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**M I N U T E R E C O R D**

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**PAPILLION CITY COUNCIL MINUTES**  
**TUESDAY, DECEMBER 5, 2017 @ 7:00 P.M.**

The City Council of the City of Papillion met in open and public session at Papillion City Hall on December 5, 2017, 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 Kummer, City Attorney Karla Rupiper, Public Works Director Marty Leming, Planning Director Mark Stursma, Fire Chief Bill Bowes, City Engineer Jeff Thompson, Police Chief Scott Lyons, Sports Turf Superintendent Jason Allen, 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.

Oaths of Office: Fire Chief Bill Bowes introduced two new firefighters who were being sworn into office. Mayor Black then administered the Oath of Office to Firefighters Greg Hall and Pat Turner.

**ADMINISTRATOR'S REPORT:** City Administrator Christine Myers gave an update on the following: (1) 84<sup>th</sup> St. will be closed beginning at 8:00 p.m. on Friday, December 8<sup>th</sup> for installation of the walkway span of the pedestrian bridge; (2) A City Council retreat is being scheduled for the latter part of February; (3) Public solicitation for community center naming suggestions ends Friday, December 8<sup>th</sup>. Forty-eight names have been submitted to date.

**CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the Minutes from the November 21, 2017, City Council Meeting; (3) Approval of the bills as presented; (4) RES. R17-0213 – A resolution to approve the reappointment of Robert Tribolet to the Board of Adjustment for a three (3) year term from October 2017 to October 2020 – Introduced by Mayor David P. Black, Staff Report by Mark Stursma – 597-2077; (5) RES. R17-0214 – A resolution to approve a Rectangular Rapid Flashing Beacon Agreement between the City of Papillion and the Nebraska Department of Transportation (NDOT) – Jeff Thompson – 898-9092; (6) RES. R17-0222 – A resolution to approve the OneLibrary Consortium Interlocal Agreement, adding the Papillion Library to the OneLibrary Consortium –**

**Rebecca Sims – 597-2040; (7) RES. R17-0223 – A resolution to award the contract for 2017-2018 Sewer Rehabilitation to Municipal Pipe Tool Co. LLC of Hudson, IA in the amount of \$102,092.10 – Jeff Thompson – 898-9092; (8) RES. R17-0224 – A resolution to approve a Partial Release of Easement as it pertains to Dlouhy Addition Replat 2, and Lot 2, Dlouhy Addition Replat 1, in the NW1/4 of Section 27, T14N, R12E as platted and recorded in Sarpy County, NE – Jeff Thompson – 898-9092; (9) RES. R17-0225 – A resolution to approve an Agreement for Services with FYRA Engineering for the investigative phase of the City of Papillion’s levee accreditation process – Amber Kummer – 827-1778.** Motion to approve the Consent Agenda by Councilmember Jaworski, second by Councilmember Gaines. Councilmember Jaworski requested to remove item C(7) from the Consent Agenda. 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.

**C(7) RES. R17-0223 – A resolution to award the contract for 2017-2018 Sewer Rehabilitation to Municipal Pipe Tool Co. LLC of Hudson, IA in the amount of \$102,092.10 – Jeff Thompson – 898-9092.** Motion to approve RES. R17-0223 by Councilmember Jaworski, second by Councilmember Engberg. Mayor Black asked for proponents and opponents. No one came forward.

Councilmember Jaworski asked staff to explain the project for which this contract is being awarded. City Engineer Jeff Thompson stated that this project involves the application of resin inside the pipe lining to increase the lifespan of the pipe, which saves money as opposed to tearing out the street to replace pipes.

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

**BILLS:** AA Wheel & Truck Supply Inc: \$284.25 /supplies; Acushnet Company: \$1,748.75 /merchandise; Advanced Office Automation, Inc.: \$157.19 /service; AFLAC: \$404.16 /pyrl deduction; All Service Contracting Corp.: \$875.00 /service; Alley Poyner Macchietto Architecture PC: \$72,916.31 /service; Amanda Floro: \$663.00 /service; American Planning Association: \$596.00 /service; AmeriPride Services, Inc.: \$192.22 /service; A-Relief Services Inc.: \$620.00 /service; Arrow International: \$1,109.87 /supplies; Arthur J. Gallagher & Co.: \$100.00 /service; Associated Fire Protection: \$416.00 /service; Axon Enterprise, Inc.: \$4,352.36 /supplies; Baker & Taylor: \$3,120.17 /books; Bankers Trust Company: \$58,582.50 /service; Batteries Plus 074: \$215.70 /supplies; Black Hills Energy: \$1,491.14 /natural gas; Blackburn Manufacturing Co: \$176.13 /supplies; Board Of Examiners for County Hwy: \$10.00 /membership; Bound Tree Medical, LLC: \$28.79 /supplies; Brite Ideas Decorating, Inc.: \$4,916.00 /supplies; Callaway Golf: \$3,266.70 /merchandise; CDW Government Inc.: \$6,200.00 /supplies; Center Point Large Print: \$45.54 /books; Central Community College: \$510.00 /training; Chas. Vrana & Son Construction Co.: \$353,745.00 /service; Cintas Loc 749: \$710.44 /service; City Of Omaha Cashier: \$249,413.60 /service; City Treasurer: \$240.00 /service; Coca-Cola of Omaha: \$264.77 /merchandise; Consolidated Management Company: \$3.94 /service; Courtside

Marketing: \$1,099.00 /service; Cox Business: \$1,624.83 /utilities; Cummins Central Power, LLC: \$200.67 /supplies; Curbside Rewards, LLC: \$165.00 /service; Cybergolf, LLC: \$171.35 /supplies; Cypress Benefit Administrators, LLC: \$553.50 /fees; D & K Products: \$1,493.50 /supplies; Danielson Tech Supply, Inc.: \$1,020.00 /supplies; Dash Medical Gloves, Inc.: \$291.96 /supplies; Dex Media: \$146.20 /service; DHHS - Dept of Health and Human Services: \$3,178.00 /license; Diamond Vogel: \$129.90 /supplies; Doug Moeller: \$20.00 /reimbursement; Dultmeier Sales, LLC: \$15.95 /supplies; Echo Group: \$125.81 /supplies; ESRI: \$3,950.00 /service; EyeMed Vision Care: \$1,996.66 /insurance; Fairfield Inn & Suites: \$1,099.50 /lodging; Fastenal Company: \$54.35 /supplies; FastSigns: \$42.58 /supplies; FedEx Office: \$0.83 /supplies; Feld Fire: \$687.81 /supplies; Fikes of Minnesota, Inc.: \$413.45 /supplies; First National Bank: \$22,507.06 /insurance; FP Design & Review Services, LLC: \$1,211.20 /service; FSCI: \$12,829.02 /service; Funds by Hasler: \$350.00 /postage; Gale/Cengage Learning: \$217.24 /books; Galls, LLC: \$125.11 /supplies; General Fire and Safety: \$265.65 /service; Great Plains Uniforms: \$1,018.50 /supplies; H & H Chevrolet: \$560.16 /supplies; Haney Shoe Store, Inc.: \$39.00 /supplies; Helget Gas Products Inc: \$21.90 /supplies; Hibu: \$114.70 /service; Hi-Line, Inc.: \$143.00 /supplies; Home Depot Credit Services: \$791.51 /supplies; Hometown Leasing: \$168.14 /service; Horizon Realty, Inc.: \$1,772.00 /refund; Host Coffee Service Inc.: \$74.29 /supplies; Hydro Optimization & Auto Solutions: \$390.00 /service; HyVee Accounts Receivable: \$464.30 /supplies; Iowa Prison Industries: \$954.30 /supplies; Jones Automotive, Inc: \$155.70 /supplies; Joseph LaPuzza: \$775.07 /reimbursement; Josh Neville: \$211.23 /reimbursement; Joshua Giustra: \$472.68 /reimbursement; Koley Jessen PC, LLO: \$11,000.33 /legal; Lands' End Business Outfitters: \$261.35 /supplies; League of Nebraska Municipalities: \$360.00 /membership; Lincoln Journal Star: \$795.21 /publication; Logo Logix Embroidery & Screen: \$138.00 /service; MacQueen Emergency Group: \$2,115.32 /supplies; Marco Technologies LLC: \$299.15 /contract; Martin Marietta Materials: \$1,207.75 /supplies; Matheson Tri-Gas, Inc.: \$329.36 /supplies; Menards: \$87.71 /supplies; Metropolitan Utilities District: \$232.29 /utilities; Michael Todd & Company, Inc.: \$372.20 /supplies; Midwest Tape: \$84.97 /audio; Midwest Turf & Irrigation: \$539.00 /supplies; Millard Metal Services Inc.: \$374.00 /supplies; MMS - A Medical Supply Company: \$46.83 /supplies; Motorola Solutions, Inc.: \$4,364.20 /supplies; Mower Doctor: \$15.50 /service; Napa Auto Parts: \$163.05 /supplies; Nebraska Air Filter, Inc.: \$41.64 /supplies; Nebraska Christian College: \$77,567.54 /education; Nebraska Law Enforcement: \$70.00 /training; Nebraska Secretary of State: \$30.00 /service; Nebraska Turfgrass Association: \$850.00 /membership; Nebraska-Iowa Industrial Fasteners: \$79.56 /supplies; NeRPA: \$120.00 /organization; NMC Exchange: \$377.50 /supplies; Novelty Lights, Inc.: \$305.25 /supplies; Olsson Associates: \$23,187.57 /consulting; Omaha Compound Company: \$1,136.87 /supplies; Omaha Slings Inc.: \$26.30 /supplies; Omaha World-Herald: \$1,525.50 /service; O'Reilly Auto Parts: \$359.33 /supplies; Pacific Tactical, LLC.: \$686.40 /supplies; Papillion Sanitation: \$1,703.48 /refuse; Payroll Maxx, LLC: \$608,701.74 /pyrl; Penguin Random House, LLC: \$91.50 /books; Penny Keener: \$37.49 /refund; Personnel Committee: \$160.50 /employee fund; Ping: \$563.54 /merchandise; Pitlor Mechanical Corporation: \$696.00 /merchandise; Plains Equipment Group: \$804.00 /supplies; Postmaster: \$910.00 /service; Quality Brands of Omaha, Inc.: \$229.77 /merchandise; R & S Press, Inc.: \$115.00 /supplies; Recorded Books, Inc.: \$198.64 /books; Rhomar Industries, Inc.: \$515.71 /supplies; Ron

Tex: \$83.50 /refund; Rotella's Italian Bakery: \$12.87 /supplies; Roundhouse Bunker Gear Services: \$481.90 /apparel; Sapp Bros., Inc.: \$2,658.32 /fuel; Sarpy County: \$996.00 /service; Shamrock Concrete Company: \$1,327.56 /supplies; Sherwin-Williams: \$4.07 /supplies; Southern Technology Group: \$1,800.00 /service; Srixon/Cleveland Golf/XXIO: \$159.43 /merchandise; SunSource: \$109.21 /supplies; Sutphen Corporation: \$130.77 /supplies; The CPR Company: \$500.00 /supplies; The UPS Store - 5359: \$157.68 /service; Thomson Reuters - West Payment Center: \$353.01 /supplies; Timothy J. Bazar: \$1,119.82 /service; Ty's Outdoor Power, Inc: \$288.00 /supplies; UL LLC: \$2,850.00 /service; Uline, Inc.: \$377.03 /supplies; Union Bank & Trust Company: \$1,285,034.19 /bonds; University of Nebraska-Lincoln: \$25.00 /training; US Foods, Inc.: \$460.33 /supplies; Utilities Service Group: \$3,841.00 /service; Utility Equipment Company: \$664.55 /supplies; Verizon Wireless: \$560.20 /utilities; Voya Financial Fire: \$28,913.44 /pyrl pension; Voya Financial: \$62,061.52 /deferred comp; Walmart Community: \$630.26 /supplies; Wells Fargo Financial Leasing: \$469.83 /service; Westlake Ace Hardware: \$30.97 /merchandise; Windstream: \$222.07 /service; ZirMed, Inc.: \$124.00 /service;  
**BILLS TOTAL: \$2,971,811.72.**

**ORDINANCES FIRST READING:**

**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 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SW corner of S 72<sup>nd</sup> Street and Cornhusker Road. The applicant is the City of Papillion. (Lots 9-11, Papillion Business & Technology Park) – Mark Stursma – 597-2077.** Introduced by Councilmember Stubbe.

**ORD. 1795 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-1 (Single-Family Residential (Low Density)) for the property legally described as Tax Lot 3 of Section 34, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located at 11204 S 90<sup>th</sup> Street. The applicant is the City of Papillion. (Bitting-Nye) – Mark Stursma – 597-2077.** Introduced by Councilmember Kluch.

**ORD. 1796 – An ordinance to approve the vacation of Shepard Street right-of-way at the corner of S 114<sup>th</sup> Street and Shepard Street – Mark Stursma – 597-2077.** Introduced by Councilmember Glover.

**ORD. 1798 – PUBLIC HEARING – An ordinance to amend the City of Papillion Ward Boundaries to incorporate SID #137 and an area zoned light industrial in the southwest portion of existing city limits as annexed by ORD 1789 – Nicole Brown – 597-2021 (Staff is recommending a waiver of the second and third ordinance readings).** Introduced by Councilmember Engberg.

Mayor Black noted that staff is recommending a waiver of second and third ordinance readings, which requires a super-majority vote, in order to meet the December 14, 2017, deadline to provide an adopted ward map to the Sarpy County Election Commissioner's office for the purpose of including residents annexed by ORD. 1789 in the 2018 election cycle. If second and third readings are not waived, the deadline will not be met. Motion

by Councilmember Gaines to waive second and third ordinance readings, second by Councilmember Kluch. Mayor Black asked for proponents and opponents. No one came forward. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

Mayor Black noted that an amendment to ORD. 1798 is required to eliminate section D5, which expressly excluded Lots 1-5 Bellino Ninety-Six. Motion to approve ORD. 1798 by Councilmember Jaworski, second by Councilmember Glover.

Motion to amend ORD. 1798 to delete section D5 having to do with Lots 1-5 Bellino Ninety-Six in Ward 4 by Councilmember Stubbe, second by Councilmember Jaworski. Mayor Black noted that updated ward maps have been distributed at each council seat. He then called for proponents and opponents. No one came forward. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Greg Youell, MAPA Executive Director, 2222 Cuming St, Omaha, stepped forward. Mayor Black stated that MAPA is a regional planning organization that was retained by the City to make recommendations regarding ward redistricting in an effort to maintain independence in the mapping process. Mr. Youell explained that population distribution must remain within a certain percentage of even distribution in order to maintain integrity between the wards. He noted that options were presented to staff and City Council, and that the option being considered by ORD. 1798 was the option that made the most sense. Mr. Youell then stated that GIS Coordinator Josh Corrigan, who performed much of the analysis, is also in attendance. Mayor Black noted that he believes the option being considered is the option recommended by MAPA because it keeps the distribution most balanced, which reduces the need for additional redistricting as the city continues to grow. Mr. Youell confirmed the recommendation.

Opponents: None forthcoming.

Mayor Black closed the public hearing. A vote was then held to approve ORD. 1798 as amended. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**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 6<sup>th</sup> 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 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW corner of Washington Street and Highway 370. The applicant is Royce Enterprises, Inc. (Papillion Commons) – Mark Stursma – 597-2077.** Introduced by Councilmember Stubbe.

**ORDINANCES SECOND READING:**

**ORD. 1793 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-2 (Single-Family Residential (Medium-Density)) and MU (Mixed Use) for the property legally described as a tract of land located in the E1/2 of the NW1/4 lying east of the abandoned Missouri Pacific Railroad, together with Tax Lots 1A, 1B, and 2 in the W1/2 of the NE1/4, all in Section 31, T14N, R12E, except those parts taken for HWY 370 right-of-way, generally located on the SE and SW corners of 126th Street and HWY 370. The applicant is Founder’s Ridge, LLC. (Founder’s Ridge) – Mark Stursma – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: John Fullenkamp, 11440 W Center Rd, Omaha, stepped forward on behalf of the applicant. He noted that Andrew Koster from TD2 is also in attendance. Mr. Fullenkamp stated that the project incorporates single-family residential and a mixed use component, which are in conformance with the City’s future land use plan.

Opponents: Julie Masters, RSM Farms, owns property to the west of this development. She stated that RSM Farms is in support of development activity in Papillion, but wants to ensure that erosion control is attended to, and that RSM Farms is notified when decisions regarding sewer outflow are made so that they can make the appropriate the appropriate decisions for their property. Mayor Black asked Ms. Masters to provide her contact information to Planning Director Mark Stursma.

No one else came forward and Mayor Black closed the public hearing.

**ORDINANCES THIRD READING AND RESOLUTIONS:**

**RES. R17-0211 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as a tract of land located in the E1/2 of the NW1/4 lying east of the abandoned Missouri Pacific Railroad, together with Tax Lots 1A, 1B, and 2 in the W1/2 of the NE1/4, all in Section 31, T14N, R12E, except those parts taken for HWY 370 right-of-way, generally located on the SE and SW corners of 126th Street and HWY 370. The applicant is Founder’s Ridge, LLC. (Founder’s Ridge) – Mark Stursma – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: John Fullenkamp, 11440 W Center Rd, Omaha, stepped forward on behalf of the applicant. Mr. Fullenkamp clarified that he has met with Julie Masters and the Masters family during the development process and he believes that they are actually proponents of the project, so long as erosion control does not become an issue for their property. He then discussed phasing of the project, and added that they will coordinate with the property to the east to provide access and sewer location.

Councilmember Stubbe noted that Phase 1 includes lots on the south end of the development and asked if paving of 126<sup>th</sup> St will be included in Phase 1. Mr. Fullenkamp confirmed and stated that paving will be completed to the south boundary of the

development. Councilmember Stubbe then inquired as to the timing of the project. Mr. Fullenkamp stated that building will commence as soon as possible, likely in the spring.

Councilmember Mumgaard asked specifically when 126<sup>th</sup> St will be paved from the highway to the southern border of the development. Mr. Fullenkamp responded that this will take place with Phase 1, which will begin next year. He is hoping that the final plat will be considered by Council in February or March.

Opponents: None forthcoming.

Mayor Black closed the public hearing. Motion to approve RES. R17-0211 by Councilmember Stubbe, 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.

**ORD. 1758 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-2 (Single-Family Residential (Medium Density)) for the property legally described as Tax Lot 15, located in the W1/2 of the SW1/4 of Section 33, T14N, R12E of the 6<sup>th</sup> P.M. Sarpy County, NE, generally located northeast of 108<sup>th</sup> Street and Schram Road. The applicant is Dynasty Homes, LLC. (The Reserve at Schram Point) – Mark Stursma – 597-2077.** Motion to approve ORD. 1758 by Councilmember Jaworski, second by Councilmember Kluch. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**RES. R17-0216 – A resolution to approve a Final Plat for the property legally described as Tax Lot 15, a tax lot located in the SW1/4 of the SW1/4 and also the SE1/4 of the SW1/4 of Section 33, T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located northeast of 108<sup>th</sup> Street and Schram Road. The applicant is Dynasty Homes, LLC. (The Reserve at Schram Point) – Mark Stursma – 597-2077.** Motion to approve RES. R17-0216 by Councilmember Kluch, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. No one came forward.

