

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, AUGUST 11, 2015**

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 August 11, 2015 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Jim Riedmiller, Jon Porter, Walt Hoefler, and Marcus Johnson. Also present were City Administrator Andrew Devine, Police Officer Mike Mapel, Deputy City Clerk Sharon Ketteler, City Attorney Darren Wright, Jim Dickerson with the Albion News, Amber Wynn, Jeff Jarecki, Sarah Pillen, Tabitha Matchett, Paul Riggs, Brian Fausch, Carmen Johnson, Jay Johnson, Barry McCormick, and Dana Anderson. 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. CONSIDER APPROVAL OF MINUTES OF THE JULY 21, 2015 CITY COUNCIL MEETING

Councilman Riedmiller made a motion to approve the minutes of the July 21, 2015 City Council meeting; second by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.**

3. CONSIDER MAYOR APPOINTMENT OF AMBER WYNN AS THE UTILITY BILLING CLERK

Councilman Riedmiller made a motion to approve Mayoral appointment of Amber Wynn as the Utility Billing Clerk, second by Hoefler. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefler. Nays; None.**

4. **OPEN PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE NEBRASKA LIQUOR CONTROL COMMISSION REGARDING THE CLASS D LICENSE APPLICATION OF BOSSELMAN PUMP & PANTRY INC, DBA PUMP & PANTRY #25, 317 W STATE STREET, ALBION, NE**

Mayor Jarecki opened the public hearing at 7:34 p.m. He sought input from the public. Barry McCormick, pastor for the Albion First Baptist Church, provided testimony of the parish's concerns on liquor being sold in the near vicinity of the Church. The Mayor sought further comment. Hearing none, he closed the public hearing at 7:37 p.m. At 7:42 p.m. Councilman Porter made a motion to re-open the public hearing, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

Brian Fausch of Bosselman's Pump & Pantry expressed the need to stay competitive to remain in a small community. Tabitha Matchett, manager of the local Pump & Pantry, reported all employees go through a training program in regards to the sale of liquor and tobacco. They are tested internally as well as by the State Patrol to make sure they are complying with the law. Mayor Jarecki sought further comment. Hearing none, Councilman Riedmiller made a motion to close the public hearing at 7:46 p.m., second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

Councilman Riedmiller made a motion to recommend approval of Bosselman Pump and Pantry, Inc. application #D-113924 for class D liquor license at 317 W. State Street, Albion, Nebraska; second by Hoefer. **Vote: Yeas; Riedmiller, Johnson, Hoefer. Nays; Porter.**

Mayor Jarecki suggested Bosselman's extend a fence to blind the parking lot between them and the Church should the State approve the application.

5. **OPEN PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT APPLICATION #CU-2015-01 OF JAY AND CARMEN JOHNSON TO BUILD AN AUTO REPAIR SHOP ON PROPERTY LEGALLY DESCRIBED AS THE WEST 44 FEET OF LOT 4, BLOCK 12, ORIGINAL TOWN, ALBION, BOONE COUNTY, NEBRASKA AND WITHIN THE C-2 (DOWNTOWN COMMERCIAL) ZONING DISTRICT**

Mayor Jarecki opened the public hearing at 7:53 p.m. He sought input from the public. Carmen Johnson stated they are proposing to build a 44' X 108' mechanic shop on this lot. The Mayor sought further comment. Hearing none, the Mayor closed the public hearing at 7:53 p.m. Clerk Devine reported the Planning Commission reviewed the application and recommended approval with no additional conditions put upon the use of the property. Councilman Riedmiller inquired about parking. Carmen explained they plan to bring the building as far North of the lot as possible, and leave 25' to the back for overflow parking. The front of the building would be on the West side. Councilman Hoefer made a motion to approve Conditional Use Permit

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Application #CU-2015-01 of Jay and Carmen Johnson with conditions as discussed and noted upon the application, second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

6. CONSIDER LOT SPLIT APPLICATION OF PILLEN MILLING, LLC TO SPLIT PROPERTY LEGALLY DESCRIBED AS A FRACTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA

Council Members reviewed the application and survey supplied by Pillen Milling, LLC. Councilman Hoefer made a motion to approve Lot Split application of Pillen Milling, LLC; second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Riedmiller. Nays; None. Abstain; Johnson.**

7. OPEN PUBLIC HEARING TO CONSIDER ZONE CHANGE REQUEST OF PILLEN MILLING, LLC TO CHANGE ZONE OF PROPERTY LEGALLY DESCRIBED AS A FRACTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA FROM TA (TRANSITIONAL AG) TO I-1 (LIGHT INDUSTRIAL)

Mayor Jarecki opened the public hearing at 7:58 p.m. He sought input from the public. Jeff Jarecki, representative for Pillen Milling, LLC; explained the request to change the zoning from Transitional Ag to Light Industrial to put up a new feed mill. Jarecki stated the facility would have a positive impact on the local economy by providing jobs, and corn purchase from local producers. The Mayor sought further comment. Hearing none, he closed the public hearing at 8:00 p.m. Clerk Devine reported the Planning Commission recommended approval after reviewing and discussing concerns about the application including traffic issues, FAA Compliance, and Nebraska Department of Roads evaluation. Councilman Hoefer made a motion to approve Lot Split application of Pillen Milling, LLC; second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Riedmiller. Nays; None. Abstain; Johnson.**

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8. CONSIDER ORDINANCE 239(15) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALBION, NEBRASKA

Clerk Devine explained since the zone change was approved, the official zoning map would need to be amended. Councilman Riedmiller made a motion to introduce Ordinance 239(15). Mayor Jarecki instructed Clerk Devine to read Ordinance 239(15) by title for the first time. Councilman Johnson made a motion to Suspend the Rules, second by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 239(15) by title for the second and third time. Clerk Devine read Ordinance 239(15) by title for the second and third time. Following the third reading of Ordinance 239(15) Councilman Reidmiller made a motion for Final Passage of Ordinance 239(15), second by Johnson. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 239(15) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 239(15) finally pass?” **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.**

9. CONSIDER RESOLUTIONS FOR APPROVAL

A. **CONSIDER RESOLUTION 111(15) SETTING UTILITY RATES EFFECTIVE OCTOBER 1, 2015**

The recommended Water and Sewer rates as budgeted for 2015-16 reflect the 0.3% CPI increase as published by the Bureau of Labor Statistics. No change to the Solid Waste rates. Councilman Johnson made a motion to introduce and approve Resolution 111(15) Setting Utility Rates Effective October 1, 2015; second by Porter. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

B. **CONSIDER RESOLUTION 112(15) COST OF LIVING ADJUSTMENT BASED UPON THE CPI RATE FOR NON-TEMPORARY CITY EMPLOYEES EFFECTIVE OCTOBER 1, 2015**

The Consumer Price Index is also used to base Cost of Living Adjustment for non- temporary City Employees. Councilman Johnson made a motion to introduce and approve Resolution 112(15) regarding Cost of Living Adjustment effective October 1, 2015 with noted corrected amount of 0.3%; second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.**

C. CONSIDER RESOLUTION 113(15) REGARDING PLACEMENT OF TRAFFIC CONTROL SIGNS IN ORDER TO REGULATE TRAFFIC

Clerk Devine stated additional traffic control signage was recommended by Chief Lipker due to changes in traffic flow near the new Dollar General store. Councilman Hoefer made a motion to introduce and approve Resolution 113(15) regarding placement of traffic control signs in order to regulate traffic, second by Johnson. **Vote: Yeas; Johnson, Porter, Hoefer, Riedmiller. Nays; None.**

10. CONSIDER AIRPORT AUTHORITY REQUEST FOR CITY TAX ALLOCATION FOR FISCAL YEAR 2015-2016

Clerk Devine provided the Council with a copy of Resolution #1-2015 of the Albion Airport Authority formally requesting tax allocation of \$22,000 of the City of Albion's levy authority. Devine noted it is \$1,000 higher than the amount requested and approved last year. Councilman Hoefer made a motion to approve \$22,000 in property tax authority to Albion Airport Authority, second by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Johnson, Porter. Nays; None.**

11. CITY ADMINISTRATOR REPORT

Water/Sewer:

New Water Source: This project had been previously identified when Selenium issue arose in all of the City's production wells. Originally attempted to address through rehabilitation, but since well #2 collapsed we now need an additional source prior to attempted rehabilitation of well #3.

Project Lead: Me/Ron Morearty Key Personnel: Ron Morearty and Roger Protzman JEO

In May, Roger Protzman has reported that septic tanks at residences along South 6th Street are too close (500' or less) to the desired well site. We will need to select another site or extend sewer to service to the residences along South 6th street. I've instructed Roger to hold off on filing the site approval paperwork with DHHS until we've evaluated our options a little more. ***I had JEO prepare a map of existing registered wells, showing 1000' radius around each well to demonstrate potential future well site locations.***

Well #3 Rehab: We committed to this project early in 2014. Will resume once another water source is achieved.

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Sewer Main Extensions and Manhole Construction – Fairview Street: Project Lead: Joe Luettel
Rutjen's has been hired to perform the extension and manhole construction. Expected to occur this spring – Joe has not received notification from Rutjen's as to a specific date. **UPDATE: Rutjens arrived late July to complete the project.**

Library

Library Basement Project: Complete

Library Lawn and Sprinkler Project Project Lead: ? Library Board/Staci Sandman
Project is budgeted for this year. Board has sought proposals/cost estimates for the project. Mayor Jarecki recommended reconstructing the sidewalks prior to the landscaping project. Currently being evaluated and seeking estimates/quotes from contractors.

