

CITY OF GRETNA, NEBRASKA
CITY COUNCIL SPECIAL MEETING NOTICE
MONDAY, NOVEMBER 23, 2019; 6:00 P.M.
CITY OFFICE; 204 N. MCKENNA AVE
GRETNA, NE
402-332-3336

Notice is hereby given that on Monday, November 23, 2020 a special meeting of the CITY COUNCIL of the City of Gretna, Nebraska, will be held at 6:30 p.m. at the City Office. The agenda for such meeting which is kept continuously current, is available for Public inspection at the Office of the City Clerk at the above address during normal business hours.

All interested parties are asked to attend to express any support or objections to this request. A written support or objection must be filed with the City Clerk **prior to 23rd of November** and will be heard at the Public Hearing.



Tammy L. Tisdall, CMC
City Clerk

This City Council meeting will be held in person with social distancing requirements being practiced. The Council meeting will be available to be watched via Zoom. Please note that those watching the Council meeting by Zoom will not be able to make comments for any public portion of the meeting. Zoom is for listening purposes only. The Zoom meeting information is:

Join Zoom Meeting

<https://us02web.zoom.us/j/89264830258?pwd=YzRRSE5UYmpNSjZrWmNvR1ZQZERVQT09>

Meeting ID: 892 6483 0258

Passcode: 791067

OR

Dial by your location

+1 312 626 6799 US (Chicago)

+1 346 248 7799 US (Houston)

CITY OF GRETNA, NEBRASKA
CITY COUNCIL SPECIAL MEETING AGENDA

NOVEMBER 23, 2020

6:30 p.m.

AGENDA

1) CALL MEETING TO ORDER

****PLEASE ASK FOR ALL CELL PHONES TO BE SILENCED****

- A) Mayor's Public Announcement: "This meeting is conducted in compliance with the Nebraska Open Meetings Act, a current copy of which is posted in the meeting room. Those wishing to address the Council on an agenda item which involves a public hearing, please approach the microphone in the center of the room while the topic is being discussed and you will be called upon."
- B) Pledge of Allegiance
- C) Roll Call

2) CONSENT AGENDA AND INFORMATIONAL REPORTS

- A) Approval of Consent Agenda – Motion to Approve:
 - 1) Approval of Agenda for November 23, 2020
 - 2) Approval of Council Minutes, November 17, 2020

3) ORDINANCES and RESOLUTIONS

- A) Ordinance 2072 – Approving Regulation to Serve the General Health of the City, to Prevent Nuisances and the Introduction and Spread of the Contagious and Infectious Disease of COVID-19, and to Require Individuals to Wear Facial Coverings

Motion to Introduce and Waive Three Readings
Motion to Approve and Adopt

4) ADJOURNMENT – Motion to Adjourn

City of Gretna, Nebraska

City Council

November 17, 2020

A meeting of the Gretna City Council was held on November 17, 2020. Mayor Timmerman announced that the open meetings laws is located in the back of the room. The Mayor called the meeting to order. Notice of the meeting was given in advance thereof to the Mayor and City Council, published in the Gretna Breeze and posted in at least three Public places as shown by the Certificate of Posting Notice attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the Public.

CONSENT AGENDA

Approval of Consent Agenda

- 1) Approval of Agenda for November 17, 2020
- 2) Approval of Council Minutes, November 3, 2020
- 3) Approval of Claims

CLAIMS

Advncd Ofc ex 16.11; AFLAC ex 722.12; Amern Lib Assoc ex 148.00; Ashlnd Auto ex 565.67; Barco Prod ex 639.00; Bkr & Tylr ex 1,853.36; Blck Hls ex 964.15; BS&A ex 2,500.00; Cllgn ex 126.10; Cncrt Sply ex 3,601.50; Cnta ex 132.13; Core & Main ex 1,833.75; Core Tech ex 811.00; Cox ex 142.40; Crl Cnstrn ex 950.86; Ess Scrns ex 200.00; Frmrs Un ex 658.32; GP Flick & Sns ex 1,370.00; Grtn Ace ex 1,015.33; Grtn Brz ex 30.45; Grtn Gas & Lb ex 4,320.76; Grtn Ins Ag ex 2,446.00; Grtn Plmbg ex 125.00; Grtn PO ex 34.75; Grtn Pyrl ex 60,516.16; H&H Lwn ex 610.00; Hrtlnd Pst Cntrl ex 2,480.00; Inlnd Trk Rpr ex 5,377.42; JDW Mdwst ex 3,900.00; Krstn Cnstrn ex 3,532.50; Lge of NE ex 498.12; Lib Store ex 251.08; Lry Vglr Trckng ex 3,952.08; Lvlnd Grsspd ex 208.45; M Todd & Co ex 385.90; Mcknys ex 30.56; Md-Amrn Bnfts ex 50.00; Mdwst Lab ex 440.80; Mdwst Turf & Irrgtn ex 8,708.11; Menards ex 203.58; Mntmrn Lndscp ex 1,500.00; Mrtn Mrtt Mtrls ex 281.63; Muni Sply ex 280.45; NE Clrks Int & Acmy ex 50.00; NE US Rte 6 Trst ex 400.00; Occ Hlth Ctr ex 67.00; Off Dpt ex 399.84; O'Kf Elevtr ex 193.60; Olm & Pry ex 21,025.00; One Cl Cncpt ex 335.37; OPPD ex 28,594.49; O'Reilly ex 1,011.54; OWH ex 213.05; Pinn Bnk ex 6,137.71; Pmp's Tire ex 878.25; Prt-A-Jn ex 80.00; Ptny Bws Fin ex 203.91; Quill ex 416.78; Rgn Elec ex 9,895.00; Siteone Lndscp Sply ex 1,678.90; Sndry Fire Sply ex 545.00; Srgnt Drllng ex 125,727.46; Subrn News ex 221.73; Tri-Mtl Aid FF ex 150.00; Two Rvrs Pmpg ex 300.00; Uline ex 308.70; UNUM Ins ex 155.15; Wstrn Oil ex 552.50; Yng & Wht ex 4,916.95; Total ex 322,871.53

Motion by Jason Stahr, seconded by Bill Proctor to approve the consent agenda. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

PRESENTATIONS

Sarpy County Sheriff's Department Representative

Sarpy County Economic Development Representative Andrew Rainbolt - 3rd Quarter Report

ORDINANCES & RESOLUTIONS

Ordinance 2070 - Approving Amendments to the City of Gretna's Comprehensive Plan Update 2020

City Attorney Duncan Young read the ordinance by title.

ORDINANCE NO. 2070

An Ordinance of the City of Gretna, Nebraska, amending the Gretna Comprehensive Plan Update 2020; to declare a time when this ordinance shall take full force and effect; to repeal all ordinances in conflict herewith; and to provide an effective date hereof.

Motion by Jason Stahr, seconded by Angie Lauritsen to approve third reading of Ordinance 2070. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

Ordinance 2071 Approving Amendments to the City of Gretna Zoning Regulations regarding Section 2.03 Definitions, Section 5.11 R-3 High Density Residential Zoning District, Section 5.17 I-1 Light Industrial Zoning District, Section 5.18 I-2 Heavy Industrial Zoning District, Section 5.24 Schedule of Lot and Area Requirements, and Section 8.10 Solar Energy Uses, and a new Section 5.26 regarding the GMA Growth Management Area Overlay District.

City Attorney Duncan Young read the ordinance by title.

ORDINANCE NO. 2071

An ordinance of the City of Gretna, Nebraska, amending the Gretna Zoning Regulations Update 2017 as adopted by City of Gretna Ordinance No. 2000 via amendments to Section 2.03 definitions, Section 5.11 R-3 High Density Residential Zoning District, Section 5.17 I-1 Light Industrial Zoning District, Section 5.18 I-2 Heavy Industrial Zoning District, Section 5.24 schedule of lot and area requirements, and Section 8.10 solar energy uses, and via further creating a new S5.26 regarding the GMA Growth Management Area Overlay District; to declare a time when this ordinance shall take full force and effect; and to repeal all ordinances in conflict herewith.

Motion by Bill Proctor, seconded by Logan Herring to approve third reading of Ordinance 2071 and adopt. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

CURRENT BUSINESS

Approval of Sewer Connection Agreement with SID 278 for Tiburon Ridge Phase 3 Replat 2 Lots 1-8

Motion by Logan Herring, seconded by Angie Lauritsen to approve the sewer connection agreement with SID 278. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea Yea: 4, Nay: 0

ADJOURNMENT

Motion by Logan Herring, seconded by Angie Lauritsen Motion to adjourn. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

CITY OF GRETNA, NEBRASKA

James W. Timmerman, Mayor

ATTEST:

Tammy L. Tisdall, CMC
City Clerk

CITY OF GRETNA, NEBRASKA

ORDINANCE NO. 2072

AN ORDINANCE OF THE CITY OF GRETNA, NEBRASKA, ENACTING REGULATIONS TO SERVE THE GENERAL HEALTH OF THE CITY AND PRESCRIBING RULES FOR THE PREVENTION, ABATEMENT, AND REMOVAL OF NUISANCES AS WELL AS TO PREVENT THE INTRODUCTION AND SPREAD OF THE CONTAGIOUS, INFECTIOUS AND MALIGNANT DISEASE OF COVID-19 IN THE CITY OF GRETNA; TO PROVIDE LEGISLATIVE FINDINGS AND INTENT; TO REQUIRE INDIVIDUALS TO WEAR FACE COVERINGS AND EXCEPTIONS THERETO; TO PROVIDE FOR THE ENFORCEMENT OF VIOLATIONS AND PENALTIES; TO ESTABLISH A SUNSET PROVISION; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GRETNA, NEBRASKA.

Section 1. That as a result of the Novel Coronavirus (COVID-19) pandemic and with an increased number of confirmed COVID-19 cases within the Sarpy County and metropolitan area including the City of Gretna and its immediately surrounding subdivisions, a public health and infectious and contagious disease emergency exists authorizing action by the City of Gretna. Accordingly, this Ordinance imposes a non-pharmaceutical intervention to combat the spread of the COVID-19 public health and infectious and contagious disease and to halt the progression thereof.

Section 2. The City Council hereby finds and declares, based upon available scientific and medical evidence, that:

1. COVID-19 has impacted and continues to dramatically impact the citizens of the City of Gretna and its immediately surrounding subdivisions; and
2. Exposure to COVID-19 presents a risk of death or serious long-term disability, and the exposure is widespread and poses a significant risk of harm, including death, to people in the general population that are more vulnerable to the threat and thus at an increased risk, and the threat is from a novel infectious disease; and
3. Information from the World Health Organization, the CDC, the Nebraska Department of Health and Human Services, the Sarpy County Health Department, local public health departments throughout Nebraska, and members of the metropolitan area medical community indicates that the citizens of the City of Gretna and its immediately surrounding subdivisions have been and will continue to be exposed due to community transmissions of COVID-19; and
4. The manner in which the spread of COVID-19 cases in the City of Gretna and its immediately surrounding subdivisions has occurred creates an unacceptable risk to the health, safety, and welfare of the citizens of the City of Gretna and its immediately surrounding subdivisions; and

5. The number of COVID-19 infections within the City of Gretna and its immediately surrounding subdivisions continues to increase; and
6. COVID-19 constitutes a public nuisance and a threat to the health, safety, and welfare of the City of Gretna and its immediately surrounding subdivisions; and
7. The Director of the United States Center for Disease Control and Prevention (CDC), and doctors and infectious disease experts from the University of Nebraska Medical Center and Nebraska Medicine have concluded that the wearing of face coverings by every individual while in public is one of the best methods to slow and stop the spread of COVID-19; and
8. The wearing of face coverings by every individual while indoors in all premises that are open to the general public in the City of Gretna and its immediately surrounding subdivisions will reduce community transmissions of COVID-19, resulting in fewer deaths and fewer serious health complications, and will ease the strain on hospitals and other medical offices and facilities; and
9. The wearing of face coverings by every individual while indoors in all premises that are open to the general public in the City of Gretna and its immediately surrounding subdivisions will help keep businesses open and operating, encouraging economic growth, and preventing prolonged economic harm; and
10. It is just and proper for the Mayor and City Council to exercise the authority granted by Nebraska statutes in furtherance of protecting the public health, safety, and welfare.

Section 3. For purposes of this Ordinance, the following terms are defined as follows:

1. Face Coverings – A face covering is defined as a covering which, when worn properly, must cover the nose and mouth completely and can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering. Medical grade masks and respirators are sufficient face coverings, but to preserve adequate supplies for health care workers, their purchase and use is discouraged for those who do not work in a health care setting or in other occupations that require medical grade personal protective equipment. Masks that incorporate a valve designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow exhaled droplets to be released into the air.
2. Premises That Are Open to the General Public – Premises that are open to the general public are broadly defined to include entities that employ or engage workers, including private-sector entities, public -sector entities, non-profit entities, regular commercial or business establishments, private clubs, religious centers or buildings, public transportation (including buses, taxis, ride-sharing vehicles, or vehicles used for business purposes), and any place with is generally open to the public, including educational institutions and daycare facilities.

Section 4. All individuals age five and older shall wear a face covering over their mouth and nose while indoors in a premises that is open to the general public including, but not limited to, educational institutions, unless the individual maintains a minimum of six feet of separation or

social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

1. Is seeking federal, state, or county services; or
2. Is seated at a bar, restaurant, or their seat at an arena to eat or drink, or while immediately consuming food or beverages; or
3. Is engaged in an occupation preventing the wearing of a face covering; or
4. Is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering; or
5. Is asked to remove a face covering to verify identity for lawful purposes; or
6. Is providing a speech, lecture, or broadcast to an audience so long as six feet of distance from other individuals is maintained; or
7. Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this Section shall prohibit the owner or person in charge of a premises that is open to the general public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Section 5. Any individual or entity which maintains premises that are open to the general public including, but not limited to educational institutions, shall require all individuals age five and older to wear a face covering over their mouth and nose while indoors in said premises, unless the individual maintains a minimum of six feet of separation or social distance at all times from anyone who is not a member of the individual's household, except face coverings will not be required if the individual:

1. Is seeking federal, state, or county services; or
2. Is seated at a bar, restaurant, or their seat at an arena to eat or drink, or while immediately consuming food or beverages; or
3. Is engaged in an occupation preventing the wearing of a face covering; or
4. Is obtaining a service or purchasing goods or services that requires the temporary removal of the face covering; or
5. Is asked to remove a face covering to verify identity for lawful purposes; or
6. Is providing a speech, lecture, or broadcast to an audience so long as six feet of distance from other individuals is maintained; or
7. Cannot otherwise wear a face covering because of a medical condition, a mental health condition, or a disability that makes it unreasonable for the individual to wear a face covering.

Nothing in this Section shall prohibit the owner or person in charge of a premises that is open to the general public from requiring an individual to wear a face covering during any of the circumstances enumerated above or from implementing a more restrictive face covering policy.

Section 6. Any individual or entity which maintains premises that are open to the general public, including but not limited to educational institutions, must post one or more signs that are

visible to all persons, including workers, customers, and visitors, instructing them to wear face coverings as required by this Ordinance. The signs required by this Section must be printed on a poster or paper that is a minimum size of 8.5 inches by 11 inches, and be written or typed in a legible font or typeface that is no smaller than 12 points of leading or 12 point type. Such signs are available at the City of Gretna City Office, 204 North McKenna Avenue, 402-332-3336, and are also available on the City's website www.gretnane.org.

Section 7. The provisions of this Ordinance shall not apply to:

1. Courts of law; public utilities or federal, state, county, or City operations; medical providers, facilities, or pharmacies; congregated living centers or facilities; group homes and residential drug and/or mental health treatment facilities; shelters; airport travel; election offices; polling places on election day; or to residential dwelling units.
2. While children ages three and four may wear a face covering if that child can remove the face covering without assistance, guidance from the CDC states that children two years old and under should never wear a face covering due to the risk of suffocation.
3. Nothing in this Ordinance shall be construed to limit, prohibit, or restrict in any way the operations of the federal or state governments or the movement of federal or state officials in the City while acting in their official capacity, including federal and state judicial, legislative, and executive staff and personnel.
4. Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others as determined by federal, state or local regulators or by workplace safety and health standards and guidelines.
5. Individuals who are alone in an office, room, vehicle, the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when the individual is no longer alone.
6. Individuals who are seated at a desk or standing at a stationary workstation, provided that the desk or workstation has a solid plexiglas or plastic barrier installed upon it which cannot be moved.
7. Individuals who are officiating at a religious service.
8. Individuals communicating with other individuals who are deaf or hard of hearing or who have a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that minimum social distancing of six feet or more is maintained to the extent possible between persons who are not members of the same household.
9. Individuals who are engaged in activities, such as swimming or showering, where the face covering will get wet.
10. Individuals who are exercising in an indoor business or indoor space such as a gym or fitness center, while the level of exertion makes it difficult to wear a face covering, provided that minimum social distancing of six feet or more is maintained at all times.

11. Individuals in an indoor premises that is generally open to the public while playing a musical instrument that cannot be played when a face covering is worn, provided that a minimum social distancing of six feet or more is maintained at all times.
12. Public safety workers actively engaged in a public safety role, including but not limited to law enforcement personnel, fire fighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of the individual's public safety responsibilities.
13. Participants in a sporting event, but not only while they are playing the game, if the school or sponsoring organization does not require facial coverings, however, spectators, coaches, and non-participants would be required to wear face coverings.

Section 8. The provisions of this Ordinance shall apply to all premises that are open to the general public within the corporate limits of the City of Gretna, and also to all premises that are open to the general public in the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250). With the continuous and free movement of the citizens of the City of Gretna between the corporate limits of the City and the premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250), it is necessary for the public health, safety, and welfare of the citizens of the City of Gretna, and necessary to combat the spread of the COVID-19 public health and infectious and contagious disease, that the requirements and provisions of this Ordinance shall also apply to all premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250).

Section 9. Any individual or entity which maintains premises that are open to the general public and which are subject to this Ordinance, and who/which fail to comply with the requirements this Ordinance, is hereby declared to be a nuisance and a danger to the public health, safety, and welfare.

Section 10. Any individual or person who is found to have violated any of the provisions of this Ordinance shall be guilty of an infraction for each offense and shall be subjected to a fine of \$25 for the initial offense. Each instance of violation of this Ordinance shall be considered to be a separate offense.

Section 11. In addition to any other penalty sought or obtained under this Ordinance or other applicable law, the City Attorney may institute injunctive or other appropriate civil proceedings necessary to obtain compliance with this Ordinance or to abate any nuisance resulting from violations of this Ordinance.

Section 12. A City COVID-19 complaint team consisting of _____, _____, and _____, is hereby established that will evaluate any citizen complaints of noncompliance with this Ordinance, and determine the best

way to provide education to individuals and businesses that are noncompliant with this Ordinance. The goal of this City COVID-19 complaint team is to ensure that face coverings are worn when required by providing education first before looking towards enforcement. When necessary, enforcement will generally focus on businesses or individuals that despite attempts to educate, continue to violate this Ordinance.

Section 13. The sections, subsections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid, unenforceable, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity, unenforceability, or unconstitutionality shall not affect any of the remaining sections, subsection, paragraphs, sentences, clauses, or phrases of this Ordinance.

Section 14. Due to the emergency circumstances set forth herein, and the emergency per the Proclamation of Local Emergency dated April 3, 2020, this Ordinance shall take effect on _____, November _____, 2020, at 12:01 a.m., after the proclamation of the Mayor and posting in at least three of the most public places in the City of Gretna in accordance with Neb. Rev. Stat. § 17-613 and City of Gretna Municipal Code Section 1-508(B).

Section 15. The requirements imposed by this Ordinance shall expire and terminate at 11:59 p.m. on _____, 202____, unless renewed, extended or terminated by a subsequent Ordinance. It is the intension and purpose of the City of Gretna Mayor and City Council that this Ordinance will remain in effect no longer than necessary to ensure that the COVID-19 public health and infectious and contagious disease emergency no longer poses a public health threat.

PASSED AND APPROVED this 23rd day of November, 2020.

ATTEST:

CITY OF GRETNA, NEBRASKA

Tammy L. Tisdall, City Clerk, CMC

James W. Timmerman, Mayor

PROCLAMATION OF MAYOR

For the emergency reasons set forth in this Ordinance No. 2072, it is necessary that this Ordinance No. 2072 take full force and effect on the date and time of _____, November _____, 2020 at 12:01 a.m. due to the stated emergency of COVID-19, after posting in at least three of the most public places in the City of Gretna in accordance with Neb. Rev. Stat. § 17-613 and City of Gretna Municipal Code Section 1-508(B). Pursuant to Neb. Rev. Stat. §17-114 and City of Gretna Municipal Code 1-201, the provisions of this Ordinance shall apply to all premises that are open to the general public within the corporate limits of the City of Gretna, and also to all premises that are open to the general public in the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250). With the continuous and free movement of the citizens of the City of Gretna between the corporate limits of the City and the premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250), it is necessary for the public health, safety, and welfare of the citizens of the City of Gretna, and necessary to combat the spread of the COVID-19 public health and infectious and contagious disease, that the requirements and provisions of this Ordinance shall also apply to all premises that are open to the general public within the immediately adjoining subdivisions of Standing Stone (S.I.D. No. 251) and Willow Park (S.I.D. No. 250).

Dated this _____ day of November, 2020.

James W. Timmerman, Mayor