

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 8, 2013**

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 January 8, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers James Riedmiller, Walt Hoefler and Don Rutten and Marcus Johnson. Also present were City Administrator Devine, Deputy City Clerk Huismann, Utility Billing Clerk Knust, and Street Superintendent Darrel Thorin. Also present were Jim Dickerson with the Albion News, Shannon Landauer, 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 posting, 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 DECEMBER 11, 2012 MEETING

Councilman Riedmiller made a motion to approve the minutes of the December 11, 2012 meeting, seconded by Rutten. **Vote: Yeas; Hoefler, Johnson, Rutten, Riedmiller. Nays; None.**

3. CONSIDER SECOND READING OF ORDINANCE 217(12) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, TO AMEND THE NUISANCE ORDINANCE WHICH DEFINES A NUISANCE, PROVIDES FOR THE ABATEMENT AND ENFORCEMENT PROCEDURE; AND TO PROVIDE WHEN THIS RESOLUTION SHALL BE IN FULL FORCE AND EFFECT

Administrator Devine read Ordinance 217(12) for the second time. Councilman Riedmiller commented that when reading through the Ordinance there were quite a few questionable items considered nuisances. Councilman Johnson stated that some of the items considered to be nuisances are open to interpretation. Mayor Jarecki stated that the City Council would be the deciding factor with the Nuisance Abatement Program. Councilman Rutten commented that the Program was very well put together. Councilman Rutten made a motion to approve the second reading of Ordinance 217(12), seconded by Hoefler. **Vote: Yeas; Rutten, Johnson, Hoefler, Riedmiller. Nays; None.**

4. CONSIDER SECOND AND/OR THIRD READING OF ORDINANCE 219(12), AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID WATER AND SEWER UTILITY BILL OF SANDRA D McBRIDE

Administrator Devine stated that the bill of Sandra D. McBride had been paid January 7, 2013. No action necessary.

5. CONSIDER RESOLUTION 101(13) A RESOLUTION ADOPTING THE LOWER LOUP NATURAL RESOURCES DISTRICT MULTI-JURISDICTION HAZARD MITIGATION PLAN

Administrator Devine stated he received a 1,200 page document on the Mitigation Plan which he has reviewed. The plan was put together for all political sub-divisions in the Lower Loup area and with the plan it opens up the door for grant opportunities through FEMA. Devine suggested adopting the plan so that the City of Albion has an opportunity to participate if funds are available. Councilman Hoefler asked if there would be any funds available if there

MINUTES – ALBION CITY COUNCIL – REGULAR MEETING JANUARY 8, 2013

were ever contamination to the water well. Devine stated there may be funds available for new well sites in order to get another well in the event of an emergency such as water contamination. The plan is designed to keep participant proactive in preparing for hazards. Councilman Rutten made a motion to Approve Resolution 101(13) as presented, seconded by Johnson. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Rutten. Nays; None.**

6. REVIEW PROPOSED 1 & 6 YEAR PLAN

Darrell Thorin was present and reviewed the map and summary with Councilmembers. Thorin stated that he had discussed potential 1 & 6 year priorities with Devine prior to the meeting. Thorin said that the City may want to look into engineering for the Church Street Project as the original plan to armor coat will not be sufficient. The Church Street project is the top priority followed by 7th Street. The 6 Year plan was not changed other than dropping the residential projects at this time due to the recent armor coating. Mayor Jarecki asked about possibly patching the railroad tracks and Thorin stated he has not any luck communicating with the railroad on any projects. Thorin also stated he would like to put a temporary culvert in on 5th Street leading to the sale barn, due to the poor drainage. Thorin would supply the culvert on the County side if the Council would agree. Thorin will get the costs for this project and present to the council at the next regular meeting.

7. CITY ADMINISTRATOR REPORT

Pool:

A Pool Committee Meeting was held on December 18, 2012 with Burbach Aquatics where preliminary site plan and design of the facility were reviewed. The Mayor also attended the meeting. Feedback was taken from the Committee and the Mayor and Mr. Burbach will incorporate this feedback in his next revision prior to final plans and specs being developed and presented to the Council.

Streets:

Nothing new to report.

Water/Sewer:

No new information regarding the Water Project. Ron has tried contacting Tracy, but have not heard back from him.

A progress meeting for the WWTF project was not held in December due to the Holidays and cold weather. However, the project is on schedule.

Other:

Attached is the current month Sales Tax Report – showing the monthly trend of sales tax receipts. The Report shows that October 2012 sales tax receipts are lower than September 2012 and October 2011.

Also attached is an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

MINUTES – ALBION CITY COUNCIL – REGULAR MEETING JANUARY 8, 2013

Code/Zoning/Building Report for December attached.

Councilmembers reviewed the report. Devine stated that Tracy with Grosch Irrigation contacted Water Commissioner Morearty January 8, 2013 and scheduled a meeting January 11, 2013 to discuss the Shaft Issue at the Well. Councilmembers also discussed the street reservation plan proposed by the Planning Commission. Devine stated the street plan was not designed to make residents feel as if they were going to be annexed, but to give a base plan for anyone in the future who may want to develop a certain area.

8. CONSIDER APPLICATION OF GREAT PLAINS COMMUNICATIONS TO INSTALL UTILITY WITHIN CITY OF ALBION PUBLIC RIGHT-OF-WAY

Great Plains Communication would like to extend fiber into a portion of downtown Albion. Mark McFarland was present and reviewed the project map with the Council. Mark stated that any concrete that will need to be removed will be replaced and paid for by Great Plains. Devine stated he has some concerns regarding the current occupation taxes and franchise fees being charged while allowing Great Plains to occupy the right-of-way and install fiber free of charge. Devine feels this the City of Albion should consider revising the current telephone occupation tax ordinance or repealing all occupation taxes and franchise fees while still retaining control of approving utility occupation and franchise agreements within the city. Discussion ensued. Councilman Hoefler made a motion to Approve Great Plains Application to Install Utility within City of Albion Public Right-of-Way, seconded by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Rutten, Riedmiller. Nays; None.**

9. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #8 OF RUTJEN'S CONSTRUCTION FOR APPROVAL**

Councilman Hoefler made a motion to Approve Pay Application #8 of Rutjen's Construction, seconded by Johnson. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefler. Nays; None.**

Councilman Rutten asked what we are getting out of the maintenance agreement for the water tower and when it will be painted. Devine stated he would talk to Ron Morearty about this issue. Rutten also asked why the concrete project for the generator pad was not given to a local company. Devine stated he would have to ask Morearty on this issue as well. Rutten also had questions regarding the Burbach Aquatics invoice. Devine reviewed the invoice with Rutten. Councilman Hoefler made a motion to Approve the Monthly Bills for Payment, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hoefler. Nays; None.**

10. ITEMS FOR NEXT MEETING

- 1 & 6 Year Street Plan Public Hearing
- 3rd Reading of Ordinance 217(12)
- Discuss Telecommunication Occupation Tax and Franchise Fees
- 5th Street Culvert Project Cost Update from Darrell Thorin

MINUTES – ALBION CITY COUNCIL – REGULAR MEETING JANUARY 8, 2013

11. ADJOURN

At 8:50 Councilman Rutten made a motion to adjourn, seconded by Hoefer. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Rutten. 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.

Jim Jarecki, Mayor

ATTEST:

Tonya Huisman, Deputy Clerk