
MINUTE RECORD

PAPILLION CITY COUNCIL MINUTES
TUESDAY, FEBRUARY 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 February 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, and Mayor David P. Black. Councilmember Steve Engberg was absent. Also present were City Administrator Christine Myers, City Attorney Karla Rupiper, Planning Director Mark Stursma, Fire Chief Bill Bowes, Public Works Director/City Engineer Jeff Thompson, Police Chief Scott Lyons, Parks & Facilities Director Tony Gowan, Recreation Superintendent Tim Moran, 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.

ADMINISTRATOR'S REPORT: City Administrator Christine Myers gave an update on the following: (1) Council retreat is taking place Monday, February 19th from 1:00-5:00 PM; (2) Ms. Myers has attended several legislative updates. Papillion will be sending a letter of opposition regarding LB1102 on behalf of the United Cities of Sarpy County; (3) Papillion, La Vista, Springfield, Bellevue, and Sarpy County received the Economic Partner award from SCEDC for their partnership in the South Sarpy Sewer Agency.

CONSENT AGENDA ITEMS: 1) Approval of the agenda as presented; (2) Approval of the Minutes from the January 16, 2018, City Council Meeting; (3) Approval of the bills as presented; (4) RES. R18-0003 – A resolution to approve final payment for Schram Rd fencing from 84th St to 90th St to S&W Fencing Inc. of Omaha, NE in the amount of \$39,440.46 – Jeff Thompson – 898-9092; (5) RES. R18-0021 – A resolution to award the bid for the Summit Ridge Booster Station Addition to Prairie Mechanical Corporation of Omaha, NE in the amount of \$158,600.00 – Jeff Thompson – 898-9092; (6) RES. R18-0025 – A resolution to approve the reappointment of Mike Henton to the Papillion Tree Board for a term of three (3) years from February 2018 to February 2021 – Tony Gowan – 597-2049; (7) RES. R18-0026 – A resolution to approve the reappointment of Howard Carson to the Planning Commission for a term of three (3) years from February 2018 to February 2021 – Mark Stursma – 597-2077; (8) RES. R18-0029 – A resolution to approve the reappointment of Jeff Perkins to the Papillion Tree Board for a term of three (3)

years from February 2018 to February 2021 – Tony Gowan – 597-2049; (9) RES. R18-0030 – A resolution to approve final payment for Schram Road improvements from 111th Street to Turkey Road to Charles Vrana & Son Construction Company of Omaha, NE in the amount of \$176,791.15 – Jeff Thompson – 898-9092; (10) RES. R18-0031 – A resolution to approve a Consultant Services Agreement with Civic Nebraska for NPDES MS4 Discharge Permit Storm Water Public Education and Outreach – Jeff Thompson – 898-9092; (11) RES. R18-0032 – A resolution to approve final payment for 114th Street improvements from Cornhusker Road to Centennial Road to Graham Construction of Omaha, NE in the amount of \$347,727.54 – Jeff Thompson – 898-9092; (12) RES. R18-0033 – A resolution to approve the NDOT required liability waiver for 2018 City events which utilize State Highways N-85 and N-370 – 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. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

BILLS: 1 Eyed Jacks Entertainment: \$320.00 /service; AA Wheel & Truck Supply Inc: \$5.98 /supplies; Action Batteries Unlimited Inc: \$323.30 /supplies; Acushnet Company: \$617.91 /merchandise; Advanced Office Automation, Inc: \$275.97 /service; AFLAC: \$404.16 /pyrl deduction; AGS&N, P.C.: \$3,000.00 /legal; Alley Poyner Macchietto Architecture PC: \$64,323.06 /service; April D. Clark: \$112.50 /service; ASCAP: \$348.00 /license; Aspen Equipment Co: \$42.25 /supplies; Automotive Warehouse Distributors: \$228.97 /parts; Baker & Taylor: \$2,625.03 /books; Baxter Ford: \$109.69 /parts; Black Hills Energy: \$11,131.56 /natural gas; Blackburn Manufacturing Co: \$393.26 /supplies; BMI: \$314.10 /license; Bound Tree Medical, LLC: \$1,076.96 /supplies; Brezina Autocare: \$1,037.92 /service; Callaway Golf: \$363.09 /merchandise; Carl Jarl: \$64.20 /service; Carrot-Top Industries, Inc.: \$4,012.66 /supplies; Center Point Large Print: \$45.54 /books; Chas. Vrana & Son Construction Co.: \$338,572.26 /service; Chem-Sult, Inc: \$13,572.09 /supplies; Chemtrade Chemicals Corporation: \$2,664.29 /supplies; Cintas Loc 749: \$1,265.77 /service; CIT: \$149.37 /service; City Of La Vista: \$372.90 /agreement; City Of Omaha Cashier: \$236,931.20 /service; CivicPlus: \$3,125.00 /service; Colonial Life Insurance Co: \$686.00 /pyrl deduction; Commonwealth Communications: \$315.00 /service; Consolidated Management Company: \$17.48 /service; Constellation: \$329.29 /utilities; ConvergeOne, Inc.: \$4,040.27 /supplies; Cornhusker International Trucks: \$1,227.73 /supplies; Cox Business: \$3,609.99 /utilities; Curbside Rewards, LLC: \$165.00 /service; Cybergolf, LLC: \$46.80 /supplies; Danielson Tech Supply, Inc: \$680.00 /supplies; Demco: \$115.15 /books; DexYp: \$146.20 /service; DH Pace Door Services Group: \$649.65 /merchandise; DHHS - Dept of Health and Human Services: \$1,141.10 /license; Diamond Vogel: \$3,699.99 /supplies; Document Finishing Resources, Inc.: \$117.60 /service; Dultmeier Sales, LLC: \$493.85 /supplies; DXP Enterprises: \$337.40 /supplies; Echo Group: \$398.29 /supplies; Envirotech Services, Inc: \$5,353.81 /chemicals; EthicsGame, LLC: \$385.00 /service; Exchange Bank: \$1,743.00 /lease; Express Enterprises: \$412.00 /service; Expressions For Your Image, LLC.: \$1,070.00 /service; Eyman Plumbing, Inc.: \$1,781.00 /services; Farmers Union Co-Operative Assn.: \$44.50 /supplies; Fastenal Company: \$191.89 /supplies; FastSigns: \$30.00 /supplies;

