

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on December 2, 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 November 27, 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, Finance Director Anne Kinnison, Police Chief William Gumm, Public Property Director Doug Moore, Fire Chief Dean Hefti, Public Works Director Roger Buell, Water Utility Supervisor Chuck Sliva, and Wastewater Treatment Facility Supervisor Marty Eaton.

**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.

**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 and third time. No other nominations were brought forward. Moved by Bulkley, seconded by Bogus, 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 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 he congratulated him.

**APPOINTMENT OF COUNCIL COMMITTEE MEMBERS:** A memorandum was presented from Mayor Moser submitting the following names for reappointment to Council Committees: Public Finance, Judiciary and Personnel Committee – Council Members Ron Bogus, John Lohr, Ron Schilling, and Beth Augustine-Schulte; and Public Property, Safety and Works Committee – Council Members Charlie Bahr, Jim Bulkley, Richard E. 'Rich' Jablonski, and Terry Reardon. Moved by Bulkley, seconded by Schilling, to approve the Mayor's reappointments. 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 reported that consensus of both committees was to continue with the same members.

**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 18, 2013, Community Development Agency and City Council meetings.
- B. Approval of reappointment of Barbara Duffy, Chuck Sahs, and Dick Tooley to Business Improvement Board for three-year terms.
- C. Approval of reappointment of James C. Murphy to Columbus Board of Airport Commissioners for three-year term.
- D. Approval of reappointment of Charlie Bahr, Mike Fleming, William Gumm, Dean Hefti, Joseph Mangiamelli, Michael Middendorf, Mike Oglevie, Ron Schilling, and Chuck Sliva to Municipal Recognition Committee for one-year terms.
- E. Approval of appointment of Doug Moore to Municipal Recognition Committee for one-year term.
- F. Approval of specifications and estimate of cost in the amount of \$85,000 for golf cars, as submitted by Public Property Director Moore, and authorization for staff to advertise for bids.
- G. Approval of specifications and estimate of cost in the amount of \$40,000 for Aquatic Center UV system, as submitted by Public Property Director Moore, and authorization for staff to advertise for bids.
- H. Approval of Resolution No. R13-128 reaffirming city's intent to provide or expand municipal solid waste collection service.
- I. Approval of payroll and bills on file. 12/6/13 Payroll \$503,753.71 TOTAL \$503,753.71.

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.

**PUBLIC HEARING - APPLICATION OF FERNANDO LOPEZ FOR A SPECIAL USE PERMIT TO ALLOW AUTOMOTIVE SALES, RENTALS, AND GENERAL RETAIL SERVICES IN AN "ML/C-1" (LIGHT INDUSTRIAL DISTRICT) ZONE AT 2304 11 STREET:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Fernando Lopez for a special use permit to allow automotive sales, rentals, and general retail services in an "ML/C-1" (Light Industrial District) zone located on Lot 8 and the east 41 feet 1 inch of Lot 7, Block 95, Original City of Columbus, Platte County, Nebraska (2304 11 Street). The Affidavit of Posting and Mailing Notices was presented. A memorandum was presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the special use permit. The Planning Commission recommended approval. No one spoke regarding this issue and no one appeared in opposition. Moved by Schilling, seconded by Bulkley, 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. 13-26 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.**

**ORDINANCE NO. 13-26**  
**ADOPTED: DECEMBER 2, 2013**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO ALLOW AUTOMOTIVE RENTAL/SALES AND GENERAL RETAIL SERVICES ON THE FOLLOWING

DESCRIBED REAL ESTATE IN A "ML/C-1" (LIGHT INDUSTRIAL DISTRICT) ZONE, TO WIT: LOT 8 AND THE EAST 41 FEET 1 INCH OF LOT 7, BLOCK 95, ORIGINAL CITY OF COLUMBUS, PLATTE COUNTY, NEBRASKA LYING SOUTH OF THE UNION PACIFIC RAILROAD RIGHT OF WAY AND THAT PORTION CONVEYED TO THE UNION PACIFIC RAILROAD CONTAINED IN RIGHT OF WAY DEED DATED NOVEMBER 8, 1865 AND RECORDED DECEMBER 13, 1865 IN BOOK "C" AT PAGE 223 AND RIGHT OF WAY DEED DATED NOVEMBER 9, 1865 AND RECORDED DECEMBER 13, 1865 IN BOOK "C" AT PAGE 225 OF THE DEED RECORDS OF PLATTE COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Bulkley, seconded by Bahr, the rules be suspended and Ordinance No. 13-26 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. 13-26 was read by number only at this meeting.

Moved by Bulkley, seconded by Bahr, Ordinance No. 13-26 be passed and adopted. In response to Council Member Reardon, City Administrator Mangiamelli said there are other properties in the area that are zoned "ML/C-1" (Light Industrial District).

Mayor Moser put the question, "Shall Ordinance No. 13-26 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. 13-26," and it was duly signed.

**PUBLIC HEARING - APPLICATION OF RICHARD AND BARBARA AVERETT FOR A SPECIAL USE PERMIT TO ALLOW FOR CONVENIENCE STORAGE IN A "B-2" (GENERAL COMMERCIAL DISTRICT) ZONE AT 2625 38 STREET:** The Affidavit of Publication and Notice of Hearing were presented on the application of Richard and Barbara Averett for a special use permit to allow for convenience storage in a "B-2" (General Commercial District) zone in the Northwest 1/4 of Section 18, Township 17 North, Range 1 East of the 6th P.M., Platte County, Nebraska (2625 38 Street). It was noted that this public hearing was continued from the October 21, 2013 meeting. A memorandum dated August 7, 2013 was presented from Community Development Director Curtis submitting detailed information and a staff recommendation to approve the special use permit contingent upon submittal of an approved drainage plan prior to the public hearing. A memorandum dated September 30, 2013 was presented from City Administrator Mangiamelli requesting the public hearing scheduled for the October Planning Commission be continued until a site/drainage plan is provided. A memorandum from City Engineer Goedeken was also presented submitting detailed information and a staff recommendation that the site plan, prepared by Gilmore and Associates, be approved with the following stipulations: 1) The site plan submitted becomes part of the special use permit application; 2) Approval of the special use permit be contingent upon compliance with the site plan and the elevations shown on the plan; and 3) The site plan as submitted for building permits, shall meet setback, landscaping, screening, and building code requirements of the City. The Planning Commission recommended approval with contingencies as listed in the staff recommendation. Doug Briese, 2817 38 Street, distributed a letter addressed to the City Council members reporting that some property owners in this area have restricted the drainage way in the past. Briese stated that he is not opposed to utilizing the property for convenience storage; however, he would like reassurance that the property owner will not alter the drainage path. City Administrator Mangiamelli pointed out that Ordinance No. 13-27 includes stipulations for compliance with the site plan as well as elevations and any violation of the Special Use Permit would be cause for revocation. Moved by Bulkley, seconded by Reardon, 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. 13-27 WAS INTRODUCED BY COUNCIL MEMBER REARDON.****ORDINANCE NO. 13-27****ADOPTED: DECEMBER 2, 2013**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO ISSUE A SPECIAL USE PERMIT TO ALLOW CONVENIENCE STORAGE ON THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT: A TRACT OF LAND LOCATED IN THE NW1/4 OF SECTION 18, T17N, R1E OF THE 6TH P.M., IN PLATTE COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER NW1/4 OF SECTION 18, T17N, R1E OF THE 6TH P.M., IN PLATTE COUNTY, NEBRASKA, AND ASSUMING THE EAST LINE OF SAID NW1/4 TO HAVE A BEARING OF S 00°01'41"W; THENCE S 00°01'41"W AND ON SAID EAST LINE, 534.81 FEET; THENCE N 88°59'37"W, 259.62 FEET; THENCE N 00°05'36"W, 140.04 FEET; THENCE N 89°02'29"W, 79.87 FEET TO THE POINT OF BEGINNING; THENCE N 89°02'29"W, 255.82 FEET; THENCE N 00°58'15"E, 85.00 FEET; THENCE S 89°02'29" E, 254.42 FEET; THENCE S 00°01'41"W, 85.00 FEET, TO THE POINT OF BEGINNING CONTAINING 0.57 ACRES, MORE OR LESS, TO REPEAL ALL ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE.

Moved by Reardon, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 13-27 be read by number only at this meeting. In response to Council Member Jablonski, City Attorney Hansen explained that the property owner will not be allowed to utilize the property for convenience storage until the terms of the Special Use Permit have been met. City Administrator Mangiamelli pointed out that the stipulations included in the ordinance will provide for enforcement if necessary. In response to Council President Schilling, Clark Grant, on behalf of the applicant, explained that the applicant has entered into a purchase agreement with Brian Blair contingent upon approval of the Special Use Permit. Grant described the planned location for the storage building and said there will be sufficient drainage on the property. Roll call on the motion to suspend the rules and read Ordinance No. 13-27 by number only and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 13-27 was read by number only at this meeting.

Moved by Reardon, seconded by Bahr, Ordinance No. 13-27 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 13-27 be passed and adopted?" Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr and Reardon voted "Aye" and Schilling voted "Nay." Motion carried.

Mayor Moser declared, "By your action, you have passed Ordinance No. 13-27," and it was duly signed.

**AWARD OF QUOTE FOR VAPOR ROOT SYSTEM FOR WATER UTILITIES:** A memorandum was presented from Public Works Director Buell recommending the quote for a vapor root system for Water Utilities be awarded to Nebraska Environmental Products in the amount of \$36,000. Moved by Augustine-Schulte, seconded by Schilling, the quote be awarded. In response to Council Member Lohr, Utility Supervisor Sliva explained how the vapor root system works and said applicators will be required to be certified, one treatment should last two to three years, and the process will not harm the trees. 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 TWO 3/4 TON PICKUPS FOR WATER UTILITIES AND WASTE WATER TREATMENT FACILITY:** A memorandum was presented from Public Works Director Buell recommending the quote for two 3/4 ton pickups for Water Utilities and Waste Water Treatment Facility be awarded to Gene Steffy Ford in the amount of

\$24,530 for each pickup. Moved by Bulkley, 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 CONTROLLED ACCESS AND CAMERA SYSTEM FOR FIRE DEPARTMENT MAIN STATION AND CHARLIE LOUIS STATION:**

A memorandum was presented from Fire Chief Hefti recommending the quote for a controlled access and camera system for the Columbus Fire Department Main Station and Charlie Louis Station be awarded to Security Equipment Inc. (SEi) in the amount of \$13,982 for both stations. Moved by Schilling, seconded by Reardon, the quote be awarded. In response to Council Member Lohr, Fire Chief Hefti said the system can be transferred to a new facility if needed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**APPROVAL OF JOINT STIPULATION WITH BRIAN L. BLAIR, DEBRA K. BLAIR AND BLAIR, INC. REGARDING DRAINAGE BACKUP ISSUES AT 34 STREET AND 29 AVENUE:**

A memorandum was presented from City Administrator Mangiamelli submitting detailed information and a staff recommendation to approve the Joint Stipulation with Brian L. Blair, Debra K. Blair and Blair, Inc. for settlement of drainage backup issues at 34 Street and 29 Avenue. Moved by Bulkley, seconded by Bahr, the joint stipulation be approved. Mangiamelli explained the events that have transpired to date and said while the Joint Stipulation is not as favorable as the city would have hoped for, it does provide for resolution without incurring additional legal costs. Mangiamelli pointed out that the Joint Stipulation provides for cost sharing to resolve the city's issues with regard to water ponding on the street following an average rain storm. Private property drainage issues may still occur; however, it is anticipated that those issues should be alleviated. City Attorney Hansen stated that approval of the Joint Stipulation will provide for a simpler recourse process. Doug Briese, 2817 38 Street, expressed concerns with regard to potential blocking of the drainage way. Mangiamelli pointed out that this agreement only addresses drainage issues on the street. City Attorney Hansen explained the legalities of the case and said the city will be able to dismiss the case once the joint stipulation has been authorized. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Lohr and Reardon voted "Aye" and Jablonski voted "Nay." Motion carried.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** Council Member Jablonski announced that Council Member Lohr will be receiving the Chuck Farnham Volunteer of the Year award at the Columbus Area Chamber of Commerce Business Hall of Fame event on December 3rd and all in attendance applauded Mr. Lohr. Council Member Lohr thanked everyone for the recognition and also expressed gratitude for all the condolences he and his family received on the recent passing of his mother.

**RESOLUTION NO. R13-129 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R13-129**  
**ADOPTED: DECEMBER 2, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH HDR ENGINEERING, INC., FOR ENGINEERING SERVICES RELATED TO THE WASTEWATER TREATMENT FACILITY PHASE 2 IMPROVEMENTS AT A COST OF \$431,020.

Moved by Bahr, seconded by Bulkley, Resolution No. R13-129 be passed and adopted. In response to Council Member Lohr, City Administrator Mangiamelli explained that it was determined that combining phases of this project would not be the best option as it would require a significant increase in the rates. In response to Mayor Moser, Daryl Kottwitz, Project Manager of HDR Engineering, Inc., explained that this agreement includes the pre-design phase to look at concepts that would be compatible with future

nutrient removal requirements. 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. R13-130 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.**

**RESOLUTION NO. R13-130**  
**ADOPTED: DECEMBER 2, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA APPROVING AN AMENDMENT TO THE CITY OF COLUMBUS ONE AND SIX YEAR STREET PLAN.

Moved by Bogus, seconded by Schilling, Resolution No. R13-130 be passed and adopted. It was noted that this amendment will include a section of the Old Monastery Road from the Lost Creek Parkway to the south abutment of the Lost Creek Diversion Channel Bridge. 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. R13-131 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.**

**RESOLUTION NO. R13-131**  
**ADOPTED: DECEMBER 2, 2013**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE AGREEMENT WITH THE COLUMBUS RURAL FIRE PROTECTION DISTRICT, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH.

Moved by Jablonski, seconded by Reardon, Resolution No. R13-131 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.

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 8:05 p.m.

Presented and approved this 16th day of December, 2013.

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MAYOR

ATTEST:

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CITY CLERK