

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, MAY 14, 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 May 14, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Don Rutten, Marcus Johnson, James Riedmiller, and Walt Hoefler arrived at 7:33 p.m. Also present were City Administrator Devine, Deputy City Clerk Huismann, City Attorney Wright, Officer Buck, Water Commissioner Morearty, Officer Predmore and Utility Billing Clerk Knust. Also present were Jim Dickerson with the Albion News, Hannah Meyer, Charlie Findley, Barb Hanson, Karen Arends, Norm Thewke, Doc Holladay, Licia Kunzman, Jill Anding, Shelley Lueken, and Dillon Gilbert. 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 APRIL 16, 2013 MEETING

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

3A. CONSIDER THIRD READING OF 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 Ordinance 220(13) by title for the third time. Clerk Devine read Ordinance 220(13) for the third time. Councilman Hoefler made a motion for Final Passage of Ordinance 220(13), seconded by Johnson. Mayor Jarecki sought further discussion, seeing none, Councilman Riedmiller called the question. Mayor Jarecki declared Ordinance 220(13) having been read by title three different times, the rules have been suspended; the question is “Shall Ordinance 220(13) finally pass?” **Vote: Yeas; Riedmiller, Hoefler, Johnson. Nays; Rutten.**

3B. CONSIDER SECOND AND/OR THIRD READING OF 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 read Ordinance 221(13) by title for the second time. Councilman Rutten made a motion to suspend the rules, seconded by Johnson. **Vote: Yeas; Rutten, Hoefler, Riedmiller, Johnson. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 221(13) by title for the third time. Clerk Devine read Ordinance 221(13) for the third time. Councilman Johnson made a motion for Final Passage of Ordinance 221(13), seconded by Riedmiller. Mayor Jarecki sought further discussion, seeing none, Councilman Rutten called the question. Mayor Jarecki declared Ordinance 221(13) having been read by title three different times, the rules have been suspended; the question is “Shall Ordinance 221(13) finally pass?” **Vote: Yeas; Rutten, Johnson, Riedmiller, Hoefler. Nays; None.**

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4. OPEN PUBLIC HEARING REGARDING THE CONTRACT DOCUMENTS (PROPOSED PLANS, SPECIFICATIONS, FORM OF CONTRACT, AND ESTIMATED COST OF CONSTRUCTION) OF THE ALBION SWIMMING POOL PROJECT

Mayor Jarecki opened the public hearing at 7:40 pm. Mayor Jarecki reviewed items discussed with Dave Burbach at an earlier meeting. Devine stated there were several language changes on the insurance requirements. Councilman Riedmiller asked if the lowest bid has to be awarded to the contractor. Devine stated that as long as the bid met all required specifications and qualifications the lowest bid would have to be awarded the contract. Councilman Rutten stated he would like to make sure there is a non-removable bulletin board at the pool with specific instructions on how to open and close the pool and the beginning and end of the season. Pool Committee Chairman Hannah Meyer thanked everyone for their support and stated the committee is very pleased with the current pool plans. Mayor Jarecki sought further public input, seeing none the public hearing was closed at 7:50 pm. No further action taken.

5. OPEN PUBLIC HEARING TO CONSIDER APPROVAL AND ACCEPTANCE OR DENIAL OF AN APPLICATION FOR ADMINISTRATIVE PLAT BY NORM THEWKE TO REPLAT OF A PARCEL OF LAND IN BLOCK 4, C. DEROBERTS ADDITION OF THE CITY OF ALBION, BOONE COUNTY, NEBRASKA. THIS PROPERTY IS LOCATED 444 S. 6TH STREET AND 502 S. 6TH STREET, ALBION, NEBRASKA

Mayor Jarecki opened the public hearing at 7:52pm. The planning commission recommended the approval at their May 6, 2013 meeting. Norm Thewke stated that at the current time the two lots that he owns are not currently platted nor are they in zoning compliance. If the lots can be replatted as identified on the application then they will be in compliance. Mayor Jarecki sought further public comments; seeing none the public hearing was closed at 7:54 pm. Councilman Riedmiller made a motion to Approve application for administrative plat by Norm Thewke to replat a parcel of land in block 4, C. DeRoberts addition of the City of Albion, Boone County, Nebraska, conditional that the final survey matches the application. This property is located 444 S. 6th Street and 502 S. 6th Street, Albion, Nebraska, seconded by Rutten. **Vote: Yeas; Hoefler, Johnson, Rutten, Riedmiller. Nays; None.**

6. CONSIDER REQUEST OF ALBION CHAMBER OF COMMERCE TO CLOSE 4TH STREET FROM ½ BLOCK SOUTH OF CHURCH STREET TO ½ BLOCK NORTH OF MAIN STREET FROM 6 AM AUGUST 24, 2013 TO 1:30 AM AUGUST 25, 2013 FOR COMMUNITY EVENT

Councilman Riedmiller made a motion to Approve Request of Albion Chamber of Commerce to Close 4th Street from ½ block South of Church Street to ½ block North of Main Street from 6AM August 24, 2013 to 1:30 am August 25, 2013 for community event, seconded by Hoefler. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefler. Nays; None.**

7. OPEN PUBLIC HEARING TO CONSIDER ALBION CHAMBER OF COMMERCE APPLICATION FOR SPECIAL DESIGNATED LICENSE FOR AUGUST 24, 2013

Mayor Jarecki opened the public hearing at 7:56 pm. Mayor Jarecki sought public input, seeing none the public hearing was closed at 7:57 pm. Councilman Riedmiller made a motion to recommend approval of Albion Chamber of Commerce Application for Special Designated License for August 24, 2013, seconded by Rutten. **Vote: Yeas; Rutten, Hoefler, Riedmiller, Johnson. Nays; None.**

8. **OPEN PUBLIC HEARING TO CONSIDER CWR'S INC. APPLICATION FOR SPECIAL DESIGNATED LICENSES FOR THE FOLLOWING DATES:**

- **JUNE 14, 2013**
- **JUNE 15, 2013**

Mayor Jarecki opened the public hearing at 7:58 pm. Doc Holladay with the Dunes Motel stated his only request was the music to end at 12:00 as it did last year. Councilman Riedmiller asked Holladay if 12:30 would be acceptable. Mayor Jarecki said having the music stop at 12:00 is reasonable. Having no further comments, the public hearing was closed at 7:59pm. Councilman Rutten made a motion to recommend approval of CWR's Inc. Application for Special Designated Licenses for the following dates: June 14, 2013 & June 15, 2013 with the music ending at 12:00, seconded by Hoefler. **Vote: Yeas; Rutten, Johnson, Hoefler, Riedmiller. Nays; None.**

9. **CONSIDER REQUEST OF ALBION VETERANS CLUB TO CLOSE 3RD STREET BETWEEN W. CHURCH STREET AND W. MAIN STREET FROM 6AM JULY 27, 2013 TO 3:00 AM JULY 28, 2013 FOR COMMUNITY EVENT**

Karen Arends stated the reason the Veterans Club is requesting to close the street until 3:00 am is due to insurance reasons. Councilman Riedmiller made a motion to Approve request of Albion Veterans Club to close 3rd Street between W. Church Street and W. Main Street from 6:00 am July 27, 2013 to 3:00 am July 28, 2013 for a community event, seconded by Rutten. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefler. Nays; None.**

10. **OPEN PUBLIC HEARING TO CONSIDER ALBION VETERANS CLUB APPLICATION FOR SPECIAL DESIGNATED LICENSES FOR JULY 27, 2013**

Mayor Jarecki opened the public hearing at 8:01 pm. The band with stop the music at 12:30 and the area will be fenced in. Having no further comment the public hearing was closed at 8:02pm. Councilman Riedmiller made a motion to recommend Approval of Albion Veterans Club application for Special Designated License for July, 27 2013, seconded by Hoefler. **Vote: Yeas; Rutten, Hoefler, Riedmiller, Johnson. Nays; None.**

11. **DISCUSS SIGN OPTIONS FOR LEON NELSON FIELD AS PRESENTED BY THE AMERICAN LEGION**

Devine stated he checked with Nebraska Game and Parks regarding sign restrictions at the baseball fields. NE Game and Parks said signs were fine as long as there was not any commercial advertising. At this time there were no sign options presented. This item may be considered at the next regular meeting.

12. **CONSIDER AMENDMENT NO. 1 TO OWNER-ENGINEER AGREEMENT WITH JEO CONSULTING GROUP, INC. DATED MARCH 10, 2011**

Clerk Devine and Roger Protzman reviewed the amendment with Council members. The original engineering agreement was for 12 months and the project contract awarded to

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Rutjen's Construction was for 15 months. JEO is proposing \$6,633.33 per additional month for project supervision. Completion is expected by the end of May. Councilman Hoefler made a motion to Approve Amendment No. 1 to Owner-Engineer Agreement with JEO Consulting Group, Inc. Dated March 10, 2011, seconded by Johnson. **Vote: Yeas; Hoefler, Johnson, Riedmiller. Nays; Rutten.**

13. **CONSIDER INTERLOCAL AGREEMENT WITH BOONE COUNTY AND THE BOONE COUNTY AGRICULTURAL SOCIETY FOR APPROVAL**

Councilman Hoefler made a motion to Approve Interlocal Agreement with Boone County and The Boone County Agricultural Society for 1 Year as provided in the language of the agreement, seconded by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Rutten, Johnson. Nays; None.**

14. **CONSIDER RESOLUTION 107(13) APPROVING AND ADOPTING CITY OF ALBION, NEBRASKA ADA POLICY STATEMENT DATED MAY 14, 2013**

Devine explained that the Nebraska Department of Roads requested a copy of the City's ADA policy statement. Devine further explained that during his review of the City's files he discovered that there have been many different policies adopted over time, but Albion did not have a consolidated policy statement that met all current requirements on file. Councilman Hoefler made a motion to Approve Resolution 107(13), seconded by Rutten. **Vote: Yeas; Johnson, Rutten, Riedmiller, Hoefler. Nays; None.**

15. **CONSIDER APPOINTMENTS TO THE BOONE COUNTY DEVELOPMENT AGENCY BOARD OF REPRESENTATIVES AND EXECUTIVE COMMITTEE FOR THE CITY OF ALBION**

Clerk Devine stated Walt Hoefler's terms on both boards are up May 7, 2013 and he can be considered for reappointment. Councilman Riedmiller made a motion to Approve Appointment of Walt Hoefler to the Boone County Development Agency Board of Representatives and Executive Committee for the City of Albion, seconded by Rutten. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Rutten. Nays; None.**

16. **ADMINISTRATOR REPORT**

Pool:

The campaign has raised \$36,973 towards the \$125,000 Peter Kiewit Foundation match requirement. Total funds raised/committed so far: \$301,173. *Mitzi's initial \$266,000 gift not included in the campaign total. List of donors enclosed.

Final review of the Pool Plans and Project Manual occurred on April 22, 2013. Plans were reviewed extensively by Mayor Jarecki, Administrator Devine, Ron Moreary, Joe Luettel, Loup Power, and Source Gas. Final revisions based upon this review were made and the plans and project manual were approved by Mayor Jarecki on May 6, 2013. Notice to Bidders was published on May 8, 2013. A Pre-bid meeting is scheduled for 2pm on Friday, May 24th at City Hall. Bid opening is scheduled for 2pm on June 18, 2013 at City Hall. A special meeting of the Council is planned for 7:30 pm on June 25, 2013 to consider award of contracts.

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Streets:

Sta-Bilt expected to complete downtown maintenance project as soon as temperatures and weather allow. Streets can be open approximately 2 hours after surfaced. The project is expected to take two days.

Library:

Paulsen Construction expected to begin Library foundation and masonry maintenance work on May 22nd.

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. The roof was inspected and the leaks were found to be due to needed tuck-pointing as well as clogged gutters. It has been recommended to remove tree located South East of the building.

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 last month. 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. Nothing new to report.

Minutes from the April 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.

Other:

City-wide Clean Up Days are scheduled for May 13 and 14, 2013. No Hazardous Waste will be accepted.

The Albion Police Department has conducted a City-wide review of properties and has sent Courtesy Notices to property owners/tenants who appear to be maintaining nuisances. A follow-up inspection of those properties will be held on June 11, 2013 and if nuisances appear to remain will present reports and photographic evidence to the Council so that an official declaration can be made in resolution form. Once formally declared, the nuisance must be removed and abated by the July 9, 2013 City Council meeting or the City will remove and bill/assess the property for abatement costs.

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.

17. CONSIDER EMPLOYEE EVALUATION FOR APPROVAL

Councilman Riedmiller made a motion to Approve Evaluation of Ron Morearty, seconded by Johnson. **Vote: Yeas; Johnson, Hofer, Riedmiller, Rutten. Nays; None.**

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18. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #12 OF RUTJEN'S CONSTRUCTION FOR APPROVAL**
- **CONSIDER INVOICE FROM ADVANCED CONSULTING ENGINEERING SERVICES**

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

Councilman Rutten made a motion to Approve Pay Application #12 of Rutjen's Construction, seconded by Johnson. **Vote: Yeas; Johnson, Hoefler, Rutten, Riedmiller. Nays; None.**

Councilman Hoefler made a motion to Deny payment for Invoice from Advanced Consulting Engineering Services for \$1,350.00, seconded by Riedmiller. **Vote: Yeas; Rutten, Johnson, Riedmiller, Hoefler. Nays; None.**

19. ITEMS FOR NEXT MEETING AGENDA

- June 11th, 2013@ 7:30 pm
- Discussion of signage for Leon Nelson Field

20. ADJOURN

At 8:52 pm Councilman Hoefler made a motion to adjourn, seconded by Johnson. **Vote: Yeas; Rutten, Riedmiller, Hoefler, 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 Huisman, Deputy Clerk