

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on December 3, 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 November 28, 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".

**OATH OF OFFICE:** City Clerk Janelle Kline administered the Oath of Office to Mayor-elect Michael L. Moser and Council Members-elect Charlie Bahr (Ward 1), Jim Bulkley (Ward 2), Ron Schilling (Ward 3) and John F. Lohr (Ward 4).

**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, City Clerk Janelle Kline, City Attorney Stan Emerson, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison, Human Resources Director Mike Oglevie, Public Works Director Roger Buell 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.

**APPOINTMENT OF CITY OFFICERS:** Mayor Moser submitted the following names for appointments as City Officers: Joseph A. Mangiamelli as City Administrator; the Law Firm of Sipple, Hansen, Emerson, Schumacher & Klutman as City Attorney; Janelle Kline as City Clerk; David Goedeken as City Engineer; Anne Kinnison as Finance Director-City Treasurer and Kipton L. Anderson, M.D. as City Physician. Moved by Bulkley, seconded by Schilling, to approve the Mayor's appointments and waive the two-week waiting period. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**ELECTION OF COUNCIL PRESIDENT:** Mayor Moser called for nominations for President of the City Council. Council Member Lohr nominated Council Member Ron Schilling, to serve as President of the City Council. Mayor Moser announced that Council Member Schilling was nominated to serve as President of the City Council and called for nominations a second time and third time. No other nominations were brought forward. Moved by Bulkley, seconded by Lohr, the nominations 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. Mayor Moser announced that Council Member Schilling has been nominated to serve as President of the City Council. Moved by Bulkley, seconded by Lohr, to elect Council Member Ron Schilling as Council President. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried. Mayor Moser announced that Council Member Schilling has been elected as President of the City Council and congratulated him.

**APPOINTMENT OF COUNCIL COMMITTEE MEMBERS:** A memorandum was presented from Mayor Moser submitting the following names for appointment to Council Committees: Public Finance, Judiciary and Personnel Committee – Council Members

Beth Augustine-Schulte, Ron Bogus, John F. Lohr and Ron Schilling; and Public Property, Safety and Works Committee – Council Members Charlie Bahr, James Bulkley, Richard E. "Rich" Jablonski and Terry Reardon. Moved by Bahr, seconded by Bulkley, to approve the Mayor's appointments and waive the two-week notification period. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**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 November 19, 2012, City Council meeting.
- B. Approval of reappointment of Keri Homolka and Ted Pearson to Americans with Disabilities Compliance Committee for three-year terms.
- C. Approval of reappointment of Charlie Bahr, Dale Ciboron, Mike Fleming, William Gumm, Dean Hefti, Joseph Mangiamelli, Michael Middendorf, Mike Oglevie, Ron Schilling and Chuck Sliva to Municipal Recognition Committee for one-year term.
- D. Pay study establishing the 2012-2013 Police Officer and Sergeant pay rates.
- E. Approval of Resolution No. R12-108 approving licenses for Grosch Irrigation Co., Hawkeye Helicopter and James Murphy for use of hangar space at Columbus Municipal Airport. (Columbus Board of Airport Commissioners recommends approval.)
- F. Approval of Resolution No. R12-109 approving ten year land lease agreement with Mutual Flyers, Inc. for hangar space at Columbus Municipal Airport. (Columbus Board of Airport Commissioners recommends approval.)
- G. Approval of Resolution No. R12-110 approving Maintenance Agreement No. 8 with Nebraska Department of Roads for maintenance of state highway system in Columbus city limits.
- H. Approval of Resolution No. R12-111 reaffirming city's intent to provide or expand municipal solid waste collection service.
- I. Approval of payroll and bills on file. 12/7/12 Payroll \$491,125.03.

Council Member Reardon requested that Item G - Resolution No. R12-110 approving Maintenance Agreement No. 8 with Nebraska Department of Roads for maintenance of state highway system in Columbus city limits be removed from consent status and considered as Item 18C under Resolutions.

Moved by Bogus, seconded by Augustine-Schulte, the items on the consent agenda, with the exception of Item G, 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 OF JAMES A. AND CONNIE E. HELLBUSCH TO REZONE A TRACT OF LAND LOCATED IN THE 2900 BLOCK OF 38TH STREET FROM "O" (OFFICE DISTRICT) TO "RR" (RURAL RESIDENTIAL DISTRICT) AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN:**

The Affidavit of Publication and Notice of Hearing were presented on the application of James A. and Connie E. Hellbusch to rezone a tract of land located in the East Half of the Southwest Quarter of Section 7, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska (2900 block of 38th Street) from "O" (Office District) to "RR" (Rural Residential District) and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. The Affidavit of Posting and Mailing Notices was presented. A memorandum was also presented from Community

Development Director Curtis submitting detailed information and a staff recommendation to approve the rezoning and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, seconded by Bahr, 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.

**ORDINANCE NO. 12-21 WAS INTRODUCED BY COUNCIL MEMBER REARDON.**

**ORDINANCE NO. 12-21**

**ADOPTED: DECEMBER 3, 2012**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND THE CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, UNDER ORDINANCE NO. 96-08, AS AMENDED, DATED MARCH 18, 1996, AND ADOPTED AUGUST 4, 1997 AS THE OFFICIAL ZONING CODE OF COLUMBUS BY ORDINANCE NO. 97-17; TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO-WIT: A TRACT OF LAND LOCATED IN THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 17, NORTH, RANGE 1, EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 17, NORTH, RANGE 1, EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, THENCE NORTH ALONG THE WEST LINE THEREOF A DISTANCE OF 40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH ON THE WEST LINE THEREOF A DISTANCE OF 606 FEET; THENCE DUE EAST A DISTANCE OF 42 FEET; THENCE IN A SOUTHEASTERLY DIRECTION TO A POINT 228 FEET DUE EAST OF THE POINT OF BEGINNING, THENCE DUE WEST A DISTANCE OF 228 FEET TO THE POINT OF BEGINNING; FROM THE PRESENT ZONING CLASSIFICATION OF "O" (OFFICE DISTRICT) TO "RR" (RURAL RESIDENTIAL DISTRICT), TO AMEND THE ZONING MAP WHICH HAS BEEN ADOPTED BY AND MADE A PART OF SAID COLUMBUS, NEBRASKA LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Reardon, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 12-21 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. 12-21 was read by number only at this meeting.

Moved by Reardon, seconded by Jablonski, Ordinance No. 12-21 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-21 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.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-21," and it was duly signed.

**PUBLIC HEARING – APPLICATION OF SHELBY LUMBER CO. TO REZONE LOT 5, ARBOR SUBDIVISION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA (2912 27TH STREET) FROM "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (URBAN-FAMILY RESIDENTIAL DISTRICT) AND TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN TO REFLECT THE SAME CHANGE IN ZONING:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Shelby Lumber Co. to rezone Lot 5, Arbor Subdivision to the City of Columbus, Platte County, Nebraska (2912 27th Street) from "R-1" (Single-Family Residential District) to "R-2" (Urban-Family Residential District) and to amend the Future Land Use Map of the Comprehensive Plan to reflect the same

change in zoning. The Affidavit of Posting and Mailing Notices was presented. A memorandum was also presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the rezoning and amend the Future Land Use Map of the Comprehensive Plan to reflect the same change in zoning. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, 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.

**ORDINANCE NO. 12-22 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**ORDINANCE NO. 12-22**

**ADOPTED: DECEMBER 3, 2012**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND THE CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996, ZONING CHAPTER, DATED MARCH 18, 1996 UNDER ORDINANCE NO. 96-08, AS AMENDED AND ADOPTED AUGUST 4, 1997, AS THE OFFICIAL ZONING CODE FOR THE CITY OF COLUMBUS BY ORDINANCE NO. 97-17, TO REZONE AND RECLASSIFY THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: LOT 5, ARBOR SUBDIVISION, A SUBDIVISION OF PART OF LOT 8, ALL OF LOT 9, AND PART OF LOT 10, RAMBOUR'S ADDITION TO THE CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA FROM THE PRESENT ZONING CLASSIFICATION OF "R-1" (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO "R-2" (URBAN-FAMILY RESIDENTIAL DISTRICT); TO AMEND THE FUTURE LAND USE MAP AS WELL AS THE ZONING MAP WHICH IS ATTACHED TO AND MADE A PART OF SAID CITY OF COLUMBUS LAND DEVELOPMENT ORDINANCE OF 1996 TO SHOW SAID REZONING AND RECLASSIFICATION; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Bulkley, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 12-22 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. 12-22 was read by number only at this meeting.

Moved by Bulkley, seconded by Augustine-Schulte, Ordinance No. 12-22 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-22 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.

Mayor Moser declared, "By your action, you have passed Ordinance No. 12-22," and it was duly signed.

**SPECIAL PRESENTATION – STRATEGIC PLAN UPDATE FOR COLUMBUS**

**PUBLIC LIBRARY:** MaryEllin Santiago, Library Consultant, distributed the 2013-2018 Columbus Public Library Strategic Plan and Vision that was prepared by Santiago Library Consulting. Santiago stated that the purpose of this plan was to determine whether the Columbus Public Library is currently providing the services needed for patrons of all ages as well as to determine services that may be needed in the future. Santiago said the following four goals were identified by the community as top priorities: 1) Reading is Fun – patrons must have access to valid and current information. 2) Technology – provide an easily accessible internet gateway and the tools that will ensure connectivity for the future. 3) Welcoming Space – integrate learning into everyday life with exciting programming and events for all ages. 4) Place to Go – create THE community place. Santiago pointed out that this five year plan could potentially be a partnership between the city, county and private entities and said a presentation for Platte County will be held on December 4th.

**COMMITTEE OF THE WHOLE REPORT – DISCUSSION AND POSSIBLE ACTION ON EMPLOYMENT AGREEMENT WITH CITY ADMINISTRATOR JOSEPH**

**MANGIAMELLI:** Council Member Bogus reported that there was no recommendation from the Committee of the Whole regarding the employment agreement with City Administrator Joseph Mangiamelli.

**APPOINTMENT OF KRISTI LLOYD TO THE BUSINESS IMPROVEMENT BOARD TO FILL UNEXPIRED TERM OF LYLE ERNST:** A memorandum was presented from Mayor Moser submitting the name of Kristi Lloyd for appointment to the Business Improvement Board to fill the unexpired term of Lyle Ernst. Council President Schilling read a brief resume and it was moved by Augustine-Schulte, seconded by Jablonski, 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.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Council Member Jablonski announced that the Nebraska Department of Environmental Quality (NDEQ) will be conducting an information session and public hearing in the Casey's Building at the Boone County fairgrounds in Albion, Nebraska on Tuesday, December 4, 2012. Jablonski said the informational meeting will be from 3 p.m. to 5:30 p.m. and the public hearing will be at 6 p.m. Jablonski pointed out that additional information can be found at NDEQ's website: [www.deq.state.ne.us](http://www.deq.state.ne.us).

Mayor Moser commended city staff who worked through the night on the eve of Thanksgiving to repair a water main break.

**RESOLUTION NO. R12-112 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R12-112**  
**ADOPTED: DECEMBER 3, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING GRANT AWARDS FOR DOWNTOWN REVITALIZATION PROJECTS FOR WORK DESCRIBED IN THE RESOLUTION AND IN THE AMOUNTS RECOMMENDED THEREIN.

Moved by Bahr, seconded by Bulkley, Resolution No. R12-112 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. R12-113 WAS INTRODUCED BY COUNCIL MEMBER LOHR.**

**RESOLUTION NO. R12-113**  
**ADOPTED: DECEMBER 3, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE AN EMPLOYMENT AGREEMENT BETWEEN THE CITY OF COLUMBUS, NEBRASKA AND JOSEPH A. MANGIAMELLI, AS CITY ADMINISTRATOR, A COPY OF WHICH IS ATTACHED HERETO.

Moved by Lohr, seconded by Augustine-Schulte, Resolution No. R12-113 be passed and adopted. In response to Mayor Moser, it was moved by Jablonski, seconded by Reardon, Resolution No. R12-113 be referred to the Public Finance, Judiciary and Personnel Committee. In response to Council Member Bogus, Human Resources Director Oglevie pointed out the following changes that were made to the agreement: 1) Term of contract was updated to be effective to December 2016. 2) The title of Section Three was changed from 'Termination and Severance Pay' to 'Termination and Lump Sum Pay'. 3) The paragraph regarding the Mayor, with approval of the City Council, terminating the employee for any or no reason was deleted. 4) A condition was added to provide that no lump sum payment shall be paid in the event the employee elects to voluntarily resign or retire prior to the expiration of the agreement. 5) Vacation was adjusted to recognize the length of service and accrual of vacation hours was limited to up to two years. 6) Effective October 1, 2013, the employee will be participating in the city health plan. 7) The employer's matching contribution to the city deferred compensation plan will increase to six and one-half percent in fiscal year 2013-2014 and seven percent for years 2014-2015 and 2015-2016. In response to Council

Member Augustine-Schulte, Mayor Moser explained that changes to the agreement were made following input from Council Members, City Attorney and City Administrator Mangiamelli. Council Member Bulkley said he is supportive of Mangiamelli and his job performance; however, he has concerns with the termination and lump sum pay portion of the agreement as well as the fact that the employer's matching contribution to the pension plan will be higher than other city employees. City Attorney Emerson referred to the lump sum pay and pointed out that this change complies with an Attorney General's opinion that it is not constitutional to pay without services. Emerson further pointed out that this agreement defines the type of consideration the city is receiving and also limits damages with respect to a potential disputed situation between the employee and city. Following extensive discussion, Council Member Jablonski, with consent of his second, withdrew his motion to refer Resolution No. R12-113 to the Public Finance, Judiciary and Personnel Committee. Roll call on the motion to adopt Resolution No. R12-113 and Council Members Augustine-Schulte, Bahr, Bogus, Schilling, Jablonski and Lohr voted "Aye" and Bulkley and Reardon voted "Nay." Motion carried.

**RESOLUTION NO. R12-110 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.**

**RESOLUTION NO. R12-110**  
**ADOPTED: DECEMBER 3, 2012**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE MAINTENANCE AGREEMENT NO. 8 ATTACHED HERETO BETWEEN THE CITY OF COLUMBUS AND THE STATE OF NEBRASKA DEPARTMENT OF ROADS SETTING FORTH THE MAINTENANCE RESPONSIBILITIES OF THE CITY AND THE STATE REGARDING THOSE PORTIONS OF THE STATE HIGHWAY SYSTEM THAT LEAD INTO AND TRAVEL THROUGH THE CITY OF COLUMBUS; TO AUTHORIZE AND DIRECT THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Bogus, seconded by Schilling, Resolution No. R12-110 be passed and adopted. In response to Council Member Reardon, City Engineer Goedeken explained that the State of Nebraska Department of Roads compensates the City of Columbus for routine maintenance on the highway system that runs through the city. Discussion followed with regard to the poor condition of the highways and Goedeken explained that the state has a plan for an asphalt overlay in 2014. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

Moved by Bulkley, seconded by Lohr, 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 8:20 p.m.

Presented and approved this 7th day of January, 2013.

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MAYOR

ATTEST:

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CITY CLERK