

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, September 9, 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 September 9, 2014 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Don Rutten, Jim Riedmiller, Walt Hoefer, and Marcus Johnson. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Deputy City Clerk Sharon Ketteler, Police Officer Mike Mapel, City Attorney Darren Wright, Jim Dickerson with the Albion News, and Amanda Aldaba. 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 AUGUST 26, 2014 MEETING

Councilman Rutten made a motion to approve the minutes of the August 26, 2014 special meeting as presented, second by Johnson. **Vote: Yeas; Hoefer, Rutten, Johnson, Riedmiller. Nays; None.**

3. OPEN PUBLIC HEARING TO CONSIDER APPLICATION FOR ADMINISTRATIVE PLAT BY DELBERT H. NIEWOHNER TO REPLAT ALL OF BLOCK 46 OF THE MANSFIELD'S TENTH ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA

Mayor Jarecki opened the public hearing at 7:31 p.m. He sought input from the public. Hearing none, he closed the public hearing at 7:32 p.m. The Mayor opened for Council discussion. Councilman Rutten questioned if there is an alley through this piece of property. Clerk Devine stated there is an alley that will be closed by this replat. Devine reported that the Planning Commission reviewed the application and recommended approval. Councilman Hoefer made a motion to approve application for Administrative Plat by Delbert H. Niewohner to Replat all of Block 46 of the Mansfield's Tenth Addition to the City of Albion, Boone County, Nebraska, second by Rutten. **Vote: Yeas; Rutten, Johnson, Hoefer, Riedmiller. Nays; None.**

4. OPEN PUBLIC HEARING FOR 2014/2015 BUDGET ADOPTION

- **APPROVE RESOLUTION 117(14), 2014/2015 PROPERTY TAX REQUEST**
- **APPROVE AND ADOPT 2014/2015 BUDGET INCLUDING ADDITIONAL 1% INCREASE OF RESTRICTED FUNDS AUTHORITY**

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Mayor Jarecki opened the public hearing at 7:34 p.m. He sought public input. Jim Dickerson asked whether there had been any changes made in the Budget. Devine stated no changes had been made since the Budget Workshop. Dickerson inquired on the pool bonds. Devine stated for the next budget year the City will make debt payments on the two sets of bonds; one in April and one in October. Interest will be paid on both sets of bonds, but principal will only be paid on the second half. Principal and Interest on both bonds will be paid going forward starting in the 2015-2016 fiscal year. Hearing no further comment, the Mayor closed the public hearing at 7:38 p.m. Councilman Riedmiller made a motion to approve Resolution 117(14), 2014/2015 Property Tax request, second by Johnson. **Vote: Yeas; Riedmiller, Rutten, Johnson, Hoefer. Nays; None.** Councilman Johnson made a motion to approve and adopt 2014/2015 Budget including additional 1% increase of Restricted Funds Authority, second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Rutten. Nays; None.**

5. **CONSIDER RESOLUTION 118(14) AN INTERLOCAL AGREEMENT WITH THE COUNTY OF BOONE ALLOWING EXISTING BOONE COUNTY EMPLOYEE TO CONTRACT WITH THE CITY TO PROVIDE STREET SUPERINTENDENT SERVICES**

Clerk Devine provided the Council with a copy of the proposed Interlocal Agreement with the County of Boone. Devine stated there have been no changes in the contract from the previous year. Councilman Rutten questioned the liability coverage. Devine said he would check with our insurance carrier to see if there is coverage and if not, he will check with Thorin to make sure he has adequate liability insurance for himself. Councilman Johnson made a motion to table Resolution 118(14) until the next regular meeting, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Rutten, Johnson. Nays: None.**

6. **CONSIDER RESOLUTION SERIES 119(14) DECLARING NUISANCES**

Clerk Devine presented the Council with inspection reports provided by Officer Predmore. Three properties had been notified, and were reinspected today. Two were still considered nuisances. Councilmembers reviewed the reports. Councilman Rutten made a motion to approve Resolution Series 119(14) 1-2, second by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Rutten. Nays: None.**

7. **CONSIDER SECOND AND/OR THIRD READING OF ORDINANCE 235(14) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID WATER, SEWER, AND GARBAGE UTILITY BILL OF CYNTHIA J MAJERUS AKA CYNTHIA J JOHNSON**

Clerk Devine stated the utility bill is still unpaid. Mayor Jarecki instructed Devine to read Ordinance 235(14) by title for the second time. Councilman Rutten made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Riedmiller, Rutten, Johnson, Hofer. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 235(14) by title for the third time. Following the third reading of Ordinance 235(14) Councilman Rutten made a motion for Final Passage of Ordinance 235(14), second by Riedmiller. Councilman Hofer called the question. Mayor Jarecki declared Ordinance 235(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 235(14) finally pass?” **Vote: Yeas; Hofer, Riedmiller, Rutten, Johnson. Nays; None.**

8. **CONSIDER ORDINANCE 236(14) AMENDING SECTIONS 2-112 AND 2-113 OF THE ALBION CITY CODE REGARDING GAMBLING, GAMBLING DEVICES OR LOTTERY**

Clerk Devine explained the Ordinance would bring the City Code up to date with what the voters approved on the Keno; as well as with State Codes. Councilman Johnson made a motion to introduce Ordinance 236(14). Mayor Jarecki instructed Clerk Devine to read first reading of Ordinance 236(14). Councilman Johnson made a motion to Suspend the Statutory Rules, second by Riedmiller. **Vote: Yeas; Johnson, Hofer, Riedmiller, Rutten. Nays: None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 236(14) by title for the second and third time. Following the third reading of Ordinance 236(14) Councilman Rutten made a motion for Final Passage of Ordinance 236(14), second by Johnson. Councilman Hofer called the question. Mayor Jarecki declared Ordinance 236(14) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 236(14) finally pass?” **Vote: Yeas; Hofer, Rutten, Riedmiller, Johnson. Nays; None.**

9. CITY ADMINISTRATOR REPORT

**City Administrator's Report
September 5, 2014**

Pool:

The pool is now closed for the season and contractors will be working on the project punch list. Mr Burbach will be here September 24th for a progress meeting on the punch list; and also for the bid opening of the street project. I will prepare a statistical and financial analysis report for council review prior to the next regular council meeting.

Streets:

Administration is working with JEO on preliminary cost opinions for the following prioritized projects:

Ruby Street {reconstruct - 6th to 5th Street}, Fairview Street {5th Street to East City Limits}, and Church Street {2nd Street to Highway 14}. These cost estimates are for planning purposes and contain little detail, but they are a starting point for us to work toward planning for these projects. I will report back to the City Council after these projects are discussed in more detail and the cost opinions are more accurate.

Water/Sewer:

The new blower motors and VFD are scheduled to be installed September 10th and 11th.

Park:

We've had a difficult time getting the A and B fields at the Sports Complex worked into shape for Boone Central softball due to the consistently wet weather.

Trent Kraus has experience with constructing ball fields in Columbus and has expressed an interest in assisting the City with the reconstruction projects for Fields A and B during the off-season.

Other:

Computer server upgrade installation completed August 22-25, 2014 as part of the General Administration department capital outlay budget for 2013-14.

Applied Connective Technologies has also provided an estimate 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. This estimate falls within budget for 2014-15 and I will continue to work towards the conversion this year. Mold abatement is planned for City Hall basement this fall.

Devine provided the current month Sales Tax Report showing the monthly trend of sales tax receipts and will provide an unaudited Treasurer’s Report/Budget Performance Report for fiscal year-to-date at the Special Meeting on September 30, 2014.

City Zoning, Planning, and Building Report

Andrew Devine, City Administrator/Clerk/Treasurer
September 2, 2014

Building Permits Reviewed and Approved August 2014

- 14-1026 – Dickerson, Jim – Deck Replacement
- 14-1027 – PFF Feed Mill – New Liquid Tank and Foundation
- 14-1029 – Schmitz, Bob & Terri – Addition
- 14-1031 – Beckwith, Stephanie – New Commercial Sign

Building Permits Reviewed and Denied Since August 2014

None

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

- 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
- 14-1028 – Liss, Brian – Fence

- 14-1030 – MJM Architects – New Retail Store
- 14-1032 – Hadley, Darrell – Garage
- 14-1033 – Seier, Marcia - Addition

10. DISCUSS WELL REHABILITATION PROJECT AND OPTIONS FOR ADDITIONAL WATER SOURCE

Councilmembers discussed possible alternative sources for additional water supply. Clerk Devine suggested to first try to develop an emergency stand-by well

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somewhere adjacent to existing transmission line on property the City already has available. Councilmembers agreed to take this as a first course of action.

11. DISCUSS WATER TOWER CONTRACT

At 8:23 p.m. Councilman Hoefer made a motion to enter into closed session to discuss possible litigation on items #11 and #12, second by Riedmiller. **Vote: Yeas; Rutten, Hoefer, Johnson, Riedmiller. Nays; None.** Mayor Jarecki invited Clerk Devine, Ron Morearty and Attorney Wright to remain in attendance.

12. DISCUSS WELL #4 PROJECT CLOSE OUT

At 8:43 p.m. Councilman Hoefer made a motion to leave closed session, second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Rutten, Johnson. Nays; None.** No action taken.

13. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilmembers reviewed the bills. Councilman Rutten inquired about the new electric motor purchase for the waste treatment plant. Joe Luettel explained he had to take the current motor to Omaha to get warranty work done, as bearing went out. A new motor was purchased so they can be rotated whenever maintenance work is needed. Rutten commented on the City still making payments on the contract for water tower maintenance. Councilman Hoefer made a motion to approve the monthly bills and claims for payment, second by Johnson. **Vote: Yeas; Hoefer, Johnson, Riedmiller. Nays; Rutten**

14. ITEMS FOR NEXT MEETING AGENDA

End of Fiscal Year Meeting: September 30, 2014 7:00 a.m.

- Approve bills received in September for end of Fiscal Year
- Consider Street Project Bids for Award

Next Regular Meeting: October 14, 2014 7:30 p.m.

- Warner Replat
- Tabled Resolution 118(14)

15. ADJOURNMENT

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

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk