

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, JANUARY 10, 2017**

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 January 10, 2017 at Albion City Hall. Present were Mayor James C. Jarecki, Council Members Jon Porter, Walt Hoefer, Marcus Johnson, and Jim Riedmiller. Also present were City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Police Chief Brent Lipker, Utility Billing Clerk Amber Wynn, Water Commissioner Ron Morearty, City Attorney Darren Wright, Jim Dickerson with the Albion News, Lindsey Jarecki, Brandi Yosten, Cindy Carlson, Victor Carlson, Willa Linnerson, and Theresa Scheffler. 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 stated there is continued misuse of the wood pile. The Mayor asked City Attorney Wright to draft an ordinance which would make an abuser of the pile personally liable.

2. CONSIDER MINUTES OF DECEMBER 13, 2016 CITY COUNCIL MEETING FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the December 13, 2016 City Council meeting; second by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

3. OPEN PUBLIC HEARING TO CONSIDER ZONING DISTRICT CHANGE REQUEST #ZC2017-01 BY TRENT M. AND AUDREY L. KRAUS TO CHANGE THE ZONING OF PROPERTY LEGALLY DESCRIBED AS LOT 7, 5 ½ FEET OF LOT 8, BLOCK 1, CLARK'S 1ST ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA MORE COMMONLY KNOWN AS 542 WEST MAIN STREET, ALBION, NEBRASKA FROM C-2, DOWNTOWN COMMERCIAL, TO R-2, MEDIUM DENSITY RESIDENTIAL

Mayor Jarecki opened the public hearing at 7:32 p.m. The Mayor sought public comment. Willa Linnerson spoke in opposition of the zone change. Jim Dickerson gave

neutral testimony. Dickerson suggested having a “transitional zone” on the highway corridors that would allow either residential or commercial. The Mayor sought further comment. Hearing none, he closed the public hearing at 7:37 p.m. Mayor Jarecki invited the Council for comments. Clerk Devine noted that all public hearing requirements had not been met by the applicant, therefore another public hearing would be required by both the Planning Commission and the City Council next month regarding this zone change request. Councilman Riedmiller made a motion to table action until after additional public hearings of the Planning Commission and City Council, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

4. CONSIDER SECOND READING AND/OR ADDITIONAL ACTION ON ORDINANCE 252(16) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALBION, NEBRASKA

Mayor Jarecki instructed Clerk Devine to read Ordinance 252(16) for the second time. Councilman Riedmiller made a motion to approve the second reading of Ordinance 252(16), second by Porter. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

5. CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE 254(17) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF BRITTNEY WEINMAN

Councilman Johnson made a motion to introduce Ordinance 254(17). Mayor Jarecki instructed Clerk Devine to read Ordinance 254(17) for the first time. Councilman Johnson made a motion to approve first reading of Ordinance 254(17), second by Porter. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

6. CONSIDER INTRODUCTION AND APPROVAL OF RESOLUTION 101(17) AN INTERLOCAL AGREEMENT WITH BOONE COUNTY NEBRASKA TO HAVE AN EXISTING BOONE COUNTY EMPLOYEE TO PROVIDE STREET SUPERINTENDENT SERVICES TO THE CITY OF ALBION, NEBRASKA

Clerk Devine stated the agreement is the same as last year. Councilman Hoefer made a motion to introduce and approve Resolution 101(17), second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

7. **REVIEW THE CITY OF ALBION 2017 ONE AND SIX YEAR STREET IMPROVEMENT PLAN**

Council Members discussed the Preliminary Plan. The One Year Plan includes the Church Street Reconstruction Project; and the Six Year Plan mainly includes the next two phases of the Fairview Project. The final 1 & 6 Year Plan will be adopted at the February meeting. **No action taken.**

8. **CONSIDER PLANS AND SPECIFICATIONS FOR THE CHURCH STREET RECONSTRUCTION PROJECT FOR APPROVAL**

Clerk Devine provided Council Members with a copy of the plans for review. Councilman Hoefer made a motion to approve plans and specifications for the Church Street Reconstruction Project and setting the bid opening date of February 9, 2017 and consideration of award on February 14, 2017; second by Riedmiller. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

9. **CONSIDER AMENDMENT TO CHURCH STREET RECONSTRUCTION PROJECT AGREEMENT WITH JEO TO ADD EASEMENT SERVICES FOR NECESSARY DRAINAGE EASEMENT**

Council Members reviewed the agreement consisting of \$3,300 additional charge for Right of Way Plan and Document Preparation. Discussion ensued. It was suggested that Clerk Devine try to negotiate on a lower price. Councilman Johnson made a motion to table Amendment Agreement, second by Hoefer. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

10. **ACKNOWLEDGE AND REVIEW THE 2016 PLANNING COMMISSION ANNUAL ACTIVITY REPORT**

Clerk Devine provided a report of the 2016 Planning Commission Activity, which the Council reviewed. **No action taken.**

11. **ACKNOWLEDGE AND REVIEW THE 2016 CITY COUNCIL ANNUAL ACTIVITY REPORT**

Council Members reviewed the 2016 City Council Activity Report provided by Clerk Devine. **No action taken.**

12. **CONSIDER MAYORAL APPOINTMENT TO THE BOONE COUNTY DEVELOPMENT AGENCY BOARD OF REPRESENTATIVES**

Councilman Hoefer made a motion to approve appointment of Marcus Johnson to the Boone County Development Agency Board of Representatives, second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefer, Johnson, Porter. Nays; None.**

13. **CONSIDER MAYORAL APPOINTMENT TO THE BOONE COUNTY LODGING TAX COMMITTEE**

Councilman Hoefer made a motion to approve appointment of Jon Porter to the Boone County Lodging Tax Committee, second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefer, Johnson. Nays; Porter.**

14. **CONSIDER STANDING APPOINTMENT OF THE ALBION VOLUNTEER FIRE DEPARTMENT SECRETARY AS THE CITY OF ALBION VOLUNTEER FIRE DEPARTMENT CERTIFICATION ADMINISTRATOR FOR THE VOLUNTEER EMERGENCY RESPONDERS INCENTIVE ACT PROGRAM**

Councilman Johnson made a motion to approve appointment of the Albion Volunteer Fire Department Secretary as the City of Albion Volunteer Fire Department Certification Administrator for the Volunteer Emergency Responders Incentive Act Program, second by Porter. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

15. **AUTHORIZE CITY ADMINISTRATOR TO DRAFT AND SUBMIT GRANT APPLICATION TO BOONE COUNTY FOUNDATION FUND FOR DOWNTOWN HOLIDAY LIGHT REPLACEMENT PROGRAM IN PARTNERSHIP WITH THE ALBION CHAMBER OF COMMERCE**

Councilman Porter made a motion to authorize City Administrator to draft and submit grant application to Boone County Foundation Fund for Downtown Holiday Light Replacement Program in partnership with the Albion Chamber of Commerce, second by Riedmiller. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

16. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine stated that notice was received from Eagle Communications of a rate increase. Devine explained the conflict between Albion’s City Ordinance, State Statute, and FCC regulations relating to rate increases to community television services. Devine recommended holding a public hearing next month to provide forum for dialogue with an Eagle Communication Representative. 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 the 2016 building/demo permit report. **No action taken.**

17. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

• **CONSIDER CHANGE ORDER #2 OF B-D CONSTRUCTION FOR THE FAIRVIEW STREET STORM SEWER PHASE I PROJECT**

Clerk Devine explained the Change Order was for additional concrete ditch liner for more structural support and to make liners last longer to prevent undercutting from run-off. There was also a deduction from one tree that didn’t need removed. Councilman Porter made a motion to approve Change Order #2, second by Hoefer. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

• **CONSIDER PAY APPLICATION #4 OF B-D CONSTRUCTION FOR THE FAIRVIEW STREET STORM SEWER PHASE I PROJECT**

Council Members reviewed the pay application. Clerk Devine explained the City’s share of the payment is \$22,416.02; and the County will pay the other half due. Councilman Riedmiller made a motion to approve Pay Application #4 of B-D Construction in the amount of \$22,416.02; second by Porter. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

18. ITEMS FOR THE NEXT MEETING AGENDA

- February 14, 2017 7:30 a.m. – Regular Meeting
- Mayor Annual Department Head Meeting Report and Facility Review
- Public Hearing for Zoning Change Request # ZC2017-01
- Public Hearing for Kohtz Replat Application
- Public Hearing for Half Moon Investments Replat Application
- Final Passage of Ordinance 254(17), if Necessary
- Resolution 101(17) – Surplus Property
- Public Hearing and Adoption of 1 and 6 Year Street Improvement Plan
- Bid Tabulation and Possible Award of Church Street Project
- Review of Annual Water and Sewer Department Report
- Public Hearing for Eagle Communication Rate Increase
- Public Hearing on Amendment for Comprehensive Plan and Zoning Map
- JEO Church Street Agreement Amendment
- Draft of Ordinance for Grass and Tree Piles
- Amendment of Ordinance Regarding Utility Liens

19. ADJOURN

At 8:44 p.m. Council Member Johnson moved to adjourn the meeting, second by Riedmiller. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefler. 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