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**MINUTE RECORD**

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**PAPILLION CITY COUNCIL MINUTES**  
**TUESDAY, JANUARY 17, 2023 @ 7:00 P.M.**

The City Council of the City of Papillion met in open and public session in the City Council Chambers at Papillion City Hall, 122 E Third St, on January 17, 2023, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Steve Sunde, Tom Mumgaard, Jason Gaines, Jim Glover, Dave Fanslau, Lu Ann Kluch, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Also present were City Administrator Amber Powers, Deputy City Administrator Phil Green, Deputy Administrator of Community Development Mark Stursma, City Attorney Alan Thelen, Police Chief Chris Whitted, Deputy Fire Chief Jeff Jones, Public Works Director Mike Kleffner, Parks and Facilities Director Tony Gowan, Recreation Director Tracy Stratman, Planning Director Travis Gibbons, Assistant Human Resources Director Jeremy Jensen, Library Director Matt Kovar, Chief Building Official Brad Sojka, and Administrative Assistant Taylor Baratta.

Mayor Black led those present in the Pledge of Allegiance.

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

Public announcement that a current copy of the Open Meetings Act is posted in the Council Chambers.

**ADMINISTRATOR'S REPORT:** City Administrator Amber Powers provided an update: (1) PCEA Agreement will be considered on tonight's Council Agenda, thank you to the negotiation team; (2) The City Council Retreat will be on January 20; (3) Staff is keeping a watchful eye on the pending winter storm.

**CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the January 3, 2023, City Council Meeting; (3) RES. RES. R23-0008 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R23-0009 – A resolution to approve Temporary and Permanent Easements granted to the Sarpy County and Cities Wastewater Agency at Part of Tax Lot 1A1 in the NW ¼ of the NE ¼, Section 22, T13N, R12E of the 6<sup>th</sup> P.M., Sarpy County, for sewer pipelines – Alex Evans – 597-2043; (5) RES. R23-0014 – A resolution to approve final payment for the 132<sup>nd</sup> St and Lincoln Rd/Lynam Dr traffic signal to Commonwealth Electric Co in the amount of \$13,879.42 – Michael Kleffner – 597-2043.** 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, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

**BILLS:** Abante Marketing: \$2482.93/service; ABM Industries Inc: \$7979.34/service; Access: \$376.87/service; Administrative Services Corp: \$7020.00/pehp; Advanced Office Automation Inc: \$453.05/service; AE Supply: \$360.00/supplies; Affordable Solutions Inc: \$10.50/service; AKRS Equipment Solutions Inc: \$158.61/supplies; Alfred Benesch & Company: \$806.38/service; All About Doors Inc: \$452.00/service; All Copy Products Inc: \$38.68/supplies; All Makes: \$5366.97/supplies; Ameritas Life Insurance Corp: \$15432.60/insurance; Anderson Industrial

Engines: \$53.64/supplies; Aqua-Chem Inc: \$2145.72/supplies; ASCAP: \$16.33/license; Associated Fire Protection: \$938.42/service; Audio Visual Innovations Inc: \$770.00/supplies; Badger Meter Inc: \$2297.98/service; Baker & Taylor: \$2229.28/books; Baxter Ford of Papillion: \$402.02/parts; Beacon Athletics LLC: \$110.00/supplies; Blackstone Publishing: \$341.52/supplies; Blair Construction and Remodeling Inc: \$11945.25/service; Bobcat Of Omaha: \$6282.50/supplies; Body Basics Fitness Equipment: \$3780.00/equipment; Bound Tree Medical LLC: \$3779.15/supplies; Bradley Fuqua: \$324.50/reimbursement; Brite Ideas Decorating Inc: \$5076.00/supplies; Bryan Svajgl: \$800.00/reimbursement; Cartridge Center Inc: \$168.00/supplies; Caselle Inc: \$1909.00/service; Cengage Learning Inc / Gale: \$2056.11/books; Central States Group: \$329.29/supplies; Champion Enterprises Inc: \$948.75/service; Cintas Loc 749: \$130.92/service; City Of Omaha Cashier: \$714593.72/service; Commonwealth Communications: \$106564.62/service; Constellation NewEnergy Gas Division: \$1767.85/utilities; Cornhusker International Trucks Inc: \$149.95/supplies; Cox Business: \$10157.27/utilities; Culligan of Omaha: \$12.80/supplies; D & K Products: \$64.50/supplies; Depository Trust Company: \$1200.00/payment; DIY Holding Company LLC: \$44178.60/service; Double K Feed Inc: \$1092.00/supplies; Eakes Office Solutions: \$145.07/supplies; Echo Group Inc: \$5600.79/supplies; Edge Physical Therapy: \$420.00/service; Eric Andres: \$262.50/reimbursement; ESO Solutions: \$6495.00/service; Expressions For Your Image LLC: \$44.75/service; Farmers Union Co-Operative Assn: \$79.50/supplies; Faronics Technologies USA Inc: \$2105.00/service; Fastenal Company: \$36.79/supplies; Feld Fire: \$318.00/supplies; Felsburg Holt & Ullevig: \$5772.50/service; Ferguson Enterprises Inc: \$47.64/supplies; Fikes Commercial Hygiene LLC: \$56.00/service; Findaway World LLC: \$172.42/books; Fire Protection Services LLC: \$670.00/service; First Tee Omaha: \$3022.50/service; Fritz Weiss: \$300.00/LOSAP; Gear For Sports Inc: \$873.40/advertising; GolfNow LLC: \$4842.35/service; GPS Technologies Inc: \$1494.00/service; Great Plains Uniforms LLC: \$1375.50/service; Greenlife Gardens: \$450.00/supplies; Gretna Guide & News: \$712.82/subscription; Gretna Sanitation Inc: \$117.00/service; Gretna Welding Inc: \$40.00/service; Grow Sarpy: \$10000.00/membership; Grunwald Mech Contr and Eng: \$814.81/service; H2I Group Inc: \$780.00/service; Hach Company: \$613.69/supplies; Hawkins Inc: \$5063.00/supplies; Heartland Tires & Treads - Omaha: \$1708.77/supplies; Helget Gas Products Inc: \$809.28/supplies; hibu Inc - West: \$53.53/service; Hockenbergs: \$169.10/supplies; Host Coffee Service: \$299.71/supplies; Hydro Optimization & Auto Solutions: \$1750.15/service; Hy-Vee: \$165.00/supplies; IACP: \$570.00/dues; InfoSafe Shredding Inc: \$30.00/service; Ingram Library Services: \$15.14/books; Invoice Cloud Inc: \$8172.26/service; Jack Miller: \$300.00/LOSAP; Jason Cox: \$262.50/reimbursement; John Schendt: \$300.00/LOSAP; Johnson Brothers of Nebraska: \$186.75/supplies; JP Cooke Company: \$43.90/supplies; Kanopy Inc: \$318.00/service; Kapco: \$211.80/supplies; Koley Jessen PC LLO: \$8328.00/legal; Lawlor's Custom Sportswear: \$380.00/supplies; Library Ideas LLC: \$543.66/supplies; Life-Assist Inc: \$148.84/supplies; Lowe's Business Account/SYNCB: \$2097.49/supplies; M&J's Precision Caulking LLC: \$150.00/service; MacQueen Emergency Group: \$520.70/supplies; Marco Technologies LLC NW 7128: \$1023.08/contract; Matco Tools: \$316.40/supplies; Matheson Tri-Gas Inc: \$402.11/supplies; Mellen & Associates Inc: \$5870.92/supplies; Menards - Bellevue: \$448.77/supplies; Metro: \$847.00/service; Michael Todd & Company Inc: \$1470.01/supplies; Michaela Sherman: \$631.50/service; Microfilm Imaging Systems Inc: \$70.00/service; Mid States Organized Crime Info Center: \$200.00/service; Midwest Laboratories Inc: \$800.00/service; Midwest Petroleum Equipment: \$536.25/service; Midwest Tape: \$739.07/audio; Midwest Turf & Irrigation: \$12.08/supplies; Municipal Supply Inc of Omaha: \$270.08/supplies; Musco Sports Lighting LLC: \$140449.00/supplies; NE Dept of Motor Vehicles: \$24.60/service; NE Dept of Rev-Charitable Gaming Div: \$61838.00/service; NE Dept of Revenue: \$64372.69/government; NE Dept of Revenue-Motor Fuels Division: \$2682.00/service; Nebraska Notary Association: \$131.00/supplies; Nebraska Supreme Court: \$587.10/books; Nebraska-Iowa Industrial Fasteners Corp: \$156.35/supplies; Nick Adams: \$22.12/reimbursement; OCLC Inc:

\$778.18/supplies; ODP Business Solutions: \$1016.14/supplies; Omaha Compound Company: \$1750.58/supplies; Omaha Magazine Ltd: \$1055.00/service; Omaha Public Power District: \$108685.22/electricity; Omaha Storm Chasers: \$23400.00/sponsorship; OMNI Engineering: \$763.00/supplies; One Call Concepts Inc: \$183.06/service; One Source The Background Check Co: \$349.50/service; O'Reilly Auto Parts: \$866.98/supplies; OverDrive: \$1822.60/audio; Paintin Place Ceramics: \$14.25/supplies; Papillion Sanitation: \$1360.11/refuse; Parker Victor: \$71.17/reimbursement; Quadient Finance USA Inc: \$463.00/service; Quill Corporation: \$264.13/supplies; R&R Products Inc: \$669.45/service; Raymond D Higgins: \$300.00/LOSAP; Remington Caley: \$262.50/reimbursement; Revela: \$1949.00/supplies; Rich Higgins: \$300.00/LOSAP; Richland Homes: \$1300.00/refund; Rogue Fitness: \$4731.83/supplies; Ruff Grading: \$331.65/refund; Russell L Zeeb: \$300.00/LOSAP; Ryan Shea: \$2418.42/reimbursement; Sam's Club - Golf: \$508.96/supplies; Sam's Club - Public Works: \$94.16/supplies; Sam's Club - Rec: \$181.36/supplies; Sandbox Custom Pubs: \$8475.00/service; Sapp Bros Inc - Omaha: \$51647.96/fuel; Sarah Smith: \$288.00/reimbursement; Sarpy County Chamber of Commerce: \$185.00/membership; Sarpy County Election Commission: \$2423.82/service; Sarpy County SID 97: \$5608.47/service; Sarpy County Treasurer: \$6496.00/service; Sarpy County: \$11855.70/service; SGH Redglaze Holdings Inc: \$3050.00/services; Shamrock Hills: \$27.50/refund; Sharon Teixeira: \$229.27/refund; SiteOne Landscape Supply LLC: \$1124.94/supplies; Sol Lewis Engineering Co: \$228.50/service; Southern Carlson Inc: \$17.00/supplies; Spin Linen Management: \$339.08/supplies; Standard Heating & Air Inc: \$167.60/service; Strategic Insights Inc: \$1200.00/service; Subdeck Homes: \$284.37/refund; Suburban Newspapers Inc: \$161.17/service; TacticalGear.com: \$465.00/supplies; TD2 Nebraska Office: \$2500.00/engineering; Ted's Mower Sales & Service Inc: \$28.17/supplies; The Cosgrave Company: \$215.95/supplies; The ProActive Sports Group: \$2022.00/supplies; The Schemmer Associates Inc: \$301.00/service; Thermal Services Inc: \$59.10/service; Tina B LLC: \$1678.64/service; TransUnion Risk and Alternative: \$85.40/service; Travis M Rozeboom: \$800.00/reimbursement; Tuff Turf Lawn Care Inc: \$1512.00/service; Turner Construction: \$11307.55/refund; Ty's Outdoor Power & Service: \$576.42/supplies; Unionist Printing Company: \$318.60/supplies; Unite Private Networks LLC: \$6568.40/service; US Bank Corporate Payment Systems: \$35676.62/service; USABlue Book: \$881.35/supplies; Utility Equipment Company: \$2069.92/supplies; Van Wall Equipment: \$164.92/supplies; Verizon Connect Fleet USA LLC: \$227.30/service; Verizon Connect NWF Inc: \$372.37/parts; Verizon Wireless: \$3261.43/utilities; Vierregger Electric Company Inc: \$768.00/service; Walmart Community/Capital One: \$63.73/supplies; Wells Fargo Financial Leasing: \$132.00/service; Wex Health Inc: \$332.50/medical; Zoll: \$553.42/supplies; Bank Transaction Fees: \$17578.98 December; Payroll: \$969849.90; **Totals: \$2,642,083.66.**

**ORDINANCES FIRST READING:** None.

**ORDINANCES SECOND READING AND PUBLIC HEARING:**

**ORD. 1986 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 (Multiple-Family Residential) and R-4 PUD-2 (Multiple-Family Residential with a Specific Planned Unit Overlay) for the property legally described as part of the SW ¼ of Section 28, together with part of the N ½ of Section 33, all in T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW and SW corners of S 102<sup>nd</sup> St and HWY 370. The applicant is BHI Properties, Inc. (Granite Creek West) – Travis Gibbons – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents.

Proponent: Randy Kuszak, Lamp Rynearson, 14710 W Dodge Rd, Ste 100, Omaha, briefly explained the project and change of zone request. Councilmember Mumgaard asked what the side yard measurements will be for the lots with reduced side yards. Mr. Kuszak stated that the

developer is requesting 5 ft setbacks. Councilmember Mumgaard asked what that meant in terms of the size of houses. Mr. Kuszak explained that the anticipation would be that the lots would be filled roughly up to the 5 ft setbacks. Mr. Kuszak briefly explained the anticipated type of homes and their estimated costs. Councilmember Mumgaard explained that he is not particularly in favor of 5 ft setbacks with larger houses but plans on voting for this project.

Councilmember Gaines asked if some of the houses were villas. Mr. Kuszak confirmed that some are and that they would be under an HOA for maintenance. Councilmember Gaines asked if there were going to be any single-family homes with a request for 5 ft setbacks. Mr. Kuszak stated there are.

Opponents: None.

None came forward and the public hearing was closed.

**ORD. 1985 – An ordinance to amend Chapter 127 of the Papillion Municipal Code – Chris Whitted – 597-2035.** Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed.

**ORDINANCES THIRD READING AND RESOLUTIONS:**

**RES. R23-0006 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as part of the SW ¼ of Section 28, together with part of the N ½ of Section 33 all in T14N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the NW and SW corners of S 102<sup>nd</sup> St and HWY 370. The applicant is BHI Development, Inc. (Granite Creek West) – Travis Gibbons – 597-2077.** Mayor Black opened the public hearing and called for proponents and opponents. Mayor Black stated for the record that discussion from E1. ORD. 1986 would be carried over. No one came forward and the public hearing was closed.

Motion to approve RES. R23-0006 by Councilmember Glover, second by Councilmember Fanslau. Councilmember Stubbe asked what the proposed improvements were for the trail connections under HWY 370. Mr. Kuszak explained the proposed improvements. Councilmember Stubbe asked if the trail connection under HWY 370 to Walnut Creek would also be improved. Mr. Kuszak stated that it would be and that the existing tunnel would also be improved. Councilmember Stubbe asked if this project would include a gated community. Mr. Kuszak explained that was initially part of the proposal but has since been removed.

Councilmember Kluch stated that she is excited about putting the different price points together in one project, but that she was also nervous about the project. Councilmember Kluch asked why there is a proposed cul-de-sac in the northwest corner of the development instead of a through street. Mr. Kuszak explained the drainage issues in the area resulting in the need for the cul-de-sac.

Councilmember Gaines asked Mr. Gibbons if the Council has ever approved a single-family home that is not maintenance free with less than a 10 ft setback. Mr. Gibbons explained that most of the PUDs seen by Planning have been for smaller clusters within an existing development and are generally all controlled by an HOA with some type of agreement for maintenance. Councilmember Gaines stated that it is his understanding that the 10 ft setback has always been the standard and the only time an exception was made was for a maintenance free community. Mr. Gibbons stated that has historically been the case.

Mayor Black briefly explained the types of housing typically seen in and around Papillion. The requests for lowering the setbacks are periodically seen for various reasons. If the City approves the lower setbacks, then a trade for a benefit is requested and most of the time that benefit has been maintenance free housing or other amenities for the residents. Mayor Black explained that it is important to recognize it is occurring in the market and that enabling it in the right areas allows for lower setbacks on a small scale rather than a wholesale change of the City's zoning. Councilmember Gaines stated that, to his recollection, the Council has never voted for a regular single-family home that is not maintenance free or in a gated community to have reduced setbacks. He explained that he does not agree with lowering the setbacks, as it would open the door for more requests from developers.

Councilmember Gaines asked if the discussion of setbacks could be added to the discussion at the City Council Retreat. Mayor Black stated that the concept of setbacks could be discussed at the Retreat.

Councilmember Gaines made a motion to table RES. R23-0006 to the February 7 City Council Meeting and to discuss it at the City Council Retreat, second by Councilmember Sunde. Mayor Black called for council discussion on the motion to table.

Councilmember Mumgaard asked how the smaller homes cost so much and whether the costs make a difference. Mr. Kuszak briefly explained that the use of higher quality products leads to higher overall costs of the homes. Mr. Kuszak added that he thinks this project is time sensitive and should not be tabled to the next City Council Meeting. Mr. Kuszak explained that the developer is wanting to provide amenities to the community that fall in line with the Parks Master Plan, and in order to do so in the current market, the 5 ft sideyard setbacks are needed.

Councilmember Sunde asked if the proposed park area is largely comprised of waterway. Mr. Kuszak stated that there is a component that is waterway, and that the developer plans on building a natural park and trail. Councilmember Sunde stated that he agrees with Councilmember Gaines' concerns. Councilmember Engberg explained that he plans to support this project and that he is in favor of discussing the concept of setbacks at the City Council Retreat, but he does not think this project should be tabled.

Councilmember Fanslau asked what the price points are for the houses in the development. Mr. Kuszak explained the proposed house prices. Councilmember Fanslau asked if the 5 ft sideyard setback was not granted, what type of homes would be built and what would that price point be. Mr. Kuszak explained that the houses would be similar to those in the Shadow Lake subdivision for style and price. Councilmember Fanslau stated that he thinks the different housing types for different people is a good idea.

Councilmember Gaines asked how many lots are being requested to be reduced down to the 5 ft sideyard setback. Mr. Kuszak stated that the request is for 186 lots of the 250 single-family residential lots, and of the 186 lots, 84 would be non-villa type. Councilmember Gaines withdrew his motion to table and explained that he did not plan on supporting this project as he thinks there are too many lots being reduced to compensate for the amount of greenspace proposed. Mayor Black confirmed for the record that the motion to table may be withdrawn. Mr. Thelen stated that is correct.

Councilmember Kluch stated that during the Planning Commission and City Council Joint Planning Session there was discussion on diversification of housing. Councilmember Kluch added

that this project adds to that concept and that it would fulfill the missing middle housing type. Councilmember Gaines disagreed.

Mayor Black called for any further council discussion. There was none. Upon roll call vote, Mumgaard, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: Sunde and Gaines. Motion passed.

**ORD. 1984 – An ordinance to approve amendments to the Papillion Basic Municipal Employees Plan and Trust Agreement for City of Papillion Police Pension Plan and Trust – Carrie Svendsen – 916-9645.** Motion to approve ORD. 1984 by Councilmember Glover, second by Councilmember Engberg. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

**RES. R23-0010 – A resolution to approve Kris D Laeding as the Corporate Manager for American Legion Harry Bossard d/b/a American Legion Post 32 for their Class C Liquor License – Nicole Brown – 597-2021.** Motion to approve RES. R23-0010 by Councilmember Stubbe, second by Councilmember Gaines. Mayor Black called for proponents and opponents. None came forward. Mayor Black noted for the record that the applicant was present. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

**RES. R23-0011 – A resolution to approve the Papillion Classified Employees Association (PCEA) Agreement – Amber Powers – 827-1111.** Motion to approve RES. R23-0011 by Councilmember Kluch, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Mayor Black noted for the record that the officers of the PCEA were present and thanked them for their hard work with the agreement. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

**RES. R23-0012 – A resolution to approve the appointment of Taylor Baratta as Deputy City Clerk – Nicole Brown – 597-2021.** Motion to approve RES. R23-0012 by Councilmember Gaines, second by Councilmember Fanslau. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

**RES. R23-0013 – A resolution to amend the 2022/2023 salary ranges for management and exempt employees – Carrie Svendsen – 916-9645.** Motion to approve RES. R23-0013 by Councilmember Kluch, second by Councilmember Fanslau. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed.

#### **ADMINISTRATIVE REPORTS:**

**Committee Reports:** Finance & Administration Committee: Councilmember Engberg stated that the Committee discussed the proposed 2023 Annexation #1 and recommended approval. Councilmember Sunde noted that Councilmember Engberg was elected as Chairperson.

**Comments from the Floor:** Students came forward and introduced themselves.

Edward Weniger, 1709 Ridgeview Dr, stated that he does not agree with the 5 ft setbacks.

Joe Hammond, 4606 N 148<sup>th</sup> St, Omaha, thanked the Public Works Department for keeping the streets clear during winter weather.

**Comments from Mayor and Council:** Mayor Black provided an update on his events: (1) Mayor Black and Staff attended the Ribbon Cutting for Wall to Wall Wine and Spirits; (2) Mayor Black attended the PVFD, Inc., Annual Holiday Dinner; (3) Mayor Black attended the United Cities Meeting.

Mayor Black stated that Staff will be discussing the pending snowstorm. There is also a Black History Month Event hosted by the Mayor's Youth Leadership Council being held on February 4.

Councilmember Fanslau thanked Chief Bowes and Chief Whitted for the tours of their departments and facilities.

**ADJOURNMENT:**

Motion to adjourn by Councilmember Glover, second by Councilmember Gaines. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Fanslau, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed. Meeting adjourned at 8:10 PM.

CITY OF PAPIILLION

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DAVID P. BLACK, MAYOR

ATTEST:

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NICOLE BROWN, CITY CLERK

(SEAL)