

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, MAY 9, 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 May 9, 2017 at Albion City Hall, 420 West Market St., Albion, NE. Present were Mayor James C. Jarecki, Council Members Walter Hoefler, Jim Riedmiller, Marcus Johnson, and Jon Porter. City staff present: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Police Officer Mike Mapel, Sewer Commissioner Joe Luettel, Water Commissioner Ron Morearty, and Deputy City Attorney Jessica Fauss. 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 informed the public about the location of the current copy of the Open Meetings Act posted in the Council Chambers. The Mayor reminded the public that questions immediately following council meetings need to be directed to the Mayor or Council. If there are questions not pertaining to the meeting for Clerk Devine, they should to be addressed during business hours. Mayor Jarecki stated a surveillance camera has been installed at the tree pile site.

2. CONSIDER MINUTES OF APRIL 6, 2017 AND APRIL 11, 2017 CITY COUNCIL MEETINGS FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the April 6, 2017 and April 11, 2017 City Council meetings; second by Hoefler. **Vote: Yeas; Johnson, Hoefler, Porter, Riedmiller. Nays; None.**

3. **OPEN PUBLIC HEARING TO CONSIDER REPLAT APPLICATION #2017-04 AND VACATION REQUEST OF RANDY HEDLUND TO REPLAT LOTS 7 AND 8, BLOCK 6, AND PART OF LOT 5, BLOCK 7, ORIGINAL TOWN OF ALBION, BOONE COUNTY, NEBRASKA INCLUDING THE VACATION OF THE WEST HALF OF THIRD STREET FROM MAIN STREET THENCE NORTH TO THE UNION PACIFIC RAILROAD, AND ADJACENT TO LOT 8, BLOCK 6, ORIGINAL TOWN OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:32 p.m. The Mayor sought public comment. Jeff Jarecki spoke on behalf of the Albion Economic Development Committee, current owners of the lot; and as representative for Randy Hedlund who is requesting the replat and vacation. Jarecki explained the application, stating Mr. Hedlund's plan to develop the lots. Following public testimony, the Mayor closed the public hearing at 7:34 p.m. Council Members discussed the application. Councilman Porter made a motion to approve Replat Application #2017-04 and vacation request of Randy Hedlund to replat Lots 7 and 8, Block 6, and part of Lot 5, Block 7, Original Town of Albion, Boone County, Nebraska including the vacation of the West Half of Third Street from Main Street Thence North to the Union Pacific Railroad, and adjacent to Lot 8, Block 6, Original Town of Albion, Boone County, Nebraska; second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefler. Nays; None.**

- CONSIDER INTRODUCTION OF ORDINANCE 259(17) VACATING THE WEST HALF OF THIRD STREET FROM MAIN STREET THENCE NORTH TO THE UNION PACIFIC RAILROAD, AND ADJACENT TO LOT 8, BLOCK 6, ORIGINAL TOWN OF ALBION, BOONE COUNTY, NEBRASKA

Councilman Johnson made a motion to introduce Ordinance 259(17). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Porter made a motion to suspend the rules, second by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Porter, Riedmiller. Nays; None.**

Mayor Jarecki instructed Clerk Devine to read the ordinance for the second and third time. Following the second and third readings Councilman Porter made a motion to approve all readings and for final passage and adoption of Ordinance 259(17), second by Johnson. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 259(17) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 259(17) finally pass?" **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefler. Nays; None.**

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

Clerk Devine reviewed the Andersen’s proposed amendment with Council Members. The changes would include the City putting up an 8’ privacy fence between the development and campground expansion if the expansion occurs. The second request would be for the City to pay JEO Consulting costs of \$29,500 for the design and review of infrastructure in the development. Discussion ensued. Council Members decided to consider creating a policy for cost benefit analysis before making the amendment. This will be done during a special meeting on Thursday, May 25, 2017 at 7:00 a.m. Councilman Riedmiller made a motion to table the amendment to the Subdivision Development Agreement with Dana and Karen Andersen until the May 25th special meeting; second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

5. **CONSIDER AGREEMENT WITH JEO CONSULTING GROUP, INC. FOR SALE BARN ROAD WATER MAIN REPLACEMENT PROJECT**

Council Members reviewed a map of the proposed replacement of water main. Clerk Devine noted it would provide an opportunity to place a fire hydrant near the tree/burn pile. Council Members discussed also replacing a 2” poly water main between Depot Street and Church Street. Councilman Porter made a motion to table agreement, with request for additional information on adding to the project scope; second by Riedmiller. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

6. **CONSIDER BID TABULATION AND RECOMMENDATION OF THE ALBION VOLUNTEER FIRE DEPARTMENT FOR THE AWARD OF CONTRACT FOR THE CONSTRUCTION OF A COMMERCIAL BUILD STATIONARY FIRE TRAINING FACILITY**

Clerk Devine stated that two bids were received for the fire training facility. One from Fire Training Structures, LLC of Phoenix, Arizona for \$208,355; and the other from American Fire Training Systems, Inc. of Rockport, Illinois for \$191,317.39. Bid opening was May 4th at 1:30 p.m. at City Hall. Those present included Clerk Devine, City Attorney Wright, and Fire Chief Benne. The Albion Volunteer Fire Department and Albion Rural Fire District #1 Board reviewed the bids and recommended awarding the bid to Fire Training Structures, LLC. The American Fire Training Systems, Inc. bid did not meet all required specifications. The bid from Fire Training Structures, LLC met all specifications and surpassed the other company’s bid specifications in multiple areas. Albion Volunteer Firemen Ray Dozler and Weston Ray provided additional information regarding the stationary fire training facility, and stated that the Rural Fire Department would be splitting the cost of the project. Clerk Devine noted the Fire Department has sufficient funds for the project in their sinking funds; however, depending on when the

project's bills come due, a budget amendment may be necessary at the end of the fiscal year. Councilman Riedmiller made a motion to approve contract with Fire Training Structures, LLC in the amount of \$208,355 for the construction of one commercially built stationary fire training facility; second by Hoefer. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

7. **CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE 260(17) RELATING TO LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF MATTHEW J. SCARLETT ON THE FOLLOWING DESCRIBED PROPERTY: LOTS TWO (2) AND THREE (3) OF F.B. TIFFANY'S ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA, EXCEPTING THEREFROM THE NORTH TWELVE (12) FEET OF SAID LOTS**

Councilman Porter made a motion to introduce Ordinance 260(17). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Porter made a motion to approve first reading of Ordinance 260(17), second by Johnson. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

8. **CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE 261(17) RELATING TO LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF ALBION SEWING CENTER (TENANT), MICHAEL W. OLSON, (LANDLORD) ON THE FOLLOWING DESCRIBED PROPERTY: THE EAST 94 FEET OF THE SOUTH 22 FEET OF THE NORTH 44 FEET OF LOTS 1 AND 2, BLOCK 12, ORIGINAL TOWN OF ALBION, BOONE COUNTY, NEBRASKA; AND THE SOUTH 8 FEET OF THE WEST 38 FEET OF THE NORTH 44 FEET OF SAID LOT 2, INCLUDING ALL RIGHTS IN THE PARTY WALL AGREEMENTS AND SUBJECT TO ALL CONDITIONS IN THE PARTY WALL AGREEMENTS OF RECORD**

Clerk Devine stated the bill has been paid in full. **No action taken.**

9. **CONSIDER RESOLUTION 107(17) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION**

Clerk Devine noted this is an annual renewal agreement. Mayor Jarecki explained this would cover a 1-mile radius, which helps the police department to patrol our assets outside of city limits. Councilman Porter made a motion to introduce and approve Resolution 107(17) Establishing Mutual Law Enforcement Jurisdiction, second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

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

Officer Mapel presented Inspection Reports to the Mayor and Council for review. Mapel strongly recommended some be reviewed by the Health Board for health and safety issues. The City of Albion Health Board consists of: City Physician, Mayor, Chief of Police, Fire Chief, and President of City Council. Mayor Jarecki asked Deputy City Attorney Fauss to review Health Board procedure. Mapel stated there will probably be more courtesy and violation notices next month.

- CONSIDER RESOLUTION SERIES 108(17) DECLARING NUISANCES

Councilman Johnson made a motion to introduce and approve Resolution Series 108(17) 1-5, second by Hoefer. **Vote: Yeas; Hoefer, Porter, Johnson, Riedmiller. Nays; None.**

11. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine added that concrete was poured for the new tennis, pickleball, and basketball courts. Completion of the project should be in mid-June. Removals on the East Church Street project are complete and grading will begin. The County put white rock on South Street approach. Bygland's will add crushed asphalt in campgrounds. Jim Bader is getting quotes for planned repairs on Clark Street and 6th Street. Repairs on 5th Street and Columbia Street by school will need to be addressed. A building permit application was received by Aschoff Construction for the 12 unit multi-family apartment structure between 10th and 11th Streets. Recent water issues include the need to separate shared water lines between three businesses downtown; and water pressure problem for Chris Kohtz when Helena is activating fertilizer. Devine noted this problem is not due to the City's water system. **No action taken.**

12. **REVIEW ANNUAL IDENTITY THEFT PREVENTION PROGRAM REPORT**

Clerk Devine provided an Annual Report for the Identity Theft Prevention Program that was adopted by the City Council in 2009 due to the utility accounts. There were no identity theft incidents or red flags reported over the past year; and Devine recommended no changes to the program at this time. **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 Hoefler. **Vote: Yeas; Johnson, Hoefler, Porter, Riedmiller. Nays; None.**

14. **CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Porter made a motion to approve annual review of Ron Morearty; and step raise and carry-over as recommended, second by Johnson. **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.**

15. **CONSIDER MEMBERSHIP APPLICATION TO THE ALBION VOLUNTEER FIRE DEPARTMENT OF TAYLOR NELSON**

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

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

May 25, 2017 at 7:00 a.m. - Special Meeting

- Subdivision Agreement Policy
- Amend Subdivision Development Agreement
- JEO Agreement/Sale Barn Road Water Main

June 13, 2017 at 7:30 p.m. – Regular Meeting

- Final Plat Application of Dana and Karen Andersen
- Annual Delinquent Utility Account Report
- Nuisance Program Report/Update
- Possible Action on Ordinance 260(17) for Unpaid Utilities

17. **ADJOURN**

At 9:00 p.m. Council Member Hoefer made a motion to adjourn the meeting, second by Riedmiller. **Vote: Yeas; Porter, Hoefer, 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