

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA RELATING TO BOARDS AND COMMISSIONS; TO REPEAL SECTION 2-101.01, TO AMEND SECTION 2-301, AND TO ENACT NEW SECTIONS 2-302 AND 2-303 OF THE CRETE MUNICIPAL CODE; TO ELIMINATE THE CIVIC CENTER STANDING COMMITTEE AND TO UPDATE THE MEMBERS, ORGANIZATION, AND POWERS AND DUTIES OF THE PLANNING COMMISSION.

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

Section 1. That Chapter 2, Article 1, Section 2-101.01 of the Crete Municipal Code shall be repealed in full:

~~2-101.01. Standing committees; civic center standing committee and advisory board.~~

- ~~(1) The Mayor, with the approval of the City Council, will appoint a Civic Center Standing Committee for the City of Crete Civic Center, located at 515 E. 1st Street, Crete, Nebraska. The Committee shall consist of three members of the City Council, whose members shall be one each from the Council Finance Committee, Council Park & Recreation Committee, and Council Public Works Committee, and the Committee shall have the duty and authority to promote and control activities of the Civic Center.~~
- ~~(2) A Civic Center Advisory Board is hereby created to meet with or assist the Mayor, City Council, or the Civic Center Standing Committee of the City Council, to consult with or advise the City as to matters concerning the Civic Center and the Civic Center activities. The Board shall consist of five members who shall be appointed by the Mayor, by and with the approval of a majority vote of the City Council. The members of the Board shall be residents of the City.~~

Section 2. That Chapter 2, Article 3, Section 2-301 of the Crete Municipal Code shall be amended to read as follows:

2-301 Planning Commission; members; term; removal; vacancies.

- ~~(1) The Planning Commission shall consist of nine regular members, who shall represent, insofar as far 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 city, and one alternate member, who may attend any meeting of the Commission and serve as a voting and participating member at any time when less than the full number of regular members is present and capable of voting. At least one regular member of the Commission, but no more than two, shall be a resident of the area over which the City is exercising extraterritorial zoning jurisdiction. All members shall be appointed by the Mayor with the approval of 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 is a sufficient number of 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 a sufficient number of residents reside in the area subject to extraterritorial zoning and 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. For purposes of~~

~~this section, a sufficient number of residents shall mean one thousand residents. The term of each regular member shall be three years, except that three regular members of the first Commission shall serve for terms of one year, three for terms of two years, and three for terms of 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 members elected to the City Council, for inefficiency, neglect of duty, 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) ~~All regular members of the Commission shall serve without compensation and shall hold no other municipal office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. 19-908. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties. The Commission shall elect its chairperson and a secretary from its members and create and fill such other of its offices as it may determine. The term of the chairperson and the secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the chairperson and secretary of the Commission. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file them with the Municipal Clerk where they shall be available for public inspection during office hours. Members shall serve a three-year term and shall be appointed on a staggered basis so that the terms of three regular members expire each year. Members may serve for more than one term and shall hold office until their successors are appointed and approved.~~
- (3) ~~The Commission shall be funded by the City Council from time to time out of the General Fund. 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. 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 City Council for truancy, inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause.~~
- (4) ~~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. The Commission shall hold at least one regular meeting in each calendar quarter, except 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. Special meetings may also be held upon the call of any three members of the Commission. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner as provided herein. The newly appointed member shall serve for the remainder of the unexpired term.~~
- (5) ~~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. The Commission shall 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 the Municipality and shall carry out the other duties and exercise the powers specified in Neb. Rev. Stat. 19-929. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within sixty days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. Any member of the Commission may hold any other municipal office except Mayor, Councilmember, a member of any community redevelopment authority or limited~~

community redevelopment authority, or a member of the citizen advisory review committee for the City's economic development program.

- (6) ~~The Mayor, with the approval of a majority vote of the other elected members of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other municipal office. 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 the approval of a majority vote of the elected members of the City Council. 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.~~

Section 3. That a new Chapter 2, Article 3, Section 2-302 of the Crete Municipal Code shall be enacted to read as follows:

2-302 Commission; organization; meetings; rules and regulations; records.

- (1) Each December, the Planning Commission shall elect a chairperson and a vice-chairperson from its regular members to serve for the following year. The Commission may create and fill such other offices as it may determine in its rules and regulations. The term of each officer shall be one year, and all officers shall be eligible for reelection.
- (2) The Commission shall hold at least one regular meeting each month. Regular meetings may be cancelled if no business is pending before the Commission, but at least one meeting shall be held per calendar year. The Mayor or City Administrator may request the Commission meet more frequently, and the chairperson or any five members of the Commission may call for a meeting when necessary to deal with business pending before the Commission.
- (3) Five members of the Commission shall constitute a quorum for the transaction of business, and, unless otherwise provided for, five affirmative votes shall be required for action on any motion, order, or other matter acted upon by the Commission.
- (4) The Commission shall adopt and promulgate rules and regulations, not inconsistent with law, to govern its parliamentary procedures, internal affairs and processes, the transaction of business, and the execution of any powers and duties assigned to it by law. Any rules and regulations adopted by the Commission shall be subject to the approval of the City Council before such rules and regulations take effect.
- (5) The Commission shall keep a record of its agendas, minutes, resolutions, transactions, findings, and determinations, all of which shall be public records. If the Commission elects a secretary, it shall be the duty of the secretary to prepare, distribute, and keep agendas and minutes of all meetings of the Commission, preserve all records and reports made to or by the Commission, and file all agendas, minutes, reports, and other records with the City Clerk. All records of the Commission shall be available for public inspection during normal office hours.

Section 4. That a new Chapter 2, Article 3, Section 2-303 of the Crete Municipal Code shall be enacted to read as follows:

2-303 Commission; powers and duties.

- (1) The Planning Commission shall (a) make and adopt plans for the physical development of the city, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of the city, and a comprehensive development plan that shall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth based upon documented population and economic projections, (b) cooperate with city departments to prepare and adopt policies, plans, codes, and regulations to implement the provisions of the comprehensive development plan, and (c) 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 policies, plans, codes, and regulations.
- (2) The Commission shall provide recommendations to the City Council on all matters relating to the comprehensive development plan, capital improvements, building codes, subdivision development, annexation of territory, and zoning. All recommendations shall be provided to the City Council within sixty days after the City requests a recommendation. A recommendation shall not be required for the 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 the subdivision complies with the zoning regulations on minimum areas and dimensions of lots and blocks.
- (3) The Commission may on its own authority make arrangements consistent with its powers and duties, 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. The Commission may delegate authority to any individual, group, or organization to conduct studies and make surveys on behalf of the Commission, make preliminary reports on the findings of such studies and surveys, and hold public hearings before submitting final reports to the Commission or City Council
- (4) With the approval of the City Council, the Commission may, in its own name, (a) make and enter into contracts with public or private bodies, (b) receive contributions, bequests, gifts, or grant funds from public or private sources for any purpose, (c) expend funds appropriated to it by the City, (d) employ agents and employees, and (e) acquire, hold, and dispose of property.
- (5) The Commission shall prepare and submit an annual report of its past actions and future goals to the City Council in September of each year and shall make such other reports and perform such other duties as the City Council may, from time to time, require.

Section 5. That the changes specified in the above sections shall be codified as part of the Crete Municipal Code as stated herein.

Section 6. That all ordinances, parts of ordinances, or code provisions in conflict herewith shall be repealed and that any partial repeal shall not affect the other parts of ordinances or codified sections that can be given effect without the repealed parts.

Section 7. That if any section, part, or provision of this ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other section, part, or provision of this ordinance.

Section 8. That this ordinance shall be published in pamphlet, book, or electronic form and shall take effect and be in full force and effect from and after its passage, approval, and publication, as provided by law.

PASSED AND ENACTED the 16th day of August 2022.

Mayor

ATTEST:

City Clerk

Seal