

Bellevue City Council Meeting

Monday, December 10, 2018 6:00 PM

Bellevue City Hall

1500 Wall Street

Bellevue, NE 68005

1. PLEDGE OF ALLEGIANCE - Arrow of Light Scouts from Cub Scout Pack 483
2. INVOCATION - Father Del Lape, St. Mary's Catholic Church, 811 West 23rd Avenue
3. CALL TO ORDER AND ROLL CALL
4. OPEN MEETINGS ACT - Posted in the Entry to the Council Chambers
5. APPROVAL OF MINUTES from November 26, 2018
6. ADJOURN sine die

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ADMINISTER OATH OF OFFICE TO NEWLY ELECTED MAYOR AND COUNCIL MEMBERS

Honorable Judge Michael A. Smith, District Court Judge of the 2nd Judicial District

Mayor Rusty Hike

Ward Two Bob Stinson

Ward Four Kathy Welch

Reception

MINUTE RECORD

Bellevue City Council Meeting, November 26, 2018, Page 1

A regular meeting of the Mayor and Council of the City of Bellevue was called to order by Mayor Rita Sanders at the Bellevue City Hall on the 26th day of November, 2018, at 6:00 p.m. Present were Council Members John Hansen, Paul Cook, Pat Shannon, Donald Preister, Thomas Burns, and Jim Moudry.

Notice of this meeting was given in advance thereof by publication in the Bellevue Leader and posting in two public places, the designated method for giving notice and was also given to the Mayor and all members of the City Council. A copy of the affidavit of publication, the certificate of posting, and the council's acknowledgment of receipt of notice are hereby attached to these minutes. All proceedings shown hereafter were taken while the convened meeting was open to the public.

Pledge of Allegiance and Invocation

Mayor Sanders led the Pledge of Allegiance. Pastor David Lydick, Midlands Bible Baptist Church located at 2407 Chandler Road East in Bellevue, gave the invocation.

Open Meetings Act

Mayor Sanders announced a copy of the Open Meetings Act is posted in the entry to the City Council Chambers.

Approval of the Agenda

Motion was made by Shannon, seconded by Cook, to approve the agenda.

Motion was made by Shannon, seconded by Preister, to move Item 10d, Ordinance No. 3924: Amending Sections 5.20 and 5.21 of the Bellevue Zoning Ordinance regarding permitted uses in the BN and BNH zoning districts, to before Item 8a, Ordinance No. 3916: Rezoning Tax Lot 1, except right-of-way, Section 7, T13N, R13E, of the 6th P.M., Sarpy County, from AG to BN for the purpose of a Business Office. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Roll call vote on the motion as amended was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Approval of the Consent Agenda

Mr. Shannon requested Item 5b.4, approving the appointment of Kathy Kimball to the Civil Service Commission to fill an unexpired term until May 2022, be removed. City Administrator Joe Mangiamelli advised this will now become Item 13e.

Motion was made by Preister, seconded by Burns, to approve the Consent Agenda as amended which included the following: approval of the Minutes from the November 13, 2018, City Council meeting, acknowledging receipt of the Minutes from the November 15, 2018, Planning Commission meeting, approval of the Claims, approving the reappointment of June Ethridge to the Bellevue Historical Society, and receipt of the LB840 Plan Update. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

SPECIAL PRESENTATIONS: None

LIQUOR LICENSES:

Winston's Liquor & Tobacco, LLC, dba "Winston's Liquor & Tobacco" - Application for a Class "D" Liquor License to sell beer, wine and distilled spirits, Off Sale Only, AND for Mari Bell as Manager of the license

The application of Winston's Liquor & Tobacco, LLC, dba "Winston's Liquor & Tobacco," for a Class "D" Liquor License to sell beer, wine and distilled spirits, Off Sale Only, and for Mari Bell as Manager of the license, was presented for Council consideration.

Mayor Sanders asked for public comment. No one in the audience came forth to speak in support of or in opposition to the application. Mayor Sanders declared the public hearing closed.

Motion was made by Cook, seconded by Hansen, to recommend to the Nebraska Liquor Control Commission the application of Winston's Liquor & Tobacco, LLC, dba "Winston's Liquor & Tobacco," for a Class "D" Liquor License to sell beer, wine and distilled spirits, Off Sale Only, and for Mari Bell as Manager of the license be approved.

Mr. Moudry advised he would be abstaining from the vote due to religious and personal reasons.

Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, and Burns voted yes; voting no: none; abstaining: Moudry. Motion carried.

MINUTE RECORD

Bellevue City Council Meeting, November 26, 2018, Page 2

ORDINANCES:

Ordinance No. 3924: Amending Sections 5.20 and 5.21 of the Bellevue Zoning Ordinance regarding permitted uses in the BN and BNH zoning districts Applicant: City of Bellevue (First Reading)

Ordinance No. 3924, an ordinance to Amend Sections 5.20 and 5.21, Ordinance No. 3619, Bellevue Zoning Ordinance, relating to permitted uses in the BN Neighborhood Business District and BNH Heavy Neighborhood Business District; to repeal such Sections as heretofore existing; to provide an effective date of the ordinance; and to provide for the publication of this ordinance in pamphlet form, was read by title only for the first time.

Motion was made by Shannon, seconded by Preister, to waive the statutory three readings, hold a public hearing, and vote at tonight's meeting. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Mayor Sanders opened the public hearing. No one in the audience came forth to speak in support of or in opposition to the ordinance. Mayor Sanders declared the public hearing closed.

Motion was made by Shannon, seconded by Moudry, that Ordinance No. 3924 be adopted. Mayor Sanders asked "Shall Ordinance No. 3924 be passed and adopted?" and upon roll call the following voted yes: Hansen, Cook, Shannon, Preister, Burns, and Moudry; voting no: none. Mayor Sanders proclaimed Ordinance No. 3924 passed and adopted.

Ordinance No. 3916: Rezoning Tax Lot 1, except right-of-way, Section 7, T13N, R13E, of the 6th P.M., Sarpy County, from AG to BN for the purpose of a Business Office Applicant: Matt Ricchini Location: 4803 Capehart Road (Third Reading)

Ordinance No. 3916, an ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about 4803 Capehart Road, more particularly described in Section 1 of the Ordinance and to provide an effective date, was read for the third time.

Motion was made by Shannon, seconded by Moudry, that Ordinance No. 3916 be adopted as originally presented.

Council discussion ensued with City Attorney Patrick Sullivan explaining the amended ordinance he had provided included a new Section 3, which dealt with the Development Agreement. If the Council prefers that ordinance, an amendment will need to be made.

Motion was made by Cook, seconded by Preister, to amend the Ordinance as presented by Mr. Sullivan with Section 3 added.

Motion was made by Shannon, seconded by Moudry, to open to a public hearing. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Mayor Sanders opened the public hearing.

Mr. Matt Ricchini, the applicant, stated there is a lot of "legal speak" in the development agreement and he has voiced his concerns to Mr. Sullivan. The language seems more like it would be for a developer. He said it would entail "excessive costs" for him and all he wanted was a rezoning. Mr. Chuck Fredrick said this makes Bellevue look bad to other businesses. There has been no timeline given to when anything would be done. Mr. Kevin Mills, the current property owner, questioned who would be paying for the road and the trail if this rezoning does not go through. He feels the County and the Council do not care about the people; only themselves.

Mayor Sanders asked for additional public comment. No one in the audience came forth to speak in support of or in opposition to the ordinance. Mayor Sanders declared the public hearing closed.

Mr. Sullivan clarified some of what was said during testimony. Council discussion continued.

Motion was made by Shannon, seconded by Cook, to continue this item until the December 10, 2018, meeting. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Approval of the Development Agreement

Motion was made by Cook, seconded by Moudry, to continue this item until the December 10, 2018, meeting. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Ordinance No. 3918: Sale of City Surplus property in Whispering Timbers (Third Reading)

Ordinance No. 3918, an ordinance providing for the sale of certain real estate, same being described in Section 1 of this ordinance; directing the conveyance of such real estate, and the manner and terms thereof, and designating an effective date, was read by title only for the third time.

Motion was made by Preister, seconded by Burns, that Ordinance No. 3918 be adopted. Mayor Sanders asked "Shall Ordinance No. 3918 be passed and adopted?" and upon roll call the following voted yes: Hansen, Cook, Shannon, Preister, Burns, and Moudry; voting no: none. Mayor Sanders proclaimed Ordinance No. 3918 passed and adopted.

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Ordinance No. 3919: Rezoning Lots 1 and 3, College Plaza Addition Replat I, and Lot 5, College Plaza Addition, from BN-PCO and BNH-PCO to BG-PCO for the purpose of Commercial Development Applicant: Charv's Contracting General Location: 1020 Lincoln Road (Second Reading)

Ordinance No. 3919, an ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about 1020 Lincoln Road, more particularly described in Section 1 of the Ordinance and to provide an effective date, was read by title only for the second time and presented for public hearing.

Mayor Sanders opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the rezoning request. No one in the audience came forth to speak in support of or in opposition. Mayor Sanders declared the public hearing closed.

Motion was made by Cook to waive the third reading and vote on this ordinance since the public hearing was just held. Motion failed due to lack of a second.

Mayor Sanders stated the third reading of the ordinance will be heard at the next Council meeting on December 10.

Ordinance No. 3921: Amending Article VII of Chapter 28 of the Bellevue Municipal Code regarding the City of Bellevue Complete Streets Policy (First Reading)

Ordinance No. 3921, an ordinance to amend Article VII to Chapter 28 of the Bellevue Municipal Code establishing Bellevue's Complete Streets Policy, stating guiding principles and practices so transportation improvements are planned, designed and constructed to encourage walking, bicycling, and transit use while promoting safe and efficient operations for all users; to repeal such sections as heretofore existing; to provide for the effective date of this ordinance; and to provide for the publication of this ordinance in pamphlet form, was read by title only for the first time and scheduled for public hearing at the Council meeting on December 10.

Ordinance No. 3922: Rezoning Lots 1, Milt's Addition, from RS-72 to BGH for the purpose of a Self-Storage Facility Applicant: 2715 LLC General Location: West Chandler Road and Cedar Island Road (First Reading)

Ordinance No. 3922, an ordinance to amend the official zoning map of the City of Bellevue, Nebraska, as provided for by Article 3 of Ordinance No. 3619 by changing the zone classification of land located at or about West Chandler Road and Cedar Island Road, more particularly described in Section 1 of the ordinance and to provide an effective date, was read by title only for the first time and scheduled for public hearing at the Council meeting on December 10.

Ordinance No. 3923: Amending Article 7, Sign Regulations, of the Bellevue Zoning Ordinance regarding Digital Signs Applicant: City of Bellevue (First Reading)

Ordinance No. 3923, an ordinance to amend Article 7: Sign Regulations, Ordinance No. 3619, Bellevue Zoning Ordinance, relating to digital signs; to repeal such section as heretofore existing; to provide an effective date of the ordinance; and to provide for the publication of this ordinance in pamphlet form, was read by title only for the first time and scheduled for public hearing at the Council meeting on December 10.

PUBLIC HEARINGS ON MATTERS OTHER THAN ORDINANCES:

Public Hearing on the Event License Application of Daniel Velasquez for a Classic Car Show to be held in the Sigler Field parking lot of Haworth Park on June 23, 2019, from 6:00 a.m. to 4:00 p.m.

Mayor Sanders opened the meeting to a public hearing to give opportunity for individuals to speak in favor of or in opposition to the application. No one in the audience came forth to speak in support of or in opposition. Mayor Sanders declared the public hearing closed.

Motion was made by Burns to approve the Event License application. Motion failed due to lack of a second.

RESOLUTIONS: None

CURRENT BUSINESS:

Approval of and Authorization for the Mayor to Sign Task Order 2018-01, Scope of Services and Fees, for Professional Services for Sanitary Sewer and Street Improvements Right-of-Way Negotiation for the Bellevue Go-Ready Project in an amount not to exceed \$16,000

Motion was made by Preister, seconded by Shannon, to approve and authorize the Mayor to sign Task Order 2018-01 with Leo A. Daly. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Approval of and Authorization for the Mayor to Sign an agreement & E-Verify between HGM Associates, Inc., and the City of Bellevue for Bridge Inspections in an amount not to exceed \$16,200

Motion was made by Cook, seconded by Moudry, to approve and authorize the Mayor to sign an agreement and E-verify with HGM Associates, Inc. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

MINUTE RECORD

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Approving the Purchase of 12 new Digital Recording Systems for the Police Department Interview Rooms from Intelligent Video Solutions in the amount of \$75,147

Motion was made by Preister, seconded by Shannon, to approve the purchase. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Approval to Purchase one new Breathing Air Compressor from Feld Fire in the amount of \$36,700 to replace the old one at the Fire Training Site

Motion was made by Preister, seconded by Burns, to approve the purchase. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

Approve the Appointment of Kathy Kimball to the Civil Service Commission to fill an unexpired term until May 2022

Motion was made by Preister, seconded by Burns, to approve the appointment. Roll call vote on the motion was as follows: Hansen, Cook, Preister, and Burns voted yes; voting no: Shannon and Moudry. Motion carried.

ADMINISTRATION REPORTS:

Mayor Sanders asked if there were any questions for the City Administrator or any of the Directors on the report presented. Mr. Moudry asked about the meeting with Sparq as mentioned in the City Clerk's report. City Clerk Sabrina Ohnmacht advised she, Deputy City Clerk Susan Kluthe, Planning Commission Chair Leland Jacobson, Land Use Planner Tammi Palm, and Planning Assistant Shirley Harbin had met with Mr. Craig Caples from Sparq on the 16th. The issues and questions we have been having with the system were addressed and Mr. Caples advised of solutions and took back the request for a new way of displaying the vote. We received feedback stating they will be making our requested change within the next couple months. Mr. Moudry questioned the grant the Police received regarding mental health. Police Chief Elbert clarified it was received by Sarpy County, but there will be a combined effort at looking into the best practices to follow.

PUBLIC REQUESTS TO BE HEARD:

Mayor Sanders read the following statement: "Any member of the public addressing the Council shall abide by Council Policy Resolution No. 35 regarding the Principles of Conduct and Decorum which states 'any statements made during City Council meetings by the Mayor, members of the City Council, City officials and employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a city official or employee, or a member of the general public' and also Bellevue City Code Section 2-68 regarding the manner of addressing the Council. Copies of the aforementioned rules are posted outside the Council Chambers. Speakers shall limit their presentations to five minutes."

Mr. Chuck Fredrick stated there has been a lack of transparency and accountability over the last eight years. He again requested the podium be cut down as people cannot see the Council because of it. He said the newly elected officials might be taking some of his past suggestions and he wished them well.

Ms. Lauren Ward said she was a member of Bellevue Deserves Better and ignoring them would be a "mistake." The group is dedicated to change, not about bullying or friendship. They are asking for accountability and are excited for the "changing of the guard."

Mayor Sanders asked for additional comments from the public. No one came forward to speak. Mayor Sanders closed the public requests to be heard section of the meeting.

CLOSED SESSION:

Motion was made by Burns, seconded by Shannon, to adjourn into closed session, for the protection of the public interest and the prevention of needless injury to the reputation of an individual, at 7:38 p.m. for the purpose of a Federal Litigation Update. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

In addition to the Mayor and City Council, the following were asked to participate: City Administrator Joe Mangiamelli, City Attorney Patrick Sullivan, Timothy Buckley, Molly Miller, Jani Jennings, Police Chief Mark Elbert, Capt. Dave Stukenholtz, and Capt. Tim Melvin.

Motion was made by Shannon, seconded by Preister, to adjourn from closed session and reconvene in regular session at 8:07 p.m. Roll call vote on the motion was as follows: Hansen, Cook, Shannon, Preister, Burns, and Moudry voted yes; voting no: none. Motion carried.

MINUTE RECORD

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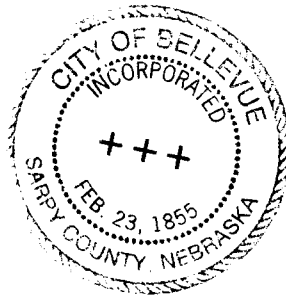
ADJOURNMENT:

There being no further business to come before the Council at this time, on motion by Preister, seconded by Shannon, at 8:08 p.m. the meeting adjourned.

Sabrina Ohnmacht
Sabrina Ohnmacht, City Clerk

Rita Sanders, Mayor

I, the undersigned, City Clerk of the City of Bellevue, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on November 26, 2018; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agendas for at least twenty-four hours prior to said meeting; 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; that the said minutes were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.



Sabrina Ohnmacht
City Clerk