

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 11, 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 May 11, 2010 in the Council Chambers. Present were Mayor James Jarecki, Councilmembers Riedmiller, Hoefler, Rasmussen, Warner. City Employees present were: Administrator Devine, City Attorney Bird, Police Office Predmore, Utility Billing Clerk Knust, City Code Official Barb Hanson, and Sewer Commissioner Luettel. Others Present were Jim Dickerson with the Albion News, Steve Bygland, Jerry Tisthammer, Mike Grape, Larry Krings, Cheryl Stevenson-Pilkington, Larry Krings, Shannon Landauer with the Boone County Development Agency, Luke Johnson, Ralph Pilkington, Bob King, Jim Wells, and Dale Greek. 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. APPROVE MINUTES

• **APRIL 13, 2010 MEETING**

Councilman Warner made a motion to approve the minutes of the April 13, 2010 meeting, seconded by Rasmussen. **Vote: Yeas; Riedmiller, Hoefler, Warner, Rasmussen. Nays; None.**

4. CONSIDER ZONE CHANGE REQUEST OF RALPH PILKINGTON FROM TA TO I-1

Ralph Pilkington made comments about Steve Bygland's proposed future use of the land. This will be a good business to have outside of city limits. Larry Krings is a neighbor to said property. Steve told him that he would do what he could to control dust traffic with trees and fencing. Clerk Devine said that this is not a conditional use permit, and there cannot be any specific stipulations added by the City Council at this time other than denying the request. This is only a request for zone change; there will not be any guarantees of trees or fencing made by the Council. Hanson said that Thorin has been out there and is looking into putting some fly ash oil down for dust control. Larry asked what the requirements are for I-1 Zoning District are, and Clerk Devine read the ordinance section on I-1. The Ordinance will need to be complied with. Bygland said that they plan on crushing rock two to three days a week, he doesn't feel that dust will be an issue there will not be that much truck traffic. It was clarified that the change from TA to I-1 can be determined by the Council. It is Bygland's responsibility to prove to the Zoning Administrator that it meets the Requirements of the Ordinance. Bob King asked if Bygland were to sell this property in the future, will there be a limit as to what business can come in next. Devine read the list of allowable uses from the ordinance. If a future business were to come in that didn't fall under that list, they would have to go through another public hearing. Councilman Warner said that as long as Bygland stays in compliance, it will be a good business for the City Of Albion. Councilman Hoefler thought that the trees are a good idea. The Mayor closed the hearing at 7:55 p.m. Councilman Warner made a motion to approve the Zone Change Request, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Hoefler, Riedmiller, Warner. Nays; None.**

5. CONSIDER APPROVAL AND AUTHORIZATION FOR MAYOR TO REQUEST A SIX MONTH GRANT EXTENTION FOR THE CITY OF ALBION HOUSING REHABILITATION PROGRAM CDBG GRANT #08-HO-2022

If approved by the State Department of Economic Development, this request will extend the program for another six months. Councilman Hoefler made a motion to approve request for a six month grant extension for the City Of Albion Housing Rehabilitation Program CDBG Grant #08-HO-2022 and authorize the Mayor to sign, seconded by Rasmussen. **Vote: Yeas; Warner, Rasmussen, Hoefler, Riedmiller. Nays; None.**

6. CONSIDER APPLICATIONS FOR ALBION HOUSING REHABILITATION PROGRAM FUNDS

The Albion Housing Authority recommended approval for applicant #100401, cost of repairs \$20,000.00; applicant #100413 cost of repairs \$25,000.00, and recommended denial for applicant #10422 cost of repair \$43,300.00. This will leave the grant with a balance of \$20,562.00. Councilman Rasmussen made a motion to approve Applicant #100401, cost of repairs \$20,000.00 and Applicant 100413, cost of repairs \$25,000.00 and to deny Applicant #100422, cost of repair \$43,300.00 seconded by Warner. **Vote: Yeas; Rasmussen, Riedmiller, Warner, Hoefler. Nays; None.**

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7. CONSIDER APPOINTMENT OF CORY WORRELL TO THE BOONE COUNTY DEVELOPMENT AGENCY EXECUTIVE COMMITTEE

Councilman Warner made a motion to appoint Cory Worrell to the Boone County Economic Development Agency Executive Committee, seconded by Riedmiller. **Vote: Yeas; Hoefler, Warner, Riedmiller, Rasmussen. Nays; None.**

8. CONSIDER APPOINTMENT OF LANNY RASMUSSEN TO THE BOONE COUNTY DEVELOPMENT AGENCY BOARD OF REPRESENTATIVES

Councilman Warner made a motion to appoint Lanny Rasmussen to the Boone County Economic Development Agency Board of Representatives, seconded by Riedmiller. **Vote: Yeas; Rasmussen, Hoefler, Warner, Riedmiller. Nays; None.**

9. CONSIDER RESOLUTION 108(10) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION

The Mayor made the comment that things have been going good. Councilman Riedmiller made a motion to approve Resolution 108(10)-Establishing Mutual Law Enforcement Jurisdiction, seconded by Hoefler. **Vote: Yeas; Rasmussen, Warner, Hoefler, Riedmiller. Nays; None.**

10. CONSIDER RESOLUTION 109(10) ESTABLISHING AN AGREEMENT WITH BOONE COUNTY AND THE BOONE COUNTY AGRICULTURAL SOCIETY REGARDING CITY USE AND MAINTANENCE OF PROPERTY FOR CAMPGROUNDS

There was an agreement in place before for the original eight campgrounds. That agreement referenced an "Exhibit A", and this cannot be located. The agreement has been updated, legal descriptions have been updated, and the area referenced as "Exhibit A" has been redefined. The property is still owned by Boone County, and is leased to the Boone County Agricultural Society. The Ag Society isn't interested in foregoing their lease and recommending the County deeding the campgrounds property over to the City at this time. Councilman Hoefler made a motion to approve Resolution 109(10)-Establishing an Agreement with Boone County and the Boone County Agricultural Society Regarding City Use and Maintenance of Property for Campgrounds, seconded by Riedmiller. **Vote: Yeas; Warner, Rasmussen, Riedmiller, Hoefler. Nays; None.**

11. CONSIDER PROPOSED ORDINANCE #197(10) CALLING FOR AN ELECTION ON THE ISSUE OF WHETHER THE CITY OF ALBION SHOULD BE AUTHORIZED TO CONDUCT A LOTTERY PURSUANT TO THE NEBRASKA COUNTY AND CITY LOTTERY ACT

Councilman Hoefler introduced Ordinance 197(10)- CALLING FOR AN ELECTION FOR THE PURPOSE OF AUTHORIZING THE GOVERNING BODY OF SAID CITY OF ALBION, NEBRASKA, TO CONDUCT A LOTTERY PURSUANT TO THE NEBRASKA COUNTY AND CITY LOTTERY ACT FOR THE PURPOSE OF COMMUNITY BETTERMENT, AND SETTING A DATE FOR SUCH ELECTION, seconded by Warner. Clerk Devine read the first reading of Ordinance 197(10). Councilman Rasmussen made a motion to Suspend the Rules, seconded by Warner. **Vote: Yeas; Hoefler, Riedmiller, Warner, Rasmussen. Nays; None.** Clerk Devine read the second and third readings of Ordinance 197(10). Councilman Warner made a motion for Final Passage, seconded by Rasmussen. Councilman Hoefler called the question. Mayor Jarecki then declared, "Ordinance No. 197(10) having been read by title three different times, the rules have been suspended, the question is 'Shall Ordinance No. 197(10) finally pass?'" **Vote: Yeas; Rasmussen, Riedmiller, Warner, Hoefler. Nays; None.** Clerk Devine said that this will be on the ballot in November.

12. CONSIDER EASEMENT AGREEMENTS FOR PURPOSE OF ERECTING CLASS ID PUBLIC SIGN UPON PRIVATE PROPERTY

Attorney Bird said that two easements have been drafted. It states that they are giving the City the right to egress and ingress over the land at all times. One is on Wolf's Property along Hwy 14 North of Town, and the other one is on Kayton's property near the Hwy 39/14 Junction. Councilman Warner made a motion to authorize the Mayor to sign the agreements for both Wolf and Kayton's, seconded by Riedmiller. **Vote: Yeas; Hoefler, Warner, Riedmiller, Rasmussen. Nays; None.**

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13. CONSIDER AUTHORIZATION OF CITY ADMINISTRATOR TO PREPARE AND MAYOR TO SIGN NDOR APPLICATION FOR CLASS ID PUBLIC SIGN

Councilman Riedmiller made a motion to authorize the Mayor to sign the NDOR Application for Class ID Public Sign, seconded by Hoefler. **Vote: Yeas; Rasmussen, Hoefler, Warner, Riedmiller. Nays; None.**

14. ADMINISTRATOR REPORT

Parks:

The Campground Expansion project is very near completion. I commend Jim Bader, Joe Landauer, Ron Morearty, and Joe Luettel for their hard work and making this project flow so smoothly. The end results are going to be magnificent and the community really has these four to thank for it. The Boone County Health Center Board approved plans for a 24' x 24' Sentinel Metal Structure to be built in replacement of the shelter that was taken down for their parking. Upon plan approval by the County Board and Code Official, the shelter will be constructed in the RV Camp area as part of the expansion project.

Shade structures at the Sports Complex are also nearing completion. Weather has hindered this project a little.

I would like to prioritize a walkway project from the Good Samaritan Home to Fuller Park for next year's budget.

Boone Central students are working on a project to construct new gates for restricted access ways to the Sports Complex. There has been excessive abuse of entry points by unauthorized vehicles.

We received notice of tort claim in the Beverly H. Weber injury claim from last summer. Mrs. Weber was struck in the face by a foul ball and has since had numerous surgeries and loss of vision. Our insurance denied liability in the original claim, but did pay a \$5,000 medical payment that was covered regardless of liability. The Tort claim notice received of Fehringer & Mielak, LLP on April 14, 2010 claims that the accident was caused by a defectively designed and poorly maintained backstop and demands a minimum of \$1,000,000 as compensation for damages as result of the accident.

Streets:

Maintenance Projects that are on our to do list for the Summer:

6th and Marengo
7th and Fairview

Other:

Fundraising for the 2010 Community Fireworks Display to be held on Friday, July 2, 2010 is going very well. We are on track to meet our \$5000 goal for display fireworks and \$1000 for hardware and safety equipment.

AEDC and the Chamber have hired a full-time director – an all-around salesperson for the Albion community. This will be announced soon as the target start date is May 17, 2010.

Dog tag renewals were due in the month of April – currently there are 20 dog owners that have not yet renewed their tags. This is much better than last year. I commend Ann Knust and Mamie Nolan for being very proactive in communicating with dog owners about the renewal period.

15. CITY CODE OFFICIAL REPORT

There have been a few building permits. The County has issued quite a few building permits. Hanson has not had time to work on the Property Maintenance program.

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16. CONSIDER BILLS FOR APPROVAL

- GENERAL MONTHLY BILLS AS PRESENTED
- CDBG GRANT# 08-HO-2022 EXPENSES

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

Councilman Riedmiller made a motion to approve the bills for the CDBG Grant #08-HO-2022 once the grant money is received from the state, seconded by Warner. **Vote: Yeas; Rasmussen, Hoefer, Warner, Riedmiller. Nays; None.**

17. EMPLOYEE EVALUATIONS

Councilman Hoefer made a motion to approve Employee Evaluations and Step Raises, seconded by Warner. **Vote: Yeas; Rasmussen, Riedmiller, Warner, Hoefer. Nays; None.**

18. BCDA BUDGET PRESENTATION – SHANNON LANDAUER

Shannon Landauer reviewed the BCDA Budget. The bottom amount that will be assessed to the communities is a little higher than last year. There was a donation received from Valero for a recruiting trip, and Shannon said that she got some scholarships also. There are nine area students signed up for the entrepreneurial ship camp. They are partnering with Central Community College and UNL to bring the camp into Boone County, and it will be paid for with grant funds. There are still openings. Councilman Warner made a motion to approve the BCDA Budget, seconded by Hoefer. **Vote: Yeas; Riedmiller, Rasmussen, Warner, Hoefer. Nays; None.**

19. CONSIDER APPLICATION OF WHITNEY JONES AS MEMBER OF ALBION FIRE DEPARTMENT

Councilman Hoefer made a motion to approve application of Whitney Jones as a member of the Albion Fire Department, seconded by Warner. **Vote: Yeas; Riedmiller, Hoefer, Warner, Rasmussen. Nays; None.**

20. CONSIDER LUKE JOHNSON REQUEST TO PLANT A TREE AT CLARK STREET PARK AS A 4-H PROJECT TO SUPPORT THE COMMUNITY'S ARBORETUM STATUS

Luke Johnson would like to plant a tree that is less common as a 4-H project to maintain community Arboretum Status. The tree he will plant will either be one of the following: Autumn Purple Ash, Red Oak, or a Hackberry. The 4-H Club will pay for it. Councilman Hoefer made a motion to approve Luke Johnson's Request to Plant a Tree at the Clark Street Park as a 4-H Project, seconded by Warner. **Vote: Yeas; Rasmussen, Riedmiller, Hoefer, Warner. Nays; None.**

21. ADJOURN

At 8:39 p.m. Councilman Rasmussen made a motion to adjourn, seconded by Hoefer. **Vote: Yeas; Riedmiller, Warner, Rasmussen, Hoefer. Nays; None.**

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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