

City of Gretna, Nebraska

City Council
October 20, 2020

A meeting of the Gretna City Council was held on October 20, 2020. Council President Herring announced that the open meetings laws is located in the back of the room. The Council President called the meeting to order. Present: Logan Herring, Angie Lauritsen, Bill Proctor, and Jason Stahr. 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 October 20, 2020
- 2) Approval of Council Minutes, October 6, 2020
- 3) Approval of Claims

Claims

Advncd Ofc ex 34.44; Bkr & Tylr ex 1,833.86; Blck Hls ex 133.57; Bobcat ex 142.50; Brgnkdv ex 3,070.00; Cilgn ex 109.10; Cmpss Utly ex 184,288.60; Cncrt Sply ex 188.00; Cntr Pnt Lrg ex 86.88; Core & Main ex 27,564.00; Core Tech ex 1,351.00; Cox ex 142.40; Crl Cnstrn ex 580.33; Gretna Nghbrs ex 1,455.00; Grtn Gas & Lb ex 3,380.40; Grtn Pyrl ex 67,950.75; Gsmn Law Frm ex 1,261.00; GT Mdwst ex 215.31; Hghs Mlch ex 1,400.00; Inspro ex 210,800.00; J Wollenburg ex 75.00; JDW Mdwst ex 1,200.00; K Reed ex 155.88; Lry Vglr Trckng ex 1,947.60; Mcknys ex 31.25; Md-Amrn Bnfts ex 50.00; Mdwst Lab ex 207.80; Mdwst Undrgrnd ex 637.42; Menards ex 318.21; Mike's ex 593.11; Mitel ex 1,124.61; Mnrds - Blvue ex 113.96; Mntmrn Lndscp ex 1,050.00; Mrvn Plng Cnslt ex 1,500.00; MUD ex 153.54; NE Dept of Rev - Keno ex 5,938.00; NE Lib Comm ex 506.20; NE Pub Hlth Enviro ex 902.00; NE St Fire Mrshl ex 120.00; NMC ex 38.95; Occ Hlth Ctr ex 614.50; OCLC ex 90.27; Off Dpt ex 150.23; Olm & Pry ex 22,796.35; OPPD ex 29,171.49; Pinn Bnk ex 4,756.88; Prt-A-Jn ex 80.00; Quill ex 536.60; Sbsrfc Sltn ex 392.00; Shrwn-Wllms ex 391.07; Siteone Lndscp Sply ex 9,432.32; Sltn One ex 1,169.48; Srp Co Treas ex 25,885.00; Subrn News ex 659.33; Tidy-Up Cing ex 340.00; Uline ex 209.22; UNUM Ins ex 181.25; USA BI Bk ex 1,622.72; Wstrn Oil ex 319.91; WT Cox Sbscptn ex 1,710.27; Yng & Wht ex 8,586.70; Total ex 631,746.26

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

PUBLIC HEARINGS

City of Gretna, 204 N. McKenna Ave., PO Box 69, Gretna, NE 68028 requests proposed amendments and updates to the City Comprehensive Plan to amend the sections and provisions regarding Future Growth Areas, Future Growth Boundary Map, Transportation Plan, and Future Land Use Map. To review and recommend changes to the City Comprehensive Plan pertaining to Future Growth, Transportation Plan, and Future Land Use Map. Some of the amendments are, in part, for purposes of implementing growth management plans, policies, and/or procedures of the

Sarpy County and Cities Wastewater Agency.

Staff comments were given by Dan Giittinger and Consultant Keith Marvin
Council President Herring opened the public hearing for comment. Hearing no comment, Council
President Herring closed the public hearing.

City Attorney Jeff Miller read the ordinance by title.

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

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 Bill Proctor, seconded by Jason Stahr to introduce and approve first reading of
Ordinance 2070. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4,
Nay: 0

City of Gretna, 204 N. McKenna Ave., PO Box 69, Gretna, NE 68028 request to propose
amendments to the City Zoning Regulations to amend Sections 2.03 Definitions, 5.11 R-3 High
Density Residential Zoning District, 5.17 I-1 Light Industrial Zoning District, 5.18 I-2 Heavy
Industrial Zoning District, 5.24 Lot and Area Requirements, and 8.10 Solar Energy Uses, and add
Section 5.26 GMA. Review and recommend changes to the Zoning Regulations pertaining to said
Sections and add the new Section to the Zoning Regulations. Some of the amendments are, in
part, for purposes of implementing growth management plans, policies, and/or procedures of the
Sarpy County and Cities Wastewater Agency.

Staff comments were given by Dan Giittinger and Consultant Keith Marvin
Council President Herring opened the public hearing for comment. Hearing no comment, Council
President Herring closed the public hearing.

City Attorney Jeff Miller read the ordinance by title.

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.

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 Jason Stahr, seconded by Angie Lauritsen to introduce and approve first reading of Ordinance 2071. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

Farmer Union Coop, Joe Kreifels, 820 W. Angus St., Gretna, NE 68028 requesting approval of a Rezoning from R-1 Low Density Residential to I-2 Heavy Industrial on Taxlot B1B in Section 36, R-14-E, T-10-N of the 6th PM, Sarpy County, Gretna, NE 68028. Generally located north of Burns Plaza and west of the Burlington railroad tracks.

Staff comments were given by Dan Giittinger.

Applicant, Joe Kreifels, gave an explanation of the requested rezoning change.

Council President Herring opened the public hearing for comment. After hearing comments for and against the request, Council President Herring closed the public hearing.

Motion by Jason Stahr, seconded by Angie Lauritsen to deny the rezoning request from the Farmer Union Coop. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea Yea: 4, Nay: 0.

Wade Wickey and Patrick Lichter, 9913 S. 176th St., Omaha, NE 68136 requesting approval of a Text Amendment to the I-1 Zoning District to allow for gunsmith/repair and online sales of firearms as a permitted use. The I-1 Zoning District does not currently allow for this activity but these activities are allowed in the GC General Commercial and HC Highway Commercial Zoning Districts.

Staff comments were given by Dan Giittinger.

Applicants Wade Wickey and Patrick Lichter explained the reason for the requested text amendment.

Council President Herring opened the public hearing for comment. Hearing no comment, Council President Herring closed the public hearing.

Motion by Jason Stahr, seconded by Angie Lauritsen to approve the text amendment request as a conditional use permit. Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea Yea: 4, Nay: 0

ORDINANCES & RESOLUTIONS

Resolution 10-20 (1) - Implementing the South Sarpy Sewer Agency Growth Management Policies via Amendments to the Gretna Zoning Regulations and Comprehensive Plan
City Attorney Jeff Miller read the resolution by title.

RESOLUTION NO. 10-20 (1)

A Resolution of the Mayor and City Council of the City of Gretna, Nebraska implementing the Growth Management Plan Policies and Procedures of the Sarpy County and Cities Wastewater Agency via the adoption of certain amendments to the City of Gretna's Comprehensive Plan Update 2020 and to the City of Gretna's Zoning Regulations Update 2017.

WHEREAS, the City of Gretna is a party to an Interlocal Cooperation Agreement (the "Formation Interlocal") entered into pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801 et seq. (the "Act"), by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista, and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

WHEREAS, pursuant to Section VI of the Formation Interlocal the Agency is required to plan, develop, and approve a Master Plan for the design of the Unified South Sarpy Wastewater System (the "Unified SSWS") and as a necessary step in the development of the Master Plan the Agency has adopted a Growth Management Plan and GMP Policies and Procedures via Agency Resolutions No. 2019-004 and No. 2020-013 respectively; and

WHEREAS, the Agency Board recognized in the GMP Policies Resolution that the Agency's adoption of the GMP Policies and Procedures does not, except as otherwise provided in the Formation Interlocal or pursuant to Agency Resolution 2019-004, (a) expand the Agency's Jurisdiction or abrogate the requirements of Section VII of the Formation Interlocal, (b) abrogate each Member's maintenance of its own autonomy, jurisdiction, powers, and indebtedness as a governmental subdivision, (c) supersede each Member's planning approval jurisdiction, or (d) in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019; and

WHEREAS, Gretna recognizes that any future development and related sewer service expansion within the Agency's Jurisdiction shall be consistent with the Agency Growth Management Plan and the GMP Policies and Procedures and Gretna has determined that it is appropriate and proper to implement the Agency Growth Management Plan and the Agency GMP Policies and Procedures via certain amendments to Gretna's Comprehensive Plan Update 2020 and also via certain amendments to Gretna's Zoning Regulations Update 2017, subject to compliance with and the completion of State Law requirements for such amendments, including but not limited to required published notices, public hearings, and approvals of the Gretna Planning Commission and City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE Gretna City Council that the Agency Growth Management Plan and the Agency GMP Policies and Procedures are hereby implemented via the adoption of amendments to Gretna's Comprehensive Plan Update 2020 consisting of amendments to the Future Growth Areas and Transportation Plan sections thereof via Gretna Ordinance No. 2070 Sections 2(a) and (c) and Exhibits A and C thereto respectively, and also via the adoption of amendments to Gretna's Zoning Regulations Update 2017 consisting of the adoption of a new Section 5.26 GMA Growth Management Overlay District via Gretna Ordinance No. 2071 Section 7.

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Gretna City Council that the City of Gretna's adoption and approval of the GMP Policies and Procedures does not, except as otherwise provided in the Formation Interlocal or pursuant to Agency Resolution 2019-004, (a) expand the Agency's Jurisdiction or abrogate the requirements of Section VII of the Formation Interlocal, (b) abrogate City of Gretna's maintenance of its own autonomy,

jurisdiction, powers, and indebtedness as a governmental subdivision, (c) supersede City of Gretna's planning approval jurisdiction, or (d) in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019.

Motion by Bill Proctor, seconded by Jason Stahr to approve and adopt Resolution 10-20 (1).
Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

Resolution 10-20 (2) Adopting the South Sarpy Sewer Agency Sewer Use Rates, Connection Fees and related Policies

City Attorney Jeff Miller read the resolution by title.

RESOLUTION NO. 10-20 (2)

Resolution adopting a Revised Sewer User Rates and Connection Fees Schedule and Establishing Related Policies and Procedures for the Unified SSWS for land development within the Agency's Jurisdiction

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, *et seq.* (the "Act"), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended, the "Formation Interlocal"), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency") (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board;

WHEREAS, THE CITY OF GRETNA is a Member of the Agency;

WHEREAS, pursuant to Section V(A)(3) of the Formation Interlocal, the Agency has the power and authority to "[e]stablish just and equitable rates, fees, or charges for the use of or connection to the Unified SSWS, any property or equipment associated therewith, or any services provided in connection with [the Unified SSWS]";

WHEREAS, pursuant to Agency Board Resolution 2019-014, a copy of which is attached hereto as **Exhibit 1** (the "2020 Agency Rates and Fees Resolution"), the Agency adopted and approved an updated sewer user rates and connection fees schedule for land development in the Agency's Jurisdiction (the "2020 Rate and Fee Schedule") and established related policies and procedures with respect to the payment and collection of rates and fees set by the 2020 Rate and Fee Schedule (the "2020 Rate and Fee Policies");

WHEREAS, pursuant to the 2020 Agency Rates and Fees Resolution, the Agency shall charge and assess the applicable user rates and connection fees for the applicable services within the Agency's Jurisdiction in the amounts set forth on the attached 2020 Rate and Fee Schedule and in accordance with the attached 2020 Rate and Fee Policies;

WHEREAS, the Agency Board recognized in the 2020 Agency Rates and Fees Resolution that the Agency's adoption of the 2020 Rate and Fee Schedule and the 2020 Rate and Fees Policies do not in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Agency's System;

WHEREAS, the Agency Board has submitted to the Gretna City Council the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies for review and incorporation into City of Gretna's comprehensive development and land use plan or similar instruments so that the development occurring within the City of Gretna's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies; and

WHEREAS, THE GRETNA CITY COUNCIL deems it appropriate and advisable to adopt and approve the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies attached to the 2020 Agency Rates and Fees Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GRETNA CITY COUNCIL that the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies are hereby adopted and approved;

NOW, THEREFORE, BE IT RESOLVED BY THE GRETNA CITY COUNCIL, that the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies are hereby approved and established over the portions of the City of Gretna's zoning and planning jurisdiction located within the Agency's Jurisdiction, and, from and after the date hereof, the Agency shall charge and assess the applicable user rates and connection fees for the applicable services within the Agency's Jurisdiction in the amounts set forth on the attached 2020 Rate and Fee Schedule and in accordance with the attached 2020 Rate and Fee Policies;

NOW, THEREFORE, BE IT RESOLVED BY THE GRETNA CITY COUNCIL, that the City of Gretna agrees to submit the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies to the City of Gretna planning and zoning board (or related body) for review, approval and incorporation into the City of Gretna's comprehensive development and land use plan or similar instruments so that the development occurring within the City of Gretna's zoning jurisdiction and the Agency's Jurisdiction shall be subject to the 2020 Rate and Fee Schedule and 2020 Rate and Fee Policies; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE GRETNA CITY COUNCIL THAT the Gretna City Council adoption of the 2020 Rate and Fee Schedule and the 2020 Rate and Fee Policies do not in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019 and the sewer systems therein that are not connected to the Agency's System.

Motion by Jason Stahr, seconded by Angie Lauritsen to approve and adopt Resolution 10-20 (2). Motion carried. Herring: Yea, Lauritsen: Yea, Proctor: Yea, Stahr: Yea. Yea: 4, Nay: 0

CURRENT BUSINESS

Approval of the Highland Pointe Subdivision Lots 1 - 195 and Outlots A - E (SID 345) Subdivision Agreement, Sewer Connection Agreement, HOA Maintenance, and Planned Unit Development Agreement

Motion by Bill Proctor, seconded by Angie Lauritsen to approve the subdivision agreement, sewer connection agreement, HOA maintenance agreement and the Planned Unit Development agreement for Highland Pointe. 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 Council minutes respectfully submitted by City Clerk Tammy Tisdall.

CITY OF GRETNA, NEBRASKA

James W. Timmerman, Mayor

ATTEST:

Tammy L. Tisdall, CMC
City Clerk