

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, APRIL 11, 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 April 11, 2017 at Albion City Hall, 420 West Market St., Albion, NE. Present were Mayor James C. Jarecki, Council Members Jon Porter, Walter Hoefer, and Marcus Johnson. City staff present: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Police Officer Mike Mapel, Utility Billing Clerk Amber Wynn, and City Attorney Darren Wright. 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.

Councilman Porter made a motion to excuse Riedmiller, second by Johnson.  
**Vote: Yeas; Porter, Hoefer, Johnson. Nays; None.**

**MAYOR’S COMMENTS**

Mayor Jarecki stated he will be mowing the Library lawn a few more times at no cost to the City as part of the landscaping and lawn project from last year. Jarecki noted fertilizing of the Library lawn was not in his bid specs due to different application requirements for new lawn; so there will be a separate billing for it. Mayor Jarecki reviewed some Open Meetings Act rules and guidelines that Clerk Devine received from the Nebraska Clerk’s Academy.

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

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

**3. 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**

Council Members reviewed the contract. Councilman Porter stated in the first sentence of #1 the words “arranging and” should be deleted to avoid conflicting terminology. Clerk Devine presented a revised Preliminary Plat as approved by the

Council at the last meeting. Councilman Hoefler made a motion to approve the Subdivision Agreement with Dana and Karen Andersen with the noted change, and authorize the Mayor or his representative to sign the same; second by Porter. **Vote: Yeas; Hoefler, Johnson, Porter. Nays; None. Absent; Riedmiller.**

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

Clerk Devine reviewed the agreement with Council Members. Devine stated Water Commissioner Morearty would like to have water line extended from the new Parkview Street over to the main at the Well House. Devine explained this cost would not be included in the agreement; however, it would make sense to do it at this time, and would be beneficial to the subdivision. Clerk Devine and Council Members also discussed getting adequate sewer services to the subdivision. Councilman Porter made a motion to approve the Agreement with JEO Regarding Design and Construction Services for South Park Subdivision Improvements, and authorize the Mayor or his representative to sign the same; second by Johnson. **Vote: Yeas; Johnson, Porter, Hoefler. Nays; None. Absent; Riedmiller.**

5. **CONSIDER ACTION ON ORDINANCE 258(17) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF RICKY BADER**

Mayor Jarecki instructed Clerk Devine to read Ordinance 258(17) for the second time. Councilman Porter made a motion to suspend the rules, second by Johnson. **Vote: Yeas; Porter, Hoefler, Johnson. Nays; None. Absent; Riedmiller.** Clerk Devine read Ordinance 258(17) for the third time. Councilman Johnson made a motion to approve the second and third readings, and final passage of Ordinance 258(17); second by Porter. **Vote: Yeas; Johnson, Hoefler, Porter. Nays; None. Absent; Riedmiller.**

6. **CONSIDER ROAD CROSSING REHABILITATION AGREEMENT WITH NEBRASKA CENTRAL RAILROAD COMPANY, INC.**

Clerk Devine reviewed the agreement with Council Members. There was discussion regarding verification of actual costs on the miscellaneous items. Councilman Hoefler made a motion to approve Agreement with Nebraska Central Railroad with a cap of \$77,166.68 and to authorize the Mayor or his representative to sign the same; second by Johnson. **Vote: Yeas; Johnson, Porter, Hoefler. Nays; None. Absent; Riedmiller.**

7. **CONSIDER THE FOLLOWING AGREEMENTS WITH THIELE GEOTECH, INC:**

- FOR MATERIALS TESTING SERVICE FOR THE CHURCH STREET IMPROVEMENT PROJECT
- FOR MATERIALS TESTING SERVICE FOR THE SPORTS COMPLEX MULTIPURPOSE COURTS PROJECT
- FOR GEOTECHNICAL EXPLORATION FOR THE FAIRVIEW STREET IMPROVEMENT PHASE II PROJECT
- FOR GEOTECHNICAL EXPLORATION FOR THE SOUTH PARK SUBDIVISION DEVELOPMENT PROJECT

Clerk Devine stated two bids were received. The bid from Thiele Geotech, Inc. was approximately \$2,400 less than the bid from Terracon. Devine explained the materials testing is for actual construction; and the exploration is of the base soil composition, which aids in designing the street to last. Councilman Porter made a motion to approve the four Agreements with Thiele Geotech, Inc.; second by Johnson. **Vote: Yeas; Hoefler, Porter, Johnson. Nays; None. Absent; Riedmiller.**

8. **CONSIDER RIGHT OF WAY PERMIT APPLICATIONS AND/OR RENEWALS FOR APPROVAL:**

- EAGLE COMMUNICATIONS
- GREAT PLAINS COMMUNICATIONS
- FRONTIER COMMUNICATIONS

Clerk Devine stated there are no new Right-of-Way Permit applications this year. Councilman Porter made a motion to approve Right-of-Way renewal applications of Eagle Communications and Great Plains Communications; and approve Frontier Communications once all requirements are met, second by Johnson. **Vote: Yeas; Johnson, Hoefler, Porter. Nays; None. Absent; Riedmiller.**

9. **CONSIDER RESOLUTION 106(17) ACCEPTING AND ADOPTING THE OWNER/OCCUPIED HOUSING REHABILITATION GUIDELINES AND REUSE PLAN FOR RECAPTURED AND PROGRAM INCOME FUNDS**

Clerk Devine stated each community is now required to maintain its own Rehabilitation Guidelines. Councilman Johnson made a motion to introduce and adopt Resolution 106(17) Accepting and Adopting the Owner/Occupied Housing Rehabilitation Guidelines and Reuse Plan for Recaptured and Program Income Funds, second by Porter. **Vote: Yeas; Porter, Hoefler, Johnson. Nays; None. Absent; Riedmiller.**

10. **NUISANCE PROGRAM UPDATE AND REPORT**

Officer Mapel gave an updated report on nuisance and Health Board Housing violations. **No action taken.**

11. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine added that he was contacted by Hilary Maricle for the City's assistance in getting water to the new trees that will be planted on the East side of the Fairgrounds next month. They also discussed campground expansion in that area. Devine provided building permit/zoning official report, the current month Sales Tax Report 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.**

12. **CONSIDER KAWASAKI PUBLIC AGENCY LOAN AGREEMENT FOR UTV**

Council Members reviewed the Loan Agreement. The cost would be zero to lease a UTV for a season; however, the required exclusive use would need to be for public safety. After discussion, the Council decided the UTV would be used for Parks and not for public safety. **No action taken.**

13. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

14. **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 APRIL 24, 2017 BOONE COUNTY PLANNING COMMISSION MEETING REGARDING THE SAME PROPOSED REGULATION CHANGES**

Clerk Devine gave a review of the March 27, 2017 Boone County Planning Commission meeting that he and Councilmen Johnson and Porter attended. Devine provided maps for the Council to review regarding potential regulation changes for the

**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING APRIL 11, 2017**

A-1 and A-2 areas throughout the county. Devine, Johnson, and Porter plan to attend the April 24, 2017 meeting also. **No action taken.**

**15. CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL**

Councilman Porter made a motion to approve annual evaluations and appropriate step raises of James Bader and Brent Lipker, second by Johnson. **Vote: Yeas; Hoefler, Porter, Johnson. Nays; None. Absent; Riedmiller.**

**16. CONSIDER AWARD OF CONTRACT FOR SPORTS COMPLEX CONCESSION STAND OPERATION**

Councilman Johnson made a motion to award contract for Sports Complex Concession Stand Operation to Albion Baseball and Softball Organizations, with Tracy Hedlund as representative; second by Porter. **Yeas; Hoefler, Johnson, Porter. Nays; None. Absent; Riedmiller.**

**17. CONSIDER MEMBERSHIP APPLICATION OF WARREN MYERS TO THE ALBION VOLUNTEER FIRE DEPARTMENT**

Councilman Johnson made a motion to approve membership application of Warren Myers to the Albion Volunteer Fire Department, second by Porter. **Yeas; Johnson, Porter, Hoefler. Nays; None. Absent; Riedmiller.**

**18. ITEMS FOR THE NEXT MEETING AGENDA**

**May 9, 2017 at 7:30 p.m. – Regular Meeting**

- Potential Street Vacation Request and Replat Application
- Nuisance Program Report
- Resolution Establishing Mutual Law Enforcement Jurisdiction
- Review Annual Identity Theft Prevention Program Report
- Employee Evaluations for Approval
- Award of Bid for Fire Training Facility
- Final Plat of South Park Subdivision

19. **ADJOURN**

At 9:03 p.m. Council Member Hoefler made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Johnson, Hoefler, Porter. Nays; None. Absent; Riedmiller.**

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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk