

MINUTES
ALBION CITY COUNCIL
REGULAR MEETING
TUESDAY, SEPTEMBER 13, 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 September 13, 2022 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jon Porter, Jack Dailey, and Jason Tisthammer. Marcus Johnson arrived at 7:36 p.m. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, City Attorney Darren Wright, and Economic Development and Housing Director Maggie Smith. 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 introduced new employee, Maggie Smith. Mayor Jarecki also wished everyone a safe harvest.

2. CONSIDER APPROVAL OF MINUTES OF THE AUGUST 9, 2022; AUGUST 18, 2022; AND SEPTEMBER 6, 2022 CITY COUNCIL MEETINGS

Councilman Porter made a motion to approve the minutes of the August 9, 2022; August 18, 2022; and September 6, 2022 City Council meetings as presented, second by Tisthammer. **Vote: Yeas; Tisthammer, Dailey, Porter. Nays; None. Absent; Johnson.**

3. OPEN PUBLIC HEARING FOR THE 2022-2023 ALBION 1 AND 6 YEAR STREET IMPROVEMENT PLAN

Mayor Jarecki opened the public hearing at 7:32 p.m. The Mayor sought public input. None at this time. Mayor Jarecki stated that the hearing would remain open for an hour and public input would continue to be received. Clerk Devine reviewed the 1-and 6-Year Street Improvement Plan with the council and public. Devine stated there is nothing on the 1-Year Plan as the cost estimate for the preliminary 1-Year Plan was over double the budget estimate. Clerk Devine stated the City will consider using maintenance funds this year to resurface part of South 11th Street along the campgrounds. Jim Dickerson of the Albion newspaper asked who is responsible to maintain alleys. Clerk Devine stated the City is. Dickerson questioned how improvement to alleys are handled in comparison to streets. Clerk Devine stated the City has an improvement plan for all commercial alleys, however, alleys are not shown on the 1-and 6-Year Street Plan since they do not meet the classification of "street".

At 8:33 p.m. Mayor Jarecki sought further public comment. Hearing none, he closed the public hearing at 8:33 p.m. **No action taken.**

4. **CONSIDER APPROVAL OF A MOTION TO DESIGNATE ANDREW DEVINE TO REPRESENT THE CITY OF ALBION, NEBRASKA AT ALL FUTURE ANNUAL MEMBERS MEETINGS OF THE LEAGUE INSURANCE GOVERNMENT HEALTH TEAM (LIGHT)**

Dailey made a motion to designate Andrew Devine to represent the City of Albion, Nebraska at all future annual members meetings of the League Insurance Government Health Team (LIGHT), second by Porter. **Vote: Yeas; Dailey, Porter, Tisthammer. Nays; None. Absent; Johnson.**

5. **CONSIDER BOONE COUNTY DEVELOPMENT AGENCY MEMBERSHIP AGREEMENT AND DISBURSEMENT AGREEMENT FOR APPROVAL**

Marcus Johnson, Board Member for BCDA, stated the biggest change is going from annual to biannual renewal agreements. Dailey asked what BCDA's annual budget is. Clerk Devine stated it is \$163,942 for 2022-2023 fiscal year. Albion's financial contribution is \$18,033.62 (11%).

Dailey made a motion to approve combined BCDA Membership Agreement and Disbursement Agreement and authorize the Mayor to sign the same, second by Johnson. **Vote: Yeas; Porter, Dailey, Tisthammer, Johnson. Nays; None.**

6. **CONSIDER 2022-2023 BUDGET FOR ADOPTION**

- **APPROVE RESOLUTION 113(22), APPROVING AND ADOPTING THE 2022/2023 BUDGET STATEMENT, INCLUDING AN ADDITIONAL 1% INCREASE OF RESTRICTED FUNDS AUTHORITY, AND SETTING THE 2022/2023 PROPERTY TAX REQUEST**

Clerk Devine stated a public hearing was held at a special meeting last week regarding the 2022-2023 City of Albion Budget. Council members reviewed the resolution. Councilman Porter made a motion to introduce and approve Resolution 113(22) Approving and adopting the 2022-2023 Budget Statement, including an additional 1% increase of restricted funds authority, and setting the 2022-2023 property tax request; second by Dailey. **Vote: Yeas; Tisthammer, Porter, Dailey. Nays; None. Absent; Johnson.**

- **APPROVE 2022/2023 CAPITAL IMPROVEMENTS PLAN**

Clerk Devine stated the Planning Commission has not reviewed the Capital Improvement Plan yet, therefore no action can be taken by city council.

7. **CONSIDER RESOLUTION 114(22) ADOPTING A REVISED MASTER FEE SCHEDULE FOR THE CITY OF ALBION, NE**

Clerk Devine reviewed the changes to the Master Fee Schedule, which included increased fees to Albion Family Aquatic Center and camping permits. Equipment and services for Curb-Stop Replacement and Mini-Excavator were added. Since the city no

longer has a grader, that service was removed. The fee to use the City’s Air Compressor remained the same, however, fuel would be an additional charge.

Johnson made a motion to introduce and approve Resolution 114(22) Adopting a revised Master Fee Schedule for the City of Albion, Nebraska, second by Dailey.

Vote: Yeas; Tisthammer, Porter, Dailey, Johnson. Nays; None.

8. **CONSIDER RESOLUTION 115(22) FORMALLY OBLIGATING AMERICAN RESCUE PLAN FUNDS (CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS) FROM THE US DEPARTMENT OF TREASURY**

Clerk Devine stated the City has already created a special revenue fund, and included the projects in the 2022-2023 Budget. The U.S. Department of Treasury requires a resolution for intended use of the funds. Councilman Johnson made a motion to introduce and approve Resolution 115(22) Formally obligating American Rescue Plan Funds (Coronavirus State and Local Fiscal Recovery Funds) from the U.S. Department of Treasury, second by Tisthammer. **Vote: Yeas; Dailey, Tisthammer, Porter, Johnson. Nays; None.**

9. **CONSIDER SECOND READING AND THIRD READING AND FINAL PASSAGE OF ORDINANCE 315(22) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF TRACI SHAW C/O TRACI MADDUX, 802 WEST COLUMBIA STREET, ALBION, NE 68620**

The first reading of Ordinance 315(22) was read at the August 9, 2022 meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the second time. Councilman Porter made a motion to approve the second reading and to suspend the statutory rules regarding the passage and adoption of ordinances, second by Johnson. **Vote: Yeas; Porter, Tisthammer, Johnson, Dailey. Nays; None.** Mayor Jarecki instructed Clerk Devine to read the ordinance by title for the third time. Councilman Dailey made a motion to approve the third reading and move for final passage and adoption of Ordinance 315(22), second by Johnson. Councilman Johnson called the question. Mayor Jarecki declared Ordinance 315(22) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 315(22) finally pass?” **Vote: Yeas; Dailey, Johnson, Porter, Tisthammer. Nays; None.**

10. **CONSIDER SECOND READING AND THIRD READING AND FINAL PASSAGE OF ORDINANCE 316(22) RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF CYNTHIA J. MAJERUS C/O CYNTHIA J. JOHNSON, 515 S 3RD STREET, ALBION, NE 68620**

Clerk Devine stated the nuisance fees, and the lien dated back to 2014 for delinquent utility bills have all been paid. Councilman Johnson made a motion to indefinitely postpone action on Ordinance 316(22), second by Dailey. **Vote: Yeas; Johnson, Dailey, Porter, Tisthammer. Nays; None.**

11. **OPEN PUBLIC HEARING TO CONSIDER RECOMMENDATION TO THE NEBRASKA LIQUOR CONTROL COMMISSION REGARDING LIQUOR LICENSE APPLICATION #I-125014 OF KMJH, LLC DBA CARDINAL INN & EVENT CENTER**

Mayor Jarecki opened the public hearing at 7:47 p.m. The Mayor sought public comment. None given. The full application was available for council review. Mayor Jarecki again sought input. Hearing none, he closed the public hearing at 7:47 p.m. Councilman Porter made a motion to recommend approval of Liquor License Application #I-125014 of KMJH, LLC DBA Cardinal Inn & Event Center; second by Johnson. **Vote: Yeas; Porter, Johnson, Dailey, Tisthammer. Nays; None.**

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 Tillotson’s began reroofing City Hall today due to hail damage claim. **No action taken.**

13. **NUISANCE REPORT FROM ALBION POLICE DEPARTMENT**

There were no new inspection reports.

14. **CONSIDER BILLS FOR APPROVAL**

- CONSIDER MONTHLY BILLS FOR APPROVAL

Councilman Johnson made a motion to approve the monthly bills as presented, except for bill from Speed Services, second by Dailey. **Vote: Yeas; Porter, Johnson, Dailey, Tisthammer. Nays; None.**

Councilman Johnson made a motion to approve the bill from Speed Services for payment as presented, second by Dailey. **Vote: Yeas; Tisthammer, Dailey, Johnson. Nays; None. Abstain; Porter.**

15. **CONSIDER RESOLUTION 116(22) ADOPTING THE 2022-2023 ALBION 1 AND 6 YEAR STREET IMPROVEMENT PLAN**

Councilman Dailey made a motion to introduce and approve Resolution 116(22) Adopting the 2022-2023 Albion 1- and 6-Year Street Improvement Plan, second by Johnson. **Vote: Yeas; Porter, Dailey, Tisthammer, Johnson. Nays; None.**

16. **CONSIDER RESOLUTION 117(22) AUTHORIZING THE MAYOR TO SIGN THE 2022 MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS AND CLASSIFICATION AND STANDARDS FORM**

Councilman Johnson made a motion to introduce and approve Resolution 117(22) Authorizing the Mayor to sign the 2022 Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads and Classifications and Standards Form, second by Tisthammer. **Vote: Yeas; Tisthammer, Dailey, Johnson, Porter. Nays; None.**

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

Special Meeting – Fiscal Year End Meeting: September 28, 2022 7:30 a.m.

- Consider Fiscal Year End bills for approval

Regular Meeting – October 11, 2022 at 7:30 p.m.

18. **ADJOURN**

At 8:34 p.m. Council Member Porter made a motion to adjourn the meeting, second by Johnson. **Vote: Yeas; Tisthammer, Johnson, Dailey, Porter. 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