

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 26, 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 October 26, 2010 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers 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, Police Chief Lipker. Also present were Jim Dickerson with the Albion News, Jane Klassen, Shannon Landauer, Michael Landauer, and Lowell Imus. 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.

2. APPROVE MINUTES OF THE SEPTEMBER 14, 2010 MEETING AND THE SEPTEMBER 27, 2010 SPECIAL MEETING

Councilman Riedmiller made a motion to approve the minutes of the September 14, 2010 regular meeting and the September 27, 2010 special meeting, seconded by Rasmussen. **Vote: Yeas; Frey, Rasmussen, Riedmiller. Nays; None. Absent; Hoefer.**

** Councilman Hoefer arrived at 7:31 p.m..

3. REVIEW MANAGER APPLICATION FOR LICENSE #C-45830, CWR'S, 333 S FIRST STREET, ALBION, NE AND CONSIDER FOR RECOMMENDATION OF APPROVAL/DENIAL TO NEBRASKA LIQUOR CONTROL COMMISSION

This is application for change of manager on the current liquor license. Councilman Riedmiller made a motion to approve the Manager Application of Thomas Ketteler for License #C-45830, CWR's, 333 S First Street, Albion, NE, Seconded by Hoefer. **Vote: Yeas; Frey, Rasmussen, Riedmiller, Hoefer. Nays; None.**

4. CONSIDER APPLICATION OF JANE KLASSEN TO CONSTRUCT CHAIN LINK FENCE UPON CITY RIGHT OF WAY

Bird asked if it would allow enough room for snow removal without hitting the fence? Further, Larry said that if the City needs to get on to the property for water/sewer utilities, it will need to be Jane's responsibility to remove the fence for any work done, and replace it when finished. There shouldn't be any issues with visibility since it's a chain link fence. There are not any city mains on this property. The water is on the east side. The fence will be 15' from the curb. If it is installed as the city street lies (is platted), it would give her 15' from the house. She is requesting 39' total. Riedmiller asked if there are any future problems, will Jane will be willing to take the fence down, and put it back up? Jane said that she would be willing to do that. Jane is checking with the insurance about liability issues. Bird said that if this granted, do we allow for a period where we review it, possibly set up as a lease for a specific period of time. It will be subject to renewal at the end of the term. Councilman Riedmiller made a motion to grant a lease for two years, then it will be subject to renewal, seconded by Frey. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller, Frey. Nays; None.**

5. CONSIDER APPLICATION FOR SPECIAL DESIGNATED LICENSE OF ALBION THRIFTYWAY TO HOLD WINE TASTING EVENT ON NOVEMBER 19, 2010

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Albion Thriftyway would like to have a wine tasting event on Friday, November 19, 2010 from 4 p.m. to 10 p.m. The alternate date will be November 20, 2010. Councilman Hoefler made a motion to approve Albion Thriftyway's request for a Special Designated License of Albion Thriftyway to hold a Wine Tasting Event of November 19, 2010, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Frey, Hoefler, Rasmussen. Nays; None.**

6. OPEN PUBLIC HEARING TO CONSIDER APPROVAL AND ACCEPTANCE OR DENIAL OF AN APPLICATION FOR ADMINISTRATIVE PLAT (LOTSPLIT) BY MICHAEL LANDAUER

At 7:45 p.m. Mayor Jarecki opened the public Hearing to Consider Approval and Acceptance or Denial of an Application for Administrative Plat (Lotsplit) by Michael Landauer. Devine said that the Planning Commission held a public hearing on October 4, 2010 and recommended approval of this lot split. Hearing no public comment, at 7:47 p.m. Mayor Jarecki closed the Public Hearing. Councilman Riedmiller made a motion to approve application for administrative plat (lot split) by Michael Landauer, seconded Rasmussen. **Vote: Yeas; Hoefler, Riedmiller, Frey, Rasmussen. Nays; None.**

7. OPEN PUBLIC HEARING REGARDING THE ADOPTION OF THE UPDATED COMPREHENSIVE PLAN

- CONSIDER RESOLUTION 113(10) ADOPTING COMPREHENSIVE PLAN UPDATE AND PLANNING JURISDICTIONAL AREA

At 7:48 p.m. Mayor Jarecki opened the Public Hearing Regarding the Adoption of the Updated Comprehensive Plan; and to consider Resolution 113(10)-Adopting Comprehensive Plan Update and Planning Jurisdictional Area. The Planning Commission has presented and recommended approval of the Comp Plan update. Hearing no public comment, at 7:49 p.m. Mayor Jarecki closed the Public Hearing. Councilman Hoefler made a motion to introduce and approve resolution #113(10)-Adopting the Comprehensive Plan Update and Planning Jurisdictional Area, seconded by Frey. **Vote: Yeas; Hoefler, Rasmussen, Frey, Riedmiller. Nays; None.**

8. OPEN PUBLIC HEARING REGARDING ADOPTION OF THE REVISED ZONING AND SUBDIVISION REGULATIONS AND OFFICIAL ZONING MAP

- CONSIDER INTRODUCTION AND PASSAGE OF ORDINANCE 199(10), AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; TO INCORPORATE BY REFERENCE THE SUBDIVISION REGULATIONS.

At 7:49 p.m. Mayor Jarecki opened up the Public Hearing Regarding Adoption of the Revised Zoning and Subdivision Regulations and Official Zoning Map, and Consider introduction and Passage of Ordinance 199(10)-An Ordinance Pertaining to Municipal Planning; To Incorporate By Reference the Subdivision Regulations. Hearing no public comment, at 7:50 p.m. Mayor Jarecki closed the Public Hearing.

Councilman Hoefler introduced Ordinance 199(10)-An Ordinance Pertaining to Municipal Planning; To Incorporate By Reference the Subdivision Regulations, seconded by Rasmussen. Clerk Devine read Ordinance 199(10) by Title for the First Time. Councilman Hoefler made a motion to suspend the statutory rule requiring reading on three different days, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Hoefler, Frey, Rasmussen. Nays; None.** Clerk Devine read the second and third readings of Ordinance 199(10). Councilman Rasmussen made a motion for final passage of Ordinance 199(10), seconded by Riedmiller. Mayor called for the question,

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Hoefer called the question. **Vote; Yeas; Frey, Rasmussen, Hoefer, Riedmiller. Nays; None.**

- **CONSIDER INTRODUCTION AND PASSAGE OF ORDINANCE 200(10), AN ORDINANCE PERTAINING TO MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS AND OFFICIAL ZONING MAP; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS AMENDED; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.**

Councilman Rasmussen introduced Ordinance 200(10)-An Ordinance Pertaining to Municipal Planning; Amending Zoning Regulations and Official Zoning Map; Incorporating, by Reference, the Zoning Regulations Amended; Providing for the Repeal of Any Ordinance or Part of Ordinance in Conflict Herewith; And Providing for the Effective Date Hereof, seconded by Hoefer. Clerk Devine read the first reading of Ordinance 200(10) by Title. Councilman Frey made a motion to suspend the statutory rule requiring reading on three different days, seconded by Rasmussen. **Vote: Yeas; Frey, Rasmussen, Hoefer, Riedmiller. Nays; None.** Clerk Devine read Ordinance 200(10) by title for a second and third time. Councilman Hoefer made a motion for final passage of Ordinance 200(10), seconded by Riedmiller. The Mayor called for the question. Rasmussen called the question. **Vote: Yeas; Riedmiller, Hoefer, Frey, Rasmussen. Nays; None.**

9. **CITY CODE OFFICIAL REPORT – SEPTEMBER 2010**

There were not any plumber's licenses issued. There were a couple building permits issued.

10. **CITY ADMINISTRATOR REPORT**

Parks:

Heat installed at the Fuller Park restrooms so that they can remain open for campers over the winter months.

No report back yet from JEO on the Pool Study and cost opinions.

Streets:

We are beginning to assess preparedness for snow removal and have ordered a snow-blower attachment for the bobcat.

Water/Sewer:

Drinking Water SRF loan application has been submitted and is in process at DHHS.

Other:

Les at Bud's Sanitary is 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 40-50% participation rate 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.

AMGL, CPA's out of Grand Island will be in town all day on October 19, 2010 to conduct the annual audit fieldwork for year ended September 30, 2010, so we are preparing for their visit.

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Attached is the month current Sales Tax Report – showing the monthly trend of sales tax receipts. The local trend is very positive in an overall recessive national economy. This report is also available online at: <http://www.cityofalbion-ne.com/documents/CITYSALESTAXasof2010-09-22.pdf>

Also attached is an unaudited Budget Performance Report for year ended September 30, 2010.

11. UPDATE ON WATER WELL PROJECT

John Zwingman is to report on Well Construction Project. John had parent/teacher conferences tonight, and will not be able to make it to the meeting tonight. He did send a report that states the following:

Status of the municipal wells is that we are still working with Grosch and NHHS to get the final approval. Yesterday I mailed the information in to NHHS which is the last thing on the list. Kyle is aware that the information is on the way and will look at it right away and get us the approval. John has talked with Tracy at Grosch and they are ready to go as soon as we get that approval. John will be sending revised maps and cost estimates for the sewer line to the industrial tracts tomorrow, along with the contract books for the well project.

12. DISCUSS WASTE WATER TREATMENT FACILITY PROJECT, INCLUDING REAL ESTATE STRATEGY

Bird said that the option contract is ready to be executed. Devine had a conference call with Morearty, Luettel, DEQ, Mayor Jarecki, USDA. DEQ presented the City with an offer for Financing. It's called the DEQ Clean Water State Revolving Loan Fund. Based on the \$4.6 million project cost, they can offer 3% interest revolving loan plus \$250,000 forgivable. USDA has the same offer without any forgivable funds. There doesn't need to be a decision made on this tonight, but will need to be addressed at either the November or December meeting. Rasmussen asked what the rates are on municipal bonds now. Roger thought that it would be around half to three quarters percent higher. The positive to municipal bonds is that there aren't as many strings attached. Devine will research other lending options and report back to the council at a future meeting.

13. CONSIDER BILLS FOR APPROVAL

• CDBG GRANT EXPENDITURES

Councilman Riedmiller made a motion to approve the bills associated with the CDBG Drawdown #25, seconded by Hoefer. **Vote: Yeas; Riedmiller, Frey, Hoefer, Rasmussen. Nays; None.**

• MONTHLY BILLS

Councilman Hoefer made a motion to approve the monthly bills, seconded by Rasmussen. **Vote: Yeas; Hoefer, Rasmussen, Riedmiller, Frey.**

14. CONSIDER REQUEST OF ALBION BASEBALL TO CONSTRUCT A BLEACHER SHADE STRUCTURE OVER BLEACHERS AT "C" FIELD – LOWELL IMUS

Lowell thanked the City for help with the sprinklers, it is very much appreciated.

They would like to put a shelter over the crow's nest, and it will go 50' south and 50' west. It is more for safety than shade. He is asking for approval to build it. There are six beams that would hold the structure up which require some engineering for the concrete. He is asking for the City to help pay for the engineering, which has a quote of \$1,200.00. If there would need to be a utility line moved, he would like the City's help on it, since they have the

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equipment. The total cost of the project will be around \$49,000.00. It will take about 110-120 yards concrete. All the concrete that is on that field will be taken up, the sidewalk will need to be re-built. There will be a sidewalk around the crow's nest then back south with a 4' sidewalk to make it ADA Accessible. If there's enough concrete leftover it might be possible to make the sidewalks to the "A" & "B" field ADA Accessible also. Ron Morearty and Joe Luettel thought that there is a 4" water line under the sidewalk that will need to be moved.

Councilman Rasmussen made a motion to approve request of Albion Baseball to construct a bleacher shade structure over Bleachers at "C" Field, seconded by Riedmiller. **Vote: Yeas; Hoefer, Frey, Riedmiller, Rasmussen. Nays; None.**

Requests of Albion Baseball to be addressed at future time:

- Waive permit fees
- Move Water line
- Pay engineering fees of \$1,200.

15. UPDATE FROM BOONE COUNTY DEVELOPMENT AGENCY – SHANNON LANDAUER

Shannon said that there is a new assistant in the office. Tomorrow there will be an open house at the Country Club for the 10th Anniversary for the Development Club. She has been putting together a county profile.

16. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- Next meeting will be November 9, 2010 at 7:30 p.m.
- Report from JEO on pool study
- Request to renew the State Fire Marshall Lease Agreement
- State Highway Maintenance Agreement
- NENEDD has an amendment to our grant to be considered.
- At a future meeting there will be a CRA/CDA Meeting to consider some ideas that AEDC has to leverage some of the TIF money for specific projects to start a façade improvement revolving loan fund
- Devine got a response back in the mail from the Clerk's office regarding the special election. There is an estimated 1300 registered voters in City of Albion. There are two different election formats. There is a conventional election format, and an all-mail election format. The Conventional election format is considerably cheaper. The earliest there can be a special election is in January. Or, this can wait and be put on the 2012 primary election.

17. ADJOURN

At 8:50 p.m. Councilman Hoefer made a motion to adjourn, seconded by Rasmussen. **Vote: Yeas; Frey, Riedmiller, Hoefer, 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.

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Jim Jarecki, Mayor

ATTEST:

Andrew Devine, City Clerk