

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, AUGUST 12, 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 August 12, 2014 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Walt Hoefer, Marcus Johnson, Don Rutten, and Jim Riedmiller. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Billing Utility Clerk Ann Knust, Deputy City Clerk Sharon Ketteler, Police Chief Brent Lipker, City Attorney Darren Wright, Jim Dickerson with the Albion News, Jon Porter, Aubrey Schriver, Jeff Jarecki, 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 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 JULY 29, 2014 MEETING**

Councilman Riedmiller made a motion to approve the minutes of the July 29, 2014 meeting as presented, second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Rutten, Riedmiller. Nays; None.**

**3. CONSIDER BOONE COUNTY DEVELOPMENT AGENCY MEMBERSHIP AGREEMENT AND DISPERSEMENT AGREEMENT FOR APPROVAL**

Clerk Devine reported that Boone County Development Agency is in the process of changing organizational structure from an Interlocal Agreement among political subdivisions, to a stand alone 501c)3 that is funded by those same organizations. Aubrey Schriver, Executive Director of BCDA, explained the need to replace previous agreements as they are no longer a county organization, but a private one. Councilman Rutten spoke of concern that the Disbursement Agreement stated only the City of Albion and didn't have the other towns listed. Jeff Jarecki explained each Boone County community has a separate Disbursement Agreement. Clerk Devine mentioned it might help to clarify in the Budget Breakdown the difference between the percent of the contribution agreement, and the percent that each community actually pays, due to AEDC paying a flat amount for a shared staff person. Councilman Rutten made a motion to approve Boone County Development Agency Membership and Dispersement Agreements as presented, second by Johnson. **Vote: Yeas; Rutten, Hoefer, Johnson, Riedmiller. Nays; None.**

**4. CONSIDER ORDINANCE 232(14) AMENDING CITY CODE REGARDING DISTURBING THE PEACE**

Clerk Devine stated Ordinance 232(14) was passed on First Reading at the July 8, 2014 meeting with recommended revisions as discussed at the meeting. Mayor Jarecki instructed Clerk Devine to read Ordinance 232(14) by title for the second time.

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014

Councilman Rutten made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefer. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 232(14) by title for the third time. Following the third reading of Ordinance 232(14) Councilman Rutten made a motion for Final Passage of Ordinance 232(14), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 232(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 232(14) finally pass?” **Vote: Yeas; Riedmiller, Hoefer, Rutten, Johnson. Nays; None.**

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

Clerk Devine stated Ordinance 233(14) was passed on First Reading at the July 8, 2014 meeting with recommended revisions as discussed at the meeting. Mayor Jarecki instructed Clerk Devine to read Ordinance 233(14) by title for the second time. Councilman Johnson made a motion to Suspend the Rules, second by Rutten. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Rutten. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 233(14) by title for the third time. Following the third reading of Ordinance 233(14) Councilman Riedmiller made a motion for Final Passage of Ordinance 233(14), second by Johnson. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 233(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 233(14) finally pass?” **Vote: Yeas; Rutten, Riedmiller, Hoefer, Johnson. Nays; None.**

### 6. CONSIDER FIRST READING OF ORDINANCE 235(14) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID WATER AND SEWER UTILITY BILL OF CYNTHIA J MAJERUS AKA CYNTHIA J JOHNSON

Councilman Hoefer made a motion to introduce Ordinance 235(14). Mayor Jarecki instructed Clerk Devine to read Ordinance 235(14) for the first time. Councilman Johnson made a motion to approve the first reading of Ordinance 235(14), second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefer. Nays: None.**

### 7. CONSIDER RESOLUTION 115(14) SETTING UTILITY RATES EFFECTIVE OCTOBER 1, 2014

Clerk Devine stated the City Policy as established by Resolution in 2005 is to increase utility rates based upon the Consumer Price Index annually in July. The recommended Water, Sewer, and Solid Waste rates as budgeted for 2014-15 reflect the 2.1% CPI increase as published by the Bureau of Labor Statistics. Councilman Riedmiller made a motion to approve Resolution 115(14) establishing utility rates, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefer. Nays; None.**

**8. CONSIDER COST OF LIVING ADJUSTMENT FOR NON-TEMPORARY CITY EMPLOYEES EFFECTIVE OCTOBER 1, 2014**

Clerk Devine stated the Consumer Price Index is also used to base Cost of Living Adjustment for non-temporary City Employees. The 2.1% Cost of Living Adjustment is included in the preliminary draft of the budget as reviewed on July 29, 2014. Councilman Hoefler made a motion to approve the Cost of Living Adjustment of 2.1% for non-temporary City Employees effective October 1, 2014, second by Rutten. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Rutten. Nays; None.**

**9. CONSIDER AIRPORT AUTHORITY REQUEST FOR CITY TAX ALLOCATION FOR FISCAL YEAR 2014-2015**

Clerk Devine provided the Council with a copy of Resolution #1-2014 of the Albion Airport Authority formally requesting tax allocation of \$21,000 of the City of Albion's levy authority. Devine noted it is the same amount that was requested and approved last year. Councilman Riedmiller made a motion to approve \$21,000 in property tax authority to Albion Airport Authority, second by Hoefler. **Vote: Yeas; Riedmiller, Rutten, Hoefler, Johnson. Nays; None.**

**10. CONSIDER INTERLOCAL AGREEMENT WITH BOONE CENTRAL SCHOOLS REGARDING USE OF SPORTS COMPLEX FOR SOFTBALL**

Clerk Devine provided the Council with a copy of the proposed Interlocal agreement with Boone Central. Devine stated such agreement has been in place and renewed annually for the past 11 years. The City gets paid based on the actual man hour rates it costs to maintain; and the cost of utilities. Councilman Riedmiller made a motion to approve Interlocal Agreement with Boone Central Schools regarding use of Sports Complex for Softball and authorize the Mayor to sign same agreement, second by Johnson. **Vote: Yeas; Rutten, Johnson, Hoefler, Riedmiller. Nays; None.**

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014

### 11. REVIEW REPORT ON CAMPGROUND RATES, REVENUES, COSTS, AND DATES OF SERVICE

Clerk Devine noted the report was previously reviewed in February, but had been requested at the last regular meeting to review again. Devine reported on the rates, revenues, and costs in the previous 12 months. Councilman Rutten stated some campers had commented the rates were too cheap. Rutten suggested the City raise the rates to \$15, which is what the State Parks charge. Rutten also suggested closing the park during the winter months due to high electricity costs. Devine suggested instead of closing through the winter months to do a double rate structure. Discussion ensued. Councilman Riedmiller made a motion to leave general camping rates the same from April 1<sup>st</sup> through October 31<sup>st</sup>; and increase the winter rates from November 1<sup>st</sup> through March 31<sup>st</sup> by 50%, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Johnson. Nays; Rutten.**

### 12. DISCUSS NUISANCE ABATEMENT PROGRAM

Police Chief Lipker reported on the two nuisances which were declared at the July meeting and began the 30 day abatement period. One has been taken care of. There was a delay in notifying the owner of the second property nuisance as they had moved out of town, so the 30 day abatement period was extended. Other courtesy notices were delivered regarding other properties and have been taken care of. Lipker reported that the Department plans a city-wide canvas of properties in the near future. No action taken.

### 13. DISCUSS WATER PROJECTS

- Well #4 Project
- Well #2 and Well #3 Rehabilitation Project
- Consider GIS Mapping Project Agreement with JEO

At 8:44 p.m. Councilman Riedmiller made a motion to enter into closed session to discuss possible litigation on items #13 and #14, second by Hoefer. **Vote: Yeas; Riedmiller, Rutten, Johnson, Hoefer. Nays; None.** Mayor Jarecki invited Ron Morearty and Attorney Wright to remain in attendance. At 9:32 p.m. Councilman Hoefer made a motion to leave closed session, second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Rutten,**

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014

**Hoefer. Nays; None.** Clerk Devine stated Well #4 Project is currently waiting on Engineer to process several change orders. Also, several punch list items yet to be resolved by contractor. There is approximately \$34,000 left on contract to pay. On Well #2 Rehabilitation Project the casing collapsed during the rehabilitation process and had to be decommissioned. Ron is currently pumping Well #3 and taking samples to see if the decommissioning and sealing of Well #2 improved water quality of Well #3. The DHHS approved the grant for the GIS mapping of the Water System. Devine provided a copy of a proposed agreement for services from JEO for approval. Councilman Rutten made a motion to approve agreement with JEO for Phase 1 of GIS mapping project of Water and Sewer system, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefer. Nays; None.**

### 14. DISCUSS WATER TOWER MAINTENANCE CONTRACT WITH UTILITY SERVICE CO.

Clerk Devine stated a crew came and washed out inside of tank this past month. Ron had requested that they review the condition of the paint on the outside of the tank, but they did not have the correct personnel on hand to review the condition of the external tank paint job we received. Ron is still trying to get action from Utility Service Customer Service on this. Paint is flaking off and the City wants a full sand-blast and paint job. No action taken.

### 15. CITY ADMINISTRATOR REPORT – BUDGET PERFORMANCE REPORT AND SALES TAX REPORT

#### **Pool:**

The Pool Dedication was held Sunday, August 10, 2014. There was a large attendance of approximately 75-100 people. The Donor Recognition Plaques were unveiled at the dedication.

Despite very cool weather throughout July, attendance was still good. Managers noted strong out-of-town patrons on weekends. Admissions revenue to date is approximately \$18,500.

After notification by Christiansen Construction regarding legislation that only allows the City to retain 125% of remaining work items after substantial completion, Dave Burbach was on site to develop punch list on Saturday August 9, 2014.

#### **Streets:**

Nothing new to report.

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014

### **Water/Sewer:**

Joe will be performing jetting maintenance on the sewer collection lines this month. The Fire Department flushed hydrants on the evening of August 4<sup>th</sup>. Most other Items discussed as regular agenda items.

### **Park:**

The Legion Tournament went well. Many positive comments on the facilities.

### **Other:**

Computer server upgrade installation scheduled for August 22, 2014 as part of the General Administration department capital outlay budget for 2013-14. Also working with Applied Connective Technologies on plans for a comprehensive phone system upgrade in 2014-15 that would consolidate all city facility numbers into one phone system, potentially saving the City hundreds of dollars a month on phone bills. Devine also reported that mold abatement in the City Hall basement has been budgeted for this fall.

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**

Andrew Devine, City Administrator/Clerk/Treasurer  
August 8, 2014

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

14-1012 – Porter, Jon – New Home  
14-1013 – Porter, Jon – New Home  
14-1015 – Cargill – New Scale  
14-1019 – Choat, Dallas – Warehouse/Storage buildings  
14-1020 – Haddix, Patti – Fence  
14-1021 – Buettner, Shari – Deck  
14-1022 – Knights of Columbus – Sign  
14-1023 – Anderson, Carroll – New Home

**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014**

**Building Permits Reviewed and Denied Since July 2014**

None

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

- 14-987 – Roberg, Dave – Deck addition
- 14-997 – Merten, Jeff - Carport
- 14-1000 – Burda, Jeanette – Handicap Ramp
- 14-1009 – Dozler, Ray – Accessory Building
- 14-1017 – Jarecki, Jeff – Fence
- 14-1024 – Hamling, Tom – Garage Addition
- 14-1025 – Frey, Billy – Car Port
- 14-1026 – Dickerson, Jim – Deck Replacement
- 14-1027 – PFF Feed Mill – New Liquid Tank and Foundation
- 14-1028 – Liss, Brian - Fence

**16. 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; Rutten, Johnson, Hoefler, Riedmiller. Nays; None.**

- **CONSIDER PAY APPLICATION #12 OF CHRISTIANSEN CONSTRUCTION COMPANY, INC.**

Clerk Devine noted that Christiansen Construction Company submitted Pay Application request #12 with a 5% reduction in retainage. The certification and recommendation of Burbach Aquatics was not received so consideration of Pay Application #12 will be put on the August 26<sup>th</sup> meeting agenda.

**17. ITEMS FOR NEXT MEETING AGENDA**

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
- Consider resolution(s) declaring nuisances
- Consider Pay Application #12 of Christiansen Construction Company, Inc.

**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING AUGUST 12, 2014**

Next Regular Meeting: September 9, 2014 7:30 pm

- Budget Adoption Hearing
- Replat Application of Delbert Niewohner

**18. ADJOURNMENT**

At 9:48 p.m. Councilman Hoefer made a motion to adjourn, second by Johnson.

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