

**MINUTES**  
**ALBION CITY COUNCIL**  
**REGULAR MEETING**  
**TUESDAY, MARCH 12, 2019**

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, 2019 at Albion City Hall, 420 West Market St., Albion, NE. Present were: Mayor James C. Jarecki, Council Members Marcus Johnson, Chris Kohtz, and Jon Porter. Walt Hoefer arrived at 7:32 p.m. City staff present were: City Administrator Andrew Devine, Deputy City Clerk Sharon Ketteler, Utility Billing Clerk Amber Wynn, Sewer Commissioner Joe Luettel, Water Commissioner Ron Morearty, and City Attorney Darren Wright. 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.

**MAYOR'S COMMENTS**

Mayor Jarecki informed the public about the location of the current copy of the Open Meetings Act posted in the Council Chambers.

**2. CONSIDER MINUTES OF FEBRUARY 19, 2019 CITY COUNCIL MEETING FOR APPROVAL**

Councilman Porter made a motion to approve the minutes of the February 19, 2019 City Council meeting; second by Kohtz. **Vote: Yeas; Porter, Kohtz, Johnson. Nays; None. Absent; Hoefer.**

**3. PUBLIC ALLIANCE FOR COMMUNITY ENERGY (ACE) TO PRESENT THE MAYOR AND CITY COUNCIL WITH A REVENUE RETURN CHECK**

Andrew Devine, Chairman of the Board of Directors for ACE, presented Mayor Jarecki with a check to the City of Albion in the amount of \$4,060; membership return to be used for community projects. The City will consider using this money towards a project at the Sports Complex. Mr. Devine noted that since the inception of the Choice Gas Program in 1998 ACE has returned \$33,832 to the City of Albion. **No action taken.**

**4. CONSIDER REQUEST OF ALBION BALL ORGANIZATIONS TO CONSTRUCT A STORAGE BUILDING AT THE ALBION SPORTS COMPLEX**

Clerk Devine explained the organizations request to put up a 16 X 24 metal or wood multi-use building using the existing concrete where batting cage is. Discussion ensued. Councilman Johnson made a motion to give Administrator Devine the authority to work with Albion Ball Organizations to construct a storage building at the Albion Sports Complex, second by Hoefer. **Vote: Yeas; Hoefer, Kohtz, Johnson, Porter. Nays; None.**

5. **CONSIDER MAYORAL APPOINTMENT TO BOARD OF ADJUSTMENT FOR APPROVAL**

Mayor Jarecki stated that Scott Reinhart is currently an alternate member of the Board of Adjustment and is seeking full appointment. Jason Tisthammer is seeking appointment as an alternate member. Councilman Hoefer made a motion to approve Mayoral appointment of Scott Reinhart as full member, and Jason Tisthammer as alternate member to the Board of Adjustment; second by Johnson. **Vote: Yeas; Johnson, Kohtz, Porter, Hoefer. Nays; None.**

6. **OPEN 2019 LAWN CARE BIDS AND CONSIDER FOR AWARD AND AUTHORIZE THE MAYOR OR HIS REPRESENTATIVE TO SIGN ANY AND ALL CONTRACT DOCUMENTS**

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 City Clerk, and turned presiding authority over to Council President, Walt Hoefer, then left the room. Clerk Devine stated only 1 bid was received. City Attorney Wright opened the bid from Jarecki Lawncare and Greenhouse. The bid was for \$16,623.20 and met all bid specifications. Councilman Porter made a motion to award the 2019 Lawncare bid to Jarecki Lawncare and Greenhouse for the amount of \$16,623.20 and to authorize Clerk Devine to sign any and all contract documents, second by Johnson. **Vote: Yeas; Porter, Hoefer, Johnson, Kohtz. Nays; None.**

7. **CONSIDER RESOLUTION 102(19) ESTABLISHING MUTUAL LAW ENFORCEMENT JURISDICTION WITH BOONE COUNTY**

Clerk Devine stated this is an annual agreement and only the dates have changed. Councilman Johnson made a motion to introduce and approve Resolution 102(19) Establishing Mutual Law Enforcement Jurisdiction with Boone County, second by Hoefer. **Vote: Yeas; Kohtz, Johnson, Porter, Hoefer. Nays; None.**

8. **CONSIDER RESOLUTION 103(19) ADOPTING POLICIES REGARDING THE ACCEPTANCE OF PAYMENT FOR ANY AND ALL CITY SERVICES, FEES, UTILITY DEBTS, AND/OR OTHER DEBTS DUE TO THE CITY OF ALBION, NEBRASKA**

Council Members reviewed the resolution. Clerk Devine noted the language that was inserted to clarify the original intent of the policy when an account is not in good standing, stating that cash or cashier's check must be used regardless of who pays on the account. Councilman Porter made a motion to introduce and approve Resolution 103(19) Adopting Policies Regarding the Acceptance of Payment for any and all City Services, Fees, Utility Debts, and/or other Debts Due to the City of Albion, NE; second by Johnson. **Vote: Yeas; Kohtz, Hoefer, Porter, Johnson. Nays; None.**

9. **CONSIDER STREET CLOSURE REQUEST OF DOWNTOWN STREETS FOR THE FOLLOWING COMMUNITY EVENTS:**

- REQUEST OF SMOKE N CHROME ON MAIN, COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR CAR SHOW ON JUNE 15, 2019 FROM 6:30 AM TO 3:00 PM
- REQUEST OF ALBION/BOONE CENTRAL ALUMNI COMMITTEE TO TEMPORARILY CLOSE DOWNTOWN STREETS FOR ALBION/BOONE CENTRAL ALUMNI RECEPTION AND STREET DANCE ON JUNE 15, 2019 FROM 1:00 PM TO 12:00 AM
- REQUEST OF LORI KROHN TO CLOSE CHURCH STREET FROM 5<sup>TH</sup> STREET TO 3<sup>RD</sup> STREET FROM 9:20 AM TO 11:30 AM ON JULY 4, 2019 FOR AN INDEPENDENCE DAY KIDDIE PARADE
- REQUEST OF ALBION CHAMBER OF COMMERCE TO CLOSE 4<sup>TH</sup> STREET FROM ½ BLOCK SOUTH OF CHURCH STREET TO ½ BLOCK NORTH OF MAIN STREET FROM 6 AM AUGUST 17, 2019 TO 1:30 AM AUGUST 18, 2019 FOR A COMMUNITY EVENT
- REQUEST OF ALBION CHAMBER OF COMMERCE TO TEMPORARILY CLOSE DOWNTOWN STREETS ON DECEMBER 5, 2019 FROM 5:30 PM TO 7:00 PM FOR A HOLIDAY LIGHT PARADE

Clerk Devine provided maps and/or written requests of the requested street closures for each event. All are repeated requests from previous years except for the Albion/Boone Central Alumni Committee. They are asking to close a portion of 4<sup>th</sup> Street in front of Hwy 14 Brewery and angle to Kay Nicole Salon on Saturday, June 15, 2019 from 1:00 p.m. to 12:00 a.m. to host a reception and street dance following the banquet. Councilman Hoefler made a motion to approve all street closure requests as presented, second by Porter. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefler. Nays; None.**

10. **REVIEW ANNUAL REPORT FOR ALBION WATER AND SEWER DEPARTMENTS**

Council Members reviewed the Annual Water and Sewer Report. **No action taken.**

11. **REVIEW ANNUAL REPORT FOR THE ALBION HOUSING AUTHORITY**

Council Members reviewed the Annual Report submitted by Tracy Lipker, Executive Director of Albion Housing Authority. **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**

Clerk Devine had previously provided a written report for Council Members to review. Devine added that Sewer Commissioner Joe Luettel suggested checking with the renter of the City's recently purchased land to see if he would agree to planting alfalfa instead of corn this year if the City would agree to purchase the seed. **No action taken.**

13. **REVIEW ANNUAL AUDIT REPORT FOR FISCAL YEAR ENDED SEPTEMBER 30, 2018 – AMGL, CPAS**

Terry Galloway of AMGL was present to review the audit documents with the Council. Mr. Galloway congratulated the City for once again achieving an unmodified report, which is the highest level of assurance given by an independent CPA firm. Mr. Galloway expressed the City has overall good cash balances and fantastic cash reserves. Mr. Galloway stated the levy rate for a city our size is normally about .45 cents. Our levy rate is at .35 cents, which is highly due to having great valuation generating revenue. A review of the sewer fund shows it is using cash reserves and the City might need to consider increasing rates in the future. Mr. Galloway distributed a benchmarking sheet comparing Albion's financial statistics against statewide benchmarks. Mr. Galloway stated the City has very good financial reporting and records. **No action taken.**

14. **CONSIDER CONVERTING DEQ SRF DRINKING WATER LOAN #D311152 TO A GENERAL OBLIGATION LOAN AND REFUNDING DEQ SRF CLEAN WATER LOAN #C317103 WITH COMBINED UTILITIES REVENUE BONDS**

Brad Slaughter of Ameritas explained the advantages of refinancing the waste water treatment facility loan. The payments would be similar to the current payments, but with the lower interest rates the loan could be reduced by two years and the estimated savings would be approximately \$130,000. Discussion ensued.

Councilman Porter made a motion to proceed with converting DEQ SRF Drinking Water Loan #D311152 to a General Obligation Loan and refunding DEQ SRF Clean Water Loan #C317103 with combined utilities revenue bonds if such bonds issuance meets the threshold of \$125,000 in net savings; second by Kohtz. **Vote: Yeas; Kohtz, Johnson, Hofer, Porter. Nays; None.**

- **CONSIDER ORDINANCE 275(19) AN ORDINANCE OF THE CITY OF ALBION, NEBRASKA, AUTHORIZING AN AMENDMENT OF THE LOAN AGREEMENT BETWEEN THE CITY AND THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY CONVERTING THE LOAN TO A GENERAL OBLIGATION PAYABLE FROM A LEVY OF TAXES AND FROM OTHER SOURCES; AUTHORIZING THE RELEASE OF THE LIEN ON THE REVENUES OF THE CITY'S WATER SYSTEM; AUTHORIZING THE LEVY OF SUCH TAXES; AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM.**

Councilman Porter made a motion to introduce Ordinance 275(19). Mayor Jarecki instructed Clerk Devine to read Ordinance 275(19) for the first time. Councilman Johnson made a motion to suspend the statutory rule requiring reading of the ordinance on three different days, second by Porter. **Vote: Yeas; Kohtz, Johnson, Hoefler, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 275(19) by title for the second and third time. Councilman Porter made a motion to approve all readings and for final passage and adoption of Ordinance 275(19), second by Johnson. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 275(19) having been read by title three different times, the rules have been suspended, the question is "Shall Ordinance 275(19) finally pass?" **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.**

- **CONSIDER ORDINANCE 276(19) AN ORDINANCE AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF COMBINED UTILITIES REVENUE REFUNDING BONDS, SERIES 2019, OF THE CITY OF ALBION, NEBRASKA, IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION THREE HUNDRED TEN THOUSAND DOLLARS (\$2,310,000) FOR THE PURPOSE OF PROVIDING FOR THE PAYMENT AND REDEMPTION OF THE CITY'S OUTSTANDING SEWER BOND ISSUED TO THE NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY, FUNDING A DEBT SERVICE RESERVE FUND AND PAYING COSTS OF ISSUANCE; DIRECTING THE APPLICATION OF THE PROCEEDS OF SAID BONDS; PRESCRIBING THE FORM AND CERTAIN TERMS AND DETAILS OF SAID BONDS AND AUTHORIZING THE OFFICERS OF THE CITY TO SET CERTAIN TERMS AND DETAILS OF SAID BONDS; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SEWER, WATER AND SOLID WASTE SYSTEMS OWNED BY THE CITY FOR THE PAYMENT OF SAID BONDS AND INTEREST THEREON; ESTABLISHING THE TERMS UPON WHICH ADDITIONAL BONDS OF EQUAL LIEN UPON REVENUES MAY BE ISSUED; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE OWNERS OF SAID BONDS; SELLING THE BONDS AND AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.**

Councilman Johnson made a motion to introduce Ordinance 276(19). Mayor Jarecki instructed Clerk Devine to read Ordinance 276(19) for the first time. Councilman Porter made a motion to suspend the statutory rule requiring reading of the ordinance on three different days, second by Johnson. **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.** Mayor Jarecki instructed Clerk Devine to read Ordinance 276(19) by title for the second and third time. Councilman Johnson made a

motion to approve all readings and for final passage and adoption of Ordinance 276(19), second by Kohtz. Councilman Hoefler called the question. Mayor Jarecki sought further comment. With no further comment Mayor Jarecki declared Ordinance 276(19) having been read by title three different times, the rules have been suspended, the question is “Shall Ordinance 276(19) finally pass?” **Vote: Yeas; Hoefler, Porter, Johnson, Kohtz. Nays; None.**

15. **CONSIDER BILLS FOR APPROVAL**

• CONSIDER MONTHLY BILLS FOR APPROVAL

Councilman Hoefler made a motion to approve payment of monthly bills. No second to the motion. **Motion died.** Council Members reviewed and discussed an invoice in dispute from Designs and Signs in the amount of \$165. This is the same bill that was denied by the Council at the February 19, 2019 meeting. Councilman Kohtz made a motion to approve the monthly bills for payment, withholding payment of Invoice #2463 to Designs & Signs for \$165, second by Johnson. **Vote: Yeas; Porter, Johnson, Kohtz, Hoefler. Nays; None.**

16. **CONSIDER EMPLOYEE EVALUATION FOR APPROVAL**

Councilman Hoefler made a motion to approve annual employee evaluation of Joe Luettel, second by Johnson. **Vote: Yeas; Kohtz, Hoefler, Porter, Johnson. Nays; None.**

17. **CONSIDER FOR APPROVAL THE MEMBERSHIP APPLICATIONS TO THE ALBION VOLUNTEER FIRE DEPARTMENT OF KENNETH BETTENCOURT AND MITCHELL PLANCE**

Councilman Hoefler made a motion to approve membership applications of Kenneth Bettencourt and Mitchell Plance to the Albion Volunteer Fire Department, second by Kohtz. **Vote: Yeas; Hoefler, Johnson, Kohtz, Porter. Nays; None.**

18. **ITEMS TO BE PUT ON NEXT MEETING AGENDA**

Next Regular Meeting: April 9, 2019 at 7:30 p.m.

- RIGHT OF WAY PERMIT APPLICATIONS AND/OR RENEWALS FOR APPROVAL
- ADMINISTRATOR REPORT
- CONSIDER BILLS FOR APPROVAL
- EMPLOYEE EVALUATIONS

19. **ADJOURN**

At 8:54 p.m. Council Member Hoefler moved to adjourn the meeting, second by Johnson. **Vote: Yeas; Kohtz, Hoefler, Porter, Johnson. Nays; None.**

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.

Readers Note: An audio recording of the meeting is also available at public request.

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James Jarecki, Mayor

ATTEST:

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Sharon Ketteler, Deputy Clerk