

**MINUTES  
ALBION CITY COUNCIL  
REGULAR MEETING – PUBLIC HEARING  
TUESDAY, DECEMBER 13, 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 December 13, 2016 at the Albion Fire Station. Present were Mayor James C. Jarecki, Council Members Jim Riedmiller, Jon Porter, Walt Hoefler, and Marcus Johnson. Also present were City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Police Officer Joe Predmore, Utility Billing Clerk Amber Wynn, Sewer Commissioner Joe Luettel, City Attorney Darren Wright, Jim Dickerson with the Albion News, Jeff Jarecki, Lindsey Jarecki, Ann Jarecki, Brian Yosten, Brandi Yosten, Bill Whitten, Larry Pochop, Alison Kuester, Nikki Heidemann, Danielle Thober, Tim Kayton, Tim Dockweiler, Katie Dockweiler, Cindy Carlson, Victor Carlson, Amanda Novacek, Willa Wolford-Linnerson, Jerry Carder, Heather Kohtz, Chris Kohtz, Lou Kennedy, Mary Grosch, Fern Medlin, Doug Young, Mike Pugh, Natalie Pugh, Kent Olson, Terry Galloway, Trent Kraus, Amanda Reinhart, Kristina Fox, Charles Fox, Danny Cox, Theresa Scheffler, Jane Rolf, and Dave Hallberg. 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 stated he will be holding the semi-annual department head meeting next month, and will bring his report to the Council in February.

**2. CONSIDER MINUTES OF NOVEMBER 22, 2016 CITY COUNCIL MEETING FOR APPROVAL**

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

3. **REVIEW ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2016 – AMGL, CPAS**

Terry Galloway of AMGL reported the City is operating efficiently with good cash management, good cash reserves, and have retired about \$370,000 in debt this past year. Galloway congratulated the City for achieving an unmodified report for several years. Galloway stated this is the highest level of assurance they can provide that everything is true and accurate within the financial statement. Mr. Galloway provided an overview of the audit document; and also distributed a benchmarking sheet comparing Albion's financial statistics against statewide benchmarks. In reviewing the water fund, Mr. Galloway noted the City will need to look at increasing utility rates in the near future. **No action taken.**

4. **CONSIDER ACTION ON ZONING DISTRICT CHANGE REQUEST #ZC2016-02 BY HALF MOON INVESTMENTS, LLC TO CHANGE THE ZONING OF PROPERTY LEGALLY DESCRIBED AS LOTS 3, 4, BLOCK 26, MANSFIELD'S 5<sup>TH</sup> ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA MORE COMMONLY KNOWN AS 306 AND 316 SOUTH 5<sup>TH</sup> STREET, ALBION, NEBRASKA FROM R-2, MEDIUM DENSITY RESIDENTIAL, TO C-2, DOWNTOWN COMMERCIAL**

Councilman Porter made a motion to open for public comment, second by Johnson. **Vote: Yeas; Porter, Hofer, Johnson. Nays; Riedmiller.**

Clerk Devine explained the rules for public comment. Willa Wolford-Linnerson and Jerry Carder questioned if written testimony would be read out loud. City Attorney Wright determined it did not need to be read to the public as this meeting was not a published nor a posted public hearing. Council Members assured the public they were reading each written testimony. Theresa Scheffler questioned if the public could get the count of how many testified in favor, opposed, and neutral. Devine stated he could provide a tally after the additional testimony is received.

Mayor Jarecki opened the public hearing at 8:03 p.m. Dave Hallberg and Theresa Scheffler spoke in opposition of the re-zoning. Amanda Reinhart and Lindsey Jarecki spoke in favor of the re-zoning. Mayor Jarecki sought further comment. Hearing none, he closed the public hearing at 8:14 p.m.

Clerk Devine stated the Planning Commission reviewed the application and recommended approval following two public hearings.

Councilman Porter stated his concern on the traffic pattern in that area and would like to see a traffic study done. Discussion ensued. Councilman Porter made a motion to table action on the zoning district change until the Council can get more pertinent information on the effects, and possibly have Planning Commission re-look at commercial zoning as a whole. There was no second to the motion, therefore Mayor Jarecki announced the motion died.

Councilman Riedmiller made a motion to approve Application ZC 2016-02 of Half Moon Investments, LLC; second by Hoefer. **Vote: Yeas; Riedmiller, Hoefer, Johnson. Nays; Porter.**

- **CONSIDER INTRODUCTION AND ACTION ON ORDINANCE 252(16) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALBION**

Councilman Hoefer made a motion to introduce Ordinance 252(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 252(16) for the first time. Councilman Johnson made a motion to approve the first reading of Ordinance 252(16), second by Riedmiller. **Vote: Yeas; Riedmiller, Porter, Hoefer, Johnson. Nays; None.**

5. **CONSIDER THIRD READING AND FINAL PASSAGE OF ORDINANCE 250(16) AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA THE ANDERSEN SUBDIVISION CONSISTING OF LOT 1, ANDERSEN SUBDIVISION; AND ALL OF THE REPLAT OF LOT 2, ANDERSEN SUBDIVISION, AND A TRACT OF LAND DEEDED TO THE CITY OF ALBION LOCATED IN A FRACTION OF THE NORTHEAST ¼ OF SECTION 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY , NEBRASKA**

Mayor Jarecki instructed Clerk Devine to read Ordinance 250(16) by title for the third time. Councilman Hoefer made a motion for final passage, approval, and adoption of Ordinance 250(16); second by Johnson. **Vote: Yeas; Porter, Riedmiller, Johnson, Hoefer. Nays; None.**

6. **CONSIDER THIRD READING AND FINAL PASSAGE OF ORDINANCE 251(16) AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA LOT 1 OF THE POCHOP SUBDIVISION AND TWO ADJACENT TRACTS OF LAND LOCATED IN A FRACTION OF THE NE ¼ OF THE NW ¼ OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA**

Mayor Jarecki instructed Clerk Devine to read Ordinance 251(16) by title for the third time. Councilman Riedmiller made a motion for final passage, approval, and adoption of Ordinance 251(16); second by Johnson. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

7. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine stated that Police Chief Lipker picked up the new police vehicle on Friday, December 9<sup>th</sup>. Devine also provided reports on the current month Sales Tax showing the monthly trend of sales tax receipts, an unaudited Treasurer's Report/Budget Performance Report for the fiscal year, and a building permit/zoning official report. **No action taken.**

8. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

• **CONSIDER PAY APPLICATION #3 OF B-D CONSTRUCTION FOR FAIRVIEW STREET DRAINAGE IMPROVEMENT PROJECT – PHASE I**

Council Members reviewed the pay application. Clerk Devine explained that in order to bring the balance of payments to date by both the City and County to equal amounts, the County will be paying \$113,836.05 of this pay application and recommends that the Council approve payment of \$38,452.45; since the City paid the full Pay Application #2. The City and County will then split any future payments.

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Councilman Riedmiller made a motion to approve Pay Application #3 of B-D Construction in the amount of \$38,452.45; second by Johnson. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

**9. CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

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

**10. CITY CLERK TO PRESENT ELECTION RESULTS CERTIFICATION FROM COUNTY ELECTION COMMISSIONER**

Clerk Devine provided a copy of the Certification from Boone County Election Commissioner for the recent election results. Marcus Johnson was re-elected to the City Council for a four year term with 669 votes. There is one vacancy seat on the City Council. **No action taken.**

**11. CONSIDER MAYORAL APPOINTMENT TO VACANT CITY COUNCIL SEAT WITH TERM ENDING DECEMBER OF 2020**

Mayor Jarecki stated there were no applicants for the City Council seat following the publication of the vacancy. Mayor Jarecki appointed Walter Hoefer to fill the vacant seat. Councilman Johnson made a motion to approve and confirm Mayoral appointment of Walter Hoefer to vacant City Council seat with a term ending December of 2020, second by Riedmiller. **Vote: Yeas; Johnson, Porter, Riedmiller. Nays; None.**

**SWEAR IN NEWLY ELECTED/APPOINTED OFFICIALS FOR FOUR YEAR TERMS**

A new oath of office was not required since Johnson and Hoefer each has an oath on file.

