

**ALBION CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 18, 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 November 18, 2008 at Albion City Hall. Present were: Mayor Jarecki, Councilmembers Hoefler, Rasmussen, Cox, Riedmiller, also present were: City Clerk Devine, Attorney Bird, Jim Dickerson with Albion News, city employees: Morearty, Luettel, others present were Shannon Landauer, Tim Shanle, Jerry Niewohner, Andy Roberts with Vera Sun Energy, John Zwingman. 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 October 14, 2008 meeting seconded by Riedmiller. **Vote: Yeas; Riedmiller, Rasmussen, Cox, Hoefler. Nays; None.**
5. Councilman Rasmussen made a motion to approve the minutes of the November 10, 2008 meeting, seconded by Riedmiller. **Vote: Yeas; Hoefler, Cox, Riedmiller, Rasmussen. Nays; None.**
6. Clerk Devine is recommending the council does not take any action on this at this time. Devine is waiting on more information from Niewohner's. When Devine contacted Niewohner's, it sounded as if Jerry would have one well to service the remaining 9 lots in the Golfcourse View Subdivision. Shanle said that when he spoke with Jerry Niewohner there would be one well for 4-5 lots. Shanle would like to start building this fall. Shanle had previously applied for a well permit, it was not approved by the Well-Head Protection manager based on the City's Well-Head Protection area; although the subdivision was approved prior to wellhead protection adoption with the assumption that private water and sewer would be used in the subdivision. Rasmussen would like to have the Council/City have a plan that it is followed and not allow one person to have a well and the next one to be denied. Jerry Niewohner said that they are looking at tapping into the existing well at Karges'. Since the well they are proposing would take care of 15 households or 25 people or less the State Department of Health and Human Services would not have to do any testing or have any requirements for a well of that size. Attorney Bird asked what the closest contaminate source would be. Jerry said that Ranslem's or Hoppes' would be the nearest sources. Larry Bird pointed out that if an existing well were utilized for water service minimum design standards would need to be met as outlined in the City codes. Also discussed was the fact that if Niewohner's were able to utilize an existing well, no well permit application would be required. Devine said that the City needs to be careful and protect the Well-Head Protection area and minimize the number of unnecessary private wells. Clerk Devine will contact Kirkham Michael to see if they will/can refund Shanle's Well Permit Application Fee. Councilman Rasmussen made a motion to table Tim Shanle's request for a well permit, seconded by Cox. **Vote: Yeas; Riedmiller, Hoefler, Cox, Rasmussen. Nays; None.**
7. Donna Merten has written approval from the surrounding businesses. The Kennel License would be valid for one year. Donna's letter states that she would not have over 4 dogs staying at one time. There is no written record of the planning commission or board of adjustment tying a kennel restriction to their property. There have been some complaints from citizens regarding their license application, however, those citizens did not provide written statement, nor are appearing at this meeting. Riedmiller said that someone complained to him that their animal got sick under Merten's care. Cox discussed the possibility of the kennel being inspected quarterly. Rasmussen questioned whether or not the license would need to be valid for one year-is a 6-month time period a possibility? Devine said that council can determine conditions to go along with the permit as they deem necessary. Councilman Rasmussen made a motion to approve kennel license request of Donna's Dog Grooming without any conditions, seconded by Riedmiller. **Vote: Yeas; Cox, Hoefler, Riedmiller, Rasmussen. Nays; None.**
8. Councilman Hoefler made a motion to approve Progress Estimate #2-Final from Knife River Midwest, LLC for the amount of \$29,958.96, seconded by Rasmussen. **Vote: Yeas; Cox, Riedmiller, Rasmussen, Hoefler. Nays; None.**
9. Clerk Devine read the third reading of Ordinances 182(08), 183(08), 184(08), 185(08), and 186(08) pertaining to City Building Codes. Councilman Cox made a motion to approve the third reading of Ordinances 182(08), 183(08), 184(08), 185(08), and 186(08) pertaining to City Building Codes, seconded by Hoefler. **Vote: Yeas; Riedmiller, Rasmussen, Cox, Hoefler. Nays; None.** Councilman Hoefler made a motion to publish Ordinances 182(08), 183(08), 184(08), 185(08), and 186(08) in pamphlet form on January 7, 2009, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Cox, Riedmiller, Hoefler. Nays; None.**
10. Councilman Hoefler made a motion to table item 10 until the December 9, 2008 meeting, seconded by Cox. **Vote: Yeas; Cox, Riedmiller, Hoefler, Riedmiller. Nays; None.**
11. Councilman Cox made a motion to table item 11 until the December 9, 2008 meeting, seconded by Rasmussen. **Vote: Yeas; Hoefler, Riedmiller, Rasmussen, Cox. Nays; None.**
12. There is currently a rate set up to re-connect service if it has been disconnected due to non-payment. There is not a fee set up to re-connect water as a convenience. The proposed fee would be \$30.00 for re-

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connection. Councilman Cox made a motion to approve Resolution 127 (08)-Establishing Rates for Water Connection Fees, seconded by Hoefler. **Vote: Yeas; Rasmussen, Riedmiller, Cox, Hoefler.**

13. The six-month sweeping agreement with the ethanol plant has expired. The ethanol plant would like an extension of services. Devine and Andy Roberts have discussed this. Roberts said that the ethanol plant has requirements that they have to follow in order to stay in operation-one of them is street sweeping. They currently don't have the equipment, but have been pricing out purchasing and/or renting equipment. The ethanol plant is willing to pay double the rate that they are paying currently to receive sweeping services from the City. This can be re-visited in the future. The current rate is \$75/hour plus an extra \$17.50/hour if it's done outside of City hours. It takes about 4 hours/week to do this. Devine would like to discuss this item further with the street department and discuss how this truly impacts that department. Roberts said that he has the equipment set up to use until an agreement is reached. No action will be taken on this item at this time.

14. Councilman Hoefler made a motion to approve the employee evaluation, seconded by Riedmiller. **Vote: Yeas; Cox, Hoefler, Riedmiller, Rasmussen. Nays; None.**

15. The report is not available from Edwards Environmental.

16. Councilman Hoefler made a motion to approve plumber's license request of Robert VanDeWalle, seconded by Cox. **Vote: Yeas; Rasmussen, Cox, Hoefler, Riedmiller. Nays; None.**

17. John Zwingman presented a change order from Rutjens Construction for the addition of a valve manhole outside the lift station. This was requested by DEQ, so that maintenance would be eliminated inside the wet well. The cost for this is \$7,214.50. Rasmussen asked if there would be any other changes, and Zwingman said there would be with the coating around the manhole. Zwingman didn't know what the price would be for that. Councilman Hoefler made a motion to approve the Change Order for the 2008 Fire Hall Sewer Expansion and Lift Station Project, seconded by Cox. **Vote: Yeas; Riedmiller, Cox, Hoefler, Rasmussen. Nays; None.**

### 18. **City Administrator's Report**

#### **Water/Sewer:**

- a. Work to begin on new sewer line and lift station by the Fire Hall construction has begun. There have been some de-watering issues, but they have been able to pump the water off. Weather has not been cooperating lately.
- b. The WWTF planning grant application was sent in to DEQ last month. No response has been received yet.
- c. Administrator Devine sent out Requests for Qualifications to engineers interested in preparing the facility plan for the WWTF. Qualifications are due Dec 1, 2008. The council at the next regular meeting will review finalist qualifications.

#### **Streets:**

- a. A section of Fairview near 5<sup>th</sup> street collapsed and has been repaired.

#### **General:**

- a. Administrator Devine also sent out a Request For Qualifications on behalf of the Mayor to engineers interested in the appointed Engineer position. Qualifications are due Dec 1 and will be reviewed by administration and the Mayor. The Mayor will submit his appointee at the regular meeting in December for approval.
- b. The City's Accountant conducted audit fieldwork on October 22, 2008. There will be some corrections and year-end adjustments, but overall the day went very smooth. The audit did point out some areas we can improve upon:
  - There are few controls/documentation requirements in place concerning fuel purchases;
  - The utility parts prices should be updated (waiting for updated supplier catalog);
  - General Fund receipts need to be deposited more often (at least once a week); and,
  - Due to the level of staffing in the office, there is little separation of duties to detect/prevent errors/fraud as they occur. (the audit did not indicate fraudulent activity has occurred, but some transactions in error may have been prevented/detected prior to the audit)
- c. The City's general and liability insurance renewal period is April 2009. It has been 3 years since the specs have been reviewed and bid out. Administrator Devine has met with Mark

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McCue to begin the insurance specifications and bid process. Mr. McCue plans to have the specs ready in December. Bids are due in February. Mark will review the bids and then present them to the Council at the regular meeting in March.

- d. Dave Camp and Boone County Concrete have not come to an agreement about replacement costs for Dave's lawn sprinklers. Dave would like \$89.60 from Boone County Concrete for labor and parts to reset his sprinklers after the construction. Boone County Concrete believes that the sprinklers were put back to the same condition as prior to construction and therefore does not agree to pay Dave the \$89.60. This was a City street project, but it should be noted that the City does not have liability to the property owner in this case. This is just information for the Council.

**Budget/Treasurers Report:**

The year-end adjustments from the audit are not yet available, so financial statements have not been prepared for October 2008. They will be presented at the next regular meeting.

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

20. Items for next Agenda:

- There will be a couple of items that were tabled at this meeting
- Organizational meeting with the mayor's appointment's
- Elect Council President

21. At 9:03 Councilman Rasmussen made a motion to adjourn, seconded by Cox. **Vote: Yeas; Rasmussen, Hoefer, 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 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.

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Jim Jarecki, Mayor

ATTEST:

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Andrew Devine, City Clerk