICATION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT FOR NEBRASKA COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS, A COPY OF WHICH IS ATTACHED HERETO; AND PROVIDING FOR THE MAYOR TO EXECUTE THE SAME.

Moved by Bulkley, seconded by Bahr, Resolution No. R12-102 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**COMMITTEE OF THE WHOLE REPORT – REQUEST OF EAST CENTRAL DISTRICT HEALTH DEPARTMENT FOR APPLICATION OF A FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT TO PROVIDE ASSISTANCE FOR A SAFE ROOM AT THEIR NEW FACILITY:**

An oral report of the Committee of the Whole was presented with the recommendation that the city be authorized to act as a pass through

agency for grant assistance for a Federal Emergency Management Agency approved safe room to be constructed as part of the East Central District Health Department facility project. Moved by Bahr, seconded by Schilling, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**COMMITTEE OF THE WHOLE REPORT – DISCUSSION ON PAWNEE PLUNGE**

**EXPANSION:** An oral report of the Committee of the Whole was presented with the recommendation that city staff be authorized to issue Request for Proposals to interested firms regarding design and construction of the Pawnee Plunge expansion through either a design/build or design/bid/build process. Moved by Bahr, seconded by Schilling, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**APPOINTMENT OF KIM ZACH TO THE COLUMBUS PUBLIC LIBRARY BOARD FOR FOUR-YEAR TERM:**

A memorandum was presented from Mayor Moser submitting the name of Kim Zach for appointment to the Columbus Public Library Board for a four-year term. A memorandum was also presented from Library Director Jill Owens submitting detailed information regarding events that have transpired and resulted in the City Code being amended to provide for appointment of a resident of Platte County who does not reside in the city limits. A memorandum from County Clerk Diane Pinger submitting approval of the appointment of Kim Zach by the Platte County Board of Supervisors was also presented. Council President Bogus read a brief resume and it was moved by Schilling, seconded by Bulkley, to approve the Mayor's appointment. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**REQUEST OF OWEN LLOYD FOR LOTTERY SALES OUTLET LOCATION AT AMERICAN LEGION, POST 84:**

A letter was presented from Owen Lloyd requesting permission for a Lottery Sales Outlet location at the American Legion, Post 84, 2263 3rd Avenue, to be effective January 1, 2013. A memorandum was also presented from Assistant City Clerk Kline submitting detailed information and a staff recommendation that the American Legion be approved as a Lottery Sales Outlet location effective January 1, 2013. Moved by Bogus, seconded by Bulkley, the Lottery Sales Outlet location at the American Legion, effective January 1, 2013, be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**GRANT APPLICATION TO FEDERAL EMERGENCY MANAGEMENT AGENCY ON BEHALF OF EAST CENTRAL DISTRICT HEALTH DEPARTMENT FOR SAFE ROOM AT NEW FACILITY LOCATED NORTHWEST OF INTERSECTION OF 38TH STREET AND 33RD AVENUE:**

A memorandum was presented from City Administrator Mangiamelli submitting detailed information and a staff recommendation to approve the grant application to Federal Emergency Management Agency, on behalf of East Central District Health Department, in the amount of \$330,000 to provide for a safe room at their new facility located northwest of the intersection of 38th Street and 33rd Avenue.

Moved by Bogus, seconded by Schilling, the grant application be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Council Member Lohr congratulated Council Member Rich Jablonski on being a recipient of the Archway Award for Outstanding Business Man that will be presented at the Chamber of Commerce's Business Hall of Fame event to be held on November 27th.

Council Member Bahr encouraged everyone to exercise their right to vote on November 6th.

Council Member Bulkley reported that he has received a number of inquiries from citizens with regard to the snow fence on property located north of the Pizza Ranch.

Council President Bogus referred to a letter received from the Nebraska Department of Roads and reported that a public meeting on the Highway 30 improvements from Schuyler to Fremont has been delayed until early 2013.

Mayor Moser announced his intent to appoint Assistant City Clerk Janelle Kline as City Clerk at the November 19, 2012 City Council meeting.

**RESOLUTION NO. R12-103 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.**

**RESOLUTION NO. R12-103**  
**ADOPTED: NOVEMBER 5, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A JOINT DEVELOPMENT AGREEMENT WITH COLUMBUS COMMUNITY HOSPITAL FOR THE EXTENSION OF SANITARY SEWER SERVICE TO ALLOW FOR CONNECTION OF FUTURE HOSPITAL FACILITIES WITH COST SHARING AS FOLLOWS: SEWER CONSTRUCTION IN PUBLIC RIGHT-OF-WAY IN THE AMOUNT OF \$77,000 WITH THE CITY PAYING \$57,750 AND THE HOSPITAL PAYING \$19,250 AND SEWER CONSTRUCTION ON PRIVATE PROPERTY IN THE AMOUNT OF \$66,000 TO BE PAID ENTIRELY BY THE HOSPITAL.

Moved by Augustine-Schulte, seconded by Jablonski, Resolution No. R12-103 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**RESOLUTION NO. R12-104 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.**

**RESOLUTION NO. R12-104**  
**ADOPTED: NOVEMBER 5, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN ENGINEERING ASSESSMENT WITH HGM ASSOCIATES, INC. TO PROVIDE FOR IDENTIFICATION AND POTENTIAL ROUTES FOR EXTENDING SANITARY SEWER SYSTEM MAINS NORTH TO SERVE PROPERTY BEING DEVELOPED ALONG THE LOST CREEK PARKWAY AT A COST OF \$26,800.

Moved by Schilling, seconded by Lohr, Resolution No. R12-104 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR SIDEWALK IMPROVEMENT DISTRICT NO. 15 (3919 13TH STREET, 3617 HOWARD BOULEVARD, 3704 16TH STREET AND 2153 37TH AVENUE) AND AUTHORIZATION FOR CITY STAFF TO ADVERTISE FOR BIDS:**

**AND**

**RESOLUTION NO. R12-105 WAS INTRODUCED BY COUNCIL MEMBER REARDON.**

**RESOLUTION NO. R12-105**  
**ADOPTED: NOVEMBER 5, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO DETERMINE THE NECESSITY OF SIDEWALK IMPROVEMENTS BY THE CONSTRUCTION OF SIDEWALKS TO CITY LOTS AND LANDS ABUTTING OR CONTIGUOUS TO THE NORTH 76' W80' LOT 2, BLK 11, OIDA ADDITION; LOT 1, BLK 4, HIGHLAND PARK ADDITION, LOT 12, BLK 37, CAPITOL ADDITION, LOT 1 AND THE S 9' LOT 2, BLK N, WEST PARK 3rd ADDITION, ALL IN THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA; AND TO DIRECT THE CREATION BY ORDINANCE OF SIDEWALK IMPROVEMENT DISTRICT NO. 15.

Moved by Reardon, seconded by Augustine-Schulte, the plans, specifications and estimate of cost for Sidewalk Improvement District No. 15 (SWID No. 15) be approved and city staff be authorized to advertise for bids and Resolution No. R12-105 be passed and adopted. In response to Council Member Lohr, City Attorney Hansen confirmed that any of the properties identified in the sidewalk improvement district can be removed. In response to Council President Bogus, City Engineer Goedeken explained the events that have transpired to date, said owners of approximately 29 properties received notice to repair or replace sidewalks and to date four have not been completed. Goedeken confirmed that a portion of the sidewalk at 3919 13th Street has been repaired; however, part of the sidewalk was removed and has not been replaced. Council President Bogus explained that the sidewalk that was removed did not lead to anywhere as it ended in the center of the owner's yard. Goedeken pointed out that the City Code does not provide for a property owner to remove and not replace a damaged sidewalk. Following extensive discussion, City Attorney Hansen referred to a

conclusion of the courts in Nebraska and said it has been determined that it is a duty to provide safe streets, which includes sidewalks, and there will be liability if the duty is not met. Council Member Reardon said he feels safety is an issue for the property on 13th Street due to its proximity to a park. In response to Council Member Lohr, Goedeken stated that it would cost the property owner approximately \$800 to replace the sidewalk that was removed. Moved by Bogus, seconded by Bulkley, the property at 3919 13th Street be removed from Sidewalk Improvement District No. 15. Roll call and Council Members Bogus and Bulkley voted "Aye" and Augustine-Schulte, Bahr, Schilling, Jablonski, Lohr and Reardon voted "Nay." Motion failed. Chuck McCarthy, 3919 13th Street, explained that he did not feel it was pertinent to replace that portion of sidewalk as it ended in the middle of the yard. McCarthy said that portion of sidewalk has never been utilized as there are no other sidewalks in the vicinity and the public would have to walk in the yard to access it. McCarthy expressed appreciation to Council Members Bogus and Bulkley for their support and thanked the City Council for giving him the opportunity to speak. Roll call on the motion to approve the plans, specifications and estimate of cost, authorize city staff to advertise for bids and to adopt Resolution No. R12-105 and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bulkley voted "Nay." Motion carried.

**ORDINANCE NO. 12-20 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**ORDINANCE NO. 12-20**

**ADOPTED: NOVEMBER 5, 2012**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO CREATE SIDEWALK IMPROVEMENT DISTRICT NO. 15; TO PROVIDE FOR THE CONSTRUCTION OF SIDEWALKS THEREIN; TO PROVIDE FOR THE PAYMENT THEREOF BY SPECIAL ASSESSMENTS; TO APPROVE THE PLANS AND SPECIFICATIONS; TO AUTHORIZE THE CITY CLERK, CITY ENGINEER AND MAYOR TO TAKE CERTAIN ACTIONS WITH RESPECT THERETO; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

Moved by Lohr, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 12-20 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 12-20 was read by number only at this meeting.

Moved by Lohr, seconded by Schilling, Ordinance No. 12-20 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-20 be passed and adopted?" In response to Council Member Bulkley, City Engineer Goedeken confirmed that the sidewalk at 3919 13th Street has to be replaced to its original condition. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bulkley voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-20," 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, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 7:51 p.m.

Presented and approved this 19th day of November, 2012.

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MAYOR

ATTEST:

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ASSISTANT CITY CLERK