

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, APRIL 14, 2015**

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 April 14, 2015 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Marcus Johnson, Jim Riedmiller, and Jon Porter. Walt Hoefer arrived at 7:33 p.m. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Utility Clerk Ann Knust, Deputy City Clerk Sharon Ketteler, Police Officer Joe Predmore, City Attorney Darren Wright, Jim Dickerson with the Albion News, Cory Worrell, Patti Meyer, Andy Zoucha, Jerry Niewohner, David Bell, Dr. Sean Kohl, Les Nienaber, Daryl Guthard, Aubrey Schriver, Mitchell Glesinger, and Mark McFarland. 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. CONSIDER MINUTES OF MARCH 10, 2015 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Riedmiller made a motion to approve the minutes of the March 10, 2015 City Council meeting, second by Porter. **Vote: Yeas; Johnson, Porter, Riedmiller. Nays; None. Absent; Hoefer.**

**3. DAVE BELL OF LOUP PUBLIC POWER DISTRICT TO ADDRESS THE MAYOR AND COUNCIL**

Bell updated the Council on the changes taking place with Loup Public Power District. He also stated the company had a 2 ½ percent rate increase last year, however, he expects it to be less this year.

**4. BOONE CENTRAL SPEAKERS BUREAU TO ADDRESS THE MAYOR AND COUNCIL REGARDING SCHOOL IMPROVEMENT PROJECT**

Patti Meyer and Cory Worrell provided information on the School Improvement Project. They presented brochures and explained areas of the schools that are in need of improvement. Ballots will be mailed to all registered voters around April 23, 2015; and they encouraged everyone to vote for the School Bond.

5. **LES NIENABER OF BUD'S SANITATION SERVICE TO DISCUSS RECYCLING PROGRAM WITH THE MAYOR AND CITY COUNCIL**

Nienaber presented the Council with available options for recycling since First Star Recycling has discontinued paying for comingled recyclables. The options are basically what they were, however, now the customer's would have to pay to recycle. Bud's Sanitation would need to increase the customer's rate to cover the costs. Nienaber encouraged the City to continue with comingled recycling, as there is cost whether recycled or taken to the landfill. Devine stated the City would need to consider a formal amendment to Bud's Sanitation Contract at the next regular meeting. **No action taken by the Council.**

6. **OPEN PUBLIC HEARING TO CONSIDER APPLICATION FOR ADMINISTRATIVE PLAT BY DELBERT NIEWOHNER TO REPLAT A FRACTION OF THE NORTHEAST CORNER OF THE EAST ½ OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF SECTION 16 TOWNSHIP 20 NORTH RANGE 6 WEST OF THE 6<sup>TH</sup> PM BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the Public Hearing at 8:17 p.m. He sought input from the public. Hearing none, the Mayor closed the Public Hearing at 8:18 p.m. Clerk Devine reported that the Planning Commission reviewed the application and recommended approval. Councilman Porter made a motion to approve Administrative Plat Application 2015-01 by Delbert Niewohner to Replat a Fraction of the Northeast Corner of the East ½ of the South ½ of the Southwest ¼ of Section 16 Township 20 North Range 6 West of the 6<sup>th</sup> PM Boone County, Nebraska; second by Johnson. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefler. Nays; None.**

7. **CONSIDER RIGHT OF WAY PERMIT APPLICATIONS AND/OR RENEWALS FOR APPROVAL:**

- Eagle Communications;
- Great Plains Communications;
- Frontier Communications.

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Clerk Devine stated that a completed renewal application has been received by Great Plains, including a diagram of the entire route; as they plan to add some additional infrastructure. Mark McFarland of Great Plains Communications reviewed with the Council a map showing where the additional fiber will be placed. Applications from Eagle Communications, Inc. and Frontier Communications are expected; but have not yet been received. Councilman Riedmiller made a motion to approve Right of Way Application of all three as long as all requirements are met, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

8. **CONSIDER FIRST READING OF ORDINANCE 237(15) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID WATER, SEWER, AND GARBAGE UTILITY BILL OF JERRY LINGREN**

Councilman Hoefer made a motion to introduce Ordinance 237(15). Mayor Jarecki instructed Clerk Devine to read Ordinance 237(15) for the first time. Councilman Riedmiller made a motion to approve the first reading of Ordinance 237(15), second by Johnson. **Vote: Yeas; Johnson, Porter, Hoefer, Riedmiller. Nays; None.**

9. **CONSIDER LEASE AGREEMENT WITH THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES FOR STATE FIRE MARSHALL DISTRICT OFFICE**

Clerk Devine presented the Council with the Lease Agreement sent by the State Administrative Services. The Lease is a four-year term and automatically renews year-by-year thereafter, with a notification to terminate clause. Devine reviewed the revisions drafted by himself and the City's Insurance Agent; and sought input from the Council. Discussion ensued. The Council authorized Devine to continue to negotiate the Lease Agreement with the presented revisions. **No formal action taken.**

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**10. CONSIDER AGREEMENT FOR SERVICES WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT TO CONDUCT AN ENVIRONMENTAL REVIEW FOR THE ALBION HOUSING AUTHORITY**

Clerk Devine stated the environmental review of Harmony Homes is required by HUD. The fees for the service will be paid by the Housing Authority, but requires Council approval since the City of Albion is the Northeast member. Councilman Riedmiller made a motion to approve the Agreement for Services with the Northeast Nebraska Economic Development District and authorize the Mayor to sign the same, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

**11. CONSIDER FOR APPROVAL SCOREBOARD ORDER FROM DAKTRONICS FOR LEON NELSON MEMORIAL FIELD AT THE ALBION SPORTS COMPLEX**

Clerk Devine provided the quote received from Daktronics for \$16,413 for the new scoreboard. Devine stated that Cornerstone Bank has committed \$15,000 toward the scoreboard; and also \$2,000 was received from ACE for the project. The remainder of the funds could be put in the Parks Fund to be used for labor and materials to install the scoreboard. Councilman Porter made a motion to approve purchase and installation of new scoreboard at Leon Nelson Memorial Field, second by Johnson. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

**12. CONSIDER MAYORAL APPOINTMENT OF STACI WRIGHT AS ASSISTANT POOL MANAGER AND MICHELLE DEVINE AS POOL MANAGER AT THE ALBION FAMILY AQUATIC CENTER**

Clerk Devine stated Krista Kravig has decided not to return this season to manage the pool. The Mayor has appointed Michelle Devine as Pool Manager, and Staci Wright as Assistant Pool Manager. Clerk Devine declared his spousal relationship with appointed Pool Manager, Michelle Devine; adding that the required Disclosure Statement will be on file. Councilman Hoefer made a motion to approve Mayoral appointments of Michelle Devine as Pool Manager and Staci Wright as Assistant Pool Manager, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.**

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### 13. CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL

Councilman Riedmiller made a motion to approve annual evaluations of Jim Bader and Ann Knust, including appropriate and applicable step raise and comparability wage increase; second by Johnson. **Vote: Yeas; Johnson, Porter, Riedmiller, Hoefler. Nays; None.**

### 14. CITY ADMINISTRATOR REPORT

#### **Water/Sewer:**

##### **Sewer Lift Pump**

New Impeller has been ordered.

**Water/Sewer GIS Mapping Project:** This project was identified last year as a priority in order to update the extremely outdated water and sewer infrastructure maps and to establish better identification of system attributes in GIS format and is being pursued utilizing DHHS system security grant. Half the town is being identified this year, other half next year if grant awarded again. JEO was selected because Nebraska Rural Water did not pursue grant funding for the project. Project to be completed by end of June.

Project Lead: Ron Morearty

**Water Tower Contract/Painting:** Project Lead: Ron Morearty-Tower Painting Me/Darren Wright-Contractual Issues Ron met with Brad Winkler, Utility Services director of Midwest Operations at the tower on the 31st of March so that he can see the issues with the most recent attempt at a paint job. After our discussion, Mr. Winkler was going to work on providing a couple of options to resolve the tower painting issue. Darren has drafted a notice to Utility Services specifically outlining the City's position and what we WILL agree to pay retroactively to October of 2014.

Pending the outcomes of the previous two items, Darren and I also plan to have a recommendation for the Mayor and Council to consider at the April meeting or perhaps a special meeting in regards to the Utility Service Contract going forward.

**New Water Source:** This project had been previous identified when Selenium issue arose in all of the City's production wells. Originally attempted to address through rehabilitation, but since well #2 collapsed we now need an additional source prior to attempted rehabilitation of well #3.

Project Lead: Me/Ron Morearty Key Personnel: Ron Morearty and Roger Protzman JEO

Authorized Roger at JEO to begin the site approval process for location near the Water Tower/Well #4 (about 300 feet to the east of current well, within the current permanent utility easement) for a submersible well that could be integrated with the controls, backup generation, and chemical feed system at the current site. Roger expects denial of the first application to DHHS, then we have a fair shot at receiving a variance for siting the project where we want to put it. If site is approved and testing comes back positive, I realistically estimate that project to be complete in 18-24 months.

Roger Protzman has reported that septic tanks at residences along South 6th Street are too close (500' or less) to the desired well site. We will need to select another site or extend sewer to service to the residences along South 6th street. I've instructed Roger to hold off on filing the site approval paperwork with DHHS until we've evaluated our options a little more.

**Well #3 Rehab:** We committed to this project early in 2014. Will resume once another water source is achieved.

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### **Niewohner Water Main Extension to Golf Course View:** Project Lead: Me

Mayor and I have begun some discussions with Jerry and his engineer regarding providing water to the Golf Course View Subdivision. Had hoped to have a development agreement negotiated and available for the Council to act upon by the April 14, 2015 meeting. I've attempted to contact Mr. Niewohner so that an agreement could be drafted regarding this potential water main extension. Have not yet received a response.

### **Sewer Main Extensions and Manhole Construction – Fairview Street:** Project Lead: Joe Luettel

Rutjen's has been hired to perform the extension and manhole construction. Expected to occur this spring – Joe has not received notification from Rutjen's as to a specific date.

### **Streets**

#### **8th and South Street Project:** Project Lead: Me

This is the top priority Street Project on the 1 year plan. ACES agreement to provide topography, bidding/negotiation, and construction phase engineering services approved and executed this month. ACES to pursue same contractor for Niewohners Anderson Subdivision paving project and the City's project. Contacted Mr. Zwingman for an update 3/19/2015 – he's been at Rural Water Conference as has not contacted paving contractors as yet.

#### **JEO & Mid-States Data-collection at Ruby, Fairview, and East Church Streets:** Project Lead: Me; Key personnel – Ron, Joe, Jim – identifying key infrastructure and answering technical questions.

JEO and Mid-States Testing were in town to this week to collect survey and materials testing data in association with future design of projects prioritized by the Council. Ruby Street design is a high priority after the 8th and South Streets Project on the 1 year plan. East Church Street and Fairview Streets are next priority on the 6 year plan.

**Potential Harrison Street Project:** Project Lead: None yet It's been requested by a property owner that paving of Harrison Street be made a priority. This will require negotiating a scope of services with engineer for designing and developing a street improvement district. Plan to discuss this potential priority further with the Mayor and then present an agreement to the Council for approval.

### **General Administration**

#### **City Network/Consolidated Phone System:** Project Lead: Me

New system went live on April 7th with minimal conversion issues. We should see significant monthly costs savings in telecommunication costs going forward.

**Boone Central Solar School Crossing Signs:** Jim Bader has taken charge of this project and has been authorized to work directly with Mr. Hamilton regarding coordination of the location of the sign placement. These new signs came with application specific posts and bases which will require significant concrete footing. Due to this Bader believes it would be best to complete this project after school is out.

### **Library**

#### **Library Basement Project:** Project Lead: ? Library Board/Staci Sandman

Contractor Chad Paulsen began work on April 7th. BJ Loeffler added some electrical outlets and Dave Hallberg rerouted some plumbing.

#### **Library Lawn and Sprinkler Project** Project Lead: ? Library Board/Staci Sandman

Project is budgeted for this year. Board has sought proposals/cost estimates for the project. Need to get a commitment from contractors to perform the work.

### **Parks/Rec**

David Inman has been hired as the Parks Foreman for April through October and will be available as needed for snow removal and/or special projects from November through March.

**Memorial Benches:** Two Memorial benches that were removed during the Pool construction period will be re-set soon. Coordinating placement with families.

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**Sports Complex – Little League and Softball Fields:** Project Lead: Me, Todd Kramer, Parks Foreman  
Steve Bygland has surveyed the property and put together a drainage plan. He's agreed to do the majority of the work for \$1,000 and this has been authorized. He thought this would be accomplished in 1-2 days of work – it is yet to be scheduled. He requested that a city employee be available with the City skid-steer to perform the necessary work between the fields. Following the drainage improvements it is planned to resurface the playing fields with Agrilime.

**Sports Complex – Scoreboard:** Project Lead: Todd Kramer/Lowell Imus – volunteers  
Cornerstone has committed \$15,000 to the scoreboard project at the Leon Nelson/Legion Field. The cost estimate is \$16,500 – however, we have recently received a member distribution from ACE in the amount of \$2,000 that can be applied to the project. As this was not a budgeted capital purchase, the City Council will be asked to approve the purchase at the next meeting. There will then be an approximate 4-6 week lead time before installation.

Unknown how much assistance will be required by City Staff for installation – new posts have been installed.

**Sports Complex – Tennis Courts:** Project Lead: Me, Parks Foreman  
Dustin Laurent has reviewed the tennis courts. He advises that we should either put a new asphalt over lay on or tear out the courts and start over. He thinks that starting over might be best as it appears that the base is not sufficient. He advised discussing project with an engineer.

**Sports Complex – Shelter Roof:** Project Lead: Parks Foreman  
Picnic Shelter roof needs to be replaced.

**Opening Aquatic Center:** Project Lead: Me; Key Personnel: Ron Morearty, Pool Management/Staff  
I've had a preliminary discussion with Dave Burbach regarding the process of opening the pool this year. Once weather breaks for good, will need to clean out the old pool, leaves, etc. Once this is accomplished we are to call Burbach aquatics to coordinate a walk-through and then the de-winterization procedures with Christiansen Construction and Mechanical Inc.

Also – there is a number of items in storage at the Old Fire Hall that will need to be moved to the facility once the spring punch list items are completed. Much of this can be done by the incoming pool staff, but Ron, Joe, Jim, and Joe also are essential and appreciated for helping move larger equipment items. The wind/privacy screen along the fence needs to be finished this season as well.

Memorial Day is the planned opening day.

Dave Burbach was here on April 7, 2015 do conduct a facility walk through noting normal shrinkage cracks that need to be repaired by contractor. Christiansen expected to get them completed and repainted right away.

### **Other:**

The Planning Commission has requested me to complete an inventory of underutilized properties in town that already have access to paved streets, water, and sewer.

The Fire Department has not yet received any offers on the '94 Freightliner Equipment truck - Item not yet sold. City-wide Clean Up Days are scheduled for May 18-19th. No roll-offs were available for the 11th and 12th.

Surplus items will be placed on the FFA Consignment Auction to be held Sunday, April 12, 2015. All items to be sold have been declared as surplus by the City Council. The Library Board has a list of many items for the sale and Kate Kusek plans to look into getting help from FFA students in transporting to the Fair Grounds.

Devine provided reports for Building Permits for March/2015; the current month Sales Tax showing the monthly trend of sales tax receipts; and also an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING APRIL 14, 2015

### 15. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER CURRENT AND OUTSTANDING UTILITY SERVICE CO. INVOICES FOR APPROVAL**

Councilman Hoefer made a motion to approve the monthly bills, making the exception to the Utility Service bill to pay \$970.28 instead of the invoiced amount of \$1,077.02; second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefer, Johnson, Porter. Nays; None.**

### 16. CONSIDER ACTION ON CONTRACT WITH UTILITY SERVICE CO. INCLUDING OPTIONS FOR RESOLVING FAILURE OF UTILITY SERVICE TO PERFORM

At 8:55 p.m. Councilman Johnson made a motion to enter closed session in order to protect the public interest by holding a closed strategy session regarding contractual performance, contract negotiations, and potential litigation; inviting Devine, Morearty, and Wright to stay; second by Porter. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

At 9:25 p.m. Councilman Porter made a motion to return to open session, second by Riedmiller. **Vote: Yeas; Johnson, Porter, Hoefer, Riedmiller. Nays; None.**

Councilman Porter made a motion to approve Memorandum of Understanding to Water Tank Maintenance Contracts with Utility Service Co., second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Johnson, Porter. Nays; None.**

### 17. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- Next Regular Meeting – May 12, 2015, 7:30 p.m.
- Administrator Report
- Approve Bills
- Solid Waste Contract Amendment
- Employee Evaluation

18. **ADJOURNMENT**

At 9:28 p.m. Council Member Porter made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Hoefler, Riedmiller, Porter, Johnson. 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