

**ALBION CITY COUNCIL
REGULAR MEETING
OCTOBER 14, 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 October 14, 2008 at Albion City Hall. Present were: Mayor Jarecki, Councilmembers Hoefer, Rasmussen, Cox, Riedmiller, also present were: City Clerk Devine, Attorney Bird, Jim Dickerson with Albion News, city employees: Johnson, Morearty, Luettel, others present were Larry Pochop, Brenden Lilley with Kirkham Michael. 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 Cox made a motion to approve the minutes of the September 9, 2008 meeting seconded by Riedmiller. **Vote: Yeas; Cox, Rasmussen, Hoefer, Riedmiller. Nays; None.**
5. Councilman Cox made a motion to approve the minutes of the September 29, 2008 meeting, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Rasmussen, Cox, Hoefer. Nays; None.**
6. Larry Pochop said that the By-Laws just need to be updated so wording includes both women and men. It also covers residency requirements to those with fire department experience. The fire department approved the revised By-Laws at their last meeting. Councilman Cox made a motion to approve the revised By-Laws of the Albion Volunteer Fire Department, seconded by Riedmiller. **Vote: Yeas; Hoefer, Rasmussen, Cox, Riedmiller. Nays; None.**
7. Councilman Riedmiller made a motion to approve plumber's license request of Mueller Sprinkler, seconded by Cox. **Vote: Yeas; Rasmussen, Riedmiller, Cox, Hoefer. Nays; None.**
8. Councilman Rasmussen made a motion to approve plumber's license request of Green Turf, seconded by Hoefer. **Vote: Yeas; Riedmiller, Cox, Rasmussen, Hoefer. Nays; None.**
9. Mayor Jarecki excused himself from discussion and action on this item and transferred presidential powers over the meeting to Council President Riedmiller. Clerk Devine presented a signed acknowledgement of conflict of interest form that has been signed by Mayor Jarecki identifying his ownership interest in Jarecki Lawncare and Greenhouse. Same form has been filed with the City Clerk. They are only going to use the water in the showroom. The City will do water main tapping, which will be charged back to Jarecki's. The water use fees for Jarecki Lawncare will be double since they are outside city limits. Councilman Cox made a motion approve Jarecki Lawncare's request to be connected to City Water as an Out of City Limits Water Customer, seconded by Rasmussen. **Vote: Yeas; Hoefer, Cox, Rasmussen. Nays; None. Riedmiller abstained from voting since he is presiding officer on this agenda item.**
10. Attorney Bird said that Donna's Grooming request for a kennel license does not comply according to the ordinance. There needs to be a signed consent from the adjacent property owners, which is has not been presented. The dog capacity will need to be specified also. Councilman Cox made a motion to table item #10 until all information that is required has been presented to the council, seconded by Hoefer. **Vote: Yeas; Riedmiller, Cox, Hoefer, Rasmussen. Nays; None.**
11. Councilman Hoefer made a motion to advance Ordinance numbers 182(08), 183(08), 184(08), 185(08), 186(08) for a second reading, seconded by Rasmussen. **Vote: Rasmussen, Hoefer, Cox, Riedmiller. Nays; None.** Clerk Devine read the second reading of Ordinance 182(08)-Adopting section 8-101.1 of the Albion City Ordinances and providing an effective date. Clerk Devine read the second reading of Ordinance 183(08)-Repealing Section 8-104 of the Municipal Cod and Replacing 8-104 of the Municipal Code allowing for the Adoption of the State Electrical Code. Clerk Devine read the second reading of Ordinance 184(08)-Repealing Sections 8-105 and 8-106 under the Building Code Under Article 8 of the Albion Municipal Code. Clerk Devine read the second reading of Ordinance 185(08)-Amending Sections 8-206 and 8-208. Clerk Devine read the second reading of Ordinance 186(08)-amending sections 6-405, 6-406, and 6-407. Clerk Devine said that he approached the county regarding pooling resources for a code official and they were very interested in that idea. Bird said that it would be best to approach the county with this in an Interlocal Agreement format. This will define committees, and responsibilities for individuals and create a structure. Councilman Hoefer made a motion to advance Ordinance numbers 182(08), 183(08), 184(08), 185(08), 186(08) on to a third reading, seconded by Rasmussen. **Vote: Yeas; Cox, Rasmussen, Hoefer, Riedmiller. Nays; None.**
12. Brenden Lilly with Kirkham Michael discussed the status of Federal 6th Street Widening and Infrastructure Improvement Project. This project was tabled in 2006 due to the fact that funding wouldn't be available for quite some time. Boone County has a project ahead of this one, Brendan figured that would put Albion's project in the 5-7 year range. The Boone County projects are getting ready, but may not happen for several years. The Engineers' standpoint is that the preliminary designs are done, but Brendan does not have one in hand. Brendan will check further with the state, and it might not hurt for the City of Albion to have representation at the next district meeting. Devine said that he plans to attend that meeting. Brendan is going to check into the status of funding.

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13. Clerk Devine said that the grant application for a WWTF Planning Grant from the Nebraska Department of Environmental Quality is due on October 17th. The City's eligibility requirements are:

- Population under 10,000
- Must be listed on the Intended Use Plan
- Cannot be privately owned
- Facility Plans must follow the WWAC recommended PER/Facility Plan Guidelines
- Must be identified with serious financial hardships

Clerk Devine has filled out a grant application. Councilman Cox made a motion to approve Resolution 122(08)-A Resolution to Apply for a WWTF Planning Grant from the Nebraska Department of Environmental Quality, seconded by Riedmiller. **Vote: Yeas; Hoefler, Rasmussen, Riedmiller, Cox. Nays; None.**

14. Clerk Devine reviewed what the Planning Commission has been discussing regarding the Comprehensive Plan and who they recommend to do the Comprehensive Plan Update. Hannah:Keelan's proposal included a housing study that can be used for the community in grant applications-such as CDBG. The other finalist was the NENEDD. The Planning Commission is recommending that the council approve Hannah:Keelan Associates, P.C.'s proposal funding the base proposal of \$22,000 with budgeted General Funds and the \$10,000 for redevelopment concepts and an economic development profile with Economic Development funds. There cost is \$22,000 for items 1-7 of the proposal and \$5,000 + \$5,000 for items 8 and 9. Clerk Devine will approach the AEDC to help with funding for items 8 and 9 as they are related to economic development. Councilman Rasmussen made a motion to award the Contract for the City of Albion's Comprehensive Plan Update Items 1-7, to Hannah:Keelan Associates, P.C., items 8 and 9 are contingent upon AEDC funding for these items, seconded by Cox. **Vote: Yeas; Hoefler, Rasmussen, Cox, Riedmiller. Nays; None.**

15. This is the change order for additional work and materials ordered for the junction box that was added to the Main Street Construction Project. Boone County Concrete will submit a quote for the labor that it took to install the junction box. Kirkham Michael will credit the city loss of time-\$450.00 plus cost of curb cutting-\$50.00 on their next statement to the City. Councilman Hoefler made a motion to approve Change Order No. 1 for Project #0806229, seconded by Cox. **Vote: Yeas; Riedmiller, Cox, Rasmussen, Hoefler. Nays; None.**

16. The total construction cost was less than the bid price, even with the change order. Councilman Rasmussen said that is a property owner that are still not satisfied with the damage done to their lawn in the right of way. Clerk Devine will look into this. Councilman Hoefler made a motion to approve Payment Application #2 as Received by Boone County Concrete and reviewed by Kirkham Michael, seconded by Riedmiller. **Vote: Yeas; Cox, Hoefler, Riedmiller, Rasmussen. Nays; None.**

17. Edwards Environmental completed smoke testing on the City of Albion. They did provide a list of private sewer line issues that exist. Property owners have been notified to let them know there is a problem. The City has requested verbal consent for further investigations on their property. After this is done the sewer commissioner will prioritize the issues in order of severity based on rodent access, water infiltration/intrusion. This will help the City identify the issues that must be addressed. Luettel said that most of the problems are minor, the major issues are old cisterns that take in roof water, etc. Edwards will have a full report available to the Council at the next regular meeting.

18. CITY ADMINSTRATOR'S REPORT

WATER/SEWER:

Manhole at 5th and Prairie was replaced last month
Work to begin on new sewer line and lift station by the Fire Hall construction site to begin

STREETS:

A Section of Fairview has been repaired and is in much better condition
The District Meeting is on the 23rd.

GENERAL:

The auditor will be at City Hall conducting fieldwork on October 22, 2008 for the September 30, 2008 year-end-audit.

BUDGET/TREASURERS REPORT:

See financial statements attached

19. Councilman Rasmussen made a motion to approve Employee Evaluation and Eligible Step Raise, seconded by Cox. **Vote: Yeas; Cox, Rasmussen, Hoefler, Riedmiller. Nays; None.**

20. Councilman Hoefler made a motion to approve Plumber's License Request of Norvell Plumbing, seconded by Riedmiller. **Vote: Yeas; Cox, Hoefler, Riedmiller, Rasmussen. Nays; None.**

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21. Councilman Riedmiller made a motion to approve the bills, seconded by Cox. **Vote: Yeas; Rasmussen, Hoefler, Cox, Riedmiller. Nays; None.**
22. Items for next Agenda:
- 3rd reading of Ordinances 182(08)-186(08)
23. At 9:03 Councilman Rasmussen made a motion to adjourn, seconded by Cox. **Vote: Yeas; Rasmussen, Hoefler, Riedmiller, Cox. 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 within 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