

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska, was convened in open and public session on November 2, 2015, 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, 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.

1. **STATEMENT OF COMPLIANCE WITH OPEN MEETINGS ACT AND ROLL CALL:** Mayor Moser announced that a copy of the Open Meetings Act is posted in the meeting room. Present were Mayor Michael Moser and Council Members Beth Augustine-Schulte, Charlie Bahr, Jim Bulkley, Rich Jablonski, Dennis Kresha, John Lohr, Terry Reardon, and Ron Schilling. City staff members present included City Attorney Neal Valorz, City Administrator Joe Mangiamelli, City Clerk Janelle Kline, City Engineer Rick Bogus, Finance Director Anne Kinnison, Police Chief William Gumm, Public Property Director Doug Moore, Public Works Director Greg McCaffery, and Library Director Drew Brookhart.
2. **PRAYER:** Bahr led in prayer.
3. **NATIONAL ANTHEM AND PLEDGE OF ALLEGIANCE:** Moser invited all to join in the National Anthem and Pledge of Allegiance.
4. **CONSENT AGENDA:** 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 citizen so requests, in which event the item will be removed from consent status and considered in its normal sequence on the agenda. Jablonski requested that Item 4D, Resolution No. R15-127 approving agreement with Unite Private Networks, LLC to install, operate, and maintain fiber optic cables within the city, be removed from consent status and considered in its normal sequence on the agenda under Item 14, Resolutions. The items on the consent agenda, with the exception of Item 4D, were approved as presented with a motion by Bahr and a second by Bulkley. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
  - 4.A. Amended minutes of September 8, 2015, City Council meeting accurately reflecting the motion made to go into closed session and that Mayor Moser restated on the record limitation of the subject matter of the closed session immediately prior to the closed session.

- 4.B. Minutes of October 19, 2015, City Council meeting.
- 4.C. Finance Department reports.
  - 4.C.1. Financial report for September 30, 2015.
  - 4.C.2. Annual report for partially self-funded health plan.
- 4.E. Payroll and bills on file. 11/6/15 Payroll \$507,679.10; B-D Construction, Inc. – Transfer Station 69,930.60; Tractor Supply Credit Plan – Supplies 85.84  
TOTAL \$577,695.54.
- 5. **APPROVAL OF MINUTES:** Included in Consent Agenda
- 6. **SPECIAL PRESENTATIONS:**
  - 6.A. **Presentation from East Central District Health Department and report of park survey on tobacco use.** Rebecca Rayman, Executive Director of East Central District Health Department (ECDHD), explained that she gave a presentation to the Platte County Board of Supervisors and they had asked her to give the same presentation to the City Council. Rayman noted the various services provided by ECDHD and also reported on the results of a survey conducted in Platte County on tobacco use in the parks.
- 7. **PUBLIC HEARINGS:**
  - 7.A. **Consider authorization of acquisition of various tracts of real property by purchase or eminent domain for construction of the 3 Avenue viaduct, 18 Avenue pedestrian overpass, and 12 Avenue viaduct.** No public testimony was heard. The public hearing closed with a motion by Augustine-Schulte and a second by Kresha. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted “Aye” and none voted “Nay”.
    - 7.A.1. **Resolution No. R15-128 authorizing acquisition of interests in various tracts of real property by purchase or eminent domain for construction of the 3 Avenue viaduct, 18 Avenue pedestrian overpass, and 12 Avenue viaduct.** Mangiamelli explained the events that have transpired to date with regard to the Burlington Northern Santa Fe (BNSF) abandoned railroad tracks. He noted that BNSF railroad is not interested in granting the city temporary construction easements as they prefer to sell the three parcels needed for the 18 Avenue pedestrian overpass as well as the remaining parcels along the corridor. Mangiamelli explained that purchasing the parcels would expedite the viaduct project and allow the city to convey a clear title to Union Pacific Railroad while some parcels could be traded for properties needed for the viaduct or possibly used for a cemetery service building.

Mangiamelli noted that should the city not be able to obtain a purchase agreement with BNSF railroad, the city would begin eminent domain procedures for the three parcels that are needed. Reardon expressed opposition to the purchase as he feels the eminent domain process should be used. Resolution No. R15-128 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AUTHORIZING THE ACQUISITION OF VARIOUS INTERESTS IN REAL PROPERTY, BY PURCHASE OR EMINENT DOMAIN FOR CONSTRUCTION OF THE 3 AVENUE VIADUCT, 18 AVENUE PEDESTRIAN OVERPASS AND 12 AVENUE VIADUCT, TO WIT: PARCEL 1, LOTS 1, 2, 3 AND 4, BLOCK 78, ORIGINAL COLUMBUS AND VACATED ALLEY AND VACATED PARTS OF 20 AVENUE ADJACENT; PARCEL 2, LOTS 6, 7 AND 8 BLOCK 66, ORIGINAL COLUMBUS; PARCEL 3, IRREGULAR PARTS OF 17 AVENUE AND 13 STREET ADJACENT TO BLOCK 67, ORIGINAL COLUMBUS; PARCEL 4, PART OF LOTS 1, 2, 3 AND 4, BLOCK 74, ORIGINAL COLUMBUS, AND 15 STREET ADJACENT; PARCEL 5, PART OF LOTS 1, 2, 3 AND 4, AND ALL OF LOTS 5 - 8, BLOCK 73, ORIGINAL COLUMBUS; PARCEL 6, PART OF LOTS 1, 2 AND 3, BLOCK 71, ORIGINAL COLUMBUS; PARCEL 7, PART OF LOTS 1, 2 AND 3, BLOCK 77, ORIGINAL COLUMBUS AND VACATED 13 STREET ADJACENT; PARCEL 8, VACATED 13 STREET BETWEEN 20 AVENUE AND 21 AVENUE; PARCEL 9, VACATED ALLEY IN BLOCK 81, BLOCK 82 AND BLOCK 83, ORIGINAL COLUMBUS; PARCEL 10, PART OF 13 STREET ADJACENT TO LOTS 3 AND 4, BLOCK 81, ORIGINAL COLUMBUS; PARCEL 11, PART OF 21 AVENUE NORTH OF 13 STREET; PARCEL 12, IRREGULAR PARCEL ABUTTING ON THE NORTHERLY SIDE BLOCKS 73, 74, AND 75, (APPROXIMATELY 28,000 SQUARE FEET) ORIGINAL COLUMBUS was adopted with a motion by Augustine-Schulte and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, and Schilling voted "Aye" and Reardon voted "Nay".

8. **PETITIONS AND COMMUNICATIONS:** None
9. **REPORTS OF CITY OFFICES:** Included in Consent Agenda
10. **REPORTS OF COUNCIL COMMITTEES:** None
11. **REPORTS OF SPECIAL COMMITTEES:** None
12. **REPORTS ON LEGISLATION:** None
13. **NEW BUSINESS:**
- 13.A. **Quote from NoSwett Fencing & Decks in the amount of \$26,250 for six dugout covers at Centennial Park baseball fields.** The quote was awarded with a motion by Bulkley and a second by Schilling. Augustine-

Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".

- 13.B. Quote from NoSwett Fencing & Decks in the amount of \$35,000 for eight dugout covers at Bradshaw Park baseball fields.** The quote was awarded with a motion by Bulkley and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
- 13.C. Quote from Beard-Warren Heating & Air Conditioning, Inc. in the amount of \$16,535 for boiler replacement at Aquatic Center.** The quote was awarded with a motion by Bahr and a second by Lohr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
- 13.D. Quote from Electric Pump in the amount of \$14,274 for repairs to Lost Creek lift station.** The quote was awarded with a motion by Reardon and a second by Augustine-Schulte. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
- 13.E. Comments from Mayor and City Council Members.** Bulkley referred to the recent open house held at the new YMCA facility and said it is very impressive and will be a great addition to the community. Lohr referred to the Nebraska Legislature 2015 booklet that was distributed to the mayor and council members and said it is a very informative resource that contains contact information for all of the Nebraska state senators as well as general information on the unicameral.
- 14. RESOLUTIONS:**
- 14.A. Resolution No. R15-129 approving distribution system lease and franchise agreement with Loup River Public Power District.** Resolution No. R15-129 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING A DISTRIBUTION SYSTEM LEASE AND FRANCHISE AGREEMENT WITH LOUP RIVER PUBLIC POWER DISTRICT FOR USE OF THE CITY OWNED DISTRIBUTION SYSTEM USED TO PROVIDE ELECTRIC POWER TO THE COMMUNITY was adopted with a motion by Lohr and a second by Bahr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
- 14.B. Resolution No. R15-130 for optional call of Tax Allocation Refunding Bonds, Series 2012 (Hy-Vee Shopping Center Redevelopment Project).** Kinnison reported that this resolution calls for the redemption of Tax Increment Financing bonds three years early and she noted the positive result that the property taxes will now be released back to all other taxing entities.

Resolution No. R15-130 entitled: A RESOLUTION OF THE CITY OF COLUMBUS, NEBRASKA, CALLING FOR REDEMPTION OF OUTSTANDING TAX ALLOCATION REFUNDING BONDS, SERIES 2012 (HY-VEE SHOPPING CENTER REDEVELOPMENT PROJECT), OF THE CITY OF COLUMBUS, NEBRASKA, DATED AS OF MAY 24, 2012, IN THE PRINCIPAL AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) was adopted with a motion by Bulkley and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".

- 14.B.1. Resolution No. R15-131 approving an escrow agreement with BOKF, National Association, Lincoln, Nebraska to defease outstanding balance of Tax Allocation Refunding Bonds, Series 2012 (Hy-Vee Shopping Center Redevelopment Project).** Kinnison explained that the funds are available but not yet callable and will be held in an escrow account until they can be paid off. Resolution No. R15-131 entitled: A RESOLUTION OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AND AUTHORIZING EXECUTION OF AN ESCROW AGREEMENT PROVIDING FOR THE DEFEASANCE OF OUTSTANDING TAX ALLOCATION BONDS, SERIES 2012 (HY-VEE SHOPPING CENTER REDEVELOPMENT PROJECT), OF THE CITY OF COLUMBUS, NEBRASKA, DATED AS OF MAY 24, 2012, IN THE PRINCIPAL AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) was adopted with a motion by Reardon and a second by Jablonski. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".

- 4.D. Resolution No. R15-127 approving agreement with Unite Private Networks, LLC to install, operate, and maintain fiber optic cables within the city.** In response to Jablonski, Mangiamelli explained that installation of the fiber optic cables will improve Verizon's service to their customers. Mangiamelli confirmed that the one-time \$1,000 fee for use of space in the public right-of-way adjacent to the poles, to be paid by Unite Private Networks, is comparable to the amount paid to other communities. Resolution No. R15-127 entitled: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING AN AGREEMENT WITH UNITE PRIVATE NETWORKS, LLC, FOR INSTALLATION, OPERATION, AND MAINTENANCE OF FIBER OPTIC CABLES WITHIN PUBLIC STREETS, RIGHTS OF WAY, OR ON PUBLIC PROPERTY TO PROVIDE SIGNAL BOOSTERS FOR VERIZON CUSTOMERS IN COLUMBUS, A COPY OF WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN; TO AUTHORIZE THE MAYOR TO EXECUTE THE SAME; AND TO REPEAL ALL RESOLUTIONS IN CONFLICT HEREWITH was adopted with a motion by Augustine-Schulte and a second by Schilling. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".

- 15. ORDINANCES ON FIRST READING:** None

16. **ORDINANCES ON SECOND READING:** None
17. **ORDINANCES ON THIRD READING:**
- 17.A. **Ordinance No. 15-23 amending Section 130.112 of Chapter 130 of Title XIII of Ordinance No. 05-47 (Columbus City Code) to change the penalty provisions for possession of marijuana.** On its third reading, Ordinance No. 15-23 entitled: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 130.112, POSSESSION OF MARIJUANA, OF CHAPTER 130 OF TITLE XIII OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO REVISE THE PENALTY PROVISIONS LISTED IN SAID SECTION; AND TO REPEAL ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith AND TO PROVIDE FOR AN EFFECTIVE DATE passed with a motion by Jablonski and a second by Kresha. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".
18. **CONSIDERATION OF PAYROLL AND BILLS ON FILE:** Included in Consent Agenda
19. **UNFINISHED BUSINESS:** None
20. **ADJOURNMENT:** The meeting was adjourned at 7:33 p.m. with a motion by Bulkley and a second by Bahr. Augustine-Schulte, Bahr, Bulkley, Jablonski, Kresha, Lohr, Reardon, and Schilling voted "Aye" and none voted "Nay".

Presented and approved this 16 day of November, 2015.

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MAYOR

ATTEST:

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CITY CLERK