

CITY OF CRETE, NEBRASKA
CITY COUNCIL REGULAR MEETING

August 18, 2015

Notice of the meeting was given by posting and publishing in The Crete News, the appointed method for giving notice as shown by the Proof of Publication attached to the minutes. Advance notice of the meeting was also given to the Mayor and City Council. Pursuant to Section 84-1412(8) of the Nebraska Open Meetings Act, the City has posted a current copy of the Open Meetings Act, Laws of the State of Nebraska in the back of the Council Chambers. Additional copies are available to read. The City may consider items listed on the agenda in random order. All proceedings shown were taken while the meeting was open to the attendance of the public.

Those in attendance pledged allegiance to the flag.

1. Open Meeting
2. Roll Call
3. Petitions - Communications - Citizen Concern
- 3.A. Special Presentation - Library
4. Special Order of Business
- 4.A. Crete Backpack Program

8/18/15 Approve the request as presented Carried with a motion by Jack Oelschlager and a second by David Bauer.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.B. Lease Agreement 228 East 14th Street

8/18/15 Approve agreement with the changes made by the City Attorney Carried with a motion by David Bauer and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.C. Special Claim

8/18/15 Approve windshield repairs not to exceed \$500 w/ a release signed by Lisa Safar Carried with a motion by Judy Henning and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.D. Street Improvement Change Order

8/18/15 Approve change order in the amount of \$23,632.15 Carried with a motion by Judy Henning and a second by Dale Strehle.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.E. Short Term and Long Term Disability Insurance

8/18/15 Table the committee recommendation until more information on the LTD benefit payment amounts is available Carried with a motion by Travis Sears and a second by Kyle Frans.

David Bauer: Abstain (With Conflict), Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 5, No: 0, Abstain (With Conflict): 1

4.F. Temporary Shared Water Operator

8/18/15 Approve an arrangement to temporarily share an operator Carried with a motion by Jack Oelschlager and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.G. SENDD Membership 2015-2016

8/18/15 Approve SENDD membership for fiscal year 15-16 Carried with a motion by Jack Oelschlager and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.H. League of Municipalities Membership

8/18/15 Approve League membership for fiscal year 15-16 Carried with a motion by Travis Sears and a second by David Bauer.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

4.I. Economic Development Plan Funding

8/18/15 Defer the request for funding of a railroad quiet zone to the Legislative/Development committee Carried with a motion by Travis Sears and a second by David Bauer.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

8/18/15 Approve the funding request of Little Peanuts for infrastructure improvements to meet licensure and ADA requirements at a new location contingent on maintaining employees, ownership and operations for 7 years and the City Council approval of a special exception use permit Carried with a motion by Travis Sears and a second by Jack Oelschlager.

David Bauer: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye, Kyle Frans: No

Aye: 5, No: 1

Kyle Frans: No

5. Resolutions & Ordinances

5.A. Ordinance 1938 Amending Chapter 6 Article 1

8/4/15 Table until language is completed for Section 6-102.06 Carried with a motion by Dale Strehle and a second by Travis Sears.

Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 5, No: 0

8/18/15 Introduce Ordinance 1938 and waive the rules for reading on three separate days Carried with a motion by Dale Strehle and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

8/18/15 Approve Ordinance 1938 on final reading Carried with a motion by Dale Strehle and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 6, No: 0

5.B. Ordinance 1939 Amending Chapter 5 Article 4

8/4/15 Table until language is reviewed Carried with a motion by Dale Strehle and a second by Travis Sears.

Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 5, No: 0

8/18/15 Introduce Ordinance 1939 and waive the rules requiring reading on three separate days Carried with a motion by Dale Strehle and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

8/18/15 Approve Ordinance 1939 on final reading Carried with a motion by Dale Strehle and a second by Travis Sears.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5.C. Ordinance 1940 Special Exception Use

6/16/15 Open a public hearing at 6:08 PM Carried with a motion by Travis Sears and a second by Kyle Frans.

David Bauer: Aye, Kyle Frans: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 5, No: 0

6/16/15 Close the public hearing at 6:45 PM Carried with a motion by Travis Sears and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 5, No: 0

6/16/15 Table the application until other property options are explored by the City and Little Peanuts which will allow for variances and other issues to be addressed Carried with a motion by Travis Sears and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 5, No: 0

7/7/15 Approve the special exception for 1115 Boswell Avenue to operate a child care center in an R2 District (2/3 council required) Failed with a motion by Jack Oelschlager and a second by Judy Henning.

Judy Henning: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye, Kyle Frans: No, Travis Sears: No

Aye: 3, No: 2

Judy Henning: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye

8/4/15 Open a public hearing at 7:05 PM Carried with a motion by Jack Oelschlager and a second by Judy Henning.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

8/4/15 Close the public hearing at 8:00 PM Carried with a motion by Travis Sears and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye

Aye: 6, No: 0

8/4/15 Direct staff to draft an ordinance approving the special exception use with the condition that no parking be allowed in the vacated alley adjacent to Lots 5 & 6 of Block 151 Carried with a motion by David Bauer and a second by Jack Oelschlager.

David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye, Travis Sears: No

Aye: 5, No: 1

Travis Sears: No

8/4/15 Direct staff to draft an ordinance approving the special exception use with the condition that no parking be allowed in the vacated alley adjacent to Lots 5 & 6 of Block 151 Carried with a motion by Jack Oelschlager and a second by David Bauer.

David Bauer: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye, Kyle Frans: No, Travis Sears: No

Aye: 4, No: 2

Kyle Frans: No, Travis Sears: No

8/18/15 Introduce Ordinance 1940 a waive the rule requiring reading on three separate days Carried with a motion by David Bauer and a second by Dale Strehle.

David Bauer: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye, Kyle Frans: No

Aye: 5, No: 1

Kyle Frans: No

8/18/15 Approve Ordinance 1940 on final reading Carried with a motion by David Bauer and a second by Dale Strehle.

David Bauer: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Dale Strehle: Aye, Kyle Frans: No, Travis Sears: No

Aye: 4, No: 2

Kyle Frans: No, Travis Sears: No

6/16/15 Blaine and Mandy - presentation of application Mayor - what is busiest time Mandy - 7:30 to 8 in morning and 3:30 to 5:30 in evening Mayor - have you had traffic congestion at other facilities Mandy - never Travis - where is parking Blaine - employees park at 1140 forest, drop off in front of house at Boswell Mayor - does all parking have to be on site Tom - variance would need to be obtained for off-site parking and front yard parking % Mayor - parking seems to be biggest issue Blaine - it is an allowed special exception use Stan - 835 East 11th Boswell very busy, not good to back onto Sign will change the look of neighborhood Back fence is not 6 feet tall Property value will go down with daycare center business next door Would council members like this next door to them The noise will be very disruptive Pond across street dangerous for children Blaine - only open 6-6 no noise before or after Jack - ages of children Mandy - toddler to 10 years Mayor - % of school age children Blaine - 50% at other facilities Marsha Glen - 1049 Forest Avenue Where do children go in case of fire Backing on to busy street Not room for dumpster Where will deliveries be Sign will be obstructive Parking at another location not good Property values will go down Too much like a commercial business to be in residential neighborhood Matt Franzen - 1112 Forest Avenue Property values will go down Does not belong in this neighborhood Curtis Poteet - 1130 Forest Property value will go down Drainage already bad, more concrete will be worse Area utilities will not handle added use 1144 forest is oldest house in neighborhood Scott Kunch - 709 E 11th Doesn't seem right in this area Kristi Poteet Crete does need day care not in residential area no businesses should be in residential area 7/7/15 Max Kathol - looked for other locations but found none that had not already been researched Stan - traffic count on Boswell Marsha Glen - Parking ADA Comprehensive Plan - Historic District Set precedence when denied church in commercial zone Jim Glen - Real estate market very volatile business next to home lowers value compatibility economic effect - only benefits one person harmonious with neighborhood Curtis Poteet - please don't put business in neighborhood Blaine - The house will look like a house sign is only on garage 6 foot fence less than 2% increase in traffic playtime outside limited to approximately 2 hours per day have been searching for locations for 6 months Mac - in some towns the church rents out space for daycare Scott - really need to look at compatibility Travis - traffic safety concerns Jack - traffic not a concern - no accidents from parked cars backing into street Judy - have seen but more congested areas with daycare Dale - the increase in traffic would not cause concern Mayor - precedence is not set by City Council 8/4/15 Blaine & Mandy - present application and review all codes to be met Wendy - explanation of parking code 11-508 and exemption for existing structures Kristi Poteet - letter from Lorraine Conner - letter from Poteets about neighborhood dreams Marcia Glenn - Lonnie's commendation - lack of plans - # of children? Jim Glenn - why different attorney - comp plan - planner's letter - safety up to City Stan - alley parking Lacy - alley parking Grummond - lack of plans - safety = # of

children Becky - safety on Boswell Kevin Bollinger - tried out the parking Curtis Poteet - loading kids on Boswell Scott Kuncl - burden of proof should be on applicant parking in alley Dave Bauer - history on council - historical district - appearance - alley parking

6. Officers' Reports

Jerry - conference Mayor - budget 9/15 worksession 8/22 8am Tom - MEAN policy manual - personnel committee - benefits

7. Consent Agenda

8/18/15 Approve items as presented Carried with a motion by Travis Sears and a second by Dale Strehle. David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 6, No: 0

7.A. City Council Meeting Minutes

7.A.1. August 4, 2015

7.B. City Council Committee Meeting Minutes

7.B.1. July 28, 2015 Public Works

7.B.2. August 4, 2015 Public Safety

7.B.3. August 12, 2015 Finance

7.C. City Treasurer's Report

7.D. Claims Against the City

8. Adjournment

8/18/15 Adjourn the meeting at 7:50 pm Carried with a motion by Dale Strehle and a second by Travis Sears. David Bauer: Aye, Kyle Frans: Aye, Judy Henning: Aye, Jack Oelschlager: Aye, Travis Sears: Aye, Dale Strehle: Aye
Aye: 6, No: 0

Mayor

(SEAL)

City Clerk-Treasurer

I, Jerry Wilcox, City Clerk for the City of Crete, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council. I hereby certify that a copy of the Open Meetings Act was posted in the back of the Council Chambers. I certify that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk. I certify that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting and that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public. I certify that the minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of the City Council. I certify that all news media requesting notification concerning meetings of the City Council were provided with advance notification of the time and place of said meeting and the subjects to be discussed.

City Clerk-Treasurer

(S E A L)