



## **CITY COUNCIL AGENDA**

Tuesday, December 7, 2021 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
- 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 November 16, 2021 Council Meeting
2. Approve Claims and Payroll
3. Approve **Resolution 2021-31** appointing city officials
4. Approve the regular City Council meeting calendar for 2022
5. Appoint Members of the Springfield Planning Commission – Susan Peplow, Elizabeth Chartier, Kyle Fisher
6. Appoint Members of the Springfield Board of Adjustment – Julie Nolte, Jerry Webster
7. Appoint Members of the Springfield Tree Board – Joe Kreifels (2 year appointment), Kathleen Pratt (2 year appointment), Faith Hutton (1 year appointment), Cinda Craney (1 year appointment), Kent Maystrick (2 year appointment)
8. Appoint Council liaisons for each department – Mike Neitzel-Sewer, Michael Herzog-Community Building/Library, Dan Craney-Streets, Kacie Murtha- Water/Parks

## REGULAR AGENDA

1. Appoint City Council President
2. Appoint Members of the Springfield Board of Health – Mayor Bob Roseland, Council President, Lt. Mike Erhart, Jeff Kreifels
3. Sarpy County Sheriff’s Monthly Service Report
4. Justin and Laura Huscroft, owners of 13248 Birchwood Plaza/Lot 5 Prairie Toehold, and David and Matt Mangelsen, developers of Prairie Toehold – Discuss elimination of 60’ access easement on the south side of Lot 5, Prairie Toehold
5. Consider approval of **Resolution 2021-32** entering into a Maintenance Agreement Renewal with the Nebraska Department of Roads for the period January 1, 2022 to December 31, 2022
6. Consider approval of **Resolution 2021-33** authorizing the Mayor to sign the Year-End Certification of City Street Superintendent Form for 2021
7. **Tabled November 16, 2021.** Consider adding internet service at City Park and Buffalo Park ball fields
8. Consider approval of the following **Ordinance Nos. 1080 thru 1098** as they are part of the 2020 legislative update:
  - a. Ordinance No. 1080 Adopt §1-724 Elections; Exit Polls; Poll Watchers
  - b. Ordinance No. 1081 Adopt §1-827 Fiscal Management; Debt Collection; Authority to Contract with Collection Agency
  - c. Ordinance No. 1082 Amend §1-203 Appointed Officials; City Clerk
  - d. Ordinance No. 1083 Amend §1-204 Appointed Officials; City Treasurer
  - e. Ordinance No. 1084 Amend §1-501 Meetings; Open to Public; Notice; Agenda; Minutes
  - f. Ordinance No. 1085 Amend §1-502 Meetings; Regular Meetings; Special Meetings; When; Quorum; Votes
  - g. Ordinance No. 1086 Amend §1-704 Elections; Special
  - h. Ordinance No. 1087 Amend §1-714 Elections; Recall Procedure
  - i. Ordinance No. 1088 Amend §1-803 Fiscal Management; Proposed Budget Statement; Hearing; Adoption; Cert of Tax Amount
  - j. Ordinance No. 1089 Amend §2-202 Planning Commission
  - k. Ordinance No. 1090 Amend §3-802 Utilities; Discontinuance of Service; Notice Procedure
  - l. Ordinance No. 1091 Amend §6-334 Misdemeanors; Use of Tobacco by Persons Under 21
  - m. Ordinance No. 1092 Amend §6-335 Misdemeanors; Sale of Tobacco to Persons Under Age of 21
  - n. Ordinance No. 1093 Amend §6-336 Misdemeanors; Tobacco Misrepresentation
  - o. Ordinance No. 1094 Amend §10-106 Alcoholic Beverages; Licensee Requirements
  - p. Ordinance No. 1095 Amend §10-109 Alcohol License Powers
  - q. Ordinance No. 1096 Amend §10-125 Alcoholic Beverages; Licensed Premises; Inspections

- r. Ordinance No. 1097 Amend §10-903 Tobacco; License to Sell; Issuance
  - s. Ordinance No. 1098 Amend §10-906 Tobacco; Rights of Licensee
9. Consider proposal from ArchiveSocial for social media archiving

**DEPARTMENT REPORTS**

- 1. Sewer Department – Mike Neitzel
- 2. Library & Community Building – Michael Herzog
- 3. Water & Parks Department – Kacie Murtha
- 4. Street 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, December 7, 2021, at City Hall. Present were Mayor Bob Roseland; Council Members: Mike Neitzel, 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 Neitzel, to approve the Consent Agenda. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

Claims and Payroll:

Check #	Account ID	Account Description	Debit Amount	Name
<b>General</b>				
45115	6084-10-10	Aflac-Gen	140.68	Aflac
45183	6084-10-10	Aflac-Gen	13.70	Ameritas Life Insurance Corp.

45118	9010-10-10	Office Equipment-Gen	2,239.13	ArchiveSocial
45121	7260-10-10	Printing-Gen	254.18	Bear Graphics
45085	6080-10-10	Health Insurance-Gen	2,540.78	BlueCross BlueShield
45126	7045-10-10	Prof Svcs-Tech Support-Gen	1,366.50	Core Technologies
45126	9010-10-10	Office Equipment-Gen	8,974.54	Core Technologies
45136	7250-10-10	Publication Costs-Gen	111.51	DCI Media
45086	6080-10-10	Health Insurance-Gen	134.00	Delta Dental
45130	8010-10-10	Office Supplies-Gen	107.98	Eakes Office Solutions
45131	7480-10-10	Janitorial-Gen	200.00	Executive Janitorial Corporation
45172	7205-10-10	Subscriptions-Gen	2,290.00	FES LLC
45133	7330-10-10	Telephone-Gen	149.45	First National Bank
45133	7205-10-10	Subscriptions-Gen	5.00	First National Bank
45133	7045-10-10	Prof Svcs-Tech Support-Gen	16.03	First National Bank
45134	8140-10-10	R&M Equipment-Gen	126.29	Five Points Bank
45137	7200-10-10	Dues-Gen	800.00	Grow Sarpy
45140	7030-10-10	Prof Svcs-Planning-Gen	2,110.00	JEO Consulting Group
45143	8010-10-10	Office Supplies-Gen	29.51	Ledenbach, Andrea
45145	8130-10-10	R&M Building-Gen	72.96	Menards
45150	7320-10-10	Natural Gas-General	84.83	MUD
45159	9010-10-10	Office Equipment-Gen	59.99	Office Depot
45159	8030-10-10	Supplies-Gen	87.96	Office Depot
45160	7010-10-10	Prof Svcs-Engineer-Gen	218.29	Olsson
45162	7310-10-10	Electricity-Gen	245.63	OPPD
45087	6080-10-10	Health Insurance-Gen	123.44	Principal Financial
45166	7046-10-10	Prof Svcs-Building Inspector	3,204.99	Sarpy County Building Inspector
45167	7050-10-10	Law Contract-Gen	9,771.00	Sarpy County Treasurer
45169	7020-10-10	Prof Svcs-Legal-Gen	1,270.50	Seidler & Seidler
45174	7455-10-10	Internet-Gen	97.97	Spectrum
45175	8030-10-10	Supplies-Gen	12.38	Springfield Ace Hardware
45176	8160-10-10	R&M Grounds-Gen	116.00	The Rock Place II
45180	7280-10-10	Laundry-Gen	127.72	Walkers Uniform Rental
<b>Total</b>			<b>37,102.94</b>	
<b>Sales Tax</b>				
45143	9089-15-10	Community Events-Sales Tax	201.62	Andrea Ledenbach
45122	9089-15-10	Community Events-Sales Tax	4,320.00	Brite Ideas Decorating
45138	9089-15-10	Community Events-Sales Tax	662.40	Home Depot
45164	9089-15-10	Community Events-Sales Tax	300.00	Party Pals of Omaha
45175	9089-15-10	Community Events-Sales Tax	16.00	Springfield Ace Hardware
<b>Total</b>			<b>5,500.02</b>	
<b>Library</b>				
45116	8060-20-10	Books/Videos/Maps-Lib	583.12	Amazon/SYNCB
45183	6084-20-10	Aflac-Lib	26.90	Ameritas Life Insurance
45120	8060-20-10	Books/Videos/Maps-Lib	99.74	Baker & Taylor
45085	6080-20-10	Health Insurance-Lib	1,550.49	BlueCross BlueShield
45086	6080-20-10	Health Insurance-Lib	67.50	Delta Dental
45128	8060-20-10	Books/Videos/Maps-Lib	186.56	Diamond Lake Books
45132	8130-20-10	R&M Building-Lib	204.70	Fireguard
45142	8060-20-10	Books/Videos/Maps-Lib	214.45	Knowbuddy

45147	8060-20-10	Books/Videos/Maps-Lib	120.77	MicroMarketing
45148	8060-20-10	Books/Videos/Maps-Lib	75.80	MidAmerica Books
45150	7320-20-10	Natural Gas-Lib	134.26	MUD
45158	7330-20-10	Telephone-Lib	56.54	NT&T
45162	7310-20-10	Electricity-Lib	177.80	OPPD
45087	6080-20-10	Health Insurance-Lib	144.63	Principal Financial
45168	7480-20-10	Janitorial-Lib	50.00	Schmieder, Marcie
45171	8060-20-10	Books/Videos/Maps-Lib	498.72	Smart Apple Media
45175	8130-20-10	R&M Building-Lib	86.96	Springfield Ace Hardware
45163	7340-20-10	Waste Disposal-Lib	20.00	Waste Connections of Nebraska
<b>Total</b>			<b>4,298.94</b>	
<b>Library Restricted</b>				
45116	9010-21-10	Office Equipment Lib Rest	211.49	Amazon/SYNCB
45135	8060-21-10	Books/Videos/Maps-Lib Rest	147.96	Cengage Learning Inc/Gale
45123	8060-21-10	Books/Videos/Maps-Lib Rest	91.68	Center Point Large Print
45125	9140-21-10	Furnishings-Lib Rest	1,460.00	Cornhusker State Industries
45127	8070-21-10	Library Supplies-Lib Rest	80.72	Demco
45134	9010-21-10	Office Equipment Lib Rest	93.51	Five Points Bank
45147	8060-21-10	Books/Videos/Maps-Lib Rest	98.20	MicroMarketing
<b>Total</b>			<b>2,183.56</b>	
<b>Park</b>				
45115	6084-30-10	Aflac-Park	52.52	Aflac
45085	6080-30-10	Health Insurance-Park	1,034.91	BlueCross BlueShield
45086	6080-30-10	Health Insurance-Park	65.90	Delta Dental
45129	7350-30-10	Rental-Park	98.25	Eagle Services
45162	7310-30-10	Electricity-Park	519.17	OPPD
45087	6080-30-10	Health Insurance-Park	31.02	Principal Financial
45173	7290-30-10	Uniform Allowance-Park	90.00	Special Tee's Screenprinting
45175	8030-30-10	Supplies-Park	6.99	Springfield Ace Hardware
45163	7340-30-10	Waste Disposal-Park	116.00	Waste Connections of Nebraska
<b>Total</b>			<b>2,014.76</b>	
<b>Community Building</b>				
45131	7480-40-10	Janitorial-Community Building	230.00	Executive Janitorial Corporation
45150	7320-40-10	Natural Gas-Community Bldg	209.95	Metropolitan Utilities District
45162	7310-40-10	Electricity-Community Bldg	90.18	OPPD
45175	8130-40-10	R&M Building-Community Bldg	11.95	Springfield Ace Hardware
45175	8030-40-10	Supplies-Community Bldg	31.98	Springfield Ace Hardware
45180	7280-40-10	Laundry-Community Bldg	185.81	Walkers Uniform Rental
45163	7340-40-10	Waste Disposal-Community Bldg	44.00	Waste Connections of Nebraska, Inc
<b>Total</b>			<b>803.87</b>	
<b>Water</b>				
45115	6084-50-20	Aflac-Water	29.12	Aflac
45117	9041-50-20	Fire Hydrant	191.14	American Underground Supply
45183	6084-50-20	Aflac-Water	10.25	Ameritas Life Insurance
45085	6080-50-10	Health Insurance-Water	562.45	BlueCross BlueShield

45119	8120-50-20	Fuel-Water	82.75	BRP Investments
45086	6080-50-10	Health Insurance-Water	16.88	Delta Dental
45182	9155-50-20	GIS-Water	675.00	Environmental Systems Research Institute
45139	8140-50-20	R&M Equipment-Water	22,180.50	Hydro Optimization Automation Solutions
45140	9155-50-20	GIS-Water	477.50	JEO Consulting Group
45141	8160-50-20	R&M Grounds-Water	3,700.00	Kildow Construction
45149	7420-50-20	Testing-Water	58.52	Midwest Laboratories
45152	8150-50-20	R&M Vehicle-Water	104.23	Mill Creek Auto Parts
45151	8030-50-20	Supplies-Water	7,873.70	Municipal Supply
45153	7450-50-20	Licenses-Water	345.00	Nebraska Dept of Environment & Energy
45157	7200-50-20	Dues-Water	200.00	Nebraska Rural Water Association
45158	7330-50-20	Telephone-Water	203.77	NT&T
45154	7420-50-20	Testing-Water	36.00	NE Public Health Environmental Lab
45161	7430-50-20	Digger's Hotline-Water	84.66	One Call Concepts
45162	7310-50-20	Electricity-Water	898.03	OPPD
45087	6080-50-10	Health Insurance-Water	35.74	Principal Financial
45114	7040-50-20	Prof Svcs-Other-Water	10.00	Sarpy County Register of Deeds
45144	7260-50-20	Printing-Water	343.48	Storey Kenworthy/Matt Parrott
45178	7330-50-20	Telephone-Water	98.97	Verizon Wireless
<b>Total</b>			<b>38,217.69</b>	
<b>Sewer</b>				
45115	6084-60-30	Aflac-Sewer	55.38	Aflac
45183	6084-60-30	Aflac-Sewer	10.25	Ameritas Life Insurance
45085	6080-60-10	Health Insurance-Sewer	1,330.38	BlueCross BlueShield
45119	8030-60-30	Supplies-Sewer	9.78	BRP Investments
45119	8120-60-30	Fuel-Sewer	163.66	BRP Investments
45086	6080-60-10	Health Insurance-Sewer	67.50	Delta Dental
45182	9155-60-30	GIS-Sewer	675.00	Environmental Systems Research Institut
45140	9155-60-30	GIS-Sewer	477.50	JEO Consulting Group
45149	7420-60-30	Testing-Sewer	485.00	Midwest Laboratories
45155	7200-60-30	Dues -Sewer	120.00	Nebraska State Fire Marshall
45160	7010-60-30	Prof Svcs-Engineer-Sewer	558.79	Olsson
45162	7310-60-30	Electricity-Sewer	2,616.82	OPPD
45087	6080-60-10	Health Insurance-Sewer	79.53	Principal Financial
45173	7290-60-30	Uniforms Allowance-Sewer	155.00	Special Tee's Screenprinting
45175	8130-60-30	R&M Building-Sewer	25.99	Springfield Ace Hardware
45144	7260-60-30	Printing-Sewer	343.47	Storey Kenworthy/Matt Parrott
45179	8140-60-30	R&M Equipment-Sewer	556.00	The Waldinger Corporation
45178	7330-60-30	Telephone-Sewer	12.73	Verizon Wireless
<b>Total</b>			<b>7,742.78</b>	
<b>Street</b>				
45115	6084-70-40	Aflac-Street	26.26	Aflac
45085	6080-70-10	Health Insurance-Street	2,406.90	BlueCross BlueShield
45119	8120-70-40	Fuel-Street	1,409.94	BRP Investments
45156	9040-70-40	Tools & Misc Equip-Street	144.83	Capital One/Northern Tool
45124	8150-70-40	R&M Vehicle-Street	3,529.10	Chad's Auto Repair
45086	6080-70-10	Health Insurance-Street	50.62	Delta Dental
45138	8130-70-40	R&M Building-Street	34.97	Home Depot

45140	9155-70-40	GIS-Street	650.00	JEO Consulting Group
45145	8010-70-40	Office Supplies-Street	2.79	Menards
45146	9040-70-40	Tools & Misc Equip-Street	5.49	Menards
45146	8030-70-40	Supplies-Street	21.22	Menards
45146	8090-70-40	Asphalt & Concrete-Street	53.88	Menards
45145	8030-70-40	Supplies-Street	89.94	Menards
45152	8030-70-40	Supplies-Street	104.23	Mill Creek Auto Parts
45150	7320-70-40	Natural Gas-Street	371.13	MUD
45158	7330-70-40	Telephone-Street	129.30	NT&T
45160	9083-70-40	Main Street Paving	21,474.67	Olsson
45162	7310-70-40	Electricity-Street	2,270.31	OPPD
45165	8140-70-40	R&M Equipment-Street	45.00	Pomp's Tire Service
45087	6080-70-10	Health Insurance-Street	95.96	Principal Financial
45170	8215-70-40	R&M Streets & Alleys-Street	1,764.38	Silex Group
45173	7290-70-40	Uniform Allowance-Street	125.00	Special Tee's Screenprinting
45174	7455-70-40	Internet-Street	107.98	Spectrum
45175	8160-70-40	R&M Grounds-Street	8.59	Springfield Ace Hardware
45175	8030-70-40	Supplies-Street	33.97	Springfield Ace Hardware
45175	9040-70-40	Tools & Misc Equip-Street	103.93	Springfield Ace Hardware
45177	8225-70-40	R&M Street Signs&Posts-Street	30.24	Tractor Supply
45178	7330-70-40	Telephone-Street	12.72	Verizon Wireless
45180	7290-70-40	Uniform Allowance-Street	17.68	Walkers Uniform Rental
45163	7340-70-40	Waste Disposal-Street	44.00	Waste Connections of Nebraska
<b>Total</b>			<b>35,165.03</b>	
		Water Deposit Refunds	645.88	
		Payroll	53,195.71	
		VOYA Retirement ER	3,897.42	
		Medical Reimbursement	3,390.39	

**RESOLUTION  
2021-31**

**Appoint City Officials**

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

that the Mayor of the City of Springfield, Nebraska, with the consent of the City Council, appoints the following persons to act as the municipal city clerk/treasurer, the municipal engineer, the municipal attorney, the municipal street commissioner, the municipal street superintendent, the municipal maintenance superintendents, the municipal fiscal agent, the municipal auditor, the municipal building inspector, and the municipal electrical inspector, who shall hold their offices for one (1) year unless sooner removed by the Mayor with approval of the City Council as per Springfield Municipal Code.

1. Clerk/Treasurer: Kathleen R. Gottsch
2. Municipal Engineer: Olsson
3. Municipal Attorney: William E. Seidler, Jr.
4. Municipal Street Commissioner: Kent Maystrick
5. Municipal Street Superintendent: Justin Stark, Olsson, License No. 1534, Class A, By Contract
6. Municipal Maintenance Superintendent: Heath Shemek (Water & Sewer)

7. Municipal Fiscal Agents: Ameritas, Piper Sandler & Co.
8. Municipal Auditor: Ric Ortmeier, CPA
9. Municipal Building Inspector: Sarpy County Building Department
10. Municipal Electrical Inspector: Sarpy County Building Department

Introduced and Passed this 7<sup>th</sup> day of December, 2021.

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

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

### **Regular Agenda**

**Agenda Item 1.** Motion by Herzog, seconded by Neitzel, to appoint Dan Craney as City Council President. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 2.** Motion by Herzog, seconded by Neitzel, to appoint Mayor Bob Roseland, Council President Dan Craney, Lt. Mike Erhart, and Jeff Kreifels to the Springfield Board of Health. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 3.** Lt. Core presented the Sarpy County Sheriff's Monthly Service Report. He said the department enjoyed participating in the holiday lights parade and said the event was great. He reported that the sheriff's department is moving people around, so we will see new faces.

**Agenda Item 4.** Laura and Justin Huscroft, owners of 13248 Birchwood Plaza (Lot 5, Prairie Toehold), requested the Council consider eliminating the 60' access easement on the south side of their property. Laura provided a copy of the subdivision access easement. She noted that five of the eight lots have been built upon. She said they didn't realize what the access easement was when they purchased the property. She went on to say that they did not get a discount on the lot when they purchased it; in fact, they paid more than Lot 6. Huscroft reported that they applied for a variance to the Board of Adjustment, but it was denied. She said that the road does not exist today and doesn't feel it is necessary. She said it provides unnecessary constraints on them. Kathleen Gottsch, City Administrator, reported that the developer is required to install roads for all access easements, per the signed subdivision agreement, so the road should be built. Huscroft said that the easement reduces their buildable area by 60%. There are two other streets in the subdivision that would serve future adjacent development. Mayor Roseland and Herzog said they remember discussions about the access easements for this development. They said the easement on the south was necessary for proper circulation specifically for fire trucks and tankers should there be a fire on one of the buildings in the development. Since there are no fire hydrants on site, tankers must be utilized for large fires. Trucks and tankers need



to circulate through the subdivision so they can rotate in and out properly. Huscroft said that the fire department could just use their driveway; however, Herzog and Roseland explained that they would need connection to the other roads in the subdivision. Huscroft asked if they could utilize the neighbor's driveway to the south of their home. Council noted that this property is not part of the Prairie Toehold Subdivision. Neitzel expressed concern with property owners changing in the future and allowance to use the driveway could change too. Council noted that access and utility easements are necessary for future development of adjacent properties or for further subdivision of the existing development. Council also acknowledged that Sarpy County required the city to limit multiple driveways or access points onto 132<sup>nd</sup> Street. David Mangelsen, developer, explained that he did the development so his three children could build on the property. He would like to come up with a scenario in which everyone wins. Murtha inquired about decreasing the access easement from 60' to 30' as a compromise. Huscroft said it still wouldn't help because of the front yard setback requirement. Gottsch asked Huscroft's and the Council if they would consider (1) decreasing the access easement to 30', (2) retaining a 60' utility easement and (3) connecting the outbuilding to the home which would then decrease the setbacks since single-family dwellings require less of a front yard setback than accessory structures. Council and Huscrofts seemed favorable and interested in this compromise. Huscrofts will investigate to see if this would work for them. No action taken.

**Agenda Item 5.** Council Member Herzog introduced the following resolution and moved its adoption. Council Member Murtha seconded the motion for the adoption of the resolution and on roll call the following Council Members voted in favor of said motion: Neitzel, Herzog, Murtha. The following voted against the same: Craney. The Mayor declared the motion carried and the resolution adopted. A true, correct, and complete copy of said resolution is as follows:

**RESOLUTION  
2021-32**

**Nebraska Department of Transportation Maintenance Agreement Renewal**

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

WHEREAS, the City of Springfield, Nebraska, a Municipal Corporation, and the State of Nebraska Department of Roads, wish to enter into Maintenance Agreement No. 120 Renewal for the purpose of performing surface maintenance and snow removal along Highway 50 lane miles within the Corporate Limits of the City of Springfield; and

WHEREAS, the Agreement shall be for the period January 1, 2022, thru December 31, 2022; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Mayor is authorized to enter into Maintenance Agreement No. 120 Renewal attached hereto as Exhibit "A".

Introduced and Passed this 7<sup>th</sup> day of December, 2021.

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

Record of Vote:

Ayes: Neitzel, Herzog, Murtha

Nays: Craney

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 6.** Council Member Herzog introduced the following resolution and moved its adoption. Council Member Murtha seconded the motion for the adoption of the resolution and on roll call the following Council Members voted in favor of said motion: Neitzel, Herzog, Murtha, Craney. The following voted against the same: None. The Mayor declared the motion carried and the resolution adopted. A true, correct, and complete copy of said resolution is as follows:

**RESOLUTION  
2021-33**

**Signing of the Year-End Certification of City Street Superintendent 2021**

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

WHEREAS, State of Nebraska Statutes, sections 39-2302, and 39-2511 through 39-2515 details the requirements that must be met in order for a municipality to qualify for an annual Incentive Payment; and

WHEREAS, the State of Nebraska Department of Transportation (NDOT) requires that each incorporated municipality must annually certify (by December 31<sup>st</sup> of each year) the appointment of the City Street Superintendent(s) to the NDOT using the Year-End Certification of City Street Superintendent form; and

WHEREAS, the NDOT requires that each certification shall also include a copy of the documentation of the city street superintendent's appointment, i.e., meeting minutes; showing the appoint of the City Street Superintendent by their name as it appears on their License (if applicable), their License Number (if applicable), and Class of License (if applicable), and type of appointment, i.e., employed, contract (consultant, or interlocal agreement with another incorporated municipality and/or county), and the beginning date of the appointment; and

WHEREAS, the NDOT also requires that such Year-End Certification of City Street Superintendent form shall be signed by the Mayor or Village Board Chairperson and shall include a copy a resolution of the governing body authorizing the signing of the Year-End Certification of City Street Superintendent form by the Mayor or Village Board Chairperson.

NOW, THEREFORE, BE IT RESOLVED by that the Mayor of the City of Springfield is hereby authorized to sign the attached Year-End Certification of City Street Superintendent completed form(s).

Adopted this 7<sup>th</sup> day of December, 2021, at Springfield, Nebraska.

City Council Member Herzog moved the adoption of said resolution.

City Council Member Murtha seconded the motion.

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 7.** Council discussed adding internet service at City Park and Buffalo Park ball fields. Mayor Roseland said he spoke with the school's IT director and will provide him with a copy of the quote. Neitzel said he is not supportive of the project. No action taken.

**Agenda Item 8.** Council Member Murtha introduced Ordinance Nos. 1080 thru 1098 as they are part of the 2020 legislative update and moved that the statutory rule requiring readings on three different days be suspended. Council Member Herzog seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Neitzel, 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 ordinances. Said ordinances were then read by title and thereafter Council Member Murtha moved for final passage of the ordinance, which motion was seconded by Council Member Neitzel. The Mayor then stated the question "Shall Ordinance Nos. 1080 thru 1098 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Herzog, Neitzel, Murtha, Craney. 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 to be published or posted as required by law and as provided therein. True, correct and complete copies of said ordinances are as follows:

#### **ORDINANCE NO. 1080**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO REQUIREMENTS FOR POLL WATCHERS; ADOPTING A NEW SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-724 ELECTIONS; EXIT POLLS; POLL WATCHERS; 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 1-724 of the Springfield Municipal Code is adopted to read as follows:

#### **§1-724 ELECTIONS; EXIT POLLS; POLL WATCHERS.**

(A) No person shall conduct an exit poll, a public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty (20) feet of the entrance of

any polling place or, if inside the polling place or building, within one-hundred (100) feet of any voting booth.

(B) (1) No poll watcher shall interfere with any voter in the preparation or casting of such voter's ballot or prevent any election worker from performing the worker's duties.

(2) A poll watcher shall not provide assistance to a voter as described in Neb. RS 32-918 unless selected by the voter to provide assistance as provided in Neb. RS 32-918.

(3) A poll watcher shall not engage in electioneering as defined in Neb. RS 32-1524 while engaged in observing at a polling place.

(4) A poll watcher shall maintain a distance of at least eight (8) feet from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast, except that if the polling place is not large enough for a distance of eight (8) feet, the judge of election shall post a notice of the minimum distance the poll watcher must maintain from the sign-in table, the sign-in register, the polling booths, the ballot box, and any ballots which have not been cast. The posted notice shall be clearly visible to the voters and shall be posted prior to the opening of the polls on election day. The minimum distance shall not be determined to exclude a poll watcher from being in the polling place.

(Neb. RS 32-1525) Penalty, see § 10.99

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 7<sup>th</sup> day of December, 2021.

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

#### **ORDINANCE NO. 1081**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE COLLECTION AGENCY ACT; ADOPTING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-827 FISCAL MANAGEMENT; DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY; 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 1-827 of the Springfield Municipal Code is adopted to read as follows:

**§1-827 FISCAL MANAGEMENT; DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY.**

(A) The city may contract to retain a collection agency licensed pursuant to the Collection Agency Act, Neb. Rev. Stat. §46-601 et. seq., within or without this state, for the purpose of collecting public debts owed by any person to the city.

(B) No debt owed pursuant to division (A) of this section may be assigned to a collection agency unless:

(1) There has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last known address of the debtor:

(a) Of the existence of the debt; and

(b) That the debt may be assigned to a collection agency for collection if the debt is not paid; and

(2) At least thirty (30) days have elapsed from the time the notice was sent.

(C) A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

(D) For purposes of this section, debt shall include all delinquent fees or payments except delinquent property taxes on real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be twenty-five dollars (\$25) or four and one-half percent (4.5%) of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. RS 45-623)

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1082**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE CITY CLERK; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 2 APPOINTED OFFICIALS, SECTION 1-203 APPOINTED OFFICIALS; CITY CLERK; 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 2, Section 1-203 of the Springfield Municipal Code is amended to read as follows:

**§1-203 APPOINTED OFFICIALS; CITY CLERK.**

(A) The City Clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the City Council. After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the Clerk may transfer the journal of the proceedings of the City Council to the State Archives of the Nebraska State Historical Society for permanent preservation. The Clerk shall also perform such other duties as may be required by the ordinances of the city. If the Clerk is acting as the Treasurer, he or she shall also comply with the requirements of § 31.05(A)(3).

(Neb. RS 17-605)

(B) (1) It shall be the duty of the Clerk to prepare and publish the official proceedings of the City Council within thirty (30) days after any meeting of the Council. The publication shall be in a newspaper of general circulation in the city, shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in Neb. RS 23-122.

(Neb. RS 19-1102)

(2) Publication under division (B)(1) shall be made in one legal newspaper of general circulation in the city. If no legal newspaper is published in the city, then the publication shall be made in one legal newspaper published or of general circulation within the county in which the city is located. The cost of publication shall be paid out of the general funds of the city.

(Neb. RS 19-1103)

(C) The Clerk shall dispose of or destroy city public records when the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to Neb. RS 84-1201 through 84-1220, provided the provisions of this division shall not apply to the minutes of the Clerk and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator.

(Neb. RS 18-1701)

(D) (1) The Clerk shall permit any person to examine and copy the public records in the Clerk's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(2) The Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the City Council.

(E) The Clerk shall permit no records, public papers, or other documents of the city kept and preserved in his or her office to be taken therefrom, except by such officers of the city as may be entitled to the use of the same, but only upon their leaving a receipt therefor, and except pursuant to Neb. RS 84-712(2). He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the City Council shall order public work to be done at the

expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

(F) The Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Mayor for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at such officers, employees, or committees. With the seal of the city, he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the City Council.

(G) The Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances. He or she shall collect all occupation taxes and license money, except where some other city officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the city and the purpose for which they have been issued.

(H) The Clerk shall keep in a book with a proper index, copies of all notices required to be published or posted by the Clerk by order of the City Council or under the ordinances of the city. To each of the file copies of the notices shall be attached the printer's affidavit of publication, if the notices are required to be published, or the Clerk's certificate under seal where the same are required to be posted only.

(I) The Clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the city, and in the event that the claim is disallowed in part or in whole, the Clerk shall notify the claimant or his or her agent or attorney by letter within five (5) days after the disallowance, and the Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

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 7<sup>th</sup> day of December, 2021.

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

**ORDINANCE NO. 1083**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE CITY TREASURER; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 2 APPOINTED

OFFICIALS, SECTION 1-204 APPOINTED OFFICIALS; CITY TREASURER; 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 OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 1, Article 2, Section 1-204 of the Springfield Municipal Code is amended to read as follows:

**§1-204 APPOINTED OFFICIALS; TREASURER.**

(A) (1) The City Treasurer shall be the custodian of all money belonging to the (city/village). He or she shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto. He or she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. He or she shall also file copies of such receipts with his or her monthly reports. The Treasurer shall, at the end of every month, and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. He or she shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her, which warrants, with any and all vouchers held by him or her, shall be filed with his or her account in the City Clerk's office. If the Treasurer fails to render his or her account within twenty (20) days after the end of the month, or by a later date established by the City Council, the Mayor may use this failure as cause to remove the Treasurer from office.

(2) The Treasurer shall keep a record of all outstanding bonds against the city, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The Treasurer shall accompany the annual statement submitted pursuant to Neb. RS 19-1101 with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

(3) The Treasurer shall annually complete continuing education through a program approved by the Auditor of Public Accounts, and proof of completion of such program shall be submitted to the Auditor of Public Accounts.  
(Neb. RS 17-606)

(B) (1) The Treasurer shall prepare and publish annually within sixty (60) days after the close of the city fiscal year a statement of the receipts and expenditures of funds of the city for the preceding fiscal year. The statement shall also include the information required by Neb. RS 16-318(3) or Neb. RS 17-606(2). Not more than the legal rate provided for in Neb. RS 33-141 shall be charged and paid for such publication.  
(Neb. RS 19-1101)

(2) Publication shall be made in one legal newspaper of general circulation in the city. If no legal newspaper is published in the city, then such publication shall be made in one legal newspaper published or of general circulation within the county in which the (city/village) is located.  
(Neb. RS 19-1103)

(C) (1) All warrants upon the Treasurer shall be paid in the order of their presentation therefor and as otherwise provided in Neb. RS 77-2201 through 77-2215.  
(Neb. RS 77-2201)



(2) The Treasurer shall keep a warrant register, which register shall show in columns arranged for that purpose the number, the date, and the amount of each warrant presented and registered, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the warrant is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when notice to the person in whose name such warrant is registered is mailed.  
(Neb. RS 77-2202)

(3) The Treasurer shall make duplicate receipts for all sums which shall be paid into his or her office, which receipts shall show the source from which such funds are derived, and shall, by distinct lines and columns, show the amount received to the credit of each separate fund, and whether the same was paid in cash, in warrants, or otherwise. The Treasurer shall deliver one of the duplicates to the person making the payment and retain the other in his or her office.  
(Neb. RS 77-2209)

(4) The Treasurer shall daily, as money is received, foot the several columns of the cash book and of the register, and carry the amounts forward, and at the close of each year, in case the amount of money received by the Treasurer is insufficient to pay the warrants registered, he or she shall close the account for that year in the register and shall carry forward the excess.  
(Neb. RS. 77-2210)

(5) The cash book, register, and retained receipts of the Treasurer shall at all times be open to the inspection of any person in whose name any warrants are registered and unpaid.  
(Neb. RS 77-2212)

(D) The Treasurer shall permit any person to examine and copy the public records in the Treasurer's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(E) The Treasurer shall keep all money belonging to the city separate and distinct from his or her own money. He or she shall cancel all bonds, coupons, warrants, and other evidences of debt against the city, whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He or she shall collect all special taxes, allocate special assessments to the several owners, and obtain from the County Treasurer a monthly report as to the collection of delinquent taxes.

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 7<sup>th</sup> day of December, 2021.

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

**ORDINANCE NO. 1084**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PUBLICIZED NOTICE OF MEETINGS OF A PUBLIC BODY; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 5 MEETINGS, SECTION 1-501 MEETINGS; OPEN TO PUBLIC; NOTICE; AGENDA; MINUTES; 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 2, Section 1-501 of the Springfield Municipal Code is amended to read as follows:

**§1-501 MEETINGS; OPEN TO PUBLIC; NOTICE; AGENDA; MINUTES.**

(A) The formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.  
(Neb. RS 84-1408)

(B) (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting as provided in division (B)(2) of this section. The notice shall be transmitted to all members of the public body and to the public.

(2) The notice shall be published by:

(a) Publication in a newspaper of general circulation within the public body's jurisdiction and, if available, on such newspaper's web site; or

(b) Posting written notice in three (3) conspicuous public places in the city. The notice shall be posted in the same three (3) places for each meeting.

(3) In addition to a method of notice required by division (B)(2) of this section, the notice shall also be provided by any other appropriate method designated by the public body.

(4) Each public body shall record the methods and dates of the notice in its minutes.

(5) The notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, is readily available for public inspection at the office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the city. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. RS 84-1411)

(6) The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Minutes shall be written and available for inspection within ten (10) working days or prior to the next convened meeting, whichever occurs earlier, except that the City may have an additional ten (10) working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote.

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1085**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO ESTABLISHING A QUORUM AT CITY COUNCIL MEETINGS; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 5 MEETINGS, SECTION 1-502 MEETINGS; REGULAR MEETINGS; SPECIAL MEETINGS; WHEN; QUORUM; VOTES; 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 5, Section 1-502 of the Springfield Municipal Code is amended to read as follows:

#### **§1-502 MEETINGS; REGULAR MEETINGS; SPECIAL MEETINGS; WHEN; QUORUM; VOTES.**

(A) (1) The meetings of the City Council shall be held in the meeting place of the Municipality. Regular meetings shall be held on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Tuesday of each month at the hour of 7:00 p.m.

(2) A majority of all the members elected to the Council shall constitute a quorum for the transaction of any business, but a fewer number may adjourn from time to time and compel the attendance of absent members. When the City Council consists of four (4) members as established by ordinance or home rule charter, the Mayor shall be deemed a member of the City Council for purposes of establishing a quorum when the Mayor's presence is necessary to establish the quorum. Unless a

greater vote is required by law, an affirmative vote of at least one-half (½) of the elected members shall be required for the transaction of any business.

(Neb. RS 17-105)

(B) (1) The Mayor or any three (3) Councilmembers shall have power to call special meetings of the City Council, the object of which shall be submitted to the Council in writing; and the call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk.

(Neb. RS 17-106)

(2) On filing the call for a special meeting, the City Clerk shall notify the Mayor and Councilmembers of the special meeting, stating the time and purpose.

(C) Unless otherwise provided by the Council, on the request of any two (2) members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

(D) At the hour appointed for a meeting, the City Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council.

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1086**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO SPECIAL ELECTIONS; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7 ELECTIONS, SECTION 1-704 ELECTIONS; SPECIAL; 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 1-704 of the Springfield Municipal Code is amended to read as follows:

#### **§1-704 ELECTIONS; SPECIAL.**

(A) (1) Except as provided in Neb. RS 77-3444, any issue to be submitted to the registered voters at a special election by the city shall be certified by the City Clerk to the Election Commissioner or County Clerk at least fifty (50) days prior to the election. A special election may be

held by mail as provided in Neb. RS 32-952 through 32-959. Any other special election under this section shall be subject to division (B) of this section.

(2) In lieu of submitting the issue at a special election, the city may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the City Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

(3) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the City Clerk shall be responsible for the publication or posting of any required special notice of the submission of the issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the Election Commissioner or County Clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the City Council. The canvass by the County Canvassing Board shall have the same force and effect as if made by the City Council.

(Neb. RS 32-559)

(B) Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. No special election shall be held under the Election Act in September of an even-numbered year except for a special election by a political subdivision pursuant to Neb. RS 13-519 or Neb. RS 77-3444 to approve a property tax levy or exceed a property tax levy limitation.

(Neb. RS 32-405)

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

### **ORDINANCE NO. 1087**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO RECALL PROCEDURES FOR CITY ELECTIONS; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 7

ELECTIONS, SECTION 1-714 ELECTIONS; 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 2, 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) The Mayor, any member of the City Council, and any other elected official of the city may be removed from office by recall pursuant to this section.

(C) (1) A petition demanding that the question of removing the Mayor, a member of the City Council, or any other elected official be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent (35%) of the total vote cast for that office in the last general election, except that for City Council office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent (35%) of the number of votes cast for the person receiving the most votes for such 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 one (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 official sought to be removed, shall include in concise language of sixty (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 official sought to be removed 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 official's usual place of residence and mailing a copy by first-class mail to the official's last-known address. If the official chooses, he or she may submit a defense statement in concise language of sixty (60) words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within twenty (20) days after the official receives the copy of the filing form. The filing clerk shall prepare the petition papers within five (5) business days after receipt of the defense statement. The principal circulator or circulators shall gather the petition papers within twenty (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 thirty (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 thirty (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 fifteen (15) business 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 official whose removal is sought and the City Council that sufficient signatures have been gathered. Notification of the official sought to be removed 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 official's usual place of residence and mailing a copy by first-class mail to the official's last-known address.

(2) The City Council shall, within twenty-one (21) days after receipt of the notification from the filing clerk pursuant to division (F)(1) of this section, order an election. The date of the election shall be the first available date that complies with Neb. RS 32-405 and that can be certified to the election commissioner or county clerk at least fifty (50) days prior to the election, except that if any other election is to be held in the city within ninety (90) days after such notification, the City Council shall provide for the holding of the recall election on the same day.

(3) All resignations shall be tendered as provided in Neb. RS 32-562. If the official whose removal is sought resigns before the recall election is held, the City Council may cancel the recall election if the City Council notifies the election commissioner or county clerk of the cancellation at least twenty-four (24) days prior to the election, otherwise the recall election shall be held as scheduled.

(4) If the City Council 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 elected official 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 official named on the ballot or the election results in a tie, the official 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 official 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 official 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 one percent (1%) or less between the removal or retention of the official in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the official named on the ballot 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 ( $\frac{1}{2}$ ) or more of the members of the City Council or any other 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 official 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 same 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 official within twelve (12) months after a recall election has failed to remove him or her from office or within six (6) months after the beginning of his or her term of office or within six (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 7<sup>th</sup> day of December, 2021.



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

**ORDINANCE NO. 1088**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO PROPOSED BUDGET STATEMENTS; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 1 ADMINISTRATIVE, ARTICLE 8 FISCAL MANAGEMENT, SECTION 1-803 FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT; 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 1-803 of the Springfield Municipal Code is amended to read as follows:

**§1-803 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT.**

(A) The City Council shall each year or biennial period conduct a public hearing on its proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published four (4) calendar days prior to the date set for hearing in a newspaper of general circulation within the city's jurisdiction. For purposes of such notice, the four (4) calendar days shall include the day of publication but not the day of hearing. When the total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the proposed budget summary may be posted at the City Council's principal headquarters. At such hearing, the governing body shall make at least three (3) copies of the proposed budget statement available to the public and shall make a presentation outlining key provisions of the proposed budget statement, including, but not limited to, a comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body at the hearing and shall be given a reasonable amount of time to do so.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of the hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately the amount to be applied to the payment of principal or interest on bonds issued by the City Council and the amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of the changes shall be published within twenty (20) calendar days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for the changes.

(D) Upon approval by City Council, the budget shall be filed with the Auditor of Public Accounts. The Auditor may review the budget for errors in mathematics, improper accounting, and

noncompliance with the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor detects such errors, he or she shall immediately notify the Council of such errors. The Council shall correct any such error as provided in §35.34. Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or noncompliance for which the Auditor has notified the Council.

(Neb. RS 13-506)

(E) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. RS 13-507)

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1089**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE PLANNING COMMISSION OF THE CITY; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 2 COMMISSIONS AND BOARDS, ARTICLE 2 COMMISSIONS AND BOARDS, SECTION 2-202 COMMISSIONS AND BOARDS; PLANNING COMMISSION; 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 2, Article 2, Section 2-202 of the Springfield Municipal Code is amended to read as follows:

#### **§2-202 PLANNING COMMISSION.**

(A) (1) If the City Council adopts zoning or other regulations pursuant to Neb. RS 19-901 *et seq.*, the Planning Commission shall consist of five (5), seven (7), or nine (9) regular members, as specified by the City Council by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the Mayor by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there are five hundred (500) residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one (1) regular member of the Commission shall be a resident from such area. If it is determined by the City Council that five hundred (500) residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the

appointment of such an individual. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three years, except that one-third (1/3) or fewer of the regular members of the first commission to be so appointed shall serve for terms of one (1) year, one-third (1/3) or fewer for terms of two (2) years, and the remaining members for terms of three (3) years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Council, be removed by the Mayor with the consent of a majority vote of the members elected to the Council for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(2) The Mayor may, with the approval of a majority vote of the elected members of the Council, appoint one (1) alternate member to the Planning Commission. The alternate member shall serve without compensation. The term of the alternate member shall be three (3) years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

(3) A regular or alternate member of the Planning Commission may hold any other municipal office except:

(a) Mayor;

(b) A member of the City Council;

(c) A member of any community redevelopment authority or limited community redevelopment authority created under Neb. RS 18-2102.01; or

(d) A member of any citizen advisory review committee created under Neb. RS 18-2715.  
(Neb. RS 19-926)

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one (1) year, and he or she shall be eligible for reelection. The Commission shall hold at least one (1) regular meeting in each calendar quarter, except as provided in this section. The City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. If no business is pending before the Commission, the Chairperson may cancel a quarterly meeting, but no more than three (3) quarterly meetings may be cancelled per calendar year. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

(Neb. RS 19-927)

(C) No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. The Secretary shall keep the full and correct minutes and records of all meetings and file them with the City Clerk where they shall be available for public inspection during office hours.

(D) The City Council may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

(Neb. RS 19-928)

(E) (1) (a) Except as provided in Neb. RS 19-930 to 19-933, the Planning Commission shall:

(i) Make and adopt plans for the physical development of the city, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such city and including a comprehensive development plan as defined by Neb. RS 19-903;

(ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested city departments; and

(iii) Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.

(b) The City Council shall not take final action on matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission, provided that the Planning Commission shall make its recommendation so that it is received by the City Council within sixty (60) days after the Commission begins consideration of a matter or within such other number of days as the City Council has set by ordinance.

(c) A recommendation from the Planning Commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated, by ordinance, an agent pursuant to Neb. RS 19-916.

(2) (a) The Commission may, with the consent of the City Council, in its own name (i) make and enter into contracts with public or private bodies, (ii) receive contributions, bequests, gifts, or grant funds from public or private sources, (iii) expend the funds appropriated to it by the city, (iv) employ agents and employees, and (v) acquire, hold, and dispose of property.

(b) The Commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the City Council has, through a zoning ordinance or special ordinance, generally authorized the Commission to exercise such powers and has approved the standards and procedures adopted by the Commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the City Council may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The Council may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or Council regarding a conditional use or special exception shall be made to the district court.

(Neb. RS 19-929)

**Cross-reference:**

*Local legislation regarding Planning Commission, see Title XVII*

**Statutory reference:**

*Other provisions on planning commissions, see Neb. RS 19-925 through 19-933*

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1090**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE DISCONTINUANCE OF UTILITY SERVICE OF THE CITY; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 3 DEPARTMENTS, ARTICLE 8 UTILITIES GENERALLY, SECTION 3-802 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE; NOTICE 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 3, Article 8, Section 3-802 of the Springfield Municipal Code is amended to read as follows:

**§3-802 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.**

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

***DOMESTIC SUBSCRIBER.*** Shall not include municipalities, cities, villages, political subdivisions, companies, corporations, partnerships, limited liability companies, or businesses of any nature.

(Neb. RS 70-1602)

(B) No public or private utility company, including any utility owned and operated by the city, furnishing water, natural gas, or electricity at retail in this city shall discontinue service to any domestic subscriber for nonpayment of any past-due account unless the utility company first gives notice to any subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first-class mail, or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. If notice is given by first-class mail or electronic delivery, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven (7) days after notice is sent or given. Holidays and weekends shall be excluded from the seven (7) days. A public or private utility company shall not charge a fee for the discontinuance or reconnection of utility service that exceeds the reasonable costs of providing such service.

(Neb. RS 70-1605)

(C) The notice required by division (A) shall contain the following information:

- (1) The reason for the proposed disconnection;
- (2) A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the utility regarding payment of the bill;
- (3) The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
- (4) The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address an inquiry or complaint;
- (5) The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
- (6) A statement that the utility may not disconnect service pending the conclusion of the conference;
- (7) A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five (5) days of receiving notice under this section, excluding holidays and weekends, and will prevent the disconnection of the utility's service for a period

of at least thirty (30) days from such filing. Only one (1) postponement of disconnection shall be required under this division for each incidence of nonpayment of any past-due account;

(8) The cost that will be borne by the domestic subscriber for restoration of service;

(9) A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

(10) A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

(11) Any additional information not inconsistent with this section which has received prior approval from the City Council or Board of Public Works, in the case of a city utility, or the board of directors or administrative board of any other utility.

(Neb. RS 70-1606)

(D) The utility shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

(Neb. RS 70-1607)

(E) The provisions of Neb. RS 70-1608 through 70-1614 shall apply to disputes over a proposed discontinuance of service.

(F) The procedures adopted for resolving utility bills by the City Council or Board of Public Works for any city utility, one (1) copy of which is on file in the office of the City Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full.

(G) This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. RS 70-1615)

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1091**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO USE OF TOBACCO AND CIGARETTES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-334 MISDEMEANORS; USE OF TOBACCO BY PERSONS UNDER THE AGE OF 21; 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 6-334 of the Springfield Municipal Code is amended to read as follows:

**§6-334 MISDEMEANORS; USE OF TOBACCO BY PERSONS UNDER THE AGE OF 21.**

Whoever, being a person under the age of twenty-one (21) 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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**ORDINANCE NO. 1092**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE SALE OF TOBACCO AND CIGARETTES; CHANGING LEGAL AGE TO BUY; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-335 MISDEMEANORS; SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 21; 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 6-335 of the Springfield Municipal Code is amended to read as follows:

**§6-335 MISDEMEANORS; SALE OF TOBACCO TO PERSONS UNDER THE AGE OF 21.**



(A) Whoever shall sell, give, or furnish in any way any tobacco in any form whatever, or any cigars, cigarettes or cigarette paper, electronic nicotine delivery systems, or alternative nicotine products, to any person under twenty-one (21) years of age is guilty of an offense.

(B) (1) In order to further the public policy of deterring licensees or other persons from violating division (A) if this section, a person who is at least fifteen (15) years of age but under twenty-one (21) years of age may assist a peace officer in determining compliance with such subsection if:

(a) The parent or legal guardian of the person has given written consent for the person to participate in such compliance check if such person is under nineteen (19) years of age;

(b) The person is an employee, a volunteer, or an intern with a state or local law enforcement agency;

(c) The person is acting within the scope of his or her assigned duties as part of a law enforcement investigation;

(d) The person does not use or consume a tobacco product as part of such duties; and

(e) The person is not actively assigned to a diversion program, is not a party to a pending criminal proceeding or a proceeding pending under the Nebraska Juvenile Code, and is not on probation.

(2) Any person under the age of twenty-one (21) years acting in accordance with an under the authority of this subsection shall not be in violation of Neb. RS 28-1427. (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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1093**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE SALE OF TOBACCO AND CIGARETTES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6 POLICE REGULATIONS, ARTICLE 3 MISCELLANEOUS MISDEMEANORS, SECTION 6-336 MISDEMEANORS; MISREPRESENTATION BY PERSON UNDER THE AGE OF 21 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 6-336 of the Springfield Municipal Code is amended to read as follows:

**§6-336 MISDEMEANORS; MISREPRESENTATION BY PERSON UNDER THE AGE OF 21 TO OBTAIN TOBACCO.**

Except as provided in § 133.21(B), and person under the age of twenty-one (21) 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 twenty-one (21) 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 7<sup>th</sup> day of December, 2021.

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

**ORDINANCE NO. 1094**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO ALCOHOLIC BEVERAGE LICENSEE REQUIREMENTS; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-106 ALCOHOLIC BEVERAGES; LICENSEE 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 CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 10, Article 1, Section 10-106 of the Springfield Municipal Code is amended to read as follows:

**§10-106 ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS.**

(A) No license shall be issued to:

(1) A person who is not a resident of this state, except in case of railroad, airline, boat, or special party bus licenses;

(2) A person who is not of good character and reputation in the community in which he or she resides;

(3) A person who is not a resident of this state and legally able to work in this state;

(4) A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States;

(5) A person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant Neb. RS Chapter 28, art. 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this division on May 18, 1983, shall not prevent any person holding a license on that date from retaining or renewing that license if the conviction or plea occurred prior to May 18, 1983;

(6) A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause;

(7) A person who at the time of application for renewal of any license issued under the Act would not be eligible for that license upon initial application;

(8) A partnership, unless one (1) of the partners is a resident of this state and unless all the members of that partnership are otherwise qualified to obtain a license;

(9) A limited liability company, unless one (1) of the members is a resident of this state and unless all the members of that company are otherwise qualified to obtain a license;

(10) A corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than twenty-five percent (25%) of the stock of that corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in divisions (A)(1) and (A)(3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This division shall not apply to railroad licenses;

(11) A person whose place of business is conducted by a manager or agent, unless that manager or agent possesses the same qualifications required of the licensee;

(12) A person who does not own the premises for which a license is sought or does not have a lease or combination of leases on the premises for the full period for which the license is to be issued;

(13) Except as provided in this division, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such an applicant shall become eligible for a liquor license only if the Nebraska Liquor Control Commission finds from the evidence that the public interest will not be infringed upon if the license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license, the applicant is also ineligible to receive a liquor license. This prima facie evidence shall be overcome if it is shown to the satisfaction of the Commission:

(a) The licensed business will be the sole property of the applicant; and

(b) The licensed premises will be properly operated.

(14) A person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal;

(15) A law enforcement officer, except that this division shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization; or

(16) A person less than twenty-one (21) years of age.

(B) When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or person who is mentally incompetent.

(Neb. RS 53-125)

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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

#### **ORDINANCE NO. 1095**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO THE POWERS AND DUTIES OF THE CITY REGARDING ALCOHOLIC BEVERAGE LICENSES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-109 ALCOHOLIC BEVERAGES; LICENSES; CITY POWERS AND DUTIES; 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 10-109 of the Springfield Municipal Code is amended to read as follows:

#### **§10-109 ALCOHOLIC BEVERAGES; LICENSES; CITY POWERS AND DUTIES.**

(A) The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, bottle club, craft brewery, and microdistillery licensees carried on within the corporate limits of the city.

(Neb. RS 53-134.03)

(B) During the period of forty-five (45) days after the date of receipt by mail or electronic delivery from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail, a craft brewery license, or a microdistillery license, the City Council may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant.

(Neb. RS 53-131)

(C) The City Council, with respect to licenses within the corporate limits of the city, has the following powers, functions, and duties with respect to retail, bottle club, craft brewery, and microdistillery licenses:

(1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor or bottle club licenses 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 City Council has been or is being violated, and at that time examine the premises of the licensee in connection with such determination. Any law enforcement officer who determines that 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 local governing body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

(a) Within thirty (30) days after determining that such violation has occurred;

(b) Within thirty (30) days after the conclusion of an ongoing police investigation; or

(c) Within thirty (30) days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;

(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 these complaints in the manner provided in the Act;

(4) To receive retail, bottle club, craft brewery, and microdistillery license fees as provided in Neb. RS 53-124 and 53-124.01 and pay the same, after the license has been delivered to the applicant, to the City Treasurer;

(5) To examine or cause to be examined any applicant or any retail, bottle club, craft brewery, or microdistillery 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, except as otherwise provided for bottle club licensees under state law, 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 City Council 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 this Code or Section 53-134.04 RS Neb., 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. The order of cancellation or revocation may be appealed to the Commission within thirty (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 City Council 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 the hearing shall be published in a legal newspaper in or of general circulation in the city, one (1) time not less than seven (7) and not more than fourteen (14) days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of the license may do so at the time of the hearing. The hearing shall be held not more than forty-five (45) days after the date of receipt of the notice from the Commission, and after the hearing the City Council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the license. The City 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; and

(8) To review and authorize an application by a retail, bottle club, craft brewery, farm winery, or microdistillery licensee for a temporary expansion of its licensed premises within the jurisdiction of the local governing body to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed fifty (50) days for calendar year 2020 and, for each calendar year thereafter, not to exceed fifteen (15) days per calendar year, as provided in Neb. RS 53-123.12 and Neb. RS 53-129.  
(Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the City Clerk a retail, craft brewery, or microdistillery 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 the fee is payable to the City Treasurer;

(b) Any fee for publication of notice of hearing before the City Council 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 city, except that Class J retail licensees shall not be subject to occupation taxes.

(2) Notwithstanding any ordinance or charter power to the contrary, the city/village 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 city in any sum which exceeds two (2) times the amount of the license fee required to be paid under the Act to obtain that license.

(Neb. RS 53-132)

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 7<sup>th</sup> day of December, 2021.

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

### **ORDINANCE NO. 1096**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO INSPECTIONS OF RETAIL LICENSES AND BOTTLE CLUB LICENSES; ADDING PROVISIONS ALLOWING INSPECTIONS OF CHARTER BUSES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 1 ALCOHOLIC BEVERAGES, SECTION 10-125 ALCOHOLIC BEVERAGES; LICENSED PREMISES; INSPECTIONS; 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 10-125 of the Springfield Municipal Code is amended to read as follows:

#### **§10-125 ALCOHOLIC BEVERAGES; LICENSED PREMISES; INSPECTIONS.**

(A) The City Council shall cause frequent inspection to be made on the premises of all retail licensees and bottle club licensees. If it is found that any such licensee is violating any provision of this chapter, 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 chapter 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.

(B) The City Council may inspect a charter bus providing service under a certificate of public convenience and necessity granted by the Public Service Commission when the owner or operator of the charter allows the consumption of alcoholic liquor in the charter bus by an individual who is twenty-one (21) years of age or older so long as the inspection is performed when the bus has stopped for the purpose of allowing passengers to embark or disembark.  
(Neb. RS 53-116.01)

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 7<sup>th</sup> day of December, 2021.

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

**ORDINANCE NO. 1097**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-903 TOBACCO; 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 twenty-one (21) 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 § 112.02.

(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 7<sup>th</sup> day of December, 2021.

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

**ORDINANCE NO. 1098**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA RELATING TO LICENSE TO SELL TOBACCO AND CIGARETTES; AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 10 BUSINESS REGULATIONS, ARTICLE 9 TOBACCO SALES, SECTION 10-906 TOBACCO; 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. Rev. Stat. 28-1421 and Neb. Rev. Stat. 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 twenty-one (21) 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 21 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 7<sup>th</sup> day of December, 2021.

Robert Roseland, Mayor

(SEAL)

Kathleen Gottsch, City Clerk

**Agenda Item 9.** Motion by Herzog, seconded by Murtha, to approve a proposal from ArchiveSocial in the amount of \$2,241.00 for social media archiving from January 1, 2022, through September 30, 2022. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Department Reports**

**Agenda Item 1.** Neitzel reported that Heath Shemek, sewer operator, found parts to fix the backup pump at the sewer plant. He said that Shemek and Andie Ledenbach, Utility Billing Clerk, will soon begin the second phase of water meter replacements.

**Agenda Item 2.** Herzog reported that he will do a walkthrough of the Community Building to note any deficiencies. Council discussed rental issues with the SYAA basketball program. They recommended that if the SYAA wants after hours service that they put down a minimum \$500 deposit from which after hours calls, damages and/or additional cleaning will be deducted.

**Agenda Item 3.** Murtha reported that the maintenance department has been busy cleaning gutters, performing vehicle maintenance, getting the sanders installed on the plow trucks and fixing a water main break.

**Agenda Item 4.** Craney reported that Kent Maystrick, street commissioner, has been prepping for the addition of material bays. The street department obtained asphalt millings from the Main Street project, which will be used on alleys.

**Agenda Item 5.** Mayor Roseland reported that he would soon be meeting with the other Sarpy County Mayors. He, Gottsch and Murtha will also be meeting with the Leadership Sarpy Class to discuss a shade structure and memorial wall at Urban Park.

**Agenda Item 6.** Council agreed to open the Community Building during weekday mornings for people to walk.

### **Adjournment**

Motion by Herzog, seconded by Neitzel, to adjourn. Herzog also recognized that this day was the 80<sup>th</sup> anniversary of Pearl Harbor. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 8:32 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 December 7, 2021; 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