

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, OCTOBER 13, 2020**

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 October 13, 2020 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Walt Hoefer, Jon Porter, and Chris Kohtz. Marcus Johnson arrived at 7:37 p.m. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Officer Mike Mapel, 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 commented that 11<sup>th</sup> Street from Church Street to Old Mill Road has potholes that need immediate repair. Boone County Concrete was planning to begin work on it this week, but because of a death in the family they will start next week. Mayor Jarecki gave his condolences to the Nolan family. The Mayor also commented that the Storm Sewer Phase III Project came in almost \$33,000 below original cost.

**2. CONSIDER MINUTES OF SEPTEMBER 29, 2020 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Kohtz made a motion to approve the minutes of the September 29, 2020 City Council meeting; second by Porter. **Vote: Yeas; Kohtz, Hoefer, Porter. Nays; None. Absent; Johnson.**

**3. CONSIDER RESOLUTION 117(20) A RESOLUTION OF THE CITY OF ALBION, NEBRASKA ADOPTING POLICIES REGARDING THE ACCEPTANCE OF PAYMENT FOR ANY AND ALL CITY SERVICES, FEES, UTILITY DEBTS, AND/OR OTHER DEBTS DUE TO THE CITY OF ALBION, NEBRASKA**

Clerk Devine explained the need to update the City's policy regarding returned items as payment for debts owed. The new resolution would allow for a review process for customers in good standing. Councilman Kohtz made a motion to introduce and adopt Resolution 117(20) A Resolution of the City of Albion, Nebraska Adopting Policies Regarding the Acceptance of Payment for any and all City Services, Fees, Utility Debts, and/or other Debts Due to the City of Albion, Nebraska; second by Porter. **Vote: Yeas; Porter, Hoefer, Johnson, Kohtz. Nays; None.**

**4. DISCUSS AND CONSIDER PROFESSIONAL RETAIL OPERATIONS AGREEMENT AND FRANCHISE WITH LOUP RIVER PUBLIC POWER DISTRICT**

Neil Suess of Loup Power reviewed the Professional Retail Operations Agreement that he had presented to the council earlier last spring. There are currently two separate agreements with the City of Albion: The Professional Retail Operations Agreement, and the Franchise Agreement. These would be combined into one; and the term would extend through 2040. The current agreement expires in January, 2021. The lease payment would increase to 11% instead of 10%; and the payments would be four times per year instead of two. Otherwise the agreement is the same as before. Mr. Suess also stated they plan to maintain their office in Albion.

- CONSIDER RESOLUTION 118(20)

Councilman Hoefler made a motion to introduce and adopt Resolution 118(20) second by Kohtz. **Vote: Yeas; Porter, Hoefler, Johnson, Kohtz. Nays; None.**

**5. CONSIDER ORDINANCE 293(20) REGARDING THE ANNEXATION OF LOT 4 OF THE LANDEN ESTATES SUBDIVISION, CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Council members reviewed the ordinance which would extend the boundaries of the corporate limits by annexation of Lot 4 of the Landen Estates Subdivision. This had been discussed multiple times at prior Planning Commission and City Council meetings. Councilman Johnson made a motion to introduce Ordinance 293(20). 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 Kohtz.

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

**6. CONSIDER ORDINANCE 295(20) REGARDING ADOPTION OF VACANT PROPERTY REGISTRATION PROGRAM AND POLICY**

Council members reviewed the ordinance. City Attorney Wright explained the Vacant Property Registration Act, which allows the City to create a data base for properties that classify as vacant properties. If a property sits vacant long enough, the owner would have to pay a fee. This fee would help to off-set the cost for nuisances that the City must clean up. It also gives property owners an incentive to do something with their vacant property. Council members discussed what to classify as vacant property; the fees to charge; and who would administer. It was agreed that the initial registration fee for residential properties would be \$250; and commercial properties would be \$500. This fee would be charged 6 months after the property was put on the data base list. An additional supplemental fee of that same amount would be charged every six months following (not to exceed ten times the initial registration fee) for as long as the property remains on the vacant property registration data base. Exemptions were also discussed and the council settled on drafting the ordinance with exemptions for property that is advertised in good faith for sale or lease, and any property subject to probate or estate proceedings. Administration of the program was discussed and the council was comfortable drafting as such that the City Administrator would manage the data base, with the help of the Building Inspector and Police Department for inspection of properties. City Attorney Wright will complete the changes and present the ordinance at the next city council meeting for consideration.  
**No action taken.**

7. **CONSIDER ORDINANCE 296(20) RELATING TO THE LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF JIM HIGHTREE AKA JAMES G. HIGHTREE**

Councilman Porter made a motion to introduce Ordinance 296(20). 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 Porter. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefler. Nays; None.**

8. **CONSIDER AGREEMENT WITH JEO FOR KOHTZ/CITY OF ALBION DAM RECONSTRUCTION PROJECT**

Clerk Devine stated he spoke with both Dave Noble and Paul Groetke of the Ag Society and Arena Committee, who asked that we table this until they get a second opinion from their engineer. Mr. Devine instructed them to have their engineer contact the Department of Natural Resources immediately. Councilman Johnson made a motion to table action until the next City Council meeting, second by Kohtz. **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.**

9. **NUISANCE PROGRAM REPORT – ALBION POLICE DEPARTMENT**

Council members reviewed the nuisance. Officer Mapel stated it has been partially cleaned up but he recommended to proceed with the declaration. Councilman Hoefler made a motion to introduce and adopt Resolution 119(20) Declaring Nuisance, second by Johnson. **Vote: Yeas; Kohtz, Porter, Hoefler, Johnson. Nays; None.**

10. **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. Devine added that the city-wide clean up and scrap tire collection went very well, and thanked city staff for their efforts. **No action taken.**

11. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

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

**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING OCTOBER 13, 2020**

- CONSIDER CHANGE ORDER #1 OF RUTJENS CONSTRUCTION FOR FAIRVIEW PHASE III STORM SEWER PROJECT

The change order is due to adjustments in quantities for a deduction of (\$32,884).

- CONSIDER PAY APPLICATION #2 OF RUTJENS CONSTRUCTION FOR FAIRVIEW PHASE III STORM SEWER PROJECT

Councilman Hoefer made a motion to approve Change Order #1, Substantial Completion, and Final Pay Application #2 in the amount of \$247,912.24 of Rutjens Construction for Fairview Phase III Storm Sewer Project; second by Johnson.

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

- CONSIDER PAY APPLICATION #4 FINAL FROM CHARLES SARGENT IRRIGATION, INC. / SARGENT DRILLING

Councilman Johnson made a motion to approve Substantial Completion, and Final Pay Application #4 of Charles Sargent Irrigation, Inc./Sargent Drilling in the amount of \$39,284.04; second by Hoefer. **Vote: Yeas; Kohtz, Johnson, Hoefer, Porter. Nays; None.**

**12. CONSIDER MEMBERSHIP APPLICATION TO THE ALBION VOLUNTEER FIRE DEPARTMENT OF KRIS DORIE**

Councilman Kohtz made a motion to approve membership application of Kris Dorie to the Albion Volunteer Fire Department, second by Hoefer. **Vote: Yeas; Kohtz, Johnson, Porter, Hoefer. Nays; None.**

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

**Next Regular Meeting: November 10, 2020 at 7:30 p.m.**

- Consider second reading of Ordinance 293(20) Regarding the Annexation of Lot 4 of the Landen Estates Subdivision
- Consider second and third reading of Ordinance 296(20) Relating to the Levy of Special Assessment for Unpaid Utility Bill of Jim Hightree
- Consider Ordinance 295(20) Vacant Property Registration
- Consider Fee Schedule Resolution

**14. ADJOURN**

At 8:49 p.m. Council Member Hoefer made a motion to adjourn the meeting, second by Kohtz. **Vote: Yeas; Kohtz, Johnson, Porter, Hoefer. Nays; None.**

**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING OCTOBER 13, 2020**

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