



CITY COUNCIL REGULAR MEETING

October 3rd, 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.

2.A. Comprehensive Plan update presentation by Confluence staff.

Christopher Shires with Confluence provided a presentation during the joint workshop #2. Including the following information

project scope and schedule, plan outline, draft review, and next steps include final approval and updates to the city code. The presentation included community vision and being a welcoming community, quality of life and diversity of housing options.

Transportation was another topic mentioned and exploring partnerships with Saline County Area

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Transit, Public Health Solutions, Crete Area Medical Center, Doane University and Crete Public Schools. A possible location for a pedestrian overpass was discussed.

A community to grow in and existing land use. Growth restrictions, population projection, and future land use.

Priority A- Annexations

Priority B- Areas that support a wide variety of housing

Priority C- Commercial and business development

What's Next- There will be a Bilingual Public Open House on Monday, October 16th 4:30pm-6:30pm. More information is on the project website with the plan in detail.

Mayor Bauer added that Confluence has done a very good job. Now we can all get the word out so that people attend public open house.

3. Consent Agenda

Approved the 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

3.A.1. August 15, 2023 Public Works Minutes

3.A.2. September 5, 2023 Public Works Minutes

3.A.3. September 19, 2023 Finance Committee Minutes

3.A.4. September 19, 2023 Personnel Committee Minutes

3.A.5. September 19, 2023 Public Safety Committee Minutes

3.A.6. September 19, 2023 City Council Meeting Minutes

3.B. Accept the City Treasurer's Report

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

3.D. Nebraska Broadband Availability Map and comment page.

4. Items of Business

4.A. Consider a 4-year service agreement for the Fire Department's Lifepak AED's.

Fire Chief Allen stated that this item was brought up at the last meeting and it was tabled. It was a misunderstanding on his part and these are new lifepack AED's and are needed items.

Approved 4-year service agreement for the Fire Department's Lifepak AED's. 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.B. Consider the purchase of a chassis for the Fire Department brush truck.

Fire Chief Tod Allen stated that this would be to purchase a 2023 Dodge Ram Regular Cab Chassis for the amount of \$59,500. This would replace a 96 Ford used a grass rig but they would continue to use it if needed. Chief Allen stated that if they get approval to purchase the 2023 Dodge Ram they would have a back end built for it.

Approved the purchase of a chassis for the Fire Department brush truck. Carried with a motion by Dan Papik and a second by Anthony Fitzgerald.

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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

4.C. Public hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the Petition ZOA23-03 To Amend The Zoning Ordinance.

The Public Hearing was opened at 6:39pm. City Administrator Tom Ourada mentioned that the owner would like to construct on the land however, on I1 setbacks you can't build. He is requesting the zoning be changed to to C2. If this is voted on and approved to change to C2 the city street would change and that would be continuous.

The Public Hearing was closed at 6:41pm.

Open Public hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the Petition ZOA23-03 To Amend The Zoning Ordinance. 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

Closed Public hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the Petition ZOA23-03 To Amend The Zoning Ordinance. 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 Petition To Amend The Zoning Ordinance application number: ZOA23-03

Approved the Petition To Amend The Zoning Ordinance application number: ZOA23-03 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. Public hearing to hear testimony in favor of and in opposition to a liquor license application for Casey's Retail Company DBA Casey's 4303 located at 2151 Cardinal Ln, Crete, NE.

The public hearing opened at 6:43pm
The public hearing closed at 6:43 pm.

Open Public hearing to hear testimony in favor of and in opposition to a liquor license application for Casey's Retail Company DBA Casey's 4303 located at 2151 Cardinal Ln, Crete, NE. 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

Closed Public hearing to hear testimony in favor of and in opposition to a liquor license application for Casey's Retail Company DBA Casey's 4303 located at 2151 Cardinal Ln, Crete, NE. 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.F. Consider the application for a Retail Liquor License from Casey's Retail Company DBA Casey's 4303 located at 2151 Cardinal Ln, Crete, NE.

Council member Dan Papik stated that the Public Safety committee met on this.

Approved the application for a Retail Liquor License from Casey's Retail Company DBA Casey's 4303 located at 2151 Cardinal Ln, Crete, NE. Carried with a motion by Dan Papik 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.G. Consider the Ramaekers Addition Administrative Subdivision.

City Administrator Tom Ourada explained that this subdivision is 1/2 mile south of Crete and east of the roadway. It conforms with the ordinance.

Council member Dale Strehle stated that the Public Works committee met on this.

Approved the Ramaekers Addition Administrative Subdivision. 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. Public Hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the following proposed regulations: Chapter 11 Article 5 Fencing Standards.

Open Public Hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the following proposed regulations: Chapter 11 Article 5 Fencing Standards. 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 public hearing opened at 6:46pm. City Administrator Tom Ourada explained that this had been discussed with the planning commission. They asked what prompted this and Ourada stated that there had been a property owner who requested an 8 foot fence. When Ourada explained to the planning commission that that would be like creating an 8ft hallway and you couldn't see.

City Attorney Anna Burge stated that the only change would be in section G. which focuses on what materials can be used and that is to make sure everything is kept cohesive and to prevent dangerous materials. This item also went to the Public Works committee. The public hearing closed at 6:49pm.

Closed Public Hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the following proposed regulations: Chapter 11 Article 5 Fencing Standards. Carried with a motion by Dan Papik and a second by Dale Strehle.

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 Ordinance 2179: An ordinance to amend Section 11-502 of the Municipal Code to change design standards for fencing.

Introduce Ordinance 2179 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 2179: An ordinance to amend Section 11-502 of the Municipal Code to change design standards for fencing. 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.J. Consider authorizing the Police Department to apply for the Highway Safety STEP Grant.

Police Sergeant Jon Pucket explained that the Special Traffic Enforcement Program, the STEP program, provides them with more grant applications for the year. They tell them how much money they will receive at the beginning of the year and it allows them to participate in other activities during the year.

Authorized the Police Department to apply for the Highway Safety STEP Grant. 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.K. Consider approving payment of claims to Crete Ace Hardware in the amount of \$204.28

Approved payment of claims to Crete Ace Hardware in the amount of \$204.28 Carried with a motion by Dale Strehle and a second by Anthony Fitzgerald.

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.L. Consider approving Old Main Bar & Grill as a contractor for Crete Keno.

City Administrator Tom Ourada stated that the City Council is the governing body to grant a Keno outlet. Michael Neriby explained that Old Main Bar and Grill would be a third outlet for Keno. The City Council would have to authorize.

Council member Kyle Frans explained that it was also mentioned that there would be a kiosk and a mobile app.

Approved Old Main Bar & Grill as a contractor for Crete Keno. Carried with a motion by Kyle Frans and a second by Ashley Newmyer.

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 the Contractor's Application for payment from Constructors, Inc. in the amount of \$343,495.75

City Administrator Tom Ourada explained that this is a typical pay application and they are on time with the work being completed. This item also went to the Public Works committee.

Approved the Contractor's Application for payment from Constructors, Inc. in the amount of \$343,495.75 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.N. Consider the Change Order #13 on the Isis Theater Phase I

Blue River Arts Council Director Shaylene Smith explained that this change order is for funds that they already have.

Council member Dale Strhele mentioned that this went to the Public Works committee.

Approved the Change Order #13 on the Isis Theater Phase I. 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.O. Consider an agreement for Isis Theater Phase II

Blue River Arts Council Director Shaylene Smith explained that this is needed to that they can close out phase 1 and open phase 2. Smith stated that they have not used any of the LB840 funds and they would be using them in phase 2.

Approved an agreement for Isis Theater Phase II. 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 Interlocal Agreement between the City of Crete, Nebraska and Saline County, Nebraska to provide for pavement construction on Boswell Ave and County Road 2300 from BNSF railroad north of Highway 33 to E. 29th St.

City Administrator Tom Ourada explained that this interlocal agreement is between the City of Crete and Saline County for paving. They will be going into thirds and as City Attorney Anna Burge pointed out the City could back out if the agreement isn't followed.

Approved the Interlocal Agreement between the City of Crete, Nebraska and Saline County, Nebraska to provide for pavement construction on Boswell Ave and County Road 2300 from BNSF railroad north of Highway 33 to E. 29th St. 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.Q. Consider a purchase agreement for lots 5-6 and lots 7-8 Block 99.

City Administrator Tom Ourada stated that this is for a purchase agreement/MOU with a local developer. Currently in negotiations over the price and this went to public works.

Approve a purchase agreement for lots 5-6 and lots 7-8 Block 99. 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.R. Consider Resolution 2023-19 for a detour from NDOT on South 103.

City Administrator Tom Ourada explained that this is with the Nebraska Department of Transportation construction on state highway N-103 and their requested detour. This will be for about 30-45 days of a detour going through Main Ave.

Introduce and Adopt Resolution 2023-19 for a detour from NDOT on South 103. 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.S. Consider amending Section 4.05 of the Personnel Rules and Regulations to clarify the use of time banks when using FMLA and/or Disability Benefit Plans.

City Administrator Tom Ourada stated that this would amend section 4.05 and adds clarification in the order time is taken during FMLA. The insurance plan provider requires the use vacation time first and not sick leave when on short-term disability. Ourada stated that the intent here is to add the section to provide clarification on short and long term disability and they will use whatever the plan providers specifications require and that will overwrite our FMLA requirements and this is not a change, it is just clarifying. This went to the Personnel Committee.

Amend Section 4.05 of the Personnel Rules and Regulations to clarify the use of time banks when using FMLA and/or Disability Benefit Plans. Carried with a motion by Tom Crisman 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

5. Petitions - Communications - Citizen Concerns

Shaylene Smith mentioned upcoming events: Friday, October 20th Crete Latin Night Fiesta 7:30pm-12Am. Friday, October 27th 2023 United Band at 1206

6. Officers' Reports

- Assistant Fire Chief James Yost stated that there have been 695 calls for the year. There have been 3-4 people interested in becoming associate members to the volunteer department.
- Parks and Recreation Director, Liz Cody stated the following:
 - The RCN Grant for a pedestrian overpass that was submitted will be helpful for pedestrians.
 - Attended the 2023 Annual Nebraska Recreation and Park Association Conference and learned about many new things.
 - Hosted a high school girls softball tournament
 - Conducted a walk through of the City Park expansion at the old library site.
 - Helping to coordinate for Crete's Great Pumpkin Festival. There will be more vendors than in previous years.
- City Administrator Tom Ourada stated the following:
 - On the next City Council meeting the Loan Agreement between the Nebraska Department of Environment and Energy and the City of Crete, Nebraska for a water well and associated main lines is going to be on the agenda. It is for \$735,000 grant and \$1,365,000 at 0.03% over 30 years.
 - Will be having nuisance property hearings in the next couple weeks. The nuisances have been divided up into two chapters. Chapter 4 for health nuisances and chapter 6 for public nuisances. There will be three hearings in the coming weeks with the Mayor, and two council members from the Public Works Committee.

Spoke with administrators from Crete Public Schools about using City of Crete resources to help with traffic. Will be looking into that in depth

7. Adjournment

Meeting adjourned: 7:14 p.m.

Mayor

(SEAL)

City Clerk-Treasurer

October 3rd, 2023

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)

October 3rd, 2023