

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING – PUBLIC HEARING
TUESDAY, MARCH 10, 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 March 10, 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, Marcus Johnson. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Water Commissioner Ron Morearty, Utility Billing Clerk Amber Wynn, Sewer Commissioner Joe Luettel, City Attorney Darren Wright, and Officer Joe Predmore. 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. Andrew Devine, Chairman of the Board of Directors for ACE, presented Mayor Jarecki with a check to the City of Albion in the amount of \$5,795; membership return to be used for community projects. Since the inception of the Choice Gas Program in 1998 ACE has returned \$39,627 to the City of Albion.

2. CONSIDER APPROVAL OF MINUTES OF THE FEBRUARY 11, 2020 CITY COUNCIL MEETING

Councilman Kohtz made a motion to approve the minutes of the February 11, 2020 City Council meeting; second by Johnson.

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

3. CONTINUE PUBLIC HEARING FOR THE CITY OF ALBION 2020 ONE & SIX YEAR STREET IMPROVEMENT PLAN

Mayor Jarecki reconvened the public hearing at 7:31 p.m. The Mayor sought public input. None at this time.

At 8:54 p.m. Mayor Jarecki again sought public comment. Jim Dickerson asked if there had been any changes since the review of the plan at the February City Council meeting. Clerk Devine stated there was not. The Mayor asked for further comment. Hearing none, he closed the public hearing at 8:55 p.m.

4. DISCUSS RETAIL OPERATIONS AND FRANCHISE AGREEMENTS WITH LOUP POWER DISTRICT

Neil Suess of Loup Power explained they currently have two separate agreements with the City of Albion: The Professional Retail Operations Agreement, and the Franchise Agreement. They would like to combine the two agreements and extend the term through December 31, 2040. They would also increase the lease payments to 11% instead of 10%; and make these payments four times per year instead of two. Copies of the new agreement were previously provided for Council review, and may be voted on at a future City Council meeting. The current agreement expires on January 22, 2021. Mr. Suess also stated the City has the opportunity to buy the distribution areas that are in city limits that we don't currently own. Council Members reviewed a map of distribution areas to determine what the City currently owns, and what they could potentially purchase. Discussion ensued. **No action taken.**

5. OPEN 2020 LAWN CARE BIDS AND CONSIDER FOR AWARD AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS

At 8:41 p.m. Mayor Jarecki excused himself, reporting his potential interest in the contract. The Mayor verified a Conflict of Interest Disclosure form had been given to the City Clerk, and turned presiding authority over to Council President Walt Hoefer, then left the room. Clerk Devine stated only 1 bid was received. City Attorney Wright opened the bid from Jarecki Lawncare and Greenhouse. The bid was for \$17,310.50 and met all bid specifications. Councilman Kohtz made a motion to award the 2020 Lawncare bid to Jarecki Lawncare and Greenhouse for the amount of \$17,310.50 and to authorize Clerk Devine to sign any and all contract documents, second by Johnson. **Vote: Yeas; Porter, Hoefer, Johnson, Kohtz. Nays; None.**

At 8:46 p.m. Mayor Jarecki returned and resumed presiding over the meeting.

6. OPEN 2020 SPORTS COMPLEX CONCESSION STAND BIDS AND CONSIDER FOR APPROVAL AND AWARD OF CONTRACT AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS

Clerk Devine stated that only one bid was received. The bid was from Albion Baseball and Softball Organizations for \$50. Councilman Hoefer made a motion to award contract for Sports Complex Concession Stand Operation to Albion Baseball and Softball Organizations, with Tracy Hedlund as representative; second by Porter. **Vote: Yeas; Kohtz, Hoefer, Porter, Johnson. Nays; None.**

7. CONSIDER RESOLUTION 104(20) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION WITH BOONE COUNTY

Clerk Devine stated the agreement is the same as previous years. Mayor Jarecki explained this would cover a 1-mile radius, which helps the police department to patrol our assets outside of city limits. Councilman Hoefer made a motion to introduce and approve Resolution 104(20), second by Porter. **Vote: Yeas; Johnson, Hoefer, Porter, Kohtz. Nays; None.**

8. REVIEW ANNUAL REPORT FOR ALBION WATER AND SEWER DEPARTMENTS

Council Members reviewed the Annual Water and Sewer Report.
No action taken.

9. REVIEW ANNUAL REPORT FOR THE ALBION HOUSING AUTHORITY

Council Members reviewed the Annual Report submitted by Tracy Lipker, Executive Director of Albion Housing Authority.
No action taken.

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

Administrator Devine had previously provided a report for council review.
No action taken.

11. CONSIDER BILLS FOR APPROVAL

- CONSIDER MONTHLY BILLS FOR APPROVAL

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

12. CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL

Councilman Porter made a motion to approve the annual evaluation and recommended step raise for Joe Luettel, second by Johnson.

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

Councilman Porter made a motion to approve the annual evaluation of Joe Landauer, second by Johnson.

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

13. CONSIDER RESOLUTION 103(20) ADOPTING CITY OF ALBION 2020 ONE & SIX YEAR PLAN FOR APPROVAL

Councilman Johnson made a motion to introduce and approve Resolution 103(20) Adopting City of Albion 2020 One & Six Year Plan, second by Porter.

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

14. DISCUSS POTENTIAL CLOSING OF RAILROAD CROSSING AT 2ND STREET BETWEEN CHURCH AND MAIN STREETS WITH REPRESENTATIVES OF NEBRASKA CENTRAL RAILROAD

Taylor Kelly and Jason Quast of Nebraska Central Railroad explained the request to close the railroad crossing is to improve traffic safety. The crossing meets Nebraska Central Railroad's criteria for closure largely due to crossing redundancy and previous traffic count. However, the traffic count was based on a 1993 study on that crossing, and Council Members felt the current use was much greater. Other concerns expressed by the Mayor and Council with closing the street in that area included the possible hampering of commercial development to the lot west of that; and also the easy access it now provides for truck traffic to certain businesses. Council Members reviewed photos provided by the railroad, and discussed alternate routes for traffic if 2nd Street between Church and Main Streets were to close.

No action taken.

15. CONSIDER 2020 DRAFT OF CITY OF ALBION JOB DESCRIPTIONS FOR APPROVAL

Council Members reviewed the new job descriptions. Clerk Devine explained the change in job descriptions would be combining previous Street Foreman and future Public Works Project Manager job descriptions; and converting existing Street Laborer and Public Works Trainee positions to be described as a Public Works Maintenance Worker. This position would be cross-trained, but specialize in one particular department. The City would like to hire 1 or 2 new Public Works Maintenance Workers this spring or summer to fill vacancies left by retirements. Councilman Hoefer made a motion to approve the 2020 City of Albion Job Descriptions, second by Johnson.

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

16. CONSIDER INTRODUCTION AND ACTION ON ORDINANCE 284(20) AN ORDINANCE ESTABLISHING THE CITY OF ALBION EMPLOYEE PAY PLAN

Council Members reviewed the new proposed pay plan. Clerk Devine stated the City's employment policy is to review and compare its pay plan every 5 years. This new plan also includes the new job descriptions.

Councilman Hoefer made a motion to introduce Ordinance 284(20) An Ordinance Establishing the City of Albion Employee Pay Plan. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Kohtz made a motion to approve the first reading of Ordinance 284(20) and to suspend the statutory rule that the ordinance must be read on three separate days, second by Johnson.

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

Mayor Jarecki instructed Clerk Devine to read Ordinance 284(20) by title for the second and third time. Councilman Porter made a motion to approve second and third readings and final passage of Ordinance 284(20), second by Johnson.

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

17. CONSIDER AGREEMENT BETWEEN CITY OF ALBION AND BOONE COUNTY HEALTH CENTER FOR SALE OF REAL ESTATE LEGALLY DESCRIBED AS LOTS 3, 4, 5, 6, 7, 8 AND THE ADJACENT VACATED ALLEY ALL IN BLOCK 5, SOUTH FAIRVIEW ADDITION, ALBION, BOONE COUNTY, NEBRASKA

Geoff McGill, Don Casper, and Paul Groeteke, representatives for Boone County Health Center, indicated their desire for an issued building permit by Friday, March 13, 2020 for the hospital project. Casper explained that the bid for the project is only good until then, and would likely increase the cost of the project considerably after that. Clerk Devine stated the City could consider issuing a building permit once an agreement of sale is entered into. Devine noted that since the sale is to another public agency, there would not be a need to go through the 30-day remonstrance period. Devine added that the City is requiring something in writing from the Federal Government (Game & Parks) stating we can proceed with the sale, and then complete the conversion of property at a later date. Casper stated they will work on getting that.

City Attorney Wright asked BCHC representatives to clarify the number proposed for credit back on lease stated in the Agreement for Sale of Real Estate document. They responded that would be a onetime payment back to BCHC.

(The Council then proceeded with the remaining agenda items before entering into executive session.)

At 9:04 p.m. Councilman Porter made a motion to go into executive session for the purpose of discussing strategy sessions with respect to real estate transactions, second by Hoefer. **Vote: Yeas; Johnson, Porter, Kohtz, Hoefer. Nays; None.**

At 9:39 p.m. Councilman Hoefer made a motion to exit executive session, second by Johnson. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefer. Nays; None.**

Councilman Kohtz made a motion to approve the agreement between the City of Albion and Boone County Health Center for Sale of Real Estate legally described as Lots 3, 4, 5, 6, 7, 8 and the adjacent vacated alley all in Block 5, South Fairview Addition, Albion, Boone County, Nebraska with amendment to paragraph 2 to include lease value, addition of contingency clause, and addition of Environmental Study clause as presented; second by Porter. **Vote: Yeas; Hoefer, Johnson, Porter, Kohtz. Nays; None.**

18. CONSIDER PLANS AND SPECIFICATIONS FOR THE FAIRVIEW STORM SEWER PHASE III PROJECT FOR APPROVAL

Kevin Kruse and Dennis Stille of JEO provided plans, specifications, and cost of opinion for the Fairview Storm Sewer Phase III project and reviewed with the council. Discussion ensued. Kruse stated they have been in communication with the hospital's design firm to coordinate both projects, and provide them with direction to tie into the storm sewer line. A pre-construction meeting will be held with contractors from both projects.

Councilman Hoefer made a motion to approve plans and specifications for Fairview Storm Sewer Phase III project and authorize for advertisement for bids, with an April 8, 2020 bid opening and to consider for award at the April 14, 2020 City Council meeting; second by Kohtz.

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

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

Next Regular Meeting: April 14, 2020 at 7:30 p.m.

- STORM SEWER PROJECT;
- DOWNTOWN STREET CLOSURE REQUESTS;
- NUISANCE INSPECTIONS;
- PUBLIC HEARING ON COMP PLAN UPDATE.

20. **ADJOURN**

At 9:42 p.m. Council Member Kohtz made a motion to adjourn the meeting, second by Hoefer. **Vote: Yeas; Johnson, Porter, Hoefer, 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk