

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, AUGUST 14, 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 August 14, 2018 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jon Porter, Walt Hoefler, Marcus Johnson, and Jim Riedmiller. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Water Commissioner Ron Morearty, Sewer Commissioner Joe Luettel, 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.

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 provided a report of his semi-annual department head meeting held August 2, 2018 and reviewed it with the Council. **No action taken.**

2. CONSIDER MINUTES OF THE JULY 17, 2018 CITY COUNCIL MEETING FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the July 17, 2018 City Council meeting; second by Porter. **Vote: Yeas; Riedmiller, Hoefler, Johnson, Porter. Nays; None.**

3. OPEN PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE NEBRASKA LIQUOR CONTROL COMMISSION REGARDING LIQUOR LICENSE APPLICATION #L-121969 OF HWY 14 BREWING CO

Mayor Jarecki opened the public hearing at 7:46 p.m. The Mayor sought public testimony. Jim Dickerson inquired on the type of license. Clerk Devine explained the Class L License is for a Brew Pub, and would allow beer to be brewed and sold on-site only. Mayor Jarecki sought further public comment. Hearing none, the Mayor closed the public hearing at 7:48 p.m. Councilman Riedmiller made a motion to recommend approval of Liquor License Application #L-121969 of Hwy 14 Brewing Co., second by Hoefler. **Vote: Yeas; Porter, Hoefler, Riedmiller, Johnson. Nays; None.**

4. **OPEN PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE NEBRASKA LIQUOR CONTROL COMMISSION REGARDING LIQUOR LICENSE APPLICATION #CKG-121970 OF HWY 14 BREWING CO**

Mayor Jarecki opened the public hearing at 7:49 p.m. The Mayor sought public testimony. Clerk Devine explained Class C is for onsite and offsite consumption of just the applicant's beer. Class K is for catering and would allow applying for Special Designated License for on or off sales of applicant's brew, as well as another brewer or distributor's beer. Class G allows selling fillable growlers with applicant's label on. Public testimony was given in favor of the Brew Pub Liquor License. Mayor Jarecki sought further public comment. Hearing none, the Mayor closed the public hearing at 7:51 p.m. Councilman Riedmiller made a motion to recommend approval of Liquor License Application #CKG-121970 of Hwy 14 Brewing Co., second by Johnson. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefer. Nays; None.**

5. **CONSIDER AIRPORT AUTHORITY REQUEST FOR CITY TAX ALLOCATION FOR FISCAL YEAR 2018-2019**

Clerk Devine noted the request is for \$30,000; which is the same as last year. Councilman Riedmiller made a motion to recommend approval of Albion Airport Authority request for City Tax Allocation for Fiscal Year 2018-2019, second by Porter. **Vote: Yeas; Porter, Johnson, Hoefer, Riedmiller. Nays; None.**

6. **CONSIDER RESOLUTION 117(18) COST OF LIVING ADJUSTMENT FOR NON-TEMPORARY CITY EMPLOYEES EFFECTIVE OCTOBER 1, 2018**

Councilman Johnson made a motion to introduce and approve Resolution 117(18) Adopting a 3.0% Cost of Living adjustment for non-temporary City employees effective October 1, 2018; second by Porter. **Vote: Yeas; Hoefer, Riedmiller, Porter, Johnson. Nays; None.**

7. **CONSIDER BOONE COUNTY DEVELOPMENT AGENCY MEMBERSHIP AGREEMENT AND DISBURSEMENT AGREEMENT FOR APPROVAL**

Michelle Olson, director for Boone County Development Agency, explained the disbursement increased from \$13,223 to \$13,700 to compensate for cost of living increase; stating there had not been an increase in three years. Ms. Olson and BCDA Board Member, Tim Kayton, addressed questions the Council had regarding the recent allegation of misuse of funds by a past employee. Olson stated that when the financial discrepancy was discovered, they reported it to the State Auditor's who conducted their research, then turned it over to the General Attorney. Kayton stated his review of the financial books found less discrepancy than the auditor's findings, possibly due to auditor's including everything that didn't have proper documentation. Kayton also informed the Council that BCDA has Employee Dishonesty Insurance which should help to cover their loss. Councilman Porter made a motion to approve Boone County Development Agency Membership Agreement and Disbursement Agreement, second by Riedmiller. **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.**

8. **CONSIDER LAND LEASE AGREEMENT WITH VERIZON WIRELESS TO INSTALL, MAINTAIN AND OPERATE COMMUNICATIONS EQUIPMENT UPON CITY PROPERTY LOCATED AT 199 W CLARK STREET, MORE COMMONLY KNOWN AS THE OLD COMPACTOR SHED PROPERTY**

Clerk Devine stated we are still waiting for legal description on amount of property Verizon wants to include in the lease. Councilman Riedmiller made a motion to postpone action until a future meeting, second by Hoefer. **Vote: Yeas; Porter, Johnson, Riedmiller, 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 commented that numerous projects have been completed. **No action taken.**

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

Clerk Devine stated he published a classified ad for contractors to abate nuisances that have not been taken care of by property owners. There are currently two interested contractors. **No action taken.**

11. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL AND PAYMENT

Councilman Johnson made a motion to approve monthly bills, excluding Speed Drain bill, and adding Law Enforcement Training Center bill, second by Hoefer. **Vote: Yeas; Johnson, Riedmiller, Hoefer, Porter. Nays; None.**

- CONSIDER SPEED DRAIN BILL FOR APPROVAL AND PAYMENT

Councilman Hoefer made a motion to approve Speed Drain bill, second by Johnson. **Vote: Yeas; Hoefer, Johnson, Riedmiller. Nays; None. Abstain; Porter.**

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- **CONSIDER CHANGE ORDER #1 OF MIDLANDS CONTRACTING FOR FAIRVIEW PAVING AND STORM SEWER PHASE II PROJECT**

Council Members reviewed Change Order #1 of Midlands Contracting to add retaining walls for the Fairview Project. The Change Order included two separate options, which the Council considered were too high. Councilman Johnson made a motion to decline Change Order #1 of Midlands Contracting, second by Hoefer.

Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.

- **CONSIDER PAY APPLICATION #5 OF MIDLANDS CONTRACTING, INC. FOR FAIRVIEW STORM SEWER PHASE II PROJECT FOR APPROVAL**

Councilman Porter made a motion to approve Pay Application #5 of Midlands Contracting, Inc. for the Fairview Storm Sewer Improvements, Phase II Project in the amount of \$119,215.85; second by Johnson.

Vote: Yeas; Porter, Riedmiller, Hoefer, Johnson. Nays; None.

- **CONSIDER CHANGE ORDER #1 OF RUTJENS CONSTRUCTION FOR SALE BARN ROAD WATER MAIN REPLACEMENT PROJECT**

Councilman Hoefer made a motion to approve Change Order #1 of Rutjens Construction for Salebarn Road Water Main Project in amount of \$4,041.12;

second by Johnson. **Vote: Yeas; Hoefer, Johnson, Riedmiller, Porter. Nays; None.**

- **CONSIDER PAY APPLICATION #1 OF RUTJENS CONSTRUCTION FOR THE SALE BARN ROAD WATER MAIN REPLACEMENT PROJECT**

Councilman Johnson made a motion to approve Pay Application #1 of Rutjens Construction for Salebarn Road Water Main Project in amount of \$64,768.42;

second by Riedmiller. **Vote: Yeas; Riedmiller, Johnson, Porter, Hoefer. Nays; None.**

12. **CONSIDER SECOND READING, THIRD READING, AND FINAL PASSAGE OF ORDINANCE 271(18) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF ALBION SEWING CENTER (TENANT), MICHAEL W. OLSON (LANDLORD)**

Mayor Jarecki instructed Clerk Devine to read the ordinance for the second time. Councilman Porter made a motion to suspend the statutory rules requiring reading of the ordinance on three different days, second by Johnson. **Vote: Yeas; Riedmiller, Porter, Johnson, Hoefer. Nays; None.** Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve all readings and for final passage and adoption of Ordinance 271(18), second by Johnson. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 271(18) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 271(18) finally pass?” **Vote: Yeas; Porter, Hoefer, Johnson, Riedmiller. Nays; None.**

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

Special Meeting – Budget Workshop: August 21, 2018 at 7:30 p.m.

- Discuss Certified Valuation obtained by County Assessor
- Discuss draft of Budget & Final preparation by accountant
- Consider quote of Clean Well Technologies to decommission County stock well
- Set budget adoption hearing date & time – tentatively Sept. 11, 2018
- Retaining Wall Decision
- Verizon Agreement
- Employee Evaluations

Next Regular Meeting: September 11, 2018 at 7:30 p.m.

- Budget Adoption Hearing
 - Approve Resolution setting the 2018-2019 Property Tax Request
 - Approve and Adopt 2018-2019 Budget including additional 1% increase of Restricted Funds Authority
 - Approve 2018-2019 Capital Improvements Plan
- Consider Resolution/Interlocal Agreement with the County of Boone allowing existing Boone County employee to contract with the City to provide Street Superintendent Services

16. **ADJOURN**

At 8:38 p.m. Council Member Johnson made a motion to adjourn the meeting, second by Hoefler. **Vote: Yeas; Riedmiller, Porter, 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 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk