



**CITY COUNCIL AGENDA**  
Tuesday, July 21, 2015 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 July 7, 2015 Council Meeting
2. Approve Minutes of the July 15, 2015 Council Meeting
3. Approve Treasurer's Report
4. Consider requests from the Sarpy County Agricultural Society to waive the noise ordinance, close Railroad Avenue from Main Street to Spruce Street for handicap accessible parking, place a temporary stop sign on Main Street at the fairgrounds entrance, allow parking on the city lot west of the Community Building, waive the large animal ordinance, and waive the Community Building rental fee for the Sarpy County Fair to be held July 29 – August 2, 2015
5. Approve Invoice No. 233730 from Olsson Associates in the amount of \$4,189.20 for professional services rendered from June 7, 2015, through July 4, 2015, for work completed on the Turtle Creek Sanitary Sewer Crossing
6. Approve Invoice No. 233729 from Olsson Associates in the amount of \$2,667.96 for professional services rendered from June 7, 2015, through July 4, 2015, for work completed on the South 1<sup>st</sup> Street Sewer Replacement Project
7. Approve Invoice No. 233770 from Olsson Associates in the amount of \$8,598.58 for professional services rendered from June 7, 2015, through July 4, 2015, for work completed on Main Street Phase 3

8. Approve Invoice from Kris and Courtney Kucirek, 815 Maple Street, for their payment made to Double T Lawn & Landscape, Inc. in the amount of \$800.00 to tear out a retaining wall on their property and rebuild it and replace sod on their property that was torn up due to a city water main break

### **REGULAR AGENDA**

1. Dennis Graham, Olsson Associates – Review design plans and specifications for South 1<sup>st</sup> Street Sewer Replacement and authorize publication of notice to bid
2. Consider approval of the following ordinances as part of the annual municipal code update:

Ordinance No. 888 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-101 RELATING TO MAYORAL POWERS; PROVIDING A TIME LIMIT FOR ISSUANCE OF A VETO; PROVIDING DUTIES; PROVIDING CERTAIN LINE-ITEM VETO AUTHORITY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE

Ordinance No. 889 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-702: TO AMEND ELECTIONS; TO CHANGE THE FILING FEE PROVISIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE

Ordinance No. 890 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-706; TO ELECTIONS; TO REVISE PROVISIONS ABOUT ADMINISTRATION AND CONDUCT OF ELECTIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 891 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 6-326; TO PROVIDE PROCEDURES FOR ABANDONED VEHICLES INCLUDING MOBILE HOMES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 892 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA ADOPTING SPRINGFIELD MUNICIPAL CODE 6-334, 6-335 AND 6-336: RELATING TO PUBLIC PROTECTION, HEALTH AND SAFETY; TO PROHIBIT THE USE BY MINORS AND SALE TO MINORS OF VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS; TO PROHIBIT THE SALE OF CERTAIN TOBACCO, VAPOR, AND NICOTINE PRODUCTS THROUGH A VENDING MACHINE OR SELF-SERVICE DISPLAY AS PRESCRIBED; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 893 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 10-114; TO CREDIT SALES OF ALCOHOLIC LIQUOR; TO ALLOW LICENSED RETAILERS OF DISTILLED SPIRITS TO ISSUE TASTING CARDS TO CUSTOMERS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 894 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO ADOPT SPRINGFIELD MUNICIPAL CODE 10-507 REVENUE AND TAXATION; TO CHANGE PROVISIONS REGARDING TO OCCUPATION TAXES IMPOSED BY THE CITY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

Ordinance No. 895 AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO REPEAL SPRINGFIELD MUNICIPAL CODE 10-901 AND TO ADOPT SPRINGFIELD MUNICIPAL CODE 10-903 THROUGH 10-909: RELATING TO PUBLIC PROTECTION, HEALTH AND SAFETY; REVISING TOBACCO AND CIGARETTE LICENSES TO INCLUDE VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

3. Boy Scout Troop 711 – Question & Answer Session regarding City Council Procedures

### **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 July 21, 2015. Present were Mayor Mike Dill; Council Members: Bob Roseland, Darren Carlson, Chad Nolte. Absent: 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 Nolte, seconded by Roseland, to approve the Consent Agenda. AYES: Roseland, Carlson, Nolte. NAYS: None. Motion carried.

The City Clerk reported a balance on hand of \$1,074,740.87 in cash assets; Prestige Treasury - \$204,278.11; Prestige Bond - \$566,168.42; Keno Community Betterment - \$177,578.25; Keno Progressive Jackpot - \$50,012.47; Water Deposit Savings - \$4,186.16; Refundable Deposit Savings - \$1,221.94; Water Tower Savings - \$128,189.69; Sewer Restricted - \$105,375.60; Water Capital Facilities Fees - \$32,282.07; Sewer Capital Facilities Fees - \$75,324.80; City Sales Tax - \$352,902.63; Money Mark Library Bricks - \$3,761.93; Government Securities - \$104,749.82; Library Savings - \$62,447.83; Time Certificates as follows: Bond - \$76,806.53; Tower - \$57,464.49; Water - \$125,942.64; Park - \$11,929.29; Library Bricks - \$21,292.73; Cash Receipts - \$137,841.97; Cash Disbursements - \$121,608.08.

### **Regular Agenda**

Agenda Item 1. Dennis Graham, Olsson Associates, reviewed design plans and specifications for the South 1<sup>st</sup> Street sewer replacement project. Graham noted that the proposed construction work area will consist of the ten foot center panel of street plus approximately two feet on each side. The plans do not call to remove the entire width of the street. The plans also show only reconnecting the new main to the existing service lines. The Council requested Graham revise the plans to include an alternate bid item to extend sewer lines to service connections at the back of curb and to replace concrete on the entire street rather than just a portion of it. Council also requested Olsson provide a bid estimate to pave Spruce Street from Railroad Street to South 1<sup>st</sup> Street, since that portion of street is currently rock and will also be torn up during the sewer replacement project. Graham will revise the plans and provide updated cost estimates. The City Administrator noted that the One Year Road Plan will need to be amended to add the Spruce Street paving project to the list.

Agenda Item 2. Council Member Nolte introduced Ordinance Nos. 888-895 and moved that the statutory rule requiring reading on three different days be suspended. Council Member Carlson seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Roseland, Carlson, 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 ordinances. Said ordinances were then read by title and thereafter Council Member Nolte moved for final passage of the ordinances, which motion was seconded by Council Member Carlson. The Mayor then stated the question was “Shall Ordinance Nos. 888-895 be passed and adopted?” Upon roll call vote, the following Council Members voted AYE: Roseland, Carlson, Nolte. 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. 888**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-101 RELATING TO MAYORAL POWERS; PROVIDING A TIME LIMIT FOR ISSUANCE OF A VETO; PROVIDING DUTIES; PROVIDING CERTAIN LINE-ITEM VETO AUTHORITY; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 1, Article 1, Section 1-101 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

**§1-101 CITY MAYOR; POWERS AND DUTIES.**

(A) The Mayor shall preside at all meetings of the City Council. The Mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the City Council on any pending matter, legislation, or transaction, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. He or she shall have superintendence and control of all the officers and affairs of the city, and shall take care that the ordinances of the city and all laws governing cities of the second class are complied with.  
(Neb. RS 17-110)

(B) The Mayor shall have the power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the Mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it, and it shall become effective. If the Mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the City Council stating that the measure is vetoed. The Mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the Mayor issues the veto after the meeting, the Mayor shall notify the City Clerk of the veto in writing. The Clerk shall notify the City Council in writing of the Mayor's veto. Any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the Mayor may be passed over his or her veto by a vote of two-thirds of the members of the Council. If the Mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim, but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The Mayor may veto any item or items of any appropriation bill or any claims bill, and approve the remainder thereof, and the item or items vetoed may be passed by the Council over the veto as in other cases.  
(Neb. RS 17-111)

(C) The Mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may tend to the improvement of the finances, the police, health, security, ornament, comfort, and general prosperity of the city.  
(Neb. RS 17-112)

(D) The Mayor shall have the power, when he or she deems it necessary, to require any officer of the city to exhibit his or her accounts or other papers, and to make reports to the Council, in writing, touching any subject or matter pertaining to his or her office.  
(Neb. RS 17-113)

(E) The Mayor shall have such jurisdiction as may be vested in him or her by ordinance, over all places within 5 miles of the corporate limits of the city, for the enforcement of any health or quarantine ordinance and regulation thereof, and shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within 1/2 mile of the corporate limits of the city.  
(Neb. RS 17-114)

(F) The Mayor shall have the power to remit fines and forfeitures, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.  
(Neb. RS 17-117)

(G) The Mayor shall hold no other elective or appointive office or employment with the city.

(H) The Mayor shall sign the City Clerk's minutes of all meetings of the City Council, and he or she shall sign all resolutions that have been passed and warrants for the payment of money when ordered by the Council.

(I) The Mayor shall have such other duties as are reposed in the Mayor by the laws of the State of Nebraska or as the Council may by resolution confer upon the Mayor.

**Statutory reference:**

*Restrictions on holding other office or employment, see Neb. RS 17-108.02, 32-109, 32-603, and 32-604*

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

\_\_\_\_\_  
Clerk

**ORDINANCE NO. 889**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-702: TO AMEND ELECTIONS; TO CHANGE THE FILING FEE PROVISIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 1, Article 7, Section 1-702 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

**§1-702 ELECTIONS; FILING FEE.**

(A) Except as provided in division (D) or (E) of this section, a filing fee shall be paid to the City Treasurer by or on behalf of each candidate for city office prior to filing for office. The fee shall be placed in the general fund of the city. No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the City Treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(B) Except as provided in division (D) or (E) of this section, the filing fee shall be a sum equal to 1% of the annual salary as of November 30 of the year preceding the election for the office for which he or she files as a candidate.

(C) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(D) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500 per year.

(E) (1) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis.

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

**AVAILABLE RESOURCES.** Includes every type of property or interest in property that an individual owns and may convert into cash except:

- (i) Real property used as a home;
- (ii) Household goods of a moderate value used in the home; and
- (iii) Assets to a maximum value of \$3,000 used by a recipient in a planned effort directed towards self-support.

**PAUPER.** A person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.

(F) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the City Council prior to the date of the election. Upon approval of the claim by the City Council, the filing fee shall be refunded.

(Neb. RS 32-608)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

---

Mayor

(SEAL)

---

Clerk

## ORDINANCE NO. 890

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 1-706; TO ELECTIONS; TO REVISE PROVISIONS ABOUT ADMINISTRATION AND CONDUCT OF ELECTIONS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

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

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

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

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate files for the office by petition as prescribed in divisions (B) and (C) of this section, files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710. (Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the city, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Section 1-722. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election. (Neb. RS 32-617)

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

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least twenty percent (20%) of the total vote for Governor or President of the United States at the immediately preceding general election within the city or in the ward in which the officer is to be elected, as appropriate, not to exceed two thousand (2,000). (Neb. RS 32-618)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

\_\_\_\_\_  
Clerk

### **ORDINANCE NO. 891**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 6-326; TO PROVIDE PROCEDURES FOR ABANDONED VEHICLES INCLUDING MOBILE HOMES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 6, Article 3, Section 6-326 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

#### **§6-326 MISDEMEANORS; ABANDONED AUTOMOBILES.**

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

#### ***ABANDONED VEHICLE.***

(a) A motor vehicle is an ***ABANDONED VEHICLE***:

(i) If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than 6 hours on any public property;

(ii) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(iii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(iv) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(v) If left for more than 30 days in the custody of a (city/village) law enforcement agency after the agency has sent a letter to the last-registered owner under division (D) of this section; or

(vi) If removed from private property by the city pursuant to a city ordinance or this code.

(b) An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

(i) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(ii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(iii) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(iv) If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under division (D) of this section; or

(vi) If removed from private property by the city pursuant to a city ordinance or this code.

(c) A **MOBILE HOME** is an abandoned vehicle if left in place on private property for more than 30 days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. RS 60-1903.

(d) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this section.

**MOBILE HOME.** A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. RS 71-4603. Mobile home does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. RS 60-169.

**PRIVATE PROPERTY.** Any privately owned property which is not included within the definition of public property.

**PUBLIC PROPERTY.** Any public right-of-way, street, highway, alley, or park or other state, county, or city-owned property.  
(Neb. RS 60-1901)

(B) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to Neb. RS 60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the city. Any certificate of title issued under this division to the city shall be issued at no cost to the city.

(Neb. RS 60-1902)

(C) (1) Except for vehicles governed by division (B) of this section, the city shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The city shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

(a) It will be sold or will be offered at public auction after 5 days from the date such notice was mailed; or

(b) Title will vest in the city 30 days after the date such notice was mailed.

(3) If the agency described in division (C)(1)(a) or (b) of this section also notifies the city that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the city:

(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under division (C)(2)(a) of this section;

(b) Thirty days after the date the notice is mailed if the city will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (C)(4) of this section, the city may retain for use, sell, or auction the abandoned vehicle. If the city has determined that the vehicle should be retained for use, the city shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the city intends to retain the abandoned vehicle for its use and that title will vest in the city 30 days after the publication.

(Neb. RS 60-1903)

(D) (1) If a city law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this division (D) unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered

owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.  
(Neb. RS 60-1903.01)

(E) If a state agency caused an abandoned vehicle described in division (A)(a)(5) or (A)(b)(4) of this section to be removed from public property in this city, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section to be removed from public property in this (city/village), the state agency shall deliver the vehicle to the city which shall have custody.  
(Neb. RS 60-1904)

(F) Any proceeds from the sale of an abandoned vehicle in the city's custody less any expenses incurred by the city shall be held by the city without interest, for the benefit of the owner or lienholders of such vehicle for a period of 2 years. If not claimed within such 2-year period, the proceeds shall be paid into the general fund of the city.  
(Neb. RS 60-1905)

(G) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the city, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the city or its contractual agent or as a result of any subsequent disposition.  
(Neb. RS 60-1906)

(H) No person shall cause any vehicle to be an abandoned vehicle as described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section.  
(Neb. RS 60-1907)

(I) No person other than one authorized by the city or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this division shall be guilty of an offense.  
(Neb. RS 60-1908)

(J) The last-registered owner of an abandoned vehicle shall be liable to the city for the costs of removal and storage of such vehicle.  
(Neb. RS 60-1909)

(K) Any person violating the provisions of this section shall be guilty of an offense.  
(Neb. RS 60-1911)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

---

Mayor

(SEAL)

---

Clerk

**ORDINANCE NO. 892**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA ADOPTING SPRINGFIELD MUNICIPAL CODE 6-334, 6-335 AND 6-336: RELATING TO PUBLIC PROTECTION, HEALTH AND SAFETY; TO PROHIBIT THE USE BY MINORS AND SALE TO MINORS OF VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS; TO PROHIBIT THE SALE OF CERTAIN TOBACCO, VAPOR, AND NICOTINE PRODUCTS THROUGH A VENDING MACHINE OR SELF-SERVICE DISPLAY AS PRESCRIBED; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 6, Article 3, Sections 334, 6-335 and 6-336 of the Municipal Code of Springfield, Nebraska are adopted to read as follows:

**§6-334 MISDEMEANORS; USE OF TOBACCO BY MINORS.**

Whoever, being a minor under the age of 18 years, shall smoke cigarettes or cigars, use vapor products or alternative nicotine products, or use tobacco in any form whatever, in this city, shall be guilty of an offense. Any minor 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, vapor products, alternative nicotine products, or tobacco.

(Neb. RS 28-1418)

**§6-335 MISDEMEANORS; SALE OF TOBACCO TO MINORS.**

Whoever shall sell, give, or furnish in any way any tobacco in any form whatever, or any cigarettes or cigarette paper, vapor products, or alternative nicotine products, to any minor under 18 years of age is guilty of an offense.

(Neb. RS 28-1419)

**§6-336 MISDEMEANORS; MISREPRESENTATION BY MINOR TO OBTAIN TOBACCO.**

Any person under the age of 18 years who shall obtain cigars, tobacco, cigarettes, or cigarette material, vapor products, or alternative nicotine products from a licensee hereunder by representing that he or she is of the age of 18 years or over, is guilty of an offense.

(Neb. RS 28-1427)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

---

Mayor

(SEAL)

---

Clerk

**ORDINANCE NO. 893**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE 10-114; TO CREDIT SALES OF ALCOHOLIC LIQUOR; TO ALLOW LICENSED RETAILERS OF DISTILLED SPIRITS TO ISSUE TASTING CARDS TO CUSTOMERS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 10, Article 1, Section 10-114 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

**§10-114 ALCOHOLIC BEVERAGES; CREDIT SALES PROHIBITED.**

(A) No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered, and if any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law.

(B) Nothing in this section shall prevent the following:

(1) Any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or bona fide guests of members and charged to the account of such members or guests in accordance with the bylaws of such club;

(2) Any hotel or restaurant holding a retail license from permitting checks or statements for liquor to be signed by regular guests residing at such hotel or eating at such restaurant and charged to the accounts of such guests; or

(3) Any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers.  
(Neb. RS 53-183)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

---

Mayor

(SEAL)

---

Clerk

**ORDINANCE NO. 894**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO ADOPT SPRINGFIELD MUNICIPAL CODE 10-507 REVENUE AND TAXATION; TO CHANGE PROVISIONS REGARDING TO OCCUPATION TAXES IMPOSED BY THE CITY; 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 5, Section 10-507 of the Municipal Code of Springfield, Nebraska is adopted and shall read as follows:

**§10-507 OCCUPATION TAX; LEVIES AUTHORIZED.**

(A) The city shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city and regulate the same by ordinance. Any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under Neb. RS 53-160, 66-489, 66-489.02, 66-4,140, 66-4,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under Neb. RS 77-2704.24. The occupation tax shall be imposed in the manner provided in Neb. RS 18-1208, except that Neb. RS 18-1208 does not apply to an occupation tax subject to Neb. RS 86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the city.  
(Neb. RS 17-525)

(B) 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 times the amount of the license fee required to be paid under the Act to obtain such license.  
(Neb. RS 53-132)

***Statutory reference:***

*Occupation taxes generating more than \$300,000; imposition or increase; election required, see Neb. RS 18-1208*

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

\_\_\_\_\_  
Clerk

## ORDINANCE NO. 895

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO REPEAL SPRINGFIELD MUNICIPAL CODE 10-901 AND TO ADOPT SPRINGFIELD MUNICIPAL CODE 10-903 THROUGH 10-909: RELATING TO PUBLIC PROTECTION, HEALTH AND SAFETY; REVISING TOBACCO AND CIGARETTE LICENSES TO INCLUDE VAPOR PRODUCTS AND ALTERNATIVE NICOTINE PRODUCTS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. Chapter 10, Article 9, Section 10-901 of the Municipal Code of Springfield is repealed.

Section 2. Chapter 10, Article 9, Sections 10-903 through 10-908 of the Municipal Code of Springfield, Nebraska are adopted to read as follows:

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

Licenses for the sale of cigars, tobacco, cigarettes, cigarette material, vapor products, or alternative nicotine products to persons over the age of 18 years shall be issued to individuals, partnerships, limited liability companies, and corporations by the City Clerk upon application duly made as provided in this chapter.

(Neb. RS 28-1421)

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

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

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

### **§10-904 TOBACCO; LICENSE APPLICATION.**

Every person, partnership, limited liability company, or corporation desiring a license under Neb. RS 28-1420 to 28-1429 shall file with the City Clerk a written application stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business and shall deposit with the application the amount of the license fee provided in this chapter. If the applicant is an individual, the application shall include the applicant's social security number.

(Neb. RS 28-1422)

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

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

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

(C) Any person, partnership, limited liability company, or corporation selling annually in the aggregate more than 150,000 cigars, packages of cigarettes, and packages of tobacco in any form, at wholesale, shall pay a license fee of \$100, and if such combined annual sales amount to less than 150,000 cigars, packages of cigarettes, and packages of tobacco, the annual license fee shall be \$15. No wholesaler's license shall be issued in any year on a less basis than \$100 per annum unless the applicant shall file with the application a statement duly sworn to by himself or herself, or if applicant is a partnership, by a member of the firm, or if a limited liability company, by a member or manager of the

company, or if a corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, and packages of tobacco in every form have not exceeded in the aggregate 150,000 annually and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of an offense, and such wholesaler's license shall be revoked until the full license fee of \$100 is paid.

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

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

(A) The license, provided for in this chapter, when issued, shall authorize the sale of cigars, tobacco, cigarettes, cigarette material, vapor products, or alternative nicotine products by the licensee and employees, to persons over the age of 18 years, 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 18 prohibited; penalties, see Neb. RS 28-1425*

#### **§10-907 TOBACCO; DISPOSITION OF FEES.**

All money collected as license fees under the provisions of this chapter shall be paid over by the City Clerk to the treasurer of the school fund for the City.  
(Neb. RS 28-1426)

#### **§10-908 TOBACCO; TRANSFER OF LICENSE.**

In case of the sale of a business where the owner has a license hereunder, the City Clerk may authorize such license to be transferred to the purchaser. In case of a change of location by any licensee hereunder, the Clerk may transfer such license to the new location.  
(Neb. RS 28-1428)

#### **10-909 TOBACCO; REISSUANCE OF REVOKED AND FORFEITED LICENSE.**

In the event that the license of a licensee hereunder shall be revoked and forfeited as provided in Neb. RS 28-1425, no new license shall be issued to such licensee until the expiration of one year from the date of such revocation and forfeiture.  
(Neb. RS 28-1429)

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

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

Passed and approved this 21<sup>st</sup> day of July, 2015.

---

Mayor

(SEAL)

---

Clerk

Agenda Item 3. Boy Scout Troop 711 did not attend the meeting.

### **Department Reports**

Agenda Item 1. Roseland reported that the new warning siren was installed at Buffalo Park and is working well. He reported that Craig Reinsch with Olsson obtained a quote from Layne in the amount of \$8,522 to conduct a 24 hour pump test on the third test well. Council agreed to proceed with the test.

Agenda Item 2. Carlson reported that the library summer reading program is wrapping up. He said that the library is considering budget items for additional personnel. Carlson reported that a resident complimented city employee Kent Maystrick for his hard work and dedication. Carlson suggested the Council consider implementing a city slogan.

Agenda Item 3. No Department Report from Craney.

Agenda Item 4. Nolte reported that he will be conducting annual reviews for maintenance personnel.

Agenda Item 5. No Department Report from Mayor Dill.

Agenda Item 6. City Administrator, Kathleen Gottsch, reported that the first budget work session will be held during the first week of August.

### **Executive Session**

Motion by Nolte, seconded by Roseland, to enter into executive session at 7:31 p.m. for the purpose of strategy sessions with respect to pending litigation. AYES: Roseland, Carlson, Nolte. NAYS: None. Motion carried.

Motion by Roseland, seconded by Carlson, to leave executive session at 7:48 p.m. AYES: Roseland, Carlson, Nolte. NAYS: None. Motion carried.

### **Adjournment**

Motion by Roseland, seconded by Carlson, to adjourn. AYES: Roseland, Carlson, Nolte. NAYS: None. Meeting adjourned at 7:49 p.m. Motion carried.

I, the undersigned, City Clerk for the City of Springfield, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on July 21, 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