Councilmember Stubbe noted that Lake Tahoe Dr runs from 106<sup>th</sup> Ave to 107<sup>th</sup> St and asked if that road had already been approved. Planning Director Mark Stursma noted that the configuration of the street is consistent with the preliminary plat. Councilmember Stubbe asked if an extension of Lake Tahoe Dr is expected. Mr. Stursma stated that staff works with 911 and Sarpy GIS for street naming, and that there is a convention used specific to GPS for the purposes of 911 and package delivery.

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

**RES. R17-0217 – A resolution to approve the Subdivision Agreement for The Reserve at Schram Point – Mark Stursma – 597-2077.** Motion to approve RES. R17-0217 by Councilmember Jaworski, second by Councilmember Gaines. Mayor Black

called for proponents and opponents. No one 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. R17-0218 – A resolution to approve the Sewer and Water Connection Agreement for SID #318 (The Reserve at Schram Point) – Marty Leming – 597-2043.**

Motion to approve RES. R17-0218 by Councilmember Kluch, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. No one 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. 1791 – An ordinance to amend Chapter 85 Animals of the Papillion Municipal Code to allow mini-pigs as pets within the city’s corporate limits – Introduced by Councilman Tom Mumgaard, Staff Report by Christine Myers – 827-1111.**

**Amendment #1 – Raise the weight limit of 100 lbs. to 200 lbs. Amendment #2 – Eliminate vaccination and blood testing requirements.** Councilmember Mumgaard made a motion to table the vote on ORD. 1791 to a date certain of December 19, 2017, due to the absence of Councilmember Florance, second by Councilmember Glover. Upon roll call vote, Mumgaard, Gaines, and Glover all voted yes. Voting no: Jaworski, Kluch, Stubbe, and Engberg. Absent: Florance. Motion failed.

Motion to approve ORD. 1791 by Councilmember Mumgaard, second by Councilmember Glover.

Mayor Black noted that the agenda reflects two proposed amendments to ORD. 1791. Motion by Councilmember Mumgaard to amend ORD. 1791 to raise the weight limit from 100 lbs. to 200 lbs. but retain the requirement that a veterinarian must confirm the weight of the mini-pig annually for licensing purposes, second by Councilmember Glover.

Councilmember Mumgaard noted that this amendment was suggested by the Nebraska Humane Society, which he deems to be the City’s paid experts in this area, and he recommends following their guidance as the Council does regularly with other experts.

Councilmember Kluch stated that she believes an increased weight limit could pose a public safety issue. She then referenced the increased damage that would be caused by a 200-lb animal being hit by a car as compared to a 100-lb animal. She also stated that though dogs regularly get loose, most do not weigh 200 lbs and dogs have different instincts than pigs and could move out of the way of oncoming traffic faster. For these reasons, she will not be voting in support of this amendment.

Mayor Black then called for a vote on the motion to amend. Upon roll call vote, Mumgaard and Glover voted yes. Voting no: Gaines, Jaworski, Kluch, Stubbe, and Engberg. Absent: Florance. Motion failed.

Motion by Councilmember Mumgaard to amend ORD. 1791 to eliminate vaccination and blood testing requirements, second by Councilmember Glover.



Councilmember Mumgaard again noted that the Nebraska Humane Society has suggested that these vaccinations are an unnecessary requirement because they do not prevent diseases that are relevant to mini-pigs.

Councilmember Jaworski stated that he was absent from the last meeting, but watched the recording and was surprised by the Humane Society's recommendation to eliminate vaccination requirements. He added that he researched vaccinations for mini-pigs and found that several are applicable, including rabies. For this reason, he will not be voting in support of this amendment.

Mayor Black then called for a vote on the motion to amend. Upon roll call vote, Mumgaard voted yes. Voting no: Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg. Absent: Florance. Motion failed.

Councilmember Mumgaard stated that he brought this ordinance to the Council because, after review of a similar ordinance which failed in 2011, he believes the City could be better about regulating mini-pigs as pets. He added that he is not going to ignore the affection the Hagan family has for their pets, as stated in the public hearing, and he doesn't believe that passage of the ordinance will cause most people to purchase mini-pigs. He stated that he believes this is an issue of the government regulating people's lives; that when the Council is determining what to prohibit in people's lives, it should only be considering how the conduct affects others and the overall community and not basing its decision upon personal preference. He then added that he believes the Council should only be considering hard evidence and not speculation when making decisions.

Mayor Black noted that the photos provided by the Hagan family at the request of Councilmember Mumgaard have been distributed to council seats.

Councilmember Kluch stated that the danger she suggested earlier from a mini-pig being hit by a car is not speculation, because one of the Hagans' pigs did, in fact, get hit by a car. She also noted the Nebraska Humane Society's statistics comparing calls for mini-pigs with calls for dogs. She stated that in a five-year period, the Humane Society received 42 calls for mini-pigs while 24 mini-pigs were licensed, which is an average of nearly two calls per licensed mini-pig. During the same time period, the Humane Society received 130,000-140,000 calls for dogs while 93,000 dogs were licensed, which is an average of less than one call per licensed dog. She believes this comparison becomes important when considering that the City pays for animal control services from the Humane Society. While she respects that residents should be allowed to choose their pets, she cannot support this ordinance based upon the impacts it could have.

Councilmember Mumgaard clarified that he understands Councilmember Kluch's concerns, but that he believes the ordinance addresses those concerns.

Mayor Black called for a vote on the original motion to approve ORD. 1791. Upon roll call vote, Mumgaard voted yes. Voting no: Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg. Absent: Florance. Motion failed.

**ORD. 1792 – An ordinance to amend the 2017/2018 Fiscal Budget – Nancy Hypse – 597-2039.** Motion to approve ORD. 1792 by Councilmember Engberg, second by Councilmember Kluch. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

**RES. R17-0212 – A resolution to elect a new City Council President for a term of one (1) year – Nicole Brown – 597-2021.** For the purpose of students in attendance, Mayor Black explained the role of the Council President and the process for selecting a President. Motion to open nominations for City Council President by Councilmember Kluch, second by Councilmember Mumgaard. Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Florance. Motion carried.

Nominations: Councilmember Stubbe nominated Councilmember Jaworski.

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

Motion by Councilmember Glover to approve RES. R17-0212 electing Councilmember Jaworski as City Council President, 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.

Mayor Black thanked Councilmember Gaines for his service as 2017 City Council President and congratulated Councilmember Jaworski on his election for the coming year.

**ADMINISTRATIVE REPORTS:**

**Committee Reports:** None.

**Comments from the Floor:** Frederick Skinner, 1301 Devon Cir, inquired about the opportunity to speak in regard to ORD. 1799. Mayor Black responded that the first reading and introduction were held during tonight's meeting. The second reading will include a public hearing, at which time the public will be allowed to provide comments. Council discussion and a vote will take place at the third and final reading.

A student from Papillion-La Vista South High School introduced herself.

**Comments from Mayor and Council:** Mayor Black provided an update on his events: (1) Mayor Black attended the Holiday Shopping Kickoff event at Shadow Lake Towne Center; (2) Mayor Black, Chris Myers, Scott Lyons, Councilmember Kluch, and Councilmember Gaines met with Papillion La Vista Community Schools Superintendent Dr. Andy Rikli and School Board Member Lee Denker to discuss SRO operations; (3)

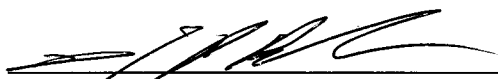
Mayor Black attended the ground-breaking ceremony for the community center and fieldhouse; (4) Mayor Black, Chris Myers, Amber Kummer, Trent Albers, Jeff Thompson, and Scott Lyons met to discuss the emergency notification process.

Mayor Black noted the holiday lighting added at Veterans Park and reminded council members that he is in the process of reassigning committees. He then recognized Public Works Director Marty Leming's upcoming retirement and noted that an open house will be held on December 14.

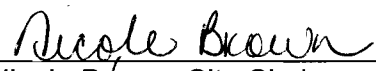
**ADJOURNMENT:**

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 8:01 PM.

CITY OF PAPIILLION

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

Attest:

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

(SEAL)

