

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING  
JULY 8, 2008  
7:30 P.M. CITY HALL**

A Regular meeting of the Mayor and Council of the City of Albion, Nebraska was convened in open and public session at 7:30 P.M., on July 8, 2008 at Albion City Hall. Present were: Mayor Jarecki, Councilmembers Riedmiller, Hoefler, Rasmussen, absent was Cox, also present were: City Clerk Devine, Attorney Bird, News Media-Jim Dickerson with the Albion News; city employees present were: Luettel, Morearty, Johnson. Notice of this meeting was simultaneously given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of the notice is attached to these minutes. Availability of the agenda of this meeting was communicated in advance notice to the Mayor and Council. Notice of this meeting was given in advance by publication, a designated method for giving notice, a copy of publication being attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

4. Councilman Riedmiller made a motion to approve the minutes of the June 17, 2008 meeting, seconded by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Rasmussen. Nays; None. Absent; Cox.**
5. Fred Bader presented his bids. Councilman Riedmiller made a motion to approve Fred Bader's bid/estimate as presented, seconded by Hoefler. **Vote: Yeas; Riedmiller, Hoefler, Rasmussen. Nays; None. Absent; Cox.**
6. The City did not receive an application from Lee Morris for a dog kennel license. No action taken.
7. Bob Carey reviewed the Boone County Local Emergency Operations Plan. The wording is all the same, only the names have changed. This plan makes the County eligible for grants also. Councilman Hoefler made a motion to introduce Resolution 114(08)-Adopting Boone County Local Emergency Operations Plan, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None. Absent; Cox.**
8. Clerk Devine received this proposal at the end of June. The engineers had submitted their previous agreement for the asphalt, this proposal is for the construction part of the project. Councilman Hoefler made a motion to approve and authorize the Mayor to sign the Proposal for Professional Surveying Services in Connection with 2008 Concrete Improvements from Kirkham Michael, seconded by Riedmiller. **Vote: Yeas; Hoefler, Rasmussen, Riedmiller. Nays; None. Absent; Cox.**
9. If the mini-park restrooms are moved/upgraded there will be handicap regulations, etc. to deal with. The restrooms have been vandalized several times. The Mayor suggested some lighting to be put in. Bussey would like to put some perennials in the mini-park to spruce it up. The council discussed installing infrared faucets in the bathrooms, along with hand dryers instead of paper towels.
10. The current projects that the City is committed to do are:
  - Clay Conditioning to Fields A & B
  - Scoreboard on Field B will be replaced with a new one
  - The old scoreboard will be moved to the south field. This will have some expense since there is not any electricity out there.
  - Bussey pointed out to Clerk Devine that the City's playground equipment does not comply with Surface Safety Standards.
  - It would be nice to asphalt the camping pads. This would mean raising the camping rates. Devine will look into getting a quote on this when the other asphalt projects are happening.
  - The Mayor asked about removal of the fountain at Fuller Park. It is currently being used as a planter.
  - There is sidewalk on the east side of the park by the swimming pool that will need to be removed/repared.
  - The Council discussed the Tennis Courts and whether or not it is necessary to have two of them
  - Devine would like to see concrete pads underneath the bleachers at the Sports Complex.
  - There are few light bulbs burnt out that will need to be replaced.

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11. Attorney Bird said that the wording has changed to include the current toters and that durable bags need to be used, and grass, leaves and worthless vegetation may be used as ground mulch as long as it is not hazardous to human health. Councilman Rasmussen introduced Ordinance 178(08)-An Ordinance of the City Of Albion, Nebraska, Amending Its Ordinance Regarding Littering. Clerk Devine read the first reading of Ord. 178(08). Councilman Rasmussen made a motion to suspend the rules, seconded by Riedmiller. Hoefer questioned the Suspension of Rules. **Vote: Yeas; Rasmussen, Riedmiller, Hoefer. Nays; None. Absent; Cox.** Clerk Devine read the second and third readings of Ordinance 178(08). **Vote for Final Passage: Yeas; Rasmussen, Hoefer, Riedmiller. Nays; None. Absent; Cox.** Councilman Riedmiller made a motion to publish Ordinance 178(08), seconded by Hoefer. **Vote: Yeas; Riedmiller, Rasmussen, Hoefer. Nays; None. Absent; Cox.**

12. This Ordinance has a sentence added to the last paragraph: Waste material shall not include grass, leaves or worthless vegetation that is being used as ground mulch in a compost pile. Councilman Rasmussen introduced Ordinance 179(08)-An Ordinance of the City Of Albion, Nebraska, Amending its Ordinance Regarding Littering. Clerk Devine read the first reading of Ordinance 179(08). Councilman Rasmussen made a motion to suspend the rules, seconded by Hoefer. Councilman Hoefer questioned the suspension of rules. **Vote: Yeas; Hoefer, Riedmiller, Rasmussen. Nays; None. Absent; Cox.** Clerk Devine read the second and third readings of Ordinance 179(08). Councilman Riedmiller asked if Ordinance 179(08) shall finally pass. **Vote for Final Passage: Yeas; Hoefer, Riedmiller, Rasmussen. Nays; None. Absent; Cox.** Councilman Rasmussen made a motion to Publish Ordinance 179(08), seconded by Riedmiller. **Vote: Yeas; Rasmussen, Hoefer, Riedmiller. Nays; None. Absent; Cox.**

13. Clerk Devine reviewed Resolution 109(08). The council will review the CPI rate which is 4.2%. The prepared resolution the water rates/flat fee show an increase of the 4.2%. The water testing fee will remain the same. The Sewer use fees are based off of the sewer rate study/comparison that was done by NRW that was discussed at the May regular meeting. The sewer flat fees were at \$22.15 and now it will be \$26.40. It is a stair step to get the rates where they need to be at for a new Wastewater Treatment Facility. The Sewer usage fee was \$5.75 and now it will be \$6.95. The garbage rates can be reviewed as necessary if the rates from the supplier change. Clerk Devine said that there still needs to be a significant raise in sewer rates. Councilman Riedmiller made a motion to approve Resolution 109(08)-Adopting 2008/2009 Utilities Rates to be Effective August 1, 2008, seconded by Hoefer. **Vote: Yeas; Rasmussen, Riedmiller, Hoefer. Nays; None. Absent; Cox.**

14. Councilman Hoefer made a motion to approve Plumber's License for Staashelm Electric, seconded by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Rasmussen. Nays; None. Absent; Cox.**

### 15. **Administrator's Report:**

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

- a. Flow monitoring equipment has been removed.
- b. Rutjens will construct a new manhole at 3<sup>rd</sup> and Ruby sometime in August when they are here working on the new lift station for the fire hall project.
- c. Ron Morearty is continuing to work on getting the well development site near the water tower approved.

#### **Streets:**

- a. A Pre-construction meeting for the Main Street and 11<sup>th</sup> Street projects was held July 2nd. Boone County Concrete will begin on the Main Street project July 7<sup>th</sup> or 8<sup>th</sup>, and will begin the 11<sup>th</sup> street project shortly after the County Fair.
- b. There is a special meeting at Noon on July 15<sup>th</sup> to open bids for the asphalt construction projects.

#### **General:**

- a. Nuisance issues – City Attorney's office still reviewing the city building codes and provisions for administration of the codes. Brent has been reviewing properties in town.
- b. Cornhusker Public Power District presented the City with a check in the amount \$26,062.80, which represents 6 months of occupation tax on the electricity service to the ethanol plant.
- c. Andrew Devine and James Riedmiller attended a contract negotiations meeting regarding a \$250,000 housing rehabilitation Community Development Block Grant in Norfolk. The

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Department of Economic Development should be sending out a formal notification of award at the end of the month.

- d. Tom Goman with the IRS will be in the office on Wednesday, July 9<sup>th</sup> to conduct a compliance check on tax documentation from 2005. This is a compliance check only and not an audit. The IRS noted some documentation discrepancies and contacted me to schedule the visit in order to review our documentation and to show the proper documentation procedures.

### **Budget/Treasurers Report:**

See financial statements attached.

16. Attorney Bird said that since the engineering estimate went from \$20,000 to \$30,000, DEQ has a fund for assistance to help with water/sewer projects/problems in towns with population of 10,000 or less. Devine will look into this.

The Open Meetings Act has been amended to say an individual cannot make a requirement to speak, he/she would have to be on the agenda as a person.

There was a bill passed that requires the county regulates dogs outside municipalities.

17. Councilman Hoefler made a motion to approve the bills, seconded by Rasmussen. **Vote: Yeas; Hoefler, Riedmiller, Rasmussen. Nays; None. Absent; Cox.**

18. Items for July 15, 2008-Noon Agenda
- New Planning Commission member
  - Budget/Workshop July 29, 2008 at 7:30 p.m.

19. At 10:05 pm Councilman Rasmussen made a motion to adjourn, seconded by Hoefler. **Vote: Yeas; Cox, Riedmiller, Rasmussen. Nays; None. Absent; Cox.**

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 with in 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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Jim Jarecki, Mayor

ATTEST:

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Andrew Devine, City Clerk