

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, APRIL 16, 2013**

A Regular Meeting of the Albion City Council of the City of Albion, Nebraska was convened in open and public session at 7:30 p.m., on April 16, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Walt Hoefler, Don Rutten, Marcus Johnson and James Riedmiller. Also present were City Administrator Devine, Deputy City Clerk Huismann, City Attorney Wright, Officer Buck, Sewer Commissioner Luettel, and Utility Billing Clerk Knust. Also present were Jim Dickerson with the Albion News, Dave Burbach, Rori Erickson, Lanny Rasmussen, Hannah Meyer, Charlie Findley, Mitzi Fox, Leon Magsamen, Gerald Reinhart, Barb Hanson, Lanny Young, Doug Young, Ron Erickson, Don Casper, Bill Schriver, and Rick Jacot. Notice of this meeting along with the agenda was simultaneously given in advance to all members of the Board. Notice of this meeting was given in advance by publication, a designated method for giving notice; a copy of proof of publication is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

2. APPROVE MEETING MINUTES OF THE MARCH 12, 2013 MEETING

Councilman Riedmiller made a motion to approve the minutes of the March 12, 2013 meeting, seconded by Rutten. **Vote: Yeas; Hoefler, Johnson, Rutten, Riedmiller. Nays; None.**

3. CONSIDER VACATION REQUEST OF SMOKE N CHROME ON MAIN COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR CAR SHOW FROM 8:00 A.M. TO 3:00 P.M. ON JUNE 15, 2013

Doug Young stated that the event organizers are requesting the closure of the streets shown on a map provided to the Council. The streets closures would be; 3rd Street from ½ block North of Church Street to Main Street and Main Street from ½ block West of 3rd Street to the Railroad Right of Way East of 3rd Street on June 15, 2013. Doug also stated that property owners in the area were fine with the location and the alley would be left open so that mail service will not be disrupted. Councilman Riedmiller made a motion to Approve the Temporarily Closure of 3rd Street from ½ block North of Church Street to Main Street and Main Street from ½ block West of 3rd Street to the Railroad Right of Way East of 3rd Street on June 15, 2013, seconded by Rutten. **Vote: Yeas; Hoefler, Riedmiller, Rutten Johnson. Nays; None.**

4. CONSIDER REQUEST OF ALBION AMERICAN LEGION POST TO NAME FIELD "C" AT THE SPORTS COMPLEX AFTER LEON NELSON

Leon Magsamen was present and stated the Legion felt it would be appropriate to name the field after Leon Nelson as he started Legion Baseball in Albion. Magsamen presented the council with different sign ideas for the park as well as a sign to be placed by the road. Don Rutten thought The Nebraska Game and Parks may have involvement in changes that are made at the field. Devine will be checking into any requirements that may be needed. Ron Erickson also stated that he would like the field named after Leon Nelson. Erickson said Nelson was very involved and did a lot for the baseball program in Albion. Councilman Hoefler made a motion to Approve the Request of Albion American Legion Post to Name Field "C" at the Sports Complex after Leon Nelson with the Right for Signage approval by the Council in the future, seconded by Johnson. **Vote: Yeas; Rutten, Hoefler, Riedmiller, Johnson. Nays; None.**

5. CONSIDER APPROVAL OF THE ALBION SWIMMING POOL PROJECT PLANS AND SPECIFICATIONS, AUTHORIZING BURBACH AQUATICS TO SUBMIT

PLANS AND SPECIFICATION TO THE STATE OF NEBRASKA FOR REVIEW AND TO BEGIN THE PUBLIC BIDDING PROCESS

Dave Burbach with Burbach Aquatics and pool committee members were present and reviewed proposed construction plans with the Council. Council members reviewed the plans proposed by Burbach Aquatics and approved by the pool committee. Councilman Hoefler asked if the existing shelter would stay where it is currently. Hannah Meyer stated that the shelter would stay and there was enough room around it and in between the fence that it would be easy to maintain the grass around it. Meyer also stated that the pool committee and Burbach Aquatics were trying to save as many trees as possible in the park. Mayor Jarecki asked Dave to go through the proposed time line with Council Members. Burbach stated that the proposed open date for the new pool is June 14, 2014. Discussion ensued. Councilman Riedmiller made a motion to Approve the Plans and Specs pending Final approval of the City of Albion staff, seconded by Hoefler. **Vote: Yeas; Rutten, Johnson, Riedmiller, Hoefler. Nays; None.** Councilman Rutten made a motion to Approve submittal of the plans to State agencies for approval and to begin public bidding process, seconded by Johnson. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Rutten. Nays; None.**

6. **CONSIDER RESOLUTION 106(13) APPOINTING NUISANCE OFFICER OF THE CITY OF ALBION**

Councilman Hoefler made a motion to Approve Resolution 106(13), seconded by Johnson. **Vote: Yeas; Johnson, Rutten, Riedmiller, Hoefler. Nays; None.**

7. **CONSIDER ORDINANCE 220(13) - AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS AMENDED; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF**

Mayor Jarecki instructed Clerk Devine to read 2nd Reading of Ordinance 220(13). Clerk Devine read Ordinance 220(13) by title for the 2nd time. Mayor Jarecki asked for Public Comment. Gerald Reinhart asked if this Ordinance has anything to do with annexation of his property. Devine explained that the Ordinance is just to have a plan in place for future development. Councilman Rutten questioned whether an existing building would have to be taken down if it happened to fall on a line drawn for a future street. Clerk Devine explained that any existing buildings are allowed to remain standing until it ceases to exist. Councilman Johnson said, he thinks we owe it to the people who would like to expand, to have a plan in place for the future. Discussion ensued. Councilman Riedmiller made a motion to Pass Second reading of Ordinance 220(13), seconded by Johnson. **Vote: Yeas; Hoefler, Johnson, Riedmiller. Nays; Rutten.**

8. **CONSIDER ORDINANCE 221(13) – VACATION REQUEST OF BARB HANSON TO VACATE TWENTY (20) FEET OF THE SOUTH SIDE OF MAIN STREET LOCATED ALONG THE NORTH SIDE OF BLOCK 6, CLARK, CONNELLY & STOUTS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Clerk Devine stated the Ordinance was previously approved by the Planning Commission. Councilman Riedmiller made a motion to Introduce Ordinance 221(13). Clerk

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Devine read Ordinance 221(13) by title for the 1st time. Councilman Riedmiller made a motion to suspend the rules, seconded by Johnson. **Vote: Yeas; Riedmiller, Johnson. Nays; Rutten, Hoefer.** Councilman Johnson made a motion to Approve the 1st Reading of Ordinance 221(13), seconded by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Hoefer. Nays; Rutten.** Clerk Devine asked if there is any specific information the council members would like to have before the 2nd reading of Ordinance 221(13). Councilman Rutten said he would like to have a legal term of the sight line. Devine explained the setbacks and sight triangle to council members. Discussion ensued.

9. REVIEW IDENTITY THEFT PREVENTION PROGRAM REPORT

Clerk Devine state he did submit a written report as required by the program. There have been no identity thefts or red flags in the last year.

10. CONSIDER INTRODUCTION OF ORDINANCE 222(13), AND ORDINANCE OF THE CITY OF ALBION, RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID WATER, SEWER, AND GARBAGE BILL OF R.C. HENRICHS FARMS, LLC, C/O DAVID HENRICHS

Councilman Johnson made a motion to Introduce Ordinance 222(13). Clerk Devine read Ordinance 222(13) by title for the 1st time. Councilman Rutten made a motion to Approve 1st Reading of Ordinance 222(13), seconded by Hoefer. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefer. Nays; None.**

11. CONSIDER CHANGE ORDER #5 OF GROSCH IRRIGATION

The change order is for the corrective action taken to resize the pump impellers. Councilman Rutten made a motion to Approve Change Order #5 of Grosch Irrigation, seconded by Hoefer. **Vote: Yeas; Hoefer, Johnson, Rutten, Riedmiller. Nays; None.**

12. ADMINISTRATOR REPORT

Pool:

I received notice from the Peter Kiewit Foundation that the City of Albion's grant application for \$100,000 was approved as a challenge/match grant. Local fundraising efforts must raise \$125,000 by December 31, 2013 to receive the grant. At the time of the grant application the campaign had raised \$166,200. Since the grant application was submitted the campaign has raised another \$30,273, which qualifies towards the \$125,000 match requirement. Total funds raised/committed so far: \$296,473. List of donors enclosed.

Pool Committee met April 8, 2013 to discuss plans, design, and features. Also, the committee is scheduled to meet April 16, 2013 prior to the City Council meeting to review plans.

Streets:

Recent winter weather presented some real difficulties for maintaining road conditions in town.

Library:

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I received notice this past month that the City will be receiving a \$5,500 grant from the Kreutz-Bennett Grant to help pay for planned repairs to the foundation, masonry, and wiring. The check was received this past week. Contractors have been notified and the work will be scheduled soon.

Library staff has discovered some wet ceiling tiles. The roof is under warranty and the warranty department has been contacted as well as the City's insurance.

Water/Sewer:

The Mayor, Ron Morearty and I met with Tracy McConnell from Grosch Irrigation and Jim Dickerson with the Albion news to discuss the progress of the well. John Zwingman could not attend due to a schedule conflict, but did participate by phone for part of the meeting. Punch list items from March of 2012 were discussed. Tracy did not give a completion date for the punch list items. Also, stainless steel shaft will be installed as specified. Tracy and Ron will coordinate this installation.

Minutes from the March 2013 progress meeting for the WWTF project are attached. The project is on schedule, the new components of the plant are now treating waste water, and work has begun on the sections of the old plant that will be incorporated for flow equalization, sludge treatment, and sludge storage. It is expected that this second and final construction phase will be complete in May or June, 2013.

On Friday, April 12, 2013, Roger Protzman brought an Engineering Contract issue to my attention that was just discovered by JEO staff. The original agreement between the City of Albion and JEO Consulting Group, Inc. executed by the City in March of 2011 included Construction site services for an expected 12-month construction term; however, the Construction contract was later awarded to Rutjen's Construction in February 2012 on a 15-month term. The agreement does address such issues in section A2.01, Item 16, whereas Construction services provided beyond the original contract terms may be invoiced as additional services; however, Roger wishes to come to an agreement with the City for the additional three months of Construction Phase engineering services for the extra time on the project before submitting invoices to the City. We will address at the May meeting.

Other:

Attached is the current month Sales Tax Report – showing the monthly trend of sales tax receipts.

Also attached is an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

13. **EMPLOYEE EVALUATIONS**

Councilman Rutten made a motion to Approve Evaluations of Brent Lipker, John Buck, Jim Bader and Ann Knust, and authorizing appropriate step-raises, if any, seconded by Hoefler. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Rutten. Nays; None.**

14. **CONSIDER BILLS FOR APPROVAL**

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #6 OF GROSCH IRRIGATION**
- **CONSIDER PAY APPLICATION #11 OF RUTJEN'S CONSTRUCTION FOR APPROVAL**

Councilman Riedmiller made a motion to Approve monthly bills for payment, seconded by Hoefler. **Vote: Yeas; Riedmiller, Hoefler, Rutten, Johnson. Nays; None.**

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Councilman Hoefer made a motion to Approve Pay Application #6 of Grosch Irrigation, seconded by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Rutten, Riedmiller. Nays; None.**

Councilman Hoefer made a motion to Approve Pay Application #11 of Rutjen's Construction, seconded by Riedmiller. **Vote: Yeas; Rutten, Johnson, Riedmiller, Hoefer. Nays; None.**

15. ITEMS FOR NEXT MEETING AGENDA

- May 14th, 2013 @ 7:30 pm
- 3rd Reading Ordinance 220 (13)
- Possible 2nd & 3rd Reading Ordinance 221(13)
- Possible 2nd & 3rd Reading Ordinance 222(13)
- Discussion of signage for Leon Nelson Field

16. ADJOURN

At 9:11 pm Councilman Riedmiller made a motion to adjourn, seconded by Johnson. **Vote: Yeas; Rutten, Riedmiller, Hoefer, Johnson. Nays; None.**

I the undersigned Clerk hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council; that all subjects included in the foregoing proceedings were contained in the Agenda for the meeting, kept continually current and available for inspection at the office of the Clerk; that such subjects were contained in said Agenda for at least 24 hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for the examination and copying of the public; that said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all next media requesting notification of meetings of said body were provided advance notification of the time and place of said meeting and subjects to be discussed at said meeting.

Jim Jarecki, Mayor

ATTEST:

Tonya Huismann, Deputy Clerk