

AGENDA FOR COUNCIL MEETING NOVEMBER 2, 2004
7:30 pm

1. Approve Minutes
2. Citizen Communication
3. Claims and Payroll
4. Sarpy County Sheriff Report
5. Department Reports/CA Report
6. Use of Community Building - SSAP Basketball – Don Dalton
7. Sarpy County Animal Control Interlocal Agreement Renewal
8. Resolution 2004-9 Authorize Application for NE Green Space Stewardship Initiative Grant for Springfield Creek Trails and Recreation Area
9. Ordinance 646 – Mobile Home Court Regulations (Final Reading)
10. Ordinances to Harmonize State Legislative Action
 - Ord 648 – Board of Adjustment
 - Ord 649 – Videoconferencing
 - Ord 650 – Teleconferencing
 - Ord 651 – Closed Sessions; Prohibited Acts; Exempt Events
 - Ord 652 – Elections; Generally, Certifications
 - Ord 653 – Recall Procedure
 - Ord 654 – Child Restraints
 - Ord 655 – Minibikes; Traffic Laws
 - Ord 656 – Library Board Annual Report
 - Ord 657 – Fireworks; Sale
 - Ord 658 – Public Works; Architecture or Engineering; Requirements
 - Ord 659 – Alcoholic Beverages; Licenses
 - Ord 660 – Alcoholic Beverages; Licensed Premises
 - Ord 661 – Alcoholic Beverages; License Renewal
 - Ord 662 – Alcoholic Beverages; Catering Licenses
 - Ord 663 – Alcoholic Beverages; Citizen Complaints
 - Ord 664 – Alcoholic Beverages; Hours
 - Ord 665 – Weeds; Litter; Stagnant Water
 - Ord 666 – Plans, Maps and the Like
11. Ordinance 667 - Revised Animal Regulations
12. JEO Engineering Fees for Hwy 50 – William E. Seidler, Jr.
13. Jon Wiese Merit Increase
14. Executive Session – Personnel and Negotiation

15. Executive Session Action

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:30 o'clock PM at City Hall on November 2, 2004. Present were Mayor Larry Goldman; Council Members: Dennis Gosch, 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 Gosch, seconded by Latham, the minutes of the October 19, 2004, regular Council Meeting be approved as presented. AYES: Latham, Gosch, Thayer, Hayes. NAYS: None.

Agenda Item 2. There was no citizen communication.

Agenda Item 3. The City Administrator reported a balance on hand of \$138,178.78 in cash assets; \$413,805.01 Prestige Treasury; \$67,955.86 Prestige Keno Lottery; \$93,555.59 Prestige Progressive Jackpot; \$11,747.89 in Water Deposit Savings; \$2,117.66 in Refundable Deposits Savings; \$22,366.43 in Sewer Restricted; \$259,035.43 in Money Market Bond; \$22,821.04 in Money Market Library Bricks; \$47,381.63 in Water Tower Savings; \$147,980.11 in Government Securities; and Time Certificates as follows: Bond – \$63,319.92, Tower – \$47,526.05, Water - \$101,635.10, Park - \$10,239.43.

Law Contract	4,091.49	Sarpy County Treasurer
Professional Services-Engr	416.00	JEO
Professional Services-Engr	208.00	JEO
Insurance	374.00	Bellevue Insurance
Supplies-Other	12.49	Hometown Market
Laundry	67.73	AmeriPride
Professional Services-Legal	553.75	Seidler & Seidler
Professional Serv Tech Sup	127.50	Network Needs
Education	8.75	Sandra K. Powell
Mileage	262.91	Sandra K. Powell
De Minimus Compensation	9.00	Sandra K. Powell
Education	6.47	Sandra K. Powell
Miscellaneous-Contractual	350.00	American Legal Publishing
Miscellaneous-Contractual	10.00	American Legal Publishing
Dues	75.00	Sarpy Chamber of Commerce
Professional Ser. Building	934.89	Sarpy Building Inspector
Dues	421.33	International City/County Management
Health Insurance	299.37	Fortis
Animal Control	258.58	Sarpy Fiscal Administrator
Telephone	58.34	NT&T
Education	189.00	Quality Inn
Professional Services-Plng	520.00	Schemmer Associates

Professional Services-Legal	25.00	Mark A. Klinker
Insurance	54.00	Miller Monroe
TOTAL GENERAL	9,333.60	

Natural Gas	18.22	MUD
Janitorial	120.00	Marcie Schmieder
Health Insurance	303.31	Fortis
Telephone	32.84	NT&T
TOTAL LIB BUDGET	474.37	

Books/Videos/Maps	24.88	Mystery Guild
Printing	40.00	ASI-Modulex
Postage/Shipping	150.00	Connie Manzer
Mileage	22.50	Connie Manzer
Education	65.00	Connie Manzer
Books/Videos/Maps	24.48	Doubleday Large Print
TOTAL LIB RESTRICT	326.86	

Hand Tools	9.56	Stander Ace Hardware
Waste Disposal Service	34.50	Papillion Sanitation
R & M Grounds-Contract	128.00	Electric Company of Omaha
Rental	75.00	Omaha Pumping Service
R&M Equipment-Commod	21.00	Aksarben Saw & Tool
TOTAL PARK	268.06	

Laundry	67.73	AmeriPride
Natural Gas	14.40	MUD
Waste Disposal	34.50	Papillion Sanitation
TOTAL AUDITORIUM	116.63	

Tools & Misc. Equipment	2,700.26	Municipal Supply
Digger's Hotline	32.49	Great Plains
Supplies-Other	16.59	B & B Pit Stop
Testing	66.00	NE HHS Laboratory
Dues	114.00	American Water Works
Health Insurance	582.96	Fortis
Telephone	222.25	NT&T
Chemicals	295.76	Hawkins
Professional Serv.Tech Sup	100.00	Massman, Nelson, Reinig
Deposit Refunds	100.00	Kim Vostrez

TOTAL WATER 4,230.31

Testing	65.50	Midwest Laboratories
R&M Building-Commod	11.38	Mill Creek Auto
Fuel	93.96	Conoco
Hand Tools	5.99	Stander Ace Hardware
Health Insurance	321.08	Fortis
Telephone	52.35	NT&T
Professional Serv.Tech Sup	100.00	Massman, Nelson, Reinig
Supplies-Shop	89.21	Fastenal

TOTAL SEWER 739.47

Professional Scv-Engineer	1,327.50	JEO
Asphalt & Concrete	332.15	Shamrock Concrete
R&M Vehicle-Commodities	36.66	Mill Creek Auto
Uniform Allowance	85.05	AmeriPride
Natural Gas	33.51	MUD
Fuel	117.80	Conoco
Supplies-Other	96.14	Stander Ace Hardware
R&M Misc-Commod	1,920.00	NE Department of Roads
R&M Building-Commod	147.89	Menards
Health Insurance	641.05	Fortis
Telephone	45.33	NT&T
Supplies-Shop	241.97	Tractor Supply
Uniform Allowance	178.89	RAK Industries

TOTAL STREET 5,203.94

Estimated Payroll \$20,024.35

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

Agenda Item 4. The October Sheriff's report was distributed.

Agenda Item 5. The City Administrator gave department reports.

Agenda Item 6. Don Dalton, 11610 Westmont Drive and SSAP representative, was present to make a request to use the community building. Motion by Gosch, seconded by Latham, to waive Community Building rental fees for SSAP team practices for the 2004-05 SSAP basketball and volleyball season. AYES: Latham, Gosch, Thayer, Hayes. NAYS: None.

Agenda Item 7. Motion by Hayes, seconded by Thayer, to allow the Mayor to sign the Sarpy County interlocal agreement renewal for animal control services. AYES: Gosch, Latham, Thayer, Hayes. NAYS: None.

Agenda Item 8. Thayer offered Resolution 2004-9.

RESOLUTION 2004-9

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

WHEREAS, the City of Springfield, Nebraska, proposes to apply for assistance from the NEBRASKA GREEN SPACE STEWARDSHIP INITIATIVE for the purpose of constructing certain landscaping improvements in the Springfield Creek Trails and Recreation Area; and

WHEREAS, the City of Springfield is the legal owner of the Springfield Creek Trails and Recreation Area; and

WHEREAS, the City of Springfield, Nebraska, will provide a minimum of 30% of the project cost, and has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the Springfield City Council; and

NOW, THEREFORE BE IT RESOLVED the Governing Body of the City of Springfield, Nebraska, by a majority vote resolved that:

1. the City of Springfield applies for assistance from the NEBRASKA GREEN SPACE STEWARDSHIP INITIATIVE for the purpose of constructing certain landscaping improvements in the Springfield Creek Trails and Recreation Area.
2. This authority shall take effect upon passage and adoption of said resolution.

Introduced and Passed November 2, 2004.

Ayes 4

Nays 0

Abstain 0

Absent 0

Approved:

Mayor

SEAL

Attest:

City Clerk

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

Agenda Item 9. Councilman Gosch introduced Ordinance No. 646.

Said ordinance was then read by title and thereafter Councilman Gosch moved for final passage of the ordinance including amendments added from the public hearing, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 646 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Gosch, Thayer, Hayes. 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 ordinances is as follows:

ORDINANCE NO. 646

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING CHAPTER 10, TO INCLUDE ARTICLE 13, §10-1301 THROUGH §10-1320 RELATING TO MOBILE HOME PARKS; PROVIDING DEFINITIONS; PROVIDING FOR ENFORCEMENT, PENALTIES, AND REMEDIES; DEFINING TERMS OF LICENSING; REGULATING WATER, SEWER, ELECTRICAL, GAS AND FUEL UTILITY CONSTRUCTION AND USE; PROVIDING FOR EXISTING WATER SUPPLY AND DISTRIBUTION NON-COMPLIANCE; PROVIDING FOR EXISTING WASTE AND SEWAGE DISPOSAL NON-COMPLIANCE; REGULATING REFUSE DISPOSAL; DEFINING FIRE PROTECTION REGULATION; RESTRICTING PETS; DEFINING DUTIES OF OWNERS AND MANAGERS; LIMITING NUMBER OF OCCUPANTS PER TRAILER; REGULATING ALTERATIONS, REPAIRS, AND ADDITIONS; 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. Chapter 10, Article 13, §10-1301 through §10-1320 are hereby added to the Springfield Municipal Code and shall read as follows:

§10-1301 Definitions. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Mobile Home shall mean a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may

consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit.

Mobile Home Park shall mean a parcel or contiguous parcels of land which have been so designated and improved that it contains two or more mobile home lots available to the general public for the placement thereon of mobile homes for occupancy. The term mobile home park shall not be construed to include mobile homes, buildings, tents, or other structures temporarily maintained by any individual, corporation, limited liability company, company, or other entity on its own premises and used exclusively to house its own labor force. Mobile home park shall include all auxiliary buildings used or intended for use as part of the equipment thereof, whether a charge is made for the use of the mobile home park and its facilities or not.

Public Sewer System shall mean a sewer system owned, operated or otherwise utilized by the state, a municipality or any other governmental agency or political subdivision, federal governmental agencies being excepted.

Public Water Supply System shall mean a system for providing the public with water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days per year. Public water system includes (a) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system and (b) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Public water system does not include a special irrigation district. A public water system is either a community water system or a non-community water system.

Service connection does not include a connection to a system that delivers water by a constructed conveyance other than a pipe if (i) the water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, cooking, and other similar uses, (ii) the Department determines that alternative water to achieve the equivalent level of public health protection provided by the Nebraska Safe Drinking Water Act and rules and regulations under the act is provided for residential or similar uses for drinking and cooking, or (iii) the Department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the Nebraska Safe Drinking Water Act and the rules and regulations under the Act.

Recreational Vehicle shall mean a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by another vehicle. Recreational vehicle includes, but is not limited to, travel trailer, park trailer, camping trailer, truck camper, motor home and van conversion.

Sewer Lines shall mean and include sewer mains and sewer service lines.

Sewer Main shall mean and include the principal pipe artery to which service lines are connected.

Sewer Service Line shall mean and include any part of the piping system except a riser, main or stack.

Stack shall mean a general term for any vertical line of soil, waste, vent, or inside conductor piping that extends through at least one story with or without offsets.

Travel Trailer shall mean a vehicular portable structure built on a chassis, designed to be used a temporary dwelling for travel, recreational and vacation use, and equipped for the road. It has a body width not

exceeding eight (8) feet and a body length not exceeding thirty-eight (38) feet. It may be self-contained with a bath and toilet facilities or classified as a dependent type without bath and toilet facilities. Any regulations that apply to travel trailers will also apply to campers mounted on a truck chassis, tents, or tent-type trailers.

Mobile Home Lot shall mean a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

(Ref. 71-4603, 71-4621 RS Neb.; Neb. Admin. R & Regs Tit. 178, Ch. 5 §001)

§10-1302 Enforcement of Article. (1) For the purpose of securing enforcement, any designated agent of the City shall have the right and is hereby empowered to enter upon any premises, on which any mobile home is located, or about to be located, and inspect the same and all accommodations connected therewith; provided that no such designated agent shall enter upon any premises for the purposes described in this Article in violation of the statutory or constitutional rights of the owner or occupant thereof. A twenty-four (24) hour notice shall be given to the owner or manager of said park prior to entering the premise, for non-emergency inspections. The office of the City is further empowered to recommend to the City Council the issuance of orders granting, renewing and revoking such permits and licenses as are provided for in accordance with the provisions of this Article for premises within the limits of the City.

(2) The Mayor of the City is hereby vested with the power and jurisdiction to enforce all provisions of this Article outside of the corporate limits but within the city's extra-territorial jurisdiction. The Mayor is further empowered to recommend to the City Council the issuance of orders granting, renewing and revoking such permits and licenses as are provided for in accordance with the provisions of this Article for premises outside of the corporate limits but within one mile of the corporate limits of the City.

(3) For the purpose of administering the powers vested in the Mayor by paragraph (2) above, the designated agent of the City may be his agent to administer the provisions of this Article and to make any required inspections or recommendations concerning mobile home parks outside of the corporate limits of the City. *(Ref. 17-505, 17-604, 18-1720 RS Neb.)*

§10-1303 Penalties; Civil Remedies. Any person found guilty of violating any provisions of this Article shall be deemed guilty of a misdemeanor; their license may be revoked, and they may be punished as provided in this Code; provided, that the foregoing provision shall not be construed to preclude any other remedies. In addition thereto, the appropriate authorities of the City may institute injunction, mandamus or other appropriate action or proceedings to prevent unlawful erection, construction, alteration, conversion or use, or to correct or abate such violation, or to prevent the occupancy of the structures or land concerned. *(Ref. 17-505 Neb.)*

§10-1304 License-Required; Application; Term; Fees; Renewal. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned or controlled by him, a mobile home park without having first secured a license therefore and for each of them from the City Council. Such license shall be granted and existing in compliance with the terms of this Article and any other applicable ordinance. Such license shall expire on May 1, following the date of its issuance but may be renewed under the provisions of this Article for additional periods of one (1) year. The City Clerk shall send a notice of renewal by first class mail to the last known address of the mobile home park owner or manager on or before March 1 of the renewal year. The application for such license or the renewal thereof shall be filed with the City Clerk and shall be accompanied by a fee for each mobile home park as provided in the most recent Springfield fee ordinance. Applications for a renewal license shall be filed in the office of the City Clerk no later than the first (1st) day of April of each year.

The application for a new license or a renewal of a mobile home park license which has undergone changes, shall include the name and address of the owner and the location of the tract and if the ownership of said tract is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application, and such a legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The application shall be accompanied by a copy of the new license or renewal license from the Nebraska Department of Health and Human Services Regulation and Licensure and one (1) copy of the specifications and park plans in scale, which shall be placed permanently on file in the office of the City Clerk and showing the following information: (1) the extent and area used for park purposes, (2) roadways and driveways, (3) location and number of sites or mobile home lots for mobile homes, (4) that there has been proper conformance with City building, zoning, plumbing and other ordinances, (5) method and plan of sewage disposal, (6) method and plan of water service, (7) method and plan of garbage removal.

The application for a renewal of a mobile home park license which has not undergone changes in the aforementioned required information, shall include a statement from the mobile home park owner or manager certifying that no changes have been made since the previous license or renewal. A copy of the new license or renewal license from the Nebraska Department of Health and Human Services Regulation and Licensure shall accompany the renewal application. (*Ref. 17-505, 17-1003 Neb.*)

§10-1305 License-New; Recommendations by City Staff; Inspection of Premises; Issuance; Scope. Before such license shall be issued there shall be a favorable recommendation by City designated agents; and the premises must be inspected and approved by the City's authorized representative or other City designated agents as complying with all provisions of this Article and all other applicable ordinances of the City; whereupon it shall be at the discretion of the City Council to issue the same.

Licenses issued under the terms of this Article shall convey no right to erect any building, to do any plumbing work, or to do any electrical work except upon a permit issued in conformity with existing building, electrical, and plumbing codes of the City. (*Ref. 17-505 Neb.*)

§10-1306 License- Renewal; Recommendations by City Staff; Inspection of Premises; Issuance; Scope. A license may be renewed. Before such license shall be renewed, there shall be a favorable recommendation by City designated agents; and the premises must be inspected and approved by the City's authorized representative or other City designated agents as complying with all provisions of this Article and all other applicable ordinances of the City. (*Ref. 17-505 Neb.*)

§10-1307 License-Revocation. After due investigation by City designated agents, should it be determined that the holder thereof has violated any of the provisions of this Article or that any mobile home or mobile home park is being maintained in an unsanitary or unsafe manner or is a nuisance, the City shall notify the owner or manager of the mobile home park of said violations. The mobile home or mobile home park must be brought into compliance within thirty (30) days for non-emergency non-compliance and within twenty-four (24) hours for emergency non-compliance. Should the mobile home or mobile home park not be brought into compliance within the said time, the City Council is hereby authorized to revoke any license issued pursuant to the terms of this Article. (*Ref. 17-123, 17-145, 17-505, 18-1720 Neb.*)

§10-1308 Location; Land Use; Design of Mobile Home Parks. (1) Location, land use, and design of all mobile home parks shall be in accordance with the Springfield Zoning and Subdivision Regulations.

(2) No mobile home park shall be located within the jurisdictional limits of the City unless appropriate water, sewer and fire protection facilities are available and the applicant, in his application, clearly manifests his

intention to connect thereto before the park is occupied. (*Ref. 17-123, 17-145, 17-505, 17-537, 17-100, 17-1003 Neb.*)

§10-1309 Water Supply and Distribution. An adequate supply of pure water for each mobile home and each shower, toilet, washing or other similar facility for common usage in a mobile home park shall be furnished through a piped distribution system laid at a depth of not less than four and one-half (4 1/2) feet from the surface of the ground and connected with the City water main. There shall be supply faucets located not more than two hundred (200) feet from any mobile home and each of these supply pipes shall be capable of supplying at least one hundred fifty (150) gallons of water per day per mobile home.

The water distribution system shall be constructed from copper or PVC pipe. The piping shall be of sufficient capacity to supply six (6) to eight (8) gallons per minute at a minimum pressure of twenty-five (25) pounds per square inch at each mobile home lot. Individual mobile home supply lines shall not be less than three-fourths (3/4) inch Type K copper pipe terminating with a connection at an appropriate location at each mobile home lot with a riser extending at least four (4) inches above the ground surface with two (2) three-fourths (3/4) inch valve outlets. The valve outlets shall be threaded so that a screwed connection, using flexible copper tubing, may be made from one (1) valve outlet to the mobile home's water piping system. The second valve outlet shall be reserved for use as a hose connection for fire control or other uses. The ground surface around the riser pipe shall be graded so as to divert surface drainage away from the connection. The riser pipe shall be encased in a six (6) inch PVC or heated insulated riser, with the intervening space filled with an insulating material to protect it from freezing. An insulated cover shall be provided which will encase both valve outlets but not prevent connections to the trailer during freezing weather. When the mobile home space is unoccupied during cold weather, the outlet shall be protected from freezing by draining of the pipes. A shutoff valve or other approved frost free arrangement shall be placed below frost depth on the service line; it shall in no instance be a stop and waste cock. Master meters shall be installed on the distribution system serving the mobile home park. A testable backflow device shall be installed after the curb stop (stop box) on the main water supply connecting to the City water distribution system. A master meter shall be placed after the backflow device for the purpose of monitoring the entire park's water usage. A pit approved by the city engineer shall be constructed. Testing and installation of master meters shall be at the owner's expense.

Each mobile home shall have a stop box that is accessible to city staff. In such cases where mobile homes are connected to the city's water distribution system individually through separate service lines, a curb stop will be placed at the curb or at the property line of the mobile home park. In such cases where a mobile home park is connected to the city's water distribution system through a private main and individual mobile home lots are served by service lines connected directly to the private main a curb stop box shall be placed before the individual mobile home riser and water meter for city staff accessibility. All faucets and devices shall be placed after the water meter. A meter pit and meter with a shutoff located before the meter is also acceptable.

All necessary precautions shall be taken in laying all water pipes. They shall not be laid in water, nor where they can be flooded by water or sewage during the laying process period. Dirt and other contaminating material shall be excluded from the pipe.

Mobile homes outside the limits of the City, but within the jurisdictional limits provided for the enforcement of building, construction and installation codes, but for which appropriate water mains are unavailable, shall have a water system for each mobile home installation, approved by the plumbing inspector, or his authorized designee, and the Nebraska Department of Health and Human Services Regulation and Licensure. The plumbing inspector, or his authorized designee shall approve each water supply distribution system provided for a mobile home after construction and before it is covered or placed in service. No common drinking vessels shall be permitted, nor shall any common drinking water faucets or drinking fountains be placed in any toilet room. An

abundant supply of hot water shall be provided at all times for laundry and bathing facilities. (*Ref. 17-123, 17-537, 17-1001 RS Neb.*)

This section shall not apply to mobile homes which have direct connections to the public water supply system.

§10-1310 Water Supply and Distribution; Waste and Sewage Disposal; Existing non-compliance. Mobile home parks not in compliance at the time of the adoption of §10-1309 and §10-1312, but in good working order, shall be waived from complying with §10-1309 and §10-1312 until a five thousand (5,000) gallon discrepancy between the mobile home park's master water meter and the sum of all individual mobile home water meters within said park occurs. At such time, the master meter may be tested, and the entire park shall be brought into compliance with §10-1309 and §10-1312 within ninety (90) days. Testing and installation of master meters shall be at the owner's expense. (*Ref. 17-123, 17-145, 17-149, 17-505, 17-537, 17-1001 RS Neb.*)

§10-1311 Refuse Disposal. (1) The storage, collection, and disposal of refuse from the mobile home park shall be so conducted as to avoid the creation of health hazards, such as rodent harborages or insect breeding areas, air pollution and accidents. The mobile home park area shall be kept free of litter, rubbish and all inflammable material at all times.

(2) Sufficient container capacity shall be provided to prevent the overflowing of any refuse container between collections. Each mobile home shall be provided with a minimum of thirty (30) gallons of refuse storage capacity. (*Ref. 17-123, 17-505, 17-1720 RS Neb.*)

§10-1312 Waste and Sewage Disposal. (1) Each mobile home lot shall be equipped with at least a four (4) inch PVC sewer connection below frost line and reaching at least four (4) inches above the surface of the ground. The sewer drainage inlet shall be positioned within four (4) feet of the mobile home and a minimum of ten (10) feet from the water riser. The connection between the mobile home drain and the sewer shall be made water tight by suitable fittings. A threaded or fitted in clamp connection shall be made at the mobile home drain and at the sewer outlet drain. The sewer outlet shall consist of a standard ferrule with a four (4) by three (3) inch screw plug. The screw plug shall be fastened by chain or other device to the concrete collar surrounding the sewer connection to prevent its removal from the site while the sewer connection is in use. The threaded hose connection may be connected to the ferrule directly or by use of pipe fittings. In the case of temporary pipe connections the two (2) inch pipe can be inserted into the ferrule and caulked to make an acceptable connection. For overnight parking of mobile homes, the plumbing fixtures within the mobile homes shall not be used unless provided with satisfactory means of disposal of all sewage wastes. These overnight mobile homes shall be parked close to the service buildings and the mobile home occupants shall be directed to use the facilities in the service building or the mobile home shall be connected to the sewage system. When a mobile home does not occupy the mobile home stand, the sewer riser pipe shall be capped with an airtight cap or plug. All sewer lines or parts thereof shall have a clean out, and shall be properly vented at each trailer site.

(2) All sewer lines shall be laid in trenches separated at least ten (10) feet horizontally from any drinking water supply line under pressure, at a grade of one-fourth (1/4) inch per foot. Sewer lines shall be at a grade sufficient to ensure a mean velocity of two (2) feet per second when flowing full. The system shall be designed for a minimum flow rate of at least two hundred (200) gallons per day per mobile home lot. The sewer line shall be permanently made root proof and water tight by means of approved glued joints or other approved method. All joints on the sewer lines shall be made water tight and every effort shall be made to minimize ground water infiltration into the sewage system. Connections in manholes shall be so constructed as to prevent surface water from entering the sanitary sewers. Manholes shall be provided at every change in direction, at every junction of two (2) or more branch sewers, and at intervals of not more than three hundred (300) feet. Cleanouts extending to grade may be used instead of manholes on four (4) and six (6) inch lines. Cleanouts should be provided wherever a manhole would otherwise be necessary and at intervals of not more than one hundred (100) feet. All

cleanouts shall be capped with cleanout plugs. Each sewer main serving a row of mobile homes shall be vented at its upper end. Sewer service lines shall be a minimum of four (4) inch lines that service each mobile home. These four (4) inch lines shall be connected to a six (6) inch main which empties into the City's sewer system. All materials used and installation shall be subject to approval of the plumbing inspector, or his designee, before installation. Mobile homes outside the limits of the City, but within the limits of the City's jurisdiction for the enforcement of its codes, shall have a sewer system approved by the Nebraska Department of Environmental Quality and the Nebraska Department of Health and Human Services Regulation and Licensure. (*Ref. 17-145, 17-149, 17-505 RS Neb.*)

This section shall not apply to mobile homes which have direct connections to the public sewer system.

§10-1313 Electricity. Every mobile home park shall be governed by the minimum standards adopted by the State Electrical Act. (*Ref. 17-1001 RS Neb.*)

§10-1314 Gas Systems. Every mobile home park shall be in compliance with state and federal regulations.

§10-1315 Fuel. Cylinders containing liquefied petroleum gas, to be used as fuel by mobile home occupants, shall be connected to the stoves or heaters of the mobile home by copper or other metallic tubing, in such a manner as to provide leak proof connections. The cylinders shall be securely fastened in place, outside of and not less than five (5) feet from any mobile home exit. State and local regulations applicable to the installation of equipment, and the handling of liquefied petroleum gas and fuel oil shall be followed. (*Ref. 17-505 RS Neb.*)

§10-1316 Fire Protection. No mobile home shall be located farther than three (300) feet from an approved fire hydrant. Fires shall not be permitted within the area of a mobile home park except in equipment specifically designed for such purpose and approved by the fire chief as being in compliance with the existing regulations governing such fires. (*Ref. 17-505 RS Neb.*)

§10-1317 Alterations; Repairs; Additions. All plumbing and electrical alterations or repairs shall be made in accordance with local regulations. Permanent additions or other accessory buildings may be built onto, or become a part of, a mobile home when authorized pursuant to Springfield City codes and regulations. The skirting shall comply with current Springfield Zoning Regulations. The wheels of travel trailers which are designed for use as conveyances on highways or city streets propelled or drawn by their own or other motive power, not to include temporary wheels for the transportation of a mobile home of a more permanent nature, shall not be removed except temporarily for repairs not to exceed twenty-four (24) hours. This need not prevent the placing of jacks or stabilizers under the frame of a mobile home to prevent movement on the springs while it is parked and occupied. (*Ref. 17-123, 17-505, 17-1001 RS Neb.*)

§10-1318 Restriction on Pets. No dogs, cats or other domestic animals shall be permitted to run at large in the mobile home park. Such animals shall be kept in restricted enclosures on the individual mobile home lot. The enclosures shall be maintained in a clean and sanitary condition at all times. (*Ref. 17-505, 17-547 RS Neb.*)

§10-1319 Duties of Owner or Manager. The owner or manager of every mobile home park shall maintain a copy of the mobile home park license and of this Article, and the mobile home park register. It shall be the duty of the owner or manager together with the licensee to:

- (1) Keep at all times a register of all owners of mobile homes and residents, which shall be open to State and Federal officials and designated agents of the City showing for all guests:
 - (a) Names and addresses.
 - (b) Dates of entrance and departure.
 - (c) License numbers of all automobiles and mobile homes entowing.

- (d) State issuing such licenses.
- (e) Place of last location and length of stay.
- (f) Color and make of the mobile home.

(2) Maintain the mobile home park in a clean, orderly and sanitary condition at all times.

(3) See that the provisions of this Article are complied with and enforced and report promptly to the proper authorities any violations of this Article or any other violations of the law which may come to his/her attention.

(4) Notify the Nebraska Department of Health and Human Services immediately upon any known or suspected case of communicable disease. In case of a disease diagnosed as quarantinable, the owner or manager shall not permit the departure of a mobile home or its occupants or the removal therefrom of clothing or other articles that have been exposed to the infection without approval of the Nebraska Department of Health and Human Services.

(5) Prohibit the use of any mobile home by a greater number of occupants than that for which it is designed to accommodate. (*Ref. 17-505, 17-1001, 17-1003 Neb.*)

§10-1320 Limitations on Number of Occupants per Trailer. No mobile home may be inhabited by a greater number of occupants than that for which it was designed. (*Ref. 17-505, 17-1001, 17-1003 Neb.*)

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.

Section 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Attest:

City Clerk

Agenda Item 10. Councilman Latham introduced Ordinances No. 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, and 666.

Thayer moved that the statutory rule requiring reading on three different days be suspended. Councilman Hayes seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Gosch, Thayer, Hayes. The following voted NAY: None. 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 ordinances.

Said ordinances were then read by title and thereafter Councilman Latham moved for final passage of the ordinances, which motion was seconded by Councilman Hayes. The Mayor then stated the question "Shall Ordinances No. 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, and 666 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Gosch, Thayer, Hayes. The following voted NAY: None. The passage and adoption of said ordinances having been concurred in by a majority of all members of the Council, the Mayor declared the ordinances adopted and the Mayor in the presence of the Council signed and approved the ordinances and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinances be published as provided therein. A true, correct and complete copies of said ordinances are as follows:

ORDINANCE NO. 648

AN ORDINANCE RELATING TO the Board of Adjustment; to limit the power to hear and decide appeals regarding a conditional use or special exception; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 2-203 of the Municipal Code is amended to read as follows:

BOARD OF ADJUSTMENT.

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment, which shall consist of five regular members plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member shall be appointed for a term of three years and shall be removable for cause by the Mayor upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. If the Board does not include a member who resides in the extraterritorial zoning jurisdiction of the city, the first vacancy occurring on the Board of Adjustment after the effective date of this section shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the city but within its extraterritorial zoning jurisdiction. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment.

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Board shall organize at its first meeting each year after the City Council meeting when appointments are regularly made and shall elect from its membership a Chairperson and Secretary. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(C) The Board shall adopt rules in accordance with the provisions of this section and Neb. RS 19-901 to 19-914. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Special meetings may be also held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. The chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. It shall be the duty of the Secretary to keep complete and accurate minutes of the Board's proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and to keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate. (Neb. RS 19-908)

(D) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(Neb. RS 19-909)

(E) The Board shall have only the following powers:

- (1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made by the City Council or Planning Commission regarding a conditional use or special exception;
- (2) To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and
- (3) When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(F) No such variance shall be authorized by the Board unless it finds that:

- (1) The strict application of the zoning regulation would produce undue hardship;
- (2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- (3) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
- (4) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(G) In exercising the powers granted in this section, the Board may, in conformity with Neb. RS 19-901 to 19-915, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(Neb. RS 19-910)

(H) Appeals from a decision by the Board may be taken as provided in Neb. RS 19-912.

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 649

AN ORDINANCE RELATING TO videoconferencing; to provide that conferencing by other electronic communication cannot be used to circumvent open meeting requirements; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 1-510 of the Municipal Code is amended to read as follows:

VIDEOCONFERENCING.

(A) A meeting of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or its advisory

committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

- (1) Reasonable advance publicized notice is given;
 - (2) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;
 - (3) At least one copy of all documents being considered is available to the public at each site of the videoconference;
 - (4) At least one member of the governing body or advisory committee is present at each site of the videoconference; and
 - (5) No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.
- (B) Videoconferencing or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.
(Neb. RS 84-1411)
- (C) For the purpose of this section, the following definition applies.

VIDEOCONFERENCING. Conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. RS 84-1409)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 650

AN ORDINANCE RELATING TO teleconferencing; to specify that email, faxes, and other electronic communication cannot be used to circumvent open meeting requirements; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 1-511 of the Municipal Code is amended to read as follows:

TELECONFERENCING.

(A) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

- (1) The territory represented by the member public agencies of the entity or pool covers more than one county;
- (2) Reasonable advance publicized notice is given which identifies each telephone conference location at which a member of the entity's or pool's governing body will be present;
- (3) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;
- (4) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
- (5) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;
- (6) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;
- (7) The telephone conference call lasts no more than one hour; and
- (8) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

(B) Nothing in this section shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(Neb. RS 84-1411)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 651

AN ORDINANCE RELATING TO meetings of public bodies; to specify that no email or fax can be used to circumvent open meeting requirements; to rearrange provisions; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 1-507 of the Municipal Code is amended to read as follows:

CLOSED SESSIONS.

(A) (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.

Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; or

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

(2) Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(B) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action means a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under division (A)(1)(a) of this section.

(C) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(D) Nothing in this section shall be construed to require that any meeting be closed to the public.
(Neb. RS 84-1410)

Section 2. Section 1-507.01 of the Municipal Code is enacted to read as follows:

PROHIBITED ACTS; EXEMPT EVENTS.

(A) No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing this article or the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or electronic communication shall be used for the purpose of circumventing the requirements of this article or the act.

(B) This article does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. RS 84-1410)

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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 652

AN ORDINANCE RELATING TO elections; to eliminate references to repealed state statutes on municipal elections; to rearrange provisions; to harmonize with state law; to repeal requirements for certificates of nomination or election; 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, NEBRASKA:

Section 1. Section 1-701 of the Municipal Code is amended to read as follows:

ELECTIONS; GENERALLY.

(A) All municipal issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if municipal offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise. All municipal elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide primary or general election.

(Neb. RS 32-556)

(B) When the municipality holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any other election held by the municipality shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the municipality.

(Neb. RS 32-404)

Section 2. Section 1-701.01 of the Municipal Code is amended to read as follows:

ELECTION OF OFFICERS; CERTIFICATIONS REQUIRED.

No later than January 5 of each even-numbered year, the City Council shall certify to the Election Commissioner or the County Clerk, on forms prescribed by such official, the name of the city, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(Neb. RS 32-404)

Section 3. Section 1-712 of the Municipal Code, entitled CERTIFICATE OF NOMINATION OR ELECTION, is repealed.

Section 4. 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 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.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 653

AN ORDINANCE RELATING TO elected officials; to repeal provisions related to recall of city officials; and to provide an effective date.

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

Section 1. Section 1-714, entitled ELECTIONS; RECALL PROCEDURE, of the Municipal Code of Springfield, Nebraska, is hereby repealed.

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 approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 654

AN ORDINANCE RELATING TO traffic regulations; to define a term; to require drivers to ensure that additional child passengers use occupant protection systems; to provide an exemption to restraint requirements regarding child passengers; to allow primary enforcement of such requirements in certain circumstances; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 5-318 of the Municipal Code is amended to read as follows:

CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM.

- (A) For purposes of this section, occupant protection system has the meaning provided in Neb. RS 60-6,265.
- (B) (1) Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:
 - (a) All children up to 6 years of age being transported by such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway

Traffic Safety Administration, as such standard existed on January 1, 2004, and which is correctly installed in such vehicle; and

(b) All children 6 years of age and less than 18 years of age being transported by such vehicle use an occupant protection system.

(2) Division (B)(1) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2004, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(C) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of division (B) shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(D) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (B) when operating such authorized emergency vehicles pursuant to their employment.

(E) A driver of a motor vehicle shall not be subject to the requirements of division (B) if the motor vehicle is being operated in a parade or exhibition and the parade or exhibition is being conducted in accordance with applicable state law and local ordinances and resolutions.

(Neb. RS 60-6,267)

(F) (1) A person violating any provision of division (B) is guilty of an offense. The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in division (B), shall not be treated as a separate offense.

(2) Enforcement of division (B)(1)(b) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense unless the violation involves a person under the age of 18 years riding in or on any portion of the vehicle not designed or intended for the use of passengers when the vehicle is in motion.

(Neb. RS 60-6,268)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 655

AN ORDINANCE RELATING TO traffic regulations; to eliminate exemptions from certain traffic regulations for minibikes and their owners and operators; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 5-403 of the Municipal Code is amended to read as follows:

MINIBIKES; TRAFFIC LAWS INAPPLICABLE.

Minibikes, their owners, and their operators shall be exempt from the requirements of Neb. RS Chapter 60, articles 3, 4, and 5.

(Neb. RS 60-6,347)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 656

AN ORDINANCE RELATING TO the Library Board; to change provisions regarding the content and timing of the board's annual report; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 3-610 of the Municipal Code is amended to read as follows:

LIBRARY BOARD; ANNUAL REPORT.

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the President and Secretary of the Library Board.

(Neb. RS 51-213)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 657

AN ORDINANCE RELATING TO fireworks; to eliminate the authorization for sale of fireworks between December 28, 1999, and January 1, 2000; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 10-704 of the Municipal Code is amended to read as follows:

FIREWORKS; SALE.

(A) It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the State Fire Marshal for that calendar year. (Neb. RS 28-1246)

(B) Licensees shall only sell fireworks that have been approved by the State Fire Marshal. (Neb. RS 28-1247)

(C) Permissible fireworks may be sold at retail only between June 24 and July 5 of each year. (Neb. RS 28-1249)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 658

AN ORDINANCE RELATING TO public works; to increase the maximum dollar amount of public works projects that do not require the involvement of an architect or professional engineer; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 8-112 of the Municipal Code is amended to read as follows:

PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REQUIREMENTS.

(A) Except as provided in division (B) of this section, the municipality shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer.

(B) Division (A) of this section shall not apply to the following activities:

(1) Any public works project with contemplated expenditures for the completed project that do not exceed \$86,000;

(2) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(3) Performance by the municipality of professional services for itself if the municipality appoints a municipal engineer or employs a full-time person licensed under the Engineers and Architects Regulation Act who is in responsible charge of architectural or engineering work;

- (4) The practice of any other certified trade or legally recognized profession;
- (5) Earthmoving and related work associated with soil and water conservation practices performed on any land owned by the municipality that is not subject to a permit from the Department of Natural Resources;
- (6) The work of employees and agents of the municipality performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land use regulations and their customary duties in utility and public works construction, operation, and maintenance;
- (7) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;
- (8) The construction of water wells as defined in Neb. RS 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the municipality to be designed or supervised by an engineer or unless legal requirements are imposed upon the municipality as a part of a public water supply; and
- (9) Any other activities described in Neb. RS 81-3449 to 81-3453.
(Neb. RS 81-3423, 81-3445, 81-3449, and 81-3453)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 659

AN ORDINANCE RELATING TO alcoholic beverages; to eliminate references to issuance, cancellation, and revocation of bottle club and Class D-1 licenses; to authorize additional bases for cancellation or revocation of retail or craft brewery licenses; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-109 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; LICENSES; MUNICIPAL POWERS AND DUTIES.

(A) The Governing Body is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail or craft brewery licensees carried on within the corporate limits of the municipality.

(Neb. RS 53-134.03)

(B) During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail or a craft brewery license, the Governing Body may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

(Neb. RS 53-131)

(C) The Governing Body, with respect to licenses within the corporate limits of the municipality, has the following powers, functions, and duties with respect to retail and craft brewery licenses:

(1) To cancel or revoke for cause retail or craft brewery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the Governing Body has been or is being violated and at such time examine the premises of such licensee in connection with such determination;

(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the Act;

(4) To receive retail license fees and craft brewery license fees as provided in Neb. RS 53-124 and pay the same, after the license has been delivered to the applicant, to the Municipal Treasurer;

(5) To examine or cause to be examined any applicant or any retail licensee or craft brewery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Governing Body may authorize its agent or attorney to act on its behalf;

(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in section 10-126 (Citizen Complaints), it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the Commission within 30 days after the date of the order by filing a notice of appeal with the Commission. The Commission shall handle the appeal in the manner provided for hearing on an application in Neb. RS 53-133;

(7) Upon receipt from the Commission of the notice and copy of application as provided in Neb. RS 53-131, to fix a time and place for a hearing at which the Governing Body shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the municipality, one time not less than 7 and not more than 14 days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing. The hearing shall be held not more than 45 days after the date of receipt of the notice from the

Commission, and after such hearing the Governing Body shall cause to be recorded in the minute record of their proceedings a resolution recommending either issuance or refusal of such license. The Municipal Clerk shall mail to the Commission by first-class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the Commission. If the Commission refuses to issue such a license, the cost of publication of notice shall be paid by the Commission from the security for costs.

(Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the Municipal Clerk a retail or craft brewery license issued or renewed by the commission, the Clerk shall deliver the license to the licensee upon receipt from the licensee of proof of payment of:

(a) The license fee if by the terms of Neb. RS 53-124(5) the fee is payable to the Municipal Treasurer;

(b) Any fee for publication of notice of hearing before the Governing Body upon the application for the license;

(c) The fee for publication of notice of renewal, if applicable, as provided in Neb. RS 53-135.01; and

(d) Occupation taxes, if any, imposed by the municipality.

(2) Notwithstanding any ordinance or charter power to the contrary, the municipality shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the municipality in any sum which exceeds two times the amount of the license fee required to be paid under the Act to obtain such license.

(Neb. RS 53-132)

Section 2. 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 3. This ordinance shall take effect and be in full force and from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 660

AN ORDINANCE RELATING TO alcoholic beverages; to eliminate references to inspection of the premises of bottle club licensees; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-125 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; LICENSED PREMISES; INSPECTION.

The Governing Body shall cause frequent inspection to be made on the premises of all retail licensees. If it is found that any such licensee is violating any provision of this article, the Nebraska Liquor Control Act, or the rules and regulations of the Nebraska Liquor Control Commission or is failing to observe in good faith the purposes of this article or the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense.

(Neb. RS 53-116.01)

Section 2. 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 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 661

AN ORDINANCE RELATING TO alcoholic beverages; to eliminate references to renewal of bottle club licenses; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-108 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; LICENSE RENEWAL; MUNICIPAL POWERS AND DUTIES.

(A) A retail license issued by the Nebraska Liquor Control Commission and outstanding may be automatically renewed by the commission in the absence of a written request by the Governing Body to require the licensee to submit an application for renewal. Any licensed retail premises located in an area which is annexed to the municipality shall file a formal application for a license, and while such application is pending, the licensee may continue all license privileges until the original license expires or is canceled or revoked. If such license expires within 60 days following the annexation date of such area, the license may be renewed by order of the commission for not more than one year.

(Neb. RS 53-135)

(B) The Municipal Clerk shall cause to be published in a legal newspaper in or of general circulation in the municipality, one time between January 10 and January 30 of each year, individual notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the municipality, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year. If written protests to the issuance of automatic renewal of a license are filed in the office of the Municipal Clerk by three or more residents of the municipality on or before February 10, or August 10 for Class C licenses, the Governing Body shall hold a hearing to determine whether continuation of the license should be allowed. Upon the conclusion of any hearing required by this section, the Governing Body may request a licensee to submit an application as provided in Neb. RS 53-135.

(Neb. RS 53-135.01)

Section 2. 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 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 662

AN ORDINANCE RELATING TO alcoholic beverages; to authorize all holders of retail liquor licenses to obtain catering licenses; to eliminate references to repealed classes of licenses; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-107.01 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; CATERING LICENSES.

(A) The holder of a license to sell alcoholic liquor at retail issued under Neb. RS 53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission.

(B) Upon receipt from the commission of the notice and a copy of the application as provided in Neb. RS 53-124.12, the Governing Body shall process the application in the same manner as provided in section 10-109 (Alcoholic Beverages; Licenses; Municipal Powers and Duties).

(C) The Governing Body, with respect to catering licensees within its corporate limits, may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the District Court.

(D) The Governing Body may impose an occupation tax on the business of a catering licensee doing business within the liquor license jurisdiction of the Governing Body. The tax may not exceed double the license fee for a catering license.

(Neb. RS 53-124.12)

Section 2. 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 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 663

AN ORDINANCE RELATING TO alcoholic beverages; to eliminate a reference to the filing of citizen complaints against bottle club licensees; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-126 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; CITIZEN COMPLAINTS.

Any five residents of the municipality shall have the right to file a complaint with the Governing Body stating that any retail licensee subject to the jurisdiction of the Governing Body has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the Governing Body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Governing Body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within 10 days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint shall in all cases be disposed of by the Governing Body within 30 days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. RS 53-1,115.
(Neb. RS 53-134.04)

Section 2. 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 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 664

AN ORDINANCE RELATING TO alcoholic beverages; to change reference of Class H licenses to Class I licenses; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date and an operative date.

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

Section 1. Section 10-118 of the Municipal Code is amended to read as follows:

ALCOHOLIC BEVERAGES; HOURS OF SALE.

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein:

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale6:00 A.M. to 1:00 A.M.

On Sale 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale12:00 Noon. to 1:00 A.M.

On Sale 12:00 Noon. to 1:00 A.M.

Beer and Wine

Secular Days

Off Sale6:00 A.M. to 1:00 A.M.

On Sale 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale6:00 A.M. to 1:00 A.M.

On Sale 6:00 A.M. to 1:00 A.M.

Provided that such limitations shall not apply after twelve o'clock (12:00) Noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Neb. Rev. Stat. 53-124-(5)(C) & (HE).

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. 53-179 RS Neb.) (Amended by Ord. Nos. 176, 9/7/76; 198, 11/6/79; 246, 4/5/83; 260, 11/1/83; 340, 10/1/91)

Section 2. 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 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law. The changes made by this ordinance shall be operative May 1, 2005, to coincide with the operative date of Laws of Nebraska 2004, LB 485.

Passed and approved this 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

AN ORDINANCE RELATING TO nuisances; to allow for notice of abatement of nuisances involving weeds, litter, and stagnant water by publication in a newspaper or by posting on the property in certain circumstances; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 6-324 of the Municipal Code is amended to read as follows:

MISDEMEANORS; WEEDS, LITTER, STAGNANT WATER.

(A) Lots or pieces of ground within the city shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the city shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the city is prohibited, except that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. Within five days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the city may have such work done. The costs and expenses of any such work shall be paid by the owner.

(2) If unpaid for two months after such work is done, the city may either:

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(G) For purposes of this section:

(1) *LITTER* includes, but is not limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(2) *WEEDS* includes, but is not limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass

(Lepidium draba), Russian knapweed (Centaurea picris), Johnson grass (Sorghum halepense), nodding or musk thistle, quack grass (Agropyron repens), perennial sow thistle (Sonchus arvensis), horse nettle (Solanum carolinense), bull thistle (Cirsium lanceolatum), buckthorn (Rhamnus sp.) (tourn), hemp plant (Cannabis sativa), and ragweed (Ambrosiaceae).

(Neb. RS 17-563)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

ORDINANCE NO. 666

AN ORDINANCE RELATING TO municipal officials; to eliminate a requirement that officials not accept or approve plans, specifications, plats, and reports that have not been prepared in accordance with the Engineers and Architects Regulation Act; to harmonize with state law; 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, NEBRASKA:

Section 1. Section 9-109 of the Municipal Code is amended to read as follows:

PLANS, MAPS, AND THE LIKE; MUNICIPAL OFFICIALS; DUTY.

A municipal official charged with the duty or responsibility of accepting or approving plans, specifications, geological maps, and reports shall not accept or approve plans, specifications, geological maps, or reports which have not been prepared in accordance with the Geologists Regulation Act.

(Neb. RS 81-3538)

Section 2. 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 3. 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 2nd day of November, 2004.

Mayor

(SEAL)

Clerk

Agenda Item 11. Councilman Latham introduced Ordinance No. 667.

Gosch moved that the statutory rule requiring reading on three different days be suspended. Councilman Latham seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Gosch, Thayer, Hayes. The following voted NAY: None. 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 Latham moved for final passage of the ordinance, which motion was seconded by Councilman Hayes. The Mayor then stated the question "Shall Ordinance No. 667 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Gosch, Thayer, Hayes. 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. 667

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING CHAPTER 6 ARTICLE 1 "ANIMALS" SECTIONS 106 "ANIMALS; DOGS AND CATS; LICENSE", 107 "ANIMALS; DOGS AND CATS; LICENSE TAGS", 109 "ANIMALS; DOGS AND CATS; UNLICENSED", 112 "ANIMALS; DOGS AND CATS; VACCINATION REQUIRED", 113 "ANIMALS; DOGS AND CATS; REVACCINATION REQUIRED", 115 "ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY", 118 "ANIMALS; RUNNING AT LARGE", 120 "ANIMALS; PITTING; PROHIBITED"; 125 "ANIMALS; DANGEROUS; RESTRAINED", 126 "ANIMALS; DANGEROUS; CONFINED"; PROVIDES FOR AN EFFECTIVE DATE; REPEALS ORDINANCES IN CONFLICT.

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

Section 1. Springfield Municipal Code Chapter 6 Article 1 Sections 106, 107, 109, 112, 113, 115, 118, 120, 125, and 126 are amended and shall read as follows:

§6-106 ANIMALS; DOGS AND CATS; LICENSE. (1) Any person who shall own, keep, or harbor a dog or cat over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog or cat acquire a license for each such dog or cat annually by or before the first (1st) day of May of each year. The said license fee shall be delinquent from and after May tenth (10th); provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to May first (1st) of any year, shall be liable for the payment of the dog and cat license fee. It shall be unlawful to own or harbor any dog or cat without acquiring and maintaining a license as prescribed by this section. Licenses shall be issued by the Municipal Clerk, the Animal Control Authority, or authorized designee, upon the payment of a license fee. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by him or her. Proof of sterilization and current rabies vaccination for the ensuing year of the license must accompany all license applications. Where application is made to the Municipality's designee, said designee may charge a handling fee not to exceed the amount specified by the most recent Springfield fee resolution or ordinance.

(2) License fees and delinquent fees shall be approved and adopted by resolution or ordinance. (*Ref. 54-603, 71-4412 RS Neb.*) (*Amended by Ord. Nos. 191, 4/4/78; 351, 4/20/93; 506, 1/2/01*)

§6-107 ANIMALS; DOGS AND CATS; LICENSE TAGS. Upon the payment of the license fee, the Municipal Clerk, the Animal Control Authority, or authorized designee, shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs and cats so licensed and shall entitle the owner to keep or harbor the said dog or cat until the thirtieth (30th) day of April following such licensing. It shall be unlawful to own or harbor any dog or cat that does not have a license properly attached to the animal as prescribed by this section. All license fees and collections shall be immediately credited to the General Fund except in such cases where the Animal Control Authority is the licensing authority, fund disposition shall be in compliance with the Animal Control Authority contract. (*Ref. 17-526, 54-603 RS Neb.*) (*Amended by Ord. No. 351, 4/20/93*)

§6-109 ANIMALS; DOGS AND CATS; UNLICENSED. ~~All dogs or cats found running at large upon the streets and public grounds of the Municipality without a collar or harness with the metal tag affixed as aforesaid, are hereby declared a public nuisance.~~ It shall be unlawful to own or harbor any dog or cat without acquiring and maintaining a license that is properly secured to the animal. ~~Unlicensed dogs or cats found running at large shall be impounded by the Municipal Police, the Animal Control Officer, or authorized designee, in an Animal Shelter authorized by the Municipality.~~ (*Ref. 17-526, 71-4408 RS Neb.*) (*Amended by Ord. No. 351, 4/20/93*)

§6-112 ANIMALS; DOGS AND CATS; VACCINATION REQUIRED. Every dog and cat four (4) months of age and older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within thirty (30) days after they reach four (4) months of age. The vaccination shall be administered by a licensed veterinarian certified through the State of Nebraska. Unvaccinated dogs and cats acquired or moved into the city must be vaccinated within thirty (30) days after purchase or arrival, unless under four (4) months of age, as specified above. It shall be unlawful to own or harbor any dog or cat without proper vaccination against rabies.

§6-113 ANIMALS; DOGS AND CATS; REVACCINATION REQUIRED. Every dog and cat shall be vaccinated for rabies following a period of not more than twenty-four (24) months since its last vaccination for

rabies. The vaccination shall be administered by a licensed veterinarian certified through the State of Nebraska. It shall be unlawful to own or harbor any dog or cat without proper vaccination against rabies. (Ref. 71-4401 RS Neb.)

§6-115 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY.

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. It shall be unlawful to commit cruelty to animals. (Ref. 28-1009 RS Neb.) (Ord. No. 337, 1/8/91)

§6-118 ANIMALS; RUNNING AT LARGE. It shall be the duty of the Municipal Police, the Animal Control Officer, or authorized designee, to cause any domestic animal found to be running at large within the Municipality to be taken up and impounded. It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a dog, cat, horse, mule, cow, sheep, goat, swine, or other domestic animal to be driven or run at large on any of the public ways and property, or upon the property of another. It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property. (Ref. 17-547, 17-526 RS Neb.)

§6-120 ANIMALS; PITTING; PROHIBITED.

~~No person shall~~ It shall be unlawful for any person to knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this section to occur on any premises owned or controlled by him or her. (Ref. 28-1005 RS Neb.) (Ord. No. 336, 1/8/91)

§6-125 ANIMALS; DANGEROUS; RESTRAINED. It shall be unlawful for the owner, keeper, or harbinger of a dangerous animal shall to permit the animal to go beyond the property of the owner, keeper, or harbinger unless the animal is restrained securely by a chain or leash and is muzzled. (Ref. 54-618 RS Neb.) (Ord. No. 318, 3/13/90)

§6-126 ANIMALS; DANGEROUS; CONFINED. While unattended on the owner's property, a dangerous animal shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the animal from the elements. The owner of a dangerous animal shall post a warning sign on the property where the animal is kept that is clearly visible and that informs persons that a dangerous animal is on the property. Failure to comply with this section shall be deemed unlawful. (Ref. 54-619 RS Neb.) (Ord. No. 318, 3/13/90)

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.

Section 5. 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 2nd day of November, 2004.

Mayor

(SEAL)

Attest:

City Administrator/Clerk

Agenda Item 12 and 13. Motion by Gosch, seconded by Thayer, to move agenda items 12 and 13 into Executive Session. AYES: Thayer, Latham, Gosch, Hayes. NAYS: None.

Agenda Item 14. Motion by Thayer, seconded by Hayes, to enter executive session for the purpose of personnel and negotiation discussion. AYES: Thayer, Latham, Gosch, Hayes. NAYS: None. Entered at 7:47 PM. Session ended at 8:42 PM.

Agenda Item 15. Motion by Thayer, seconded by Hayes, to direct the City Attorney to negotiate with the CR Welshiemer Bonding Company and JEO Engineering on behalf of the City. AYES: Thayer, Latham, Gosch, Hayes. NAYS: None.

Motion by Latham, seconded by Hayes, to deny a merit increase to Jon Wiese due to his separation from employment. AYES: Thayer, Latham, Gosch, Hayes. NAYS: None.

Motion by Thayer, seconded by Hayes, to adjourn. AYES: Thayer, Latham, Gosch, Hayes. NAYS: None. Meeting was adjourned at 8:45 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 7:30 o'clock P.M. on November 2, 2004.

_____ Mayor _____ Councilman

_____ Councilman _____ Councilman

_____ Councilman