

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 12, 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 May 12, 2009 in the Council Chambers. Present were Mayor James Jarecki; Council members: Hoefler, Rasmussen, Riedmiller. Appointed Officials: City Administrator Devine, City Attorney Bird, City Engineer John Zwingman, Street Superintendent Darrel Thorin, Sewer Commissioner Joe Luettel, Water Commissioner Ron Morearty, Water Utility Billing Clerk Ann Knust, City Code Official Barb Hanson, Police Officer Denny Johnson. Others present were Jim Dickerson with the Albion News, Vic Lee with Boone County Health Center; Bill Barrit with Beckenhauer Construction; and David Warner. 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.

3. Councilman Riedmiller made a motion to approve the minutes from the May 7, 2009 meeting, seconded by Hoefler. **Vote: Yeas; Rasmussen, Hoefler, Riedmiller. Nays; None.**

4. Mayor Jarecki received one response letter of interest from David Warner at 706 South 5th Street for the Albion City Council. Councilman Hoefler made a motion to confirm the appointment of David Warner to the Albion City Council fulfilling Danny Cox's term, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Rasmussen, Hoefler. Nays; None.**

5. David Warner took the Oath of Office to the Albion City Council.

6. The Board of Adjustment requires an alternate board member in case they have an issue maintaining a quorum for a meeting. Danny Cox has agreed to fill this position. Councilman Riedmiller made a motion to approve appointment of Danny Cox as an alternate for the Albion Board of Adjustment fulfilling Mary Nelson's term, seconded by Rasmussen. **Vote: Yeas; Hoefler, Warner, Riedmiller, Rasmussen. Nays; None.**

7. Riedmiller asked how long Hoefler has been on the executive committee, and Hoefler said he's been on it for as long as he's been a councilmember. Councilman Rasmussen made a motion to confirm Councilman Hoefler to the BCDA Executive Committee, term to expire May 2011, seconded by Warner. **Vote: Yeas; Riedmiller, Hoefler, Rasmussen, Warner. Nays; None.**

8. Councilman Riedmiller made a motion to confirm appointment of Councilman Hoefler to the BCDA Board of Representatives, term to expire May of 2011, seconded by Rasmussen. **Vote: Yeas; Warner, Hoefler, Rasmussen, Riedmiller. Nays; None.**

9. Bill Barrit with Beckenhauer Construction outlined the project and the bid that was obtained. The project cost is to be \$71,392. The project is to replace the 6" line with an 8" line from the corner of 7th and Fuller to an existing manhole at the corner of 6th and Fuller, and then from the North half of 6th Street to Fairview. This will abandon the 8" main at 7th Street. Fuller Street from 6th to 7th Street will be closed for two weeks for sanitary sewer work. The intersection of 6th and Fairview will be closed for two weeks for sanitary sewer work. Fuller Street from 4th Street to alley will be closed for 12 months, the alley will be closed for 3-4 months, and Fairview will be partially closed for 2 weeks for new entrance. They are hoping to get started in the middle of July. 6th Street will be started after the fair. Lee has met with Amy Zaruba so that the Emergency services will know about the new routes to the hospital. Devine asked that emergency services know about keyholders for any gates that will be installed. Councilman Warner made a motion to give authorization the Albion Police Department to close streets on Fuller and Fairview as discussed as Hospital construction schedule requires, seconded by Riedmiller. **Vote: Rasmussen, Riedmiller, Hoefler, Warner. Nays; None.** At the last meeting Lee requested that the City pay for half the cost of the upgrade from 6" sewer to 8" sewer on 6th street from Fuller to Fairview. Those funds are not budgeted for. Devine doesn't feel that it's the City's responsibility for replacing the line, as it wouldn't be necessary if not for the hospital's construction project. The easement isn't finished for the loading dock yet. Devine will work with engineer Terry Brown to in order to put the easement agreement in final form. Vic Lee left before any official action was taken by the council on cost share request. The council took no action on the request for cost share of the 6th street sewer main upgrade.

10. The selenium concentration on Well #3 has decreased from .09mg/L to .076mg/L in approximately one month. Well's 1 & 2 have not been re-tested yet. Warner asked what the peak water usage is and Morearty said it's over a million gallons per day.

11. The City has drilled a test hole by the water tower to find out the geology of the site. Zwingman received an analysis of the soil sampling from the contractor, Grosch Irrigation. The upper formation looks very good; however, the geology does not support access to a deeper water source as have been previously anticipated. Once Zwingman receives final recommendation of the screen size and gravel pack he will start putting the specs together to send out to well drillers to put in a test well and check the water quality in the upper formation. There will be a ten day bid period. This cost will be under \$30,000 limit.

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14. On Friday, Elkhorn Paving was the low bidder by \$570. When Zwingman reviewed the bids, Castle had a error on their bid by about \$8,000, which made their bid the lowest. Zwingman called Castle and they were ok with honoring the project price of \$389,248.47. This was about \$14,000 over the estimate. Devine reviewed some budget figures and where funds will stand with this project implemented. The obligations for capital improvements this year are \$247,123, which includes the reserve. This will leave \$266,436 available for street projects, which would also leave \$122,812 of additional capital required in order to complete the four street projects. The Depot street project is \$122,565, Devine is proposing to issue \$125,000 in debt to finance that project on a ten year bond. Devine is also proposing to refinance the general obligation debt for the 2002 and 2003 street projects which will save approximately \$20,000. This will increase the street bond obligation to about \$99,000/year. Administrations recommendation is to take Zwingman's recommendation and award the contract to Castle Construction for all four projects and finance \$125,000 for the Depot Street Project. Devine is also recommending to go with a ten year bond for \$125,000 with Ameritas. Devine noted that he would be comfortable having either Ameritas or Smith Hayes prepare the bond and recommended Ameritas based on past experience. The City does not have experience with Smith Hayes. The average rate on that will be 3.1497%. The issuance cost will be \$2250. Councilman Warner made a motion to accept Castle Construction bid as lowest responsible bid and authorize John Zwingman to prepare the contract for the Mayor to sign, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Hoefer, Warner, Riedmiller. Nays; None.** Councilman Rasmussen made a motion to have Smith Hayes prepare the bond, seconded by Warner. **Vote: Yeas; Hoefer, Warner, Rasmussen, Riedmiller. Nays; None.**

13. Janet Koinzan is requesting a private drive on ROW. U.S. Cellular will using the North end of the building. She would like to take out part of the City curb to allow cars to back up without hitting the curb. She is asking to take out 25' feet. There is not any City infrastructure below cement. Councilman Hoefer made a motion to approve Janet Koinzan's request to remove 25' of curb, seconded by Riedmiller. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller, Warner. Nays; None.**

15. Zion Lutheran Church is wanting to cut curb on the North Side of Marengo and install a private drive/parking on City R.O.W. There are not any utilities beneath the area of requested parking construction. Councilman Riedmiller made a motion to approve Zion Lutheran Church's request to install a private drive, seconded by Warner. **Vote: Yeas; Warner, Riedmiller, Hoefer, Rasmussen. Nays; None.**

22. Roger Fitzgerald wants to sell off farm ground and maintain three acres as required by zoning regulations. He will maintain ingress/egress drives as required. Councilman Rasmussen made a motion to approve Roger Fitzgerald's application for administrative plats, seconded by Hoefer. **Vote: Yeas; Hoefer, Warner, Rasmussen, Riedmiller. Nays; None.**

12. The Council would like to add leaves to this Ordinance also. Councilman Hoefer introduced Ordinance 190(09)-Addressing Grass Clippings Being Placed in the Street, with leaves being included in substitutions. Clerk Devine read the first reading of Ordinance 190(09). Councilman Warner moved that rules be suspended, seconded by Rasmussen. Hoefer called the question. **Vote: Yeas; Riedmiller, Hoefer, Rasmussen, Warner. Nays; None.** Clerk Devine read Ordinance 190(09) by title for a second and third time. Mayor Jarecki called the question, "Shall Ordinance 190(09) Finally Pass? Hoefer called the question. **Vote: Yeas; Rasmussen, Warner, Hoefer, Riedmiller. Nays; None.** Councilman Riedmiller made a motion to Publish Ordinance 190(09) in pamphlet form, seconded by Warner. **Vote: Yeas; Warner, Hoefer, Riedmiller, Rasmussen. Nays; None.**

16. The Veteran's Club is moving and therefore will need a change of location for there liquor license. Councilman Riedmiller made a motion to approve the Veteran's Club request for location change for liquor license, seconded by Hoefer. **Vote: Yeas; Rasmussen, Riedmiller, Hoefer. Nays; None. Absent; Warner.**

17. Councilman Rasmussen made a motion to approve employee evaluation of Ron Morearty, seconded by Riedmiller. **Vote: Yeas; Warner, Rasmussen, Riedmiller, Hoefer. Nays; None.**

18. Administrator's Report:

19. Barb Hanson reviewed the City Code Official Report.

20. Warner suggested to call Aschoff Construction and tell them that the City will pay for the electricity, but not pay for the portable potties on Change Order #1. Councilman Rasmussen made a motion to pay for Change Order #2 and to only pay for the electricity on Change Order #1, and not pay for the portable potties, seconded by Warner. **Vote: Yeas; Riedmiller, Hoefer, Rasmussen, Warner. Nays; None.**

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

23. Councilman Warner made a motion to approve request of Grant Mapel to the Albion Volunteer Fire Department, seconded by Hoefer. **Vote: Yeas; Riedmiller, Hoefer, Warner, Rasmussen. Nays; None.**

24. Items for Next Meeting Agenda:

- There has been some citizen concerns about dog owners having to license dogs, but cat owners don't have to.
- Complaints of unlicensed cars parked on the R.O.W.

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25. This item is tabled until the June meeting

26. At 9:47 pm Councilman Rasmussen made a motion to adjourn, seconded by Warner. **Vote: Yeas; Hoefler, Rasmussen, Riedmiller, Warner. 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:

Andrew Devine, City Clerk