



CITY COUNCIL REGULAR MEETING

November 7th, 2023 at 6:00 PM
Crete City Hall, 243 East 13th Street

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
Ashley Newmyer:	Present
Dan Papik:	Present
Dale Strehle:	Present

Present: 6.

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, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

3.A. Approve Meeting Minutes

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- 3.A.1. October 17, 2023 City Council Minutes**
- 3.A.2. October 17, 2023 Leg.Econ.Development Minutes**
- 3.A.3. October 17, 2023 Personnel Committee Minutes**
- 3.A.4. October 17, 2023 Public Safety Committee Minutes**
- 3.B. Accept the City Treasurer's Report**
- 3.C. Approve the Payment of Claims Against the City**
- 3.D. Approve Blue River Arts Council LB840 Grant Reimbursement Request totaling \$77,546.95**
- 3.E. Consider the reimbursement to Gary Young for frames purchased for awards in the amount of \$60.41.**
- 3.F. The Mayor's reappointment of Brent Cole to the Civil Service Commission for the term ending in 2028.**

4. Items of Business

4.A. Ben Schwartz with Blue Valley Community Action Partnership presenting a report on operations.

Ben Schwartz of Blue Valley Community Action Partnership provided a report on operations.

4.B. Consider adopting Resolution No. 2023-21 Signing of The Year-End Certification of City Street Superintendent 2023.

This item went to the Public Works committee and it is to certify the City Street Superintendent for 2023.

Introduce and Adopt Resolution No. 2023-21 Signing of The Year-End Certification of City Street Superintendent 2023. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.C. Consider the Change Order No.1 for City Office South Drive in the amount of \$3,565.00 from Pave LLC.

City Administrator Tom Ourada explained that this was for cracked up paving that made sense to do with the new paving. This item went to the Public Works committee.

Approved the Change Order No.1 for City Office South Drive in the amount of \$3,565.00 from Pave LLC. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.D. Consider the Contractor's Application for Payment from Pave LLC. for the City Office South Drive in the amount of \$188,949.00

City Administrator Tom Ourada stated that this is the total payment for the project.

Approved the Contractor's Application for Payment from Pave LLC. for the City Office

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South Drive in the amount of \$188,949.00 Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.E. Consider the Application For Special Event Permit SE23-09 for the Crete Cares Food Distribution event.

Chief of Police Gary Young explained that this is the second year he has worked with Brent Braunberger with the Crete Cares Food Distribution. This year it will take place on Saturday, December 9th 2023. The distribution will take place at the Bus Barn at Crete Public Schools. Cars will be able to go in through the Crete Public Schools Administration & Welcome Center and route through Linden Ave to the Bus Barn. This year they will be spacing out people in time blocks from 9am to 11am so everybody doesn't show up all at once.

Approved the Application For Special Event Permit SE23-09 for the Crete Cares Food Distribution event. Carried with a motion by Dan Papik and a second by Tom Crisman.
Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.F. Consider authorizing the NDOT Improving Data Mini-Grant Contract Application and Award for the Crete Police Department for equipment for eCitations and eCrash.

Chief of Police Gary Young stated that this is to upgrade the computers. The current data 911 system they have is incredibly difficult to work with and IT Director Director Mike Kalkwarf and GIS/IT Emerson Aschoff have been working on making it work. They would like to use this grant to replace the remaining three data 911 systems they have.

Authorized the NDOT Improving Data Mini-Grant Contract Application and Award for the Crete Police Department for equipment for eCitations and eCrash. Carried with a motion by Dan Papik and a second by Tom Crisman.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.G. Consider enacting Ordinance 2185 Amending Electric Access to Premises.

City Attorney Anna Burge explained that this Ordinance is to allow the City to have electric access to premises. The only change in the was the last sentence in the ordinance to allow the City to bill the property owner to move the electric meter.

Introduce Ordinance 2185 and move that the statutory rule requiring three separate readings be suspended. Carried with a motion by Dale Strehle and a second by Dan Papik.
Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

Enact Ordinance 2185 To Amend Section 3-112 of the Crete Municipal Code to allow the City to move electric meters at the cost of the customer. Carried with a motion by Dale Strehle

and a second by Dan Papik.

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

Aye: 6, No: 0

4.H. Consider enacting Ordinance 2186 Amending Water Access to Premises.

City Attorney Anna Burge mentioned that this is to allow the City to have access to premises to read the water meters and to bill the property owner to move the water meter if they refuse to give them access.

Introduce Ordinance No. 2186 and move that the statutory rule requiring three separate readings be suspended. Carried with a motion by Dale Strehle and a second by Dan Papik.

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

Aye: 6, No: 0

Enact Ordinance 2186 To Amend Section 3-212 Of The Crete Municipal Code to allow the City to move water meters at the cost of the customer. Carried with a motion by Dale Strehle and a second by Dan Papik.

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

Aye: 6, No: 0

4.I. Consider the Change Order No. 2 from Constructors Inc. in the amount of \$9,200 for the irrigation and landscaping work at 21st and Main.

City Administrator Tom Ourada explained that this is a change order for the landscaping work at 21st and Main. There was discussion on how this is going to get paid and there will be shared cost. This item went to Public Works. Council member Strehle stated that it is their recommendation to approve the change order No.2 in the amount of \$9,200 and the property owner pay a portion of the cost.

Approve the Change Order No. 2 from Constructors Inc. in the amount of \$9,200 for the irrigation and landscaping work at 21st and Main. Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

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

Aye: 6, No: 0

4.J. Consider awarding a three-year Cemetery Hay Lease to the highest bidder.

The three-year Cemetery Hay Lease was awarded to Ernie Odvody for the amount of \$1,365.75.

Award a three-year Cemetery Hay Lease to Ernie Odvody in the amount of \$1,365.75. Carried with a motion by Dale Strehle and a second by Dan Papik.

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

Aye: 6, No: 0

4.K. Consider awarding a three-year WWTP Farm Lease to the highest bidder.

Award a three-year WWTP Farm Lease to Nathan Patak in the amount of \$1,350.00. Carried with a motion by Dale Strehle and a second by Dan Papik.

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

Aye: 6, No: 0

The three-year WWTP Farm Lease was awarded to Nathan Patak in the amount of \$1,350.00.

4.L. Consider the Food Bank distribution being moved to Tuxedo Park.

This item went to Public Safety and it was their recommendation to have the Food Bank distribution moved to Tuxedo Park.

Approved the Food Bank distribution being moved to Tuxedo Park. Carried with a motion by Dale Strehle and a second by Tom Crisman.

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

Aye: 6, No: 0

4.M. Consider adopting Resolution 2023-22 To Limit The Use Of City Park's Parking Lot To City Staff and Park Patrons.

Mayor Dave Bauer clarified that the use of the parking lot to city staff and park patrons is for the city staff that come to city hall to conduct business. City Administrator Tom Ourada stated that the restrictions are necessary. Park and Recreation committee member Ashley Newmyer stated that it is their recommendation to adopt Resolution 2023-22.

Introduce and Adopt Resolution 2023-22 To Limit The Use Of City Park's Parking Lot To City Staff and Park Patrons. Carried with a motion by Ashley Newmyer and a second by Kyle Frans.

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

Aye: 6, No: 0

4.N. Consider the Application For The Crete Carrier Room Grant.

City Administrator Tom Ourada explained that this application for the Crete Carrier Room grant would be for individuals or organizations to fill out to get assistance with the room rental for events or activities that would benefit the community. The Economic Development committee did look at this item.

Approve the Application For The Crete Carrier Room Grant. Carried with a motion by Anthony Fitzgerald and a second by Dan Papik.

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

Aye: 6, No: 0

4.O. Consider the LB840 Application from PWR & DWD Rental Properties, LLC DBA Old Main Bar & Grill in the amount of \$88,973.88.

City Administrator Tom Ourada stated that this LB840 Application from Old Main Bar & Grill went to the Economic Development Advisory Board and it was their recommendation to

award the maximum amount, which is 50% of eligible activities, and it turned out to be \$88,973.88.

Approve the LB840 Application from PWR & DWD Rental Properties, LLC DBA Old Main Bar & Grill in the amount of \$88,973.88. Carried with a motion by Dale Strehle and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.P. Consider the approval of a CDBG contract amendment to extend the contract end date to August 4th, 2024 for the completion of the City of Crete's Downtown Revitalization project.

City Administrator Tom Ourada stated that the City had originally asked for a contract amendment to extend the contract for a year. However, the Department of Economic Development did come back with a request to have the contract amendment be for 9 months. This will be submitted for a 9-month extension. This item went to the Economic Development Committee and it is their recommendation to approve the 9-month contract amendment.

Approved a CDBG contract amendment to extend the contract end date to August 4th, 2024 for the completion of the City of Crete's Downtown Revitalization project. Carried with a motion by Anthony Fitzgerald and a second by Kyle Frans.

Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

4.Q. Consider approving payment of claims to Crete Ace Hardware in the amount of \$1,579.59.

Approve payment of claims to Crete Ace Hardware in the amount of \$1,579.59. Carried with a motion by Dale Strehle and a second by Tom Crisman.

Dan Papik: Abstain (With Conflict), Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dale Strehle: Aye
Aye: 5, No: 0, Abstain (With Conflict): 1

4.R. Consider selecting a City Engineer.

Discussed the selection of a City Engineer. Interviews will be conducted on November 14th, 2023 at 4:00 p.m.

4.S. Consider the LB840 Economic Development Program Amended Plan.

City Administrator Tom Ourada explained that when the City of Crete was originally challenged on the LB840 award to BRAC Cline Williams was asked if BRAC was a qualifying entity. The Cline Williams attorney at the time did the research and said that yes, BRAC was a qualifying entity. The award was based on that recommendation. The auditor of public accounts did mention that the plan was outdated. Trent Sidders with Cline Williams updated the LB840 Economic Development Program Plan.

Approved the LB840 Economic Development Program Amended Plan. Carried with a motion by Anthony Fitzgerald and a second by Dan Papik.

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Tom Crisman: Aye, Anthony Fitzgerald: Aye, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye
Aye: 6, No: 0

5. Petitions - Communications - Citizen Concerns

Tyler Ward thanked the City of Crete and Liz Cody, Park and Recreation Director, for the opportunity to work on the Driftwood Trail.

6. Officers' Reports

- Chief of Police, Gary Young reported the following:
 - The Trunk or Treat was moved indoors at the High School and had a great turn out.
 - Thanked the City Council for the cameras that were purchased. They were installed in the vehicles and the officers are liking the features.
- Liz Cody, Park and Recreation Director reported the following:
 - Thanked Adam and Tyler for the work they did with the rest of the boy scout troops to clean up the trail. Cody stated they spent around 80 hours with prep and ground work. The work will continue on the trail.
 - Park and Rec Gold Star 5-week program started this past Sunday, November 5th 2023.
 - Currently working on a wish list for programs for next year. If people have suggestions.
 - There are 21 industrial trash cans that will be installed in the parks.
 - Wrapping up projects with the Crete Diamonds, Blue River Raceway, and at the Crete Public Library.
 - Toured the City and there are 825 trees noted of which letters will be going out for about 50 for action to remedy safety concerns.
 - Will be working on submitting the Tree City USA application.
- Savannah Anderson, Human Resource Coordinator introduced Ezequiel Mason as the new Electric Department Line Ground person.
- Council members Kyle Frans, Anthony Fitzgerald, and Dan Papik thanked Adam and Tyler Ward and Liz Cody and the rest of the Park and Recreation Department for the work on the Tuxedo Park Trail.
- Tom Ourada, City Administrator reported the following:
 - The City of Crete will not be putting up flags on Main Street since Tom Parker and his group are putting up 600 flags. The City will continue to put up the flags at City Park.
 - Explained that at the last Planning Commission Meeting the agenda items on the Burlington Estates Preliminary and Final Plats were voted on and forwarded to the City Council with 3-2 votes. The Planning Commission will hold a public Hearing for proposed Zoning Map amendment for College Park Addition block 15 lots 9-11 R2 to R3 on Monday, November 20th at 7:00pm. This change is for the Burlington Estates.

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- The City Council will hold a Public Hearing on the proposed Zoning Map amendment for College Park Addition block 15 lots 9-11 R2 to R3 on Tuesday, November 21st at 6:00pm.
- The City Council will also hold a public hearing on gap paving street assessments on November 21st.
- Negotiations are taking place with Norris Public Power District to move the electric service at 547 CR 2400 to the City System.
- Mayor Bauer thanked Tom Parker and his group for the American Flags that are placed around the City.

6.A. Public Hearing for proposed Zoning Map amendment College Park Addition block 15 lots 9-11 R2 to R3 on Tuesday, November 21st at 6:00pm.

6.B. October 19, 2023 Airport Advisory Board Meeting Minutes

6.C. October 2023 Municipal Review

7. Adjournment

7:04 p.m.

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

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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)

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