

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, JUNE 10, 2014**

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 June 10, 2014 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Jim Riedmiller, Don Rutten, and Walt Hoefer. Marcus Johnson arrived at 7:32. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Deputy City Clerk Sharon Ketteler, Billing Utility Clerk Ann Knust, Police Officer Joe Predmore, Police Chief Brent Lipker, City Attorney Darren Wright, Jim Dickerson with the Albion News, Sheryl Machacek, and Jon Porter. 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 MAY 13, 2014 MEETING

Councilman Riedmiller made a motion to approve the minutes of the May 13, 2014 meeting as presented, second by Rutten. **Vote: Yeas; Hoefer, Rutten, Riedmiller. Nays; None. Absent; Johnson.**

3. OPEN PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION #CU-2014-01 OF BOONE COUNTY NEBRASKA TO ERECT A RADIO TOWER ON THEIR PROPERTY LEGALLY DESCRIBED AS A FRACTION OF THE NW ¼ OF THE NE ¼ OF SECTION 28, TOWNSHIP 20N, RANGE 6W BOONE COUNTY, NEBRASKA AND WITHIN THE TA ZONING

Mayor Jarecki opened the public hearing at 7:32 p.m. Sheryl Machacek, Communications Manager for Sheriff's office, spoke on the application. She briefed the Council on the background information on State of Nebraska Emergency Management effort to improve Nebraska Interoperable Communications Network. She explained the cost effectiveness of a new tower being built versus going into an agreement with Viero. Mayor Jarecki asked for public input; hearing none he closed the public hearing at 7:40 p.m. and opened the floor for Council discussion. No further discussion. Councilman Riedmiller made a motion, second by Rutten, to approve Conditional Use Permit Application #CU-2014-01 with the following conditions:

- 1) Project meets county road setbacks;
- 2) Project receives FAA approval;
- 3) Project receives Nebraska Department of Aeronautics Approval; and,
- 4) Meets any and all other local zoning regulations.

Vote: Yeas; Riedmiller, Johnson, Hoefer, Rutten. Nays; None.

4. CONSIDER REQUEST OF LORI KROHN TO CLOSE CHURCH STREET BETWEEN 5TH AND 3RD STREETS FROM 9:30 AM TO 11:30 AM ON JULY 4, 2014 FOR A KIDDIE PARADE

Clerk Devine noted these streets have been closed for this event the past two years and there has been no issues with it. Councilman Riedmiller made a motion to approve request to close Church Street between 5th and 3rd Streets from 9:30 a.m. to

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11:30 a.m. on July 4, 2014 for a kiddie parade, second by Johnson. **Vote: Yeas; Rutten, Riedmiller, Johnson, Hoefer. Nays; None.**

5. CONSIDER RECOMMENDATION OF MAYOR AND CITY ADMINISTRATOR REGARDING BIDS RECEIVED ON JUNE 4, 2014 FOR A NEW STREET SWEEPER

Clerk Devine stated that three bids were received on June 5, 2014. After review of bids, it was determined that Elliot Equipment's bid was the lowest responsive responsible bid. They had the lowest bid, and their bid met all of the specifications. Devine provided a bid tabulation for the Council and noted that \$110,000 was budgeted for a new street sweeper in the current 2013-2014 budget year. Devine also suggested the Council may wish to consider this purchase without a trade in and have a private sale of the old sweeper as the trade in allowance was low. Discussion ensued. Councilman Hoefer made a motion to approve and accept the bid of Elliot Equipment Company of \$103,050 without trade in of current sweeper; second by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Johnson. Nays; Rutten.**

6. CONSIDER FRONTIER RIGHT OF WAY PERMIT APPLICATION

Clerk Devine stated the City received the completed application and fee; and he recommended approval of the permit. Councilman Rutten made a motion to approve Frontier Right of Way Permit Application, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Johnson, Rutten. Nays: None.**

7. CONSIDER AUTHORIZING CITY STAFF TO WORK WITH A CONSULTANT TO COMPLETE THE 2014-15 SECURITY GRANT APPLICATION FOR WATER AND SEWER SYSTEM GIS MAPPING FOR HALF OF ALBION

Clerk Devine explained the need for updating the City Water and Sewer Maps, and the benefits of GIS mapping. He presented quotes from JEO and Nebraska Rural Water. DHHS Security Grant Funding is available for GIS mapping, and JEO writes these grants. The grant deadline is July 1, 2014. Nebraska Rural Water does not write DHHS Water Security Grants; and they do not have the capability to shoot the manhole elevations. City Staff would now like to work with JEO to write the grant and if successful to also provide GIS mapping services for half of Albion in the 2014-2015 budget year; and then complete the 2nd half in 2015-2016 grant cycle. The total project scope and budget will be determined after results of the grant application are received. Councilman Rutten made a motion to authorize city staff to work with JEO to complete the 2014-2015 Security Grant for Water System GIS Mapping for half of Albion, second by Johnson. **Vote: Yeas; Riedmiller, Rutten, Hoefer, Johnson. Nays; None.**

8. CONSIDER ORDINANCE 230(14) – AMENDING SECTION 1-508 REGARDING THE BIDDING REQUIREMENTS FOR CITY CONTRACTS

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City Attorney, Darren Wright, stated the purpose of this amendment is so that City Code reflects current State Statute regarding awarding of contracts. Our current Ordinance states that any contract for public improvements that is over \$20,000 has to be bid and meet all bid requirements. Under State Statutes that limit is \$30,000. The City can still choose to bid for below that \$30,000, but is not obligated to bid under that \$30,000 if we move to that limit. The second amendment to the Ordinance would add negotiating a contract if no valid bids were received. Councilman Johnson made a motion to Introduce Ordinance 230(14). Clerk Devine read Ordinance 230(14) for the first time. Councilman Johnson made a motion to Suspend the Rules, second by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Johnson. Nays; Rutten.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 230(14) by title for the second and third time. Clerk Devine read Ordinance 230(14) by title for the second and third time. Following the third reading of Ordinance 230(14) Councilman Riedmiller made a motion for Final Passage of Ordinance 230(14), second by Hoefer. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 230(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 230(14) finally pass?” **Vote: Yeas; Johnson, Riedmiller, Hoefer. Nays; Rutten.**

9. CONSIDER ORDINANCE 231(14) – ENACTING SECTION 2-134 OUTLAWING THE IMPROPER DISPOSAL OF YARD WASTE AT THE CITY GRASS AND TREE PILES

Clerk Devine stated that the proposed amendment would add a section to the Misdemeanor Code which reflects the language on the DEQ Burn Permit. The section includes a list regarding what can and cannot go into the burn pile; and will be enforced by a fine. Councilman Hoefer made a motion to Introduce Ordinance 231(14). Clerk Devine read Ordinance 231(14) for the first time. Councilman Rutten made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Johnson, Rutten, Hoefer, Riedmiller. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 231(14) for the second and third time. Clerk Devine read Ordinance 231(14) by title for the second and third time. Following the third reading of Ordinance 231(14) Councilman Rutten made a motion for Final Passage of Ordinance 231(14), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 231(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 231(14) finally pass?” **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefer. Nays; None.**

10. **CONSIDER MAYORAL APPOINTMENT TO THE ALBION POLICE DEPARTMENT**

Due to personnel and the negotiating process, Councilman Riedmiller made a motion to go into closed session; second by Hoefer. **Vote: Yeas; Johnson, Hoefer, Rutten, Riedmiller. Nays: None.** Council members went into closed session at 8:36 p.m. and entered back into open session at 8:45 p.m. Mayor Jarecki recommended hiring Mike Mapel to the Albion Police Department. Councilman Rutten made a motion to hire Mike Mapel to the Albion Police Department, second by Johnson. **Vote: Yeas; Johnson, Hoefer, Rutten Riedmiller. Nay; None.**

11. **CONSIDER RIGHT OF WAY GRANT TO RDG GEOSCIENCE AND ENGINEERING FOR PURPOSE OF CONSTRUCTING MONITORING WELLS NEAR 5TH AND MAIN STREETS**

Clerk Devine presented a draft of the Right of Way Grant, which would legally allow RDG Geoscience and Engineering to construct monitoring wells. Devine stated they have already submitted a full application for a well permit, which was evaluated and approved by JEO free of charge. Darren Wright noted after reviewing the map that he would need to add the legal for the 8th, 9th, and 10th wells across the street. Councilman Johnson made a motion to approve the Right of Way Grant/Occupancy to RDG Geoscience for purpose of constructing and maintaining monitoring of wells near 5th and Main Streets, with the additional legal description of the 3 wells across the street; second by Rutten. **Vote: Yeas; Johnson, Rutten, Hoefer, Riedmiller. Nays: None.**

12. **ANNUAL DELINQUENT UTILITY ACCOUNT REPORT**

Utility Billing Clerk Knust provided a report for Councilmembers to review. No action taken.

13. **CITY ADMINISTRATOR REPORT – BUDGET PERFORMANCE REPORT AND SALES TAX REPORT**

Pool:

Progress meeting was held June 4, 2014. It is anticipated that the project will be substantially complete on the contract date of June 13, 2014. We are targeting a public open house/tours on

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June 15, 2014 from 1pm-4pm. Then opening for business some time during the week of June 16-20 pending all State required inspections/permits. DHHS has rescheduled their inspection from June 12, 2014 to June 19, 2014.

Progress since last meeting (May 7, 2014):

Christiansen:

- Finished all Deck pours
- Pool accessories installed: chairs, umbrellas, shade sails, safety pads, water walk, hand rails, ladders.
- Flatwork in front of bathhouse including steps and retaining wall.
- Grating on Mechanical Building changed out to correct color.
- Lights in Concession area/office have been installed.
- Outside receptacles installed
- Yard hydrant receptacles installed
- Pool painting finished including anti-slip coating where necessary.
- Antigraffi block coating done on bathhouse.
- Interior bathhouse painted.
- Plumbing of yard hydrants done.
- Backflow device installed and hooked up
- Pool fill valve installed
- Water Meter installed
- Starting to fill pool today - June 4, 2014

Mechanical Inc - no representation at meeting.

Work Anticipated this month (June 4, 2014 thru Substantial Completion):

Christiansen:

- Ceilings in BH
- Public Address system install on Monday, June 9th
- Rest of Lights - install and outside - to be installed
- Finish setting Bathhouse plumbing fixtures - all but 2 done - 2 toilets arrived broken in transit and have been re-ordered
- Sewer service line, new sewer main, and manholes
- Natural Gas line between Bathhouse and Mechanical Building
- Toilet partitions and accessories in bathhouse
- Painting exterior siding
- Fence fabric - to arrive until 10th - to be installed by 13th.
- Water testing
- Chemical test after initially balanced
- Caulking of expansion/contraction joints on the 16th - will need to stay off of the deck that day.
- Temporary windows to be installed - permanent windows not here until June 23rd.

Mechanical Inc - no representation at meeting

Outstanding issues:

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- 1) DHHS inspection has been moved to 6/11/2014 from 6/12/2014 - due to inspector's scheduled vacation from the 12th through 20th. Must have approval of permit before operation.
- 2) City needs to have the following ready and on site prior to inspection:
 - Need all lifeguard certifications, CPR certifications, operator licenses - on site.
 - Chemical delivery receipt needs to be onsite
 - Written staffing plan needs to be available (schedule).
 - Phone installed and - "dial 911" posted.
 - Plastic bottle of commercial grade ammonia solution on site for leak detection in chemical rooms (Ron M)
 - Liquid soap in all dispensers in bathhouse/locker rooms (Ron M)
 - Electrical inspection needs to be complete prior to the 11th - Electrician will try to get scheduled - state inspector usually requires a week notice.
 - State Fire Marshall inspection needs to be complete on or prior to completion - Christiansen to schedule.
 - City needs to schedule state food inspection prior to opening.

Owner Concerns/Comments:

- Frontier to install DSL modem this Friday - will have them set on counter for now - ultimately would like in the PA enclosure if there is room.
- Coordinate PA cabinetry install with Chuck - top of PA cabinet level with top of countertop - owner verify prior to install.
- If possible, the City would like to hold a dry open house on Sunday June 15, 2014 1pm-4pm
- Moving in deck equipment and concession equipment - timing/availability /coordination? Will most likely be able to start moving equipment in next week, but might be better to wait until the 16th.
- Soft opening sometime the week of June 16th pending all state/inspection approvals
- Coordination of removal of overburden pile (any extra can go up to wellhouse/tower site) by Christiansen's contractor and aggregate surface placement on 8th Street by city or city hired contractor. Dave will set grade stakes for city after overburden pile removed.

Dave overviewed Liquidated Damages:

After June 13th - \$250/day per day until the 20th; then \$500/day until 27th; then \$1000/day.

Streets:

Nothing new to report.

Water/Sewer:

Well #1 decommissioning is complete.

Well #2 has been pulled and rehab work is expected to begin soon. JEO provided the state with the required review at a cost of \$155. There is also a State fee in the \$700 range that JEO will be submitting on our behalf that will be invoiced to the City.

Park:

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Plaque for the Leon Nelson Memorial Field has arrived and anticipate installation prior to the next Legion home game on June 10, 2014.

Mayor Jarecki donated labor and equipment to prep west ball field for tee ball, coach pitch, and softball.

Other:

Devine provided the current month Sales Tax Report showing the monthly trend of sales tax receipts and also an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

14. CONSIDER BILLS TO BE PAID

- **CONSIDER MONTHLY BILLS REPORT**

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

- **CONSIDER PAY APPLICATION #10 OF CHRISTIANSEN CONSTRUCTION**

Clerk Devine noted the pay application was reduced by \$35,000. There was a reduction of \$25,000 as the water slide was not operational yet; and \$10,000 due to the sanitary sewer not being completed. Councilman Johnson made a motion to approve Pay Application #10 of Christiansen Construction for \$292,690.84, second by Hoefler. **Vote: Yeas; Johnson, Rutten, Hoefler, Riedmiller. Nays; None.**

15. ITEMS FOR NEXT MEETING AGENDA

- Declare street sweeper
- Possible amendment to Disturbing Peace Ordinance
- Surveillance camera for tree and grass pile
- Mike Mapel Oath of Office
- Next Regular Meeting: July 8, 2014, 7:30 p.m.

16. ADJOURNMENT

At 8:45 pm Councilman Hoefler made a motion to adjourn, second by Johnson. **Vote: Yeas; Hoefler, Rutten, Riedmiller, Johnson. 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk