

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, MARCH 10, 2009**

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 10, 2009 in the Council Chambers. Present were Mayor James Jarecki, Council members; Cox, Riedmiller, Rasmussen, absent was Hoefler; City Administrator Devine, City Attorney Bird, City Employees: Knust, Lipker, Predmore, Morearty, Luettel, Johnson, Hanson. Others present were Jim Dickerson with the Albion News, Mark McCue, Marcy Luth, Ralph Schmadeke, John Zwingman, Shannon Landauer, Steve Schrad, Brady Yosten, Jeff Noble, Janice Hamilton, Riley Thompkin with EMC, Jeff Climber, Joe Miller, Jenny Gompert, Doc Holladay. 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.

Clerk Devine introduced Barb Hanson as the City's Code Official and Boone County Zoning Administrator.

4. Councilman Cox made a motion to approve the minutes from the February 10, 2009 meeting, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Riedmiller, Cox. Nays; None. Absent; Hoefler.**

5. Marcy Luth with AMGL reviewed and discussed the audit report for year ended September 30, 2008. She provided some benchmark comparisons as far as how the city is compared to other city's with a population of 1,000-2,000. The city has \$138/per capita coming in property taxes. This well below the per capita average. The sales tax is a little higher which makes up the lower property taxes. Cash Reserves versus Cash Needs looks very strong this year. Marcy covered the cost per person to provide services. Overall the City is sitting very well.

6. Lanny Rasmussen has an ownership interest conflict. He notified the Mayor when discussion began, he will not participate in voting. Mark McCue discussed an overview of the bids. He is with Rider, Rosacker, McCue and Huston of Grand Island. He is an insurance agent as well as a consultant. He has reviewed the City's coverage with Andy. He has spoken with all the insurance agencies that submitted a bid to the City. He had a comparison sheet of the three insurance agencies involved as to what the costs are, etc. EMC is through Schmadeke Agency which provides insurance for a lot of public entities in Nebraska and Iowa. Their total bid for the coverage was \$48,552.00. Continental Western Insurance through Cedar Valley Agency has a special program for municipalities and volunteer fire departments. Their bid was \$46,618.00. The third insurance agency to submit a bid is Berkshire Hathaway Homestate Companies through Cornerstone Agency. They also deal with municipalities. Their bid was at \$41,400.00. EMC program includes possible dividends, and BHHS includes a Work Comp dividend possibility. There is more coverage included in these proposals due to more coverage on some buildings/assets.

Ralph Schmadeke and Riley Thompkin represent EMC. One of their perks is the dividends. EMC has represented the city for 17 consecutive years. EMC is the #1 rider in Nebraska covering about 40% of the cities in the state. They have had the safety dividend group for about 20 years. They are looking at the largest dividend payout in their history at about 21%. Albion's share is around \$7,000.00. This will be the 11th year for paying a dividend out. This is based on the entire pool of cities they cover. They offer a loss control program with many services offered through their website. They also offer some attorney services quarterly.

Brady Yosten and Jeff Climber with Cedar Valley Insurance. They write two different policies-public entity policy and Fire Pack. On the Fire Pack quote- there is a \$5 million per occurrence with a \$10 million aggregate. This covers pollution liability, mobile property leaving fire hall-which was placed under inland Marine & replacement. The major difference on both the public entity side and fire pack side is the E & O coverage.

Jeff Noble and Joe Miller-with Miller, Monroe, Ferrell out of Nebraska City represent BHHS through Cornerstone Agency. Miller, Monroe, Ferrell is a General Agency that specializes in municipal insurance. Cornerstone does have binding authority. They followed McCue's specifications. Their work comp coverage also has a dividend program. It is based on single entity experience alone and not on group experience. This pays out up to 10%.

Mark McCue reviewed proposals. EMC's dividend payouts over the last 5 years were: \$2,100, \$1,300, \$0, \$2,600 and \$4,700. Cedar Valley discussed their mobile property leaving premises. The other companies offer this also in a lump sum up to \$50,000. All these agencies meet and satisfy the specs.

Councilman Cox made a motion to award and accept bid from Cornerstone Agency and authorize the Mayor to sign the Agreement, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Cox, Jarecki. Absent; Hoefler. Abstain: Rasmussen.**

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7. The Mayor has a conflict of interest and left the meeting leaving Councilman President Riedmiller in charge of the meeting. Attorney Bird said that the bids were sealed before opening.

1st Bid: Schrad's KLaw: \$12, 872.00

2nd Bid: Jarecki Lawncare & Greenhouse, LLC: \$18,323.09

Both companies meet the bid specifications. Councilman Rasmussen made a motion to accept bid from Schrad's KLaw and authorize Council President Riedmiller to sign Agreement, seconded by Cox. **Vote: Yeas; Riedmiller, Rasmussen, Cox. Nays; None. Absent; Hoefler.**

17. Lipker has no issues with this. This will be for June 19, 2009 from 4:00 p.m. to 1:00 a.m. Councilman Riedmiller made a motion to approve CWR's application for special designated liquor license, seconded by Cox. **Vote: Yeas; Riedmiller, Cox, Rasmussen. Nays; None. Absent; Hoefler.**

20. Holladay discovered a leak in an abandoned service line to his property. It is a lead line which means that by state law it will need to be removed from the municipal water supply. Doc feels that this should not be his responsibility for further excavation due to the fact that this happened prior to his ownership, and he has had to pay for work done thus far. If the city were to excavate it would cost about \$200 for backhoe and labor. The City's ordinance states that this is the property owner's responsibility since it is on their property. This line from a main to a curb stop that at one time would've serviced a house. The main that it goes to is in Don Merten's front yard in the City's right-of-way. It is the consensus of the council that this is Doc's financial responsibility. Clerk Devine quoted Doc a price of \$200.00 for excavation. Doc will get back with the City as to when this will work out to do it.

8. The council didn't have any questions on the 2008 Water/Sewer Report. Riedmiller said that Water & Sewer Departments are doing a Wonderful Job! The Mayor thanked them for a wonderful job.

9. Clerk Devine reviewed the handbook with the employees after the February meeting and made some changes. Authorized overtime will accrue comp time at a rate of 1.5. The grievance procedure was corrected so that it specifically states that employees may appeal to the city council if unsatisfied with determination of supervisor/city administrator. The drugfree policy section was revised to coincide with other provisions in the section on discipline that states employees must be able to perform the functions and duties of their position. Seasonal employees will be paid overtime as approved and accrued. Councilman Cox would like to review this in six months to see how things are going. Councilman Rasmussen made a motion to introduce and approve Resolution 104(09)-Adopting a Revised Personnel Handbook for The City of Albion, seconded by Cox. **Vote: Yeas; Riedmiller, Rasmussen, Cox. Nays; None. Absent; Hoefler.**

10. This is the same as it has been in the past. Councilman Cox made a motion to approve and authorize the Mayor to sign Resolution 105(09)-To Establish Interlocal Agreement with Boone County Defining Joint Jurisdiction One-Mile Outside City Limits for Law Enforcement, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Cox, Rasmussen. Nays; None. Absent; Hoefler.**

11. Shannon Landauer reviewed some points of the grant. The goal is to renovate some homes that are on the Market that aren't selling, yet keeping them affordable. Councilman Cox made a motion to approve and authorize the Mayor sign the Letter of Support for Boone County Housing Grant Application, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Cox, Riedmiller. Nays; None. Absent; Hoefler.**

12. As part of the Comprehensive Plan process, the City is identifying some redevelopment areas in town. Part of this is to look at doing a focused area housing plan. This focuses on both housing and redevelopment. The plan itself runs about \$40,000.00. Devine has negotiated Hanna:Keelan down to \$20,000.00 based on work that they will already be doing with the Comp Plan. There is a NIFA Grant available that the City can apply for. The grant would pay for half of the \$20,000.00. This would apply to the next budget year. The application is due next week. Councilman Cox made a motion to authorize the Mayor to sign the NIFA Grant Application and Letter of Support for a Focus Area Plan in Downtown Albion, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Cox, Riedmiller. Nays; None. Absent; Hoefler.**

13. John Zwingman discussed the One-Year Plan Projects. The cost of the proposed 2009 One-Year Projects is \$263,000. This does not include the 6th Street Federal Project. If the 6th Street project were to come up this year the City could bond for those funds. From 2nd Street to 4th Street on Marengo it shows milling to a 2" depth and laying a 2" asphalt overlay on it. The estimate did not include milling which would be around \$40,000. To just mill asphalt out and replace with concrete between the curb and gutter section that would cost \$115,000 and would last for about 25 years versus a couple of years with asphalt overlay. Clerk Devine said that if the City did go with concrete that he would like to bond that project out to save some on-hand cash for projects that might come up. Councilman Cox made a motion to authorize City Engineer Prepare One-Year Plans and Specifications as discussed, seconded by Rasmussen. **Vote: Yeas; Rasmussen, Cox, Riedmiller. Nays; None. Absent; Hoefler.**

14. This will be tabled until the April Meeting.

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15. Lipker has agreed to enforce this more aggressively. There has also been a 20 mph sign put up on Marengo Street as there has been some concern of trucks not getting slowed down as they exit Hwy 14 on the way to Bosselman's, Casey's & Runza. Lipker is going to contact the state about moving the signs outside of town a little further.

16. The Mayor discussed that we want good protection, there is a concern about leadership changes at the Sheriff's office every four years. This idea is just in the beginning stages. The Mayor would want community involvement in this decision. If the city were to dissolve its police force it would be hard to restart the local department. Rasmussen contacted Gretna-they contract out police and they seem to be happy with this situation. The Mayor is concerned about having control over the situation/employees. Cox said that it's hard to decide on this issue until a proposal is drawn up and reviewed. Cox and Rasmussen would like to have a proposal drawn up to review the pros and cons. Attorney Bird said that this may cause our current police force to look for employment elsewhere, and may send the wrong signal to them. Lipker said that he can't afford to take a payout. Councilman Rasmussen made a motion to request a proposal for an opportunity to pool resources between City and County Law Enforcement in Order to Continue Effective Levels of Service and Protection in an Efficient and Fiscally Responsible Manner, seconded by Cox. **Vote: Yeas; Rasmussen, Cox. Nays; Riedmiller. Absent; Hoefer.**

19. Zwingman met with Sue Lackey regarding the Water Tower Site access to the Ogallala aquifer. She believes that at 245' the well would pump from the Ogallala. Sue recommended to proceed with site approval, and selection of a drilling company to drill the full 445' for testing. Zwingman spoke with Dave Jundt and will go ahead with approval with Dave. Councilman Rasmussen made a motion to authorize John Zwingman to proceed with site approval and solicit bids for test wells, seconded by Cox. **Vote: Yeas; Riedmiller, Cox, Rasmussen. Nays; None. Absent; Hoefer.**

18. City Administrator's Report:
Water/Sewer:

- a. The electrical service to the lift station by the Fire Hall is not yet complete. Water tightness problems with the manholes have been discovered. The engineer is working on these two issues to finalize the project.
- b. The WWTF plan is underway – JEO and John Zwingman are working together on this. George Edwards has provided the requested documentation – maps and electronic flow data - for this plan.
- c. We are still working on site selection for the Water Well project. DHHS Drinking Water State Revolving Fund has contacted us to inquire of the status of this project as there may be funds available this year.

Streets:

- a. 2009 Street projects are being discussed and planned for.

Parks:

- a. A DEQ grant application has been submitted for recycled rubber for ground cover and surface safety around all park equipment.
- b. Kaleb Carey has also performed general equipment condition and safety inspection last month and will work with Devine and Jeff Bussey to prioritize projects.

General:

- a. There is interest in developing a new hotel in town. The Albion Economic Development Group has been approached by an individual for assistance in assessing feasibility, locating sites, and finding investors.
- b. The Fire hall is still under construction – no new updates.
- c. The comprehensive planning process is going well. We've had good attendance and participation from community members and organizations. The overlying theme so far is that we do not have much for available land within city limits to develop. There is an opportunity to redevelop some areas where utilities and infrastructure already exist, but there will be an opportunity to address an annexation policy through the comp plan as well.
- d. The Ethanol plant is up for sale. Bids are due March 16, 2009. According to sources on the Economic Development Boards, there is at least one viable entity from outside the community looking into the purchase of the ethanol plant. They may or may not also be seeking local investors in the project.

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- e. The Fire Department received a significant grant from FEMA to purchase: A thermal imaging camera, P.A.S.S. devices, and new extrication equipment. These purchases need to be made by February 2010. The Fire Department will work with Devine through these purchases.
- f. The City is currently working with Emergency Management in submitting a request for Hazard mitigation funding in order to receive stand-by generators, radios, and other equipment/costs associated with impending emergencies.
- g. Stimulus Plan – there are many questions on who is going to get what out of this stimulus plan and the answers seem to be constantly changing. On the roads side of things it doesn't look too promising for our project this year – right now local project requests in Nebraska exceed the expected amount to be dispersed. It appears that DHHS and DEQ may be receiving funds that can be used for revolving loans. We may have a chance at receiving some of these funds for our water and waste water projects IF the timing of getting shovel ready projects is not an issue.
- h. The local food pantry is moving. AEDC and BCDA have donated a one-time donation of \$500 each for the moving and remodeling expenses.

Budget/Treasurers Report:

Reviewed year-end financial with Auditor. Monthly financials will resume after this meeting.

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

22. Items for April Agenda:

- Bird mentioned upcoming bill regarding spot annexation.
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17. At 10:37 pm Councilman Riedmiller made a motion to adjourn, seconded by Cox. **Vote: Yeas; Riedmiller, Cox, Rasmussen. Nays; None. Absent; Hoefler.**

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.

Jim Jarecki, Mayor

ATTEST:

Andrew Devine, City Clerk