



## **CITY COUNCIL AGENDA**

Tuesday, July 21, 2020 at 7:00 p.m.  
Springfield City Hall  
170 North 3<sup>rd</sup> Street

### **CALL TO ORDER**

- Public announcement that a copy of the Nebraska Open Meetings Law is posted in the entry to the meeting room.
- Roll call – Roy Swenson, Mike Herzog, Mayor Bob Roseland, Kacie Murtha, Dan Craney
- Pledge of Allegiance

### **CONSENT AGENDA**

*All consent agenda items are approved in one motion unless removed by a Council Member. Removed items will be placed under the Regular Agenda for consideration and action by the Council.*

1. Approve Minutes of the July 7, 2020 Council Meeting
2. Approve Treasurer's Report

### **REGULAR AGENDA**

1. Proclaim August 1-7, 2020, as International Clown Week
2. Consider approval of a Special Designated Liquor License for 1316 Jones LLC for a wedding reception at the Sarpy County Fairgrounds Livestock Barn on August 8, 2020, from 5:00 p.m. to 11:00 p.m.
3. **Tabled July 7, 2020.** Discuss operation of Community Building
4. **Tabled July 7, 2020.** Consider revisions to the License Rental Agreement used for rentals of public property including the Community Building, City Hall and Library
5. Consider approval of **Resolution 2020-25** approving a moratorium on acting upon applications for any permits, zoning changes, or zoning approvals for any proposed power generation, alternative energy production facilities, solar energy systems/plants, and associated facilities
6. Consider approval of the following ordinances as part of the annual municipal code update:

**ORDINANCE NO. 1030** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO GENERAL ELECTION BALLOT PROCEDURES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-706 PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1031** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO RECALL ELECTION PROCEDURES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-714 RECALL PROCEDURE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1032** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO ESTABLISHING SINKING FUNDS; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-815 SINKING FUNDS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1033** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PROPERTY TAX REQUEST; HEARING NOTICES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-822 PROPERTY TAX REQUEST; PROCEDURE; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1034** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PUBLIC INDECENCY; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-338 PUBLIC INDECENCY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1035** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO GAMBLING; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-339 GAMBLING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1036** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO SALE OF TOBACCO AND CIGARETTES; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-340 MISREPRESENTATION BY PERSON UNDER THE AGE OF 19 TO OBTAIN TOBACCO; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1037** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO SALE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO BUY; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-341 SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 19; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1038** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO USE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO USE; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS; SECTION 6-342 USE OF TOBACCO BY PERSONS UNDER THE AGE OF 19; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1039** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO INTOXICATED PERSONS; TO AMEND CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-124 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1040** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-903 LICENSE TO SELL; ISSUANCE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1041** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-905 LICENSE TERM; FEES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1042** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO, SECTION 10-906 RIGHTS OF LICENSEE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

#### **DEPARTMENT REPORTS**

1. Sewer Department – Roy Swenson
2. Library & Community Building – Michael Herzog
3. Street Department – Kacie Murtha
4. Water & Parks Department – Dan Craney
5. Mayor’s Report – Bob Roseland
6. City Staff Reports

*The Mayor and City Council reserve the right to adjourn into executive session per Section 84-1410 of the Nebraska Revised Statutes.*

#### **ADJOURNMENT**

## MINUTES

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:00 o'clock p.m. on Tuesday, July 21, 2020, at City Hall. Present were Mayor Bob Roseland; Council Members: Roy Swenson, Michael Herzog, Kacie Murtha, Dan Craney. Notice of this meeting was given in advance by posting in three public places, one of the designated methods of giving notice. Notice of this 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. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

### Consent Agenda

Motion by Herzog, seconded by Swenson, to approve the Consent Agenda. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Motion carried.

The City Clerk reported a balance on hand of \$1,476,732.78 in cash assets; Prestige Treasury-\$205,540.14; Prestige Bond-\$935,683.90; Keno Community Betterment-\$206,479.57; Keno Progressive Jackpot-\$50,012.47; Water Deposit Savings-\$4,204.50; Refundable Deposit Savings-\$1,227.57; Water Tower Savings-\$188,132.61; Sewer Restricted-\$191,401.49; Water Capital Facilities Fees-\$65,044.56; Sewer Capital Facilities Fees-\$166,966.76; City Sales Tax-\$3,007,107.74; Money Mark Library Bricks-\$3,969.18; Government Securities-\$115,825.32; Library Savings-\$11,628.24; Time Certificates as follows: Bond-\$79,089.89; Tower-\$59,296.71; Water-\$129,806.25; Library Bricks-\$21,963.32; Library Restricted-\$47,527.47; Cash Receipts-\$233,812.36; Cash Disbursements-\$130,825.74; Refunding Bond 2010 principal \$30,000, interest \$427.50 payments; Sewer Bond 2017 principal \$20,000, interest \$4,422.50.

### Regular Agenda

**Agenda Item 1.** Motion by Swenson, seconded by Herzog, to proclaim August 1-7, 2020, as International Clown Week in the City of Springfield. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 2.** Motion by Swenson, seconded by Murtha, to approve a Special Designated Liquor License for 1316 Jones LLC for a wedding reception at the Sarpy County Fairgrounds Livestock Barn on August 8, 2020, from 5:00 p.m. to 11:00 p.m. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 3.** Motion by Swenson, seconded by Craney, to open the Community Building to renters on August 1, 2020. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 4.** Motion by Swenson, seconded by Herzog, to approve the revised License Rental Agreement for the Community Building and other city owned and operated properties. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 5.** Kathleen Gottsch, City Administrator, reported that the Springfield Planning Commission is considering text amendments to the zoning ordinance relating to alternative energy. At the July 14 Planning Commission meeting, the board recommended that the Council issue a 60 day moratorium on acting upon applications or any permits, zoning changes or zoning approvals for any

proposed power generation, alternative energy production facilities, solar energy systems, utilities and associated facilities. This moratorium allows staff time to work on such changes and present them to the Planning Commission and Council for review and consideration. Michaela Valintin with OPPD briefly discussed OPPD's Power with Purpose project and offered to hold virtual meetings with Council Members to learn about the project. She noted that OPPD appreciates the opportunity to work with the city. Herzog commented that he has heard negative opinions from residents regarding this project.

Council Member Swenson introduced **Resolution 2020-25** and moved its adoption. Council Member Herzog seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Swenson, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2020-25**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA APPROVING A MORATORIUM ON ACTING UPON APPLICATIONS FOR PERMITS, ZONING CHANGES, OR ZONING APPROVALS FOR ANY PROPOSED POWER GENERATION, ALTERNATIVE ENERGY PRODUCTION FACILITIES, SOLAR ENERGY SYSTEMS/PLANTS, AND ASSOCIATED FACILITIES.

WHEREAS, there have been discussions concerning the location and impact of power generation, alternative energy production facilities, solar energy systems/plants and associated facilities within and/or near the City's future growth area and extraterritorial zoning jurisdiction; and

WHEREAS, power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities could have significant impacts to the City regarding air pollution, emissions, visual impacts, noise impacts, stormwater management, and potential for fire, explosion, spills or discharges of pollutants to water; and

WHEREAS, the City's current regulations regarding power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities need to be updated and amended, especially regarding the appropriate locations of such facilities, the identified impact of such facilities on the public health, safety and welfare of the community, the processes in place for controlling and minimizing such impacts on the community, the City's ability to assure the safety of such facilities, and the encouragement of appropriately located and designed facilities; and

WHEREAS, the City wishes to more effectively protect the health, safety and welfare of the community, and to encourage appropriately located and designed power generation and solar plants and associated facilities, by reviewing and amending Springfield City Code provisions regarding such power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities; and

WHEREAS, it is currently expected that a reasonable time for the City to complete its aforementioned review, and for the City to enact any required legislation resulting therefrom, is deemed to be from July 22, 2020, until September 30, 2020, or until the effective date of a Springfield City Ordinance addressing power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities, whichever first occurs ("Update Period"); and

WHEREAS, the City has determined that it would be in the best interests of its citizens and in the best interests of the public health, safety and welfare of the community to place a moratorium on acting upon applications for any permits, zoning changes, or zoning approvals regarding proposed power

generation, alternative energy production facilities, solar energy systems/plants and their associated facilities throughout the Update Period; and

WHEREAS, to the City's knowledge, there are no pending applications for such as of July 21, 2020.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA THAT the Mayor and the City Council of the City of Springfield hereby approve a moratorium on acting upon applications for any permits, zoning changes, or zoning approvals regarding proposed power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities throughout the Update Period ending on September 30, 2020, or on the effective date of a Springfield City Ordinance addressing power generation, alternative energy production facilities, solar energy systems/plants and their associated facilities, whichever first occurs.

The Mayor, City Administrator, or their designee is charged with the enforcement of the moratorium.

PASSED AND APPROVED THIS 21<sup>ST</sup> DAY OF JULY, 2020.

City Council Member Swenson moved the adoption of said resolution.  
City Council Member Herzog seconded the motion.

Record of Vote:

Ayes: Swenson, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Approved: Robert Roseland, Mayor  
SEAL

Attest: Kathleen Gottsch, City Clerk

Agenda Item 6. Council Member Swenson introduced **Ordinance Nos. 1030-1042** entitled:

**ORDINANCE NO. 1030** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO GENERAL ELECTION BALLOT PROCEDURES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-706 PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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**ORDINANCE NO. 1039** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO INTOXICATED PERSONS; TO AMEND CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-124 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1040** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-903 LICENSE TO SELL; ISSUANCE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

**ORDINANCE NO. 1042** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO, SECTION 10-906 RIGHTS OF LICENSEE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Craney seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Swenson, Herzog, Murtha, Craney. 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 Council Member Swenson moved for final passage of the ordinance, which motion was seconded by Council Member Herzog. The Mayor then stated the question "Shall Ordinance No. 1030 through 1042 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Swenson, Herzog, Murtha, Craney. 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 to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

**ORDINANCE NO. 1030**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO GENERAL ELECTION BALLOT PROCEDURES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-706 PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 1, Article 7, Section 1-706 of the Springfield Municipal Code is amended to read as follows:

**§1-706 ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.**

(A) (1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate files for the office by petition as prescribed in divisions (B) and (C) of this section, files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710.

(Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the city, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. RS 32-607. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election.

(Neb. RS 32-617)

(C) (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the city or in the ward in which the officer is to be elected, not to exceed 2,000.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be as follows:

(a) For each partisan office to be filled by the registered voters of the entire state, at least 4,000, and at least 750 signatures shall be obtained in each congressional district in the state;

(b) For each partisan office to be filled by the registered voters of a county, at least 20% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the county, not to exceed 2,000, except that the number of signatures shall not be required to exceed 25% of the total number of registered voters voting for the office at the immediately preceding general election; and

(c) For each partisan office to be filled by the registered voters of a political subdivision other than a county, at least 20% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election within the political subdivision, not to exceed 2,000.

(Neb. RS 32-618)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1031**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO RECALL ELECTION PROCEDURES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-714 RECALL PROCEDURE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 1, Article 7, Section 1-714 of the Springfield Municipal Code is amended to read as follows:

**§1-714 ELECTIONS; RECALL PROCEDURE.**

(A) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**FILING CLERK.** The Election Commissioner or County Clerk.  
(Neb. RS 32-1301)

(B) Any member of the governing body may be removed from office by recall pursuant to this section.  
(Neb. RS 32-1302)

(C) (1) A petition demanding that the question of removing a member of the governing body be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, a recall petition filing form shall be signed and filed with the filing clerk by at least 1 registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The filing form shall state the name and office of the Council member sought to be removed, shall include in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the Council member by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving a copy of the filing form at the Council member's usual place of residence and mailing a copy by first-class mail to the Council member's last-known address. If the Council member chooses, he or she may submit a defense statement in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the Council member receives the copy of the filing form. The filing clerk shall prepare the petition papers within 5 business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within 20 days after being notified by the filing clerk that the petition papers are available. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of Neb. RS 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

(Neb. RS 32-1303)

(D) Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(E) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators as provided in division (C) of this section.

(2) Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(Neb. RS 32-1305)

(F) (1) If the recall petition is found to be sufficient, the filing clerk shall notify the Council member whose removal is sought and the governing body that sufficient signatures have been gathered. Notification of the Council member may be by any method specified in Neb. RS 25-505.01 or, if notification cannot be made with reasonable diligence by any of the methods specified in Neb. RS 25-505.01, by leaving such notice at the Council member's usual place of residence and mailing a copy by first-class mail to the Council member's last-known address.

(2) The governing body shall order an election to be held not less than 50 nor more than 80 days after the notification of the Council member whose removal is sought under division (F)(1) of this section, except that if any other election is to be held in the village within 90 days after such notification, the Council shall provide for the holding of the recall election on the same day. All resignations shall be tendered as provided in Neb. RS 32-562. If the Council member whose removal is sought resigns before the recall election is held, the Council may cancel the recall election if the Council notifies the election commissioner or county clerk of the cancellation at least 24 days prior to the election, otherwise the recall election shall be held as scheduled.

(3) If the governing body fails or refuses to order a recall election within the time required, the election may be ordered by the district court having jurisdiction over a county in which the Council member serves. If a filing clerk is subject to a recall election, the Secretary of State shall conduct the recall election.

(Neb. RS 32-1306)

(G) The form of the official ballot at a recall election held pursuant to division (F) of this section shall conform to the requirements of Neb. RS 32-1307.

(H) (1) If a majority of the votes cast at a recall election are against the removal of the Council member named on the ballot or the election results in a tie, the Council member shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (I) of this section.

(2) If a majority of the votes cast at a recall election are for the removal of the Council member named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the Council member is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and Neb. RS 32-567 to 32-570 and 32-574.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the Council member in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the Council member files a written statement with the filing clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of one-half or more of the members of the governing body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk.

(5) No Council member who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the governing body during the remainder of his or her term of office.

(Neb. RS 32-1308)

(I) No recall petition filing form shall be filed against an elected Council member within 12 months after a recall election has failed to remove him or her from office or within 6 months after the beginning of his or her term of office or within 6 months prior to the incumbent filing deadline for the office.

(Neb. RS 32-1309)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1032**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO ESTABLISHING SINKING FUNDS; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-815 SINKING FUNDS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 1, Article 8, Section 1-815 of the Springfield Municipal Code is amended to read as follows:

**§1-815 FISCAL MANAGEMENT; SINKING FUNDS; GIFTS OF MONEY OR PROPERTY.**

(A) The city is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by this section, as stipulated by the donor. Title to any money or property so donated shall vest in the City Council, or in its successors in office, who shall become the owners thereof in trust to the uses of the sinking fund or funds. In the event of a donation of real estate, the City Council may manage such real estate as in the case of real estate donated to the city for city library purposes under the provisions of Neb. RS 51-215 and 51-216.

(Neb. RS 19-1301)

(B) The City Council, subject to all the limitations set forth in this section, shall have the power to levy a tax of not to exceed \$0.105 on each \$100 in any one year upon the taxable value of all the taxable property within the city for a term of not to exceed 10 years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the city, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: city libraries; city auditoriums or community houses for social or recreational purposes; city halls; city public libraries, auditoriums, or community houses in a single building; city swimming pools; city jails; city fire stations, together with firefighting equipment or apparatus; city parks; city cemeteries; city medical buildings, together with furnishings and equipment; or city hospitals. The city shall not be authorized to levy the tax or to establish the sinking fund as provided in this division if, having bonded indebtedness, such city has been in default in the payment of interest thereon or principal thereof for a period of 10 years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in division (C).

(Neb. RS 19-1302)

(C) Before any sinking fund or funds are established or before any annual tax is levied for any such planned city improvements mentioned in division (B) by the city, the City Council shall declare its purpose by resolution to submit to the qualified electors of the city at the next general city election the proposition to provide the city with the specific city improvement planned under this section. The resolution of submission shall, among other things, set forth a clear description of the improvement planned, the estimated cost according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding 10 years, required to provide such cost, and the specific name or designation for the sinking fund sought to be established to carry out the planned improvement, together with a statement of the proposition for placement upon the ballot at the election. Notice of the submission of the proposition, together with a copy of the official ballot containing the proposition,

shall be published in its entirety 3 successive weeks before the day of the election in a legal newspaper in or of general circulation in the city or, if no legal newspaper is in or of general circulation in the city, in a legal newspaper in or of general circulation in the county in which the city is located. No such sinking fund shall be established unless the same has been authorized by a majority or more of the legal votes of the city cast for or against the proposition. If less than a majority of the legal votes favor the establishment of the sinking fund, the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund or sinking funds shall be established in connection therewith, but such resolution of submission shall immediately be repealed. If the proposition shall carry at such election in the manner prescribed in this division, the City Council and its successors in office shall proceed to do all things authorized under such resolution of submission but never inconsistent with this section. The election provided for under this section shall be conducted as provided under the Election Act.

(Neb. RS 19-1303)

(D) All funds received by the City Treasurer, by donation or by tax levy, as hereinbefore provided, shall, as they accumulate, be immediately invested by the Treasurer, with the written approval of the City Council, in the manner provided in Neb. RS 17-540. Whenever investments of such sinking fund or funds are made, as aforesaid, the nature and character of the same shall be reported to the City Council, and the investment report shall be made a matter of record by the City Clerk in the proceedings of the City Council. The sinking fund, or sinking funds, accumulated under the provisions of this section, shall constitute a special fund, or funds, for the purpose or purposes for which the same was authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the city voting at a general election favoring such change in the use of the sinking fund or sinking funds. The question of the change in the use of the sinking fund or sinking funds, when it fails to carry, shall not be resubmitted in substance for a period of 1 year from and after the date of such election.

(Neb. RS 19-1304)

**Statutory reference:**

*Additional levy limitations, see Neb. RS 17-702*

*Investment in warrants, see Neb. RS 77-2337*

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1033**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PROPERTY TAX REQUEST; HEARING NOTICES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-822 PROPERTY TAX REQUEST; PROCEDURE; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 1, Article 8, Section 1-822 of the Springfield Municipal Code is amended to read as follows:

**§1-822 FISCAL MANAGEMENT; PROPERTY TAX REQUEST; PROCEDURE FOR SETTING.**

(A) If the annual assessment of property would result in an increase in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the city property tax request for the current year shall be no more than its property tax request in the prior year, and the city rate of levy for the current year shall be decreased accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section.

(B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the city property tax request for the current year shall be no more than its property tax request in the prior year, and the city rate of levy for the current year shall be adjusted accordingly when such rate is set by the county board of equalization pursuant to Neb. RS 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section.

(C) The resolution or ordinance required under this section shall only be passed after a special public hearing called for the purpose is held and after notice is published in a newspaper of general circulation in the area of the city at least 4 calendar days prior to the hearing. For purposes of such notice, the 4 calendar days shall include the day of publication but not the day of hearing.

(D) The hearing notice shall contain the following information:

(1) The certified taxable valuation under Neb. RS 13-509 for the prior year, the certified taxable valuation under Neb. RS 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year;

(2) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(3) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation;

(4) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request;

(5) The percentage increase or decrease in the property tax rate from the prior year to the current year; and

(6) The percentage increase or decrease in the total operating budget from the prior year to the current year.

(E) Any resolution or ordinance setting a city's property tax request at an amount that exceeds the city's property tax request in the prior year shall include, but not be limited to, the following information:

(1) The name of the city (City of Springfield, Nebraska);

(2) The amount of the property tax request;

(3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value by \_\_\_ percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$\_\_\_ per \$100 of assessed value;

(c) The City of Springfield, Nebraska proposes to adopt a property tax request that will cause its tax rate to be \$\_\_\_ per \$100 of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Springfield, Nebraska will exceed last year's by \_\_\_ percent; and

(4) The record vote of the City Council in passing such resolution or ordinance.

(F) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the County Clerk on or before October 13 of the year for which the tax request is to apply.

(G) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.  
(Neb. RS 77-1601.02)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1034**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PUBLIC INDECENCY; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-338 PUBLIC INDECENCY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 6, Article 3, Section 6-338 of the Springfield Municipal Code is adopted to read as follows:

**§6-338 MISDEMEANORS; PUBLIC INDECENCY.**

(A) A person, 18 years of age or over, commits the offense of public indecency if such person performs or procures, or assists any other person to perform, in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

(1) An act of sexual penetration as defined in Neb. RS 28-318;

(2) An exposure of the genitals of the body done with intent to affront or alarm any person;  
or

(3) A lewd fondling or caressing of the body of another person of the same or opposite sex.

(B) It shall not be a violation of this section for an individual to breast-feed a child in a public place. (Neb. RS 28-806)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1035**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO GAMBLING; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-339 GAMBLING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 6, Article 3, Section 6-339 of the Springfield Municipal Code is adopted to read as follows:

**§6-339 MISDEMEANORS; GAMBLING.**

(A) For the purpose of this section, the definitions found in Neb. RS 28-1101 shall be used.

(B) A person commits the offense of promoting gambling if he or she knowingly:

(1) Advances or profits from any unlawful gambling activity by:

(a) Engaging in bookmaking;

(b) Receiving, in connection with any unlawful gambling scheme or enterprise, any amount of money played in the scheme or enterprise in any 1 day; or

(c) Betting something of value in an amount of \$500 or more with one or more persons in one day; or

(Neb. RS 28-1102 and 28-1103)

(2) Participates in unlawful gambling as a player by betting less than \$500 in any one day.

(Neb. RS 28-1104)

(C) (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.

(2) The owner or operator of a retail establishment who is not a manufacturer, distributor, or seller of mechanical amusement devices as defined under the Mechanical Amusement Device Tax Act, shall have an affirmative defense to possession of a gambling device described in division (C)(1) of this section if the device bears an unexpired mechanical amusement device decal as required by such Act. However, such affirmative defense may be overcome if the owner or operator had actual knowledge that operation of the device constituted unlawful gambling activity at any time such device was operated on the premises of the retail establishment.

(3) Notwithstanding any other provisions of this division, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, is hereby declared to be illegal.

(Neb. RS 28-1107)

(D) In any prosecution under this section, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity.

(Neb. RS 28-1108)

(E) Proof of possession of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character.

(Neb. RS 28-1109)

(F) It shall be no defense to a prosecution under any provision of this section relating to gambling that the gambling is conducted outside this city and is not in violation of the laws of the jurisdiction in which it is conducted.

(Neb. RS 28-1110)

(G) In addition to any other penalty, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in Neb. RS 28-833 or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to Neb. RS 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of this section.

(Neb. RS 28-1111)

(H) In any prosecution for an offense defined in this section, when the defendant's status as a player constitutes an excusing condition, the fact that the defendant was a player shall constitute an affirmative defense.

(Neb. RS 28-1112)

(I) Nothing in this section shall be construed to:

(1) Apply to or prohibit wagering on the results of horseraces by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horserace meetings; or

(2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or Neb. RS 9-701.

(Neb. RS 28-1113)

(J) In any prosecution under this section in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.

(Neb. RS 28-1117)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1036**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO SALE OF TOBACCO AND CIGARETTES; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-340 MISREPRESENTATION BY PERSON UNDER THE AGE OF 19 TO OBTAIN TOBACCO; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 6, Article 3, Section 6-340 of the Springfield Municipal Code is adopted to read as follows:

**§6-340 MISDEMEANORS; MISREPRESENTATION BY PERSON UNDER THE AGE OF 19 TO OBTAIN TOBACCO.**

Any person under the age of 19 years who obtains cigars, tobacco, cigarettes, or cigarette material, electronic nicotine delivery systems, or alternative nicotine products from a licensee hereunder by representing that he or she is of the age of 19 years or over, is guilty of an offense.  
(Neb. RS 28-1427)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1037**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO SALE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO BUY; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-341 SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 19; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 6, Article 3, Section 6-341 of the Springfield Municipal Code of Ordinances is adopted to read as follows:

**§6-341 MISDEMEANORS; SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 19.**

Whoever shall sell, give, or furnish in any way any tobacco in any form whatever, or any cigarettes or cigarette paper, electronic nicotine delivery systems, or alternative nicotine products, to any person under 19 years of age is guilty of an offense.  
(Neb. RS 28-1419)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1038**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO USE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO USE; TO ADOPT SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS; SECTION 6-342 USE OF TOBACCO BY PERSONS UNDER THE AGE OF 19; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 6, Article 3, Section 6-342 of the Springfield Municipal Code is adopted to read as follows:

#### **§6-342 MISDEMEANORS; USE OF TOBACCO BY PERSONS UNDER THE AGE OF 19.**

Whoever, being a person under the age of 19 years, shall smoke cigarettes or cigars, use electronic nicotine delivery systems or alternative nicotine products, or use tobacco in any form whatever in this city, shall be guilty of an offense. Any person charged with a violation of this section may be free from prosecution if he or she furnishes evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, electronic nicotine delivery systems, alternative nicotine products, or tobacco.  
(Neb. RS 28-1418)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1039**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO INTOXICATED PERSONS; TO AMEND CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-124 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 10, Article 1, Section 10-124 of the Springfield Municipal Code is amended to read as follows:

**§10-124 ALCOHOLIC BEVERAGES; REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY.**

(A) Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take the intoxicated person to his or her home or to place the person in any hospital, clinic, or mental health substance use treatment center, or with a medical doctor as may be necessary to preserve life or to prevent injury. The effort at placement shall be deemed reasonable if the officer contacts such facilities or doctor which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If these efforts are unsuccessful or are not feasible, the officer may then place the intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than 24 hours.

(B) The placement of the person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to the person designated by the person taken into civil protective custody.

(C) The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for these actions.

(D) The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(E) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***MENTAL HEALTH SUBSTANCE USE TREATMENT CENTER.*** Has the same meaning as in Neb. RS 71-423.

**PUBLIC PROPERTY.** Any public right-of-way, street, highway, alley, park, or other state, county, or city-owned property.

**QUASI-PUBLIC PROPERTY.** Private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.  
(Neb. RS 53-1,121)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1040**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-903 LICENSE TO SELL; ISSUANCE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 10, Article 9, Section 10-903 of the Springfield Municipal Code is amended to read as follows:

**§10-903 TOBACCO; LICENSE TO SELL; ISSUANCE.**

Licenses for the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material to persons 19 years of age or over shall be issued to individuals, partnerships, limited liability companies, and corporations by the City Clerk upon application duly made as provided in Neb. RS 28-1422.

(Neb. RS 28-1421)

***Statutory reference:***

*Licenses required, see Neb. RS 28-1420*

*Prohibited sales, see Neb. RS 28-1421*

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1041**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-905 LICENSE TERM; FEES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 10, Article 9, Section 10-905 of the Springfield Municipal Code is amended to read as follows:

**§10-905 TOBACCO; LICENSE TERM; FEES.**

(A) The term for which a license shall run shall be from the date of filing the application and paying the license fee to and including December 31 of the calendar year in which application for the license is made.

(B) The license fee for any person, partnership, limited liability company, or corporation selling at retail shall be \$10.

(C) Any person, partnership, limited liability company, or corporation selling annually in the aggregate more than 150,000 cigars, packages of cigarettes, electronic nicotine delivery system, and packages of tobacco in any form, at wholesale, shall pay a license fee of \$100, and if such combined annual sales amount to less than 150,000 cigars, packages of cigarettes, electronic nicotine delivery system, and packages of tobacco, the annual license fee shall be \$15. No wholesaler's license shall be issued in any year on a less basis than \$100 per annum unless the applicant shall file with the application a statement duly sworn to by himself or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, electronic nicotine delivery system, and packages of tobacco in every form have not exceeded in the aggregate 150,000 annually and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of an offense, and such wholesaler's license shall be revoked until the full license fee is paid.

(D) If application for license is made after July 1 of any calendar year, the fee shall be ½ of the fee provided in this section.  
(Neb. RS 28-1423)

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1042**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; TO AMEND SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO, SECTION 10-906 RIGHTS OF LICENSEE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 10, Article 9, Section 10-906 of the Springfield Municipal Code is amended to read as follows:

#### **§10-906 TOBACCO; RIGHTS OF LICENSEE.**

(A) The license provided for in Neb. RS 28-1421 and Neb. RS 28-1422 shall, when issued, authorize the sale of cigars, tobacco, electronic nicotine delivery systems, cigarettes, and cigarette material by the licensee and employees, to persons 19 years of age or over, at the place of business described in the license for the term therein authorized, unless the license is forfeited as a result of court action as provided in Neb. RS 28-1425.

(Neb. RS 28-1424)

(B) If the license is revoked and forfeited pursuant to Neb. RS 28-1425, all rights under the license shall at once cease and terminate.

(Neb. RS 28-1425)

#### ***Statutory reference:***

*Sale to person under 19 prohibited; penalties, see Neb. RS 28-1425*

Section 2. Any other ordinance or code 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 21<sup>st</sup> day of July, 2020.

Robert Roseland, Mayor  
(SEAL)  
Kathleen Gottsch, City Clerk

## **Department Reports**

**Agenda Item 1.** Swenson reported that Olsson prepared an updated memo regarding the city's available sewer capacity.

**Agenda Item 2.** Herzog reported the library is still offering curbside pickup and is now open for business services.

**Agenda Item 3.** Murtha reported that the street department has completed a couple of street repairs. Maystrick is coordinating work with Travis Moore Construction. Maystrick is also obtaining quotes for skid steer attachments. Herzog expressed concern regarding street closure signs and barricade placements for street repair projects. He said residents are concerned with vehicles driving through their yards in areas where there is not enough room for passage. Craney suggested signs saying "closed to thru traffic" be used instead of road closed and to close off the entire street width of the pour area if need be.

**Agenda Item 4.** Craney reported that the new trees along the trail look nice. The fairgrounds has a few low hanging limbs over the trail that need to be cut. Staff will contact the fair representative regarding the tree limbs.

**Agenda Item 5.** Mayor Roseland reported that he will be attending the sewer agency meeting on July 22.

**Agenda Item 6.** Council briefly discussed the process for implementing wage increases for the Mayor and City Council.

## **Adjournment**

Motion by Swenson, seconded by Craney, to adjourn. AYES: Swenson, Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 7:31 p.m. Motion carried.

I, the undersigned, City Clerk for the City of Springfield, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on July 27, 2020; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kathleen Gottsch  
City Clerk