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

PAPILLION CITY COUNCIL MINUTES
TUESDAY, MARCH 16, 2021 @ 7:00 P.M.

The City Council of the City of Papillion met in open and public session at the Chrysalis Event Center at Papillion Landing, 1046 W Lincoln St, on March 16, 2021, at 7:00 PM. City Clerk Nicole Brown called the roll. Present were Councilmembers Steve Sunde, Tom Mumgaard, Jason Gaines, Jim Glover, Gene Jaworski, Bob Stubbe, Steve Engberg, and Mayor David P. Black. Councilmember Lu Ann Kluch was absent. Also present were City Administrator Amber Powers, City Attorney Alan Thelen, Interim Police Chief Chris Whitted, Recreation Director Tracy Stratman, Parks and Facilities Director Tony Gowan, Finance Director Nancy Hypse, Planning Director Mark Stursma, Fire Chief Bill Bowes, Library Director Matt Kovar, Public Works Director/City Engineer Jeff Thompson, Chief Building Official Shawn Hovseth, Communications Manager Trent Albers, Golf General Manager Rob Spomer, Executive Assistant Kendra Ellis, 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 Chrysalis Event Center.

Proclamation: Mayor Black presented Doug Bickal with a proclamation recognizing his retirement. Mr. Bickal thanked everyone for their support.

Presentations: Mayor Black presented the Keep Nebraska Beautiful Award to Keirah Montiel, Secretary of the Mayor's Youth Leadership Council.

Jodi Woodward with BerganKDV came forward and provided a summary of the 2020 Comprehensive Annual Financial Report (CAFR). Mayor Black asked if Ms. Woodward could clarify the significance of the CAFR, which is not required. Ms. Woodward explained that the CAFR provides an easier way for the public to understand the City's finances.

ADMINISTRATOR'S REPORT: City Administrator Amber Powers provided an update: (1) The City Easter Egg Hunt will be held Saturday, March 27; (2) The 2021/2022 budget process is beginning; (3) The playground at Tara Hills Park is now complete and open to the public; (4) OPPD will be hosting a public meeting regarding Public Power with a Purpose on Tuesday, March 30.

CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the March 2, 2021, City Council Meeting; (3) RES. R21-0047 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R21-0026 – A resolution to approve the Nebraska Department of Transportation's required liability waiver for 2021 City events which utilize State Highways N-370 and N-50 – Jeff Thompson – 597-2043; (5) RES. R21-0053 – A resolution to approve a Lease Agreement between the City of Papillion

and the Papillion Community Foundation for the lease of certain real property – Amber Powers – 827-1111; (6) RES. R21-0054 – A resolution to approve the reappointment of Chuck Wilcox, and the appointment of Eric White, to the Papillion Arts Council – Introduced by Mayor David P. Black, Staff Report by Matt Kovar – 597-2040. Motion to approve the Consent Agenda by Councilmember Gaines, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

BILLS: Abante Marketing: \$4,848.45 /service; ABM: \$4,235.11 /service; Acushnet Company: \$11,711.52 /merchandise; Administrative Services Corp.: \$19,997.28 /pehp; Advanced Office Automation, Inc.: \$251.87 /service; AED Zone: \$350.00 /training; Affordable Solutions, Inc.: \$8.75 /service; AKRS Equipment Solutions, Inc.: \$32.51 /supplies; All Copy Products, Inc.: \$252.32 /supplies; American Red Cross Training Services: \$60.00 /training; Ameritas Life Insurance Corp.: \$18,265.63 /insurance; Aqua-Chem, Inc.: \$858.20 /supplies; Aramark Uniform Services: \$26.84 /service; Association of Government Accountants: \$110.00 /dues; Automotive Warehouse Distributors: \$152.37 /parts; Back9 Marketing: \$700.00 /service; Background Investigation Bureau: \$118.65 /service; Badger Meter, Inc.: \$1,192.60 /service; BairdHolm, LLP: \$619.50 /legal; Baker & Taylor: \$3,314.25 /books; Baxter Ford of Papillion: \$743.48 /parts; Beacon Athletics, LLC.: \$694.00 /supplies; BerganKDV, LLC.: \$15,400.00 /service; Black Hills Energy: \$2,709.47 /natural gas; Blackburn Mfg. Co.: \$240.30 /supplies; Blue Cross Blue Shield: \$370,265.25 /insurance; Border States Industries, Inc.: \$273.39 /supplies; Bound to Stay Bound Books, Inc.: \$33.13 /supplies; Bound Tree Medical, LLC: \$1,806.01 /supplies; Broadcast Microwave Services, LLC: \$4,085.00 /supplies; Callaway Golf: \$2,982.26 /merchandise; Canteen: \$185.00 /supplies; Carollo Engineers, Inc.: \$14,156.70 /service; Caselle, Inc.: \$1,785.00 /service; Cash-Wa Distributing: \$715.33 /merchandise; Cengage Learning Inc / Gale: \$182.27 /books; Center for Education & Employment Law: \$159.00 /service; Champion Enterprises, Inc.: \$712.50 /service; City Of Omaha Cashier: \$304,941.70 /service; Coca-Cola of Omaha: \$247.82 /merchandise; Commonwealth Communications: \$1,035.74 /service; Constellation NewEnergy - Gas Division: \$651.04 /utilities; ConStruct, Inc.: \$77,029.20 /service; ConvergeOne, Inc.: \$11,865.80 /supplies; Cornhusker International Trucks Inc: \$505.97 /supplies; Cox Business: \$4,830.75 /utilities; Culligan of Omaha: \$10.30 /supplies; Curbside Rewards, LLC: \$305.00 /service; Demco: \$129.93 /books; Department of Civil Process: \$36.00 /service; DexYp: \$147.96 /service; DHHS-Swimming Pools: \$40.00 /license; Diamond Communication Solutions: \$224.73 /service; Dultmeier Sales, LLC: \$349.98 /supplies; DXP Enterprises, Inc.: \$79.00 /supplies; Dynamic Brands: \$151.80 /apparel; Eakes Office Solutions: \$645.37 /supplies; Echo Group, Inc.: \$279.12 /supplies; Enrique Menjivar: \$120.00 /service; Envirotech Services, Inc: \$10,000.00 /chemicals; Express Enterprises: \$631.00 /service; FAC Print & Promo Company: \$1,557.14 /supplies; Familia de Dios Ministries, Inc.: \$4,500.00 /rent; Fastenal Company: \$21.90 /supplies; Felsburg Holt & Ullevig: \$13,041.50 /service; Ferguson Enterprises, Inc.: \$397.23 /supplies; Force America Distributing, LLC.: \$383.92 /supplies; Fritz Weiss: \$300.00 /LOSAP; Galls-Quartermaster: \$167.93 /supplies; Gear For Sports, Inc.: \$1,529.85 /advertising; Grainger, Inc.: \$576.19 /supplies; Gregory Anderson: \$100.00 /service; H & H Chevrolet: \$158.14 /supplies; Hach Company: \$2,564.96 /supplies; HDR Engineering, Inc.: \$2,028.00 /service; Heartland Pest Control Inc.: \$53.00 /service; Heartland Refrigeration: \$143.00 /repair; Heartland Tires & Treads - Omaha: \$853.92 /supplies; Helget Gas Products Inc: \$727.29 /supplies; Helm Mechanical / Helm Service: \$2,496.68 /service; Hobby Lobby Stores Inc: \$59.99 /supplies; Hometown Leasing: \$90.88 /service; Hy-Vee: \$25.00 /supplies; Ideal Pure Water: \$35.00 /supplies; Intelligent Buildings, LLC: \$225.00 /service; Invoice Cloud Inc.: \$12,578.62 /service; Jack Miller: \$300.00 /LOSAP; John Schendt: \$300.00 /LOSAP; Johnstone Supply: \$5,424.40 /supplies; K Electric Company, Inc.: \$3,773.63 /service; Kanopy, Inc.: \$284.00 /service; Kassebaum's Black Belt Academy, Inc.:

\$37.50 /service; Kathleen Wilson: \$20.00 /service; Kriha Fluid Power Co., Inc.: \$115.10 /supplies; Kronos SaaShr, Inc.: \$7,639.96 /payroll; Landport Systems, Inc.: \$125.00 /service; Larsen Supply Company: \$523.83 /supplies; Laura Rogers: \$117.00 /reimbursement; Life-Assist Inc: \$547.60 /supplies; Lincoln Financial Group: \$9,514.22 /insurance; Line-X of Omaha: \$226.00 /service; Loffler, Inc.: \$236.50 /service; Lowe's Business Account/SYNCB: \$4,744.92 /supplies; Marco Technologies LLC. NW 7128: \$487.20 /contract; Mark Brandt: \$300.00 /LOSAP; Matheson Tri-Gas, Inc.: \$214.66 /supplies; Matt Donley: \$45.00 /reimbursement; McGill Asbestos Abatement Company: \$9,849.00 /training; Menards - Bellevue: \$130.68 /supplies; Metropolitan Utilities District: \$55.21 /utilities; Michele Patterson: \$160.00 /reimbursement; Microfilm Imaging Systems, Inc: \$318.92 /service; Midlands Printing & Business Forms: \$110.00 /supplies; Midwest Laboratories, Inc.: \$560.00 /service; Midwest Tape: \$328.32 /audio; Midwest Turf & Irrigation: \$167.98 /supplies; Mower Doctor: \$75.08 /service; Napa Auto Parts: \$654.26 /supplies; National Concrete Cutting: \$370.00 /service; National Safety Council, Nebraska: \$600.00 /training; NE Dept. of Revenue: \$67,580.11 /government; Nebraska Air Filter, Inc.: \$916.80 /supplies; Nebraska Main Street Network, Inc.: \$300.00 /service; Nebraska Planning & Zoning Assoc: \$60.00 /conference; Nebraska Salt & Grain, LLC.: \$6,913.53 /supplies; Nebraska Snow Equipment: \$346.04 /supplies; Nebraska Supreme Court: \$121.85 /books; Nebraska-Iowa Industrial Fasteners Corp.: \$156.93 /supplies; OCLC, Inc.: \$728.55 /supplies; Office Depot, Inc.: \$1,070.23 /supplies; Omaha Compound Company: \$5,385.81 /supplies; Omaha Door & Window Co Inc: \$301.00 /service; Omaha Public Power District: \$129,807.02 /electricity; OMNI Engineering: \$1,423.80 /supplies; One Call Concepts, Inc.: \$261.08 /service; One Source The Background Check Co.: \$357.00 /service; O'Reilly Auto Parts: \$317.03 /supplies; OverDrive: \$1,852.11 /audio; Papillion Sanitation: \$1,803.85 /refuse; Paramount Linen & Uniform Rental: \$708.20 /rental; Pay-LESS Office Products, Inc.: \$27.28 /supplies; Pinnacle Bank: \$510.50 /service; Pomp's Tire Service, Inc.: \$246.00 /supplies; Postmaster: \$4,000.00 /service; Praxair Distribution, Inc.: \$51.39 /supplies; Price Chopper Wristbands: \$264.80 /supplies; Quadiant Finance USA, Inc.: \$295.00 /service; Quality Brands of Omaha, Inc: \$383.50 /merchandise; Quill Corporation: \$79.82 /supplies; R&R Products, Inc.: \$1,146.00 /service; Ray Higgins: \$300.00 /LOSAP; Rich Higgins: \$300.00 /LOSAP; River City Recycling: \$198.75 /recycle; Rotella's Italian Bakery, Inc.: \$45.03 /supplies; Russell L Zeeb: \$300.00 /LOSAP; S.J. Louis Construction, Inc.: \$256,656.56 /service; Sampson Construction Co., Inc.: \$59,465.00 /service; Sam's Club - Golf: \$231.15 /supplies; Sam's Club - Public Works: \$71.41 /supplies; Sam's Club - Rec: \$511.15 /supplies; Sapp Bros., Inc - Omaha: \$2,551.35 /fuel; Sarpy County Chamber of Commerce: \$550.00 /membership; Sarpy County Register of Deeds: \$296.00 /service; Sarpy County Treasurer: \$32,304.16 /service; Sarpy County, SID 97: \$5,108.35 /service; Sol Lewis Engineering Co: \$305.84 /service; SRIXON/Cleveland Golf/XXIO: \$467.22 /merchandise; Stages Cycling, LLC: \$4,000.00 /service; Standard Digital Imaging: \$340.08 /service; Suburban Newspapers, Inc.: \$411.26 /service; Sutphen Corporation: \$2,350.35 /supplies; The Harry A Koch Company: \$12,358.50 /insurance; The Omaha-World Herald: \$940.78 /subscription; The Sherwin-Williams Co.: \$477.44 /supplies; Tool Shed Of Omaha, Inc: \$100.18 /supplies; Tool Supply, Inc.: \$1,258.14 /supplies; TransUnion Risk and Alternative: \$75.00 /service; Truck Center Companies: \$449.95 /supplies; Turfwerks: \$32,947.53 /supplies; Ty's Outdoor Power & Service: \$191.99 /supplies; Uline, Inc.: \$1,875.92 /supplies; Ultimate Training Munitions, Inc.: \$2,827.31 /supplies; UMB Bank N.A.: \$2,231.25 /service; Unite Private Networks, LLC.: \$6,568.40 /service; US Bank Corporate Payment Systems: \$26,647.60 /service; USABlue Book: \$204.80 /supplies; Utility Equipment Company: \$79.58 /supplies; Valentino's: \$217.75 /food; Van Wall Equipment: \$54.48 /supplies; Verizon Connect NWF, Inc.: \$853.95 /parts; Verizon Wireless: \$1,923.88 /utilities; Vierregger Electric Company, Inc.: \$950.00 /service; Vireo: \$5,240.00 /service; Walkers Inc. dba Max I Walker: \$355.45 /service; Weldon Parts Omaha: \$15.20 /parts; Wells Fargo Financial Leasing: \$132.00 /service; Wex Health, Inc.: \$371.00 /medical; Woodhouse Ford, Inc.: \$31.36 /supplies; Zimco Supply Co.: \$237.73 /supplies; ZOLL Medical Corporation: \$220.45 /supplies; Zoobean,

Inc.: \$949.00 /service; Bank Transaction Fees: /14,337.98 /; Payroll: \$871,463.05 /; **Total: \$2,572,229.80.**

ORDINANCES FIRST READING: None.

ORDINANCES SECOND READING AND PUBLIC HEARINGS: None.

ORDINANCES THIRD READING AND RESOLUTIONS:

ORD. 1912 – An ordinance to amend Chapter 205 (Zoning Ordinance), Article XXXVI having to do with Off-Street Parking. The applicant is the City of Papillion. (Off-Street Parking Regulations Amendment) – Mark Stursma – 597-2077. Motion to approve ORD. 1912 by Councilmember Glover, second by Councilmember Engberg. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

ORD. 1922 – An ordinance to amend §166-29 (Cutting Curb) of Article III (Curbs and Gutters) of Chapter 166 (Streets and Sidewalks Regulations) of the Papillion Municipal Code having to do with the adoption of regulations for driveway and on-street parking location, design, and construction. The applicant is the City of Papillion. (Driveway and On-Street Parking Regulations Amendment) – Jeff Thompson – 597-2043. Motion to approve ORD. 1922 by Councilmember Stubbe, second by Councilmember Jaworski. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0052 – A resolution to approve Regulations for Driveway and On-Street Parking Location, Design, and Construction by resolution as authorized in §166-29 of the Papillion Municipal Code as modified by ORD. 1922. The applicant is the City of Papillion – Jeff Thompson – 597-2043. Motion to approve RES. R21-0052 by Councilmember Jaworski, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

ORD. 1923 – An ordinance to amend §205- 208(C) of Article XXXIII (Supplemental Use Regulations), of Chapter 205 Zoning Regulations having to do with accessory uses for Civic use types. The applicant is the City of Papillion. (Accessory Uses for Civic Use Types) – Mark Stursma – 597-2077. Motion to approve ORD. 1923 by Councilmember Engberg, second by Councilmember Jaworski. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

ORD. 1924 – An ordinance to amend (1) Table 205-38 (Permitted Uses Table) of Article IV (Zoning District Regulations) of the Papillion Municipal Code to allow Multiple-family Residential in the CC Community Commercial District by Special Use Permit; and (2) §205-89 (Site Regulations) of Article XIV (Community Commercial District) to adopt site regulation for Multiple-family residential. The applicant is Collective Development c/o Max Honaker. (Multi-Family in the CC District) – Mark Stursma – 597-2077. Motion to approve ORD. 1924 by Councilmember Sunde, second by Councilmember Jaworski. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0038 – A resolution to purchase golf cars for use at the Eagle Hills Golf Course, and to enter into a Lease-Purchase Agreement to finance the purchase of the golf cars –

Rob Spomer – 597-7788. Motion to approve RES. R21-0038 by Councilmember Gaines, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0043 – A resolution to approve the lease of 166 GPS units for golf cars on the Tara Hills and Eagle Hills Golf Courses – Rob Spomer – 597-7788. Motion to approve RES. R21-0043 by Councilmember Jaworski, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0041 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as Part of Tax Lot 10, Section 35, T14N, R11E of the 6th PM, Sarpy County, NE, generally located SW of S 150th St and Shepard St. The applicant is Scannell Properties, LLC. (Highway 370 Industrial Park) – Mark Stursma – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents.

Proponents: Jason Thiellen, E&A Consulting, 10909 Mill Valley Rd, Ste 100, Omaha, and Chris Miller, Scannell Properties, 8801 River Crossing Blvd, Ste 300, Indianapolis, IN, came forward. Mr. Thiellen stated that they were available for any questions and provided a brief presentation of the project.

Opponents: None.

No one else came forward and the public hearing was closed. Motion to approve RES. R21-0041 by Councilmember Glover, second by Councilmember Stubbe. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0042 – PUBLIC HEARING AND VOTE – A resolution to approve a Large Project Special Use Permit for the property legally described as Part of Tax Lot 10, Section 35, T14N, R11E of the 6th PM, Sarpy County, NE, generally located SW of S 150th St and Shepard St. The applicant is Scannell Properties, LLC. (Highway 370 Industrial Park) – Mark Stursma – 597-2077. Mayor Black opened the public hearing and called for proponents and opponents. He noted for the record that comments from the previous related item would be carried over to this item. No one else came forward and the public hearing was closed. Motion to approve RES. R21-0042 by Councilmember Engberg, second by Councilmember Jaworski. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0050 – A resolution to approve the receipt of deeds for real estate from the City of Papillion Municipal Facilities Corporation – Alan Thelen – 827-1778. Motion to approve RES. R21-0050 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, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0051 – A resolution to authorize the Mayor to execute the SID No. 339 Sanitary Sewer Easement – Mark Stursma – 597-2077. Motion to approve RES. R21-0051 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, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

RES. R21-0056 – A resolution to approve a PGA Tee Time Distribution Agreement with Supreme Golf, Inc. for use at the Eagle Hills and Tara Hills Golf Courses – Rob Spomer – 597-7788. Motion to approve RES. R21-0056 by Councilmember Jaworski, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward.

Councilmember Sunde asked for additional information regarding the product. Golf General Manager Rob Spomer explained that this software would allow customers to book and manage tee times online and is less expensive than the current software being utilized. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

ORD. 1925 – An ordinance to amend Papillion Municipal Code Chapter 117 to amend the number of allowable fireworks permits based on population and to create a scoring process for selection of licensees – Amber Powers – 827-1111. Mayor Black provided a brief summary of ORD. 1925. Motion to approve ORD. 1925 by Councilmember Gaines, second by Councilmember Engberg. Mayor Black explained that several proposed motions to amend have been submitted to staff and are included in the packet (Exhibit “A”).

Amendment #1: Mayor Black explained that the purpose of proposed amendment #1 is to clarify who can perform work relative to procuring the license and operating the tent. Motion to approve Motion to Amend ORD. 1925 #1 by Councilmember Stubbe, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Amendment #2: Mayor Black explained that the purpose of proposed amendment #2 is to eliminate the cap on the number of permits to be issued as well as the grandfather clause. Councilmember Mumgaard withdrew this proposed amendment.

Amendment #3: Mayor Black explained that the purpose of proposed amendment #3 is only to eliminate the cap on the number of permits to be issued. Motion to approve Motion to Amend ORD. 1925 #3 as outlined in the packet by Councilmember Mumgaard, second by Councilmember Stubbe.

Councilmember Engberg stated that he likes what Councilmember Gaines has proposed in this ordinance with calculating the number of permits based on a population ratio, and that he is concerned with allowing an unlimited number of permits because he believes some nonprofits could suffer if too many stands are allowed. Councilmember Gaines explained that this seems to be an issue each year and he tried to find a solid way to quantify how many permits to allow that is both safe and fair for the applicants. Councilmember Mumgaard stated that he would rather rely on a new flexible standard for approving permits. Councilmember Engberg expressed concern with changing the Fireworks Ordinance in the middle of permit season and added that he thinks it is a good idea to tie the number of allowable permits to population size.

Councilmember Gaines asked who makes the determination of safely regulating fireworks stands. Mayor Black stated that various departments are involved, including Administration, Building, Fire, and Police. Mr. Thelen added that while staff processes and makes recommendations for approval of the applications, City Council has the final say on whether an application is approved.

Councilmember Glover asked how frequently the population and corresponding number of permits would be evaluated. Mayor Black explained the proposed population ratio and noted that evaluations would be made annually. Councilmember Jaworski explained that he is concerned with the proposed point system for scoring applicants, but that he agrees with using the population ratio. Councilmember Gaines explained that he spoke with Mr. Thelen and Mr. Thelen advised that the point system being proposed would be able to withstand potential legal challenges. Councilmember Stubbe stated that he thinks City staff has the ability to establish criteria to safely regulate the stands.

Mayor Black called for a vote on Motion to Amend ORD. 1925 #3. Upon roll call vote, Mumgaard, Jaworski, and Stubbe voted yes. Voting no: Sunde, Gaines, Glover, and Engberg. Absent: Kluch. Motion failed.

Mayor Black restated the current motion on the floor and explained that if ORD. 1925 passes, the number of allowable permits for the 2021 summer selling season would be 13 based on current population. Councilmember Mumgaard stated that he thinks the population ratio should be adjusted to allow for approval of all 16 current applicants.

Motion to amend to allow the issuance of 16 permits for the 2021 summer selling season by Councilmember Sunde, second by Councilmember Glover. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Stubbe, and Engberg all voted yes. Voting no: Jaworski. Absent: Kluch. Motion passed.

Mayor Black briefly explained the amendments that were approved and called for a vote on the motion to approve ORD. 1925 as amended. Upon roll call vote, Sunde, Gaines, Glover, and Engberg all voted yes. Voting no: Mumgaard, Jaworski, and Stubbe. Absent: Kluch. Motion failed.

ORD. 1926 – An ordinance to amend Papillion Municipal Code Chapter 117 to provide for clarification of who can perform work related to the issuance of a fireworks permit and to require an affidavit stating compliance – Amber Powers – 827-1111. Motion to approve ORD. 1926 by Councilmember Stubbe, second by Councilmember Glover. Mayor Black briefly presented the three proposed amendments submitted to staff (Exhibit “B”).

Amendment #1: Mayor Black stated that the purpose of this proposed amendment is to add language clarifying that the applicant’s fireworks wholesale provider may participate in procuring and operating the stand. Motion to approve Motion to Amend ORD. 1926 #1 as outlined in the packet by Councilmember Stubbe, second by Councilmember Mumgaard. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Amendment #2: Mayor Black explained that the purpose of proposed amendment #2 is to eliminate the cap on the number of permits to be issued as well as the grandfather clause. Councilmember Mumgaard withdrew this proposed amendment.

Amendment #3: Mayor Black explained that the purpose of proposed amendment #3 is only to eliminate the cap on the number of permits to be issued. Motion to approve Motion to Amend ORD. 1926 #3 as outlined in the packet by Councilmember Mumgaard, second by Councilmember Stubbe.

Councilmember Engberg asked if this would eliminate the population ratio. Mayor Black stated that use of a population ratio was not included in ORD. 1926. Upon roll call vote, Mumgaard,

Glover, Jaworski, and Stubbe all voted yes. Voting no: Sunde, Gaines, and Engberg. Absent: Kluch. Motion failed.

Motion to amend to allow the issuance of 16 permits for the 2021 summer selling season by Councilmember Stubbe, second by Councilmember Sunde. Upon roll call vote, Sunde, Mumgaard, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: Gaines. Absent: Kluch. Motion passed.

Mayor Black called for a vote on the motion to approve ORD. 1926 as amended. Upon roll call vote, Mumgaard, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: Sunde and Gaines. Absent: Kluch. Motion passed.

RES. R21-0049 – A resolution to approve issuance of the remaining 2021 Summer Fireworks Permits – Nicole Brown – 597-2021. Motion to approve RES. R21-0049 by Councilmember Stubbe, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Motion to amend RES. R21-0049 to go into effect upon the effective date of the previously approved ordinance, ORD. 1926 as amended, by Councilmember Jaworski, second by Councilmember Stubbe. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Mayor Black stated that due to the uncertainty of the effect of ORDs. 1925 and 1926 on the number of permits, this resolution needs to be amended to incorporate the names of the licensees. Motion to amend RES. R21-0049 to approve issuance of 2021 summer fireworks permits to the following applicants: First Lutheran Church, Fraternal Order of Eagles 4029, Monarch Athletic Booster Club, Papillion-La Vista South Legion Baseball Club, Papillion South Titan Band Boosters, and Titan Defenders Booster Club, by Councilmember Jaworski, second by Councilmember Mumgaard. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Mayor Black called for a vote on the motion to approve RES. R21-0049 as amended. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

ADMINISTRATIVE REPORTS:

Committee Reports: Audit Ad Hoc Committee: Councilmember Sunde stated that the Committee received a presentation from Ms. Woodward regarding the 2020 CAFR.

Comments from the Floor: Kaela Riepl, Bellino Enterprises, 501 Olson Dr, stated that she does not think there is enough available space for 16 fireworks stands within Papillion city limits.

Mike Tiedeman, 101 Summerset Dr, thanked the Police Department for their enforcement of speed limits on Cornhusker Rd.

Comments from Mayor and Council: Mayor Black provided an update on his events: (1) Mayor Black attended briefings with the Sarpy/Cass County Health Department and other local City and County officials; (2) Mayor Black participated in UCSC legislative update conference calls; (3) Mayor Black attended the Wastewater Agency Board Meeting.

Mayor Black reminded everyone that the Recreation Department will be hosting the Easter Egg Hunt at Halleck Park on Saturday, March 27, and Spring Cleanup Days will be held April 19-25.

He then thanked Public Works Director/City Engineer Jeff Thompson for organizing the procession for Mark Freese and his family.

ADJOURNMENT:

Motion to adjourn by Councilmember Glover, second by Councilmember Gaines. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed. Meeting adjourned at 8:41 PM.

CITY OF PAPILLION

DAVID P. BLACK, MAYOR

ATTEST:

NICOLE BROWN, CITY CLERK

(SEAL)

Exhibit "A"
ORD. 1925 Proposed Amendments

Amendment #1:

Motion to Amend Ordinance No. 1925 (#1) has been submitted for consideration to amend Section 117-12 by adding a new subsection 117-12 (G) that would:

- Add language to clarify who is considered authorized personnel to procure, set up, stock, restock, sell, and tear down product on behalf of the applicant and on the applicant's premises.

Amendment #2:

Motion to Amend Ordinance No. 1925 (#2) has been submitted for consideration to amend Section 117-11 in Ordinance No. 1925 by removing the limit on the number of approved licenses now and phasing out grandfathering in 2025 by amending the following:

- To delete §117-11 as shown in Ordinance No. 1925 and replace it with the language shown in this motion.
- To remove the 12-license limit in subsection 117-11(A) and make the limit an unspecified number that "may be safely regulated by City agencies"
- To remove subsection 117-11(B), which caps the number of licenses to not exceed 12.
- To allow the current criteria for selecting license holders in effect until December 31, 2024.
- To establish new criteria for selecting license holders beginning on January 1, 2025.
- To clarify language to make subsections consistent with the new language established with the new criteria.
- **Provisions within the proposed Second Motion to Amend Ordinance No. 1925 (#2) may conflict with provisions within Ordinance No. 1926.**

Amendment #3:

Motion to Amend Ordinance No. 1925 (#3) has been submitted for consideration to amend Section 117-11 in Ordinance No. 1925 to remove the cap now and leave the grandfathering in place by amending the following language:

- To delete §117-11 as shown in Ordinance No. 1925 and replace it with the existing language found in City Code.
- To remove the 12-license limit in subsection 117-11(A) and make the limit an unspecified number that "may be safely regulated by City agencies".
- To remove subsection 117-11(B), which caps the number of licenses to not exceed 12.
- To clarify language to make subsections consistent with the new language established with the new criteria for what is "safely regulated by City agencies".
- **Provisions within the proposed Third Motion to Amend Ordinance No. 1925 (#3) may conflict with provisions within Ordinance No. 1926.**

Exhibit “B”
ORD. 1926 Proposed Amendments

Amendment #1:

Motion to Amend Ordinance No. 1926 (#1) has been submitted for consideration to amend Section 117-12(F) to correct who can work a licensee’s business by adding the following language:

- To add “or applicant’s fireworks wholesale provider” to the list of people that are considered authorized personnel to procure, set up, stock, restock, sell, and tear down product on applicant’s premises.

Amendment #2:

Motion to Amend Ordinance No. 1926 (#2) has been submitted for consideration to amended Section 117-11 in Ordinance No. 1926 by removing the cap now and phasing out grandfathering in 2025 by amending the following:

- To delete §117-11 as shown in Ordinance No. 1926 and replace it with the language shown in this motion.
- To remove the 12-license limit in subsection 117-11(A) and make the limit an unspecified number that “may be safely regulated by City agencies”.
- To remove subsection 117-11(B), which caps the number of licenses to not exceed 12.
- To allow the current criteria for selecting license holders to remain in effect until December 31, 2024.
- To establish new criteria for selecting license holders beginning on January 1, 2025.
- To clarify language to make subsections consistent with the new language established with the new criteria.
- **Provisions within the proposed Second Motion to Amend Ordinance No. 1926 (#2) may conflict with provisions within Ordinance No. 1925.**

Amendment #3:

Motion to Amend Ordinance No. 1926 (#3) has been submitted for consideration to amend Section 117-11 in Ordinance No. 1926 to remove the cap now and leave the grandfathering in place by amending the following language:

- To delete §117-11 as shown in Ordinance No. 1926 and replace it with the language shown in this motion.
- To remove the 12-license limit in subsection 117-11(A) and make the limit an unspecified number that “may be safely regulated by City agencies”.
- To remove subsection 117-11(B), which caps the number of licenses to not exceed 12.
- To clarify language to make subsections consistent with the new language established with the new criteria.
- **Provisions within the proposed Third Motion to Amend Ordinance No. 1926 (#3) may conflict with provisions within Ordinance No. 1925.**