

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, NOVEMBER 12, 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 November 12, 2019 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jon Porter, Chris Kohtz, Walt Hoefer, and Marcus Johnson. City staff present were: City Administrator Andrew Devine, Police Chief Mike Mapel, Water Commissioner Ron Morearty, Utility Billing Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, Building Inspector Warren Myers, 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 gave his condolences to the family of the teacher and student who were killed recently in an automobile accident. Mayor Jarecki congratulated Jim Bader on his retirement and thanked him for his years of service to the City of Albion. The Mayor also reminded everyone of courtesy tips on snow removal during this upcoming season.

**2. CONSIDER MINUTES OF OCTOBER 8, 2019 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Porter made a motion to approve the minutes of the October 8, 2019 City Council meeting; second by Johnson. **Vote: Yeas; Johnson, Kohtz, Porter, Hoefer. Nays; None.**

**3. CONSIDER MAYORAL APPOINTMENT OF BRIAN NATHAN TO THE ALBION PLANNING COMMISSION**

Brian Nathan had submitted a request to Mayor Jarecki to fill the vacant seat on the Planning Commission left by Larry Swerczek, who resigned from the Board. Councilman Porter made a motion to confirm appointment of Brian Nathan to the Albion Planning Commission, second by Hoefer. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefer. Nays; None.**

**4. CONSIDER AMENDED 2019-20 CITY OF ALBION CAPITAL IMPROVEMENT PLAN**

Clerk Devine explained the changes to the Street and Parks Departments of the Capital Improvement Plan. It will be necessary to begin Phase III of the Fairview Street Storm Sewer project sooner than planned in order for the Hospital expansion project to move forward. Devine noted that we do have funding available for that. At the Sports Complex, the cost to replace light poles was much higher than budgeted. Also, the Coaches Committee for improvements noted the necessity for backstop netting. Devine added that since the campground expansion project will be put on hold due to the Hospital project, those funds will be available for Sports Complex improvements. Devine added that the Planning Commission also reviewed the changes and recommended approval of the amended plan. Councilman Hoefer made a motion to approve the amended/updated 2019-20 Capital Improvement Plan, second by Johnson. **Vote: Yeas; Kohtz, Johnson, Hoefer, Porter. Nays; None.**

**5. CONSIDER AGREEMENT WITH JEO FOR FAIRVIEW STORM DRAINAGE PHASE III PROJECT**

Council Members reviewed and discussed the Scope of Services provided by Kevin Kruse of JEO Consulting Group for the Fairview Street Storm Sewer Phase III project. Clerk Devine noted a key point is they will coordinate with the hospital design team for their construction time line; and for storm sewer placements. The final design is to be completed in February; with a bid opening in early March. The estimated cost for their professional services to design the project is \$67,480. Clerk Devine pointed out under item #4. H. for Construction Observation, the agreement states it will be billed as hourly, and estimates to be \$9,100. Devine recommended inserting the phrase, “Not to Exceed” that amount. Councilman Hoefer made a motion to approve agreement with JEO for Fairview Storm Drainage Phase III Project, with the stipulation they do not exceed \$9,100 for Construction Observation; second by Kohtz. **Vote: Yeas; Johnson, Porter, Kohtz, Hoefer. Nays; None.**

**6. CONSIDER REQUEST OF ALBION SOFTBALL TO HIRE NO SWETT FENCING TO CONSTRUCT BACKSTOP AND DUGOUT FENCE IMPROVEMENTS AT FIELDS A AND B AT THE SPORTS COMPLEX**

Council Members reviewed the proposals from No Swett Fencing, which were broken down into two separate projects. One for the North Field, and one for the South Field. Clerk Devine stated the Coaches Committee for Sports Complex improvements had also gotten a quote from American Fencing. However, that quote was only for the backstop, but did not include the netting. Discussion ensued. Councilman Kohtz made a motion to approve request of Albion Softball to hire No Swett Fencing to construct backstop and dugout fence improvements at the Sports Complex for a total of \$22,762 for the North Field; and a total of \$20,900 for the South Field; second by Johnson. **Vote: Yeas; Johnson, Hoefer, Porter, Kohtz. Nays; None.**

7. **CONSIDER REQUEST OF DEB MITCHELL TO PLACE A MEMORIAL BENCH AT FULLER PARK IN HONOR OF DELWYN LOUGH**

Clerk Devine presented a picture of the memorial bench for Delwyn Lough. Councilman Hoefler made a motion to approve request of Deb Mitchell to place memorial bench in Fuller Park, second by Johnson. **Vote: Yeas; Hoefler, Johnson, Porter, Kohtz, Hoefler. Nays; None.**

8. **CONSIDER ORDINANCE 282(19) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF WILMA JEAN BURGE**

Councilman Johnson made a motion to introduce Ordinance 282(19), an ordinance relating to a levy of special assessment for the unpaid utility bill of Wilma Jean Burge. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Johnson made a motion to approve the first reading, second by Hoefler. **Vote: Yeas; Hoefler, Porter, Kohtz, Johnson. 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**

Administrator Devine had previously provided a report for council review. Ron Morearty provided an update on the new well project. The water samples have come back good; and it is estimated that completion of the project should be in approximately 10 days. Council Members discussed options for tractor/equipment purchase that was approved in the 2019-2020 budget. It might be more cost effective for the City to consider leasing equipment rather than purchasing, as the hours used is expected to be low. Administrator Devine is looking into municipal lease options to see what is available. **No action taken.**

10. **NUISANCE REPORT**

Council Members reviewed and discussed the Nuisance Update Report provided by Officer Mapel. Of the nuisances declared earlier this year, all except one was abated by the property owner. It was necessary for the City to abate one property and bill the owner. That owner has not reimbursed the City for the abatement costs.

Recently Patriot Home Inspection & Environmental Services assisted in inspecting three properties, which were determined to have unsafe conditions. The City's Health Board has not inspected these properties. City Attorney Wright stated that new inspection reports need to be made, and property owners notified.

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- **CONSIDER ORDINANCE 283(19) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF RICHARD AND SHANNON HAGER**

Councilman Porter made a motion to introduce Ordinance 283(19). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Porter made a motion to approve the first reading, second by Johnson. **Vote: Yeas; Porter, Kohtz, Johnson, Hoefler. Nays; None.**

**11. CONSIDER BILLS FOR APPROVAL**

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Kohtz made a motion to approve payment of monthly bills as presented, second by Hoefler.

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

- **CONSIDER PAY APPLICATION #3 OF SARGENT IRRIGATION FOR WELL PROJECT**

Councilman Porter made a motion to approve Pay Application #3 of Sargent Irrigation in the amount of \$147,665.18; second by Hoefler.

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

- **CONSIDER PAY APPLICATION #1 OF ON POINT CONSTRUCTION FOR PUBLIC WORKS BUILDING**

Councilman Johnson made a motion to approve Pay Application #1 of On Point Construction in the amount of \$78,920.70; second by Hoefler.

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

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

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

- Ordinance 282(19)
- Ordinance 283(19)
- Potential Plat Applications to Consider
- Alley Vacation

13. **ADJOURN**

At 8:28 p.m. Council Member Kohtz made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Kohtz, Johnson, Hoefer, Porter. 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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk