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MINUTE RECORD

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**PAPILLION CITY COUNCIL MINUTES**  
**TUESDAY, FEBRUARY 2, 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 February 2, 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, 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, Library Director Matt Kovar, and Communications Manager Trent Albers.

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 Chrysalis Event Center.

**ADMINISTRATOR'S REPORT:** City Administrator Amber Powers provided an update: (1) Renovations at City Hall are beginning this week; (2) The City has once again received the AA1 Rating by Moody's; (3) The Public Works Committee will meet on Tuesday, February 16, 2021, at 5:30 PM at Sump Memorial Library; (4) Conferences have begun and are being held virtually this year.

**CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the minutes from the January 19, 2021, City Council Meeting; (3) RES. R21-0012 – A resolution to approve claims as presented – Nancy Hypse – 597-2020; (4) RES. R21-0013 – A resolution to approve renewal of Maintenance Agreement No. 106 with NDOT – Jeff Thompson – 597-2043.** Motion to approve the Consent Agenda by Councilmember Gaines, 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.

**BILLS:** Abante Marketing: \$11.50 /service; ABM: \$150.11 /service; Access Information Protected: \$551.78 /service; Acushnet Company: \$2,911.00 /merchandise; Advanced Office Automation, Inc.: \$7.00 /service; All About Doors, Inc.: \$3,326.68 /service; All Copy Products, Inc.: \$57.60 /supplies; Anderson Industrial Engines: \$185.00 /supplies; Associated Fire Protection: \$1,314.00 /service; Automotive Warehouse Distributors: \$217.43 /parts; Backdraft OpCo, LLC.: \$8,340.00 /service; Background Investigation Bureau: \$101.70 /service; Baker & Taylor: \$801.84 /books; Batteries Plus Bulbs 073: \$478.97 /supplies; Berens-Tate Consulting Group: \$2,750.00 /consulting; BerganKDV, LLC.: \$20,000.00 /service; Big Rig Truck Accessories: \$187.00 /parts; Black Hills Energy: \$18,421.54 /natural gas; Blackstone Publishing: \$298.19 /supplies; Blue Cross Blue Shield: \$368,610.20 /insurance; Boot Barn Inc.: \$544.47 /apparel; Border States Industries, Inc.: \$33.23 /supplies; Bound Tree Medical, LLC: \$2,593.34 /supplies; Brite Ideas Decorating,

Inc.: \$659.59 /supplies; Builders Supply Co Inc: \$78.40 /supplies; Burton Plumbing Services, Inc.: \$239.75 /service; Carol Gupton: \$8.95 /reimbursement; Carrot-Top Industries, Inc.: \$1,240.46 /supplies; Cengage Learning Inc / Gale: \$43.78 /books; Chad Lingel: \$363.93 /reimbursement; Chem-Sult, Inc.: \$13,737.16 /supplies; Cintas Loc 749: \$633.60 /service; City Of La Vista: \$370.26 /agreement; City Of Papillion: \$125.00 /license; ClorDiSys Solutions, Inc: \$70.00 /supplies; Commonwealth Communications: \$1,044.73 /service; Cornhusker International Trucks Inc: \$1,491.14 /supplies; Cox Business: \$1,745.32 /utilities; Creative Sites, LLC: \$52,056.00 /supplies; D & K Products: \$566.50 /supplies; Danko Emergency Equipment Co: \$37.15 /supplies; Dell Marketing L.P.: \$338.36 /equipment; DexYp: \$118.58 /service; Diamond Communication Solutions: \$6,516.52 /service; Dultmeier Sales, LLC: \$570.37 /supplies; Echo Group, Inc.: \$310.44 /supplies; Emergency Apparatus Maintenance: \$300.66 /service; Enrique Menjivar: \$80.00 /service; Express Enterprises: \$1,822.15 /service; Expressions For Your Image, LLC.: \$7.50 /service; Farmers Union Co-Operative Assn.: \$69.75 /supplies; Faronics Technologies USA, Inc.: \$1,680.00 /service; Fastenal Company: \$62.92 /supplies; Feld Fire: \$1,501.00 /supplies; Fikes Commercial Hygiene, LLC.: \$25.90 /service; Fire Protection Services, LLC: \$700.00 /service; Firefox Rescue Equipment: \$364.15 /supplies; Futureware: \$690.00 /supplies; Gary Morris: \$40.00 /service; Great Plains Uniforms LLC.: \$159.50 /supplies; Greatland Corporation: \$57.75 /supplies; Hawkins, Inc.: \$4,382.69 /supplies; Heartland Tires & Treads - Omaha: \$3,618.40 /supplies; Helget Gas Products Inc: \$56.23 /supplies; Helm Mechanical / Helm Service: \$280.00 /service; Hockenbergs: \$737.00 /supplies; Home Depot Credit Services: \$1,173.45 /supplies; Hometown Leasing: \$259.02 /service; Host Coffee Service: \$114.57 /supplies; Hydro Optimization & Auto Solutions: \$45,381.00 /service; Hy-Vee: \$155.97 /supplies; Infinity Software Solutions: \$8.25 /service; InfoSafe Shredding, Inc.: \$30.00 /service; Ingram Library Services: \$26.40 /books; Intelligent Buildings, LLC: \$255.00 /service; International Code Council, Inc: \$2,594.69 /supplies; J and J Small Engine Service: \$793.93 /service; J.P. Cooke Company: \$191.75 /supplies; Jason Taylor: \$40.00 /service; Johnson Controls Security Solutions: \$877.56 /service; Jones Automotive, Inc: \$104.85 /supplies; Joseph LaPuzza: \$1,093.69 /reimbursement; K Electric Company, Inc.: \$310.49 /service; Kathleen Wilson: \$40.00 /service; Kriha Fluid Power Co., Inc.: \$85.51 /supplies; Kurt McClannan: \$991.45 /reimbursement; Larsen Supply Company: \$1,531.44 /supplies; Lifeguard MD, Inc.: \$316.87 /supplies; Logo Logix Embroidery & Screen: \$30.00 /service; Lone Star Flags & Golf: \$225.00 /supplies; Marco Technologies LLC. NW 7128: \$67.49 /contract; Matheson Tri-Gas, Inc.: \$34.20 /supplies; Menards: \$215.19 /supplies; Metering & Technology Solutions: \$26,027.28 /supplies; Metro: \$1,935.00 /service; Metropolitan Utilities District: \$245.52 /utilities; Michael Todd & Company, Inc.: \$625.22 /supplies; Michaela Salkeld: \$39.82 /reimbursement; Michaela Sherman: \$732.00 /service; Midwest Plastics, Inc: \$101.60 /supplies; Midwest Tape: \$2,218.23 /audio; Midwest Turf & Irrigation: \$1,385.60 /supplies; Monroe Truck Equipment, Inc.: \$198.20 /supplies; Mood Media: \$484.40 /service; Mulhall's Landscape: \$777.23 /service; Municipal Supply, Inc. of Omaha: \$371.70 /supplies; Napa Auto Parts: \$251.58 /supplies; National Safety Council, Nebraska: \$300.00 /training; NE Public Health Environ. Laboratory: \$34.00 /service; Nebraska Air Filter, Inc.: \$243.12 /supplies; Nebraska-Iowa Industrial Fasteners Corp.: \$1,113.79 /supplies; NMC Exchange, LLC: \$2,693.39 /supplies; Omaha Compound Company: \$2,642.87 /supplies; OMNI Engineering: \$221.40 /supplies; O'Reilly Auto Parts: \$709.90 /supplies; P&W Golf Supply, LLC: \$194.99 /supplies; Paramount Linen & Uniform Rental: \$415.20 /rental; Pediatric Therapy Center: \$270.00 /service; Quadient Finance USA, Inc.: \$952.00 /service; Quality Brands of Omaha, Inc: \$112.00 /merchandise; Quill Corporation: \$65.98 /supplies; Rainbow Glass & Supply Inc.: \$166.74 /service; Ray Higgins: \$742.50 /LOSAP; Red Wing Business Advantage Account: \$308.15 /supplies; Ricky Patrick: \$138.32 /refund; Sapp Bros., Inc - Omaha: \$16,147.10 /fuel; Sarpy County Register of Deeds: \$518.00 /service; Sarpy County Treasurer: \$7,392.10 /service; Siemens Industry, Inc.: \$439.00 /service; SignIT: \$844.00 /supplies; Sprint: \$50.83 /utilities; Stacia Luther: \$260.00 /service; State Steel of Omaha: \$74.88 /supplies; Streichers, Inc.:

\$3,819.34 /supplies; Syn-Tech Systems, Inc.: \$198.00 /supplies; Ted's Mower Sales & Service, Inc.: \$28.50 /supplies; The Sherwin-Williams Co.: \$683.35 /supplies; Tool Supply, Inc.: \$322.28 /supplies; Ty's Outdoor Power & Service: \$541.64 /supplies; Utility Equipment Company: \$2,789.07 /supplies; Utility Service Co., Inc.: \$39,627.00 /service; Van Wall Equipment: \$54.12 /supplies; Verizon Wireless: \$803.77 /utilities; Vessco, Inc.: \$4,159.95 /supplies; Vierregger Electric Company, Inc.: \$1,196.00 /service; Vireo: \$6,710.00 /service; Walkers Inc. dba Max I Walker: \$256.60 /service; Walmart Community/SYNCB: \$62.85 /supplies; Waystar Health: \$136.71 /service; Wells Fargo Financial Leasing: \$635.00 /service; Westlake Ace Hardware: \$165.95 /merchandise; Zoll: \$1,282.07 /supplies; Payroll: /867,020.10 /; **Total: \$1,590,777.88.**

**ORDINANCES FIRST READING: None.**

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

**ORDINANCES THIRD READING AND RESOLUTIONS:**

**RES. R20-0198 – PUBLIC HEARING AND VOTE – A resolution to approve a Preliminary Plat for the property legally described as a tract of land located in the S ½ of the NW ¼, and Tax Lot 9 in the NW ¼, and part of Tax Lot 10 in the SW ¼, all in Section 15, T13N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SE corner of S 168<sup>th</sup> St and Fairview Rd. The applicant is Omaha Public Power District. (SC South) – Mark Stursma – 597-2077 (Continued indefinitely at the December 1, 2020, City Council Meeting).** Mayor Black noted for the record that the public hearing was opened and continued indefinitely at the December 1, 2020, City Council Meeting. Mayor Black called for proponents and opponents.

Proponents: Tim Burke, 12705 S 75<sup>th</sup> Ave, President and CEO of OPPD, provided an update on the scope and purpose of the project and stated that additional information is available at [www.oppd.com](http://www.oppd.com).

Councilmember Mumgaard asked about the aesthetics of the location. Mr. Burke explained that they ensure the location is minimally visible, because they don't want to attract potential damage to infrastructure.

Opponents: None.

No one else came forward and the public hearing was closed. Motion to approve RES. R20-0198 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.

**RES. R20-0199 – PUBLIC HEARING AND VOTE – A resolution to approve a Special Use Permit to authorize Utilities as a permitted use for the property legally described as a tract of land located in the S ½ of the NW ¼, and Tax Lot 9 in the NW ¼, and part of Tax Lot 10 in the SW ¼, all in Section 15, T13N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SE corner of S 168<sup>th</sup> St and Fairview Rd. The applicant is Omaha Public Power District. (SC South) – Mark Stursma – 597-2077 (Continued indefinitely at the December 1, 2020, City Council Meeting).** Mayor Black noted for the record that the public hearing was opened and continued indefinitely at the December 1, 2020, City Council Meeting. Mayor Black called for proponents and opponents. No one came forward and the public hearing was closed. Motion to approve RES. R20-0199 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.

**RES. R20-0200 – A resolution to approve a Final Plat for the property legally described as a tract of land located in the S ½ of the NW ¼, and Tax Lot 9 in the NW ¼, and part of Tax Lot 10 in the SW ¼, all in Section 15, T13N, R11E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located on the SE corner of S 168<sup>th</sup> St and Fairview Rd. The applicant is Omaha Public Power District. (SC South) – Mark Stursma – 597-2077.** Motion to approve RES. R20-0200 by Councilmember Gaines, 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. R20-0201 – A resolution to approve the SC South Subdivision Agreement – Mark Stursma – 597-2077.** Motion to approve RES. R20-0201 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. R21-0011 – PUBLIC HEARING AND VOTE – A resolution to approve a Class “D” Liquor License for Buck’s LLC d/b/a Bucky’s Express 14, 11400 S 72<sup>nd</sup> St, Papillion, NE 68046, and Manager Application for Tina M Stone – Nicole Brown – 597-2021.** Mayor Black opened the public hearing and called for proponents and opponents. No one came forward and the public hearing was closed. Mayor Black noted for the record that the applicant was present. Motion to approve RES. R21-0011 by Councilmember Stubbe, 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.

**RES. R21-0015 – A resolution to approve a request that Sarpy County cede and transfer jurisdiction over the territory depicted within Exhibit A (Oak Leaf) to the City of Papillion pursuant to Neb. Rev. Stat. §13-327 – Mark Stursma – 597-2077.** Motion to approve RES. R21-0015 by Councilmember Engberg, 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.

**ORD. 1880 – An ordinance to approve a Change of Zone from AG (Agricultural) to CC (Community Commercial) and R-4 (Multiple-Family Residential) for the property legally described as a tract of land located in part of the NE ¼ of the NW ¼ and part of the NW ¼ of the NW ¼ located in Section 1, T13N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located SE of 72<sup>nd</sup> St & Schram Rd. The applicant is Papio Park, LLC. (Seventy-Two Place) – Mark Stursma – 597-2077.** Motion to approve ORD. 1880 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. R21-0016 – A resolution to approve a Final Plat for the property legally described as a tract of land located in part of the NW ¼ of the NW ¼ and part of the NE ¼ of the NW ¼ located in Section 1, T13N, R12E of the 6<sup>th</sup> P.M., Sarpy County, NE, generally located SE of 72<sup>nd</sup> St & Schram Rd. The applicant is Papio Park, LLC. (Seventy-Two Place – Phase 1) – Mark Stursma – 597-2077.** Motion to approve RES. R21-0016 by Councilmember Sunde, second by Councilmember Gaines. 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. R21-0017 – A resolution to approve the Seventy-Two Place Subdivision Agreement – Mark Stursma – 597-2077.** Motion to approve RES. R21-0017 by Councilmember Gaines, second by Councilmember Sunde. 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. R21-0018 – A resolution to approve the Sewer and Water Connection Agreement for SID 350, Seventy-Two Place – Jeff Thompson – 597-2043.** Motion to approve RES. R21-0018 by Councilmember Sunde, 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. R21-0019 – A resolution to approve the Seventy-Two Place Maintenance Agreement (for on-street parking) – Mark Stursma – 597-2077.** Motion to approve RES. R21-0019 by Councilmember Stubbe, second by Councilmember Gaines. 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. 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 6<sup>th</sup> P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043.** Motion to approve ORD. 1914 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.

**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 6<sup>th</sup> 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.** Motion to approve ORD. 1915 by Councilmember Jaworski, 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.

**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 6<sup>th</sup> P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043.** Motion to approve ORD. 1916 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.

**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 6<sup>th</sup> 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.** Motion to approve ORD. 1917 by Councilmember Gaines, 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.

**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 6<sup>th</sup> P.M., Sarpy County, NE with title thereto retained by the City of Papillion – Jeff Thompson – 597-2043.** Motion to approve ORD. 1918 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.

**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 6<sup>th</sup> 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.** Motion to approve ORD. 1919 by Councilmember Jaworski, 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.

**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.** Motion to approve ORD. 1920 by Councilmember Jaworski, 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.

**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.** Motion to approve ORD. 1921 by Councilmember Mumgaard, second by Councilmember Engberg. Motion to amend ORD. 1921 by Councilmember Jaworski, second by Councilmember Mumgaard, to amend Section 117-12 to read as follows: “E. ~~During the month of February of each year~~ From February 1 through April 30 of each year, an applicant whose application has been approved by the City Council for the June 25 through July 4 fireworks season for that year may file an amended application. That amended application may seek to change only the applicant’s proposed fireworks sales location and matters directly affected by location. If the amendment involves a proposed fireworks sale location that has not yet been reviewed by the City for that year, such amended application shall be accompanied by an amendment processing fee in an amount specified in the Master Fee Schedule. Any such amended application must comply with all laws applicable to an initial application. At its first regular meeting in ~~April~~ June of year, the City Council may approve or deny amendments to applications already approved for the June 25 through July 4 fireworks season for that year.” Mayor Black called for proponents and opponents. None came forward.

Councilmember Sunde stated that he was concerned about the date for approving amended applications because it would not allow the applicant time to react if the Council denied the new location. He then asked Councilmember Jaworski if he would be willing to amend his motion to approve application at an earlier date. Councilmember Jaworski suggested May. City Clerk Nicole Brown stated that Council would need to consider the applications at the second meeting in May in order to allow staff time to review and process them as well, if they are allowed to be submitted until April 30. Councilmember Sunde agreed.

Councilmember Engberg stated that it is his understanding that the council member who initially proposed this amendment spoke with some of the vendors and was told that the timeframe being proposed was consistent with the process in other communities in the area. Councilmember Jaworski asked if staff could approve amended locations administratively. City Attorney Alan Thelen explained that, per City Code, the application is specific to the location, which has to be approved by Council.

Mayor Black asked if staff would be comfortable with approving amended applications at the second meeting in May. Ms. Brown stated she would. Mayor Black called for a vote on the motion to amend. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Councilmember Mumgaard asked if a change to the number of licenses could be offered as an amendment to this ordinance, or if that would require a new ordinance. Mayor Black stated that a new ordinance would be required because the number of licenses is addressed in a different section of City Code.

Kaela Riepl, with Bellino Enterprises, came forward and asked if a licensee could submit multiple amended locations if the first amended location was not approved by Council. Mayor Black stated that if the new location is not approved, the licensee would still be approved to operate at the original location. Ms. Riepl asked what options were available if the original location ends up not working and the amended location was not approved. Councilmember Mumgaard stated that he interpreted the current motion on the floor to allow licensees to file as many amendments as necessary until April 30. Ms. Riepl asked if an amended application could be considered earlier than the second meeting in May if it were submitted earlier in the amendment window. Mayor Black asked Mr. Thelen for his interpretation. Mr. Thelen stated that he supposed that was correct, but it could create confusion for the City with multiple applications.

Councilmember Engberg stated that his understanding was that the reason someone suggested this change was primarily in the event that the property owner of the original location began developing the site after an application had been approved, causing the applicant to need to find a new location. Councilmember Mumgaard agreed with Councilmember Engberg and stated that this situation could happen more than once, and that if it did, the applicant should have the ability to apply for another amended location so long as the April 30 deadline is met. Councilmember Gaines agreed. Ms. Brown stated that she believed the issue being raised by Ms. Riepl was that the amendment that was just adopted sets a specific Council meeting date for the amended applications to be heard, so in order to accommodate multiple amendments to a licensee's location, the language regarding the Council consideration date would need to be amended.

Councilmember Sunde asked if the language could be amended to read "no later than the second meeting in May." Councilmembers Jaworski and Mumgaard agreed. Motion to amend by Councilmember Gaines to consider amended applications no later than the second meeting in May. Second by Councilmember Sunde. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

Mayor Black explained that the current motion on the table is to allow for amended applications to be submitted by licensees between February 1<sup>st</sup> and April 30<sup>th</sup> of each year, with a fee for new locations to be implemented through the Master Fee Schedule, and that amended applications will be considered by Council no later than the second meeting in May. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

**RES. R21-0010 – A resolution to approve applications for the 2021 Summer Fireworks Season (June 25<sup>th</sup>-July 4<sup>th</sup>) – Nicole Brown – 597-2021.** Motion by Councilmember Jaworski to postpone this item until the March 16<sup>th</sup> Council Meeting. Substitute motion by Councilmember Engberg to approve the first nine applications because they were already grandfathered under the current Code. Second by Councilmember Stubbe.

Mr. Thelen stated that he would like to confirm the motions are handled in the appropriate order. In this case, Councilmember Jaworski's motion to postpone needs to be addressed first. Mayor Black noted that there was no second on the motion to postpone. Second by Councilmember Sunde. Councilmember Jaworski explained that he would like to consider increasing the number of allowable licenses. Councilmember Engberg stated that he did not think it was fair to the nine grandfathered applicants to have to wait for approval. Councilmember Stubbe agreed and stated that he thought Council should approve the number currently allowed and add more at a later date, if they chose.

Councilmember Gaines stated that he plans to vote to table this resolution to allow time for the process to be further examined. Councilmember Mumgaard stated that he intends to vote against the motion to table. Upon roll call vote, Sunde, Gaines, and Jaworski voted yes. Voting no: Mumgaard, Glover, Stubbe, and Engberg. Absent: Kluch. Motion failed.

Councilmember Engberg stated that he would like to make a motion to approve the first nine applicants that Council is required to approve by grandfather rights, and to table the other applicants to the March 16 City Council Meeting. Councilmember Jaworski stated that he would like to make a substitute motion to approve the first nine applicants, plus Wellspring Church who was issued a license in previous years but was not yet grandfathered, and to table the remaining applications until March 16. Councilmember Engberg stated that he would change his motion to include Wellspring Church. Second by Councilmember Sunde.

Councilmember Mumgaard expressed concern with approving Wellspring Church, as an approval tonight would make them grandfathered going forward, leaving one less spot available the next year. He added that he believes the grandfather clause makes it difficult for newer organizations to obtain a license. Councilmember Engberg stated that he thinks there is some value to having a seniority process.

Mayor Black stated that he would like to get back to the motion on the floor. Mr. Thelen explained that there had not yet been a motion to approve the original resolution as written. Mayor Black thanked Mr. Thelen for the clarification and asked for a motion to approve RES. R21-0010 with twelve licenses. Motion made by Councilmember Sunde, second by Councilmember Glover. Mayor Black stated that now that there is a motion to approve RES. R21-0010, we have a motion to amend by Councilmember Engberg to approve the first nine applications plus Wellspring Church, and a second by Councilmember Sunde. Mr. Thelen added that Councilmember Engberg's motion also contemplates that the other two available licenses would be considered at the March 16 City Council Meeting.

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

Ms. Brown explained that Council now needed to vote on the original motion as amended. Upon roll call vote, Sunde, Mumgaard, Gaines, Glover, Jaworski, Stubbe, and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion passed.

**RES. R21-0014 – A resolution to approve a License Agreement with Harry Bossard American Legion Post 32, 230 W Lincoln St, Papillion, NE, regarding the Legion's proposed temporary and limited use of an adjacent small parcel of City Park property – Nicole Brown – 597-2021.** Motion to approve RES. R21-0014 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.

**ADMINISTRATIVE REPORTS:**

**Committee Reports:** Finance and Administration Committee: Councilmember Engberg stated that the Committee discussed the general obligation debt philosophy and did not recommend changing the current philosophy, but instead asked that staff work with the developer who requested the change on some possible options and report back to the Committee.

**Comments from the Floor:** None.

**Comments from Mayor and Council:** Mayor Black provided an update on his events: (1) Mayor Black attended the Executive Board Meeting for LONM; (2) Mayor Black attended the Civil Service Commission meeting; (3) Mayor Black attended the Wastewater Agency Board meeting; (4) Mayor Black attended the United Cities meeting; (5) Mayor Black presented at William "Bill" Harrington's 101<sup>st</sup> Birthday Celebration.

**ADJOURNMENT:**

Motion to adjourn by Councilmember Gaines, 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. Meeting adjourned at 8:27 PM.

CITY OF PAPIILLION

  
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DAVID P. BLACK, MAYOR

ATTEST:

  
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NICOLE BROWN, CITY CLERK