FedEx Office: \$14.40 /supplies; Feld Fire: \$832.90 /supplies; FIREPAC: \$1,269.00 /pyrl deduction; First National Bank: \$21,075.78 /insurance; First Wireless, Inc.: \$912.50 /service; FP Design & Review Services, LLC: \$1,228.78 /service; Fraternal Order Of Police: \$1,417.50 /pyrl deduction; Funds by Hasler: \$511.00 /postage; Gale/Cengage Learning: \$374.81 /books; GCR Tires & Service: \$46.70 /supplies; Gear For Sports, Inc: \$3,468.71 /advertising; Gempler's: \$205.44 /supplies; Gretna Welding, Inc.: \$50.00 /service; H & H Chevrolet: \$375.45 /supplies; Haney Shoe Store, Inc.: \$360.97 /supplies; Happy Trees: \$650.00 /service; Harm's Concrete: \$4,343.84 /goods; Harris Computer Systems: \$4,573.00 /service; Heartland Pest Control Inc: \$53.00 /service; Heartland Tires & Treads, Inc: \$407.24 /supplies; Heiman, Inc.: \$367.57 /supplies; Heimes Corp.: \$95.12 /supplies; Helget Gas Products Inc: \$29.20 /supplies; Hibu: \$113.00 /service; Hi-Line, Inc: \$220.10 /supplies; Home Depot Credit Services: \$726.26 /supplies; Hometown Leasing: \$168.14 /service; Hose and Handling Inc.: \$58.89 /supplies; Host Coffee Service Inc: \$207.36 /supplies; HyVee Accounts Receivable: \$635.32 /supplies; IACP: \$875.00 /dues; IdentiSys, Inc: \$288.19 /supplies; Ingram Library Services, Inc.: \$29.67 /books; Inland Truck Parts & Service: \$457.92 /supplies; Interstate Batteries: \$391.90 /parts; Iowa Prison Industries: \$573.80 /supplies; J.P. Cooke Company: \$88.52 /supplies; Jones Automotive, Inc: \$169.00 /supplies; Kapco: \$333.82 /supplies; Koley Jessen PC, LLO: \$5,052.67 /legal; Kriha Fluid Power Co., Inc.: \$71.10 /supplies; Kriz-Davis Company: \$930.55 /supplies; Kronos Incorporated: \$5,263.95 /software; Lands' End Business Outfitters: \$97.45 /supplies; League of Nebraska Municipalities: \$571.66 /membership; Libra Safety Products: \$153.00 /supplies; Logan Contractors Supply Inc: \$48,830.80 /supplies; Logo Logix Embroidery & Screen: \$462.00 /service; Maaco Collision Repair & Auto Painting: \$1,640.00 /service; MacQueen Emergency Group: \$2,840.35 /supplies; Malloy Industrial (8): \$11,725.14 /service; Marco Technologies LLC: \$385.03 /contract; Matheson Tri-Gas, Inc.: \$154.68 /supplies; Menards: \$80.94 /supplies; Metering & Technology Solutions: \$14,935.69 /supplies; Metro: \$1,051.00 /service; Metropolitan Utilities District: \$221.35 /utilities; Michael Todd & Company, Inc.: \$3,585.06 /supplies; Microfilm Imaging Systems, Inc: \$77.00 /service; Mid-States Utility Trailer Sales: \$217.70 /supplies; Midwest Laboratories Inc: \$1,300.00 /service; Midwest Storage Solutions: \$1,000.00 /merchandise; Midwest Tape: \$381.83 /audio; Midwest Turf & Irrigation: \$592.31 /supplies; MMS - A Medical Supply Company: \$898.82 /supplies; Monarch Fence Inc: \$1,945.00 /supplies; Monroe Truck Equipment, Inc.: \$604.28 /supplies; Motorola Solutions, Inc.: \$2,819.60 /supplies; Municipal Supply, Inc. of Omaha: \$2,475.58 /supplies; N G C Group Inc: \$1,459.06 /refund; Napa Auto Parts: \$271.81 /supplies; National Safety Council, Nebraska: \$650.00 /training; Nebraska Air Filter, Inc.: \$12.75 /supplies; Nebraska Furniture Mart Inc: \$745.09 /merchandise; Nebraska Life Magazine: \$44.00 /subscription; Nebraska-Iowa Industrial Fasteners: \$299.72 /supplies; Neuman Equipment Company: \$109.00 /supplies; NMC Exchange: \$747.19 /supplies; Norm's Door Service, Inc.: \$953.00 /service; Northern Tool & Equipment: \$49.99 /goods; Odeys Inc: \$977.00 /supplies; Omaha Compound Company: \$225.94 /supplies; Omaha Public Power District: \$106,252.26 /electricity; O'Reilly Auto Parts: \$1,814.94 /supplies; Papillion Professional Fire Fighters: \$877.50 /pyrl deduction; Papillion Sanitation: \$179.83 /refuse; Papillion Times: \$105.00 /service; Patrick Nastase: \$416.00 /reimbursement; Patton Equipment Company, Inc: \$1,022.92 /supplies; Pay-LESS Office Products: \$82.92 /supplies; Payroll Maxx, LLC: \$574,509.13 /pyrl; PCEA: \$200.00 /pyrl deduction; Penguin

Random House, LLC: \$33.75 /books; Penny A. Michonski: \$343.12 /service; Personnel Committee: \$263.76 /employee fund; Personnel Evaluation Inc.: \$20.00 /supplies; Pioneer Manufacturing Company: \$1,540.50 /supplies; Pitlor Mechanical Corporation: \$1,230.25 /supplies; Plains Equipment Group: \$125.11 /supplies; Police & Firemen's Insurance Association: \$2,857.85 /pyrl deduction; Praxair Distribution Inc: \$45.79 /supplies; R.L. Craft Co., Inc.: \$374.57 /service; RAGE - Rasmussen Air & Gas Energy: \$1,560.34 /goods; Reading Equip & Dist, LLC: \$14,729.86 /service; Recorded Books, Inc.: \$228.63 /books; Regal Awards, Inc: \$24.50 /service; Regal Plastic Supply Co.: \$318.92 /supplies; Rick Corcoran: \$195.00 /service; Roundhouse Bunker Gear Services: \$830.03 /apparel; Sampson Construction: \$262,847.00 /service; Sam's Club/Synchrony Bank: \$9.96 /supplies; Sapp Bros., Inc: \$414.00 /fuel; Sarpy County Sheriff: \$219.40 /supplies; Sarpy County: \$5,110.50 /service; Schemmer: \$500.00 /service; Shadow Lake Collision Center: \$3,783.70 /service; Shameka Risch: \$54.99 /refund; Shamrock Concrete Company: \$365.18 /supplies; Sherwin-Williams: \$191.50 /supplies; SolutionOne: \$202.55 /service; Source, Inc.: \$954.18 /supplies; Srixon/Cleveland Golf/XXIO: \$491.04 /merchandise; Sunny Bunny Easter Eggs: \$2,728.00 /supplies; Superior Signals Inc: \$418.74 /supplies; Swan Engineering, LLC: \$22.50 /supplies; TD2 Nebraska Office: \$15,988.67 /engineering; Ted's Mower Sales & Service: \$64.50 /supplies; The Emblem Authority: \$1,530.00 /supplies; The Omaha World-Herald: \$524.43 /service; The Shopper, Inc.: \$919.79 /supplies; Thomas & Thomas Court Reporters: \$104.94 /service; Thomson Reuters - West Payment Center: \$353.01 /supplies; Tool Supply, Inc: \$282.46 /supplies; Tractor Supply Company: \$89.69 /supplies; Travelers: \$4,938.64 /insurance; Truck Center Companies: \$42.20 /supplies; Turfwerks: \$1,200.44 /supplies; Ty's Outdoor Power, Inc: \$599.40 /supplies; Uline, Inc.: \$233.06 /supplies; Unite Private Networks: \$7,441.58 /network; Utility Equipment Company: \$247.01 /supplies; Valpak of Omaha: \$1,230.00 /service; Vanguard ID Systems: \$623.28 /supplies; Verizon Wireless: \$369.00 /utilities; Volvo Trucks Of Omaha: \$214.18 /parts; Voya Financial Fire: \$29,100.82 /pyrl pension; Voya Financial: \$63,269.59 /deferred comp; Walmart Community: \$133.36 /supplies; Washington National Insurance Co.: \$58.80 /insurance; Weldon Parts Omaha: \$270.89 /parts; Wells Fargo Financial Leasing: \$943.30 /service; Westlake Ace Hardware: \$38.57 /merchandise; Wick's Sterling Trucks Inc: \$380.36 /supplies; Windstream: \$222.42 /service; ZirMed, Inc: \$124.00 /service; Zoll: \$1,778.75 /supplies; **BILLS TOTAL: \$2,003,778.73.**

Mayor Black noted that, unless a council member objects, he would like to amend the agenda to move items F8, F9, and F10 to this point in the meeting.

RES. R18-0028 – A resolution to approve the name of the Community Center and Fieldhouse – Christine Myers – 827-1111. Motion to approve RES. R18-0028 by Councilmember Kluch, second by Councilmember Stubbe. Mayor Black called for proponents and opponents.

Proponents: Communications Manager Trent Albers explained the process used to select a name and introduced Irene Morgan and Stephanie Albers, the two residents who submitted the chosen name.

Opponents: None forthcoming.

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

RES. R18-0027 – A resolution to approve a License Agreement with Harry Bossard American Legion Post 32, 230 W. Lincoln St., Papillion, NE, regarding the Legion’s proposed temporary and limited use of an adjacent small parcel of City Park property – Jeff Thompson – 898-9092. Motion to approve RES. R18-0027 by Councilmember Jaworski, second by Councilmember Gaines. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

RES. R18-0036 – A resolution to approve applications for the 2018 Summer Fireworks Season (June 25th through July 4th) – Nicole Brown – 597-2021: 1. Bellino Fireworks – Don Bellino (for-profit, 21 years consecutively); 2. Stannard Fireworks – Michaela Riepl (for-profit, 21 years consecutively); 3. St. Columbille Shepherds – Arlin Hunter (non-profit, 21 years consecutively); 4. Sarpy County Swim Club – Brian Brashaw (non-profit, 18 years consecutively); 5. Echoes Softball – Shawn Gomez (non-profit, 18 years consecutively); 6. Tangier Shrine Center – Gary Unger (non-profit, 16 years consecutively); 7. Papillion-La Vista Optimist Club – Fred Uhe (non-profit, 15 years consecutively); 8. Papillion Spirit Football – Leigh Jochimsen (non-profit, 12 years consecutively); 9. American Legion Post #32 – Joel Carpenter (non-profit, 12 years consecutively); 10. Wellspring Church – Joe Chase (non-profit, 1 year). Motion to approve RES. R18-0036 by Councilmember Gaines, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward, though Mayor Black referenced a letter submitted by Mr. Walter Joyner, which was distributed to all council members, and was generally in opposition to fireworks.

Councilmember Stubbe asked Chief Lyons to discuss how complaints related to fireworks are handled if a call is made for response during the selling season. Chief Lyons stated that he and Chief Bowes have worked together in training their departments to recognize which fireworks are and are not legal. They found that there were several types of fireworks that were legalized a few years ago that they had been unaware of. They are also considering a social media campaign to make citizens more aware of the legality of different types of fireworks.

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

ORDINANCES FIRST READING: None.

ORDINANCES SECOND READING AND PUBLIC HEARINGS:

ORD. 1799 – An ordinance to approve a Change of Zone from AG (Agricultural) to MU (Mixed Use) and R-3 (Urban Family Residential) for the property legally

described as part of the W1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, together with Tax Lot 5, a tax lot located in the E1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of Washington Street and Highway 370. The applicant is the Royce Enterprises, Inc. (Papillion Commons) – Mark Stursma – 597-2077. Mayor Black announced that the public hearing for this ordinance is being continued from the December 19, 2017, City Council meeting. He then continued the public hearing and called for proponents and opponents.

Proponents: Larry Jobeun, 11440 W Center Rd, Omaha, stepped forward on behalf of the applicant. He noted that he is accompanied by Chip James, Bob Begley, and Emily O'Connor from Royce Enterprises (Lockwood Development), and by Katie Underwood, Kellen Heideman, and Chris Rolling from Olsson Associates. Mr. Jobeun gave a presentation regarding the proposed development, which includes office, retail, and residential uses. Other aspects include a hotel and senior living facility. He also stated that the development team believes their concept is consistent with the City's comprehensive plan. Mr. Jobeun then noted that changes the developer has made since their original submission include the moving and expansion of the park area, addition of on-street parking, moving of multi-family residential behind the assisted living facility, and addition of a trail system. He also noted that improvements to the sanitary sewer will be necessary as part of the development.

Steve Sunde, 914 S Madison St, stepped forward as a member of the Trumble family who currently owns the property on which this development would be built. He stated that his family participated in meetings regarding the master plan when it was adopted approximately 20 years ago, and that he believes this development meets the criteria set forth in the plan. He encouraged the Council to approve the development, as he believes both the developer and his family have made concessions to meet the expectations of the Council.

Chelsey Kastrop, 1001 S Adams St, stated that she was an opponent of this development at the time of the initial development meetings. However, she believes the changes brought forth tonight are a huge improvement over the original plan, specifically the expansion of the park area. She believes other improvements could be made, including the elevation of the hotel.

Opponents: None forthcoming.

Neutral: Roy Williams, 10821 N 5750 W, Highland, UT, is the Chief Investment Officer for Phillips Edison & Company Real Estate Partners, which is currently considering investing in an existing large retail development in Papillion. His concern is that the Papillion market cannot absorb the additional retail development, though he is in favor of the additional components of the development. He would like to see some type of non-compete agreement in place in order to avoid hurting the existing retail market.

Donna Wilcox, 901 Rawhide Rd, stated that she is also concerned about the impact to existing retail with the approval of this development. Her main concern, however, is the widening of 90th St. She would like to see the widening take place from the east side of the street, so that homeowners along the west side of 90th St do not lose portions of their yard.

Mayor Black noted that a letter was received from Frederick Skinner, 1301 Devon Cir, prior to the last public hearing.

Katie Rainbolt, 1307 Scott Rd, stated that she is concerned about the widening of and increased traffic on 90th St, as her house backs up to the road. She, too, would like to see the widening take place from the east side of the road. She would also like to see the sidewalk remain on the west side of 90th all the way to Gruenther to prevent children walking to school from having to cross at a busy intersection.

Councilmember Mumgaard asked Mr. Williams what role he believes the City plays in encouraging retail without oversaturating the market. Mr. Williams answered that he believes the City needs to consider the overall impact to the city in terms of financing and infrastructure. Councilmember Mumgaard replied that he doesn't believe it's the Council's role to protect one retail location from another.

Councilmember Stubbe asked the developer to explain their plan for filling the retail portion of the development. Mr. Jobeun stated that he also does not believe it's the Council's role to pick winners and losers in retail. He added that the developer has been seeking out new-to-market retailers for the Sarpy County area. He disagrees with the idea of a non-compete agreement.

Chip James, Lockwood Development, stated that he is not targeting any retailers in the Shadow Lake area. He pointed out that many of the retailers that have closed at Shadow Lake did so because they were struggling nationally. Councilmember Stubbe asked Mr. James how many developments he has completed in the area. Mr. James listed several developments in the Omaha metro area, as well as other states.

Irene Morgan, 2110 Leigh Cir, stated that she is a small business owner and she believes Papillion needs more space for smaller businesses in order to create competition and lower rental rates.

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

ORDINANCES THIRD READING AND RESOLUTIONS:

RES. R17-0226 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as part of the W1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, together with Tax Lot 5, a tax lot located in the E1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of Washington Street and Highway 370. The applicant is the Royce Enterprises, Inc. (Papillion Commons) –

Mark Stursma – 597-2077. Mayor Black announced that the public hearing for this ordinance is being continued from the December 19, 2017, City Council meeting. He then continued the public hearing and called for proponents and opponents.

Proponents: Larry Jobeun, 11440 W Center Rd, Omaha, stepped forward on behalf of the applicant.

Steve Sunde, 914 S Madison St, stepped forward on behalf of the property owner. He added that he believes the widening of 90th St will actually increase safety for children walking to school.

Opponents: None forthcoming.

Neutral: Roy Williams, 10821 N 5750 W, Highland, UT, clarified that the non-compete agreement he suggested would not be applicable to new-to-market retailers. Councilmember Mumgaard asked how Papillion's additional 0.5% sales tax affects an investor's decision regarding the area. Mr. Williams stated that he believes it is part of the cost of doing business. He then added that Shadow Lake currently sits at 25% vacancy, which he believes is a significant portion. He is concerned that the pool of available retailers is shrinking.

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

Motion to approve RES. R17-0226 by Councilmember Stubbe, second by Councilmember Gaines.

Councilmember Florance acknowledged the neighbors' concerns regarding the widening of 90th St. He then asked Ms. Myers to explain the general obligation (GO) debt proposed with this development. Ms. Myers answered that the proposed debt-to-value ratio is 6.8%, which is over the City's guideline of 4%. She added that City staff is working with the developer on solutions to lower that ratio. Details regarding those solutions will be included in the subdivision agreement, which will require Council approval along with the final plat. Councilmember Florance asked how a retailer potentially moving from another location within city limits to Papillion Commons would impact the City. Ms. Myers answered that there would be no impact if the move was made within city limits; however, if the retailer were to move from city limits into an SID, the City would no longer collect sales tax from that retailer. She added that Papillion Commons is currently proposed as an SID, but that there have been conversations regarding a partial or full annexation, depending on financial viability.

Councilmember Florance asked Mr. Stursma to discuss the difference between medium and high density as outlined in the staff report. Mr. Stursma responded that the reference was made in relation to a need to amend the comprehensive plan due to an existing sub-plan for the site. He added that medium density is generally defined as up to 12 residential units per acre. Anything over that is considered high density.

Councilmember Florance then asked for additional information regarding the traffic impact. Mr. Stursma stated that the current design does not connect Cedardale Rd straight through the development to Rawhide Rd, but instead diverts at a roundabout and exits the development on the west at Devon Dr, which does not connect directly to 96th St. The belief is that this will prevent increased through-traffic in the adjacent neighborhood.

Councilmember Florance asked Mr. Jobeun if he would like to readdress a previous discussion regarding this item. Mr. Jobeun stated that Market Pointe was built with a 13.6% debt-to-value ratio because it was believed that the sales tax revenue generated by the development would offset the debt from the public infrastructure improvements. He believes that the value of this project, between sales tax and valuation through annexation, could similarly offset the debt-to-value ratio. Councilmember Florance asked for the duration of the retail tenant leases. Mr. Jobeun answered that the leases would be for 10 years.

Councilmember Stubbe asked for clarification regarding the proposed widening of 90th St. Mr. Jobeun stated that 90th St will be four lanes wide from HWY 370 to Devon Dr, and then three lanes from Devon to Gruenther. He confirmed that all right-of-way being dedicated for the widening will be acquired from the east side of the road.

Councilmember Stubbe asked Chris Rolling from Olsson Associates to discuss traffic impact from the development, as well as the configuration and signaling of intersections. Mr. Rolling explained the process used to evaluate potential traffic impact. He clarified that the four-lane section of 90th St is really a three-lane with a continuous right-hand turn lane on the east side for the first two access points into the development. Signals will be implemented at 90th/HWY 370 in addition to the signals currently in use at 84th/Hwy 370 and 84th/Cedardale. The signal at 84th/Cedardale will be updated to include dual left-turn signals, and a right-turn lane will be added for southbound traffic on 84th.

Motion to amend RES. R17-0226 by Councilmember Florance to (1) allow for continued negotiations regarding the fiscal impact (GO debt-to-value ratio) of the development, which the City finds to be acceptable; and (2) negotiate an agreement which addresses the development's potential cannibalization of retail businesses already located elsewhere within city limits. Second by Councilmember Mumgaard. Upon roll call vote, Florance, Glover, Jaworski, and Kluch all voted yes. Voting no: Mumgaard, Gaines, and Stubbe. Absent: Engberg. Motion carried.

Councilmember Mumgaard stated that he originally opposed this development because he didn't believe it included a sufficient amount of office space. While he believes there could still be more, the current plan alleviates some of his concern. He noted that he will be voting in favor of this amended resolution, but added that he continues to be concerned about the amount of non-retail jobs that Papillion needs.

Mayor Black referenced the Hoffman Strategy Group study, which is on the City's website. He noted that the study demonstrated that nearly 500,000 square feet of Class A and Class B office space could be needed in the future.

Councilmember Kluch thanked the developer for the strides they've made in addressing the Council's concerns. She then asked Mr. Jobeun to discuss his concerns regarding non-compete agreements. Mr. Jobeun stated that he believes it would be incredibly unorthodox to expect a development not to compete for retail businesses. Mayor Black noted that the vote has already been taken on the amendment addressing an agreement, so that will have to be negotiated at a later date.

Councilmember Jaworski stated that he believes there is logic to Mr. Williams' comments and Councilmember Florance's concerns. He added that a non-compete agreement only gives the City peace of mind in protecting the City's future.

A vote was then held to approve RES. R17-0226 as amended. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

RES. R17-0227 – PUBLIC HEARING AND VOTE – A resolution to approve a Comprehensive Plan Amendment to change the Future Land Use Designation from City Center and Medium Density Residential to Mixed Use 1 for the property legally described as part of the W1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, together with Tax Lot 5, a tax lot located in the E1/2 of the NE1/4 of Section 34, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NW corner of Washington Street and Highway 370. The applicant is the Royce Enterprises, Inc. (Papillion Commons) – Mark Stursma – 597-2077. Mayor Black announced that the public hearing for this ordinance is being continued from the December 19, 2017, City Council meeting. He then continued the public hearing and called for proponents and opponents.

Proponents: Larry Jobeun, 11440 W Center 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. R17-0227 by Councilmember Jaworski, second by Councilmember Kluch. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

ORD. 1794 – An ordinance to approve a Change of Zone from GC (General Commercial) to O (Office) for the property legally described as part of Tax Lot 30 of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on

the SW corner of S 72nd Street and Cornhusker Road. The applicant is the City of Papillion. (Lots 9-11, Papillion Business & Technology Park) – Mark Stursma – 597-2077. Motion to approve ORD. 1794 by Councilmember Stubbe, second by Councilmember Jaworski. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

RES. R18-0001 – A resolution to approve a Final Plat for the property legally described as part of Tax Lot 30 in the NE1/4 of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the SW corner of S 72nd Street and Cornhusker Road. The applicant is the City of Papillion. (Lots 9-11, Papillion Business & Technology Park) – Mark Stursma – 597-2077. Motion to approve RES. R18-0001 by Councilmember Glover, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

ORD. 1800 – An ordinance to approve the sale and conveyance of certain unimproved real property consisting of approximately 1.87 acres located in the Papillion Business and Technology Park on the SW corner of 72nd St and Cornhusker Rd, Papillion, NE, legally described as a part of Tax Lot 30 Exc Pts Taken for Plat 26-14-12, in Sarpy County, NE, depicted as Parcel 1 on Exhibit “A” attached to the ordinance and incorporated therein, to Family Emergency Rooms, LLC, and to provide for an effective date thereof – Christine Myers – 827-1111. Motion to approve ORD. 1800 by Councilmember Gaines, second by Councilmember Florance. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

RES. R18-0023 – A resolution to approve a Final Plat for the property legally described as a tract of land being part of Tax Lot 1, Tax Lot 2A, Tax Lot 2B, and Tax Lot 3A, all located in part of the NE1/4 of the NW1/4 and part of the SE1/4 of the NW1/4, Section 28, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located on the NE corner of Wittmus Drive and Lincoln Road. The applicant is Woodland Homes, Inc. (Granite Lake (Phase 2)) – Mark Stursma – 597-2077. Motion to approve RES. R18-0023 by Councilmember Jaworski, second by Councilmember Kluch. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

RES. R18-0024 – A resolution to approve the First Amendment to the Granite Lake Subdivision Agreement – Mark Stursma – 597-2077. Motion to approve RES. R18-0024 by Councilmember Kluch, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried.

ADMINISTRATIVE REPORTS:

Committee Reports: None. Mayor Black stated that a letter addressing the annual reorganization of committees has been distributed to council members.

Comments from the Floor: None forthcoming.

Comments from Mayor and Council: Students from Papillion-La Vista South High School introduced themselves.

Mayor Black noted that the Audit Committee will be meeting on February 20th. He then provided an update on his events: (1) Mayor Black and staff members attended the PRO Board meeting; (2) Mayor Black, Tony Gowan, and Chris Myers met with Laura Schwartz from the Papillion Community Foundation to discuss Veterans Park; (3) Mayor Black and staff members met with Steve Jensen to discuss a growth plan in regard to the South Sarpy Sewer Agency; (4) Mayor Black and staff members attended the SCEDC annual meeting.


ADJOURNMENT: Motion to adjourn by Councilmember Glover, second by Councilmember Gaines. Upon roll call vote, Florance, Mumgaard, Gaines, Glover, Jaworski, Kluch, and Stubbe all voted yes. Voting no: none. Absent: Engberg. Motion carried. Meeting adjourned at 9:01 PM.

CITY OF PAPIILLION



DAVID P. BLACK, MAYOR

Attest:



Nicole Brown, City Clerk

