
MINUTE RECORD

PAPILLION CITY COUNCIL MINUTES TUESDAY, MAY 16, 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 16, 2023, at 7:00 PM. Deputy City Clerk Taylor Baratta called the roll. Present were Councilmembers Steve Sunde, Tom Mumgaard, Jim Glover, Dave Fanslau, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Councilmembers Jason Gaines and Lu Ann Kluch were absent. Also present were City Administrator Amber Powers, Deputy City Administrator Mark Stursma, Finance Director Nancy Hypse, Assistant Recreation Director Tim Moran, Police Chief Chris Whitted, City Attorney Alan Thelen, 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 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 Public Works Week to Mr. Kleffner. Mr. Kleffner thanked Mayor Black and Council and provided a brief update about the department.

Presentations: Mike Rooks, Executive Director of Grow Sarpy, presented the Grow Sarpy 1st Quarter Report. Councilmember Stubbe asked what prospective clients usually ask and look for when considering Papillion. Mr. Rooks explained. Councilmember Mumgaard asked why there was a decrease in building permits for single-family housing permits across the board in Sarpy County. Mr. Rooks explained that it is probably due to financing and interest rates for single-family homes.

Michaela Valentin, Government Affairs and Communications Manager with OPPD, introduced herself and OPPD's newest Government Affairs Team Member, Dustin Marvel. Mr. Marvel introduced himself and provided a brief update on OPPD. Mayor Black thanked Ms. Valentin and Mr. Marvel for the partnership. Councilmember Stubbe asked about the status of the power generating facility in the southwest area of Papillion. Mr. Marvel provided a brief update on the facility.

ADMINISTRATOR'S REPORT: City Administrator Amber Powers provided an update: (1) congratulations to Tim Moran and Casey Ballou on graduating from Leadership Sarpy; (2) congratulations to the La Vista Senior Center on winning Gold in the 2023 Senior Olympics; (3) the Spring Clean-Up Days event was successful and the largest yet in terms of dumpster loads; (4) Papio Bay will open for the 2023 Season on May 27th; (5) the Mayor's Half Marathon will be on May 21st; (6) City offices will be closed on May 29th in observance of Memorial Day.

CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the May 2, 2023, City Council Meeting; (3) RES. R23-0081 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R23-0092 – A resolution to approve a Special Designated Liquor License for Boz Technologies, LLC d/b/a Papio Pub, 129 N Washington St, Papillion, NE 68046, for an outdoor community celebration to be held in the rear alley on June 16 and 17, 2023, from 5:00 PM to 12:00 AM each day – Nicole Brown – 597-2021. Motion to approve the Consent Agenda by Councilmember Glover, second by Councilmember Engberg. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

BILLS: Abante Marketing: \$5947.80=service; ABM Industries Inc: \$5400.51=service; Access: \$443.52=service; Action Batteries Unlimited Inc: \$222.45=supplies; Acushnet Company: \$1053.11=merchandise; Adam Boehmer: \$288.00=reimbursement; Adidas America Inc: \$465.09=supplies; Administrative Services Corp: \$36717.00=pehp; Advanced Office Automation Inc: \$339.43=service; Advantage Development Inc: \$62.56=refund; Affordable Solutions Inc: \$96.50=service; AKRS Equipment Solutions Inc: \$3.16=supplies; All Copy Products Inc: \$110.81=supplies; American Pipeline Solutions Inc: \$197697.46=services; Ameritas Life Insurance Corp: \$24849.90=insurance; Amped Electric LLC: \$650.96=refund; Amy Burke: \$75.00=refund; Anderson Auto Group: \$88788.00=vehicles; Andrew Wood: \$193.00=refund; Aqua-Chem Inc: \$2538.40=supplies; Aramark: \$472.60=service; A-Relief Services Inc: \$680.00=service; Back9 Marketing: \$700.00=service; Badger Meter Inc: \$2424.36=service; Baker & Taylor: \$3001.12=books; Black Hills Energy: \$1709.88=natural gas; Blackstone Publishing: \$219.97=supplies; Border States Industries Inc: \$56.16=supplies; Bound Tree Medical LLC: \$4115.59=supplies; Brenna Sears: \$75.00=reimbursement; Brian Malone: \$125.67=reimbursement; Callaway Golf: \$960.72=merchandise; Caselle Inc: \$1909.00=service; Cash-Wa Distributing: \$1092.51=merchandise; Cengage Learning Inc / Gale: \$171.51=books; CertiFresh Cigar: \$1337.50=merchandise; Charleston Homes: \$76.79=refund; Chem-Sult Inc: \$24151.00=supplies; Ciaccio Roofing: \$13744.00=service; Cintas Loc 749: \$138.06=service; City Of Omaha Cashier: \$949.17=service; Clearview Country Club for Pets: \$335.60=service; Coca-Cola of Omaha: \$1656.32=merchandise; Computer Cable Connection: \$1582.00=supplies; Constellation NewEnergy Gas Division: \$460.82=utilities; Core & Main: \$7471.52=supplies; Cox Business: \$13795.98=utilities; Creative Sites LLC: \$16731.00=supplies; Credit Information Systems: \$12.75=service; Culligan of Omaha: \$13.80=supplies; Cybergolf LLC: \$1275.00=service; D & K Products: \$72584.06=supplies; Dakota Fluid Power Inc: \$231.45=supplies; DataShield Corporation: \$2612.50=service; Demco Inc: \$131.70=books; Depository Trust Company: \$30724533.15=payment; Diamond Vogel: \$14.70=supplies; FAC Print & Promo Company: \$3775.11=supplies; Farmers National Company: \$1500.00=supplies; FastSigns: \$12.05=supplies; Felsburg Holt & Ullevig: \$1196.25=service; First Wireless Inc: \$93.96=service; FNIC: \$100.00=insurance; Global Equipment Company Inc: \$186.62=supplies; Grainger Inc: \$34.07=supplies; Great Plains Uniforms LLC: \$1026.93=service; Hawkins Inc: \$1756.84=supplies; Hayes Mechanical LLC: \$1877.07=service; HDR Engineering Inc: \$39076.40=service; Heartland Tires & Treads - Omaha: \$2391.99=supplies; Hi-Line Inc: \$435.70=supplies; Honeyman Rent-All: \$316.10=supplies; HTS Ag: \$1454.00=supplies; Huntington National Bank: \$4949.81=service; Hydro Optimization & Auto Solutions: \$46832.41=service; Hy-Vee: \$275.00=supplies; Insight Public Sector Inc: \$6359.54=supplies; Interstate All Battery Center: \$67.20=supplies; Interstate Power Systems: \$3929.57=supplies; Invoice Cloud Inc: \$8338.65=service; Jack Miller: \$300.00=LOSAP; Jensen Well Co Inc: \$22172.84=service; John Schendt: \$300.00=LOSAP; Johnson Brothers of Nebraska: \$85.50=supplies; Jon Wiese: \$10.00=reimbursement; JP Cooke Company: \$25.85=supplies; Julian Andrade: \$101.73=reimbursement; Kanopy Inc: \$261.00=service; Kildow Construction Inc:

\$1492.30=service; Landport Systems Inc: \$125.00=service; Larsen Supply Company: \$1318.60=supplies; Lincoln Financial Group: \$10043.78=insurance; Lincoln Marriott Cornhusker: \$220.00=lodging; Logan Contractors Supply Inc: \$196.60=supplies; Loveland Grass Pad Inc: \$736.36=supplies; Lowe's Business Account/SYNCB: \$2926.20=supplies; Marco Technologies LLC NW 7128: \$848.69=contract; Mark Petersen: \$10.00=reimbursement; Marking Refrigeration Inc: \$989.00=equipment; Matheson Tri-Gas Inc: \$335.39=supplies; Menards - Bellevue: \$39.84=supplies; Menards - Ralston: \$937.36=supplies; Michael Todd Industrial Supply: \$1520.42=supplies; Michaela Sherman: \$2125.50=service; Microfilm Imaging Systems Inc: \$70.00=service; Midlands Printing & Business Forms: \$752.29=supplies; Midwest Laboratories Inc: \$880.00=service; Midwest Petroleum Equipment: \$257.75=service; Midwest Service & Sales Co: \$582.00=supplies; Midwest Tape: \$332.08=audio; Midwest Turf & Irrigation: \$1083.69=supplies; Mike McLaughlin: \$10.00=reimbursement; Morrow & Associates Inc: \$16843.69=service; Napa Auto Parts: \$209.09=supplies; National Safety Council Nebraska: \$730.00=training; NDEE - Public Water Operators: \$150.00=service; NDEE-Swimming Pools: \$160.00=license; NE Chamber Foundation: \$3750.00=tuition; NE Dept of Revenue: \$82236.98=government; Nebraska Air Filter Inc: \$577.44=supplies; Nebraska Golf Association: \$874.00=membership; Nebraska Salt & Grain LLC: \$29229.53=supplies; Nebraska-Iowa Industrial Fasteners Corp: \$11.20=supplies; NMC Inc: \$1031.82=supplies; OCLC Inc: \$1955.81=supplies; ODP Business Solutions: \$1427.54=supplies; Omaha Compound Company: \$2790.90=supplies; Omaha Public Power District: \$119921.22=electricity; Omaha Slings Inc: \$250.35=supplies; Omaha World-Herald: \$63.06=advertising; OMNI Engineering: \$175.00=supplies; One Call Concepts Inc: \$621.14=service; One Source The Background Check Co: \$880.10=service; O'Reilly Auto Parts: \$378.06=supplies; Osborne Plumbing LLC: \$990.05=refund; OverDrive: \$1559.80=audio; P & H Electric Inc: \$589.00=supplies; Papillion Sanitation: \$4789.06=refuse; Papio-Missouri River NRD: \$23250.00=service; Parker Victor: \$128.88=reimbursement; Pelster Construction: \$2272.35=refund; Postmaster: \$3800.00=service; Premier-Midwest Beverage Co: \$4145.02=merchandise; Pro Track and Tennis Inc: \$29413.00=service; Quadiant Finance USA Inc: \$1724.50=service; Quality Auto Repair & Towing Inc: \$84.00=service; Quality Brands of Omaha Inc: \$4807.76=merchandise; Rainbow Trout The Clown: \$150.00=service; RAKA: \$782.13=supplies; Ray Martin Company of Omaha: \$595.00=service; Raymond D Higgins: \$300.00=LOSAP; Ready Mixed Concrete Company: \$8261.44=supplies; Reams Sprinkler Supply: \$221.58=supplies; Red Wing Business Advantage Account: \$631.91=supplies; Regal Awards Inc: \$15.00=service; Revela: \$4449.00=supplies; Rich Higgins: \$300.00=LOSAP; Rick Lee: \$10.00=reimbursement; Rita Ferguson: \$83.29=refund; RNDC: \$1245.32=merchandise; Rose Equipment Inc: \$1383.30=supplies; Rotella's Italian Bakery Inc: \$471.06=supplies; Russell L Zeeb: \$300.00=LOSAP; Sam's Club - Golf: \$2652.99=supplies; Sam's Club - Rec: \$242.88=supplies; Sapp Bros Inc - Omaha: \$70553.41=fuel; Sarpy County Sheriff: \$300.00=supplies; Sarpy County SID 97: \$5045.36=service; Sarpy County Treasurer: \$6528.00=service; Sarpy County: \$73760.12=service; SHI International Corp: \$68321.05=supplies; SiteOne Landscape Supply LLC: \$372.61=supplies; Sol Lewis Engineering Co: \$524.61=service; Spin Linen Management: \$374.72=supplies; SRIXON/Cleveland Golf/XXIO: \$585.92=merchandise; Stacia Luther: \$125.00=service; Stages Cycling LLC: \$4000.00=service; Staples Inc: \$39.98=supplies; Stryker Sales Corporation: \$3115.80=supplies; Subsurface Solutions: \$3534.25=supplies; Suburban Newspapers Inc: \$1291.98=service; Taylor Made Golf Company: \$2233.01=merchandise; TD2 Nebraska Office: \$2407.50=engineering; TeamSideline: \$599.00=service; Ted's Mower Sales & Service Inc: \$160.30=supplies; The Home Depot Pro: \$1519.04=supplies; The UPS Store - 5359: \$79.88=service; THI Builders Inc: \$7985.12=refund; TK Elevator Corporation: \$423.30=service; Town and Country Humane Society: \$500.00=refund; TransUnion Risk and Alternative: \$75.00=service; Trevor Marco: \$10.00=reimbursement; TruePoint Solutions LLC: \$2625.00=service; TruGreen Commercial: \$1813.44=service; Tuff Turf Lawn Care Inc:

\$1125.00=service; TX Papillion LLC: \$770.00=service; Ty Cole: \$56.94=reimbursement; Uline Inc: \$260.00=supplies; UMB Bank NA: \$23090.00=service; Unite Private Networks LLC: \$6568.40=service; Urban Roots Nursery Inc: \$276.00=supplies; US Bank Corporate Payment Systems: \$21134.91=service; US Foods Inc: \$2429.21=supplies; USABlueBook: \$377.49=supplies; Utility Equipment Company: \$2042.00=supplies; Valentino's: \$80.00=food; Van Wall Equipment: \$123.11=supplies; Verizon Connect Fleet USA LLC: \$545.40=service; Verizon Connect NWF Inc: \$64.76=parts; Verizon Wireless: \$3182.89=utilities; Vessco Inc: \$2290.92=supplies; Vierregger Electric Company Inc: \$472.50=service; Voss Signs LLC: \$147.50=supplies; VW Golf Inc: \$106.40=re-sale items; Wells Fargo Financial Leasing: \$132.00=service; Westlake Ace Hardware: \$26.09=merchandise; Wex Health Inc: \$374.50=medical; White Cap LP: \$2598.75=supplies; Zimco Supply Co: \$58.00=supplies; ZLR Construction LLC: \$27.50=refund; Zoll: \$553.42=supplies; Payroll: \$1,006,054.72; Bank Fees: \$30,509.44; **Total: \$33,172,867.16.**

ORDINANCES FIRST READING:

ORD. 1996 – An ordinance to amend Chapter 170 (Subdivision of Land), Article V (Subdivision Design Standards) to provide for access management and subdivision through route regulations and to provide for an effective date. The applicant is the City of Papillion. (Access Management Amendment) – Travis Gibbons – 597-2077. Introduced by Councilmember Stubbe.

ORD. 1998 – An ordinance to annex certain real estate to the City of Papillion, Nebraska, and to provide for an effective date thereof (2023 Annexation #3) – Mark Stursma – 597-2077. Introduced by Councilmember Engberg.

ORD. 1999 – 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 (2023 Annexation #3) – Travis Gibbons – 597-2077. Introduced by Councilmember Fanslau.

ORDINANCES SECOND READING AND PUBLIC HEARING:

ORD. 1992 – An ordinance to annex certain real estate to the City of Papillion, Nebraska, and to provide for an effective date thereof (2023 Annexation #2) – Mark Stursma – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: None.

Opponents: John Bachman, 10250 Regency Cir, came forward on behalf of SIDs 290 & 292. Mr. Bachman explained that SID 292 will be completing some work on the outlot proposed to be annexed and would like an agreement to be reached with the SID to ensure completion of their projects. Mr. Bachman added that there is concern with SID 290 being partially annexed due to the bankruptcy plan. Mr. Bachman stated that the amount proposed for the assumption of debt, as required by State Statute, is less than 10% of the total debt of the district. The creditors of the district do not agree with that amount, as the remaining portions of the district could not take care of the remaining 90% of the debt. Mr. Bachman explained the steps that would need to be taken in order to make the partial annexation work.

Councilmember Mumgaard clarified that SID 290 does not believe the City is taking on enough debt and would like for them to take on more when completing the partial annexation. Mr. Bachman stated that is correct. Councilmember Mumgaard asked why the City should do that. Mr. Bachman explained that he believes that is what the State Statute requires. Councilmember Mumgaard asked if that area would continue to go undeveloped if the City does not complete the partial annexation. Mr. Bachman stated that he would hope the developer interested in the area would still develop something with or without the City creating an entertainment district. Councilmember Mumgaard asked what the area would develop as if it was not an entertainment district. Mr. Bachman stated that the area is zoned Mixed-Use, so there are a number of options available within the Mixed-Use Zoning Code. Mr. Bachman added that SID 290 and the developer are not opposed to creating an entertainment district, the issue comes from SID 290's Board of Trustees and their obligation to their creditors to maximize the return to the creditors to the extent possible.

Councilmember Mumgaard asked if there will be further negotiations between the SID and the City to determine how the debt should be split. Mr. Bachman said yes. Councilmember Mumgaard asked what would happen if an agreement could not be reached and the area ended up not being annexed. Mr. Bachman stated that he is not sure but that the developer would likely end up building products similar to what he has already built along HWY 370.

Councilmember Engberg clarified that before the Council considers this annexation and provides their vote, City staff will provide some guidance, as the amount of debt that was originally presented may not be the final amount. Mayor Black stated that is correct.

Councilmember Sunde asked what State Statute Mr. Bachman referenced. Mr. Bachman stated it is §31-766 and briefly explained what it discusses. Councilmember Sunde asked if Mr. Bachman would be available for questions at a later time. Mr. Bachman stated that he would.

Pat Pepper, 1601 Dodge St, came forward on behalf of one of the creditors and explained that there is a concern that the amount of real estate that will be annexed and taken off of the district's tax rolls would significantly impair the district's ability to satisfy its debt and comply with the bankruptcy plan. Mr. Pepper stated that he believes further negotiations towards a mutually acceptable agreement with the district and the City would be an appropriate step. Councilmember Mumgaard asked, putting aside the requirements of the State Statute, if the City is able to complete the partial annexation but does not take on enough debt to satisfy the district's bankruptcy plan, and if the district would then go back and make a new bankruptcy plan. Mr. Pepper asked how they can reach an agreement if there is no bankruptcy plan. Councilmember Mumgaard stated that if the district does not make an agreement, then there will be other problems that will have to be overcome. Mr. Pepper agreed.

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

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 (2023 Annexation #2) – Travis Gibbons – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents. He stated that comments from the previous item would be carried over to this item. No one came forward and the public hearing was closed.

ORDINANCES THIRD READING AND RESOLUTIONS:

ORD. 1995 – An ordinance to approve an amendment to the FY2022/2023 Budget – Nancy Hypse – 597-2020. Motion to approve ORD. 1995 by Councilmember Stubbe, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

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. Motion to approve ORD. 1997 by Councilmember Fanslau, second by Councilmember Engberg. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0083 – A resolution to approve a settlement agreement between Sarpy County, the Sarpy County Treasurer, and the City of Papillion related to overpayment of PILOT funds to the City – Amber Powers – 827-1111. Motion to approve RES. R23-0083 by Councilmember Glover, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0084 – PUBLIC HEARING AND VOTE – A resolution to approve the First Amendment to the Walnut Creek Hills South Subdivision 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. R23-0084 by Councilmember Engberg, second by Councilmember Fanslau. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0085 – A resolution to approve Property Assessed Clean Energy (PACE) Financing for The Brant at Papillion, LLC and to approve the related Assessment Contract – Travis Gibbons – 597-2077. Motion to approve RES. R23-0085 by Councilmember Stubbe, second by Councilmember Fanslau. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0086 – A resolution to approve the First Amendment to the Interlocal Agreement for the Contribution and Allocation of Omaha Public Power District Payments in Lieu of Taxes – Amber Powers – 827-1111. Motion to approve RES. R23-0086 by Councilmember Engberg, second by Councilmember Mumgaard. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0087 – A resolution to approve the Sarpy County and Cities Wastewater Agency's FY2023/2024 Budget – Amber Powers – 827-1111. Motion to approve RES. R23-0087 by Councilmember Sunde, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0088 – A resolution to approve an amendment to the Application for License to Sell Permissible Fireworks at Retail submitted by Papillion La Vista Spirit Football for the Summer 2023 selling season – Nicole Brown – 597-2021. Motion to approve RES. R23-0088 by Councilmember Engberg, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

RES. R23-0089 – A resolution to approve an amendment to the Application for License to Sell Permissible Fireworks at Retail submitted by Papillion-La Vista South Legion Baseball for the Summer 2023 selling season – Nicole Brown – 597-2021. Motion to approve RES. R23-0089 by Councilmember Stubbe, second by Councilmember Sunde. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed.

ADMINISTRATIVE REPORTS:

Committee Reports: Public Facilities Committee: Councilmember Sunde stated that the Committee discussed a Memorandum of Understanding with PRO Soccer to use Lot 71, a field next to Papio Bay. The Committee also discussed an update on pickleball at Papillion Landing.

Comments from the Floor: None.

Comments from Mayor and Council: Mayor Black provided an update on his events: (1) Mayor Black and Ms. Powers attended the Weekly United Cities Meeting; (2) Mayor Black and Ms. Powers attended the Leadership Sarpy Graduation Ceremony; (3) Mayor Black and staff attended the Ribbon Cutting for TJN Enterprises, Inc/Arlene's Gardens.

Mayor Black reminded those present of upcoming events: (1) the Patriot Tour begins on May 20th; (2) the Mayor's Half Marathon is on May 21st; (3) the Wimmer train collection will be on display at the Sarpy County Museum starting June 3rd; (4) a new VA Clinic is being built at S 72nd St and Giles Rd; (5) congratulations to Ms. Powers on being selected for Leadership Nebraska.

Closed Session: Mayor Black stated for the record that the purpose of the closed session was to protect the public interest to discuss litigation and real estate matters. Motion by Councilmember Glover, second by Councilmember Engberg, to go into closed session. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed. Mayor Black restated for the record that the purpose of the closed session was only to discuss litigation and real estate matters. Mayor Black then stated that the closed session would include the following: Mayor, City Council, City Administrator, Deputy City Administrator, Deputy City Clerk, City Attorney, Finance Director, and Planning Director. The closed session began at 7:43 PM.

Upon returning from closed session, Mayor Black stated for the record that the only topics discussed in closed session were litigation and real estate matters. Motion by Councilmember Stubbe, second by Councilmember Glover, to come out of closed session. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed. Council returned from closed session at 7:57 PM.

ADJOURNMENT:

Motion to adjourn by Councilmember Sunde, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Glover, Fanslau, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Gaines and Kluch. Motion passed. Meeting adjourned at 7:57 PM.

CITY OF PAPIILLION

DAVID P. BLACK, MAYOR

ATTEST:

NICOLE BROWN, CITY CLERK

(SEAL)

DRAFT

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