

AGENDA
SEWARD CITY COUNCIL MEETING
Tuesday, April 7, 2015 @ 7:00 PM

NOTICE IS HEREBY GIVEN that a meeting of the City Council of the City of Seward, Nebraska will be held at 7:00 PM on Tuesday, April 7, 2015, in the Municipal Building Council Chambers, 142 North 7th Street, Seward, Nebraska, which meeting will be open to the public. The Mayor and City Council reserve the right to adjourn into Closed Session as per Section 84-1410 of the Nebraska Revised Statutes. An Agenda for such meeting, kept continually current, is available at the Office of the City Clerk, 537 Main Street, Seward, Nebraska, during normal business hours. Individuals requiring physical or sensory accommodations, who desire to attend or participate, please contact the City Clerk's Office at 402.643.2928 no later than 3:30p.m.on the Friday preceding the Council Meeting.

City financial claims and related invoices will be available for Councilmember review, audit and voluntary signatures at Council Chambers beginning 30 minutes prior to the scheduled meeting time.

AGENDA ITEMS

CALL TO ORDER – Mayor Eickmeier

PLEDGE OF ALLEGIANCE-MOMENT OF SILENCE - Mayor Eickmeier

DISCLOSURE OF OPEN MEETINGS ACT & OTHER NOTIFICATIONS - Mayor Eickmeier

This is an Open Meeting of the Seward Nebraska Governing Body. The City of Seward abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is displayed on the north wall of this meeting room facility as required. Disclosure of meeting recording processes is posted in the Meeting Room. A participant sign-in sheet is available for use by any Citizen addressing the Council. Presenters shall approach the podium, state their name & address for the Clerk's record and are asked to limit remarks to five minutes. All remarks shall be directed to the Mayor who shall determine by whom any appropriate response shall be made. The City of Seward reserves the right to adjust the order of items on this Agenda if necessary and may elect to take action on any of the items listed.

ROLL CALL - Mayor Eickmeier

**1. CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF MARCH 17, 2015 -
Bonnie Otte**

2. CONSIDERATION OF CONSENT AGENDA

- A. Claims & Payables Reports
- B. Infrastructure Cost Items Reimbursable Back to the City

3. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF AMENDMENT TO ARTICLE 30, PERTAINING TO THE AVIATION OVERLAY DISTRICT OF THE SEWARD UNIFIED LAND DEVELOPMENT ORDINANCE - John Hughes

- A. Consideration of an Ordinance Amending Article 30 of the Unified Land Development Ordinance

4. **CONSIDERATION OF AWARDING BID FOR 2015 OR NEWER AMBULANCE FOR THE SEWARD VOLUNTEER FIRE AND RESCUE DEPARTMENT - Alex Volnek and Connie Languein**
5. **CONSIDERATION OF LOCATION OF CARNIVAL FOR CITY OF SEWARD FOURTH OF JULY EVENT - Mel Bolte**
6. **PRESENTATION AND DISCUSSION OF CIVIC CENTER NORTH PROJECT - Councilmember Lieske**
 - A. CONSIDERATION OF SUBMITTING A CIVIC AND COMMUNITY CENTER FINANCING FUND PRE-APPLICATION FOR THE CIVIC CENTER NORTH PROJECT
7. **CONSIDERATION OF A VOLUNTARY ANNEXATION OF WEB 4TH ADDITION - John Hughes**
 - A. Consideration of an Ordinance (Second Reading) Approving the Voluntary Annexation of Web 4th Addition
8. **CAPITAL PROJECTS UPDATE - John Hughes**
9. **FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION - Mayor Eickmeier**
10. **ANNOUNCEMENT OF UPCOMING EVENTS - Mayor Eickmeier**
 - A. 2015 Arbor Day Celebration - Independence Landing - Thursday, April 23, 2015 at 1:00 p.m.
 - B. July 4th Celebration

11. MOTION TO ADJOURN

I, Bonnie Otte, the duly appointed, qualified and acting Assistant Administrator/Clerk-Treasurer/Budget & Human Resource Director of the City of Seward, Nebraska, hereby certify:

That the foregoing Notice of Meeting and Agenda for such meeting has been posted in the following places: Seward City Hall, Seward County Courthouse, Seward Memorial Library and CityofSewardNE.com

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City this 3rd day of April, 2015.

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

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G1

CONSIDERATION OF APPROVAL OF DRAFT MINUTES OF MARCH 17, 2015 - Bonnie Otte

Administrative Report: A motion to approve the minutes as written or with modifications would be in order.

Staff Contact:

March 17, 2015

The Seward City Council met at 7:00 p.m. on Tuesday, March 17, 2015, with Mayor Joshua Eickmeier presiding and Assistant Administrator/Clerk-Treasurer/Budget & Human Resources Director Bonnie Otte recording the proceedings. Upon roll call, the following Councilmembers were present: Charles Lieske, Ellen Beck, Sid Kamprath, Dean Fritz, Barbara Pike, John Singleton, Chris Schmit, Dick Hans. Other officials present: Interim City Administrator Jack Vavra and City Attorney Kelly Hoffschneider. Absent: None.

Notice of the meeting was given in advance thereof by the method of communicating advance notice of the regular and special meetings of the City Council of the City of Seward, Nebraska, as stated in Resolution Number 14-99, which was adopted on the 17th day of August, 1999; said method stating that the notice of such meeting, with the agenda thereon, be posted in the following places: City Hall, County Courthouse and Seward Public Library. The certificate of posting notice is attached to these minutes. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgment of receipt of notice and the agenda are 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 attendance of the public.

THE PLEDGE OF ALLEGIANCE

Mayor Eickmeier announced that a copy of the Agenda for this meeting is posted in the front window of the Municipal Building and copies are available on the north wall where a copy of the Open Meetings Act is also posted for public inspection. He also noted that any citizen wishing to address the Council should come to the podium, state their name and address and limit their comments to five minutes. All remarks should be directed to the Mayor/Chairperson, who will then determine who will make any appropriate response. The City of Seward reserves the right to adjust the order of items on this agenda if necessary and may elect to take action on any of the items listed.

1. APPROVAL OF MINUTES OF MARCH 3, 2015 COUNCIL MEETING

Councilmember Pike moved, seconded by Councilmember Singleton, that the minutes of the March 3, 2015 City Council meeting be approved.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Pike, Singleton, Fritz

Nay: None

Absent: None. Motion carried.

2. CONSENT AGENDA CONSIDERATION ITEMS

Councilmember Pike moved, seconded by Councilmember Singleton, that the following Consent Agenda items be approved in one single motion:

- A. Claims & Payables Reports
- B. City Clerk-Treasurer Report
- C. City Codes Director Report
- D. Police Department Report
- E. Seward County Economic Development Corporation Director's Report
- F. Infrastructure Cost Items Reimbursable Back to the City.

CLAIMS LIST
3-17-15
COUNCIL MEETING

March 17, 2015

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se, Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements.

Payroll	130,100.93
Seward County Treasurer, Sales Tax, Fees	722.25
PDS, Inc, Software	802.50
Burlington Northern SF, Fees	750.00
A-J Roofing & Waterproofing, Re	38,600.00
Alliance Technologies, Se	712.50
American Safety Utility, Eq	210.37
Advanced Floor Care, Ma	250.00
Amazon.Com, Su	727.54
Advantage Companies, Se	1,355.00
Awards Unlimited, Se	12.35
Baker & Taylor, Su	2,919.26
Blue River Jewelry, Se	18.19
Alan Baldwin, Mi	211.60
Bookpage, Su	300.00
Burlington Northern SF, Fees	562.75
Time Warner Cable, Se	79.38
Capital Business Systems, Ma	79.00
Control Services, Bu	404.00
Chapters Books & Gifts, Su	43.12
Cross Dillon Tire Lincoln, Re	203.50
Cash-Wa Distributing, Su	383.98
Chargpoint, Software	840.00
Library Petty Cash, Su	142.46
Cornhusker International Truck, Re	133.35
Electronic Contracting, Software	149.00
City-Merchant Services, Ex	1,117.37
Fastenal Company, Su	634.53
Gabriel Burger & Else, Se	2,000.00
One Call Concepts, Se	22.55
Glamour Magazine, Su	24.00
Galls, Uniform	342.89
Glass Doctor, Re	210.27
Gale/Cengage Learning, Su	46.88
Hobson Automotive & Tire, Re	80.00
Harding & Shultz, Se	1,690.00
Hawkins, Su	865.85
Hydraulic Equipment Service, Re	218.94
Husker Electric Supply, Re, Bu	177.66
Intl Assoc Law Enforcement, Dues	55.00
Jackson Services, Se	123.12
Lincoln Winwater Works, Re	3,426.87
Midwest Auto Parts, Re, Su	422.38
Windstream Nebraska, Se	2,469.23
Last Mile Network, Se	230.00
Lees Refrigeration, Su	35.32
Matheson Tri-Gas, Su	148.75
Capital Business Systems, Ma	225.00
Midwest Laboratories, Se	835.46
Midwest Automotive, Re	3,656.06
RR Donnelley, Su	205.62
Midwest Turf & Irrigation, Eq	2,950.00
Municipal Supply Inc of Nebraska, Re, Su	5,721.00
Midwest Service & Sales, Su	594.82
Midwest Industrial Tanks, Eq	4,830.00

March 17, 2015

Mid-American Benefits, Ins	2,270.61
Verizon Wireless, Se	117.83
Nebraska Pub Power, Ut	511,584.83
Niemann's Port-A-Pot, Bu	80.00
Nebraska Treasurer, Fees	53.35
Orscheln Farm & Home, Su, Re	83.29
O'Reilly Auto Parts, Su, Re	154.78
Odey's, Su	1,926.83
Overdrive, Su	214.97
Fast Mart, Su	105.64
OCLC, Se	174.61
Prevention Magazine, Su	32.00
Pac N Save, Su	734.11
Quill Corp, Su	277.46
Memorial Health-Meals, Su	602.00
Visa	434.34
Nova Solutions, Su	294.84
Oriental Trading, Su	24.66
DNH*GoDaddy.com, Se	18.17
Walmart, Su	66.64
Gotprint.com, Su	30.03
Racom Corporation, Re	359.50
Rumery Lawn & Landscape, Ma	705.28
Rolling Stone Magazine, Su	29.95
Sack Lumber Co, Su	33.98
Richters, Inc, Bu	3,375.13
Olsson Associates, Su	270.25
Seward County Road Dept, Se, Su	3,745.71
Seward Lumber & Home, Su, Re, Bu	527.72
Nebraska Public Health, Se	210.00
Farmers Coop-Seward, Su	4,785.14
Seward School Dist, Misc	80.00
Memorial Health-Drug, Se	30.00
Seward County Independent, Se	616.35
Seward County Public Power, Ut	2,261.05
Seward County Treasurer, Se	14,959.33
ST PJ Supply, Su	112.87
Helmlink Printing, Su	601.00
Salt Creek Software, Su	5,310.36
Precision Tool & Machine, Su, Ma	477.00
Taste of the South Magazine, Su	22.98
US Postal Service, Su	166.00
USA Bluebook, Su	462.14
Upstart, Su	514.60
Tinius Plumbing, Su	472.50
Titan Machinery, Re, Su	621.56
Tiger Direct, Eq, Su	421.97
HD Supply Waterworks, Eq	14,239.56
Wesco Distribution, Re	595.99
John/Jana Hughes, Ex	25.00
Reed Electric, Bu	147.23
Plunkett's Pest Control, Bu	55.12
Gary & Erika Rolf, Ex	25.00
Jack Vavra, Se	6,083.76
Leadership Resources, Se	1,990.00
York County emergency Mgmt, Su	6.40
Delta Star, Ci	20,551.55
Southern Seven Clerk Assoc, Conf	25.00
Ellen Beck, Mi, Misc	72.95

March 17, 2015

Barbara Pike, Mi, Meal, Misc	71.42
Grafix Shoppe, Su	159.23
Friend Matt Truck Equip, Eq	8,782.88
David Mackie, Ex	412.70
Hastings Public Library, Ex	30.00
Arden Nitz, Su	121.88
Seward Kiwanis Club, Bu	47.00
Orville Pearson, Se	120.00
Body Basics Lincoln, Re	155.00
Henry Pankoke, Se	220.00
Total	<hr/> 828,029.29

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Fritz, Pike, Singleton
Nay: None
Absent: None. Motion carried

3. PUBLIC HEARING - 7:00 p.m. - CONSIDERATION OF A PRELIMINARY PLAT TITLED
WEB 4TH ADDITION

Bill Kuhlman, 2054 Holdrege Rd, Pleasant Dale, representing Web Development Corporation addressed the Council requesting approval of a preliminary plat titled Web 4th Addition. The development includes 24 lots bounded by Waverly Rd, East Maple Street, North Columbia Avenue and Star Street, with the total development area being 7.51 acres. Mr. Kuhlman stated that he is aware of water drainage issues in the area and flow rates from the 1991 Drainage Study, prepared by JEO, as well as the drainage computations from The Schemmer Associates for Web First Addition were used as a guide in developing the proposed drainage system for the new development. All computations and comparisons are based on the 10-year design discharge. Mr. Kuhlman stated this development project includes a significant amount of additional grading and upsized storm sewer pipes (increased to 24") in an effort to delay the peak water flow as much as possible. He stated this will not solve the downstream issues, but hopefully will help.

When asked if he has used this type of remedial piping to curb drainage problems, Mr. Kuhlman stated he has not been met with these types of drainage issues in other developments.

Another question related to whether code or statute would require a retaining pond. Public Facilities/Capital Improvement & GIS Director John Hughes stated there is a detention cell behind the school; however, the proposed development site does not have enough area to construct such a detention cell. The oversized drainage piping is the proposed holding area, similar to a detention cell. Mr. Hughes also commented that just today the City met with Dr. Greg Barnes from the Seward School District to discuss the water runoff from the elementary and middle school properties, and particularly from the soccer fields. He said Dr. Barnes is interested in resolving the issues, but has to take the problems to his school board and engineers. Mr. Hughes stated it is premature to talk about any of the possible solutions.

A question was asked if there were any hydrology reports to stand behind the proposed development piping system.

Jeff Wagner, 6920 Van Dorn Street, Lincoln, NE of Mainelli, Wagner & Associates, Inc, engineer for the development, spoke stating the developer is not just installing larger storm water piping, but is flattening the piping system so the pipes become a very large storage system for the water. He stated the piping should reduce the peak flow by 15-18%. He added that currently, the drainage is 103 cfs (cubic feet per second). The planned drainage should be reduced to around 78 cfs.

March 17, 2015

Mayor Eickmeier opened the public hearing.

Jared Hochstein, 357 Star Street, Seward spoke as a homeowner concerned about rain water drainage. Mr. Hochstein provided photos of the May 11, 2014 rain event and the street and backyard flooding. He stated there have been several times where the manhole cover has "blown off" from the force of rushing water. He questioned whether diverting water to the storm sewer with a 52" outlet that is already running at capacity is the best plan. He stated there has not been a water study conducted since 1991 and indicated an independent engineering study may be worth considering prior to adding another development.

David Rathje, 1987 Star Street, Seward spoke with regard to drainage concerns, stating that a lot of water is coming off of the school property. He indicated that even a smaller rain (not the magnitude of the May 11, 2014 rainstorm), causes a "river" between his house and the house to the south of his property.

Lanny Hans, 2332 Star Street, Seward raised concern about the amount of water coming off of the middle school property. He stated he agrees with Jared (Hochstein) in that there has not been enough forethought into this development and how it will affect the surrounding properties. He stated there was poor planning on the school development and is concerned about the amount of water coming from the back of these properties. He added that the retention pond does nothing; it collects the water, overflows and runs onto the property.

Dave Besse, 2356 Star Street, Seward stated his property backs up to the middle school property. He agrees that the drainage and flooding is a school problem, but appreciates Web Development's efforts. He added he has concerns with the electrical in his back yard because it goes under water every time it rains.

Helen Hild, 2005 Star Street, Seward stated she lives to the north of Mr. Rathje and has had water in her basement three times. She said the homeowners should not have to babysit their property and worry every time it rains that they will have water in the basement. She said it could be just 2 or 3 inches OF rainfall that cause problems. She said it is the water from the soccer fields that causes the flooding.

Jim Hilde, 2005 Star Street, Seward stated their property is not as bad as some. There is one property where the owner has to open the back door of her house and garage door on the front to allow the flood waters to run through so it doesn't fill up the egress window and flood her basement. He stated Star Street does not need to have more water directed onto it. He asked why the water can't be directed to the north. He said they are being told these enlarged pipes will divert the water or hold the water for a while. But if the plan doesn't work, there will just be more problems for the current residents.

Mr. Kuhlman stated that he has been in the Seward community for twenty years and leaving this land vacant will not solve the drainage issues. He stated there is no way to grade the property to drain the water to the north without creating a huge hump in the middle of the development property, due to being bounded on three sides. He stated there is a 9' grade difference from the north to the south line of the development area. He then explained that the development is set up into six cells with each graded so the cells would drain different directions. He said, as is now, all the water sheet drains to the southeast.

Karen Thege, 333 Star Street, stated the inlet is too small and there is no barrier; kids could get sucked into the inlet. She said there are bars on this inlet, but with the amount of water that comes through, it is a safety concern. She added that she too appreciates all that Web Development is doing, but more roof and driveway/concrete area means more run-off. She said their property values are not good because of the flooding. She would like to see the City do their

March 17, 2015

due diligence and have another study rather than approve the plan and that no one can guarantee will work.

Mayor Eickmeier closed the public hearing.

Public Facilities/Capital Improvement & GIS Director John Hughes stated there are three issues: 1) the proposed subdivision - doing nothing will not help the drainage issues; 2) water running off the middle school property - City is undergoing conversations with the school to come up with a plan to address the drainage; and 3) go with an engineer's study/recommendation. He stated the soccer fields appear to be the main issue.

Councilmember Kamprath stated, based on the information, the preliminary plat plan for drainage appear to help the drainage, but the bigger issue is working with the school to mitigate the problems.

Councilmember Singleton stated he feels a water study for the whole City would be good.

Councilmember Lieske inquired about a detention cell behind the school that is not in use. Mr. Hughes stated he thought the swail was to drain to the detention cell. However, the assumption was incorrect. This detention cell is for the runoff of the school buildings and parking lot; it was not meant to be the detention cell for the swail.

Councilmember Beck, 2300 Star Street, Seward stated it is not just the 5-inch/hour rain that causes Star Street to flood; it happens with lesser rainfalls. She stated she is not against the development, but it seems the school district has not come to the plate and it makes her uncomfortable to approve the plat/plan without a deal with the school. She stated the Summary of Drainage Study for Web Fourth Addition states, "Seward Staff have indicated that the storm sewer system is overloaded downstream.." She asked if the developer's plan does not work, is the City open for litigation? Mr. Hughes stated that the streets do handle a 10-year event; not a 5" per hour rain.

Karen Thege asked if the City has the right to force (litigation) the school to do something. She also asked if the City could require special plantings to help slow down the water run-off.

Mayor Eickmeier commented that school issues are separate from the developer's plat request, but the City is undergoing discussions with the school. He added that landscaping/plantings may be something the developer would consider, depending on how it fit into the development plan.

City Attorney Hoffschneider stated, as a courtesy, John Hughes and staff have met with the school. There is no legal obligation by the City to pursue legal action against another developer or land owner. The citizens could choose to take legal action as a civil matter.

When asked how much time would pass between approval of this preliminary plat and a final plat and if there would be some resolution with the school drainage issues by this time, Mr. Hughes stated he anticipated 30-45 days to return to Council with the final plat. He added that he did not feel it appropriate to hold the development hostage for the school mediation matter. Dr. Barnes has a process to go through with the School Board.

Councilmember Pike moved, seconded by Councilmember Hans, that the preliminary plat titled Web 4th Addition be approved.

Aye: Hans, Lieske, Kamprath, Pike, Singleton, Fritz

March 17, 2015

Nay: Beck, Schmit
Absent: None. Motion carried.

4. PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF A VOLUNTARY ANNEXATION OF WEB 4TH ADDITION

Bill Kuhlman, 2054 Holdrege Rd, Pleasant Dale, representing Web Development Corporation presented the voluntary annexation request for Web 4th Addition.

Mayor Eickmeier opened the public hearing. Hearing no comment, Mayor Eickmeier closed the public hearing

Mayor Eickmeier read Ordinance No. 2015-05 on first reading by title: AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN CONTIGUOUS AND ADJACENT TRACTS OF LAND, URBAN AND SUBURBAN IN CHARACTER, MORE SPECIFICALLY THE LAND INCLUDED IN WEB 4TH ADDITION TO THE CITY OF SEWARD, TO THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA, AND EXTENDING THE LIMITS THEREOF ACCORDINGLY; TO DESCRIBE THE REAL ESTATE TO BE ANNEXED AND ITS BOUNDARIES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

No action was taken; the annexation requires three separate readings. The Ordinance will be considered on second reading on April 7, 2015.

5. CONSIDERATION OF ENGAGEMENT LETTER WITH WOODS & AITKEN LAW FIRM TO ALLOW JERRY PIGSLEY TO CONTINUE AS CITY'S LABOR ATTORNEY

Attorney Jerry Pigsley addressed the Council stating the Harding & Shultz Law firm dissolved effective March 16, 2015. He stated he was with the firm for 31 years and has served as the City's legal counsel. He stated he has moved his practice to the law firm of Woods & Aitken and offered to continue serving as the City's legal counsel. He added that the City's file, which was developed over many years is still retained at the Harding & Shultz office, but the City could choose to transfer this file to another law firm. He offered the services of Woods & Aitken, recommending the file be transferred to this firm.

Councilmember Hans moved, seconded by Councilmember Schmit, that the City retain Woods & Aitken Law Firm as the City's law firm for labor matters and that the City's file be transferred from Harding & Shultz to Woods & Aitken.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Singleton, Pike, Fritz
Nay: None
Absent: None. Motion carried.

6. CONSIDERATION OF A RESOLUTION REDUCING THE SPEED LIMIT THROUGH BLUE VALLEY CAMPGROUND TO 15 MILES PER HOUR

Public Facilities/Capital Improvement & GIS Director John Hughes stated the Safety Committee submitted a request to lower the speed limit in the Blue Valley Campground to 15 miles per hour. He added that Centennial Park also has a 15 mile per hour speed limit.

Mayor Eickmeier commented that just a few years ago the speed limit in the Fairgrounds area was increased to 25 miles per hour.

Councilmember Kamprath introduced the following resolution:

RESOLUTION NO. 2015-05

March 17, 2015

WHEREAS, Section 5-229 of the City Code of the City of Seward, Nebraska provides that the governing body may, by resolution, designate and place signs on any street for the purpose of regulating traffic thereon, and;

WHEREAS, it is necessary to designate the speed of vehicles on certain streets and portions of streets hereinafter designated and to install signs designating such speeds to vehicular traffic entering the city limits where reduced speeds begin.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA THAT:

1. The speed limit is hereby established at 15 miles per hour on the roadway through the Blue Valley Campground, beginning 225 feet southeast of drive entrance off of Highway 15 and signs shall be placed at appropriate locations to identify to persons entering said location that the speed limit has been established at 15 miles per hour as set forth herein.
2. All previous resolutions in conflict herewith are specifically repealed.

Councilmember Schmit moved, seconded by Councilmember Fritz, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Hans, Schmit, Singleton, Pike, Fritz, Kamprath, Beck, Lieske. Nay: None. Absent: None.

The Mayor declared the resolution adopted.

Dated: March 17, 2015

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer/
Budget & HR Director

(SEAL)

7. CONSIDERATION OF A RESOLUTION AUTHORIZING THE LEASE/PURCHASE AND/OR FINANCE OF EQUIPMENT THROUGH CATERPILLAR FINANCIAL SERVICES CORPORATION

Councilmember Pike introduced the following resolution:

RESOLUTION NO. 2015-06

WHEREAS, the laws of the State of Nebraska (the "State") authorize City of Seward (the "Governmental Entity"), a duly organized political subdivision, municipal corporation or similar public entity of the State, to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into any necessary contracts; and

The Governmental Entity wants to lease, purchase and/or finance equipment ("Equipment") from Caterpillar Financial Services Corporation and/or an authorized Caterpillar dealer ("Caterpillar") by entering into that certain

March 17, 2015

Governmental Equipment Lease-Purchase Agreement (the "Agreement") with Caterpillar; and

the form of the Agreement has been presented to the governing body of the Governmental Entity at this meeting.

BE IT THEREFORE RESOLVED, that: (i) the Agreement, including all schedules and exhibits attached to the Agreement, is approved in substantially the form presented at the meeting, with any Approved Changes (as defined below), (ii) the Governmental Entity enter into the Agreement with Caterpillar and (III) the Agreement is adopted as a binding obligation of the Governmental Entity; and

that changes may later be made to the Agreement if the changes are approved by the Governmental Entity's counsel or members of the governing body of the Governmental Entity signing the Agreement (the "Approved Changes") and that the signing of the Agreement and any related documents is conclusive evidence of the approval of the changes; and

that the persons listed below, who are the incumbent officers of the Governmental Entity (the "Authorized Persons"):

Joshua Eickmeier, Mayor

be, and each is authorized, directed and empowered, on behalf of the Governmental Entity, to (i) sign and deliver to Caterpillar, and its successors and assigns, the Agreement and any related documents, and (ii) take or cause to be taken all actions he/she deems necessary or advisable to acquire the Equipment, including the signing and delivery of the agreement and related documents; and

that the City Clerk of the Governmental Entity is authorized to attest to these resolutions and affix the seal of the governmental Entity to the Agreement, these resolutions, and any related documents; and

that nothing in these resolutions, the Agreement or any other document imposes a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligations of the Governmental Entity as provided in the Agreement; and

that a breach of these resolutions, the Agreement or any related document will not impose any pecuniary liability upon the governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Agreement are special limited obligation of the Governmental Entity as provided in the Agreement; and

that the authority granted by these resolutions will apply equally and with the same effect to the successors in office of the Authorized Persons.

Councilmember Beck moved, seconded by Councilmember Pike, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Hans, Schmit, Singleton, Pike, Fritz, Kamprath, Beck, Lieske. Nay: None. Absent: None.

The Mayor declared the resolution adopted.

Dated: March 17, 2015

March 17, 2015

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

8. CONSIDERATION OF A RESOLUTION APPROVING A LEASE/PURCHASE AND/OR FINANCE
AGREEMENT WITH HAMILTON EQUIPMENT COMPANY FOR EQUIPMENT

Councilmember Fritz introduced the following resolution:

RESOLUTION NO. 2015-07

WHEREAS, CITY OF SEWARD ("Lessee") is a validly existing political subdivision of the State of NE (the "State"), existing as such under and by virtue of the Constitution, statutes and laws of the State;

WHEREAS, the Mayor of the Lessee (the "Governing Body") has the power under the laws of the State to lease or purchase personal property for use by the Lessee; and the Governing Body has determined, and hereby determines, that it is in the best interests of the Lessee to enter into a Municipal Lease Agreement with HAMILTON EQUIPMENT COMPANY ("Lessor") which lease will be assigned to General Electric Credit Corporation of Tennessee ("Assignee") pursuant to an assignment by Lessor to Assignee (such Municipal Lease Agreement and Assignment are herein together referred to as the "Lease") for the purpose of financing the acquisition of the equipment (the "Equipment") described in Exhibit A to the Lease, and that the use of such Equipment is essential to the Lessee's proper, efficient and economic operation;

WHEREAS, the governing body has taken the necessary and appropriate steps under the applicable law, including, without limitation, and any public bidding requirements, to arrange for the acquisition and financing of the Equipment under the Lease;

WHEREAS, the Lease terminates, and the Lessee's obligations thereunder are extinguished, if the Governing Body fails to appropriate money for the ensuring fiscal year for the payment of the amounts due in such fiscal year;

WHEREAS, there has been presented to the Governing Body the form of the Lease, including Exhibit A thereto, which the Lessee proposes to approve, enter into and deliver, as applicable, to effectuate the proposed financing of the Equipment; and it appears that the Lease and its Exhibit A are in appropriate form and are appropriate instruments for the purposes intended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

Section 1. That all actions of the Lessee in effectuating the Lease are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Lease.

Section 2. That sums be and hereby are allocated from the budget of the Governing Body for the fiscal year ending on September 30, 2015, sufficient

March 17, 2015

to meet all obligations of the Lessee under the Lease, including without limitation Monthly Rent in the amount of \$928.10 per month.

Section 3. The Governing Body hereby approves the acquisition by the Lessee of the Equipment described in Exhibit A to the Lease, such acquisition to be financed by Lessor/Assignee pursuant to and in accordance with the terms of the Lease, which will be a valid, legal and binding obligation of the Lessee enforceable in accordance with its terms. The form and content of the Lease are in all respects authorized approved and confirmed and the Mayor of the Lessee, or his designee is authorized, empowered and directed to execute and deliver the Lease and the other Documents (as defined in the Lease) for and on behalf of the Lessee in substantially the form attached hereto, but with such changes, modifications, additions or deletions therein as shall to him seem necessary, desirable or appropriate.

BE IT FURTHER RESOLVED THAT this Resolution take effect from and after its passage.

Councilmember Singleton moved, seconded by Councilmember Pike, that the resolution be adopted. Upon vote, the following Councilmembers voted Aye: Hans, Schmit, Singleton, Pike, Fritz, Kamprath, Beck, Lieske. Nay: None. Absent: None.

The Mayor declared this resolution adopted.

Approved this 17th day of March, 2015.

THE CITY OF SEWARD, NEBRASKA

ATTEST:

Joshua Eickmeier, Mayor

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

(SEAL)

9. CONSIDERATION OF A RESOLUTION FILING A PROPERTY LIEN FOR UNPAID WATER AND WASTEWATER SERVICES

Assistant Administrator/Clerk-Treasurer/Budget & HR Director Bonnie Otte addressed the Council stating per Section 16-682 of the Nebraska Revised Statutes authorizes cities of the First Class to place a lien upon the premises of real estate upon which water and sewer bills remain unpaid for a period of three months after they become due. Otte stated, in addition to billing notices, two letters were sent to the property owners (December 2014 and March 2015) indicating a lien would be filed against the property if the bill were not paid.

Councilmember Lieske stated he received a call from a landlord who received a notice naming renters (incurred the billing) that he did not know. Councilmember Lieske stated he would like to make sure that there wasn't an error in the City's database system before filing the lien.

March 17, 2015

Councilmember Lieske moved, seconded by Councilmember Singleton, that the resolution filing a property lien for unpaid water and wastewater services located at 1140 South Street, Seward be tabled.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Fritz, Pike, Singleton

Nay: None.

Absent: None. Motion carried.

10. CAPITAL PROJECTS REPORT

Public Facilities/Capital Improvement & GIS Director John Hughes provided an update and Capital Projects Report dated 3/17/15.

Councilmember Fritz moved, seconded by Councilmember Kamprath, that the Capital Projects Report dated March 17, 2015 be accepted.

Aye: Schmit, Hans, Lieske, Beck, Kamprath, Fritz, Pike, Singleton

Nay: None.

Absent: None. Motion carried.

11. FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION

12. ANNOUNCEMENT OF UPCOMING EVENTS

- A. Chamber of Commerce - Professional Development Seminar - March 25, 2015,
12:00 p.m. - 5:30 p.m. - Seward Memorial Library
- B. Arbor Day Celebration - Independence Landing - April 23, 2015 @ 1:00 p.m.
- C. July 4th Celebration

12. MOTION TO ADJOURN

Councilmember Singleton moved, seconded by Councilmember Pike, that the March 17, 2015 City Council Meeting be adjourned.

Aye: Singleton, Hans, Pike, Kamprath, Schmit, Beck, Fritz, Lieske

Nay: None

Absent: None. Motion carried.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Bonnie Otte
Assistant Administrator
Clerk-Treasurer
Budget & Human Resources Director

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G2

CONSIDERATION OF CONSENT AGENDA

Claims & Payables Reports

Infrastructure Cost Items Reimbursable Back to the City

Administrative Report: After review of listed Consent Agenda items and supporting documents/reports, one motion to approve the consent agenda would be in order. Council may choose to pull any item from the Consent Agenda and consider/act on it separately.

Staff Contact:

CLAIMS LIST
4-7-15
COUNCIL MEETING

Abbreviations: Bu, Building Upkeep; Eq, Equipment; Ex, Expense; Ma, Maintenance; Mi, Mileage; Misc, Miscellaneous; Re, Repairs; Sa, Salaries, Se, Services; Su, Supplies; Ut, Utilities, CI, Capital Improvements.

Payroll		169,972.36
U.S. Postal Service, Su		4,500.00
Phyllis Aegerter, Rail Campus Option		2,000.00
Cattle Natl Bank & Trust, Eq Loan		17,213.03
Alliance Technologies, Se		3,847.60
Black Hills Energy, Se		1,660.10
Alamar Uniforms, Un		50.00
American Fence, Su		25.25
Caterpillar Financial Services, Eq Lease		12,923.98
Time Warner Cable, Se		87.26
Chase Card Services		1,499.40
Walmart, Su	431.92	
Burger King, Ex	15.11	
Fairfield Inn, Conf	411.09	
Red Lobster, Ex	171.48	
Wendys, Ex	10.56	
Super 8 Motel, Conf	273.84	
Main Street BBQ & Grill, Ex	72.87	
Amazon Mktplace, Eq	142.23	
Paypal Supersaas, Su	61.60	
McDonalds, Ex	7.78	
Fast Mart, Su	40.00	
Redemption Credit, Misc	-139.08	
Constellation NewEnergy Gas, Ut		2,213.43
Library Petty Cash		203.15
Continental Fire/Alarm/Detect, Bu		274.97
Creative Product Sourcing, Su		452.73
Electric Pump, Ma		2,403.80
Commonwealth Electric, Ma		585.00
Danko Emergency Equipment, Su, Eq		2,201.55
Dutton-Lainson, Ci		353.64
Electric Fund, Ut		36,711.56
Seward Bldgs/Grounds, Ex		2,000.00
Emergency Medical Products, Su		287.71
Fastenal Co, Su		187.28
H & S Plumbing, Heating, Bu, Eq		785.20
Hobson Automotive & Tire, Re		200.52
Hach Company, Su		371.95
Harding & Shultz, Legal Fees		3,010.30
Hydraulic Eq, Re		1,640.05
JR Welding, Re		202.78
Teledyne Instruments, Su		59.00
JC Repair & Service, Re		39.35
Jackson Services, Se		61.56
JEO Consulting Group, Se		5,006.00
Lincoln Winwater Works, Ma		921.24
Kriz-Davis, Re		1,458.41
Nebraska Health Human Water, Conf		249.00
League NE Municipalities, Conf		673.00

John Deere Landscapes, Su	659.30
Windstream Nebraska, Se	48.70
Last Mile Network, Se	140.00
Layne Christensen, Bu, Ci	18,156.01
Matheson Tri-Gas, Su	7.00
League Ne Municipalities, Conf	3,165.00
Capital Business, Ma	316.29
MCR Medical Supply, Eq	469.30
Mattson Ricketts Law Firm, Legal Fees	5,120.34
Metering & Technology Solution, Re	2,027.69
Municipal Supply, Re, Ma	1,239.87
Menards, Su, Bu	418.46
Mohrhoff Power Equipment, Su	132.40
Mid-American Benefits, Ins	3,339.35
Verizon Wireless, Se	118.15
Orscheln Farm & Home, Su, Re	76.36
Northern Safety Co, Eq	167.61
Odeys, Su	604.25
O'Keefe Elevator Co, Ma	1,773.53
Pitney Bowes Reserve Account, Su	3,200.00
Progressive Microtechnology, Su	495.00
Memorial Health-Meals, Su	2,167.20
Sam's Club, Su	277.68
Sam's club, Bu, Su, Eq	1,148.19
Richters, Bu	344.98
Olsson Associates, Se	50,246.25
Nebraska Public Health, Se	633.00
Plains Equipment Group, Re, Su	1,668.16
Gerhold Concrete, Re, Su	1,021.59
Sports Express, Su	1,790.75
Nebraska Equipment, Re	8,693.08
Suhr & Lichty Ins, Bond	100.00
Skarshaug Testing Lab, Su	91.39
Ultramax, Su	302.00
Rose Equipment, Su, Re	613.75
US Cellular, Se	107.12
Weathercraft Co, Re	15,127.00
Wingate, Conf	179.90
HD Supply, Re	2,198.00
Fred Foltz, Refnd	200.00
Jeremy Geidel, Refnd	25.00
Randy/Jill Bierbaum, Refnd	25.00
Andrea Baack, Refnd	25.00
Jamie/Shannon Opfer, Refnd	25.00
Reed Electric, Bu	172.46
Josh Loos, Refnd	25.00
Hampton Inn - Kearney, Conf	238.00
Corey Gray, Refnd	25.00
BSN Sports, Su	1,666.96
Miller Seed Co, Su	177.20
Carkoski Philip Const & Trenching, Ci, Re	33,500.00
Justin Salyer, Refnd	25.00
Julie Phillips, Refnd	30.00
Cheyenne Wohlford, Refnd	25.00
Lacey Koch, Refnd	25.00
Charles Cook, Refnd	25.00
Cam/Amber Scholl, Refnd	25.00
Jill/Corey Collings, Refnd	25.00
Jeff Juranek, Refnd	25.00
Lucas Brown, Refnd	25.00
Bruce & Jess Potter, Refnd	30.00
Tiffany Fender, Refnd	25.00
Zach Steinmeyer, Refnd	25.00

Angila Ostrander, Refnd	30.00
Brian & Angie Leffers, Refnd	60.00
Adam Dowling, Refnd	25.00
Ryan Matthias, Refnd	30.00
David Purdham, Refnd	76.26
Husker Auto Group, Eq	<u>25,879.00</u>
Total	467,231.69

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G3

PUBLIC HEARING - 7:00 P.M. - CONSIDERATION OF AMENDMENT TO ARTICLE 30, PERTAINING TO THE AVIATION OVERLAY DISTRICT OF THE SEWARD UNIFIED LAND DEVELOPMENT ORDINANCE - John Hughes

Consideration of an Ordinance Amending Article 30 of the Unified Land Development Ordinance

Administrative Report: This amendment is in reference to the State of Nebraska requirements of LB 140 (signed into law May 29, 2013) and the impact that it has to Municipal airports.

Staff Contact:

Notice of Public Hearing
Seward Planning Commission & City Council

NOTICE IS HEREBY GIVEN, that the Seward Planning Commission will hold public hearings during a scheduled meeting on Monday, **March 23, 2015 beginning at 7:30 p.m.**, and City Council on Tuesday, **April 7, 2015 at 7 p.m.** at Seward Municipal Building for the purpose of hearing testimony of support, opposition, criticism, suggestions or observations for amendments to Article 30 of the zoning ordinance and a complete update to the Official Zoning Map pertaining to the Aviation Overlay District and requirements of LB140. An agenda for said meeting is kept continuously current and available by request from the City Clerk. The public is encouraged to attend.

Questions or comments concerning the public meeting and hearings may be directed to the City Clerk. All interested parties may offer oral comments at the public hearing and/or may file written comments with the Planning Commission and City Council concerning the petition and such comments shall be considered by the Planning Commission, and City Council provided such written comments are received by the City Clerk prior to the public hearing date.

Dated March 23, 2015

Ed Gonzalez
Planning & Zoning

Publish 1 time March 11, 2015
Provide Proof
Deliver to paper 03/4/2015

LEGISLATIVE BILL 140

Approved by the Governor May 29, 2013

Introduced by Krist, 10.

FOR AN ACT relating to the Airport Zoning Act; to amend sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska; to provide airport hazard area dimensions; to change provisions relating to airport hazard area zoning regulations, the board of adjustment, and judicial review; to define and redefine terms; to change a penalty; to eliminate provisions relating to appeal of zoning regulations, the board of adjustment, and judicial review; to harmonize provisions; to repeal the original sections; and to outright repeal sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 3-301, Reissue Revised Statutes of Nebraska, is amended to read:

3-301 For purposes of the Airport Zoning Act, unless the context otherwise requires:

(1)(a) Airport means any an area of land or water designed and set aside that is used or intended to be used for the landing and taking off takeoff of aircraft and utilized or to be utilized in the interest of the public for such purposes, includes any related buildings and facilities.

(b) Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans;

(2) Airport hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft, that penetrates any approach, operation, transition, or turning zone;

(3) Airport hazard area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the act, but such area shall not extend in any direction a distance in excess of three miles from the adjacent boundary of an airport, the limits provided for approach, operation, transition, and turning zones;

(4) Airport layout plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines;

(5) Approach zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines. Approach zone dimensions are as follows:

(a) For an existing or proposed instrument runway:

(i) An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is one thousand feet wide at the end of the zone nearest the runway and expands uniformly to sixteen thousand eight hundred forty feet wide at the farthest end of the zone; and

(ii) The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every fifty feet horizontally, except that the height limit shall not exceed one hundred fifty feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every fifty feet horizontally and continues to the ten-mile limit; and

(b) For an existing or proposed visual runway:

(i) An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is five hundred feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is three thousand seven hundred feet wide; and

(ii) The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one foot vertically for every forty feet horizontally, except that the height limit shall not

exceed one hundred fifty feet above the nearest existing or proposed runway end elevation within three miles of the end of the operation zone at that runway end;

(6) Electric facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in section 70-1001.01, for the transmission or distribution of electrical power to the electric supplier's customers;

(7) Existing runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction;

(8) Instrument runway means an existing runway with precision or nonprecision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or nonprecision instrument approaches reflected on the airport layout plan. After the effective date of this act, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation;

(9) Operation zone means a zone that is longitudinally centered on each existing or proposed runway. Operation zone dimensions are as follows:

(a) For existing and proposed paved runways, the operation zone extends two hundred feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;

(b) For existing and proposed instrument runways, the operation zone is one thousand feet wide, with five hundred feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is five hundred feet wide, with two hundred fifty feet on either side of the runway centerline; and

(c) The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher;

~~(4) Political subdivision means any municipality, city, village, or county;~~

~~(5)~~ (10) Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof;

(11) Political subdivision means any municipality, city, village, or county;

(12) Proposed runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration;

(13) Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length;

~~(6)~~ (14) Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines; and

(15) Transition zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally. The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of one hundred fifty feet above the highest elevation on the existing or proposed runway;

~~(7)~~ (16) Tree means any object of natural growth;-

(17) Turning zone's outer limit means the area located at a distance of three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is one hundred fifty feet above the highest elevation on the existing or proposed runway; and

(18) Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

Sec. 2. Section 3-302, Reissue Revised Statutes of Nebraska, is amended to read:

3-302 (1) It is hereby found that an airport hazard endangers the

lives and property of the users of an airport and occupants of land in its vicinity and also, if of the obstruction type, in effect reduces the size of the area available for the landing, ~~taking off~~ takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein.

(2) Accordingly, it is hereby declared ~~that~~ that (a) the creation or establishment of an airport hazard is a public nuisance and an injury to the community served by the airport in question, (b) that it is therefore necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented, and (c) the prevention of airport hazards ~~and (3) that this should be accomplished, to the extent legally possible, by the exercise of the police power, without compensation.~~

(3) It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or property interests therein.

Sec. 3. Section 3-303, Reissue Revised Statutes of Nebraska, is amended to read:

3-303 In order to prevent the creation or establishment of airport hazards, every political subdivision that has adopted a comprehensive plan and zoning regulations and has an airport hazard area within the area of its zoning jurisdiction, shall adopt, administer, and enforce, under the police power and in the manner and upon the conditions hereinafter prescribed in the Airport Zoning Act, airport zoning regulations for such airport hazard area. The ~~which~~ regulations shall meet the minimum regulations as prescribed by the Department of Aeronautics for the airport classifications for each airport and may divide such area into zones and, within such zones, specify the land uses permitted and regulate and restrict the height to which the structures and trees may be erected ~~or~~ and trees allowed to grow, except that a political subdivision or a joint airport zoning board provided for in section 3-304 may include modifications or exceptions to the airport zoning regulations adopted under the Airport Zoning Act that the political subdivision or joint airport zoning board deems appropriate. Such modifications and exceptions shall not be considered a conflict for the purposes of section 3-306. The authority of a political subdivision to adopt airport zoning regulations shall not be conditional upon prior adoption of a comprehensive development plan or a comprehensive zoning ordinance.

Sec. 4. Section 3-304, Reissue Revised Statutes of Nebraska, is amended to read:

3-304 ~~Where~~ If an airport is owned or controlled by a political subdivision and any airport hazard area appertaining to such airport is located outside the area regulated by zoning regulations adopted pursuant to section 3-303, of the political subdivision's zoning jurisdiction, the political subdivision owning or controlling the airport and the political subdivision or political subdivisions within which whose zoning jurisdiction the airport hazard area is or areas are located may, by ordinance or resolution duly adopted, create a joint airport zoning board, which board shall have the same power to adopt, administer, and enforce by resolution approved by a majority of the board, airport zoning regulations applicable to the an airport hazard area in question as that vested by section 3-303 in the any political subdivision within whose area of zoning jurisdiction such area is located. Each such joint board shall have two representatives appointed by each political subdivision participating in its creation as members thereof and also a chairperson elected by a majority of the members so appointed. The term of each member shall be four years, except as otherwise provided in this section. Board members who have served more than two years as of March 1, 1984, shall continue to serve for two more years. Board members who have served less than two years as of March 1, 1984, shall continue to serve for four more years. Any airport zoning regulation, or any amendment thereto, adopted by a joint airport zoning board shall be filed with the official or administrative agency responsible for the enforcement of zoning regulations in each of the political subdivisions participating in the creation of the joint airport zoning board and shall be enforced as provided in section 3-319.

Sec. 5. If a joint airport zoning board is created pursuant to section 3-304, such board shall have two representatives appointed by each political subdivision participating in its creation as members thereof and also a chairperson elected by a majority of the members so appointed. The term of each member shall be four years.

Sec. 6. Section 3-306, Reissue Revised Statutes of Nebraska, is amended to read:

3-306 In the event of any conflict between any airport zoning regulations adopted under ~~sections 3-301 to 3-333~~ the Airport Zoning Act and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, and whether such other regulations were adopted by the political subdivision which adopted the airport zoning regulations or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

Sec. 7. Section 3-307, Reissue Revised Statutes of Nebraska, is amended to read:

3-307 No airport zoning regulations shall be adopted, amended, or changed under ~~sections 3-301 to 3-333~~ the Airport Zoning Act except by the action of the legislative body of the political subdivision in question, or the joint airport zoning board provided for in section 3-304, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least ~~fifteen~~ ten days' notice of the hearing shall be published in an official paper, or a paper of general circulation, in the political subdivision or subdivisions in which ~~is located~~ the airport hazard area is located.

Sec. 8. Section 3-308, Reissue Revised Statutes of Nebraska, is amended to read:

3-308 Prior to the initial zoning of any airport hazard area under ~~sections 3-301 to 3-333~~, the Airport Zoning Act, the political subdivision or joint airport zoning board which is to adopt the regulations shall appoint a commission, to be known as the airport zoning commission, to recommend the boundaries of the various zones to be established and the regulations to be adopted therefor. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report. The legislative body of the political subdivision or the joint airport zoning board shall not hold its public hearings or take other action until it has received the final report of such commission. ~~Where~~ If a city or county planning commission or comprehensive zoning a joint or interjurisdictional planning commission already exists, it may be appointed as the airport zoning commission.

Sec. 9. Section 3-309, Reissue Revised Statutes of Nebraska, is amended to read:

3-309 All airport zoning regulations adopted under ~~sections 3-301 to 3-333~~ the Airport Zoning Act shall be reasonable and not impose any requirement or restriction which is not reasonably necessary to effectuate the purposes of ~~sections 3-301 to 3-333~~. the act. In determining what regulations it may adopt, each political subdivision and joint airport zoning board shall consider, among other things, the character of the flying operations expected to be conducted at the airport, the nature of the terrain within the airport hazard area, the character of the neighborhood, and the uses to which the property to be zoned is put and adaptable. If an airport layout plan has been submitted for approval to the Federal Aviation Administration with a proposed instrument runway depicted thereon and such airport layout plan is conditionally or unconditionally approved without such proposed instrument runway, the political subdivision shall adopt or revise, as necessary, airport zoning regulations to protect any approach zone for a visual runway only.

Sec. 10. Section 3-310, Reissue Revised Statutes of Nebraska, is amended to read:

3-310 (1) No airport zoning regulations adopted under ~~sections 3-301 to 3-333~~ the Airport Zoning Act shall require the removal, lowering, or other change or alteration of any existing structure or tree not conforming to the regulations when adopted or amended or otherwise interfere with the continuance of any nonconforming use, except as provided in section ~~3-313~~. 3-311.

(2) Any structure that has not yet been constructed but that has received, prior to August 1, 2013, zoning approval from the political subdivision exercising zoning jurisdiction over such structure may be constructed and shall thereafter be considered an existing structure for purposes of this section.

Sec. 11. Section 3-311, Reissue Revised Statutes of Nebraska, is amended to read:

3-311 (1) Airport zoning regulations, adopted under ~~sections 3-301 to 3-333~~, the Airport Zoning Act may require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed, altered, or repaired. ~~In any event, however,~~

(2) Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be

replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. ~~authorizing such replacement, change or repair. No A permit shall be granted that would allow the establishment or creation of an airport hazard or permit a under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use to be made, become higher or become would not result in an increase in height or a greater hazard to air navigation than it was the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height. or than it is when the application for a permit is made. Except as provided herein, all applications for permits shall be granted.~~

(3) An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

Sec. 12. Section 3-312, Reissue Revised Statutes of Nebraska, is amended to read:

3-312 Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in violation of a manner inconsistent with the airport zoning regulations adopted under sections 3-301 to 3-333 the Airport Zoning Act may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but would do substantial justice and be in accordance with the spirit of the regulations and sections 3-301 to 3-333; Provided, that any only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection (2) of section 19-910, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of sections 3-301 to 3-333. the act.

Sec. 13. Section 3-313, Reissue Revised Statutes of Nebraska, is amended to read:

3-313 In granting any permit under or variance under sections 3-311 to 3-313, from any airport zoning regulation adopted under the Airport Zoning Act, the administrative agency or board of adjustment may, if it deems such action it advisable to effectuate the purposes of sections 3-301 to 3-333 the act and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Sec. 14. Section 3-319, Reissue Revised Statutes of Nebraska, is amended to read:

3-319 All airport zoning regulations adopted under sections 3-301 to 3-333 the Airport Zoning Act shall provide for the administration and enforcement of such regulations by an administrative agency which may be an

agency created by such regulations or any official, board, or other existing agency of the political subdivision adopting the regulations. In the case of airport zoning regulations adopted by a joint airport zoning board, each of one of the political subdivisions which participated in the creation of the joint airport zoning board adopting the regulations, if satisfactory to that political subdivision, but in no case shall such administrative agency be or include any member of the board of adjustment. shall create or designate an official or an administrative agency to administer and enforce the airport zoning regulations within its respective zoning jurisdiction. The duties of any official or administrative agency designated pursuant to sections 3-301 to 3-333 the act shall include that of hearing and deciding all reviewing and acting upon all applications for permits under section 3-311, the airport zoning regulations, but such agency shall not have or exercise any of the powers herein delegated to the board of adjustment. In no event shall such official or administrative agency be or include any member of the board of adjustment.

Sec. 15. Section 3-314, Reissue Revised Statutes of Nebraska, is amended to read:

3-314 (1) Any person aggrieved, or taxpayer affected, by any decision of an administrative agency made in its administration of airport zoning regulations adopted under sections 3-301 to 3-333, the Airport Zoning Act, or any governing body of a political subdivision, or any joint airport zoning board, which is of the opinion that a decision of such an administrative agency is an improper application of airport zoning regulations of concern to such governing body, or board, may appeal to the board of adjustment authorized to hear and decide appeals from the decisions of such administrative agency.

(2) Any appeal taken under this section shall be taken within a reasonable amount of time, as provided by the rules of the board, by filing with the agency from which the appeal is taken and with the board, a notice of appeal specifying the grounds thereof. The agency from which the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(3) An appeal shall stay any proceeding in furtherance of the action appealed from, unless the agency from which the appeal is taken certifies to the board, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases the proceedings shall not be stayed except by an order of the board after notice to the agency from which the appeal is taken and upon due cause shown.

(4) The board shall fix a reasonable time for the hearing of appeals, give public notice thereof, give due notice to the parties in interest, and decide the appeal within sixty days after the date of filing such appeal. Any party may appear in person or by an agent or attorney at the hearing.

Sec. 16. Section 3-320, Reissue Revised Statutes of Nebraska, is amended to read:

3-320 (1) All airport zoning regulations adopted under sections 3-301 to 3-333 the Airport Zoning Act shall provide for a board of adjustment to have and exercise the following powers:

(a) (1) To hear and decide appeals from any order, requirement, decision, or determination made by the administrative agency in the enforcement of the airport zoning regulations, as provided in sections 3-314 to 3-318, (2) to

(b) To hear and decide any special exceptions to the terms of the airport zoning regulations upon which such board may be required to pass under such regulations; and

(c) To (3) to hear and decide specific petitions for variances under section 3-312, from the strict application of airport zoning regulations.

(2) A board of adjustment shall consist of five regular members, each to be appointed for a term of three years by the political subdivision or joint airport zoning board adopting the regulations. Any member thereof may be removed by the appointing authority for cause, upon written charges and after a public hearing. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of the administrative agency or to decide in favor of the applicant on any matter upon which the board is required to pass under the airport zoning regulations or to effect any variation in such regulations.

(3) The board of adjustment may, consistent with the Airport Zoning Act, reverse or affirm wholly or partly or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as it deems right and proper

under the circumstances.

(4) A board of adjustment, board of zoning appeals, or similar zoning appeals board that exists on the effective date of this act may be designated as and shall exercise the power of the board of adjustment for airport zoning regulations as required by this section.

Sec. 17. Section 3-324, Reissue Revised Statutes of Nebraska, is amended to read:

3-324 Any (1) person aggrieved or taxpayer affected by any decision of a board of adjustment, (2) governing body of a political subdivision, or (3) joint airport zoning board, which is of the opinion that a decision of a board of adjustment is arbitrary or capricious, illegal, or unsupported by evidence, may present a verified petition to the district court setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. Such a petition shall be presented to the court within thirty days after the decision is filed in the office of the board. obtain judicial review of such decision by filing a petition in error in the district court of the county in which the structure or tree that is the subject of the decision is located. The filing of and proceeding on the petition in error shall be in accordance with sections 25-1901 to 25-1937.

Sec. 18. Section 3-329, Reissue Revised Statutes of Nebraska, is amended to read:

3-329 In any case in which airport zoning regulations adopted under sections 3-301 to 3-333, the Airport Zoning Act, although generally reasonable, are held by a court to interfere with the use or enjoyment of a particular structure or parcel of land to such an extent or to be so onerous in their application to such a structure or parcel of land, as to constitute a taking or deprivation of that property in violation of the Constitution of this state Nebraska or the Constitution of the United States, such holding shall not affect the application of such regulations to other structures and parcels of land.

Sec. 19. Section 3-330, Reissue Revised Statutes of Nebraska, is amended to read:

3-330 Each violation of sections 3-301 to 3-333 the Airport Zoning Act or of any regulations, orders, or rulings promulgated or made pursuant to sections 3-301 to 3-333, the act shall constitute a Class ~~III~~ IV misdemeanor. Each day a violation continues to exist shall constitute a separate offense. In addition, the political subdivision or agency adopting zoning regulations under sections 3-301 to 3-333 the act may institute, in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of (1) sections 3-301 to 3-333, the act, (2) airport zoning regulations adopted under sections 3-301 to 3-333 the act, or (3) any order or ruling made in connection with their the administration or enforcement of the act or such regulations. The court in such proceedings shall adjudge to the plaintiff such relief by way of injunction, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case in order to fully effectuate the purposes of sections 3-301 to 3-333 the act and of the regulations adopted and orders and rulings made pursuant thereto.

Sec. 20. Section 3-331, Reissue Revised Statutes of Nebraska, is amended to read:

3-331 In any case in which (1) it is desired to remove, lower, or otherwise terminate a nonconforming structure or use, (2) the approach protection necessary cannot, because of constitutional limitations, be provided by airport zoning regulations under sections 3-301 to 3-333, the Airport Zoning Act, or (3) it appears advisable that the necessary approach protection be provided by acquisition of property rights rather than by airport zoning regulations, the political subdivision within which the property or nonconforming use is located or the political subdivision owning or operating the airport or served by it may acquire by purchase, grant, or condemnation, such air right, aviation easement, or other estate or interest in the property or nonconforming structure or use in question as may be necessary to effectuate the purposes of sections 3-301 to 3-333, the act. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 to 76-724.

Sec. 21. Section 3-333, Reissue Revised Statutes of Nebraska, is amended to read:

3-333 Sections 3-301 to 3-333 and sections 5 and 15 of this act shall be known and may be cited as the Airport Zoning Act.

Sec. 22. Original sections 3-301, 3-302, 3-303, 3-304, 3-306, 3-307, 3-308, 3-309, 3-310, 3-311, 3-312, 3-313, 3-314, 3-319, 3-320, 3-324, 3-329, 3-330, 3-331, and 3-333, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 23. The following sections are outright repealed: Sections 3-315, 3-316, 3-317, 3-318, 3-321, 3-322, 3-325, 3-326, and 3-327, Reissue

Revised Statutes of Nebraska.



142 N 7th St., PO Box 38 Seward, NE 68434
402-643-4000 Ext. 3 Office
Edward.Gonzalez@CityofSewardNE.com

Ed Gonzalez
Building/Zoning &
Code Enforcement Director

Planning Commission Report for March 23, 2015:

1. 7:30pm Public Hearing;

Amendment to Article 30, Aviation Overlay District of the Seward Unified Land Development Ordinance.

This amendment is in reference to the State of Nebraska requirements of LB 140 and the impact that it has to Municipal airports.

ARTICLE 30

AV AVIATION OVERLAY DISTRICT

(Ordinance No. _____, __ - __ -2015)

11.3001 Intent

This district is established as an overlay district for application over any primary zoning district in order to protect the safe use, public investment, and utility of public airports and their Airport Hazard Area, within the city of Seward, NE and its extraterritorial zoning jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Airport Zoning Map prepared by the Nebraska Department of Aeronautics for the Seward Municipal Airport (Dwg. No. ZN-SWT-09 revised March 12, 2014)

11.3002 Designated Public Airport

The designated public airport for which these regulations have been prepared is the Seward Municipal Airport located in Section 5, Township 10 North, Range 3 East of the 6th P.M., in Seward County which is within the planning and zoning jurisdictional area of Seward, Nebraska. Information on the Seward Municipal Airport can be obtained from the Nebraska Department of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/.

11.3003 Definitions

For purposes of the Aviation Overlay, the following terms are defined:

Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; or penetrates any approach, operation, transition, or turning zone.

Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the Nebraska Airport Zoning Act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.

Airport Layout Plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

Approach Zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

Electric Facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Section 70-1001.01, R.R.S. 1943, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing Runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Height of Structure means the height of any building, structure or object measured from its highest point to the nearest existing or proposed runway end elevation.

Instrument Runway means an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this zoning regulation, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

Operation Zone means a zone that is longitudinally centered on each existing or proposed runway.

Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Political Subdivision means any city, village, or county.

Proposed Runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Transition Zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation on the existing or proposed runway.

Tree means any object of natural growth.

Turning Zone shall comprise all portions of the hazard area not contained in the Operation Zones, Approach Zones and in the Transitional Zones.

Turning Zone's Outer Limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is 150 feet above the highest elevation on the existing or proposed runway.

Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

11.3004 Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

The airport hazard area consists of Operation Zones, Approach Zones, Turning Zones and Transitional Zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents five hundred (500) feet from and parallel to the centerline of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective centerlines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

11.3005 Zone Descriptions and Regulations

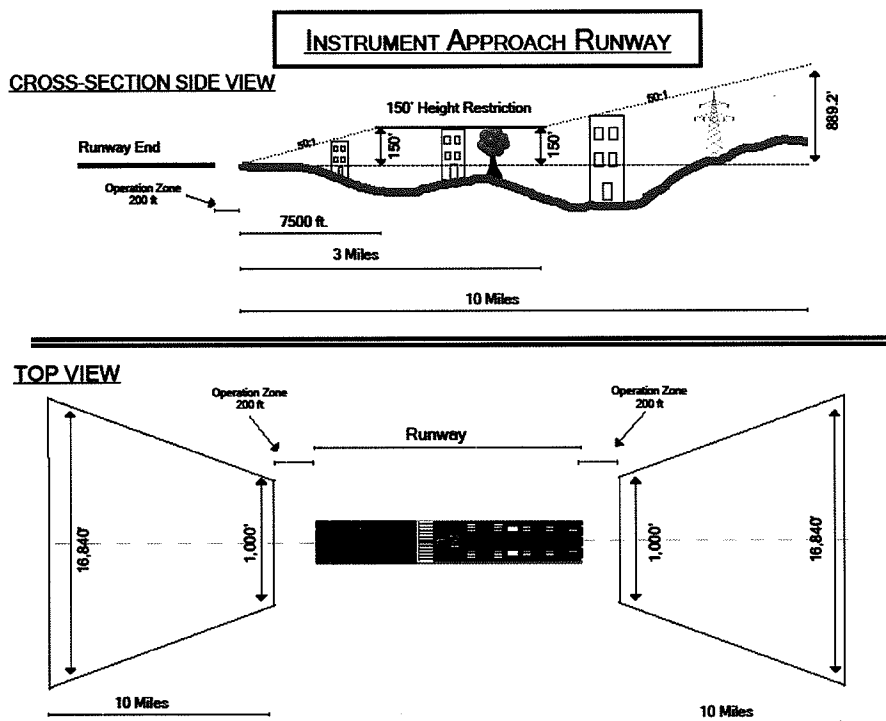
The following are intended for use with this overlay district.

- a. **Operation Zones** are longitudinally centered on each existing or proposed runway:
 1. Length. For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
 2. Width. For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and
 3. Height. The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
- b. **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows:
 1. For an existing or proposed instrument runway:
 - (a) Length and Width. An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
 - (b) Height Limit. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the ten-mile limit.
 2. For an existing or proposed visual runway:
 - (a) Length and Width. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide; and

- (b) Height. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.
- c. **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.
- d. **Turning Zones** extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

11.3006 Height Restrictions

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 11.3005 above:



11.3007 Location Sketch and Zoning Map

The boundaries, Operation Zones, Approach Zones, Transition Zones and Turning Zones of the Seward Municipal Airport are as indicated on the maps identified in Section 11.3001, and on the official zoning map which accompany and are hereby made a part of these regulations, copies of which shall at all times be on file in the office of the City Clerk of Seward, Nebraska.

11.3008 Permit Required, Exceptions, Application Forms and Permit Fees

- a. Permit Required:
It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth within the boundary of the zoned airport hazard area of the Seward Municipal Airport without first obtaining a zoning permit from the City Zoning Administrator and review of the Seward Airport Authority.
- b. Exceptions:
In the outer area of Approach Zones and within Turning Zones, no such permit shall be required for construction of planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip, except for any permits required by other sections of these Regulations.
- c. Application Forms:
Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).
- d. Permit Fees:
The fee for each zoning permit shall be the normal fee charged by the City plus any other additional fees determined by the City and/or the Seward Airport Authority.

11.3009 Non-Conforming Uses and Structures

- a. Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the airport hazard zone.
- b. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard

to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.

- c. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

11.3010 Marking of Non-Conforming Structures

Whenever the Zoning Administrator shall determine, or shall be notified by the Nebraska Department of Aeronautics or the Seward Airport Authority, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the airport hazard zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Zoning Administrator and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Zoning Administrator as is based on recommendations of the Nebraska Department of Aeronautics and/or Seward Airport Authority. The cost of such marking shall not be assessed against the owner or lesser of said premise.

11.3011 Administrative Agency

The Zoning Administrator of Seward, Nebraska shall administer and enforce these regulations, and Seward Airport Authority shall be the administrative agency provided for in Neb. Rev. Stat. Section 3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act within the zoning jurisdictional area of the city.

11.3012 Variance from Regulations

- a. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection section 19-907 through 19-912.01, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.

- b. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

11.3013 Board of Zoning Adjustment

The Board of Adjustment of Seward, Nebraska shall be the Board of Zoning Adjustment with respect to these regulations, to have and to exercise the powers conferred by Neb. Rev. Stat. Section 3-320, et. Seq. (Reissued 2007), and duties as are conferred and imposed by law.

11.3014 Conflicts

In the event of any conflict between these airport hazard regulations and any other regulations established by these or other regulations, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

ORDINANCE NO.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF SEWARD, SEWARD COUNTY, NEBRASKA BY AMENDING ARTICLE 30 AV AVIATION OVERLAY DISTRICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. Approval of Amendment to Zoning Ordinance. On March 23, 2015, the Seward Planning Commission conducted a public hearing on the matter of amending Article 30 of the Zoning Ordinance pertaining to the Aviation Overlay District regulations and expanding such overlay regulations as required by LB 140, and reported to the City Council that it recommended approval of the zoning changes. On April 7, 2015, the City Council held a public hearing on said proposed amendment and found and determined that said proposed changes to the Zoning Ordinance are advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices were duly given. The City Council hereby approves said proposed changes and amendment to the Seward Zoning Ordinance.

Section 2. Amendment to Zoning Ordinance. Pursuant to the Seward Zoning Ordinance, Article 30 is hereby amended to read as follows:

ARTICLE 30 - AV AVIATION OVERLAY DISTRICT

11.3001 Intent

This district is established as an overlay district for application over any primary zoning district in order to protect the safe use, public investment, and utility of public airports and their Airport Hazard Area, within the city of Seward, NE and its extraterritorial zoning jurisdiction, by limiting the location and height of structures within the operation, approach, transition and turning zones around airports which are licensed by the Nebraska Department of Aeronautics, as designated on the Airport Zoning Map prepared by the Nebraska Department of Aeronautics for the Seward Municipal Airport (Dwg. No. ZN-SWT-09 revised March 12, 2014)

11.3002 Designated Public Airport

The designated public airport for which these regulations have been prepared is the Seward Municipal Airport located in Section 5, Township 10 North, Range 3 East of the 6th P.M., in Seward County which is within the planning and zoning jurisdictional area of Seward, Nebraska. Information on the Seward Municipal Airport can be obtained from the Nebraska Department of Aeronautics at www.aero.nebraska.gov or at www.airnav.com/airports/.

11.3003 Definitions

For purposes of the Aviation Overlay, the following terms are defined:

Airport means an area of land or water that is used or intended to be used for the landing and takeoff of aircraft and includes any related buildings and facilities. Airport includes only public-use airports with state or federally approved airport layout plans and military airports with military service-approved military layout plans.

Airport Hazard means any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft; or penetrates any approach, operation, transition, or turning zone.

Airport Hazard Area means any area of land or water upon which an airport hazard might be established if not prevented as provided in the Nebraska Airport Zoning Act, but such area shall not extend in any direction a distance in excess of the limits provided for approach, operation, transition, and turning zones.

Airport Layout Plan means a scaled drawing of existing and proposed land, buildings, and facilities necessary for the operation and development of an airport prepared in accordance with state rules and regulations and federal regulations and guidelines.

Approach Zone means a zone that extends from the end of each operation zone and is centered along the extended runway centerlines.

Electric Facility means an overhead electrical line, including poles or other supporting structures, owned or operated by an electric supplier as defined in Section 70-1001.01, R.R.S. 1943, for the transmission or distribution of electrical power to the electric supplier's customers.

Existing Runway means an instrument runway or a visual runway that is paved or made of turf that has been constructed or is under construction.

Height of Structure means the height of any building, structure or object measured from its highest point to the nearest existing or proposed runway end elevation.

Instrument Runway means an existing runway with precision or non-precision instrument approaches as developed and published by the Federal Aviation Administration or an existing or proposed runway with future precision or non-precision instrument approaches reflected on the airport layout plan. After the effective date of this zoning regulation, an airport shall not designate an existing or proposed runway as an instrument runway if the runway was not previously designated as such without the approval of the airport's governing body after a public hearing on such designation.

Operation Zone means a zone that is longitudinally centered on each existing or proposed runway.

Person means any individual, firm, partnership, limited liability company, corporation, company, association, joint-stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof.

Political Subdivision means any city, village, or county.

Proposed Runway means an instrument runway or a visual runway that has not been constructed and is not under construction but that is depicted on the airport layout plan that has been conditionally or unconditionally approved by, or has been submitted for approval to, the Federal Aviation Administration.

Runway means a defined area at an airport that is prepared for the landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, and overhead transmission or distribution lines.

Transition Zone means a zone that extends outward at a right angle to the runway centerline and upward at a rate of one (1) foot vertically for every seven feet horizontally (7:1). The height limit of a transition zone begins at the height limit of the adjacent approach zone or operation zone and ends at a height of 150 feet above the highest elevation on the existing or proposed runway.

Tree means any object of natural growth.

Turning Zone shall comprise all portions of the hazard area not contained in the Operation Zones, Approach Zones and in the Transitional Zones.

Turning Zone's Outer Limit means the area located at a distance of three (3) miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zone is 150 feet above the highest elevation on the existing or proposed runway.

Visual Runway means a runway intended solely for the operation of aircraft using visual approach procedures, with no straight-in instrument approach procedure and no instrument designation indicated on an airport layout plan approved by the Federal Aviation Administration, a military service-approved military layout plan, or any planning documents submitted to the Federal Aviation Administration by a competent authority.

11.3004 Hazard Area Description

In accordance with Neb. Rev. Stat. §3-303, every political subdivision that has adopted an airport hazard area within the area of its zoning jurisdiction, must adopt, administer, and enforce the regulations in this section for such airport hazard area.

The airport hazard area consists of Operation Zones, Approach Zones, Turning Zones and Transitional Zones. The outer boundary of the hazard area is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. The inner boundary of the hazard area is a boundary line consisting of a series of intersecting tangents five hundred (500) feet from and parallel to the centerline of the instrument runway or landing strip and two hundred fifty (250) feet from and parallel to the respective centerlines of all other runways or landing strips and connecting the inner boundaries of adjacent Approach Zones at the ends of the runways, landing strips or proposed runways or landing strips.

11.3005 Zone Descriptions and Regulations

The following are intended for use with this overlay district.

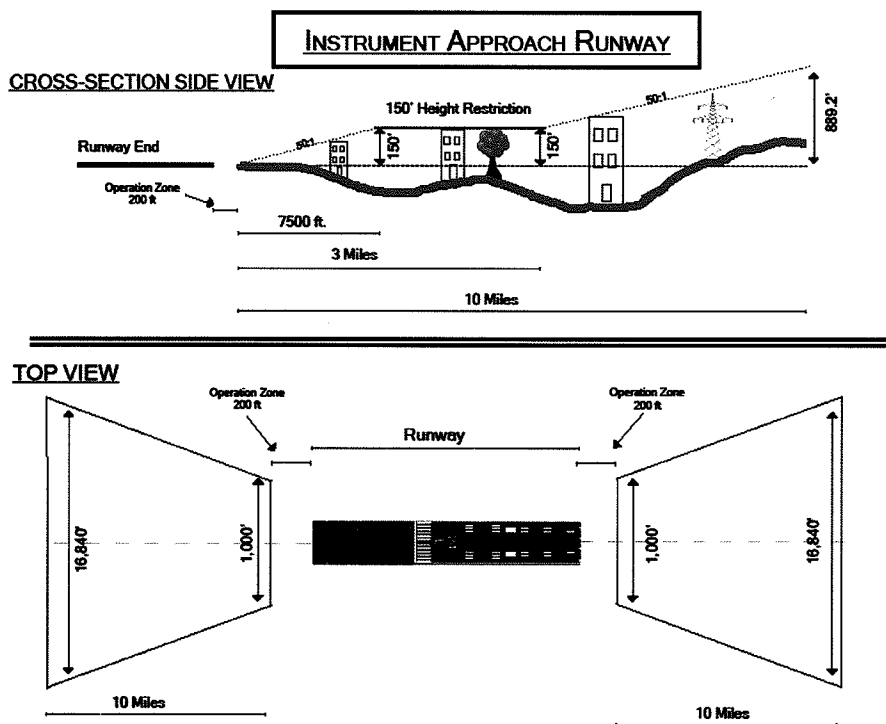
- a. **Operation Zones** are longitudinally centered on each existing or proposed runway:
 - a. Length. For existing and proposed paved runways, the operation zone extends two hundred (200) feet beyond the ends of each runway. For existing and proposed turf runways, the operation zone begins and ends at the same points as the runway begins and ends;
 - b. Width. For existing and proposed instrument runways, the operation zone is 1,000 feet wide, with 500 feet on either side of the runway centerline. For all other existing and proposed runways, the operation zone is 500 feet wide, with 250 feet on either side of the runway centerline; and
 - c. Height. The height limit of the operation zone is the same as the height of the runway centerline elevation on an existing or proposed runway or the surface of the ground, whichever is higher.
- b. **Approach Zones** extend from the end of each operation zone and are centered along the extended runway centerlines. The dimensions of the zones are as follows:
 1. For an existing or proposed instrument runway:
 - (a) Length and Width. An approach zone extends ten miles from the operation zone, measured along the extended runway centerline. The approach zone is 1,000 feet wide at the end of the zone nearest the runway and expands uniformly to 16,840 feet wide at the farthest end of the zone; and
 - (b) Height Limit. The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 50 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end. At three miles from such operation zone, the height limit resumes sloping one foot vertically for every 50 feet horizontally and continues to the ten-mile limit.
 2. For an existing or proposed visual runway:
 - (a) Length and Width. An approach zone extends from the operation zone to the limits of the turning zone, measured along the extended runway centerline. The approach zone is 500 feet wide at the

end of the zone nearest the runway and expands uniformly so that at a point on the extended runway centerline three miles from the operation zone, the approach zone is 3,700 feet wide; and

- (b) **Height.** The height limit of an approach zone begins at the elevation of the runway end for which it is the approach and rises one (1) foot vertically for every 40 feet horizontally, except that the height limit shall not exceed 150 feet above the nearest existing or proposed runway end elevation within three (3) miles of the end of the operation zone at that runway end.
- c. **Transition Zones** extend outward at right angles to the runway centerline and upward at a rate of one foot vertically for every seven feet horizontally (7:1). The height limit of these zones begins at the height limit of the adjacent operation zones or approach zones. The transition zones end at a height of 150 feet above the nearest existing or proposed runway end.
- d. **Turning Zones** extend three miles as a radius from the corners of the operation zone of each runway and connecting adjacent arcs with tangent lines, excluding any area within the approach zone, operation zone, or transition zone. The height limit of the turning zones is 150 feet above the nearest existing or proposed runway end.

11.3006 Height Restrictions

No building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character shall hereafter be erected, constructed, repaired or established, nor shall any tree or other object of natural growth be allowed to grow, above the heights described in Section 11.3005 above:



11.3007 Location Sketch and Zoning Map

The boundaries, Operation Zones, Approach Zones, Transition Zones and Turning Zones of the Seward Municipal Airport are as indicated on the maps identified in Section 11.3001, and on the official zoning map which accompany and are hereby made a part of these regulations, copies of which shall at all times be on file in the office of the City Clerk of Seward, Nebraska.

11.3008 Permit Required, Exceptions, Application Forms and Permit Fees

- a. Permit Required:
It shall hereafter be unlawful to erect, construct, reconstruct, repair or establish any building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or to plant or replant any tree or other object of natural growth within the boundary of the zoned airport hazard area of the Seward Municipal Airport without first obtaining a zoning permit from the City Zoning Administrator and review of the Seward Airport Authority.
- b. Exceptions:
In the outer area of Approach Zones and within Turning Zones, no such permit shall be required for construction of planting which is no higher than seventy-five (75) feet above the elevation of the end of the nearest runway or landing strip, except for any permits required by other sections of these Regulations.
- c. Application Forms:
Application for a zoning permit as required under these regulations shall be made upon a form or forms to be available in the office of the Zoning Administrator and shall indicate the approximate location, ground elevation with reference to the elevation at the end of the nearest runway or landing strip and height of the proposed structure or planting (Mean Sea Level Elevation).
- d. Permit Fees:
The fee for each zoning permit shall be the normal fee charged by the City plus any other additional fees determined by the City and/or the Seward Airport Authority.

11.3009 Non-Conforming Uses and Structures

- a. Within the zoned airport hazard area as hereinbefore defined, no non-conforming building, transmission line, communication line, pole, tree, smokestack, chimney, wires, tower or other structure or appurtenance thereto of any kind or character or object of natural growth shall hereafter be replaced, substantially reconstructed, repaired, altered, replanted or allowed to grow, as the case may be, to a height which constitutes a greater hazard to air navigation than existed before these regulations were adopted; nor above the heights permitted by these regulations if such structures or objects of natural growth have been torn down, destroyed, have deteriorated or decayed to an extent of eighty (80) percent or more of their original condition, or abandoned for a period of twelve (12) consecutive months or more. Transmission lines and communication lines as referred to in these regulations shall be interpreted to mean all poles, wires, guys and all other equipment necessary for the operation and maintenance of same within the airport hazard zone.
- b. Except as provided in subsection (3) of this section for certain electric facilities, all such airport zoning regulations adopted under the act shall provide that before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher, or replanted, a permit authorizing any replacement, alteration, repair, reconstruction, growth, or replanting must be secured from the administrative agency authorized to administer and enforce the regulations. A permit shall be granted under this subsection if the applicant shows that the replacement, alteration, repair, reconstruction, growth, or replanting of the nonconforming structure, tree, or nonconforming use would not result in an increase in height or a greater hazard to air navigation than the condition that existed when the applicable regulation was adopted. For nonconforming structures other than electric facilities, no permit under this subsection shall be required for repairs necessitated by fire, explosion, act of God, or the common enemy or for repairs which do not involve expenditures exceeding more than sixty percent of the

fair market value of the nonconforming structure, so long as the height of the nonconforming structure is not increased over its preexisting height.

- c. An electric supplier owning or operating an electric facility made nonconforming by the adoption of airport zoning regulations under the Airport Zoning Act may, without a permit or other approval by the political subdivision adopting such regulations, repair, reconstruct, or replace such electric facility if the height of such electric facility is not increased over its preexisting height. Any construction, repair, reconstruction, or replacement of an electric facility, the height of which will exceed the preexisting height of such electric facility, shall require a permit from the political subdivision adopting such regulations. The permit shall be granted only upon a showing that the excess height of the electric facility will not establish or create an airport hazard or become a greater hazard to air navigation than the electric facility that previously existed.

11.3010 Marking of Non-Conforming Structures

Whenever the Zoning Administrator shall determine, or shall be notified by the Nebraska Department of Aeronautics or the Seward Airport Authority, that a specific non-conforming structure or object exists and has existed prior to the passage of these regulations and within the airport hazard zoned area herein before described at such a height or in such a position as to constitute a hazard to the safe operation of aircraft landing at or taking off from said airport, the owner or owners and the lessor or lessors of the premises on which such structure or object is located shall be notified in writing by the Zoning Administrator and shall, within a reasonable time, permit the marking thereof by suitable lights or other signals designated by the Zoning Administrator as is based on recommendations of the Nebraska Department of Aeronautics and/or Seward Airport Authority. The cost of such marking shall not be assessed against the owner or lesser of said premise.

11.3011 Administrative Agency

The Zoning Administrator of Seward, Nebraska shall administer and enforce these regulations, and Seward Airport Authority shall be the administrative agency provided for in Neb. Rev. Stat. Section 3-319 (Reissued 2007), and shall have all the powers and perform all the duties of the administrative agency as provided by the Airport Zoning Act within the zoning jurisdictional area of the city.

11.3012 Variance from Regulations

- a. Any person desiring to erect any structure, increase the height of any structure, permit the growth of any tree, or otherwise use his or her property in a manner inconsistent with the airport zoning regulations adopted under this regulation may apply to the board of adjustment for a variance from the zoning regulations in question. Such variances shall be allowed only if the board of adjustment makes the same findings for the granting of variances generally as set forth in subsection section 19-907 through 19-912.01, except that if the applicant demonstrates that the proposed structure or alteration of a structure does not require any modification or revision to any approach or approach procedure as approved or written by the Federal Aviation Administration on either an existing or proposed runway and the applicant provides signed documentation from the Federal Aviation Administration that the proposed structure or alteration of the structure will not require any modification or revision of any airport minimums, such documentation may constitute evidence of undue hardship and the board of adjustment may grant the requested variance without such findings. Any variance may be allowed subject to any reasonable conditions that the board of adjustment may deem necessary to effectuate the purposes of this regulation.
- b. In granting any permit under or variance from any airport zoning regulation adopted under this regulation, the administrative agency or board of adjustment may, if it deems such action is advisable to effectuate the purposes of the regulation and reasonable in the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit the political subdivision, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

11.3013 Board of Zoning Adjustment

The Board of Adjustment of Seward, Nebraska shall be the Board of Zoning Adjustment with respect to these regulations, to have and to exercise the powers conferred by Neb. Rev. Stat. Section 3-320, et. Seq. (Reissued 2007), and duties as are conferred and imposed by law.

11.3014 Conflicts

In the event of any conflict between these airport hazard regulations and any other regulations established by these or other regulations, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent or restrictive limitation shall govern and prevail.

Section 3. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 7th DAY OF APRIL, 2015.

CITY OF SEWARD

Joshua Eickmeier, Mayor

ATTEST:

Bonnie Otte, Assistant Administrator,
Clerk-Treasurer

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G4

CONSIDERATION OF AWARDING BID FOR 2015 OR NEWER AMBULANCE FOR THE SEWARD VOLUNTEER FIRE AND RESCUE DEPARTMENT - Alex Volnek and Connie Languein

Administrative Report: Formal bids were opened on March 20, 2015; three bids were received. Alex Volnek and Connie Languein will present information and a recommendation for awarding the bid. The current year budget included \$250,00 for the replacement of Unit #95 Rescue Unit.

A motion to award the bid to the lowest and best bid would be in order.

Staff Contact:

Dear Mayor and Council,

I, Alex Volnek, appreciate your time on the matter of considering a new in town ambulance for Seward.

We received three bids on the specifications we submitted from three companies. Osage, North Central Emergency Vehicles (Braun) and Firefox (Road Rescue).

Below are each of the vendors and how their bids broke down.

Osage

Truck	\$213,994.00
Loose Equipment	+ 26,224.58
Trade Allowance	- 4,000.00
Ford Fleet Incentive	- 3,200.00
Total	\$233,018.58

North Central Emergency Vehicles (Braun)

Truck	\$244,022.95
Loose Equipment	+ 21,617.00
Trade Allowance	- 10,000.00
Customer Loyalty Discount	- 4,350.00
Ford Rebate	- 3,200.00
Total	\$248,089.95

Firefox (Road Rescue)

Truck	\$242,359.00
Loose Equipment	+ 27,872.22
Trade Allowance	- 10,500.00
Total	\$259,731.22

The Osage brand in our opinion lacks the construction quality of the other two manufactures listed. They are using wooden cabinets inside vs the aluminum that the others use. Osage also does not install sliding side doors. We have opted for the sliding door to allow for a narrower overall width with the door open. This gives us the ability to pull closer to objects with still being able to enter and exit safely. Pulling closer to objects or the shoulder of the road allows us to get further away from any traffic providing our crews a safer scene to work at.

Road Rescue and Braun are very comparable in their fit and finish of an overall product. Our exact spec's were based off of our current rural squad to almost duplicate for our in town squad. Our mindset on duplicating was to allow for easier transition from one squad to the other. With that being said, Seward Fire Department would like to go with the Braun squad due to the safety concerns noted about the sliding side door and the ease of transition from one squad to the other for our department members.

Thank you,
Alex Volnek

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G5

CONSIDERATION OF LOCATION OF CARNIVAL FOR CITY OF SEWARD FOURTH OF JULY EVENT - Mel Bolte

Staff Contact:

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G6

PRESENTATION AND DISCUSSION OF CIVIC CENTER NORTH PROJECT - Councilmember Lieske

***CONSIDERATION OF SUBMITTING A CIVIC AND COMMUNITY CENTER FINANCING FUND
PRE-APPLICATION FOR THE CIVIC CENTER NORTH PROJECT***

Administrative Report: Following presentation and discussion, authorization to submit the Community Center Financing Fund grant pre-application and authorizing the Mayor to execute all necessary documents would be in order.

Staff Contact:



P.O. Box 38 • 537 Main Street
Seward, Nebraska 68434
Phone 402-643-2928
Fax 402-643-6491

PUBLIC REQUEST FOR COUNCIL AGENDA ITEM OR ADMINISTRATIVE ACTION

DATE: 4/3/2014
NAME: Charles Lieske
ADDRESS: 616 Bradford St
EMAIL ADDRESS: charles.lieske@sewardi TELEPHONE NO. 402-643-4189

EXPLANATION OF REQUEST:

Presentation and discussion of Civic Center North Project; consideration of submitting pre-application for 2015 CCCFF grant.

ACTION REQUESTED:

Council granting authority to Mayor to sign the 2015 CCCFF grant pre-application for the Civic Center North project.

Will this agenda item require the expenditure of funds? Yes ☐ No ☒
Unknown ☐

Charles A. Lieske
(Signature of requester)

Charles A. Lieske
(Print Name)

Council meetings are held on the 1st & 3rd Tuesdays of every month. All requests for the Agenda must be submitted by noon on the Wednesday preceding the Council meeting, any item received after this time would have to be of an emergency nature. Once a request is received, Administration will review it and determine whether or not it requires Mayor/Council action, or whether it is an item that needs to be handled by staff.

Received by: _____ Date: _____
(City employee)

CIVIC AND COMMUNITY CENTER FINANCING FUND

2015 Application Guidelines & Pre-Application

The State of Nebraska, Department of Economic Development, will be accepting applications from Nebraska municipalities for grants to support the development of civic centers and community centers under the Civic and Community Center Financing Fund program. A municipality seeking a grant should complete the enclosed brief preliminary application form and return it to the Department no earlier than April 15 but no later than May 1, 2015. Completion of the pre-application is the first step in a two-part grant application process. After May 1, the Department will seek more detailed information on eligible grant requests and the final application is due June 15.

Background: In 2013, the State Legislature amended the Civic and Community Center Financing Fund Act. The Act's purpose is to support the development of civic, community, and recreation centers throughout Nebraska and to support projects that foster maintenance or growth of communities. In effort to support this purpose, grants of assistance to municipalities from the Civic and Community Center Financing Fund (CCCFF) administered by the Department of Economic Development

Eligible projects: The fund may be used for the construction of new civic and recreation centers or the renovation or expansion of existing civic, community, and recreation centers, which may include the conversion, rehabilitation, or reuse of historic buildings. The fund may also be used for preliminary planning related to the development or rehabilitation of eligible projects. The definitions of eligible projects are:

- **Civic Center**—a facility that is primarily used to host conventions, meetings, and cultural events and/or a library. A civic center therefore includes space for conventions, meetings, and cultural events and/or a library.
- **Community Center**—the traditional center of a community, typically comprised of a cohesive core of residential, civic, religious, and commercial buildings, arranged around a main street and intersecting streets. A community center is therefore an area of multiple buildings with both internal and external elements. A civic center may or may not be in a community center.
- **Recreation Center** – a facility used for athletics, fitness, sport activities, or recreation that is owned by a municipality and is available for use by the general public with or without charge. A recreation center does not include any facility that requires a person to purchase a membership to utilize such facility.
- **Planning** – engineering and technical studies directly related to eligible projects

Eligible applicants: Most Nebraska municipalities are eligible and may apply for a grant in competition with other municipalities. Not eligible is the City of Omaha and the City of Lincoln, The City of Ralston, or other municipality that has received funding under the Sports Arena Facility Financial Assistance Act is ineligible to receive funds under both the Sports Arena Facility Financial Assistance Act and the CCCFF. A municipality will own and operate the center, directly or under contract, for which a grant is sought.

Grant amounts: Assistance from the fund shall not amount to more than fifty percent of the cost of construction, renovation, or expansion. The minimum amount for a non-planning grant request is \$10,000. The maximum amount is determined by the total revenues in the Fund and the population size of a municipality applying for a grant, as follows:

*Until the balance of the Fund reaches \$2,500,000
(Grant Maximum Schedule A)*

Population of Municipality	Maximum Grant Amount
100,000 to 299,999 persons	\$1,500,000
40,000 to 99,999	\$750,000
20,000 to 39,999	\$500,000
10,000 to 19,999	\$400,000
less than 10,000	\$250,000

After the balance of the Fund reaches \$2,500,000 and until it falls below \$1,000,000 (Grant Maximum Schedule B)

Population of Municipality	Maximum Grant Amount
100,000 to 299,999 persons	\$2,500,000
40,000 to 99,999	\$1,125,000
20,000 to 39,999	\$750,000
10,000 to 19,999	\$600,000
less than 10,000	\$375,000

The maximum amount of a planning grant is \$10,000. The Department will allocate no more than 10% of annual grant funds awarded for planning projects.

Application Timing and Process: A municipality seeking funding will complete and return a Preliminary Application Form by **May 1, 2015**. Projects deemed eligible and competitive for funding will be sent an invitation to submit a Full Application no later than **May 15, 2015**. Full Application Forms are to be completed, returned to the Department no later than **June 15, 2015**. Only projects that have been invited to complete Full Applications will be accepted. The Department will evaluate final application forms soon after they are received. Announcement of grants awarded will occur no later than **June 30, 2015**.

All applications and supporting materials must be received in the Department by 5:00pm on the respective due date. Please submit both single hard copy original and electronic copy (PDF email attachments are acceptable).

The Department reserves the right to hold a second application cycle beginning in **September 2015**. The announcement of this cycle will be made no later than **August 15, 2015**.

Review Criteria: Pre-application narratives should be developed using the same criteria as full applications as outlined below. Maps, images, and photographs should be included where appropriate. Upon invitation by DED, full applications will be reviewed and scored by a committee consisting of Department staff as well as invited members of other vested State agencies. The review committee will make a recommendation reflecting top scoring applications to the Director of the Department of Economic Development, or their designee, for final approval.

Eligible project applications will be reviewed based upon review criteria established in statute (Nebraska Revised Statute 13-2707), and any other relevant parts of the Civic and Community Center Financing Act. Up to ten (10) points will be available for each of the following review criteria (60 points maximum). Top scoring applications will be recommended to the Director for approval. The Department reserves the right to establish the maximum amount of funds to be awarded in any given year. The review criterion includes:

- Project location. (yes/no)
A project shall be located in the municipality that applies for the grant. Please include a map of the project area in relation to the community, identifying any relevant sites or related projects. The map is intended to provide context to the proposed project. Photographs may also be included.
- Project ownership. (yes/no)
A project shall be owned by the municipality that applies for the grant.
- Project operation. (yes/no)
A project shall be operated by the municipality that applies for the grant, directly or under contract.
- Retention Impact. (1-10 points)
Funding decisions by the Department shall be based on the likelihood of the project retaining existing residents in the community where the project is located, developing, sustaining, and fostering community connections, and enhancing the potential for economic growth in a manner that will sustain the quality of life and promote long-term economic development;
 - *Tips for completing the project application narrative: describe a how the proposed project fulfills a known local need, based on a formal or informal assessment of current conditions.*
- New Resident Impact. (1-10 points)
Funding decisions by the Department shall be based on the likelihood of the project attracting new residents to the community where the project is located.

- *Tips: describe the unique and/or specific services or function to be provided as a result of project completion otherwise not available, specifically related to attracting new residents, include what services or functions would become available should the project be completed.*
- **Visitor Impact. (1-10 points)**
Funding decisions by the Department shall be based on the likelihood of the project enhancing or creating an attraction that would increase the potential of visitors to the community where the project is located from inside and outside the state.
 - *Tips: describe the unique and/or specific services or function to be provided as a result of project completion otherwise not available, specifically related to attracting visitors and/or tourists into the area.*
- **Financial support. (1-10 points)**
Assistance from the fund must include a 100% match (i.e. matched at least equally from local sources). At least fifty percent of the local match must be in cash. Preference shall be given to those projects with a higher level of local matching funds compared to those with a lower level of matching funds. Neither the local match nor the items listed for grant assistance should include amounts already expended prior to the date of application for grant assistance.
 - *Tips: describe project viability, leverages, and financial resources, as well as efforts to secure non-CCCF monies from other state, federal, foundation, business, or individual sources.*
- **Readiness and local public support. (1-10 points)**
The applicant's fiscal, economic, and operational capacity to finance and manage the project and ability of the applicant to proceed and implement its plan and operate the civic or community center.
 - *Tips: identify who will handle the day-to-day operation and management of the project, project roles, and established or potential partnerships, as well as any volunteer efforts. Include a summary and description of past and future projects and activities carried out at the local level, and identify partnerships and volunteer efforts. Provide a summary or other evidence of public support in the form of public meetings, design charrettes, fundraising campaigns, etc.*
- **Project Planning. (1-10 points)**
Projects with completed technical assistance and feasibility studies shall be preferred to those with no prior planning.
 - *Tips: describe the level of design or conceptualization of the project, who was involved, historical preservation consideration (where appropriate), etc. Including a planning process timetable that would further illustrate the planning process, as well as a timeline for project implementation, including securing matching funds.*
 - *Note: when applying for planning grants, please provide any information about initial planning, stakeholder and/or public meetings, as well as a summary of comprehensive planning that may have been conducted at the project area or community level. When a comprehensive plan has recommended the proposed project, please provide a hyperlink or electronic copy of the entire comprehensive plan and indicate the specific location(s) of those recommendations.*

CIVIC AND COMMUNITY CENTER FINANCING FUND
GRANT ASSISTANCE - 2015

DED USE ONLY: _____

PRELIMINARY APPLICATION FORM

A	Name of Municipality:	City of Seward
B	Type of grant requested (check one)	<input type="checkbox"/> planning <input checked="" type="checkbox"/> capital construction
C	Grant amount requested*:	\$250,000
D	Facility is located within Municipality listed in Line A	<input checked="" type="checkbox"/> yes
E	Municipality listed in Line A will own facility	<input checked="" type="checkbox"/> yes
F	Municipality listed in Line A will operate the facility	<input type="checkbox"/> yes, skip to Line H <input checked="" type="checkbox"/> no, include an explanatory statement
G	Entity under contract that will operate the facility:	Langworthy Trust; Civic Center Commission
H	Existing or preliminary name of facility:	Civic Center North
I	Type of facility (check one): <input checked="" type="checkbox"/> civic center <input type="checkbox"/> community center <input type="checkbox"/> historic building <input type="checkbox"/> recreation center	
J	Proposed project has completed technical assistance and/or feasibility studies:	<input type="checkbox"/> yes <input type="checkbox"/> no
K	Web address (if available):	N/A

*Must correspond to the appropriate amount based on population size as listed in the table on page 1 of the 2015 Application Guidelines.

☒ **ATTACHMENTS ENCLOSED: BRIEF DESCRIPTION OF THE CENTER AND A MAP IDENTIFYING THE LOCATION OF THE FACILITY** (The summary should be at least one paragraph, but no more than one page. Please review final application scoring criteria and be clear and concise with your project summary. Supplemental maps, images, or photographs may be included, but limited to one additional page. The pre-application with attachments shall be no more than four pages.)

PERSON PREPARING PRELIMINARY APPLICATION:

NAME: Charles Lieske

ADDRESS: 616 Bradford St.
Seward, NE 68434

PHONE: 402-643-4189 E-MAIL: charles.lieske@sewardne.com

CHIEF ELECTED OFFICER OF MUNICIPALITY APPLYING FOR GRANT:

NAME: Joshua Eickmeier TITLE: Mayor

- ☒ The Facility in question is, or will be, owned and operated by the municipality.
☒ The applicant has not received funding assistance from the Sports Arena Facility Financing Assistance Act.
☒ The applicant has not been awarded a CCCFF grant within the last 5 grant years.

SIGNATURE: _____ DATE: April 7, 2015

RETURN COMPLETED PRELIMINARY APPLICATION FORM AND BRIEF DESCRIPTION OF CENTER TO:

Jenny B. Mason, CCCFF Coordinator
Nebraska Department of Economic Development
P.O. 94666
Lincoln, NE 68509-4666
t: (402) 471-6280 | e: jenny.mason@nebraska.gov

CCCCFF 2015 Preliminary Grant Assistance Application – Seward Civic Center North

Current Facility: Completed in 1955 with a 1977 addition, the facility is home to the Seward Area Chamber of Commerce and features meeting and banquet rooms in a variety of sizes, formats and formality, as well as an auditorium and art gallery featuring Nebraska artists; the gallery area also serves as a distribution point for visitor and newcomer information. More than 100 groups use the building on a regularly-scheduled basis.

Project Scope: A proposal to acquire a piece of land and building adjacent to the current Seward Civic Center, to move the offices of the Seward Area Chamber of Commerce from the current Civic Center Building to co-locate with Seward County Economic Development Corporation and create a Welcome Center in the new addition, creating an accessible office for economic development, tourism and newcomer information while allowing for ADA improvements to the current facility and the expansion of meeting space for clubs and groups and gallery space for exhibits.

Project Location, Ownership and Operation: Project is located within, and will be owned by, the municipality applying for the grant. The project is governed by the Civic Center Commission, whose members are appointed by the Mayor and ratified by the City Council. The Civic Center Director and Caretaker are employees of the City of Seward. The Langworthy Trust partners with the City to reimburse operations and maintenance costs when covenant restrictions required by the Langworthy Will and Trust are adhered to.

Impact on Retention, New Residents and Visitors: This project sustains and expands meaningful community connections. Seward features numerous clubs and committees that work on projects to better the community and promote tourism and relocation to the area. There are occasions where the current Civic Center facility reaches capacity and groups and committees wishing to meet and/or hold public events are forced to cancel or change location. Increasing capacity of the facility assists these groups sustaining their work to maintain and enhance the quality of life in the Seward area. Some people relocating to the area cite our active atmosphere of community service and variety of public events as motivating factors as they chose where to live with their families. Additionally, by co-locating the area's economic development arms, we create efficiencies and build on synergies that will help with business retention, expansion and attraction. This addition offers a prominent location for visitors and newcomers to obtain information, allowing us to guide them to groups or activities that will engage them during their visit or residency; it also returns square footage to the gallery in the existing facility.

Financial Support: The property we propose to acquire has a combined land/building value of approximately \$320,000. The Langworthy Trust, working within its restrictions, is able to provide funding for the purchase of the land, currently estimated at \$90,000.00. With a \$90,000 match from the CCCCFF, the current owner of the property is open to accepting the \$180,000 for the property, showing the approximate \$140,000 difference as an in-kind donation to the City. We would also work with the current owner to utilize the CDAA (Community Development Assistance Act) for a refundable tax credit of \$25,000. The agreement would include a provision that the building be accepted as-is. The Langworthy Trust would then be within its authority to reimburse the city for needed repairs, which would likely include roof repair or replacement, window replacement and a possible connecting structure between the existing building and new acquisition. We understand the match from the CCCCFF would be capped at \$250,000.

Readiness and Local Public Support: The City and the Langworthy Trust have operated within the existing structure of the Civic Center Commission since 1964. The Trust designates 35% of trust income annually be distributed to the Civic Center; the City and the Trust have successfully worked together for new additions, equipment acquisition and maintenance during these 50 years. As the site owner, the city pays expenses related to the Civic Center and is then reimbursed by the Trust. The Seward Area Chamber of Commerce and Seward County Economic Development have also worked closely together, especially during the past 2 years.

Project Planning: The building we propose to acquire is vacant and, while in need of some upgrade, is habitable in its current condition. Once approved, The Economic Development entities and Welcome Center could immediately relocate and allow for ADA upgrades and meeting room expansion in the current building. Repairs and upgrades to the newly acquired facility could take place over a 24 month period; connecting the buildings could be a goal for a later phase. Plans for ADA upgrades to the existing facility have architectural renderings but are on hold pending this expansion. The reconfiguration of Chamber offices into meeting rooms has not been rendered.

Proposed Expansion of Seward Civic Center (Acquiring 341 North 6th St., Seward, NE 68434)



City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G7

CONSIDERATION OF A VOLUNTARY ANNEXATION OF WEB 4TH ADDITION - John Hughes

Consideration of an Ordinance (Second Reading) Approving the Voluntary Annexation of of Web 4th Addition

Administrative Report: The annexation requires the ordinance to be read three separate times. Following any discussion, the City Council can call for the second reading. Following the reading, no action is required.

Staff Contact:

ORDINANCE NO. _____

AN ORDINANCE DECLARING THE ANNEXATION OF CERTAIN CONTIGUOUS AND ADJACENT TRACTS OF LAND, URBAN AND SUBURBAN IN CHARACTER, MORE SPECIFICALLY THE LAND INCLUDED IN WEB 4TH ADDITION TO THE CITY OF SEWARD, TO THE CORPORATE LIMITS OF THE CITY OF SEWARD, NEBRASKA, AND EXTENDING THE LIMITS THEREOF ACCORDINGLY; TO DESCRIBE THE REAL ESTATE TO BE ANNEXED AND ITS BOUNDARIES; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; 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. TERRITORY ANNEXED; DESCRIPTION. The following described property, known as Web 4TH Addition to the City of Seward, Seward County, Nebraska, is annexed to the corporate limits of the City of Seward, as follows:

A subdivision of Outlot "A", Web 3rd Addition to the City of Seward, located in the Northeast Quarter of Section 16, Township 11 North, Range 3 East of the 6th P.M., Seward County, Nebraska and more particularly described as follows:

Beginning at the Southwest corner of Outlot A, Web 2nd Addition as platted in the City of Seward; THENCE South 89 degrees 59 minutes 20 seconds West, along the north line of Web 2nd Addition, for a distance of 334.97 feet, to the northwest corner of Lot 6, Block 1, Web 2nd Addition; THENCE South 00 degrees 01 minutes 04 seconds East, along the west line of said Lot 6, for a distance of 129.90 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 60.00 feet; THENCE South 00 degrees 01 minutes 04 seconds East, a distance of 10.00 feet; THENCE North 89 degrees 57 minutes 38 seconds West, a distance of 132.08 feet, to the southeast corner of Lot 1, Block 1, Web 3rd Addition as platted in the City of Seward; THENCE North 00 degrees 00 minutes 00 seconds West along the East line of said Block 1, a distance of 715.40 feet; THENCE South 88 degrees 57 minutes 09 seconds East, along the south right of way line of Waverly Road, a distance of 527.12 feet to the northwest corner of Outlot A, Seward Middle School Addition as platted in the City of Seward; THENCE South 00 degrees 00 minutes 08 seconds West, along the west line of said Outlot A, for a distance of 565.93 feet to the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.
Said property contains 7.51 acres more or less.

Section 2. CORPORATE LIMITS EXTENDED. The corporate limits are hereby extended to include the territory described in Section 1 of this Ordinance as part of the corporate limits of the City of Seward, Nebraska, as the same is designated, and hereby shall be part of and annexed to the City of Seward, Seward County, Nebraska.

Section 3. FILING AND RECORDING. A certified copy of this Ordinance declaring such annexation under the Seal of the City of Seward, Nebraska, shall be filed with the office of the County Clerk of Seward County, Nebraska.

Section 4. BENEFITS TO INHABITANTS. The inhabitants of the above described territory as set forth in Section 1 of this Ordinance, annexed to the corporate limits of the City of Seward Nebraska, shall receive substantially the benefits of all other inhabitants of the City and such inhabitants shall be subject to the Ordinances and Regulations of the City of Seward, Nebraska.

Section 5. PAMPHLET FORM; PUBLICATION; WHEN OPERATIVE. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law and city ordinance.

Passed and approved this ____ day of _____, 2015.

THE CITY OF SEWARD, NEBRASKA

Joshua Eickmeier, Mayor

Attest:

Bonnie Otte
Assistant Administrator/
Clerk-Treasurer

(SEAL)

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G8

CAPITAL PROJECTS UPDATE - John Hughes

Administrative Report: The City Council will receive an update on capital and other on-going projects. A motion to approve the report would be in order.

Staff Contact:

City Project Report 04/7/2015

1. Administration –
 - a) Preparation of materials for tax hearing of City property April 14
 - b) Update the TIF Application Form
 - c) Beginning Budget Process
 - d) Conducting Vendor Interviews for Code Codification Update
2. CIP Projects –
 - a) Lease of 2 Toro 16 ft mowers for Rec Dept and Street Dept
3. Building & Planning Department –
 - a) Plan Review Union Bank, and Rock Church
 - b) Updating Unified Land Development Ordinance
 - c) Mike Lewis TIF project
4. Street Department –
 - a) Motor Grader training York April 1st.
 - b) Spring Cleanup & Hazardous waste April 4th
5. Electric Department –
 - a) Testing load controls for summer operation
 - b) Working on mapping updates
6. Water & Waste Water Department –
 - a) S.W. well repairs completed
 - b) New pumps ordered for Raw lift station
 - c) Sludge load out door project completed
 - d) Pool repairs
7. Police Dept.
 - a) Set up 3 new computers
 - b) Ordered for Lease: 2 – 2015 Police Cars; approved in current budget
 - Trade-in 2 vehicles from Police Dept, 1 vehicle from Water/Wastewater and 1 vehicle form Parks & Rec
 - Transfer 1 vehicle from Police to Parks & Rec to replace one traded in

This will reduce the total City fleet by 2 vehicles

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G9

FUTURE REQUESTS FOR COUNCIL AGENDA ITEMS OR ADMINISTRATIVE ACTION - Mayor Eickmeier

Administrative Report: This item is to allow Council members an opportunity to request future agenda items. To remain in compliance with the open meetings law, no discussion of an item will be allowed beyond what is necessary to clarify the request.

Staff Contact:

City of Seward, NE

Tuesday, April 7, 2015

Regular Session

Item G10

ANNOUNCEMENT OF UPCOMING EVENTS - Mayor Eickmeier

2015 Arbor Day Celebration - Independence Landing - Thursday, April 23, 2015 at 1:00 p.m.

July 4th Celebration

Staff Contact:

City of Seward, NE
Tuesday, April 7, 2015
Regular Session

Item G11

MOTION TO ADJOURN

Staff Contact: