

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, SEPTEMBER 10, 2013**

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 September 10, 2013 in the Council Chambers. Present were Mayor James C. Jarecki, Councilmembers Don Rutten, James Riedmiller, Walt Hoefler, and Marcus Johnson. Also present were City Administrator Devine, Deputy City Clerk Huisman, City Attorney Wright, Utility Billing Clerk Knust, Water Commissioner Morearty, and Sewer Commissioner Luettel. Also present was Jim Dickerson with the Albion News, Corey Schafer, Brittany Korth, Jon Porter, Brooke Anderson, Shannon Landauer, Irene Dresch, and Richard Good. 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.

2. APPROVE MEETING MINUTES OF THE AUGUST 13 & AUGUST 20, 2013 MEETINGS

Councilman Riedmiller made a motion to approve the minutes of the August 13 & August 20, 2013 meetings, seconded by Hoefler. **Vote: Yeas; Hoefler, Rutten, Riedmiller, Johnson. Nays; None.**

3. OPEN PUBLIC HEARING FOR 2013/2014 BUDGET ADOPTION

- **APPROVE RESOLUTION 111(13), 2013/2014 PROPERTY TAX REQUEST**
- **APPROVE AND ADOPT 2013/2014 BUDGET INCLUDING ADDITIONAL 1% INCREASE OF RESTRICTED FUNDS AUTHORITY**

Mayor Jarecki opened a public hearing at 7:31 pm. Mayor Jarecki sought public comment, seeing none he closed the public hearing at 7:32 pm. Councilman Rutten made a motion to Approve Resolution 111(13), 2013/2014 Property Tax Request, seconded by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefler, Rutten. Nays; None.** Councilman Rutten made a motion to Approve and Adopt 2013/2014 Budget including Additional 1% Increase of restricted funds authority, seconded by Hoefler. **Vote: Yeas; Rutten, Hoefler, Johnson, Riedmiller. Nays; None.**

4. CONSIDER SECOND AND THIRD READING OF ORDINANCE 223(13) AMENDING/ELIMINATING TELEPHONE/TELECOMMUNICATION OCCUPATION TAXES

Clerk Devine stated that he and Attorney Wright have met with Great Plains Communications and their representative to answer questions they had regarding Ordinance 223(13). Great Plains main concern was the \$100 renewal and application fee. They wanted to know if it would be \$100 for every project or \$100 each year regardless of how many projects throughout the year. Devine stated the annual renewal would be \$100 per year per entity and the draft of the ordinance has been revised to clearly reflect this. Great Plains is pleased with the Ordinance and felt it is fair. Devine has not heard back from Frontier Communications. USA Communications' legal representation contacted Darren in writing regarding some concerns they have with Ordinance 223(13). Andrew and Darren have not yet finalized a response to these concerns and also would like to meet with USA Communication representatives prior to final passage of the ordinance; therefore, Devine and Wright are recommending that formal action on the item to be tabled until the next regular meeting. Councilman Riedmiller made a motion to Table Consideration of Second and Third Reading of Ordinance 223(13) Amending/Elimination Telephone/Telecommunication Occupation Taxes

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until the next regular meeting, seconded by Hoefer. **Vote: Yeas; Rutten, Hoefer, Riedmiller, Johnson. Nays; None.**

5. OPEN PUBLIC HEARING TO CONSIDER RECOMMENDED AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING REGULATIONS OF THE CITY OF ALBION AS RECOMMENDED BY THE ALBION PLANNING COMMISSION

- CONSIDER INTRODUCTION AND PASSAGE OF RESOLUTION 110(13) APPROVING AND ADOPTING AMENDMENTS TO THE CITY OF ALBION, NEBRASKA COMPREHENSIVE PLAN
- CONSIDER INTRODUCTION AND PASSAGE OF ORDINANCE 224(13) AND ORDINANCE PERTAINING TO THE MUNICIPAL PLANNING; AMENDING ZONING REGULATIONS; INCORPORATING, BY REFERENCE, THE ZONING REGULATIONS AMENDED; PROVIDING FOR THE REPEAL OF ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF

Mayor Jarecki opened the Public Hearing at 7:38 pm. Devine stated that the Planning Commission adopted 2 Resolutions on September 9, 2013, for recommendation to the City Council. Devine explained the resolution stating that corner lots are now considered double frontage, meaning the setbacks for front yards would have to be conforming on both sides. Currently this does not allow much space on either side. Currently it states you can conform with existing development along the same street. The recommended amendment states that residents would have to conform with other development within 300 feet of existing structures along the same street. Mayor Jarecki sought public input following Devine's explanation. Jon Porter asked if there is no structure within 300 feet would the setbacks go back to 25 feet on each side. Devine stated that would be the case unless the resident would like to appeal the case to the Board of Adjustment. Mayor sought further public comment; seeing none he closed the public hearing at 7:49 pm. Councilman Rutten had questions regarding the application of setbacks for corner lots. Devine explained how the setbacks are applied to corner lots. Councilman Hoefer made a motion to Approve Resolution 110(13), seconded by Riedmiller. **Vote: Yeas; Johnson, Rutten, Riedmiller, Hoefer. Nays; None.**

Councilman Hoefer Introduced Ordinance 224(13). Clerk Devine read Ordinance 224(13) for the first time. Councilman Johnson made a Motion to Suspend the Rules, seconded by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Rutten, Hofer. Nays; None.** With the rules being suspended Mayor Jarecki instructed Clerk Devine to read Ordinance 224(13) for the second and third time. Clerk Devine read Ordinance 224(13) by title for the second and third time. Following the third reading of Ordinance 224(13) Councilman Johnson made a Motion for Final Passage of Ordinance 224(13), seconded by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki declared Ordinance 224(13) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 224(13) finally pass?" **Vote: Yeas; Johnson, Riedmiller, Rutten, Hoefer. Nays; None.**

6. CONSIDER RESOLUTION 112(13) AN INTERLOCAL AGREEMENT WITH THE COUNTY OF BOONE ALLOWING EXISTING BOONE COUNTY EMPLOYEE TO CONTRACT WITH THE CITY TO PROVIDE STREET SUPERINTENDENT SERVICES

Devine explained that Boone County's auditor would like to see this Interlocal agreement stay in place just as it did last year. Councilman Riedmiller made a motion to Approve Resolution 112(13), seconded by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Johnson. Nays; Rutten.**

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7. BOONE COUNTY DEVELOPMENT AGENCY UPDATE

Shannon Landauer was present and updated Councilmembers on structure changes happening within BCDA. Landauer stated the BCDA is currently making the change from a government office to be a non-profit organization. This change has been under consideration for a few years and has been discussed with commissioners and Boone County Clerk. The non-profit status of BCDA has been approved with the Secretary of State; they are just waiting to wrap things up with the IRS. The Interlocal agreement discussing finances and percentages with the City of Albion will remain the same. BCDA is also hiring a full-time coordinator to focus on housing development. Clerk Devine stated he feels it will be a great move for BCDA. Clerk Devine also asked what changes to the Board and oversight there would be. Landauer stated the executive committee would be left in place with the same policies.

8. CONSIDER NEW PARKING RESTRICTIONS:

- **CONSIDER REQUEST TO CHANGE PARKING RESTRICTION TO THE NORTH SIDE OF COLUMBIA STREET FROM 6TH TO 7TH STREETS MONDAY – FRIDAY 7AM – 4PM**

Councilman Rutten spoke with one resident who would like the street restrictions left as is. Councilman Rutten made a motion to Deny Request to add parking restriction to the North side of Columbia St from 6th to 7th St M-F 7AM-4PM, seconded by Hoefer. **Vote: Yeas; Hoefer, Rutten, Riedmiller, Johnson. Nays; None.**

9. ADMINISTRATOR REPORT

Pool:

The campaign has raised \$93,908 towards the \$125,000 Peter Kiewit Foundation match requirement. Total funds raised/committed so far: \$358,108. *Mitzi's initial \$266,000 gift not included in the campaign total. List of donors enclosed.

Construction has begun on the pool project. Site and silt fencing has been installed, the site has been cleared, and excavation has started.

Streets:

Repairs to Park Street between 6th and 7th should be complete. The curblines on Ruby Street between 5th and 6th Streets and add a curb to a portion of Marengo between 1st and 2nd Streets are also scheduled to be completed this year.

Water/Sewer:

There continues to be issues with the sewer plant controls and monitoring system. The sub-contractor is trouble shooting these. A new computer designated for control and monitoring has been installed at City hall as part of the sewer project that will use radio-internet communication with both the new well and the sewer plant. Once up and running the well and sewer plant can be monitored at city hall as well as over the internet using a secure login.

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Other:

The Tire Clean-up event on August 20, 2013 was very successful. The collection took in 122.5 tons. There was enough grant funding to cover the first 75 tons, which is why there were charges for some tires. I am awaiting a final breakdown from Prairieland RC&D who is administering the grant/collection, but I estimate that the city will still need to kick in about \$1,500 out of the solid waste cash reserve to cover the overage costs.

Attached is the current month Sales Tax Report – showing the monthly trend of sales tax receipts.

Also attached is an unaudited Treasurer’s Report/Budget Performance Report for fiscal year-to-date.

10. CONSIDER BILLS FOR APPROVAL

- **CONSIDER MONTHLY BILLS FOR APPROVAL**
- **CONSIDER PAY APPLICATION #1 OF CHRISTIANSEN CONSTRUCTION FOR APPROVAL**

Councilman Riedmiller made a motion to Approve monthly bills for payment, seconded by Hoefler. **Vote: Yeas; Riedmiller, Hoefler, Rutten, Johnson. Nays; None.**

Councilman Johnson made a motion to Approve Pay Application #1 of Christiansen Construction, seconded by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Rutten, Riedmiller. Nays; None.**

11. ITEMS FOR NEXT MEETING AGENDA

- Second and Third Reading Ordinance 223(13)
- Thriftway SDL Application Approval
- Further Recommendations from Planning Commission regarding future street reservations
- Next Meeting : Special Meeting September 26, 2013 @ 7 a.m.
- Next Regular Meeting: October 8, 2013 @ 7:30 p.m.

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12. ADJOURN

At 8:33 pm Councilman Hoefler made a motion to adjourn, seconded by Johnson. **Vote: Yeas; Rutten, Riedmiller, 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.

Jim Jarecki, Mayor

ATTEST:

Tonya Huismann, Deputy Clerk