

**ORDINANCE NO. 1599**

**AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAPIILLION, NEBRASKA:**

Section 1. That after complying with all procedures required by law, the budget, Exhibit A, presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2010 through September 30, 2011. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Papillion. A copy of the budget document, Exhibit A, shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Sarpy County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

**PASSED AND ADOPTED THIS 7th DAY OF SEPTEMBER, 2010.**

**CITY OF PAPIILLION**

  
David P. Black, Mayor

Attest:

  
Elizabeth McCarty, City Clerk

(Seal)



First Reading: August 3, 2010

Second Reading & Public Hearing: August 17, 2010

Third Reading: September 7, 2010

2010-2011

**STATE OF NEBRASKA  
CITY/VILLAGE BUDGET FORM**

**City of Papillion**

TO THE COUNTY BOARD AND COUNTY CLERK OF  
Sarpy County

**This budget is for the Period October 1, 2010 through September 30, 2011**

**Contact and Submission Information**

Auditor of Public Accounts  
P.O. Box 98917, Lincoln, Nebraska 68509-8917  
**Telephone:** (402) 471-2111 **FAX:** (402) 471-3301  
**To Submit Budget - E-Mail PDF File to:** apa.audits@nebraska.gov  
**Questions - E-Mail:** Deann.Haeffner@nebraska.gov

**COPY OF ADOPTED BUDGET TO BE FILED WITH:**

AUDITOR OF PUBLIC ACCOUNTS  
And The COUNTY BOARD (SEC. 13-508), C/O COUNTY CLERK

**The Undersigned Clerk/Council/Board Member Hereby Certifies:**

The following **PERSONAL AND REAL PROPERTY TAX** is requested for the ensuing year:

\$	3,111,298.00
\$	2,318,839.00
\$	5,430,137.00

Principal and Interest on Bonds  
All Other Purposes

**Total Personal and Real Property Tax Required**

**Outstanding Bonded Indebtedness as of October 1, 2010**  
*(As of the Beginning of the Budget Year)*

Principal	\$	43,385,000.00
Interest	\$	12,162,271.00
Total Bonded Indebtedness	\$	55,547,271.00


A proposed Budget Summary and Notice of Hearing was duly:

Published  (Send a copy of Publisher's Affidavit of Publication)  
Posted \_\_\_\_\_ (Only allowed if Line 23 is less than \$10,000)

(Check the method of notifying the Public of the Budget Hearing)

**County Clerk's Use ONLY**

**CLERK/COUNCIL/BOARD MEMBER:**

Signature:   
Printed Name: **Elizabeth McCarty**  
Mailing Address: **122 East Third Street**  
City, Zip: **Papillion, 68046**  
Phone Number: **402-597-2021**  
E-Mail Address: **cityclerk@papillion**

City of Papillion in Sarpy County

Line No.	Beginning Balances, Receipts, & Transfers	Actual 2008 - 2009 (Column 1)	Actual/Estimated 2009 - 2010 (Column 2)	Adopted Budget 2010 - 2011 (Column 3)
1	Net Cash Balance	\$ 17,465,690.00	\$ 14,008,679.80	\$ 9,020,472.52
2	Investments	\$ 5,946,761.00	\$ 7,227,038.87	\$ 6,169,000.00
3	County Treasurer's Balance	\$ 79,854.00	\$ 51,937.85	\$ 60,000.00
4	Beginning Balance Proprietary Function Funds (Only if Page 6 is Used)			\$ -
5	<b>Subtotal of Beginning Balances</b> (Lines 1 thru 4)	\$ 23,492,305.00	\$ 21,287,656.52	\$ 15,249,472.52
6	Personal and Real Property Taxes (Columns 1 and 2 - See Preparation Guidelines)	\$ 5,160,063.50	\$ 5,224,835.00	\$ 5,375,836.00
7	Federal Receipts	\$ 411,837.17	\$ 1,476,222.00	\$ 979,069.00
8	State Receipts: Motor Vehicle Pro-Rate	\$ 14,474.78	\$ 14,400.00	\$ 14,400.00
9	State Receipts: MIRF			
10	State Receipts: Highway Allocation and Incentives	\$ 1,227,452.48	\$ 1,147,285.00	\$ 1,211,369.00
11	State Receipts: Motor Vehicle Fee	\$ 118,517.45	\$ 118,000.00	\$ 125,883.00
12	State Receipts: State Aid	\$ 159,161.28	\$ 159,117.00	\$ 148,138.00
13	State Receipts: Municipal Equalization Aid			
14	State Receipts: Other	\$ 481,161.32	\$ 4,618,523.00	\$ 3,725,881.00
15	Local Receipts: Motor Vehicle Tax	\$ 382,763.73	\$ 377,960.00	\$ 370,000.00
16	Local Receipts: Local Option Sales Tax	\$ 6,019,067.85	\$ 6,358,747.00	\$ 6,593,118.00
17	Local Receipts: In Lieu of Tax	\$ 141,732.06	\$ 137,570.00	\$ 137,600.00
18	Local Receipts: Other	\$ 23,337,348.35	\$ 26,801,630.00	\$ 24,844,880.00
19	Transfers In of Surplus Fees			
20	Transfers In Other Than Surplus Fees	\$ 895,707.32	\$ 2,320,751.00	\$ 1,519,163.00
21	Proprietary Function Funds (Only if Page 6 is Used)			\$ -
22	<b>Total Resources Available</b> (Lines 5 thru 21)	\$ 61,841,592.29	\$ 70,042,696.52	\$ 60,294,809.52
23	<b>Total Disbursements &amp; Transfers</b> (Line 22, Pg 3, 4 & 5)	\$ 40,553,935.77	\$ 54,793,224.00	\$ 49,756,260.00
24	<b>Balance Forward/Cash Reserve</b> (Line 22 MINUS Line 23)	\$ 21,287,656.52	\$ 15,249,472.52	\$ 10,538,549.52

<b>PROPERTY TAX RECAP</b>	Tax from Line 6	\$ 5,375,836.00
	County Treasurer's Commission at 1% of Line 6	\$ 53,758.36
	Delinquent Tax Allowance	\$ 542.64
	<b>Total Property Tax Requirement</b>	\$ 5,430,137.00

## City of Papillion in Sarpy County

### To Assist the County For Levy Setting Purposes

The Cover Page identifies the Property Tax Request between Principal & Interest on Bonds and All Other Purposes. If your municipality needs more of a breakdown for levy setting purposes, complete the section below.

Property Tax Request by Fund:

	Property Tax Request
General Fund	\$ 2,318,839.00
Bond Fund	\$ 3,111,298.00
_____ Fund	
_____ Fund	
_____ Fund	
_____ Fund	
<b>Total Tax Request</b>	<b>** \$ 5,430,137.00</b>

\*\* This Amount should agree to the Total Personal and Real Property Tax Required on the Cover Page 1.

### Documentation of Transfers of Surplus Fees:

*(Only complete if Transfers of Surplus Fees Were Budgeted)*

Please explain where the monies will be transferred from, where the monies will be transferred to, and the reason for the transfer.

Transfer From:	Transfer To:
Amount: \$	
Reason:	

Transfer From:	Transfer To:
Amount: \$	
Reason:	

Transfer From:	Transfer To:
Amount: \$	
Reason:	

City of Papillion in Sarpy County

Line No.	2010-2011 ADOPTED BUDGET Disbursements & Transfers	Operating Expenses (A)	Capital Improvements (B)	Other Capital Outlay (C)	Debt Service (D)	Other (E)	TOTAL
1	Governmental:						
2	General Government	\$ 1,167,368.00	\$ 38,583.00	\$ 64,996.00	\$ 9,268,490.00	\$ 60,253.00	\$ 10,599,690.00
3	Public Safety - Police and Fire	\$ 8,464,899.00		\$ 150,700.00	\$ 646,008.00		\$ 9,261,607.00
4	Public Safety - Other	\$ 509,848.00					\$ 509,848.00
5	Public Works - Streets	\$ 1,629,012.00	\$ 8,919,132.00	\$ 342,500.00			\$ 10,890,644.00
6	Public Works - Other						\$ -
7	Public Health and Social Services						\$ -
8	Culture and Recreation	\$ 3,188,100.00	\$ 55,000.00	\$ 213,036.00			\$ 3,456,136.00
9	Community Development	\$ 824,445.00				\$ 377,952.00	\$ 1,202,397.00
10	Miscellaneous						\$ -
11	Business-Type Activities:						
12	Airport						\$ -
13	Nursing Home						\$ -
14	Hospital						\$ -
15	Electric Utility						\$ -
16	Solid Waste						\$ -
17	Transportation						\$ -
18	Wastewater	\$ 2,146,069.00	\$ 50,000.00	\$ 137,414.00	\$ 300,000.00	\$ 140,000.00	\$ 2,773,483.00
19	Water	\$ 2,855,886.00	\$ 400,690.00		\$ 4,477,700.00		\$ 7,734,276.00
20	Other	\$ 1,778,106.00	\$ 37,000.00	\$ 9,953.00	\$ 562,162.00	\$ 940,958.00	\$ 3,328,179.00
21	Proprietary Function Funds (Page 6)					\$ -	\$ -
22	<b>Total Disbursements &amp; Transfers</b> (Lns 2 thru 21)	\$ 22,563,733.00	\$ 9,500,405.00	\$ 918,599.00	\$ 15,254,360.00	\$ 1,519,163.00	\$ 49,756,260.00

- (A) **Operating Expenses** should include Personal Services, Operating Expenses, Supplies and Materials, and Equipment Rental.
- (B) **Capital Improvements** should include acquisition of real property or acquisition, construction, or extension of any improvements on real property.
- (C) **Other Capital Outlay** should include other items to be inventoried (i.e. equipment, vehicles, etc.).
- (D) **Debt Service** should include Bond Principal and Interest Payments, Payments to Retirement Interest-Free Loans from NDA (Airports) and other debt payments.
- (E) **Other** should include Judgments, Transfers, Transfers of Surplus Fees, and Proprietary Function Funds if a separate budget is filed.

City of Papillion in Sarpy County

Line No.	2009-2010 ACTUAL/ESTIMATED Disbursements & Transfers	Operating Expenses (A)	Capital Improvements (B)	Other Capital Outlay (C)	Debt Service (D)	Other (E)	TOTAL
1	Governmental:						
2	General Government	\$ 1,282,726.00	\$ 82,700.00	\$ 30,500.00	\$ 4,444,664.00	\$ 577,448.00	\$ 6,418,038.00
3	Public Safety - Police and Fire	\$ 8,377,444.00		\$ 38,795.00	\$ 632,845.00		\$ 9,049,084.00
4	Public Safety - Other	\$ 504,087.00					\$ 504,087.00
5	Public Works - Streets	\$ 1,713,369.00	\$ 10,153,747.00	\$ 51,109.00			\$ 11,918,225.00
6	Public Works - Other						\$ -
7	Public Health and Social Services						\$ -
8	Culture and Recreation	\$ 2,996,287.00	\$ 1,270,925.00	\$ 156,400.00			\$ 4,423,612.00
9	Community Development	\$ 747,474.00		\$ 2,500.00		\$ 1,210,548.00	\$ 1,960,522.00
10	Miscellaneous						\$ -
11	Business-Type Activities:						
12	Airport						\$ -
13	Nursing Home						\$ -
14	Hospital						\$ -
15	Electric Utility						\$ -
16	Solid Waste						\$ -
17	Transportation						\$ -
18	Wastewater	\$ 1,954,062.00	\$ 1,414,000.00	\$ 137,414.00	\$ 280,000.00		\$ 3,785,476.00
19	Water	\$ 2,725,835.00	\$ 850,200.00		\$ 7,383,060.00		\$ 10,959,095.00
20	Other	\$ 1,981,390.00	\$ 10,000.00	\$ 173,000.00	\$ 3,077,940.00	\$ 532,755.00	\$ 5,775,085.00
21	Proprietary Function Funds						\$ -
22	<b>Total Disbursements &amp; Transfers (Ln 2 thru 21)</b>	\$ 22,282,674.00	\$ 13,781,572.00	\$ 589,718.00	\$ 15,818,509.00	\$ 2,320,751.00	\$ 54,793,224.00

- (A) **Operating Expenses** should include Personal Services, Operating Expenses, Supplies and Materials, and Equipment Rental.
- (B) **Capital Improvements** should include acquisition of real property or acquisition, construction, or extension of any improvements on real property.
- (C) **Other Capital Outlay** should include other items to be inventoried (i.e. equipment, vehicles, etc.).
- (D) **Debt Service** should include Bond Principal and Interest Payments, Payments to Retirement Interest-Free Loans from NDA (Airports) and other debt payments.
- (E) **Other** should include Judgments, Transfers, Transfers of Surplus Fees, and Proprietary Function Funds if a separate budget is filed.

City of Papillion in Sarpy County

Line No.	2008-2009 ACTUAL Disbursements & Transfers	Operating Expenses (A)	Capital Improvements (B)	Other Capital Outlay (C)	Debt Service (D)	Other (E)	TOTAL
1	Governmental:						
2	General Government	\$ 1,253,991.57		\$ 259,479.12	\$ 11,717,306.88	\$ 3,126.04	\$ 13,233,903.61
3	Public Safety - Police and Fire	\$ 7,281,617.32	\$ 12,985.99	\$ 146,096.96	\$ 184,635.00		\$ 7,625,335.27
4	Public Safety - Other	\$ 466,408.64					\$ 466,408.64
5	Public Works - Streets	\$ 1,984,106.93	\$ 3,594,704.33	\$ 106,171.18			\$ 5,684,982.44
6	Public Works - Other						\$ -
7	Public Health and Social Services						\$ -
8	Culture and Recreation	\$ 2,763,698.36	\$ 476,751.44	\$ 366,190.32			\$ 3,606,640.12
9	Community Development	\$ 464,471.84	\$ 259,406.94			\$ 265,161.28	\$ 989,040.06
10	Miscellaneous						\$ -
11	Business-Type Activities:						
12	Airport						\$ -
13	Nursing Home						\$ -
14	Hospital						\$ -
15	Electric Utility						\$ -
16	Solid Waste						\$ -
17	Transportation						\$ -
18	Wastewater	\$ 1,612,453.52	\$ 20,274.08	\$ 8,773.56	\$ 137,415.11		\$ 1,778,916.27
19	Water	\$ 2,776,944.00	\$ 526,536.00	\$ 13,534.00	\$ 708,467.50		\$ 4,025,481.50
20	Other	\$ 1,888,687.86			\$ 627,120.00	\$ 627,420.00	\$ 3,143,227.86
21	Proprietary Function Funds						\$ -
22	<b>Total Disbursements &amp; Transfers (Ln 2 thru 21)</b>	\$ 20,492,380.04	\$ 4,890,658.78	\$ 900,245.14	\$ 13,374,944.49	\$ 895,707.32	\$ 40,553,935.77

- (A) **Operating Expenses** should include Personal Services, Operating Expenses, Supplies and Materials, and Equipment Rental.
- (B) **Capital Improvements** should include acquisition of real property or acquisition, construction, or extension of any improvements on real property.
- (C) **Other Capital Outlay** should include other items to be inventoried (i.e. equipment, vehicles, etc.).
- (D) **Debt Service** should include Bond Principal and Interest Payments, Payments to Retirement Interest-Free Loans from NDA (Airports) and other debt payments.
- (E) **Other** should include Judgments, Transfers, Transfers of Surplus Fees, and Proprietary Function Funds if a separate budget is filed.



City of Papillion in Sarpy County

**CORRESPONDENCE INFORMATION**

**BOARD CHAIRPERSON**

Mayor David P. Black

*(Name of Board Chairperson)*

122 East Third St

*(Mailing Address)*

Papillion, 68046

*(City & Zip Code)*

(402)827-1111

*(Telephone Number)*

dblack@papillion.org

*(E-Mail Address)*

**PREPARER**

Nancy Purscell, Finance Director

*(Name and Firm)*

122 East Third St

*(Mailing Address)*

Papillion, 68046

*(City & Zip Code)*

(402)597-2039

*(Telephone Number)*

npurscell@papillion.org

*(E-Mail Address)*

For Questions on this form, who should we contact  
(please ✓ one): *Contact will be via e-mail if supplied.*

Board Chairperson

Preparer

Other Contact

**OTHER CONTACT**

*(Name and Title)*

*(Mailing Address)*

*(City & Zip Code)*

*(Telephone Number)*

*(E-Mail Address)*

City of Papillion in Sarpy County  
**LC-3 SUPPORTING SCHEDULE**

**Calculation of Restricted Funds**

Total Personal and Real Property Tax Requirements	(1) \$	5,430,137.00
Motor Vehicle Pro-Rate	(3) \$	14,400.00
In-Lieu of Tax Payments	(2) \$	137,600.00
Prior Year Budgeted Capital Improvements that were excluded from Restricted Funds.		
Prior Year 2009-2010 Capital Improvements Excluded from Restricted Funds (From 2009-2010 LC-3 Lid Exceptions, Line (17))	\$	575,231.00 (4)
<b>LESS:</b> Amount Spent During 2009-2010	\$	516,696.00 (5)
<b>LESS:</b> Amount Expected to be Spent in Future Budget Years	\$	34,739.00 (6)
Amount to be included on 2010-2011 Restricted Funds ( <b>Cannot Be A Negative Number</b> )	(7) \$	23,796.00
Motor Vehicle Tax	(8) \$	370,000.00
Local Option Sales Tax	(9) \$	6,593,118.00
Transfers of Surplus Fees	(10) \$	-
Highway Allocation and Incentives	(11) \$	1,211,369.00
MIRF	(12) \$	-
Motor Vehicle Fee	(13) \$	125,883.00
Municipal Equalization Fund	(14) \$	-
State Aid (State Statute Section 77-27,136)	(15) \$	148,138.00
<b>TOTAL RESTRICTED FUNDS (A)</b>	<b>(16) \$</b>	<b>14,054,441.00</b>

**LC-3 Lid Exceptions**

Capital Improvements (Real Property and Improvements on Real Property)	\$	174,739.00 (17)
<b>LESS:</b> Amount of prior year capital improvements that were excluded from previous lid calculations but were not spent and now budgeted this fiscal year ( <i>cannot exclude same capital improvements from more than one lid calculation.</i> )		
Agrees to Line (6).	\$	34,739.00 (18)
Allowable Capital Improvements	(19) \$	140,000.00
Bonded Indebtedness	(20) \$	4,022,725.00
Public Facilities Construction Projects (Statutes 72-2301 to 72-2308)	(21)	_____
Interlocal Agreements/Joint Public Agency Agreements	(22) \$	2,584,948.00
Public Safety Communication Project (Statute 86-416)	(23)	_____
Payments to Retire Interest-Free Loans from the Department of Aeronautics ( <b>Public Airports Only</b> )	(24)	_____
Judgments	(25)	_____
Refund of Property Taxes to Taxpayers	(26)	_____
Repairs to Infrastructure Damaged by a Natural Disaster	(27)	_____
<b>TOTAL LID EXCEPTIONS (B)</b>	<b>(28) \$</b>	<b>6,747,673.00</b>

**TOTAL 2010-2011 RESTRICTED FUNDS**

**For Lid Computation**

**(To Line 9 of the LC-3 Lid Form)**

*To Calculate: Total Restricted Funds (A) MINUS Total Lid Exceptions (B)*

**\$ 7,306,768.00**

Total 2010-2011 Restricted Funds for Lid Computation **cannot** be less than zero. See Instruction Manual on completing the LC-3 Supporting Schedule.





Municipality Levy Limit Form  
**City of Papillion in Sarpy County**

Political Subdivision	Personal and Real Property Tax Request <i>(Column A)</i>	Judgments (Not Paid by Liability Insurance) <i>(Column B)</i>	Pre-Existing Lease - Purchase Contracts-7/98 <i>(Column C)</i>	* Bonded Indebtedness <i>(Column D)</i>	Interest Free Financing (Public Airports) <i>(Column E)</i>	Tax Request Subject to Levy Limit <i>(Column F)</i> [(Column A) MINUS (Columns B, C, D, E)]	Valuation <i>(Column G)</i>	Calculated Levy <i>(Column H)</i> [(Column F) DIVIDED BY (Column G) MULTIPLIED BY 100]
City/Village -	5,430,137.00			3,111,298.00		2,318,839.00	1,340,423,861	0.172993

Others subject to allocation-

						-		-
						-		-
						-		-
						-		-

Off-Street Parking District						-		
-----------------------------	--	--	--	--	--	---	--	--

Calculated Levy for Off-Street Parking District = (Column F) **DIVIDED BY** (Column G) **MULTIPLIED BY 100 MULTIPLIED BY** (Column G) **DIVIDED BY** (Column G {City/Village Line})

-
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**NOTE:**

Municipality Levy Limit is 45 cents plus 5 cents for interlocal agreements. (77-3442)

Total Calculated Levy can ONLY be greater than 45 cents if there is Interlocal Agreements.

The Calculated Levy for Interlocal Agreements should be the maximum of **5 cents OR LESS**.

Others subject to allocation may include airport authorities, community redevelopment authorities, off-street parking districts, and transit authorities.

Total Calculated Levy  
[Total of (Column H)]

0.172993
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(Box 1)

Tax Request to Support Interlocal Agreements

670,210.00
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(Box 2)

Calculated Levy for Interlocal Agreements  
[(Box 2) **DIVIDED BY** (Column G {City/Village Line}) **MULTIPLIED BY 100**]

0.050000
----------

(Box 3)

**5 Cents or LESS**

\* Tax Request to Support Public Safety Communication Projects

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(Box 5)

Calculated Levy For Levy Limit Compliance  
[(Box 1) **MINUS** (Box 3)]

0.122993
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(Box 4)

\* Tax Request to Support Public Facilities Construction Projects

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(Box 6)

\* State Statute Section 86-416 allows for a special tax to fund public safety communication projects. The tax has the same status as bonded indebtedness. State Statute 72-2301 through 72-2308 allows bonds to be issued for Public Facilities Construction Projects. Amounts should be included in Bonded Indebtedness above. Please indicate the amount specifically used for the communication project in Box 5 and the Construction Projects in Box 6. Board minutes documenting the approval of the taxes must be included.



**RESOLUTION NO. R10-0142**

**WHEREAS**, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for the purposes of the levy set by the county Board of Equalization unless the Governing Body of the City of Papillion passes by a majority vote a resolution or ordinance setting the tax request at a different amount; and

**WHEREAS**, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

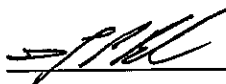
**WHEREAS**, it is in the best interests of the City of Papillion that the property tax request for the current year be a different amount than the property tax request for the prior year.

**NOW, THEREFORE**, the Governing Body of the City of Papillion, by a majority vote, resolves that:

1. The 2010-2011 property tax request be set at \$5,430,137.00
2. A copy of this resolution be certified and forwarded to the Sarpy County Clerk on or before October 13, 2010.

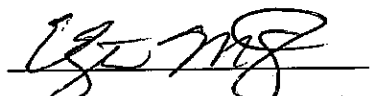
**PASSED AND APPROVED** this 7th day of September 2010.

**CITY OF PAPIILLION**



David P. Black, Mayor

Attest:



Elizabeth McCarty, City Clerk



AFFIDAVIT OF PUBLICATION

STATE OF NEBRASKA }  
 } SS.  
County of Sarpy }

Being duly sworn, upon oath, Shon Barenklau deposes and says that he is the Publisher or Kirk Hoffman deposes and says that he is the Business Manager of the **Bellevue Leader, Papillion Times, Gretna Breeze and Springfield Monitor**, legal newspapers of general circulation in Sarpy County, Nebraska, and published therein; that said newspaper has been established for more than one year last past; that it has a bona-fide paid subscription list of more than three hundred; that to this personal knowledge, the advertisement, a copy of which is hereto attached, was printed in the said newspaper once each week, the first insertion having been on:

Thursday, August 26, 2010 Papillion Times

And that said newspaper is a legal newspaper under the statutes of the State of Nebraska. The above facts are within my personal knowledge.

*Kirk Hoffman*

Shon Barenklau OR Kirk Hoffman  
Publisher Business Manager

NOTICE OF SPECIAL HEARING TO SET FINAL TAX REQUEST

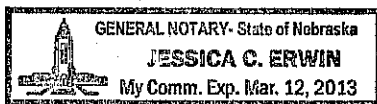
PUBLIC NOTICE is hereby given, in compliance with the provisions of State Statute Section 77-1601.02, that the governing body will meet on the 7 day of September 2010, at 7 o'clock P.M., at City Hall Council Chambers, 122 East Third St for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request.

2009-2010 Property Tax Request	\$5,277,611.00
2009 Tax Rate	0.405106
Property Tax Rate (2009-2010 Request/2010 Valuation)	0.393728
2010-2011 Proposed Property Tax Request	\$5,430,137.00
Proposed 2010 Tax Rate	0.405106
1275462: 8/26	

Today's Date 08-25-2010  
Signed in my presence and sworn to before me:

*Jessica C Erwin*

Notary Public



Printer's Fee \$ 11.55  
Customer Number: 152363  
Order Number: 0001275462

**CERTIFICATION OF TAXABLE VALUE  
And VALUE ATTRIBUTABLE TO GROWTH**

(format for all political subdivisions other than  
a) sanitary improvement districts in existence five years or less.  
b) community colleges, and c) school districts)

**TAX YEAR 2010**

(certification required on or before August 20th, of each year)

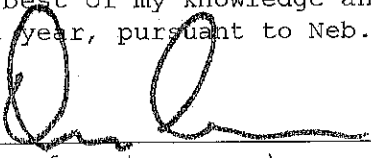
TO : PAPIILLION CITY

**TAXABLE VALUE LOCATED IN THE COUNTY OF SARPY COUNTY**

Name of Political Subdivision	Subdivision Type (e.g. city, fire, NRD)	Value attributable to Growth	Total Taxable Value
PAPIILLION CITY	CITY/VILLAGE	45,596,155	1,340,423,861

*\*Value attributable to growth is determined pursuant to section 13-518 which includes real and personal property and annexation, if applicable.*

I Dan Pittman, Sarpy County Assessor hereby certify that the valuation listed herein is, to the best of my knowledge and belief, the true and accurate taxable valuation for the current year, pursuant to Neb. Rev. Stat. 13-509 and 13-518.

  
\_\_\_\_\_  
(signature of county assessor)

8-16-10  
\_\_\_\_\_  
(date)

CC: County Clerk, Sarpy County

CC: County Clerk where district is headquarter, if different county, Sarpy County

*Note to political subdivision: A copy of the Certification of Value must be attached to your budget document.*

Guideline form provided by Nebraska Dept. of Revenue Property Assessment Division, Rev. 2010

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# M I N U T E R E C O R D

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## PAPILLION CITY COUNCIL MINUTES TUESDAY, SEPTEMBER 7, 2010 @ 7:00 P.M.

The City Council of the City of Papillion met in open and public session at Papillion City Hall on September 7, 2010, at 7:00 PM. City Clerk Elizabeth McCarty called the roll. Present were Councilmembers Troy Florance, Tom Mumgaard, Brian Liesveld, James Glover, Gene Jaworski, Bob Stubbe, Steve Engberg and Mayor David P. Black. Lu Ann Kluch was absent. Also present were City Administrator Dan Hoins, Assistant City Administrator Christine Myers, City Attorney Mike Schirber, Planning Director Mark Stursma, Fire Chief Bill Bowes, Manager of Engineering Services Jeff Thompson, Police Chief Len Houloose, Director of Golf Maintenance Tom James, Recreation Director Lori Hansen, Finance Director Nancy Purscell, and Chief Building Official Todd Aerni.

Mayor Black paid tribute to 2<sup>nd</sup> Lieutenant Mark Noziska and his family. Lt. Noziska was killed in action on August 30, 2010 on patrol in Afghanistan. He was a 2004 graduate of Papillion-La Vista High School. In 2005, the National Guard named him "Soldier of the Year". In 2008, Lt. Noziska received his enlisted officer's commission upon his graduation from the University of Nebraska – Omaha. He was posthumously promoted to 1<sup>st</sup> Lieutenant. Mayor Black expressed the City's sympathies to Lt. Noziska's parents. A moment of silence was held in his honor.

Commander Ruiz and representatives from the American Legion led those present in the Pledge of Allegiance.

Mayor Black thanked the active military, guardsmen, reservists, and veterans for their faithful service to the country.

Affidavit of Publication: Notice of the meeting was given in the Papillion Times, the designated method of giving notice. A copy is available in the office of the City Clerk. Incorporated herein by reference as if fully set out herein is the audio and visual recording of the council meeting.

Public Announcement that a current copy of the open meeting act is posted in the City Council Chambers.

**ADMINISTRATOR'S REPORT:** City Administrator Dan Hoins gave an update on the following: (1) A tribute to 9/11 will be held at the Sumtur Amphitheatre on September 11, 2010; (2) Cedardale Road and Cornhusker Road are impacted by the dowel issue. Those areas will be retrofitted. Navarro Enterprises is working with the City Engineer's office and they are in the final design phase. The retrofitting is anticipated to be completed this fall. The cost will be borne by the contractor and engineering firm; (3) Met with the League of Municipalities legislative committee. One important item discussed was the NDOR issue that impacted the City's spring and summer events. (4)

Meetings with the City's labor unions are scheduled for 9/8/10 to discuss healthcare alternatives. A switch in carrier may be needed to mitigate the 39% proposed increase. The current contract expires on October 1<sup>st</sup> so a vote on the contract will need to occur at the next City Council meeting; (5) The League of Municipalities conference starts September 22, 2010; (6) Mr. Hoins recognized Chief Houlose for the Police Annual Report, which details the Police Department's work towards the CALEA standards. The report also includes a five year crime history that shows no significant increase in crime. He credited the Police Department, City Council, and Mayor for their support for public safety. (7) Mr. Hoins introduced Carrie Svendsen, the new Human Resources Manager, who has over 20 years experience in the field.

Mr. Jaworski requested confirmation that Navarro Enterprises is required to tear out and repave the impacted areas. He questioned who would be responsible for signing off on the work. Mr. Thompson advised that the City worked with Navarro to provide a supplemental design that NDOR and FHWA will approve pending submittal. It is the same concept as the project on Giles Road in La Vista. Mr. Jaworski stated that it is not an acceptable solution. The work should be completed as planned with the dowels being placed after the concrete is torn out and before the road is repaved.

**CONSENT AGENDA ITEMS: (1) Approval of the agenda as presented; (2) Approval of the Minutes from the August 17, 2010 City Council Meeting; (3) Approval of the bills as presented; (4) RES. R10-0144 - A resolution to approve the General Fund Cash Reserve Policy; (5) RES. R10-0145 – A resolution to approve yearly agreements with the Nebraska Department of Roads (NDOR) for the Transit Assistance Agreement as well as the Nebraska Public Transportation Assistance Program for the Papillion Special Transportation Bus Service; (6) RES. R10-0146 – A resolution to go to bid for the Fortune Drive Street Extension with bid advertisement dates of September 9, September 16, and September 23, 2010 with a return date and time of Friday, September 24, 2010 at 10:00 A.M.** Motion to approve the Consent Agenda by Councilmember Engberg, second by Councilmember Jaworski. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**BILLS:** 442-Praxair Distribution Co: \$30.50 /supplies; 4imprint: \$764.23 /supplies; A J Warren: \$57.50 /reimbursement; AA Wheel & Truck Supply Inc: \$796.12 /supplies; ACTAR: \$265.00 /supplies; ADP, Inc: \$43.00 /fee; Advanced Office Automation, Inc: \$40.26 /service; Afternooners: \$65.00 /service; AGA Lincoln Chapter: \$120.00 /training; Aksarben Heating & Air: \$53.19 /service; Alamar Uniforms: \$245.99 /supplies; Alan Higley: \$2,445.50 /service; Allied Oil & Supply, Inc: \$393.50 /supplies; AmSan: \$95.06 /supplies; Amy Knight: \$14.75 /refund; Anderson Comfort: \$868.00 /supplies; Anderson Industrial Engines: \$513.55 /supplies; Aqua-Chem, Inc: \$5,283.64 /supplies; Aramark Uniform Services: \$155.64 /service; Arctic Glacier: \$287.58 /supplies; A-Relief Services Inc: \$635.00 /service; Armored Knights, Inc.: \$160.00 /service; ArtFac Graphics, LLC: \$1,270.50 /supplies; Assoc. for Budgeting & Financial Mgmt: \$220.00 /training; Associated Fire Protection: \$80.50 /service; Attitude on Food: \$7,806.51 /service; Austin

Diversified: \$300.00 /refund; Baird Holm: \$12,142.50 /legal; Beardmore: \$232.07 /supplies; Bellevue University: \$1,340.00 /training; Bennington Equipment, Inc: \$71.50 /supplies; Better Business Equipment: \$1,140.76 /supplies; Bill Swartzendruber: \$125.00 /reimbursement; Black Hills Energy: \$590.12 /natural gas; Brentwood Auto Wash: \$14.00 /service; Carus Corporation: \$13,533.04 /supplies; Cash-Wa Distributing: \$5,483.60 /merchandise; Central States Group: \$19.21 /supplies; Chem-Sult, Inc: \$11,962.60 /supplies; Chris Goley: \$575.00 /training; Cintas Corporation 749: \$1,518.33 /supplies; CIT Technology Fin Serv, Inc: \$186.72 /service; City Of Omaha Cashier: \$78,412.20 /service; Clear Channel Broadcasting, Inc.: \$132.00 /contract; Coca Cola Btlg Of Mid-America: \$3,503.82 /merchandise; Commercial Seeding Contractors: \$1,755.45 /services; Constellation New Energy Gas: \$113.69 /natural gas; Cornhusker Int'l Trucks Inc: \$187.79 /supplies; Cox Business Services: \$879.38 /service; Cox Communications: \$104.00 /service; Creative Product Sourcing, Inc: \$3,187.42 /supplies; Creighton University: \$14.00 /supplies; Cross Dillon Tire: \$43.50 /service; Culligan: \$5.45 /supply; D & D Communications: \$393.00 /service; Dan Hoins: \$50.00 /training; David Bahl: \$50.00 /reimbursement; Davis Insurance Agency: \$816.00 /insurance; Dex Media East, Inc: \$474.30 /service; Diamond Vogel Paint Center: \$2,915.60 /supplies; Diane Carlson: \$316.00 /reimbursement; DiGiorgio's Sportswear: \$3,359.30 /supplies; Dog & Pony Productions Inc: \$4,000.00 /service; Double K Feed Inc: \$6.50 /supplies; Douglas County Treasurer: \$600.00 /service; Douglas Products & Packaging LLC: \$1,860.00 /supplies; DPC Industries Inc: \$3,746.62 /supplies; Dultmeier Sales: \$85.50 /supplies; Earthgrains Baking Co's, Inc.: \$412.75 /supplies; Echo Group: \$3,966.86 /supplies; Elizabeth McCarty: \$15.00 /per diem; Elliott Equipment Co: \$375.82 /supplies; Ennis Paint, Inc: \$585.00 /paint; Eugenia Bikakis: \$45.00 /refund; E-Z-GO A Textron Company: \$75.00 /supplies; Factory Motor Parts: \$184.86 /supplies; Galls: \$325.72 /supplies; GE Capital: \$169.91 /service; Geis Inc: \$270.00 /service; General Dynamics OTS-Simuniton: \$595.00 /training; Glock Professional, Inc: \$300.00 /training; Goodwin Tucker: \$331.63 /service; Great Plains Government Finance Officers: \$150.00 /membership; Greatmats.com Corp: \$786.00 /supplies; Greenkeeper Company, Inc: \$570.00 /supplies; Gretna Welding: \$650.00 /service; H & H Omaha: \$140.14 /supplies; Hach Company: \$172.45 /supplies; Haney Shoe Stores Inc: \$867.90 /supplies; HD Supply Waterworks, Ltd: \$1,075.08 /supplies; Heartland Refrigeration: \$146.00 /repair; Heimes Corp.: \$163.44 /supplies; Helget Gas Products Inc: \$59.81 /supplies; Hi-Line: \$49.60 /supplies; Hockenbergs: \$192.02 /supplies; Home Depot Credit Services: \$1,536.89 /supplies; Host Coffee Service Inc: \$24.50 /supplies; Husch Blackwell Sanders LLP: \$512.50 /legal; Hy-Vee Accounts Receivable: \$36.60 /supplies; Idexx Laboratories, Inc: \$399.92 /supplies; Ingenix Subrogation Services: \$440.00 /refund; Inland Truck Parts & Service: \$464.86 /supplies; Integrated Business Systems In: \$189.00 /service; International Code Council: \$35.00 /membership; Interstate Industrial Service: \$171.20 /supplies; Interstate Power Systems, Inc: \$4.90 /supplies; Int'l City/County Management Assoc: \$1,500.00 /training; Int'l Erosion Control Assoc: \$170.00 /dues; Iowa Prison Industires: \$1,053.05 /supplies; J P Cooke Company: \$17.40 /supplies; Jamie Bodwell: \$59.35 /reimbursement; jeff Kment: \$45.00 /refund; Jeff Thompson: \$414.00 /reimbursement; Jeffrey Shon Barenklau: \$1,000.00 /consulting; Jennifer Roesler: \$156.22 /reimbursement; Jim Anderson: \$62.70 /reimbursement; Jones Automotive, Inc: \$179.15 /supplies; K Electric Co Inc: \$306.08

/service; Katasha Baer: \$14.75 /refund; Kelly Blair: \$29.25 /Refund; Kelly Pohl: \$8.00 /reimbursement; Kenz & Leslie Distributing Co: \$32.50 /supplies; Klabunde's Delivery, Inc: \$78.00 /service; Kriz-Davis Company: \$218.79 /supplies; Lands' End Business Outfitters: \$647.80 /supplies; Larsen Supply Company: \$1,036.99 /supplies; LaRue Distributing, Inc: \$212.82 /supplies; Laura Jean O'Conner: \$150.00 /service; League of Nebraska Municipalities: \$852.00 /membership; LEDJN's Construction: \$108.00 /service; Leuck's Inc: \$17.26 /refund; Lewis Implement Company: \$315.15 /supplies; Life-Assist Inc: \$865.79 /supplies; Linweld, Inc: \$83.99 /supplies; Logan Contractors Supply Inc: \$104.20 /supplies; Logo Logix Embroidery & Screen: \$440.00 /service; Lori Hansen: \$42.24 /reimbursement; Lorri's Lunch Box: \$576.80 /supplies; Loveland Lawns, Inc: \$44.64 /supplies; Lynn Peavey Company: \$23.94 /supplies; Matthew Schaffer: \$24.75 /refund; Max I Walker: \$354.55 /refund; Melanie Philmalee: \$37.50 /refund; MetLife Small Business Center: \$805.32 /insurance; Metro Area Transit: \$557.00 /service; Microfilm Imaging Systems, Inc: \$380.00 /service; Midstates Const Products: \$54.80 /supplies; Midwest MiniMelts: \$1,312.50 /supplies; Midwest Mudjacking, Inc: \$1,287.50 /supplies; Midwest Turf & Irrigation: \$1,961.52 /supplies; Millard Electronics, Inc.: \$45.00 /parts; Miller Brands of Omaha: \$1,490.05 /merchandise; Miller Press: \$385.00 /service; Mindy Obenschain: \$61.75 /reimbursement; Mitchell Swartzendruber: \$150.00 /services; MNJ Technologies Direct, Inc: \$2,367.00 /supplies; Muzak LLC: \$71.00 /service; Myers Tire Supply Distribution, Inc: \$104.54 /supplies; Nabi's Tailoring & Dry Cleaning: \$21.00 /service; Napa Auto Parts: \$337.12 /supplies; NBE Solutions: \$170.00 /supplies; NCEES: \$25.00 /dues; Ne Public Health Environmental Laborator: \$347.00 /service; Nebraska Dept Of Revenue: \$646.38 /taxes; Nebraska Fire Chief's Assoc: \$20.00 /membership; Nebraska- Iowa Industrial Fasteners Corp: \$202.80 /supplies; Nebraska National Bank: \$1,490.00 /Lease; Nebraska Recreation & Park Assoc: \$330.00 /registration; New Urban News: \$79.00 /subscription; Nextel Communications: \$41.64 /service; NMC Exchange LLC: \$1,099.26 /supplies; NSVFA: \$345.00 /organization; Nuts & Bolts Inc: \$184.80 /supplies; Odeys Inc: \$670.50 /supplies; Office Equipment Finance Services: \$255.33 /service; Offutt Youth Center: \$2,244.00 /service; Omaha Children's Museum: \$76.00 /service; Omaha Compound Company: \$1,994.38 /supplies; Omaha Public Power District: \$/electricity; Omaha Winwater Co: \$3,440.00 /supplies; Omaha World Herald: \$833.40 /service; O'Reilly Automotive Inc: \$118.88 /supplies; Otis Elevator Co: \$233.03 /service; Outdoor Living LLC: \$350.00 /service; Papillion Hardware: \$763.88 /supplies; Papillion Sanitation: \$425.00 /refuse; Papio Greens Golf Center: \$400.00 /services; Pinnacle Bank: \$150.00 /services; PLIC - SBD Des Moines: \$10,765.18 /insurance; PNC Equipment Finance: \$12,627.00 /Lease; Postmaster/18.00 /postage; Premier-Midwest Beverage Co: \$1,081.25 /merchandise; Quality Brands of Omaha: \$5,764.35 /merchandise; R & S Press, Inc.: \$69.20 /supplies; Rachel Ziegler: \$500.00 /service; Ray Higgins: \$575.00 /reimbursement; Reams Sprinkler Supply: \$67.80 /parts; Regal Awards, Inc: \$207.84 /service; Republic Nat'l Distrib-Eagle: \$495.30 /merchandise; Republic Nat'l Distrib-Falcon: \$299.00 /merchandise; Rita Schweiss: \$45.00 /refund; Rusty Eck Ford: \$77.87 /supplies; Ruth Hoagboon: \$528.75 /service; Sapp Brothers Petroleum Inc: \$18,438.44 /fuel; Sarpy Co Chamber of Commerce: \$15.00 /membership; Sarpy County Sheriff: \$259.60 /service; Sarpy County Treasurer: \$4,985.19 /services; Savings Sidekick, Inc.: \$100.00 /advertising; Security Equipment Inc: \$50.00 /service; Shadow Lake

Community Church: \$500.00 /refund; Shamrock Concrete Company: \$3,605.69 /; Sherwin-Williams: \$398.94 /supplies; Sheryl Homan: \$16.99 /reimbursement; Smoke-Eater: \$30.00 /supplies; Solutionone: \$757.44 /service; Southeastern Security Consulta: \$175.00 /service; Southern Water Consultants Inc: \$1,919.50 /chemicals; Standard Heating & Air: \$30.02 /refund; Standard Insurance Company: \$3,798.34 /insurance; Standard Iron: \$109.80 /supplies; Sterling Distributing Company: \$703.14 /merchandise; Steve Haffke Plumbing: \$127.00 /service; Superior Signals Inc: \$352.36 /supplies; Swan Engineering, LLC: \$66.12 /supplies; Swank Motion Pictures: \$621.00 /supplies; Targy Auto Parts: \$199.34 /supplies; Team Effort Inc: \$126.21 /supplies; Tee's Plus: \$3,565.72 /supplies; Texoma Golf, Inc: \$115.66 /merchandise; The M.B. Wilder Co. Inc.: \$54.00 /supplies; The Omaha Cigar Company: \$1,696.15 /merchandise; The Schemmer Associates: \$10,122.02 /service; The UPS Store - 5359: \$15.28 /service; Thermo King Christensen: \$109.06 /supplies; Thompson Dreessen & Dornier: \$22,006.42 /engineering; Tilford Printing & Card Shop: \$1,103.00 /supplies; Tractor Supply Company: \$51.71 /supplies; Turfwerks: \$64.24 /supplies; U S Bank: \$1,250.00 /trustee; U S Cellular: \$61.22 /service; Union Bank & Trust Company: \$47,839.15 /bonds; United Rent-All: \$227.13 /supplies; United Rentals (North America): \$97.46 /rental; United Seeds, Inc: \$975.00 /supplies; Val Limited: \$3,263.75 /food; Valerie Summers: \$201.95 /refund; Van Wall Turf & Irrigation: \$115.00 /supplies; Verizon Wireless: \$76.49 /service; Vierregger Electric Company: \$996.50 /service; Vogel Traffic Services: \$8,431.25 /supplies; Walmart Community: \$260.05 /supplies; Waste Management Omaha: \$1,025.20 /service; Weldon Industries Inc: \$232.26 /supplies; Western Sand & Gravel Co: \$205.34 /supplies; Wick's Sterling Trucks Inc: \$51.31 /supplies; Windstream: \$802.00 /service; Yamaha Golf & Equipment Co: \$800.00 /supplies; Funds by Hasler: \$414.00 /postage **BILLS TOTAL: \$521,504.70.**

**ORDINANCES FIRST READING:**

**ORD. 1593 – An ordinance to amend Chapter 117 of the Papillion Municipal Code to allow the sale of fireworks between 9:00 AM December 28<sup>th</sup> and Midnight January 1<sup>st</sup>.** Introduced by Councilmember Jaworski.

**ORD. 1602 – An ordinance to approve an amendment to §206-15 of the Papillion Municipal Code pertaining to Stormwater Management to eliminate the Grading Permit fees.** Introduced by Councilmember Stubbe.

**ORDINANCES SECOND READING:**

**ORD. 1600 – An ordinance to amend the budget statement to be termed the annual appropriation bill, which was adopted on March 2, 2010, by ordinance 1585; to appropriate sums for necessary expenses and liabilities; to provide for an effective date.** Mayor Black noted that the item was tabled from the August 17, 2010 City Council. He opened the continuation of the public hearing. No one came forward for public testimony and the public hearing was closed.

Motion to amend ORD. 1600 to include the four additions listed in the staff report by Councilmember Engberg, second by Councilmember Jaworski. Mayor Black called for

proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

Motion to waive the 3<sup>rd</sup> reading of ORD. 1600 by Councilmember Jaworski, second by Councilmember Enberg. Mayor Black called for proponents and opponents. None came forward. Mayor Black noted that the motion requires a super majority. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

Motion to approve ORD. 1600 as amended by Councilmember Jaworski, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**ORDINANCES THIRD READING AND RESOLUTIONS:**

Mayor Black asked Mr. Stursma to make a statement about why the agenda includes three Zoning items. Mr. Stursma provided summaries of ORD. 1586, ORD. 1587, and ORD. 1597.

**ORD. 1586 – An ordinance to amend the Papillion Zoning Code Section 205-220 A (8) having to do with rear yard setback for accessory structures.** Motion to approve ORD. 1586 by Councilmember Liesveld, second by Councilmember Glover. Mayor Black called for Council discussion.

Councilmember Liesveld asked Mr. Stursma to why an eight foot setback is required. Mr. Stursma advised that the volume of requests led to considering an amendment to the rear yard setback. The eight foot rear yard setback requirement is larger than some of the neighboring communities but is consistent with Sarpy County. Staff recommended that the setback remain eight feet because it is consistent with the required utility easement that is in the back of all residential lots. If a homeowner was allowed to place a building within that easement, it would be subject to removal by the utility owner in order to access the utility. It could also subject the homeowner to bodily injury if they were to hit a utility line during construction. If the City issued a permit to construct a building within the easement, the City could incur greater liability if a utility line is hit, a homeowner is injured, or a building is removed. Based on these reasons, the ultimate staff and Planning Commission recommendations are denial.

Mr. Glover asked who recommended that the setback be five feet. Mr. Stursma advised that the new Zoning Ordinance was adopted in 2008. Staff worked with the ordinance for approximately 18 months and tracked problematic areas. He explained that the number of requests to look at the rear yard setback led staff to propose it as a separate agenda item. Based on staff's research, staff and Planning Commission recommended denial.

Upon roll call vote, Glover voted yes. Voting no: Florance, Mumgaard, Liesveld, Jaworski, Stubbe and Engberg. Absent: Kluch. Motion failed.

**ORD. 1587 - An ordinance to amend in its entirety Chapter 205 of the Papillion Municipal Code having to do with Zoning; General Provisions; Definitions; Use Types; Zoning District Regulations; Concordance Between Comprehensive Development Land Use Categories and Zoning Districts; Special and Overlay Districts; Design Guidelines; Supplemental Use Regulations; Supplemental Site Development Regulations; Landscaping and Screening Regulations; Off-Street Parking; Signs; Nonconforming Developments; Administration and Procedures; to provide for violations and penalties; and to provide for an effective date thereof.** Motion to amend ORD. 1587 to include the ordinance listed in the staff report pertaining to the Floodplain/Floodway Overlay Districts by Councilmember Jaworski, second by Councilmember Stubbe. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

Motion to approve ORD. 1587 as amended by Councilmember Stubbe, second by Councilmember Jaworski. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**ORD. 1597 – An ordinance to amend Table 205-38 having to do with Permitted Uses by Zoning Districts; Table 205-277 having to do with Criteria for Site Plan and Special Use Permit Review; and Section 205-20 having to do with Commercial Use Types and to provide for an effective date thereof.** Motion to approve ORD. 1597 by Councilmember Liesveld, second by Councilmember Florance.

Councilmember Liesveld stated that he assumes that ORD. 1597 is a result of the tattoo parlor locating in downtown. It appears to be exclusionary zoning because it focuses on two or three uses out of the 100 to 150 different use types on the Permitted Uses list. He stated that he would support the ordinance if it went after every place that sells alcohol and cigarettes. Councilmember Liesveld stated that he would not support the ordinance. He questioned if it exclusionary zoning.

Mayor Black stated that the issue was sparked when the tattoo parlor opened. He noted that the public input was about evenly pro and con. ORD. 1597 is an attempt to address those comments without telling a business that they cannot locate in the city. He noted that many businesses have to go through the special use permit procedure. The initial discussion was concern about the location of the uses. If more than one age-restricted business locates in an area, then it creates a zone where children cannot enter. It allows the location of the business to be considered to prevent unintended consequences.

Councilmember Engberg stated that he will not support ORD. 1597 for several reasons. Businesses tend to locate where they will make a profit. They do not tend to locate based upon a desire to influence a particular age group. It also adds more layers of regulation for businesses. All of the targeted businesses are already subject to state or federal regulations. Councilmember Engberg expressed support for the two Planning Commissioners that voted against it.

Councilmember Liesveld questioned if ORD. 1597 will go after the typical bar. Mr. Stursma advised that Cocktail Lounge is included. Councilmember Liesveld asked if that would include all of the bar and grills in town. Mr. Stursma stated that it would apply to those classified as Cocktail Lounge, which means that more than 50% of the sales are from alcohol. If less than 50% of the sales are from alcohol, then it would be classified as Restaurant and would not be impacted.

Councilmember Liesveld asked if ORD. 1597 is the result of any specific complaints about the tattoo parlor. He recalled the arguments about the issue but is more concerned about the junior high being located near a bar that is attached to a gun shop. Mayor Black stated that no complaints have been received about the tattoo parlor. The ordinance addresses the questions received when the tattoo parlor opened.

Councilmember Mumgaard stated that he is voting for ORD. 1597. He is pleased that it includes Cocktail Lounges, Gaming Facilities, Gun Sales, and Liquor Sales. Businesses tend to locate where they can make a profit and do not always consider the impact to the neighbors. City Council should consider the impact to the neighbors. Several uses have been regulated in the past through development agreements. When the area south of 96<sup>th</sup> Street and HWY 370 was platted, the neighbors expressed concern about liquor stores, bars, and gaming facilities. Their concerns received consideration and the development agreement did what ORD. 1597 would do. Councilmember Mumgaard expressed support for using the special use permit process instead of development agreements. It provides City Council with the ability to restrict liquor store and bar locations, which is important because City Council only makes recommendations on liquor licenses.

Upon roll call vote, Florance, Mumgaard, Glover, Jaworski, and Stubbe all voted yes. Voting no: Engberg and Liesveld. Absent: Kluch. Motion carried.

**RES. R10-0142 – PUBLIC HEARING AND VOTE - A resolution to approve setting the 2010-2011 property tax request.** Mayor Black opened the public hearing. No one came forward for public testimony and the public hearing was closed.

Motion to approve RES. R10-0142 by Councilmember Engberg, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**ORD. 1599 – An ordinance to adopt the budget statement to be termed the annual appropriation bill; to appropriate sums for necessary expenses and liabilities; and to provide for an effective date.** Motion to approve ORD. 1599 by Councilmember Stubbe, second by Councilmember Jaworski.

Motion to amend ORD. 1599 based on the staff report by Councilmember Jaworski, second by Councilmember Glover. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

Motion to allow a one percent (1%) increase to the LID by Councilmember Engberg, second by Councilmember Jaworksi. Mayor Black noted that the vote requires a super majority. Mayor Black called for proponents and opponents. None came forward. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

Upon roll call vote to approve ORD. 1599 as amended, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**RES. R10-0143 - PUBLIC HEARING AND VOTE – A resolution to approve a Special Use Permit to allow Gaming Facility as a permitted use on the property legally described as Lot 2, Huntington Park Replat, generally located at 501 Olson Dr. The applicant is Players’ Keno Inc. d/b/a Jerzes Bar & Grill.** Mayor Black opened the public hearing.

Proponents:

Patrick Sullivan, representative for the applicant, stated that Valerie and Don Bellino were present to answer questions. The resolution states that the planned addition to the primary structure to accommodate Keno operations will not require renewal of the Special Use Permit. His understanding is that continued improvement will be covered by the Special Use Permit. Mr. Stursma stated that it is intended that the Special Use Permit covers the existing building and allows for future improvement without City Council approval of a renewal or amendment of the Special Use Permit.

Councilmember Mumgaard questioned when the Keno operations would start. Mr. Sullivan deferred to Don Bellino. Don Bellino stated that the gaming license arrived. The liquor license was effective on September 3, 2010. He recognized the work done by city staff. The equipment has been ordered. Mr. Bellino provided a summary of some of the planned promotions. The building will have a dedicated sports area and a Keno area.

Seeing no further testimony, Mayor Black closed the public hearing.

Motion to approve RES. R10-0143 by Councilmember Jaworski, second by Councilmember Stubbe. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried.

**Committee Reports:** None forthcoming.

**Comments from the Floor:** None forthcoming.

**Comments from Mayor and Council** – Councilmember Jaworski requested that a Finance Committee meeting be scheduled to discuss the golf courses.

Mayor Black gave an update on his events: (1) Met with city staff to discuss the golf course financials. Some restructuring is included in the next budget; (2) Met with the Papillion – La Vista IDEAL School to discuss their new leadership program; (3) Represented the City at a couple of Omaha Royal's games; (4) Attended the Offutt Air Show; (5) Participated in an interview with Tom Beca regarding the Omaha Wheel Fee; (6) Attended a meeting with Mr. Hoins, Mr. Stursma, and an Omaha commercial development firm about proposed development concepts; (7) Negotiations regarding the agreement for the joint 911 center are in a silent period pending the results of Sarpy County's sales tax measure. Sarpy County sent a termination notice effective 2012, which appears to be a negotiation tactic.

Councilmember Liesveld asked if the Council will have a say in the 911 agreement. Mayor Black confirmed that Council will hold a public hearing on the agreement. Councilmember Liesveld questioned if there was the possibility that one city could vote against the agreement. Mayor Black confirmed that the all of the cities are independent so it is possible. Councilmember Liesveld questioned Sarpy County's rationale for requesting more funding. Mayor Black stated that Sarpy County's position is that cities create an additional burden on 911. Councilmember Liesveld questioned if there is a deadline to finalize the agreement. Mayor Black advised that the termination letter says January 2012.

Councilmember Mumgaard expressed displeasure that the Sarpy County Board to send a letter to the Councilmembers, given that a negotiating team is in place. He noted that the contract includes a designated person who should receive any termination notice. He expressed support for the negotiating team.

Councilmember Glover questioned if all five cities agree. Mayor Black explained that the United Cities will not work on an item without unanimous support of the mayors.

Councilmember Jaworski stated that there is support to send a letter to the Sarpy County Board requesting that they work with the negotiating team.

Councilmember Engberg stated his support for the negotiating team.

**ADJOURNMENT:**

Motion to adjourn by Councilmember Jaworski, second by Councilmember Engberg. Upon roll call vote, Florance, Mumgaard, Liesveld, Glover, Jaworski, Stubbe and Engberg all voted yes. Voting no: none. Absent: Kluch. Motion carried. Meeting adjourned at 7:50 PM.

CITY OF PAPILLION

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DAVID P. BLACK, MAYOR

Attest:

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Elizabeth McCarty, City Clerk

(SEAL)