

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, OCTOBER 8, 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 October 8, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Don Rutten, Walt Hoefer, and Marcus Johnson. Absent was James Riedmiller. Also present were City Administrator Devine, Deputy City Clerk Huismann, City Attorney Wright, Utility Billing Clerk Knust, Officer Buck, and Officer Lipker. Also present was Jim Dickerson with the Albion News, Jeff Jarecki, Shannon Landauer, Jon Porter, Don Casper, Randy Christo, Jackie Christo, Brad Slaughter, Lou Kennedy, Steve Bygland and Grant Mapel. 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.

3. APPROVE MEETING MINUTES OF THE SEPTEMBER 26, 2013 MEETING

Councilman Rutten made a motion to excuse Councilman Riedmiller from the meeting, seconded by Hoefer. **Vote: Yeas; Johnson, Hoefer, Rutten. Nays; None. Absent; Riedmiller.** Councilman Hoefer made a motion to approve the minutes of the September 26, 2013 meeting, seconded by Johnson. **Vote: Yeas; Hoefer, Rutten, Johnson. Nays; None. Absent; Riedmiller.**

4. CONSIDER APPLICATION FOR SDL OF ALBION THRIFTYWAY TO HOLD WINE TASTING

Councilman Johnson made a motion to Approve the SDL Application of Albion Thriftyway as Presented for a Wine Tasting Event on November 1, 2013 with an Alternate date November 8, 2013, seconded by Rutten. **Vote: Yeas; Rutten, Hoefer, Johnson. Nays; None. Absent; Riedmiller.**

5. OPEN PUBLIC HEARING TO CONSIDER APPROVAL AND ACCEPTANCE OR DENIAL OF AN APPLICATION FOR ADMINISTRATIVE PLAT BY RANDALL I. CHRISTO TO REPLAT TRACTS 1 AND 2 OF A FRACTION OF THE SE QUARTER OF SECTION 22-20N-6W OF THE 6TH P.M. IN BOONE COUNTY, NEBRASKA

Mayor Jarecki opened the public hearing at 7:32 pm. Clerk Devine explained the Plat Application. Jeff Jarecki, attorney for Randy Christo, stated that Clerk Devine was very helpful throughout the process. Mayor Jarecki sought further public input, seeing none the public hearing was closed at 7:33 pm. Councilman Rutten made a motion to Approve application for administrative plat by Randall I. Christo to replat tracts 1 and 2 of a fraction of the SE quarter of section 22-20N-6W of the 6th p.m. in Boone County, Nebraska, seconded by Hoefer. **Vote: Yeas; Johnson, Rutten, Hoefer,. Nays; None. Absent; Riedmiller.**

6. CONSIDER APPROVAL OF MAINTENANCE AGREEMENT BETWEEN NE DEPT OF ROADS AND THE CITY OF ALBION

The Maintenance agreement renewal period is January 1, 2014 – December 31, 2014. Councilman Hoefer made a motion to Approve Maintenance Agreement between NE Dept of Roads and The City of Albion, seconded by Johnson. **Vote: Yeas; Hoefer, Rutten, Johnson. Nays; None. Absent; Riedmiller.**

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7. **CONSIDER RESOLUTION 113(13) APPOINTING COMMISSIONER FOR THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY AS FORMED BY THE AGREEMENT FOR FORMATION OF THE CENTRAL NEBRASKA JOINT HOUSING AUTHORITY UNDER THE INTERLOCAL COOPERATION ACT**

Clerk Devine stated that Tracy Lipker will be taking over as the director of the Housing Authority and the appointed term is 5 years. Councilman Rutten asked if it was typical to be appointed for 5 years. Clerk Devine stated for a board like this it was typical. Councilman Hoefler made a motion to approve Resolution 113(13), seconded by Johnson. **Vote: Yeas; Johnson, Rutten, Hoefler, Nays; None. Absent; Riedmiller.**

8. **CONSIDER RESOLUTION 114(13) A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF ALBION, NEBRASKA, APPROVING COMMUNITY DEVELOPMENT ASSISTANCE ACT TAX CREDIT PROGRAM CONTRACT NO. 14-CDAA-01 FOR THE PURPOSE OF PROVIDING FINANCING INCENTIVES FOR THE ALBION SWIMMING POOL PROJECT**

Clerk Devine and Shannon Landauer explained the Tax Credit Program stating the available tax credit amount is \$25,000. Donors may receive \$1,000 in tax credits for each \$2,500 increment donation to the pool project. The tax credit can be extended over a period of 5 years. Councilman Rutten made a motion to Approve Resolution 114(13), seconded by Johnson. **Vote: Yeas; Rutten, Johnson, Hoefler. Nays; None. Absent; Riedmiller.**

9. **CONSIDER ORDINANCE #226(13) VACATING A PUBLIC STREET OF THE CITY OF ALBION, NEBRASKA AND RETAINING TITLE OF SAME**

Clerk Devine stated Cedar Valley Lumber has requested that the west half of 3rd street be made available for public sale, the street first has to be vacated. Cedar Valley Lumber would like to purchase the area to add on to the business. Councilman Hoefler Introduced Ordinance 226(13) with said changes. Clerk Devine read Ordinance 226(13) for the first time. Councilman Rutten made a Motion to Suspend the Rules, seconded by Johnson. **Vote: Yeas; Johnson, Rutten, Hofer. Nays; None. Absent; Riedmiller.** With the rules being suspended Mayor Jarecki instructed Clerk Devine to read Ordinance 226(13) for the second and third time. Clerk Devine read Ordinance 226(13) by title for the second and third time. Following the third reading of Ordinance 226(13) Councilman Rutten made a Motion for Final Passage of Ordinance 226(13), seconded by Johnson. Councilman Hoefler called the question. Mayor Jarecki declared Ordinance 226(13) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 226(13) finally pass?" **Vote: Yeas; Johnson, Rutten, Hofer. Nays; None. Absent; Riedmiller.**

10. **CONSIDER RESOLUTION 115(13) DIRECTING THE SALE OF SURPLUS REAL PROPERTY OF THE CITY OF ALBION, NEBRASKA**

Clerk Devine explained the process of selling surplus property. Council members discussed the area of land to be sold. The area is roughly 5,700 square feet. Councilman Rutten suggested the minimum bid of \$6,500. Councilman Hoefler made a motion to approve Resolution 115(13) with said changes, seconded by Rutten. **Vote: Yeas; Hoefler, Rutten, Johnson. Nays; None. Absent; Riedmiller.**

11. **CONSIDER RESOLUTION 116(13) TO ESTABLISH DAILY, WEEKLY, AND SEASON FEES AT THE ALBION PUBLIC SWIMMING POOL**

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Clerk Devine reviewed the recommended rates to councilmen. Devine stated the rates for residents and non residents are different because non residents are not paying taxes toward the pool bond. Councilman Johnson asked how the recommended rates compare to the area. Devine stated the rates are slightly higher than average, but our pool is unlike any in the area. Councilman Rutten made a motion to Approve Resolution 116(13), seconded by Hoefer. **Vote: Yeas; Johnson, Rutten, Hoefer. Nays; None. Absent; Riedmiller.**

12. CONSIDER RESOLUTION 117(13) ESTABLISHING POLICIES AND PROCEDURES FOR THE ALBION PUBLIC SWIMMING POOL

Clerk Devine stated he reviewed other community policies and procedures and adjusted for the City of Albion. Councilman Rutten made a motion to Approve Resolution 117(13), seconded by Johnson. **Vote: Yeas; Johnson, Hoefer, Rutten. Nays; None. Absent; Riedmiller.**

13. OPEN PUBLIC HEARING TO CONSIDER RECOMMENDED AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING MAP OF THE CITY OF ALBION

- **CONSIDER RESOLUTION 118(13) ADOPTING SPECIFIC AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING MAP OF THE CITY OF ALBION**

Mayor Jarecki opened the public hearing at 8:17 pm. Jim Dickerson stated that having a future street plan is a necessity and he would like to see more streets extended south of 6th Street. Mayor Jarecki sought public input, seeing none the public hearing was closed at 8:18 pm. Councilman Johnson asked whether the future street names could be changed. Clerk Devine stated that Oak and Oakview streets are already set a platted and no other streets have been set at this time. Councilman Rutten made a motion to Table Consideration of Resolution 118(13) until the council has a full quorum, seconded by Hoefer. **Vote: Yeas; Johnson, Rutten, Hoefer. Nays; None. Absent; Riedmiller.**

14. CONSIDER SECOND AND THIRD READING OF ORDINANCE 223(13) AMENDING/ELIMINATING TELEPHONE/TELECOMMUNICATION OCCUPATION TAXES

Clerk Devine stated that he and Attorney Wright are still working on the Ordinance language and have yet to meet with USA Communications. Attorney Wright recommended approving the 2nd Reading only. Clerk Devine read Ordinance 223(13) by title for the second time. Councilman Johnson made a motion to pass the Second Reading of 223(13), seconded by Hoefer. **Vote: Yays; Rutten, Hoefer, Johnson. Nays; None. Absent; Riedmiller.**

15. CONSIDER ORDINANCE 225(13) AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SWIMMING POOL BONDS, SERIES 2013 OF THE CITY OF ALBION, NEBRASKA, IN THE PRINCIPAL AMOUNT OF ONE MILLION FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$1,450,000) FOR THE PURPOSE OF CONSTRUCTING AND EQUIPPING A NEW SWIMMING POOL AND BATHHOUSE IN AND FOR THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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Brad Slaughter with Ameritas was present and reviewed the bond breakdowns with Council members. Councilman Hofer introduced Ordinance 225(13). Clerk Devine read Ordinance 225(13) for the first time. Councilman Rutten made a Motion to Suspend the Rules, seconded by Johnson. **Vote: Yeas; Johnson, Rutten, Hofer. Nays; None. Absent; Riedmiller.** With the rules being suspended Mayor Jarecki instructed Clerk Devine to read Ordinance 225(13) for the second and third time. Clerk Devine read Ordinance 225(13) by title for the second and third time. Following the third reading of Ordinance 225(13) Councilman Rutten made a Motion for Final Passage of Ordinance 225(13), seconded by Johnson. Councilman Hofer called the question. Mayor Jarecki declared Ordinance 225(13) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 225(13) finally pass?" **Vote: Yeas; Johnson, Rutten, Hofer. Nays; None. Absent; Riedmiller.**

16. WATER TOWER/WELL UPDATE

Water commissioner Morearty was unable to be at the meeting. Clerk Devine gave the tower and well update. Devine stated the tower was struck by lightning in the last storm. The insurance company has been contacted. Ron has been discussing the wash out and repaint of the tower with Utility Services. Councilman discussed the service agreement with Utility Services.

17. NUISANCE ABATEMENT UPDATE

Brent Lipker was present and stated he plans to do another canvas of the City of Albion starting next week. Lipker stated he still has a few properties that were addressed this summer that have fallen out of compliance. Lipker also stated that he may have one property that will be forwarded to the Council for suggestions.

18. ADMINISTRATOR REPORT

Pool:

The campaign has raised \$99,217 towards the \$125,000 Peter Kiewit Foundation match requirement. Total funds raised/committed so far: \$363,417. *Mitzi's initial \$266,000 gift not included in the campaign total. List of donors enclosed.

Streets:

Nothing new to report. 8th and South Streets Project should be put out to bid soon.

Water/Sewer:

Water – Electronic interference continues to be an issue with the metering system at the new well house. Ron has researched a person at Sargent Irrigation who should be able to solve the issue.

Once this issue is resolved the stainless steel shaft installation can be scheduled as well as the interior cleaning and painting as previously discussed. Ron is also pursuing a complete sand-blast and paint job as the touch-up completed by the service company is already flaking off. The meter issue must be solved prior to this work being completed.

Sewer - There continues to be issues with the sewer plant controls, monitoring system, HVAC for the lab room, and the blower units. The engineers and appropriate sub-contractors are

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trouble shooting these. Joe Luettel may be able to provide some more information at the meeting.

Other:

Follow-up report on Tire Clean up – there was no additional cost to the City. It was originally estimated that there would need to be \$1,000-1,500 needed out of the Solid Waste fund to supplement the grant.

The 2013-14 Budget has been filed on time with the County Clerk and State Auditors office. The year-end audit fieldwork with AMGL is scheduled for October 21, 2013 and we will busy preparing for this day by pulling files and organizing specific information for the auditors. 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.

19. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #2 OF CHRISTIANSEN CONSTRUCTION FOR APPROVAL**

Councilman Rutten made a motion to Approve Monthly Bills, seconded by Johnson.

Vote: Yeas; Hoefler, Rutten, Johnson. Nays; None. Absent; Riedmiller.

Councilman Hoefler made a motion to Approve Pay Application #2 of Christiansen Construction, seconded by Johnson. **Vote: Yeas; Johnson, Hoefler, Rutten. Nays; None. Absent; Riedmiller.**

20. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- **Dave Bell with LPPD to give and Update**
- **Ordinance 223(13)**
- **Resolution 118(13)**

21. ADJOURN

At 8:57 pm Councilman Hoefler made a motion to adjourn, seconded by Johnson. **Vote: Yeas; Rutten, Hoefler, Johnson. 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:

Tonya Huismann, Deputy Clerk