
MINUTE RECORD

PAPILLION CITY COUNCIL MINUTES TUESDAY, MAY 2, 2023 @ 7:00 P.M.

The City Council of the City of Papillion met in open and public session in the City Council Chambers at Papillion City Hall, 122 E Third St, on May 2, 2023, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Steve Sunde, Tom Mumgaard, Jason Gaines, Jim Glover, Dave Fanslau, Lu Ann Kluch, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Also present were City Administrator Amber Powers, Deputy City Administrator Mark Stursma, Finance Director Nancy Hypse, Recreation Director Tracy Stratman, Parks and Facilities Director Tony Gowan, Police Chief Chris Whitted, Assistant City Attorney Carla Heathershaw Risko, Planning Director Travis Gibbons, Fire Chief Robb Gottsch, Public Works Director Michael Kleffner, Human Resources Director Carrie Svendsen, Chief Building Official Brad Sojka, and Library Director Matt Kovar.

Mayor Black and Scouts from Troop 461 led those present in the Pledge of Allegiance.

Affidavit of Publication: Notice of the meeting was given in the Sarpy County 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 Meetings Act is posted in the Council Chambers.

Proclamations: Mayor Black presented a Proclamation for Kids to Parks Day to Mr. Gowan and Ms. Stratman. Mr. Gowan and Ms. Stratman provided brief updates regarding their respective departments.

ADMINISTRATOR'S REPORT: City Administrator Amber Powers provided an update: (1) Congratulations to the 2022 Employees of the Year, Katherine Mattern and Doug Bickal; (2) Thank you to the Papillion and La Vista Public Works Departments for a successful Spring Clean-Up Days; (3) The Senior Olympics will be on May 10; (4) The Papillion Half Marathon will be on May 21.

CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the April 18, 2023, City Council Meeting; (3) RES. R23-0068 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R23-0067 – A resolution to approve a Request for Proposals for Janitorial Services for City buildings – Tony Gowan – 597-2049; (5) RES. R23-0069 – A resolution to approve an agreement with Associated Fire Protection Inc for the inspection and maintenance of fire suppression systems within City facilities – Tony Gowan – 597-2049; (6) RES. R23-0070 – A resolution to approve a professional services agreement for development of North Water Tower Painting Specifications and project documents between the City of Papillion and JEO Consulting Group, Inc. – Alex Evans – 597-2043. Motion to approve the Consent Agenda by Councilmember Kluch, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

BILLS: Aaron Anderson: \$636.40/reimbursement; Abante Marketing: \$1165.14/service; Acushnet Company: \$2621.29/merchandise; Adidas America Inc: \$2361.97/supplies; Advanced Office Automation Inc: \$440.05/service; AKRS Equipment Solutions Inc: \$1057.79/supplies; Alex Evans: \$1277.71/reimbursement; All Makes: \$808.75/supplies; American Library Association: \$236.00/supplies; American Red Cross Training Services: \$324.00/training; Aramark: \$472.60/service; Arcoro Holdings Corp: \$5.50/service; A-Relief Services Inc: \$183.00/service; Associated Fire Protection: \$701.05/service; Automotive Warehouse Distributors: \$404.05/parts; Back9 Marketing: \$700.00/service; Baxter Ford of Papillion: \$397.28/parts; Beacon Athletics LLC: \$1515.00/supplies; BHI Companies Inc.: \$15.94/refund; Black Hills Energy: \$18183.17/natural gas; Blackburn Mfg Co: \$298.82/supplies; Blue Cross Blue Shield: \$422560.12/insurance; Bobcat Of Omaha: \$36.49/supplies; Border States Industries Inc: \$689.04/supplies; Bound Tree Medical LLC: \$1070.03/supplies; Callaway Golf: \$2138.64/merchandise; Careerlink LLC: \$4601.00/service; Carrot-Top Industries Inc: \$785.25/supplies; Center for Internet Security Inc: \$1062.59/service; Cheerful Books LLC: \$200.00/services; Chem-Sult Inc: \$1063.31/supplies; Christopher Goley: \$147.50/reimbursement; Ciaccio Roofing: \$4870.00/service; Cintas Loc 749: \$132.92/service; City Of La Vista: \$5693.95/agreement; City Of Omaha Cashier: \$365064.28/service; Coca-Cola of Omaha: \$2876.27/merchandise; Conner Psychological Services PC: \$425.00/service; Cornhusker International Trucks Inc: \$564.51/supplies; Cox Business: \$1431.02/utilities; Creative Sites LLC: \$26202.00/supplies; Cummins Central Power: \$292.42/supplies; D & K Products: \$13840.80/supplies; Daugherty Lawn and Landscape LLC: \$2925.00/service; DeLoa and Sons Construction: \$1361.02/service; Diamond Vogel: \$63.46/supplies; Diane Carlson: \$13.75/reimbursement; Diesel Laptops LLC: \$1395.00/re-sale; Doug Huggins petty cash: \$3120.00/petty cash; Doug Kelley Concrete Construction LLC: \$8910.00/service; Dynamic Brands: \$72.86/apparel; Eagle Engraving Inc.: \$5.95/replace ribbon; Eakes Office Solutions: \$1120.72/supplies; Echo Group Inc: \$715.00/supplies; Edge Physical Therapy: \$840.00/service; Fairfield Inn & Suites: \$479.80/lodging; Farmers Union Co-Operative Assn: \$415.75/supplies; FastSigns: \$418.30/supplies; Feld Fire: \$540.00/supplies; Ferguson Enterprises Inc: \$5.28/supplies; Fikes Commercial Hygiene LLC: \$56.00/service; Fire Protection Services LLC: \$365.00/service; Fittje Painting: \$1950.00/service; Forvis LLP: \$23675.00/service; Global Equipment Company Inc: \$4259.08/supplies; GPS Technologies Inc: \$2535.00/service; Grainger Inc: \$561.75/supplies; Great Plains Nursery: \$75.00/supplies; Great Plains Uniforms LLC: \$950.42/service; Gretna Sanitation Inc: \$117.00/service; Hach Company: \$23334.61/supplies; Harm's Concrete: \$450.13/goods; Hawkins Inc: \$40.00/supplies; Hayes Mechanical LLC: \$384.82/service; Heartland Tires & Treads - Omaha: \$1477.93/supplies; Helm Mechanical / Helm Service: \$1813.05/service; hibu Inc - West: \$52.75/service; Hobby Lobby Stores Inc: \$16.48/supplies; Hockenbergs: \$763.93/supplies; Home Depot Credit Services: \$1181.98/supplies; Horn Industries Roofing: \$27.50/refund; Hose and Handling Inc: \$256.24/supplies; Host Coffee Service: \$89.80/supplies; Houston Engineering Inc: \$8734.50/services; Hubbell Homes: \$136.30/refund; Hy-Vee: \$1409.21/supplies; ICMA: \$958.87/subscription; IdentiSys Inc: \$522.27/supplies; IDville: \$231.14/supplies; InfoSafe Shredding Inc: \$30.00/service; International Code Council Inc: \$5850.00/supplies; John Menichetti: \$44.67/refund; Johnson Brothers of Nebraska: \$85.50/supplies; JP Cooke Company: \$3261.63/supplies; Kansas City Audio-Visual Inc: \$702.35/supplies; Kaseya US LLC: \$6286.73/services; Kendall Martin: \$2700.00/services; Kevin Brehm: \$160.27/refund; Koley Jessen PC LLO: \$157.00/legal; Kriha Fluid Power Co Inc: \$123.63/supplies; Lands' End Business Outfitters: \$34.29/supplies; Larsen Supply Company: \$1081.22/supplies; Lawlor's Custom Sportswear: \$190.00/supplies; Linde Gas & Equipment: \$63.11/supplies; Loveland Grass Pad Inc: \$1368.63/supplies; Matheson Tri-Gas Inc: \$139.90/supplies; Mellen & Associates Inc: \$1398.64/supplies; Menards - Bellevue: \$114.43/supplies; Menards - Ralston: \$79.19/supplies; Metering & Technology Solutions: \$55517.84/supplies; Metro Landscape Materials & Recycling: \$480.00/supplies; Metropolitan Utilities District: \$246.99/utilities; Michael Borden:

\$32.00/reimbursement; Midlands Printing & Business Forms: \$808.00/supplies; Midwest Fence-Guardrail Systems: \$248.00/service; Midwest Turf & Irrigation: \$2117.91/supplies; Midwest Turf Support LLC: \$380.00/supplies; Mobility Motoring: \$296.07/service; Motorola Solutions Inc: \$3598.54/supplies; Napa Auto Parts: \$1011.75/supplies; NE Dept of Revenue-Motor Fuels Division: \$2542.00/service; NE Public Health Environ Laboratory: \$36.00/service; Nebraska Notary Association: \$131.00/supplies; Nebraska-Iowa Industrial Fasteners Corp: \$9.58/supplies; OBI Creative: \$4000.00/services; Omaha Compound Company: \$5252.86/supplies; Omaha Slings Inc: \$174.24/supplies; O'Reilly Auto Parts: \$1310.01/supplies; Patton Equipment Company Inc: \$612.00/supplies; Pfeilsticker Home Enterprises LLC: \$27.50/refund; PING: \$3913.29/merchandise; Pioneer Manufacturing Company: \$1755.60/supplies; Premier-Midwest Beverage Co: \$1674.93/merchandise; Quadiant Finance USA Inc: \$718.00/service; Quality Auto Repair & Towing Inc: \$78.00/service; Quality Brands of Omaha Inc: \$4125.65/merchandise; Ready Mixed Concrete Company: \$11497.11/supplies; Red Wing Business Advantage Account: \$133.45/supplies; RNDC: \$527.00/merchandise; Rose Equipment Inc: \$184.05/supplies; Rotella's Italian Bakery Inc: \$286.74/supplies; Sandra Heiman: \$572.17/refund; Sandry Fire Supply LLC: \$105.95/supplies; Sapp Bros Inc - Omaha: \$6149.19/fuel; Sarah Smith: \$31.44/reimbursement; Sarpy County Treasurer: \$2958.94/service; SHI International Corp: \$5711.37/supplies; Shirt Shack Omaha Inc: \$354.78/supplies; Sol Lewis Engineering Co: \$3005.00/service; Southern Glazer's Wine & Spirits of NE: \$4090.24/merchandise; Spin Linen Management: \$339.08/supplies; Spirit Football League of Papillion Inc: \$3800.00/service; Sprint: \$50.28/utilities; SRIXON/Cleveland Golf/XXIO: \$10558.75/merchandise; Staples Inc: \$306.88/supplies; Stomp Chomp Roar: \$350.00/service; Stryker Sales Corporation: \$326.14/supplies; Supreme International LLC: \$366.10/supplies; Taylor Made Golf Company: \$208.02/merchandise; Ted's Mower Sales & Service Inc: \$217.62/supplies; Teleflex LLC: \$1943.50/supplies; The Grinder Pump Man LLC: \$608.07/service; The Tower Company Inc: \$1648.00/supplies; The UPS Store - 5359: \$217.63/service; Thomson Reuters - West Payment Center: \$397.55/supplies; Thryv Inc: \$153.55/service; Tim Moran: \$4025.00/reimbursement; TK Elevator Corporation: \$608.39/service; TMS Production Integration: \$14000.00/service; Todd Dudas: \$160.00/reimbursement; Tractor Supply Company: \$1044.98/supplies; Trademark Homes: \$15.17/refund; Tred-Mark Communications: \$12803.91/service; Triple Play Turf Inc: \$700.00/service; Truck Center Companies: \$488.16/supplies; TruGreen Commercial: \$554.65/service; Turfwerks: \$38.82/supplies; Twin Creek Animal Hospital: \$194.01/service; TX Papillion LLC: \$770.00/service; Ty's Outdoor Power & Service: \$276.68/supplies; UMB Bank NA: \$4200.00/service; US Foods Inc: \$625.65/supplies; USABlueBook: \$1984.28/supplies; Verizon Wireless: \$808.86/utilities; Vierregger Electric Company Inc: \$2829.50/service; Walmart Community/Capital One: \$578.99/supplies; Waste Management of Nebraska: \$175.54/refund; Waystar Health: \$164.35/service; Weldon Parts Omaha: \$474.71/parts; Wells Fargo Financial Leasing: \$892.00/service; Westlake Ace Hardware: \$38.85/merchandise; White Cap LP: \$92.26/supplies; Woodhouse Parts Direct: \$244.36/service; Zimco Supply Co: \$1281.00/supplies; ZOLL Medical Corporation: \$676.00/supplies; Zoll: \$1764.15/supplies; Payroll: \$1,005,361.77; **Totals: \$2,218,319.89.**

ORDINANCES FIRST READING:

ORD. 1992 – An ordinance to annex certain real estate to the City of Papillion, Nebraska, and to provide for an effective date thereof – Mark Stursma – 597-2077. Introduced by Councilmember Kluch.

ORD. 1993 – An ordinance to change the official zoning map of the City of Papillion in accordance with Section 205-32 of the Papillion Municipal Code to adopt a zoning map and to apply existing or future zoning regulations, property use regulations, building ordinances, electrical ordinances, plumbing ordinances, and all other regulatory

ordinances of the City of Papillion pursuant to Neb. Rev. Stat. §16-901 and to provide for an effective date thereof – Travis Gibbons – 597-2077. Introduced by Councilmember Engberg.

ORDINANCES SECOND READING AND PUBLIC HEARING:

ORD. 1995 – An ordinance to approve an amendment to the FY2022/2023 Budget – Nancy Hypse – 597-2020. Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed.

ORD. 1997 – An ordinance to approve a Change of Zone from MU (Mixed Use) to R-4 (Multiple-Family Residential) for the property legally described Lot 205, Founders Ridge, generally located on the SW corner of S 126th St and HWY 370. The applicant is Carlson Consulting Engineers. (Founders Ridge (Senior Living)) – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed.

ORDINANCES THIRD READING AND RESOLUTIONS:

ORD. 1973 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 (Multiple-Family Residential), R-4 PUD-2 (Multiple-Family Residential with a Specific Planned Unit Overlay), and LC (Limited Commercial) for the property legally described as a tract of land being part of the NE ¼ of the SE ¼, part of the SE ¼ of the SE ¼, part of the SW ¼ of the SE ¼, part of the NW ¼ of the SE ¼, part of the NE ¼ of the SW ¼, and part of the SE ¼ of the SW ¼, all in Section 28, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SW corner of S 96th St and Lincoln Rd. The applicant is BHI Development, Inc. (Granite Creek East) – Travis Gibbons – 597-2077. Motion to approve ORD. 1973 by Councilmember Fanslau, second by Councilmember Gaines. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0072 – A resolution to approve a Final Plat for the property legally described as a tract of land being part of the NE ¼ of the SE ¼, part of the SE ¼ of the SE ¼, part of the SW ¼ of the SE ¼, part of the NW ¼ of the SE ¼, part of the NE ¼ of the SW ¼, and part of the SE ¼ of the SW ¼, all in Section 28, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SW corner of S 96th St and Lincoln Rd. The applicant is BHI Development, Inc. (Granite Creek East) – Travis Gibbons – 597-2077. Motion to approve RES. R23-0072 by Councilmember Kluch, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0073 – PUBLIC HEARING AND VOTE – A resolution to approve the Granite Creek East Subdivision Agreement – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents.

Proponent: Jeff LaMontagne, E&A Consulting, 10909 Mill Valley Rd, Omaha, stepped forward on behalf of the applicant and briefly explained the project. Councilmember Stubbe asked about the timeline for the project. Mr. LaMontagne provided a tentative timeline.

Opponents: None.

No one else came forward and the public hearing was closed. Motion to approve RES. R23-0073 by Councilmember Stubbe, second by Councilmember Mumgaard. Upon roll call vote, Sunde,

Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0074 – PUBLIC HEARING AND VOTE – A resolution to approve the Granite Creek East Planned Unit Development Agreement – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed. Motion to approve RES. R23-0074 by Councilmember Engberg, second by Councilmember Stubbe. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0075 – A resolution to approve the Granite Creek East Sewer and Water Connection Agreement – Travis Gibbons – 597-2077. Motion to approve RES. R23-0075 by Councilmember Kluch, second by Councilmember Fanslau. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0076 – A resolution to approve the Real Estate Purchase Agreement between Granite Creek Development, LLC and the City of Papillion for the Granite Creek East woodland park land acquisition – Travis Gibbons – 597-2077. Motion to approve RES. R23-0076 by Councilmember Stubbe, second by Councilmember Sunde. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

ORD. 1982 – An ordinance to rename Mesa St as dedicated by the Overland Hills V Final Plat to be S 97th St – Travis Gibbons – 597-2077. Motion to approve ORD. 1982 by Councilmember Glover, second by Councilmember Kluch. Mayor Black noted for the record that there are no addresses currently assigned to this street. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

ORD. 1986 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 (Multiple-Family Residential) and R-4 PUD-2 (Multiple-Family Residential with a Specific Planned Unit Overlay) for the property legally described as part of the SW ¼ of Section 28, together with part of the N ½ of Section 33, all in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW and SW corners of S 102nd St and HWY 370. The applicant is BHI Development, Inc. (Granite Creek West) – Travis Gibbons – 597-2077. Motion to approve ORD. 1986 by Councilmember Stubbe, second by Councilmember Engberg. Mayor Black stated that staff is recommending a motion to amend Exhibit A of ORD. 1986 to add Outlot C to the PUD-2, since it will contain the recreational amenity for the PUD-2. Motion to amend ORD. 1986 by Councilmember Gaines, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

Mayor Black called for council discussion on the motion to approve as amended. There was none. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0077 – A resolution to approve a Final Plat for the property legally described as part of the SW ¼ of Section 28, together with part of the N ½ of Section 33, all in T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW and SW corner of S

102nd St and HWY 370. The applicant is BHI Development, Inc. (Granite Creek West) – Travis Gibbons – 597-2077. Motion to approve RES. R23-0077 by Councilmember Kluch, second by Councilmember Fanslau. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0078 – PUBLIC HEARING AND VOTE – A resolution to approve the Granite Creek West Subdivision Agreement – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents.

Proponent: Randy Kuszak, Lamp Rynearson, 14710 W Dodge Rd, Ste 100, Omaha, came forward on behalf of the applicant and briefly explained the project and projected timeline.

Opponents: None.

No one else came forward and the public hearing closed. Motion to approve RES. R23-0078 by Councilmember Kluch, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0079 – PUBLIC HEARING AND VOTE – A resolution to approve the Granite Creek West Planned Unit Development Agreement – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed. Motion to approve RES. R23-0079 by Councilmember Mumgaard, second by Councilmember Fanslau. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

RES. R23-0080 – A resolution to approve the Granite Creek West Sewer and Water Connection Agreement – Travis Gibbons – 597-2077. Motion to approve RES. R23-0080 by Councilmember Stubbe, second by Councilmember Sunde. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

