

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING – PUBLIC HEARING**  
**TUESDAY, SEPTEMBER 8, 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 September 8, 2020 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, Utility Billing Clerk Amber Wynn, Deputy City Clerk Sharon Ketteler, 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. Mayor Jarecki provided a report of his semi-annual Department Head Meeting held on August 19, 2020; and reviewed it with the Council. Mayor Jarecki noted that a written copy of the report is available to the public upon request.

**2. CONSIDER MINUTES OF AUGUST 18, 2020 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Porter made a motion to approve the minutes of the August 18, 2020 City Council meeting; second by Kohtz. **Vote: Yeas; Kohtz, Hoefer, Johnson, Porter. None.**

**3. REVIEW INITIAL STATE REVOLVING LOAN ASSESSMENT FROM NEBRASKA RURAL WATER ASSOCIATION**

Ken Halvorsen of Nebraska Rural Water provided an Initial Financial-Managerial Water System Assessment report and reviewed it with the council. Mr. Halvorsen stated that it was a good assessment and Albion had nothing to correct. **No action taken.**

**4. OPEN PUBLIC HEARING FOR 2020-2021 BUDGET ADOPTION**

Mayor Jarecki opened the public hearing at 7:40 p.m. The Mayor sought public comment. Hearing none, Mayor Jarecki closed the public hearing at 7:41 p.m.

- APPROVE RESOLUTION 112(20) APPROVING AND ADOPTING THE 2020-2021 BUDGET STATEMENT, INCLUDING AN ADDITIONAL 1% INCREASE OF RESTRICTED FUNDS AUTHORITY, AND SETTING THE 2020-2021 PROPERTY TAX REQUEST

Clerk Devine reviewed the resolution with the council, stating there were no changes to the Budget since the Budget Workshop held on August 18, 2020. Devine also provided the council with AMGL's Compilation Report based on the City's Budget. Councilman Johnson made a motion to introduce and adopt Resolution 112(20) Adopting the 2020-2021 Budget Statement, including an additional 1% increase of restricted funds authority, and setting the 2020-2021 Property Tax Request, second by Porter. **Vote: Yeas; Porter, Hoefler, Johnson, Kohtz. Nays; None.**

- APPROVE 2020-2021 CAPITAL IMPROVEMENTS PLAN

Clerk Devine reviewed the Capital Improvements Plan with the council, stating there were no changes since the Budget Workshop held on August 18, 2020. Councilman Porter made a motion to approve the 2020-2021 Capital Improvements Plan, second by Kohtz. **Vote: Yeas; Kohtz, Johnson, Porter, Hoefler. Nays; None.**

**5. CONSIDER RESOLUTION 113(20) AN INTERLOCAL AGREEMENT WITH THE COUNTY OF BOONE ALLOWING EXISTING BOONE COUNTY EMPLOYEE TO CONTRACT WITH THE CITY TO PROVIDE STREET SUPERINTENDENT SERVICES**

There are not changes to the agreement from the previous years. Clerk Devine stated this arrangement has been working well. Councilman Johnson made a motion to introduce and adopt Resolution 113(20) an Interlocal Agreement with the County of Boone allowing existing Boone County employee to contract with the City to provide Street Superintendent Services, second by Porter. **Vote: Yeas; Johnson, Kohtz, Porter, Hoefler. Nays; None.**

**6. CONSIDER RESOLUTION 114(20) APPROVING A REQUEST FOR AN EXTENSION OF CONTRACT END DATE FOR CDBG GRANT NUMBER 17-DTR-103 AND AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN EXTENSION REQUEST**

Jan Merrell of Northeast Nebraska Economic Development District provided a status report and reviewed it with the council. Currently 43 businesses have been awarded DTR funds. Ms. Merrell stated the project is going very well and the downtown area shows noticeable improvements. Ms. Merrell stated it is not uncommon for extension requests on Downtown Revitalization grants, especially with so many participating businesses; however, since this is the second extension request, we would not be given another one. Councilman Kohtz made a motion to introduce and adopt Resolution 114(20) Approving a request for an extension of contract end date for CDBG Grant # 17-DTR-103 and authorizing chief elected official to sign an extension request, second by Porter. **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.**

7. **CONSIDER RESOLUTION 115(20) AUTHORIZING THE MAYOR TO SIGN THE 2020 MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS AND CLASSIFICATIONS AND STANDARDS FORM**

Clerk Devine explained the resolution and certification document certifies that the City is in compliance and has adopted a One and Six Year Plan as required by State regulations. Councilman Johnson made a motion to introduce and adopt Resolution 115(20) Authorizing the Mayor to sign the 2020 Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads and Classification and Standards Form, second by Porter. **Vote: Yeas; Hoefler, Porter, Kohtz, Johnson. Nays; None.**

8. **CONSIDER RESOLUTION 116(20) DECLARING SURPLUS PROPERTY AND DIRECTING THE SALE OF THE SAME**

Council members discussed the potential items for sale and determined the City should keep the motor grader for another year to compare with tractor and blade. Councilman Kohtz made a motion to introduce and adopt Resolution 116(20) Declaring Surplus Property and Directing the Sale of the Same, except for the 1984 John Deere 770A Motor Grader; second by Johnson. **Vote: Yeas; Kohtz, Johnson, Hoefler, Porter. Nays; None.**

9. **CONSIDER THIRD READING AND FINAL PASSAGE OF ORDINANCE 292(20) REGARDING THE ANNEXATION OF THE BOONE BEGINNINGS ADDITION TO THE CITY OF ALBION, BOONE COUNTY, NEBRASKA**

Mayor Jarecki instructed Clerk Devine to read Ordinance 292(20) for the third time. Councilman Porter made a motion to approve third reading and final passage and adoption of Ordinance 292(20), second by Kohtz. Councilman Hoefler called the question. "Shall Ordinance 292(20) finally pass?" **Vote: Yeas; Kohtz, Hoefler, Johnson, Porter. Nays; None.**

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

City Attorney Wright stated he is waiting for an Annexation Plat before he can complete the ordinance. **No action taken.**

11. **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 additional fire hydrant at the Fire Hall was installed last week. Also, he attended the Nebraska Municipal Power Pool Board meeting and Joint Operating Committee meeting last week and was elected Chairman of the Board for the Joint Operating Committee. **No action taken.**

12. **CONSIDER A MOTION TO: 1) APPROVE AMENDMENTS TO THE “ARTICLES OF INCORPORATION” AND “BYLAWS” OF THE LEAGUE OF NEBRASKA MUNICIPALITIES BY VOTING “FOR” PROPOSED ACTIONS 1, 2 AND 3 ON THE ATTACHED “REGULAR MEMBER BALLOT”; 2) AUTHORIZE THE MAYOR/VILLAGE BOARD CHAIR TO SIGN THE “REGULAR MEMBER BALLOT”; AND 3) RETURN BOTH PAGES OF THE “REGULAR MEMBER BALLOT” TO THE LEAGUE BY NO LATER THAN 5 P.M. CT, OCT. 1, 2020**

Clerk Devine stated this would allow the League of Nebraska Municipalities to do more via telecommunication when it comes to Annual Meetings. Kohtz made a motion to approve amendments to the “Articles of Incorporation” and “Bylaws” of the League of Nebraska Municipalities by voting “For” proposed actions 1,2, and 3 on the attached “Regular Member Ballot”; and authorize the Mayor/Village Board Chair to sign the “Regular Member Ballot”, second by Porter.

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

13. **NUISANCE REPORT**

Clerk Devine noted there was a nuisance inspection report on his chair this morning, however, since it was not available in time to put on the agenda there can be **no action taken.** City Attorney Wright stated that he and the Mayor have discussed implementing a “Vacant Property Registration Act”; and will provide further information at the next month’s meeting.

14. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

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

- CONSIDER PAY APPLICATION #1 OF RUTJENS CONSTRUCTION FOR FAIRVIEW PHASE III STORM SEWER PROJECT

Council members reviewed the pay application. Clerk Devine stated that Rutjens Construction have completed even more of the work than is noted on the Progress Report. Councilman Porter made a motion to approve Pay Application #1 of Rutjens Construction for Fairview Phase III Storm Sewer Project in the amount of \$323,510.61; second by Kohtz.

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

15. **CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Johnson made a motion to approve employee evaluation of Andrew Devine, second by Hoefer. **Vote: Yeas; Kohtz, Hoefer, Porter, Johnson, Nays; None.**

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

**Special Meeting: September 29, 2020 at 7:30 a.m.**

- To approve Fiscal Year End bills for payment

**Next Regular Meeting: October 13, 2020 at 7:30 p.m.**

- Consider first reading of Ordinance 293(20) Regarding the Annexation of Lot 4 of the Landen Estates Subdivision, City of Albion, Boone County, Nebraska
- Consider Professional Retail Operations Agreement and Franchise Agreement
- Vacant Property Registration Ordinance
- Comp Plan Zoning & Subdivision Ordinances
- Building Code Ordinance

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**17. ADJOURN**

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