



## 9/12/2023 - ALBION CITY COUNCIL - REGULAR MEETING

TUESDAY, SEPTEMBER 12, 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 September 12, 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 Jack Dailey  
Councilmember Marcus Johnson  
Councilmember Jon Porter

#### ABSENT

Councilmember Jason Tisthammer

Councilman Johnson made a motion to excuse the absence of Jason Tisthammer, seconded by Porter. Voting Yea: Porter, Dailey, Johnson. Nay: None. Motion carried.

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

### MAYOR'S COMMENTS

Mayor Jarecki stated that Chief Lipker has brought to his attention that rules for campground use need to be reviewed and revised, so they will be considering that in the near future.

## **APPROVAL OF MINUTES**

### **1. APPROVAL OF MINUTES OF THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING**

The minutes of the September 5, 2023 meeting was distributed to the Mayor and Council in the agenda packets.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

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

Absent: Councilmember Tisthammer. Motion carried.

## **OLD BUSINESS**

### **2. NONE**

## **NEW BUSINESS**

### **3. OPEN PUBLIC HEARING FOR THE 2023-2024 ALBION 1- AND 6-YEAR STREET IMPROVEMENT PLAN**

Mayor Jarecki opened the public hearing at 7:32 p.m. The Mayor sought public comment. None at this time. Clerk Devine stated the 1- and 6-Year Street Improvement Plan was discussed at the June meeting with Street Superintendent, Andrew Wilshusen, of JEO Consulting Group. Devine stated there are no major street improvements on the 1-Year Plan. On the 6-Year Plan projects include: Drainage improvements at 5th Street and Salebarn Road; Storm drains at 5th and Main Streets, 4th and Main Streets; and 5th and Church Streets; Road improvement on South 11th Street, which is the entrance to the Campgrounds and Fairgrounds and connecting back over to South Street; South Parkview Subdivision, which is between the Water Tower and Dana Andersen's property. There is also an old project on Fuller Street which was once projected to become a paving district but failed. Councilman Porter stated this road has broken down on its own and is almost all back to gravel so we might be able to remove it from the 6-Year Plan next year. Devine added that the City paved two Commercial alleys this summer, but they cannot be included on the Street Improvement Plan that is submitted to the State because alleys are not considered a road. The City plans to pave more alley's in the future. Mayor Jarecki again sought comment from the public. Jim Dickerson questioned if South Parkview Subdivision was included on the plan. After further review of the map it was noted that it is included as part of M-104(109).

At this time Mayor Jarecki addressed Agenda Items #4, #5, and #6.

At 7:54 p.m. the Mayor sought further comment from the public. Hearing none, he closed the public hearing at 7:54 p.m. and moved on to Agenda Item #7.

## **ORDINANCES**

### **4. CONSIDER INTRODUCTION OF ORDINANCE 325(23) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF ANDREW GRUPP, 924 SOUTH 9TH STREET, ALBION, NEBRASKA.**

Councilman Johnson introduced Ordinance 325(23). Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time.

Motion: To approve the first reading of Ordinance 325(23).

Motion made by Councilmember Johnson, Seconded by Councilmember Dailey.

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

Absent: Councilmember Tisthammer. Motion carried.

5. **CONSIDER INTRODUCTION AND PASSAGE OF ORDINANCE 326 (23) AN ORDINANCE AMENDING SECTION 2-117 REMOVING THE PROHIBITION AGAINST THE CARRYING OF CONCEALED WEAPONS WITHIN CITY LIMITS.**

City Attorney Wright explained this amendment is a follow-up to last month's discussion on prohibiting the carrying of concealed handguns on the premises of certain facilities controlled by the City of Albion. Since that proposed resolution did not pass, it was necessary to update our City Code to match State Law. Our current code did not allow anyone except a police officer to carry dangerous concealed weapons. Dailey questioned if there should be a provision in the ordinance for the discharge of a weapon in the case of self-defense. Attorney Wright explained that the case would be brought before judicial judgement and if proven to be self-defense the person would be covered by Federal Law. Following further discussion by the council, Councilmember Porter made a motion to introduced Ordinance 325(23) and suspend the statutory rule requiring reading of the ordinance at three separate meetings, seconded by Johnson.

Voting Yea: Councilmember Johnson, Councilmember Porter. Voting Nay: Councilmember Dailey.

Absent: Councilmember Tisthammer. Motion to suspend the statutory rule failed.

Mayor Jarecki instructed Clerk Devine to read the ordinance for the first time.

Motion: To approve the first reading of Ordinance 325(23).

Motion made by Councilmember Porter, Seconded by Councilmember Johnson.

Voting Yea: Councilmember Johnson, Councilmember Porter. Voting Nay: Councilmember Dailey.

Absent: Councilmember Tisthammer. Motion carried.

## **RESOLUTIONS**

6. **CONSIDER RESOLUTION 119(23), APPROVING AND ADOPTING THE 2023-2024 BUDGET STATEMENT, INCLUDING AN ADDITIONAL 1% INCREASE OF RESTRICTED FUNDS AUTHORITY**

### **CONSIDER APPROVAL OF 2023-2024 CAPITAL IMPROVEMENT PLAN**

Treasurer Devine noted a public hearing on the 2023-2024 City of Albion Budget was held on September 5, 2023. There have been no changes to the Budget Statement since that meeting. Devine provided the draft of Levy History, Budget Hearing Notice, multiple forms used to review the Budget, and the State Budget Report. Devine stated the City will need to participate in the Joint Property Tax Request Hearing, which will be held on September 19, 2023. The City cannot file the Property Tax Request until after the Joint Hearing. The Budget Statement is due to the State by September 30, 2023. The Property Tax Request is due to the County by October 15, 2023.

Motion: To introduce and approve Resolution 119(23) Approving and Adopting the Budget Statement.

Motion made by Councilmember Porter, Seconded by Councilmember Johnson.

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

Absent: Councilmember Tisthammer. Motion carried.

There was no action taken on the 2023-2024 Capital Improvement Plan as the Planning Commission needs to first review and recommend approval. They did not meet as scheduled last evening since there was not a quorum. The City will adopt it later this fall.

**7. CONSIDER RESOLUTION 120 (23) ADOPTING THE 2023-2024 ALBION 1- AND 6-YEAR STREET IMPROVEMENT PLAN**

Motion: To introduce and approve Resolution 120(23) Adopting the 2023-2024 Albion 1- and 6-Year Street Improvement Plan.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

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

Absent: Councilmember Tisthammer. Motion carried.

**8. CONSIDER RESOLUTION 121(23) AUTHORIZING THE MAYOR TO SIGN THE 2023 MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE TO NEBRASKA BOARD OF PUBLIC ROADS AND CLASSIFICATIONS AND STANDARDS FORM**

Clerk Devine explained that this resolution confirms the City of Albion passed the resolution adopting the 2023-2024 Albion 1- and 6-Year Street Improvement Plan; and that the City approved a budget that is in compliance with the State requirements.

Motion: To introduce and approve Resolution 121(23) Authorizing the Mayor to sign the 2023 Municipal Annual Certification of Program Compliance to Nebraska Board of Public Roads and Classifications and Standards Form.

Motion made by Councilmember Johnson, Seconded by Councilmember Dailey.

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

Absent: Councilmember Tisthammer. Motion carried.

**9. CONSIDER RESOLUTION 123(23) REGARDING PLACEMENT OF TRAFFIC CONTROL SIGNS IN ORDER TO REGULATE TRAFFIC AND PARKING ALONG ELEVENTH STREET BETWEEN RUBY AND PARK STREETS**

Clerk Devine stated this request is from Bud's Sanitation as they continue to have difficulty getting to the dumpster to collect the garbage. Devine included a map of the area they requested to designate "No Parking", which is the east side of Eleventh Street from 94' north of Ruby Street to 146' south of Park Street. A concerned citizen added that since 11<sup>th</sup> Street is an emergency route it is difficult for ambulances to get through when vehicles are parked on both sides of the street.

Motion: To introduce and approve Resolution 123(23) Regarding placement of traffic control signs in order to regulate traffic and parking.

Motion made by Councilmember Johnson, Seconded by Councilmember Porter.

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

Absent: Councilmember Tisthammer. Motion carried.

## **REPORTS**

### **10. NUISANCE REPORT**

Nothing new to report.

### **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 a resident requested to be on the agenda at the next meeting for paving in the gutter because of drainage difficulty at 4<sup>th</sup> and Walnut Street. Discussion of this brought concern that it would just push the problem to neighboring property. Devine stated the City will need to clean that area more often. Devine also added that he has been in contact with representatives of the Peter Kiewit Foundation in seeking grant money for the new Parks Project. No action taken by the council.

### **12. 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 bills submitted by Speed Services.

Motion made by Councilmember Porter, Seconded by Councilmember Johnson.

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

Absent: Councilmember Tisthammer. Motion carried.

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

Motion made by Councilmember Dailey, Seconded by Councilmember Johnson.

Voting Yea: Councilmember Dailey, Councilmember Johnson. Voting Abstaining: Councilmember Porter.

Voting Nay: None. Absent: Councilmember Tisthammer. Motion carried.

## ITEMS TO BE PUT ON NEXT MEETING AGENDA

**13. Special Meeting: September 28, 2023 7:30 a.m.**

\*Approve Fiscal Year End Bills for Payment

\*Resolution Setting Property Tax Request

**14. Next Regular Meeting: October 10, 2023 7:30 p.m.**

\*2023-2024 Capital Improvement Plan

**15. Public Comment for Future Consideration**

A resident inquired on the status of the nuisance at 934 W. Ruby Street.

## ADJOURN

Motion: To adjourn the meeting.

Time meeting adjourned: 8:13 p.m.

Motion made by Councilmember Dailey, Seconded by Councilmember Johnson.

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