

AGENDA FOR COUNCIL MEETING NOVEMBER 1, 2005  
7:00 pm

1. Approve Minutes
2. Citizen Communication
3. Claims and Payroll
4. Sarpy County Sheriff Report
5. Department Reports/CA Report
6. Ord. 694 – Sex Offender Residency (Final Reading)
7. Park Drive - Water, Sewer, Paving – Karen Ludvik
8. Resolution 2005-12 - Transfer of Keno Ownership – John Hassett
9. Keno Memorandum of Understanding
10. Keno Progressive Game Approval – John Hassett
11. Ord. 696 – Banning of Livestock & Fowl Within City Limits
12. Executive Session – Negotiation and Litigation
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 November 1, 2005. Present were Mayor Larry Goldman; Council Members: Diane Sullivan, Eric Hayes, Greg Latham, Bruce Thayer. 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 October 18, 2005, regular Council Meeting be approved as presented. AYES: Latham, Sullivan, Thayer, Hayes. NAYS: None.

Agenda Item 2. Steve Zink, 485 S. 2<sup>nd</sup> Street, and Sandie Shotkoskie, 485 S. 3<sup>rd</sup> Street, expressed concerns about utility shutoff policies. Glenn Adair, 385 Elm, expressed concerns about skate boards and motorized toys in the streets. Jane Jensen, 710 Main Street, expressed concerns about sidewalk repairs. Mark Stoddard, 410 S. 2<sup>nd</sup> Street, asked about procedures that prompt ordinance changes.

Agenda Item 3. The City Administrator reported a balance on hand of \$94,496.56 in cash assets; \$658,663.55 Prestige Treasury; \$72,821.58 Prestige Keno Lottery; \$98,118.87 Prestige Progressive Jackpot; \$13,553.37 in Water Deposit Savings; \$1,134.12 in Refundable Deposits Savings; \$28,261.34 in Sewer Restricted; \$297,090.42 in Money Market Bond; \$23,746.03 in Money Market Library Bricks; \$53,238.09 in Water Tower

Savings; \$147,082.16 in Government Securities; and Time Certificates as follows: Bond – \$64,503.58, Tower – \$48,678.70, Water - \$103,389.64, Park - \$10,422.51.

Laundry	55.44	AmeriPride Linen & Apparel Services
Liquor License Fund-School Education	1,200.00	South Sarpy District 46
Education	4.00	Sandra K. Powell
Mileage	235.23	Sandra K. Powell
Insurance	839.57	Miller Monroe Co.
Health Insurance	321.24	Assurant Health
Animal Control	281.58	Sarpy County Fiscal Administrator
Law Contract	4,418.80	Sarpy County Treasurer
Prof. Services-Engineer	392.06	Kirkham Michael
Telephone	59.22	NT&T
Prof. Services-Legal	25.00	Mark A. Klinker
Promotional Materials	59.98	The Cosgrave Company
R&M Building-Commodities	1.68	Stander & Stander Ace Hardware
Miscellaneous Refund	10.00	Hazy's Bar & Grill
Printing	24.53	Sage Software Checks & Forms
Prof. Services-Planning	630.00	Schemmer Associates
Prof. Services-Legal	489.03	Seidler & Seidler, P.C.
Prof. Serv. Building Inspector	1,068.49	Sarpy County Building Inspector
Electricity	245.39	OPPD
<b>TOTAL GENERAL</b>	<b>10,361.24</b>	

Asphalt & Concrete	336.39	Shamrock Concrete Company
Waste Disposal Service	39.00	Sterett Brothers Sanitation
Janitorial	120.00	Marcie Schmieder
Insurance	839.57	Miller Monroe Co.
Health Insurance	329.36	Assurant Health
Telephone	41.04	NT&T
Promotional Materials	59.98	The Cosgrave Company
Printing	24.53	Sage Software Checks & Forms
Natural Gas	18.53	Metropolitan Utilities District
Electricity	163.03	OPPD
<b>TOTAL LIBRARY BUDGET</b>	<b>1,971.43</b>	

Printing	11.10	The J.P. Cook Co.
Mileage	14.55	Constance Manzer
Books/Videos/Maps	86.88	Thomson Gale
Books/Videos/Maps	40.66	Mystery Guild
Books/Videos/Maps	49.46	Doubleday Book Club
Books/Videos/Maps	13.65	MicroMarketing, LLC

Books/Videos/Maps	62.42	Doubleday Large Print
Books/Videos/Maps	151.89	Amazon Credit Plan
<b>TOTAL LIBRARY RESTRICT</b>	<b>430.61</b>	
Insurance	839.57	Miller Monroe Co.
MoPac Trail Phase II	125.00	Dakota Title & Escrow Company
Promotional Materials	59.99	The Cosgrave Company
R&M Grounds-Commodities	4.19	Stander & Stander Ace Hardware
R&M Equipment-Contractual	64.99	Chad's Auto Repair
Electricity	110.85	OPPD
<b>TOTAL PARK</b>	<b>1,204.59</b>	
Nature Center	275.64	Menards
Nature Center	2,799.00	Springcreek Gardens
<b>TOTAL PARK RESTRICT</b>	<b>3,074.64</b>	
Laundry	55.45	AmeriPride Linen & Apparel Services
Insurance	839.57	Miller Monroe Co.
R&M Buildings-Contractual	2,326.00	Seal-Rite Insulation, Inc
R&M Building-Commodities	24.19	Stander & Stander Ace Hardware
Natural Gas	13.81	Metropolitan Utilities District
Electricity	62.41	OPPD
<b>TOTAL COMMUNITY BLDG</b>	<b>3,321.43</b>	
Asphalt & Concrete	380.50	Shamrock Concrete Company
Testing	378.00	State of Nebraska HHS Laboratory
Fuel	74.33	Phillips 66 Company
Insurance	839.57	Miller Monroe Co.
Health Insurance	807.55	Assurant Health
Dues	25.00	League of Nebraska Municipalities
Prof. Serv.Tech Support	50.00	Massman, Nelson, Reinig PC
Telephone	156.90	NT&T
Digger's Hotline	35.00	Great Plains One-Call Service, Inc.
R&M Vehicle-Commodities	10.77	Mill Creek Auto Parts
R&M Vehicle-Commodities	7.29	Mill Creek Auto Parts
R&M Building-Commodities	28.99	Stander & Stander Ace Hardware
Printing	24.53	Sage Software Checks & Forms
Electricity	409.89	OPPD
<b>TOTAL WATER</b>	<b>3,228.32</b>	

Fuel	74.33	Phillips 66 Company
Insurance	839.57	Miller Monroe Co.
Health Insurance	136.69	Assurant Health
Hand Tools	23.90	Fastenal
Telephone	58.86	NT&T
R&M Equip-Commodities	8.86	Mill Creek Auto Parts
R&M Vehicle-Commodities	7.29	Mill Creek Auto Parts
R&M Building-Commodities	20.33	Stander & Stander Ace Hardware
Printing	24.53	Sage Software Checks & Forms
Electricity	1,707.62	OPPD
<b>TOTAL SEWER</b>	<b>2,901.98</b>	

Uniform Allowance	65.04	AmeriPride Linen & Apparel Services
Fuel	219.00	Phillips 66 Company
Hand Tools	177.65	Ace Industrial Supply
Supplies-Shop	49.17	Ace Industrial Supply
R&M Equipment-Contractual	1,443.16	Murphy Tractor & Equip. CO.
Insurance	839.58	Miller Monroe Co.
Health Insurance	750.84	Assurant Health
R&M Misc-Commodities	1,011.91	Barco Municipal Products, Inc.
Supplies-Other	180.12	Barco Municipal Products, Inc.
Telephone	43.07	NT&T
R&M Building-Commodities	8.48	Mill Creek Auto Parts
R&M Building-Commodities	0.48	Stander & Stander Ace Hardware
Printing	24.53	Sage Software Checks & Forms
Postage/Shipping	20.28	Springfield Drug
R&M Misc-Commodities	198.00	Midwest Service & Sales Co.
Natural Gas	43.34	Metropolitan Utilities District
R&M Vehicle-Contractual	606.70	Chad's Auto Repair
R&M Vehicle-Contractual	85.00	B & B Garage
Electricity	2,233.39	OPPD
<b>TOTAL STREET</b>	<b>7,999.74</b>	

Estimated Payroll \$19,784.37

Motion by Thayer, seconded by Latham, the bills be allowed and warrants drawn on the treasury in payment of same. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 4. Lt. Russ Zeeb, Sarpy County Sheriff's Department, gave the department report.

Agenda Item 5. The City Administrator gave department reports.

Agenda Item 6. Council discussed possible amendments to the proposed ordinance. The public hearing having already been had during the October 18, 2005 Council Meeting, Councilman Sullivan introduced Ordinance No. 694 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 Thayer. The Mayor then stated the question "Shall Ordinance No. 694 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. 694

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING CHAPTER 6, OF THE SPRINGFIELD MUNICIPAL CODE, ADDING ARTICLE 4 "SEX OFFENDER RESIDENCY"; 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. **§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.

Section 2. **§6-402 Definitions.** 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.

Section 3. **§6-403 Sex Offender Residence Prohibition; 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.

Section 4. **§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 top, 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. This ordinance shall take effect, and be in full force from and after its passage, approval, and publication or posting as required by law.

Section 6. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and approved this 1st day of November, 2005.

---

Mayor

(SEAL)

Attest:

---

City Administrator/Clerk

Agenda Item 7. Karen Ludvik, 847 Highway 77, Wahoo, asked Council to consider extending water and sewer mains along lots 149 through 153, Highview Addition. They also asked Council to consider paving Park Drive in 2007 or 2008, but allow a gravel street until such time it is paved. Dave Kildow, 400 N. 3<sup>rd</sup> Street, spoke against paving Park Drive. Since these special requests were considered a negotiation item, Council chose to move the agenda item into executive session. Motion by Latham, seconded by Hayes, to move agenda item 7 into executive session. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 8. Thayer offered Resolution 2005-12.

#### RESOLUTION 2005-12

BE IT RESOLVED by the Mayor and City Council of the City of Springfield, Nebraska as follows:

WHEREAS, the City of Springfield, Nebraska, a municipal corporation, and Midwest Vending, Inc., a Nebraska corporation, entered into a City of Springfield Lottery Operator Agreement August 14, 2001, and said Lottery Operator Agreement was extended by resolution of the City Council on July 20, 2004 until July 31, 2007; and

WHEREAS, Section 8. c. of said Lottery Operator Agreement requires notification should Midwest Vending, Inc. transfer ownership of equity shares; and,

WHEREAS, Paragraph 25 of the Lottery Operator Agreement prohibits assignment of the Lottery Operator Agreement without the express written consent of the City; and,

WHEREAS, Rodney G. Kruse and Joseph A. Monastero, the shareholders of Midwest Vending, Inc., propose to merge Midwest Vending, Inc. with Advanced Gaming Technologies, Inc.; and,

WHEREAS, Advanced Gaming Technologies, Inc. and its shareholders John Hassett, Alberta Hassett, Nancy A. Hodges, Michael T. Dobel, Rodney G. Kruse, Joseph A. Monastero and Michael Odor isio also propose to merge Advance Gaming Technologies with Midwest Vending.

WHEREAS, the City and Midwest Vending, Inc., Rodney G. Kruse, Joseph A. Monastero, Advanced Gaming Technologies, Inc., John Hassett, Alberta Hassett, Nancy A. Hodges, Michael T. Dobel, Rodney G. Kruse, Joseph A. Monastero, and Michael Odorisio wish to enter into a Memorandum of Understanding regarding the merger of said shares, a copy of which is attached as Exhibit A (hereinafter, Memorandum of Understanding); and,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Springfield, Nebraska that the Mayor is authorized to enter into the Memorandum of Understanding attached as Exhibit A.

Introduced and Passed November 1, 2005.

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 9. Motion by Diane, seconded by Latham, to allow the Mayor to sign a Memorandum of Understanding between the City of Springfield, Midwest Vending, and Advance Gaming Technologies. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 10. Motion by Thayer, seconded by Sullivan, to approve a new \$50,000 progressive keno game to begin November 2, 2005. AYES: Sullivan, Latham, Thayer, Hayes. NAYS: None. The gaming card is on file with the City Clerk.

Agenda Item 11. Mayor Goldman introduced Ordinance No. 696 and read said ordinance by title AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING CHAPTER 6 “POLICE REGULATIONS”, ARTICLE 1 “ANIMALS;” ADDING SECTION 131 “ANIMALS; LIVESTOCK BANNED FROM MUNICIPALITY”, AND SECTION 132 “ANIMALS; FOWLS BANNED FROM MUNICIPALITY”; PROVIDES FOR AN EFFECTIVE DATE; REPEALS ORDINANCES IN CONFLICT. A copy of the Ordinance was made available to the public. No action was taken. The second reading and subsequent public hearing on the ordinance will be November 15, 2005.

Agenda Item 12. Motion by Thayer, seconded by Latham, to enter executive session for the purpose of negotiation and litigation discussion. AYES: Thayer, Latham, Hayes, Sullivan. NAYS: None. Entered at 8:55 PM. Session ended at 9:40 PM.

Agenda Item 13. Motion by Latham, seconded by Thayer, to ask the City Attorney and City Engineer what options are available to provide services requested along Park Drive. AYES: Thayer, Latham, Hayes, Sullivan. NAYS: None.

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

Meeting was adjourned at 9:40 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 November 1, 2005.

\_\_\_\_\_ Mayor \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman