

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, MAY 12, 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 May 12, 2015 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Jim Riedmiller, Jon Porter, Walt Hoefler, and Marcus Johnson. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Deputy City Clerk Sharon Ketteler, City Attorney Darren Wright, and Jim Dickerson with the Albion News. 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 APRIL 14, 2015 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Riedmiller made a motion to approve the minutes of the April 14, 2015 City Council meeting, second by Johnson. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Porter. Nays; None.**

**3. CONSIDER AMENDMENT TO SOLID WASTE AGREEMENT WITH BUD'S SANITATION SERVICE**

Clerk Devine stated that Bud's Sanitation is requesting an increase of \$0.50 per account to continue hauling co-mingled recyclable waste; as discussed at the April, 2015 City Council meeting. Councilman Riedmiller made a motion to approve amendment to solid waste contract with Bud's Sanitary Service and authorize the Mayor to sign the same, second by Hoefler. **Vote: Yeas; Porter, Hoefler, Johnson, Riedmiller. Nays; None.**

## MINUTES – ALBION CITY COUNCIL – REGULAR MEETING MAY 12, 2015

### 4. CONSIDER RESOLUTION 107(15) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION

Clerk Devine noted there are no proposed changes to the annual renewal agreement. Mayor Jarecki explained this would cover a mile radius, which is important because we have assets outside of city limits. Councilman Hoefler made a motion to approve Resolution 107(15), second by Johnson. **Vote: Yeas; Hoefler, Porter, Riedmiller, Johnson. Nays; None.**

### 5. CONSIDER SECOND AND/OR THIRD 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

Clerk Devine stated that the outstanding balance of Jerry Lingren's bill has been paid. Councilman Johnson made a motion to indefinitely postpone action on Ordinance 237(15), second by Porter. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Porter. Nays; None.**

### 6. CONSIDER LEASE AGREEMENT WITH THE STATE OF NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES FOR STATE FIRE MARSHAL DISTRICT OFFICE

Clerk Devine stated there has been no response from Nebraska Administrative Services regarding the proposed redline changes to the agreement. Councilman Porter made a motion to table lease agreement with the State of Nebraska Department of Administrative Services for State Fire Marshal District Office until the City receives a response, second by Johnson. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.**

### 7. NUISANCE PROGRAM REPORT FROM ALBION POLICE DEPARTMENT

Council Members reviewed the report provided by Officer Mapel. He plans to deliver courtesy notices this week giving the property owners a chance to utilize the city wide clean up service available next week. **No action taken.**

8. **REVIEW ANNUAL IDENTITY THEFT PREVENTION PROGRAM REPORT**

Clerk Devine provided an Annual Report for the Identity Theft Prevention Program that was adopted by the City Council in 2009 due to the utility accounts. There were no identity theft incidents or red flags reported over the past year; and he recommended no changes to the program at this time. **No action taken.**

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

- **CONSIDER MEMBERSHIP APPLICATION TO THE ALBION VOLUNTEER FIRE DEPARTMENT OF SHEILA GRAPE FOR APPROVAL**

The Council confirmed the Fire Department Roster for the annual August department member Life Insurance renewal. Councilman Johnson made a motion to approve the current Albion Volunteer Fire Department Roster, second by Hoefer.

**Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

Councilman Riedmiller made a motion to approve membership application to the Albion Volunteer Fire Department of Sheila Grape, second by Hoefer. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

10. **CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL**

Councilman Riedmiller made a motion to approve annual evaluations of Brent Lipker and Ron Morearty, including any appropriate step raises as recommended; second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

**11. CITY ADMINISTRATOR REPORT**

**Water/Sewer:**

**Water Main Breaks:** Ron, Joe, Jim, and Joe have been busy addressing water main breaks this past month.

Service providers have noted an increase in emergency water stop requests across the State this Spring.

**Water Tower Painting Issues:** City staff has researched additional information from industry professionals as well as DEQ staff. This will be discussed with the Mayor and Council later in the meeting.

**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

**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

***Last month Roger Protzman has reported that septic tanks at residences along South 6<sup>th</sup> 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 6<sup>th</sup> 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. No new progress to report.***

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

**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**

**8<sup>th</sup> 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 and has not contacted paving contractors as yet.

**Ruby Street Project:** Project Lead: Me; Key personnel – Nathan Boone, JEO Consulting; Ron, Joe, Jim JEO has submitting preliminary plans for this project. It appears that a 9' x 270' area on the South side of Ruby will need to be replaced at an estimated cost of \$32,000. Adjacent property owners have been notified of the project. Expect to bid this project in Fall/Winter months for construction next Spring.

**Potential Harrison Street Project:** Project Lead: Me; Key personnel at this time: Nathan Boone, JEO Consulting. It's been requested by a property owner that paving of Harrison Street be made a priority. The Mayor has approved to have JEO begin putting together the District Boundary and to prepare a preliminary project cost. Once these items are addressed, Brad with Ameritas will assist in preparation of Ordinances to create the Improvement Districts and a series of hearings will be held to allow for public input on the potential project. Ultimately, it will be up to abutting property owners to decide on whether or not they want this initial paving project to occur.

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### General Administration

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

New system went live on April 7<sup>th</sup> with minimal conversion issues. We should see significant monthly costs savings in telecommunication costs going forward. We've received the final bill for the Frontier accounts that have been eliminated. I recommend that the City contests early termination charges for the pool account.

### Library

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

Contractor Chad Paulsen began work on April 7<sup>th</sup> work is still underway.

#### **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

Braden Salber, Tyler Hedlund, and Joel Meyer have been hired as Parks Laborers for Mid May to Mid August. Sincere appreciation is given to Mayor Jarecki for donating time and equipment to help prepare ball diamonds this Spring.

**Memorial Benches:** Two Memorial benches that were removed during the Pool construction period will be re-set in late May/Early June. Coordinating placement with families.

**Sports Complex – Little League and Softball Fields:** Project Lead: Me, Parks Foreman, Jim Bader  
Drainage improvements have been completed. Aglime loads have begun to arrive. Majority of loads for the South Field have been applied. Project should be complete by May 15<sup>th</sup>.

Also – looking into the cost of placing sod in the high traffic areas between A/B Fields and Leon Nelson Memorial Field. Thanks to both Joe Landauer and Jim Bader for their work on these projects.

**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

De-winterization procedures have begun at the Bathhouse and Mechanical Buildings as far as plumbing goes.

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. We are planning to fill the pool the week of May 18<sup>th</sup> and to open on May 30<sup>th</sup>, the Saturday following Memorial Day.

### 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 – this report is enclosed. They've also asked that this information be provided to realtors in town so that they know the residential lots which appear ready for development and those that may need some issues addressed.

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 18-19<sup>th</sup>. No roll-offs were available for the 11<sup>th</sup> and 12<sup>th</sup>.

Devine provided reports for 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.

12. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

Clerk Devine stated there has been no response regarding the disputed amount of the Utility Service Co. bill. Devine also stated the final Frontier Communications bill for the pool account included early termination charges even though communication with Frontier in January indicated the City had no unexpired contracts. Councilman Porter made a motion to approve the monthly bills, except for the Utility Service Co. and Frontier Communications Invoices as discussed; second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

• **CONSIDER CURRENT AND OUTSTANDING UTILITY SERVICE CO. INVOICES FOR APPROVAL**

Councilman Hoefer made a motion to approve payment of the Utility Service Co. bill in the amount of \$970.28, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefer. Nays; None.**

Councilman Riedmiller made a motion to approve the Frontier Communications bill in the amount of \$59.76, second by Hoefer. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

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

At 8:17 p.m. Councilman Riedmiller 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 Morearty, Devine, and Wright to stay; second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

At 8:34 p.m. Councilman Hoefer made a motion to return to open session, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None. No formal action taken.**

14. **ITEMS TO BE PUT ON NEXT MEETING AGENDA**

- Next Regular Meeting – June 9, 2015, 7:30 p.m.
- Street Closure July 4, 2015 for Kiddie Parade
- Street Closure August 22, 2015 for Rhythm & Ribs
- Nuisance Report
- Annual Delinquent Utility Account Report
- Administrator Report
- Approve Bills

15. **ADJOURNMENT**

At 8:35 p.m. Council Member Hoefer made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Porter, Hoefer, 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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk