

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, MARCH 8, 2016**

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 March 8, 2016 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Jon Porter, Walt Hoefer, and Marcus Johnson, Jim Riedmiller. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Billing Utility Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, City Attorney Darren Wright, Jim Dickerson with the Albion News, Robert VanDeWalle, Doug Young, Don Casper, Dan Staack, Steve Schrad, Kaley Arends, Shelby Bader, Maverick Loeffler, Nicholas Knuth, Cameron Schilousky, Caleb Steinbach, Justin Beierman, Kaylie Beierman, Trevor Nissen, David Hansen, Blaine Kennedy, Crystal Moncada, Kylee Ranslem, Hayden Niewohner, Blake Olnes, Kaddee Harner, Gina Gabrieli, Johanna Helgeland, Jose' Campos, Abbey Seier, Elissa Slizoski, and Marian Moncada. 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 FEBRUARY 9, 2016 CITY COUNCIL MEETING FOR APPROVAL

Councilman Riedmiller made a motion to approve the minutes of the February 9, 2016 City Council meeting, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

3. OPEN PUBLIC HEARING REGARDING RATE INCREASE PLAN OF EAGLE COMMUNICATIONS, INC

Mayor Jarecki opened the public hearing at 7:31 p.m. The Mayor sought public input. Robert VanDeWalle stated his concerns regarding the rate increase, loss of stations, and problems with service. Dan Staack of Eagle Communications explained the reason for increased rates and changes in stations. Steve Schrad stated concerns with the amount of time it took to get tech service and suggested a more local call service. Staack stated there is a local technician, however, all calls go to the Service Center first as many problems can be resolved without a technician making a service call. Kaddee Harner also spoke of concerns of poor service. Staack assured he would follow-up on the service issues. The Mayor sought further comment. Hearing none, the Mayor closed the public hearing at 7:51 p.m. **No action taken.**

4. **CONSIDER REQUEST OF SMOKE N CHROME ON MAIN, COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR CAR SHOW FROM 6:30 A.M. TO 3:00 P.M. ON JUNE 18, 2016**

A map of the area requested to be closed off was provided for Council Members to review. Doug Young stated there would be no changes from last year other than the earlier time due to its popularity. Don Casper stated last year drew the largest crowd so far. Clerk Devine suggested the City could leave flags out from Flag Day through the event. Councilman Riedmiller made a motion to approve request of Smoke 'N Chrome on Main Committee to temporarily close downtown streets for car show from 6:30 a.m. to 3:00 p.m. on June 18, 2016; second by Hoefer. **Vote: Yeas; Riedmiller, Hoefer, Porter, Johnson. Nays; None.**

5. **OPEN 2016 LAWN CARE BIDS AND CONSIDER FOR APPROVAL AND AWARD OF CONTRACT AND TO AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Mayor Jarecki reported his potential interest in the contract, verified a Conflict of Interest Disclosure Form had been supplied to the City Clerk, and turned presiding authority to Council President Porter; then left the room. Clerk Devine stated there were two bids received; one from Jarecki Lawncare, and another from Schrad's K-Lawn. City Attorney Wright opened the bids in the order they were received. Jarecki Lawncare bid met all specifications for a bid total of \$8,575. Schrad's K-Lawn also met all specifications for a bid total of \$8,495. Councilman Hoefer made a motion to approve the bid submitted by Schrad's K-Lawn for the amount of \$8,495, and to authorize the Mayor or his representative to sign any Agreement/Contract documents; second by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Hoefer. Nays; None.** Following council action, Mayor Jarecki was invited back into Council Chambers and resumed presiding over the meeting.

6. **OPEN 2016 SPORTS COMPLEX CONCESSION STAND BIDS AND CONSIDER FOR APPROVAL AND AWARD OF CONTRACT AND TO AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Clerk Devine stated no bids had been received. Devine will contact and attempt to negotiate with the Tom Sullivan family whom operated the concession stand last year. Councilman Hoefler made a motion to table until next meeting, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefler. Nays; None.**

7. **REVIEW BID TABULATION OF ALBION SPORTS COMPLEX MULTIPURPOSE COURT IMPROVEMENT PROJECT AND CONSIDER FOR AWARD OF CONTRACT AND TO AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Clerk Devine reported 1 bid was received from Nemaha Sports Construction of Lincoln, NE for \$221,900. The bid was considerably higher than the engineer's opinion cost of \$185,000. Devine stated there is a 60-day action period on the bid, therefore Dave Henke of JEO Consulting Group recommended tabling until the next meeting while he attempts to negotiate the contract down to a more acceptable cost. Councilman Riedmiller made a motion to table until the next meeting, second by Hoefler. **Vote: Yeas; Porter, Hoefler, Johnson, Riedmiller. Nays; None.**

8. **REVIEW BID TABULATION OF FAIRVIEW STREET DRAINAGE PROJECT – PHASE I AND CONSIDER FOR AWARD OF CONTRACT AND TO AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Clerk Devine stated two bids were received for Group C (both storm sewer and paving projects). B-D Construction Inc. of Columbus, NE submitted a bid for the amount of \$337,998 with a start date of June 1, 2016. The bid submitted by Rutjens Construction of Tilden, NE was for the amount of \$354,333.45 with a start date of July 1, 2016. Both bids had a completion date of November, 2016. Both bids were below the engineer's opinion cost of \$375,000. Devine noted the City would need to request

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B-D Construction split some unit costs between the two projects as the County is participating on 50% of the Fairview Street project. Councilman Hoefer made a motion to approve bid submitted by B-D Construction Inc. for the amount of \$337,998 and to authorize the Mayor or his representative to sign any agreement/contract documents; second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

9. **CONSIDER LEASE AGREEMENT #65151621 WITH THE NEBRASKA STATE BUILDING DIVISION REGARDING LEASE OF SPACE OF 438 W MARKET STREET TO THE STATE FIRE MARSHAL AND TO AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Council Members reviewed the lease agreement. Clerk Devine stated he met with a representative from the State Building Division to review the facility rented by the State Fire Marshal for the past number of years. Devine and Mayor Jarecki reviewed the requested improvements and agreed they were reasonable and necessary requests. Devine also mentioned if the City would agree to the terms of the four year lease, the State Building Division intend to renewal for three consecutive four-year terms. Councilman Riedmiller made a motion to approve Lease Agreement #65151621 between the City of Albion and the Department of Administrative Services, State Building Division, and to authorize the Mayor or his representative to sign any agreement/contract documents; second by Hoefer. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

10. **REVIEW 2015 ANNUAL WATER AND SEWER DEPARTMENT REPORT**

Council Members reviewed the report presented. Councilman Hoefer made a motion to approve the 2015 Annual Water and Sewer Department Report, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

11. **CONSIDER ORDINANCE 244(16) AMENDING CITY CODE CHAPTER 6: PUBLIC UTILITIES**

Clerk Devine presented a draft of Ordinance 244(16) for Council Members to review. Devine stated there were ordinance changes since the Code book was adopted that hadn't been appropriately incorporated in the book, which necessitated reorganizing and restructuring of that chapter. City Attorney, Darren Wright, has not yet finished reviewing proposed ordinance. Councilman Porter made a motion to table Ordinance 244(16) until the April City Council Meeting, second by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Porter, Johnson. Nays; None.**

12. **CONSIDER ORDINANCE 245(16) AMENDING CITY CODE CHAPTER 4: BUSINESS REGULATIONS**

Clerk Devine presented the Council with a draft of Ordinance 245(16) Amending City Code Chapter 4 - Business Regulations. City Attorney, Darren Wright, had reviewed the ordinance and made some slight language modifications. Councilman Johnson made a motion to introduce Ordinance 245(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 245(16) for the first time. Councilman Porter made a motion to Suspend the Rules, second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 245(16) by title for the second and third time. Following the third reading, Councilman Porter made a motion for Final Passage of Ordinance 245(16), second by Johnson. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 245(16) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 245(16) finally pass?" **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

13. **CONSIDER RESOLUTION 106(16) ESTABLISHING UTILITY SERVICE DEPOSIT AMOUNTS**

Clerk Devine explained the resolution would correct a section code reference of the previous Resolution that specified utility service deposit amounts, as Ordinance 244(16) would have changed those section reference numbers. Since Ordinance 244(16) was tabled, Devine recommended also tabling this Resolution. Councilman Riedmiller made a motion to table Resolution 106(16), Establishing Utility Service Deposit Amounts until the April City Council Meeting; second by Johnson. **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.**

14. **CONSIDER RESOLUTION 107(16) ESTABLISHING FEES FOR ADDITIONAL HOOK-UP NECESSARY TO AGAIN PROVIDE WATER SERVICE TO DELINQUENT CUSTOMERS**

Clerk Devine explained the resolution would correct City Code references that would have changed if Ordinance 244(16) would have passed. Councilman Riedmiller made a motion to table Resolution 107(16), Establishing Fees for Additional Hook-Up Necessary to Again Provide Water Service to Delinquent Customers until the April City Council Meeting; second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

15. **CONSIDER RESOLUTION 108(16) AUTHORIZING USE OF CITY EQUIPMENT OUTSIDE THE CORPORATE LIMITS OF THE CITY OF ALBION, AND ESTABLISHING CHARGES FOR USE OF CITY EQUIPMENT AND CITY EMPLOYEES TO PERFORM SPECIFIC SERVICES**

Clerk Devine stated the resolution would identify sewer tap fees that are referenced in both the current and the new ordinances. It would also add a defined fee for skidsteer hours, sewer station use, and gravel placement; and amend crushed concrete placement fees. Councilman Hoefler made a motion to introduce and approve Resolution 108(16), Authorizing Use of City Equipment Outside the Corporate Limits of the City of Albion, and Establishing Charges for Use of City Equipment and City Employees to Perform Specific Services; second by Riedmiller. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Porter. Nays; None.**

16. **CONSIDER RESOLUTION 103(16) DECLARING SURPLUS PERSONAL PROPERTY OF THE CITY OF ALBION, NEBRASKA AND AUTHORIZING THE SALE THEREOF**

Clerk Devine stated no inventory report of surplus property had been submitted. Councilman Johnson made a motion to table Resolution 103(16) until surplus property inventory is presented to council for consideration, second by Hoefler. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefler. Nays; None.**

17. **CONSIDER RESOLUTION 109(16) SETTING BUILDING APPLICATION AND PERMIT FEES, INCLUDING MINIMUM AND MAXIMUM FEES**

Clerk Devine explained the resolution would address maximum building permit fees. It would cap a residential permit fee at \$1,000; and a commercial permit fee at \$6,000. Councilman Hoefler made a motion to introduce and approve Resolution 109(16) Setting Building permit application and permit fees, including minimum and maximum fees; second by Riedmiller. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefler. Nay; None.**

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18. CITY ADMINISTRATOR REPORT

Council Members reviewed the City Administrator Report provided by Clerk Devine. Devine stated there were no bids on the Fire Department's 1996 grass rig. Fire Chief Benne will advertise it. Devine also 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. **No action taken.**

19. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Riedmiller made a motion to approve the monthly bills report for payment, second by Hoefler. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.**

20. CONSIDER CHANGE ORDER FROM ELKHORN PAVING FOR 8TH AND SOUTH STREET PAVING PROJECT

Clerk Devine reviewed the Change Orders with Council Members. Change Order 1A would be a 30" curb and gutter at a cost of \$14,100; and Change Order 1B would be a 15' wide paving, including curb and gutter; at a cost of \$29,765. Both would run approximately 315' in length. Discussion ensued. Councilman Hoefler made a motion to approve Change Order 1B, second by Johnson. **Vote: Yeas; Hoefler, Johnson, Riedmiller, Porter. Nays; None.**

21. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- Next Regular Meeting will be April 12, 2016, 7:30 p.m.
- Ordinance 244(16)

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- Resolution 106(16)
- Resolution 107(16)
- Sports Complex Concession Stand
- Right-of-Way Permit Applications
- Agreement between County & City – Shared Parking Lot/Demo of Pool
- Administrator Report
- Approve Bills

22. ADJOURNMENT

At 9:00 p.m. Council Member Riedmiller made a motion to adjourn the meeting, second by Hoefler. **Vote: Yeas; Riedmiller, Johnson, Hoefler, Porter. 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