

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on October 1, 2012 at 7 p.m. in the Council Chambers, 1369 25th Avenue, Columbus, Nebraska.

Notice of this meeting was given in advance thereof by publication in the Columbus Telegram on September 27, 2012, 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, Assistant City Clerk Janelle Kline, City Attorney Steve Hansen, Police Chief William Gumm, City Engineer David Goedeken, Finance Director Anne Kinnison and Water Utility Supervisor Chuck Sliva.

PRAYER: Mayor Moser asked all to rise and Council President Bogus 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 September 17, 2012, City Council meeting.
- B. Approval of reappointment of Amy McChristy to the Business Improvement Board for three-year term.
- C. Approval of reappointment of Carl E. Edwards to the Columbus Senior Center Advisory Board for three-year term.

- D. Approval of September 20, 2012, Civil Service Commission minutes certifying list of Police Sergeant candidates as follows: Heath Aldrich, Aaron Howland and Brad Wangler.
- E. Approval of Resolution No. R12-90 approving application to Nebraska Department of Environmental Quality for 2012 Storm Water Management Plan Program Grant.
- F. Approval of payroll and bills on file. 10/12/2012 Payroll 455,925.47; Tri-County Title & Escrow – Down Payment Assistance 20,000.00 TOTAL \$475,925.47.

Moved by Bogus, seconded by Reardon, 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 OBORNY GROUP LLC DBA HUSKER BAR FOR RETAIL CLASS “C” BEER, WINE AND DISTILLED SPIRITS ON AND OFF SALE LIQUOR LICENSE AT 2313 11TH STREET:

The Affidavit of Publication and Notice of Hearing were presented on the application of Oborny Group LLC, d.b.a. Husker Bar, for a Retail Class “C” Beer, Wine & Distilled Spirits On & Off Sale Liquor License at 2313 11th Street, Columbus, Nebraska. 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. A communication was also included from Police Chief Gumm making no recommendation regarding this application. No one appeared in opposition and no one spoke regarding this issue. Moved by Bogus, seconded by Bulkley, 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 TODD OBORNY AS MANAGER OF HUSKER BAR IN CONJUNCTION WITH CLASS “C” LIQUOR LICENSE:

The application of Todd Oborny as manager of Husker Bar, 2313 11th Street, in conjunction with their Class “C” Liquor License was presented. A memorandum was also presented from the City Clerk’s office regarding Nebraska Liquor Control Commission requirements. City Administrator Mangiamelli asked the City Council to consider the manager application along with agenda item 13C-Request from Todd Oborny for a Lottery Sales Outlet location at Husker Bar and all council members concurred.

AND

REQUEST OF TODD OBORNY FOR LOTTERY SALES OUTLET LOCATION AT HUSKER BAR:

A letter was presented from Todd Oborny requesting permission for a

Lottery Sales Outlet location at Husker Bar, 2313 11th Street. A memorandum was also presented from Assistant City Clerk Kline submitting detailed information and a staff recommendation that Husker Bar be approved as a Lottery Sales Outlet location. Moved by Bogus, seconded by Bulkley, the manager application be approved, a letter be sent to the Nebraska Liquor Control Commission notifying them of the Council's action and the Lottery Sales Outlet location at Husker Bar be approved. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

PRESENTATION BY TODD H. DAVIS, REMEDIAL PROJECT MANAGER FOR ENVIRONMENTAL PROTECTION AGENCY REGION VII, TO INFORM OF WORK TO COMMENCE AT THE COLUMBUS FORMER MANUFACTURED GAS PLANT SITE LOCATED AT 1169 22ND AVENUE:

Todd H. Davis, Remedial Project Manager for the Environmental Protection Agency (EPA) Region VII, distributed an EPA Fact Sheet with regard to the Columbus Former Manufacturing Gas Plant (FMGP) site and clean-up action. Davis referred to the presentation he gave at the May 17, 2010 City Council meeting and said plans for removal of the contaminated soil at the FMGP site will begin in October. Davis displayed an illustration of the site and said the action to occur is known as Non-Time Critical Potentially Responsible Party Removal Action will be conducted by the responsible parties with the EPA overseeing the project. Davis described the events that have transpired to date and said currently there are two buildings on the site that are being used by Black Hills Nebraska Gas Utility Company LLC for storage. Davis explained the plans to deconstruct and relocate the buildings, excavate and haul the contaminated material to a licensed landfill, and backfill with clean fill. Davis stated that the clean-up process will take up to six months to complete and groundwater will be monitored for a minimum of ten years as a post-removal site control. In response to Council Member Lohr, Davis said that Black Hills Nebraska Gas Utility Company and Centel Corporation are the responsible parties for all costs associated with the process. In response to Council Member Bogus, Davis confirmed that the city would not be responsible for contamination that may be found in the alley. In response to Council Member Lohr, Davis said ingesting or long term contact with the contaminated soil would be a health risk. Davis concluded by pointing out that the neighboring businesses and residences have been notified of the upcoming process. City Administrator Mangiamelli noted that a deconstruction meeting has been scheduled at the site for 8:30 a.m. on October 2nd.

PRESENTATION BY LISA HURLEY, COMMUNITY & PLANNING DEPARTMENT SUPERVISOR, NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT, WITH REGARD TO RESULTS OF THE COMMUNITY ATTITUDE SURVEY:

Lisa Hurley, Community and Planning Department Supervisor for the Northeast Nebraska Economic Development District (NENEDD), pointed out that the NENEDD conducts a variety of surveys for communities as part of the services they provide. Hurley explained that a community attitude survey was conducted to identify strengths and challenges in the city. Hurley pointed out that 183 citizens responded to the survey and not all responded to each question. Hurley reviewed the results of each category included in the survey, said they provide a base line of information and can be used as a guideline for future planning.

DISCUSSION AND POSSIBLE ACTION AGAINST MUNICIPAL PIPE TOOL CO. LLC FOR LINER FAILURE:

The following communications were presented: 1) a memorandum dated March 20, 2012 addressed to City Administrator Mangiamelli from Water Utility Division Supervisor Chuck Sliva submitting an itemized list of costs with regard to the 33" sewer line repair on 10th Street and 33rd Avenue; 2) a letter dated September 18, 2012 addressed to Municipal Pipe Tool Co. from City Attorney Hansen rejecting a \$15,000 proposed settlement; 3) a letter dated September 25, 2012 addressed to CIPP Corporation from Interplastic Corporation submitting an opinion that the liner would have failed prematurely whether or not a service connection had been missed; and 4) a letter dated September 26, 2012 addressed to City Attorney Hansen from Municipal Pipe Tool Co. referring to Interplastic Corporation's opinion and stating that the settlement offer of \$15,000 remains in effect. City Attorney Hansen explained the events that have transpired to date, said the city entered into a contract with Municipal Pipe Tool Co. in 2007 and in July 2008 a sewer line was rehabilitated with the liner. Hansen further explained that Jackson Services began experiencing issues shortly after the sewer pipe was relined and following an inspection, it was discovered that the liner had never sealed due to the fact the sewer taps were never cut. Hansen recommended that an expert be hired to analyze the data and the city proceed with litigation. In response to Mayor Moser, Water Utility Supervisor Sliva explained the process for relining sewer lines in detail. Following discussion, it was noted that the proposed settlement offer of \$15,000 is inadequate to cover the actual cost of repairs that total \$57,155.20. Moved by Bulkley, seconded by Bahr, to proceed with legal procedures against Municipal Pipe Tool Co. LLC. 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 LONGHARDT, LLC FOR PRELIMINARY PLAT OF SCOTT LOSEKE SUBDIVISION (BETWEEN 53RD AND 68TH STREET, EAST OF 48TH AVENUE):

An application was presented from Longhardt, LLC for the preliminary plat of Scott Loseke Subdivision, a tract of land located in the NW1/4 of Section 1, T17N, R1W of the 6th P.M., Platte County, Nebraska (between 53rd and 68th Street, east of 48th Avenue). A memorandum was also presented from City Engineer Goedeken submitting detailed information and a staff recommendation to approve the preliminary plat with the following contingencies: 1) drainage plans and calculations be provided to the City Engineering Department, 2) final utility easements (if proposed) be shown on the final plat, 3) a subdivision agreement be submitted with the final plat, and 4) a stipulation be included with the subdivision agreement regarding usage of the water well for future needs of the existing building. The Planning Commission recommended approval with the contingencies as listed. This application was continued from the September 17, 2012 City Council meeting. An amended preliminary plat with the 48th Avenue and 68th Street right-of-ways removed was presented. Moved by Bogus, seconded by Schilling, the preliminary plat be approved with the contingencies as listed. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS: Mayor Moser invited the City Council to a ground breaking for Vetter Health Services Rehabilitation and Care Center at 10:00 a.m. on Tuesday, October 2, 2012 to be held west of Meridian Gardens.

City Administrator Mangiamelli requested that Ordinance No. 12-13 providing for the appointment of a resident of Platte County not residing in the city limits be considered prior to Resolution No. R12-91 amending the library services agreement as there would be no need to amend the agreement if the ordinance is not passed.

ORDINANCE NO. 12-13

THIRD READING

ADOPTED: OCTOBER 1, 2012

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO AMEND SECTION 32.066 OF CHAPTER 32 OF TITLE III OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO PROVIDE FOR THE APPOINTMENT OF A NON-RESIDENT OF THE CITY TO THE PUBLIC LIBRARY BOARD.

On its third reading, Ordinance No. 12-13 was read by title only at this meeting. City Administrator Mangiamelli pointed out that approximately 30 percent of the library patrons are residents of Platte County located outside of the city limits. Mangiamelli further pointed out that state statute permits a resident of the county who resides outside of the city limits to serve on the Library Board when there is an agreement with the county. Mangiamelli stated that Platte County has approved the amendment to the library services agreement. In response to Council Member Lohr, Mangiamelli explained that Humphrey is not included in the agreement as they have their own library. In response to Council Member Bahr, Mangiamelli said there are five members who serve on the Library Board. Moved by Bulkley, seconded by Bahr, Ordinance No. 12-13 be passed and adopted.

Mayor Moser put the question, "Shall Ordinance No. 12-13 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. 12-13," and it was duly signed.

RESOLUTION NO. R12-91 WAS INTRODUCED BY COUNCIL MEMBER SCHILLING.

RESOLUTION NO. R12-91

ADOPTED: OCTOBER 1, 2012

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, APPROVING THE AMENDMENT TO THE LIBRARY SERVICES AGREEMENT WITH PLATTE COUNTY TO PROVIDE FOR THE APPOINTMENT OF A RESIDENT OF PLATTE COUNTY NOT RESIDING IN THE CITY LIMITS OF COLUMBUS TO THE COLUMBUS PUBLIC LIBRARY BOARD.

Moved by Schilling, seconded by Bahr, Resolution No. R12-91 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 Reardon, 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 8:02 p.m.

Presented and approved this 15th day of October, 2012.

MAYOR

ATTEST:

ASSISTANT CITY CLERK