

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on August 4, 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 July 31, 2014, 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, Rich Jablonski, John Lohr, Terry Reardon, and Ron Schilling.

City staff members present included City Administrator Joseph Mangiamelli, City Clerk Janelle Kline, City Attorney Stephen Hansen, City Engineer Rick Bogus, Finance Director Anne Kinnison, Police Chief William Gumm, Public Works Director Roger Buell, Public Property Director Doug Moore, Water Production Supervisor Bob Kloke, and Lead Animal Control Officer Donna Winig.

PRAYER: Council President Schilling led in prayer.

NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE: Mayor Moser asked all to 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 21, 2014, Community Development Agency and City Council meetings.
- B. Approval of reappointment of Chuck Whitney as delegate to the Nebraska Cooperative Government Commission for one-year term.
- C. Approval of reappointment of Darrell Burrows and Richard Snyder to the Board of Appeals for three-year terms.

- D. Approval of reappointment of Ron Schilling to the Northeast Nebraska Area Agency on Aging Advisory Council for three-year term.
- E. Approval to change date of first meeting in September 2014 to 7 p.m., Tuesday, September 2, 2014, due to Labor Day holiday.
- F. Approval of Resolution No. R14-70 designating Jim Bulkley as representative and the City Administrator as alternate representative to Solid Waste Coalition Board of Directors to become effective December 1, 2014.
- G. Approval of Resolution No. R14-71 approving Supplemental Agreement No. 1 with the State of Nebraska Department of Roads to increase federal funds by \$8,000 from \$131,214 to \$139,214 for operating assistance in conjunction with the Columbus Area Transit program.
- H. Approval of Resolution No. R14-72 approving First Amendment to Communications Site Option and Land Lease Agreement with Verizon Wireless to provide space for additional carrier on cellular tower east of 33 Avenue on city owned land.
- I. Approval of payroll and bills on file. 8/15/14 Payroll \$511,432.31; Heartland Communications – phone system 36,024.00. TOTAL \$547,456.31.

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, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR TOUCH SCREEN KIOSK IN COLUMBUS CEMETERY: A memorandum was presented from Public Property Director Moore recommending the quote for a touch screen kiosk in Columbus Cemetery be awarded to Windy Prairie Systems in the amount of \$26,900. It was noted that Windy Prairie Systems submitted the only quote for this project and staff has contacted numerous cemeteries that have a kiosk from Windy Prairie Systems and all are extremely satisfied with the equipment, installation, training, and service. Moved by Bogus, seconded by Bulkley, the quote be awarded. Extensive discussion followed with regard to electricity costs, operation and upkeep of the kiosk, hours of operation, the number of potential users, as well as the feasibility of providing burial information on the city website or utilizing other website services as alternate options. The Cemetery Board recommended approval and this item was included in the 2013-2014 Budget. Burial records from both Columbus and Roselawn Cemeteries would be included in the directory, the kiosk would be located in Columbus Cemetery and if needed, another kiosk could be included in a future budget for Roselawn Cemetery. The functions of the kiosk would be set on a timer to coincide with the cemetery hours and a cover would automatically close over the screen when shut down in order to protect the screen and prevent vandalism. Mayor Moser said he does not feel this is good use of taxpayer dollars and pointed out that this could be an opportunity for a fundraiser project. Council Member Bulkley expressed concerns with the cost of the kiosk. Moore noted that an IT (Information Technology) person would be

able to answer questions with regard to costs and feasibility of having the information available on the website. Following further discussion, it was determined that additional information is needed in order to make a decision on this issue and Council Member Bogus, with the consent of his second, withdrew his motion. Moved by Lohr, seconded by Schilling, to remove this item from the agenda. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

AWARD OF QUOTE FOR TEN FIRE HYDRANTS IN CONJUNCTION WITH FIRE HYDRANT REPLACEMENT PROGRAM: A memorandum was presented from Public Works Director Buell recommending the lowest quote received for ten fire hydrants in conjunction with the fire hydrant replacement program be awarded to HD Supply, Inc. in the amount of \$26,330.88. Moved by Augustine-Schulte, seconded by Schilling, the quote be awarded. Buell reported there are 1,500 fire hydrants that were installed in the 1950's and this replacement program was established to keep all hydrants operational. All hydrants are tested and flushed annually. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

SET DATE OF PUBLIC HEARING ON 2014-2015 BUDGET: Moved by Bulkley, seconded by Augustine-Schulte, the public hearing on the 2014-2015 Budget be set for September 2, 2014, at 7 p.m. Mayor Moser invited the public to contact city staff with any questions prior to the budget hearing. Finance Director Kinnison pointed out that the budget is available on the city's website.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Augustine-Schulte referred to recent comments on social media with regard to plans for the old Union Pacific train depot and requested this issue be scheduled as an agenda item for the next City Council meeting. Council Member Lohr congratulated Council Member Jablonski on being selected as this year's King Ferdinand and all in attendance applauded. Council Member Bulkley welcomed back City Attorney Hansen. Mayor Moser pointed out that there is an opening to serve on the Library Board and asked anyone who may be interested in serving to contact Nancy Saalfeld at City Hall. Mayor Moser announced that Congressman Jeff Fortenberry will be a guest at the Mayor's Round Table on Tuesday, August 5, 2014, at 3:30 p.m. to discuss current events in Washington D.C. as well as hosting a town hall meeting at 5 p.m. to answer questions from the public.

RESOLUTION NO. R14-73 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R14-73
ADOPTED: AUGUST 4, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE CITY'S SHARE OF A CONTRACT TO SCHMADER ELECTRIC IN THE AMOUNT OF \$83,063 (\$20,765.75 PAID BY THE CITY AND \$62,297.25 PAID BY GRANT FROM THE NEBRASKA EMERGENCY MANAGEMENT

AGENCY) FOR REPLACEMENT OF FOUR EMERGENCY OUTDOOR WARNING SIRENS IN COLUMBUS.

Moved by Augustine-Schulte, seconded by Schilling, Resolution No. R14-73 be passed and adopted. City Administrator Mangiamelli confirmed that the sirens need to be replaced. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R14-74 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

RESOLUTION NO. R14-74
ADOPTED: AUGUST 4, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AWARDING A CONTRACT TO HOA SOLUTIONS, INC. IN THE AMOUNT OF \$125,285 FOR VARIABLE FREQUENCY DRIVES FOR MUNICIPAL PRODUCTION WELL PUMP MOTORS.

Moved by Bogus, seconded by Augustine-Schulte, Resolution No. R14-74 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R14-75 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

RESOLUTION NO. R14-75
ADOPTED: AUGUST 4, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ACCEPT THE DEDICATION OF WATERMAIN EASEMENT GRANTED TO THE USE AND BENEFIT OF THE CITY FROM BETTY L. GREINER OVER AND ACROSS THE FOLLOWING-DESCRIBED REAL PROPERTY FOR THE PURPOSE OF A PUBLIC WATERMAIN IN CONJUNCTION WITH THE NEW TRANSFER STATION PROJECT, TO-WIT: A 12.0 FOOT WIDE EASEMENT BEING THE EAST 12.0 FEET OF THE NORTH 190.0 FEET OF A PARCEL OF LAND DESCRIBED AS FOLLOWS; A TRACT OF LAND LOCATED IN SECTION 29, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA: THENCE SOUTH ALONG AND UPON THE WEST LINE OF SAID SOUTHWEST 1/4 A DISTANCE OF 779.70 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE EAST A DISTANCE OF 331.89 FEET ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST 1/4 TO A POINT; THENCE NORTH 780.06 FEET ON A LINE PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST 1/4 TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST 1/4; THENCE WEST ALONG AND UPON THE NORTH LINE OF SAID SOUTHWEST

1/4 A DISTANCE OF 331.41 FEET TO THE POINT OF BEGINNING. CONTAINING 5.93 ACRES MORE OR LESS; IN ADDITION, ACCEPT THE DEDICATION OF WATERMAIN EASEMENT GRANTED TO THE USE AND BENEFIT OF THE CITY FROM ARTHUR J. STOKES AND JANA D. STOKES OVER AND ACROSS THE FOLLOWING-DESCRIBED REAL PROPERTY FOR THE PURPOSE OF A PUBLIC WATERMAIN IN CONJUNCTION WITH THE NEW TRANSFER STATION PROJECT, TO-WIT: A 12.0 FOOT WIDE EASEMENT BEING THE EAST 12.0 FEET OF THE WEST 16.0 FEET OF A PARCEL OF LAND DESCRIBED AS FOLLOWS; A TRACT OF LAND LOCATED IN THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., PLATTE COUNTY, NEBRASKA MORE PARTICULARLY DESCRIBED AS FOLLOWS; COMMENCING AT A POINT ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 17 NORTH, RANGE 1 EAST OF THE 6TH P.M., IN PLATTE COUNTY, NEBRASKA, AND 331.3 FEET EAST OF THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE 150.00 FEET ALONG THE SOUTH LINE OF THE SIDE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 TO A POINT 177.25 FEET WEST OF A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 OR THE NORTHWEST 1/4; THENCE NORTHERLY, 122.00 FEET, TO A POINT ON THE SOUTH LINE OF FIRST STREET, COLUMBUS, NEBRASKA, SAID POINT BEING 175.60 FEET WEST OF A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE 150.00 FEET WEST ALONG THE SOUTH LINE OF FIRST STREET, COLUMBUS, NEBRASKA, TO A POINT 332.0 FEET EAST OF THE WEST LINE OF SAID SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE 124.90 FEET TO THE SOUTH, TO THE POINT OF BEGINNING CONTAINING 0.43 ACRES, MORE OR LESS; AND TO AUTHORIZE THE MAYOR TO ACCEPT THE EASEMENTS PURSUANT TO THE ATTACHED EASEMENT AGREEMENTS; AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith.

Moved by Bulkley, seconded by Schilling, Resolution No. R14-75 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R14-76 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R14-76
ADOPTED: AUGUST 4, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, ACCEPTING THE GRANT OFFER FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR PROJECT V-97735501 IN THE AMOUNT OF \$424,259 TO PROVIDE ADDITIONAL FEDERAL ASSISTANCE FOR CONTINUED OPERATION OF THE GROUNDWATER EXTRACTION AND TREATMENT SYSTEM AS PART OF THE 10TH STREET SUPERFUND PROJECT

AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA.

Moved by Jablonski, seconded by Reardon, Resolution No. R14-76 be passed and adopted. Public Works Director Buell explained that the plume has not been sufficiently contained and contaminated water is being treated at the superfund plant. Buell further explained the EPA's plans for future extraction. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

ORDINANCE NO. 14-07

THIRD READING

ADOPTED AS AMENDED: AUGUST 4, 2014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 90.001 OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE), TO REMOVE BEES FROM WILD OR EXOTIC ANIMAL DEFINITIONS; AND ADD SECTIONS 90.070 THROUGH 90.072 PERTAINING TO THE KEEPING OF BEES AND AUTHORIZING APIARIES; TO PROVIDE FOR PERMITS AND FEES AS REQUIRED; REVOCATION OF PERMITS; CONDITIONS THEREFOR; AND TO PROVIDE FOR THE EFFECTIVE DATE.

On its third reading, Ordinance No. 14-07 was read by title only at this meeting. Moved by Bahr, seconded by Bulkley, Ordinance No. 14-07 be passed and adopted. Mayor Moser put the question, "Shall Ordinance No. 14-07 be passed and adopted?" Council Member Bahr expressed opposition to the paragraph of this ordinance that includes a provision for a review process for objections by neighbors as he feels the required notification to the surrounding neighbors is sufficient and would allow the applicant to work out any issues with objecting neighbors prior to the permit being issued. City Administrator Mangiamelli noted the severity of allergic reactions to bee stings and said the provision protects the public's right to be aware of what is happening in their neighborhood. City Attorney Hansen pointed out that the notification requirement could protect the city from a potential liability. Moved by Bahr, seconded by Bulkley, to amend Ordinance No. 14-07 to remove the following verbiage in the fifth paragraph under Section 4: "provided, however, that if a resident or person at a business who has been notified, has advised the Lead Animal Control Officer of a severe allergy, documented by a medical professional, the permit shall not be issued until review by the Chief of Police. The issuance of a Hobby Beekeeper Permit, after review, will be determined by the Chief of Police." Extensive discussion followed and Bahr noted the importance of educating any neighbors who may be opposed to the permit. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Reardon, and Schilling voted "Aye" and Lohr voted "Nay." Motion carried. Moved by Bahr, seconded by Bulkley, the rules be suspended and Ordinance No. 14-07 as amended be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried and Ordinance No. 14-07 as amended was read by number only at this meeting. Mayor Moser put the question, "Shall Ordinance No. 14-07 as

amended be passed and adopted?" Roll call on the motion to adopt Ordinance No. 14-07 as amended and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Reardon, and Schilling voted "Aye" and Lohr voted "Nay." Motion carried. Mayor Moser declared, "By your action, you have passed Ordinance No. 14-07 as amended," and it was duly signed.

ORDINANCE NO. 14-08

THIRD READING

ADOPTED: AUGUST 4, 2014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 90.034, SUBSECTIONS (B) AND (C), OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE), PERTAINING TO APPEALS OF DANGEROUS DOG DESIGNATIONS TO PROVIDE FOR OWNER APPEALS TO BE FILED AS INDIGENT WITH FEES WAIVED AND TO PROVIDE FOR SPECIAL ACCOMMODATIONS IN SETTING THE DATE FOR THE APPEAL HEARING.

On its third reading, Ordinance No. 14-08 was read by title only at this meeting. Moved by Lohr, seconded by Reardon, Ordinance No. 14-08 be passed and adopted. Mayor Moser put the question, "Shall Ordinance No. 14-08 be passed and adopted?" City Attorney Hansen explained the purpose for this amendment as well as the process for determining indigence. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and Bulkley voted "Nay." Motion carried. Mayor Moser declared, "By your action, you have passed Ordinance No. 14-08," and it was duly signed.

RESOLUTION NO. R14-77 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

RESOLUTION NO. R14-77

ADOPTED: AUGUST 4, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AMEND RESOLUTION NO. R13-97 (SCHEDULE OF FEES) BY ADDING FEES FOR HOBBY BEEKEEPER PERMITS AND APPEALS FOR DANGEROUS DOG DESIGNATIONS FOR ANIMAL CONTROL AND AMENDING THE FEE FOR WEEDS FOR THE POLICE DEPARTMENT, PURSUANT TO THE ATTACHED AND INCORPORATED HEREIN SCHEDULE; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HERewith.

Moved by Reardon, seconded by Augustine-Schulte, Resolution No. R14-77 be passed and adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and Bulkley voted "Nay." Motion carried.

Moved by Augustine-Schulte, seconded by Bahr, the meeting be adjourned. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried and the meeting was adjourned at 8:12 p.m.

Presented and approved this 18 day of August, 2014.

MAYOR

ATTEST:

CITY CLERK