

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on November 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 October 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, Jim Bulkley, Ron Schilling, Rich Jablonski, John Lohr and Terry Reardon. Council Member Ron Bogus was absent and excused.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Attorney Stephen Hansen, City Engineer David Goedeken, Finance Director Anne Kinnison, Police Chief William Gumm, Public Works Director Roger Buell 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 October 21, 2013, City Council meeting.
- B. Approval of Finance Department reports.
- C. Approval of payroll and bills on file. 11/8/13 Payroll \$485,775.97. TOTAL \$485,775.97.

Moved by Schilling, seconded by Lohr, the items on the consent agenda, being routine in nature, be approved as presented. Roll call and Council Members Augustine-

Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

APPOINTMENT OF JEFFREY JOHNSON TO CITIZEN'S ADVISORY REVIEW

COMMITTEE: A memorandum was presented from Mayor Moser submitting the name of Jeffrey Johnson for appointment to the Citizen's Advisory Review Committee to fill the unexpired term of Larry Marik. 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, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

AWARD OF QUOTE FOR MESSAGE BOARD FOR WATER UTILITIES:

A memorandum was presented from Public Works Director Buell recommending the quote for a variable message board for the Water Utilities Department be awarded to Stan Houston Equipment Co. in the amount of \$15,485. Moved by Bulkley, seconded by Augustine-Schulte, the quote be awarded. Buell explained that the message board will be used to inform the public of any water or sewer issues and can be shared by other departments. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

REQUEST OF COUNCIL MEMBER AUGUSTINE-SCHULTE TO RECONSIDER SIDEWALK REPAIR POLICY ADOPTED OCTOBER 7, 2013:

Communications were presented from Mayor Moser and City Administrator Mangiamelli recommending that the City Council reconsider the recently adopted sidewalk repair/replacement policy removing the regulation that all sidewalks in a one block radius from a reported complaint be inspected. A letter was also presented from City Attorney Hansen submitting detailed information and an opinion that the city needs to have an inspection program in place and be proactive in order to minimize liability and comply with state law. It was also noted that the city has to make note of dangerous or defective sidewalks and cannot avert attention away from a defective sidewalk that has not been reported. Moved by Augustine-Schulte, seconded by Jablonski, the sidewalk repair policy adopted at the October 7, 2013 City Council meeting be reconsidered. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried. Mayor Moser expressed concerns with addressing only reported sidewalks. City Attorney Hansen pointed out that the city should take a proactive approach and he referred to an incident where a citizen was injured by a fallen tree limb in a city park and the city was not held liable due to the fact a tree inspection program was in place. Extensive discussion was held with regard to the amount of area adjacent to or surrounding a reported defective sidewalk that should be inspected, whether a plan should be developed for a sidewalk rehabilitation program, or whether letters should be sent city-wide advising all property owners to inspect their sidewalks and make any necessary repairs. City Engineer Goedeken reported that all cities are required to create a Transition Plan to become ADA (American with Disabilities Act)

compliant in order to receive federal assistance and providing safe sidewalks will be part of the plan. Further discussion was held with regard to sidewalk policies in other Nebraska communities as well as seeking additional guidance from the insurance company. Moved by Augustine-Schulte, seconded by Bulkley, to revise the sidewalk repair policy to state that all sidewalks in a one block radius from a reported sidewalk complaint be inspected. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council President Schilling expressed approval of the warning signals on the Lost Creek Parkway.

RESOLUTION NO. R13-119 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

RESOLUTION NO. R13-119
ADOPTED: NOVEMBER 4, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AMENDMENT NO. 10 TO THE CONTRACT WITH JACOBSON SACHELL CONSULTANTS, INC., IN THE AMOUNT OF \$5,500 FOR WORK PLAN, ABANDONMENT OF EXISTING GROUND WATER MONITORING WELLS, AND PREPARATION OF FINAL REPORT FOR SUBMITTAL TO NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY (NDEQ) AND NEBRASKA DEPARTMENT OF NATURAL RESOURCES FOR OLD LANDFILL SITE, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Reardon, seconded by Schilling, Resolution No. R13-119 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

RESOLUTION NO. R13-120 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R13-120
ADOPTED: NOVEMBER 4, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, DECLARING THE OFFICIAL INTENT OF THE CITY TO REIMBURSE CERTAIN EXPENDITURES FOR ACQUIRING, CONSTRUCTING, EQUIPPING, AND FURNISHING A NEW SOLID WASTE TRANSFER STATION IN AN AMOUNT NOT TO EXCEED \$6,000,000.

Moved by Jablonski, seconded by Schilling, Resolution No. R13-120 be passed and adopted. City Administrator Mangiamelli explained that this is the first step in the process for this project and noted that Phil Lorenzen, D.A. Davidson & Co. and Bond Underwriter for the City of Columbus, will be attending the November 18th Committee of the Whole meeting to explain the process in detail. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried.

Moved by Bulkley, seconded by Schilling, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Council Member Bogus was absent. Motion carried and the meeting was adjourned at 7:43 p.m.

Presented and approved this 18th day of November, 2013.

MAYOR

ATTEST:

CITY CLERK