Streets

8th and South Street Project: Project Lead: Me
This is the top priority Street Project on the 1 year plan. ACES agreement to provide topography, bidding/negotiation, and construction phase engineering services approved and executed this month. ACES to pursue same contractor for Niewohners Anderson Subdivision paving project and the City's project. **Two informal bids were received for the project as secondary bids to Niewohner's Anderson Subdivision project. Niewohners selected Elkhorn Paving – it is recommended that the Council approve the City portion of the project and award to Elkhorn Paving at this meeting as well. Spring 2016 construction is expected and will be complete before the pool opens next year.**

Potential Harrison Street Project: Project Lead: Me; Key personnel at this time: Nathan Boone, JEO Consulting. It's been requested by a property owner that paving of Harrison Street be made a priority. The Mayor has approved to have JEO begin putting together the District Boundary and to prepare a preliminary project cost. **UPDATE: JEO has created a preliminary district boundary map and the city has hired an abstractor to verify property ownership and legal descriptions of each property within the district. Nathan Boone and Steve Parr of JEO plan to meet with Administration the week of the 20th to discuss cost estimates and assessment options.** Once these items are addressed, Brad with Ameritas will assist in preparation of Ordinances to create the Improvement Districts and a series of hearings will be held to allow for public input on the potential project. Ultimately, it will be up to abutting property owners to decide on the whether or not they want this initial paving project to occur. JEO is currently drafting the district boundaries. May have an ordinance drafted by the August meeting for Council consideration.

Parks/Rec

Sports Complex – Tennis Courts: Project Lead: Me, Parks Foreman
Dustin Laurent has reviewed the tennis courts. He advises that we should either put a new asphalt over lay on or tear out the courts and start over. He thinks that starting over might be best as it appears that the base is not sufficient. He advised discussing project with an engineer. **Nothing new to report – will attempt to budget more capital improvement funds for the 2015-16 budget year.**

Sports Complex – Shelter Roof: Project Lead: Parks Foreman
Picnic Shelter roof is planned to be replaced this summer.

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Aquatic Center:

Due to swift and heavy rains on Friday, July 31st, storm water ran into the pool and the pool had to be closed 4 days until sediment vacuumed and filtered out. Dave Burbach came to review the situation and met with me and the Mayor to discuss potential remedies including addition of curb and gutter from City Limits to 8th Street **while maintaining ADA egress from the facility's west emergency exit.** This addition could be proposed to Elkhorn Paving as a change order to the contract for the 8th and South Street projects scheduled for Spring.

General Administration / Other:

JEO has provided a draft of the Fairview Street Drainage report for staff review. Preliminary indication is that a phased underground Stormwater system is recommended to be installed – potentially in conjunction with phased street replacement projects. A final report should be available for Planning Commission and Council review next month.

Devine provided reports for Building Permits for July 2015; the current month Sales Tax showing the monthly trend of sales tax receipts; and also an unaudited Treasurer's Report/Budget Performance Report for fiscal year-to-date.

Mayor Jarecki also provided an overview of a meeting held with all department heads earlier on August 11, 2015. **No action taken.**

12. CONSIDER EMPLOYEE EVALUATION FOR APPROVAL

Councilman Hoefler made a motion to approve annual employee evaluation of Andrew Devine, second by Johnson. **Vote: Yeas; Johnson, Porter, Hoefler, Riedmiller. Nays; None.**

13. CONSIDER BILLS TO BE PAID

- **CONSIDER MONTHLY BILLS REPORT**

Councilman Riedmiller made a motion to approve the monthly bills, except for the disputed Frontier charges; second by Hoefler. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.**

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14. ITEMS TO BE PUT ON NEXT MEETING AGENDA

Budget Workshop: August 25, 2015 7:30 p.m.

- Discuss Certified Valuation obtained from County Assessor
- Discuss draft of budget & final preparation by accountant
- Set budget adoption hearing date & time – tentatively September 8, 2015; 7:30 p.m.
- Review information from JEO on Harrison Street Improvement District
- Review information from JEO on Fairview Street Drainage Study and Improvement Project

Next Regular Meeting: September 8, 2015 7:30 p.m.

- Budget Adoption Hearing

15. ADJOURNMENT

At 8:35 p.m. Council Member Johnson made a motion to adjourn the meeting, second by Hoefer. **Vote: Yeas; Hoefer, Porter, Johnson, Riedmiller. 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk