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

PAPILLION CITY COUNCIL MINUTES
TUESDAY, JANUARY 5, 2021 @ 7:00 P.M.

The City Council of the City of Papillion met in open and public session at Papillion City Hall, on January 5, 2021, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Steve Sunde, Tom Mumgaard, Jason Gaines (via Zoom per Executive Order No. 20-34 issued by Governor Ricketts), Jim Glover, Gene Jaworski, Lu Ann Kluch (joined at 7:11 PM), Bob Stubbe, Steve Engberg (via Zoom per Executive Order No. 20-34 issued by Governor Ricketts), and Mayor David P. Black. Also present were City Administrator Amber Powers, Deputy City Administrator Phil Green, City Attorney Alan Thelen, Police Chief Scott Lyons, Recreation Director Tracy Stratman, Parks and Facilities Director Tony Gowan, Finance Director Nancy Hypse, Planning Director Mark Stursma, Fire Chief Bill Bowes, Public Works Director/City Engineer Jeff Thompson, Human Resources Director Carrie Svendsen, Library Director Matt Kovar, Deputy City Engineer Alex Evans, and Chief Building Official Shawn Hovseth.

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 Meetings Act is posted in the City Council Chambers and on the City's website www.papillion.org.

Oath of Office: Police Chief Scott Lyons introduced Lt. Ray Higgins and provided a brief background on his years of service. Mayor Black administered the oath of office to Lt. Higgins.

ADMINISTRATOR'S REPORT: City Administrator Amber Powers provided an update: (1) City Hall renovations will begin next week; (2) The City will be applying for a MAPA Grant for Portal Rd Improvements; (3) The NRD is requesting public feedback until February 5th; (4) The 2020 Annual Report is now available and has been mailed out to residents; it can also be found on the City's website.

Mayor Black stated that if there are no objections, item E1 (public hearing for ORD. 1913) will be moved to the end of the agenda. No objections were heard.

CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the December 15, 2020, City Council Meeting; (3) RES. R21-0001 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R21-0004 – A resolution to approve a Chapter Affiliation Agreement between the First Responders Foundation and the Papillion Police and Fire Departments – Bill Bowes – 339-8617; (5) RES. R21-0005 – A resolution to approve the reappointment of Mayor David P. Black, Chief of Police Scott Lyons, Fire Chief Bill Bowes, and Dr. Jeffrey Strohmeyer, and the appointment of City Council President Tom Mumgaard, to the Board of Health for a one-year term from January 2021 to January 2022 – Nicole Brown – 597-2021. Motion to approve the Consent Agenda by Councilmember Stubbe, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Councilmember Sunde asked for item C5. RES. R21-0005 to be removed from the Consent Agenda. Upon roll call vote, Sunde, Mumgaard,

Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Councilmember Kluch joined the meeting at 7:11 PM.

C5. RES. R21-0005 – A resolution to approve the reappointment of Mayor David P. Black, Chief of Police Scott Lyons, Fire Chief Bill Bowes, and Dr. Jeffry Strohmeyer, and the appointment of City Council President Tom Mumgaard, to the Board of Health for a one-year term from January 2021 to January 2022 – Nicole Brown – 597-2021. Motion to approve RES. R21-0005 by Councilmember Glover, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward.

Councilmember Sunde asked if the City Municipal Code is consistent with the State Statutes related to the required members of a Board of Health. City Attorney Alan Thelen stated that the Code is consistent with State Statutes. Councilmember Sunde stated that he thinks that the fifth member of the Board should be a member of the public versus the Fire Chief. Mayor Black briefly explained why the Fire Chief has typically been appointed.

Upon roll call vote, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: Sunde. Motion passed.

BILLS: Abante Marketing: \$852.00 /service; ABM: \$4,235.11 /service; About Quality Fence: \$1,138.00 /service; Action Batteries Unlimited, Inc.: \$317.56 /supplies; Acushnet Company: \$820.72 /merchandise; Adidas America, Inc.: \$85.33 /supplies; Administrative Services Corp.: \$16,885.17 /pehp; Advanced Office Automation, Inc.: \$953.28 /service; AED Zone: \$350.00 /training; AKRS Equipment Solutions, Inc.: \$59.70 /supplies; All Copy Products, Inc.: \$41.39 /supplies; Alley Poyner Macchietto Architecture: \$688.86 /service; American Concrete Products, LLC.: \$11,550.00 /service; American Red Cross Training Services: \$90.00 /training; Aqua-Chem, Inc.: \$1,661.95 /supplies; A-Relief Services, Inc.: \$888.00 /service; Automotive Warehouse Distributors: \$423.83 /parts; Axon Enterprise, Inc.: \$4,795.20 /supplies; Background Investigation Bureau: \$16.95 /service; Baker & Taylor: \$6,511.69 /books; Batteries Plus Bulbs 073: \$517.75 /supplies; Bauer Built Tire: \$639.00 /parts; Baxter Ford of Papillion: \$7,276.54 /parts; Black Hills Energy: \$13,795.69 /natural gas; Blue Cross Blue Shield: \$367,264.15 /insurance; Bobcat Of Omaha: \$5,850.00 /supplies; Border States Industries, Inc.: \$589.33 /supplies; Bound Tree Medical, LLC: \$2,824.00 /supplies; Canteen: \$185.00 /supplies; Carhartt, LLC.: \$1,319.50 /supplies; Cengage Learning Inc / Gale: \$137.94 /books; Central States Group: \$113.56 /supplies; Cintas Loc 749: \$672.68 /service; City Of La Vista: \$1,185.38 /agreement; City Of Omaha Cashier: \$317,991.75 /service; CivicPlus, Inc.: \$10,939.55 /service; Clayton Kulhanek: \$302.00 /reimbursement; Concrete Supply, Inc.: \$5,224.75 /service; Cornhusker International Trucks Inc: \$594.83 /supplies; Cox Business: \$1,517.91 /utilities; D & K Products: \$977.76 /supplies; Dakota Pump, Inc.: \$1,293.65 /supplies; Darden-Gloeb-Reeder, Inc.: \$3,395.00 /service; DataShield Corporation: \$1,106.36 /service; David Dornbusch: \$34.16 /refund; DHHS-Division of Public Health: \$50.00 /license; Diamond Vogel: \$54.02 /supplies; Douglas County Sheriff's Office: \$837.50 /service; Dugan Printing & Promotions, LLC: \$570.28 /supplies; Dultmeier Sales, LLC: \$1,158.62 /supplies; Eakes Office Solutions: \$30.49 /supplies; Elevate Roofing: \$482.94 /service; Enrique Menjivar: \$40.00 /service; Eric Andres: \$100.00 /reimbursement; ERL Technologies: \$1,250.00 /service; Expressions For Your Image, LLC.: \$1,440.55 /service; Farmers Union Co-Operative Assn.: \$23.25 /supplies; Fastenal Company: \$20.62 /supplies; Feld Fire: \$3,971.00 /supplies; Felsburg Holt & Ullevig: \$3,713.92 /service; Fikes Commercial Hygiene, LLC.: \$51.80 /service; First Wireless, Inc.: \$1,080.00 /service; Fritz Weiss: \$300.00 /LOSAP; Galls, LLC: \$1,599.90 /supplies; Giff Property Services - GPS: \$2,500.00 /service; GolfNow, LLC.: \$4,564.38

/service; Great Plains Uniforms LLC.: \$1,605.90 /supplies; Hach Company: \$1,534.78 /supplies; Hawkins, Inc.: \$160.00 /supplies; Hayes Mechanical: \$668.49 /service; HD Supply Constr. & Industrial White Cap: \$157.99 /supplies; Heartland Pest Control Inc.: \$106.00 /service; Heartland Tires & Treads - Omaha: \$329.86 /supplies; Helget Gas Products Inc: \$53.83 /supplies; Helm Mechanical / Helm Service: \$280.00 /service; hibu Inc. - West: \$52.78 /service; Hockenbergs: \$4,752.43 /supplies; Home Depot Credit Services: \$884.35 /supplies; Hometown Leasing: \$168.14 /service; Honeyman Rent-All: \$25.84 /supplies; Hy-Vee: \$124.96 /supplies; Infinity Software Solutions: \$8.25 /service; Ingram Library Services: \$97.12 /books; INPUT-ACE: \$995.00 /service; Intl. Assoc. of Arson Investigators: \$100.00 /dues; Jack Miller: \$300.00 /LOSAP; Jason Francois: \$100.00 /service; Jesse Robinson: \$306.00 /reimbursement; John Schendt: \$300.00 /LOSAP; Josiah Stangl: \$302.00 /reimbursement; Karen Cizek: \$35.57 /refund; Kathleen Wilson: \$40.00 /service; Keen Hydraulic Services, Inc.: \$578.37 /service; Kelsey Hansen: \$30.00 /refund; Kersten Construction, Inc.: \$37,865.71 /service; Kersten Precast Concrete LLC: \$2,589.00 /supplies; Koley Jessen PC, LLO: \$1,375.00 /legal; Kriha Fluid Power Co., Inc.: \$216.58 /supplies; Kronos SaaShr, Inc.: \$7,415.35 /payroll; Landport Systems, Inc.: \$125.00 /service; Lanoha Nurseries, Inc.: \$3,025.00 /supplies; Lawrence Trenching & Excavating: \$4,875.00 /service; League of Nebraska Municipalities: \$650.00 /membership; Libra Safety Products: \$297.20 /supplies; Lincoln Financial Group: \$9,108.33 /insurance; Line-X of Omaha: \$161.25 /service; Lori Hill: \$40.00 /service; Louise Greco: \$64.50 /reimbursement; Madden Enterprises, Inc: \$2,940.00 /service; Marco Technologies LLC. NW 7128: \$410.59 /contract; Mark Brandt: \$300.00 /LOSAP; Marking Refrigeration, Inc.: \$4,290.00 /equipment; Marty Price: \$2,000.00 /reimbursement; Matheson Tri-Gas, Inc.: \$242.06 /supplies; Menards: \$264.57 /supplies; Metro Chiefs Association: \$75.00 /membership; Metropolitan Utilities District: \$235.95 /utilities; Michael Todd & Company, Inc.: \$7,551.36 /supplies; Michaela Sherman: \$504.00 /service; Midlands Printing & Business Forms: \$509.90 /supplies; Midwest Tape: \$478.26 /audio; Midwest Turf & Irrigation: \$1,861.53 /supplies; Millard Metal Services Inc: \$148.00 /supplies; Miller & Sons Golf Cars, LLC.: \$664.57 /parts; MNJ Technologies Direct, Inc.: \$699.00 /supplies; Mower Doctor: \$203.90 /service; Napa Auto Parts: \$837.12 /supplies; NASSCO, Inc.: \$295.00 /service; National Safety Council, Nebraska: \$675.00 /training; NE Dept. of Revenue: \$72,719.20 /government; NE Public Health Environ. Laboratory: \$55.00 /service; Nebraska Arborists Association: \$290.00 /membership; Nebraska Home Appliance: \$85.00 /service; Nebraska Licensed Beverage Association: \$400.00 /dues; Nebraska Supreme Court: \$172.50 /books; Nebraska-Iowa Industrial Fasteners Corp.: \$665.55 /supplies; Newman Signs, Inc.: \$4,829.08 /supplies; NGCSA: \$140.00 /membership; Northern Tool & Equipment: \$313.84 /goods; Omaha Compound Company: \$1,018.81 /supplies; Omaha Winnelson Company: \$54.98 /supplies; OMNI Engineering: \$244.35 /supplies; O'Reilly Auto Parts: \$1,378.09 /supplies; Overhead Door Co. of Omaha: \$120.00 /service; P.J. Morgan Real Estate: \$75.00 /refund; Papillion Sanitation: \$233.01 /refuse; Papillion Tire, Inc.: \$175.34 /supplies; Paramount Linen & Uniform Rental: \$1,064.20 /rental; Pay-LESS Office Products, Inc.: \$16.19 /supplies; Personnel Committee: \$78.93 /employee fund; Pomp's Tire Service, Inc.: \$46.27 /supplies; Prairie Mechanical Corporation: \$8,100.00 /service; Quadient Finance USA, Inc.: \$209.00 /service; Quality Brands of Omaha, Inc: \$148.00 /merchandise; Quill Corporation: \$533.29 /supplies; Rainbow Glass & Supply Inc.: \$205.00 /service; Ray Higgins: \$300.00 /LOSAP; Ray Martin Company of Omaha: \$587.00 /service; Recreation Supply Company: \$60.75 /supplies; Red Wing Business Advantage Account: \$221.48 /supplies; Regal Awards, Inc: \$15.00 /service; Rich Higgins: \$300.00 /LOSAP; Russell L Zeeb: \$300.00 /LOSAP; Ryan Shea: \$100.00 /reimbursement; Sandbox Custom Pubs: \$5,467.00 /service; Sapp Bros., Inc - Omaha: \$6,486.43 /fuel; Sarpy County Economic Development Corp.: \$10,000.00 /membership; Sarpy County Treasurer: \$15.00 /service; Sarpy County, SID 97: \$10,761.59 /service; Sarpy Girls Lacrosse: \$75.00 /refund; Secretary of State of Texas: \$2.00 /government; Security Equipment Inc.: \$954.61 /service; SHI International Corp.: \$10,498.50 /supplies; Silex Group, LLC: \$1,120.00 /supplies; Source, Inc.: \$4,590.00 /supplies; Southern Carlson, Inc.:

\$860.45 /supplies; Southern Living: \$39.68 /service; Sprint: \$51.35 /utilities; Stan Epp: \$466.67 /refund; Standard Plumbing Service, Inc.: \$105.00 /service; State Steel of Omaha: \$124.19 /supplies; Strategic Insights Inc: \$1,125.00 /service; Sudbeck Homes: \$71.98 /refund; Sun Mountain Sports, Inc.: \$1,378.08 /supplies; Sutphen Corporation: \$1,067.25 /supplies; Swan Engineering, LLC: \$37.65 /supplies; TD2 Nebraska Office: \$1,695.20 /engineering; Tennant Sales & Service Company: \$54.65 /goods; Teresa's Cleaning: \$560.00 /service; The UPS Store - 5359: \$20.64 /service; Thomson Reuters - West Payment Center: \$1,498.48 /supplies; Thorpe's Body Shop: \$242.50 /service; Tool Supply, Inc.: \$210.21 /supplies; Tred-Mark Communications: \$1,204.00 /service; TruePoint Solutions, LLC.: \$14,231.25 /service; Turfwerks: \$813.14 /supplies; Ty's Outdoor Power & Service: \$148.32 /supplies; Utility Equipment Company: \$4,989.30 /supplies; Utility Service Co., Inc.: \$93,093.00 /service; Van Wall Equipment: \$342.10 /supplies; Verizon Connect NWF, Inc.: \$60.46 /parts; Verizon Wireless: \$803.51 /utilities; Vierregger Electric Company, Inc.: \$7,208.00 /service; VW Golf, Inc.: \$543.25 /re-sale items; Walmart Community/SYNCB: \$29.76 /supplies; Waste Management: \$306.02 /service; Waystar Health: \$136.71 /service; Wells Fargo Financial Leasing: \$750.12 /service; Western Sand & Gravel Co: \$286.79 /supplies; Westlake Ace Hardware: \$91.90 /merchandise; Zep Sales & Service: \$189.51 /supplies; Bank Transaction Fees: \$12,917.65 /; Payroll: /856,839.98 /; **Total: \$2,078,862.38.**

ORDINANCES FIRST READING:

ORD. 1914 – An ordinance to approve the vacation of the unimproved part of the First St right-of-way lying in the South ½ of the NE ¼ and in the NW ¼ of the SE ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043. Introduced by Councilmember Jaworski.

ORD. 1915 – An ordinance to approve the conveyance of title for the unimproved part of the First St right-of-way lying in the South ½ of the NE ¼ and in the NW ¼ of the SE ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE to be vacated by Ordinance #1914 from the City of Papillion to the Papio-Missouri River Natural Resources District – Jeff Thompson – 597-2043. Introduced by Councilmember Glover.

ORD. 1916 – An ordinance to approve the vacation of the unimproved parts of Jefferson St, Monroe St, Beadle St, Addition St, and alley right-of-way lying within or between Blocks 21, 22, and 23 in the NW ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043. Introduced by Councilmember Kluch.

ORD. 1917 – An ordinance to approve the conveyance of title for the unimproved parts of Jefferson St, Monroe St, Beadle St, Addition St, and alley right-of-way lying within or between Blocks 21, 22, and 23 in the NW ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE to be vacated by Ordinance #1916 from the City of Papillion to the Papio-Missouri River Natural Resources District – Jeff Thompson – 597-2043. Introduced by Councilmember Gaines.

ORD. 1918 – An ordinance to approve the vacation of the unimproved part of Addition Street in the NW ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043. Introduced by Councilmember Engberg.

ORD. 1919 – An ordinance to approve the conveyance of title for the unimproved parts of Addition St in the NW ¼ of Section 26, T14N, R12E of the 6th P.M., Sarpy County, NE to be

vacated by Ordinance #1918 from the City of Papillion to PW & RD Enterprises, Inc – Jeff Thompson – 597-2043. Introduced by Councilmember Stubbe.

ORD. 1920 – An ordinance to rename Fall Creek Rd abutting Lots 407-421, Eagle Ridge to be S Fall Creek Rd – Mark Stursma – 597-2077. Introduced by Councilmember Sunde.

ORD. 1921 – An ordinance to amend Papillion Municipal Code §117-12 to provide for amendments to fireworks sales applications, and to provide for an effective date – Amber Powers – 827-1111. Introduced by Councilmember Kluch.

ORDINANCES THIRD READING AND RESOLUTIONS:

ORD. 1829 – An ordinance to approve a Change of Zone from AG (Agricultural) to R-4 (Multiple-Family Residential) for the property legally described as the W ½ of the NW ¼ of Section 29, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located NW of 117th St and Lincoln Rd. The applicant is Pine Crest Homes, LLC. (North Shore 2) – Mark Stursma – 597-2077 (Postponed from the April 21, 2020, City Council Meeting). Motion to approve ORD. 1829 by Councilmember Stubbe, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg, all voted yes. Voting no: none. Motion passed.

RES. R20-0044 – A resolution to approve a Final Plat for the property legally described as the W ½ of the NW ¼ of Section 29, T14N, R12E of the 6th P.M., Sarpy County, NE, generally located NW of 117th St and Lincoln Rd. The applicant is Pine Crest Homes, LLC. (North Shore 2) – Mark Stursma – 597-2077 (Postponed from the April 21, 2020, City Council Meeting). Motion to approve RES. R20-0044 by Councilmember Jaworski, second by Councilmember Kluch. Mayor Black called for proponents and opponents.

Proponents: Randy Kuszak, Lamp Rynearson, 14710 W Dodge Rd Ste 100, Omaha, came forward on behalf of the applicant. He noted that Pat Sullivan from Adams & Sullivan was also in attendance.

Opponents: None.

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

RES. R20-0045 – PUBLIC HEARING AND VOTE – A resolution to approve the North Shore 2 Subdivision Agreement – Mark Stursma – 597-2077 (Continued from the April 21, 2020, City Council Meeting). Mayor Black noted that the public hearing for this item was opened at the April 21, 2020, City Council Meeting and had been continued indefinitely. He then called for any proponents or opponents in attendance. No one came forward and the public hearing was closed. Motion to approve RES. R20-0045 by Councilmember Stubbe, second by Councilmember Sunde. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg, all voted yes. Voting no: none. Motion passed.

RES. R20-0046 – A resolution to approve the Sewer and Water Connection Agreement for SID No. 341, North Shore 2 – Jeff Thompson – 597-2043 (Postponed from the April 21, 2020, City Council Meeting). Motion to approve RES. R20-0046 by Councilmember Glover, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg, all voted yes. Voting no: none. Motion passed.

RES. R21-0002 – A resolution to approve the extension of COVID-19 emergency paid sick leave for full-time and part-time employees – Carrie Svendsen – 827-7619. Motion to approve RES. R21-0002 by Councilmember Jaworski, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg, all voted yes. Voting no: none. Motion passed.

RES. R21-0003 – A resolution to approve the dedication of street right-of-way for First St – Jeff Thompson – 597-2043. Motion to approve RES. R21-0003 by Councilmember Stubbe, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg, all voted yes. Voting no: none. Motion passed.

ORDINANCES SECOND READING AND PUBLIC HEARINGS:

ORD. 1913 – An ordinance to require the wearing of facial coverings under certain circumstances, to abate the COVID-19 epidemic – Amber Powers – 827-1111. Mayor Black explained that the purpose of this ordinance is to create a triggering mechanism for the mask mandate to automatically take effect without further Council action if certain hospitalization thresholds are met. He then stated that, because the ordinance is specific to masks, that would be the only topic allowed for discussion during the public hearing, and that speakers would be limited to three minutes each. Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: None.

Opponents: Pastor James Tyler, Grace Baptist Church, 205 E Halleck St, Papillion; Matt Mathison, 802 N Beadle St, Papillion; Tim Hall, 901 Michael Dr, Papillion; Allie French, 4213 N 172nd St, Omaha; Dr. Ben Tapper, 16909 Burke St, Ste 124, Omaha; Jen Camp, 13220 Larimore Ave, Omaha; Michael Tiedeman, 101 Summerset Dr, Papillion; Jacqueline Nelson, 803 N Polk St, Papillion; Loreen Reynante, 1108 Parc Dr, Papillion; Brittany Alexander, 96th St & HWY 370, Papillion; Heidi Ludwick, 84th St & HWY 370, Papillion; Cortney Girmus, 1375 County Rd E, Ithaca; Natasha Gall, 5522 N 92nd Ave, Omaha; Jennifer Hicks, 73274 644 Rd, Peru; Tonya Cloyd, 2811 Inglewood Dr, Papillion; Edward Weniger, 1709 Ridgeview Dr, Papillion; Barbara Hart, 955 N Linden St, Wahoo; Marni Hodgen, 15055 Redman Ave, Omaha; Matt Perry, 803 N Beadle St, Papillion; Linda Collins, 56 Ginger Woods Rd, Valley; Lisa Osika, 3650 Golden Eagle Cir, Blair; James Barrett, 1105 Leprechaun Ln, Papillion; Joe Martucci, 1913 Walnut Creek Dr, Papillion; Gabriel Schlueter, 2416 S River Rock Dr, Papillion.

Opponents generally stated that they do not believe masks are safe or effective, that a mask mandate is an infringement on civil liberties, and noted that they were not in support of the original mandate.

No one else came forward and the public hearing was closed. Motion to waive third ordinance reading by Councilmember Mumgaard, second by Councilmember Jaworski. Mayor Black noted that a motion to waive readings requires a supermajority vote. Councilmember Gaines stated that while he is in favor of a mandate, he believes that the Council should hold meetings to pass a new mandate if hospitalization numbers rise. Councilmember Sunde stated that his understanding was that waiver of readings only occurred in time-sensitive situations, and with hospitalizations currently being lower, he did not see a reason to waive the third reading. Councilmember Mumgaard noted that this ordinance does not create an immediate mandate, so he did not see a

reason to wait an additional two weeks to vote. Councilmember Engberg restated the intent of the ordinance and added that he did not see a reason to wait to vote since the original mandate ordinance was discussed very recently.

Upon roll call vote, Mumgaard, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: Sunde and Gaines. Motion passed.

Motion to approve ORD. 1913 by Councilmember Mumgaard, second by Councilmember Jaworski. Mayor Black noted that the ordinance is written with an emergency clause, which requires a supermajority vote to pass. Councilmember Sunde stated that there is inconsistency in the proposed trigger points due to the difference in the number of days required to activate or inactivate the mandate; it is possible that the averages could overlap. Councilmember Jaworski stated that the time frames proposed follow the Governor's method for moving between phases. Councilmember Sunde stated that he believes the mask mandate is creating divisiveness among residents. Councilmember Mumgaard stated that he believed the sunset date was in place to measure need and that he believes this ordinance allows for reintroduction of the mandate if the need arises again. Councilmember Jaworski cited emails received by residents in support of a mandate and noted that passage of this ordinance does not guarantee reintroduction of the mandate. Councilmember Stubbe stated that, due to ever-changing circumstances with regard to the pandemic, he believes the Council should meet to take current circumstances into account prior to introducing a new mandate, rather than relying solely on hospitalization numbers. Councilmember Gaines referenced his comments from the December 3, 2020, City Council Meeting, and agreed with Councilmember Stubbe that the Council should consider real-time circumstances prior to instituting another mandate. Councilmember Kluch noted that hospitalization numbers have been coming down, but stated that there is no guarantee that the trend will continue.

Mayor Black called for a vote to approve ORD. 1913 and reminded the Council that the ordinance requires a supermajority vote to pass. Upon roll call vote, Mumgaard, Glover, Jaworski, Kluch, and Engberg all voted yes. Voting no: Sunde, Gaines, and Stubbe. Motion failed.

Councilmember Mumgaard asked if he was permitted procedurally to make an amendment to remove the emergency clause. City Attorney Alan Thelen stated that a motion to reconsider would be the procedural option and noted that such motion could only be made by the three Council members who voted on the prevailing side, which in this case would be those who voted against the ordinance.

ADMINISTRATIVE REPORTS:

Committee Reports: None.

Comments from the Floor: None.

Comments from Mayor and Council: Mayor Black noted that new Council committee assignments have been distributed and gave a brief description of how he selects committee members. He then stated that the annual report has been distributed, and reminded the Council that the next City Council Meeting will be held at Papillion Landing due to renovations at City Hall.

Councilmember Stubbe asked about current legislation being supported by Papillion or the United Cities of Sarpy County. Mayor Black provided an update on current legislation and the methods for monitoring items of interest.

ADJOURNMENT:

Motion to adjourn by Councilmember Glover, second by Councilmember Sunde. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Kluch, Stubbe, and Engberg all voted yes. Voting no: none. Motion passed. Meeting adjourned at 9:34 PM.

CITY OF PAPILLION

DAVID P. BLACK, MAYOR

ATTEST:

NICOLE BROWN, CITY CLERK

(SEAL)