

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on September 2, 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 August 27, 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 Mark Sipple, City Engineer Rick Bogus, Finance Director Anne Kinnison, Police Chief William Gumm, Public Works Director Roger Buell, Public Property Director Doug Moore, Human Resources Director Mike Oglevie, Community Development Director Dan Curtis, Library Director Jill Owens, Fire Chief Dean Hefti, Street Superintendent Jay Nickolite, Water Utility Supervisor Chuck Sliva, Wastewater Treatment Facility Supervisor Marty Eaton, and Transfer Station Supervisor Mike Shemek.

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 August 18, 2014, Community Development Agency and City Council meetings.
- B. Approval of payroll and bills on file. 9/12/14 Payroll \$498,606.85.

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

SPECIAL PRESENTATION – PROCLAMATION FOR SAMMY'S SUPERHEROES DECLARING SEPTEMBER 2014 AS "CHILDHOOD CANCER AWARENESS MONTH": Erin Nahorny, 3811 34 Street, reported on the past years activities of the non-profit organization, Sammy's Superheroes. The organization works to advance awareness and raise funds for research for childhood cancers. The first employee was recently hired by the organization; nearly \$400,000 has been raised to date; the first contribution of \$50,000 was donated for a research project; and a second contribution of \$60,000 will be donated to the University of Nebraska Medical Center. Nahorny noted

that Sammy's Superheroes represents all local children who have been affected by cancer and she said a Glow Gold fundraising event will be held this weekend. Nahorny acknowledged members in the audience who were in attendance to support Sammy's Superheroes and pointed out those who have been affected by the disease in some way. Nahorny thanked the Mayor, City Council and community for all the support they have received. Mayor Moser read the proclamation declaring September 2014 as "Childhood Cancer Awareness Month" on behalf of Sammy's Superheroes.

UPDATE ON LOUP RIVER LEVEE RECERTIFICATION AND VIADUCT PROJECTS:

City Engineer Bogus gave an update on the Loup River levee recertification process. The project remains in the final design phase; the final design modifications requested by the US Army Corps of Engineers (USACE) are being worked on; upon receipt, SID No. 7 (Whitetail Lake) force main undercrossing drawings will be forwarded to the project engineer; Midwest Right-of-Way is working on the easement acquisitions; once USACE Omaha accepts the final plan, it will be forwarded to the federal USACE office; and the estimated construction cost is approximately \$3,300,000. Bogus also gave an update on the viaduct projects. The 3 Avenue and 18 Avenue viaduct projects are currently between the appraisal/appraisal review phase and the right-of-way phase; the city is working with Nebraska Public Power District's (NPPD) request to relocate their power line; the remaining acquisitions will be obtained once NPPD's relocation acquisition has been obtained; the Nebraska Department of Roads (NDOR)/Federal Highway Administration (FHWA) is requesting a re-evaluation of the environmental assessment; NDOR's plans and specifications will be submitted this week in order to keep the final design approval process moving forward; NDOR is reviewing the agreements and once approved, they will be presented for City Council approval; and construction is anticipated to begin April 2015. The 12 Avenue viaduct project is currently in the appraisal/appraisal review phase; construction plans have been submitted to the NDOR; the environmental assessment re-evaluation for the 3 Avenue and 18 Avenue viaducts will include an update to the 12 Avenue viaduct; and the bid letting is anticipated to be held in the summer of 2016.

PUBLIC HEARING – 2014-2015 BUDGET: The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed 2014-2015 Budget. A memorandum was presented from City Administrator Mangiamelli submitting information on upcoming decisions that will need to be addressed within the next year regarding a Public Safety Services Center and Library/Cultural Arts Center. Both are large, costly projects that could create great synergy for the community. Three possible funding options were provided for the Public Safety Services Center and two possible funding options were provided for the Library/Cultural Arts Center. Staff has discussed the possible options with the city's bond advisor and the advisor feels the options are workable with the current low interest rates. No decision is necessary with the passage of this budget; however, the discussion process should begin soon in order to set a direction for implementation of the planning portion for private fundraising to commence, potential future election dates to be identified, and programming and final planning to occur. A memorandum was also presented from Finance Director Kinnison regarding the proposed budget of \$71,860,535. Included in the packet was a draft of the forms that will be filed with Platte County and the Auditor of Public Accounts. Also included were calculations on the preliminary as well as the final assessed valuation and growth factor for 2014-2015 and updated sales tax numbers through August 2014. Kinnison pointed out that the proposed budget includes receipts of \$61,837,292, which includes property taxes of \$4,249,450, and expenditures of \$71,860,535. The following changes were incorporated into the budget as discussed at the July 28, 2014, Committee of the Whole meeting: 1) Property taxes were adjusted after receiving final numbers from the Platte County Assessor; 2) The operating budget for Pawnee Plunge Water Park was increased; and 3) \$20,000 was moved from Fiscal Year 2013-2014 to Fiscal Year 2014-2015 for a computer server upgrade. The actual assessed valuation is \$1,306,775,108 which includes a value attributable to growth of \$25,424,690. The results of a survey on first class city golf courses, pools, and libraries were included in the packet. Council Member Bogus referred to the new pay grade that was added to the pay plan and questioned why the position of Police Chief was not included. City Administrator

Mangiamelli referred to discussions held at the July 21, 2014, Committee of the Whole meeting with regard to the additional pay grade and he explained that pay grades are based on comparability with other cities and the rate for the position of Police Chief is comparable with the pay provided in other communities. Human Resources Director Oglevie explained the process for gathering data to determine comparability. Dr. Robert Otteman, Associate Professor of Management at the University of Nebraska at Omaha, visits City Hall annually to meet with employees who wish to address any concerns regarding job descriptions. Dr. Otteman evaluates the position based on comparability both externally as well as internally and makes a recommendation. Following extensive discussion, it was noted that additional responsibilities in a position can alter pay grades and advancements to each step is based on merit. Moved by Augustine-Schulte, seconded by Reardon, the public hearing be closed. 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. R14-86 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R14-86
ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE FEES AS STATED AND HEREBY DECLARED IN THE ATTACHED "SCHEDULE OF FEES"; TO PROVIDE FOR AN EFFECTIVE DATE AND TO REPEAL ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH.

Moved by Augustine-Schulte, seconded by Reardon, Resolution No. R14-86 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.

ORDINANCE NO. 14-16 WAS INTRODUCED BY COUNCIL MEMBER BOGUS.

ORDINANCE NO. 14-16
ADOPTED: SEPTEMBER 2, 2014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, REGARDING THE SALARIES OF OFFICERS AND EMPLOYEES; PAY PLAN FOR ALL CLASSIFICATIONS WITHIN THE CITY; AND MONTHLY SALARY RANGES FOR EACH INDIVIDUAL CLASSIFICATION.

Moved by Bogus, seconded by Augustine-Schulte, the rules be suspended and Ordinance No. 14-16 be read by number only at this meeting. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and Bulkley voted "Nay." Motion carried and Ordinance No. 14-16 was read by number only at this meeting.

Moved by Bogus, seconded by Augustine-Schulte, Ordinance No. 14-16 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 14-16 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.

Mayor Moser declared, "By your action, you have passed Ordinance No. 14-16," and it was duly signed.

ORDINANCE NO. 14-17 WAS INTRODUCED BY COUNCIL MEMBER LOHR.

ORDINANCE NO. 14-17
ADOPTED: SEPTEMBER 2, 2014

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

Moved by Lohr, seconded by Bahr, the rules be suspended and Ordinance No. 14-17 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. 14-17 was read by number only at this meeting.

Moved by Lohr, seconded by Bahr, Ordinance No. 14-17 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 14-17 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.

Mayor Moser declared, "By your action, you have passed Ordinance No. 14-17," and it was duly signed.

PUBLIC HEARING – PROPERTY TAX REQUEST FOR 2014-2015: The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request. A memorandum was included from Finance Director Kinnison submitting detailed information and a staff recommendation to approve the resolution setting the property tax request at \$4,249,450. It was noted that the Mayor and Council are required to adopt a resolution setting the property tax request as part of the budget process, which requests the levy of property taxes for the 2014-2015 Fiscal Year at a different amount than last year. It was further noted that if this resolution is not adopted, Nebraska law requires Platte County to set the rate at the same amount as the previous year, which was \$4,114,025. No one spoke regarding this issue and no one appeared in opposition. Moved by Schilling, seconded by Augustine-Schulte, the public hearing be closed. 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. R14-87 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R14-87

ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO SET THE 2014-2015 PROPERTY TAX REQUEST AT \$4,249,450.

Moved by Schilling, seconded by Lohr, Resolution No. R14-87 be passed and adopted. Mayor Moser stated that the tax levy has not changed from previous years. Finance Director Kinnison explained that the formula for calculating the levy is very complex and she noted that higher valuations will generate more revenue. 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 FRONT END LOADER ATTACHMENT FOR TRANSFER

STATION: A memorandum was presented from Public Works Director Buell recommending the quote for a front end loader attachment for the new transfer station facility be awarded to Titan Machinery in the amount of \$19,908. It was noted that this is a sole source quote as the attachment is unique and custom built specifically for the facility and equipment. Moved by Augustine-Schulte, seconded by Reardon, the quote be awarded. Public Works Director Buell displayed a photograph of a loader with the attachment and said the specialized attachment will work with both loaders at the transfer station. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Jablonski, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Council Member Jablonski noted that he recently witnessed an incident where the Police and Fire departments worked together with tremendous cooperation and he commended both departments on their professionalism.

RESOLUTION NO. R14-88 WAS INTRODUCED BY COUNCIL MEMBER BAHR.

RESOLUTION NO. R14-88
ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING THE APPLICATION FOR ASSISTANCE FROM THE NEBRASKA GAME AND PARKS COMMISSION RECREATIONAL TRAILS PROGRAM FOR THE PURPOSE OF CONSTRUCTING THE HOSPITAL LAKE TRAIL AROUND THE HOSPITAL LAKE AND CONNECTING TO THE TRAIL SYSTEM ON 41 AVENUE.

Moved by Bahr, seconded by Schilling, Resolution No. R14-88 be passed and adopted. Judy Trautwein, President of the Columbus Area Recreational Trails, presented fourteen letters of support for the trail and said the trail will be used by many people. Council Member Bogus pointed out that if the grant is awarded, the city will be providing matching funds of ten percent of the project cost. 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. R14-89 WAS INTRODUCED BY COUNCIL MEMBER JABLONSKI.

RESOLUTION NO. R14-89
ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING GRANT AWARDS FOR DOWNTOWN REVITALIZATION FOR WORK AT MICEK'S SHANGRILA BAR AT 2506 12 STREET IN THE AMOUNT OF \$61,984 WITH A GRANT AWARD OF \$30,000; EXECUTIVE BUILDING AT 2716/2718 13 STREET IN THE AMOUNT OF \$27,000 WITH A GRANT AWARD OF \$13,500; AND, MARSHALL NELSON INSURANCE BUILDING AT 2913 13 STREET IN THE AMOUNT OF \$27,800 WITH A GRANT AWARD OF \$13,900.

City Administrator Mangiamelli reported that an additional request to award a grant for the downtown revitalization project will be presented at the next City Council meeting before funds are exhausted. Moved by Jablonski, seconded by Reardon, Resolution No. R14-89 be passed and adopted. Council Member Jablonski referred to contractor issues that some of the downtown businesses have experienced and Mangiamelli said a request to extend the deadline for completion of these projects will be submitted to the Nebraska Department of Economic Development. 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. R14-90 WAS INTRODUCED BY COUNCIL MEMBER BULKLEY.

RESOLUTION NO. R14-90
ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA TO APPROVE THE UNDERWRITING ENGAGEMENT LETTER BETWEEN D.A. DAVIDSON & CO. AND THE CITY OF COLUMBUS, TO PROVIDE UNDERWRITING SERVICES TO THE CITY OF COLUMBUS, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE; AND TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME ON BEHALF OF THE CITY OF COLUMBUS, NEBRASKA.

Moved by Bulkley, seconded by Bahr, Resolution No. R14-90 be passed and adopted. City Administrator Mangiamelli explained that due to significant regulation changes, this underwriting engagement letter is required to obtain the services of D.A. Davidson & Co. 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. R14-91 WAS INTRODUCED BY COUNCIL MEMBER REARDON.

RESOLUTION NO. R14-91

ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE LEAGUE ASSOCIATION OF RISK MANAGEMENT PROPOSAL FOR PROPERTY AND CASUALTY INSURANCE THAT INCLUDES THE 180 DAY NOTICE OF TERMINATION AND THREE YEAR COMMITMENT OF PARTICIPATION.

Moved by Reardon, seconded by Augustine-Schulte, Resolution No. R14-91 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. R14-92 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R14-92

ADOPTED: SEPTEMBER 2, 2014

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A MEDIATED SETTLEMENT AGREEMENT BETWEEN THE CITY OF COLUMBUS, NEBRASKA, AND PATRICK AND JACALYN POPE, ROGER AND KAREN IWANSKY AND OBRIST & CO., INC., WITH RESPECT TO DAMAGES RESULTING FROM WATER BACKING UP INTO SANITARY SEWER SERVICE LINES; TO AUTHORIZE THE MAYOR TO SIGN ANY DOCUMENTS NECESSARY TO EFFECT THIS SETTLEMENT AND TO REPEAL ALL RESOLUTIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH.

Moved by Schilling, seconded by Bulkley, Resolution No. R14-92 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.

ORDINANCE NO. 14-15

SECOND READING

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 150.020 OF CHAPTER 150 OF TITLE XV OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE), TO ADOPT BY REFERENCE THE NATIONAL ELECTRICAL CODE, 2014 EDITION, AS SPONSORED BY THE NATIONAL FIRE PROTECTION ASSOCIATION UNDER THE AUSPICES OF THE AMERICAN NATIONAL STANDARD INSTITUTE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND THE REPEAL OF ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

On its second reading, Ordinance No. 14-15 was read by title only at this meeting. This ordinance will be advanced to the September 15, 2014, City Council meeting for a final reading.

Moved by Bulkley, 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 8:10 p.m.

Presented and approved this 15 day of September, 2014.

MAYOR

ATTEST:

CITY CLERK