

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, NOVEMBER 8, 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 November 8, 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, Deputy City Clerk Sharon Ketteler, Police Chief Brent Lipker, Utility Billing Clerk Amber Wynn, Sewer Commissioner Joe Luettel, Water Commissioner Ron Morearty, City Attorney Darren Wright, Jim Dickerson with the Albion News, Ann Jarecki, Nikki Heidemann, Rev. David Frerichs, Mike Mapel, Cheryl Krohn, Charles Krohn, Pamela Wright, Willa Wolford-Linnerson, Norma Robinson, Joyce Donscheski, Lindsey Jarecki, Jeff Jarecki, Jerry Niewohner, Norm Brugger, John Larson, Marv Brugger, Heather Kohtz, Chris Kohtz, Mike Pugh, Natalie Pugh, Dana Andersen, Karen Andersen, Brandi Yosten, Amanda Novacek, Andy Roberts, Tim Kayton, Todd Wynn, Brock Kuester, Theresa Scheffler, Mike Scheffler, Dani Thober, Mark Niewohner, Chuck Long, Cole Frey, Tim Miller, Amanda Reinhart, Scott Reinhart, Kristina Fox, Josh Thayer, Doug Koch, Dave Langan, John Moeller, Jack Dailey, and Nikki Stephens. 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.

MAYOR’S COMMENTS

Mayor Jarecki thanked the County workers who re-did the road by the Campgrounds for proper water run-off.

The Mayor also stated his concern of ongoing misuse of the City’s tree pile. He is considering an ordinance which would make a violator financially responsible for clean-up if the City is caught by the DEQ or EPA.

2. CONSIDER MINUTES OF OCTOBER 11, 2016 AND OCTOBER 31, 2016 CITY COUNCIL MEETINGS FOR APPROVAL

Councilman Riedmiller made a motion to approve the minutes of the October 11, 2016 and October 31, 2016 City Council meetings, second by Hoefer. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

3. **OPEN PUBLIC HEARING TO CONSIDER ZONING DISTRICT CHANGE REQUEST #ZC2016-02 BY HALF MOON INVESTMENTS, LLC TO CHANGE THE ZONING OF PROPERTY LEGALLY DESCRIBED AS LOTS 3, 4, BLOCK 26, MANSFIELD'S 5TH ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA MORE COMMONLY KNOWN AS 306 AND 316 SOUTH 5TH STREET, ALBION, NEBRASKA FROM R-2, MEDIUM DENSITY RESIDENTIAL, TO C-2, DOWNTOWN COMMERCIAL**

Clerk Devine stated the Planning Commission held a public hearing the evening before regarding this zone change; and voted to table action until the December 5, 2016 meeting. Devine noted the City Council cannot take action on the zone change until receiving recommendation from the Planning Commission. Mayor Jarecki opened the public hearing at 7:38 p.m. The Mayor sought public input.

Jeff Jarecki, Managing Member of Half Moon Investments, LLC explained the application request to re-zone. Their business is running out of space at the current location. They have looked into purchasing existing downtown properties but have found they are either unavailable, not suitable for their needs, or extremely costly. Half Moon Investments, LLC purchased lots across from the Zion Lutheran Church. They approached the pastor and Church Council about swapping the lot closest to the parsonage for the lot closest to the highway. This swap was voted on and passed by the Church Council and Congregation. Half Moon Investments, LLC has agreed to put in a new parking lot for the Church equivalent to the current parking lot; and would also put an easement on their property which would allow the Church to use their parking lot outside of business hours.

Numerous people gave public testimony. Those that spoke in opposition of the re-zoning included: Cheryl Krohn, Willa Wolford-Linnerson, John Larson, Timothy Miller, Pam Wright, and Theresa Scheffler. Cheryl Krohn and Theresa Scheffler also read letters signed by multiple people which stated their opposition to the re-zoning. Those that spoke in favor of the re-zoning included: Jeff Jarecki, Jack Dailey, Lindsey Jarecki, Dani Thober, Doug Koch, Jerry Niewohner, Tim Kayton, Amanda Novacek, Christina Fox, John Moeller, Nikki Stephens, Andy Roberts, Amanda Reinhart, Heather Kohtz, Scott Reinhart, Brock Kuester, Nikki Heidemann, and Brandi Yosten. The people with neutral comments included: Rev. David Frerichs, Mike Mapel, and Todd Wynn. Clerk Devine read written notarized testimony from Trent Kraus, Beata Hoefer, Gerald Ranslem and Ronald Coakes. Kraus' position was neutral, but the remainder were opposed to the re-zoning.

The Mayor sought further comment. Hearing none, Mayor Jarecki closed the public hearing at 8:37 p.m.

Jeff Jarecki provided Council Members with proposed plans for the new office building if the re-zoning is approved. Clerk Devine reminded the Council they would be deciding the use of the property, not the approval of the building plans.

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Jeff Jarecki addressed some concerns people had:

- 1) Jarecki noted there are approximately 63 residential lots available so he didn't feel there was a shortage of lots.
- 2) The reason for not purchasing the old Dollar General Store for his office was the cost of the building and the expense to renovate made it unfeasible.
- 3) If Mr. Mapel or the Zion Lutheran Church would like a fence put up as a buffer he would provide one.
- 4) The property purchase is not contingent upon the approval of the re-zone application.

Jarecki also commented at least half his clientele are from out of town which draws people into the community providing a positive economic impact.

Councilman Porter stated his concern of "spot zoning" and asked Jarecki if he had approached other property owners in that area to consider changing to commercial to square it off. Jarecki stated he spoke to the Zion Lutheran Church about it. The Church considered it but didn't want to change because liability insurance would cost more.

Councilman Riedmiller made a motion to table action until recommendation is received from Planning Commission, second by Porter. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.**

4. OPEN PUBLIC HEARING REGARDING ANNEXATION OF PROPERTY LEGALLY DESCRIBED AS ALL OF THE REPLAT OF LOT 2, ANDERSEN SUBDIVISION, LOT 1, ANDERSEN SUBDIVISION AND PART OF THE NORTHEAST QUARTER OF SECTION 28 TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS THE CITY OF ALBION WATER TOWER PROPERTY TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA

Mayor Jarecki opened the public hearing at 8:56 p.m. The Mayor sought public input. Clerk Devine provided a draft of Ordinance 250(16) and explained the annexation would include Dana and Karen Andersen property, the newly developed subdivision, and the water tower property. Devine also noted the Planning Commission recommended approval of the annexation. Andy Roberts and Dana Andersen spoke in favor of the annexation. The Mayor sought further comment. Hearing none, Mayor Jarecki closed the public hearing at 9:03 p.m.

Councilman Porter thanked Dana and Karen Andersen for the efforts they put into the community. Clerk Devine commented that part of the Ordinance would rename the Andersen subdivision to be consistent with every other addition and subdivision, using numbers instead of letters. Councilman Porter made a motion to introduce Ordinance 250(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 250(16) by title for

the first time. Councilman Johnson made a motion to approve the first reading of Ordinance 250(16), second by Porter. **Vote: Yeas; Hoefler, Riedmiller, Porter, Johnson. Nays; None.**

5. **OPEN PUBLIC HEARING REGARDING ANNEXATION OF PROPERTY LEGALLY DESCRIBED AS LOT 1 OF THE POCHOP SUBDIVISION, BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 1201 SOUTH 3RD STREET, ALBION, NEBRASKA; AND, TOGETHER WITH PARCELS IN PART OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27 TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 267 WEST FULLER STREET, ALBION, NEBRASKA AND 263 WEST FULLER STREET, ALBION, NEBRASKA TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 9:09 p.m. The Mayor sought public input. Clerk Devine stated the Planning Commission reviewed Ordinance 251(16) and recommended approval of the annexation. The Mayor sought further comment. Hearing none, Mayor Jarecki closed the public hearing at 9:13 p.m. Council Members reviewed the ordinance. Discussion ensued. Councilman Hoefler made a motion to introduce Ordinance 251(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 251(16) by title for the first time. Councilman Porter made a motion to approve the first reading of Ordinance 251(16), second by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.**

6. **CONSIDER APPROVAL OF MAINTENANCE AGREEMENT #84 BETWEEN NEBRASKA DEPT OF ROADS AND THE CITY OF ALBION**

Council Members reviewed the maintenance agreement. Clerk Devine stated there were no changes from the previous annual agreement. Councilman Hoefler made a motion to approve Maintenance Agreement #84 between Nebraska Dept. of Roads and the City of Albion, second by Johnson. **Vote: Yeas; Porter, Hoefler, Johnson, Riedmiller. Nays; None.**

7. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine also provided reports on the current month Sales Tax showing the monthly trend of sales tax receipts, an unaudited Treasurer’s Report/Budget Performance Report for the fiscal year, and a building permit/zoning official report. **No action taken.**

8. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Riedmiller made a motion to approve payment of monthly bills as presented, second by Hoefler. **Vote: Yeas; Johnson, Porter, Hoefler, Riedmiller. Nays; None.**

• **CONSIDER PAY APPLICATION #2 OF B-D CONSTRUCTION FOR FAIRVIEW STREET STORM SEWER IMPROVEMENTS – PHASE I FOR APPROVAL AND PAYMENT**

Council Members reviewed the pay application. Clerk Devine recommended approval, noting he will need to coordinate with the County on how they would like to submit payment once the City’s obligation is met. The City might have to submit payment and be reimbursed by the County since the County doesn’t have a contract with B-D Construction. Councilman Hoefler made a motion to approve Pay Application #2 of B-D Construction in the amount of \$75,383.60; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. Nays; None.**

9. **CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Porter made a motion to approve employee evaluation and appropriate step raise of Joe Predmore, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. Nays; None.**

10. **DISCUSS WATER WELL SITE OPTIONS AND CONSIDER AUTHORIZING MAYOR AND CITY ADMINISTRATOR TO NEGOTIATE TERMS FOR SITE ACQUISITION**

At 9:15 p.m. Councilman Riedmiller made a motion to enter into executive session to discuss strategy for potential future real estate purchases, second by Porter.

Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. Nays; None.

Mayor Jarecki invited Ron Morearty, Joe Luettel, Darren Wright, and Sharon Ketteler to stay for the closed session.

At 10:06 p.m. Councilman Porter made a motion to exit executive session, second by Johnson. **Vote: Yeas; Porter, Hoefler, Riedmiller, Johnson. Nays; None.**

11. **ITEMS TO BE PUT ON NEXT MEETING AGENDA**

- November 22, 2016 7:30 a.m. – Special Meeting
 - *Second Reading of Annexation Ordinances
- December 13, 2016 7:30 p.m. – Regular Meeting
 - * Potential Third Reading & Final Passage of Annexation Ordinances
 - * Swearing in of Newly Elected Council Members
 - * Appointment of Vacant Council Seat
 - * Annual Mayoral Appointments
 - * Action on Zoning Change Request

12. **ADJOURN**

At 10:09 p.m. Council Member Hoefler moved to adjourn the meeting, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. 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 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