

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, MARCH 14, 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 March 14, 2017 at Albion Fire Station, 2580 State Highway 14, Albion, NE. Present were Mayor James C. Jarecki, Council Members Marcus Johnson, Jim Riedmiller, Jon Porter, and Walt Hoefer. Also present were City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Chief of Police Brent Lipker, Utility Billing Clerk Amber Wynn, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, City Attorney Darren Wright, Jim Dickerson with the Albion News, Nathan Boone, Beth Ackland, Theresa Scheffler, Karen Andersen, Dana Andersen, Dan Staack, Willa Linnerson, and Larry Pochop. 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 reminded resident’s when clearing snow to dispose onto own property. The Mayor stated there is continued misuse of the tree pile, and the City was given a warning by the DEQ for having trash in it. Mayor Jarecki asked citizen’s to report any misuse they might see.

MAYORAL APPOINTMENT(S) TO THE ALBION PLANNING COMMISSION, SUBJECT TO CITY COUNCIL APPROVAL

Mayor Jarecki announced he would like to appoint Steven Ruzek and Mike Pugh to fill the empty seats on the Planning Commission. Councilman Riedmiller made a motion to accept the Mayoral appointments of Steven Ruzek and Mike Pugh to the Planning Commission, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

2. CONSIDER MINUTES OF FEBRUARY 14, 2017 CITY COUNCIL MEETING FOR APPROVAL

Councilman Riedmiller made a motion to approve the minutes of the February 14, 2017 City Council meeting; second by Porter. **Vote: Yeas; Hoefer, Johnson, Porter, Riedmiller. Nays; None.**

3. **PUBLIC ALLIANCE FOR COMMUNITY ENERGY (ACE) STAFF TO PRESENT THE MAYOR AND CITY COUNCIL WITH A REVENUE RETURN CHECK AS WELL AS INFORMATION ABOUT ACE AND THE NEBRASKA CHOICE GAS PROGRAM**

Beth Ackland, director of ACE, distributed an informational handout and explained the Nebraska Choice Gas Program. Ackland outlined the benefits of choosing ACE as a supplier, noting that to date ACE has returned \$26,493 back to the Albion Community. **No action taken.**

4. **OPEN PUBLIC HEARING REGARDING EAGLE COMMUNICATIONS, INC RATE CHANGE**

Mayor Jarecki opened the public hearing at 7:44 p.m. The Mayor sought public testimony. Dan Staack of Eagle Communication explained their rate increase is highly due to rising network costs and re-transmission fees. Staack presented a handout to help provide additional information. Dana Andersen asked Mr. Staack to explain the re-transmission fees. Staack explained they are pass-through fees that local networks charge for stations that are available free over the air. Staack suggested resident's contact their local congress person asking them to roll back the laws that allow networks to charge cable operators for these free airwaves. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 7:51 p.m. **No action taken.**

5. **OPEN PUBLIC HEARING TO CONSIDER PRELIMINARY PLAT APPLICATION OF DANA AND KAREN ANDERSEN TO PLAT PROPERTY LEGALLY DESCRIBED AS BLOCK 4, ANDERSEN SECOND SUBDIVISION, CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:51 p.m. The Mayor sought public testimony. Karen Andersen explained the application, stating their intention is to provide 10 affordable lots for the community. Mayor Jarecki sought further comment. Hearing none, he closed the public hearing at 7:52 p.m. Clerk Devine noted that the Planning Commission recommended approval of the application. Council Members reviewed the preliminary plat and discussed placement of manholes and clean-outs. Joe Luettel recommended centering the sewer on Park View and adding a manhole at the intersection of 8th and Park View Streets. Discussion was also made to eliminate the manholes Southwest of Park View Street, and putting cleanouts there with Westerly stubs. Councilman Porter made a motion to approve the Preliminary Plat Application of Dana and Karen Andersen to plat property legally described as Block 4,

Andersen Second Subdivision, City of Albion, Boone County, Nebraska with amendments discussed, second by Riedmiller. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Porter. Nays; None.**

6. **CONSIDER SUBDIVISION DEVELOPMENT AGREEMENT WITH DANA AND KAREN ANDERSEN FOR APPROVAL AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Mayor Jarecki recommended to table items #6 and #7. Councilman Johnson made a motion to table Items #6 and #7 until the next meeting, second by Hoefler. **Vote: Yeas; Johnson, Porter, Hoefler, Riedmiller. Nays; None.**

7. **CONSIDER AGREEMENT WITH JEO REGARDING DESIGN AND CONSTRUCTION SERVICES FOR SOUTH PARK SUBDIVISION IMPROVEMENTS**

(See motion and vote under Item #6)

8. **CONSIDER DRAINAGE EASEMENT AGREEMENT WITH ROY D. SCHILOUSKY AND DEBRA A. SCHILOUSKY GRANTING AN EASEMENT TO THE CITY OF ALBION FOR DRAINAGE PURPOSES**

Clerk Devine distributed copies of the final draft to the Council for review. Devine explained a portion of the design work of the drainage ditch is on the Roy and Debra Schilousky property. The Schilousky's have agreed to grant an easement to the City of Albion so drainage work can be done. Councilman Porter made a motion to approve Drainage Easement Agreement with Roy and Debra Schilousky; and to authorize the Mayor or his representative to sign any agreement/contract documents, second by Hoefler. **Vote: Yeas; Porter, Hoefler, Riedmiller, Johnson. Nays; None.**

10. **CONSIDER AGREEMENT WITH JEO REGARDING DESIGN AND CONSTRUCTION SERVICES FOR PHASE 2 OF THE FAIRVIEW STORM DRAINAGE PROJECT, INCLUDING NECESSARY PAVING IMPROVEMENTS**

Nathan Boone of JEO Consulting Group, Inc. explained Phase 2 of the Fairview Storm Drainage Project; and reviewed their scope of services and fees; which total \$162,900 for the project. Councilman Hoefer made a motion to approve Agreement with JEO Consulting Group, Inc. for design and construction services for Phase 2 of the Fairview Storm Drainage Project, including necessary paving improvements; and to authorize the Mayor or his representative to sign any agreement/contract documents; second by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

11. **CONSIDER STREET CLOSURE REQUEST OF DOWNTOWN STREETS FOR THE FOLLOWING COMMUNITY EVENTS:**

- REQUEST OF SMOKE N CHROME ON MAIN, COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR CAR SHOW FROM 6:30 A.M. TO 3:00 P.M. ON JUNE 18, 2017
- REQUEST OF LORI KROHN TO CLOSE CHURCH STREET FROM 5TH STREET TO 3RD STREET FROM 9:30 A.M. TO 11:30 A.M. ON JULY 4, 2017 FOR AN INDEPENDENCE DAY KIDDIE PARADE
- REQUEST OF ALBION CHAMBER OF COMMERCE TO CLOSE 4TH STREET FROM ½ BLOCK SOUTH OF CHURCH STREET TO ½ BLOCK NORTH OF MAIN STREET FROM 6 A.M. AUGUST 26, 2017 TO 1:30 A.M. AUGUST 27, 2017 FOR A COMMUNITY EVENT
- REQUEST OF ALBION VET'S CLUB TO TEMPORARILY CLOSE DOWNTOWN STREETS ON SEPTEMBER 9, 2017 FOR A COMMUNITY EVENT
- REQUEST OF ALBION CHAMBER OF COMMERCE TO TEMPORARILY CLOSE DOWNTOWN STREETS ON NOVEMBER 30, 2017 FROM 5:30 P.M. TO 7:00 P.M. FOR A HOLIDAY LIGHT PARADE

Clerk Devine provided maps of the requested street closures for each event. Devine stated that four of the requests were repeat requests. The only new one was for the Vet's Club in September. They propose to hold an Octoberfest type of event. Councilman Riedmiller made a motion to approve all requested street closures as presented, second by Hoefer. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

9. **OPEN 2017 LAWN CARE BIDS AND CONSIDER FOR AWARD AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

At 8:35 p.m. Mayor Jarecki excused himself, reporting his potential interest in the contract. The Mayor verified a Conflict of Interest Disclosure Form had been supplied to the City Clerk, and turned presiding authority to Council President Hoefler; then left the room. Clerk Devine stated there was only one bid received, which was from Jarecki Lawncare. City Attorney Wright opened the bid. Jarecki Lawncare bid met all specifications for a bid total of \$8,025. Councilman Riedmiller made a motion to approve the bid submitted by Jarecki Lawncare for the amount of \$8,025; and to authorize the Mayor's representative to sign any Agreement/Contract documents; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter. Nays; None.** Following council action, Mayor Jarecki was invited back into Council Chambers and resumed presiding over the meeting.

12. **CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE 258(17) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF RICKY BADER**

Clerk Devine provided a draft of the ordinance for Council Members to review. Councilman Porter made a motion to introduce Ordinance 258(17). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Porter made a motion to approve the first reading, second by Johnson. **Vote: Yeas; Hoefler, Porter, Riedmiller, Johnson. Nays; None.**

13. **CONSIDER RESOLUTION SERIES 105(17) DECLARING NUISANCES**

Clerk Devine reported the Albion Police Department issued a nuisance violation notice (case #17-0245) for legal description: Albion, Lot 8, Block 26, Mansfield Addition for property at 339 S. 6th Street, Albion, NE. Councilman Johnson made a motion to introduce and adopt Resolution 105(17) declaring nuisance for case #17-0245, second by Porter. **Vote: Yeas; Hoefler, Porter, Johnson, Riedmiller. Nays; None.**

14. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine announced a proposed agreement was received from the Railroad for rehabilitation of 56' of crossing on Church Street, with an estimated cost not to exceed \$77,166.68. This agreement will be reviewed further at the next City Council meeting. Devine also provided reports on the current month Sales Tax showing the monthly trend of sales tax receipts, and an unaudited Treasurer's Report/Budget Performance Report for the fiscal year-to-date. **No action taken.**

15. **REVIEW 2016 ANNUAL WATER AND SEWER DEPARTMENT REPORT**

Council Members reviewed the report presented. **No action taken.**

16. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

17. **DISCUSS BOONE COUNTY PLANNING COMMISSION REQUEST FOR INPUT ON POTENTIAL REGULATION CHANGES IN THE A-1 AND A-2 ZONES WITHIN BOONE COUNTY AND AUTHORIZE COUNCIL MEMBER(S) TO ATTEND THE MARCH 27, 2017 BOONE COUNTY PLANNING COMMISSION MEETING REGARDING THE SAME PROPOSED REGULATION CHANGES**

Clerk Devine provided a copy of the letter from the Boone County Zoning Administrator inviting City Council member's to attend their Planning Commission meeting on March 27, 2017 to discuss potential regulation changes for the A-1 and A-2 areas throughout the county. Devine stated he plans to attend. Councilman Hoefer made a motion to authorize Porter and Johnson to attend the March 27, 2017 Boone County Planning Commission meeting as representatives of the City of Albion on the matter of potential A-1 and A-2 regulation changes; second by Riedmiller. **Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.**

18. CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL

Councilman Riedmiller made a motion to approve employee evaluations of Joe Luettel and Joe Landauer; and any recommended step raise for Joe Luettel, second by Hoefer. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

19. CONSIDER ACTION REGARDING WATER TANK MAINTENANCE CONTRACT DATED AUGUST 12, 2003 BETWEEN THE CITY OF ALBION, NEBRASKA AND UTILITY SERVICE CO., INC.

Council Members discussed whether or not to renew the contract. The Council agreed the company's performance was not good; and it would be more cost effective for the City to hire maintenance work done as needed. Clerk Devine suggested budgeting the same amount for maintenance as in the past, and set aside any leftover money in a sinking fund for the next time the water tank needs painting. Councilman Riedmiller made a motion to terminate the Water Tank Maintenance Contract dated August 12, 2003 between the City of Albion, Nebraska and Utility Service Co., Inc.; second by Johnson. **Vote: Yeas; Johnson, Porter, Riedmiller, Hoefer. Nays; None.**

20. ITEMS FOR THE NEXT MEETING AGENDA

April 11, 2017 at 7:30 p.m. – Regular Meeting

- Second and Third Reading of Ord 258(17) Regarding Special Assessment on Delinquent Utility Bill
- Potential Replat Application and Vacation Request
- Right of Way Permits for Telecommunication Companies
- Employee Evaluations for Approval
- Mayoral Appointment of Building Inspector
- Nuisance Program Report and Update
- Railroad Agreement
- South Park Subdivision Agreement

21. **ADJOURN**

At 9:17 p.m. Council Member Riedmiller made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Hoefer, Johnson, Porter, 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