

AGENDA FOR COUNCIL MEETING JULY 18, 2006

7:00 pm

1. Approve Minutes
2. Department Reports/CA Report
3. Let bids for 1st St sewer and water to Thompson Construction.
4. Approve application for Payment No. One & Partial for 2006 well project to Gen-Mech for \$20,706.30
5. Award Springfield Trail and Trailhead bid to CYC Construction in the amount of \$123,902.51.
6. Resolution 2006-8 - Declaring the city as an official entrant in the NCIP for the year of 2006.
7. Sarpy County Sheriff Report
8. Resolution 2006-9 - Fire Hall lease addendum to allow a one year renewal under current lease provision.
9. Ordinance 711 - Rezone Tax Lot 3A2B, SW ¼, Section 25, T13N, R11E – Ryan Steele (Public Hearing)
10. Ordinance No. 714 – Amending Springfield Municipal code Sections 6-401 through 6-404 dealing with sexual predator residency restrictions to conform with Nebraska State Statute (third reading)
11. Ordinance No. 715 – Repealing Springfield Municipal Code Section 6-401 through 6-404 dealing with sexual predator residency restrictions to conform with Nebraska State Statute (third reading)
12. Executive Session
13. Executive Session Action

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:00 o'clock PM at City Hall on July 18, 2006. Present were Mayor Larry Goldman; Council Members: Diane Sullivan, Greg Latham, Bruce Thayer, Eric Hayes. Absent: None. Notice of the Council meeting was given in advance by posting notice in three public places, one of the designated methods of giving notice. Notice of the meeting was given in advance to the Mayor and all Council Members and a copy of their receipt of notice is attached to these minutes. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Item 1. Motion by Sullivan, seconded by Latham, the minutes of the July 5, 2006, regular Council Meeting be approved as presented. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 2. The City Administrator gave department reports.

Agenda Items 3 and 4. JEO was had not arrived. Motion by Latham, seconded by Hayes, to move agenda items 3 and 4 after agenda item 11. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 5. Motion by Sullivan, seconded by Hayes, to award the Springfield Trail and Trailhead bid to CYC Construction in the amount of \$123,902.51, and to authorize the Mayor to sign all necessary documents. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 6. Thayer offered Resolution 2006-8.

RESOLUTION 2006-8

2006 NCIP
Government Resolution

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA, as follows:

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the Mayor and City Council of the City of Springfield do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW, THEREFORE BE IT RESOLVED that the City of Springfield, urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year of 2006.

Passed and Approved this 18th day of July, 2006.

Ayes 4

Nays 0

Abstain 0

Absent 0

Approved:

Mayor

SEAL

Attest:

City Clerk

Sullivan seconded the forgoing motion. The following Council Members voted AYES: Sullivan, Latham, Hayes, Thayer. NAYS: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted.

Agenda Item 7. Lt. Russ Zeeb, Sarpy County Sheriff's Department, had not arrived. Motion by Thayer, seconded by Latham, to move agenda item 7 after agenda item 4. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 8. Sullivan offered Resolution 2006-9.

RESOLUTION NO. 2006-9
RESOLUTION OF THE CITY OF SPRINGFIELD
APPROVING CONTRACT

The City of Springfield does resolve that the Renewal of Lease Agreement attached hereto and marked as Exhibit 1 between the City of Springfield, a municipal corporation, and Springfield Rural Fire Protection District be and the same is hereby approved; the mayor is hereby authorized and directed to execute the contract for and on behalf of the city; and the city clerk is authorized and directed to attest such signature.

Introduced and passed on this 18th day of July, 2006.

Ayes: 4

Noes: 0

Absent: 0

Approved:

Mayor

Attest:

City Clerk

Hayes seconded the forgoing motion. The following Council Members voted AYES: Sullivan, Latham, Hayes, Thayer. NAYS: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted.

Agenda Item 9. A public hearing was opened to hear the rezone application of Tax Lot 3A2B, SW ¼, Section 25, T13N, R11E. Those who spoke in favor: Ryan Steele, 16050 S. 120th Street, Springfield. Those who spoke in opposition: Steve Hurlbutt, 17615 S. Hwy 50, Springfield. The public hearing was closed.

Councilman Thayer moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Hayes, Thayer, Sullivan. The following voted NAY: Latham. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Councilman Sullivan moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question “Shall Ordinance No. 711 be passed and adopted?” Upon roll call vote, the following Council Members voted YEA: Hayes, Sullivan, Goldman. The following voted NAY: Thayer, Latham. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 711

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SPRINGFIELD, NEBRASKA; TO REZONE A SPECIFIC PARCEL OF REAL PROPERTY; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. The owner of the following described real property has made application for change in the zoning district designation of said property, and a change in the official zoning map of the City of Springfield; the Mayor and the City Council find that said property is located within the zoning jurisdiction of said City, that all notices and hearings have been had, that the Council has received the recommendation of the Planning Commission of the City, and all other legal requirements of the State Statutes, Comprehensive Development Plan, and the Municipal Code and Zoning Regulations have been fulfilled; the Mayor and the Council further find that the requested change is in conformance with the Comprehensive Development Plan; and the Planning Commission has recommended denial, to wit:

Tax lot 3A2B, southwest ¼, Section 25, all located in Township 13 North, Range 11 East of the 6th P.M., Sarpy County, Nebraska.

Section 2. The Mayor and the City Council find that the zoning district classifications of the herein-described real property should be changed from Agriculture Residential District (AR) to Light Industrial District (LI).

Section 3. Any other ordinance or section passed and approved prior to passage, approval and publication or posting of this Ordinance and in conflict with its provisions is repealed.

Section 4. 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 Approved this 18th day of July, 2006.

Mayor

(SEAL)

Attest:

City Administrator/Clerk

Agenda Item 10. The public hearing having already been had during the July 5, 2006 Council Meeting, Councilman Sullivan introduced Ordinance No. 714 without amendments.

Said ordinance was then read by title and thereafter Councilman Sullivan moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 714 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Thayer, Latham, Hayes, Sullivan. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 714

AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE SECTIONS 6-401, 6-402, 6-403 AND 6-404 DEALING WITH SEXUAL PREDATOR RESIDENCY RESTRICTIONS; PROHIBITS CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE CITY; ESTABLISHES PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SPRINGFIELD:

Section 1. That §6-401 of the Municipal Code of Springfield shall read as follows:

Sec. §6-401. **Findings and Intent.**

~~A. Repeat sex offenders who use physical violence and prey on children are sexual predators who present an extreme threat to the public safety. Sex offenders are extremely likely to use physical violence or to repeat their offenses. And most sex offenders commit many offenses, have many more victims that are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, extremely exorbitant.~~

~~B. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sex offenders and sexual predators are prohibited from establishing temporary or permanent residence.~~

A. The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

B. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

C. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

Section 2. That §6-402 of the Municipal Code of Springfield shall read as follows:

Sec. §6-402. **Definitions** . For purposes of this ordinance:

~~The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~A. *Sex offender* shall be anyone defined in the Sex Offender Registration Act (Sections 29-4001 to 29-4713, inclusive, Neb. Rev. Stat.) or any amendments thereto.~~

~~B. *Permanent residence* shall mean a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.~~

~~C. *Temporary residence* shall mean a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.~~

- (1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
- (2) School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
- (3) Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- (4) Residence means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory; _____

- (5) Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
- (6) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Nebr. Rev. Stat. section 29-4013, and who has victimized a person eighteen years of age or younger.

Section 3. That §6-403 of the Municipal Code of Springfield shall read as follows:

Sec. §6-403. ~~Sex Offender Residence Prohibition; Sexual Predator Residency Restrictions; Penalties; and Exceptions.~~

~~A. *Prohibited location of residence.* It is unlawful for any person who is subject to the Sex Offender Registration Act to establish a permanent residence or temporary residence within 2,000 feet of any school, designated public school bus stop, licensed day care center, park, playground, or library.~~

~~B. *Measurement of distance.* For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, designated school bus top, licensed day care center, park, playground, or library.~~

~~C. *Penalties.* A person who violates this section shall be punished by a fine not exceeding \$500.00.~~

~~D. *Exceptions.* A person residing within 2,000 feet of any school, designated school bus top, licensed day care center, park, playground, or library does not commit a violation of this section if any of the following apply:~~

- ~~(1) — The person was a minor when he/she committed the offense and was not convicted as an adult;~~
- ~~(2) — The person is a minor; and,~~
- ~~(3) — The school, designated public school bus stop or licensed day care center within 2,000 feet of the person's permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to the Sex Offender Registration Act.~~

~~E. *Nonconforming residence.* Any sex offender who is currently residing at a residence that is in violation of this ordinance shall be deemed a nonconforming residence. The nonconforming residence will be permitted to continue for a period not to exceed six (6) months, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. After the six (6) month period expires, the sex offender shall be deemed in violation of the terms of this ordinance.~~

A. **PROHIBITED LOCATION OF RESIDENCE.** It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.

B. MEASURE OF DISTANCE. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

C. PENALTIES. A person who violates this section shall be punished as provided generally in the code.

D. EXCEPTIONS. This ordinance shall not apply to a sexual predator who:

(1) Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

(2) Established a residence before July 1, 2006, and has not moved from that residence; or

(3) Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

[Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; Neb. Rev. Stat. Sec. 29-4003 and Sec. 29-4013]

Section 4. That §6-404 of the Municipal Code of Springfield is hereby repealed.

~~§6-404 Property Owners Prohibited from Renting Real Property to Certain Sex Offenders; Penalties.~~

~~A. It is unlawful to let or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that it will be used as a permanent residence or a temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this ordinance, if such place, structure, or part thereof, trailer or other conveyance is located within 2,000 of any school, designated school bus stop, licensed day care center, park, playground, or library.~~

~~B. A property owner's failure to comply with the provisions of this section shall constitute a violation of this section, and shall subject the property owner to a fine of \$500.00 and the City may seek any other relief as otherwise provided by law.~~

Section 5. That previous Sections 6-401, 6-402, 6-403, and 6-404 and any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions are repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 18th day of July, 2006.

Mayor

(SEAL)

Clerk

Agenda Item 11. The public hearing having already been had during the July 5, 2006 Council Meeting, no action was taken on Ordinance 715.

Agenda Item 3. Gary Sasse, JEO Construction, recommended approval of Thompson Construction for the 2006 1st Street Water and Sewer Extension. Motion by Hayes, seconded by Latham, to award the 2006 1st Street Water and Sewer Extension project to Thompson Construction in the amount of \$98,393.00 and to allow the Mayor to sign any necessary documents, start date for the project being August 7, 2006. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 4. Motion by Latham, seconded by Sullivan, to approve application for Payment No. One & Partial for 2006 well project to Gen-Mech for \$20,706.30. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 7. Lt. Russ Zeeb, Sarpy County Sheriff's Department, gave the department report.

Agenda Item 12. There was no executive session.

Agenda Item 13. No executive action was taken.

Motion by Hayes, seconded by Thayer, to adjourn. AYES: Thayer, Latham, Sullivan, Hayes. NAYS: None.

Meeting was adjourned at 8:23 PM.

ACKNOWLEDGMENT OF NOTICE OF MEETING

The undersigned members of the governing body of the City of Springfield, Nebraska, hereby acknowledges receipt of advance notice of meeting and the agenda for such meeting held at 7:00 o'clock P.M. on July 18, 2006.

_____ Mayor _____ Councilman

_____ Councilman _____ Councilman

_____ Councilman