

**MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, FEBRUARY 14, 2017**

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 February 14, 2017 at Albion Fire Station, 2580 State Highway 14, Albion, NE. Present were Mayor James C. Jarecki, Council Members Jon Porter, Marcus Johnson, and Jim Riedmiller. Walt Hoefer arrived at 7:32 p.m. Also present were City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Police Officer Joe Premore, Utility Billing Clerk Amber Wynn, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, Deputy City Attorney Jessica Fauss, Jim Dickerson with the Albion News, Theresa Scheffler, Jim Kohtz, Jeff Jarecki, Victor Carlson, Larry Pochop, Dan Staack, Beth Hauger, Willa Linnerson, and Todd Wynn. 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.

Councilman Riedmiller made a motion to excuse Walt Hoefer, second by Johnson.
Vote: Yeas; Johnson, Riedmiller, Porter. Nays; None.

MAYOR’S COMMENTS

Mayor Jarecki noted the new proposed ordinance on the agenda addressing improper disposal of yard waste at the grass and tree piles. The Mayor stated the City is also considering installing a surveillance camera in that area. Mayor Jarecki provided a report of his semi-annual department head meetings held January 13, 2017 and January 23, 2017; and reviewed it with the Council. **No action taken.**

2. CONSIDER MINUTES OF JANUARY 10, 2017 CITY COUNCIL MEETING FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the January 10, 2017 City Council meeting; second by Porter. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

9. **OPEN PUBLIC HEARING REGARDING EAGLE COMMUNICATIONS, INC. 2017 RATE INCREASE**

Mayor Jarecki opened the public hearing at 7:45 p.m. The Mayor sought public input. Dan Staack of Eagle Communication explained their rate increase is highly due to rising network costs. Staack presented a handout to help provide additional information. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 7:51 p.m. **No action taken.**

3. **OPEN PUBLIC HEARING FOR THE CITY OF ALBION 2017 ONE & SIX YEAR STREET IMPROVEMENT PLAN**

Mayor Jarecki opened the public hearing at 7:55 p.m. The Mayor sought public input. Clerk Devine explained the proposed Street Improvement Plan. The Mayor sought further comment. None at this time. The Mayor announced that the hearing would remain open and additional public input would be sought later in the meeting.

4. **OPEN PUBLIC HEARING TO CONSIDER ZONING DISTRICT CHANGE REQUEST #ZC2017-01 BY TRENT M. AND AUDREY L. KRAUS TO CHANGE THE ZONING OF PROPERTY LEGALLY DESCRIBED AS LOT 7, 5 ½ FEET OF LOT 8, BLOCK 1, CLARK'S 1ST ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA MORE COMMONLY KNOWN AS 542 WEST MAIN STREET, ALBION, NEBRASKA FROM C-2, DOWNTOWN COMMERCIAL, TO R-2, MEDIUM DENSITY RESIDENTIAL**

Mayor Jarecki opened the public hearing at 8:03 p.m. The Mayor sought public testimony. Hearing none, he closed the public hearing at 8:04 p.m. Clerk Devine stated that the Planning Commission held a public hearing on February 6, 2017 and recommended to deny the application as the property should remain commercial. The Commission also recommended amending conditional uses within the district to offer more flexibility. Councilman Riedmiller made a motion to deny zoning district change request #ZC2017-01, second by Hoefer. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.**

5. **OPEN PUBLIC HEARING TO DISCUSS AND CONSIDER PROPOSED AMENDMENTS TO THE ALBION COMPREHENSIVE PLAN AND THE ALBION REVISED ZONING REGULATIONS INCLUDING THE OFFICIAL ZONING MAP AS PROPOSED BY THE ALBION PLANNING COMMISSION**

Mayor Jarecki opened the public hearing at 8:07 p.m. The Mayor sought public comment. Willa Linnerson and Theresa Scheffler spoke in opposition of the proposed amendments to the Official Zoning Map. Jeff Jarecki provided neutral testimony. Mayor Jarecki sought further input. Hearing none, he closed the public hearing at 8:11 p.m. Council Members reviewed the proposed amendments and discussed defining the C-2 Downtown Commercial triangle by classifying specific commercial areas South of State Street and West of 6th Street as C-1.

- **CONSIDER INTRODUCTION OF AND ACTION ON RESOLUTION 104(17) AMENDING THE ALBION COMPREHENSIVE PLAN**

Councilman Johnson made a motion to introduce and approve Resolution 104(17) Amending the Albion Comprehensive Plan as proposed, noting the reclassification of two commercial districts from C-2 to C-1, second by Porter. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.**

- **CONSIDER INTRODUCTION OF AND ACTION ON ORDINANCE 256(17) AMENDING THE ALBION MUNICIPAL ZONING REGULATIONS INCLUDING THE OFFICIAL ZONING MAP**

Clerk Devine explained that this ordinance will effectively put the amendments to the Comprehensive Plan in Resolution 104(17) into City Code. Councilman Johnson made a motion to introduce Ordinance 256(17) Amending the Albion Municipal Zoning Regulations Including the Official Zoning Map. Mayor Jarecki instructed Clerk Devine to read Ordinance 256(17) for the first time. Councilman Porter made a motion to suspend the rules, second by Johnson. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 256(17) by title for the second and third time. Councilman Johnson made a motion to accept all readings and for final passage and adoption of Ordinance 256(17), second by Porter. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 256(17) having been read by title three different times, the rules have been suspended,

the question is “Shall Ordinance 256(17) finally pass?” **Vote: Yeas; Riedmiller, Porter, Hoefler, Johnson. Nays; None.**

6. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY JAMES H. KOHTZ, CHERYL M. KROHN, JUSTIN AND MAKENSEY HARRIS, AND HOWARD L. AND D. LAVONNE MILLS, TO REPLAT A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M., BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 9:14 p.m. The Mayor sought public testimony. Jeff Jarecki spoke in favor of the replat, explaining it is to clean up some real estate. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 9:15 p.m. Clerk Devine stated the Planning Commission recommended approval, however, they also recommended annexation of the two newly created parcels along the east side of the replat once the deed settlement is complete. Councilman Porter made a motion to approve Administrative Plat Application #2017-01, second by Reidmiller. **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefler. Nays; None.**

7. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY HALF MOON INVESTMENTS, LLC TO REPLAT LOTS 3 & 4, BLOCK 26, MANSFIELD’S 5TH ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 9:16 p.m. The Mayor sought public input. Jeff Jarecki spoke in favor of the replat, explaining it is to construct a new office building. Willa Linnerson and Theresa Scheffler both gave testimony in opposition of the replat. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 9:18 p.m. Clerk Devine stated the Planning Commission recommended approval. Devine also clarified that a replat can happen in any zone, it is not contingent on the re-zoning of the property. Councilman Johnson made a motion to approve Administrative Plat Application #2017-02, second by Riedmiller. **Vote: Yeas; Hoefler, Johnson, Porter, Riedmiller. Nays; None.**

8. **OPEN PUBLIC HEARING TO CONSIDER AN APPLICATION FOR ADMINISTRATIVE PLAT BY VICTOR R. AND CINDY M. CARLSON TO REPLAT LOTS 3 & 4, BLOCK 2, CLARKS SECOND ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 9:20 p.m. The Mayor sought public comment. Victor Carlson explained they want to combine two lots to build a garage as the lot is not big enough. Mayor Jarecki sought further comment. Hearing none, the Mayor closed the public hearing at 9:20 p.m. Clerk Devine spoke in favor of the replat and stated the Planning Commission recommended approval. Councilman Riedmiller made a motion to approve Administrative Plat Application #2017-03, second by Hoefer. **Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.**

10. **CONSIDER THIRD READING AND/OR OTHER ACTION ON ORDINANCE 252(16) AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ALBION, NEBRASKA**

Councilman Hoefer made a motion to indefinitely postpone Ordinance 252(16), second by Johnson. **Vote: Yeas; Hoefer, Johnson, Porter, Riedmiller. Nays; None.**

11. **CONSIDER SECOND READING, THIRD READING, AND FINAL PASSAGE OF ORDINANCE 254(17) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF BRITTNEY WEINMAN**

Mayor Jarecki instructed Clerk Devine to read Ordinance 254(17) by title for the second time. Councilman Hoefer made a motion to suspend the statutory rules, second by Johnson. **Vote: Yeas; Riedmiller, Hoefer, Johnson, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 254(17) by title for the third time. Following the third reading, Councilman Porter made a motion to approve the second and third readings, and final passage of Ordinance 254(17); second by Hoefer. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 254(17) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 254(17) finally pass?” **Vote: Yeas; Johnson, Riedmiller, Porter, Hoefer. Nays; None.**

12. **CONSIDER INTRODUCTION OF AND ACTION ON ORDINANCE 255(17) AN ORDINANCE RELATED TO ABUSE OF THE GRASS AND TREE PILES**

Clerk Devine provided a draft of the ordinance for Council Members to review. Councilman Johnson made a motion to introduce Ordinance 255(17). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Porter made a motion to suspend the statutory rules, second by Riedmiller. **Vote: Yeas; Johnson, Porter, Riedmiller, Hoefler. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 255(17) by title for the second and third time. Following the third reading, Councilman Porter made a motion to approve all readings, and final passage of Ordinance 255(17); second by Johnson. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 255(17) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 255(17) finally pass?” **Vote: Yeas; Johnson, Hoefler, Riedmiller, Porter. Nays; None.**

13. **CONSIDER INTRODUCTION OF AND ACTION ON ORDINANCE 257(17) AN ORDINANCE AMENDING SECTIONS 6-111 AND 6-115 OF THE MUNICIPAL CODE OF THE CITY OF ALBION, REGARDING UTILITY BILLS AND LIENS RESULTING FROM DELINQUENT UTILITY BILLS**

Clerk Devine provided a draft of the ordinance for Council Members to review. Devine explained the change would provide an additional service charge to cover the costs of filing and releasing a lien. Councilman Hoefler made a motion to introduce Ordinance 257(17). Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the first time. Councilman Porter made a motion to suspend the statutory rules, second by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 257(17) by title for the second and third time. Following the third reading Councilman Porter made a motion to approve all readings, and for final passage of Ordinance 257(17); second by Johnson. **Vote: Yeas; Riedmiller, Hoefler, Porter, Johnson. Nays; None.**

14. **CONSIDER RESOLUTION 102(17) DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF THE SAME**

Clerk Devine provided a draft of the resolution showing a list of surplus property for sale. Councilman Johnson made a motion to introduce and approve Resolution 102(17), second by Hoefer. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

15. **CONSIDER AMENDMENT TO CHURCH STREET RECONSTRUCTION PROJECT AGREEMENT WITH JEO TO ADD EASEMENT SERVICES FOR NECESSARY DRAINAGE EASEMENT**

Clerk Devine noted the amendment was discussed at the January City Council meeting. The original amendment proposed an additional amount of \$3,300; and Devine was able to negotiate the cost down to \$1,900. Councilman Porter made a motion to approve Amendment 1-Revised to the Church Street Reconstruction Project Agreement with JEO, second by Johnson. **Vote: Yeas; Johnson, Hoefer, Riedmiller, Porter. Nays; None.**

16. **REVIEW BID TABULATION OF THE CHURCH STREET RECONSTRUCTION PROJECT AND CONSIDER FOR AWARD OF CONTRACT AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

Clerk Devine provided Council Members with a Bid Tabulation sheet that listed the four bidders and their submitted prices. Devine noted all bids came in lower than the budgeted amount of \$415,290. Gerhing Concrete and Construction of Columbus was the low bidder with a bid of \$282,367.69. Councilman Hoefer made a motion to approve the bid of Gerhing Concrete and Construction in the amount of \$282,367.69; award the contract to the same; and authorize the Mayor or his representative to sign any and all contract documents; second by Riedmiller. **Vote: Yeas; Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

17. **CITY ADMINISTRATOR REPORT**

Clerk Devine provided a City Administrator Report for Council Members to review. Devine stated he received a draft of the preliminary plat application for the Dana and Karen Andersen subdivision. The formal copy should be received soon and public hearings will be held next month. Devine also provided reports on the current month Sales Tax showing the monthly trend of sales tax receipts, and an unaudited Treasurer's Report/Budget Performance Report for the fiscal year-to-date. **No action taken.**

18. **CONSIDER MAYORAL APPOINTMENTS FOR APPROVAL**

- **TO THE BOARD OF ADJUSTMENT OF THE CITY OF ALBION**
- **TO THE CITIZEN'S ADVISORY COMMITTEE**

Councilman Hoefer made a motion to approve the appointment of Kristina Fox and Chris Kohtz to the Board of Adjustment, and Scott Reinhart as alternate; and Doug Young and Stacy Gragert to the Citizen's Advisory Committee; second by Riedmiller. **Vote: Porter, Johnson, Riedmiller, Hoefer. Nays; None.**

19. **REVIEW ANNUAL REPORT FOR THE ALBION HOUSING AUTHORITY**

Council Members reviewed the Annual Report submitted by Tracy Lipker, Executive Director of Albion Housing Authority. Clerk Devine declared it was a favorable report. **No action taken.**

20. **AUTHORIZE THE SALE OF THE 2006 FORD CROWN VICTORIA PATROL CAR TO THE ALBION AIRPORT AUTHORITY**

Councilman Porter made a motion to authorize the sale of the 2006 Ford Crown Victoria patrol car to the Albion Airport Authority for \$2,000.00; second by Johnson. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

21. **CONSIDER BILLS FOR APPROVAL**

• **CONSIDER MONTHLY BILLS FOR APPROVAL**

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

22. **CONSIDER RESOLUTION 103(17) ADOPTING CITY OF ALBION 2017 ONE & SIX YEAR PLAN FOR APPROVAL**

At 9:42 p.m. Mayor Jarecki again sought public comment. Jim Dickerson questioned if the accepted bid for the Church Street project included the full project, or if there would be two phases? Clerk Devine stated the bid covered the full project. Devine noted Phase II was included on the One and Six Year Plan to assure improvement of the drainage structures on both sides of the railroad crossing, but it shouldn't be necessary in order to make the corrected grade. Mayor Jarecki sought additional public input. Hearing none, the Mayor closed the public hearing at 9:43 p.m. Councilman Porter made a motion to introduce and approve Resolution 103(17) Adopting City of Albion 2017 One & Six Year Plan, second by Riedmiller. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

23. **ITEMS FOR THE NEXT MEETING AGENDA**

- March 14, 2017 7:30 a.m. – Regular Meeting- At Albion Fire Station
- Review of the Annual Water and Sewer Department Report
- Consideration of Action on the Water Tower Maintenance Contract
- Eagle Communication Rate Change Public Hearing
- Possible Public Hearing on Preliminary Plat Application
- Various Street Closures for Downtown Events
- Lawn Care Bids for Consideration of Award for 2017
- Agreement for Design Services for Fairview Street Storm Drainage Project - Phase II and Paving Improvements

24. **ADJOURN**

At 9:45 p.m. Council Member Riedmiller made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Hoefer, Johnson, 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