

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, OCTOBER 9, 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 October 9, 2018 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jon Porter, Walt Hoefer, Marcus Johnson, and Jim Riedmiller. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Water Commissioner Ron Morearty, Utility Billing Clerk Amber Wynn, City Attorney Darren Wright, and Officer Joe Predmore. 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. The meeting was recorded using an audio recording device and such recording is available for inspection at the office of the City Clerk.

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 stressed the importance of using the walking trail and new sidewalk on Fairview for safety purposes. **No action taken.**

2. CONSIDER APPROVAL OF MINUTES OF THE SEPTEMBER 27, 2018 CITY COUNCIL MEETING

Councilman Porter made a motion to approve the minutes of the September 27, 2018 City Council meeting; second by Johnson. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

3. CONSIDER VACATION REQUEST 2018-01 OF BOONE COUNTY AND THE BOONE COUNTY HEALTH CENTER TO VACATE THE WEST HALF OF FULLER STREET BETWEEN 7TH STREET AND 8TH STREET

Council Members reviewed the application. Clerk Devine stated that the Planning Commission reviewed the application and recommended approval. Tanya Sharp and Geoff McGill of the Boone County Health Center explained the reason for the application is to expand the Health Center. The addition would need to be attached to the hospital in order to keep their Critical Access and Rural Health status, so that street area is their best option. Sharp also stated they are applying for USDA funding which would not commit to the loan until there is approval for street closure. City Attorney Wright asked for clarification of location of the building project as the sketch reveals they might need the south half of the east half of the street closed as

well. Ms. Sharp stated these are just proposed prints and they would build according to what the City approves. Clerk Devine informed Ms. Sharp and Mr. McGill that if more of the street would need to be closed for the project they would need to complete another vacation request application. Clerk Devine noted there are no city water and sewer utilities under the proposed building area, however there is to the east of it. Discussion of utility locations continued.

Councilman Riedmiller made a motion to approve vacation application 2018-01 of Boone County and the Boone County Health Center to close the west half of Fuller Street between 7th and 8th Streets contingent upon final design, USDA funding, and relocation of all necessary utilities including any necessary surface storm drainage; second by Porter. **Vote: Yeas; Johnson, Porter, Hoefler, Riedmiller. Nays; None.**

4. **BOONE COUNTY FOUNDATION FUND CHILDCARE COMMITTEE TO UPDATE THE MAYOR AND CITY COUNCIL ON COMMITTEE ACTIVITIES**

Kurt Kruse, committee member for the Boone County Foundation Fund, presented the Council with information on the beginning stages of planning for an Early Childhood Development Center. Property has been purchased for the Center, a steering committee has been formed, and a preliminary capital budget and operating budget have been developed. A planning meeting will be held at the Cardinal Inn on October 22, 2018 at 7:00 p.m. which City Administrator Devine and two of the Council Members plan to attend. **No action taken.**

5. **CONSIDER ORDINANCE 273(18) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, AMENDING CHAPTER I, CIVIL ADMINISTRATION, OF THE ALBION CITY CODE TO INCORPORATE RULES OF USE FOR THE CITY RECREATIONAL TRAIL**

Council Members reviewed the draft of the ordinance and discussed whether to include the paragraph in regards to littering. It was decided to keep that paragraph in the ordinance. Councilman Porter made a motion to introduce Ordinance 273(18) Amending Chapter I, Civil Administration, of the Albion City Code to Incorporate Rules of Use for the City Recreational Trail. Mayor Jarecki instructed Clerk Devine to read Ordinance 273(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 Riedmiller. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefler. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 273(18) by title for the second and third time. Councilman Johnson made a motion to approve all readings and for final passage and adoption of Ordinance 273(18), second by Porter. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 273(18) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 273(18) finally pass?" **Vote: Yeas; Riedmiller, Porter, Hoefler, Johnson. Nays; None.**

6. **CONSIDER ORDINANCE 274(18) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, AMENDING ARTICLE III OF CHAPTER 2, MISDEMEANORS, OF THE ALBION CITY CODE WHICH PERTAINS TO REGULATION OF DOGS**

Council Members reviewed the ordinance which would amend the definition of vicious dogs for animals that are used as a “service animal” as defined by the Americans with Disabilities Act. Councilman Porter made a motion to introduce Ordinance 274(18) Amending Article III of Chapter 2, Misdemeanors, of the Albion City Code. Mayor Jarecki instructed Clerk Devine to read Ordinance 274(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 Riedmiller. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 274(18) by title for the second and third time. Councilman Johnson made a motion to approve all readings and for final passage and adoption of Ordinance 274(18), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 274(18) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 274(18) finally pass?” **Vote: Yeas; Riedmiller, Hoefer, Johnson, Porter. Nays; None.**

7. **CONSIDER AGREEMENT WITH JEO CONSULTING GROUP, INC TO PROVIDE CONSULTING SERVICES FOR REVIEW, UPDATE, AND MODERNIZATION OF THE ALBION COMPREHENSIVE PLAN INCLUDING A HOUSING STUDY AND GIS MAPS**

Clerk Devine explained the need to update the Comprehensive Plan. There is a NIFA grant available for the housing study portion of the plan which would fund approximately \$11,700 of the \$39,000 project. The grant application is due November 16, 2018. Councilman Johnson made a motion to approve agreement with JEO Consulting Group, Inc. to provide consulting services for review, update, and modernization of the Albion Comprehensive Plan including a housing study and GIS Maps, conditional upon approval of NIFA grant; second by Porter. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

8. **CONSIDER RESOLUTION 122(18) SETTING A TRAINING WAGE FOR THE CITY OF ALBION BUILDING INSPECTOR**

Council Members reviewed the resolution. City Attorney Wright suggested increasing base salary and making training mandatory. Following Council discussion it was decided to keep the base salary as is and pay a training wage of \$15.00 per hour. Councilman Hoefer made a motion to introduce and approve Resolution 122(18), second by Porter. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

9. **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: progress on recreational trail has been slowed due to rain; the sewer jet truck is fixed and back in service; and city staff have begun preparing for audit day. **No action taken.**

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

Clerk Devine reported for the Police Department stating there are several tall grass and weed nuisances that property owners were cited for; however, there are no nuisances to present to Council for declaration. Also, the City received a bill from a contractor for abatement of the Cynthia Johnson property. **No action taken.**

11. **CONSIDER BILLS TO BE PAID**

- CONSIDER MONTHLY BILLS REPORT

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

- CONSIDER CHANGE ORDER #2 OF MIDLANDS CONTRACTING, INC FOR FAIRVIEW PAVING AND STORM SEWER PHASE II PROJECT

Council Members reviewed Change Order #2 of Midlands Contracting which accounts for adjusting actual quantities where seeding was completed by others. Councilman Hoefler made a motion to approve Change Order #2 of Midlands Contracting in the amount of -\$1,050.00, second by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Johnson, Porter. Nays; None.**

- CONSIDER PAY APPLICATION #7 OF MIDLANDS CONTRACTING, INC. FOR FAIRVIEW STORM SEWER PHASE II PROJECT FOR APPROVAL

Councilman Johnson made a motion to approve Pay Application #7 of Midlands Contracting, Inc. for the Fairview Storm Sewer Improvements, Phase II Project in the amount of \$17,950.00; second by Porter. **Vote: Yeas; Hoefler, Porter, Riedmiller, Johnson. Nays; None.**

MINUTES – ALBION CITY COUNCIL – REGULAR MEETING OCTOBER 9, 2018

Clerk Devine presented the Council with an additional bill from T & C Construction for the abatement of a nuisance property. The bill was not included on the bills report as it is currently under review by the Police Department. Councilman Johnson made a motion to approve payment of T & C Construction bill of \$500 contingent upon Police Department approval, second by Porter. **Vote: Yeas; Porter, Hoefler, Johnson, Riedmiller. Nays; None.**

12. DISCUSS STRATEGY FOR A POTENTIAL REAL ESTATE PURCHASE

At 8:59 p.m. Councilman Riedmiller made a motion to enter into executive session for the purpose of discussing strategy with respect to real estate purchase, second by Porter. **Vote: Yeas; Porter, Riedmiller, Hoefler, Johnson. Nays; None.** Mayor Jarecki invited Clerk Devine and City Attorney Wright to join the executive session. At 9:45 p.m. Councilman Porter made a motion to exit executive session, second by Riedmiller. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefler. Nays; None.**

13. ITEMS TO BE PUT ON NEXT MEETING AGENDA

Next Regular Meeting: November 13, 2018 at 7:30 p.m.

14. ADJOURN

At 9:46 p.m. Council Member Hoefler made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefler, Porter. 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.

Readers Note: An audio recording of the meeting is also available at public request.

MINUTES – ALBION CITY COUNCIL – REGULAR MEETING OCTOBER 9, 2018

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk