



CITY COUNCIL REGULAR MEETING

November 21st, 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

- 3.A.1. November 7, 2023 City Council Minutes**
- 3.A.2. November 7, 2023 Finance Committee Minutes**
- 3.A.3. November 7, 2023 Leg.Econ.Development Minutes**
- 3.A.4. November 7, 2023 Parks & Rec Committee Minutes**
- 3.A.5. November 7, 2023 Public Safety Committee Minutes**
- 3.B. Accept the City Treasurer's Report**
- 3.C. Approve the Payment of Claims Against the City**

4. Items of Business

4.A. Public Hearing for Retail Liquor License from Carniceria San Fernando 228 East 13th Street, Crete, NE.

Opened Public Hearing for Retail Liquor License from Carniceria San Fernando 228 East 13th Street, 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

The Public Hearing for Retail Liquor License from Carniceria San Fernando 228 East 13th Street, Crete, NE opened at 6:02 p.m. City Administrator Tom Ourada explained that this request for Liquor License for what everybody refers to as Rico's Tacos was prepared by Attorney Shaylene Smith and she measured to make sure there are no statutory conflicts from churches or schools. This item went to the Public Safety committee.

The Public Hearing closed at 6:04 p.m.

Closed Public Hearing for Retail Liquor License from Carniceria San Fernando 228 East 13th Street, Crete, NE. 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

Recommend to the Liquor Commission the Retail Liquor License from Carniceria San Fernando 228 East 13th Street, Crete, NE. 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. Public Hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the following proposed Zoning Map amendment. College Park Addition block 15 lots 9-11 R2 changed to R-3.

The Public Hearing opened at 6:04 p.m.

City Administrator Tom Ourada stated that Mike Eckert with Civil Design Group, Inc. representing the developers was present. Eckert explained that in total there will be 35 new housing units in Crete. 18 of them will be attached single family homes and 13 single family homes. Eckert explained that on Iris since it is a very busy street they would like to build a fourplex. Each will be on individual lots so they can be sold individually and each will have their own entrance and exit. What they would like to do is change the zone from R2 to R3. Eckert explained that they will be vacating Longfellow Avenue and dedicating a park in the green

space.

Council member Anthony Fitzgerald asked if this could have all been avoided if Longfellow Avenue would have been moved. Eckert explained that they are vacating Longfellow Avenue and it will become part of the park. Ourada clarified that it is a sewer line that runs under Longfellow Avenue and it is cost prohibitive to move it.

Council member Tom Crisman asked about the price range of the fourplex units. Eckert explained that each unit in the fourplex will have a 2 car garage and 2 parking spaces in front of the garage.

Mayor Dave Bauer added that a discussion going on in Crete about what is affordable and what people want and what they can get. The developers are trying to make it as affordable as possible, but until they can get the final plat, they won't be able to know what that price is going to be at. Darcie Ross explained that they have a potential floor plan that they would like to use. Once they are granted approval, they will pay to have the official floor plans drawn up. Ross stated that their plan is to make them as affordable and nice as possible.

Open Public Hearing to hear testimony in favor of and in opposition to and to answer questions in relation to the following proposed Zoning Map amendment. College Park Addition block 15 lots 9-11 R2 changed to R-3. 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 following proposed Zoning Map amendment. College Park Addition block 15 lots 9-11 R2 changed to R-3. Carried with a motion by Tom Crisman 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.C. Consider the zoning request for College Park Addition block 15 lots 9-11 R2 changed to R-3.

City Administrator Tom Ourada explained that this was taken by the Planning Commission at two meetings. At the first meeting there was a discussion and they set a hearing at that meeting there was not a consensus vote. At the meeting last night there was a consensus vote. There was discussion on this conforming with the Comprehensive Plan.

City Attorney Anna Burge stated that when they look at the requirements for the rezone of an area they look to see if it is connected to that zone and across the street there is this zone. The second thing to consider is if this is in compliance with our comprehensive plan and the goals for the City.

Approved the zoning request for College Park Addition block 15 lots 9-11 R2 changed to R-3. Carried with a motion by Tom Crisman and a second by Dan Papik.

Tom Crisman: Aye, Anthony Fitzgerald: No, Kyle Frans: Aye, Ashley Newmyer: Aye, Dan

Papik: Aye, Dale Strehle: Aye

Aye: 5, No: 1

4.D. Consider the variance for College Park Addition block 15 lots 9-11 R2 changed to R-3.

City Administrator Tom Ourada stated that you can only consider a variance if the zoning has been changed. The variance is very specific to this particular application. The Planning Commission did not consider this. It is not within the Planning Commission's purview. This is only in the Board of Adjustments' purview or the City Council's purview.

City Attorney Anna Burge explained that with a variance there are three questions that you need to ask yourself.

- 1.) Is this variance necessary given the circumstances of the location?
- 2.) Is it reasonable, does it seem like we should move forward with this?
- 3.) Is there any detriment to public health and safety or welfare of the community?

City Council member Anthony Fitzgerald stated that with the second question if there were other avenues explored.

Mayor Bauer stated that they have an idea of what the cost would be to move the sewer line and it would be hard to make that affordable.

Ourada explained that the City did a lot to steer what the developers did and they made a lot of accommodations to come up with a preliminary and final plat for the subdivision that would be acceptable. Ourada stated that this seemed reasonable to them and when the discussion of moving the sewer line came up they knew it was not an option.

Mike Eckert stated that the flood pool comes up to about the center line of Longfellow Ave.

Approved the variance for College Park Addition block 15 lots 9-11 R2 changed to R-3. Carried with a motion by Tom Crisman and a second by Kyle Frans.

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

Aye: 6, No: 0

4.E. Consider the Burlington Estates Preliminary Plat.

Mike Eckert explained the Preliminary Plat.

City Administrator Tom Ourada stated that they way they designed it is what they wanted to see so that people would not be stranded. There is a way in and out of the development. Ourada added that the Planning Commission did look at the Preliminary and the Final Plat and recommended them to the City Council.

Approved the Burlington Estates Preliminary Plat. 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.F. Consider the Burlington Estates Final Plat.

Approved the Burlington Estates Final Plat. 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

4.G. Public Hearing of the Board of Equalization to determine the benefits to properties in the 2021 gap paving projects.

Opened Public Hearing at 6:39pm

City Administrator Tom Ourada explained the Engineer's Report with the total cost of the project and the properties that benefited from the projects NOS. 2021-1, 2021-2, 2021-3, 2021-4, 2021-5. There are a number of steps to this and this is the first step. The City has done depth per area assessments which goes half a block deep. A half a block is 132 feet and they do 50%, 30%, and 20% and the City's position is the first portion gets the most benefit, so that's the 50% assessment. The second portion gets 30% benefit and the last portion gets 20%.

City Attorney Anna Burge stated that in Nebraska State Statute 18-2003 the Mayor and City Council may levy and collect special taxes and assessments upon the lots and parcels of real estate adjacent to or abutting upon the portion of the street or alley improved or which may be specially benefited by such improvements.

There were no other comments from the public and no written communications were received.

Closed Public Hearing at 6:44pm

Open Public Hearing of the Board of Equalization to determine the benefits to properties in the 2021 gap paving projects. 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 of the Board of Equalization to determine the benefits to properties in the 2021 gap paving projects. Carried with a motion by Anthony Fitzgerald 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.H. The Board of Equalization and Assessment determine, equalize and levy special assessments on the lots and parcels of land abutting on or adjacent to the street improved in and the land included within the limits of said projects.

The Board of Equalization and Assessment accepted the 2021 Street Improvement Project Report of Total Cost and Assessment. 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 adopting Resolution No. 2023-23 Levying And Assessing The Costs Of The Improvements

Adopt Resolution No. 2023-23 Levying And Assessing The Costs Of The Improvements. 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

Amend Resolution No. 2023-23 Levying And Assessing The Costs Of The Improvements 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

Adopt Resolution No. 2023-23 Levying And Assessing The Costs Of The Improvements with 7% interest on delinquent amounts. 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.J. Consider adopting Resolution No. 2023-24 Special Assessment Hearing.

City Administrator Tom Ourada stated that this was heard by the Public Safety Committee.

Mayor Dave Bauer stated that this allows liens to be put on the property assessment due to nuisances at 1017 Linden Ave.

Introduce and Adopt Resolution No. 2023-24 Special Assessment Hearing. 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.K. Consider adopting Resolution No. 2023-25 Special Assessment Hearing.

This was for the work the City conducted to abate nuisances at 2340 Forest Ave, Crete, NE.

Introduce and adopt Resolution No. 2023-25 Special Assessment Hearing. 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.L. Consider adopting Resolution No. 2023-26 Special Assessment Hearing.

This was for the work the City conducted to abate nuisances at 1025 Longwood Drive, Crete, NE.

Introduce and adopt Resolution No. 2023-26 Special Assessment Hearing. 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.M. Consider the Constructors, Inc. Change Order No. 3 in the amount of \$853.56 for work on 21st and Main.

City Administrator Tom Ourada explained that this was a small change order but there were large activities that resulted from this change order and this went to the Public Works

Committee.

Approved the Constructors, Inc. Change Order No. 3 in the amount of \$853.56 for work on 21st and Main. 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 Contractor's Application No. 5 for Payment in the amount of \$555,127.28 from Constructors, Inc. for the 2022 Street Improvements Districts 2022-1 to 2022-07.

City Administrator Tom Ourada explained this is a regular pay application for the gap paving project on the north side of town. This item went to the Public Works Committee.

Approved the Contractor's Application No. 5 for Payment in the amount of \$555,127.28 from Constructors, Inc. for the 2022 Street Improvements Districts 2022-1 to 2022-07. 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 approving payment of claims to Crete Ace Hardware in the amount of \$19.76.

Approved payment of claims to Crete Ace Hardware in the amount of \$19.76. 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.P. Consider the Crete Public Library applying for a \$1,000 Internship Grant from the Nebraska Library Commission.

Approved the Crete Public Library applying for a \$1,000 Internship Grant from the Nebraska Library Commission. 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

4.Q. Consider the Crete Public Library applying for a \$2,500 Youth Grant for excellence from the Nebraska Library Commission.

Approved the Crete Public Library applying for a \$2,500 Youth Grant for excellence from the Nebraska Library Commission. 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

4.R. Consider enacting Ordinance No. 2187 Relating To The Sale Of Real Estate Owned By The City.

Mayor Bauer mentioned this item would be moved to the bottom of the Agenda. Ordinance NO. 2187 An Ordinance of the City of Crete, Nebraska Relating to the Sale of Real Estate Owned by the City; To Direct the Conveyance of Such Real Estate; And To Provide Notice and Publication Of the Sale was discussed in Closed Session by the City Council. City Council members present Tom Crisman, Kyle Frans, Ashley Newmyer, Dale Strehle, Dan Papik, and Anthony Fitzgerald. Also present: Mayor Dave Bauer, City Administrator Tom Ourada, City Attorney Anna Burge, City Clerk-Treasurer Jerry Wilcox, Finance Director Wendy Thomas, City Clerk Nancy Tellez and Joe Nerud.

Introduce Ordinance No. 2187 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 No. 2187 Relating To The Sale Of Real Estate Owned By The City. 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 City Council went into Closed Session at 7:22 p.m. to discuss Ordinance No. 2187 Relating To The Sale Of Real Estate Owned By The City. 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.S. Consider the Application No. 8 and Certificate For Payment from General Excavating in the amount of \$172,612.64.

City Administrator Tom Ourada stated that this is one of the last payments for the triple box culvert on 22nd St.

Approved the Application No. 8 and Certificate For Payment from General Excavating in the amount of \$172,612.64. 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.T. Consider the Loan Agreement Between the Nebraska Department of Environment and Energy and The City of Crete, Nebraska Project NO. D311654

City Administrator Tom Ourada stated that we have until the end of this year to execute. There is a \$1,300,000.00 in grant funding and that leaves the balance of \$2,400,000 of 30 year loan at six tenths of 1% interest.

Approved the Loan Agreement Between the Nebraska Department of Environment and Energy and The City of Crete, Nebraska Project NO. D311654 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.U. Consider adopting Resolution 2023-27 To Authorize The Mayor To Execute The Contract For A Loan Between The Nebraska Department Of Environment and Energy And The City Of Crete, Nebraska.

Introduce and Adopt Resolution 2023-27 To Authorize The Mayor To Execute The Contract For A Loan Between The Nebraska Department Of Environment and Energy 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, Ashley Newmyer: Aye, Dan Papik: Aye, Dale Strehle: Aye

Aye: 6, No: 0

5. Petitions - Communications - Citizen Concerns

6. Officers' Reports

- Police Chief Gary Young stated the following:
 - The Click It or Ticket traffic enforcement begins November 22, 2023. The grant funding, they received will help cover the officers' overtime.
 - Police officers will be at Wal-Mart on Friday and Saturday November 24th and 25th for Operation Under the Tree which helps provide gifts for children.
- Parks & Recreation Director, Liz Cody stated the following:
 - The parks department has started tree inspections and will be sending out letters to property owners that need to address any tree concerns.
 - Cody shared the website that the City of Crete is now using to document the trees in the community.
 - The Food Bank of Lincoln's Food Distribution will now be taking place at Tuxedo Park. The next distribution will be on Wednesday, November 22nd 2023. The distributions will be happening on the 4th Thursday of the month and they will adjust if there are holidays.
 - Cody addressed some questions about property owners being responsible for trees in the right of way. City Administrator Tom Ourada explained that the Tree Board created that based on state statute.
- Council member Dale Strehle wished everyone safe travels during this Holiday weekend.
- City Administrator Tom Ourada stated the following:
 - He attended the Municipal Energy Agency of Nebraska meetings and informed that the rates will be going up 4%.
 - There has been some difficulty with finding a qualified Street Operator and this will be going to the Personnel Committee.
 - This is Jerry's second to last City Council meeting.

7. Adjournment

7:51 p.m.