

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, MAY 10, 2016**

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 10, 2016 in the Council Chambers. Present were Mayor James C. Jarecki, Council Members Jim Riedmiller, Jon Porter, Walt Hoefler, and Marcus Johnson. Also present were City Administrator Andrew Devine, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Billing Utility Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, Police Chief Brent Lipker, City Attorney Darren Wright, Jim Dickerson with the Albion News, Doug Koch, Doug Young, Kelly Geweche, Jason Guernsey, Jan Merrill, Mitch Glesinger, Danielle Thober, Brock Kuester, Dana Andersen, Karen Andersen, Andy Roberts, John Moeller, Betsy Harris, Jeff Jarecki, Makensey Harris, Ken Luettel, Tony Levander, and Jerry Niewohner. 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. CONSIDER MINUTES OF APRIL 12, 2016 AND APRIL 22, 2016 CITY COUNCIL MEETINGS FOR APPROVAL

Councilman Riedmiller made a motion to approve the minutes of the April 12, 2016 and April 22, 2016 City Council meetings, second by Porter. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.**

3. OPEN PUBLIC HEARING TO CONSIDER APPROVAL OF DOWNTOWN REVITALIZATION GRANT APPLICATION FOR SUBMISSION TO THE NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT

- CONSIDER RESOLUTION 113(16) ADOPTING THE CITY OF ALBION, NEBRASKA CITIZEN PARTICIPATION PLAN
- CONSIDER RESOLUTION 114(16) ADOPTING THE CITY OF ALBION, NEBRASKA RESIDENTIAL ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE PLAN
- CONSIDER RESOLUTION 115(16) AUTHORIZING THE CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Mayor Jarecki opened the public hearing at 7:31 p.m. The Mayor sought public

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input. Clerk Devine explained the City plans to apply for Phase I - Downtown Revitalization Grant. Boone County Development Agency and Northeast Nebraska Development District have been working with Devine to prepare the application. Two City documents would need to be formally updated to accommodate the application: the Citizen Participation Plan and the Anti-Displacement and Relocation Assistance Plan. Doug Koch, director for Boone County Development Agency, spoke in favor of the application and also gave an overview of the area business support. Andy Roberts also spoke in favor of the application. Roberts explained the scope of the program and how it could help improve existing businesses. Mayor Jarecki sought further comment. Hearing none, he closed the public hearing at 7:37 p.m.

Councilman Hoefer made a motion to approve Resolution 113(16) Revising the Citizen Participation Plan for the City of Albion, NE CDBG Program; second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

Councilman Hoefer made a motion to approve Resolution 114(16) Adopting a Residential Anti-Displacement and Relocation Assistance Plan for the City of Albion, Nebraska CDBG Program; second by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Porter, Johnson. Nays; None.**

Councilman Johnson made a motion to approve Resolution 115(16) Authorizing Chief Elected Official to Sign an Application for CDBG Funds, second by Riedmiller. **Vote: Yeas; Hoefer, Porter, Johnson, Riedmiller. Nays; None.**

4. **CONSIDER MAYORAL CREATION AND APPOINTMENT OF THE DTR ADVISORY COMMITTEE TO PLAN AND MAKE RECOMMENDATIONS TO THE CITY COUNCIL REGARDING THE ALBION DOWNTOWN REVITALIZATION PROJECT**

Doug Koch gave a synopsis on the selection process of the committee. The group would be represented by business owners, members of the Albion Economic Development Corporation, and the City. Councilman Riedmiller made a motion to approve the creation of the Albion Downtown Revitalization Committee as an advisory committee to the Mayor and City Council and confirm Mayoral Appointment of Jeff Jarecki, Danielle Thober, Jim Dickerson, Betsy Harris, Doug Young, and Andrew Devine to the same committee for the term of the project lifespan; second by Porter. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

5. **CONSIDER SELECTION OF PLANNING FIRM FOR DOWNTOWN REVITALIZATION GRANT PROJECT**

Clerk Devine read a letter received from the Albion Downtown Revitalization Advisory Committee to recommend JEO Consulting Group, Inc. and project manager Jeffery B. Ray to perform planning services for the grant project. Doug Koch commented on Matt and Joe Brugger's interest in working with the group to bring ideas from their UNL Engler program; and JEO's willingness to work with the students.

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Councilman Riedmiller made a motion to approve selection of JEO Consulting Group, Inc. as the planning firm for the Downtown Revitalization Project and Grant Application, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

6. DED STAFF HAS REQUESTED SOME TIME TO ADDRESS THE MAYOR AND COUNCIL REGARDING ALBION'S RECERTIFICATION AS AN ECONOMIC DEVELOPMENT READY COMMUNITY

Jason Guernsey of the Nebraska Department of Economic Development made comments on the designation. Guernsey reviewed the hi-lights of expansion in the community since 2011 and presented a certificate to Mayor Jarecki, Doug Koch, and Mitch Glesinger for their efforts in Albion's recertification as an Economic Development Ready Community.

7. OPEN PUBLIC HEARING TO CONSIDER ZONE CHANGE REQUEST OF DANA AND KAREN ANDERSEN TO CHANGE PROPERTY LEGALLY DESCRIBED AS LOT 1 ANDERSEN SUBDIVISION LOCATED IN A FRACTION OF THE EAST ½ OF THE NORTHEAST ¼ AND A FRACTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST, BOONE COUNTY, NEBRASKA FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-2 (MEDIUM DENSITY RESIDENTIAL)

Mayor Jarecki opened the public hearing at 7:53 p.m. The Mayor sought public input. Jerry Niewohner asked the difference in lot size between R-1 and R-2. Clerk Devine stated an R-1 lot is a minimum of 20,000 square feet and an R-2 lot is a minimum of 9,000 square feet. Dana Andersen spoke of his plans to prepare for development of his property. Andersen stated the lot's would be approximately half way in-between 9,000 – 20,000 square feet. Niewohner asked the requirements for the type of dwellings. Devine stated medium density residential is for single dwelling, duplex, or townhouse style housing. Andersen stated there would be a covenant attached for the use of the lot to keep the area attractive. Devine stated the Planning Commission recommended approval. The Mayor sought further comment. Hearing none he closed the public hearing at 8:08 p.m. Councilman Hoefer made a motion to approve zone change of Dana and Karen Andersen, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

8. **CONSIDER ACCEPTANCE OF DEED OF DEDICATION OF DANA AND KAREN ANDERSEN FOR PROPERTY LEGALLY DESCRIBED AS A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M. IN BOONE COUNTY, NEBRASKA APPROXIMATELY 30 FEET BY 354 FEET CONTAINING .24 ACRES, MORE OR LESS, AND FOR THE PURPOSE OF A PUBLIC STREET**

Clerk Devine stated a surveyor will need to be hired to verify the legal description before action can be taken. Dana Andersen asked if the Council would consider picking up more than his South half of the expense to pave the street. City Attorney Wright stated since the Council had already acted on that Agreement at the April 22, 2016 Special Council Meeting, the Agreement Contract would have to be amended. Devine stated his concern since paving has already begun based on the Council's approval of the Agreement and Change Order. Councilman Riedmiller made a motion to table the Deed of Dedication until the next meeting, second by Porter. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None.**

9. **CONSIDER MAYORAL APPOINTMENT OF MAKENSEY HARRIS TO THE ALBION PLANNING COMMISSION**

Mayor Jarecki recommended Makensey Harris for the Planning Commission Board. Councilman Riedmiller made a motion to confirm and approve Mayor's appointment of Makensey Harris to the Albion Planning Commission, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Hoefer, Porter. Nays; None.**

10. **CONSIDER ORDINANCE 244 (16) AMENDING CITY CODE CHAPTER 6: PUBLIC UTILITIES**

Clerk Devine presented a draft of Ordinance 244(16) Amending City Code Chapter 6 – Public Utilities, and reviewed the revisions with Council Members. Councilman Porter made a motion to introduce Ordinance 244(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 244(16) for the first time. Councilman Riedmiller made a motion to Suspend the Rules, second by Johnson. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 244(16) by title for the second and third time. Following the third reading, Councilman Porter made a motion for Final Passage of Ordinance 244(16), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 244(16) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 244(16) finally pass?" **Vote: Yeas; Riedmiller, Porter, Hoefer, Johnson. Nays; None.**

11. **CONSIDER ORDINANCE 246(16) RENEWING AND ADOPTING A LOCAL SALES AND USE TAX UNDER THE LOCAL OPTION REVENUE ACT AND AMENDING CHAPTER IV BUSINESS REGULATIONS OF THE ALBION CITY CODE**

Clerk Devine presented the Council with a draft of Ordinance 246(16). Councilman Porter made a motion to introduce Ordinance 246(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 246(16) for the first time. Councilman Johnson made a motion to Suspend the Rules, second by Riedmiller. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 246(16) by title for the second and third time. Following the third reading, Councilman Johnson made a motion for Final Passage of Ordinance 246(16), second by Riedmiller. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 246(16) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 246(16) finally pass?” **Vote: Yeas; Riedmiller, Hoefer, Porter, Johnson. Nays; None.**

12. **CONSIDER RESOLUTION 106(16) ESTABLISHING UTILITY SERVICE DEPOSIT AMOUNTS**

Councilman Riedmiller made a motion to introduce and approve Resolution 106(16) Establishing Utility Service Deposit Amounts (increasing each deposit amount by \$25), second by Porter. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

13. **CONSIDER RESOLUTION 107(16) ESTABLISHING FEES FOR ADDITIONAL RECONNECTION NECESSARY TO AGAIN PROVIDE WATER SERVICE TO A CUSTOMER**

Clerk Devine recommended increasing the amount charged for reconnect fees by \$5 an hour to coincide with what the City man-hour charges are. Councilman Johnson made a motion to introduce and approve Resolution 107(16) Establishing Fees for Additional Hook-up Necessary to Again Provide Water Service to Delinquent Customers, second by Porter. **Vote: Yeas; Johnson, Porter, Riedmiller, Hoefer. Nays; None.**

14. **CONSIDER RESOLUTION 111(16) REGARDING PLACEMENT OF TRAFFIC CONTROL SIGNS IN ORDER TO REGULATE TRAFFIC ALONG SOUTH STREET BETWEEN 8TH STREET AND CITY LIMITS TO THE WEST**

Clerk Devine stated it was recommended by Ron Morearty to put up “No Parking” signs along the South side of the Aquatic Center for safety issues. Councilman Hoefler suggested putting up a speed limit sign also. Discussion ensued. Council Members agreed a 20-mile per hour speed zone would be good. Chief Lipker also suggested making the fairground road from 11th Street and Fairview going South a 20-mile per hour speed zone. The speed zone ordinance will be addressed at the next City Council meeting. Councilman Porter made a motion to introduce and approve Resolution 111(16) Regarding Placement of Traffic Control Signs in Order to Regulate Traffic Along South Street Between 8th Street and City Limits to the West, second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefler. Nays; None.**

15. **CONSIDER RESOLUTION 112(16) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION**

Clerk Devine noted there are no proposed changes to the 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 Riedmiller made a motion to introduce and approve Resolution 112(16) Establishing Mutual Law Enforcement Jurisdiction, second by Hoefler. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Porter. Nays; None.**

16. **CONSIDER RESOLUTION 116(16) ESTABLISHING POLICIES AND PROCEDURES FOR THE ALBION PUBLIC SWIMMING POOL**

Clerk Devine presented a copy of the updates to the policy handbook which were requested and recommended by the Pool Manager. Updates included posted hours and an increase of the 1-week pass amount. Councilman Hoefler made a motion to introduce and approve Resolution 116(16) Establishing Policies and Procedures for the Albion Public Swimming Pool, second by Riedmiller. **Vote: Yeas; Johnson, Hoefler, Porter, Riedmiller. Nays; None.**

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17. CONSIDER RESOLUTION 117(16) ESTABLISHING A PLUMBER’S LICENSE APPLICATION FEE

Clerk Devine noted current application fee is defined as \$5 in the City Code Book. Ordinance 244(16) now requires the fee to change by Resolution instead of having to revise the Code Book. Devine also recommended increasing the application fee to \$25. Councilman Riedmiller made a motion to introduce and approve Resolution 117(16) Establishing a Plumber’s License Application Fee of \$25, second by Hoefer. **Vote: Yeas; Riedmiller, Johnson, Hoefer. Nays; None. Abstain; Porter.**

18. CONSIDER MAINTENANCE AGREEMENT WITH CUMMINS CENTRAL POWER FOR GENERATOR SERVICE AT WASTE WATER TREATMENT FACILITY

Council Members reviewed the agreement. There was discussion of the proposal amount being high. Joe Luettel spoke in favor of the service agreement. Clerk Devine noted the quote is good through April, 2017. Councilman Porter made a motion to table renewal of service agreement with Cummins Central Power, second by Hoefer. **Vote: Yeas; Johnson, Hoefer, Porter, Riedmiller. Nays; None**

19. NUISANCE PROGRAM REPORT FROM ALBION POLICE DEPARTMENT

Chief Lipker gave a nuisance report to the Councilmen. Courtesy notices will be sent out next week. Officer Mapel has posted the City Wide Clean-Up Days’ notice on facebook as a reminder for property owner’s to utilize the service. **No action taken.**

20. CITY ADMINISTRATOR REPORT

Council Members reviewed the City Administrator Report provided by Clerk Devine. Devine also provided reports on the Albion 2016 Community Attitude Survey, the current month Sales Tax showing the monthly trend of sales tax receipts, and also an unaudited Treasurer’s Report/Budget Performance Report for fiscal year-to-date. **No action taken.**

21. 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.**

22. **CONSIDER CHANGE ORDERS #2 AND #3 TO PAVING IMPROVEMENTS CONTRACT WITH ELKHORN PAVING FOR APPROVAL**

Clerk Devine stated Change Order #2 is for tree removals not on the original plans. Change Order #3 is a replacement of Change Order #1 (Revised) which the Council has already approved. Elkhorn Paving wanted it to have its own change order number. Councilman Porter made a motion to approve Change Orders #2 and #3 to Paving Improvements contract with Elkhorn Paving, second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

23. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

• **CONSIDER PAY APPLICATION #1 OF ELKHORN PAVING FOR 8TH AND SOUTH STREET PROJECT**

Councilman Porter made a motion to approve Pay Application #1 of Elkhorn Paving for the 8th and Ruby Street Project in the amount of \$17,984.16; second by Johnson. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

• **CONSIDER PAY APPLICATION #2 (REVISED) OF ELKHORN PAVING FOR 8TH STREET PAVING PROJECT**

Councilman Johnson made a motion to approve Pay Application #2 (Revised) of Elkhorn Paving for 8th Street Paving Project in the amount of \$29,999.99; second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Riedmiller, Johnson. Nays; None.**

24. **CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL**

Councilman Hoefer made a motion to approve employee evaluations for Ron Morearty and Brent Lipker, along with the recommended step raise for Morearty; second by Johnson. **Vote: Yeas; Hoefer, Porter, Riedmiller, Johnson. Nays; None.**

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

- Next Regular Meeting: June 14, 2016; 7:30 p.m.
- Public Hearing on Replat Application of Larry & Gloria Pochop

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- Public Hearing on Replat Application of Niewohner Farms Partnership
- Annual Delinquent Utility Account Report
- Dedication of Deed
- Service Contract – Waste Water Treatment Facility
- Speed Zone Ordinance

26. ADJOURN

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