

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 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 March 12, 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 Predmore, Officer Lipker, Water Commissioner Morearty, Utility Billing Clerk Knust. Also present were Jim Dickerson with the Albion News, Todd Wynn, and Steve Schrad. 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 FEBRUARY 12, 2013 MEETING

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

3. CONSIDER VACATION REQUEST OF BARB HANSON TO VACATE TWENTY (20) FEET OF SOUTH SIDE OF MAIN STREET BETWEEN 10TH STREET AND 11TH STREET OF CITY OF ALBION, BOONE COUNTY, NEBRASKA

Councilman Riedmiller made a motion to Table the Vacation Request until the City of Albion receives the Ordinance from Barb Hanson, seconded by Hoefler. **Vote: Yeas; Rutten, Johnson, Riedmiller, Hoefler. Nays; None.**

4. OPEN PUBLIC HEARING TO CONSIDER NEW APPLICATION FOR CLASS D LIQUOR LICENSE OF ALCO HOLDINGS LLC DBA ALCO DISCOUNT STORE #264, 2585 STATE HWY 14, ALBION, NEBRASKA

Mayor Jarecki opened the Public Hearing at 7:33 p.m. Mayor Jarecki sought public input. Jim Dickerson asked if the application was for off sale beer only. Clerk Devine stated that it was off sale beer, wine, and spirits. Clerk Devine also stated this is the same license they currently hold. Seeing no further comment, Mayor Jarecki closed the public hearing at 7:34 p.m. Councilman Riedmiller made a motion to Recommend Approval of the new application for Class D Liquor License of Alco Holdings LLC DBA Alco Discount Store #264, 2585 State Hwy 14, Albion, NE, seconded by Johnson. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Rutten. Nays; None.**

5. CONSIDER RESOLUTION 103(13) AUTHORIZING INTERLOCAL AGREEMENT WITH BOONE COUNTY TO LEASE SPACE AT THE CITY OF ALBION "OLD FIRE STATION" BUILDING FOR THE SHERIFF'S DEPARTMENT USE

Clerk Devine stated the agreement is the same as the previous year. Councilman Riedmiller made a motion to Approve Resolution 103(13) Authorizing Interlocal Agreement with Boone County to Lease Space at the City of Albion "Old Fire Station" Building for the Sheriff's Department Use, seconded by Hoefler. **Vote: Yeas; Rutten, Riedmiller, Hoefler, Johnson. Nays; None.**

6. CONSIDER RESOLUTION 104(13) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION

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Mayor Jarecki explained this would cover a mile radius, which is important because we have assets outside of city limits. Councilman Hoefler made a motion to Approve Resolution 104(13), seconded by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefler. Nays; Rutten.**

7. **OPEN 2013 LAWN CARE BIDS AND CONSIDER FOR APPROVAL AND AWARD OF CONTRACT**

Mayor Jarecki turned presiding power to Councilman President Riedmiller and left the room Clerk Devine stated there were two bids received; one from Jarecki Lawncare and another from Schrad K-Lawn. City Attorney Wright opened the bids in the order they were received. Jarecki Lawncare bid met all specifications with a bid total of \$8,136.70. Schrad K-Lawn also met all specifications with a bid total of \$8,605. Councilman Riedmiller asked what The City of Albion paid for lawn care in 2012, Devine stated the amount paid to Schrad K-Lawn was \$8,855. Councilman Rutten made a motion to Approve Bid Submitted by Jarecki Lawncare for the amount of \$8,136.70, and to Authorize Mayor or his representative to sign any Agreement/Contract Documents, seconded by Johnson. **Vote: Yeas; Rutten, Hoefler, Johnson. Nays; None.**

Following council action, Mayor Jarecki was invited back into council chambers and resumed presiding power of the meeting.

8. **OPEN PUBLIC HEARING TO CONSIDER RECOMMENDED AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING REGULATIONS OF THE CITY OF ALBION AS RECOMMENDED BY THE ALBION PLANNING COMMISSION**

- **CONSIDER INTRODUCTION AND PASSAGE OF RESOLUTION 105(13) APPROVING AND ADOPTING AMENDMENTS TO THE CITY OF ALBION, NEBRASKA COMPREHENSIVE PLAN**
- **CONSIDER INTRODUCTION AND PASSAGE OF ORDINANCE 220(13) AND 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 opened the public hearing at 7:48 pm and invited any public comment. Clerk Devine reviewed the ordinances, stating that with the modifications there are no specific plans. Todd Wynn, 443 W Fairview, asked if he could have a copy of the Ordinance to review. Jim Dickerson stated that he feels the tool is needed and logical for future planning in the City of Albion. Attorney Wright wanted to clarify that Ordinance 220(13) can be used inside City limits, but mainly used for the one mile jurisdiction. Mayor Jarecki sought further public input, seeing none the public hearing was closed at 7:52 pm. Councilman Riedmiller asked if all final decisions will need to be approved by City Council. Clerk Devine stated that all final decisions will come to the Council for vote. Mayor Jarecki stated that it is a good tool for infrastructure and growth in the future. Councilman Rutten asked who defines where streets will go. Devine stated that the Planning Commission can recommend, but City Council will make the final decision. Discussion ensued. Councilman Riedmiller made a motion to Approve Resolution 105(13) Approving and Adopting Amendments to the City of Albion, Nebraska Comprehensive Plan, seconded by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Johnson. Nays;**

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Rutten. Councilman Hoefer made a motion to Introduce Ordinance 220(13). Mayor Jarecki instructed Clerk Devine to read by title Ordinance 220(13). Clerk Devine read Ordinance 220(13) by title for the first time. Councilman Riedmiller made a motion to suspend the rules, seconded by Johnson. **Vote: Yeas; Riedmiller, Johnson. Nays; Rutten, Hoefer.** Motion to suspend the rules was not approved. Councilman Hoefer made a motion to Approve 1st Reading of Ordinance 220(13), seconded by Johnson. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefer. Nays; None.**

9. DISCUSS APPOINTMENT OF NUISANCE OFFICER FOR THE CITY OF ALBION NUISANCE ABATEMENT ORDINANCE

Councilman Rutten said he feels that all City Police Officers should be involved in the program. Mayor Jarecki stated that he has spoken with Chief Lipker and Lipker is comfortable being the Nuisance Abatement Officer, but stated there could be situations that arise and take priority over the nuisance abatement program. Rutten does not feel that will be much of a problem. Councilman Riedmiller asked what the process is if the City Condemns a property. Mayor Jarecki explained the process would start with a lien on the property, if the owner fails to pay the taxes and lien fees, the City can foreclose on the property. Clerk Devine stated, if the City wants to do things “right”, we may have to make an initial investment upfront and because of the revolving process, we will most likely never see that investment again. Councilman Rutten feels that if the funds were available to hire NENEDD, those funds should be available to start the process with the Albion Police as the Abatement officers. Discussion ensued. Councilman Riedmiller would like to Approve Ordinance 217(12). Clerk Devine stated he will draft a Resolution for the next Regular meeting to start that process.

10. ANNUAL WATER/SEWER REPORT

Members reviewed the annual report. Councilman Hoefer made a motion to Approve the Annual Water and Sewer Report, seconded by Riedmiller. **Vote: Yeas; Rutten, Hoefer, Johnson, Riedmiller. Nays; None.**

11. CITY ADMINISTRATOR REPORT

Clerk Devine stated on March 12, 2013 he received notification that the Library had received the Nebraska Community Foundation grant in the amount of \$5,500. The grant is to pay for ¼ of the costs of a masonry, foundation, and electrical upgrade.

Pool:

Meeting scheduled for late February was cancelled due to weather. Rescheduled for March 9, 2013. Mayor Jarecki updated the Council on the pool meeting. Jarecki stated that Burbach will be finishing drawings and submitting them to be reviewed by the Pool Committee as well as City Council.

Streets:

The 8th and South Street projects approved on the 1 year plan will be designed by Burbach and bid at the same time as the pool project to maximize value.

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The Mayor, Councilman Rutten, and I discussed street repair issues and manhole raising in certain areas of town this past month. Items to be addressed by staff when weather and time allow.

Water/Sewer:

The annual Water/Sewer report has been submitted and is an item of formal Council review on this month's agenda.

Ron has been working diligently on many winter meter change outs this past month. Mr. Morearty is not satisfied with the progress on the well project and neither am I. At this rate the Waste Water Facility project will be complete prior to the well project. The well project began in 2009. The Waste Water Facility project broke ground last year.

Minutes from the February 2013 progress meeting for the WWTF project are attached. The project is on schedule and equipment start-up tests have begun the first week of March. The new plant is expected to be online treating the City sewerage the last week of March. Then the work at the existing plant will begin in April. 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:

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.

12. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #10 OF RUTJEN'S CONSTRUCTION FOR APPROVAL**

Councilman Rutten stated that he did not think the City should pay Norms Dozer Service until Norm Patzel cleans up his property. Attorney Wright stated that the City could refuse to pay the bill, but the Council should really consider if that is something they would like to do. Clerk Devine said he feels that the City should handle the issue separately. Councilman Hoefler made a motion to Approve monthly bills for payment, seconded by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Hoefler. Nays; Rutten.**

Councilman Riedmiller made a motion to Approve Pay Application #10 of Rutjen's Construction for \$343,655.55, seconded by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Rutten, Johnson. Nays; None.**

13. ITEM FOR NEXT MEETING

- Nuisance Officer Resolution
- 2nd & Possible 3rd Reading Ordinance 220(13)
- 1st Reading Ordinance 221(13) (Possible 2nd & 3rd Reading)
- Discussion of Legion Field – Possible Memorial name change

14. ADJOURN

At 8:31 pm Councilman Hoefler made a motion to adjourn, seconded by Rutten. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefler. Nays; None.**

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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