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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Standing Committees

§2-101 GENERAL PROVISIONS.

(A) At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the Council may by ordinance or resolution create. The membership of such standing committees may be changed at any time by the Mayor. The Mayor shall be a member ex officio of each standing committee. The members of the standing committees shall serve terms of office of one year, unless reappointed.

(B) The following standing committees shall be appointed or reappointed each year until changed by the City Council:

- (1) Cemetery and Parks
- (2) Judiciary, Fire, and Building
- (3) Electricity and Water
- (4) Zoning and Land Management
- (5) Finance and Budget,
- (6) Street, Alley, and Landfill
- (7) Police

Article 2 – Commissions and Boards

§2-201 MEETINGS AND REPORTS.

All city commissions and boards shall be required to conduct at least one regular meeting per month. Each commission and board shall also submit an annual report to the City Council. Said report shall contain such information and shall be submitted at such time and in such manner as the Council shall direct.

§2-202 PLANNING COMMISSION.

(A)(1) The Planning Commission shall consist of five regular members who shall represent, insofar as is possible, the different professions or occupations in the municipality and shall be appointed by the Mayor by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there are 500 residents in the area over which the municipality exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that 500 residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor with the consent of a majority vote of the council members for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

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

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

(a) Mayor;

(b) A member of the City Council;

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

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

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one year, and he or she shall be eligible for reelection. The Commission shall hold at least one regular meeting in each calendar quarter, except that the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. (Neb. Rev. Stat. 19-927)

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

(D) The City Council may provide the funds, equipment, and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (Neb. Rev. Stat. 19-928)

(E) (1)(a) Except as provided in Neb. Rev. Stat. 19-930 to 19-933, the Planning Commission shall: (i) Make and adopt plans for the physical development of the municipality, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such municipality and including a comprehensive development plan as defined by Neb. Rev. Stat. 19-903; (ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipality departments; and (iii) Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.

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

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

(2)(a) The Commission may, with the consent of the City Council, in its own name (i)

make and enter into contracts with public or private bodies, (ii) receive contributions, bequests, gifts, or grant funds from public or private sources, (iii) expend the funds appropriated to it by the municipality, (iv) employ agents and employees, and (v) acquire, hold, and dispose of property.

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

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

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

(c) An appeal of a decision by the Commission or City Council regarding a conditional use or special exception shall be made to the district court. (Neb. Rev. Stat. 19-929) (Am. by Ord. Nos. 505, 5/2/94; 605, 7/6/98; 905, 3/5/18)

§2-203 BOARD OF ADJUSTMENT.

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment consisting of five regular members plus one additional member designated as an alternate, who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the City Council shall serve as a member of the Board of Adjustment. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council, and conditioned upon the faithful performance of their duties.

(B) The Board shall organize at its first meeting in June of each year and elect from its membership a Chairperson and Secretary. No member of the Board shall serve in the capacity of both Chairperson and Secretary. It shall be the duty of the Secretary to keep complete and accurate minutes of all Board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the City Council may designate or at such other times as the Chairperson may, in his or her discretion, call a meeting. Special meetings may be also held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §19-901 to 19-914.

(C) It shall be the duty of the Board (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide requests for interpretation of any map in accordance with the provisions of the zoning regulations; and (3) where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(D) No variance shall be authorized by the Board unless it finds that (1) the strict application of the zoning regulation would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (3) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (4) the granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(E) In exercising the above-mentioned powers, the Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such city official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(F) The Board shall be responsible for making such reports and performing such other duties as the City Council may designate.

(Neb. Rev. Stat. §19-907 through 19-910) (Am. by Ord. No. 545, 1/3/96)

§2-204 BOARD OF HEALTH.

(A) The City Council shall appoint a Board of Health consisting of four members. The members of the Board shall include the Mayor, who shall serve as Chairperson, the President of the City Council, and two other members. One member shall be a physician or health care provider if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, he shall serve on the Board as Secretary and quarantine officer. No member of the Board of Health shall hold more than one Board of Health position. The members of the Board shall serve, without compensation, one year terms of office, unless reappointed, and shall reorganize at the first meeting in December of each year. The Board of Health shall be funded by the City Council from time to time out of the General Fund.

(B) The Board shall meet at such times as the City Council may designate. The Secretary shall keep full and correct minutes and records of all meetings and file the same with the City Clerk, where they shall be available for public inspection during office hours. A majority of the Board shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the Chairperson, or any two members of the Board.

(C) The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the City. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State of Nebraska and ordinances of the City relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may designate from time to time.

(Neb. Rev. Stat. §17-121) (Am. by Ord. No. 566, 8/4/97)

§2-205 POWER BOARD.

(A) The City Council shall appoint a Power Board consisting of three members who shall serve three-year terms of office. Each member of the Board shall be a resident of the City and shall serve with compensation set by the City Council. It shall be the duty of the Board to advise the Council in matters concerning the operation, maintenance, and improvement of the city-owned utilities in order to assist the Council in the efficient operation thereof. The Board shall submit reports and recommendations concerning said utilities when the City Council shall so request or without request when the Board shall determine that the circumstances so warrant. The Council shall not be bound in any matter concerning the exercise of its authority over the city-owned utilities by any report or recommendation of the Power Board.

(B) At the time of the Board's first meeting in January of each year, the board members shall organize by selecting from their number a Chairman and Secretary. It shall be the duty of the City Clerk to keep the full and correct minutes and records of all meetings and to file the same where they shall be available for public inspection.

(Am. by Ord. No. 474, 7/6/92)

§2-206 BOARD OF PARK AND RECREATION COMMISSIONERS.

(A) The City Council shall appoint the Board of Park and Recreation Commissioners. The Board shall consist of three members who shall be resident freeholders in the City. No member of the City Council shall serve as a member of the Park Board while serving a term of

office as a member of the Council. The members of the Board shall serve three-year terms of office unless reappointed. The board members shall serve without compensation and may be required, at the discretion of the City Council, to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. It shall be the duty of the Board to advise the City Council in matters concerning the operation, maintenance, and improvement of the city-owned park and to assist the Council in the efficient operation thereof. The Board shall submit reports and recommendations concerning said park when the Council shall so request or without request when the Board shall determine that the circumstances so warrant. The City Council shall not be bound in any matter concerning the exercise of its authority over the city-owned park by any report recommendation of the Park Board.

(B) At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their number a Chairperson and Secretary. No member of the Board shall serve in the capacity of both Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk, where they shall be available for public inspection at any reasonable time.

(C) For parks operation, see Chapter 3, Article 5.
(Neb. Rev. Stat. §17-952) (Am. by Ord. No. 474, 7/6/92)

§2-207 GOLF BOARD.

(A) The City Council shall appoint a Golf Board consisting of five members, or such other number of membership as may be established by the City Council by resolution from time to time, who shall serve terms of three years and who shall be residents of the City. No member of the City Council shall serve as a member of the Golf Board while serving a term of office as a member of the City Council. The board members shall serve without compensation and may be required in the discretion of the City Council to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their membership a Chairman and Secretary. No member of the Golf Board shall serve in the capacity of both Chairman and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the City Clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any two members of the Board.

(B) The Golf Board shall have management and control of the city golf course to the exclusion to the Board of Park and Recreation Commissioners. The Golf Board shall establish rules and regulations for the care and management of the golf course. Said rules and regulations shall include setting and collecting green fees, setting the minimum age for players and providing for the enforcement thereof, and supervising all golf tournaments held thereon. The Board may hire a caretaker if deemed necessary.

(C) The Board shall keep an accurate accounting system to account for all green fees and charges collected and shall file a financial statement quarterly with the City Council. The Board shall retain all funds received on its own behalf and shall have the power to incur bills for maintenance of the golf course and improvements thereon and to pay the costs thereof from said fund. At no time shall any bills or expenses be incurred in any amounts which shall exceed the amount of fees collected by the Board unless such expenses shall have been previously authorized by the Board of Park and Recreation Commissioners and arrangements made for the payment thereof from the Park Fund. All funds collected by the Golf Board shall be under its super-

vision and control and used for the operation of the golf course; provided, however, upon the request of the City Council, the Board shall transfer any such funds in its control to the Park Fund.

(D) The Golf Board shall be responsible for making such reports and performing such other duties as the City Council may designate from time to time.

(Am. by Ord. No. 420, 12/1/86)

§2-208 TREE BOARD.

The City Council shall appoint a Tree Board consisting of six members who shall serve terms of three years. The board members shall be residents of the City and shall serve without compensation. It shall be the responsibility of the Board to study, investigate, counsel and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented to the City Council and upon acceptance and approval shall constitute the official Comprehensive City Tree Plan. The Board shall also prepare and present an annual work plan to the Council for acceptance and approval. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter coming within the scope of its work. The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

§2-209 HOUSING AUTHORITY.

(A) The City Council shall appoint five persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One Commissioner shall be appointed each year. Each Commissioner shall serve a five-year term of office or until his successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. A certificate of the appointment or reappointment of any Commissioner shall be filed with the City Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his duties.

(B) The Mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such Commissioner containing the charges against him. Unless within ten days from the receipt of such notice the said Commissioner files with the Clerk a request for a hearing before the City Council, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the Council shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his position.

(C) Three Commissioners shall constitute a quorum for the purpose of conducting the business of the Authority, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of a majority of the Commissioners present unless in any case the bylaws of the Authority shall require a larger number. The Commissioners shall elect a Chairman and Vice-Chairman and shall have the power to employ an executive director who shall serve as ex officio secretary of the Authority.

(D) The Authority may also employ legal counsel or it may call upon the chief law officer of the City for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, du-

ties, compensations, and terms of office. The Authority may delegate such other powers and duties to its agents or employees as it may deem proper. The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information.

(E) During his tenure and for one year thereafter, no Commissioner, officer, or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in (1) any project or in any property included or planned to be included in any project or (2) any contract or proposed contract relating to any housing project. If any such Commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as Commissioner, officer, or employee, he shall immediately disclose his interest in writing to the Authority and such disclosure shall be entered upon the minutes of the Authority; and he shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture or to utility services, the rates for which are fixed or controlled by a governmental agency.

(F) For Housing Authority operation, see Chapter 3, Article 10.
(Neb. Rev. Stat. §71-1524 through 71-1526, 71-1552)

§2-210 AIRPORT AUTHORITY.

The Airport Authority is a body corporate and politic and an agency of the City constituting a public corporation. The Authority shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the City for the purpose of aviation operation, air navigation, and air safety operation and shall have such other powers and duties as may be prescribed by state law. The Authority shall consist of five members who shall be nominated and elected in the manner provided by law for the election of other elected officials and who shall take office on the first regular meeting in December of each city election year. Members of the Authority shall be residents of the City and shall serve terms of six years. Two members of the Authority shall be elected in each city election year except every third election year when one member only shall be elected. Any vacancy on the Authority resulting from any other cause than the expiration of a term of office shall be filled by temporary appointment by the Mayor with the approval of the City Council, until a successor can be elected at the next general city election to serve the unexpired portion of the term. A member of the Authority may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought in the District Court of the County upon resolution of the City Council.
(Neb. Rev. Stat. §3-501 through 3-514)

§2-211 BOARD OF SANITATION.

The Board of Sanitation shall consist of the Mayor, President of the City Council and Chief of Police. The Board of Sanitation shall be funded by the City Council from time to time out of the General Fund. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the City relating to matters of sanitation and nuisances which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may designate from time to time. A majority of the Board shall constitute a quorum for the purpose of doing business. (Ord. No. 462, 5/6/91)

Article 3 – Penal Provision

§2-301 VIOLATIONS; PENALTY.

(A) Any person or any person's agent or servant who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500.00. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this chapter.

(B)(1) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(2) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. Rev. Stat. §17-505, 18-1720, 18-1722) (Am. by Ord. No. 645, 7/5/00)