



## 11/12/2024 - CITY COUNCIL MEETING

TUESDAY, NOVEMBER 12, 2024 at 7:30 PM

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

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# MINUTES

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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 12, 2024 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 were Mayor James Jarecki and Council Members Jack Dailey, Jason Tisthammer, Jon Porter, and Marcus Johnson.

City staff present were City Administrator Andrew Devine, Deputy Clerk Sharon Ketteler, Utility Billing Clerk Amber Wynn, City Attorney Darren Wright, and Chief Brent Lipker.

### MAYOR'S COMMENTS

Mayor Jarecki thanked everyone who supported the Fire Department's pancake breakfast. He acknowledged all first responders for their assistance in crucial times. The Mayor also thanked Administrator Devine and Economic Development Director Shelby Wetovick for all their hard work on writing the Rural Community Recovery Program Grant which awarded the City \$1.0 Million for Park and Recreational Trail expansions.

### APPROVAL OF MINUTES

#### 1. APPROVAL OF MINUTES OF THE OCTOBER 8, 2024 CITY COUNCIL MEETING

Councilman Dailey made a motion to approve the minutes of the October 8, 2024 City Council Meeting; seconded by Porter. Voting Yea: Tisthammer, Johnson, Porter, Dailey. Voting Nay: None. Motion carried.

### OLD BUSINESS

#### 2. NONE

## NEW BUSINESS

### **3. CONSIDER RECOMMENDATION TO THE NEBRASKA LIQUOR CONTROL COMMISSION FOR SPECIAL DESIGNATED LIQUOR LICENSE REQUEST OF BOONE COUNTY HISTORICAL SOCIETY**

Council members reviewed the application. The Boone County Historical Society is requesting a Special Designated Liquor License for a Big Give Open House Social on December 2, 2024 from 5:00 p.m. until 8:00 p.m. They have chosen alternate dates of December 3rd or December 4th if necessary. This is the first SDL application of the Boone County Historical Society, so it is necessary to get council approval.

Councilman Johnson made a motion to recommend approval to the Nebraska Liquor Control Commission for Special Designated Liquor License request of Boone County Historical Society, seconded by Porter. Voting Yea: Porter, Johnson, Dailey, Tisthammer. Voting Nay: None. Motion carried.

### **4. CONSIDER GARBAGE SERVICE CONTRACT WITH BUD'S SANITARY SERVICE, LLC FOR RENEWAL FOR THE TERM OF DECEMBER 1, 2024 TO NOVEMBER 30, 2027**

Council members had previously been given the Garbage Service Contract for review. Daryl and Holly Guthard, owner of Bud's Sanitary Service, LLC was unable to attend the meeting due to a family death. Utility Clerk Amber Wynn explained there were a few revisions to the previous 3-year contract. Two items were added to Household Hazardous Waste materials they would no longer accept. This includes flammable aerosol cans and lithium-ion batteries. Rates increased by \$1.50 per tote. There will be an annual rate increase of \$0.50 until the end of the contract. On the Terms of Agreement, verbiage was changed to allow for negotiation of a potential price increase not to exceed 10% of the present rate if deemed necessary. Wynn added that Bud's Sanitary Service plans to replace 300 – 400 totes soon.

Councilman Dailey made a motion to approve Garbage Service Contract with Bud's Sanitary Service, LLC for renewal for the term of December 1, 2024 to November 30, 2027; seconded by Johnson. Voting Yea: Johnson, Porter, Tisthammer, Dailey. Voting Nay: None. Motion carried.

### **5. CONSIDER AUTHORIZATION OF MAYOR TO SIGN AND EXECUTE RURAL COMMUNITY RECOVERY PROGRAM GRANT AGREEMENT**

The City of Albion has been awarded \$1.0 Million in Rural Community Recovery Program Grant funds to renovate and expand Clark Street Park; and to link the recreational trail from Fuller Park to Clark Street Park and the Albion Sports Complex. There is no match required for this grant. Devine stated that the city has not yet received the agreement for review; however, the Rural Community Recovery Program has required that the agreement be signed and returned immediately after receiving it. Devine stated that the council could either hold a special meeting to review the agreement; or authorize the Mayor to sign it following Administrator Devine and Attorney Wright reviewing it. Attorney Wright stated that upon legal review, if anything looked heinous, we could call a special meeting for council review.

Councilman Johnson made a motion to authorize the Mayor to sign and execute the Rural Community Recovery Program Grant Agreement upon legal review, seconded by Porter. Voting Yea: Porter, Johnson, Dailey, Tisthammer. Voting Nay: None. Motion carried.

**6. CONSIDER RIGHT OF WAY PERMIT APPLICATION OF MIDSTATES DATA TRANSPORT**

Administrator Devine reported that the City received a Right of Way Permit application from Midstates Data Transport on behalf of Stealth Broadband to place fiberoptic along Old Mill Road and 11th Street south to State Highway 91. City Staff has reviewed the permit and confirmed that Midstates Data Transport plan to pothole all crossings to verify all utility crossings. We have not yet received the \$100 permit fee, the Insurance Certificate, nor the Surety Bond and guarantee check. Council members reviewed the application and diagram of the proposed route for the telecommunication lines.

Following council discussion, Councilman Johnson made a motion to approve the Right of Way application of Midstates Data Transport, conditional upon receiving the required documents and annual fee; seconded by Dailey. Voting Yea: Johnson, Tisthammer, Dailey, Porter. Voting Nay: None. Motion carried.

**7. CONSIDER PROPOSAL OF ALBION BASEBALL FOR CONSTRUCTION OF BATTING AND STORAGE FACILITY AT THE ALBION SPORTS COMPLEX**

Kelly Benson, representative for the Albion Baseball Program, explained that fundraising is going well for a new batting and storage facility at the Albion Sports Complex. They will participate in the Big Give, and they have also applied for a Royals grant. The proposed multiuse facility would be 60' X 100', have four lanes for batting practice, and a storage area for sports equipment. Clerk Devine stated that the project is included on the Capital Improvements Plan, however, since the plans for the facility have doubled in size it might be necessary to make a budget amendment. Representatives for the softball program became interested and wanted to get involved in improving other facilities as well at the Sports Complex, such as the concession stand and restrooms. The original plans started to change, and lengthy discussion was held for different possibilities and for the best location to put the facility. Council members all agreed this is a great idea and that improvements to the Sports Complex are necessary. The council asked that the representatives compose a more definite plan to bring back to them for approval. No action taken.

**8. CONSIDER BOONE COUNTY TREASURER REQUEST TO WAIVE THE NOTIFICATION OF REFUNDS OF ONE THOUSAND DOLLARS OR LESS AND FORMALLY REQUEST THAT THE BOONE COUNTY TREASURER PROVIDE ELECTRONIC NOTIFICATION OF TAX COLLECTIONS WITHHELD TO PAY FOR A REFUND TO THE PROPERTY OWNER IN AMOUNTS OVER ONE THOUSAND DOLLARS**

Clerk Devine reported that due to legislative changes, governing bodies are allowed to waive notifications of property tax refunds that are less than \$1,000; and may give electronic notification of property tax refunds over \$1,000. Formal action is required by the city council to approve this.

Councilman Johnson made a motion to formally waive the notification of refunds of one thousand dollars or less and request that the Boone County Treasurer provide electronic notification of tax collections withheld to pay for a refund to the property owner in amounts over one thousand dollars, seconded by Dailey. Voting Yea: Johnson, Dailey, Tisthammer, Porter. Voting Nay: None. Motion carried.

## RESOLUTIONS

### 9. **CONSIDER RESOLUTION 121 (24) REGARDING CERTIFICATION OF THE CITY STREET SUPERINTENDENT FOR 2024**

Clerk Devine noted that this certification is required annually by the State of Nebraska Department of Transportation.

Councilman Dailey made a motion to introduce and approve Resolution 121(24) Regarding certification of the City Street Superintendent for 2024, seconded by Johnson. Voting Yea: Dailey, Johnson, Tisthammer, Porter. Voting Nay: None. Motion carried.

## ORDINANCES

### 10. **CONSIDER SECOND AND THIRD READINGS AND FINAL PASSAGE OF ORDINANCE 338(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF ANDREW AND LACEY GRUPP, 942 SOUTH 9TH STREET, ALBION, NEBRASKA**

The first reading of Ordinance 338(24) was read and approved at the October 8, 2024 city council meeting. Mayor Jarecki instructed Clerk Devine to read the second reading of the ordinance. Councilman Dailey made a motion to approve the second reading and that the statutory rules requiring the ordinance be read at three separate meetings be suspended, seconded by Johnson. Voting Yea: Tisthammer, Johnson, Porter, Dailey. Voting Nay: None. Motion carried. Mayor Jarecki instructed Clerk Devine to read the third reading of the ordinance. Councilman Porter made a motion to approve the third reading of Ordinance 338(24) and to move for final passage and adoption, seconded by Johnson. Councilman Porter called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 338(24) having been read by title three different times, the rules have been suspended, the question is, "Shall Ordinance 338(24) finally pass?" Voting Yea: Porter, Tisthammer, Dailey, Johnson. Voting Nay: None. Motion carried.

## REPORTS

### 11. **City Administrator Report**

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 gave the council additional information about the Rural Community Recovery Program Grant that the city was awarded. The grant is to be used for physical improvements that contribute to housing and neighborhood revitalization. The city scored very high on the grant application for Clark Street Park improvements, as it is in an underdeveloped neighborhood. The trail was able to be included, as a trail extension connection would link an underserved and underutilized neighborhood with a developed and served neighborhood. Devine stated that the city will need to do an RFQ (Request for Qualifications) package for the attributes that we want to design and bid, such as a pavilion/picnic shelter with restrooms, and paving of the trail. And an RFP (Request for Proposal) for playground equipment. Devine stated he will seek engineering

design and help with evaluating the route. At this point council members discussed potential routes for the trail extension. No action taken.

## **12. CONSIDER BILLS FOR APPROVAL**

### **\*REVIEW MONTHLY BILLS REPORT AND CONSIDER FOR APPROVAL AND PAYMENT**

Councilman Johnson made a motion to approve bills report for payment and affirm all paid claims as presented, seconded by Dailey. Voting Yea: Dailey, Porter, Johnson, Tisthammer. Voting Nay: None. Motion carried.

## **ITEMS TO BE PUT ON NEXT MEETING AGENDA**

### **13. Next Regular Meeting:**

- The next regular meeting will be December 10, 2024 7:30 p.m.
- Annual Mayoral Appointments

### **14. Public Comment for Future Consideration**

None.

## **ADJOURN**

At 8:48 p.m. Council Member Johnson made a motion to adjourn the meeting, seconded by Porter. Voting Yea: Tisthammer, Porter, Johnson, Dailey. Voting 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.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk