



ALBION CITY COUNCIL - REGULAR MEETING

TUESDAY, JULY 18, 2023 at 7:30 PM

COUNCIL CHAMBERS, ALBION CITY HALL, 420 W MARKET ST. ALBION, NE 68620

MINUTES

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 July 18, 2023 at Albion City Hall, 420 West Market St., Albion, NE. 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.

CALL TO ORDER

A copy of the open meetings act is posted and is provided for the public on the billboard of the Council Chambers

ROLL CALL

PRESENT

Councilmember Jason Tisthammer
Councilmember Jack Dailey
Councilmember Marcus Johnson
Councilmember Jon Porter

City staff present were: City Administrator Andrew Devine, City Attorney Darren Wright, Deputy Clerk Sharon Ketteler, Economic Development and Housing director Maggie Smith, Water Commissioner/Building Inspector Warren Myers, and Lieutenant Joe Predmore.

MAYOR'S COMMENTS

Mayor Jarecki thanked the Mansfield Foundation for donating \$70,000 towards Albion's Housing Development Project. The Mayor also noted he would like to schedule the Semi-Annual Department Head meeting prior to the August City Council meeting.

APPROVAL OF MINUTES

1. APPROVAL OF MINUTES OF THE JUNE 13, 2023 AND JUNE 27, 2023 CITY COUNCIL MEETINGS

The minutes of the June 13, 2023 and June 27, 2023 meetings were distributed to the Mayor and Council in the agenda packets.

Motion: To approve the minutes of the June 13, 2023 and June 27, 2023 City Council Meetings.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

OLD BUSINESS

2. NONE

NEW BUSINESS

3. **CONSIDER APPROVAL OF APPOINTMENT OF KATE KUSEK JOHNSON AND TRINA HELLBUSCH TO THE ALBION LIBRARY BOARD**

Clerk Devine noted that the Albion Library Board approved these two appointments.

Motion: To approve the appointment of Kate Kusek Johnson and Trina Hellbusch to the Albion Library Board.

Motion made by Councilmember Porter, Seconded by Councilmember Dailey.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

4. **CONSIDER CITIZEN REQUEST FOR CITY-WIDE OBSERVATION OF MEMORIAL DAY**

Requester was not available. No action taken.

5. **CONSIDER REQUEST OF STREET CLOSURE ON AUGUST 19, 2023 FOR FUNDRAISER**

Rose Buhlman explained the High School Tour Group would like to have a duck race fundraiser for school kids 2025 trip to Greece. They are asking to close 4th Street between Church Street and Main Street on August 19, 2023 between 1:00 p.m. and 4:00 p.m. She stated that the firemen have agreed to provide the water.

Motion: To approve street closure of 4th Street between Church Street and Main Street on August 19, 2023 between 1:00 p.m. and 4:00 p.m. for a duck race fundraiser for school kids 2025 trip to Greece.

Motion made by Councilmember Porter, Seconded by Councilmember Johnson.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

6. **CONSIDER RIGHT OF WAY TELECOMMUNICATION PERMIT OF GREAT PLAINS COMMUNICATION FOR INSTALLATION OF NEW TELECOMMUNICATIONS INFRASTRUCTURE IN CITY RIGHT OF WAY**

Councilmembers reviewed the application and map where installation of new telecommunications infrastructure would be placed.

Motion: To approve Right of Way Telecommunication Permit of Great Plains Communication for installation of new telecommunications infrastructure in City Right of Way.

Motion made by Councilmember Porter, Seconded by Councilmember Johnson.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

7. BUDGET WORKSHOP – PRELIMINARY REVIEW OF 2022-23 BUDGET PERFORMANCE AND DRAFT OF 2023-24 BUDGET

Treasurer Devine provided multiple budget spreadsheets and reviewed the Preliminary Budget Summary with council members. All departments are estimated to perform better than budgeted for 2022-2023. Governmental Funds are estimated to perform \$177,458 better than budgeted highly due to Capital Improvement projects that won't be completed and billed out this fiscal year, mainly the Park Improvement Project and micro surfacing of asphalt streets. Business Type Funds are estimated to perform approximately \$2,422 lower than budgeted. Because of rising costs and expected equipment maintenance, it will be necessary to raise our utility rates by 5% this year. A rate increase of utilities has also been recommended by the Auditor for the past few years. The projected certified valuation is estimated to be about a 17% increase from last year. In the preliminary draft, the total tax levy would be estimated to be approximately .36 cents, which is about half a cent less than last year, and lower than our peer groups. The proposed property tax asking is looking to increase about 11%; highly due to inflationary costs, minimum wage increases, required step raises, and cost of living. Mayor Jarecki suggested a 7% cost of living adjustment due to inflationary costs and minimum wage increase to keep our pay rate competitive. Devine stated that although our health insurance rates went up this year, it is still below what the rate was two years ago before we switched to the Municipal League's health insurance plan. Devine provided a list of the City's Capital Improvement Plans. As currently prepared, the Street Department would be receiving approximately 24% of the Capital Improvement Sales Tax Allocation for future development of the South Park Subdivision Project. The Parks Department would receive approximately 53% for accessible Park equipment improvements. And the Water and Sewer Departments would each receive approximately 11% for future subdivision development reserve. The City's accountant from AMGL will be present at the August City Council meeting for the Budget Workshop. He will then develop the final budget for the public hearing on September 5, 2023. The Budget adoption will take place at the September 12, 2023 City Council meeting.

No action taken.

RESOLUTIONS

8. CONSIDER RESOLUTION SERIES 113 (23) 1-6 DECLARING NUISANCES

Chief Lipker provided the council with 6 nuisance reports for review. The reports were reviewed by the Mayor and Council.

Motion: To introduce and approve Resolution Series 113(23) 1-6 as presented.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

9. CONSIDER RESOLUTION 114(23) REGARDING CITY UTILITY RATES

Clerk Devine stated that he is recommending a 5% increase in Water and Sewer rates based on known costs and needs; and also on recommendation from the auditor. Clerk Devine also recommended a 5% increase in Solid Waste rates to help cover the increased contract rates that were approved by the council in February, 2023. The senior citizen rate will only increase by 2%.

A Water and Sewer rate comparison provided by Nebraska Rural Water Association in 2019 showed that Albion rates are below average compared to other towns our size with similar systems.

Motion: To introduce and approve Resolution 114(23) Regarding City Utility Rates.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

ORDINANCES

10. CONSIDER INTRODUCTION OF ORDINANCE 324(23) GRANTING FRANCHISE TO EAGLE BROADBAND INVESTMENTS, LLC TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ALBION, NEBRASKA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

Attorney Wright explained that Eagle Broadband is the only company that hasn't yet made the switch from Occupation Tax Franchise Fees to Right of Way Fees. The City sent a request of changes to Eagle Broadband for the new agreement, which would remove Franchise Fees items and change over to Right of Way. Eagle Broadband has agreed to these terms.

Councilman Johnson made a motion to introduce Ordinance 324(23) and suspend the statutory rule requiring reading of ordinance on three different days, seconded by Dailey. Voting Yea: Tisthammer, Dailey, Johnson, Porter. Nay: None. Motion carried. Mayor Jarecki instructed Clerk Devine to read Ordinance 324(23) three separate times.

Motion: To approve the readings of Ordinance 324(23) and to move for final passage and adoption.

Motion made by Councilmember Dailey, Seconded by Councilmember Johnson.

Councilman Johnson called the question.

Mayor Jarecki declares: "Ordinance 324(23) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 324(23) finally pass?"

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

REPORTS

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

Administrator Devine had previously provided a report for council review. Devine added that he will be attending an ACE Executive meeting on Thursday, July 20, 2023 where they will be reviewing new contract proposals for the next three years. Devine is chairman for the ACE Board. Mr. Devine also thanked everyone for memorials, notes, and concern after the passing of his brother. No action taken.

12. NUISANCE REPORT

Pam Wright asked for an update regarding the status of nuisance and demolition of property at 934 W. Ruby Street. Clerk Devine stated that the City has a contractor lined up to demo the house, but they can't do it until Bud's Sanitation reopens their construction and demolition waste site. It has been closed due to the mud and employee availability. We've had communication with the property owner that they've had an asbestos inspector there. Building Inspector, Warren Myers, added that the property owners have a different contractor hired to demo the house. If the asbestos inspection report doesn't come back by the time Bud's Sanitation construction waste site opens, the City's contractor will proceed with the demolition. One of the nuisances that the council has declared in Resolution113(23) is of this property. No action taken.

13. CONSIDER BILLS FOR APPROVAL

*REVIEW MONTHLY BILLS REPORT AND CONSIDER FOR APPROVAL AND PAYMENT

Motion: To approve bills report for payment and affirm all paid claims as presented, except for bill submitted by Speed Services.

Motion made by Councilmember Porter, Seconded by Councilmember Tisthammer.
Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. Motion carried.

Motion: To approve bill submitted by Speed Services for payment.

Motion made by Councilmember Johnson, Seconded by Councilmember Dailey.
Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson. Nay: None. Abstain: Councilmember Porter. Motion carried.

ITEMS TO BE PUT ON NEXT MEETING AGENDA

14. Next Regular Meeting:

August 8, 2023 - 7:30p.m.

- *Budget Workshop
- *Airport Authority Tax Allocation Request
- *COLA Resolution
- * Evaluation
- * Department Head Meeting Report

15. Public Comment for Future Consideration

ADJOURN

Motion: To adjourn the meeting.

Time meeting adjourned: 8:27 p.m.

Motion made by Councilmember Porter, Seconded by Councilmember Dailey.

Voting Yea: Councilmember Tisthammer, Councilmember Dailey, Councilmember Johnson, Councilmember Porter. Nay: None. 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk