

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING – PUBLIC HEARING**  
**TUESDAY, JULY 14, 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 July 14, 2020 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Chris Kohtz, Marcus Johnson, and Jon Porter. Walt Hoefler arrived at 7:33 p.m. City staff present were: City Administrator Andrew Devine, Utility Billing Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, Public Works Operators Doug Morgan and Warren Myers, Officer Joe Predmore, 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 stated the preliminary budget shows a \$12,900 increase in property tax asking from last year, which is less than 1 cent increase on the levy. The Mayor noted that sales tax revenue is down this year. Mayor Jarecki announced that the city council meetings will continue to be available through teleconference.

**2. CONSIDER MINUTES OF THE JUNE 9, 2020 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Kohtz made a motion to approve the minutes of the June 9, 2020 City Council meeting; second by Porter.

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

**3. CONSIDER ACCEPTANCE OF TRANSFER OF REAL PROPERTY AND WARRANTY DEED FOR THE SAME PROPERTY FROM THE COUNTY OF BOONE FOR PROPERTY LEGALLY DESCRIBED AS A TRACT OF LAND COMPRISING A PART OF THE NORTHEAST QUARTER OF SECTON 28, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA, MORE COMMONLY KNOWN AS THE CITY OF ALBION-KOHTZ DAM AND RESERVOIR**

City Attorney Wright explained that the County has approved the transfer of the property and has signed the deed. A title search of the property showed a clean title. Wright noted the City Council could accept the warranty deed as is, or require the property to be formally split into parcels. Following discussion of the options Councilman Hoefler made a motion to accept transfer of property and warranty deed, second by Johnson. **Vote: Yeas; Porter, Kohtz, Hoefler, Johnson. Nays; None.**

**4. CONSIDER ACTION REGARDING DELINQUENT UTILITY ACCOUNTS:**

- Consider second and third reading and final passage of Ordinance 287(20) to levy special assessment for the unpaid bill of Nina Meyer for replacement of customer water shut off valve

Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the second time. Councilman Porter made a motion to suspend the statutory rules that ordinance be read on three separate days, second by Johnson.

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

Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the third time. Councilman Johnson made a motion to approve the second and third readings and final passage of Ordinance 287(20), second by Kohtz. Councilman Hoefer called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 287(20) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 287(20) finally pass?” **Vote: Yeas; Kohtz, Hoefer, Johnson. Nays; None. Abstain; Porter.**

- Consider first reading of Ordinance 288(20) to levy special assessment for the unpaid utility bill of Wilma Jean Burge

Councilman Kohtz made a motion to introduce Ordinance 288(20). Mayor Jarecki instructed Clerk Devine to read Ordinance 288(20) for the first time. Councilman Johnson made a motion to approve first reading, second by Porter.

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

- Consider first reading of Ordinance 289(20) to levy special assessment for the unpaid utility bill of Jim Hightree AKA James G. Hightree

Councilman Johnson made a motion to introduce Ordinance 289(20). Mayor Jarecki instructed Clerk Devine to read Ordinance 289(20) for the first time. Councilman Porter made a motion to approve first reading, second by Hoefer.

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

- Consider first reading of Ordinance 290(20) to levy special assessment for the unpaid utility bill of Leetch Properties, LLC, Landlord; Margaret Parrott, Tenant

Councilman Johnson made a motion to introduce Ordinance 290(20). Mayor Jarecki instructed Clerk Devine to read Ordinance 290(20) for the first time. Councilman Porter made a motion to approve first reading, second by Hoefer.

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

- Consider first reading of Ordinance 291(20) to levy special assessment for the unpaid utility bill of Brittney Weinman

Councilman Johnson made a motion to introduce Ordinance 291(20). Mayor Jarecki instructed Clerk Devine to read Ordinance 291(20) for the first time. Councilman Porter made a motion to approve first reading, second by Johnson.

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

5. **OPEN PUBLIC HEARING TO CONSIDER REPLAT APPLICATION #2020-01 OF RICHARD AND PENNY BARNES TO REPLAT A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:49 p.m. The Mayor sought public input. Nikki Michael, representative for Richard and Penny Barnes, joined by teleconference and explained the main purpose of the subdivision is to separate the house and building site from the farm ground. Council Member Johnson questioned if there was an easement for access of farm ground north of that. Ms. Michael stated there was. Mayor Jarecki sought further comment. Hearing none, he closed the public hearing at 7:51 p.m. Clerk Devine noted that the planning commission reviewed the application and recommended approval. Councilman Porter made a motion to approve Replat Application #2020-01 of Richard and Penny Barnes, second by Johnson. **Vote: Yeas; Johnson, Porter, Kohtz, Hoefler. Nays; None.**

6. **OPEN PUBLIC HEARING TO CONSIDER REPLAT APPLICATION #2020-02 OF GRETCHEN LANDEN TO REPLAT THE LANDEN ADDITION, AND DARLING STAUB ADDITION, CITY OF ALBION, BOONE COUNTY, NEBRASKA AND A FRACTION OF THE NORTHWEST QUARTER OF SECTION 27 TOWNSHIP 20 NORTH RANGE 6 WEST OF THE 6<sup>TH</sup> P.M., BOONE COUNTY, NEBRASKA**

Mayor Jarecki opened the public hearing at 7:53 p.m. The Mayor sought public input. MaKensey Harris, representative for Gretchen Landen, explained the application. Lot 1 would be split with the west portion going to neighboring lot 1 for green space, and the east portion to enlarge lot 2. Lot 5 would be sold to neighbor for green space. Lot 6 to be developed in future for 1 dwelling. A small strip was added to lot 6 for access. Ms. Harris noted that planning commission recommends annexing all of lot 4 as a portion of it is outside city limits. Mayor Jarecki sought further comment. Hearing none, he closed the public hearing at 7:55 p.m. Councilman Kohtz asked if lot 5 would be broken up and sold separately. Ms. Harris stated it would be sold as one lot. Councilman Hoefler asked if lot 6 would be annexed in also. Clerk Devine stated the planning commission discussed it but recommended only annexing all of lot 4 at this time. Clerk Devine noted the developers of lot 6 are aware of additional development costs of water and sewer if it would be annexed in the future. Discussion ensued. Devine stated that the planning commission reviewed the application and recommended approval. Councilman Kohtz made a motion to approve Replat Application #2020-02 of Gretchen Landen, second by Johnson. **Vote: Yeas; Kohtz, Hoefler, Johnson, Porter. Nays; None.**

7. **CONSIDER RIGHT OF WAY OCCUPATION PERMIT APPLICATION OF VIAERO FIBER NETWORKS, LLC**

Council members reviewed the application. Councilman Kohtz made a motion to approve Right of Way Occupation Permit Application of Viaero Fiber Networks, LLC; second by Johnson. **Vote: Yeas; Porter, Kohtz, Hoefler, Johnson. Nays: None.**

8. **PRELIMINARY REVIEW OF 2019-20 BUDGET PERFORMANCE & DRAFT OF 2020-21 BUDGET**

Clerk Devine provided multiple budget spreadsheets and reviewed the Preliminary Budget Summary with council members. All departments are expected to operate at a surplus, noting that the pool's surplus is mainly due to the sale of surplus property. Business Type Funds are expected to perform better than budgeted mainly due to Water Project financing and refinancing Sewer Plant debt. The total tax levy is estimated to be about .40 cents, which is 8/10 of a cent higher than last year. Proposed property tax asking is \$12,895 higher than last year. Devine noted that the auditor recommended spending down approximately \$250,000 of cash reserves in the General Fund for this next fiscal year. Approximately \$190,000 of cash reserves will be transferred to help support other funds. A large amount of that will be used to help fund the Storm Sewer project. **No action taken.**

9. **REVIEW UTILITY RATES AND CONSIDER RESOLUTION 109(20) SETTING UTILITY RATES EFFECTIVE OCTOBER 1, 2020**

Clerk Devine commented that since the CPI factor is a negative 0.1%, he recommended no changes to the rates for 2020-2021. Devine added that it will probably be necessary to raise rates within the next few years. Councilman Hoefler made a motion to introduce and approve Resolution 109(20), second by Johnson. **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.**

10. **CONSIDER APPROVAL OF HIRING MICHELLE DEVINE AND NATHAN DEVINE AT THE ALBION FAMILY AQUATIC CENTER**

Pool Manager, Angie Sup, hired family members of Andrew Devine to work at the Albion Aquatic Center. Devine provided a Nebraska Accountability and Disclosure form for council review. Councilman Porter made a motion to approve the hiring of Michelle Devine and Nathan Devine at the Albion Family Aquatic Center, second by Kohtz.

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

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

There were no nuisances to declare. **No action taken.**

12. **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. Devine added that crack sealing of streets will begin next week. Mayor Jarecki commented that the west panel of street at intersection of Fairview and 6<sup>th</sup> Streets is chipped badly and should be replaced. **No action taken.**

13. **CONSIDER APPROVAL TO HIRE JEO TO CONDUCT AN INVESTIGATION AND PREPARE A REPORT PURSUANT TO NOTICE OF UNAPPROVED ALTERATION TO DAM FROM NEBRASKA DEPARTMENT OF NATURAL RESOURCES**

City Attorney Wright recommended the City move forward on the Department of Natural Resources request so the deadline can be met. Since the City owns the property the violation falls on us; however, we can pursue an agreement with Boone County Ag Society to remedy their part of the violation. Clerk Devine stated DNR requires a Certified Dam Engineer to conduct the investigation and report. Councilman Kohtz made a motion to approve agreement with JEO to conduct investigation and prepare a report pursuant to notice of unapproved alteration to dam from Nebraska Department of Natural Resources, second by Johnson. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefer. Nays; None.**

14. **CONSIDER PLANS AND SPECS FOR BOONE BEGINNINGS ADDITION PUBLIC WATER AND SEWER SYSTEM INFRASTRUCTURE EXTENSIONS**

Clerk Devine reviewed the updated opinion of cost estimate with the council. The City portion of the project was reduced approximately \$25,000 due to sewer grade adjustment; bringing the cost estimate to \$175,000. Councilman Hoefer made a motion to approve plans and specs for the Boone Beginnings Addition public water and sewer system infrastructure and authorize to advertise for bids, second by Johnson. **Vote: Yeas; Kohtz, Hoefer, Porter, Johnson. Nays; None.**

15. **CONSIDER BILLS FOR APPROVAL**

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Porter made a motion to approve the monthly bills, second by Hoefer. **Vote: Yeas; Johnson, Kohtz, Hoefer, Porter. Nays; None.**

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

**Next Regular Meeting: August 11, 2020 at 7:30 p.m.**

- Prairie Street Vacation Ordinance
- Boone Beginnings Final Plat Application
- Pending further action on Utility Lien Ordinances
- Dam Discussion

**Special Meeting – Budget Workshop is scheduled for August 18, 2020 at 7:30 p.m.**

17. **ADJOURN**

At 8:41 p.m. Council Member Porter made a motion to adjourn the meeting, second by Kohtz. **Vote: Yeas; Hoefler, Porter, Johnson, Kohtz. 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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**MINUTES – ALBION CITY COUNCIL – REGULAR MEETING JULY 14, 2020**

Sharon Ketteler, Deputy Clerk