

City of Seward, NE

Tuesday, August 2, 2016

Regular Session

Item G17

CONSIDERATION OF AN ORDINANCE (THIRD AND FINAL READING) SUSPENDING SEWARD MUNICIPAL CODE SECTION 3-141 FOR A PERIOD OF TWO YEARS AND ISSUING A STAY FOR THIS TIME FOR DIGGING, DRILLING OR CONSTRUCTION OF PRIVATE WELLS WITHIN THE CORPORATE LIMITS OF THE CITY - City Administrator Smith

Administrative Report: This is the third and final reading of the ordinance. Council considered this ordinance on first reading on July 5, 2016 and second reading on July 19, 2016.

Following review and discussion, Council to vote on adoption of the Ordinance.

Staff Contact:

July 28, 2016

Josh Eickmeier, Mayor, City of Seward, Nebraska
Bruce Smith, City Administrator
Members of the City Council

Greetings:

I thank you for your investments of time and energy in making Seward a first-class city. In pursuing school and work opportunities, I have had the privilege of living in the communities of Concordia, Missouri, St. Louis, Missouri, Austin, Texas, Orlando, Florida, Richmond, Virginia, New York City, Denver, Colorado, and Detroit, Michigan. At this stage of life, my number one choice of a residence is Seward.

As a resident of Seward since 1970, we have enjoyed opportunities to maintain green lawns and produce fruit and vegetables. Through the years, extended periods of drought were not a threat to any of the vegetation due to a well which was drilled in the back-yard in 1983.

In reading reports on discussions of imposing a moratorium on private wells described in the July 20 and 27 editions of the *Seward County Independent*, attention was given to the search for a rationale for such a moratorium. Though potential problems were discussed, a substantive rationale for a moratorium which clearly names any issues is not clear to me or perhaps to other citizens of Seward.

Can't a detailed study of the questions which are being raised as well as a report on findings occur without imposing a moratorium at this time?

Thank you for your attention.

Marvin Bergman
1610 N. Columbia Ave.

ORDINANCE NO.

AN ORDINANCE TO SUSPEND SEWARD MUNICIPAL CODE SECTION 3-141 FOR A PERIOD OF TWO YEARS, AND TO ISSUE A STAY FOR THE SAME PERIOD OF TIME FOR THE DIGGING, DRILLING OR CONSTRUCTION OF PRIVATE WELLS WITHIN THE CORPORATE LIMITS OF THE CITY; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Section 1. The management, conservation, and beneficial use of ground water is essential to the continued economic prosperity of the City.

Section 2. Long-term solutions should be implemented and efforts should be made to prevent further reduction in the levels of ground water, and the City Council, as a local entity, is the preferred regulator of activities which may contribute to reduction of ground water levels.

Section 3. Seward Municipal Code Section 3-141 is hereby suspended for a period of two years from the effective date of this Ordinance.

Section 4. There is hereby a stay on the digging, drilling, or construction of new private wells within the corporate limits of the City during the period of suspension of Seward Municipal Code Section 3-141. This stay shall be imposed (a) on the digging, drilling or construction of new private wells, unless such digging, drilling or construction has commenced prior to the effective date of this ordinance; (b) on the use of an existing private water well to increase the number of households served, or for a new use. An exemption to this stay is for heating and cooling purposes only, such as a geothermal heat pump.

Section 5. Pamphlet Form; Publication, When Operative. This ordinance shall be published in pamphlet form and shall be in full force and effective from after its passage, approval, and publication or posting as required by law and city ordinance.

Passed and approved this ____ day of _____, 2016

CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Administrators Assistant/
Clerk-Treasurer
Budget & Human Resource Director

(SEAL)