

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on January 6, 2014 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 December 26, 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, Public Works Director Roger Buell, Police Captain Todd Thalken, 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 December 16, 2013, City Council meeting.
- B. Approval of report from Columbus Housing Authority (Annual Report) ~ Computation of Payments in Lieu of Taxes.
- C. Approval of award of bid to Nebraska Golf and Turf in the amount of \$73,360 for 20 golf cars, as submitted by Public Property Director Moore.

D. Approval of award of bid to Aqua-Chem, Inc. in the amount of \$35,383 for UV System at the Aquatic Center, as submitted by Public Property Director Moore.

E. Approval of award of low bids for equipment as follows:

QTY	UNIT	DEPT	BID PRICE	FIRM
1	Tractor-Loader	Parks	\$89,721	Titan Machinery
1	5 CY Dump Truck	Street	\$90,377	Express Truck Center

F. Approval of Resolution No. R14-01 approving agreement between East Central Region 911 Emergency Communications Equipment Sharing Group (EC911) and Emergency CallWorks, Inc., with City of Columbus serving as the fiscal agent for a Shared Regional 911 System.

G. Approval of payroll and bills on file. 1/17/13 Payroll \$481,611.19; State of Nebraska Department of Revenue – Sales Tax 29,086.14 TOTAL \$510,697.33.

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, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

**PUBLIC HEARING – APPLICATION OF NESSA'S LLC, DBA NESSA'S, FOR RETAIL CLASS "B" BEER OFF SALE ONLY LIQUOR LICENSE AT 1520 17 STREET:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Nessa's LLC, dba Nessa's, for a Retail Class “B” Beer Off Sale Only Liquor License at 1520 17 Street. The following exhibits were also presented: Exhibit “A” - Application; Exhibit “B” - Notice of hearing; Exhibit “C” - Letter to applicant; Exhibit “D” - Police Chief's report; Exhibit “E” - City Engineer's report; Exhibit “F” - List of current liquor license holders; and Exhibit “G” - Criteria for approval/denial of license. A memorandum was included from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, seconded by Lohr, the public hearing be closed, the application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted “Aye” and none voted “Nay.” Motion carried.

**APPLICATION OF VANESSA OCEGUERA AS MANAGER OF NESSA'S IN CONJUNCTION WITH CLASS "B" LIQUOR LICENSE:**

The application of Vanessa Ocegura as manager of Nessa's, 1520 17 Street, in conjunction with their Class “B” Liquor License, was presented. A memorandum was also presented from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. Moved by Bulkley, seconded by Bahr, the manager application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. 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 SMOKERS OUTLETS, INC., DBA SMOKERS OUTLET #10, FOR RETAIL CLASS "D" BEER, WINE, DISTILLED SPIRITS, OFF SALE ONLY LIQUOR LICENSE AT 2404 23 STREET:**

The Affidavit of Publication and Notice of Hearing were presented on the application of Smokers Outlet, Inc. dba Smokers Outlet #10, for a Retail Class "D" Beer, Wine, Distilled Spirits, Off Sale Only Liquor License at 2404 23 Street. The following exhibits were also presented: Exhibit "A" - Application; Exhibit "B" - Notice of hearing; Exhibit "C" - Letter to applicant; Exhibit "D" - Police Chief's report; Exhibit "E" - City Engineer's report; Exhibit "F" - List of current liquor license holders; and Exhibit "G" - Criteria for approval/denial of license. A memorandum was included from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, seconded by Schilling, the public hearing be closed, the application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**APPLICATION OF JOHN NOTHNAGEL AS MANAGER OF SMOKERS OUTLET #10 IN CONJUNCTION WITH CLASS "D" LIQUOR LICENSE:**

The application of John Nothnagel as manager of Smokers Outlet #10, 2404 23 Street, in conjunction with their Class "D" Liquor License, was presented. A memorandum was also presented from the City Clerk's office regarding Nebraska Liquor Control Commission requirements. Moved by Bulkley, seconded by Bahr, the manager application be approved and a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action. 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 ROBBIN CUTSOR TO BOARD OF PARKS COMMISSIONERS FOR THREE-YEAR TERM:**

A memorandum was presented from Mayor Moser submitting the name of Robbin Cutsor for appointment to the Board of Parks Commissioners for a three-year term. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Bahr, 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 CATHY GALLEY SANSONI TO CEMETERY BOARD FOR THREE-YEAR TERM:**

A memorandum was presented from Mayor Moser submitting the name of Cathy Galley Sansoni for appointment to the Cemetery Board for a three-year term. Council President Schilling read a brief resume and it was moved by Schilling, seconded by Bahr, 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 FRED BELLUM TO CIVIL SERVICE COMMISSION TO FILL UNEXPIRED TERM OF JAMES STECKER:**

A memorandum was presented from Mayor Moser submitting the name of Fred Bellum for appointment to the Civil Service Commission to fill the unexpired term of James Stecker. 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.

**AWARD OF QUOTE FOR 1/2 TON PICKUP FOR STREET DEPARTMENT:** A memorandum was presented from City Engineer Goedeken recommending the quote for a 1/2 ton pickup for the Street Department be awarded to Gene Steffy Ford in the amount of \$18,999. Moved by Bogus, seconded by Augustine-Schulte, 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 FROM CURRENT NEBRASKA STATE BID FOR CRAFCO TAR MACHINE FOR STREET DEPARTMENT:** A memorandum was presented from City Engineer Goedeken recommending the quote for a CrafcO tar machine for the Street Department be awarded to Logan Contractor's Supply from the current Nebraska State Bid Contract in the amount of \$25,120. Moved by Schilling, seconded by Bulkley, 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 ROAD DRAG FOR STREET DEPARTMENT:** A memorandum was presented from City Engineer Goedeken recommending the quote for a road drag for the Street Department be awarded to Midwest Sales and Service in the amount of \$12,500. Moved by Bulkley, seconded by Bahr, 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 IBM POWER 720 PLUS MID-FRAME COMPUTER INCLUDING A THREE YEAR MAINTENANCE PLAN:** A memorandum was presented from Finance Director Kinnison recommending the quote for an IBM Power 720 Plus mid-frame computer including a three year maintenance plan be awarded to Sirius Computer Solutions in the amount of \$36,750. Moved by Bulkley, seconded by Schilling, the quote be awarded. In response to Council Member Bulkley, Kinnison stated that the current computer has very little value, is a different type of technology and the city will continue utilizing it for back-ups. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

**REJECT BIDS FOR CONSTRUCTION OF SOLID WASTE TRANSFER STATION AND AUTHORIZATION TO RE-ADVERTISE FOR BIDS:** A memorandum was presented from Public Works Director Buell submitting the results of the bid opening held December 18, 2013 at 2 p.m., as well as detailed information and a staff recommendation, with concurrence of City Attorney Hansen, that all bids for construction of the Columbus Municipal Solid Waste Transfer Station facility be rejected and the City be authorized to re-advertise for bids. A letter was presented from HDR Engineering, Inc. submitting detailed information with regard to the technical review and

evaluation of the bid forms as well as a recommendation that the City consider rejecting all bids and re-advertise the project due to irregularities in three of the bids that were submitted. A letter was also presented from Meco-Henne Contracting, Inc., the apparent low bidder for this project, explaining an error in the calculation of their bid and stating that the error is significant enough that they cannot accept an award without correction of the bid. Buell explained that following discussions with HDR and the City Attorney, city staff felt the best option would be to reject the bids and re-advertise. City Attorney Hansen referred to the clerical error made by Meco-Henne and said the following three options are available: 1) Reject all bids and re-advertise; 2) Accept the second lowest, responsible bid; or 3) Compel the low bidder to go with the bid submitted. Hansen pointed out that he does not feel the third option would be the best as it would be expensive and time-consuming with uncertainty of the outcome. City Administrator Mangiamelli stated that should the bids be rejected, Item 3, the odor/dust suppression system, will be included in the specifications and Item 4, additional seeding, beyond the limits and extent specified, will be clarified. Hansen referred to the error made by the apparent low bidder and explained that state statute allows a bid to be withdrawn when a clerical mistake is made and not caused by negligence and the bid bond is also withdrawn. Extensive discussion followed with regard to the errors on the bids as well as the potential effects of each option. Moved by Reardon, to accept the second low bid. Hansen suggested that a motion be made to amend the agenda to reflect that the second low bid be accepted. Mangiamelli pointed out that there was an error on Item 4 on the second low bid which could result in a significant increase in the total cost of the project. The motion by Reardon not yet having a second, it was moved by Schilling, to reject all bids. Hansen advised that a second be made on the first motion in order to receive comments from the public. Jablonski seconded the motion to accept the second low bid. The motion to reject all bids died for lack of a second. John Henne of Meco-Henne Contracting, Inc. apologized for the error and reported that this is the first time in thirty years of conducting business that they have had to request a bid be withdrawn. Henne referred to his company's previous experience in Columbus and said he would like to be permitted to re-bid this project should the bids be rejected. Henne pointed out that he does not feel that re-advertising the project would delay the schedule. John Bierman of Bierman Contracting, Inc. asked the City Council to consider the original bids that were submitted as he feels it is unethical to reject the bids and re-advertise. Jeff Keating of Bierman Contracting, Inc. referred to the error on Item 4 and noted that this item is an option that may not be included in the total project. Mayor Moser questioned whether the City Council would like to take a recess and concurrence was to continue with the meeting. Hansen stated that the motion on the table to accept the second low bid was not an agenda item and he recommended that a motion be made to reject the bids and re-advertise. Council Member Reardon, with consent of his second, withdrew his motion. Moved by Bogus, seconded by Augustine-Schulte, the bids be rejected and staff be authorized to re-advertise for bids. Hansen stated that should the motion to reject the bids fail, he would recommend that award of the bid be placed on a future agenda. In response to Council Member Lohr, Mangiamelli explained that should the motion to reject the bids pass, clarification of the line items, as well as provisions of whether or not to allow Meco-Henne to re-bid, will be detailed in the specifications. Roll call and Council Member Bogus voted "Aye" and Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Nay." Motion failed.

**COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS:** There were no comments from the Mayor and City Council members.

**RESOLUTION NO. R14-02 WAS INTRODUCED BY COUNCIL MEMBER BAHR.**

**RESOLUTION NO. R14-02**  
**ADOPTED: JANUARY 6, 2014**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, DENYING THE CLAIM FILED BY ROGER AND KAREN IWANSKY SEEKING RECOVERY FOR DAMAGES, A COPY OF WHICH IS ATTACHED HERETO; SAID CLAIM WAS FILED ON AUGUST 7, 2013, AND RELATES TO DAMAGES TO THE CLAIMANTS' RESIDENCE.

Moved by Bahr, seconded by Augustine-Schulte, Resolution No. R14-02 be passed and adopted. In response to Council Member Bulkley, City Attorney Hansen explained that Mr. and Mrs. Iwansky have requested this denial in order to proceed with action. 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 8:03 p.m.

Presented and approved this 20th day of January, 2014.

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MAYOR

ATTEST:

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CITY CLERK