

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING  
TUESDAY, FEBRUARY 12, 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 February 12, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Walt Hofer, Don Rutten and Marcus Johnson. Absent was James Riedmiller. Also present were City Administrator Devine, Deputy City Clerk Huisman, City Attorney Wright, Officer Predmore, Water Commissioner Morearty, Sewer Commissioner, and Street Superintendent Darrel Thorin. Also present were Jim Dickerson with the Albion News, Michael Hoback, Shelly Lueken, Todd Wynn, Jill Anding, Robert Racek, Andy Roberts, Linda Inman, Jeff Jarecki, Doug Young, and Tim Kayton. 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 posting, 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 JANUARY 8, 2013 MEETING**

Councilman Hofer made a motion to excuse Councilman Riedmiller from the meeting due to illness, seconded by Rutten. **Vote: Yeas; Rutten, Hofer, Johnson. Nays; None. Absent: Riedmiller.**

Councilman Rutten made a motion to approve the minutes of the January 8, 2013 meeting, seconded by Johnson. **Vote: Yeas; Hofer, Johnson, Rutten. Nays; None. Absent: Riedmiller.**

**3. OPEN PUBLIC HEARING FOR 1 & 6 YEAR STREET PLAN**

Mayor Jarecki opened the Public Hearing at 7:32 pm. Mayor Jarecki asked for any public input.

**4. ANNUAL AUDIT REVIEW**

Michael Hoback with AMGL was present to review the audit with Councilmembers. Hoback stated there were no audit finding and no recommendations. Hoback's only suggestion was to make sure the City saves all back up documentation for the credit card statements. Hoback also reviewed the benchmarking report which included the past eight years. Bob Racek had a question regarding sales tax, Hoback explained the sales tax budget.

**5. CONSIDER LOT SPLIT APPLICATION #2013-01 OF KROHN BROTHERS**

Administrator Devine stated that the land is outside City limits, but inside the one mile jurisdiction. The land is 6 ½ acres East of Greenline Equipment. Councilman Hofer made a motion to Approve Lot Split Application #2013-01 of Krohn Brothers, seconded by Johnson. **Vote: Yeas; Hofer, Johnson, Rutten. Nays; None. Absent: Riedmiller.**

**6. CONSIDER REQUEST OF ALBION ECONOMIC DEVELOPMENT CORPORATION FOR RELEASE OF SALES TAX FUNDS FOR ALBION ECONOMIC DEVELOPMENT PLAN PROGRAM ACTIVITIES**

AEDC is requesting release of \$27,561.25 in funds to apply to the 2013 joint administration agreement budget with the Albion Chamber of Commerce. The Citizen's Advisory Committee met on February 12, 2013 and unanimously voted to recommend approval. Doug Young was present and stated there were no changes in the budget.

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Councilman Hoefer made a motion to Approve the request of AEDC for release of \$27,561.25 in sales tax funds reserved for economic development activities, seconded by Johnson. **Vote: Yeas; Hoefer, Rutten, Johnson. Nays; None. Absent: Riedmiller.**

**7. CONSIDER THIRD READING OF ORDINANCE 217(12) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, TO AMEND THE NUISANCE ORDINANCE WHICH DEFINES A NUISANCE, PROVIDES FOR THE ABATEMENT AND ENFORCEMENT PROCEDURE; AND TO PROVIDE WHEN THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT**

Mayor Jarecki instructed Clerk Devine to read Ordinance 217(12) by title for the third time. Clerk Devine read Ordinance 217(12) for the third time. Councilman Rutten made a motion for Final Passage of Ordinance 217(12), seconded by Johnson. Mayor Jarecki sought further discussion, seeing none, Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 217(12) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 217(12) finally pass?” **Vote: Yeas; Rutten, Johnson, Hoefer. Nays; None. Absent: Riedmiller.**

**8. DISCUSS TELECOMMUNICATION OCCUPATION TAXES AND FRANCHISE FEES**

Mayor Jarecki stated that he does not want to make any changes until the next budget year. At this time he would like to just discuss different options and suggestions with Councilman. Clerk Devine explained the difference between occupation taxes and franchise fees. Councilman Rutten asked if there were taxes on the new Great Plains lines. Clerk Devine stated there were no taxes on the lines, due to the fact that there is no ownership of actual property. Johnson suggested changing the wording rather than completely eliminating the taxes and franchise fees. Devine stated that his thoughts to make it fair is to have all companies who provide similar services either pay the same taxes or not at all. Mayor Jarecki stated he would like to have fairness among all the businesses which he does not feel is the case at this time. Devine stated that we should look at all of our options before deciding on elimination. Devine also said that if the City did eliminate the taxes and fees it would not have a drastic effect on the budget.

**9. CONSIDER APPROVAL OF APPOINTMENT OF DENNIS MICHAEL TO THE BOARD OF DIRECTORS FOR THE ALBION HOUSING AUTHORITY**

Councilman Hoefer made a motion to Approve appointment of Dennis Michael to the Board of Directors for the Albion Housing Authority for 5 year term through 2017, seconded by Rutten. **Vote: Yeas; Hoefer, Johnson, Rutten. Nays; None. Absent: Riedmiller.**

**10. REVIEW ANNUAL REPORT FOR THE ALBION HOUSING AUTHORITY**

Members reviewed the annual report submitted by Gayle Olsen.

**11. CITY ADMINISTRATOR REPORT**

**Pool:**

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Burbach to present updated plans and specification draft to the pool committee in the third week of February. Upon approval of the committee, plans to be recommended to City Council for future review.

Administration and Pool Committee members have submitted grant applications to the Nebraska Game and Parks – LWCF Grant and the Peter Kiewit Foundation Grant; and, the Boone County Area Foundation submitted a funding request to the Mansfield Foundation. The LWCF grant approval is not scheduled until August, which may create a need to bid specific amenities at a later time separate from the main pool project. The Peter Kiewit Foundation Grant is expected to be awarded in March and the Mansfield Foundation Grant is not tied to a specific cycle, the Boone County Area Foundation filed the Mansfield Foundation application and expects some feedback any day.

### **Streets:**

1 and 6 year Street Plan further reviewed by the Mayor and administration as discussed at last month's meeting is to be adopted at this meeting.

### **Water/Sewer:**

The Mayor, Administrator, and Ron Morearty met with representatives from Grosch Irrigation and Advanced Consulting Engineering Services on January 11, 2013 to discuss the list of items (Dated March 23, 2012) to be addressed before the well project will be accepted as complete. To this date, items are not yet completed.

Minutes from the January 2013 progress meeting for the WWTF project are attached. The project is on schedule and is expected to be ready for a "clean water" test of pumps at the new plant on March 1, 2013. The new plant is expected to be online treating the City sewerage on or before April 1, 2013. Then the work at the existing plant will begin. The existing clarifiers will be filled and capped, the aeration tanks will be cleaned and refitted for secondary sludge treatment as well as flow equalization, and the sludge storage tank will be cleaned. It is expected that this second and final construction phase will be complete by July 1, 2013.

### **Other:**

Mayor's Annual Department Head Meeting was held on January 15, 2013. Notes from this meeting are attached to this report.

Due to loss of functionality due to the conversion from Verizon to Alltel, the three public works department Alltel phones were replaced with Verizon 4g LTE compatible smartphones as approved by Mayor Jarecki. Enhanced voicemail, staff-wide calendar synchronization, email, location tracking, and real-time infrastructure monitoring are new capabilities now available to the public works staff that may enhance communication and job performance.

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Attached is the current month Sales Tax Report – showing the monthly trend of sales tax receipts. The Report shows that November 2012 sales tax receipts are lower than October 2012 and November 2011.

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

Code/Zoning/Building Report for January attached.

### 12. CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL

Councilman Rutten made a motion to Approve Annual evaluations for Joe Luettel and Joe Landauer, seconded by Hoefler. **Vote: Yeas; Johnson, Rutten, Hoefler. Nays; None. Absent: Riedmiller.**

### 13. CONSIDER CONFIRMATION OF MAYORAL APPOINTMENT OF BETSY HARRIS TO THE ALBION PUBLIC LIBRARY BOARD OF DIRECTORS

Patty Hellbusch has resigned from the Library Board. The Library Board has recommended that the Mayor appoint Betsy Harris as her replacement. Mayor Jarecki thanked Patty for her many years of service to the Library and the community. Councilman Hoefler made a motion the Approve Mayoral appointment of Betsy Harris to the Albion Public Library Board of Directors, seconded by Johnson. **Vote: Yeas; Hoefler, Johnson, Rutten. Nays; None. Absent: Riedmiller.**

### 14. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #9 OF RUTJEN’S CONSTRUCTION FOR APPROVAL**

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

Councilman Rutten made a motion to Approve Pay Application #9 of Rutjen’s Construction for \$141,813.95, seconded by Johnson. **Vote: Yeas; Hoefler, Rutten, Johnson,. Nays; None. Absent: Riedmiller.**

### 15. CONSIDER RESOLUTION 102(13) ADOPTING CITY OF ALBION 1 & 6 YEAR PLAN

Darrell Thorin was present and reviewed the street plan with Councilman. Thorin stated South Street from 7<sup>th</sup> to 8<sup>th</sup> Street was added to the plan. Church Street was also added to the 1 Year Plan. Rutten asked if the piece of property between 7<sup>th</sup> and 8<sup>th</sup> Street was City property. Devine stated that it is City property. Devine also stated that once the plan is approved it would be a good idea to start talking to paving engineers to start preliminary designs as well as looking into soil analysis. Rutten suggested adding the curb and gutter on Ruby Street between 5<sup>th</sup> and 6<sup>th</sup> street to the 1 year plan. Mayor Jarecki and Clerk Devine both stated that project could be added to the Maintenance Plan. Devine stated that the City will probably only finish one of the projects in this budget year. The other projects will most likely have to be designed and put out for bidding. Devine said that we have 60% in cash budgeted this year for the street projects. Mayor Jarecki sought further public input, seeing none he closed the public hearing at 8:47 pm. Councilman Hoefler made a motion to Approve Resolution 102(13), seconded by Johnson. **Vote: Yeas; Rutten, Johnson, Hoefler. Nays; None. Absent: Riedmiller.**

### 16. ITEM FOR NEXT MEETING

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- Discuss Nuisance Abatement Program
- Grounds/Lawn Care Bids
- Sports Complex Concession Stand Bids

**17. ADJOURN**

At 8:55 pm Councilman Johnson made a motion to adjourn, seconded by Rutten. **Vote: Yeas; Johnson, Rutten, Hoefer. Nays; None. Absent: Riedmiller.**

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.

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Jim Jarecki, Mayor

ATTEST:

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Tonya Huisman, Deputy Clerk