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**MINUTE RECORD**

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**DRAFT**

**PAPILLION CITY COUNCIL MINUTES**  
**TUESDAY, AUGUST 7, 2018 @ 7:00 P.M.**

The City Council of the City of Papillion met in open and public session at Papillion City Hall on August 7, 2018, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Tom Mumgaard, Jason Gaines, James Glover, Gene Jaworski, Lu Ann Kluch, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Councilmember Troy Florance was absent. Also present were City Administrator Christine Myers, Assistant City Administrator Amber Powers, 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 Director Lori Hansen, and Finance Director Nancy Hypse.

Mayor Black led those present in the Pledge of Allegiance.

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

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

Oath of Office: Police Chief Scott Lyons gave a brief introduction of new Police Officer Sarah Smith. Mayor Black then administered the oath of office to Officer Smith.

**ADMINISTRATOR'S REPORT:** City Administrator Chris Myers gave an update on the following: (1) The urban design tour will be held Saturday, August 11; (2) Fall Cleanup Days will be held October 18-21; (3) DHHS conducted an inspection of the water system on July 25 and no deficiencies were found; (4) Copies of the proposed budget have been distributed and the ordinance introduction will be held tonight; (5) The first LCRA meeting was held July 30; (6) The Library is asking for council input regarding their strategic plan update.

**CONSENT AGENDA ITEMS: 1) Approval of the agenda as presented; (2) Approval of the Minutes from the July 17, 2018, City Council Meeting; (3) Approval of the bills as presented; (4) R18-0143 – A resolution to approve the auctioning of surplus vehicles and equipment – Jeff Thompson – 898-9092; (5) RES. R18-0146 – A resolution to approve final payment for N-85 Pedestrian Bridge Improvements to Charles Vrana & Sons Construction Co. of Omaha, NE in the amount of \$95,715.63 – Jeff Thompson – 898-9092; (6) RES. R18-0150 – A resolution to approve a Special Designated Liquor License for Hy-Vee Inc d/b/a Hy-Vee Food Store for a beer garden on September 7, 2018, from 2:00 PM to 12:00 AM – Nicole Brown – 597-2021.**

Motion to approve the Consent Agenda by Councilmember Engberg, second by

Councilmember Gaines. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**BILLS:** 3SI Security Systems, Inc.: \$864.00 /security; A dozen Roses Lawn Care: \$60.00 /service; AA Wheel & Truck Supply Inc: \$291.26 /supplies; Abante Marketing: \$4,930.11 /service; Acushnet Company: \$5,909.12 /merchandise; Adidas America, Inc.: \$530.36 /supplies; Advanced Office Automation, Inc.: \$264.86 /service; Advantage Development, Inc.: \$167.41 /refund; AE Tools & Computers: \$900.00 /supplies; Aetna: \$314,253.80 /insurance; AFLAC: \$404.16 /pyrl deduction; All Makes: \$1,016.48 /supplies; Alley Poyner Macchietto Architecture PC: \$55,980.07 /service; AMCON Distributing Company: \$840.38 /concessions; AmeriPride Services Inc.: \$941.14 /service; Anderson Comfort HVAC: \$85.00 /service; Andrew Mahan: \$1,259.05 /reimbursement; Aqua-Chem, Inc.: \$3,192.68 /supplies; Arctic Glacier Premium Ice: \$575.12 /supplies; A-Relief Services, Inc.: \$1,126.00 /service; Aspen Equipment Co: \$87.63 /supplies; Atlas Copco Compressors, LLC: \$957.65 /supplies; Automotive Warehouse Distributors: \$329.42 /parts; Avery Rents: \$266.30 /rentals; Baker & Taylor: \$2,349.71 /books; Barker Lemar Petroleum Services: \$302.84 /supplies; Batteries Plus Bulbs 073: \$96.48 /supplies; Baxter Ford: \$409.39 /parts; Bayshore Contractors, LLC: \$70,531.41 /service; Black Hills Energy: \$1,915.36 /natural gas; Bobcat Of Omaha: \$299.99 /supplies; Bob's Radiator Repair Co, Inc: \$614.00 /service; Bound Tree Medical, LLC: \$1,211.73 /supplies; Brandon Industries, Inc.: \$854.00 /supplies; Broadcast Microwave Services/: \$4,250.00 /supplies; C & C Consultants: \$7,500.00 /service; CALEA: \$4,620.00 /training; Callaway Golf: \$2,102.40 /merchandise; Carollo Engineers, Inc.: \$4,760.00 /service; Cash-Wa Distributing: \$9,902.72 /merchandise; Chem-Sult, Inc.: \$21,159.02 /supplies; CHI Health Clinic: \$496.38 /service; Chris Wilson: \$96.00 /reimbursement; Cintas Loc 749: \$836.05 /service; CIT: \$149.37 /service; City Of La Vista: \$1,207.33 /agreement; City Of Omaha Cashier: \$20.33 /service; Civic Nebraska: \$1,919.69 /service; Coca-Cola of Omaha: \$7,248.30 /merchandise; Collaboratory: \$330.00 /service; Colonial Life Insurance Co: \$645.17 /pyrl deduction; Constellation NewEnergy - Gas Division: \$22.61 /utilities; Cook's Heating & Air Conditioning: \$180.00 /service; Cox Business: \$3,242.82 /utilities; Cummins Central Power: \$36.71 /supplies; Curbside Rewards, LLC: \$165.00 /service; Cypress Benefit Administrators, LLC: \$646.10 /fees; D & K Products: \$9,420.20 /supplies; DANA Nebraska Partnership: \$890.00 /refund; Dancing Man Music: \$350.00 /service; Deere & Company: \$2,497.21 /supplies; Dell Marketing L.P.: \$4,665.17 /equipment; Demco: \$606.32 /books; Des Moines Area Community College: \$150.00 /service; DexYp: \$146.20 /service; DHHS - Dept of Health and Human Services: \$984.00 /license; Diamond Communication Solutions: \$548.88 /service; Diamond Vogel: \$1,516.05 /supplies; Donna Monteleagre: \$446.78 /reimbursement; Doug Moeller: \$191.25 /reimbursement; Douglas County Treasurer: \$100.00 /service; Dultmeier Sales, LLC: \$80.59 /supplies; Eakes Office Solutions: \$3,294.72 /supplies; Echo Group, Inc.: \$39.30 /supplies; Ed Luben: \$700.30 /refund; Elevate Roofing: \$360.33 /service; En Pointe Technologies Sales, LLC: \$240.36 /software; Exchange Bank Leasing Division: \$2,512.02 /lease; Express Enterprises: \$609.75 /service; EyeMed Vision Care: \$2,045.06 /insurance; Factory Motor Parts Co: \$456.73 /supplies; Family Fun Center XL: \$515.90 /service; Farris Engineering: \$21,450.00 /service; Fastenal Company: \$306.86 /supplies; FastSigns: \$100.00

/supplies; Feld Fire: \$1,613.00 /supplies; Fire Protection Services, LLC: \$36,605.00 /service; FIREPAC: \$1,292.50 /pyrl deduction; First National Bank: \$19,810.92 /insurance; Fraternal Order Of Police: \$1,435.00 /pyrl deduction; Funds by Hasler: \$610.00 /postage; Futureware: \$750.00 /supplies; Gale/CENGAGE Learning: \$113.80 /books; Galls, LLC: \$112.57 /supplies; General Code: \$3,249.98 /service; General Fire and Safety: \$195.00 /service; Goodin Company: \$29.56 /supplies; Grainger, Inc.: \$1,018.23 /supplies; Gretna Welding, Inc.: \$250.00 /service; Guard Force, Inc.: \$1,639.34 /service; H & H Chevrolet: \$98.38 /supplies; Haney Shoe Store, Inc.: \$216.99 /supplies; Hauff Sports: \$538.94 /supplies; Hawkins, Inc.: \$2,025.00 /supplies; Heartland Pest Control Inc.: \$178.00 /service; Heartland Tires & Treads - Omaha: \$2,080.10 /supplies; Heimes Corp.: \$486.00 /supplies; Helget Gas Products Inc: \$14.60 /supplies; Here's Your Sign Designs: \$5,300.00 /supplies; Heritage Church: \$732.67 /refund; hibu Inc. - West: \$111.30 /service; Hi-Line Inc.: \$351.48 /supplies; Hockenbergs: \$492.79 /supplies; Home Depot Credit Services: \$880.17 /supplies; Hometown Leasing: \$168.14 /service; Hose and Handling Inc.: \$48.32 /supplies; Host Coffee Service: \$319.93 /supplies; House of Beers Wholesale, LLC: \$65.00 /concessions; Hy-Vee: \$1,354.25 /supplies; IdentiSys, Inc: \$837.00 /supplies; Infinite Loop VR, LLC.: \$300.00 /service; Ingram Library Services: \$46.35 /books; Intelligent Buildings, LLC: \$225.00 /service; Interstate All Battery Center: \$79.46 /supplies; J.P. Cooke Company: \$77.35 /supplies; Jeff Payton: \$191.25 /reimbursement; JEO Consulting Group, Inc.: \$3,260.00 /services; John Story: \$179.18 /refund; Johnson Brothers of Nebraska: \$3,936.30 /supplies; Johnson Controls Security Solutions: \$730.18 /service; Jones Automotive, Inc: \$403.05 /supplies; Justin R Cavanaugh: \$570.00 /service; Katherine Mattern: \$480.39 /reimbursement; Kathleen H Wood: \$550.00 /sponsorship; Kathy Andersen, petty cash: \$3.00 /petty cash; Kendra Jones: \$50.00 /refund; Koley Jessen PC, LLO: \$3,082.50 /legal; Kriha Fluid Power Co., Inc.: \$663.78 /supplies; Kronos Incorporated: \$609,701.75 /software; Lacial Equipment, Inc.: \$341.76 /parts; Landport Systems, Inc.: \$125.00 /service; Larry Pesek: \$125.00 /service; Larsen Supply Company: \$2,188.17 /supplies; Lewis Implement Company: \$543.30 /supplies; Librarica LLC: \$625.20 /software; Lincoln Financial Group: \$6,754.17 /insurance; Line-X of Omaha: \$420.00 /service; Logan Contractors Supply, Inc.: \$52.05 /supplies; Loveland Grasspad: \$52.01 /supplies; Lunch Box Foods: \$588.00 /food; Mammoth, Inc.: \$3,585.42 /service; Marathon Electric, Inc.: \$296.64 /refund; Marco Technologies LLC.: \$190.63 /contract; Mariana Hurst: \$956.25 /service; Martin Asphalt: \$318.20 /supplies; Martin Marietta Materials: \$858.54 /supplies; Masek Golf Car Company: \$973.32 /supplies; Matco Tools: \$9.55 /supplies; MdE, Inc: \$750.00 /contract; Mechanical Inc.: \$3,579.70 /service; Menards: \$104.33 /supplies; Metering & Technology Solutions: \$10,038.39 /supplies; Metro Landscape Mat & Recycling: \$6,210.00 /supplies; Metro: \$539.00 /service; Metropolitan Utilities District: \$358.45 /utilities; Michael Todd & Company, Inc.: \$238.00 /supplies; Microfilm Imaging Systems, Inc: \$10,162.00 /service; Midwest Tape: \$837.49 /audio; Midwest Turf & Irrigation: \$916.97 /supplies; Miller & Sons Golf: \$985.56 /parts; Motorola Solutions, Inc.: \$3,267.70 /supplies; Mower Doctor: \$80.02 /service; Mundo Latino Publications, LLC: \$215.00 /advertising; My Staff, Inc.: \$1,386.00 /service; Napa Auto Parts: \$970.48 /supplies; National Safety Council, Nebraska: \$650.00 /training; Nationwide Retirement Solutions: \$6,030.00 /PEHP; Nebraska Air Filter, Inc.: \$434.71 /supplies; Nebraska APWA Chapter: \$125.00 /training; Nebraska Department of Revenue: \$2,103.00 /government; Nebraska Water Resources Association: \$205.00

/membership; Nebraska-Iowa Industrial Fasteners Corp.: \$191.92 /supplies; Networkfleet, Inc.: \$37.90 /parts; Nicole Gregory: \$101.32 /reimbursement; NL&L Concrete, Inc.: \$17,582.00 /service; NMC Exchange, LLC: \$3,961.58 /supplies; OCLC, Inc.: \$676.83 /supplies; Office Depot, Inc.: \$1,449.04 /supplies; Olsson Associates: \$14,368.43 /consulting; Omaha Compound Company: \$536.78 /supplies; Omaha Public Power District: \$137,784.46 /electricity; Omaha Storm Chasers: \$10,902.00 /sponsorship; OMNI Engineering: \$104,101.28 /supplies; O'Reilly Auto Parts: \$1,436.08 /supplies; Papillion Professional Fire Fighters: \$893.75 /pyrl deduction; Papillion Times: \$233.00 /service; Papio Bowl: \$393.26 /service; Papio Fun Park: \$237.00 /service; Pay-LESS Office Products, Inc.: \$185.35 /supplies; Payroll Maxx, LLC: \$4,175.00 /pyrl; PCEA: \$220.00 /pyrl deduction; PCS Mobile: \$1,179.45 /supplies; Penguin Random House, LLC: \$90.00 /books; Personnel Committee: \$158.50 /employee fund; Plains Equipment Group: \$215.34 /supplies; Plant Food Company, Inc.: \$552.00 /supplies; Platte River State Park: \$271.00 /government; Pockets Full of Fun: \$270.00 /service; Police & Firemen's Insurance Association: \$2,842.70 /pyrl deduction; Pop Fund: \$51.76 /reimbursement; Postmaster: \$200.00 /service; Praxair Distribution Inc: \$44.65 /supplies; Premier-Midwest Beverage Co: \$7,250.25 /merchandise; Price Chopper Wristbands: \$2,064.41 /supplies; Quail Distributing: \$372.00 /merchandise; Quality Brands of Omaha, Inc: \$13,554.21 /merchandise; R&R Products, Inc.: \$45.06 /service; Rat Pack Jazz: \$1,500.00 /service; Reams Sprinkler Supply: \$35.58 /supplies; Recorded Books, Inc.: \$711.47 /books; Redshaw Paint Supply Inc: \$571.26 /supplies; Regal Awards, Inc: \$699.00 /service; Republic National Distributing Company: \$1,230.42 /merchandise; Rick Corcoran: \$195.00 /service; Ron Turley Associates, Inc.: \$1,550.00 /supplies; Rotella's Italian Bakery, Inc.: \$905.22 /supplies; Roundhouse Bunker Gear Services: \$184.72 /apparel; Russell Meyer: \$299.33 /refund; Sapp Bros., Inc - Omaha: \$21,471.39 /fuel; Sarpy County: \$5,260.50 /service; Shamrock Concrete Company: \$3,423.48 /supplies; Shirt Shack Omaha, Inc.: \$684.24 /supplies; SirsiDynix: \$35,578.00 /service; Snap-on Industrial: \$150.86 /supplies; Sol Lewis Engineering Co: \$3,005.00 /service; SolutionOne: \$204.60 /service; Source, Inc.: \$3,253.44 /supplies; Southern Glazer's Wine & Spirits of NE: \$1,422.59 /merchandise; Sprint: \$63.82 /utilities; Standard Heating & Air, Inc.: \$125.82 /service; Steve Haffke Plumbing, Inc.: \$970.00 /service; Sutphen Corporation: \$765.23 /supplies; Tab Construction Co: \$1,968.75 /supplies; Tarja Koistila: \$1,168.12 /reimbursement; TCF Equipment Finance: \$11,210.00 /lease; TD2 Nebraska Office: \$37,586.36 /engineering; Ted's Mower Sales & Service, Inc.: \$596.97 /supplies; The Omaha World-Herald: \$1,702.88 /service; The Sherwin-Williams Co.: \$23.61 /supplies; The UPS Store - 5359: \$104.45 /service; Thermo King Christensen: \$564.30 /supplies; Thomson Reuters - West Payment Center: \$360.07 /supplies; Thorpe's Body Shop: \$1,188.91 /service; Tifosi Optics, Inc.: \$80.00 /supplies; Timothy J. Bazar: \$6,060.89 /service; Todco Barricade Company: \$250.00 /supplies; Tony Foster: \$185.39 /reimbursement; Tool Supply, Inc.: \$462.48 /supplies; TruGreen Commercial: \$80.00 /service; Tuff Turf Lawn Care, Inc.: \$2,220.00 /service; Turfwerks: \$539.90 /supplies; Ty's Outdoor Power & Service: \$197.97 /supplies; Unite Private Networks: \$7,441.58 /network; United Electric Supply Co.: \$57.78 /supplies; United Rentals: \$975.25 /rental; UpBeat Inc.: \$647.39 /supplies; US Foods, Inc: \$4,225.42 /supplies; USABlue Book: \$153.73 /supplies; Utilities Service Group: \$375.00 /service; Utility Equipment Company: \$826.44 /supplies; Utility Service Co., Inc.: \$22,500.00 /service; Valentino's: \$2,117.75

/food; Varsity Transportation, Inc.: \$737.51 /service; Verizon Wireless: \$2,684.40 /utilities; Vessco, Inc.: \$4,399.83 /supplies; Vierregger Electric Company, Inc.: \$235.00 /service; Volvik USA, Inc.: \$2,045.88 /merchandise; Voya Financial Fire: \$28,687.96 /pyrl pension; Voya Financial: \$62,576.83 /deferred comp; Walkers Inc. dba Max I Walker: \$374.15 /service; Walmart Community/SYNCB: \$1,245.81 /supplies; Washington National Insurance Co.: \$44.80 /insurance; Waste Management of Nebraska: \$1,323.44 /service; Weldon Parts Omaha: \$302.28 /parts; Wells Fargo Financial Leasing: \$868.30 /service; Wendy Harris: \$75.00 /refund; Western Sand & Gravel Co: \$280.40 /supplies; Westlake Ace Hardware: \$50.21 /merchandise; ZirMed, Inc.: \$124.00 /service; Zoll: \$1,778.75 /supplies; **BILLS TOTAL: \$2,005,915.62.**

**ORDINANCES FIRST READING:**

**ORD. 1815 – An ordinance to amend the 2017/2018 Fiscal Budget – Nancy Hypse – 597-2020.** Introduced by Councilmember Kluch.

**ORD. 1816 – An ordinance to approve the 2018/2019 Fiscal Budget – Nancy Hypse – 597-2020.** Introduced by Councilmember Engberg.

**ORDINANCES SECOND READING AND PUBLIC HEARINGS:** None.

**ORDINANCES THIRD READING AND RESOLUTIONS:**

**RES. R18-0139 – PUBLIC HEARING AND VOTE – A resolution to approve a Class “C” Liquor License for D&S Events and More LLC d/b/a The Papio Pub, 129 N Washington St, Papillion, NE 68046, and Manager Application for Sheryl A. Wilson – Nicole Brown – 597-2021.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Sheryl Wilson, 10721 S 113<sup>th</sup> Ave, stepped forward as the applicant.

Opponents: None forthcoming.

No one else came forward and the public hearing was closed. Motion to approve RES. R18-0139 by Councilmember Glover, second by Councilmember Jaworski. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**RES. R18-0144 – A resolution to approve \$80,000 in Community Betterment Funds for construction of an approximately 2.40-acre dog park at the leash-free area at Walnut Creek Recreational Facility – Christine Myers – 827-1111.** Motion to approve RES. R18-0144 by Councilmember Kluch, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward.

Councilmember Gaines asked how the location was chosen and what the plan will be for upkeep. Parks & Facilities Director Tony Gowan responded that Walnut Creek was chosen based on existing facilities, including parking, and availability of adequate space. He added that a six-foot fence will be erected along the perimeter as well as the interior

for the separation of breeds by size. The Parks staff will also mow down the native grasses and remove trees in the area. Mr. Gowan noted that staff will spray for insects and ticks the first few years, which, along with regular mowing, should help to decrease bugs.

Councilmember Mumgaard thanked Mr. Gowan for providing separate areas for large and small-breed dogs.

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

**ORD. 1812 – An ordinance to approve a Change of Zone from AG (Agricultural) to LI (Limited Industrial) for the property legally described as a tract of land containing all of Lot 2, Oxbow Way Replat 1, a platted and recorded subdivision in Sarpy County, NE, and a part of Tax Lot 2, all located in the E½ of the NW¼ of Section 2, T13N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located SW of the intersection of S 150<sup>th</sup> St and Schram Rd. The applicant is Opus Development Company, LLC. (Oxbow Way (Phase 2)) – Mark Stursma – 597-2077.** Motion to approve ORD. 1812 by Councilmember Jaworski, second by Councilmember Stubbe. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**RES. R18-0147 – A resolution to approve a Final Plat for the property legally described as a tract of land containing all of Lot 2, Oxbow Way Replat 1, a platted and recorded subdivision in Sarpy County, NE, and a part of Tax Lot 2, all located in the E½ of the NW¼ of Section 2, T13N, R11E of the 6<sup>th</sup> P.M. Sarpy County, NE, generally located SW of S 150<sup>th</sup> St and Schram Rd. The applicant is Opus Development Company, LLC. (Oxbow Way (Phase 2)) – Mark Stursma – 597-2077.** Motion to approve RES. R18-0147 by Councilmember Gaines, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**RES. R18-0148 – A resolution to approve the Oxbow Way (Phase 2) Subdivision Agreement – Mark Stursma – 597-2077.** Motion to approve RES. R18-0148 by Councilmember Glover, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**ORD. 1814 – An ordinance to amend sections of Chapter 135 (Noise Control) of the Papillion Municipal Code to define the term “incidental” relating to sounds emanating from industrial facilities; to add a new section having to do with the waiver of the maximum permitted sound levels (dBA) for certain civic, office, commercial, and industrial use types; to add notice and process requirements having to do with designated entertainment venues; to renumber certain previously**

**enacted sections under Chapter 135; and to provide for an effective date. The applicant is the City of Papillion. (Noise Ordinance Amendment) – Mark Stursma – 597-2077.** Motion to approve ORD. 1812 by Councilmember Gaines, second by Councilmember Engberg.

Mayor Black asked Planning Director Mark Stursma to address comments related to entertainment venues made during the public hearing for this item. Mr. Stursma noted a memo which had been distributed to council members. The amendment will add a due process clause related to enforcement of a noise waiver for entertainment venues.

Councilmember Mumgaard asked for clarification of the process of revoking an entertainment venue designation. Mr. Stursma stated that the process would begin similarly to any potential code violation, in which a staff member or resident would bring forth a concern and staff would determine the legitimacy of the presence of a violation. If a violation does exist, the matter would be handled by the City Attorney's office and proceed as outlined in the ordinance.

Mayor Black noted that this ordinance specifically addresses entertainment venues and asked which locations in Papillion currently hold this designation. City Attorney Karla Rupiper stated that SumTur Amphitheater is currently the only facility holding an entertainment venue designation. Councilmember Mumgaard stated that the City may want to consider including some type of notification process for residents within a certain vicinity of any applicant for an entertainment venue designation.

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

**ADMINISTRATIVE REPORTS:**

**Committee Reports:** None.

**Comments from the Floor:** None.

**Comments from Mayor and Council:** Councilmember Mumgaard thanked residents in the Tara Hills neighborhood who gathered on a Saturday morning to spread mulch in the median at the entrance to their neighborhood, as well as around the sign at the Senior Center. He noted that they were assisted by members of the PLHS wrestling team.


Councilmember Glover stated that he recently attended a very well-attended benefit for cerebral palsy at Sinnott's on behalf of the City. He noted that it was wonderful to see so many people actively engaged in events downtown on a Saturday morning.

Mayor Black gave an update on his events: (1) Mayor Black and Amber Powers attended the Cooperation BEST 2018-2019 Kick-Off Breakfast; (2) Mayor Black and Amber Powers attended the Sarpy County and Cities Wastewater Agency Board Meeting; (3) Mayor Black, Amber Powers, and Chris Myers attended the first LCRA committee meeting; (4) Mayor Black and staff members attended the Employee Appreciation picnic.

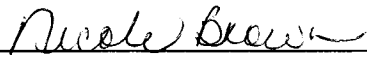
Mayor Black also noted the following: (1) The urban development tour will be held on Saturday, August 11; (2) An article regarding the City of York's budget process was distributed to council members.

**ADJOURNMENT:** Motion to adjourn by Councilmember Glover, second by Councilmember Gaines. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried. Meeting adjourned at 7:35 PM.

CITY OF PAPIILLION

  
\_\_\_\_\_  
DAVID P. BLACK, MAYOR

Attest:

  
\_\_\_\_\_  
Nicole Brown, City Clerk

(SEAL)





## Planning Department

**To:** City Council  
**From:** Mark Stursma ✓  
**cc:** Mayor  
**Date:** August 7, 2018  
**Re:** Noise Ordinance Amendment – Impact to Entertainment Venue Noise Waiver

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During the public hearing for Ordinance #1814 – Noise Ordinance Amendment - a question was asked about the impact on entertainment venues and the transparency of such changes. This memo is a response to that inquiry.

The Noise Ordinance amendment will:

- Define the term “incidental” as it pertains to exempt noises
- Add a noise waiver option for civic, office, commercial, and industrial uses; similar to the waiver process previously adopted for entertainment venues
- Clarify that a mixed use development agreement may function as a noise waiver
- Define “due process” for enforcement of the Noise Ordinance and the revocation of a noise waiver

The Noise Ordinance amendment does not propose any changes pertaining to the previously adopted noise waiver for entertainment venues. The rules pertaining to entertainment venues will remain the same. However, the due process provision that is being proposed for the expanded section of the Noise Ordinance (pertaining to civic, office, commercial, and industrial uses) is also being applied to the section pertaining to entertainment venues.

The due process clause clarifies what actions the city must take in order to enforce the Noise Ordinance and, if necessary, revoke or modify a noise waiver. The proposed due process language pertaining to entertainment venues reads:

*The City shall deliver to the applicant of such designated entertainment venue a written notice of intent to revoke or modify the entertainment venue designation granted under this Section prior to any formal action by the Mayor and City Council to revoke or modify the entertainment venue designation, and such applicant shall have thirty (30) days after delivery of such written notice to satisfy and comply with the conditions upon which the entertainment venue designation was granted. In the event that the applicant fails to satisfy and comply with the conditions for the entertainment venue designation within the aforementioned thirty (30) day compliance period, such failure shall constitute sufficient grounds for the Mayor and City Council to take formal action to revoke or modify the entertainment venue designation by resolution. Any applicant aggrieved by any decision of the Mayor and City Council to revoke or modify the entertainment venue designation granted under this Section may seek review of such decision by the District Court located in Sarpy County in the manner provided by the laws of the state.*

**BREAKING** 'Queen of Soul' Aretha Franklin dead at age 76

<https://apnews.com/180a3f43b3ea4d569cff050b4f99ad19>

## **York officials say city facing big tax increase**

Associated Press Aug 3, 2018

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**YORK** — City officials say York must consider a whopping tax increase among other measures to address budget problems.

Mayor Orval Stahr and City Administrator Joe Frei announced at a special council meeting Wednesday that all of the city's unrestricted budget reserves have been spent. They also say the tax levy should be more than doubled in the next fiscal year, wages and hiring should be frozen and say more than \$1 million has to be cut from the budget.

Frei says the problems may seem to have suddenly arisen but actually have been festering over the years. He blamed the loss of the city budget reserves on deferred assessments for property owners and the city's habit of budgeting "high on expenses and low on revenue."

Another public meeting on the budget problems is scheduled for Monday.

MORE INFORMATION