



CITY COUNCIL AGENDA

Tuesday, February 3, 2015 at 7:00 p.m.
Springfield City Hall
170 North 3rd 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 January 20, 2015 Council Meeting
2. Approve Claims and Payroll
3. Approve an application for a Special Designated Liquor License from Hazy's Place for the Springfield Youth Athletic Association (SYAA) Spring Fling to be held on March 28, 2015, from 6:30 p.m. to 12:00 a.m., in the Sarpy County 4H Building
4. Approve Invoice No. 0633270 from the Nebraska Department of Roads in the amount of \$84,313.23 for the construction of Springfield Trail Phase 3

REGULAR AGENDA

1. Lt. Mike Erhart with the Sarpy County Sheriff's Department will provide a monthly service report
2. Connie Manzer, Springfield Memorial Library Director – Annual Library Report
3. Dennis Graham, Olsson Associates – Review design plans and specifications for Main Street Phase 3 and authorize publication of notice to bid
4. **Tabled November 4, 2014.** Consider approval of **Resolution 2014-30** directing the sale of city property (flag pole) to the highest bidder, which bids will be opened Friday, February 20, 2015, beginning at 10:00 a.m. at City Hall

5. **Tabled January 20, 2015.** Consider approval of **Ordinance No. 874** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6, ARTICLE 4 SEX OFFENDER RESIDENCY RESTRICTIONS, SECTIONS 6-401, 6-402, 6-403 AND 6-404; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ORDINANCES IN CONFLICT
6. **Tabled January 20, 2015.** Consider a request from Duane Neitzel, owner of 15701 Highway 50, and Heritage Homes, tenant of 15701 Highway 50, to waive the front yard setback requirement of 75 feet in the Highway Business zoning district, as per Section 4.09 Yard Requirements of the Springfield Zoning Ordinance, in order to conform to the front yard setback of the existing buildings on the same block

DEPARTMENT REPORTS

1. Water & Parks Department – Bob Roseland
2. Library & Community Building – Darren Carlson
3. Sewer Department – Dan Craney
4. Street Department – Chad Nolte
5. Mayor’s Report – Mike Dill
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. at City Hall on February 3, 2015. Present were Mayor Mike Dill; Council Members: Bob Roseland, Darren Carlson, Dan Craney, Chad Nolte. Absent: None. 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 Nolte, seconded by Craney, to approve the Consent Agenda. AYES: Roseland, Carlson, Craney, Nolte. NAYS: None. Motion carried.

Claims and Payroll:

Check #	Account ID	Account Description	Debit Amount	Name
General				
36068	6084-10-10	Aflac	49.80	Aflac
36070	7260-10-10	Printing	650.00	American Legal Publishing
36039	6080-10-10	Health Insurance	546.04	Assurant Health
36078	7270-10-10	Insurance	350.00	CNA Surety
36045	6080-10-10	Health Insurance	92.60	Delta Dental
36083	8010-10-10	Office Supplies	15.79	First National Bank
36084	7230-10-10	Postage/Shipping	200.55	First National Bank
36088	7030-10-10	Prof Svcs-Planning	1,890.00	JEO Consulting Group
36089	8140-10-10	R&M Equip	374.23	Konica Minolta Premier Finance
36093	7270-10-10	Insurance	1,265.16	Marcotte Insurance
36094	8030-10-10	Supplies	7.96	Menards
36092	7200-10-10	Dues	500.00	Metro Area Planning Agency
36100	7320-10-10	Natural Gas	137.87	MUD
36101	7180-10-10	Education	223.00	Nebraska Clerk Institute
36123	7330-10-10	Telephone	107.31	NT&T
36104	7250-10-10	Publication Costs	293.97	Omaha World Herald
36106	7310-10-10	Electricity	346.19	OPPD
36109	7025-10-10	Prof Svcs-CPA	13,750.00	Ortmeier, Ric
36110	7046-10-10	Prof Svcs-Building Inspector	907.40	Sarpy County Building Inspector
36111	7200-10-10	Dues	35.00	Sarpy County Economic Development
36112	7060-10-10	Animal Control	375.49	Sarpy County Fiscal Administrator
36113	7050-10-10	Law Contract	7,937.00	Sarpy County Treasurer
36115	7020-10-10	Prof Svcs-Legal	1,076.68	Seidler & Seidler
36117	7200-10-10	Dues	10.00	Southeast Clerk's Association
36121	7280-10-10	Laundry	90.08	Walkers Uniform Rental
Total			31,232.12	
Library				
36069	8060-20-10	Books	343.50	Amazon
36039	6080-20-10	Health Insurance	613.68	Assurant Health
36073	8060-20-10	Books	62.57	Baker & Taylor
36077	7455-20-10	IP Address	65.00	Charter Communications
36080	8060-20-10	Books	29.00	Consumer Reports
36045	6080-20-10	Health Insurance	28.05	Delta Dental
36093	7270-20-10	Insurance	366.98	Marcotte Insurance
36096	8060-20-10	Books	90.73	MicroMarketing
36100	7320-20-10	Natural Gas	225.84	MUD
36123	7330-20-10	Telephone	35.05	NT&T
36106	7310-20-10	Electricity	276.69	OPPD
36108	7340-20-10	Waste Disposal	39.39	Premier Waste Solutions
36114	7480-20-10	Janitorial	200.00	Schmieder, Marcie
36116	8060-20-10	Books	139.65	Smart Apple Media
Total			2,516.13	
Library Restricted				
36076	8060-21-10	Books	84.48	Center Point Large Print
36079	9010-21-10	Office Equip	179.99	Computers To Go
36081	8060-21-10	Books	75.75	Diamond Lake Books
36085	8060-21-10	Books	45.73	Gale
36097	8060-21-10	Books	391.55	MidAmerica Books
Total			777.50	
Park				
36039	6080-30-10	Health Insurance	305.17	Assurant Health
36125	8120-30-10	Fuel-Park	53.70	B&D Pit Stop

36045	6080-30-10	Health Insurance	41.62	Delta Dental
36093	7270-30-10	Insurance	278.03	Marcotte Insurance
36099	8150-30-10	R&M Vehicle	61.29	Mill Creek Auto Parts
36065	9106-30-10	MoPac Trail Phase III	84,313.23	Nebraska Department of Roads
36106	7310-30-10	Electricity	203.37	OPPD
36108	7340-30-10	Waste Disposal	57.75	Premier Waste Solutions
Total			85,314.16	
Community Building				
36071	9085-40-10	Capital Improvements	1,930.00	American Lift & Sign
36086	9040-40-10	Tools & Misc Equip	32.96	Gretna Ace Hardware
36087	9040-40-10	Tools & Misc Equip	33.90	Home Depot
36091	9040-40-10	Tools & Misc Equip	107.95	Logan Contractors Supply
36093	7270-40-10	Insurance	378.80	Marcotte Insurance
36094	9040-40-10	Tools & Misc Equip	21.57	Menards
36095	8130-40-10	R&M Building	68.78	Menards
36094	8130-40-10	R&M Building	92.99	Menards
36095	9040-40-10	Tools & Misc Equip	117.59	Menards
36100	7320-40-10	Natural Gas	450.36	MUD
36106	7310-40-10	Electricity	143.82	OPPD
36108	7340-40-10	Waste Disposal	31.50	Premier Waste Solutions
36121	7280-40-10	Laundry	122.32	Walkers Uniform Rental
36122	8130-40-10	R&M Building	104.06	Watkins Concrete Block Company
Total			3,636.60	
Water				
36068	6084-50-20	Aflac	14.18	Aflac
36039	6080-50-20	Health Insurance	990.77	Assurant Health
36125	8120-50-20	Fuel	177.74	B&D Pit Stop
36075	8160-50-20	R&M Grounds	94.84	Block Electrical
36045	6080-50-20	Health Insurance	80.58	Delta Dental
36084	7230-50-20	Postage/Shipping	200.55	First National Bank
36093	7270-50-20	Insurance	1,410.07	Marcotte Insurance
36098	7420-50-20	Testing	127.78	Midwest Laboratories
36102	8140-50-20	R&M Equip	111.55	NMC Exchange
36123	7330-50-20	Telephone	153.27	NT&T
36105	7430-50-20	Digger's Hotline	9.25	One Call Concepts
36106	7310-50-20	Electricity	1,434.74	OPPD
36137	7230-50-20	Postage/Shipping	114.58	US Postal Service
36120	7330-50-20	Telephone	15.06	Verizon Wireless
36121	7290-50-20	Uniform Allowance	45.00	Walkers Uniform Rental
Total			4,979.96	
Sewer				
36068	6084-60-30	Aflac	263.14	Aflac
36039	6080-60-30	Health Insurance	329.48	Assurant Health
36072	8140-60-30	R&M Equip	162.00	B&B Garage
36124	8030-60-30	Supplies	1.99	Casey's General Store
36124	8120-60-30	Fuel	59.26	Casey's General Store
36045	6080-60-30	Health Insurance	80.57	Delta Dental
36082	8120-60-30	Fuel	1,278.40	Farmers Union Coop
36084	7230-60-30	Postage/Shipping	200.55	First National Bank
36093	7270-60-30	Insurance	1,005.77	Marcotte Insurance
36098	7420-60-30	Testing	143.95	Midwest Laboratories
36123	7330-60-30	Telephone	53.59	NT&T
36106	7310-60-30	Electricity	3,028.00	OPPD
36137	7230-60-30	Postage/Shipping	114.58	US Postal Service

36119	8140-60-30	R&M Equip	186.19	USA BlueBook
36120	7330-60-30	Telephone	15.06	Verizon Wireless
36121	7290-60-30	Uniforms Allowance	42.04	Walkers Uniform Rental
Total			6,964.57	
Street				
36074	8030-70-40	Supplies	458.54	Big State Industrial Supply
36086	8130-70-40	R&M Building	72.96	Gretna Ace Hardware
36039	6080-70-40	Health Insurance	785.67	Assurant Health
36045	6080-70-40	Health Insurance	69.68	Delta Dental
36086	8030-70-40	Supplies	12.99	Gretna Ace Hardware
36090	8040-70-40	Supplies-Safety/Medical	64.00	Libra Safety Products
36093	7270-70-40	Insurance	1,515.19	Marcotte Insurance
36095	8130-70-40	R&M Building	69.50	Menards
36100	7320-70-40	Natural Gas	509.09	MUD
36103	7010-70-40	Prof Svcs-Engineer	661.17	Olsson Associates
36104	9060-70-40	Building	30.42	Omaha World Herald
36106	7310-70-40	Electricity	3,465.53	OPPD
36108	7340-70-40	Waste Disposal	31.50	Premier Waste Solutions
36118	8130-70-40	R&M Building	16.14	United Electric Supply
36120	7330-70-40	Telephone	15.06	Verizon Wireless
36121	7290-70-40	Uniform Allowance	79.64	Walkers Uniform Rental
36107	8140-70-40	R&M Equip	81.35	Powerplan
36123	7330-70-40	Telephone	48.78	NT&T
36125	8120-70-40	Fuel	208.59	B&D Pit Stop
Total			8,195.80	
Payroll			34,852.21	

Regular Agenda

Agenda Item 1. Lt. Mike Erhart with the Sarpy County Sheriff's Department provided the monthly service report. He reported that Lt. Steve Grabowski would be the new liaison for Springfield.

Agenda Item 2. Connie Manzer, Library Director, presented the annual library report. Manzer reviewed programs and services, attendance, ebook usage, and accreditation requirements. Carlson said that he was glad to see the ebook usage increase and the library evolve with technology. He asked if the library was in need of additional hours or staff. Manzer said that additional hours are always good for programs and services. Mayor Dill inquired if the library needed additional computers. Manzer reported that the Friends of the Library recently donated three laptops for adult patrons to use in the library. She noted that the other computers were sufficient.

Agenda Item 3. Dennis Graham, City Engineer with Olsson Associates, reviewed the plans and specifications for Main Street Phase 3. He pointed out that a handicap accessible parking space was dedicated on the east end of the Main Street parking area. He discussed sidewalk placement, railing requirements, building rear entry steps, blocking an existing coal chute, and replacing an existing fire hydrant. Graham also reviewed the proposed project schedule. Motion by Nolte, seconded by Roseland, to authorize the City Clerk to cause notice to bidders to be published as required by law for receiving bids for the Main Street Phase 3 project. AYES: Roseland, Carlson, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 4. Council considered Resolution 2014-30 directing the sale of city property (flag pole). No action taken.

Agenda Item 5. Council Member Nolte introduced Ordinance No. 874 entitled:

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6, ARTICLE 4 SEX OFFENDER RESIDENCY RESTRICTIONS, SECTIONS 6-401, 6-402, 6-403 AND 6-404; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ORDINANCES IN CONFLICT

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Roseland seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Roseland, Carlson, Craney, Nolte. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by title and thereafter Council Member Nolte moved for final passage of the ordinance, which motion was seconded by Council Member Roseland. The Mayor then stated the question was "Shall Ordinance No. 874 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Roseland, Carlson, Craney, Nolte. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 874

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 6, ARTICLE 4 SEX OFFENDER RESIDENCY RESTRICTIONS, SECTIONS 6-401, 6-402, 6-403 AND 6-404; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ORDINANCES IN CONFLICT

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

Section 1. Chapter 6, Article 4, Sections 6-401, 6-402, 6-403 and 6-404 of the Municipal Code of Springfield, Nebraska are amended to read as follows:

Article 4. Sex Offender Residency Restrictions

§6-401 FINDINGS AND INTENT.

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

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

(3) It is the intent of this section-ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside. (*Ord. 694, 11/1/05; Amended by Ord. Nos. 714, 7/18/06; 874, 1/20/15*)

§6-402 DEFINITIONS. The following words, terms and phrases, when used in this section-ordinance, shall have the meanings ascribed to them in this section-ordinance, except where the context clearly indicates a different meaning:

CHILD CARE FACILITY. A facility licensed pursuant to the Child Care Licensing Act;

POLITICAL SUBDIVISION. ~~A village, city, county, school district, public power district, or any other unit of local government;~~

RESIDE. To sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;

RESIDENCE. A place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;

SCHOOL. A public, private, denominational, or parochial school which meets the requirements for ~~state~~-accreditation or approval prescribed in Neb. Rev. Stat. Chapter 79;

SEX OFFENDER. An individual who has been convicted of a crime listed in Neb. Rev. Stat. ~~section §29-4003~~ and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and

SEXUAL PREDATOR. An individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01, been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Neb. Rev. Stat. section 29-4013, and who has victimized a person eighteen (18) years of age or younger. (Neb. Rev. Stat. §29-4016) (Ord. 694, 11/1/05; Amended by Ord. Nos. 714, 7/18/06; 874, 1/20/15)

~~§6-403 — SEXUAL PREDATOR RESIDENCY RESTRICTIONS; PENALTIES; AND EXCEPTIONS.~~

~~_____ (1) Prohibited location of residence. It is unlawful for any sexual predator to reside within five hundred (500) feet from a school or child care facility.~~

~~(2) Measure of distance. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.~~

~~§6-404 EXCEPTIONS.~~

~~_____ (3) Penalties. A person who violates this section shall be punished as provided generally in the code.~~

~~(4) Exceptions. These article regulations shall not apply to a sexual predator who:~~

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

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

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

~~*[Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; RS Neb. Sec. 29-4003 and Sec. 29-4013] (Neb. Rev. Stat. §29-4017) (Ord. 694, 11/1/05; Amended by Ord. Nos. 714, - 7/18/06; 874, 1/20/15)*~~

§6-4045 PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEX OFFENDERS; PENALTIES. (Ord. 694, 11/1/05; Repealed by Ord. No. 714, 7/18/06)

Section 2. Any other ordinance or section passed and approved prior to passage, approval and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and Approved this 3rd day of February, 2015.

Mayor

(SEAL)

Attest:

City Clerk

Agenda Item 6. Council reviewed a request from Duane Neitzel, owner of 15701 Highway 50, and Heritage Homes, tenant of 15701 Highway 50, to waive the front yard setback requirement of 75 feet in the Highway Business zoning district, as per Section 4.09 Yard Requirements of the Springfield Zoning Ordinance, in order to conform to the front yard setback of the existing buildings on the same block. Heritage Homes submitted a conditional use permit application for the construction and use of a modular home / retail sales office on this property. The City Administrator/Clerk reported that NDOR is reviewing the application for approval within the highway corridor protection district. NDOR provided preliminary comments on February 3 stating that, after first review, they believe the property should abide by the setback requirements, possibly even more. They also noted that NDOR might need to acquire property rights for the rams-horn access which appears to be in the same general area as the proposed development. They requested the applicant provide a more detailed site plan for further review. The city provided NDOR with the updated site plan submitted by the applicant. Motion by Nolte, seconded by Craney, to table agenda item 6, regarding the front yard setback waiver request from Neitzel and Heritage Homes, until NDOR provides a final review. AYES: Carlson, Craney, Nolte. NAYS: Roseland. Motion carried.

Department Reports

Agenda Item 1. Roseland reported that the city used the portable generator on February 1 at the well due to the power outage. He also noted that Verizon continues to work on their new tower at Buffalo Park and that the fire department burned down the house at 280 South 2nd Street.

Agenda Item 2. Carlson reported that he spoke to the Cub Scouts about city government. He said that the maintenance department is still making renovations to the stairwell at the Community Building.

Agenda Item 3. Craney reported that Larry Nolte, wastewater operator, is still waiting to receive the new part for equipment at the sewer plant.

Agenda Item 4. Nolte reported that he met with the maintenance department to discuss future projects.

Agenda Item 5. Mayor Dill suggested that cash reserves be kept on hand for future infrastructure projects and not be used to pay off bonded indebtedness. He also discussed potential developments in Springfield's jurisdiction.

Agenda Item 6. The City Clerk provided the legislative update from United Cities Lobbyist Joe Kohout.

Adjournment

Motion by Nolte, seconded by Roseland, to adjourn. AYES: Roseland, Carlson, Craney, Nolte. NAYS: None. Meeting adjourned at 8:07 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 February 3, 2015; 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