



# 10/10/2023 - ALBION CITY COUNCIL - REGULAR MEETING & PUBLIC HEARING ON PROPERTY TAX REQUEST

TUESDAY, OCTOBER 10, 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 October 10, 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 were Mayor James Jarecki and Council members Jason Tisthammer, Jack Dailey, Marcus Johnson, and Jon Porter.

City staff present were City Administrator Andrew Devine, Deputy Clerk Sharon Ketteler, Utility Clerk Amber Wynn, Economic Development and Housing Director Maggie Smith, and Lieutenant Joe Predmore.

### MAYOR'S COMMENTS

Mayor Jarecki congratulated Taylor Beierman for placing 3rd at the High School Girls State Golf Tournament in North Platte. She shot a 78 and 77. That tied the 36-hole record for Boone Central High School. Also, the Fire and Rescue Squad were honored a few weeks ago for their individual years of service. The Mayor thanked them for their time and commitment.

### APPROVAL OF MINUTES

#### 1. APPROVAL OF MINUTES OF THE SEPTEMBER 28, 2023 CITY COUNCIL MEETING

The minutes of the September 28, 2023 meeting were distributed to the Mayor and Council in the agenda packets.

Councilman Johnson made a motion to approve the minutes of the September 28, 2023 Council Meeting, seconded by Porter. Voting Yea: Council members Tisthammer, Dailey, Johnson, Porter. Voting Nay: None. Motion carried.

## **PUBLIC HEARINGS**

### **2. PUBLIC HEARING - REGARDING THE 2023-24 PROPERTY TAX REQUEST**

#### **\*Resolution 122(23) to be considered following the Public Hearing**

Mayor Jarecki opened the public hearing at 7:31 p.m. regarding the 2023-2024 Property Tax Request. The Mayor sought public comment. None at this time. City Treasurer Andrew Devine gave a presentation of the City's property tax request. The amount of property tax request for the fiscal year 2023-2024 is \$615,813.99. The total assessed value of property has increased from last year to this year by 20.7 percent. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new assessed value of property, would be \$0.2997 per \$100 of assessed value. The proposed property tax request would cause the tax rate to be \$0.3058 per \$100 of assessed value. Based on the proposed property tax request and changes in other revenue, the total operating budget for the City will increase by 49.83 percent. Mayor Jarecki again sought public comment. None given. The Mayor sought questions or comments from the council. There was none. Once again Mayor Jarecki sought public comment. Hearing none, the Mayor closed the public hearing at 7:34 p.m.

### **3. PUBLIC HEARING - REGARDING THE PROPOSED AMENDMENT TO THE 2023-24 BUDGET FOR THE CITY OF ALBION, NEBRASKA**

#### **\*Resolution 124(23) will be considered for approval following the Public Hearing**

Mayor Jarecki opened the public hearing at 7:35 p.m. regarding the proposed amendment to the 2023-2024 Budget. City Treasurer Andrew Devine explained that State Statutes require holding separate hearings for the Property Tax Request and for the Budget. The Budget is due September 30th of every year, and the Property Tax Request is due October 15th of every year. This year, due to the original amount of the property tax request, the City was required to attend a joint public hearing. Mr. Devine was unintentionally absent due to illness so the amount for property tax request had to be lowered. The City had already adopted the Budget at the September 12, 2023 City Council Meeting with the original property tax amount. Since the new budgeted property tax amount is different from the original, the City needs to amend the Budget Statement. Mayor Jarecki sought public comment. None given. The Mayor asked for questions or comments from the council. Councilman Johnson thanked Mr. Devine for the explanation. Mayor Jarecki again sought comment from the public. Hearing none, the Mayor closed the public hearing at 7:39 p.m.

## **OLD BUSINESS**

### **4. NONE**

## **NEW BUSINESS**

### **5. CONSIDER CITIZEN CONCERN REGARDING PAVING REPAIR AT THE CORNER OF 4TH AND WALNUT**

A citizen asked that paving repairs be put on the agenda for holes at the corner of 4th and Walnut. It tends to hold mud and debris. Street operator Joe Landauer has agreed to fill the holes, frequently check the area, and clean as necessary. No action taken.

## RESOLUTIONS

**6. INTRODUCE AND CONSIDER FOR APPROVAL RESOLUTION 122(23) SETTING THE 2023-2024 PROPERTY TAX REQUEST**

Council members reviewed the resolution. Councilman Johnson made a motion to introduce and approve Resolution 122(23) Setting the 2023-2024 Property Tax Request, seconded by Porter. Voting Yea: Council members Dailey, Johnson, Porter, Tisthammer. Voting Nay: None. Motion carried.

**7. INTRODUCE AND CONSIDER FOR APPROVAL RESOLUTION 124(23) APPROVING THE REVISED 2023-2024 CITY OF ALBION BUDGET**

Councilman Dailey made a motion to introduce and approve Resolution 124(23) Approving the Revised 2023-2024 City of Albion Budget, seconded by Johnson. Voting Yea: Council members Johnson, Dailey, Tisthammer, Porter. Voting Nay: None. Motion carried.

**8. INTRODUCE AND CONSIDER FOR APPROVAL RESOLUTION 125(23) DECLARING NUISANCE AT 631 W MAIN STREET**

Council members reviewed the Nuisance Report provided by Police Chief Lipker for property at 631 W. Main Street. Councilman Porter made a motion to introduce and approve Resolution 125(23) Declaring nuisance at 631 W. Main Street, seconded by Dailey. Voting Yea: Council members Porter, Dailey, Tisthammer, Johnson. Voting Nay: None. Motion carried.

## ORDINANCES

**9. CONSIDER SECOND READING, THIRD READING, AND FINAL PASSAGE OF ORDINANCE 325(23) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF ANDREW GRUPP, 942 SOUTH 9TH STREET, ALBION, NEBRASKA.**

The first reading of the ordinance was approved at the September 12, 2023 City Council meeting. Councilman Porter made a motion to suspend the statutory rule that the ordinance be read at three different meetings, seconded by Johnson. Voting Yea: Council members Tisthammer, Dailey, Johnson, Porter. Voting Nay: None. Motion carried.

Mayor Jarecki instructed Clerk Devine to read the ordinance for the second and third time. Councilman Dailey made a motion to approve the second and third readings and for final passage of Ordinance 325(23), seconded by Tisthammer. Councilman Johnson called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 325(23) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 325(23) finally pass?" Voting Yea: Council members Dailey, Johnson, Porter, Tisthammer. Voting Nay: None. Motion carried.

**10. CONSIDER SECOND READING, THIRD READING, AND FINAL PASSAGE OF ORDINANCE 326(23) AN ORDINANCE AMENDING SECTION 2-117 REMOVING THE PROHIBITION AGAINST THE CARRYING OF CONCEALED WEAPONS WITHIN CITY LIMITS.**

The first reading was approved at the September 12, 2023 City Council meeting. Mayor Jarecki sought comment from the council. Councilman Dailey asked if the City has an ordinance for Reckless Endangerment. Attorney Wright stated that type of issue would be covered by State Statute. Mr. Wright questioned if Dailey was referring to his concern at the last regular City Council meeting when he requested to add a provision to the ordinance to allow for discharging a weapon in self-defense. Dailey said he was. Attorney Wright stated that self-defense is covered by national and federal law so there is no need to add that verbiage to our ordinance. Discussion ensued.

Councilman Dailey made a motion to suspend the statutory rule requiring reading of the ordinance at three separate meetings, seconded by Porter. Voting Yea: Council members Tisthammer, Dailey, Johnson, Porter. Voting Nay: None. Motion carried.

Mayor Jarecki instructed Clerk Devine to read the second and third readings of the ordinance. Councilman Johnson made a motion to approve the second and third readings and final passage of Ordinance 326(23), seconded by Tisthammer. Councilman Johnson called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 326(23) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 326(23) finally pass?" Voting Yea: Council members Johnson, Tisthammer, Dailey, Porter. Voting Nay: None. Motion carried.

## **REPORTS**

**11. NUISANCE REPORT**

Clerk Devine stated that a contractor has been hired by the City for abatement of property at 934 W. Ruby Street. Work is to be completed this month. Mr. Devine added that City staff abated a couple of tall grass and weed nuisances that hadn't been cleaned up within the allotted timeframe.

Lieutenant Predmore updated the council on the nuisance at 631 West Main, stating that the property owner reported they would have the property cleaned up within a week. No action taken.

**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 written report for council review. Devine added that he is submitting the first grant application for the Park Project. It is to the Christopher Reeve Foundation for \$25,000 in grant funds for inclusive and accessible playground equipment. He has also been in correspondence with a trustee at the Peter Kiewit Foundation to request a pre-application. Mr. Devine also stated that the Sales Tax Report for the fiscal year is in. There was 8.7% more this year in sales tax revenue than last year. No action taken.

### **13. 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 Porter. Voting Yea: Council members Porter, Tisthammer, Dailey, Johnson. Voting Nay: None. Motion carried.

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

#### **14. Next Regular Meeting:**

**November 14, 2023, 7:30pm**

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

None.

### **ADJOURN**

At 8:03 p.m. Councilman Dailey made a motion to adjourn, seconded by Tisthammer. Voting Yea: Council members Tisthammer, Johnson, Porter, 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