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## **CITY COUNCIL REGULAR MEETING**

June 6<sup>th</sup>, 2023 at 6:00 PM

Crete City Hall, 243 East 13<sup>th</sup> Street

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### **MINUTES**

Notice of the meeting was given by posting, the appointed method for giving notice as shown by the attached notice, at the following locations:

City Hall, 243 East 13th Street

Post Office, 1242 Linden Avenue

City Bank and Trust, 1135 Main Avenue

Advance notice of the meeting was also given to committee members. 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. All proceedings shown were taken while the meeting was open to the attendance of the public.

#### **1. Open Meeting**

##### **2. Roll Call**

Tom Crisman: Present

Anthony Fitzgerald: Present

Kyle Frans: Present

Dan Papik: Present

Dale Strehle: Present

Present: 5.

##### **3. Consent Agenda**

Approved Consent Agenda Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

##### **3.A. Approve Meeting Minutes**

### **3.B. Accept the City Treasurer's Report**

### **3.C. Approve the Payment of Claims Against the City**

### **3.D. Accept MEAN meeting minutes**

## **4. Items of Business**

### **4.A. Adjourn City Council to a meeting of the Community Development Agency (CDA).**

#### **4.A.1. Elect a Chairperson for the Community Development Agency (CDA).**

Elected Dan Papik as Chairperson for the Community Development Agency (CDA).

Carried with a motion by Dale Strehle and a second by Kyle Frans.

Dan Papik: Abstain (With Conflict), Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dale Strehle: Aye

Aye: 4, No: 0, Abstain (With Conflict): 1

#### **4.A.2. Elect a Secretary for the Community Development Agency (CDA).**

Elected Kyle Frans as Secretary for the Community Development Agency (CDA).

Carried with a motion by Dale Strehle and a second by Dan Papik.

Kyle Frans: Abstained, Tom Crisman: Aye, Anthony Fitzgerald: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 4, No: 0, Abstained: 1

#### **4.A.3. Consider Resolution CDA23-04: An amendment to the Redevelopment Plan of the City of Crete, Nebraska to implement the Cardinal Ventures Redevelopment Project.**

City Attorney Alison J Borer gave a presentation on the amendment to the redevelopment plan

- This would add the Cardinal Ventures project to the redevelopment plan
- On May 22nd the Planning Commission recommended to the City Council to approve the Redevelopment Plan Amendment for the Cardinal Ventures Redevelopment Project.
- The area site is located on Redevelopment area #3
- Consists of three parcels but will be subdivided and replatted.
- This area doesn't have the public infrastructure necessary to develop those lots
- The proposed project will consist of all the public infrastructure for the 33 residential units.
- Variety of lot sizes and home sizes
- Asking for 1.78 million in Tax Increment Finance
- Multiple phases up to 6 years
- Conforms with the Comprehensive plan
- Goal 1: Community housing initiatives
- Goal 2: New housing development
- Cost Benefit Analysis

(Tax shift resulting from the approval of the use of funds pursuant to section 18-2147)

Adopted Resolution CDA23-04: An amendment to the Redevelopment Plan of the City of Crete, Nebraska to implement the Cardinal Ventures Redevelopment Project. Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.A.4. Consider Resolution CDA23-05: The Redevelopment Agreement for the Cardinal Ventures Redevelopment Project.**

Adopted Resolution CDA23-05: The Redevelopment Agreement for the Cardinal Ventures Redevelopment Project. Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.A.5. Consider Resolution CDA23-02: An amendment to the Redevelopment Plan of the City of Crete, Nebraska to implement the Crete Senior Villas Redevelopment Project.**

City Attorney Alison J Borer gave a presentation on the Redevelopment Plan Amendment for the Crete Senior Villas Redevelopment Project.

- This is Area #1 and the land is currently vacant.
- Proposed project is a 30 unit apartment building.
- Asking for 223,000 in TIF
- They will also have funding from NIFA
- Low income senior housing
- Conforms with the comprehensive plan
- There will be immediate benefits

Adopted Resolution CDA23-05: The Redevelopment Agreement for the Cardinal Ventures Redevelopment Project. Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.A.6. Consider Resolution CDA23-03: The Redevelopment Agreement for the Crete Senior Villas Redevelopment Project.**

Adopted Resolution CDA23-03: The Redevelopment Agreement for the Crete Senior Villas Redevelopment Project. Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.B. Adjourn the CDA to the City Council meeting.**

Adjourned the CDA to the City Council meeting at 6:36pm. Carried with a motion by Dan Papik and a second by Anthony Fitzgerald.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.C. Public Hearing to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for the Cardinal Ventures Redevelopment Project.**

Closed Public Hearing at 6:56pm to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for the Cardinal Ventures Redevelopment Project. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.D. Consider Resolution 2023-10: Approving an amendment to the Redevelopment Plan for the City of Crete, Nebraska, including the Cardinal Ventures Redevelopment Project.**

Opened Public Hearing at 6:37pm to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for the Cardinal Ventures Redevelopment Project. Carried with a motion by Dan Papik and a second by Dale Strehle.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

- Darcy Ross, developer for the Cardinal Ventures Redevelopment Project gave testimony in favor of the project.
- The project conforms with the comprehensive plan and will create housing which Crete really needs.
- Other communities have used TIF for housing
- The current tax is \$4,000 and after the project it will be \$212,000
- Steven Reisdorff, an attorney in Crete, provided testimony in opposition to the redevelopment project.
- Mentioned that Crete has two successful developers in town
- Stated that he believes the city is very closed and does not appear to be open to people making comments.
- This is not in the city's best interest.
- Mike Pavelka, developer for the Cardinal Ventures Redevelopment Project gave testimony in favor of the project.
- It is very hard to find housing in Crete
- Conducted a survey and interviewed people in the community and housing was mentioned as being a big need and proposed building more lots/housing.
- Robert Griffith, attorney for the Cardenal Ventures Redevelopment Project gave testimony in favor of the project.

Adopted Resolution 2023-10: Approving an amendment to the Redevelopment Plan for the City of Crete, Nebraska, including the Cardinal Ventures Redevelopment Project. Carried with a motion by Dan Papik and a second by Dale Strehle.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.E. Consider Resolution 2023-11: Approving the form of the Redevelopment Agreement and authorizing the Community Development Agency to enter into said agreement.**

Adopted Resolution 2023-11: Approving the form of the Redevelopment Agreement and authorizing the Community Development Agency to enter into said agreement. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.F. Public Hearing to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for Crete Senior Villas Redevelopment Project.**

Opened Public Hearing at 7:07pm to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for Crete Senior Villas Redevelopment Project. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye  
Aye: 5, No: 0

- Matthew Danner with CSV. LP gave testimony in favor of the project. Stated the following:
- There is a shortage of housing in Crete, including senior housing.
- The proposed senior housing will be 2 bedrooms and 1 bath.
- TIF is needed to make the development happen.

Closed Public Hearing at 7:10pm to hear testimony in favor of and/or the opposition of the Redevelopment Plan Amendment for Crete Senior Villas Redevelopment Project. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.G. Consider Resolution 2023-08: Approving an amendment to the Redevelopment Plan for the City of Crete, Nebraska, including the Crete Senior Villas Redevelopment Project.**

Adopted Resolution 2023-08: Approving an amendment to the Redevelopment Plan for the City of Crete, Nebraska, including the Crete Senior Villas Redevelopment Project. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.H. Consider Resolution 2023-09: Approving the form of the Redevelopment Agreement and authorizing the Community Development Agency to enter into said agreement.**

Adopted Resolution 2023-09: Approving the form of the Redevelopment Agreement and authorizing the Community Development Agency to enter into said agreement. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.I. Consider bid for inspection of Well 1 (18th and Kingwood) from Sargent Drilling in the amount of \$5,375.00.**

City Administrator Tom Ourada explained that well 1 is one of two water wells that supply the treatment plants. This one recently started pumping sand. This is for an inspection. The Public Works committee met on this and it is their recommendation to approve the bid.

Approved bid for inspection of Well 1 (18th and Kingwood) from Sargent Drilling in the amount of \$5,375.00. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

#### **4.J. Consider the Agreement Regarding Renewable Energy Certificate Management Services between the Municipal Energy Agency of Nebraska (MEAN) and the City of Crete, Nebraska.**

City Administrator Tom Ourada stated that MEAN is one of our primary power suppliers. Through them we get RECs renewable energy credits and, rather than having to manage our own RECs you took action at the last meeting. In order to have a third party manage our RECs this agreement specifies that MEAN will be the managing entity for our renewable energy credits. This also went to the Public Works committee and they recommended it be approved.

Approved the Agreement Regarding Renewable Energy Certificate Management Services between the Municipal Energy Agency of Nebraska (MEAN) and the City of Crete, Nebraska.

Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

#### **4.K. Consider the Application for a Permit to Occupy the City of Crete Right-Of-Way from ALLO Communications.**

City Administrator Tom Ourada explained that we did get the request to occupy the right-of-way from ALLO communications. They will be doing one section at a time and it follows design guidelines.

Council member Anthony Fitzgerald explained that ALLO Communications is excited about coming and will start sometime this month.

Approved the Application for a Permit to Occupy the City of Crete Right-Of-Way from ALLO Communications. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

#### **4.L. Consider enacting Ordinance 2170: An ordinance to annex Area #5 into the corporate limits of the City of Crete on third and final reading.**

Introduced Ordinance 2170 and moved that it be approved for its third and final reading. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0 Moved for the final passage of Ordinance 2170. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.M. Consider Claim: 96A139963 to accept the revised ACV settlement offer of \$5,992.37 from Dairyland Insurance.**

City Administrator Tom Ourada explained this is from an insurance claim. Dairyland approached us to settle 85%. Informed them that it had to go to council. Council member Kyle Frans stated that the Finance committee met on this and rejected the offer of \$5,992.37 because the cost to replace it was \$7,049.85 and requesting the full price.

Rejected Claim: 96A139963 for the revised ACV settlement offer of \$5,992.37 from Dairyland Insurance. Carried with a motion by Kyle Frans and a second by Dale Strehle.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.N. Public Hearing to hear testimony in favor of, in opposition to and to answer questions in relation to a proposed special exception use permit requested by Tillman Infrastructures to erect a communications tower at 1968 County Road G, Crete, Nebraska.**

Opened Public Hearing at 7:20pm to hear testimony in favor of, in opposition to and to answer questions in relation to a proposed special exception use permit requested by Tillman Infrastructures to erect a communications tower at 1968 County Road G, Crete, Nebraska.

Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

City Administrator Tom Ourada explained that the application does conform with zoning. The only concern was with the fall zone and they did provide that data.

Levi Potensky of Tillman Infrastructures stated that his guess for a timeline for building will be around December 2023 and February 2024.

Closed Public Hearing at 7:22 p.m. to hear testimony in favor of, in opposition to and to answer questions in relation to a proposed special exception use permit requested by Tillman Infrastructures to erect a communications tower at 1968 County Road G, Crete, Nebraska.

Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.O. Consider the application for a special exception use permit SEP 23-01 from Tillman Infrastructures to erect a communications tower at 1968 County Road G, Crete, Nebraska.**

Approved the application for a special exception use permit SEP 23-01 from Tillman Infrastructures to erect a communications tower at 1968 County Road G, Crete, Nebraska.

Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.P. Consider approving the Police Department to apply for the Speed Prevention Driving Enforcement Highway Safety Grant.**

Chief of Police Gary Young stated that with this grant officers will get reimbursed for their time conducting traffic enforcement. In recent conversations it has been brought up that speeding is a concern. This grant is to specifically target speeding.

Approved the Police Department to apply for the Speed Prevention Driving Enforcement Highway Safety Grant. Carried with a motion by Dan Papik and a second by Tom Crisman.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.Q. Consider the Application for Prohibited Animal Exception from Saline County 4-H/Extension.**

City Administrator Tom Ourada explained that a multi-day exception is required to go to the council.

Council member Dan Papik stated that the Public Safety Committee did meet on this and recommended it be approved.

Approved the Application for Prohibited Animal Exception from Saline County 4-H/Extension. Carried with a motion by Dan Papik and a second by Kyle Frans.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.R. Approve the Change Order No. 1 from JEO Consulting Group, Inc. in the amount of \$52,980.34 for the additional charges on the gap paving project by Constructors.**

City Administrator Tom Ourada explained that this change order was for the work that required some exceptional earthwork and they did provide justification for the charges.

Approved the Change Order No. 1 from JEO Consulting Group, Inc. in the amount of \$52,980.34 for the additional charges on the gap paving project by Constructors. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.S. Consider Constructor's Application for Payment in the amount of \$657,130.82 for the gap paving project.**

City Administrator Tom Ourada stated that this is for about 1/3 of the project and it has been moving fast, which makes the people in the area very happy.

Approved Constructor's Application for Payment in the amount of \$657,130.82 for the gap paving project. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

**4.T. Consider the Master Fee Schedule.**

City Administrator Tom Ourada stated that there were some changes to the master fee schedule. Some fees were priced too high and then altered some of the other costs.

Approved the Master Fee Schedule. Carried with a motion by Kyle Frans and a second by Dale Strehle.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

#### **4.U. Consider Application # SE23-02 for The Gardens 4th of July celebration from Tabitha.**

City Administrator Tom Ourada explained that this is for two days after the 4th of July. Council member Dan Papik mentioned that Public Safety met on this and it was their recommendation that it be approved.

Approved Application # SE23-02 for The Gardens 4th of July celebration from Tabitha. Carried with a motion by Dan Papik and a second by Kyle Frans.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

#### **4.V. Consider the request from Dittmer & Dittmer for the Administrative Subdivision of Lot 3 of the East Ridge 1st Addition.**

City Administrator Tom Ourada stated that this administrative subdivision is for two lots. They originally proposed it for four lots which would not qualify as an administrative subdivision. They redid it to two lots and it does comply with all regulations with an administrative subdivision.

Approved the request from Dittmer & Dittmer for the Administrative Subdivision of Lot 3 of the East Ridge 1st Addition. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 0

### **5. Petitions - Communications - Citizen Concerns**

### **6. Officers' Reports**

- Officer Reports:

- Police Chief Young reported the following:

- With the last Click it or Ticket Grant, 3 officers spent 122 hours and there were 8 arrests.
- Working with Community Assistance Director Marilyn Schacht on outreach efforts with the immigrant community on driver education.
- Working with Public Health Solutions for some upcoming training and education.

- Council member Tom Crisman stated:
  - Officer Audrey Arbuckle was selected to be American Legion Officer of the Year for the state of Nebraska and now being nominated for National recognition.
- Council member Kyle Frans mentioned his excitement about the new housing developments in town.
- City Administrator Tom Ourada reported the following:
  - There has been a delay in the bid openings for the transformer until June 29<sup>th</sup> 2023 at 10:30am and the PDC is at 10:00am.
  - Draft Data for the comp study. Asked for some changes and got those back last week.
  - First FOP meeting will be next Wednesday, June 14<sup>th</sup> 2023.
  - The City of Crete has hired a new city attorney. She will be co-piloting with the city attorneys from Cline Williams.
  - Park and Recreation Director opened the pool on schedule. She will be starting full time with the city on June 13<sup>th</sup> 2023.
- Mayor Dave Bauer reported the following:
  - Thanked everyone for passing what they did tonight which is a big step for Crete.

## 7. Adjournment

Meeting adjourned at 7:40 pm

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Mayor

(SEAL)

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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.

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City Clerk-Treasurer (S E A L)