

## MINUTES

### ALBION CITY COUNCIL

#### REGULAR MEETING

**TUESDAY, FEBRUARY 14, 2023**

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 February 14, 2023 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Jason Tisthammer, Jon Porter, and Marcus Johnson. Absent was Jack Dailey. (Mr. Dailey joined by teleconference, however, was not counted toward quorum and did not qualify to vote.) City staff present were: City Administrator Andrew Devine, City Attorney Darren Wright, Utility Clerk Amber Wynn, Economic Development and Housing Director Maggie Smith, 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 Porter made a motion to excuse the absence of Councilman Dailey, second by Johnson. **Vote: Yeas; Tisthammer, Johnson, Porter. 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. The Mayor proclaimed March 2023 as Colorectal Cancer Awareness Month in the City of Albion, Nebraska. Mayor Jarecki provided a report of his semi-annual Department Head Meeting held on January 27, 2023; and reviewed it with the Council. Mayor Jarecki noted copies of the report are available for the public at City Hall.

#### **2. CONSIDER APPROVAL OF MINUTES OF THE JANUARY 10, 2023 CITY COUNCIL MEETING**

Councilman Porter made a motion to approve the minutes of the January 10, 2023 City Council meeting as presented, second by Tisthammer. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. Motion carried.**

#### **3. REVIEW ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2022-AMGL, CPAS**

Marcy Luth of AMGL joined by teleconference to review the audit report that was previously provided to the council. Ms. Luth stated that the City of Albion has once again achieved an unmodified opinion, the highest level of assurance given by an independent auditing firm. Our valuation is \$96,857 per capita, which is much higher than other cities our size. Albion's levy rate is at .31 cents while the average levy rate for a city our size is about .43 cents. Due to our City's high valuation and low tax levy, we do not qualify for Municipal Equalization. Our Outstanding GO debt compared to valuation is 1.90%, which is excellent valuation to service governmental debt. The City's Net Depreciation of Capital Assets shows we've had good solid investments through the years by putting dollars back into our facilities and keeping our capital assets well maintained. Operating Income for Utility Funds is lower than

recommended highly due to large repair expense in our water fund. Ms. Luth stated the City has good cash reserves in both General and Business-type Funds. The City has budgeted to spend the general fund down an additional \$457,252 for the 2022-2023 budget year.

Councilman Johnson made a motion to acknowledge and accept the annual audit report for fiscal year ended September 30, 2022; second by Porter. **Vote: Yeas; Porter, Johnson, Tisthammer. Nays; None. Absent; Dailey. Motion carried.**

4. **CONSIDER AEDC SALES TAX RELEASE REQUESTS TO RELEASE SALES TAX FUNDS FOR SUPPORT OF THE LAND PURCHASE IN INTEREST WHILE IT IS BEING DEVELOPED FOR HOUSING OR SALE**

Clerk Devine noted that the Citizens Advisory Committee reviewed this request on February 7, 2023 and recommended approval.

Jeff Jarecki spoke on behalf of the Albion Economic Development Corporation. Mr. Jarecki explained that AEDC has purchased real estate for housing development. AEDC sought competitive bids for the financing of the property. They are asking for release of \$13,000 to service the annual interest on the loan while the land is being developed with Workforce Housing Development funds. These funds will consist of \$500,000 that the City raises; and \$1,000,000 in grant money that the State of Nebraska matches. In addition, the City of Albion is applying for another grant of \$1,000,000 to also be used for housing development and infrastructure. Mr. Jarecki added that these will become revolving funds to be used for continued housing development. Following discussion, Councilman Johnson made a motion to approve AEDC Sales Tax Release request in the amount of \$13,000 for support of land purchase in interest while developed for housing or sale, second by Tisthammer. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. Motion carried.**

5. **CONSIDER AEDC SALES TAX RELEASE REQUESTS TO RELEASE SALES TAX FUNDS FOR SPECIFIC PURPOSES, PROGRAMS, AND/OR PROJECTS**

Clerk Devine noted that the Citizens Advisory Committee reviewed this request on February 7, 2023 and recommended approval.

Jeff Jarecki spoke on behalf of the Albion Economic Development Corporation. Mr. Jarecki explained that the request is for annual expenses. The request is slightly higher than last year due to owning the building and having their own office equipment and supplies. \$10,000 of this request is for their annual commitment to Boone Beginnings Early Childhood and Family Development Center, Inc. This is the fourth year of the five-year commitment.

Councilman Johnson made a motion to approve AEDC Sales Tax Release request in the amount of \$25,000 for specific purposes, programs, and/or projects; second by Tisthammer. **Vote: Yeas; Porter, Tisthammer, Johnson. Nays; None. Absent; Dailey. Motion carried.**

6. **CONSIDER TRANSFER OF ALBION HOUSING INITIATIVE PROGRAM FUNDS AND ECONOMIC DEVELOPMENT SALES TAX FUNDS TO BE PLACED IN THE RURAL WORKFORCE HOUSING FUND MATCH ACCOUNT**

Clerk Devine noted that the Citizens Advisory Committee reviewed this request on February 7, 2023 and recommended approval.

Jeff Jarecki spoke on behalf of the Albion Economic Development Corporation. Mr. Jarecki stated that before they begin soliciting for donations for the Rural Workforce Housing Grant Match Fund, AEDC believes they need to show the community what they have contributed. They are asking for release of \$25,000 from the Housing Initiative fund and \$25,000 in sales tax funds for their contribution toward the \$500,000 goal.

Councilman Johnson made a motion to approve transfer from the Albion Housing Account to the Rural Workforce Housing Grant Match Fund in the amount of \$25,000 and to approve release of Economic Development sales tax funds to AEDC to place in the Rural Workforce Housing Grant Match Fund in the amount of \$25,000; second by Tisthammer. **Vote: Yeas; Johnson, Porter, Tisthammer. Nays; None. Absent; Dailey. Motion carried.**

7. **CONSIDER TRANSFER OF SALES TAX CAPITAL IMPROVEMENT FUNDS TO THE RURAL WORKFORCE HOUSING GRANT MATCH FUND**

Clerk Devine explained that the City of Albion has Capital Improvement Sales Tax Funds available in the amount of \$200,000 to contribute to the Rural Workforce Housing Grant Match Fund. This would delay the Sports Complex Lighting project; however, we are not ready to begin that project anyway. The housing project is a higher priority; and a budget amendment would not be needed. Devine recommended the City commits \$200,000 to the RWH Grant Match Fund,

Councilman Johnson made a motion to approve the transfer and payment of \$200,000 in sales tax capital improvement funds to the Rural Workforce Housing Grant Match Fund; second by Tisthammer. **Vote: Yeas; Johnson, Tisthammer, Porter. Nays; None. Absent; Dailey. Motion carried.**

8. **CONSIDER PROPOSED AMENDMENT TO SOLID WASTE AGREEMENT WITH BUD'S SANITARY**

Mayor Jarecki explained that the recent annexations affected revenue for Bud's Sanitation. Daryl Guthard of Bud's Sanitation stated there is a significant loss because of the commercial accounts that were annexed. Clerk Devine noted that Bud's Sanitation proposes a rate increase to the City's agreement for commercial accounts only. It would not change the rate for the consumers.

Councilman Porter made a motion to approve an amendment to item twelve (12) of the Solid Waste Agreement with Bud's Sanitary Service to increase commercial service rates that the City pays Bud's Sanitary Service by \$7.00 per month; with no direct change to the City's Consumer Utility Rate schedule; second by Johnson. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. Motion carried.**

9. **CONSIDER FURTHER READINGS AND ACTION ON ORDINANCE 323(23) REPEALING SECTIONS 3-511, 3-512, 3-513, 3-514, 3-515, 3-516, 3-517, 3-518, 3-519, AND 3-601 OF THE MUNICIPAL CODE, CHANGING THE NAME OF CHAPTER THREE, ARTICLE FIVE, ADOPTING CHAPTER THREE, ARTICLE SIX OF THE MUNICIPAL CODE ESTABLISHING RULES AND REGULATIONS FOR THE OPERATION OF ALL-TERRAIN VEHICLES, UTILITY TYPE VEHICLES AND GOLF CAR VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF ALBION AND ADOPTING CHAPTER THREE, ARTICLE NINE OF THE MUNICIPAL CODE ESTABLISHING PENAL PROVISIONS FOR THE VIOLATION OF THE PROVISIONS OF CHAPTER THREE**

The ordinance was introduced and the first reading read at the January 10, 2023 City Council meeting. Clerk Devine recommended the effective date be changed to May 1, 2023. Mayor Jarecki instructed Clerk Devine to read the second reading. Councilman Porter made a motion to approve the second reading of Ordinance 323(23) with the amendment of changing the effective date of section 20 to May 1, 2023; second by Johnson. **Vote: Yeas; Porter, Johnson, Tisthammer. Nays; None. Absent; Dailey. Motion carried.**

Councilman Porter made a motion to suspend the rules requiring reading of ordinance at three separate meetings, second by Johnson. **Vote: Yeas; Tisthammer, Johnson, Porter. Nays; None. Absent; Dailey. Motion carried.**

Mayor Jarecki instructed Clerk Devine to read Ordinance 323(23) for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 323(23) with the amended date in section 20, and move for final passage and adoption, second by Johnson. Councilman Johnson called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 323(23) having been read by title three different times, the question is, "Shall Ordinance 323(23) finally pass?" **Vote: Yeas; Tisthammer, Johnson, Porter. Nays; None. Absent; Dailey. Motion carried.**

10. **CONSIDER INTRODUCTION AND ACTION ON RESOLUTION 101(23) REGARDING TRAFFIC CONTROL SIGNAGE**

Clerk Devine provided a draft of Resolution 101(23) based on discussion at the January 10, 2023 City Council meeting. The proposed resolution includes a "Stop" sign at the railroad crossing east of 2<sup>nd</sup> Street for east and west bound traffic on Church Street. There would also be a "Stop Ahead" sign for west bound traffic. Another "Stop" sign would be placed at 11<sup>th</sup> Street and Fairview Street for east bound traffic. There would also be a "Stop Ahead" sign for east bound traffic.

Councilman Johnson made a motion to introduce and approve Resolution 101(23) regarding traffic control signs, second by Porter. **Vote: Yeas; Porter, Tisthammer, Johnson. Nays; None. Absent; Dailey. Motion carried.**

11. **CONSIDER INTRODUCTION AND ACTION ON RESOLUTION 102(23) REGARDING A POLICY FOR PAYMENT OF CERTAIN CLAIMS**

Clerk Devine stated that the League of Municipalities recommended that all municipalities formally adopt a resolution for paying claims which are due and payable

between council meetings. The resolution does not change our current practice of paying claims, and all claims will continue to be submitted for council approval and dual signature requirement.

Councilman Johnson made a motion to introduce and approve Resolution 102(23) regarding policy for payment of certain claims, second by Tisthammer. **Vote: Yeas; Johnson, Tisthammer, Porter. Nays; None. Absent; Dailey. Motion carried.**

**12. CONSIDER INTRODUCTION AND ACTION ON RESOLUTION 103(23) WAIVING THE PAYMENT IN LIEU OF TAXES FOR THE ALBION HOUSING AUTHORITY**

Albion Housing Authority director, Tracy Lipker, provided an annual report and stated that the Albion Housing Authority has continued to be a high performer. Ms. Lipker requested renewal of the waiver that was adopted in 2018. The current waiver will expire September 30, 2023. This resolution would be effective from October 1, 2023 through September 30, 2028. Councilman Johnson made a motion to introduce and approve Resolution 103(23) waiving the payment in lieu of taxes for the Albion Housing Authority, second by Porter. **Vote: Yeas; Johnson, Porter, Tisthammer. Nays; None. Absent; Dailey. Motion carried.**

**13. CONSIDER APPLICATION FOR ADDITION TO LIQUOR LICENSE OF HWY 14 BREWING CO LLC, LICENSE L-121969 & CKG-121970**

Clerk Devine provided the full application for council review. Devine explained that Hwy 14 Brewing Co. LLC has purchased the building to the north of them to expand their business. This application adds the new area to their liquor licenses. Councilman Porter made a motion to recommend approval of application for addition to liquor license of Hwy 14 Brewing Co. LLC, License L-121969 & CKG-121970; second by Johnson. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. 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. **No action taken.**

**15. CONSIDER BILLS FOR APPROVAL**

- Consider monthly bills for approval.

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

16. **CONSIDER EMPLOYEE EVALUATIONS FOR APPROVAL**

Councilman Tisthammer made a motion to approve the 6-month evaluations and associated step raises for Corey Zoubek, Ron Morearty, and Margaret Smith; second by Johnson. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. Motion carried.**

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

**Next Regular Meeting: March 14, 2023 at 7:30 p.m.**

\* Resolution for Traffic Control/Parking – Downtown ADA Parking Spaces

18. **ADJOURN**

At 8:36 p.m. Council Member Johnson made a motion to adjourn the meeting, second by Tisthammer. **Vote: Yeas; Tisthammer, Porter, Johnson. Nays; None. Absent; Dailey. 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