

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, JUNE 14, 2016**

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 June 14, 2016 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Walt Hoefer, Marcus Johnson, Jim Riedmiller, and Jon Porter. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Billing Utility Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, Police Chief Brent Lipker, City Attorney Darren Wright, Jim Dickerson with the Albion News, Larry and Gloria Pochop, Brett Nelson, Barb Krohn, Michelle Devine, Walt Hayes, and Jerry Niewohner. 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 MINUTES OF APRIL 8, 2016; MAY 10, 2016; AND MAY 31, 2016 CITY COUNCIL MEETINGS FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the April 8, 2016; May 10, 2016; and May 31, 2016 City Council meetings, second by Riedmiller. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

3. CONSIDER AMENDMENT TO IMPROVEMENT AGREEMENT WITH DANA AND KAREN ANDERSEN FOR THE PAVING OF A PUBLIC STREET UPON PROPERTY LEGALLY DESCRIBED AS A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M. IN BOONE COUNTY, NEBRASKA APPROXIMATELY 30 FEET BY 354 FEET CONTAINING .24 ACRES, MORE OR LESS, CONDITIONED UPON DEDICATION OF THE SAME TO THE CITY OF ALBION, NEBRASKA

The Andersens's were not able to be present at the meeting. Councilman Johnson made a motion to indefinitely post-pone the amendment to the agreement, second by Porter. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

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4. **CONSIDER ACCEPTANCE OF DEED OF DEDICATION OF DANA AND KAREN ANDERSEN FOR PROPERTY LEGALLY DESCRIBED AS A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M. IN BOONE COUNTY, NEBRASKA APPROXIMATELY 30 FEET BY 354 FEET CONTAINING .24 ACRES, MORE OR LESS, AND FOR THE PURPOSE OF A PUBLIC STREET**

Clerk Devine noted that the Deed has been drafted by City Attorney Wright, however, the Andersen's have not executed it yet. Devine noted he has received the survey back from Chris Hayes. Councilman Johnson made a motion to table the Acceptance of Deed of Dedication, second by Riedmiller. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

5. **CONSIDER MAINTENANCE AGREEMENT WITH CUMMINS CENTRAL POWER FOR GENERATOR SERVICE AT WASTE WATER TREATMENT FACILITY**

Walt Hayes of Cummins Central Power provided Council Members with a Maintenance Checklist and explained what would be included in the planned maintenance program. Joe Luettel spoke in favor of the agreement. Councilman Hoefer questioned the need for two inspections per year on an engine that doesn't get many hours put on it. Hayes stated they generally do two inspections per year to catch a potential problem that might be starting. However, they could tailor the agreement to fit the City's needs. Councilman Hoefer made a motion to approve the Maintenance Agreement with only 1 inspection per year with full service, battery replacement, and 10% discount on parts and labor; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer. Nays; Porter.**

6. **OPEN PUBLIC HEARING TO CONSIDER APPLICATION FOR ADMINISTRATIVE PLAT BY LARRY & GLORIA M. POCHOP TO REPLAT A FRACTION OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 27 TOWNSHIP 20 NORTH RANGE 6 WEST, BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 1257 S 3RD STREET, ALBION, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:56 p.m. The Mayor sought public input. Larry Pochop explained the application to separate off 1.19 acres for his grandson to build a home. He stated they would keep the remaining property. The Mayor sought further comment. Hearing none, he closed the public hearing at 7:58 p.m. Clerk Devine stated the Planning Commission reviewed the application and recommended approval with the intention to amend the Future Street Reservation

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Plan. Devine provided Council Members with a copy of the Street Reservation Plan and reviewed it with them. Councilman Riedmiller made a motion to approve the replat application of Larry and Gloria Pochop, second by Hoefer. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

7. OPEN PUBLIC HEARING TO CONSIDER APPLICATION FOR ADMINISTRATIVE PLAT BY NIEWOHNER FARMS PARTNERSHIP TO REPLAT A FRACTION OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 6 WEST, BOONE COUNTY, NEBRASKA

Mayor Jarecki opened the public hearing at 8:09 p.m. The Mayor sought public input. Clerk Devine stated the Planning Commission reviewed the application and recommended approval. The Mayor sought further comment. Hearing none he closed the public hearing at 8:10 p.m. Councilman Riedmiller made a motion to approve replat application of Niewohner Farms Partnership, second by Johnson. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

8. CONSIDER ALBION CHAMBER OF COMMERCE REQUEST TO CLOSE 4TH STREET FROM ½ BLOCK SOUTH OF CHURCH STREET TO ½ BLOCK NORTH OF MAIN STREET FROM 6 A.M. AUGUST 27, 2016 TO 1:30 A.M. AUGUST 28, 2016 FOR A COMMUNITY EVENT

Clerk Devine stated this is for the annual Rhythm & Ribs event, with no changes from last year. Councilman Riedmiller made a motion to approve Albion Chamber of Commerce request to close 4th Street from ½ block South of Church Street to ½ block North of Main Street from 6 a.m. August 27, 2016 to 1:30 a.m. August 28, 2016 for a community event; second by Porter. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

9. CONSIDER REQUEST OF LORI KROHN TO CLOSE CHURCH STREET FROM 5TH STREET TO 3RD STREETS FROM 9:30 A.M. TO 11:30 A.M. ON JULY 4, 2016 FOR AN INDEPENDENCE DAY KIDDIE PARADE

Councilman Porter made a motion to approve request to close Church Street from 5th Street to 3rd Street from 9:30 a.m. to 11:30 a.m. on July 4, 2016 for an Independence Day Kiddie Parade; second by Riedmiller. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

10. **CONSIDER ORDINANCE 247 (16) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, AMENDING CHAPTER III, MOTOR VEHICLES AND BICYCLES, OF THE ALBION CITY CODE**

Clerk Devine presented Council Members with a draft of Ordinance 247(16). Devine explained the Ordinance would set a 20 mile per hour speed zone on South Street from the campground area to 6th Street, and on 8th Street from Fairview Street to South Street. The Ordinance would also correct some references in Section 3-117 of the Code Book. Councilman Hoefler made a motion to introduce Ordinance 247(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 247(16) for the first time. Councilman Porter made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 247(16) by title for the second and third time. Following the third reading, Councilman Johnson made a motion for Final Passage of Ordinance 247(16), second by Riedmiller. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 247 (16) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 247(16) finally pass?” **Vote: Yeas; Hoefler, Johnson, Riedmiller, Porter. Nays; None.**

11. **ANNUAL DELINQUENT UTILITY ACCOUNT REPORT**

Utility Billing Clerk Wynn provided a report for Council Members to review. Wynn explained some accounts are past 60 days but also have current charges; so rather than filing two liens, will wait until all charges are past 60 days. **No action taken.**

12. **NUISANCE PROGRAM REPORT FROM ALBION POLICE DEPARTMENT**

- **CONSIDER RESOLUTION SERIES 119(16) DECLARING NUISANCES**

Chief Lipker stated there are three properties they have tried to serve notices on but were unable to reach the property owners. **No action taken.**

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13. CITY ADMINISTRATOR REPORT

Council Members reviewed the City Administrator Report provided by Clerk Devine. Devine stated as of today the water tower is back online and the fountain at the mini park is flowing. Also, a water heater was put back into the mini park at the request of the Chamber. The Chamber is getting their own sink and portable above-ground grease trap to be used during the community Rhythm 'N Ribs event. The City received a grant from Nebraska DEQ to pay for 50% of rubber mulch to be used under playground equipment at the parks. Window World of Norfolk gave a quote for replacement of all windows at City Hall and at the police building for just under \$15,000. They will also give a quote for two doors at the police building. Devine also provided reports on 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. **No action taken.**

14. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Hoefer made a motion to approve payment of monthly bills, excluding the Speed Drain bill; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

- **CONSIDER CHANGE ORDER #4 OF ELKHORN PAVING FOR APPROVAL**

Councilman Hoefer made a motion to approve Change Order #4 of Elkhorn Paving, second by Johnson. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

- **CONSIDER PAY APPLICATION #2-FINAL OF ELKHORN PAVING FOR APPROVAL**

Councilman Porter made a motion to approve Pay Application #2-Final of Elkhorn Paving in the amount of \$214,212.59, second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Porter, Riedmiller. Nays; None.**

- **CONSIDER PAY APPLICATION #1-REVISED OF B-D CONSTRUCTION FOR APPROVAL**

Councilman Riedmiller made a motion to approve Pay Application #1-Revised of B-D Construction in the amount of \$35,021.70; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

- **CONSIDER BILL FROM SPEED DRAIN AND PIPING REHAB, LLC FOR SERVICES, PARTS, AND EQUIPMENT PROVIDED FOR REPAIRING WATER MAIN BREAKS AT WATER TOWER AND AT KAV'S TIRE AND LUBE**

Councilman Hoefer made a motion to approve bill from Speed Drain and Piping Rehab, LLC in the amount of \$650.00; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer. Nays; None. Abstain; Porter.**

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15. ITEMS TO BE PUT ON NEXT MEETING AGENDA

- Next Regular Meeting: July 19, 2016; 7:30 p.m.
- Consider Bids for Multipurpose Court Project – Sports Complex

16. ADJOURN

At 8:49 p.m. Council Member Johnson made a motion to adjourn the meeting, second by Hoefler. **Vote: Yeas; Hoefler, Porter, Riedmiller, Johnson. 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