

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on February 4, 2013 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 on January 30, 2013, 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, City Clerk Janelle Kline, City Attorney Mark Sipple, City Engineer David Goedeken, Public Property Director Doug Moore, Public Works Director Roger Buell, Human Resources Director Mike Oglevie and Police Chief William Gumm.

**PRAYER:** Mayor Moser asked all to rise and Council President Schilling 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 21, 2013, City Council meeting.
- B. Approval of award of bid to Dale R. Johnson dba Johnson Trucking Sand & Gravel for one-year supply of road gravel in the amount of \$10.38 per cubic yard delivered or \$8.94 per cubic yard if picked up by the city.
- C. Approval of November 8, 2012, Civil Service Commission minutes certifying list of police officer candidates as follows: Santiago Velasquez, Rocky Conley and Joshua Dinesen.

- D. Resolution No. R13-06 approving appointment of the following officers for Columbus Fire Department:

Dean Hefti.....Fire Chief  
 Pat Miller.....Assistant Fire Chief  
 Marty Weber.....Safety/Training Officer

- E. Approval of payroll and bills on file. 02/15/13 Payroll \$457,056.52. TOTAL \$457,056.52.

Moved by Schilling, seconded by Bulkley, the items on the consent agenda, 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.

**NORTHEAST NEBRASKA AREA AGENCY ON AGING 2014 BUDGET AND APPLICATION FOR FUNDING FOR COLUMBUS SENIOR CENTER PROGRAM:**

The Northeast Nebraska Area Agency on Aging (NENAAA) 2014 Budget and the application for funding for the Columbus Senior Center program were presented. A memorandum was also presented from Public Property Director Moore submitting a staff recommendation to approve the budget and application for funding for Senior Center programs with the NENAAA. It was noted that the NENAAA administers federal and state meal and activity subsidies for senior centers in northeast Nebraska and an annual budget application must be submitted in order for the city to receive these funds. It was further noted that the NENAAA also serves as the pass-through agency for federal USDA funds and these combined sources provide approximately 23% of the cost of the Senior Center operations. Moved by Bogus, seconded by Schilling, to approve the budget and application for funding for the Columbus Senior Center program with the Northeast Nebraska Area Agency on Aging. 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 CORY REEDER FOR LOTTERY SALES OUTLET LOCATION AT MAXIMUS LOUNGE:**

A letter was presented from Cory Reeder requesting permission for a Lottery Sales Outlet location at Maximus Lounge, 329 23 Street. A memorandum was also presented from City Clerk Kline submitting detailed information and a staff recommendation that Maximus Lounge be approved as a Lottery Sales Outlet location. Moved by Schilling, seconded by Bulkley, the Lottery Sales Outlet location at Maximus Lounge 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.

**APPOINTMENT OF DIANNE K. WALL TO THE PLANNING COMMISSION TO FILL UNEXPIRED TERM OF PAT ERNST:**

A memorandum was presented from Mayor Moser submitting the name of Dianne K. Wall for appointment to the Planning Commission to fill the unexpired term of Pat Ernst. Council President Schilling 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.

**APPOINTMENT OF ROBERTA MIKSCH TO THE BOARD OF PARKS COMMISSIONERS TO FILL UNEXPIRED TERM OF WILLIAM "BILL" GANNON:**

A memorandum was presented from Mayor Moser submitting the name of Roberta Miksch for appointment to the Board of Parks Commissioners to fill the unexpired term of William "Bill" Gannon. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Lohr, 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.

**APPOINTMENT OF SANTIAGO VELASQUEZ AS POLICE OFFICER:**

A memorandum was presented from Mayor Moser submitting the name of Santiago Velasquez for appointment as a Police Officer. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Augustine-Schulte, 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.

**REVIEW AND RECOMMENDATION OF EMPLOYER PAID LIFE INSURANCE AND EMPLOYEE PAID LIFE INSURANCE PROPOSALS:**

A memorandum was presented from Human Resources Director Oglevie submitting detailed information with regard to requests for proposals that were received for Employer-paid Life Insurance and Employee-paid (supplemental) Life Insurance. It was noted that the K.C. Life program has the lowest rate per \$1,000 of coverage per month for Employer-paid Life Insurance and includes a quality Employee Assistance Program (EAP). It was pointed out that the city currently pays approximately \$3,500 per year for EAP services. It was noted that Dearborn Financial submitted a proposal for an Employee-paid Life Insurance program that was comparable to the current rates paid to Hartford; however, the Dearborn Financial plan offers lower cost rates at every age and much lower rates for those in the 40+ age group. It was also noted that there is an opportunity to increase the amount of coverage at the annual renewal date with no health questions under the Dearborn Financial plan. In response to Council President Schilling, Oglevie stated that neither of these contracts require City Council approval according to the City of Columbus Purchasing Policy.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Council Member Lohr reported that he, Council Member Jablonski and Jerry Engdahl, representing Platte County, recently attended the semi-annual council officials meeting of the Northeast Nebraska Economic Development District.

**RESOLUTION NO. R13-03 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.**

**RESOLUTION NO. R13-03**  
**ADOPTED: FEBRUARY 4, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE FINAL PLAT OF A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 2, T17N, R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 2, T17N, R1W OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA; THENCE S 90°00'00" W ON AN ASSUMED BEARING, 680.00 FEET; THENCE S 00°00'00" E AND PERPENDICULAR TO SAID NORTH LINE, 235.00 FEET; THENCE N 90°00'00" E AND PARALLEL TO SAID NORTH LINE, 67.91 FEET TO A POINT OF CURVATURE, THENCE NORTHEASTERLY ON A 360.00 FOOT RADIUS CURVE TO THE RIGHT, 45.94 FEET OF WHICH SAID CURVE HAS A CHORD BEARING OF N 86°20'40" E, 45.91 FEET; THENCE S 00°00'00" E AND PERPENDICULAR TO SAID NORTH LINE, 1543.53 FEET; THENCE N 90°00'00" E AND PARALLEL TO SAID NORTH LINE, 566.27 FEET TO A POINT ON THE EAST LINE OF SAID NORTHWEST 1/4; THENCE N 00°00'00" W AND PERPENDICULAR TO SAID NORTH LINE, 1775.60 FEET TO THE POINT OF BEGINNING, CONTAINING 23.69 ACRES, MORE OR LESS, HEREINAFTER TO BE KNOWN AS "WEST ELKS SUBDIVISION REPLAT;" WAIVING THE CUL-DE-SAC LENGTH LIMITATION AND WAIVING THE REQUIREMENT THAT VISION FROM THE ENTRANCE TO THE END NOT BE RESTRICTED; APPROVING THE PROPOSED WEST ELKS SUBDIVISION REPLAT SUBDIVISION AGREEMENT BETWEEN SUBDIVIDER AND CITY AND AUTHORIZING THE MAYOR TO SIGN THE PROPOSED SUBDIVISION AGREEMENT ON BEHALF OF THE CITY.

It was noted that Resolution No. R13-03 was continued from the January 21, 2013 City Council meeting. A memorandum was presented from City Attorney Schumacher submitting detailed information with regard to subdivision agreements and verbiage requiring that all buildings constructed shall be in compliance with the most recent City of Columbus Building Code at the time of application for building permits. It was noted that if the developer sells a lot to a second party who constructs the house, that particular party will be the one applying for the building permit, requesting final inspection and Certificate of Occupancy and will be held responsible for correcting any issues should the structure not pass inspection. It was further noted that in the event a structure is not completed due to lack of funds or bankruptcy or in the event deficiencies are not corrected, the clause in the subdivision agreement would allow the city to look to the developer for some accountability. An alternate version of the subdivision agreement was presented from Steven Ramaekers, Granville Custom Homes, Inc., that stated all buildings built in the subdivision shall be "subject to" the most recent City of Columbus Building Code requirements at the time of application for the building permit. Moved by Jablonski, seconded by Augustine-Schulte, Resolution No. R13-03 be passed and adopted. In response to Council Member Bogus, City Administrator Mangiamelli explained the events that have transpired to date. Mangiamelli pointed out that there have been a number of issues with development of properties over the years and said as a result, the city began requiring subdivision agreements with plat applications in order to protect the city, the citizens as well as the City Council and future Councils. Mangiamelli stated that a portion of the West Elks Subdivision Replat is located within the city's two mile jurisdiction and a subdivision agreement will clarify that buildings will be required to meet the city's building codes. Mangiamelli pointed out that a developer can address concerns regarding any provisions in the subdivision agreement through

covenants or deed requirements. Mangiamelli explained that the city has developed a standard subdivision agreement and has been utilizing them the past few years. Ramaekers stated that he is opposed to Section III of the subdivision agreement and would like to delete it in its entirety as he feels that it is impractical, unjust, unnecessary, economically harmful and unprecedented. Ramaekers explained that he does not have control of a property once it is sold. Ramaekers referred to covenants or deed requirements and said he feels a developer would still be held liable for noncompliance as a subdivision agreement is a contract between the city and the developer. City Attorney Sipple referred to risks and the potential for liability with any business transaction and stated that the verbiage in Section III is designed to protect the city. Charles Seedschlag, 4811 37th Street, explained that he is a developer who previously signed a subdivision agreement and said he feels the agreement should specifically state that a developer is responsible for buildings to be constructed according to codes if that is how it will be interpreted. Clark Grant, on behalf of local developers, Ferguson Properties and the Lambert family, referred to City Attorney Schumacher's memo and said he concurs with Mr. Ramaekers as the verbiage in Section III places a contractual liability where there would not be a liability otherwise. In response to Mayor Moser, City Attorney Sipple confirmed that the verbiage is only intended to ensure compliance with building codes. Mangiamelli cited City Attorney Schumacher's memo and confirmed that the clause is only intended to protect the city and provide for some accountability. Following extensive discussion, it was moved by Reardon, seconded by Bulkley, to amend the motion and delete Section III of the subdivision agreement. In response to Mayor Moser, Mangiamelli said drainage will not be an issue with this development. Roll call and Council Members Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Augustine-Schulte and Jablonski voted "Nay." Motion carried. Council Member Bogus pointed out that he requested this resolution be continued from the last meeting in order to seek consensus between the city and developer. Roll call on the motion as amended and Council Members Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Augustine-Schulte and Jablonski voted "Nay." Motion carried.

**RESOLUTION NO. R13-07 WAS INTRODUCED BY COUNCIL MEMBER REARDON.**

**RESOLUTION NO. R13-07**

**ADOPTED: FEBRUARY 4, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE THE ENGINEERING SERVICES AGREEMENT WITH SPEECE LEWIS ENGINEERS IN THE AMOUNT OF \$13,100 FOR FINAL DESIGN AND \$15,863 FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CHRISTOPHER'S COVE BRIDGE REHABILITATION PROJECT.

Moved by Reardon, seconded by Schilling, Resolution No. R13-07 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.

**ORDINANCE NO. 13-01 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.**

**ORDINANCE NO. 13-01**

**FIRST READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND SECTION 90.035 OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR COMPENSATION OF MEDICAL EXPENSES TO A VICTIM OF AN ANIMAL ATTACK.

On its first reading, Ordinance No. 13-01 was read by title only at this meeting. City Administrator Mangiamelli requested this ordinance be continued to the February 19, 2013 City Council meeting for a second reading to allow for public input and advanced to the March 4, 2013 City Council meeting for a final reading.

**ORDINANCE NO. 13-02 WAS INTRODUCED BY COUNCIL MEMBER BAHR.****ORDINANCE NO. 13-02****FIRST READING**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO AMEND SECTION 90.060(B) OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR A DESIGNEE FOR THE CHIEF OF POLICE AS PART OF THE EXOTIC ANIMAL PERMIT REVIEW COMMITTEE.

On its first reading, Ordinance No. 13-02 was read by title only at this meeting. City Administrator Mangiamelli requested this ordinance be continued to the February 19, 2013 City Council meeting for a second reading to allow for public input and advanced to the March 4, 2013 City Council meeting for a final reading.

Moved by Bulkley, seconded by Schilling, 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 8:27 p.m.

Presented and approved this 19th day of February, 2013.

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MAYOR

ATTEST:

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CITY CLERK