

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 9, 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 June 9, 2015 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Jon Porter, Walt Hoefer, and Jim Riedmiller. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Police Officer Mike Mapel, 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 MAY 12, 2015 CITY COUNCIL MEETING FOR APPROVAL

Councilman Riedmiller made a motion to excuse Councilman Johnson from the meeting, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Porter. Nays; None. Absent; Johnson.** Councilman Porter made a motion to approve the minutes of the May 12, 2015 City Council meeting, second by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Porter. Nays; None. Absent; Johnson.**

3. CONSIDER RESOLUTION 108(15) ADOPTING REVISED EMPLOYEE HANDBOOK AND POLICY

Clerk Devine explained the proposed revisions to the Employee Handbook and Policy Document. It would add Variable Hour employee classification; revise language regarding the employment of relatives to reflect state statutes language; conduct a wage survey every five years; and remove the City Pay Plan, Job Descriptions, and Library Board Employment Policies from the Handbook Document so it doesn't need to be formally amended each time there is a change. Councilman Porter made a motion to introduce and approve Resolution 108(15) Adopting Revised Employee Handbook and Policy, second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefer, Porter. Nays; None. Absent; Johnson.**

4. **CONSIDER ORDINANCE 238(15) ESTABLISHING THE CITY OF ALBION PAY PLAN**

Council Members reviewed the wage comparability survey provided by Clerk Devine. He recommended a new pay plan to be effective October 1, 2015 in order to remain comparable going forward. Councilman Hofer made a motion to introduce Ordinance 238(15). Clerk Devine read Ordinance 238(15) for the first time. Councilman Riedmiller made a motion to suspend the rules, second by Porter. **Vote: Yeas; Hofer, Riedmiller, Porter. Nays; None. Absent; Johnson.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 238(15) for the second and third time. Clerk Devine read Ordinance 238(15) by title for the second and third time. Following the third reading of Ordinance 238(15) Councilman Porter made a motion for Final Passage of Ordinance 238(15), second by Riedmiller. Councilman Hofer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 238(15) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 238(15) finally pass?” **Vote: Yeas; Hofer, Riedmiller, Porter. Nays; None. Absent; Johnson.**

5. **CONSIDER MAYORAL APPOINTMENT OF AMANDA REINHART AND MARCIA MCFARLAND TO THE ALBION LIBRARY BOARD**

Clerk Devine stated the Library Board recommended approval of Amanda Reinhart and Marcia McFarland as new Board Members to fill the vacancies left by Kathleen Williams and Gay Sandman who resigned effective June 1, 2015. Councilman Riedmiller made a motion to approve Mayoral Appointments of Amanda Reinhart and Marcia McFarland to the Albion Library Board, second by Hofer. **Vote: Yeas; Hofer, Riedmiller, Porter. Nays; None. Absent; Johnson.**

6. **CONSIDER CONTRACT FOR GENERATOR SERVICE AT WASTE WATER TREATMENT FACILITY**

Clerk Devine noted this contract was approved last year on a year-to-year basis. This maintenance agreement would include two site visits. One for inspection only, and the other for inspection and a full annual service. Councilman Riedmiller made a motion to approve maintenance agreement with Cummins Central for sewer generator for term of 1 year, second by Porter. **Vote: Yeas; Riedmiller, Porter. Nays; Hofer. Absent; Johnson.**

7. **CONSIDER ADDENDUM TO AGREEMENT FOR 2015 RUBY STREET IMPROVEMENTS WITH JEO CONSULTING GROUP, INC TO INCLUDE BIDDING AND NEGOTIATION PHASE SERVICES, CONSTRUCTION PHASE SERVICES, AND POST-CONSTRUCTION PHONES SERVICES**

Council Members reviewed the outlined agreements for the next two phases of bidding and construction, allowing JEO to provide the remaining services for the Ruby Street project. Councilman Hoefler made a motion to approve addendum to agreement for 2015 Ruby Street Improvements with JEO Consulting Group, Inc., second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefler, Porter. Nays; None. Absent; Johnson.**

8. **CONSIDER PLANS, SPECIFICATIONS AND BID DOCUMENTS FOR RUBY STREET IMPROVEMENTS FOR APPROVAL**

Council Members reviewed the plans and specs for the Ruby Street improvement project. Clerk Devine stated the City would publicize and have bid opening next month; and leave construction for the fall or spring. Councilman Hoefler made a motion to approve 2015 Ruby Street Plans, Specification, and Bid Documents; second by Porter. **Vote: Yeas; Porter, Riedmiller, Hoefler. Nays; None. Absent; Johnson.**

9. **CONSIDER REQUEST OF LORI KROHN TO CLOSE CHURCH STREET FROM 5TH STREET TO 3RD STREET FROM 9:30 AM TO 11:30 AM ON JULY 4, 2015 FOR AN INDEPENDENCE DAY KIDDIE PARADE**

Councilman Riedmiller made a motion to approve request to close Church Street from 5th to 3rd Streets from 9:30 a.m. to 11:30 a.m. on July 4, 2015 for an Independence Day Kiddie Parade; second by Porter. **Vote: Yeas; Hoefler, Porter, Riedmiller. Nays; None. Absent; Johnson.**

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10. CONSIDER ALBION CHAMBER OF COMMERCE REQUEST TO CLOSE 4TH STREET FROM ½ BLOCK SOUTH OF CHURCH STREET TO ½ BLOCK NORTH OF MAIN STREET FROM 6 AM AUGUST 22, 2015 TO 1:30 AM AUGUST 23, 2015 FOR A COMMUNITY EVENT

Clerk Devine stated this is for the annual Rhythm & Ribs event, with no changes from last year. Councilman Riedmiller made a motion to approve Albion Chamber of Commerce request to close 4th Street from ½ block South of Church Street to ½ block North of Main Street from 6 a.m. August 22, 2015 to 1:30 a.m. August 23, 2015 for a community event; second by Porter. **Vote: Yeas; Hoefler, Riedmiller, Porter. Nays; None. Absent; Johnson.**

11. NUISANCE PROGRAM REPORT FROM ALBION POLICE DEPARTMENT

Officer Mike Mapel noted that he has sent out numerous courtesy notices. If they are not resolved by the July meeting the Council will have violations to declare as nuisances. **No action taken.**

12. ANNUAL DELINQUENT UTILITY ACCOUNT REPORT

Utility Billing Clerk Knust provided a report for Council Members to review. **No action taken.**

13. CITY ADMINISTRATOR REPORT

Water/Sewer:

Water Tower Painting Issues: Meeting with Utility Service Representative Brad Winkeler on Monday, June 8, 2015. This will be discussed with the Mayor and Council later in the meeting.

Water/Sewer GIS Mapping Project: Aaron Hamilton met with City Staff June 1st to verify map details. Final maps will be received soon. It has been communicated that DHHS Security Grant funding is not available for the 2015-16 cycle.

UPDATE: DHHS does not have Security Grant funding available for the 2015-16 year so phase II has been put on hold - we will have the option to budget to complete this phase in the 2015-16 budget year without the Grant funding if City so chooses.

Project Lead: Ron Morearty

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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

In May, 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. No new progress to report.

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

Water Well Permit Applications: There is one water well permit application pending, currently under engineer review. The location is within the wellhead protection area; however, is outside of the projected 20 year flow area. I expect one other well permit application from this area in the next 30-60 days.

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

Mayor and I have began discussions with Jerry and his engineer regarding providing water to the Golf Course View Subdivision in March 2015. Had hoped to have a development agreement negotiated and available for the Council to act upon by the April 14, 2015 meeting. I attempted to contact Mr. Niewohner in April so that an agreement could be drafted regarding this potential water main extension to his development. Have not yet received a response. **Nothing new to report.**

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.

Library

Library Basement Project: Complete

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.

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. **No new information from John Zwingman on this project.**

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.

UPDATE: JEO has created a preliminary district boundary map and has requested that the city hire an abstractor to verify property ownership and legal descriptions of each property within the district. 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. JEO is currently drafting the district boundaries. May have an ordinance drafted by the July or August meeting for Council consideration.

Parks/Rec

WiFi at Park/Campgrounds: Inclusion of the Pool on the City's network allowed for an opportunity to install a WiFi internet access point for campground patrons. Patrons can now pay a user fee to receive internet access while staying at the campgrounds.

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Campgrounds: At the request of several campers due to muddy conditions, Bygland Dirt Contracting was hired to put down a crushed asphalt surface in the traffic areas of the campgrounds.

Memorial Benches: Two Memorial benches that were removed during the Pool construction period have been reset by Jim Bader and Joe Landauer.

Bushes: Parks and Street staff began removing bushes at Fuller Park. This item was recommended as a safety issue by Burbach Aquatics and is on the Mayor's 2015 priority list.

Sports Complex – Little League and Softball Fields: Project Lead: Me, Dave Inman, Jim Bader
Fields are in use and working very well.

Also – Have Mueller Sprinklers lined up to lay sod between A/B Fields and Leon Nelson Memorial Field.

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

The Pool opened on May 30th. It was a true team effort de-winterizing the new facility. Ron Morearty deserves a lot of credit as he performed the majority of the de-winterization with assistance from contractors. He is also assisting in keeping the water chemistry balanced and helps pool staff whenever they have mechanical/pump house questions. Jim Bader, Joe Landauer, Joe Luettel, Dave Inman, Tyler Hedlund, Joel Meyer, and Braden Salber also helped move furniture and equipment back to the pool site – Thanks Guys!

General Administration / Other:

JEO has provided a draft of the Fairview Street Drainage report for staff review. Preliminary indication is that a phased underground Stormwater system is recommended to be installed – potentially in conjunction with phased street replacement projects. A final report should be available for Planning Commission and Council review next month.

The Fire Department sold the '94 Freightliner Equipment truck to Roadrunner Transportation, LLC of Weston, NE for \$10,000.

City-wide Clean Up Days were held May 18-19th.

Devine provided reports for Building Permits for April and May 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.

14. CONSIDER BILLS FOR APPROVAL

• CONSIDER MONTHLY BILLS FOR APPROVAL

Councilman Porter made a motion to approve the monthly bills, except for the Frontier and Utility Service Co. bills, second by Riedmiller. **Vote: Yeas; Hoefler, Riedmiller, Porter. Nays; None. Absent; Johnson.**

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- **CONSIDER FRONTIER BILLS FOR APPROVAL**

Councilman Hoefer made a motion to approve payment of \$169.60 of the Frontier bills, disputing early termination fees and late charges, second by Porter. **Vote: Yeas; Hoefer, Riedmiller, Porter. Nays; None. Absent; Johnson.**

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

Councilman Hoefer made a motion to approve payment of \$970.28 of the Utility Service bill due to previously documented dispute of invoiced amount, second by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Porter. Nays; None. Absent; Johnson.**

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

At 9:02 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, contractual negotiations, and potential litigation; inviting Morearty, Devine, and Wright to stay; second by Hoefer. **Vote: Yeas; Porter, Hoefer, Riedmiller. Nays; None. Absent; Johnson.**

At 9:41 p.m. Councilman Hoefer made a motion to return to open session, second by Porter. **Vote: Yeas; Riedmiller, Porter, Hoefer. Nays; None. Absent; Johnson.**

Councilman Riedmiller made a motion to accept option 3, deferring action on Utility Service Co. Contract until a full quorum is present, second by Porter. **Vote: Yeas; Hoefer, Porter, Riedmiller. Nays; None. Absent; Johnson.**

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16. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- Next Regular Meeting – July 21, 2015, 7:30 p.m.
- Preliminary Budget
- Mayor Report - Department Head Meeting
- Administrator Report
- Frontier Bill
- Approve Bills

17. ADJOURNMENT

At 9:44 p.m. Council Member Hoefler made a motion to adjourn the meeting, second by Riedmiller. **Vote: Yeas; Porter, Hoefler, Riedmiller. Nays; None. Absent; Johnson**

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