

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING  
TUESDAY, APRIL 14, 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 April 14, 2009 in the Council Chambers. Present were Mayor James Jarecki; Council members: Rasmussen, Riedmiller, Hoefler, absent was Cox; Appointed Officials: City Administrator Devine, City Attorney Bird, City Engineer John Zwingman, City Code Official Barb Hanson, Police Chief Brent Lipker, Sewer Commissioner Joe Luettel, Water Commissioner Ron Morearty. Others present were Jim Dickerson with the Albion News, Vic Lee with Boone County Health Center; Ben Fink with Beckenhauer Construction; Terry Brown with Olson Associates; Randy Eldorado, Steve Irons, and Roger Helgoth with Kirkham Michael; Tom Mangus; Roy Sallach; and Ralph Schmadeke. 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.

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

23. Mayor Jarecki notified the council that he accepted the resignation of Danny Cox from the Albion City Council effective April 13, 2009. Clerk Devine was instructed to place notice of vacancy in the Albion News and the Mayor will submit a candidate by name at the May 12, 2009 council meeting for confirmation.

5. Ralph Schmadeke presented the City Of Albion with a dividend check for the amount of \$7,577.21 which represents a 21% dividend in the Nebraska Safety Dividend Group.

6. Bill Barrett with Beckenhauer Construction reviewed plans and cost estimates for the Boone County Health Center sewer improvement project. One area is from 6<sup>th</sup> Street/Fuller Street corner to 6<sup>th</sup> Street/Fairview corner from manhole to manhole to go from a 6" line to an 8" line. Vic Lee has met with the landowners involved to discuss landscape replacement, etc. Devine noted that Jarecki Lawncare may contract with the Health Center on this project. The sewer line is currently in the easement, one option would be to move the line underneath the street, Luettel suggested keeping the line in the easement to keep costs down. The corner of 6<sup>th</sup> Street/Fairview will be closed for around 10 days. Traffic will be able to go around Fairview lanes to get to the Health Center. Luettel said that the 6" main didn't get filmed/TV'd. There are lots of unknowns in the 6" main. This project is not budgeted for. The bids for this were sent out today as an option. When the bids get returned there will be some hard numbers to look at. Devine doesn't think this should be considered optional because abandoning the 7<sup>th</sup> Street line will change the city's capacity to handle sewage further to the south. Ben said that this is only listed as optional so that cost will be listed separately. Sanitary sewer work is intended to be done this summer. The bids will be back on May 5<sup>th</sup>, 2009 and presented to the Health Center's Board on May 26<sup>th</sup>. Rasmussen would like to wait on this to see what the actual number amounts will be. Rasmussen asked if Vic had a percentage that they thought the city should pay. Vic said that 50% would be nice. The Health Center will be requesting to close Fuller Street from 7<sup>th</sup> to the alley at the next council meeting. This will be discussed with the fire department and police department also. Hoefler made a motion to table this item until the May 12, 2009 meeting, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler.**

7. Hoefler made a motion to introduce Resolution 106(09)-Establishing Identification Theft Prevention Program for All City Utility Accounts, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Hoefler, Rasmussen. Nays; None.**

8. Councilman Rasmussen made a motion to introduce Resolution 107(09)-Appointing Andrew L. Devine as Albion's Representative and Walt Hoefler as Albion's Alternate Representative to the Nebraska Municipal Power Pool Member Council, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None.**

9. Devine reviewed the water quality report, and the steps the city took to notify the public of the selenium levels that were found in the city's wells. Wells 1 and 2 were shut down. Morearty reviewed the water testing of private wells. The wells around Fairview have a higher selenium count.

10. Zwingman has sent all information regarding the City's potential well site at the water tower land to the state. Zwingman also put together a request for proposal from well drillers using the proposed site. Bids should be back on April 22<sup>nd</sup> or 23<sup>rd</sup>. In discussion about the proposed site, Ron Morearty noted that there are high-pressure gas lines by the fence, Ron will look into the setbacks are on them.

11. Zwingman broke the one year plan down into four projects. Clerk Devine, Thorin, Zwingman and Bader met last Thursday to discuss some preliminary plans. They decided that instead of John preparing plans and specs for both asphalt and concrete, to just do this for concrete as it would be more cost effective in the long term. On Marengo Street they are looking at 6" concrete paving between the curb/gutter sections that are there. Zwingman also shows concrete in the alleys just to the sidewalks. Page 3 covers Main Street from the railroad tracks to Second Street. The asphalt will be milled and the old concrete will be torn out. There is a brick culvert east of the railroad tracks that is packed so that water cannot flow through it, Zwingman thought that this could be abandoned.

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On Depot/Main Street there will be 8" concrete. On Depot Street there are two culverts that will be connected by putting in a new pipe. The two intersections on Walnut Street-First Street and A Street where the water flows from the South to the North, the water flow will be re-directed to flow to the East. The intersection on First Street will be reconstructed to allow for this. Project A-Marengo Street's cost is \$135,000; Project B-Main Street is \$90,000; Project C-Depot Street is \$125,000; Project D-Walnut Street is \$25,000. After the bids are submitted the Council can award or reject any/all projects or award any combination of projects regardless of order. Zwingman is hoping to open bids on Friday, May 8 at 1:00, and then Zwingman will bring a recommendation to the Council on Tuesday, May 12, 2009. The City will award one contract for the construction. It will be more cost efficient to go with one contractor. Devine recommended that the City solicit bids for all the contracts except for the 6<sup>th</sup> Street project. The city is anticipating creating a paving district for the Depot Project and bonding out the estimated \$125,000. If this project is not bonded out, it will need to be taken off the list. Devine also recommended that at the next City Council meeting that the General Obligation Debt be refinanced for the '03/'04 projects to save around \$20,000 for the life of that debt. Councilman Riedmiller made a motion to approve the Plans and Specs on all Four Projects and Schedule Bid Letting for May 8, 2009 at 1:00 p.m., seconded by Hoefler. **Vote: Yeas; Riedmiller, Hoefler, Rasmussen. Nays; None.** Councilman Rasmussen made a motion to advertise for the bids in the Albion News, seconded by Hoefler. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None.**

12. Randy Eldorado with Kirkham Michael reviewed the supplemental proposal for the 6<sup>th</sup> Street Project. There have been some key changes in the Federal Highway Administration. There is more Environmental and Documentation required. Since this project has sat for so long there are some things that will need to be re-done. The State will let all local projects that are Federally Funded. The State's Standard Plans and Specs will need to be used. Brendan will be going to the County Commissioners Meeting. There will be an analysis done on the storm sewer inlets. One of the first steps will be to complete the environmental analysis forms and submit them to the state. Kirkham Michael's staff is well-knowledgeable in this process for letting. Councilman Rasmussen made a motion to approve the supplemental agreement with Kirkham Michael for additional services to finish the 6<sup>th</sup> Street Project Plans, seconded by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Rasmussen. Nays; None.** Councilman Rasmussen made a motion to authorize the Mayor or City Administrator to enter into agreement with the County that the City will pay invoices received by the County on this project, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Hoefler, Rasmussen. Nays; None.**

13. The Planning Commission recommended at their last meeting that the City Council approve a change sidewall height and overall height of accessory buildings in R-1 and R-2 zones. This is to provide an opportunity for citizens to put their larger vehicles/campers off the street. Bird changed this to include Transitional Ag. Councilman Rasmussen introduced Ordinance 189(09)-Concerning Accessory Buildings in R-1, R-2 and TA Zoning Districts to maximum sidewall height from 10' to 15' and Maximum Overall Height from 15' to 22' as Recommended by the Planning Commission, seconded by Riedmiller. Clerk Devine read the first reading of Ordinance 189(09). The square footage will stay at 1,080 sq. ft. Any plans to construct a larger accessory building will be subject to the variance process. Councilman Rasmussen moved to introduce ordinance 189(09) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, AMENDING THE RESIDENTIAL ZONING REQUIREMENTS FOR SMALL ACCESSORY BUILDINGS AND ALLOWING FOR AN INCREASED SIDEWALL HEIGHT AND TOTAL HEIGHT FOR ACCESSORY BUILDINGS AND AMENDING THE PRIOR ORDINANCES. Councilman Riedmiller seconded the motion. Clerk Devine read the first reading of ordinance 189(09). Councilman Riedmiller made a motion to suspend the rules, seconded by Rasmussen. **Vote: Yeas; Hoefler, Riedmiller, Rasmussen. Nays; None.** Clerk Devine read the second and third readings of Ordinance 189(09). Councilman Hoefler called for the question. Mayor Jarecki stated the question: "Shall the ordinance now pass?" **Vote for Final Passage: Yeas; Rasmussen, Hoefler, Riedmiller. Nays; None.** Councilman Riedmiller made a motion to publish Ordinance 189(09) in pamphlet form, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Hoefler, Riedmiller. Nays; None.**

Barb Hanson submitted a report as to what she has been working on. She has been working with Bob Wilson on some projects also. There are some sight triangles that will need to be addressed in town. Larry Bird will work with Barb on this as to how to handle it.

14. The City has not had anything presented to them yet from Valero Energy. Valero is concerned about getting overtaxed. They have the minimum assessment value which is around \$46-48 million, which is in the Redevelopment Agreement. They would like to see a change in the minimum assessment amount. The city will more than likely be presented with an amendment to the Redevelopment Contract for some changes at some point. Dougherty Funding is negotiating with Valero on this.

15. Sheriff Spiegel respectfully declined to submit a proposal for contract law enforcement services.

16. Councilman Rasmussen made a motion to approve Employee Evaluations for Ann Knust, Jim Bader, Mamie Nolan, Brent Lipker and the appropriate step raises, seconded by Riedmiller. **Vote: Yeas; Hoefler, Rasmussen, Riedmiller. Nays; None.**

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### 17. 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. This is high priority as fire station is closer to completion. We cannot put the lift station online without water-tightness of those manholes.
- b. WWTF update – Meeting scheduled for April 24 with Roger Protzman of JEO and John Zwingman.
- c. Water well issues – addressed as agenda item.
- d. Luettel currently seeking estimates for a jet truck for consideration on next year's budget.
- e. The sewer truck is up for trade this year. It was advertised for bid in January and no responses were received. Administration will post-pone this until next year and resume the trade schedule accordingly.

#### **Streets:**

- a. 2009 Street projects are being discussed and planned for. Administration is very pleased with the cooperation of superintendant Thorin and engineer John Zwingman – they are very mindful of obtaining the best long-term value for the City.
- b. Norm Patzel is committed to haul out the grass pile soon. He had open heart surgery in December and is doing much better now, but is very behind. He is planning on grinding/sifting our asphalt milling so we have good aggregate to use. He has some already sorted at another location and will be bringing a load in so we have something to use in the mean time.
- c. Discussed budgeting for a part-time person next year to mow ditches to free-up personnel for other duties: street sweeping, filling holes, street repair, and other public works priorities.
- d. Bader is currently seeking estimates for a street sweeper for consideration on next year's budget.

#### **Parks:**

- a. A DEQ grant application has been submitted for recycled rubber for ground cover and surface safety around all park equipment – we may have word on this application in May.
- b. We would like to put millings down in the RV/camp area so that large campers don't get stuck in wet weather.
- c. The new dump station is more accessible – we will be working on pouring a cement pad for it soon.
- d. The mini-park and sports complex restroom improvements – auto-flush and auto-sinks installed. Thanks Ron!
- e. Kaleb Carey has done a great job this winter assessing park issues, working on equipment, and prioritizing projects for this spring.

#### **General:**

- a. Devine attended Clerk Institute in March as part of the certification process. Below is a summary of sessions covered and ideas for practical application:
  - **Customer Relations:** This session focused on managing conflict and interpersonal relations with customers. It dealt heavily with internal issues such as the mind-set of each party when addressing a conflict. Some effective tools for managing the conflict situation that I believe I can apply are: Find common ground – start with what parties agree on; Specifically list items of disagreement; Address the easy items first; Listen actively; Attack the problem, not the person; Outline as many options as possible; Reinforce items of agreement and the relationship. Another key item that the instructor stressed that I felt very important to me was to not engage with an upset customer if you are not in the right frame of mind - if having a stressful day or whatever, excuse yourself and take a few minutes to clear your mind and prepare to focus on their problem.
  - **Understanding Financial Statements:** This was a pretty elementary course. The best thing I can say it reiterated was that we should have some financial goals that we can reflect on year-to-year.
  - **Introduction to the legislative process:** This was a history lesson on how our legislative process in the State of Nebraska has evolved to what it is today. It did help outline how state law becomes law, but little else. I would say that any opportunity anyone has to develop a relationship with their State Senator, they should do it!
  - **Dogs at Large:** Some tips were to have enforcement agency purchase a digital camera to document and keep records of dogs at large. The presenter suggested that we also review our city ordinance to be sure that it matches current state statutes. I have not yet done this – I will work on it with the City Attorney's office as time permits.

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- **How the Current Financial Crisis Affects Municipal Government:** This provided the best explanation of the cause of the economic and housing crisis in the US. The issues that the presenter outlined for municipal governments was that overall in the US assessed valuations are stagnant or falling. Now in Nebraska we are a little insulated to this at the moment, and rural communities even more so than the metropolitan areas. He does think that this is a prime time to find capital for projects and that it does make sense to borrow now.
- **Media Relations:** Wow – this may have been the best course in light of recent events! This course focused on Crisis Communication, writing press releases, and giving interviews in midst of a crisis situation. I have relatively good experience writing press releases, but the rest of this course really prepared me for our recent water quality issues. It made me think of how to best communicate a crisis in a community our size and also how to best equip my employees to deal with the public when a crisis occurs. Everybody stepped up and I am very proud of your City employees.
- **Choosing Software:** This was more of a lesson on process review, system design, and program development than just on choosing software. It was a very good presentation and I gleaned some ideas on how we can use other online methods of communication to enhance the way we engage with the public.
- **Effective Strategies for Risk Management:** This was a brief lesson on risk management, risk assumption, risk elimination, and risk reduction. This is important as the city engages, sponsors, or allows activities with other organizations on City property. Very important to communicate with insurance carrier to know what risks we can assume and which ones we cannot – when planning community events. They provided a checklist to go through to help assess what risks might be present.
- **Mike Nolan gave a brief legislative update** – I didn't take much information from this that seemed to apply to our situations.
- **Disaster Recover Programs:** NEMA gave a presentation and materials on the disaster declaration process, so I am more knowledgeable of what needs to happen if we were to have a full blown disaster in town.
- **Managing the Personnel Process:** This was a good session, but just reiterated personnel issues and processes that I have already implemented. It was a good refresher for lawful hiring practices so that we do not violate any discriminatory laws.
- **Nebraska Public Records Law** – The assistant attorney general gave a presentation on public records law: I learned that we should have citizens fill out a form for any public records request (I'll be developing that soon!), and that we have 4 days to comply with the request. She reiterated that we can charge reasonable expense for making copies of the public records, which we already do in Albion. She also provided excellent documentation I can use as a reference for special circumstances and situations.
- **Developing Websites for Community Growth:** We have a great opportunity to enhance our presence on the World Wide Web. It is very important that information on our site is both current and accurate – bad information on a website is worse than no information. I will continue to work closely with the Chamber on keeping our site up to date. Eventually I would like to work on redeveloping our site to make a little more user friendly and comprehensive in nature.
- **OVERALL:** Great experience networking with others who have been in the clerk game for years and years. It's a great opportunity to discuss how others do things and finding processes that work best for your application.

### Budget/Treasurers Report:

See attached financials.

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

19. Lanny asked why the electricity wasn't billed directly to the city. The total amount of the change order is \$499.21 to date. Devine will ask Aschoff to break down the bill. Rasmussen made a motion to table this item until the May 12, 2009 meeting, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None.**

20. Bird asked who's reviewing the work to make sure that has it been done correctly to specs. Devine will contact Ternus, Wilson and Hanson to get some more information on this. Councilman Riedmiller made a motion to approve Application #007, seconded by Rasmussen. **Vote: Yeas; Hoefler, Rasmussen, Riedmiller. Nays; None.**

21. Councilman Hoefler made a motion to table this item until the May 12, 2009 meeting, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None.**

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22. Items for May Agenda:
- Follow-up from this meeting
  - Appoint new council member

24. At 10:17 pm Councilman Hoefler made a motion to adjourn, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. 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 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:

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Andrew Devine, City Clerk