

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, DECEMBER 16, 2010**

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 December 16, 2010 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Hoefer, Riedmiller, Rasmussen, Frey. Also present City Employees City Administrator Devine, City Attorney Bird, City Code Official Hanson, Water Utility Billing Clerk Knust, Water Commissioner Morearty, Sewer Commissioner Luettel, and Police Chief Lipker, and Don Rutten. Also present were Jim Dickerson with the Albion News, Becky Aldaba, Donna Seddon, Bob Racek, Don Salber and Darrell Thorin. 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.

*****OLD BUSINESS**

2. APPROVE MEETING MINUTES OF THE NOVEMBER 9, 2010

Councilman Riedmiller made a motion to approve the minutes of the November 9, 2010 meeting, seconded by Hoefer. **Vote: Yeas; Hoefer, Rasmussen, Frey, Riedmiller. Nays; None.**

3. CONSIDER FOR RENEWAL LEASE ADDENDUM (CA-65932521) FOR OFFICE SPACE OCCUPIED BY THE STATE FIRE MARSHAL AT 438 WEST MARKET STREET

Devine contacted the Dep't of Administrative Services. Devine presented the local office with information regarding the utilities costs. They suggested to contact the State Fire Marshal's Office with this information. They felt that paying an extra \$100.00/month would be agreeable. Kathy at the State Fire Marshal's Office would rather pay the utilities directly. Councilman Hoefer made a motion to approve the Renewal of Lease Agreement number CA-65932521 with State Department of Administrative Services as presenting, with utility bill \$100.00 per month separate, seconded by Riedmiller.

4. ACCEPT AND REVIEW CITY OF ALBION POOL STUDY REPORT BY JEO

Dave Hinke with JEO reviewed the Pool Study Report. When the pool opens next year there will need to be some money put into it. Fixing the deck, filling the cavities that are underneath. Dave said that it take about 18 months to build a new pool. The pool will be able to open with repairs. The council discussed replacing just part of the deck, the areas where it's most needed. Dave said that there have been some communities that have used mud-jacking to fill the void. This might be an option to look into. Dave recommended starting a pool committee. Dave would come to the first meeting at no cost to get the ball rolling.

17. CONSIDER BILLS FOR APPROVAL

• CDBG GRANT EXPENDITURES DRAWDOWNS #27 AND #28

Councilman Hoefer made a motion to approve bills associated with CDBG Drawdown #27 & #28, seconded by Frey. **Vote: Yeas; Riedmiller, Frey, Hoefer, Rasmussen. Nays; None.**

• MONTHLY BILLS

Councilman Rasmussen made a motion to approve the General Monthly Bills, seconded by Hoefer. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller, Frey. Nays; None.**

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*****ORGANIZATIONAL MEETING AND NEW BUSINESS**

5. CITY CLERK TO PRESENT ELECTION RESULTS CERTIFICATION FROM COUNTY ELECTION COMMISSIONER

Devine presented the Council with the certified election results from the County Election Commissioner from November 2010. James Jarecki was re-elected as Mayor. James Riedmiller was re-elected and Donald Rutten was elected to the City Council.

6. SWEAR IN NEWLY ELECTED OFFICIALS FOR FOUR YEAR TERMS

• **THANK OUTGOING OFFICIALS FOR THEIR SERVICE**

The Mayor, Council and City Administrator thanked Cole Frey for his service to the City. City Attorney Bird swore in newly elected Councilman Donald Rutten.

7. ELECT COUNCIL PRESIDENT FOR ANNUAL TERM

Councilman Rasmussen made a motion to nominate Councilman Riedmiller for Council President, seconded by Councilman Rutten. **Vote: Yeas; Hoefer, Rutten, Riedmiller, Rasmussen. Nays; None.**

8. CONSIDER MAYORAL APPOINTMENTS TO BE EFFECTIVE JANUARY 1, 2011

Councilman Riedmiller made a motion to confirm the Mayoral Appointments as presented, seconded by Hoefer. **Vote: Yeas; Hoefer, Riedmiller, Rasmussen, Rutten. Nays; None.**

9. CONSIDER LOT SPLIT APPLICATION OF DON SALBER FOR PROPERTY DESCRIBED AS A FRACTION OF THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 27-20-6 IN BOONE COUNTY, NEBRASKA.

Devine presented the council with a full size map of the area as to what will be split. Councilman Riedmiller made a motion to approve the Lot Split Application as presented by Don Salber, seconded by Rasmussen. **Vote: Yeas; Rasmussen, Hoefer, Rutten, Riedmiller. Nays; None.**

10. OPEN PUBLIC HEARING TO CONSIDER LIQUOR LICENSE APPLICATION OF PATZEL ENTERPRISES INC DBA FAIRVIEW LANES, 1136 S 6TH STREET, ALBION, NE 68620

At 7:55 p.m. Mayor Jarecki opened the public hearing to Consider Liquor License application of Patzel Enterprises, Inc, DBA Fairview Lanes, 1136 S 6th Street, Albion, NE. There was not any public comment. At 7:56 p.m. Mayor Jarecki closed the Public Hearing. Police Chief Lipker said that there hasn't been any problems. Councilman Riedmiller made a motion to approve recommending the liquor license application for Patzel Enterprises, Inc., dba Fairview Lanes at 1136 S 6th Street, Albion, NE, seconded by Rasmussen. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller, Rutten. Nays; None.**

11. CONSIDER KENNEL APPLICATION OF BECKY ALDABA, 902 W WALNUT STREET, ALBION, NE 68620

Becky has nine cats, two of which are kittens. She is trying to get rid of three cats, which will leave her with six cats at her house. She is required to have a kennel license in order to keep the six cats. There can be three total animals in a household without needing to have a kennel license. Lipker has not received any complaints. Rutten asked if this were to be approved, could there be a limit set on the number of animals in the household. Devine recommended setting a limit on the number of animals and having an annual

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inspection/renewal, with an inspection up front. Councilman Hoefer made a motion to approve the kennel license for Becky Aldaba with a limit of six cats over the age of 12 weeks for a term of 1 year, seconded by Rasmussen. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller. Nays; Rutten.**

12. RESOLUTION #118(10) RENEWING INTERLOCAL AGREEMENT WITH COUNTY OF BOONE IN REGARDS TO STREET SUPERINTENDENT SERVICES PROVIDED TO THE CITY BY A COUNTY EMPLOYEE

Councilman Rasmussen made a motion to introduce Resolution #118(10)-renewing Interlocal Agreement with County of Boone in Regards to Street Superintendent services provided to the City by a County Employee, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Riedmiller, Hoefer. Nays; Rutten.**

13. CONSIDER STATE STREET BUDGET REPORT FOR APPROVAL

Darrell said city employees did an excellent job keeping track of equipment costs. Devine said that the budget report contains information that has been approved already. Councilman Rutten made a motion to approve the State Street Budget Report and authorize for signatures and submission to State Dep't of Roads, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Hoefer, Rutten, Rasmussen. Nays; None.**

14. CITY ADMINISTRATOR REPORT

Parks:

Ron has closed the Restrooms at Fuller Park as there are no longer any campers there. He will re-open when/if necessary.

Albion Baseball/Sentinel are still working on obtaining cost estimates for engineering and moving water lines for the Legion shelter project. They will come to City Council with assistance request when these items are available.

Rutten asked if improvements need to be approved by the Nebraska Parks & Game. Devine said that he wasn't for sure on this, but will check into it.

Lowell Imus has reported that a school group may be interested in donating tree planting effort to City Sports Complex. Will have a formal request for permission to City Council at future meeting.

Streets:

Snow blower attachment for bobcat has been delivered. This will be an excellent tool for snow removal efforts. We anticipate this will save bobcat run hours as well as man hours.

I have not received any response from Nebraska Central Railroad regarding maintaining the drainage ditch on the East side of their tracks located between Highway 91 and 260th Street.

Water/Sewer:

Drinking Water SRF loan documents have been received from the State and are prepared for execution by the Mayor.

Devine is working with Tim Gokie, Dam Safety Engineer with the Dept of Natural Resources, on updating the Kohtz – City of Albion Dam Emergency Action Plan to meet current requirements.

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Other:

Albion has earned the distinction of Certified Economic Development Community by the Department of Economic Development. Special thanks to Shannon Landauer of Boone County Development Agency for her efforts in this process. This certification recognizes on a statewide level that Albion has taken necessary steps to prepare for potential economic development in the community.

AEDC is working on developing a façade improvement loan/grant program for downtown businesses and has also set other local housing initiative goals at their annual strategy meeting.

The Planning Commission may be submitting recommendations to amend the comprehensive plan and zoning regulations at the January meeting. Such amendments would concern accessory building requirements in the R-1 district, various sign regulations, and adopting a State statute required Energy Element in the Comprehensive Plan.

Boone Central FBLA has shown interest in assisting the community with recycling efforts.

As previously reported, Les at Bud's Sanitary has been working on putting together a recycling program for area communities that would involve curbside pickup. Each resident would need to purchase their own container, but he would pick up the recyclable materials on a regular basis – most likely bi-weekly. He would need a high percentage of participation guaranteed so we are going to look into the interest level within the community. This ultimately would be good for the community and could help hold our solid waste costs down as it would mean less tonnage taken to the landfill.

Norm Patzel is very interested in purchasing the old City yard and building that is located adjacent to his property. I noted that this may be possible in the future as the City has begun to utilize space in the old fire hall, but would need to come before the City Council and a formal process for sale of public property would need to be followed.

Attached is the month current Sales Tax Report – showing the monthly trend of sales tax receipts. The Report shows that September 2010 sales tax receipts were the record highest revenues since Albion started collecting Sales tax in 1998 and since added ½ cent in 2006 for the Fire Station and Equipment. This indicates that the local economic trend is very positive in an overall recessive national economy. This report is also available online at: <http://www.cityofalbion-ne.com/documents/CITYSALESTAXasof2010-11-22.pdf>

Also attached is an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

15. CITY CODE OFFICIAL REPORT – NOVEMBER 2010.

Hanson presented the City Code Official Report. There was one plumber's license. There were several building permits.

16. UPDATE ON WATER WELL PROJECT

The state permit to begin well construction has been received. Tracy at Grosch expects to have most of the materials in by Christmas. Construction vehicles will use the road on the west side of the Niewohner property for access, but if weather conditions are bad, Brugman's will be contacted to see if we can have access from 6th street along the fence line to the site. Rasmussen asked about the price change in material costs, Devine has not received any price

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information from Tracy at this time. Rutten had some questions on the original bids. Zwingman recommended to approve the lowest bid and enter into negotiations with the lowest bidder, and this was approved by the council. The original base bid was \$341,000, and this was decreased to \$287,505 with the changes that were made. Rutten feels that enough changes have been made to where the whole project has been changed, and maybe it should be bid out again. Devine reviewed the July and August meeting minutes and how the Council made their decision to vote on the changes. Rutten also asked about the terms of the forgivable loan. Devine read the terms and the principal forgiveness is off the top. The principal on the note itself is minus the principal forgiveness and we will not be paying interest on the forgivable amount of principal.

17. *BILLS APPROVAL HAVE BEEN MOVED TO OLD BUSINESS

18. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- The next meeting will be on January 11, 2011
- Public Hearing for the Comp Plan/Zoning Regulations
- Chamber will propose to close a street for an upcoming event
- The Vietnam Vet Wall will be in town during the Boone County Fair
- Public Hearing for the Cable Franchise
- Discuss Comp Time
- Police Jurisdiction
- 1 & 6 Year Street Plan
- Discuss whether or not the old street building is surplus property

19. ADJOURN

At 9:25 p.m. Councilman Hoefler made a motion to adjourn, seconded by Rutten.
Vote: Yeas; Rutten, Hoefler, Riedmiller, Rasmussen. 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