

# City of Gretna, Nebraska

City Council

February 18, 2020

A meeting of the Gretna City Council was held on February 18, 2020. Mayor Timmerman announced that the open meetings laws is located in the back of the room. The Mayor called the meeting to order. Absent: Angie Lauritsen, Present: Logan Herring, Bill Proctor, Jason Stahr. Notice of the meeting was given in advance thereof to the Mayor and City Council, published in the Gretna Breeze and posted in at least three Public places as shown by the Certificate of Posting Notice attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the Public.

## **CONSENT AGENDA AND INFORMATIONAL REPORTS**

### A) Approval of Consent Agenda

1. Approval of Agenda for February 18, 2020
2. Approval of Council Minutes, February 4, 2020
3. Approval of Claims

### Claims

A&M ex 590.00; A Bush ex 217.00; Advncd Ofc ex 66.18; Ashlnd Auto ex 466.36; Bkr & Tylr ex 767.91; Brgnkdv ex 8,000.00; B Proctor ex 55.33; Blck Hls ex 769.47; Bobcat ex 235.42; Cntrl Sts Hyrdlc Srvc ex 894.98; Cnta ex 27.41; Cty Clk ex 36.40; Cty Omh Cshr ex 188,287.20; Cpl Chevy ex 22,311.67; Core Tech ex 151.88; Cox ex 261.23; Cllgn ex 166.60; Data Docs ex 485.00; Feld Equip ex 382.00; Frmrs Un ex 358.50; Giff Prpty ex 1,575.00; Grtn Ace ex 354.63; Grtn Gas & Lb ex 3,173.12; Grtn Pyrl ex 55,222.39; Grtn PO ex 48.65; Hmlton Equip ex 1,206.07; J Krajicek ex 1,125.00; Mcknys ex 96.66; Menards ex 348.89; Md-Amrn Bnfts ex 50.00; Mdwst Lab ex 379.98; Mdwst Tape ex 553.29; Mitel ex 1,507.41; NE Arbrst Assoc ex 190.00; NE Lib Assoc ex 120.00; Off Dpt ex 1,023.90; Olm & Pry ex 26,962.00; OPPD ex 25,870.62; OWH ex 65.36; One Cl Cncpt ex 124.19; O'Reilly ex 138.32; Pinn Bnk ex 3,650.09; Ptny Bws ex 203.91; Prt-A-Jn ex 80.00; Rgn Elec ex 5,505.00; Srpy Co Plng & Bldg ex 2,946.20; Schlstc Bk Fair ex 868.19; Sltn One ex 796.93; Spde Mrt ex 742.23; Subrn News ex 1,278.07; Sdbk Cnstrn ex 29,482.00; Lib Store ex 242.46; Thl Geotch ex 177.00; Tdy-Up Clng Srv ex 820.00; Ty's ex 30.99; Uline ex 152.43; USA BI Bk ex 689.20; Wts Elec Co ex 56,605.90; Wells Frgo ex 364.00; Yng & Wht ex 9,268.60; Total ex 458,569.22

Motion by Bill Proctor, seconded by Logan Herring to approve the consent agenda. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

## **PRESENTATIONS**

Sarpy County Sheriff's Deputy Mike Core  
City Auditor Gene Garrelts

## **PUBLIC HEARINGS**

- A) Proposed Redevelopment Plan pursuant to the Nebraska Community Development Law which involves partial funding known as Tax Increment Financing, by the Batis Development Company for the BDC Commons Subdivision Lots 1-4 and Outlot A, which is currently being platted and is generally located north of Hwy 6/31, west/southwest of South Bryan Street, and south/southeast of South Street, in the Southeast Quarter of the Southwest

Quarter of S36, T14N, R10E of the 6<sup>th</sup> P.M., City of Gretna, Sarpy County, Nebraska, being a replatting of Taxlot 6A1B (Parcel #010407715) and Lot 2 of the Langdon Brothers 7<sup>th</sup> Addition (Parcel #011605510).

- 1) Presentation by City Representative Jeff Miller
  - a)

" \f tFeasibility and Conformance with the General Plan for the Development of the City, etc.

- b)

" \f tTax Increment Financing, Costs and Benefits, Long Term Interests of Community.

- 2) Developer Representative Mark Wittenburg was available for questions.
- 3) Public Hearing - Mayor Timmerman opened the public hearing for comment. Hearing no comment, Mayor Timmerman closed the public hearing.

City Attorney Jeff Miller read the resolution by title.

" \f tCouncil Resolution No. 2-20 (4) Approving the Redevelopment Plan for the BDC Commons Redevelopment Project.

#### RESOLUTION 2-20 (4)

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA, APPROVING A REDEVELOPMENT PLAN FOR THE BDC COMMONS REDEVELOPMENT PROJECT AND MAKING FINDINGS WITH REGARD TO SUCH PLAN AND APPROVING OTHER ACTION THEREON.

WHEREAS, the City of Gretna, Nebraska, a municipal corporation, has determined it to be desirable to undertake and carry out urban development projects in areas of the City which are determined to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes §§ 18-2101 to 18-2147, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, the City has previously declared an area of the City to be substandard and blighted and in need of redevelopment pursuant to the Act; and

WHEREAS, the Planning Commission and the Community Development Agency of the City have recommended approval of the proposed Redevelopment Plan for the BDC Commons Redevelopment Project pursuant to the Act.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of Gretna, Nebraska:

1. The Redevelopment Plan for the BDC Commons Redevelopment Project is hereby determined to be feasible and in conformity with the general plan for the development of the City as a whole and the Redevelopment Plan is in conformity with the legislative declarations and determinations set forth in the Act.

2. The Mayor and City Council specifically finds as follows:

a. The Redevelopment Project described in the Redevelopment Plan would not be economically feasible without the use of tax-increment financing;

b. The Redevelopment Project would not occur in the redevelopment area without the use of tax-increment financing; and

c. The costs and benefits of the Redevelopment Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the Mayor and City Council and have been found to be in the long term best interests of the community impacted by the Redevelopment Project.

3. The Redevelopment Plan is hereby approved.

PASSED AND APPROVED this 18<sup>th</sup> day of February, 2020.

Motion by Bill Proctor, seconded by Logan Herring to approve and adopt Resolution 2-20 (4).

Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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" f tBatis Development c/o Matt Werner, 2933 SW Woodside Dr. Ste. 200, Topeka, KS 66614 requests approval of a Final Plat for a Subdivision to be known as BDC Commons on replat of Taxlot 6A1B and Lot 2 Langdon Brothers Addition, in Section 36, T-14-N, R-10-E of the 6<sup>th</sup> PM, Sarpy County, NE. Generally located NW of Hwy 6/31 and Bryan Street.

Staff Comments were given by Dan Giittinger.

Developer Representative Mark Wittenburg was available to answer questions. Pat Hillyer gave an overview of the project.

Mayor Timmerman opened the public hearing for comment. Hearing no one to speak in favor or in opposition on the public hearing, Mayor Timmerman closed the public hearing for comment.

Motion by Logan Herring, seconded by Jason Stahr to approve final plat for BDC Commons subdivision. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Hawkins Development Group LLC, 109 N. McKenna Ave., Gretna, NE 68028 requests approval of a Replat for a Subdivision to be known as Hawkins Gretna Addition, Replat 1. A replatting of an Administrative Plat Lots 1 & 2 Hawkins Gretna Addition. Generally located West of McKenna Ave. and North of West Angus

Staff Comments were given by Dan Giittinger.

Developer Representative Matt Hawkins was available to answer questions and gave an overview of the project.

Mayor Timmerman opened the public hearing for comment. Hearing no one to speak in favor or in opposition on the public hearing, Mayor Timmerman closed the public hearing for comment.

Motion by Logan Herring, seconded by Jason Stahr to approve the replat 1 for the Hawkins Gretna Addition subdivision. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Michael Dean Miller, 17135 O Circle, Omaha, NE 68135 requests approval of a request to rezone Lots 1-10 of Sarpy Heights II from Residential Estates (RE) to Residential Estates with Animals (REA). A rezoning of Lots 1-10 of Sarpy Heights II. Generally located East of Hwy 6 and North of Cornhusker Rd., Sarpy County.

Staff Comments were given by Dan Giittinger.

Developer Representative Michael Dean Miller was available to answer questions and gave an overview of the request.

Mayor Timmerman opened the public hearing for comment. Hearing no one to speak in favor or in opposition on the public hearing, Mayor Timmerman closed the public hearing for comment.

Motion by Bill Proctor, seconded by Jason Stahr to approve the rezoning for Lots 1-10 of Sarpy Heights II. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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City of Gretna request Approval of the 2020 One and Six Year Highway and Street Improvement Program

Staff Comments were given by Steve Perry.

Mayor Timmerman opened the public hearing for comment. Hearing no one to speak in favor or in opposition on the public hearing, Mayor Timmerman closed the public hearing for comment.

City Attorney Jeff Miller read the resolution by title.

Resolution 2-20 (8) Approving the Annual Street Improvement Program

RESOLUTION NO. 2-20 (8)  
SIGNING OF THE MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
FORM 2020

Whereas: State of Nebraska Statutes, sections 39-2119, 39-2120, 39-2121, and 39-2520(2), Requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

Whereas: State of Nebraska Statute, Section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board

Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor of Gretna is hereby to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 18<sup>th</sup> day of February, 2020 at Gretna, Nebraska.

Motion by Jason Stahr, seconded by Logan Herring to approve and adopt Resolution 2-20 (8).

Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Western Oil II LLC, dba Speedee Mart 2840, 431 S. Hwy 6, Gretna, NE 68028 requests approval of Class "D" Liquor License

Motion by Bill Proctor, seconded by Jason Stahr to approve the Class D liquor license for Western Oil LLC. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

## **ORDINANCES & RESOLUTIONS**

Ordinance 2058 - Amending Section 1-715 (H) Bidding Procedures  
City Attorney Jeff Miller read the ordinance by title.

### Ordinance 2058

An Ordinance of the City of Gretna, Nebraska, amending Section 1-715 (H) of the City of Gretna Municipal Code regarding contracts, purchases, bidding, and the waiver of bidding; to declare a time when this ordinance shall take full force and effect; and to repeal all ordinances in conflict herewith.

Motion by Bill Proctor, seconded by Jason Stahr to approve third reading of Ordinance 2058 and adopt. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1.

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Ordinance 2059 - Amendments to the Gretna Zoning Regulations regarding a new R-4 Highest Density Residential Zoning District and Design Review Committee

City Attorney Jeff Miller read the ordinance by title.

### Ordinance 2059

An Ordinance of the City of Gretna, Nebraska, amending the Gretna zoning regulations update 2017 as adopted via City of Gretna Ordinance No. 2000 and creating a new section 5.11.A regarding a new R-4 Highest Density Residential Zoning District and further creating a new section 4.24 regarding the Design Review Committee; to declare a time when this ordinance shall take full force and effect; and to repeal all ordinances in conflict herewith.

Motion by Bill Proctor, seconded by Logan Herring to approve third reading of Ordinance 2059 and adopt. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Ordinance 2062 - Update to the Comprehensive Plan regarding the Future Growth Boundary  
City Attorney Jeff Miller read the ordinance by title.

#### Ordinance 2062

An Ordinance of the City of Gretna, Nebraska, adopting the Gretna Comprehensive Plan update 2020; to declare a time when this ordinance shall take full force and effect; to repeal the Gretna Comprehensive Plan update 2017 and all ordinances in conflict herewith; and to provide and effective date hereof.

Motion by Bill Proctor, seconded by Logan Herring to approve third reading of Ordinance 2062 and adopt subject to all maps being available and correct within 2 weeks. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Ordinance 2063 - Rezoning of the Highland Pointe Subdivision Area – This item was held over until the next Council meeting on March 3, 2020.

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Resolution 2-20 (6) - Approval of an Interlocal Agreement between the City of Gretna and the Gretna Public Schools related to recreational facilities for use by the City and School District  
City Attorney Jeff Miller read the resolution by title.

#### RESOLUTION NO. 2-20 (6)

A Resolution of the Mayor and City Council of the City of Gretna, Nebraska approving an Interlocal Cooperation Agreement with Sarpy County School District 0037 (Gretna Public Schools) related to recreational facilities.

WHEREAS, Article XV, Section 18 of the Constitution of the State of Nebraska and the Interlocal Cooperation Act (Chapter 13, Article 8, Reissue Revised Statutes of Nebraska, as amended, the "Interlocal Act") authorize any two or more public agencies to exercise jointly any power or powers, privileges or authority exercised or capable of exercise by any of the participating public agencies, and to enter into agreements with one another for such purposes.

WHEREAS, each of the City and Sarpy County School District 0037 (each a "Party" and, collectively, the "Parties") is a "public agency" as defined in the Interlocal Act.

WHEREAS, each Party deems it necessary, desirable, advisable and in its best interest to enter into an interlocal agreement with respect to recreational facilities and other related infrastructure projects (the "Projects") of the City (the "Agreement").

WHEREAS, each Party desires to enter into the Agreement to (i) create a separate administrative committee relating to the Projects, which are public infrastructure projects, and (ii) include provisions, including benchmarks, relating to the long-term development of such public infrastructure projects between the Parties.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Gretna, Nebraska, that the City shall enter into an Interlocal Cooperation Agreement with Sarpy County School District 0037 (Gretna Public Schools), and the Mayor and City Clerk be and they are hereby

authorized to execute on behalf of the City said Agreement in substantially the form presented but with any changes as such officers shall deem appropriate for and on behalf of the City.

This resolution shall be in full force and take effect from and after adoption as provided by law.

Passed and approved this 18<sup>TH</sup> day of February, 2020.

Motion by Logan Herring, seconded by Jason Stahr to approve and adopt Resolution 2-20 (6).

Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0,

Absent: 1

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Resolution 2-20 (5) - Approval of Ballot Question for the May 12, 2020 Primary Election

Motion by Jason Stahr, seconded by Bill Proctor to approve and adopt Resolution 2-20 (5). Motion carried.

City Attorney Jeff Miller read the resolution by title.

#### RESOLUTION NO. 2-20(5)

A resolution of the Mayor and City Council of the City of Gretna, Nebraska, placing a ballot question on the ballot for the Statewide Primary Election on May 12, 2020, to approve an increase in the local option sales and use tax by an additional one-half of one percent.

WHEREAS, the City of Gretna (the "City") has imposed a local sales and use tax at a current rate of one and one-half percent (1.5%) pursuant to Nebraska Revised Statute § 77-27,142; and

WHEREAS, upon affirmative vote of at least 70% of the members of the City Council of the City, the Nebraska Local Option Revenue Act (Nebraska Revised Statutes § 77-27,142, *et seq.*) authorizes the City to submit to voters at a primary election held within the City a proposal to approve a modification of the existing City sales and use tax to a rate greater than one and one-half percent (1.5%); and

WHEREAS, the City Council finds that it is necessary to fund the costs of a recreational center building and related improvements, recreational, aquatic and parks facilities and related improvements, and other infrastructure of the City (the "Facilities") by increasing the sales and use tax by one-half of one percent (0.5%) (the "Additional Sales Tax") to a rate of two percent (2.0%); and

WHEREAS, no reductions or elimination of other taxes or fees are expected to result from the imposition of the Additional Sales Tax, and no savings or efficiencies are expected to result from the Facilities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gretna, Nebraska:

Section 1. That at the statewide primary election to be held on Tuesday, May 12, 2020, there shall be submitted to a vote of the qualified electors of the City of Gretna, Nebraska, for adoption or rejection, the following ballot question:

#### BALLOT QUESTION

Shall the City Council of Gretna, Nebraska, increase the local sales and use tax rate by one-half percent (0.5 %) upon the same transactions within the City of Gretna on which the State of Nebraska is authorized to impose a tax, with all revenues generated by the additional one-half

percent (0.5 %) to be used for public infrastructure projects under the following terms and conditions?

Revenues generated by the additional one-half percent (0.5 %) shall be used to pay the costs to construct, acquire, improve, furnish, and equip public infrastructure improvements of the City, which shall include the following:

- a. Recreation Center building and related improvements; and
- b. Recreational, Aquatic and Park facilities and related improvements.

Expiration of Tax Rate Change. The increased sales and use tax rate will be implemented and related revenues collected beginning as soon as practicable after voter approval and continuing for a period of ten (10) years, unless bonds are issued with some or all of the additional revenues pledged for payment of such bonds, in which case the increased sales and use tax rate will remain in effect and additional revenues will be collected until payment in full of such bonds and any refunding bonds.

Interlocal Cooperation Agreement. The City of Gretna and Sarpy County School District 0037 (Gretna Public Schools) have entered into an interlocal cooperation agreement for the long term development of unified governance of public infrastructure projects, specifically as relating to the cooperative construction and use of recreational facilities, for the joint and mutual benefit of the City and School District. Additional revenue collected from the additional one-half percent (0.5%) sales and use tax will not be used for the purposes of such interlocal cooperation agreement, but will be used for the public infrastructure projects of the City of Gretna as described above.

#### VOTE FOR or AGAINST

I vote FOR authorizing an increase of one-half percent (.5%) in the City of Gretna's local sales and use tax under such terms and conditions

I vote AGAINST authorizing an increase of one-half percent (.5%) in the City of Gretna's local sales and use tax under such terms and conditions

Section 2. That the City Clerk be and hereby is directed to give notice that at the statewide primary election to be held in the City on Tuesday, May 12, 2020, there will be submitted to the qualified electors of the City for adoption or rejection, the ballot question set forth in Section 1 hereof, and the City Clerk is directed to take all further action necessary or appropriate to call such election, and submit a certified copy of this Resolution to the Sarpy County Election Commissioner by no later than the first day of March, 2020.

PASSED AND APPROVED THIS 18<sup>TH</sup> DAY OF FEBRUARY, 2020.

Motion by Jason Stahr, seconded by Bill Proctor to approve and adopt Resolution 2-20 (5).  
Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

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Ordinance 2064 - Amending the Gretna Municipal Code Regarding the Allowed Locations for Fireworks Stands

City Attorney Jeff Miller read the ordinance by title.

#### ORDINANCE NO. 2064

An Ordinance of the City of Gretna, Nebraska, amending Sections 8-504(D) and (E) of the City of Gretna Municipal Code regarding fireworks and the permissible locations for retail sales.

Motion by Bill Proctor, seconded by Logan Herring to introduce Ordinance 2064 and waive three readings. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

Motion by Bill Proctor, seconded by Logan Herring to approve Ordinance 2064 and adopt. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1  
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Resolution 2-20 (7) Approving Amendment 3 to the Gretna, Omaha, and Sarpy County Sewer Agreement

City Attorney Jeff Miller read the resolution by title.

#### RESOLUTION NO. 2-20 (7)

A resolution of the Mayor and City Council of the City of Gretna, Nebraska, approving Amendment 3 to the agreement for wastewater service between the City of Omaha, Nebraska, Sarpy County, Nebraska and the City of Gretna, Nebraska.

WHEREAS, Sarpy County, the City of Gretna, and the City of Omaha entered into an Agreement For Wastewater Service dated September 13, 2013 (Agreement) governing the conveyance of wastewater to Omaha's wastewater treatment system utilizing Gretna-owned and Sarpy-owned sewers from designated Gretna and Sarpy Service Areas; and

WHEREAS, the Agreement provides for approved modifications to the Agreement and the Agreement was so amended on December 9, 2014 (Amendment 1) and amended again on May 19, 2015 (Amendment 2); and

WHEREAS, the Agreement is still in effect at this time; and

WHEREAS, the Sarpy County and Sarpy Cities Wastewater Agency (Agency) was formed on September 17, 2017 in order to construct and operate a system to provide wastewater collection and treatment for all of Sarpy County that lies within the Platte Basin; and

WHEREAS, areas within the Platte Basin that are connected to the Omaha Regional Collection and Treatment System are considered temporary connections and these temporary connections are able to be served by the Agency's system in the future; and

WHEREAS, Omaha, Gretna and Sarpy are entering into this Amendment 3 for the purpose of removing the “Deferred” designation to Gretna deferred sewer service areas, and Sarpy deferred sewer service areas, and Gretna deferred sewer service area for Sarpy that were created via Amendment 2, and adding temporary extended wastewater service areas for service by Omaha until such time as the Agency’s system is available to provide service to those areas; and

WHEREAS, the accomplishment of such is in the general public interest and is authorized by law.

NOW, THEREFORE, BE IT RESOLVED, that Amendment 3 To Agreement For Wastewater Service Between The City Of Omaha, Nebraska, Sarpy County, Nebraska And The City Of Gretna, Nebraska, is hereby approved, and the Mayor and City Clerk be and hereby are, authorized to execute the same on behalf of the City of Gretna.

PASSED AND APPROVED this 18<sup>th</sup> day of February, 2020.

Motion by Jason Stahr, seconded by Bill Proctor to approve and adopt Resolution 2-20 (7). Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1

**ADJOURNMENT**

Motion by Logan Herring, seconded by Bill Proctor Motion to adjourn. Motion carried. Herring: Yea, Lauritsen: Absent, Proctor: Yea, Stahr: Yea. Yea: 3, Nay: 0, Absent: 1  
Minutes respectfully submitted by City Clerk Tammy Tisdall.

CITY OF GRETNA, NEBRASKA

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James W. Timmerman, Mayor

ATTEST:

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Tammy L. Tisdall, CMC  
City Clerk