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## MINUTE RECORD

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### PAPILLION CITY COUNCIL MINUTES TUESDAY, MARCH 6, 2018 @ 7:00 P.M.

The City Council of the City of Papillion met in open and public session at Papillion City Hall on March 6, 2018, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Troy Florance, Tom Mumgaard, Jason Gaines, James Glover, Gene Jaworski, Lu Ann Kluch, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Also present were City Administrator Christine Myers, Assistant City Administrator Amber Powers, City Attorney Karla Rupiper, Chief Building Inspector Shawn Hovseth, Assistant Planning Director Travis Gibbons, Deputy Fire Chief Jeff Jones, Public Works Director/City Engineer Jeff Thompson, Deputy Police Chief Chris Whitted, Parks & Facilities Director Tony Gowan, Recreation Director Lori Hansen, and Finance Director Nancy Hypse.

Mayor Black led those present in the Pledge of Allegiance.

Affidavit of Publication: Notice of the meeting was given in the Papillion Times, the designated method of giving notice. A copy is available in the office of the City Clerk. Incorporated herein by reference as if fully set out herein is the audio and visual recording of the council meeting.

Public Announcement that a current copy of the open meeting act is posted in the City Council Chambers.

Presentation: Jodi Rinne, HSMC Orizon, presented the 2017 Comprehensive Annual Report and Audit Report. Ms. Rinne noted that the City received an unmodified opinion, which is the best opinion to receive. She added that there were no material weaknesses or significant deficiencies noted in the internal controls.

Councilmember Mumgaard noted that the Audit Committee recommends approval of the Audit Report. He added that the report noted that all past recommendations have been implemented.

Mayor Black thanked Finance Director Nancy Hypse for her staff's work in filing financial documents and noted the City is one of few that files the CAFR Report, which helps with bond ratings.

**ADMINISTRATOR'S REPORT:** City Administrator Christine Myers gave an update on the following: (1) The Neighborhood Grant program has been added to the City's website. No grants have been awarded yet in this fiscal year; (2) United Cities continues to follow legislative bills, specifically LB 44, which has advanced to final reading and requires remote sellers to remit state sales tax. United Cities has requested that the wording of the bill include remittance of local option sales tax; (3) Ms. Myers met with Dr. Rikli from Papillion La Vista Community Schools regarding an SRO canine unit. Dr. Rikli has been

provided with cost-share scenarios for his review; (4) Chief Lyons will be coordinating security training for elected officials specific to theoretical incidents in the Council Chambers.

**CONSENT AGENDA ITEMS: 1) Approval of the agenda as presented; (2) Approval of the Minutes from the February 20, 2018, City Council Meeting; (3) Approval of the bills as presented; (4) RES. R18-0044 – A resolution to award the contract for 2018-2019 On-Call City-Wide Paving Repairs to NL&L Concrete, Inc. of Omaha, NE in the amount of \$391,101.00 – Jeff Thompson – 898-9092.**

Motion to approve the Consent Agenda by Councilmember Kluch, second by Councilmember Gaines. Mayor Black called for proponents and opponents. None came forward. Councilmember Stubbe noted relative to C(4) that the bid for paving repairs came in below budget. He thanked staff for recommending the addition of other areas in an effort to utilize what is available in the budget. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

**BILLS:** 4imprint: \$514.32 /supplies; AA Wheel & Truck Supply Inc: \$22.41 /supplies; Acushnet Company: \$87.29 /merchandise; Advanced Office Automation, Inc.: \$192.23 /service; AED Zone: \$800.00 /training; AFLAC: \$404.16 /pyrl deduction; All Makes: \$1,707.29 /supplies; Amber Smith, petty cash: \$2,400.00 /reimbursement; Andrew Mahan: \$144.00 /reimbursement; Arthur J. Gallagher Risk Mgmt. Serv. Inc: \$63,140.00 /service; Aspen Equipment Co: \$682.00 /supplies; Associated Fire Protection: \$321.52 /service; Association of Government Accountants: \$110.00 /dues; Automotive Warehouse Distributors: \$453.98 /parts; Badger Body & Truck Equipment Co.: \$776.00 /supplies; Baker & Taylor: \$4,500.96 /books; Bankers Trust Company: \$250.00 /service; Batteries Plus 074: \$1,363.05 /supplies; Baxter Ford: \$12.65 /parts; Big Rig Truck Accessories: \$434.66 /parts; Black Hills Energy: \$5,355.47 /natural gas; Bo-Bo's Bouncy Town, LLC: \$111.25 /service; Body Basics Fitness Equipment: \$431.50 /equipment; Border States Industries, Inc.: \$104.28 /supplies; Bound Tree Medical, LLC: \$471.48 /supplies; Brandon Industries Inc: \$408.00 /supplies; Brandon Norris: \$954.24 /refund; Callaway Golf: \$291.96 /merchandise; Central States Group: \$43.92 /supplies; Chas. Vrana & Son Construction Co.: \$121,594.09 /service; Chem-Sult, Inc.: \$8,665.88 /supplies; Christine Coulson: \$125.00 /service; Cintas Loc 749: \$761.14 /service; Coca-Cola of Omaha: \$553.06 /merchandise; Colonial Life Insurance Co: \$618.34 /pyrl deduction; Consolidated Plastics Company, Inc.: \$805.21 /goods; Cook's Heating & Air Conditioning: \$600.00 /service; Cornhusker International Truck, Inc.: \$2,378.57 /supplies; Cox Business: \$1,819.21 /utilities; Cummins Central Power: \$208.35 /supplies; Curbside Rewards, LLC: \$165.00 /service; Danielson / Tech Supply: \$7,976.40 /supplies; Denise Smith: \$3,266.01 /refund; DexYp: \$146.20 /service; DHHS - Dept of Health and Human Services: \$2,296.00 /license; Diamond Communication Solutions: \$5,846.68 /service; Dultmeier Sales, LLC: \$206.88 /supplies; Echo Group, Inc.: \$205.81 /supplies; Exchange Bank Leasing Division: \$1,743.00 /lease; Express Enterprises: \$98.00 /service; Fastenal Company: \$19.02 /supplies; FastSigns: \$140.74 /supplies; Feld Fire: \$523.00 /supplies; Fire Protection Services, LLC: \$225.00 /service; FIREPAC: \$1,245.50 /pyrl deduction; First National Bank: \$19,108.80 /insurance; FP Design & Review Services, LLC: \$353.75 /service; Fraternal Order Of Police: \$1,417.50 /pyrl deduction; FSCI: \$455.00 /service;

Funds by Hasler: \$253.00 /postage; Gale/CENGAGE Learning: \$138.69 /books; GCR Tires & Service: \$768.93 /supplies; Grainger, Inc.: \$154.54 /supplies; Great Plains Uniforms LLC.: \$585.50 /supplies; H & H Chevrolet: \$96.14 /supplies; Hach Company: \$1,550.24 /supplies; Haney Shoe Store, Inc.: \$237.97 /supplies; Heartland Tires & Treads - Omaha: \$486.07 /supplies; Helget Gas Products Inc: \$32.85 /supplies; Hi-Line, Inc: \$161.72 /supplies; Home Depot Credit Services: \$211.14 /supplies; Hometown Leasing: \$168.14 /service; HSMC Orizon LLC: \$1,047.84 /service; Hy-Vee: \$445.00 /supplies; Inland Truck Parts & Service: \$75.08 /supplies; Iowa Prison Industries: \$524.59 /supplies; Jake Neill: \$37.28 /reimbursement; Jebro Inc.: \$16.80 /goods; Jerry Pokorney: \$252.00 /reimbursement; Jimi Jordan: \$25.00 /refund; K Electric Company, Inc.: \$4,019.54 /service; Katherine Mattern: \$224.00 /reimbursement; Katherine Schmidt: \$190.00 /reimbursement; Koley Jessen PC, LLO: \$10,364.91 /legal; Kurt McClannan: \$224.00 /reimbursement; LaRue Coffee: \$165.15 /supplies; Lincoln Tent Inc.: \$177.00 /service; LogMeIn USA, Inc.: \$117.00 /service; Logo Logix Embroidery & Screen: \$1,180.00 /service; MacQueen Emergency Group: \$317.52 /supplies; Malloy Electric (Omaha West) (8): \$197.16 /service; Masimo Americas, Inc.: \$497.00 /service; Matheson Tri-Gas, Inc.: \$94.94 /supplies; Mechanical, Inc.: \$1,179.20 /service; Menards: \$66.49 /supplies; Metropolitan Utilities District: \$232.06 /utilities; Midwest Tape: \$37.98 /audio; Midwest Turf & Irrigation: \$229.54 /supplies; Millard Metal Services Inc: \$101.00 /supplies; Mizuno USA Inc - NDC: \$641.51 /merchandise; MMS - A Medical Supply Company: \$1,407.93 /supplies; MNJ Technologies Direct, Inc.: \$76.00 /supplies; Monroe Truck Equipment, Inc.: \$400.30 /supplies; Morrissey Engineering: \$4,100.00 /service; Motion Industries, Inc: \$32.64 /supplies; Napa Auto Parts: \$225.01 /supplies; NAPE - NE Assoc of Property/Evidence: \$25.00 /membership; Nebraska Code Officials Association: \$215.00 /training; Nebraska Liquor Control Commission: \$45.00 /service; Nebraska Salt & Grain Co: \$1,750.00 /supplies; Nebraska-Iowa Industrial Fasteners Corp.: \$1.41 /supplies; NMC Exchange, LLC: \$17.25 /supplies; Olsson Associates: \$4,877.10 /consulting; Omaha Compound Company: \$689.90 /supplies; Omaha Urban Air, LLC.: \$254.85 /service; O'Reilly Auto Parts: \$561.75 /supplies; Overhead Door Co. of Omaha: \$1,275.00 /service; Papillion Professional Fire Fighters: \$861.25 /pyrl deduction; Papillion Sanitation: \$413.91 /refuse; Papillion Times: \$52.50 /service; Papillion Tire, Inc.: \$87.67 /supplies; Payroll Maxx, LLC: \$522,873.64 /pyrl; PCEA: \$205.00 /pyrl deduction; Penguin Random House, LLC: \$67.50 /books; Personnel Committee: \$154.50 /employee fund; Personnel Evaluation Inc.: \$60.00 /supplies; Plains Equipment Group: \$338.26 /supplies; Police & Firemen's Insurance Association: \$2,826.75 /pyrl deduction; Postmaster: \$2,500.00 /service; Premier-Midwest Beverage Co: \$213.10 /merchandise; Preston Maas: \$224.00 /reimbursement; Quality Brands of Omaha, Inc: \$329.55 /merchandise; R.L. Craft Co., Inc.: \$510.66 /service; Rasmussen Mechanical Services, Inc: \$325.00 /repair; Rebecca Williams: \$232.00 /reimbursement; Recorded Books, Inc.: \$2,346.64 /books; Redshaw Paint Supply Inc: \$6.73 /supplies; Region 12 American Backflow: \$340.00 /training; Rick Corcoran: \$195.00 /service; Rob Spomer: \$1,396.69 /reimbursement; Sapp Bros., Inc - Omaha: \$20,508.47 /fuel; Sarpy County Chamber of Commerce: \$600.00 /membership; Sarpy County: \$50.00 /service; Scott Lyons: \$128.94 /reimbursement; SID 275 - Kingsbury Hills: \$175,249.88 /agreement; Spaustat Energy Group, LLC: \$24.95 /service; Sprint: \$60.40 /utilities; SRIXON/Cleveland Golf/XXIO: \$4,362.39 /merchandise; Standard Heating & Air, Inc.: \$509.10 /service; Superior Signals

Inc: \$204.76 /supplies; Swan Engineering, LLC: \$43.00 /supplies; TD2 Nebraska Office: \$29,451.63 /engineering; Ted's Mower Sales & Service, Inc.: \$7.67 /supplies; The Automotive Training Group: \$209.00 /training; The Omaha World-Herald: \$966.52 /service; The Schemmer Associates, Inc.: \$1,585.60 /service; The Sherwin-Williams Co.: \$48.97 /supplies; The UPS Store - 5359: \$26.01 /service; Thermo King Christensen: \$207.00 /supplies; Todd Moffett: \$84.00 /reimbursement; Tool Supply, Inc: \$1,709.09 /supplies; Turfwerks: \$31.67 /supplies; Ty's Outdoor Power & Service: \$175.92 /supplies; Unite Private Networks: \$7,441.58 /network; USABlue Book: \$1,397.25 /supplies; Valpak of Omaha: \$1,230.00 /service; Van Wall Equipment: \$1,073.92 /supplies; Verizon Wireless: \$589.73 /utilities; Vessco, Inc.: \$419.33 /supplies; Vierregger Electric Company, Inc.: \$2,062.50 /service; Voya Financial Fire: \$29,293.52 /pyrl pension; Voya Financial: \$57,879.90 /deferred comp; Walkers Inc. dba Max I Walker: \$612.45 /service; Walmart Community: \$614.19 /supplies; Washington National Insurance Co.: \$44.80 /insurance; Weldon Parts Omaha: \$735.63 /parts; Wells Fargo Financial Leasing: \$219.00 /service; Westlake Ace Hardware: \$14.30 /merchandise; Wick's Sterling Trucks Inc: \$278.10 /supplies; Windstream: \$222.47 /service; Winter Equipment Co., Inc: \$2,014.03 /supplies; ZirMed, Inc: \$124.00 /service; **BILLS TOTAL: \$1,192,606.44.**

#### **ORDINANCES FIRST READING:**

**ORD. 1802 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 (Multiple-Family Residential) for the property legally described as Tax Lot 7A of Section 28, T14N, R12E, together with Tax Lot 9A of Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of S 96th St and Lincoln Rd. The applicant is Jeff Elliott. (Lincoln Way) – Mark Stursma – 597-2077.**  
Introduced by Councilmember Stubbe.

**ORD. 1803 – An ordinance to approve a Change of Zone from LI (Limited Industrial) and GC (General Commercial) to LI (Limited Industrial) and GC (General Commercial) for the property legally described as Tax Lot 7 in the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of Section 35, T14N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, together with part of the NW<sup>1</sup>/<sub>4</sub> of the NW<sup>1</sup>/<sub>4</sub> of said Section 35, together with that part of the NE<sup>1</sup>/<sub>4</sub> of Section 34, T14N, R11E of the 6<sup>th</sup> P.M., said Sarpy County, lying south and east of the I-80 right-of-way, generally located south of HWY 370 between I-80 and S 156<sup>th</sup> St. The applicant is Dowd Grain Co, Inc. (Steel Ridge South) – Mark Stursma – 597-2077.**  
Introduced by Councilmember Jaworski.

#### **ORDINANCES SECOND READING AND PUBLIC HEARINGS:**

**ORD. 1801 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 PUD-2 (Multiple-Family Residential with a PUD-2 Overlay) for the property legally described as a tract of land being located in part Tax Lot 6, a tax lot located in part of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and part of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NE of Wittmus Drive and Cornhusker Road. The applicant is Woodland Homes, Inc. (Granite Lake (Phase 3)) – Mark Stursma – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd, Omaha, stepped forward on behalf of the applicant. Mr. Westergard noted that this is the farthest north phase of the project. He added that, due to pending infrastructure improvements, it may be a while before the final plat is presented to Council for approval.

Opponents: None forthcoming.

Councilmember Stubbe asked why the project is being identified as multiple-family residential when it appears to contain single-family homes. Assistant Planning Director Travis Gibbons confirmed that the project includes single-family lots with a villa concept.

Mayor Black closed the public hearing.

**ORDINANCES THIRD READING AND RESOLUTIONS:**

**Approval of the minutes from the February 19, 2018, City Council Retreat (Tabled from the February 20, 2018, City Council meeting).** Motion to approve the minutes from the February 19, 2018, City Council Retreat by Councilmember Florance, second by Councilmember Glover.

Councilmember Kluch noted that an amended version of the minutes has been distributed to council members, which includes additional detail for future reference. Motion by Councilmember Kluch to amend the minutes as distributed to council members, second by Councilmember Gaines. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

A vote was then held to approve the original motion as amended. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

**RES. R18-0038 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as Tax Lot 6, located in part of the SE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub> and part of the NE<sup>1</sup>/<sub>4</sub> of the SW<sup>1</sup>/<sub>4</sub>, Section 21, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located NE of Wittmus Drive and Cornhusker Road. The applicant is Woodland Homes, Inc. (Granite Lake (Phase 3)) – Mark Stursma – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Mark Westergard, E&A Consulting Group, 10909 Mill Valley Rd, Omaha, stepped forward on behalf of the applicant.

Opponents: None forthcoming.

No one else came forward and the public hearing was closed.

Motion to approve RES. R18-0038 by Councilmember Engberg, second by Councilmember Kluch. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

**RES. R18-0041 – PUBLIC HEARING AND VOTE – A resolution to approve an application for Moving a Building or Structure Permit to move one (1) building from its current location at 12505 Highway 370 to its future location at 13730 S 105<sup>th</sup> Street. The applicant is Tim Barrett – Shawn Hovseth – 597-2072.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Tim Barrett, 811 Maple St, Springfield, stepped forward as the applicant.

Opponents: None forthcoming.

No one else came forward and the public hearing was closed.

Motion to approve RES. R18-0041 by Councilmember Glover, second by Councilmember Jaworski. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

**RES. R18-0046 – A resolution to approve the submittal of Substandard and Blighted Question with respect to certain real property located in downtown Papillion to the Planning Commission pursuant to Neb. Rev. Stat. §18-2109 – Amber Powers – 827-1778.** Motion to approve RES. R18-0046 by Councilmember Stubbe, second by Councilmember Engberg. Mayor Black called for proponents and opponents. None came forward.

Councilmember Stubbe asked for further information regarding the process, as it is new to Papillion. Mayor Black stated that this is the first step in the process of utilizing TIF funding, which is a tool used for redeveloping older areas. The area currently under consideration is largely City-owned land in the downtown area, including the former Public Works facility, the current Recreation Department building, and Fire Station #3. Mayor Black then noted that the City consulted with studioINSITE regarding potential redevelopment and invited private landowners who may be affected to participate in the conversation. He added that, later in the year, a committee will be appointed to manage the process.

Councilmember Mumgaard stated that he generally does not approve of the use of TIF because he believes it is sometimes misused. However, he believes that TIF could be rationally used as an option to create opportunities for redevelopment in this area due to the percentage of the area that is publically owned.

Councilmember Glover asked for additional information regarding the involvement of private landowners in the area. Mayor Black replied that there was much involvement of business owners in the area when the downtown chapter of the Comprehensive Plan was developed approximately six years ago. Specific to the blight study, Mr. and Mrs. Tilmer

Stone were invited to attend meetings with studioINSITE as the largest land owners in the area. Mayor Black clarified that nothing about this process will include the use of eminent domain, and that all affected land owners will be notified of upcoming hearings throughout the process.

Councilmember Stubbe stated that TIF is one of very few State-allowed economic development tools. The process allows for the rehabilitation of older buildings by utilizing the projected future valuation of the property after improvements.

Councilmember Mumgaard agreed that he believes the purpose of TIF is to encourage redevelopment that would not occur otherwise. However, he believes the mechanism is sometimes misused at the expense of tax payers. He then reiterated that he feels the large percentage of publically-owned land in this area creates benefit to the tax payers in this instance, though he believes the City could potentially encourage redevelopment in other ways. Mayor Black acknowledged that TIF funding may not be needed in this area simply by way of negotiation with potential developers, but that going through the process makes TIF an option.

Councilmember Stubbe noted that other property owners in the area could also take advantage of TIF due to the City going through this process, though he believes internal controls need to be factored in for private projects.

Mayor Black clarified that TIF funding can only be used for infrastructure improvements.

Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried.

**ADMINISTRATIVE REPORTS:**

**Committee Reports:** None.

**Comments from the Floor:** None.

**Comments from Mayor and Council:** Mayor Black gave an update on his events: (1) Mayor Black and Chris Myers attended a United Cities meeting.

**ADJOURNMENT:** Motion to adjourn by Councilmember Glover, second by Councilmember Stubbe. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion carried. Meeting adjourned at 7:31 PM.

CITY OF PAPILLION



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DAVID P. BLACK, MAYOR

Attest:

Nicole Brown  
Nicole Brown, City Clerk

(SEAL)

