

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on August 5, 2013 at 7:07 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 July 31, 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 Stephen Hansen, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison, Public Property Director Doug Moore, Public Works Director Roger Buell, Fire Chief Dean Hefti and Transfer Station Supervisor Mike Shemek.

**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 July 15, 2013, City Council meeting.
- B. Approval of reappointment of Keith Gilmore to Board of Appeals for three-year term.
- C. Approval of reappointment of Chuck Whitney as delegate to the Nebraska Cooperative Government Commission for one-year term.

- D. Approval of application of Casey's Retail Company, dba Casey's General Store #3089, for addition to Class "B" (Beer Off Sale Only) licensed premise at 1118 8 Street, Columbus, Nebraska, for 19 ft. x 9 ft. walk in cooler.
- E. Approval to change date of first meeting in September 2013 to 7 p.m., Tuesday, September 3, 2013, due to Labor Day holiday.
- F. Approval of plans, specifications, and cost estimate of \$70,000 for Lost Creek Parkway Warning Beacons as submitted by City Engineer Goedeken and authorization for city staff to advertise for bids. (Plans and specifications are on file in City Clerk's office.)
- G. Approval of Resolution No. R13-82 approving agreement with State of Nebraska Department of Roads in the amount of \$48,614, with the city share being 20%, for purchase of a small bus for the Columbus Area Transit System.
- H. Approval of payroll and bills on file. 8/16/13 Payroll 503,350.29; Clock Tower Auto Mall – Vehicle 16,200.00 TOTAL \$519,550.29.

Council Member Jablonski requested that Item F, approval of plans, specifications, and cost estimate of \$70,000 for Lost Creek Parkway Warning Beacons, as submitted by City Engineer Goedeken, be removed from consent status and considered in its normal sequence on the agenda under Item 13, New Business.

Moved by Schilling, seconded by Bulkley, the items on the consent agenda, with the exception of Item F, 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.

**APPOINTMENT OF ADAM URKOSKI TO NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT (COUNCIL OF OFFICIALS) FOR ONE-YEAR TERM:**

A memorandum was presented from Mayor Moser submitting the name of Adam Urkoski for appointment to the Northeast Nebraska Economic Development District (Council of Officials) for a one-year term. 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.

**AWARD OF QUOTE FOR SCBA UNITS AND CYLINDERS FOR FIRE DEPARTMENT:**

A memorandum was presented from Fire Chief Hefti recommending that the sole source quote for eight SCBA (Self Contained Breathing Apparatus) units and four cylinders for the Fire Department be awarded to FireGuard, Inc. in the amount of \$58,344.96. Moved by Bogus, seconded by Bulkley, the quote be awarded. Fire Chief Hefti explained that the eight units will bring the new eight passenger fire truck into compliance with the NFPA and ISO and the four spare cylinders will also be stored

on the new truck. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**AWARD OF BID FOR TRAILERS FOR TRANSFER STATION:** A memorandum was presented from Public Works Director Buell recommending that the lowest bid for two moving slat, tandem axle, solid waste transfer trailers for the Transfer Station be awarded to Jim Hawk Truck Trailers, Inc. in the amount of \$143,970. Moved by Bogus, seconded by Bahr, the bid be awarded. In response to Mayor Moser, Buell explained that the new trailers are constructed to allow for future retrofitting to work with the design of the new Transfer Station. Jerry Johnson, Sales Representative for Jim Hawk Truck Trailers, Inc., stated that it would cost approximately \$3,800 to retrofit each trailer and the estimated life of a trailer is ten years. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**AWARD OF QUOTE FOR WATER VALVES:** A memorandum was presented from Public Works Director Buell recommending that the low quote for replacement of fifteen water valves be awarded to HD Supply Waterworks in the amount of \$20,228.12. Moved by Bogus, seconded by Schilling, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**AWARD OF QUOTE FOR HYDRANTS:** A memorandum was presented from Public Works Director Buell recommending that the low quote for four large main hydrants be awarded to HD Supply Waterworks in the amount of \$11,694.94. Moved by Augustine-Schulte, seconded by Schilling, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**AWARD OF QUOTE FOR SANITARY SEWER MANHOLE STRUCTURE REPLACEMENT PROGRAM:** A memorandum was presented from Public Works Director Buell recommending that the low quote for the sanitary sewer manhole structure replacement program be awarded to American Concrete Products Co. in the amount of \$11,428.00. Moved by Augustine-Schulte, seconded by Reardon, the quote be awarded. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**PURCHASE OF PICKUP FOR ANIMAL CONTROL:** A memorandum was presented from Police Chief Gumm recommending approval of the purchase of a 2006 Chevy Silverado extended cab pickup from Clock Tower Auto Mall in the amount of \$16,200.00 for Animal Control. Moved by Reardon, seconded by Augustine-Schulte, the purchase be approved. In response to Council Member Bahr, Gumm said specifications could possibly be drafted for purchasing used vehicles; however, he noted that timing and availability would be factors in the search. Gumm pointed out that staff solicited a

number of months from numerous local car dealers prior to finding this pickup. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**AWARD OF PROPOSAL FOR DOCUMENT MANAGEMENT SYSTEM:** A memorandum was presented from Finance Director Kinnison recommending that the proposal for a document management system be awarded to Eakes Office Plus in the amount of \$24,495.00. Moved by Bogus, seconded by Augustine-Schulte, the proposal be awarded. In response to Council Member Augustine-Schulte, Kinnison explained the functions and benefits of a document management system. Steve Racine, Digital Imaging Specialist for Eakes Office Plus, was available to answer questions. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**CHANGE ORDER NO. 1 WITH GEHRING CONSTRUCTION & READY MIX CO., INC. FOR PAVING ON OLD MONASTERY ROAD IN CONJUNCTION WITH STREET CONSTRUCTION 2013 PROJECT:** A memorandum was presented from City Administrator Mangiamelli submitting detailed information and a staff recommendation to approve Change Order No. 1 with Gehring Construction & Ready Mix Co., Inc. in the amount of \$74,168.50 for paving on Old Monastery Road in conjunction with the Street Construction 2013 Project. It was noted that the City's share will be 50% with Farm Credit Services of America being responsible for the remaining 50%. Moved by Bulkley, seconded by Schilling, Change Order No. 1 be approved. City Administrator Mangiamelli referred to a portion of the Old Monastery Road accessing Farm Credit Services property as well as the adjoining city airport property and said Farm Credit Services requested this deteriorated road be paved with the city sharing in the cost. Mangiamelli explained that Gehring Construction currently has a contract with the city for pavement rehabilitation and has agreed to include this project in the contract. 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 COST ESTIMATE OF \$70,000 FOR LOST CREEK PARKWAY WARNING BEACONS AND AUTHORIZATION FOR CITY STAFF TO ADVERTISE FOR BIDS:** A memorandum was presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the plans, specifications and cost estimate of \$70,000 for Lost Creek Parkway Warning Beacons and authorize city staff to advertise for bids. In response to Council Member Jablonski, Goedeken noted that there were a number of unknown factors when determining the estimated cost of this project for budget preparation. Finance Director Kinnison stated that expenditures for the last quarter of the current year are estimated and adjustments can be made prior to adoption of the new budget. John Zwingman, Advanced Consulting Engineering Services, explained that there were a number of discrepancies with the as-built drawings that had to be resolved prior to preparation of the plans and specifications causing a delay in this project. Moved by Jablonski, seconded by Reardon, the plans, specifications and cost estimate be approved and city staff be authorized to advertise for bids. 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 Bulkley said he feels the issue of purchasing used vehicles should be addressed at a Public Finance, Judiciary and Personnel Committee meeting and Council Member Lohr concurred. Council Member Augustine-Schulte reminded drivers to use extra caution as school starts next week.

**RESOLUTION NO. R13-83 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R13-83**  
**ADOPTED: AUGUST 5, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING EXTENSION OF 10-CR-006 WITH NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT TO DECEMBER 31, 2013.

Moved by Bahr, seconded by Bulkley, Resolution No. R13-83 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. R13-84 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**RESOLUTION NO. R13-84**  
**ADOPTED: AUGUST 5, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING EXTENSION OF CONTRACT 11-CR-006 WITH NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT TO AUGUST 9, 2014.

Moved by Bulkley, seconded by Lohr, Resolution No. R13-84 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. R13-85 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.**

**RESOLUTION NO. R13-85**  
**ADOPTED: AUGUST 5, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDED A CONTRACT TO B-D CONSTRUCTION, INC., IN THE AMOUNT OF \$638,720, BEING THE LOWEST RESPONSIBLE BID RECEIVED, FOR SOIL SURCHARGE IN PREPARATION FOR CONSTRUCTION OF THE NEW TRANSFER STATION.

Moved by Jablonski, seconded by Reardon, Resolution No. R13-85 be passed and adopted. In response to Council Member Lohr, Mayor Moser noted that a letter of intent to issue a permit was received from the Department of Environmental Quality and City Administrator Mangiamelli stated that John Dempsey, HDR Engineering, Inc., has verified that site preparation prior to a permit being issued is not a violation. 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. R13-86 WAS INTRODUCED BY COUNCIL MEMBER REARDON.**

**RESOLUTION NO. R13-86**  
**ADOPTED: AUGUST 5, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING AN AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL ENGINEERING, CONSULTING AND RELATED SERVICES IN CONNECTION WITH THE PROJECT KNOWN AS MUNICIPAL SOLID WASTE TRANSFER STATION-SURCHARGE; A COPY OF SAID AGREEMENT IS ATTACHED HERETO; AND TO AUTHORIZE 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 Reardon, seconded by Augustine-Schulte, Resolution No. R13-86 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. R13-87 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.**

**RESOLUTION NO. R13-87**  
**ADOPTED: AUGUST 5, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO DENY THE CLAIM FILED BY PATRICK AND JACALYN POPE SEEKING RECOVERY FOR DAMAGES, A COPY OF WHICH IS ATTACHED HERETO; SAID CLAIM WAS FILED ON JUNE 27, 2013 AND RELATES TO DAMAGES TO THE CLAIMANTS' RESIDENCE.

Moved by Augustine-Schulte, seconded by Schilling, Resolution No. R13-87 be passed and adopted. City Attorney Hansen explained that a Tort Claim has been filed against the City, this resolution will allow the Pope's to proceed with action and the City will then file a third-party suit. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**DISCUSSION AND POSSIBLE ACTION REGARDING EMPLOYMENT CONTRACT WITH CITY ADMINISTRATOR JOSEPH A. MANGIAMELLI AS REQUESTED BY COUNCIL PRESIDENT SCHILLING:**

Moved by Schilling, seconded by Augustine-Schulte, that the City Council go into closed session at 8:03 p.m. The subject matter to be discussed in the closed session shall be evaluation of the job performance of a person, specifically discussion and possible action regarding employment contract with City Administrator Joseph A. Mangiamelli; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; the following individual will be included in the closed session: Mayor Moser. Mayor Moser stated that Council President Schilling has made a motion to go into closed session at this time; the subject matter to be discussed in the closed session shall be evaluation of the job performance of a person, specifically discussion and possible action regarding employment contract with City Administrator Joseph A. Mangiamelli; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; the following individual will be included in the closed session: Mayor Moser. 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 stated that the City Council has voted to go into closed session at this time; the subject matter to be discussed in the closed session shall be evaluation of the job performance of a person, specifically discussion and possible action regarding employment contract with City Administrator Joseph A. Mangiamelli; the reason for going into closed session is for the prevention of needless injury to the reputation of an individual; the following individual will be included in the closed session: Mayor Moser.

Moved by Bahr, seconded by Bulkley, to exit closed session at 8:25 p.m. 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 Bahr, seconded by Bulkley, 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 8:25 p.m.

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

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MAYOR

ATTEST:

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CITY CLERK