



3/12/2024 - CITY COUNCIL REGULAR MEETING

TUESDAY, MARCH 12, 2024 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 March 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 Jarecki and Councilmembers Jon Porter, Marcus Johnson, Jack Dailey, and Jason Tisthammer.

City staff present were City Administrator Andrew Devine, Deputy Clerk Sharon Ketteler, Economic Development and Housing Director Maggie Smith, and City Attorney Darren Wright.

MAYOR'S COMMENTS

Mayor Jarecki announced that the Eli Porter Memorial Project has reached its fundraising goal. The Mayor thanked everyone who donated and provided grants to help make this project possible.

APPROVAL OF MINUTES

1. APPROVAL OF MINUTES OF THE FEBRUARY 13, 2024 CITY COUNCIL MEETING

Councilman Dailey made a motion to approve the minutes of the February 13, 2024 City Council Meeting, seconded by Porter. Voting Yea: Tisthammer, Johnson, Porter, Dailey. Voting Nay: None. Motion carried.

OLD BUSINESS

2. REVIEW ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2023 – AMGL, CPAS

Accountant Marcy Luth of AMGL joined the meeting by Zoom 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 audit opinion, which is the highest level of assurance given by an independent auditing firm. This year the City of Albion spent down a large amount of Governmental Unrestricted Cash by contributing to the Economic Development Housing Grant Match; which left us with lower reserves in the Governmental Fund than what we've had in the past. The city also invested in several capital assets for its governmental and business-type activities including the city hall roof, campground expansion, surveillance system, and the paving of 2 city alleys. The city has been planning for these projects over the past several years. We will need to work on rebuilding our cash reserves over the next few years. Revenues for the Governmental and Business type activities are consistent with last year's revenues. Our outstanding GO debt compared to valuation is 1.7%, which is excellent valuation to service governmental debt. We paid down \$461,695 in debt last fiscal year. Ms. Luth noted that we only have \$127,926 of unassigned fund balances, and that is something we will need to monitor. In the Utility Funds Report there was a negative operating margin in the Water Fund, highly due to repair and maintenance costs. This is something else we will need to monitor. Ms. Luth noted there were no "findings" within the audit, and it was a very "clean" report. Councilman Porter made a motion to acknowledge and accept the Annual Audit Report for the Fiscal Year ended September 30, 2023; seconded by Johnson. Voting Yea: Dailey, Johnson, Porter, Tisthammer. Voting Nay: None. Motion carried.

NEW BUSINESS

3. OPEN 2024 LAWN CARE BIDS AND CONSIDER FOR AWARD AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS

At 7:49 p.m. Mayor Jarecki excused himself, reporting his potential interest in the contract. The Mayor verified a Conflict of Interest Disclosure form had been given to the Deputy City Clerk, and turned presiding authority over to Council President Marcus Johnson, then left the room. City Attorney Wright stated only 1 bid was received. Wright opened the bid from Jarecki Lawncare and Greenhouse. The bid was for \$19,145.88 and met all bid specifications. Clerk Devine noted that the bid was for the exact amount as their bid the previous year. Councilman Dailey made a motion to approve the bid of Jarecki Lawncare and Greenhouse, LLC in the amount of \$19,145.88 and award contract to the same; seconded by Porter. Voting Yea: Dailey, Johnson, Porter, Tisthammer. Voting Nay: None. Motion carried. At 7:53 p.m. Mayor Jarecki returned and resumed presiding over the meeting.

4. CONSIDER MEMORANDUM OF UNDERSTANDING WITH TOWN AND COUNTRY VET CLINIC REGARDING THE CONTROL OF STRAY ANIMALS IN THE CITY OF ALBION, NEBRASKA

City Attorney Wright stated that the Memorandum of Understanding is not finalized yet. Councilman Porter made a motion to postpone this item until the next meeting, seconded by Dailey. Voting Yea: Porter, Johnson, Dailey, Tisthammer. Voting Nay: None. Motion carried.

5. CONSIDER AEDC REQUEST TO RELEASE ECONOMIC DEVELOPMENT SALES TAX FUNDS FOR ECONOMIC DEVELOPMENT PROGRAM ACTIVITIES:

\$11,055 FOR BUILDING MAINTENANCE AT 127 S 4TH STREET,

\$10,000 FOR PURCHASE OF PORTABLE STAGING FOR USE IN THE VENUE AT 129 S 4TH STREET,

\$33,800 FOR LAND ACQUISITION ON WEST CLARK STREET, ADJACENT TO CLARK PARK.

Economic Director Maggie Smith explained the request for \$11,055 for building maintenance at 127 S. 4th Street would go towards repairing the exterior of the AEDC building, including tuck pointing and stuccoing, installation of a gutter on the east side, and the cost of waste disposal from the projects. AEDC used the \$18,500 of reallocated funds that the council approved at the January 16, 2024 council meeting towards the projects; and the requested funds would complete payment of the projects.

Ms. Smith also explained the request for \$10,000 for purchase of portable staging for use in The Venue during the Albion Arts Council Summer Concert Series. It would also be used to service the community. They had been using the Boone County Fairground's portable stage; however, it was hard to move and not very sturdy. AEDC received a quote from StageDrop in the amount of \$16,176.28. It is 16' X 20', has railings on three sides, and can be formed into a variety of formations. AEDC intends to reach out to Community Partners inviting them to participate in funding of the purchase.

Jeff Jarecki, representative of AEDC, explained the request for \$33,800 for land acquisition on West Clark Street. There are 3 Lots available for purchase next to the Park on Clark Street. There are different options for the Lots. One could be for potential housing development, another could be for expansion and development of the park; or a combination of both. Clerk Devine stated that he is in support of the purchase of the property. Devine also noted that the Citizens Advisory Committee reviewed the request at their February 29, 2024 meeting and recommended approval. Following further discussion, Councilman Dailey made a motion to approve Economic Development sales tax fund release to AEDC in the amount of \$54,855 for Economic Development Program activities: \$11,055 for building maintenance at 127 S. 4th Street; \$10,000 for purchase of portable staging for use in The Venue at 129 S. 4th Street; and \$33,800 for land acquisition on West Clark Street, adjacent to Clark Park; seconded by Johnson. Voting Yea: Porter, Tisthammer, Dailey, Johnson. Voting Nay: None. Motion carried.

RESOLUTIONS

6. CONSIDER INTRODUCTION AND APPROVAL OF RESOLUTION 106(24) RENEWING INTERLOCAL AGREEMENT WITH BOONE COUNTY REGARDING JOINT LAW ENFORCEMENT JURISDICTION

Clerk Devine noted this agreement is the same as last year. There are no changes to the agreement except for the dates. Councilman Porter made a motion to introduce and approve Resolution 106(24) renewing Interlocal Agreement with Boone County regarding joint law enforcement jurisdiction, seconded by Tisthammer. Voting Yea: Tisthammer, Dailey, Porter, Johnson. Voting Nay: None. Motion carried.

7. CONSIDER INTRODUCTION AND APPROVAL OF RESOLUTION 107(24) DECLARING SURPLUS PROPERTY AND AUTHORIZING THE SALE OF THE SAME

Council members reviewed the list of surplus items for sale. Councilman Johnson made a motion to introduce and approve Resolution 107(24) Declaring surplus property and authorizing the sale of the same, seconded by Porter. Voting Yea: Porter, Johnson, Tisthammer, Dailey. Voting Nay: None. Motion carried.

ORDINANCES

8. CONSIDER THIRD READING AND FINAL PASSAGE OF ORDINANCE 329(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF JARED SWAN, 554 S 11TH STREET, ALBION, NEBRASKA.

The first reading of Ordinance 329(24) was approved at the January City Council meeting. The second reading of the ordinance was approved at the February City Council meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 329(24) and to move for final passage and adoption, seconded by Johnson. Councilman Porter called the question. Mayor Jarecki declared Ordinance 329(24) having been read by title three different times, the question is "Shall Ordinance 329(24) finally pass?" Voting Yea: Dailey, Porter, Tisthammer, Johnson. Voting Nay: None. Motion carried.

9. CONSIDER THIRD READING AND FINAL PASSAGE OF ORDINANCE 330(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID UTILITY BILL OF LEETCH PROPERTIES, 804 W MAIN STREET, ALBION, NEBRASKA.

The first reading of Ordinance 330(24) was approved at the January City Council meeting. The second reading of the ordinance was approved at the February City Council meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 330(24) and to move for final passage and adoption, seconded by Johnson. Councilman Porter called the question. Mayor Jarecki declared Ordinance 330(24) having been read by title three different times, the question is "Shall Ordinance 330(24) finally pass?" Voting Yea: Dailey, Porter, Tisthammer, Johnson. Voting Nay: None. Motion carried.

10. CONSIDER SECOND AND THIRD READINGS AND FINAL PASSAGE OF ORDINANCE 331(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF JAMES G AND RHONDA J HIGHTREE, 819 WEST MAIN STREET, ALBION, NEBRASKA

The first reading of Ordinance 331(24) was approved at the February City Council meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance for the second time. Councilman Johnson made a motion to approve the second reading of Ordinance 331(24) and that the statutory rules requiring the ordinance be read at three separate meetings be suspended, seconded by Porter. Voting Yea: Johnson, Tisthammer, Porter, Dailey. Voting Nay: None. Motion carried. Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 331(24) and to move for final passage and adoption, seconded by Johnson. Councilman Porter called the question. Mayor Jarecki declared Ordinance 331(24) having been read by title three different times, the question is "Shall Ordinance 331(24) finally pass?" Voting Yea: Tisthammer, Dailey, Porter, Johnson. Voting Nay: None. Motion carried.

11. CONSIDER SECOND AND THIRD READINGS AND FINAL PASSAGE OF ORDINANCE 332(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF ALTON R MEYER, 715 SOUTH 3RD STREET, ALBION, NEBRASKA

The first reading of Ordinance 332(24) was approved at the February City Council meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance for the second time. Councilman Johnson made a motion to approve the second reading of Ordinance 332(24) and that the statutory rules requiring the ordinance be read at three separate meetings be suspended, seconded by Porter. Voting Yea: Tisthammer, Porter, Johnson, Dailey. Voting Nay: None. Motion carried. Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 332(24) and to move for final passage and adoption, seconded by Johnson.

Councilman Porter called the question. Mayor Jarecki declared Ordinance 332(24) having been read by title three different times, the question is "Shall Ordinance 332(24) finally pass?" Voting Yea: Dailey, Porter, Tisthammer, Johnson. Voting Nay: None. Motion carried.

12. CONSIDER SECOND AND THIRD READINGS AND FINAL PASSAGE OF ORDINANCE 333(24) AN ORDINANCE RELATING TO A LEVY OF SPECIAL ASSESSMENT FOR THE UNPAID NUISANCE ABATEMENT COSTS AND FEES OF NAC SERVICES & INVESTMENTS LLC, C/O CYNTHIA WACHA, 524 SOUTH 9TH STREET, ALBION, NEBRASKA

The first reading of Ordinance 333(24) was approved at the February City Council meeting. Mayor Jarecki instructed Clerk Devine to read the ordinance for the second time. Councilman Johnson made a motion to approve the second reading of Ordinance 333(24) and that the statutory rules requiring the ordinance be read at three separate meetings be suspended, seconded by Porter. Voting Yea: Johnson, Porter, Tisthammer, Dailey. Voting Nay: None. Motion carried. Mayor Jarecki instructed Clerk Devine to read the ordinance for the third time. Councilman Porter made a motion to approve the third reading of Ordinance 333(24) and to move for final passage and adoption, seconded by Johnson. Councilman Porter called the question. Mayor Jarecki declared Ordinance 333(24) having been read by title three different times, the question is "Shall Ordinance 333(24) finally pass?" Voting Yea: Dailey, Porter, Tisthammer, Johnson. Voting Nay: None. Motion carried.

REPORTS

13. ACKNOWLEDGEMENT OF RECEIPT OF THE ANNUAL REPORT FOR ALBION WATER AND SEWER DEPARTMENTS

The Annual Water and Sewer Report provided by Amber Wynn, Corey Zoubek, and Warren Myers, was previously made available to the council for review. Clerk Devine stated that Wynn and Myers are at a Utility Conference so were unable to attend the council meeting. If council members had questions about the report they may contact them later. No action taken.

14. 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 written report for council review. Devine added now that we've reached the fundraising goal for the Eli Porter Memorial Project and have met statutory requirements, we will start advertising for formal proposals. We will also begin advertising for summer help.

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

Councilman Dailey made a motion to approve Speed Services bill of \$38.56 from last month, seconded by Johnson. Voting Yea: Dailey, Tisthammer, Johnson. Voting Nay: None. Voting Abstain: Porter. Motion carried.

ITEMS TO BE PUT ON NEXT MEETING AGENDA

16. Next Regular Meeting: April 9, 2024, 7:30 p.m.

*Consider Proposal(s) for Eli Porter Memorial Project

*Memorandum of Understanding with Town and Country Vet Clinic

17. Public Comment for Future Consideration

None.

ADJOURN

At 8:27 p.m. Council Member Johnson made a motion to adjourn the meeting, seconded by Tisthammer. Voting Yea: Tisthammer, Porter, Dailey, Johnson. 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.

James Jarecki, Mayor

ATTEST:

Sharon Ketteler, Deputy Clerk