

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING – OPEN PUBLIC HEARING**  
**TUESDAY, NOVEMBER 8, 2022**

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 8, 2022 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jason Tisthammer, Marcus Johnson, and Jack Dailey. Absent was Jon Porter. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Utility Clerk Amber Wynn, Economic Development and Housing Director Maggie Smith, Street Superintendent Andrew Wilshusen, and Lieutenant 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.

Councilman Johnson made a motion to excuse the absences of Councilman Porter and City Attorney Wright, second by Dailey. **Vote: Yeas; Tisthammer, Johnson, Dailey. Nays; None. Motion carried.**

**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.

**2. CONSIDER APPROVAL OF MINUTES OF THE OCTOBER 11, 2022 CITY COUNCIL MEETING**

Councilman Johnson made a motion to approve the minutes of the October 11, 2022 City Council meeting as presented, second by Dailey. **Vote: Yeas; Dailey, Tisthammer, Johnson. Nays; None. Absent; Porter. Motion carried.**

**3. DISCUSSION REGARDING ORDINANCE TO ALLOW GOLF CARTS TO BE LEGALLY DRIVEN ON CITY STREETS**

Clerk Devine reviewed the ordinance draft with council members. Devine and City Attorney Wright had studied samples from other city ordinances and decided it would be best to combine ATV’s, UTV’s and Golf Carts all under the same section. Devine stated that when the registration fee is set it would be added to the Master Fee Schedule. State Statute allows for these vehicles to be used in parades without having to be registered. After reviewing safety requirements, Matt Krohn questioned if it would even be possible to install a three-point safety belt in a golf cart. Councilman Dailey suggested changing the requirement to a lap belt instead. Clerk Devine will discuss this with City Attorney Wright. If any of the provisions are violated the registration would be revoked for one year from the date of the violation. **No action taken.**

4. **DISCUSSION AND POTENTIAL ACTION REGARDING RESOLUTION 118(22) REGARDING PLACEMENT OF TRAFFIC CONTROL DEVICES, SPECIFICALLY SPEED BUMPS, FOR THE SAFETY OF CHILDREN**

Clerk Devine provided a draft of the resolution for placement of speed regulation devices. A speed bump was requested by a citizen at last month's meeting to be placed across 10<sup>th</sup> Street at 109 S. 10<sup>th</sup> St. It had also been discussed that speed control devices placed around the school might be beneficial. Clerk Devine reached out to school administration for their input but has not heard back from them. Councilman Tisthammer suggested that Clerk Devine discuss with Fire Chief Benne regarding placement of traffic control devices on 6<sup>th</sup> Street since it is an emergency route.

**No action taken.**

5. **OPEN PUBLIC HEARING REGARDING ANNEXATION PLATS AND UTILITY PLANS FOR ANNEXATION AREAS 1-B, 1-C, 1-D, 1-F, AND 1-G**

Mayor Jarecki opened the public hearing at 7:49 p.m. regarding Annexation Plats and Utility Plans for annexation areas 1-B, 1-C, 1-D, 1-F, and 1-G. The Mayor sought public comment. Andrew Wilshusen of JEO Consulting Group reviewed the Annexation Plats and Utility Plans with the council. Cost estimates were provided for each area, as well as methods for funding. Mayor Jarecki again sought public comment. Hearing none, the Mayor closed the public hearing at 7:54 p.m.

6. **CONSIDER FIRST READING OF ORDINANCE 317(22) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA A FRACTION OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Clerk Devine stated the summary map provided by JEO Consulting Group is the same as what the council has been reviewing and discussing for the past few months. There are no new areas, and nothing has changed since the Planning Commission and City Council initiated this annexation process; and citizens have been allowed plenty of opportunity for public engagement. Devine noted that initially the City was aiming for a January 1, 2023 effective date; however, for utility billing purposes an effective date of February 1, 2023 would be more efficient. Councilman Johnson made a motion to introduce Ordinance 317(22). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Dailey made a motion to amend the effective date to February 1, 2023, second by Johnson. **Vote: Yeas; Johnson, Dailey, Tisthammer. Nays; None. Absent; Porter. Motion carried.** Johnson made a motion to approve the first reading of Ordinance 317(22) with the amended effective date, second by Tisthammer. **Vote: Yeas; Dailey, Tisthammer, Johnson. Nays; None. Absent; Porter. Motion carried.**

7. **CONSIDER FIRST READING OF ORDINANCE 318(22) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA A FRACTION OF THE SOUTH HALF OF SECTION 16, AND A FRACTION OF THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Councilman Johnson made a motion to introduce Ordinance 318(22), with an effective date of February 1, 2023. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Johnson made a motion to approve the first reading of Ordinance 318(22), second by Dailey. **Vote: Yeas; Johnson, Tisthammer, Dailey. Nays; None. Absent; Porter. Motion carried.**

8. **CONSIDER FIRST READING OF ORDINANCE 319(22) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA A FRACTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Councilman Dailey made a motion to introduce Ordinance 319(22), with an effective date of February 1, 2023. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Johnson made a motion to approve the first reading of Ordinance 319(22), second by Tisthammer. **Vote: Yeas; Tisthammer, Johnson, Dailey. Nays; None. Absent; Porter. Motion carried.**

9. **CONSIDER FIRST READING OF ORDINANCE 320(22) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA A FRACTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Councilman Johnson made a motion to introduce Ordinance 320(22), with an effective date of February 1, 2023. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Dailey made a motion to approve the first reading of Ordinance 320(22), second by Tisthammer. **Vote: Yeas; Dailey, Tisthammer, Johnson. Nays; None. Absent; Porter. Motion carried.**

10. **CONSIDER FIRST READING OF ORDINANCE 321(22) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF ALBION, NEBRASKA ALL OF LOT 1, NIEWOHNERS SOUTHEAST ADDITION, COMPRISING A FRACTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 20 NORTH, RANGE 6 WEST OF THE SIXTH P.M., BOONE COUNTY, NEBRASKA; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE**

Councilman Johnson made a motion to introduce Ordinance 321(22), with an effective date of February 1, 2023. Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time. Councilman Dailey made a motion to approve the first reading of Ordinance 321(22), second by Johnson. **Vote: Yeas; Johnson, Tisthammer, Dailey. Nays; None. Absent; Porter. Motion carried.**

11. **CONSIDER VACATION REQUEST OF DUSTIN FREY TO VACATE A PORTION OF 2<sup>ND</sup> STREET**

Dustin Frey explained the reason for the application is to build a by-product storage room on the west side of the existing building. This would be safer for employees who currently must bring barrels outside. It would also allow for easier access for the pick-up company; and eliminate destruction of alley by car wash. Clerk Devine stated that the Planning Commission reviewed the application last evening and recommended approval. Councilman Tisthammer made a motion to approve the vacation request of Dustin Frey to vacate the east 5 feet of 2<sup>nd</sup> Street located along the west side of Lot 4, Block 16, Original Town of Albion, Boone County, Nebraska; second by Johnson. **Vote: Yeas; Tisthammer, Dailey, Johnson. Nays; None. Absent; Porter. Motion carried.**

- CONSIDER ORDINANCE 322(22) VACATING THE EAST 5 FEET OF 2<sup>ND</sup> STREET LOCATED ALONG THE WEST SIDE OF LOT 4, BLOCK 16, ORIGINAL TOWN OF ALBION, BOONE COUNTY, NEBRASKA

Councilman Johnson made a motion to introduce Ordinance 322(22). Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the first time. Councilman Dailey made a motion to approve the first reading of Ordinance 322(22) and to suspend the statutory rule requiring reading of ordinance at three separate meetings, second by Johnson. **Vote: Yeas; Tisthammer, Dailey, Johnson. Nays; None. Absent; Porter. Motion carried.**

Mayor Jarecki instructed Clerk Devine to read Ordinance 322(22) by title for the second and third time. Councilman Johnson made a motion to approve the second and third readings of Ordinance 322(22) and move for final passage and adoption, second by Dailey. Councilman Johnson called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 322(22) having been read by title three different times, the rules have been suspended, the question is, "Shall Ordinance 322(22) finally pass?" **Vote: Yeas; Johnson, Tisthammer, Dailey. Nays; None. Absent; Porter. Motion carried.**

12. **CONSIDER RESOLUTION 119(22) REGARDING CERTIFICATION OF THE CITY STREET SUPERINTENDENT FOR 2022**

Councilman Johnson made a motion to introduce and approve Resolution 119(22) Signing of the Year-End Certification of City Street Superintendent for 2022, second by Dailey. **Vote: Yeas; Tisthammer, Johnson, Dailey. Nays; None. Absent; Porter. Motion carried.**

13. **REVIEW LOGO AND BRANDING PLAN AS PREPARED BY ALBION ECONOMIC DEVELOPMENT AND HOUSING DIRECTOR MAGGIE SMITH AND/OR CONSIDER FOR FORMAL APPROVAL**

Economic Development and Housing Director Maggie Smith reported they are working on refreshing the City's logo and branding plan that was adopted in 2010. Ms. Smith provided samples of the proposed new logo, explaining the logo could be adjusted depending on the organization using it. The new logo would be used on stationery, business cards, websites, and social media. Councilman Johnson made a motion to approve Albion Community logo/branding plan, second by Tisthammer. **Vote: Yeas; Johnson, Dailey, Tisthammer. Nays; None. Absent; Porter. Motion carried.**

14. **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 there is still a vacancy on the Planning Commission Board and to let either the Mayor or himself know if someone is interested in filling this seat. Devine also noted the annual audit held on October 24<sup>th</sup> went well. **No action taken.**

15. **CONSIDER BILLS FOR APPROVAL**

- **CONSIDER MONTHLY BILLS FOR APPROVAL**

Councilman Johnson made a motion to approve the monthly bills for payment as presented, second by Tisthammer. **Vote: Yeas; Johnson, Dailey, Tisthammer. Nays; None. Absent; Porter. Motion carried.**

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

**Special Meeting: November 22, 2022 7:30 a.m.**

- \* Second Reading of Annexation Ordinances

**Regular Meeting: December 13, 2022 at 7:30 p.m.**

- \* Third Reading and Final Passage of Annexation Ordinances
- \* Golf Cart Ordinance
- \* Annual Organizational Meeting
- \* AEDC Authorization to Borrow Funds

17. **ADJOURN**

At 8:21 p.m. Council Member Dailey made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Johnson, Dailey, Tisthammer. Nays; None. Absent; Porter. Motion carried.**

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