

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, JULY 8, 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 July 8, 2014 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Marcus Johnson, Don Rutten, Walt Hoefer, and Jim Riedmiller. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Deputy City Clerk Sharon Ketteler, Police Officer Joe Predmore, City Attorney Darren Wright, Jim Dickerson with the Albion News, Carroll Anderson, 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 JUNE 10, 2014 MEETING**

Councilman Riedmiller made a motion to approve the minutes of the June 10, 2014 meeting as presented, second by Hoefer. **Vote: Yeas; Johnson, Hoefer, Rutten, Riedmiller. Nays; None.**

**3. OPEN PUBLIC HEARING TO CONSIDER APPLICATION FOR ADMINISTRATIVE PLAT BY CARROLL M. ANDERSON TO REPLAT THE SOUTH 80 FEET OF LOTS 1 AND 2, BLOCK 2 OF THE BECKER, NEEHAM AND WILLIAMS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:33 p.m. He sought input from the public; hearing none, he closed the public hearing at 7:34 p.m. The Mayor opened for Council discussion. Clerk Devine reported that the Planning Commission reviewed the application and recommended approval. Councilman Riedmiller made a motion to approve Application for Administrative Plat by Carroll M. Anderson, second by Hoefer. **Vote: Yeas; Johnson, Rutten, Riedmiller, Hoefer. Nays; None.**

**4. RECEIVE RECOMMENDATION OF ALBION PLANNING COMMISSION REGARDING PHASE 1 OF ANDERSON SUBDIVISION-WATER, SEWER, & PAVING IMPROVEMENT PLANS AND SPECIFICATIONS AND CONSIDER FOR APPROVAL**

Clerk Devine presented documents of the Plans and Specifications, and noted that the Planning Commission reviewed the plans and recommended approval. Devine stated that City Staff also reviewed the plans, and also recommended approval pending approval by DHHS and DEQ; with the correction that the service saddles need to be all stainless steel instead of brass. Councilman Rutten made a motion to approve Plans and Specifications of Phase 1 Water, Sewer, and Paving Improvements for the Anderson Subdivision with said corrections; second by Riedmiller. **Vote: Yeas; Hoefer, Johnson, Rutten, Riedmiller. Nays; None.**

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### 5. CONSIDER RESOLUTION 113(14) DECLARING AND DIRECTING THE SALE OF SURPLUS PROPERTY

Clerk Devine stated that no bids were received on the original sale of pool equipment; however, some interest had been expressed again for some of the items. Devine recommended again declaring these previous pool items as surplus property; and adding other miscellaneous pool and bathhouse equipment, the used fax machine, and the street sweeper. Discussion ensued. Councilman Hoefler made a motion to introduce and approve Resolution 113(14), second by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Johnson, Rutten. Nays; None.**

### 5b. CONSIDER RESOLUTIONS SERIES 114(14) DECLARING NUISANCES

Clerk Devine stated the Albion Police Department served courtesy notices and inspection reports to two property owners they considered to be nuisances. Devine presented the inspection reports to the Council for review. Discussion ensued. Councilman Hoefler made a motion to introduce and approve Resolutions 114(14)-1 and 114(14)-2, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefler, Rutten. Nays; None.**

### 6. CONSIDER ORDINANCE 232(14) AMENDING CITY CODE REGARDING DISTURBING THE PEACE

City Attorney Wright explained the basis of the Ordinance to amend was due to problems enforcing the current Ordinance which has vague language. This explanation encompassed both Ordinance 232(14) and 233(14). Councilman Riedmiller suggested adding to the Ordinance that which would allow extending the noise until midnight during the 4<sup>th</sup> of July week. Councilman Hoefler made a motion to introduce Ordinance 232(14) with the changes for 4<sup>th</sup> of July week. Mayor Jarecki instructed Clerk Devine to read Ordinance 232(14) for the first time. Councilman Hoefler made a motion to approve the first reading of Ordinance 232(14) with the changes for 4<sup>th</sup> of July week, second by Riedmiller. **Vote: Yeas; Riedmiller, Rutten, Hoefler, Johnson. Nays: None.**

### 7. CONSIDER ORDINANCE 233(14) AMENDING CITY CODE REGARDING EXCESSIVE NOISE

Councilman Johnson made a motion to introduce Ordinance 233(14). Mayor Jarecki instructed Clerk Devine to read Ordinance 233(14) for the first time. Councilman Rutten made a motion to approve the first reading of Ordinance 233(14), second by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Rutten. Nays; None.**

8. **CONSIDER ORDINANCE 234(14) AMENDING CITY CODE REGARDING RESTRICTIONS ON LOCATIONS WHERE SEXUAL PREDATORS MAY RESIDE IN ALBION CITY LIMITS**

Mayor Jarecki noted the importance of this Ordinance for the safety of the town. City Attorney Wright explained the Ordinance is basically what State Statute allows. Councilman Hoefer made a motion to introduce Ordinance 234(14). Clerk Devine read Ordinance 234(14) for the first time. Councilman Rutten made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Johnson, Rutten. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 234(14) by title for the second and third time. Clerk Devine read Ordinance 234(14) by title for the second and third time. Following the third reading of Ordinance 234(14) Councilman Rutten made a motion for Final Passage of Ordinance 234(14), second by Johnson. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 234(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 234(14) finally pass?” **Vote: Yeas; Hoefer, Johnson, Rutten, Riedmiller. Nays; None.**

9. **CONSIDER AMENDMENT TO SOLID WASTE AGREEMENT WITH BUD’S SANITARY SERVICE IN ORDER TO FURTHER DEFINE COMMERCIAL DUMPSTER SERVICE**

Clerk Devine stated it was discovered this past month that the agreement with Bud’s Sanitary Service defines that the City pays them a specific amount per dumpster they provide to a commercial customer. The size of dumpster is not defined in the agreement, but the intent was to apply the rate per 2 yard capacity of dumpster. Bud’s Sanitary Service asked for an amendment to clarify this part of the agreement so that the rates charged are based on the dumpster capacity provided to the customer. The rate that the City charges commercial customers is already based upon dumpster capacity, so Devine doesn’t see this requiring an increase in rates to the customers, and he recommended approval of the amendment. Councilman Rutten made a motion to approve amendment to Solid Waste Agreement with Bud’s Sanitary Service, second by Johnson. **Vote: Yeas; Johnson, Hoefer, Rutten, Riedmiller. Nays; None.**

**10. PRESENTATION OF MAYOR’S PRIORITY PROJECT LIST**

Mayor Jarecki presented his project list:

- Finish water well projects so have multiple sources of clean drinking water.
- New tennis court as second phase of pool project.
- Improve landscaping at the new fire station.
- Improve Fairview Street including storm drainage.
- Encourage development of workforce housing units – both owner occupied and rental – utilizing Economic Development funds already designed to provide such incentives.
- Improve water system so that can maintain water tower at full capacity.
- Renew ½ cent sales tax in 2016 for property tax relief to fund pool bond, fire department, and police department.

The Mayor will be holding a department manager meeting on July 14, 2014 to discuss these items and other priorities within each department to prepare for next year’s budget.

**11. ACCEPT OFFICIAL OATH OF OFFICE BY MIKE MAPEL, ALBION POLICE OFFICER**

Mike Mapel was not present, however, he submitted his notarized Official Oath of Office which Clerk Devine presented to the Council. No formal action taken.

**12. CONSIDER APPROVAL OF THE ALBION FIRE DEPARTMENT ROSTER**

The Council confirmed the Fire Department Roster for the annual August department member Life Insurance renewal. Councilman Hoefler made a motion to approve Fire Department Roster as presented including new member, Cole Frey; second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefler, Johnson, Rutten. Nays; None.**

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

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### **POOL:**

The DHHS permit received on June 24<sup>th</sup> and we opened that evening. Attendance has ranges between 100-230 patrons per day, far surpassing the 50-100 that the old pool averaged. A progress meeting was held with the Contractors and Burbach Aquatics on July 3, 2014. Report from this meeting will be made available at the Council meeting.

I am also pleased to report that the Peter Kiewit Foundation Grant check in the amount of \$100,000.00 has been received following our report of substantial completion!

### **Pool Project Meeting Notes:**

**July 3, 2014**

#### **Progress since last meeting (June 4, 2014):**

- Christiansen: Substantial Completion Met on June 24th
- Mechanical Inc - no representation at meeting.

#### **Work Anticipated :**

- Christiansen
  - Sprinklers Installation this week;
  - Seed next week;
  - Move trailer in 10 days to campgrounds;
  - Fix drain for roof drainage - sidewalk issue;
  - Emergency light;
- Mechanical Inc - no representation at meeting

#### **Outstanding issues:**

- Engineer/Owner in process of developing punch list of items to be corrected. Preliminary list reviewed at meeting.

#### **Owner Concerns/Comments:**

- Included in Punch List

### **STREETS:**

New Street Sweeper was delivered on Monday, June 30, 2014. Street maintenance crack sealing performed the last week of June.

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### **WATER/SEWER:**

Well #1 decommissioning is complete.

Well #2 and #3 rehabilitation project has been approved by DHHS; however, this required a full engineers opinion including drafting and submission of stamped plans and specifications.

### **PARK:**

Have had contact with Todd Kramer concerning prioritization of desired projects at the Sports Complex. He will organize with other coaches/organizations and provide a list of prioritized projects they would like to see accomplished. I will then attempt to work these into the budget.

### **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.

## **City Zoning, Planning, and Building Report**

July 2, 2014

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### **Building Permits Reviewed and Approved June 2014**

- 14-1003 – Anderson, Carol – Demo Permit
- 14-1004 – Kleveland, Samantha – Fence
- 14-1005 – Hamilton, Tim - Deck
- 14-1006 – Leetch, Randy – Addition to Rental
- 14-1007 – Jacot, Richard – Fence and Deck
- 14-1008 – Flanagan, Joe – Addition
- 14-1010 – Knott, Ed - Addition to Office/Storage
- 14-1011 – Borer, Chris – Accessory Building
- 14-1014 – Brickel, Harlan – New Fence
- 14-1015 – Cargill, Inc. – New Scale
- 14-1016 – Voboril, Joe – Carport
- 14-1018 – Kohtz, Chris – Back Porch

### **Building Permits Reviewed and Denied Since June 2014**

None

**Building Permit Applications picked up, but not returned to office for review prior to end of June:**

- 14-987 – Roberg, Dave – Deck addition
- 14-997 – Merten, Jeff - Carport
- 14-1000 – Burda, Jeanette – Handicap Ramp
- 14-1009 – Dozler, Ray – Accessory Building
- 14-1012 – Porter, Jon – New Home
- 14-1013 – Porter, Jon – New Home
- 14-1017 – Jarecki, Jeff - Fence

**14. CONSIDER ACTION ON WASTE WATER TREATMENT FACILITY FINALIZATION DOCUMENTS AS SUBMITTED BY JEO CONSULTING GROUP**

- Consider change order #3 of Rutjen’s Construction for approval.

Clerk Devine stated JEO recommended approval of change order #3 due to change in federal wage requirements between bid submittal and construction.

Councilman Rutten made a motion to approve change order #3 of Rutjen’s Construction for Waste Water Treatment Facility Project, second by Riedmiller.

**Vote: Yeas; Hofer, Riedmiller, Johnson, Rutten. Nays: None.**

- Consider approval of final pay application of Rutjen’s Construction.

Clerk Devine recommended to table until blower and clarifier problems are corrected. Councilman Hofer made a motion to table final pay application of Rutjen’s Construction until blower and clarifier problems are corrected, second by Riedmiller.

**Vote: Yeas; Johnson, Rutten, Riedmiller, Hofer. Nays; None.**

- Consider approval of recommendation of acceptance.

Clerk Devine recommended to table recommendation of acceptance for the Albion Waste Water Treatment Facility until blower and clarifier problems are corrected. Councilman Johnson made a motion to table recommendation of acceptance for the Albion Waste Water Treatment Facility until blower and clarifier problems are corrected, second by Riedmiller.

**Vote: Yeas; Rutten, Riedmiller, Hofer, Johnson. Nays; None.**

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING JULY 8, 2014

### 15. CONSIDER BILLS TO BE PAID

- **CONSIDER MONTHLY BILLS REPORT**

Councilman Rutten questioned why the City paid the curb stop repair bill of \$1,086.17 when it was the property owner's responsibility. Clerk Devine explained the property owner was notified to cause the curb stop to be fixed. The property owner stated he couldn't afford it, and the time lapse went over for that notification period. The City then fixed it and invoiced it back out to the property owner who agreed to make payments until it is paid off. If he fails to pay it off within the allotted time period, the City will place a lien on his property. Councilman Hoefler made a motion to approve the monthly bills for payment, second by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Riedmiller. Nays; Rutten.**

- **CONSIDER PAY APPLICATION #11 OF CHRISTIANSEN CONSTRUCTION**

Clerk Devine noted that Christiansen Construction Pay Application #11 as certified by Burbach Aquatics was not received.

### 16. ITEMS FOR NEXT MEETING AGENDA

Next Meeting: Special Meeting Tuesday, July 29, 2014 7:30 pm

- Preliminary review of 2013-14 Budget Performance & 2014-15 Budget
- City Administrator annual review
- Consider pay application #11 from Christiansen Construction

Next Regular Meeting: August 12, 2014 7:30 pm

- Consider Resolution setting utility rates
- Consider Resolution approving annual Cost of Living Adjustment based upon the CPI rate
- Ordinances 232(14) and 233(14)
- Public parking space
- Campground rates
- Nuisance Abatement Program
- Well project – well #4
- Water tower contract



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Budget Workshop: August 26, 2014 7:30 pm

- Discuss Certified Valuation obtained from County Assessor
- Discuss draft of budget & final preparation by accountant
- Set budget adoption hearing date & time – tentatively September 09, 2014 7:30 pm

**16. ADJOURNMENT**

At 8:52 pm Councilman Hoefler made a motion to adjourn, second by Johnson.

**Vote: Yeas; Johnson, Rutten, Riedmiller, Hoefler. 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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk