

A regular meeting of the Mayor and City Council of the City of Columbus, Nebraska was convened in open and public session on January 7, 2013 at 7:07 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, 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, City Clerk Janelle Kline, City Attorney Steve Hansen, City Engineer David Goedeken, Finance Director Anne Kinnison, Public Property Director Doug Moore, Public Works Director Roger Buell, Human Resources Director Mike Oglevie, Police Chief William Gumm, Senior Center Manager Jean Sharman 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 17, 2012, City Council meeting and December 20, 2012, Special City Council meeting.
- B. Approval to change date of second meeting in February 2013 to 7 p.m., Tuesday, February 19, 2013, due to President's Day holiday.
- C. Approval of annual Computation of Payments in Lieu of Taxes Report from Columbus Housing Authority.
- D. Approval of specifications and authorization to purchase a Hot Tack Sprayer for Street Department from current Nebraska State Bid Contract in the amount of \$13,492.
- E. Approval of specifications and estimate of cost, as submitted by City Engineer Goedeken, for one-year supply of road gravel and authorization for city staff to advertise for bids.
- F. Approval of payroll and bills on file. 1/18/13 Payroll 461,659.61; State of Nebraska Department of Roads – Sales Tax 29,877.61; Tri-County Title and Escrow – Acquisition 76.45. TOTAL \$491,613.67

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

RECEIVE AND REVIEW PUBLIC COMMENTS CONCERNING SENIOR CENTER

SERVICES: The Affidavit of Publication and Notice of Hearing were presented on the public hearing held for the purpose of receiving and reviewing public comments concerning Senior Center services within the community. A memorandum was also presented from Public Property Director Moore explaining that the Northeast Nebraska Area Agency on Aging (NENAAA) administers federal and state subsidies for meals and activities at the Senior Center and in order to qualify, the city is required to hold a public hearing to provide an opportunity for the public to comment on the current programs and suggest possible changes. No one appeared in opposition and no one spoke regarding this issue. Moved by Bulkley, seconded by Schilling, the public hearing be closed. 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 HISRI HALITI & SHPRESIM HALITI D.B.A. ITALIAN FAMILY RESTAURANT FOR RETAIL CLASS "I" BEER, WINE AND DISTILLED SPIRITS ON SALE ONLY LIQUOR LICENSE AT 3809 23RD STREET:

The Affidavit of Publication and Notice of Hearing were presented on the application of Hisri Haliti & Shpresim Haliti, d.b.a. Italian Family Restaurant, for a Retail Class "I" Beer, Wine and Distilled Spirits On Sale Only Liquor License at 3809 23rd 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 communication was included from Police Chief Gumm making no recommendation regarding this application. In response to Mayor Moser, Shpresim Haliti, Partner of Italian Family Restaurant, said the restaurant will open for business once the liquor license is received. In response to Council Member Jablonski, Haliti said all management will be trained to ensure minors are not served alcohol. No one appeared in opposition. Moved by Bulkley, seconded by Bahr, 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.

COMMITTEE OF THE WHOLE – CONSIDERATION OF ACCEPTANCE OF STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT FOR COLUMBUS FIRE DEPARTMENT:

An oral report of the Committee of the Whole was presented with the recommendation that the SAFER grant for the Columbus Fire Department be accepted. Moved by Bulkley, seconded by Bahr, this report be adopted. Roll call and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

COMMITTEE OF THE WHOLE – CONSIDERATION OF SITING FOR NEW TRANSFER STATION:

An oral report of the Committee of the Whole was presented with the recommendation that the location of the current transfer station be the primary selected site with the original design and an option be taken on an alternate site. City Administrator Mangiamelli requested the report be amended to include that the option be in the amount of \$25,000. Moved by Schilling, seconded by Augustine-Schulte, to amend the report to include that the option be in the amount of \$25,000. 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 Bogus, seconded by Schilling, the amended report be adopted. In response to a question from Council Member Bahr regarding the cost of mitigating the wetland area to consider the possibility of placing the building on the south end of the property, Mangiamelli said the type of mitigation as well as the cost to mitigate the wetlands area are unknown factors and would have to be determined following a review process by the Corps of Engineers. In response to Mayor Moser, Mangiamelli explained the process for submitting an application to the Department of Environmental Quality (DEQ). In response to Council Member Bulkley, Mangiamelli explained that a specific plan must be submitted with the

application. Mangiamelli pointed out that engineers have already determined that relocating the building on the existing property would potentially encroach into the wetlands area and be less efficient. Mangiamelli further pointed out that the original plan that was approved a few years ago would alleviate these issues and avoid delays. Moved by Bahr, seconded by Schilling, the report be amended to favor construction of the transfer station south of the recommended location. In response to Council Member Reardon, Transfer Station Supervisor Mike Shemek explained that it is unlikely the DEQ would allow a temporary site to be used in the event the current facility becomes inoperable as there are stringent regulations in place. Shemek described the poor condition of the facility and said staff makes repairs as needed in order to maintain operations. Gene Bierman, 1905 1 Street, expressed opposition to the current site due to excessive truck traffic in the area. Bierman said he feels more research should have been done in locating an alternate site. Mark Bierman, 1707 1 Street, said he feels that constructing a new facility on the south end of the property would be a better option than the north; however, he feels a property study should be conducted to search for another site. Bill Tworek, 1514 14 Street, referred to the number of fires at the transfer station over the years as well as the smoke and odors emanating from the operation and said he feels a new facility should not be located in a residential area. In response to Council Member Schilling, Mangiamelli explained that construction on the north end of the property would provide more space and easier access. Duane Ohlrich, Industrial System and Supply, referred to his business' sensitivity to the environment and expressed opposition to the possibility of selecting a nearby site. Following discussion, roll call on the motion to amend the report to favor construction of the transfer station south of the recommended location and Council Members Bahr, Bulkley, Schilling and Lohr voted "Aye" and Augustine-Schulte, Bogus, Jablonski and Reardon voted "Nay."

The Mayor and City Council took a recess at 7:57 p.m.

The Mayor and City Council came back into session at 7:59 p.m.

There being a tie vote, Mayor Moser voted "Aye" and motion carried.

City Attorney Hansen confirmed that the report has been amended to proceed with the current location favoring construction of the transfer station south of the recommended location and an option in the amount of \$25,000 be made to secure an alternate site. Moved by Jablonski, seconded by Reardon, to amend the report to remove authorization for an option on an alternate site. Roll call and Council Members Augustine-Schulte, Bahr, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and Bogus voted "Nay." Motion carried. Roll call on the motion to adopt the amended report that the location of the current transfer station be the primary selected site favoring construction of the new transfer station south of the recommended location and Council Members Augustine-Schulte, Bahr, Bogus, Bulkley, Schilling, Jablonski, Lohr and Reardon voted "Aye" and none voted "Nay." Motion carried.

RESOLUTION NO. R13-01 WAS INTRODUCED BY COUNCIL MEMBER AUGUSTINE-SCHULTE.

RESOLUTION NO. R13-01
ADOPTED: JANUARY 7, 2013

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, TO ACCEPT THE GRANT OFFER FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY FOR PROJECT V-97735501 FOR \$400,000 IN ACCORD WITH THE PROVISIONS OF THE COOPERATIVE AGREEMENT, A COPY OF WHICH IS ATTACHED AND MADE A PART HEREOF, WHICH PROVIDES 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 Augustine-Schulte, seconded by Schilling, Resolution No. R13-01 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 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 8:02 p.m.

Presented and approved this 21 day of January, 2013.

MAYOR

ATTEST:

CITY CLERK