

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, JANUARY 13, 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 January 13, 2009 in the Council Chambers. Present were Mayor James Jarecki, Council members; Cox, Hoefler, Rasmussen, Riedmiller; City Administrator Devine, City Attorney Bird, City Employees: Morearty, Lipker, Luettel, Thorin, others present were Jim Dickerson with the Albion News, Tim Shanle, Vic Lee, Terry Brown with Olsson & Associates, Jerry Niewohner. 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 December 9, 2008 meeting, seconded by Hoefler. **Vote: Yeas; Rasmussen, Cox, Riedmiller, Hoefler. Nays; None.**

5. The Albion Volunteer Fire Department meeting was cancelled last night. Bob Carey was not able to obtain the information needed. This item will be moved to next month's meeting.

6. Tim Shanle's bank needs a written guarantee that his site where he's going to build his house will have water. He has not been to get this from the City or Niewohner's yet. His contractor wants to get started on the basement as soon as the weather permits. Niewohner's sent in a sample from the well that is there and results showed some bacteria. They have run some chemicals through it and have sent in another sample and are waiting on the results from that. Shanle is not sure as to whether or not Niewohner's timetable for a well will fit into when he will need water. Jerry is not comfortable signing a guarantee of water without being sure that he will be able to have a well that will be able to provide water. Tim is worried about what will happen if Jerry's second test of the existing well comes back bad, if Jerry would be able to get a well permit to drill a new well in a timely manner or at all. The council discussed that they would like Niewohner to exhaust all avenues to supply the subdivision with water and that approving an individual well permit for Shanle would have to be a last resort. Councilman Rasmussen made a motion to approve Tim Shanle's well permit contingent on the following conditions:

- Jerry Niewohner's current well site is not able to provide domestic water to the site by May 1, 2009;
- or,
- Jerry Niewohner is not able to obtain a new well permit to provide domestic water to the site by May 1, 2009.

Seconded by Cox. **Vote: Yeas; Hoefler, Riedmiller, Cox, Rasmussen. Nays; None.**

7. This ordinance would mean that the code official is authorized to approve and monitor the Plumber's license requests. This would eliminate the Plumber's License requests going to the City Council. Morearty said that the surety bond amount should be looked at and raised. The Council discussed \$10,000. The surety bond covers negligence by the plumber. The Council also discussed adding a provision for liability minimums-\$100,000 per occurrence. Bird will make these changes to the ordinance and present it at next month's meeting. Councilman Hoefler made a motion to table Ordinance 187(09) until next month's meeting, seconded by Riedmiller. **Vote: Yeas; Cox, Riedmiller, Rasmussen, Hoefler. Nays; None.**

8. This project is not completed yet, so there has not been a bill submitted.

9. This is application for the cement work, not general contracting. Councilman Hoefler made a motion to approve payment of Application #4 of Aschoff Construction, Inc. in the amount of \$18,746.00, seconded by Rasmussen. **Vote: Yeas; Cox, Rasmussen, Riedmiller, Hoefler. Nays; None.**

10. Thorin provided information on the projects put on the 1-year plan. The City will need to meet with the NE Dep't of Roads with a "Plan In Hand". If the stimulus package is approved that will help these projects tremendously. The "Plan in Hand" will be reviewed in a meeting with the state and then will need approval from the County Board.

11. The 1 and 6 year plan is due to the state by March 1, 2009. Thorin reviewed proposed projects for the 1 and 6-year plan. He provided the council with a list of prioritized projects for the 1 year plan: Project 63, drainage at 1st and Walnut; Project 76-phase 2- concrete replacement on Main Street between 3rd and 2nd streets; Project 81a, asphalt overlay on Marengo between 2nd and 4th streets; Project 86, asphalt overlay on Depot street from Main to Sale Barn Road; Project 94, road reconstruction of Sale Barn Road from Hwy 14 to Depot Street; Project 74, federal aid project to widen and add drainage on 6th street from Fairview to State; Project 75, federal aid project to reconstruct Fairview from 3rd to 1st Streets. It was also discussed by the council to add Fairview from 1st Street to the East City Limits on the 6-year plan. Concerning project 86, there are drainage issues with Depot Street, so the ditch needs to be beveled, and a crown established on the street.

12. At last Planning Commission meeting, Hanna:Keelan talked about what will happen over the next year with the Comp Plan. They will help address issues regarding lack of vacant land within City Limits and possible annexation. The next meeting with them regarding the Comp Plan will be March 2nd. All council members can attend these meetings, they not be attending at council members, just citizens.

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13. The County is very interested in sharing a code official. Their Zoning Administrator did resign. They want to offer this as a full-time position with benefits. The County will establish and pay the full salary. The City will pay the county \$500.00 per month. Devine developed a basic job description. It states that City and County each have their own unique jurisdictions and codes, and it therefore the individual will need to be divide out work for each entity on their activity log. This activity log will need to be provided to the City on a monthly basis. Councilman Hoefer introduced Resolution 129(08)-Establishing Interlocal Agreement with County of Boone in Regards to Code Official Services, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Hoefer, Cox, Rasmussen. Nays; None.**

14. Councilman Hoefer made a motion to authorize the Boone County Commissioners and City Administrator Devine to Conduct all Duties Concerning the Initial Hiring of the City Code Official, seconded by Cox. **Vote: Yeas; Rasmussen, Cox, Hoefer, Riedmiller. Nays; None.**

15. Vic Lee and Terry Brown presented a request to place a private drive and loading dock upon the Fuller Street ROW. The truck will only be there around 20 minutes at a time. This is a part of the Hospital's expansion plan. They will relocate the water mains/sewer lines around the building. The City can legally allow them to do this, but the liability issues need to be addressed. An agreement between the City and Boone County Health Center will be drafted to address the liability issues. The project engineer will continue to work with the City Water and Sewer department concerning the utility relocations. The plan being considered in preliminary in nature – a review of final plans will follow at a future date. Councilman Riedmiller made a motion to approve the preliminary plan, subject to final plan review of loading dock on Fuller Street Right of Way, seconded by Cox. **Vote: Yeas; Hoefer, Riedmiller, Cox, Rasmussen. Nays; None.**

16. The fee schedules adopted last month did not have provisions that matched the City's current minimum fees for Building Permits and applications. Wright created an amendment to include that all building permit fees for residential construction projects will be a minimum fee of \$15.00 and commercial will be a minimum fee of \$50.00. Councilman Hoefer made a motion to approve Resolution 001(09), seconded by Cox. **Vote: Yeas; Riedmiller, Hoefer, Rasmussen, Cox. Nays; None.**

17. A City Police Officer picked someone up under the Emergency Protective Procedures Act, which states that the County should pay for the bill incurred. The Health Center sent the bill to the City in error. Bird recommends denying this claim. Vic Lee said that it was sent to the City by mistake. Councilman Cox made a motion to reject the claim made by the Boone County Medical Center filed against the City for Emergency, Protective Treatment, seconded by Hoefer. **Vote: Yeas; Rasmussen, Riedmiller, Cox, Hoefer. Nays; None.**

18. The Mayor met with the Department heads and discussed projects, equipment, procedures, etc. The county is willing to rent out equipment to the City as needed

STREET DEPT

- GOOD PROGRESS ON MAINTENANCE OF CITY STREETS
- LARGE PROJECTS COMPLETED THIS YEAR
- NEED TO PRIORITIZE PROJECTS ON 1 & 6 YEAR PLAN WITH NEW STREET SUPERINTENDENT – MARENGO BETWEEN 2ND AND 4TH STREET NEEDS WORK.
- IDENTIFY AREAS FOR CRACK SEALING AND POSSIBLY INCREASE BUDGET FOR THIS ITEM NEXT YEAR SO WE CAN SPREAD OUT MAJOR STREET REPLACEMENT PROJECTS
- STREET SWEEPER IS 10 YEARS OLD. BADER WILL PRICE REPLACEMENT OPTIONS FOR CONSIDERATION ON THE '09-10 BUDGET YEAR
- THE GRADER IS AGING. IF EVER REPLACED, BADER WOULD LIKE TO GET A SLIGHTLY SMALLER ONE FOR MOBILITY AND USE IN TOWN. MAYOR JARECKI SUGGESTED STARTING TO LOOK AT OPTIONS AND PRICES FOR FUTURE BUDGET CONSIDERATION
- TREE AND GRASS PILE CONTINUE TO BE AN ISSUE. UNTIL WE CAN FENCE IN AND CONTROL ACCESS IT WILL PROBABLY BE AN ISSUE.
- BADER WOULD LIKE TO SELL/TRADE THE MASSEY TRACTOR AND GET A SCRAPER ATTACHMENT FOR THE BOBCAT IN ORDER TO TAKE CARE OF ALLEYS.

POLICE DEPT

- LIPKER NOTED THAT COMMUNICATION HAS IMPROVED AMONG DEPTS
- TIGHTENING UP ON EXPENDITURES, NOW THAT UNIFORM NEEDS HAVE BEEN MET
- WOULD LIKE TO CONSIDER REPLACING 2000 CRUISER NEXT BUDGET YEAR – WILL WORK WITH ADMINISTRATOR ON REPLACEMENT SCHEDULE
- COMPUTER PURCHASED IN THE SUMMER – HAS HELPED HIS OPERATION AND ORGANIZATION
- NUISANCE ISSUES HAVE IMPROVED – THE PROCESS NOT WORKING AS QUICKLY AS SOME WOULD LIKE, BUT SOME CASES HAVE MADE IT TO COURT
- WORKING ON CONVERTING AN OFFICE INTO AN INTERVIEW ROOM
- WOULD LIKE COVERED PARKING NEAR POLICE DEPT OFFICES
- DENNY COMPLETED TRAINING LAST YEAR – HE'S DOING A GOOD JOB FOR THE DEPT
- PUBLIC WORKS EMPLOYEES NOTED THAT MINI-PARK RESTROOMS RECENTLY VANDALIZED AS THEY DID NOT GET LOCKED AT NIGHT – MAYOR PROPOSED THAT POLICE DEPT HOLD ALL RESPONSIBILITY OF UNLOCK AT 8AM AND LOCKING AFTER BUSINESSES CLOSED

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- POLICE DEPT PARTICIPATES IN SAFETY PROGRAMS AT THE SCHOOLS – THIS CONTINUES TO BE A POSITIVE PROGRAM

SEWER

- NEW JET TRUCK IS STILL NEEDED – ANTICIPATE WOULD COST \$150,000
- LUETTEL WOULD LIKE TO SEE ROLLED INTO THE WWTF PROJECT
- MAYOR ALSO SUGGESTED AT LOOKING INTO BONDING A PURCHASE
- THE ANNUAL MAINTAINED PROJECT IS UNDERWAY AND WORKING WELL
- THE SEWER SYSTEM HAS BEEN TESTED AND PROBLEM AREAS IDENTIFIED
- THE WWTF PROJECT IS NOW IN PLANNING STAGES
- LUETTEL HAS HAD PROBLEMS GETTING A TRACTOR TO HAUL SLUDGE WHEN HE NEEDS IT THIS WINTER – OPTIONS WILL BE EXPLORED

WATER

- WELLS CONVERTED SO THAT CAN KEEP RUNNING IF LOSE POWER
- RADIO READ CONVERSION PROGRAM STARTED AND CONTINUING THIS YEAR
- NEW WELL DEVELOPMENT PROJECT IN SITE SELECTION PHASE
- CONTINUING TO REPLACE 2-3 FIRE HYDRANTS PER YEAR – ONLY ABOUT A DOZEN OF THE ORIGINAL'S LEFT
- MOREARTY IS WORKING ON MAKING SURE THE POOL GRATE IS IN COMPLIANCE TO NEW FEDERAL REGULATIONS

OVERALL – ALL DEPARTMENTS WOULD ALSO LIKE TO SEE MORE PROVISIONS FOR EMERGENCY POWER TO BE MADE

1. INSTALLATION OF CONNECTION BOXES AT KEY LOCATIONS SO THAT EMERGENCY GENERATOR COULD BE USED TO KEEP POWER AT CITY HALL/CITY SHOP; AND,
2. PURCHASE OF EMERGENCY GENERATOR(S)

19. The Council Liaison Appointments will remain the same-Rasmussen: General/Parks/Airport Authority; Riedmiller: Streets/Solid Waste; Cox: Fire/Library; Hoefel: Water/Sewer.

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

21. Items for February 10, 2009 meeting:

- Ordinance 187(09)
- Explore Post Firefighter Program
- 1 and 6 year Plan Adoption

22. At 9:17 pm Councilman Rasmussen made a motion to adjourn, seconded by Hoefel. **Vote: Yeas; Cox, Rasmussen, Hoefel, Riedmiller. 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