ORD. 1994 – An ordinance to amend Papillion Municipal Code Chapter 100, currently entitled “Buildings, Unsafe,” to be amended to be entitled “Property Maintenance;” to adopt the International Property Maintenance Code, 2018 Edition, with local amendments; to adopt procedures for enforcement and appeal; to repeal Chapter 89 entitled “Brush, Grass And Weeds” and Chapter 137 entitled “Nuisances;” to amend Chapter 9 and Sections 92-1 and 92-9 to define the Code Official and to provide for a Board of Appeals; to move Section 137-4 regarding plastic bags to new Section 125-24; to amend Chapter 184 now to be entitled “Abandoned Vehicles;” to amend Chapter 206 to include references to nuisances under Chapter 100; to repeal the amended sections as previously enacted; and to provide for an effective date. (Property Maintenance Code) – Brad Sojka – 597-2072. Motion to approve ORD. 1994 by Councilmember Kluch, second by Councilmember Engberg.

Councilmember Sunde made a motion to amend provisions within Section 1, Section 5, and Section 11, as documented in the attached Exhibit “A,” second by Councilmember Engberg. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

Mayor Black called for council discussion on the motion to approve as amended. Councilmember Stubbe asked why the time of imprisonment for violation was changed. Councilmember Sunde explained the maximum sentences in state law for Class 2 and Class 3 misdemeanors.

Mayor Black briefly explained the intent of the Property Maintenance Code and the process for its development. Councilmember Mumgaard explained why he believes the Code is necessary and how it would be helpful for staff and residents.

Councilmember Kluch thanked everyone who worked on creating the Property Maintenance Code. Councilmember Engberg briefly explained all that was reviewed and updated to create the Property Maintenance Code. He then added that the Public Safety Committee discussed meeting after the first four enforcements to discuss whether any changes need to be made. The Committee would continue reviewing it quarterly.

Councilmember Fanslau also thanked everyone who worked on creating the Property Maintenance Code and stated that he will be supporting it. Councilmember Sunde agreed and stated that there are safeguards in place to protect peoples' due process. Mayor Black added that one of the safeguards in place is the ability for a person to appeal to a board and discussed the types of career fields from which appointees will be selected.

Councilmember Gaines thanked the Public Safety Committee and staff for their work on this Code and stated that he is not comfortable with the way it is written and will not be voting for it. Mayor Black explained that, as mentioned by Councilmember Engberg, if this passes, it will periodically be reviewed by the Public Safety Committee where amendments may be made if necessary.

Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: Gaines. Motion passed.

RES. R23-0071 – A resolution to approve a wage adjustment for the position of City Administrator based on a market study of comparable positions – Mayor David P. Black – 827-1111. Motion to approve RES. R23-0071 by Councilmember Engberg, second by Councilmember Kluch. Mayor Black called for proponents and opponents. None came forward.

Councilmember Gaines thanked Ms. Powers for her hard work and helping to make the city a better place. Councilmember Fanslau echoed Councilmember Gaines and stated that he will be supporting this resolution.

Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

ADMINISTRATIVE REPORTS:

Committee Reports: Finance & Administration Committee: Councilmember Engberg stated that the Committee reviewed an update on 2023 Annexation #3. The Committee recommended proceeding with the annexation with Option #2 as presented. The Committee also clarified with staff what should be included in the fact finding process to further discuss a Unified Trash Hauler RFP.

Comments from the Floor: Larry Cherney, 301 N Osage St, thanked the Council and staff for upgrading Garden Street Park.

Edward Weniger, 1709 Ridgeview Dr, stated that he is concerned the Property Maintenance Code may be abused.

Comments from Mayor and Council: Mayor Black provided an update on his events: (1) Mayor Black and staff attended the Groundbreaking Ceremony for H&H Kia; (2) Mayor Black attended the First Responders Foundation Meeting; (3) Mayor Black attended the Grow Sarpy Meeting; (4) Mayor Black and staff attended the Construction Kick-Off/Groundbreaking Ceremony for ALLO Fiber; (5) Mayor Black and staff attended the Ribbon Cutting for Wilby's Comfort 2.0; (6) Mayor Black and staff attended the Arbor Day Ceremony.

Mayor Black provided an update on the UBAS project. He then reminded those present of upcoming events: (1) Senior Olympics are on May 10; (2) Ribbon Cutting for Downtown Garden Center will be on May 16; (3) State of the County is on May 18; (4) Papillion Half Marathon is on May 21; (5) Nation of Patriots Ceremony is on May 20.

ADJOURNMENT:

Motion to adjourn by Councilmember Gaines, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed. Meeting adjourned at 7:59 PM.

CITY OF PAPIILLION

DAVID P. BLACK, MAYOR

ATTEST:

NICOLE BROWN, CITY CLERK

(SEAL)

Exhibit "A"

FIRST MOTION TO AMEND

ORDINANCE NO. 1994

MAY 2, 2023

MOTION to amend Ordinance No. 1994 to amend Section 1, §100-20, §100-34, §100-43(A), and §100-73; Section 5, §9-40(G); and Section 11, §184-4 to read as follows:

Section 1...

§100-20. General.

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code. Any policies or procedures adopted by the code official pursuant to this Section shall be enumerated in a General Order.

§100-34. Violation, penalties and collection of costs.

Any person who violates this code or fails to comply therewith, or fails to comply with a notice of violation or order served in accordance with Article VII by the date on which such violation or noncompliance was to be cured, shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section violated, the penalty for such violation shall be a fine in any sum not exceeding \$500 or imprisonment not exceeding six three months, or both. The violation shall be deemed a strict liability offense. Each day that a violation continues after the said date for compliance shall be deemed a separate offense.

The City may institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure or premises in violation of the provisions of this code or of the order or direction made pursuant thereto. The costs and expenses of any remedial action taken by the City on such premises may be recovered as provided in Article XII of this Code.

§100-43. General.

When a structure or equipment is found by the code official to be unsafe or dangerous, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment may be declared as such pursuant to the provisions of this code, subject to the provisions of Section 100-6 of this code.

- (A) Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally

unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is **possible-a significant concern**.

(B) Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

(C) Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

§100-73. Amendments. The International Property Maintenance Code, 2018 Edition, is hereby amended in the following respects:...

R. Amend Section 402.1, entitled "Habitable spaces," to read:

402.1 Habitable spaces. Every *habitable space* shall have not less than one window of *approved size* facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be 8 percent of the floor area of such room. Wherever walls or other portions of a structure face a window or any room and such obstructions are located less than 3 feet (914 mm) from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception 1: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining **groom room** shall be not less than 8 percent of the floor area of the interior room or space, or not less than 25 square feet (2.33 m²), whichever is greater. The exterior glazing area shall be based on the total floor area being served.

Exception 2: This Section 402.1 shall not apply to a *habitable space* permitted by previous regulation or code under which the structure or premises was constructed, altered, or repaired.

Section 5. Chapter 9 of the Papillion Municipal Code, entitled "Boards, Commissions and Committees," is hereby amended to add the following new Article XII entitled "Board of Appeals," reading as follows: ...

§9-40. Rules and Procedures....

(G) Open Hearing. All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the City Code official, and any person whose interests are affected shall be given an opportunity to be heard. The hearing shall be audibly recorded **and the recording**

in its entirety shall be preserved for purposes of an appeal until the later of (i) the time for the appeal has expired, or (ii) any appeal has been fully and finally resolved.

Section 11. Papillion Municipal Code Chapter 184 is hereby amended to read as follows...

§184-4. Violations and penalties.

Any person who abandons a vehicle in violation of this Chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in the particular section for which the person stands convicted of violating, the penalty for such violation shall be a fine in any sum not exceeding \$500 or imprisonment for up to ~~six~~ three months, or both said fine and imprisonment at the discretion of the sentencing court.

DRAFT