

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, AUGUST 13, 2019

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 13, 2019 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Marcus Johnson, Jon Porter, Chris Kohtz, and Walt Hoefer. City staff present were: City Administrator Andrew Devine, Water Commissioner Ron Morearty, Deputy City Clerk Sharon Ketteler, and City Attorney Darren Wright. 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. The meeting was recorded using an audio recording device and such recording is available for inspection at the office of the City Clerk.

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 announced the City of Albion was awarded the Doug Bereuter Accomplished Community Award given by Northeast Nebraska Economic Development District. Mayor Jarecki received a letter of complaint from someone because city police notified her to clean her grass from the street. The Mayor noted this is littering, and could possibly clog storm sewers. Mayor Jarecki provided a report of his semi-annual Department Head Meeting held on August 6, 2019; and reviewed it with the Council.

2. CONSIDER MINUTES OF JULY 16, 2019 CITY COUNCIL MEETING FOR APPROVAL

Councilman Johnson made a motion to approve the minutes of the July 16, 2019 City Council meeting; second by Kohtz. **Vote: Yeas; Hoefer, Johnson, Porter, Kohtz. None.**

3. OPEN PUBLIC HEARING TO CONSIDER APPROVAL AND ACCEPTANCE OR DENIAL OF AN APPLICATION FOR ADMINISTRATIVE PLAT BY JAMES H. KOHTZ, TRUSTEE OF THE JAMES H. KOHTZ REVOCABLE TRUST AND SUCCESSOR TRUSTEE OF THE ELLEN L. KOHTZ IRREVOCABLE TRUST, TO REPLAT A TRACT OF LAND COMPRISING A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6TH P.M, BOONE COUNTY, NEBRASKA

Mayor Jarecki opened the public hearing at 7:42 p.m. The Mayor sought public input. Hearing none, he closed the public hearing at 7:43 p.m. Councilman Kohtz explained the application is to replat the property as he and Heather wish to build a house and segregate his shop, which is currently on his father’s property. Clerk Devine stated the Planning Commission recommended approval. Councilman Porter made a motion to approve administrative plat application, second by Hoefer. **Vote: Yeas; Hoefer, Porter, Johnson. Nays; None. Abstain; Kohtz.**

4. **CONSIDER AIRPORT AUTHORITY REQUEST FOR CITY TAX ALLOCATION FOR FISCAL YEAR 2019-2020**

Clerk Devine noted the request is for \$30,000; which is the same as the last 3 years. Councilman Hoefler made a motion to approve Airport Authority's request of \$30,000 in city tax allocation for fiscal year 2019-2020, second by Johnson. **Vote: Yeas; Hoefler, Porter, Kohtz, Johnson. Nays; None.**

5. **CONSIDER RESOLUTION 110(19) COST OF LIVING ADJUSTMENT FOR NON-TEMPORARY CITY EMPLOYEES EFFECTIVE OCTOBER 1, 2019**

Councilman Porter made a motion to approve a 2% cost of living increase for all non-temporary City Employees effective October 1, 2019; second by Kohtz. **Vote: Yeas; Hoefler, Johnson, Porter, Kohtz. Nays; None.**

6. **CONSIDER REQUEST OF EAGLE COMMUNICATIONS, INC. TO TRANSFER CABLE TELEVISION FRANCHISE TO EAGLE BROADBAND INVESTMENTS, LLC**

Dan Staack of Eagle Communications, Inc. explained the transfer of franchise agreement; stating that Eagle Broadband Investments, LLC. is more than just a name change. The newly formed company will be able to offer the best services to enable communities to continue to grow and keep up with revolving technology. Mr. Staack added they are moving to full digital format with their television programming. This will free up bandwidth for better internet, and allow for more TV viewing options. Dennis Wies, Director of Commercial Sales for Eagle Communication's corporate office, explained further on bandwidth, internet, and television services. Mr. Wies stated this acquisition is a huge opportunity to expand. It is another step to improving infrastructure and helping rural communities thrive.

- Consider introduction and approval of Resolution 111(19) approving change of cable television franchisee.

Councilman Hoefler made a motion to introduce and approve Resolution 111(19) approving change of cable television franchisee, second by Johnson. **Vote: Yeas; Hoefler, Kohtz, Johnson, Porter. Nays; None.**

7. **NUISANCE PROGRAM REPORT-UPDATE FROM ALBION POLICE DEPARTMENT AND CITY ATTORNEY ON THE STATUS OF DECLARED NUISANCES**

City Attorney Wright reported that the City has cleaned up one property, and criminal charges are being filed. Another property will possibly be resolved without

cost to the City. That property owner has proposed to tear the house down. Mr. Wright stated that all previously declared nuisances are being addressed.

- Consider Resolution Series 112(19) Declaring Nuisances for Approval
There were no new nuisances to declare. **No action taken.**

8. **CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE 280(19) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF DUANE BITTNER, LANDLORD; LUZ JANZEN, TENANT**

Clerk Devine stated the bill has been paid. **No action taken.**

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 report for council review. Mr. Devine added that he submitted a grant application for tire amnesty collection. If the grant is received, we will try to coordinate that collection along with city wide clean-up days in the spring.

The City received notice from Bud's Sanitation of potential loss of paper and cardboard recycling. There has been issues of soiled paper and cardboard; and also trash being thrown into the bins. These and other things are making it too costly to continue the service much longer. Recycling is being cut back in the smaller communities for now. **No action taken.**

10. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

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

- CONSIDER PAY APPLICATION #3 OF CHARLES SARGENT IRRIGATION, INC./SARGENT DRILLING FOR THE 2018-19 NEW WELL PROJECT

Clerk Devine stated there was no new pay application submitted for Council consideration.

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

Budget Workshop: August 27, 2019 at 7:30 p.m.

- Discuss Certified Valuation obtained from County Assessor
- Discuss draft of budget & final preparation by accountant
- Set budget adoption hearing date & time – tentatively Sept. 10, 2019 at 7:30 p.m.

Next Regular Meeting: September 10, 2019 at 7:30 p.m.

- Budget Adoption Hearing
 - Approve Resolution setting the 2019-2020 Property Tax Request
 - Approve and Adopt 2019-2020 Budget including additional 1% increase of Restricted Funds Authority
 - Approve 2019-2020 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

12. **ADJOURN**

At 8:18 p.m. Council Member Porter made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Porter, Hoefler, Kohtz, 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