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- **THANK OUTGOING OFFICIALS FOR THEIR SERVICE**

Mayor Jarecki thanked Walter Hoefer for his service on the City Council and for his willingness to serve a 5<sup>th</sup> term.

**12. ELECT COUNCIL PRESIDENT FOR ANNUAL TERM**

Councilman Riedmiller made a motion to approve nomination and election of Walter Hoefer as City Council President for 2017, second by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Johnson, Porter. Nays; None.**

**13. CONSIDER MAYORAL APPOINTMENTS TO BE EFFECTIVE JANUARY 1, 2017**

ADMINISTRATOR/CLERK/TREASURER	ANDREW DEVINE
DEPUTY CLERK	SHARON KETTELER
UTILITY CLERK	AMBER WYNN
WATER COMMISSIONER	RON MOREARTY
SEWER COMMISSIONER	JOE LUETTEL
STREET FOREMAN	JAMES BADER
STREET UTILITY	JOSEPH LANDAUER
CITY ATTORNEY	DARREN WRIGHT
DEPUTY CITY ATTORNEY	JESSICA FAUSS
BUILDING INSPECTOR	BRADLEY WARNER
POLICE CHIEF	BRENT LIPKER
POLICE OFFICER	JOE PREDMORE
POLICE OFFICER	MIKE MAPEL
STREET SUPERINTENDENT	DARREL THORIN
FIRE CHIEF	BRUCE BENNE
ALBION HOUSING AUTHORITY BOARD MEMBER TERM ENDING DECEMBER 31, 2021	RON LEVANDER
POOL MANAGER	MICHELLE DEVINE
CITY PHYSICIAN/MEDICAL OFFICER	DR. ANTHONY KUSEK
CITY ENGINEER	RESERVE RIGHT TO USE SPECIAL PROJECTS ENGINEER AS NEEDED

Clerk Devine noted that a Spousal Relationship Disclosure Notice is on file due to his wife, Michelle Devine's, appointment as pool manager. Councilman Porter made a motion to confirm Mayoral appointments as presented, second by Riedmiller. **Vote: Yeas; Hoefler, Riedmiller, Johnson, Porter. Nays; None.**

14. **OPEN PUBLIC HEARING TO CONSIDER REPLAT APPLICATION #2016-04 AND VACATION REQUEST OF TIMOTHY J. KAYTON TO REPLAT LOTS 1 & 2, BLOCK 4 OF THE HAWKS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA, AND LOTS 1, 2, 3, 4, BLOCK 5 OF THE CLARK, CONELLY, AND STOUTS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA, INCLUDING THE VACATION OF MARKET STREET BEGINNING ON THE WEST SIDE OF 10<sup>TH</sup> STREET CONTINUING TO THE EAST SIDE OF 11<sup>TH</sup> STREET, RUNNING BETWEEN NORTH LOTS OF 1 & 2, BLOCK 4, HAWKS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA EXTENDING 109.92 FEET AND SOUTH LOTS 1 & 2, BLOCK 5, CLARK, CONELLY, AND STOUTS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA EXTENDING 119.96 FEET; AND VACATING AN ALLEY 15 FEET WIDE BY 119.98 FEET LONG LOCATED BETWEEN LOTS 1 & 2 AND 3 & 4 IN BLOCK 5 OF THE CLARK, CONELLY AND STOUTS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 8:53 p.m. The Mayor sought public input. Tim Kayton explained his request to combine 6 lots, close a portion of Market Street and an alley which are both currently undeveloped, and build a multi-family housing complex, intended to meet a housing need for the elderly. The complex would include 12 apartments on ground level, each with its own attached garage; with the capability of adding 8 more apartments if needed. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 8:55 p.m. Clerk Devine noted the Planning Commission recommended approval. Councilman Johnson made a motion to approve Re-plat Application 2016-04 including the associated vacation request, second by Riedmiller. **Vote: Yeas; Riedmiller, Hoefler, Johnson, Porter. Nays; None.**

- **CONSIDER INTRODUCTION OF ORDINANCE 253(16) VACATING MARKET STREET BEGINNING ON THE WEST SIDE OF 10<sup>TH</sup> STREET CONTINUING TO THE EAST SIDE OF 11<sup>TH</sup> STREET, RUNNING BETWEEN NORTH LOTS OF 1 & 2, BLOCK 4, HAWKS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA EXTENDING 109.92 FEET AND SOUTH LOTS 1 & 2, BLOCK 5, CLARK, CONELLY AND STOUTS ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA EXTENDING 119.96 FEET; AND VACATING AN ALLEY 15 FEET WIDE BY 119.98 FEET LONG LOCATED BETWEEN LOTS 1 & 2 AND 3 & 4 IN BLOCK 5 OF THE CLARK, CONELLY AND STOUTS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Councilman Porter made a motion to introduce Ordinance 253(16). Mayor Jarecki instructed Clerk Devine to read Ordinance 253(16) for the first time. Following the first reading Councilman Hoefler made a motion to suspend the rules, second by Johnson. **Vote: Yeas; Porter, Hoefler, Johnson, Riedmiller. Nays; None.** With the rules being suspended, Mayor Jarecki instructed Clerk Devine to read Ordinance 253(16) by title for the second and third time. Following the second and third reading Councilman Johnson made a motion for final passage of Ordinance 253(16), second by Riedmiller. Councilman Hoefler called the question. Mayor Jarecki declared Ordinance 253(16) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 253(16) finally pass?” **Vote: Yeas; Riedmiller, Hoefler, Johnson, Porter. Nays; None.**



15. **CONSIDER AGREEMENT WITH NORTHEAST NEBRASKA ECONOMIC DEVELOPMENT DISTRICT FOR GENERAL ADMINISTRATION OF THE DOWNTOWN REDEVELOPMENT GRANT**

City Attorney Wright explained an error in the Termination for Cause section, noting the agreement had been sent back to NENEDD for correction.

Councilman Riedmiller made a motion to approve agreement with Northeast Nebraska Economic Development District for General Administration of the Downtown Redevelopment Grant and authorize the Mayor to execute the same, on the condition that section six is revised to the satisfaction of the City Attorney; second by Porter.

**Vote: Yeas; Johnson, Porter, Riedmiller, Hoefler. Nays; None.**

16. **CONSIDER STATE STREET BUDGET REPORT FOR APPROVAL**

Council Members reviewed the State Street Budget and Expenditure Report provided by Street Superintendent, Darrel Thorin, and Clerk Devine. Devine stated that Darrel Thorin will be retiring at the end of the year and his replacement is also interested in serving as the City's Street Superintendent. Councilman Riedmiller made a motion to approve annual Street Budget State Report, second by Hoefler. **Vote: Yeas; Johnson, Riedmiller, Hoefler, Porter. Nays; None.**

17. **CONSIDER MEMBERSHIP APPLICATIONS OF MIKE SHARP AND MICHAEL SHRIVER TO THE ALBION VOLUNTEER FIRE DEPARTMENT**

Mayor Jarecki thanked Fire Chief Benne and the Fire Department for their great service. Councilman Riedmiller made a motion to approve applications of Mike Sharp and Michael Shriver to the Albion Volunteer Fire Department, second by Johnson.

**Vote: Yeas; Johnson, Riedmiller, Hoefler, Porter. Nays; None.**

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

- January 10, 2017 7:30 a.m. – Regular Meeting
- Minutes Approval
- Review of Proposed 1 and 6 Year Street Improvement Plan
- Approval of Church Street Project Plans and Specs
- Possible Kohtz Replat Application
- Resolution Declaring Surplus Property
- 2016 Planning Commission Annual Activity Report
- 2016 City Council Annual Activity Report
- Street Superintendent Resolution
- Ordinance 252(16)
- Appointment of Council Member to Boone County Development

19. **ADJOURN**

At 9:18 p.m. Council Member Hoefer moved to adjourn the meeting, second by Johnson. **Vote: Yeas; Johnson, Hoefer, 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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk