

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING – PUBLIC HEARING**  
**TUESDAY, NOVEMBER 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 November 14, 2017 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Walter Hoefer, Marcus Johnson, Jim Riedmiller, and Jon Porter. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Water Commissioner Ron Morearty, Billing Utility Clerk Amber Wynn, Officer Mike Mapel, 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 congratulated the Boone Central/Newman Grove Football Team for making it to the State Finals. **No action taken.**

**2. CONSIDER MINUTES OF OCTOBER 13, 2017 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Porter made a motion to approve the minutes of the October 13, 2017 City Council meeting; second by Johnson. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

**3. CONSIDER PROPOSAL FROM DON MROCZEK REGARDING GROUP PLAN IDSHIELD IDENTITY THEFT PROTECTION PRODUCT FOR CITY EMPLOYEES**

Don Mroczek and Ann Giebler presented information to the Council on IDShield and LegalShield Identity Theft Protection products to consider as a benefit to City employees. **No action taken.**

4. **CONSIDER BIDS FOR THE SALEBARN ROAD WATER MAIN PROJECT FOR APPROVAL AND AWARD OF CONTRACT, AUTHORIZING THE MAYOR TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Clerk Devine stated that seven bids were received for the project. Following the bid tabulation review, JEO recommended awarding the bid to Rutjen's Construction of Tilden, NE. Rutjen's Construction bid was for \$60,727.30 with a start date of March 2, 2018. Councilman Riedmiller made a motion to approve the bid of Rutjens Construction in the amount of \$60,727.30; award the contract to the same and authorize the Mayor to sign any and all contract documents; second by Hoefer. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

5. **CONSIDER RESOLUTION 121(17) DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF THE SAME**

Council Members reviewed the resolution for the Police Departments three light bars to be offered for sale. Councilman Porter made a motion to introduce and approve Resolution 121(17) Declaring surplus property and authorizing the sale of the same, second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Johnson, Porter. Nays; None.**

6. **CONSIDER RESOLUTION SERIES 122(17) DECLARING PUBLIC NUISANCES**

Council Members reviewed two nuisances provided by Officer Mike Mapel. Councilman Johnson made a motion to introduce and approve Resolution Series 122(17) 1- 2 Declaring Public Nuisances, second by Porter. **Vote: Yeas; Hoefer, Johnson, Porter, Riedmiller. Nays; None.**

7. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY DOUGLAS E. SHARP TO REPLAT LOTS 14 AND 15, BLOCK 7, F.C. HAWKS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:55 p.m. The Mayor sought public testimony. Clerk Devine noted that Sharp would like to combine two lots into one for an addition to his house. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 7:55 p.m. Councilman Porter made a motion to approve application for Administrative Plat #2017-05 by Douglas E. Sharp, second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

8. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY BOONE COUNTY TO REPLAT A TRACT OF LAND COMPRISING A PART OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:56 p.m. The Mayor sought public testimony. Boone County Commissioner, Hilary Maricle, explained the replat is to clean up the boundaries between City and County properties along the Park and Fairgrounds. Clerk Devine stated some of Fuller Park is on County property. A sketch submitted by Hays Land Surveying, LLC indicated where new property lines would be. Devine explained that the County intends to retain ownership of Lot 1; and transfer ownership of Lots 2, 3, and 4 to the City. Lots 3 and 4 are potential areas for campground and bathhouse expansion. Mayor Jarecki sought further input. Hearing none, the Mayor closed the public hearing at 8:01 p.m. Councilman Riedmiller made a motion to approve application for Administrative Plat #2017-06 by Boone County, second by Hofer. **Vote: Yeas; Riedmiller, Porter, Hofer, Johnson. Nays; None.**

9. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY DAVID OTTO WOLF AND JAMES MELVIN WOLF, TRUSTEES OF ELAINE WOLF TRUST, TO REPLAT A TRACT OF LAND COMPRISING A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS 1015 SOUTH 6<sup>TH</sup> STREET, ALBION, NEBRASKA**

Mayor Jarecki opened the public hearing at 8:02 p.m. The Mayor sought public input. No testimony was received. Mayor Jarecki closed the public hearing at 8:03 p.m. Clerk Devine noted the Planning Commission recommended approval of the application and immediate annexation of the portion of property not already in City limits. Councilman Porter made a motion to approve application for Administrative Plat #2017-07 by David Wolf and James Wolf, second by Hofer. **Vote: Yeas; Hofer, Johnson, Riedmiller, Porter. Nays; None.**

10. **CONSIDER PLANS AND SPECIFICATIONS OF THE FAIRVIEW DRAINAGE PHASE II PROJECT AND AUTHORIZE ADVERTISEMENT FOR BIDS**

Nathan Boone of JEO Consulting Group provided revised plans and cost opinions of the project and reviewed them with the Council. Discussion ensued. Mr. Boone stated construction of the project is to begin in the spring with substantial

completion date of August 15, 2018; and final completion by December 1, 2018. Councilman Hoefer made a motion to approve plans and specifications of the Fairview Drainage Phase II Project, and authorize for advertisement for bids; second by Riedmiller. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

**11. CONSIDER ORDINANCE 264(17) CREATING ALBION STREET IMPROVEMENT DISTRICT #2018-01**

Councilman Porter made a motion to introduce Ordinance 264(17) Creating Albion Street Improvement District #2018-01. Mayor Jarecki instructed Clerk Devine to read Ordinance 264(17) for the first time. Councilman Johnson made a motion to suspend the statutory rule requiring reading of Ordinance on three different days, second by Porter. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 264(17) by title for the second and third time. Councilman Johnson made a motion to accept all readings and for final passage and adoption of Ordinance 264(17), second by Porter. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 264(17) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 264(17) finally pass?” **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays: None.**

**12. CONSIDER RESOLUTION 123(17) SETTING THE DATE OF HEARING OF SUFFICIENCY OF ANY OBJECTIONS WITH RESPECT TO THE CREATION OF ALBION STREET IMPROVEMENT DISTRICT #2018-01 FOR DECEMBER 12, 2017**

Council Members reviewed the resolution. Clerk Devine stated following the publication of Ordinance 264(17) there will be a 20 day protest period for adjacent property owners. If 51% or more of adjacent property owners protest, it would kill the creation of the district. Resolution 123(17) sets the date of the public hearing to receive these potential protests. Councilman Porter made a motion to introduce and approve Resolution 123(17) and add the appropriate title which is on Agenda Item #12, second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

**13. CONSIDER APPROVAL OF MAINTENANCE AGREEMENT #84 BETWEEN NEBRASKA DEPARTMENT OF TRANSPORTATION AND THE CITY OF ALBION**

Clerk Devine stated there were no changes to the agreement from the previous year. Councilman Hoefer made a motion to approve Maintenance Agreement #84 between Nebraska Department of Transportation and the City of Albion, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

14. **CONSIDER RIGHT OF WAY PERMIT APPLICATIONS OF FRONTIER COMMUNICATIONS FOR PROPOSED PLACEMENT OF NEW BURIED FIBER OPTIC LINE**

Councilman Hoefer made a motion to table action on Right of Way Permit applications of Frontier Communications for proposed placement of Fiber Optic cable, second by Riedmiller. **Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.**

15. **CONSIDER ORDINANCE 265(17) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA AMENDING SECTIONS 3-201, 3-202, AND 3-206 OF THE MUNICIPAL CODE REGARDING ABANDONED VEHICLES, EQUIPMENT AND MACHINERY, NOTICE REQUIREMENTS TO OWNERS, AND PENAL PROVISIONS**

Clerk Devine stated both he and Chief Lipker recommend approval of this ordinance. Councilman Porter made a motion to introduce Ordinance 265(17) An Ordinance of the City of Albion, Nebraska Amending Sections 3-201, 3-202, and 3-206 of the Municipal Code Regarding Abandoned Vehicles, Equipment and Machinery, Notice Requirements to Owners, and Penal Provisions. Mayor Jarecki instructed Clerk Devine to read Ordinance 265(17) for the first time. Councilman Porter made a motion to suspend the statutory rule requiring reading of Ordinance on three different days, second by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 265(17) by title for the second and third time. Councilman Johnson made a motion to accept all readings and for final passage and adoption of Ordinance 265(17), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 265(17) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 265(17) finally pass?” **Vote: Yeas; Riedmiller, Porter, Hoefer, Johnson. Nays: None.**

16. **ACKNOWLEDGEMENT OF RECEIPT OF THE CITY ADMINISTRATOR REPORT TO THE CITY COUNCIL REGARDING THE STATUS OF VARIOUS CITY DEPARTMENTS, CITY ACTIVITIES, AND CITY FINANCIAL REPORTS**

Clerk Devine had previously provided a written report for Council Members to review. **No action taken.**

17. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS REPORT**

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

**18. CONSIDER MAKING A DONATION TO THE NEBRASKA RURAL WATER ASSOCIATION IN APPRECIATION FOR ASSISTANCE WITH UTILITY RATES SURVEYS, WATER PRESSURE MONITORING, AND USE OF LEAK DETECTION EQUIPMENT AT THE ALBION FAMILY AQUATIC CENTER**

Council Members evaluated the many areas of assistance the NRWA has provided the City of Albion through the years. Councilman Porter made a motion to approve a donation to the Nebraska Rural Water Association in the amount of \$1,000 in appreciation for assistance with Utility Rate Studies, Water Pressure Monitoring, and leak detection at the Albion Family Aquatic Center; second by Johnson. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

**19. CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Porter made a motion to approve employment evaluation of Joe Predmore, second by Hoefer. **Vote: Yeas; Riedmiller, Porter, Hoefer, Johnson. Nays; None.**

**20. DISCUSS WATER WELL SITE OPTIONS INCLUDING STRATEGY WITH RESPECT TO POTENTIAL REAL ESTATE PURCHASES AND CONSIDER AUTHORIZING MAYOR AND CITY ADMINISTRATOR TO NEGOTIATE TERMS FOR SITE ACQUISITION**

At 8:58 p.m. Councilman Riedmiller made a motion to enter into executive session for the protection of the public interest by holding a strategy session with respect to potential real estate purchases, second by Porter. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

At 9:10 p.m. Councilman Hoefer made a motion to exit closed session, second by Johnson. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

Councilman Porter made a motion to authorize Mayor and City Administrator to negotiate terms of a new Well site acquisition, second by Riedmiller. **Vote: Yeas; Riedmiller, Porter, Hoefer, Johnson. Nays; None.**

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

**Next Regular Meeting: December 12, 2017 at 7:30 p.m.**

- Annexation of ESW Subdivision
- Award of Bid – Fairview Drainage Phase II Project
- Public Hearing for Street Improvement District
- Mayoral Appointments
- Possible Action on ID Shield

22. **ADJOURN**

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

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk