

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – TUESDAY, JUNE 12, 2018

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 June 12, 2018 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jim Riedmiller, Jon Porter, Walt Hoefler, and Marcus Johnson. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Water Commissioner Ron Morearty, Utility Bill Clerk Amber Wynn, Sewer Commissioner Joe Luettel, Officer Mike Mapel, 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.

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 commented on the many summer activities going on in the community. Mayor Jarecki reported the Fairview Street project is progressing well; a pre-construction meeting was held for the Salebarn Road water main repair; and construction has begun on the Recreational Trails project.

2. CONSIDER MINUTES OF THE MAY 8, 2018 CITY COUNCIL MEETING FOR APPROVAL

Councilman Porter made a motion to approve the minutes of the May 8, 2018 City Council meeting; second by Johnson. **Vote: Yeas; Johnson, Porter, Riedmiller, Hoefler. Nays; None.**

3. CONSIDER LAND LEASE AGREEMENT WITH VERIZON WIRELESS TO INSTALL, MAINTAIN AND OPERATE COMMUNICATIONS EQUIPMENT UPON CITY PROPERTY LOCATED AT 199 W CLARK STREET, MORE COMMONLY KNOWN AS THE OLD COMPACTOR SHED PROPERTY

Mayor Jarecki stated the City is awaiting response from Verizon regarding the City’s revisions to the agreement. Councilman Porter made a motion to postpone action, second by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. Nays; None.**

4. **CONSIDER ORDINANCE 269(18) GRANTING BLACK HILLS GAS DISTRIBUTION, LLC D/B/A BLACK HILLS ENERGY, A DELAWARE CORPORATION, ITS LESSEES, SUCCESSORS AND ASSIGNS, A NATURAL GAS FRANCHISE AND THE AUTHORITY TO CONSTRUCT, OPERATE, MAINTAIN, AND EXTEND A NATURAL GAS DISTRIBUTION PLAN AND SYSTEM, AND GRANTING THE RIGHT TO USE THE STREETS, ALLEYS, AND OTHER PUBLIC PLACES WITHIN THE PRESENT OR FUTURE CORPORATE LIMITS OF THE CITY OF ALBION, NEBRASKA**

Clerk Devine stated Mayor Jarecki, City Attorney Wright, and himself met with Black Hills Energy to discuss the franchise agreement. Devine pointed out there were two major changes to the natural gas franchise. The City would no longer be responsible for paying for gas relocations in the city right-of-way due to a city project; and the franchise fee was removed from the agreement ordinance to be set by a separate ordinance so elected changes to the fee could be made without amending the franchise agreement. Brandy Johnson, Community Affairs Manager for Black Hills Energy, explained the franchise agreement is a right-of-way agreement they use with other communities they serve. The 25 year term is standard for the agreement.

Councilman Porter made a motion to introduce Ordinance 269(18). Mayor Jarecki instructed Clerk Devine to read Ordinance 269(18) for the first time. Councilman Johnson made a motion to suspend the statutory rule requiring reading of the ordinance on three different days, second by Porter. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 269(18) by title for the second and third time. Councilman Johnson made a motion to approve all readings and for final passage of Ordinance 269(18), second by Porter. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 269(18) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 269(18) finally pass?" **Vote: Yeas; Riedmiller, Hoefer, Porter, Johnson. Nays; None.**

5. **CONSIDER ORDINANCE 270(18) ESTABLISHING A FRANCHISE FEE ON ENERGY PROVIDERS OPERATING IN THE CITY OF ALBION, NEBRASKA**

Clerk Devine explained this ordinance would set the franchise fee on energy providers. The fee would remain the same amount as it has been, which is .0081 per therm. The ordinance also outlines responsibilities for each party.

Councilman Johnson made a motion to introduce Ordinance 270(18). Mayor Jarecki instructed Clerk Devine to read Ordinance 270(18) for the first time. Councilman Porter made a motion to suspend the statutory rule requiring reading of the ordinance on three different days, second by Johnson. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 270(18) by title for the second and third time. Councilman Johnson made a motion to approve all readings and for final passage of Ordinance 270(18), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 270(18) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 270(18) finally pass?" **Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.**

6. **CONSIDER RESOLUTION 114(18) ESTABLISHING A POLICY REGARDING THE ACCEPTANCE OF CHECKS AS PAYMENT FOR CITY SERVICES AND/OR UTILITIES OR OTHER PAYMENTS TO THE CITY OF ALBION, NEBRASKA**

Clerk Devine and Utility Clerk Wynn explained the resolution and how it would be more comprehensive to the City's policy on acceptance of payments.

Councilman Porter made a motion to introduce Resolution 114(18), second by Riedmiller. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

7. **NUISANCE PROGRAM REPORT – Albion Police Department**

• **CONSIDER RESOLUTION SERIES 115(18) DECLARING NUISANCES FOR APPROVAL**

Officer Mapel reviewed the four nuisances with the Council and commented there are a few more properties he still needs to inspect. Mapel stated he would like to separate tall grass and weeds from other nuisances to proceed more quickly with abatement. This would be done by issuing citations. Councilman Porter questioned if the current ordinance would need to be changed to allow that separation. City Attorney Wright didn't think it would. Clerk Devine expressed his concern to charge enough for abatement of tall grass and weeds if City employees do the mowing. Officer Mapel requested clarification on assorted abatement procedures. Discussion ensued.

Councilman Hoefer made a motion to introduce Resolution Series 115(18) 1-4, second by Johnson. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

8. **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. Devine added that installation of additional security cameras throughout the City is almost completed. **No action taken.**

9. **ACKNOWLEDGEMENT OF RECEIPT OF THE ANNUAL DELINQUENT UTILITY ACCOUNT REPORT**

Utility Billing Clerk Amber Wynn provided a report for Council Members to review. **No action taken.**

10. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

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

- CONSIDER PAY APPLICATION #3 OF MIDLAND'S CONTRACTING, INC. FOR FAIRVIEW STORM SEWER PHASE II PROJECT FOR APPROVAL

Councilman Porter made a motion to approve Pay Application #3 of Midlands Contracting, Inc. for the Fairview Storm Sewer Improvements, Phase II Project in the amount of \$307,598.78; second by Hoefer. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

11. **CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Porter made a motion to approve employee evaluation of Ron Morearty, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

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

Next Regular Meeting: July 17, 2018 at 7:30 p.m.

- Public Hearing- Conditional Use Application of Wolf Land, LLC

13. **ADJOURN**

At 8:20 p.m. Council Member Riedmiller made a motion to adjourn the meeting, second by Porter. **Vote: Yeas; Hoefer, Porter, 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 news 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