City Council Regular Meeting
Tuesday, February 11, 2025 7:00 PM

Hickman Community Center/City Hall

1. Call to Order

   1.A. This is an Open Meeting of the Hickman Nebraska Governing Body. The City of Hickman abides by the Nebraska Open Meetings Act in conducting business. A copy of the Nebraska Open Meetings Act is on display in this meeting room as required by Nebraska State Law. Notice of meeting and copies of this agenda have been publicly posted prior to the meeting at the Hickman City Hall, Hickman U.S. Post Office, U-Stop Market and the City of Hickman website.

   1.B. Participant Sign-In Sheet Available & Disclosure of Meeting Recording Process Notice Posted.

   1.C. Registered Agenda Speakers: All individuals requesting to be Registered Agenda Speakers must fill out a Registered Speaker Card & submit to Recording Clerk. The Mayor or Presiding Meeting Officer reserves the right to deny this request, or will call you to the podium when your agenda Item is ready to be heard. Presentations, if allowed, may be limited to five (5) minutes per person. Please come to the podium, and clearly state your name and address for the record and the agenda topic you wish to speak upon in a professional manner. Public Hearing Testimonies may be limited to five (5) minutes per person. All individuals requesting to hand out documents to City Council Members must deliver them directly to the City Clerk for distribution.

   1.D. The City Council may vote to go into Executive Closed Session on any agenda item as allowed by Nebraska State Law. The Governing Body may be excused and re-enter the City Council meeting room at any time after reconvening open session.

2. Pledge of Allegiance

3. Roll Call

4. Mayor Communications

5. Consent Agenda

   5.A. Approval of January 28, 2025 City Council Meeting Minutes

   5.B. Claims and Accounts Payable Report

6. Proclamations, Presentations, Appointments, Affirmations & Introductions

    6.A. Affirmation of the Mayor's Appointment of Jarred Horsky to fill the unexpired alternate position ending in December 2026 on the Planning Commission

    6.B. Oath of Office, Mr. Jarred Horsky, Hickman Planning Commission Alternate Member

7. Reports

    7.A. Lancaster County Sheriff's Office Report

    7.B. Community Center Report

8. Public Hearings - None

9. Unfinished Business

    9.A. Ordinance 2025-02, adopting the 2025 Comprehensive Plan (Second Reading)

10. New Business

    10.A. Ordinance 2025-03, adopting New Municipal Code Codification and Repeal Former Code

    10.B. Ordinance 2025-04, Establish Water Rates Effective April 1, 2025 Billing Date

    10.C. Ordinance 2025-05, Establish Sewer Rates Effective April 1, 2025 Billing Date

    10.D. Recommend Approval of Liquor License Renewal for Nebraska Communities Playhouse

    10.E. Recommend Approval of Liquor License Renewal for U-Stop

    10.F. Consideration of Demolition of City Owned Blighted/Abandoned Building at 6700 Hickman Road.

    10.G. Consideration of Lease Agreement and Easement on City Owned Property at 6700 Hickman Road with Allo Communications.

    10.H. Art Council request to hold Farmers Market

11. City Administrator’s Report

12. Governing Body Comments & Council Correspondence

12.A. City Office Closed on Monday, February 17, 2025 in honor of President's Day

12.B. 2025 League Midwinter Conference, February 24-25, 2025 in Lincoln, Ne

13. Meeting Adjournment

MINUTES OF THE HICKMAN CITY COUNCIL MEETING HELD January 28, 2025

Mayor Phil Goering called the meeting to order at 7:02 pm on January 28, 2025, and referenced the meeting recording process, optional sign in sheet, and open meeting law posting. All those present stood and recited The Pledge of Allegiance. Mayor Phil Goering and Council Members Tina Ziemann, Dave Kulwicki, Steve Noren, Travis Borchardt, Doug Wagner, and John Meese were present for Roll Call. Prior notice of the meeting and agenda were provided to the Mayor and all members of the Governing Body. Notice of the meeting was distributed and posted at Hickman City Hall, U.S. Post Office-Hickman, U-Stop Market, and the City of Hickman Website.

Mayor Communications – None.

Consent Agenda
The Consent Agenda included approval of January 14, 2025, City Council Meeting Minutes, Claims and Accounts Payable Report, Statement of Accounts and Budget Cash Report as of October 31, 2024, and Monthly City Sales Tax Report. Motion by Council Member Noren and a second by Ziemann to approve the Consent Agenda as presented. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Proclamations, Presentations, Appointments, Affirmations & Introductions
Mayor Goering invited Lancaster County Commissioner Matt Schulte to introduce himself. Mr. Schulte was elected in November 2022 as the District 3 Commissioner. He shared a little bit about himself and then elaborated on some of the County's pending projects. Lancaster County used $13 million of the ARPA funds to run the conduit countywide for the fiberoptic pipeline. Allo Communications has contracted with Lancaster County to use the entire system. He pointed out that the County Engineer fought to ensure that the system was underground to provide the most reliable service. A S. 68th Street project from Hickman south to Firth Road is planned for 2027, which will be 80% federally funded. Lancaster County received an application for a 2400-acre solar farm project near Hallam. Although the project was controversial, the County Board did approve it with the implementation of greater setbacks and additional training for firefighters.

Motion by Council Member Drahota and a second by Noren to affirm the Mayor's appointment of Charles Stewart to fill an unexpired term ending December 2025 on the Planning Commission. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Motion by Council Member Borchardt and a second by Ziemann to affirm the Mayor's appointment of Brad Schlange to fill an unexpired term ending December 2025 on the Planning Commission. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0. The Mayor invited him to introduce himself. Brad Schlange took the Oath of Office.

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Utility Clerk Ms. Chelsey Brown took the Oath of Office.

Reports – None.

Public Hearings

Mayor Goering opened the Public Hearing at 7:40 p.m. to consider the proposed 2025 update to the City of Hickman's Comprehensive Plan. Mayor Goering invited Mason Herman with Marvin Planning Consultants to present the City of Hickman Comprehensive Plan. Walt Nelson of 825 E. 9th Street spoke in favor. He employed the City Council to be an advocate of change and to put this plan into action. There being no other public comments, Mayor Goering entertained a motion to close the public hearing. Motion by Council Member Noren and a second by Wagner to close the public hearing for the City of Hickman Comprehensive Plan 2025 at 8:05 p.m. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Ordinance 2024-18, Municipal Electrical System Deposit was on the agenda for the second reading. The City Administrator stated that the amendments that were directed at the previous meeting were made to the ordinance. She questioned whether the March 31st deadline for turning the deposits over to the State for unclaimed property should be extended and stated that if the three-reading rule was waived, staff would be able to take advantage of a bulk mailing at the end of the month for customer notification. Motion by Council Member Noren and a second by Ziemann to suspend the three-reading rule for Ordinance 2024-18. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0. Motion by Council Member Borchardt and a second by Wagner to approve Ordinance 2024-18 on the second and final reading with the text edits of changing the March 31, 2025 deadline to April 30, 2025 deadline. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

New Business

The City Administrator explained that the Bond Anticipation Notes, Series 2023 mature on February 15, 2025. The City has been anticipating a $1 million EPA grant that would be used towards this Sewer Improvement District No. 2023-1 funding and then finance the remaining $3 million. With the EPA grant not being received yet, interim financing is required pending the issuance of the permanent general obligation bonds. Bond Attorney Mike Rodgers with Gilmore Bell explained that Ordinance 2025-01 authorizing the issuance and sale of sewer bond anticipation notes gives the Mayor the authority to finalize the terms. He recommended that due to the time constraints with the bonds' maturity date and the effective date of the ordinance after publication, the three-reading rule be suspended for this ordinance. Wagner introduced Ordinance 2025-01 and asked the Clerk to read by title. ORDINANCE NO. 2025-01, AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2025, OF THE CITY OF HICKMAN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION TWO HUNDRED THOUSAND DOLLARS ($4,200,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN SEWER IMPROVEMENT DISTRICT NO. 2023-1, PENDING THE ISSUANCE OF PERMANENT

GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; FIXING CERTAIN TERMS OF THE NOTES AND AUTHORIZING THE FIXING OF OTHER TERMS OF THE NOTES; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; DECLARING THIS ORDINANCE A MEASURE NECESSARY TO CARRY OUT THE CONTRACTUAL OBLIGATIONS OF THE CITY; AND RELATED MATTERS. Motion by Council Member Wagner and a second by Noren to waive the three-reading rule for Ordinance 2025-01. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0. Motion by Council Member Borchardt and a second by Wagner to approve Ordinance 2025-01 on the first and final reading. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Mayor Goering invited Brad Slaughter with Northland Securities, Inc. and Bruce Lefler with Piper Sandler to each give their presentation on underwriting services. Motion by Council Member Drahota and a second by Wagner to hire Piper Sandler for underwriting services for the Bond Anticipation Notes, Series 2025. The following Council Members voted "YEA": Kulwicki, Noren, and Drahota. The following Council Members voted "NAY": Borchardt, Ziemann and Wagner. Mayor Goering voted “YEA”. Motion passed 4-3.

Wagner introduced Ordinance 2025-02 and asked the Clerk to read it by title. ORDINANCE NO. 2025-02, AN ORDINANCE OF THE CITY OF HICKMAN, NEBRASKA TO APPROVE AND ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF HICKMAN, NEBRASKA, BY REFERENCE, INCLUDING THAT AREA WITHIN ONE-MILE OF THE CORPORATE LIMITS OF THE CITY OF HICKMAN, NEBRASKA. Motion by Council Member Wagner and a second by Borchardt to approve the first reading of Ordinance 2025-02. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Motion by Council Member Ziemann and a second by Borchardt to approve the request to Use City property for the Kiwanis Club Easter Egg Hunt Event on April 13, 2025, with Proof of Insurance. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Motion by Council Member Noren and a second by Wagner to approve Certificate of Payment No. 13 to Neuvirth Construction Inc. for the Hickman Wastewater Treatment Plant Head Works and Final Clarifier Improvements in the amount of $370,832.31. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Motion by Council Member Wagner and a second by Ziemann to approve Wastewater Treatment Plant Project Change Order No. 13 for extension of contract schedule because of weather and time needed time needed for City to remove sludge from digesters. The following Council

Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

The City has been leasing with the option to buy a Kubota m7-171 tractor. After 50 hours of leasing, the Public Works director submitted a statement to the Mayor that this tractor will meet the needs of the maintenance department. Motion by Council Member Wagner and a second by Drahota to purchase the Kubota m7-171 tractor in the amount of $63,500. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

The City Administrator presented the Council with vehicle purchase options from local car dealers to replace the wrecked Chevy Equinox. Motion by Council Member Borchardt and a second by Ziemann to purchase a 2025 Chevy Equinox all-wheel drive 4 door for an amount not to exceed $30,500. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, and Ziemann. The following Council Members voted "NAY": Wagner. Motion passed 5-1.

City Administrator's Report

The City Administrator reported the following: She is working on the Allo lease and easement for 6700 Hickman Road for their fiber hut; she is working on the agreement for locating services for NPPD; the review of water and sewer utility rates will be next month; and there is not enough data yet to compare NPPD bills to City bills for electrical rates. Motion by Council Member Ziemann and a second by Wagner to approve the City Administrator's report as presented. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

Governing Body Comments & Council Correspondence

A letter was received from Lower Platte South Natural Resources District with water sample results. NDEE sent the Public Water System Sample Schedules for 2025 and 2026. The City Office will be closed February 17, 2025 in honor of President's Day. The 2025 League Midwinter Conference is February 24-25, 2025 in Lincoln.

Meeting Adjournment

Motion by Council Member Wagner and a second by Ziemann to adjourn meeting at 9:53 p.m. The following Council Members voted "YEA": Kulwicki, Noren, Borchardt, Drahota, Ziemann and Wagner. The following Council Members voted "NAY": None. Motion passed 6-0.

_____

Phil Goering, Mayor

_____

Michele Lincoln, CMC, City Clerk

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VENDOR	INVOICE NUMBER	AMOUNT
ALL COPY PRODUCTS	INV 38550060 FEB POSTAGE MACHINE RENTAL	$ 694.89
ALL COPY PRODUCTS VERITCOM	INV AR4681840 POSTAGE (GEN,SEW,WATER)	$ 490.95
ALL COPY PRODUCTS VERITCOM	INV 4683180 JAN PRINTING SERVICE (GEN,WAT,SEW)	$ 320.83
AED AUTHORITY	ANNUAL PROGRAM	$ 490.00
BLUE RIVER LEAGUE & I-80 PONY LEAGUE	LEAGUE FEE (ACTIVIES ACCT)	$ 100.00
BORDER STATES	INV 929823769 ST LIGHT REPAIRS	$ 153.00
BORDER STATES	INV 929741270 ST LIGHT 1" INTERDUCT	$ 3,187.50
CHELSEY BROWN	JAN CLEANING SERVICE	$ 1,000.00
CREDIT BUREAU SERVICES	CREDIT REPORTING	$ 45.00
CARQUEST	2018 CHEVY REP/MAINT	$ 209.20
CASELLE	MARCH SUPPORT/MAINT	$ 3,201.00
CORNHUSKER STATE INDUSTRIES	ENVELOPES	$ 1,630.00
DALE'S CONSULTING & INSPECTIONS SERV	JAN INSPECTIONS/PLAN REVIEWS	$ 2,400.00
EXECUTIVE ANSERING SERVICE	INV250200120 JAN '25 ANSWERING SERVICE	$ 108.80
ELECTRIC DEPOSIT REFUNDS	153 RETURNS 1@$50; 3@$500; 149@$100	$ 16,450.00
FARMERS COOP	FUEL	$ 433.85
FISH WINDOW CLEANING	SERVICE	$ 481.00
FLOOD, BRIAN	ELECTRICAL INSPECTOR	$ 525.00
HAWKINS	INV 6979835 CHLORINE	$ 667.22
HAWKINS	INV 6979888 SUPPLIES	$ 407.27
HOCHSTETLER, DAVID SR	INSPECTOR	$ 450.00
HOFFSCHNEIDER LAW, P.C., LLO	LEGAL COUNCIL - FEB	$ 2,000.00
KREIFELS, JEFF	INSPECTOR	$ 600.00
KUSTER, KARISSA	UNIFORM ALLOWANCE	$ 150.00
LANCASTER CO. ELECTION COMMISSION	2024 ELECTION SERVICES	$ 281.57
LEAGUE ASSOC OF RISK MANAGEMENT	INSURANCE (EQUINOX & KUBOTA)	$ 1,877.79
MIDWEST LABORATORIES	INV1221952 SUPPLIES & CHEMICALS	$ 456.67
MUNICIPAL CODE SERVICES	RECODIFICATION	$ 3,250.00
NORLAND PURE	WATER	$ 85.92
NORRIS PUBLIC POWER	ELECTRIC SERVICE	$ 21,575.86
ONE CALL CONCEPTS, INC	JANUARY LOCATES	$ 68.84
PAPER TIGER SHREDDING	INV 212217 PAPER SHREDDING	$ 35.00
SEILER INSTRUMENT & MANUFACTURING CO	CATALYST SUBSCRIPTION HOURS	$ 1,000.00
VOICE NEWS	PUBLICATION/READING CENTER AD	$ 32.98
USPS - POSTMASTER	POSTAGE (MACHINE RAN OUT OF INK)	$ 73.00
ZELLER HUMAN RESOURCE SOLUIONS	CONSULTING	$ 3,000.00
Total		**$ 67,933.14**

WELLS FARGO ADMIN CARD 3079		
VENDOR/PAYEE	**DESCRIPTION/INVOICE**	**AMOUNT**
WELLS FARGO -- EBAY	ADVERTISE EQUINOX	49.00
WELLS FARGO - FEDEX	SCAN - PDF OF BARBER ESTATES SIGNED FINAL PLAT ORD 2023-15	9.11
WELLS FARGO -- GOOGLE	ADMIN -- GOOGLE PLAY SUBSCRIPTION	9.99
WELLS FARGO -- GRADUATE LINCOLN	PARKING @ LEAGUE CONFERENCE	15.00
WELLS FARGO -- COUNTY ASSESSOR/DEEDS	FILING FEE ORD 2023-15 BARBER ESTATES	145.11
Total		**228.21**

WELLS FARGO CITY 7968		
VENDOR/PAYEE	**DESCRIPTION/INVOICE**	**AMOUNT**
WELLS FARGO -- AMAZON	COMMUNITY CENTER - HVAC FILTERS	913.08
WELLS FARGO -- COUNTY ASSESSOR/DEEDS	FILING FEE - ORD 2024-21 SALT CREEK RESERVE 1ST ADD	30.00
WELLS FARGO -- ADOBE	ADMIN -- JAN. MONTHLY SUBSCRIPTION -- ACTIVITIES COORDINATOR	13.90
WELLS FARGO -- ADOBE	ADMIN -- JAN. MONTHLY SUBSCRIPTION -- TREASURER	13.90
WELLS FARGO -- AMAZON	COMMUNITY CENTER - CHAIR GLIDE FLOOR PROTECTOR	20.90
WELLS FARGO - OFFICE MAX	STORAGE BOXES, PAPER	281.95
WELLS FARGO -- AMAZON	BATTERIES	14.59
WELLS FARGO -- AMAZON	CLEANING SUPPLIES, COFFEE, CALCULATOR, FILE FOLDERS	167.37
WELLS FARGO - OFFICE MAX	TONER CARTRIDGE	89.49
WELLS FARGO -- NE FLOODPLAIN/STORMWATER S ASSOCIATION	MEMBERSHIP	35.00
WELLS FARGO -- NE FLOODPLAIN/STORMWATER ASSOCIATION	MEMBERSHIP - UNINTENTIONAL DUPLICATION/REQUESTING REFUND	35.00
WELLS FARGO -- AMAZON	PENS	19.52
WELLS FARGO -- AMAZON	ALL IN ONE COMPUTER - READING CENTRE	499.99
WELLS FARGO -- AMAZON	FILE FOLDERS/OFFICE SUPPLIES	40.98
WELLS FARGO -MORO USA	VACUUM PUMP OIL	96.93
WELLS FARGO -- SAM'S CLUB	KLEENEX, BATTERIES	71.92
WELLS FARGO -- ADOBE	OFFICE ASSISTANT - SUBSCRIPTION	21.39
WELLS FARGO -- AMAZON	COMMUNITY CENTER - OUTLET COVERS, CASTER WHEELS,	45.97
WELLS FARGO - OFFICE MAX	ENGRAVED WALL SIGN	16.99
Total		**2,428.87**

MANDATORY CLAIMS	**Column1**	**Column2**
AFLAC	INSURANCE PREMIUM	$ 368.16
AMERITAS	401K	$ 3,919.36
BLACK HILLS	ACCT 74 @ 214 E 5TH STREET SHOP	$ 157.24
BLACK HILLS	ACCT 04 @ 115 LOCUST ST COMMUNITY CENTER	$ 78.49
BLACK HILLS	ACCT 60 @ 588 CHESTNUT SHOP	$ 661.24
CONSTELLATION	JAN GAS SUPPLY 214 E 5TH	$ 504.91
IRS	FEDERAL WITHHOLDING 2/11/25	$ 8,531.77
ERIN M MCCARNEY CHAPTER 13 TRUSTEE	PAYROLL WITHHOLDING	$ 504.00
MAYOR/COUNCIL PAY	2/6/2025	$ 2,861.34
MEDICA	FEB HEALTH INSURANCE	$ 8,503.00
MISSION SQUARE	RETIREMENT	$ 783.20
NEBRASKA CHILD SUPPORT PAYMENT CENTER	PAYROLL WITHHOLDING	$ 217.85
NEBRASKA DEP OF REVENUE	JANUARY STATE INCOME TAXES	$ 2,554.79
PAYROLL	STAFF 2/7/2025	$ 24,609.39
UNITED HEALTH CARE	FEB DENTAL/VISION/LIFE PREMIUM	$ 414.45
UNUM	FEB LONG TERM DISABILITY	$ 208.79
VERIZON	CELL PHONE	$ 287.26
WINDSTREAM	ACCT 2029 COMMUNITY CENTER PHONE	$ 882.94
WINDSTREAM	ACCT 9853 WASTEWATER TREATMENT PLANT	$ 75.72
XPRESS BILL PAY	WEB TRANSACTION FEES	$ 143.50
Total		**$ 56,267.40**

115 Locust Street, P.O. Box 127
Hickman, NE 68372-0127
Phone 402.792.2212 - Fax 402.792.2210
www.hickman.ne.gov

EQUAL HOUSING OPPORTUNITY

OATH

STATE OF NEBRASKA)
COUNTY OF LANCASTER) ss.
CITY OF HICKMAN)

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force, or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the over throw of the government of the United States or of this State by force or violence. So help me God. "
(Neb. Rev. Stat. §11-101)

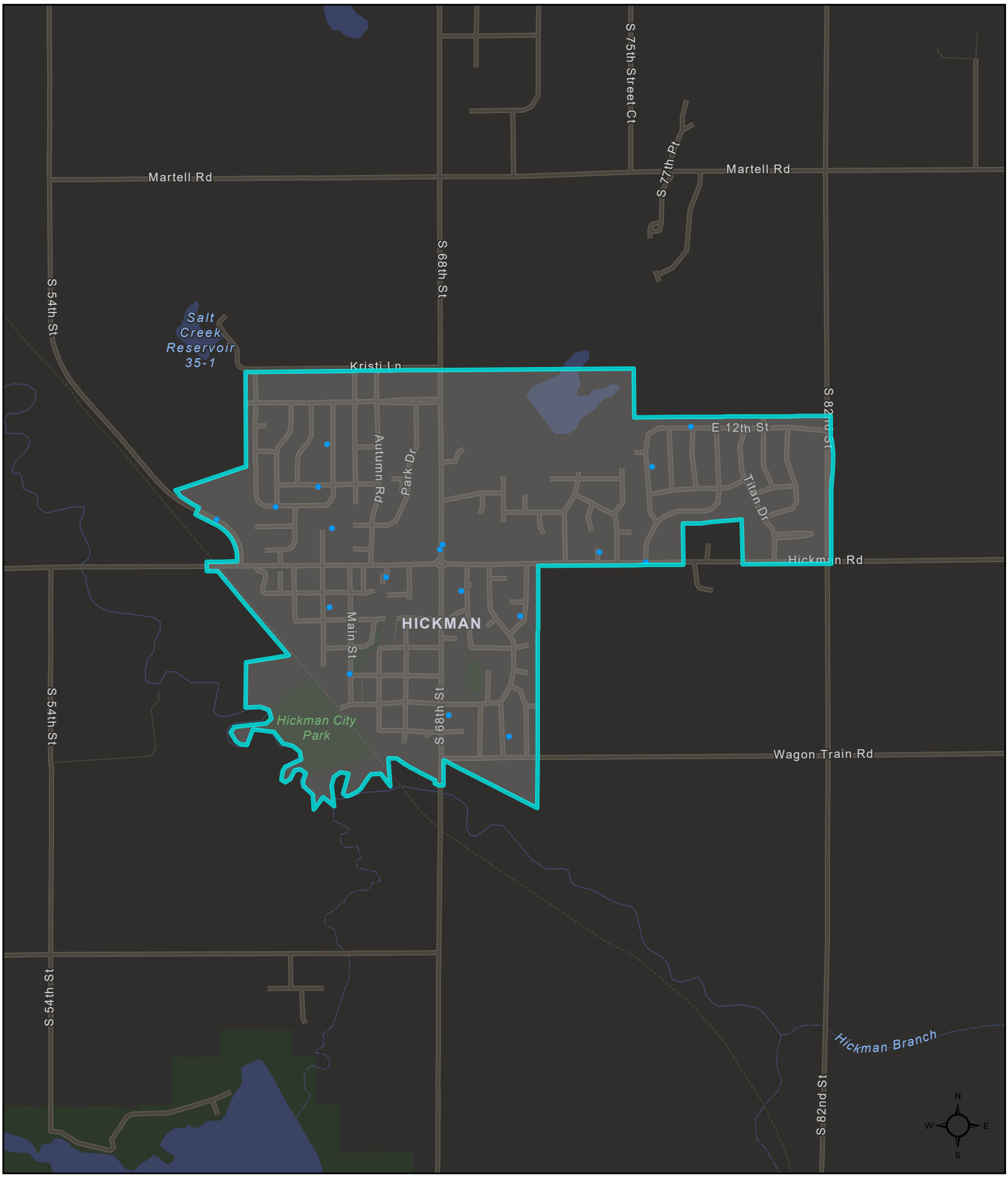
_____
Signature

Subscribed in my presence and sworn to before me this _____day of _____, ____.

_____
Notary Public

My Commission Expires: _____

Calls for Service: Hickman



Dispatch Calls

LOCATION	CASE	Incident	Time	Deputy Name
January 14, 2025				
520 MAPLE ST, HICKMAN, NE,	C5000298	FIRE ALARM	224	22226 ZEIGLER
18940 S 68TH ST, 68372	C5000315	DISTURBANCE OTHER	1946	22155 BUTTERS
913 W 10TH ST, 68372	C5000308	DISTURBANCE OTHER	1435	22173 FUNK
January 15, 2025				
18940 S 68TH ST, 68372	C5000339	MISC OTHER	1545	22229 PARMER
January 16, 2025				
1032 TERRACE VIEW DR,	C5000380	ALARM FALSE	1220	22128 SCHROER
January 17, 2025				
531 VILLAGE VIEW DR, HICKMAN,	C5000402	TRAFFIC PARK OTHER	827	22208 SCHENDT
January 21, 2025				
1201 BIRCHWOOD ST, HICKMAN,	C5000501	MEDICAL EMERG OTHER	1917	22105 OSTERHAUS
7376 MERCY LN, 68372	C5000502	MEDICAL EMERG OTHER	1934	22105 OSTERHAUS
1412 E 12TH ST, 68372	C5000487	ANIMAL OTHER	1043	22227 KASTENS
January 22, 2025				
305 MAIN ST, 68372	C5000509	FRAUD DECEPTION	1205	22105 OSTERHAUS
January 23, 2025				
110 CHESTNUT ST, HICKMAN, NE,	C5000537	DISTURBANCE OTHER	2032	22187 LATHROP
January 27, 2025				
305 W 9TH ST, 68372	C5000613	MISC OTHER	1723	22105 OSTERHAUS
18955 S 68TH ST, 68372	C5000620	SUSPICIOUS PERSON	2223	2294 GASTON
January 28, 2025				
913 W 10TH ST, 68372	C5000644	MENTAL INVEST	1640	22105 OSTERHAUS
January 29, 2025				
810 MAPLE CT, HICKMAN, NE,	C5000675	MISC OTHER	1644	22229 PARMER
HICKMAN RD & TERRACE VIEW	C5000669	TRAFFIC OTHER	1526	22137 BRADY

LOCATION	CASE	Incident	Time	Deputy Name
February 1, 2025				
18955 S 68TH ST, 68372	C5000757	MISC OTHER	2036	22229 PARMER
February 3, 2025				
18820 S 54TH ST, 68372	C5000784	MENTAL INVEST	631	22137 BRADY
February 4, 2025				
108 CONCORD AVE, HICKMAN,	C5000816	MISC OTHER	958	22228 HUNTINGTON
February 5, 2025				
18940 S 68TH ST, 68372	C5000840	DISTURBANCE OTHER	1131	22229 PARMER
February 6, 2025				
18940 S 68TH ST, 68372	C5000865	DISTURBANCE OTHER	1520	22229 PARMER
February 7, 2025				
451 CONESTOGA AVE, HICKMAN,	C5000894	MEDICAL EMERG OTHER	1753	22229 PARMER
February 8, 2025				
100 FENCE ROCK CT, HICKMAN,	C5000914	MEDICAL EMERG OTHER	1859	22229 PARMER

Report Totals

Count: 23
Date Exported: 2/10/2025 1:47 PM

January 2025 Community Center Report

21 Inquiries
2 Tours
193 Participants for Open Gym Time
87 Participants for Adults Only Pickleball Open Play
31 Participants for Adults Pickup Basketball

In Meeting Rooms, A & B

- 4 Nonprofit Meetings

In the Multipurpose Room

- 4 Adults Only Pickleball Open Plays
- 4 Adults Pickup Basketball
- 13 NYBA Practices
- 6 Private Basketball Practices
- 4 Norris Jr Titans Basketball Clinic
- 2 Birthday Parties
- 2 HACFF Volleyball Rentals
- 1 Farm Credit Services of American Ag Seminar
- 1 Cub Scouts Pinewood Derby
- 1 Pickleball Athletic Reservation

Upcoming Events for Community in January and February 2025

- Adults Only – Pickleball Open Play Fall/Winter Hours:
    - Sundays from 1:00 PM to 5:00 PM
    - 2nd & 4th Fridays from 9:00 AM to 1:00 PM
    - *Hours subject to change based on current rental schedule.*
- HACFF Women's Volleyball Games
- NYBA Practices
- Private Basketball Practices
- Adults Only – Pickup Basketball
    - Tuesdays 5:30 AM – 7:30 AM
- Hickman Blue River League Baseball & Softball Uniform Fitting Day
    - February 14th 1:00 PM – 6:00 PM
- Norris PTO Movie Night
    - February 22nd

Damage to Report

- Bluetooth Adapter broke – Clear case installed over wall plate to avoid being hit again.

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE CITY OF HICKMAN, NEBRASKA TO APPROVE AND ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF HICKMAN, NEBRASKA, BY REFERENCE, INCLUDING THAT AREA WITHIN ONE-MILE OF THE CORPORATE LIMITS OF THE CITY OF HICKMAN, NEBRASKA.

WHEREAS, the Hickman Planning Commission has worked to develop a Comprehensive Development Plan, in conformance with Neb. Rev. Stat. §19-903;

WHEREAS, the Hickman Planning Commission has duly held a Public Hearing;

WHEREAS, the Hickman Planning Commission has made a recommendation for adoption of the City of Hickman, Nebraska, Comprehensive Development Plan to the City Council of Hickman, Nebraska;

WHEREAS, the City Council of Hickman, Nebraska, has held the required Public Hearing to collect public input on the proposed comprehensive development plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HICKMAN, NEBRASKA:

That the City Council adopts Ordinance No._____ incorporating the City of Hickman, Nebraska, Comprehensive Plan, including the extraterritorial jurisdiction extending one-mile from the corporate limits of the City, as recommended by the Hickman Planning Commission and after completion of the required Public Hearings.

Passed and approved this _____ day of _____, 2025.

_____
Phil Goering, Mayor

ATTEST: _____
Michele Lincoln, CMC
City Clerk

Chapter 1 Introduction

Location

Hickman is located in southeast Nebraska, approximately 18 miles south of Interstate 80. The community lies four miles east of US Highway 77 and 4 1/2 miles south of Nebraska Highway 2. Hickman lies south of the City of Lincoln within Lancaster County.

History

The following text was taken from the City of Hickman's website.

Prior to 1866 the place where our town is now located was open prairie in what was then Clay County. The few families who lived here had a difficult time of it since the closest market for selling things and purchasing supplies and lumber was Nebraska City. One of the early settlers, Rev. C. H. Heckman, lived near Salt Creek. As time went on, he purchased the adjoining 80 acres. This later became our town.

A post office, established in 1868 south of the present city, was given the name "South Pass". When the Atchison and Nebraska Railroad built its line from Rulo to Lincoln, Rev. Heckman was successful in procuring a station. The post office was moved to its present location, and the name changed to correspond with that approved for the new town, "Heckman". A plat was filed by Heckman and Samual Egger in Lancaster County. However, in recording the procedures, the spelling of the name was recorded as "Hickman". It has remained so to this day.

Hickman was incorporated in 1885. There was a thriving business district, which included a bank, a furniture store, an elevator, a blacksmith, and a

Photo 1.1: Postcard from Hickman from the early 1900s
Source: CALMIT– UNL

Figure 1.1: Hickman

Source: Marvin Planning Consultants

newspaper ("The Hickman Enterprise"). A school was built as well as several churches.

Soon after the turn of the century, a hotel was built. There was also a harness shop, a saloon, a pool hall, a grocery store, a barber shop, a mercantile, and both a doctor and a dentist. The Hickman Telephone Company also was in business. The population in 1910 was 478.

Hickman, located near Salt Creek, has had many floods. A severe one was recorded in 1908. A flood in 1947, followed closely by a larger flood in 1950, did great damage to the town. Another in 1958 prompted serious consideration of two watershed dams. Completed by 1980, the dams helped the flooding problem, but did not control all the water that fell in 1982. Other disasters included a tornado that did considerable damage in 1967. In times of need, the community pulls together to repair the damage.

The Southern Lancaster County Fair was held in Hickman Park in 1984. The first Old Settlers' Picnic was held on August 8th, 1899. The community has maintained the tradition of this celebration each summer since.

In the 1930s a water tower was erected, and a fire department was organized. During that decade a new school was dedicated, as was the Legion Hall and a library. In 1968 a new fire barn was needed downtown. The department quickly outgrew that location so that in 1987 a larger station was build on 68th and Hickman Road.

One of the biggest changes that took place in our town happened in 1964, when schools from several communities reorganized to become the Norris School District 160.

The 1970 census lists Hickman's population at 470. In 1972 a sanitary improvement district was established and in improvement project added approximately 40 new homes to the east side of town, called Wagon Train Addition. In 1987 the Village of Hickman annexed the homes in this area, which increased the population of the town to over 1,000. At this time, we became a City!

A celebration was held. Attorney General Robert Spire officiated at the special ceremony in the park. A special election was held as we changed over to a mayor-city council form of government, and the new members were sworn into office in June 1988.

The Hickman of today is very different from the settlement that was established in 1871, however, it still has congenial community spirit. While many of our residents are descendants

of original homesteaders, there are also many new people who have discovered our town. Many of them are employed in Lincoln, but enjoy the small-town atmosphere we have to offer. New homes are being built every year, and young families are happy to find older, affordable homes in which to raise their families. This makes the future look as interesting and as vital as the past for our town, Hickman.

(Note: Text modified slightly from website.)

Sources: www.hickman.ne.gov ; Linda Bryant and Nancy Votta

Comprehensive Plan

This plan will accomplish the following for the City of Hickman:

1. Promote orderly growth and development for the community;
2. Provide policy guidelines to enable citizens and elected officials to make better informed decisions about the future of the community;
3. Provide a guideline for the location of future developments and uses within the planning jurisdiction of Hickman;
4. Provide a vision and direction for the future planning period of the city, and;
5. Act as an information and management tool for community leaders to use in their decision-making process when considering future developments

This plan **is not a static document**; it should evolve as changes in the land use, population, or local economy occur during the planning period (2025 to 2045).

Photo 1.2: Hickman City Hall and Community Center
Source: City of Hickman

The Planning Process

The Comprehensive Plan begins with the development of general goals and policies, based upon current and future issues faced by the community and its residents. These are intended to be practical guidelines for addressing existing conditions and guiding future growth.

In conjunction with the development of general goals and policies, a data collection phase occurs. Data are collected to provide a snapshot of the past and present conditions within the community. Analysis of data provides the basis for developing forecasts for future land use demands, as well as future needs regarding housing and facilities.

The Comprehensive Plan is a **blueprint** designed to identify, assess, and develop actions and policies in the following areas:

- Housing
- Economics and Economic Development
- Community Facilities
- Parks, Recreation, and Attractions
- Public Safety
- Utilities and Energy
- Hazards
- Land Use
- Annexation
- Transportation

The Comprehensive Plan contains recommendations which when implemented will be of value to the community and its residents. Tools, programs, and methods necessary to carry out the recommendations will be identified through the process.

Nevertheless, implementation of the development policies contained within the plan is dependent upon the adoption of the plan by the governing body and the leadership exercised by the present and future elected and appointed officials of the City.

Plan Preparation

The Plan was prepared under the direction of the Hickman Planning Commission, with the assistance and participation of the Hickman City Council, City staff, citizens of Hickman, and those who live elsewhere but work in or regularly visit the city.

The time period for achieving the goals, programs, and future developments identified in the Hickman Comprehensive Plan is 20 years. However, the community should review the plan annually and update the document every five to 10 years (2030-2035), or when major, unanticipated opportunity arises. Completing updates every five to 10 years or so will allow the community to incorporate ideas and developments not known at the time of the present planning process.

Plan Components

Nebraska State Statutes require the inclusion of certain elements in a Comprehensive Plan. A "Comprehensive Development Plan," as defined in Neb. Rev. Stat. § 19-903 (Reissued 1997), shall meet the following descriptions and requirements:

The regulations and restrictions authorized by sections 19-901 to 19-915 shall be in accordance with a comprehensive development plan which shall consist of both graphic and textual material and shall be designed to accommodate anticipated long-range future growth which shall be based upon documented population and economic projections. The comprehensive development plan shall, among other possible elements, include:

(1)A land-use element which designates the proposed general distributions, general location, and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land;

(2)The general location, character, and extent of existing and proposed major roads, streets, and highways, and air and other transportation routes and facilities;

(3)The general location, type, capacity, and area served of present and projected or needed community facilities including recreation facilities, schools, libraries, other public buildings, and public utilities and services; and

(4)(a) ...an identification of sanitary and improvement districts, subdivisions, industrial tracts, commercial tracts, and other discrete developed areas which are or in the future may be appropriate subjects for annexation and (b) a general review of the standards and qualifications that should be met to enable the municipality to undertake annexation of such areas. Failure of the plan to identify subjects for annexation or to set out standards or qualifications for annexation shall not serve as the basis for any challenge to the validity of an annexation ordinance.

Regulations shall be designed to lessen congestion

in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to secure safety from flood; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to protect property against blight and depreciation; to protect the tax base; to secure economy in governmental expenditures; and to preserve, protect, and enhance historic buildings, places, and districts.

Such regulations shall be made with reasonable consideration, among other things, for the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Analyzing past and existing demographic, housing, economic, and social trends allows for the projection of potential conditions in the future. Projections and forecasts are useful tools in planning for the future; however, these tools are not always accurate and may change due to unforeseen factors. In addition, past trends may be skewed or the data may be inaccurate, creating a distorted picture of past conditions.

Therefore, it is important for Hickman to closely monitor population, housing, and economic conditions impacting the city. Through periodic monitoring, the City can adapt and adjust to changes at the local level. Having the ability to adapt to socio-economic change allows the City to maintain an effective Comprehensive Plan for the future, to enhance the quality of life for its residents, and raise the standard of living for all residents.

Governmental Organization

The Hickman City Council performs the governmental functions for the city. Pursuant to Neb. Rev. Stat., §19-901, the planning and zoning jurisdiction for the city includes the corporate area as well as the area within one mile of their corporate limits.

Process for Adoption

When it is time to adopt this Comprehensive Plan, the City Council has the opportunity to choose the means of adoption. State Statutes allow for the plan to be adopted as either a Resolution or an Ordinance. However, the means used to adopt the plan is the process to be used in the future to amend it.

Adoption of the Comprehensive Plan requires both the Planning Commission and City Council hold separate Public Hearings. After the Planning Commission Public Hearing, the Planning Commission makes a recommendation to the City Council, who then holds their Public Hearing. Notice of both public hearings is required to be published in the newspaper of general circulation a minimum of 10 days prior to each hearing.

Data Variations

In some chapters, American Community Survey (ACS) data was used alongside U.S. Census Bureau data during this planning project. ACS data is based upon statistical sampling from the U.S. Census Bureau's data; therefore, there may be variations in the numbers presented based on the source.

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Chapter 2
Community Engagement

Your Hickman

Community engagement is vital to a successful planning effort. Public participation makes it possible to have a clearer understanding of how the residents feel regarding **their** communities. During every planning process, there are limited numbers of individuals concerned about the effort either because things are going in a positive direction or specific issues do not impact them. Regardless, those concerns do not minimize the importance of community engagement. Knowing, recording, and then acknowledging what residents think of their communities makes the Comprehensive Plan truly a community's.

Community engagement efforts were led by Marvin Planning Consultants.

Participation Methods

Transparent and frequent public participation was designed as a major component of this Plan. The process included multiple approaches. It was structured in a manner allowing for stakeholders to be involved in numerous ways throughout the process - if stakeholders missed a meeting, they were still able to provide their thoughts and input through other means. The key elements of participation included:

- A project website;
- Postcards;
- Stakeholder interviews;
- A town hall meeting, and;
- a Citywide survey

Website

A special project website was established at the onset of the planning process. The project website served as a means to notify residents about upcoming meetings, inform them on the importance and purpose of comprehensive planning, provide links to input methods, and provide updates on the status of the project.

Postcards

In order to get the most public participation possible, the planning team developed informational postcards. The postcards led readers to the project website and to the project survey. The postcards were mailed to every address in Hickman and the surrounding area (based on postal routes).

Stakeholder Interviews

The planning team interviewed key stakeholders to get their input on the current state of the city, and what they view as the future of Hickman. The following groups and or persons were interviewed:

- Senior citizens at an Aging Partners event;
- The City Administrator;
- The City Zoning Enforcement Officer, and;

- The City Mayor

Each group gave the planning team their thoughts on the strengths, challenges, and opportunities of living, working, and playing in Hickman.

Strengths:
- Small-town feel
- Friendly people
- Knowing your neighbors
- Norris School District
- Strong city services
- Available senior care
- Proximity to Lincoln, being a bedroom community

Issues:
- Strain from rapid growth
- Being a bedroom community to Lincoln
- Water supply and quality
- Drawing and retaining businesses to the city
- Not enough places to eat
- Affordability of city with recent growth
- No grocery store
- Post Office is not ADA friendly

Opportunities:
- Smart growth
- More businesses, especially downtown
- Grocery store
- Recreation such as trails, aquatic centers, and parks by new developments
- More housing developments
- Expansion of City services to meet growth
- Funding infrastructure improvements and maintenance to meet growth
- Trail connectivity
- Smart fiscal management
- Expanded senior care services

Citywide Survey

SurveyMonkey, a web based survey tool, was utilized for gathering more specific input on Hickman. The survey process allows individuals to provide input while remaining totally anonymous. The survey data helped to identify what people want preserved, what needs to be changed, what makes Hickman a comfortable place to live, and what their big ideas are for the future. The survey provided an outlet for persons to provide input if they were unable to attend the town hall meeting in April of 2024. Complete results of the survey can be found in Appendix A.

Community Meeting - Gathering Input

An open house meeting was held April 4, 2024. At this meeting, 20 attendees provided input on the Comprehensive Plan and the city overall. Attendees were split into small discussion groups, and then asked six questions about the current, and future, state of the city. Their responses were recorded by the planning team, and can be seen below. Certain responses were repeated by the groups. These comments are noted with a number next to it representing the number of responses.

Why do you choose to live or have a business in Hickman?
- Born and raised and still here
- Left but came back for family
- It is home
- In home daycare
- Want to give back to community that gave to us
- Close to Lincoln (x3)
- Norris School District (x3)
- Small town feel (x4)
- Family (x2)
- Available housing
- Growing community
- Opportunities associated with growth
- 3 different ways to get to Lincoln
- Proximity to grand kids
- Fastest growing town, larger than 1,000 people, in Nebraska
- Because its not Lincoln (x2)
- Safety: family can play outside, low crime levels
- Everyone knows their neighbors
- ATV/UTVs are fun to ride in town

What are the biggest opportunities Hickman has for the future?
- Growth
- Family
- Small town living
- Service focused business - non industrial focus
- Business opportunities

- Proximity to Lincoln
- Business and residential growth
- Technology resources - internet broadband
- Retain our youth and young families
- Indoor recreation facility
- To gain an identity - is downtown "main street"? Is 68th "main street"?
- Light industrial
- 3 recreation areas to tie into trails
- Homestead trail connection

What are the biggest challenges Hickman has right now?

- Supporting Hickman businesses versus Lincoln chains
- Keeping the small town feel
- Not out growing the school district
- Community apathy
- Trying to not be like Lincoln
- Lack of fast restaurants
- Limited health care options
- Youth activities
- Funding sources, tax revenue
- Infrastructure: water, electricity, sewer, roads (x3)
- Retaining or keeping young adults
- Jobs
- Housing, affordable housing (x2)
- High speed internet
- Niche businesses
- Road expansion - turn lanes, better accessibility
- Recreational facilities for middle and high school kids
- Marginal property tax rate: does it benefit them enough as is?
- Infrastructure being able to meet growth
- Affordable housing
- Accessible parking ramps in parks and buildings
- Defining an identity for Hickman
- Feedlot smell

What city projects would you like to see undertaken within the next 10 years?

- More neighborhood parks (x2)
- Golf course (x2)
- Pool or splash pad (x2)
- Dog park
- Complete trail system (x2)
- Viaduct on Hickman Rd to Hwy 77
- Infrastructure: streets, electricity, water, sewer
- Technology upgrades
- Youth facilities
- Motocross track, paved
- Trail from under crossing to Woodland Blvd
- Continuous loop of a trail, 8-10' width
- Add shoulders to Hickman Rd, Roca Rd, 68th St
- Disc golf
- Cleaning up downtown
- More business downtown
- More parking downtown
- Deputy full time
- Community recycling drop off

Why do you love Hickman?

- School system
- Proximity to Lincoln
- Parks for youth
- Small town feel (x2)
- Walking trails/parks (x2)
- Safety
- People (x2)
- Community center (x2)
- Community playhouse
- Theater
- Skate park
- Black Dragon Display Show
- Walkable city
- Fireworks and block parties
- Hay Days
- Snow removal
- Cornfields
- Neighbors
- Quiet
- Its not Lincoln
- The bar/food
- Chickens
- Lakes/outdoors
- Trails

How would you describe the ideal Hickman 20 years from now?

- Thriving community but small town feel
- Restaurants, boutiques, and a shopping district
- Preserved the historic buildings while incorporating the new
- Road/street improvements
- Grocery store
- Manufacturing industry
- Reasonable tax levy
- Good sound infrastructure: water, sewer, electricity
- YMCA type facility
- Connecting trails
- Possibly police department
- EV Charging stations
- More restaurants, retail
- Best in class infrastructure
- Independent from Lincoln
- Revitalize downtown - growing it to Chestnut St
- More businesses and choices
- 3-5 stable industry businesses, employing 500+ people
- Golf course
- Retirement village
- Pool
- Ice cream shop
- Avoid being annexed by Lincoln
- Balanced growth plan throughout
- Affordable living

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Chapter 3 Population

Population Trends

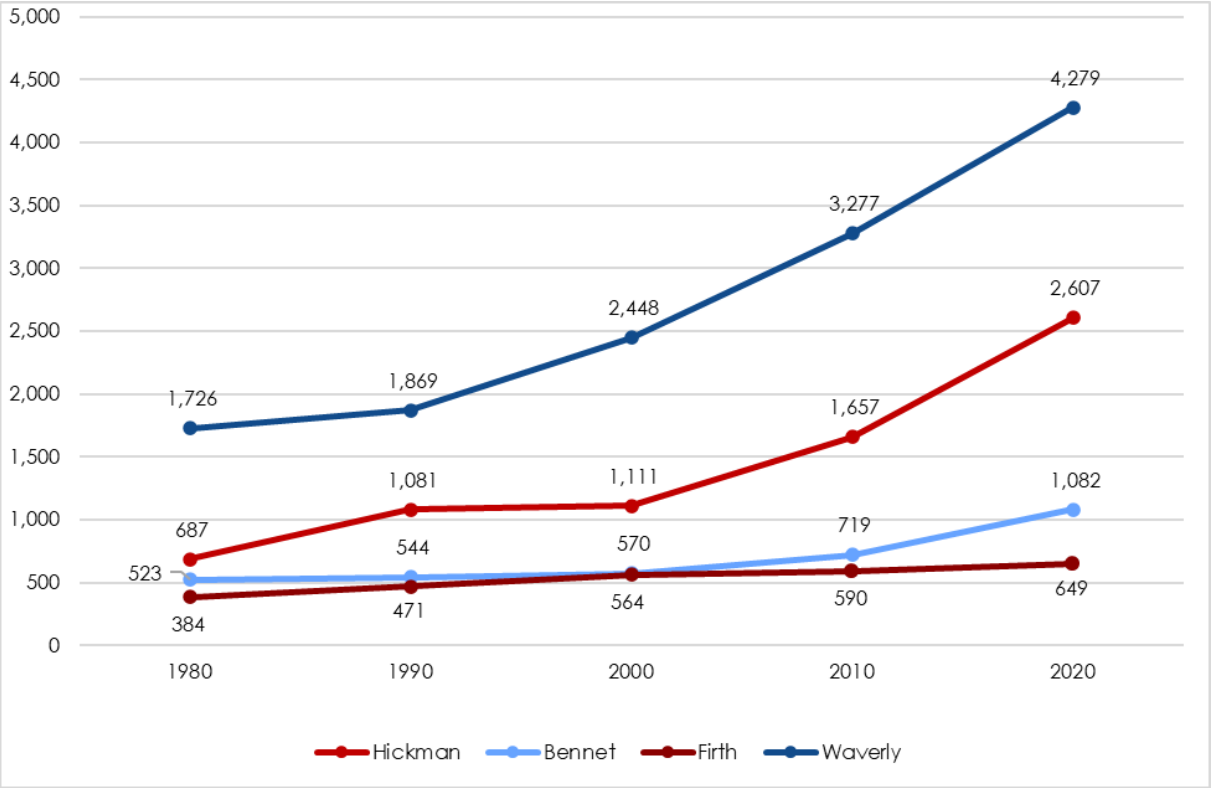
Understanding past and existing population trends and applying them to the future is a critical action Hickman should undertake. Hickman's decision-makers should understand where the city has been, where it is currently, and where it appears to be going. Population trends impact all major components comprising the city including housing, economics, medical services, local employment, education, and fiscal stability. Population projections also provide an estimate for the city to base development decisions and future land uses.

The trends examined in this chapter compare Hickman to Lancaster County and its communities. Comparisons to Lancaster County are important, as Hickman's growth can be attributed to its location within the county. It is important for Hickman to understand the region to better plan for this growth. All other cities and villages in Lancaster County were selected as well. The other cities in Lancaster County are not isolated regional centers, and instead are heavily dependent on the Lincoln economy for their prosperity and growth.

Ultimately, population projections are only estimates and unforeseen factors may affect projections significantly. The review of these projections should occur regularly, particularly as new data are released by the Census and the ACS.

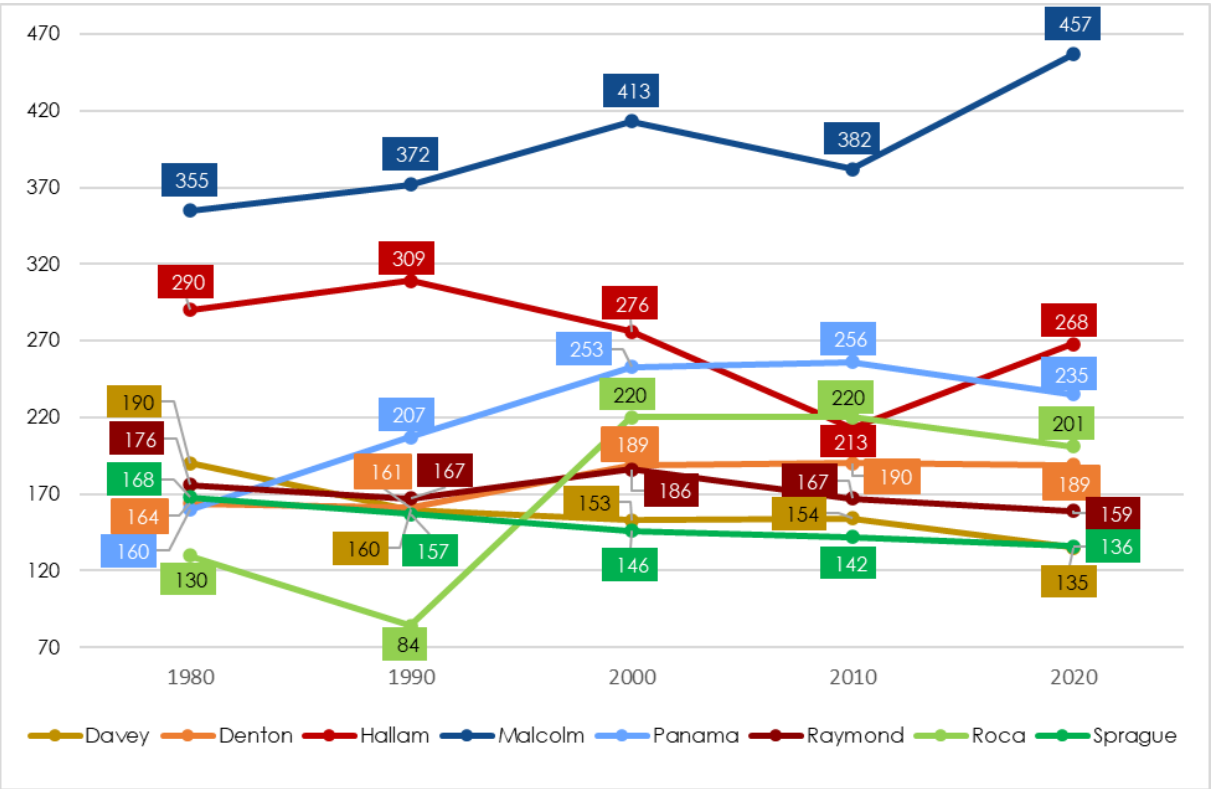
Photo 3.1: Sunday Auction in Hickman, 1973
Source: US National Archives

Figure 3.1: Population Trends, Hickman, Bennet, Firth, and Waverly 1980-2020



Source: U.S. Census Bureau 1980 - 2020

Figure 3.2: Population Trends, Lancaster County Villages, 1980-2020



Source: U.S. Census Bureau 1980 - 2020

Trends Analysis

Figures 3.1, 3.2, and 3.3 contain the population over the previous 40 years, comparing Hickman to the cities and villages of Lancaster County. These data are the basis for the eventual projection lines for population scenarios in the community.

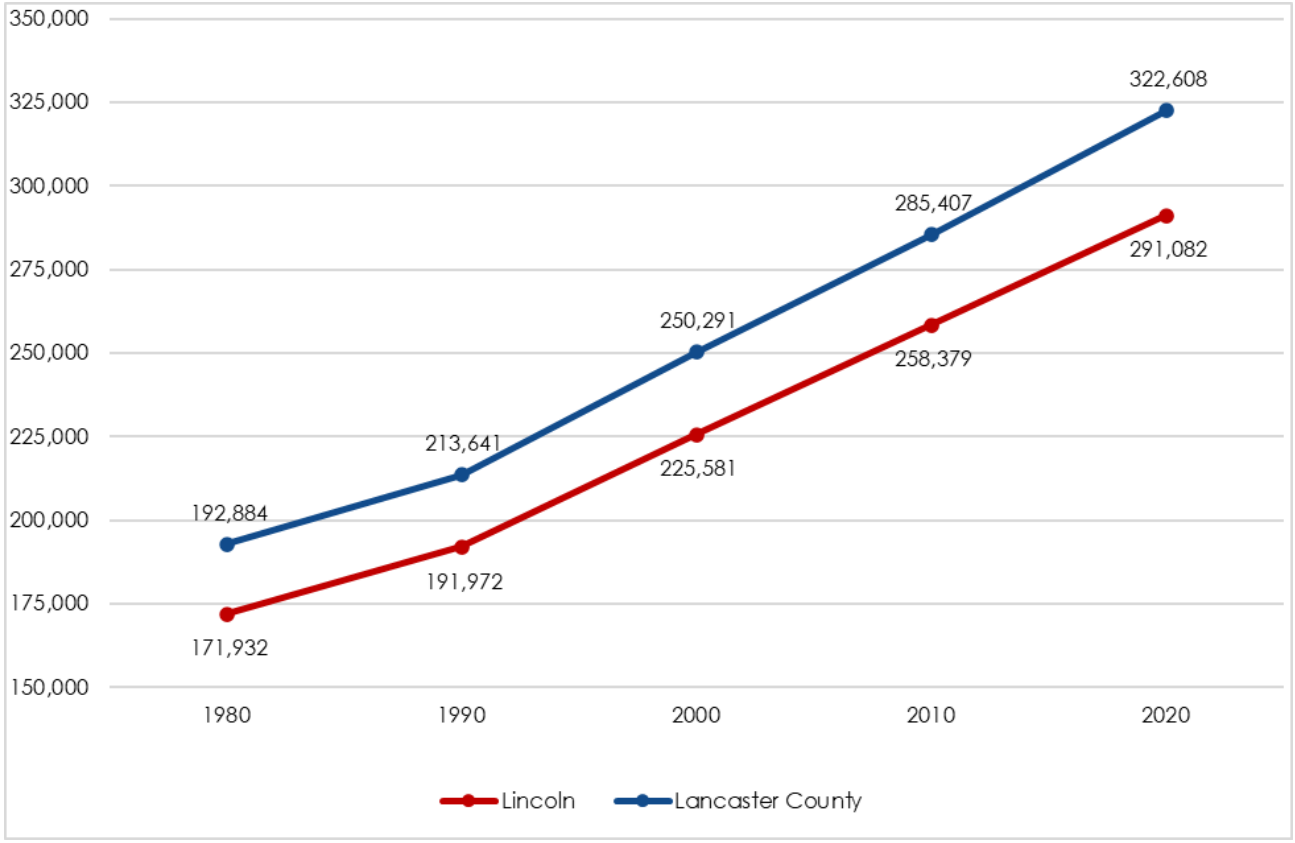
In comparison to Lancaster County, Hickman has the second largest current population behind Lincoln and Waverly. Hickman once had a more comparable population to other cities and villages in the county in 1980 but has since experienced massive population growth. Hickman has grown compared to other municipalities in Lancaster County for several factors; proximity to US-77, quality existing infrastructure compared to nearby villages, and the

Table 3.1: Age Characteristics, 2012-2022

Male and Female Populations 2012-2022					
Age in 2012	2012 population	Age in 2022	2022 population	Cohort Change	% Change
		0-4	299	-	-
		5-9	459	-	-
0-4	193	10-14	199	6	3.11%
5-9	166	15-19	152	-14	-8.43%
10-14	174	20-24	82	-92	-52.87%
15-19	81	25-29	26	-55	-67.90%
20-24	62	30-34	253	191	308.06%
25-29	123	35-39	340	217	176.42%
30-34	22	40-44	215	193	877.27%
35-44	169	45-54	191	22	13.02%
45-54	225	55-64	228	3	1.33%
55-64	140	65-74	148	8	5.71%
65-74	71	75-84	74	3	4.23%
75 & older	66	85 & over	31	-35	-53.03%
Total	1,689		2,697	447	59.68%

Sources: ACS 5-Year Estimates 2012 and 2022

Figure 3.3: Population Trends, Lincoln and Lancaster County , 1980-2020



Source: U.S. Census Bureau 1980 - 2020

suburbanization of south Lincoln bringing jobs and facilities closer to Hickman. For those reasons. Hickman now has over 1,000 more persons than Bennet, the next closest municipality in population.

In comparing growth rates to other communities in Lancaster County, Hickman fares considerably better. Most communities saw consistent growth or a slight decrease in population; Hickman grew by 279% over the period, which was the highest growth rate for any municipality in Lancaster County. Lincoln had a growth rate of 69% while the county had a growth rate of 67%. Hickman also outpaces the next fastest growing city, Waverly, by over 100%.

Age Structure Analysis

Age structure is an important component of population analysis. By analyzing age structure, the city can determine the key dynamic affecting the population growth or decline, and sustainability of Hickman' population. Each age group affects the population in a number of different ways; the existence of large younger age groups means a greater ability to sustain future population growth compared to large older age groups.

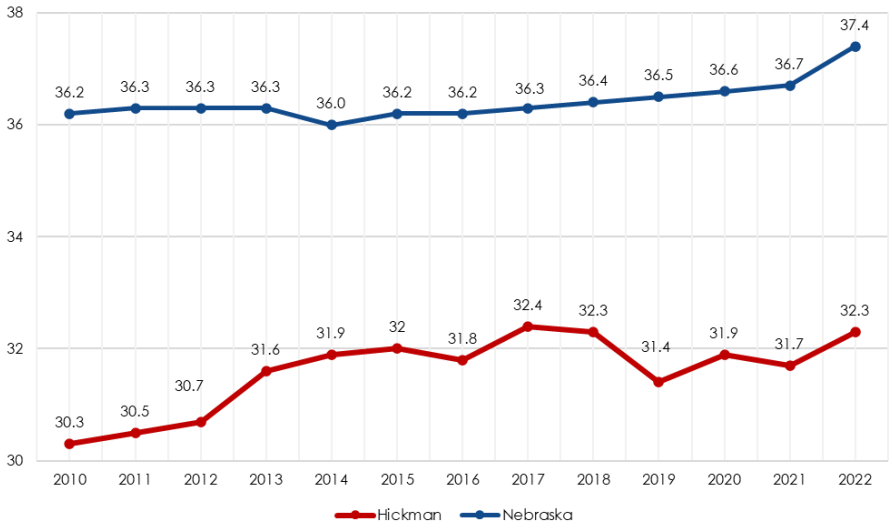
Table 3.1 contains the age group structure for Hickman in 2012 and 2022. The examination of the city's age structures provides an understanding of where some of the population shifts are occurring. Reviewing population in this manner permits a detailed analysis of which specific groups are moving in and out of the city. Positive changes in a group indicate in-migration or births. Negative changes in a group indicate out-migration or a combination of out-migration and deaths.

Hickman saw growth in eight age groups from 2012 to 2022. The 0-4 and 5-9 groups are always an increase as these individuals were not alive for the 2012 American Community Survey. Outside of these age groups, the other increases were in the 10-14, 30-34, 35-39, 40-44, 45-54, 55-64, 65-74, and 75-84 age groups. When you eliminate the first two younger populations, 447 people moved into Hickman during this period. Adding the new births into the mix, the total population growth was 1,205 people.

There were four age groups from 2012 having declined by 2022. The group with the greatest loss was the 20-24 age group, which lost 92 persons, or 52.9% over the time period. The 25-29 age group lost the second most persons, losing 52 persons, or 67.9%. Those over 85 lost significant population as well.

Overall, Hickman had a positive population pattern occur during the 10 year period, gaining 59.6% of its population when accounting for births as well as in -migration, out-migration, and deaths.

Figure 3.4: Median Age, Hickman and Nebraska, 2010-2022



Source: ACS 5-Year Estimates 2010 - 2022

Median Age

Tables 3.4 compares the median ages of Hickman and Nebraska between 2010 and 2022. The median age for Hickman only increased by two years during this time period (30.3 to 32.3). Hickman has a lower median age compared to the state. The presence of many young families wanting to raise their children in a small town environment while the economic opportunities of Lincoln are a short drive away are likely reasons why Hickman's median age has consistently been lower compared to the state's median age. As shown in Table 3.1, family bearing aged persons are entering the city, leaving Hickman with a younger population and a consistently lower median age.

Dependency Ratio
This ratio examines the portion of a community's earnings that is spent supporting age groups typically and historically dependent on the incomes of others.

< 1: 1 Independent resident is able to support more than 1 Dependent resident
=1: 1 Independent resident able to support 1 Dependent resident
>1: 1 Independent resident able to support less than 1 Dependent resident

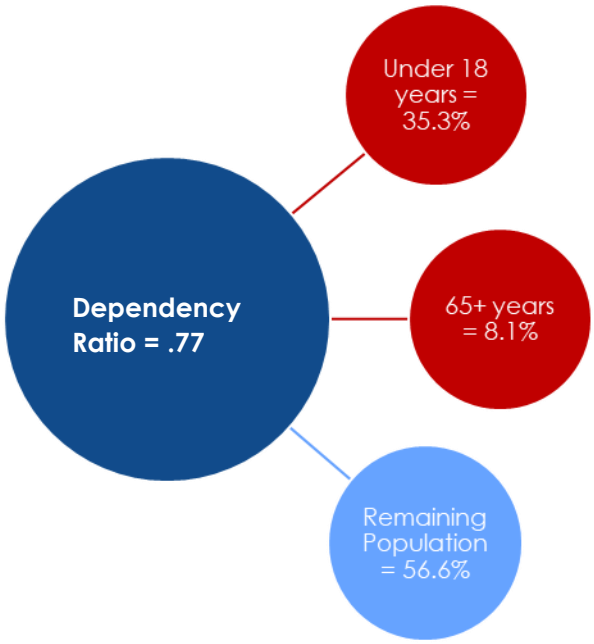
(%18 years and younger + % 65 years and older)
Divided by
% of remaining population

Dependency Ratio

This ratio examines the portion of Hickman' supporting age groups historically dependent upon others for survival (those under 18 years and those 65+ years). The ratio is important to examine as it focuses on the number of dependent persons and if there is enough employed persons in the community to support the dependent populations and the employed population.

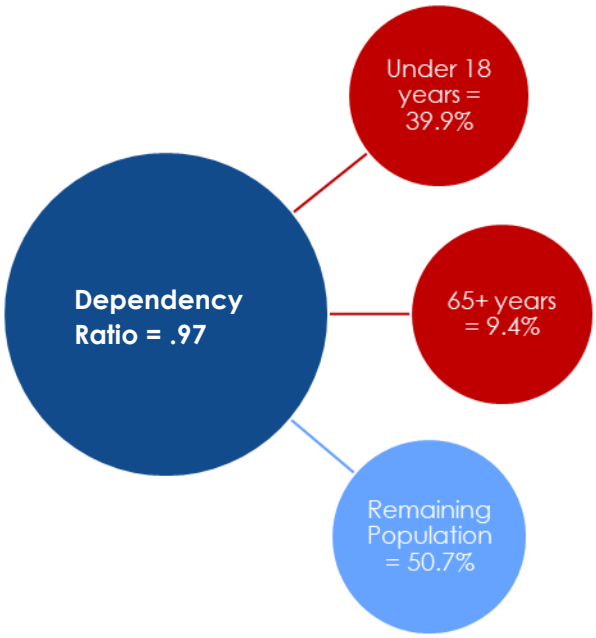
Figures 3.5 and 3.6 indicate the dependency ratios for 2012 and 2022 in Hickman. The portion of persons less than 18 years of age increased greatly by 4.6% between 2012 and 2022, however those aged 65 years and older increased by 1.3% over the time period. In 2012, Hickman had a dependency ratio of 0.77. By 2022 the dependency ratio had increased to 0.97.

Figure 3.5: Dependency Ratio, 2012



Source: ACS 5-Year Estimates 2012

Figure 3.6 Dependency Ratio, 2022



Source: ACS 5-Year Estimates 2022

Ethnicity

Analysis of ethnicity provides more detail as to the changes being seen in a community. Each resident bring their own cultures and beliefs to the area; supporting each culture and belief is paramount to the success of the city into the future. Both the City and school district need to track these changes annually in order to support and help these groups thrive.

Hickman was predominantly White alone in 2012; this did not change by 2022. The White alone population increased by 1,009 persons (a change of 61.6%) between 2012 and 2022. The total population ultimately increased to 90.07% White.

The Hispanic Origin (Any Race) population decreased from 38 to 29 between 2012 to 2022. The Some Other Race population group increased over the time period, increasing from no persons to eight persons. The other groups saw either a slight increase or decrease in persons over the time period. Despite the increases in these other groups, the population in Hickman remained a majority White alone. This will likely continue into the future for the city based on these trends.

Educational Attainment

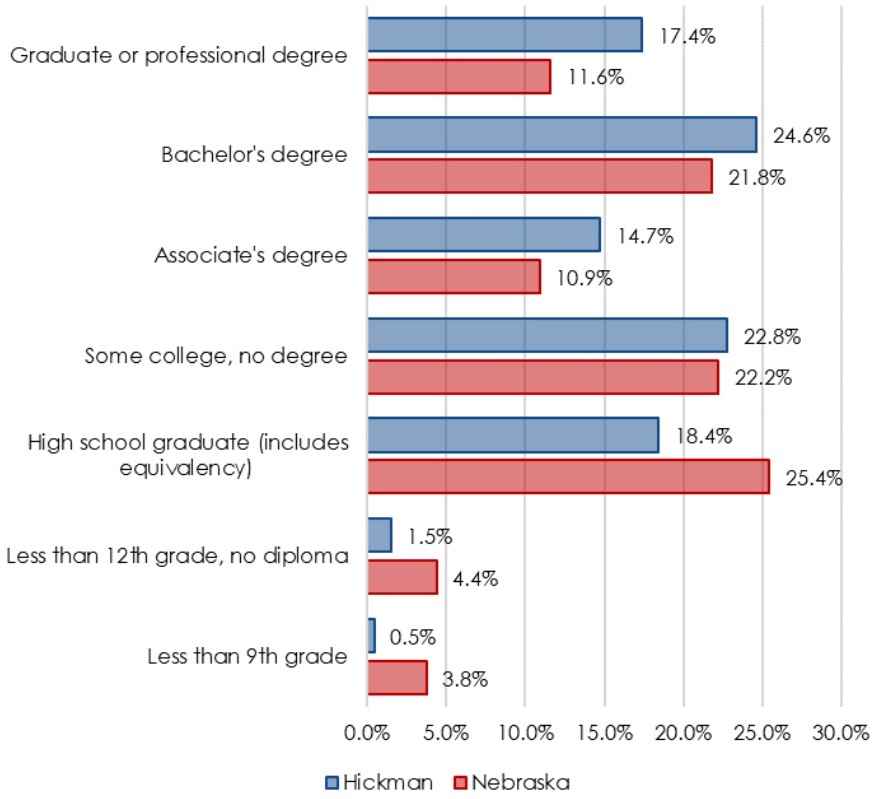
The majority of Hickman residents have Bachelor's degrees, or have attended some college with no degree. Among Hickman residents 25 years and over, 42.0% had a Bachelor's Degree or higher in 2022. There were 97.9% of Hickman residents the same age who were High school graduate or higher, compared to 91.9% statewide.

Table 3.3: Population by Ethnicity, 2012 and 2022

Ethnicity	2012		2022		2012 to 2022	
	Number	%	Number	%	Net Change	% change
White alone	1,636	96.86%	2,645	98.07%	1,009	61.67%
Black or African American alone	11	0.65%	8	0.30%	-3	-27.27%
American Indian and Alaska Native alone	0	0.00%	0	0.00%	0	-
Asian alone	3	0.18%	0	0.00%	-3	-100.00%
Native Hawaiian and Other Pacific Islander alone	0	0.00%	0	0.00%	0	-
Some Other Race alone	0	0.00%	8	0.30%	8	100.00%
Two or More Races	39	2.31%	36	1.33%	-3	-7.69%
Hispanic Origin (Any Race)	38	2.25%	29	1.08%	-9	-23.68%

Source: ACS 5-Year Estimates 2012 and 2022

Figure 3.5: Educational Attainment, 2021

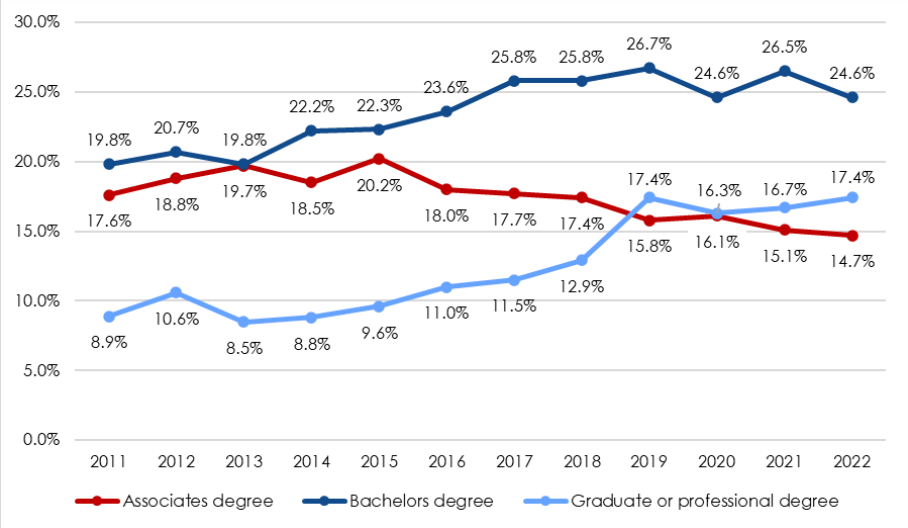


Source: ACS 5-Year Estimates 2021

Income and higher education attainment tend to be highly correlated. Over recent years, the share of Hickman residents holding a higher education degree has risen gradually, but steadily, from 2011 to 2022. The share of persons with a Bachelors degree decreased by around 2% between 2021 and 2022. Nevertheless, as of 2022, 42.0% of the population in Hickman has a college degree.

Not all higher paying jobs require college degrees, and quality vocational and on-the-job training in this job environment can translate well into steady living wages. Nevertheless, continuing the increase in educational attainment will be beneficial to the community and economy.

Figure 3.7: Higher Education Attainment, 2011-2022



Source: ACS 5-Year Estimates 2011 - 2022

Population Projections

Population projections are estimates based upon past and present circumstances. The use of population projections allows Hickman to estimate the potential population in future years by looking at past trends. By scrutinizing population changes in this manner, the city will be able to develop a baseline of change from which future scenarios can be generated. A number of factors such as demographics, economics, or social may affect projections positively or negatively. At the present time, these projections are the best tool for predicting future population changes. There are many methods to project future population trends; the one projection technique used is intended to provide Hickman a broad overview of possible population changes in the future.

Trend Line Analysis

Trend Line Analysis is a process of projecting future populations based upon changes during a specified period of time. In the analysis of Hickman, four different trend lines were reviewed: 2010 to 2020, 2000 to 2020, 1990 to 2020, and 1970 to 2020. A review of these trend lines indicates Hickman will see varied levels of population changes between now and 2050. The following projections summarize the decennial population for Hickman through 2050.

Summary of Population Projections

Three population projection scenarios were selected:

Low = *1990 to 2020*

2030	3,496 persons
2040	4,688 persons
2050	6,287 persons

Medium = *1970 to 2020*

2030	3,765 persons
2040	5,437 persons
2050	7,852 persons

High = 2010 to 2020

2030	4,102 persons
2040	6,453 persons
2050	10,153 persons

Each projection trend shows growth for the city. The range of growth between low and high is approximately 3,900 persons.

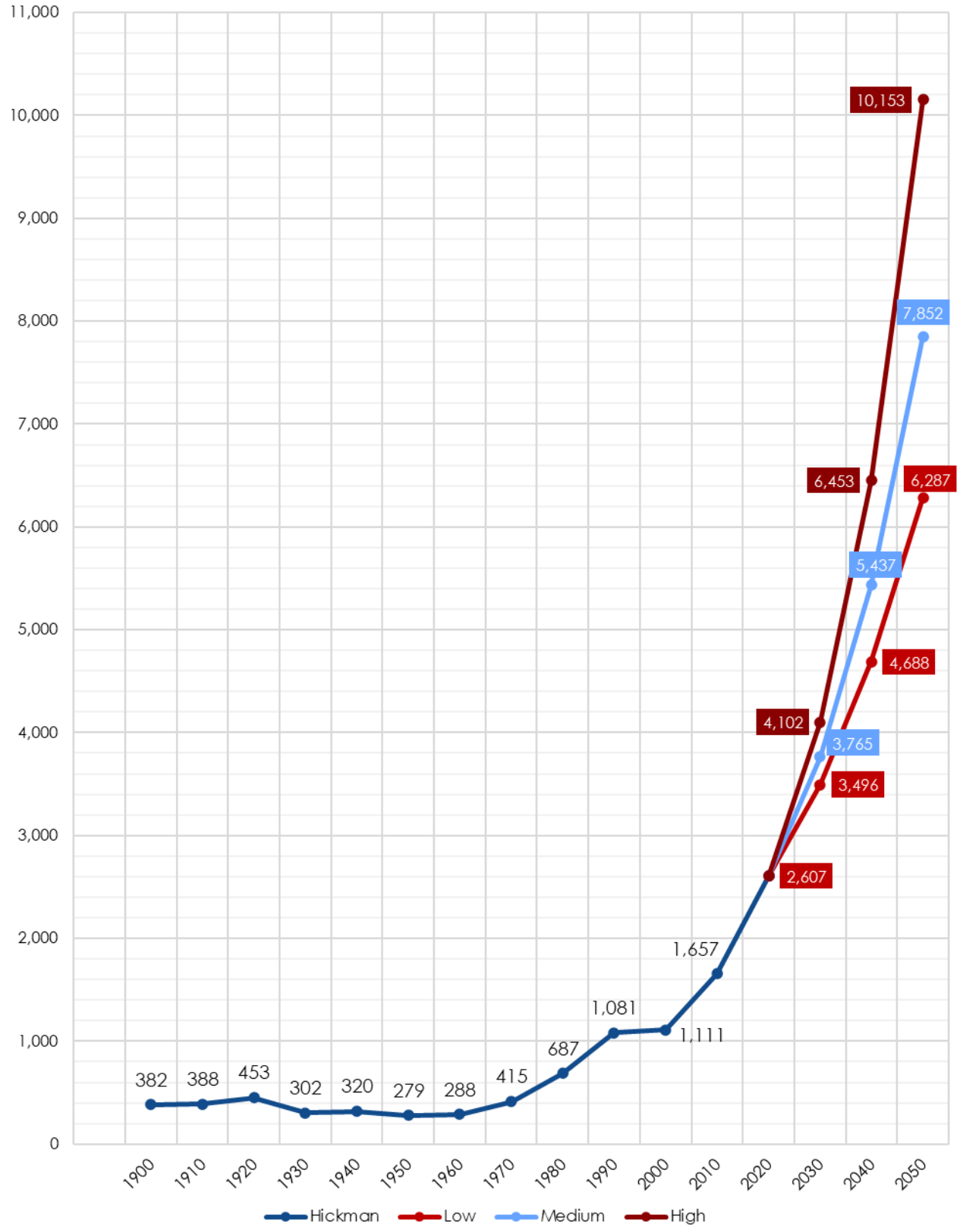
Year	1970 to 2020
2020	2,607 persons
2030	3,765 persons
2040	5,437 persons
2050	7,852 persons

Year	1990 to 2020
2020	2,607 persons
2030	3,496 persons
2040	4,688 persons
2050	6,287 persons

Year	2000 to 2020
2020	2,607 persons
2030	3,994 persons
2040	6,117 persons
2050	9,371 persons

Year	2010 to 2020
2020	2,607 persons
2030	4,102 persons
2040	6,453 persons
2050	10,153 persons

Figure 3.8: Population and Projections



Source: U.S. Census Bureau 1920 - 2020, Marvin Planning Consultants

Chapter 4 Housing

Housing

Housing is an essential need for all residents of a community. Housing preferences also vary widely between people and those in different stages of their life. Young families have different needs and preferences than senior citizens. Those preferences change constantly over time.

This housing profile examines the existing and projected housing market conditions for Hickman, with a focus on affordable and "missing middle" housing and needs of at risk households. Data used in this chapter comes from a variety of sources including the U.S. Census Bureau, U.S. Department of Housing and Urban Development (HUD), Lancaster County Assessor, third-party vendors, and qualitative information from focus group participants.

Projecting future housing needs requires consideration of multiple factors including population change, household income, housing vacancy rates, employment rates, land use patterns, and residents' preferences. This chapter presents information on the household character of Hickman' residents, describes the existing housing stock and housing conditions, and considers future needs for housing.

Household Character

Overall, Hickman has seen extensive growth over the past two decades, both in population and households. As Table 4.1 illustrates, the number of households in Hickman grew by only 51.5% from 2012 to 2022. All other types of household grew in this time period except for householders living alone which lost 6%. This checks out as the average household size slightly increased by 5% during the time period.

Table 4.1: Hickman Households, 2012-2022

	2012	2022	Change 2012-2022
Total Households	580	879	51.55%
Average Household Size	2.91	3.06	5.15%
Married-couple household	380	556	46.32%
Householder living alone	100	94	-6.00%
Households with one or more under 18 years	325	472	45.23%
Households with one or more 65 years and over	105	200	90.48%
Householder living alone, 65 years and over	50	76	52.00%

Sources: ACS 5-Year Estimates 2012 and 2022

Households

In 2022, the number of persons in Hickman living in households numbered 2,690, a growth of 992 persons from 1,698 in 2012. According to the U.S. Census Bureau, seven persons lived in group quarters as of 2022.

Household Size

As seen in Figure 4.1, the average household size in Hickman in 2022 was about 3 persons per household. The trend nationally has been towards a declining household size. Despite this trend, Hickman had a much larger average household size compared to the cities and villages of Lancaster County.

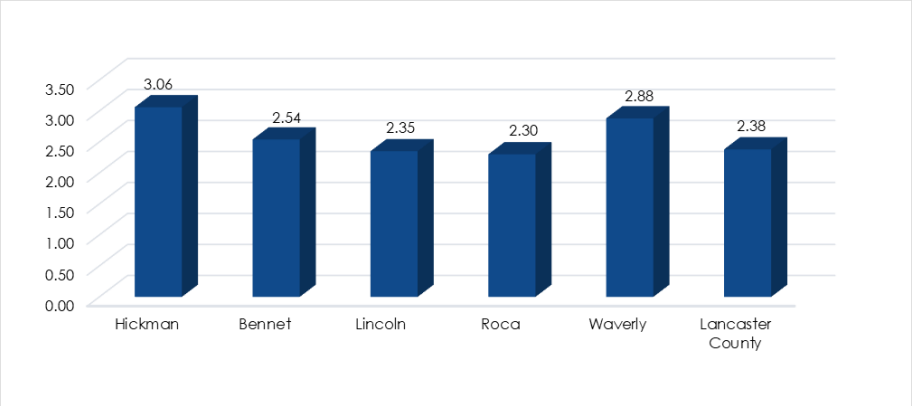
Two-person households were the largest group of owner-occupied housing in Hickman in 2022, with 238 housing units (Figure 4.2). By comparison, the largest household size for rentals was one-person households with 70 housing units.

In 2022, the largest home ownership age cohort (Figure 4.3) were those 35 to 44 years old (317 or 41.4%). The largest renter-occupied age cohort were those 85 years and older (24 or 21.2%). While home-ownership does tend to skew towards older demographics, there is a demand for rental housing among residents of all ages.

Housing Stock

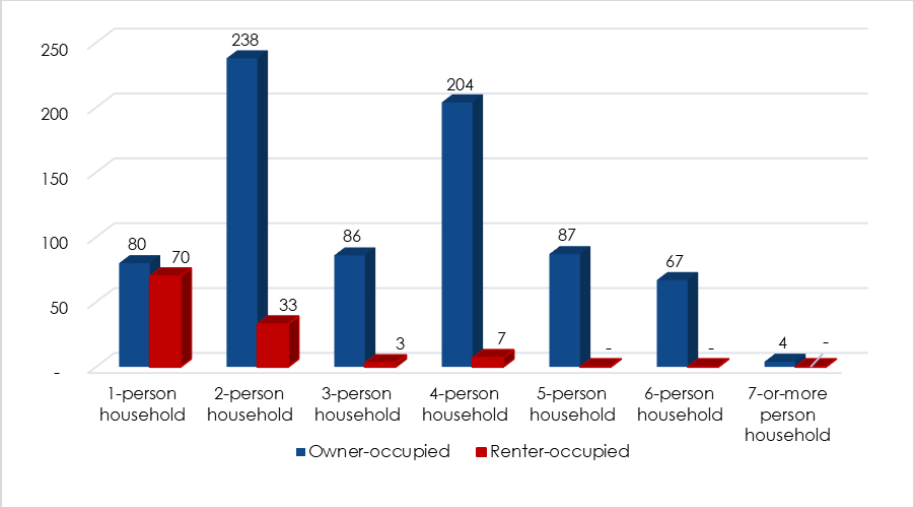
While the housing stock in Hickman continues to age, the share of older units is less than the state overall. However, as each year passes, the housing stock ages, and approximately 1% of existing housing units (on average) are removed from the housing stock through fires,

Figure 4.1: Population and Projections, 2022



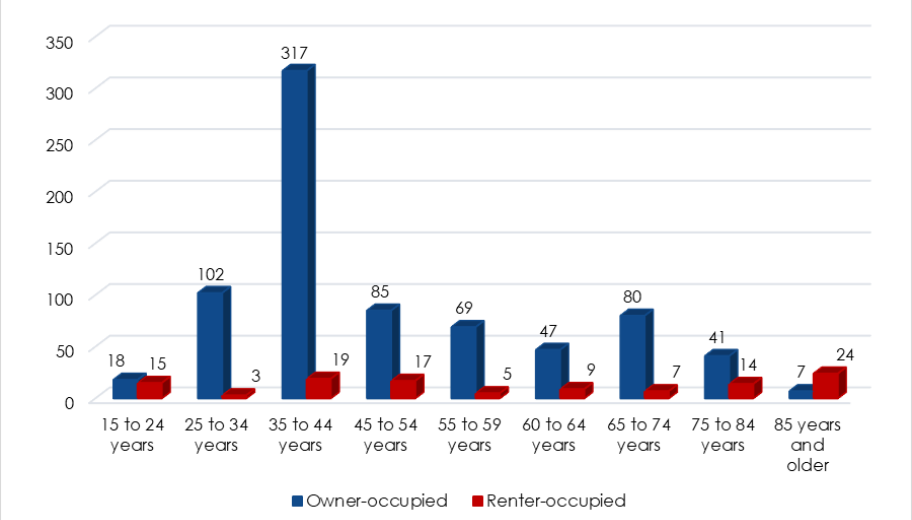
Source: ACS 5-Year Estimates 2022

Figure 4.2: Persons By Household Type, 2022



Source: ACS 5-Year Estimates 2022

Figure 4.3: Age By Household Type, 2022



Source: ACS 5-Year Estimates 2022

demolition, or other means. If new units are not placed in service or existing units are not maintained or renovated, neighborhoods can deteriorate, leading to disinvestment and dissatisfaction.

Age of Housing Units

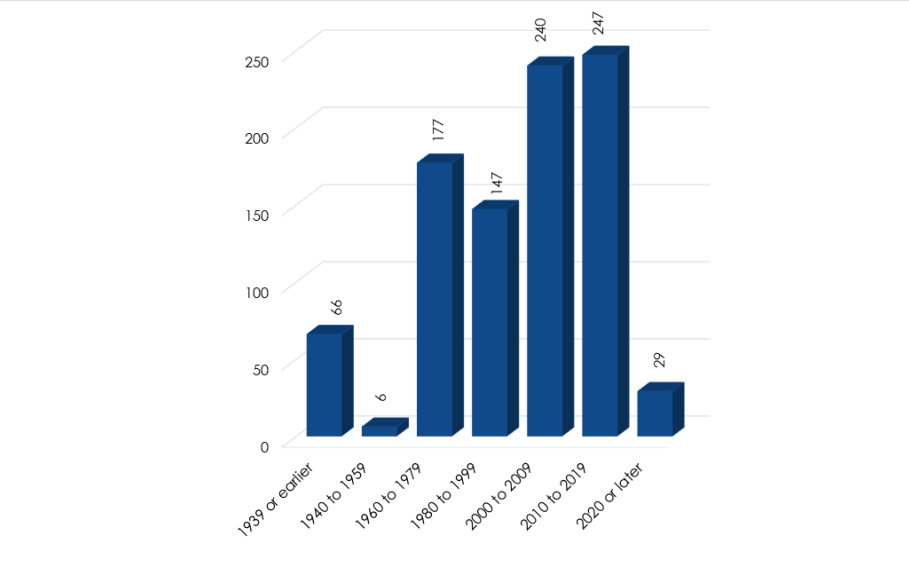
Hickman' housing stock was primarily built over the last 20 years. Figure 4.4 shows over 400 housing units have been built during this time period accounting for 56% of the housing stock in Hickman. Even though most of Hickman's housing stock is new there are still older homes in the community which may be in need of repair and rehabilitation. Specifically the 7% of homes built before 1940 will have the greatest need.

Housing Types

A diverse variety of housing types within a community enables residents to more easily find housing which fits the current needs of their household. Hickman has a less diversified housing stock compared to the overall State of Nebraska. As shown in Table 4.2, 86.4% of Hickman' housing is single-family detached units, compared to 71.7% in the overall state. Hickman also has a greater proportion of single-family attached units compared to Nebraska.

"Missing middle" units are not represented as well in Hickman as they are compared to the overall state. These house-scale buildings fit seamlessly into existing residential neighborhoods and support walkability, locally-serving retail, and public transportation options.

Figure 4.4: Age of Existing Housing Stock



Source: ACS 5-Year Estimates 2022

Table 4.2: Existing Housing Types, 2022

	Hickman	Nebraska
Dwelling Type	% of total	% of total
Single-Family, detached	86.4%	71.7%
Single-Family, attached	4.2%	4.0%
Duplex (2 units)	0.4%	1.9%
Tri– or Quadplex (3 or 4 units)	0.4%	2.5%
5 to 9 units	0.0%	4.1%
10 to 19 units	2.4%	4.9%
20 or more units	6.1%	7.7%
Mobile Home	0.0%	3.1%
Boat, RV, van, etc.	0.0%	0.0%
Total	912	848,023

Source: ACS 5-Year Estimates 2022

As Daniel Parolek notes in his book Missing Middle Housing (2020), "These [housing] types have historically delivered attainable housing choices to middle-income families without subsidies and continue to play a role in providing homes to the 'middle income' market segment that typically straddles 60% to 110% average median household income, in new construction, for-sale housing."

Approximately 5.0% of Hickman's housing meets the definition of Missing Middle Housing (townhouse, duplex, triplex), compared to 7.4% within the entire state.

In addition to a variety of housing types, choices in number of bedrooms is important to ensure the housing stock is appropriate for the size of a community's families and households. The mix

of bedroom diversity in Hickman favors units with more bedrooms compared to the state overall as illustrated in Table 4.3.

Vacancy Rates

A housing market is considered healthy when the effective vacancy rates are between 5% to 7%. This ensures an adequate product for new housing moving into a community and for existing residents to move into housing which better supports their household needs. A constrained housing market leads to price escalation, potential difficulties in attracting workers to a region, exasperating a tight labor market and hampering economic growth. The lack of available housing may also cause frustration from existing residents who may not find the desired product for their current lifestyle and may choose to leave the community in search of housing fitting their needs.

Conversely, a housing market with high vacancy rates can be problematic for a community. High vacancy rates may place downward pressure on for-sale and rental housing. While lower-cost housing is advantageous for renters and home buyers; it can result in less operating income for rental housing and less ability to borrow against a home's equity, leading to deferred maintenance and or home improvements.

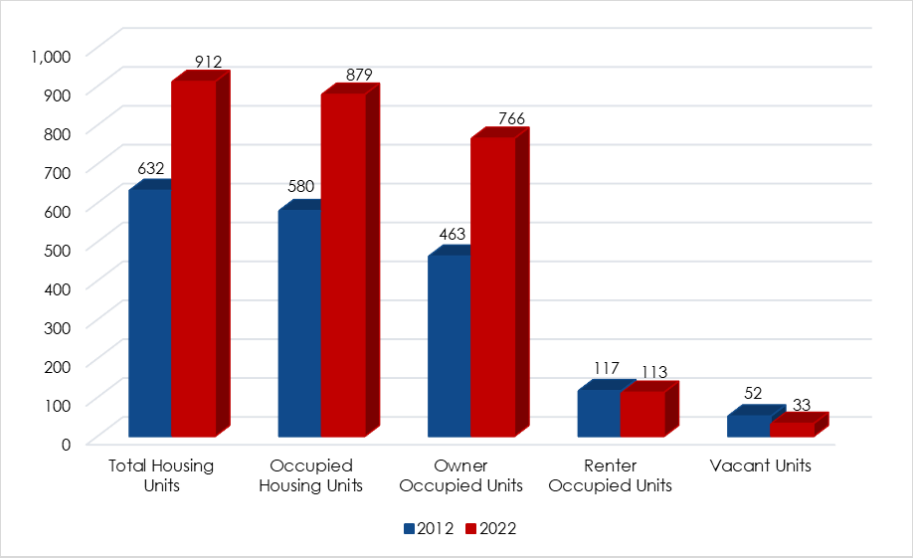
The ACS-estimated number of occupied housing units in Hickman grew from 2012 to 2022, while the number of vacant units shrunk. The number of owner-occupied units increased to 879 while the number of renter-occupied units slightly decreased to 113 (Figure 4.5). The vacancy

Table 4.3: Number of Bedrooms, 2022

	Hickman		Nebraska	
Number of bedrooms	Units	% of total	Units	% of total
0	21	2.30%	18,767	2.21%
1	80	8.77%	91,377	10.78%
2 or 3	414	45.39%	519,635	61.28%
4 or more	397	43.53%	218,244	25.74%
Total:	912		848,023	

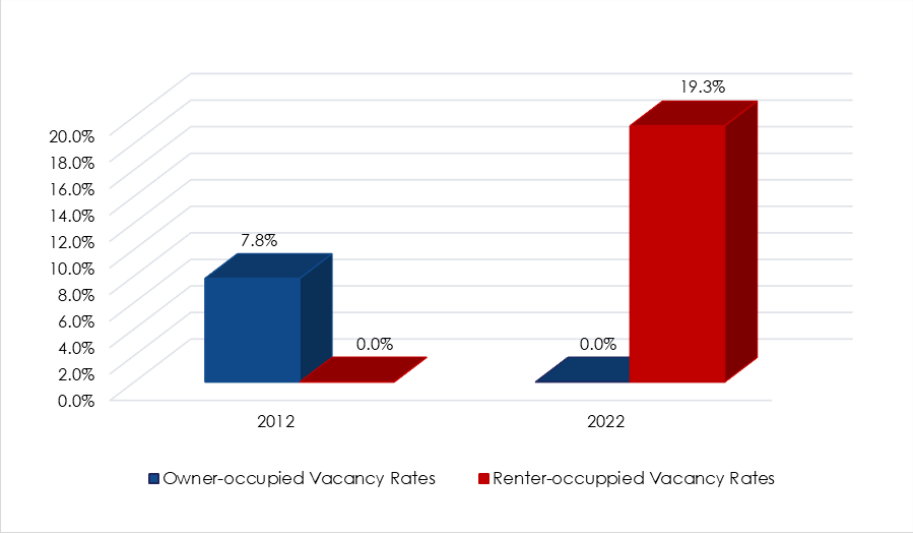
Source: ACS 5-Year Estimates 2022

Figure 4.5: Occupied vs. Vacant Housing Units, 2012 and 2022



Sources: ACS 5-Year Estimates 2012 and 2022

Figure 4.6: Vacancy Rates by Type of Unit, 2012 and 2022



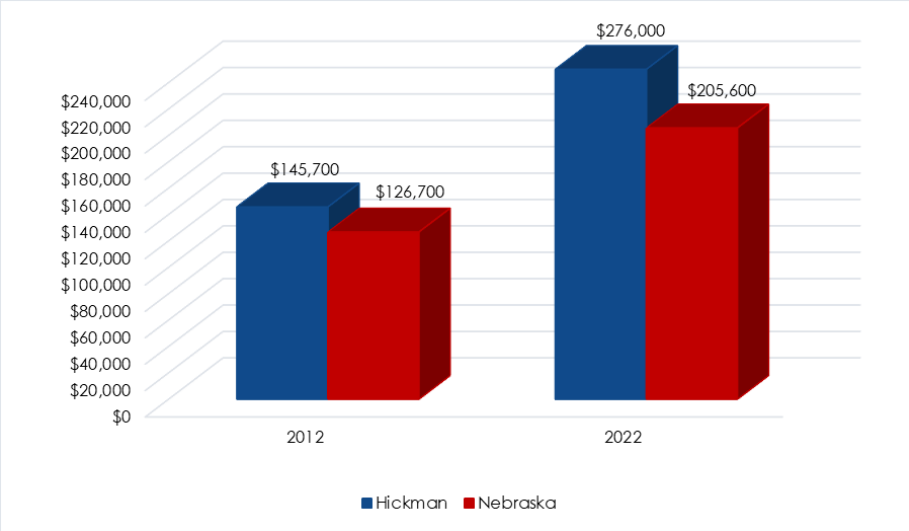
Sources: ACS 5-Year Estimates 2012 and 2022

rate for owner-occupied units shrank from 7.8% to 0%, while the vacancy rate for renter-occupied units grew from 0% to 19.3% (Figure 4.6).

Over the same time period, the State's median value of housing had increased from $126,700 to $205,600. The median value in Hickman grew by nearly 90% over the time period, which was a greater increase than the growth seen in the state (nearly 62%).

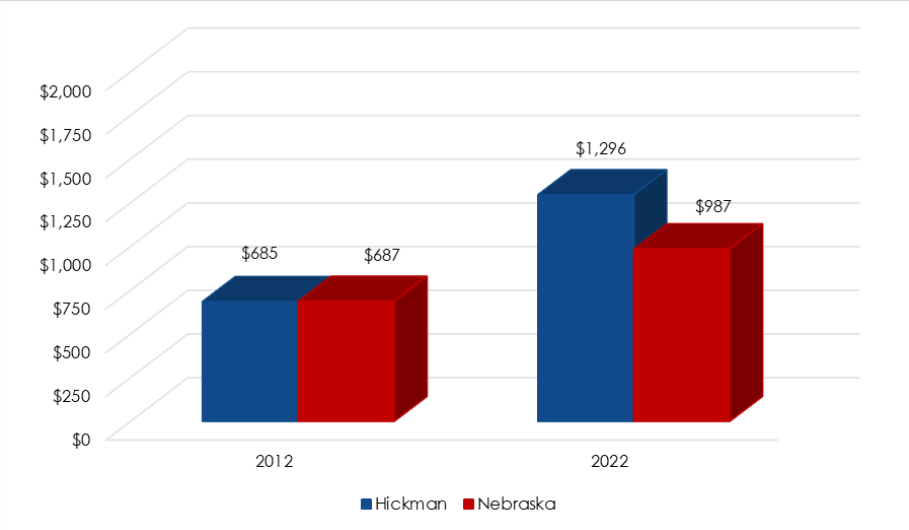
Median gross rent in Nebraska increased by 43.7% between 2012 and 2022. Median gross rent in Hickman grew by almost double, to around $1,296 a month.

Figure 4.7: Median Value Owner-Occupied Units, 2012 and 2022



Source: ACS 5-Year Estimates 2012 and 2022

Figure 4.8: Median Gross Rent, 2012 and 2022



Source: ACS 5-Year Estimates 2012 and 2022

Housing Conditions

If properties are allowed to fall into disrepair - either because the owner does not have the resources to maintain the structure or simply through neglect - properties can become highly dilapidated. If there is no intervention, it may cost more to rehabilitate the structure than is economically feasible. In many of those cases, these properties become abandoned.

According to HUD guidelines, housing units lacking complete plumbing or are overcrowded are considered substandard housing units. HUD defines a complete plumbing facility as hot and cold-piped water, a bathtub or shower, and a flush toilet; overcrowding is more than one person per room. In addition, anytime there is more than 1.0 persons per room, the housing unit is considered overcrowded, thus substandard.
When applied to Hickman, three units were considered substandard in 2012 and seven units were substandard in 2022 (Figure 4.9 on the next page). Some housing units may have met both criterion and were effectively counted twice. Even so, the City should not assume the number of substandard housing units are overestimated. Housing units containing major defects requiring rehabilitation or upgrades to meet building, electrical, or plumbing codes should also be included in an analysis of substandard housing.

At-Risk Households

A key factor to examine is households at risk of entering into a housing crisis, becoming homeless, or due to income constraints not able to maintain their housing.

Poverty

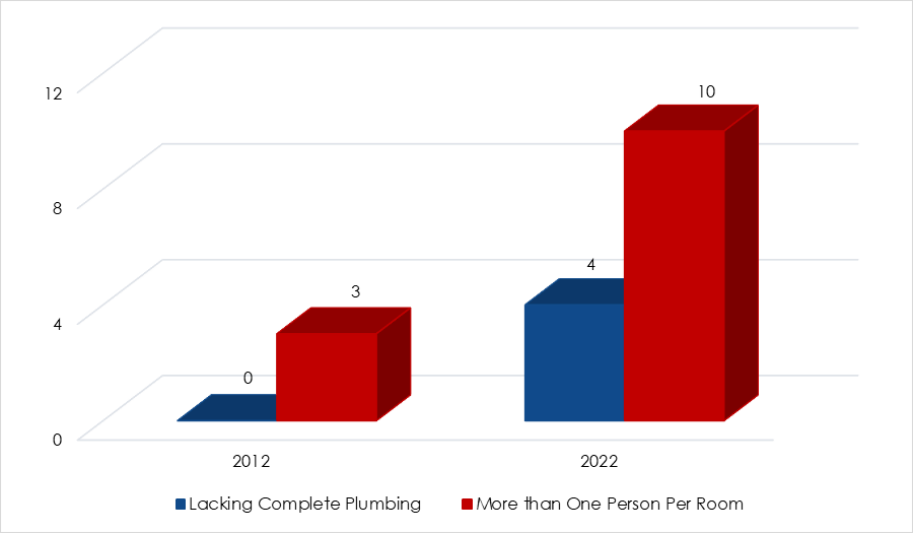
The poverty rate estimate by the ACS in 2022 is much lower for Hickman (1.9%) compared to the overall poverty rate in Nebraska (10.4%). Those households tend to be at the highest risk for homelessness because they are living on the financial edge and may have issues of income, food, and housing insecurity.

Cost-Burdened Households

HUD defines cost burdened households as those spending more than 30% of their household income on housing costs. Severely cost burdened households are those spending 50% or more of their household income on housing costs. Housing costs include mortgage or rent, and utilities.

As Table 4.4 illustrates, over 9% of Hickman's households are considered cost-burdened and an estimated 4% are severely cost-burdened.

Figure 4.9: Substandard Housing Conditions, 2012 and 2022



Source: ACS 5-Year Estimates 2012 and 2022

Table 4.4: Cost Burdened Households, 2020

	Owner Occupied		Renter-Occupied		Total	
	Number	% of total	Number	% of total	Number	% of total
Greater than 30% but less than or equal to 50%	38	5.43%	33	38.82%	71	9.04%
Greater than 50%	24	3.43%	8	9.41%	32	4.08%
Not Cost Burdened	629	89.86%	53	62.35%	682	86.88%
Total	700	100.00%	85	100.00%	785	100.00%

Source: 2016-2020 Comprehensive Housing Affordability Strategy (CHAS)

Affordable Housing

Communities can have a mismatch, or gap, between the number of units with affordable rents, versus the number of households who can afford those rents without becoming cost burdened. Similarly to renters, homeowners may be living in homes above or below what they can afford for their household income. Monthly housing costs above 30% of median income is considered to be a burden for the household.

The ACS reports on the estimated number of households living in units which are affordable to their income, among all occupied units. Approximately 53 (62.35%) occupied rental units were considered affordable as they were paying below 30% of their monthly income on rent, out of 85 total occupied units. An estimated 629 (89.86%) of owner-occupied housing units were considered affordable as they were paying below 30% of their monthly income on housing expenses (mortgage, taxes, insurance, utility), out of 700 occupied units.

These statistics indicate the greatest need for additional affordable housing units are rentals, but owner occupied units are still needed in Hickman.

Housing Goals, Objectives, and Action Steps

Hickman should facilitate diverse housing developments that provide various housing types and price points to provide for a diverse population and economic base.

Housing Goals

H-1: Provide different housing types and choices, including affordable and workforce housing, throughout each neighborhood to provide for a diverse population and economic base.

H-2: Create housing opportunities with multi-modal access for residents with special needs, including elderly housing options, throughout the city that are compatible with residential neighborhoods.

H-3: Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards.

H-4: Encourage a mix of housing types including, but limited not to Single Family, Townhouses, Condominiums, Live/Work Units, Apartments, and for the Elderly. These mixes should be distributed throughout individual developments. Similar housing types should face each other with changes occurring at the rear of lots. This should include the development of housing that varies in size, density, and location.

H-5: Pedestrian oriented design should be considered in new development of residential and commercial to include shorter block lengths and ADA accessible sidewalks on the frontages of all streets.

H-6: Housing stock constructed in Hickman should be of a standard that will protect the general health safety and welfare of residents while also protecting property values and investments made by existing residents.

H-7: Promote the preservation, maintenance, and renovation of existing housing and neighborhoods throughout the city, with special emphasis on low and moderate income neighborhoods. Funds should be targeted towards property improvement for low and moderate income residents. The city shall maintain and enhance infrastructure and services in existing neighborhoods.

H-8: New and existing residential development should be separated from more intensive uses, such as industrial development, by the use of setbacks, buffer zones, or impact easements.

H-9: The City shall develop and maintain subdivision regulations that provide for a quality living environment while avoiding inefficient and expensive public infrastructure expansions.

H-10: The City shall encourage the creation of new residential subdivisions accompanied by home-owners associations and covenants to provide for the maintenance of common areas, easements and drainage, unless the city expressly desires to own and maintain these areas.

H-11: The City shall encourage the establishment of rehabilitation programs to maintain and improve the existing housing stock.

H-12: The development of elderly housing options is a priority for Hickman.

H-13: The City shall accommodate, wherever possible, any alternative or innovative housing development concepts provided they are consistent with and do not compromise the established disposition of land use plans or the goals and policies of this Comprehensive Plan.

Housing Objective 1: Facilitate population growth with infill development. (H-1)

Action Steps

1. Review and package financing incentives for housing affordability, i.e. down-payment assistance; prioritizing older, vacant, and blighted segments of the community for implementation.
2. Preserve and expand the supply of affordable housing with a broad range of innovative approaches, up to and including: incentives, inclusionary zoning, targeted financial tools, public-private partnerships, and other tools and techniques as appropriate.

Responsible Group/Agency: City Administrator, Zoning Administrator, Planning Commission, NEDED
Potential Resources: DED, USDA-RD, NIFA, General Funds

Housing Objective 2: Diversify the housing stock in Hickman to provide housing options at multiple price points to serve families of all economic backgrounds. (H-1)

Action Steps

1. Market opportunities in Hickman to developers specializing in special-needs, and affordable housing, i.e. Habitat for Humanity, elderly, disabled veterans, modular, etc.
2. Work with affordable housing developers to create additional rental housing for very-low income families.
3. Review and package financial incentives for housing rehabilitation, i.e. owner-occupied rehabilitation, rental rehabilitation; prioritize older and blighted housing stock for implementation.
4. Rental properties in the city increase.
5. Consider utilizing tax increment financing ("TIF") to incentivize and stimulate under-served housing development, prioritizing affordability and special needs housing (senior, ADA accessible, etc.).

Responsible Group/Agency: City Administrator, Zoning Administrator, City Council, Planning Commission, Habitat for Humanity
Potential Resources: NEDED, USDA-RD, NIFA, TIF

Housing Objective 3: Facilitate population stability in Hickman's core by renovating and repairing the existing housing stock. (H-7)

Action Steps

1. Utilize numerous methods, including self-reporting, nuisance complaints, surveys, and foreclosures, identify the number of existing housing units needing rehabilitation.
2. Package available funding including; state and federal resources, lending funds, and property owners' equity.
3. Implement systematic improvements according to funding agencies' guidelines.
4. Establish a volunteer-labor pool to assist in voluntary home improvements for low-income, elderly, or handicapped homeowners.
5. Maintain the current nuisance and abatement program that include a third-party review of properties and assesses property owners for cleanup and improvements.
6. Continue to secure grants and financial assistance to develop both owner and renter housing rehabilitation/repair programs for low and moderate income households to upgrade their homes to minimum housing quality standards.
7. Promote maximum energy efficiency housing standards and promote utility partner incentives for implementation of energy efficiency improvements.

Responsible Group/Agency: City Administrator, Zoning Administrator, Lincoln/Lancaster County Habitat for Humanity, Churches and Faith Community
Potential Resources: NEDED, USDA-RD, NIFA, Nebraska Energy Office, General Funds

Chapter 5
Economic Profile

Economic Profile

Economic development is a process of investment to increase the well-being of a community. The creation of new enterprises and the retention and expansion of existing businesses enables the creation of jobs for current and new residents, and provides new sources of income.

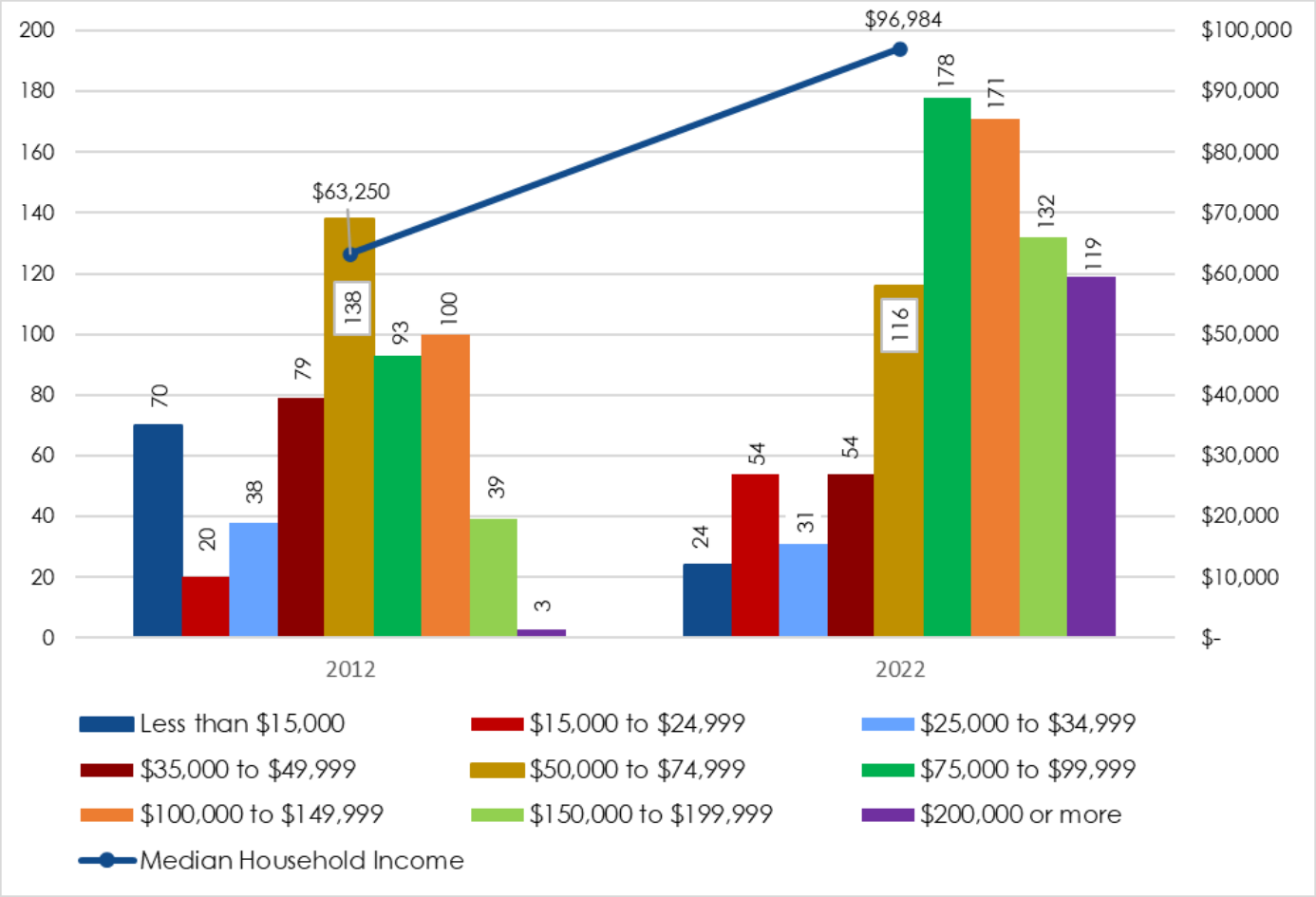
A diversified economic base enables a community to respond to changing economic conditions, increase local income, create job opportunities, and improve the quality of life of a community. As Edward Hill of The Ohio State University wrote in Economic Development Quarterly (2023): "Economic development introduces new goods and services into a region's portfolio of traded products or expands the productive capabilities of existing members of a region's economic base."

In this section, income and employment data and trends are presented and analyzed for Hickman, Lancaster County, and the state of Nebraska. This section also contains a more detailed analysis of commercial real estate trends.

Many economic data sources only cover counties, metropolitan statistical areas (MSAs), and states. City-specific data is considered when available.

Photo 5.1: Locust Street looking south, downtown Hickman
Source: Marvin Planning Consultants

Figure 5.1: Household Income, 2012-2022



Sources: ACS 5-Year Estimates 2012 and 2022

Income Statistics

Income statistics for households are important in determining the earning power of households in a community. These data were reviewed to determine whether households experienced income increases at a rate comparable to the state of Nebraska and the Consumer Price Index (CPI).

Figure 5.1 indicates the number of households in each income range for Hickman from 2012 to 2022. The household income range most commonly reported for each time period was $50,000 to $74,999 (23.8% of all households) and $75,000 to $99,999 (20.3% of all households), respectively.

Those households earning less than $15,000 accounted for 12.1% and 2.7% of all households for the two time periods, respectively. These households account for the poorest of the poor in the city. In addition, the households earning less than $35,000 made up 22.1%, and 12.4% of all households for the time period in Hickman, respectively.

The median household income for Hickman was $63,250 in 2012, which was $11,869 more compared to the state's median income of $51,381. By 2022, the median household income had risen again to $96,984, which was a rise of 53.3% from 2012. The city's median household income surpassed the state's median household income of $71,722 by $25,262.

The CPI rose 50.5% over the time period, which indicates household incomes in Hickman exceeded inflation. Over the time period, household incomes increased by 53.3% in the city. However, household incomes in Nebraska rose by 60.5%, thus exceeding the rate of increase in CPI in the state.

Per Capita Income

The per capita income in Lancaster County increased from $12,187 in 1982 to $60,354 in 2022, (or 395.2%) which was greater than the CPI increase for the period. This was a slower rate of increase than the 464% increase for Nebraska statewide, yet both outpaced the increase of the CPI of 198% over the same forty years. This indicates local income growth has outpaced inflation.

Transfer Payments

Transfer payments make up an increasing share of income. From 1982 to 2022, transfer payments increased from 9.8% of Lancaster County's Total Personal Income to 15.9%.

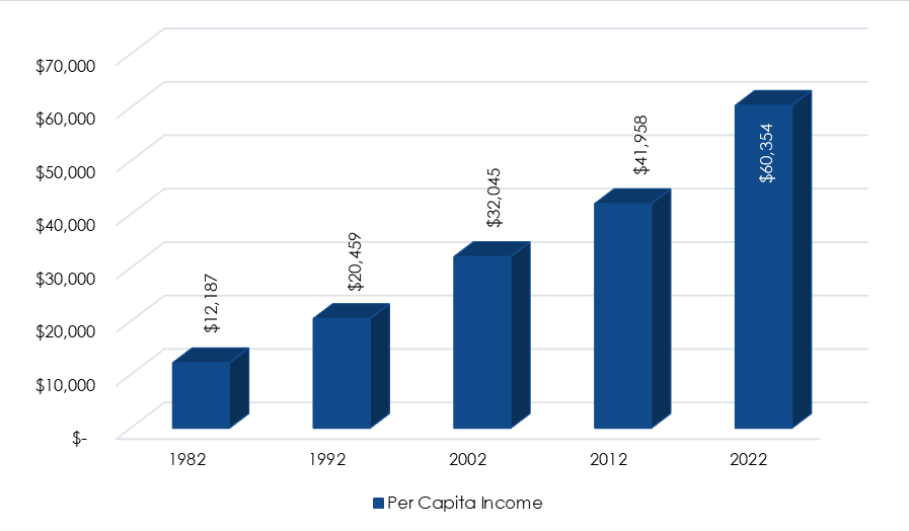
Transfer payments include items such as:

- Retirement and disability insurance benefits, including Social Security
- Medical benefits, including Medicare
- Income maintenance benefits, including Supplemental Security Income (SSI) and the Earned Income Tax Credit (EITC)
- Unemployment insurance compensation
- Veterans' benefits
- Education and training assistance

Income and Education

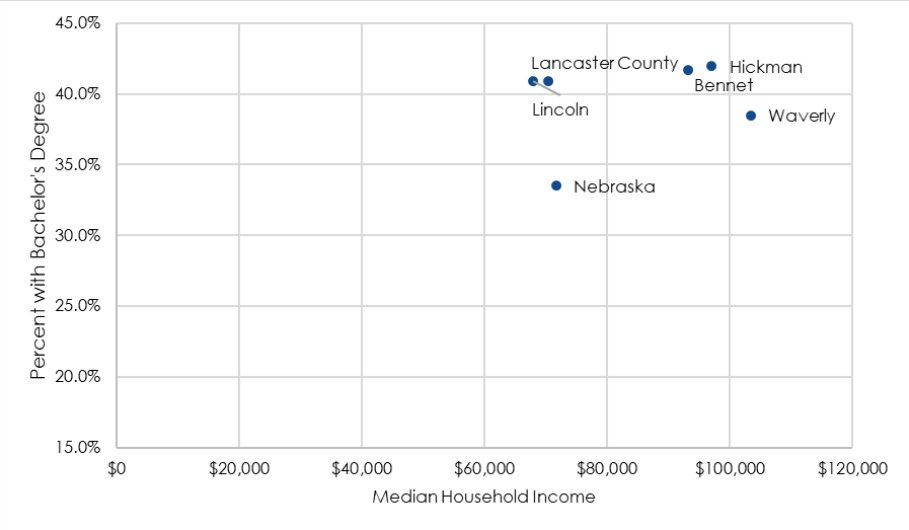
With occasional exceptions, income and higher educational attainment tend to be highly correlated. Figure 5.3 plots Hickman and comparison areas (the County, State, and Lancaster County cities) based on median household income and percent of adults (age 18 and above) with bachelor's degrees or higher. Hickman had the highest amount of population with bachelor's degrees or above. Hickman residents had the second highest median household incomes of the comparison areas. Not all higher paying jobs require college degrees. Lancaster County and its communities likely have a much higher level of Bachelors attainment due to the presence of the University of Nebraska-Lincoln.

Figure 5.2: Per Capita Income, Lancaster County, 1982 - 2022



Source: BEA Regional Economic Accounts, 1982 - 2022

Figure 5.3: Income by Educational Attainment, 2022



Source: ACS 5-Year Estimates 2022

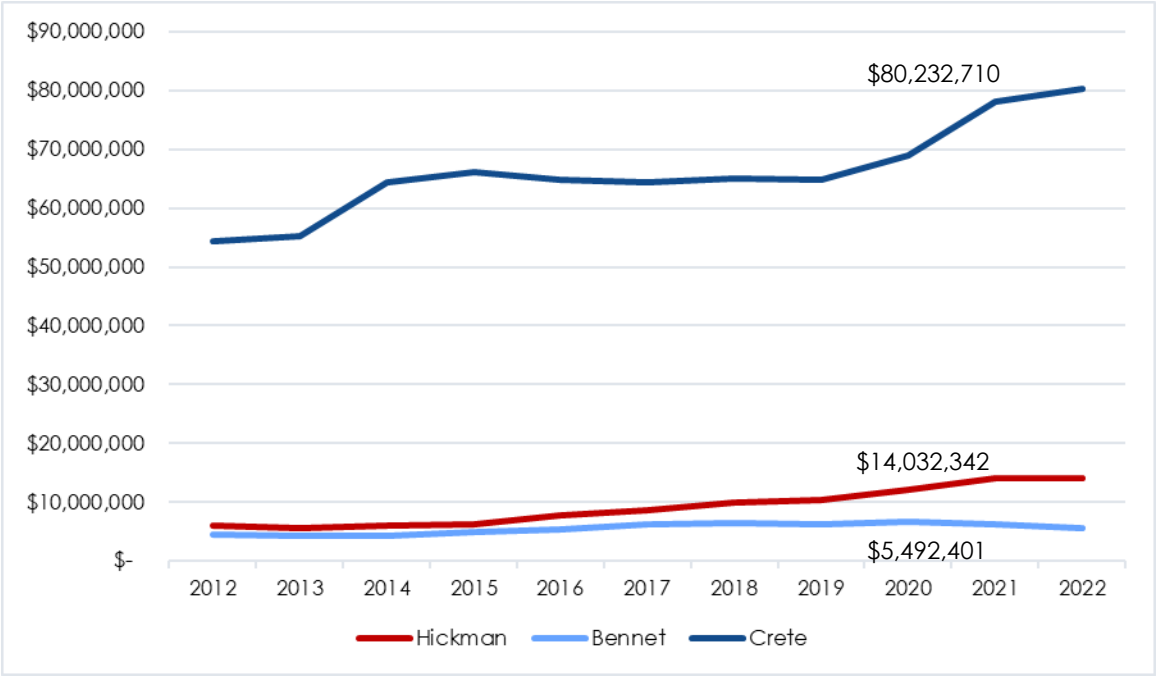
Photo 5.1: U–Stop Convenience, Hickman
Source: Marvin Planning Consultants

Sales Tax

Increasing income tends to result in increasing retail sales, providing a base for employment and income for local residents. Retail sales also drive local sales and use tax receipts for municipalities and the State of Nebraska. The City of Bennet has adopted local rates of 1.0% in addition to the State rate for a total rate of 6.5%. The cities of Hickman and Waverly have adopted a local rate of 1.5%. The City of Lincoln has adopted a local rate of 1.75%. The City of Crete has adopted a local rate of 2.0% for a total rate of 7.5%.

According to the Nebraska Department of Revenue, Net Taxable Sales in Hickman have grown from $6 million in 2012 to $14 million in 2022, an increase of 134.7% (Figure 5.5). Bennet realized a lower level of sales--$5.4 million in 2022. Bennet's sales experienced a ten-year increase of 21.5%. Crete had a larger number of sales with $80.2 million in 2022. Despite realizing less net taxable sales compared to Crete Hickman's sales experienced a more significant jump in the ten-year period, growing over 90% more. Hickman's sales increased by 47.5% over the time period.

Figure 5.4: Net Taxable Sales, 2012-2022



Source: Nebraska Dept. of Revenue, Non-Motor Vehicle Sales Tax Collections

Industry Employment

Employment by industry data assists in understanding the key generators of income. The Bureau of Economic Analysis tracks employment by county. The total annual average number of jobs in Lancaster County increased from 205,322 in 2012 to 231,574 in 2022, a 12.79% gain (Table 5.3). This includes people who live elsewhere and commute into Lancaster County. While there were impacts from the pandemic in 2022, total employment in Nebraska grew by 9.6% in the same decade.

Government had the largest number of jobs, 34,441 in 2022, up 1.97% over 2012. Within this sector around 16,000 were employed in state government and around 14,000 were employed in local government. Health Care and Social assistance gained 9%in 2022, and had the second largest number of jobs by industry.

Health Care is the largest employment sector in Nebraska statewide. In Lancaster County Health Care is second among all other sectors. Real Estate was the fastest growing industry, statewide from 2012 to 2022, up 59% in Nebraska while in Lancaster County the fastest growing industry was Information, up 83%.

Location Quotient

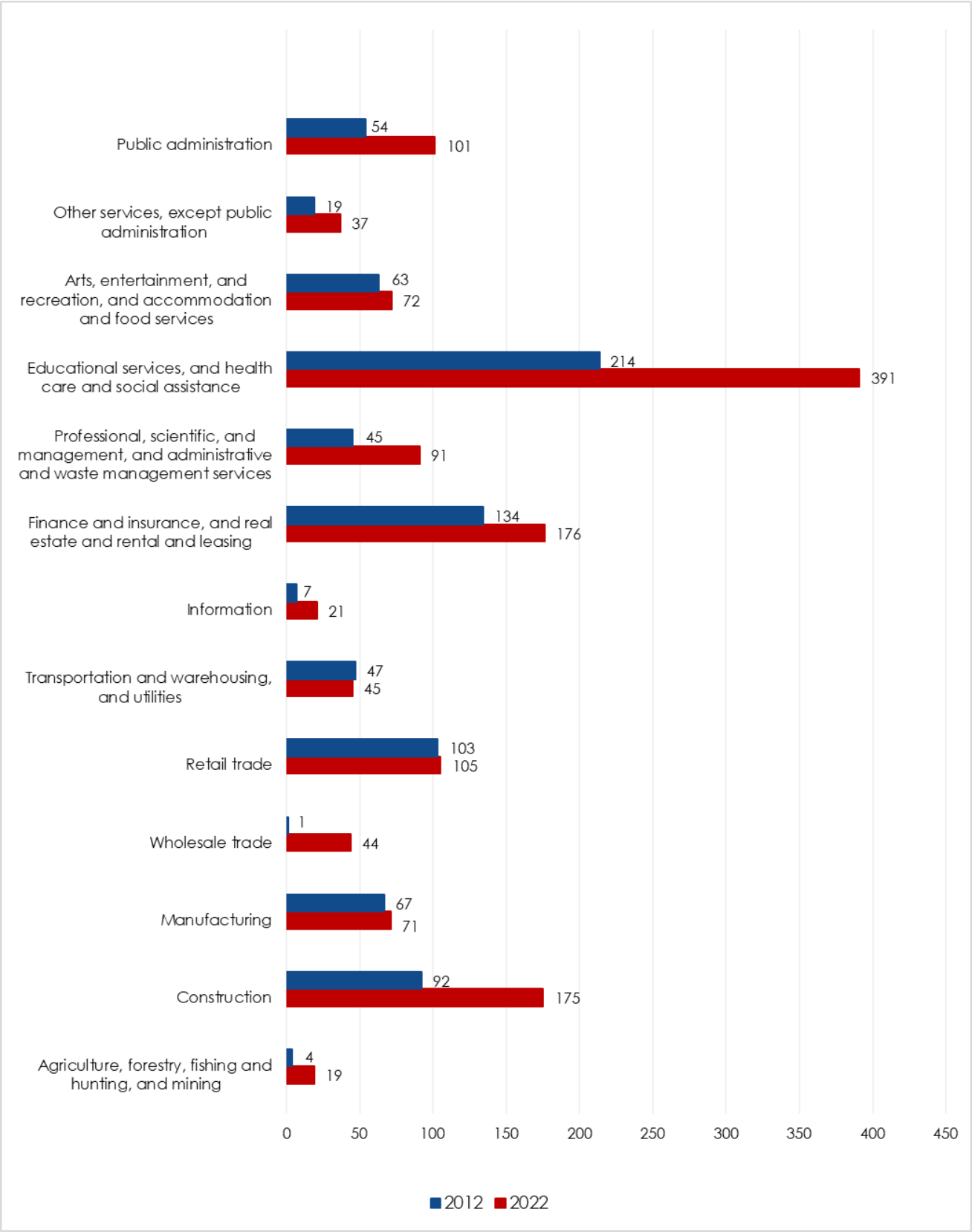
The BEA defines a location quotient (LQ) as an analytical statistic which measures a region's industrial specialization relative to a larger geographic unit. Compared to the state of Nebraska, "Agriculture, forestry, fishing and hunting, and mining", "Retail Trade", "Transportation and warehousing, and utilities", "Educational services, and health care and social assistance", "Arts, entertainment, and recreation", and accommodation and food services", and "Other service" industries had an LQ greater than 1.0. This means Lancaster County had relatively more local employment, than their share of statewide employment. "Accommodation and Food Transportation and Warehousing, and utilities" had the greatest local growth compared to statewide employment, shifting their share of local employment higher.

Table 5.2: Lancaster County Employment 2012-2022

Industry	2012	2022	Change
Total Employment by Place of Work	205,322	231,574	12.79%
Farm Employment	1,787	1,663	-6.94%
Non-Farm Employment	203,535	229,911	12.96%
Forestry and Fishing	(D)	(D)	n/a
Mining, Quarrying, and Oil & Gas Extraction	(D)	(D)	n/a
Utilities	227	160	-29.52%
Construction	10,410	14,192	36.33%
Manufacturing	12,614	14,143	12.12%
Wholesale Trade	4,558	4,851	6.43%
Retail Trade	21,739	21,735	-0.02%
Transportation and Warehousing	11,588	14,441	24.62%
Information	2,538	4,620	82.03%
Finance and Insurance	14,673	13,945	-4.96%
Real Estate	6,683	10,859	62.49%
Professional, Scientific, and Technical Services	12,677	15,466	22.00%
Management of Companies	2,261	2,632	16.41%
Administrative/Support/Waste Management	10,093	12,095	19.84%
Educational Services	3,844	4,906	27.63%
Health Care and Social Assistance	25,144	27,531	9.49%
Arts, Entertainment, and Recreation	4,858	5,653	16.36%
Accommodation and Food Services	13,891	14,982	7.85%
Other Services (except Government)	11,194	12,404	10.81%
Government	33,774	34,441	1.97%

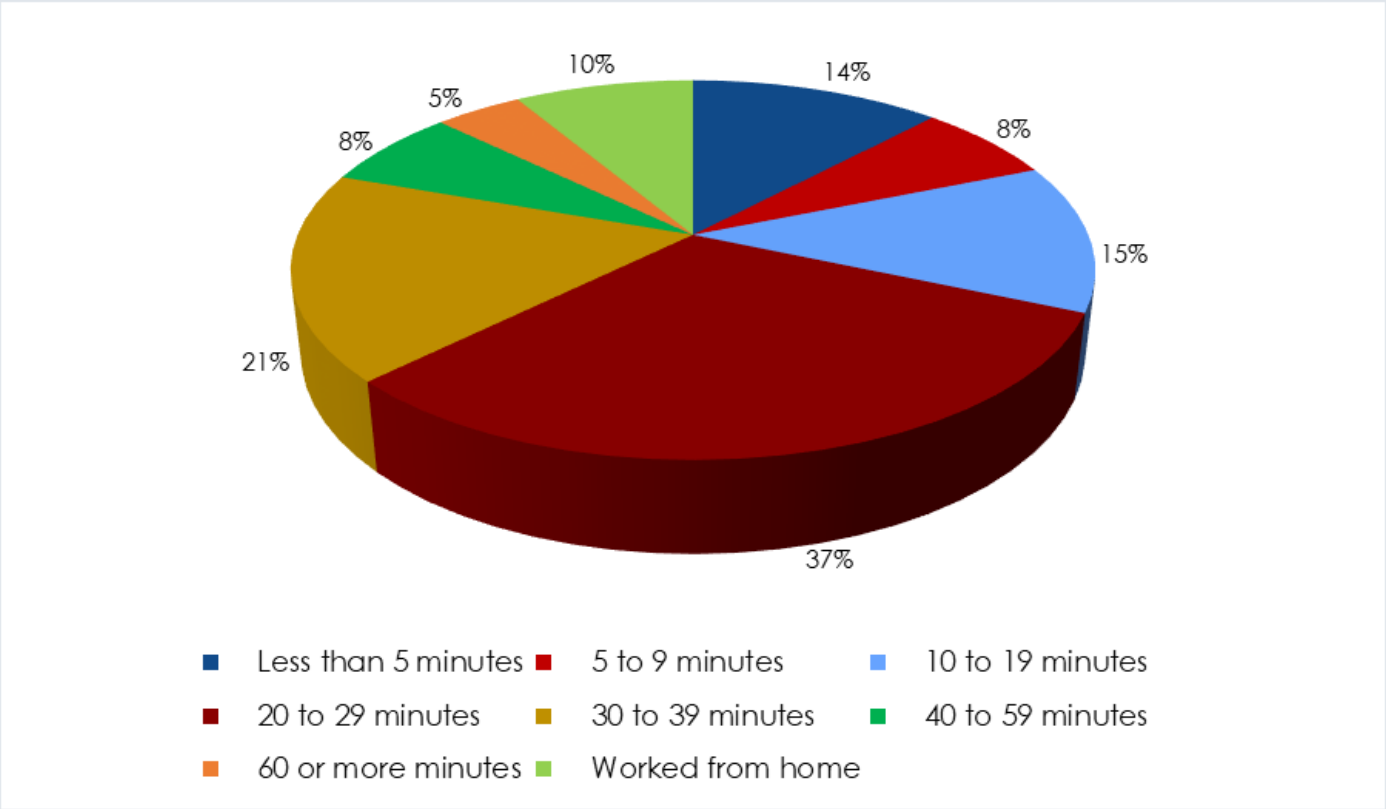
D) Not Disclosed, n/a– Not Available
Source: BEA Regional Economic Accounts, 2012- 2022

Figure 5.5: Hickman Residents' Employment by Industry 2012-2022



Source: ACS 5-Year Estimates 2012 and 2022

Figure 5.6: Hickman Travel Time to Work 2022



Source: ACS 5-Year Estimates 2022

Employment by Place of Residence

The ACS estimates employment statistics for the people who live in an area. In Hickman, 391 residents reported they worked in the "Educational services, and health care and social assistance" industry in 2022 (Figure 5.6). 176 residents reported working in the "Finance and insurance, and real estate and rental and leasing" industry. "Construction" grew substantially to 175. These represent people who live in Hickman, whether they work in the city or commute outside the city. If more people are employed in an industry, it may indicate opportunities for local job creation.

Commuter Trends

Hickman is part of a regional job market, with most local residents leaving the city to commute to work elsewhere while others commute into Hickman from their homes in Lincoln, Lancaster County, or further away. The ACS estimates that in 2022, 79% of Hickman residents left the city to work each day, and 7.4% left Lancaster County to work.

Travel time to work affects quality of life. If commute time becomes excessive, people may seek work closer to home or leave the community to move closer to their workplace. The mean travel time to work for residents in 2022 was 24.8 minutes, compared to the statewide average of 19.1 About 22% of commuters traveled 10 minutes or less to work, including the 10% who worked from home (Figure 5.6). About 71% commute 20 or more minutes to work, including 13% who commute 45 minutes or more to work.

Figure 5.7 indicates 1,296 residents leave the city for employment, roughly 248 persons live elsewhere and commute to Hickman for work, and only 37 both live and work in Hickman.

Figure 5.8 shows the commute distance and direction for both employed residents as well as the work force. These data show most of the employed population of Hickman work somewhere northwest of the city, presumably Lincoln. Nearly 240 of those people work between 10 and 24 miles away. Figure 5.9 shows Hickman's workforce is originating primarily from Lincoln.

Occupations

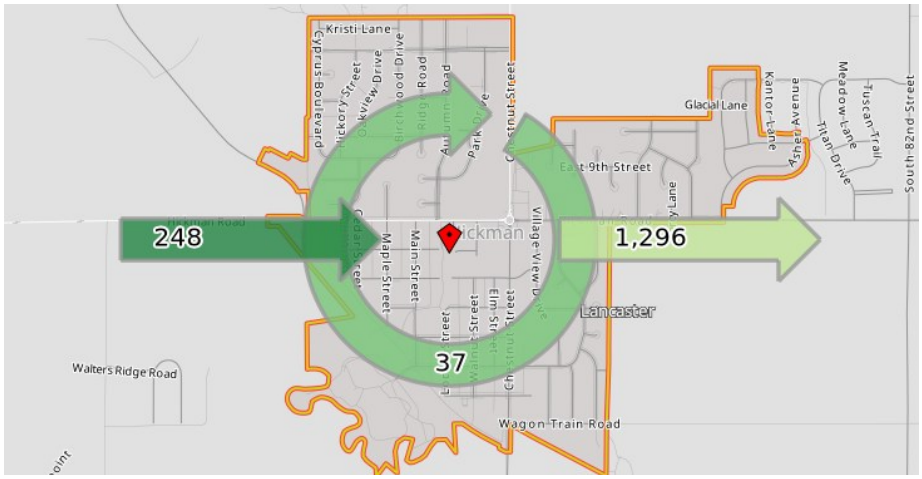
Industry is the type of activity at a person's place of work. Occupation is the kind of work a person does to earn a living. The following data examine five occupational areas established by the U.S. Census Bureau to evaluate trends in employment and the area economy.

The five occupational categories used in the analysis are:

- Managerial business, science, and arts occupations;
- Service occupations;
- Sales and office occupations;
- Natural resources, construction, and maintenance occupations, and;
- Production, transportation, and material moving occupations

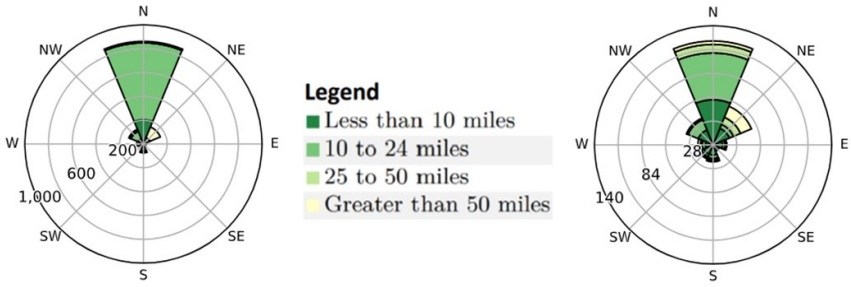
In 2022, the ACS reported that the largest number of Hickman residents, 47.3%, worked in Management, business, science, and arts occupations (Table 5.4). This compares to 39.8% of

Figure 5.7: Flow of Resident and Employee Base in Hickman



Source: U.S. Census Bureau 2021

Figures 5.8 and 9: Flow of Resident (left) and Employee Base in Hickman (right)



Resident's Employment Location **Workforce Home Location**

Source: U.S. Census Bureau 2021

Nebraska residents statewide. The same can be said for Lancaster County where the largest number of residents, 42.7%, worked in Management, business, science, and arts occupations, which is also the largest statewide category.

Economic Base

A community's economic base is built on the production of goods and services sold primarily outside the local area. The revenues of base industries are returned to the local area in the form of wages to employees and payments to local suppliers. Non-Basic employment relies on business activity providing goods and services primarily within the local area, and the revenues of such sales re-circulate within the community in the form of wages and expenditures by local citizens.

Table 5.4 compares occupation categories for Hickman, to the other cities in Lancaster County, and Lancaster County overall. Where the share of local residents in a certain occupation exceeds the state's share, those jobs are considered "basic" employment with exports of goods or services bringing new income into that area.

Table 5.4 indicates Hickman exports goods and services produced in three occupational categories:

- Management, business, science, and arts occupation;
- Sales and office occupations, and;
- Natural Resources, construction, and maintenance occupations

The same table presents the Base Multiplier for each area compared to the state of Nebraska. The base multiplier is a number which represents how many non-basic jobs are supported by each basic job. The Base Multiplier for Hickman and Lancaster County is 1.2. For every job considered to be basic, 1.2 other local jobs are supported and/or impacted. Economic development programs typically focus on "basic" sector industries and occupations, to leverage the Base Multiplier factor.

Basic employment

Basic employment is business activity providing goods and services primarily outside the area, the revenues of which are directed to the local area in the form of wages and payments to local suppliers.

Non-Basic employment is business activity providing goods and services primarily within the local area, and the revenues of such sales re-circulate within the community in the form of wages and expenditures by local citizens.

Table 5.4: Basic/Non-Basic Employment By Occupation, 2022

Location	Management, business, science, and arts occupations	Service occupations	Sales and office occupations	Natural Resources, construction and maintenance occupations	Production, transportation, and material moving occupations	Base Multiplier
Hickman	47.30%	13.10%	21.10%	11.00%	7.50%	1.2
Bennet	51.50%	11.00%	16.20%	9.80%	11.50%	1.9
Crete	28.90%	13.50%	12.40%	11.20%	34.10%	2.2
Lincoln	42.10%	17.20%	20.90%	7.70%	12.10%	1.2
Waverly	46.30%	11.20%	22.30%	11.40%	8.80%	1.2
Lancaster County	42.70%	16.60%	20.60%	8.10%	12.00%	1.2
Nebraska	**39.80%**	**15.60%**	**20.30%**	**10.00%**	**14.30%**	**n/a**

Sources: ACS 5-Year Estimates 2022

Economic Profile Goals, Objectives, and Action Steps

The city should develop activities that support the needs of present and future residents by making the local economy stable and diverse.

Economic Profile Goals

ECON-1: Promote recreation as a continuing means of economic development for Hickman.

ECON-2: Expand recreational assets to allow for the continued promotion for the community's quality of life and lifestyle. Pursue grant funding from local, State, and Federal funds to expand recreational assets.

ECON-3: The youth of Hickman should be encouraged to remain in Hickman or return to the community after completion of their post-secondary education. As a bedroom community, Hickman has an opportunity to draw young residents back to the community. Youth of the community should be involved in the identification and development of community projects.

ECON-4: Encourage, promote, and develop economic development partnerships between local entities and private companies to assist existing and expanding business enterprises.

ECON-5: Encourage and promote the development of home-based businesses and telecommuting based upon high technology communication infrastructure.

ECON-6: Expand efforts within the community to further build retail and services that cater to the lake visitors.

ECON-7: Maintain current zoning and subdivision regulations that provide for quality design and aesthetics for new commercial and industrial developments.

Economic Profile Objective 1: Improve the appearance and long-term viability of Downtown Hickman. (ECON-7)

Action Steps

1. Identify and appoint local stakeholders to serve on a downtown revitalization committee. This committee will oversee and coordinate revitalization efforts while providing recommendations to city leadership for consultant contracting and implementation.
2. Meet with business-owners to evaluate the future needs of the downtown area, including parking, public infrastructure, patron and delivery accessibility, floodplain mitigation, wayfinding signage, landscaping, and street lighting.
3. Procure the services of a professional engineering and architecture firm to inspect the physical condition and capacity of the area, including, but not limited to building conditions, streets, sidewalks, lighting, landscaping, grade changes, parking, surface drainage, and underground utilities, and floodplain mitigation.
4. Facilitate a public meeting, including key stakeholders, to foster cooperation and communication. Gather information of the needs, thoughts, and desires for downtown Hickman.
5. Identify and package local programs and measure to incentivize downtown property-owners to renovate storefront facades, demolish dilapidated structures, and/or structural improvements to properties.
6. Develop general cost opinions for implementing long-term capital improvements.
7. Develop a Downtown Revitalization Master Plan that reflects public and stakeholders' vision and guides future investment for the area.

Responsible Group/Agency City Administrator, Downtown Businesses, City Engineer, Downtown Revitalization Committee

Potential Resources: NEDED, General Funds, Special Assessment, Business Improvement District, Business Community

Economic Profile Objective 2: Develop and promote businesses and activities that will add to the quality of life in Hickman. (ECON-2)

Action Steps

1. Create a marketing plan for the community.
2. Recruit businesses consistent with the marketing plan.
3. Identify and package incentive programs for entrepreneurship and business startups consistent with the needs of Hickman.
4. Encourage civic events and programming to locate in Hickman.

Responsible Group/Agency: City Administrator, Business Community, Hickman Area Economic Development Association (HAEDA)

Potential Resources: General Funds, Business Community

Economic Profile Objective 3: Increase the availability of retail businesses in Hickman. (ECON-4)

1. Establish a broad-based Retail and Service Industrial Committee or Trade Group.
2. Hold focus group sessions with local business leaders to identify a five-year trend in the business community (business failures, expansions, or relocations).
3. Review economic indicators (housing starts, primary employment/unemployment, per capita income, net taxable sales, etc.).
4. Survey local retailers to gather information on products/services, employees, city SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis.
5. Survey the community to gather information on pertinent demographics, income, commuting patterns, purchasing characteristics, and community economic development needs.
6. Consider external influences that may affect future retail development; projected growth in Hickman, commuting population base, retail leakages, etc.
7. Consider the capacity of existing public infrastructure and utilities to support future development.
8. Evaluate available redevelopment sites downtown and prioritize the area for retail investment.
9. Develop strategies for promoting/fostering retail development; identify financial and technical assistance partners, promote local successful businesses.
10. Package the findings and results of these studies for marketing at trade shows, franchise opportunities, and through the Lincoln Area Partnership for Economic Development.

Responsible Group/Agency: Identified Stakeholders, Hickman Businesses

Potential Resources: General Funds, Private Fundraising

Economic Profile Objective 4: Design and implement aesthetic corridors drawing traffic along arterial streets into commercial areas of Hickman. (ECON-7)

Action Steps

1. Acquire rights to utilize property along arterial streets for signage and landscaping improvements (acquisition/permitting).
2. Contract or utilize local talent for site design; incorporate any community branding efforts and logo into the design and site plan.
3. Develop cost opinions for the signage sites.
4. Secure necessary resources (funds, materials, in-kind, etc.) to implement designs.
5. Install signs and landscaping improvements.
6. Dedicate sufficient resources for ongoing operation and maintenance of grounds.
7. Utilizing Downtown BID proceeds, finance the improvement of sidewalks, lighting, and landscaping through the Main Street and 2nd Street corridors to improve the appearance and functionality of these streets as extensions of downtown Hickman

Responsible Group/Agency: City Administration, City Council, Property Owners, Business Community

Potential Resources: General Funds, Private Fundraising, Business Improvement District, Sidewalk Improvement District, DED Downtown Revitalization Grant

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Chapter 6
Community Facilities

Hickman's Facilities

State and local governments provide a number of services to their citizens. These services are provided in a wide range of buildings owned and maintained by different levels of government. Public facilities represent a wide range of buildings and services built and maintained by different levels of government. Such facilities are provided to ensure the safety, wellbeing, and enjoyment of the residents of Hickman. These facilities and services provide residents with social, cultural, educational, and recreational opportunities.

It is important for all levels of government to anticipate the future demand for their services if the city is to remain strong and vital. The examination of existing facilities and future services are contained in this chapter. Alternatively, in some instances, there are a number of services not provided by the local or state governmental body and are provided by non-governmental entities, private organizations, or non-profits for the community as a whole. These organizations are important providers of services and are in integral part of the community.

Facilities Plan

The Facilities Plan component of this plan reviews present capacities of all public and private facilities and services. The Facilities Plan for Hickman is divided into the categories of City Facilities, Education, Health Care, Communications, Public Utilities, and Parks and Recreation.

City Facilities

Hickman Community Center

Opened in 2017, the Hickman Community Center is located at 115 Locust Street. This building is multi-purpose and contains the city's offices, a library, gym, meeting room, city offices, and a kitchen area. The facility is 20,000 square feet with storage space on the second floor totaling around 2,000 square feet. The meeting areas within the facility can be rented out to the public with a variety of event options and spaces. The facility has a bar, outdoor patio, several meeting rooms with kitchen, and gym available to rent.
Source: hickman.ne.gov

Hickman City Hall

The Hickman City Hall is located within the Hickman Community Center. This facility houses the City Administrator, City Clerk, Treasurer, Zoning Enforcement Officer, Utility Clerk, Community Center Coordinator, and the Public Works Department. The office portion of the Community Center is approximately 8,400 square feet.
Source: hickman.ne.gov

Hickman Reading Centre

The Hickman Reading Centre is located within the Hickman Community Center. The library is open year round and offers books, DVDs, and magazines for

patrons to check out. The Hickman Historical Center is also located within the library.
Sources: hickman.ne.gov

City Maintenance Facilities

There are several facilities which Hickman City Maintenance uses. They are located at 214 E. 5th Street and within Hickman City Park.

Educational Facilities

Norris Public School District

Hickman is part of Norris Public Schools, which is a public school district covering southern Lancaster County and northern Gage County. Municipalities captured by the district include Cortland, Firth, Hickman, Lincoln, Panama, and Roca.

Norris Public Schools is home to an elementary school, an intermediate school, a middle school, and a high school all of which are located on the district campus at the intersection of 68th Street and Princeton Road. Norris Public Schools was granted District Accreditation from AdvancED Accreditation Commission.

Norris Public Schools saw a peak student population of 2,500 students in 2021-2022. During the time period, a low occurred during the 2000-2001 academic year with 1,473 students. Note: the changes in Figure 6.1 are not as drastic as they may appear as the scale is set for every five students.

Norris High School is classified by the Nebraska State Activities Association in Class B for all sports the school offers.
Sources: norris160.org;

Regional Higher Education

Hickman is not home to any higher education facilities. However, the city has multiple institutions located closely in the state and region. These include:

- University of Nebraska-Lincoln (Lincoln);
- Nebraska Wesleyan University (Lincoln);
- Union College (Lincoln);
- Bryan College of Health Sciences (Lincoln);
- Southeast Community College (Lincoln);
- Concordia University (Seward);
- Doane University (Crete);
- University of Nebraska-Omaha (Omaha);
- Creighton University (Omaha);
- College of Saint Mary (Omaha);
- Clarkson College (Omaha);
- University of Nebraska Medical Center (Omaha);
- Nebraska Methodist College (Omaha);
- Metropolitan Community College (Omaha);
- Universal College of Healing Arts (Omaha);
- Bellevue University (Bellevue);
- Midland University (Fremont), and;
- Iowa Western Community College (Council Bluffs, Iowa)

Child Care

There are several child care facilities within Lancaster County mostly located in Lincoln. The Nebraska Department of Health and Human Services mandates anyone who takes care of four or more children from different families must be licensed as a child care provider. There are five license types:

- **Family Child Care Home I:** This type of program is in the home of the provider. The maximum capacity is eight children of mixed ages and two additional school age children during non-school hours.
- **Family Child Care Home II:** This type of program is in the home of the provider or at another site. The maximum capacity is twelve children with two providers.
- **Child Care Center:** This type of program is licensed for 13 or more children while following the staff to child ratio per the state regulations.
- **School Age Only Center:** This type of program is licensed for 13 or more children who are attending or have attended school.
- **Preschool:** This type of program provides educational services where children do not nap and are fed a meal.
- **License Exempt:** Home care provided outside the client's home to a maximum of six children from one family or three or fewer children from more than one family.

Source: dhhs.ne.gov/Pages/Types-of-Child-Care-in-Nebraska.aspx

Health Care

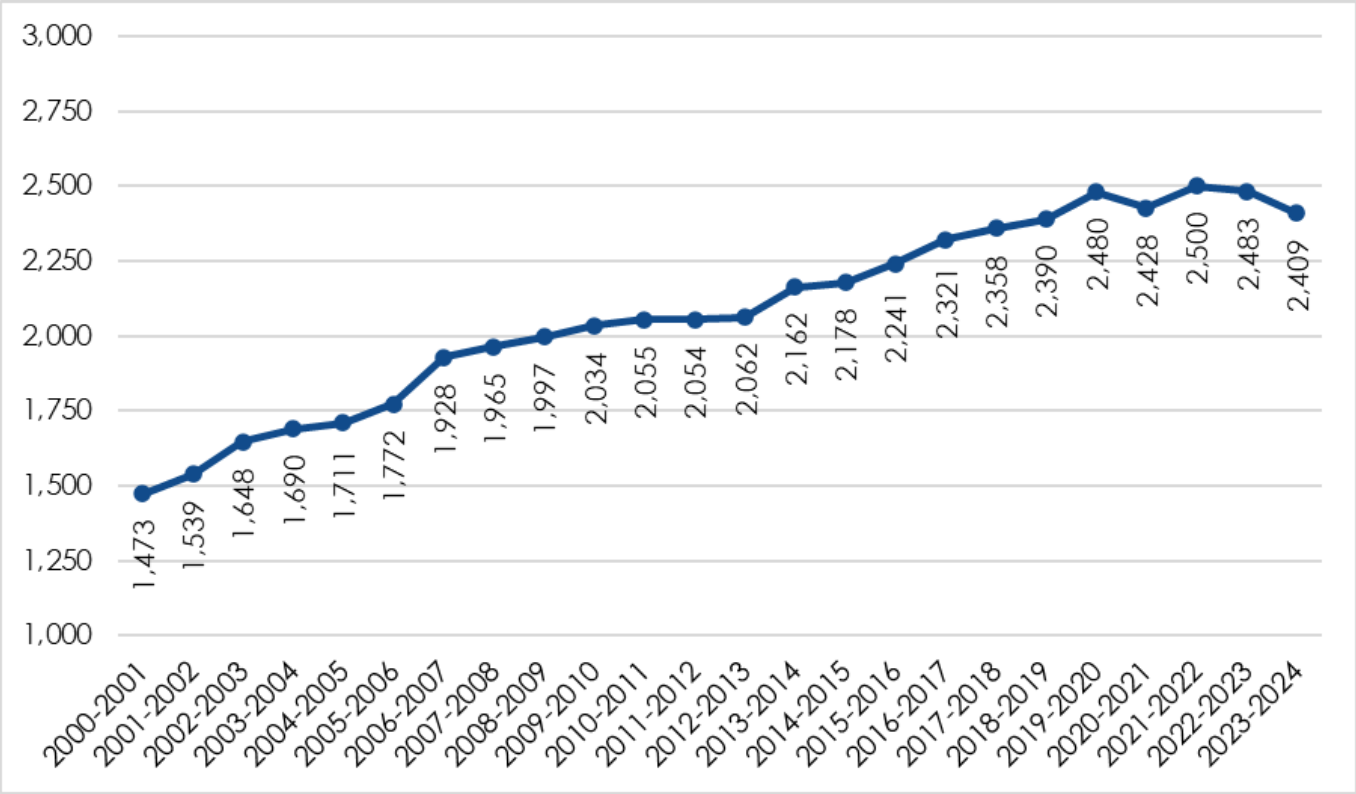
Cedar Plains Family Medicine

This facility, located at 1201 Park Drive offers comprehensive health care for all ages. Children's care, physicals, and additional health issues are handled there. The facility is open Monday through Friday from 8am to 5pm. This is the only general medical clinic located within Hickman.
Source: cedarplains.com

Woodland Family Eye Care

This facility, located at 6750 Woodland Boulevard offers comprehensive eye care for all

Figure 6.1: School Enrollment 2000-2024, Norris Public Schools



Source: Nebraska Department of Education

ages. Emergency eye care, contact lenses, and eye exams are available at this facility. The facility is open Monday as well as Wednesday through Saturday. This is the only eye doctor located within Hickman.
Source: woodlandfamilyeyecare.com

Haven Manor Assisted Living

The center, located at 730 Larkspur Drive, offers Hickman's seniors elder care without having to leave town. The center has assisted living, independent living, short term care, memory care, adult day care, and hospice care. For socialization, the center holds bingo, birthday celebrations, music programs, trips, and outings in the region. All meals are also provided for residents.
Source: https://havenmanor.com/index.html

Regional Health Care

Hickman is located within an hour and half drive to top-rated hospitals within the region. These include:

- Bryan East/West Campuses (Lincoln);
- CHI Health St. Elizabeth (Lincoln);
- Lincoln Surgical Hospital (Lincoln);
- CHI Health Nebraska Heart (Lincoln);
- Memorial Hospital (Seward);
- Crete Area Medical Center (Crete);
- CHI Health Lakeside (Omaha);
- CHI Health Creighton University Medical Center—Bergan Mercy (Omaha);
- OrthoNebraska Hospital (Omaha);
- Nebraska Medical Center (Omaha);

Table 6.1: Lancaster County Early Childhood Capacity, 2024

	Facilities	Capacity
Child Care Center	116	12,159
Family Child Care Home I	164	1,615
Family Child Care Home II	60	715
Preschool	9	225
Provisional Child Care Center	8	809
Provisional Family Child Care Home I	6	56
Provisional Family Child Care Home II	3	36
Provisional School-Age Only Center	1	150
School Age Only Child Care Center	45	5,259
School-Age-Only Child Care Center	10	1,326

Source: Nebraska Dept. of Health and Human Services, February 2024.

- Midwest Surgical Hospital (Omaha);
- Methodist Hospital (Omaha);
- CHI Health Midlands (Omaha);
- CHI Health Immanuel (Omaha);
- Nebraska Spine Hospital (Omaha);
- Children's Hospital and Medical Center (Omaha);
- Boys Town National Research Hospital (Boys Town);
- Methodist Women's Hospital (Elkhorn);
- Bellevue Medical Center (Bellevue);
- Methodist Fremont Health (Fremont);
- CHI Health Midlands (Papillion), and;
- Syracuse Area Health (Syracuse)

Communications

In this day and age, strong and reliable communication methods are critical to all people. As humans, we want to stay in touch with our families, friends, and the day to day activities and news occurring around us. This section provides the different communication media available in and around Hickman.

Local News

The Voice News is a newspaper serving 25 communities across southeast Nebraska. The Voice News is based out of Hickman. The Lincoln Journal Star, based out of Lincoln, serves and covers the news in Southeast Nebraska.
Sources: voicenewsnebraska.com/; journalstar.com/

Cable

Presently there are no local television stations located in Hickman. The over the air stations serving the area originate out of Omaha and Lincoln.

- KM3 News CBS affiliate (Omaha);
- 6 News NBC affiliate (Omaha);
- KETV ABC affiliate (Omaha);
- KOLN (Lincoln);
- CW Nebraska (Omaha);
- KLKE (Albion), and;
- KPTM Fox affiliate (Omaha)

Source: americantowns.com/hickman-ne/tv-stations/

Radio

There are no radio stations based in Hickman but the city does receive frequencies from 52 other stations. Stations from Iowa, Kansas, Missouri, and South Dakota can be heard with the furthest signal received from KWMT in Fort Dodge, Iowa.
Source: https://radio-locator.com

Internet

There are eight internet providers in Hickman, the fastest of which is Windstream offering 2,000Mbps download through DSL. Hickman has benefitted from the Lancaster County Broadband Infrastructure Project, which was completed in 2023. Lancaster County saw an estimated 175 miles of conduit in the county, allowing telecommunications providers to install fiber. This project was funded by the American Rescue Plan Act.
Source: highspeedinternet.com

Public Utilities

The utilities owned and provided by the municipality include street maintenance, water, and sewer.

Electricity

Norris Public Power District provides electric service within the municipal limits. Norris Public Power District also provides service to the area of Lancaster County immediately outside of city limits.
Source: https://www.hickman.ne.gov/vnews/display.v/ART/5728c348cfb81?in_archive=1

Natural Gas

The City of Hickman is serviced with natural gas by Black Hills Energy based out of Rapid City, South Dakota.
Source: https://www.hickman.ne.gov/vnews/display.v/ART/5728c348cfb81?in_archive=1

Solid Waste

There are several private companies which have been contracted out to take care of waste collection for the city of Hickman. These companies use the Lincoln landfill located at 6001 Bluff Road.
Source: https://www.hickman.ne.gov/vnews/display.v/ART/5728c348cfb81?in_archive=1

Parks and Recreation

This section begins by examining the social, cultural, and recreational facilities found in Hickman. This section then concludes with an examination of park standards used by cities, applied to Hickman. The text from the parks descriptions has been modified from the City of Hickman's website.

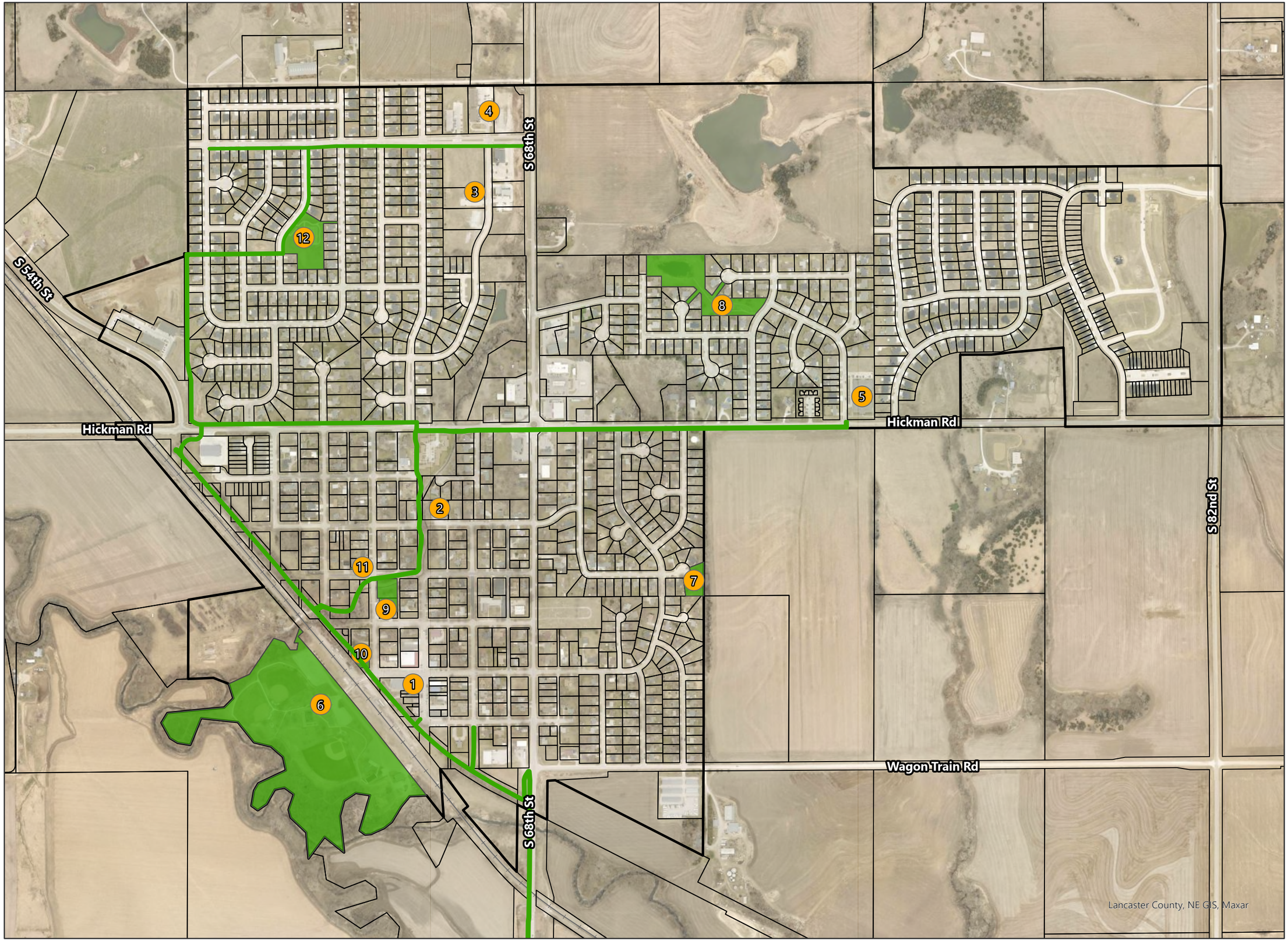
City of Hickman

Hickman City Park (Main Park)

Located in Hickman at 100 Main Street, this park offers three baseball fields, a basketball court, as well as playground equipment. Shelters and picnic tables are available at the park for guests to enjoy the outdoors while still being shaded. The park has restrooms open year round and a concession stand. The park is approximately 30 acres in area.

Prairie Park

Located at 877 E. 4th Street, this park offers playground



HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 6.4: COMMUNITY FACILITIES

LEGEND

- Public Facilities
- Parks
- Bike Trail
- City Limits
- Railroad
- Roca 1-Mile ETJ
- Hickman 1-Mile ETJ
- Parcels

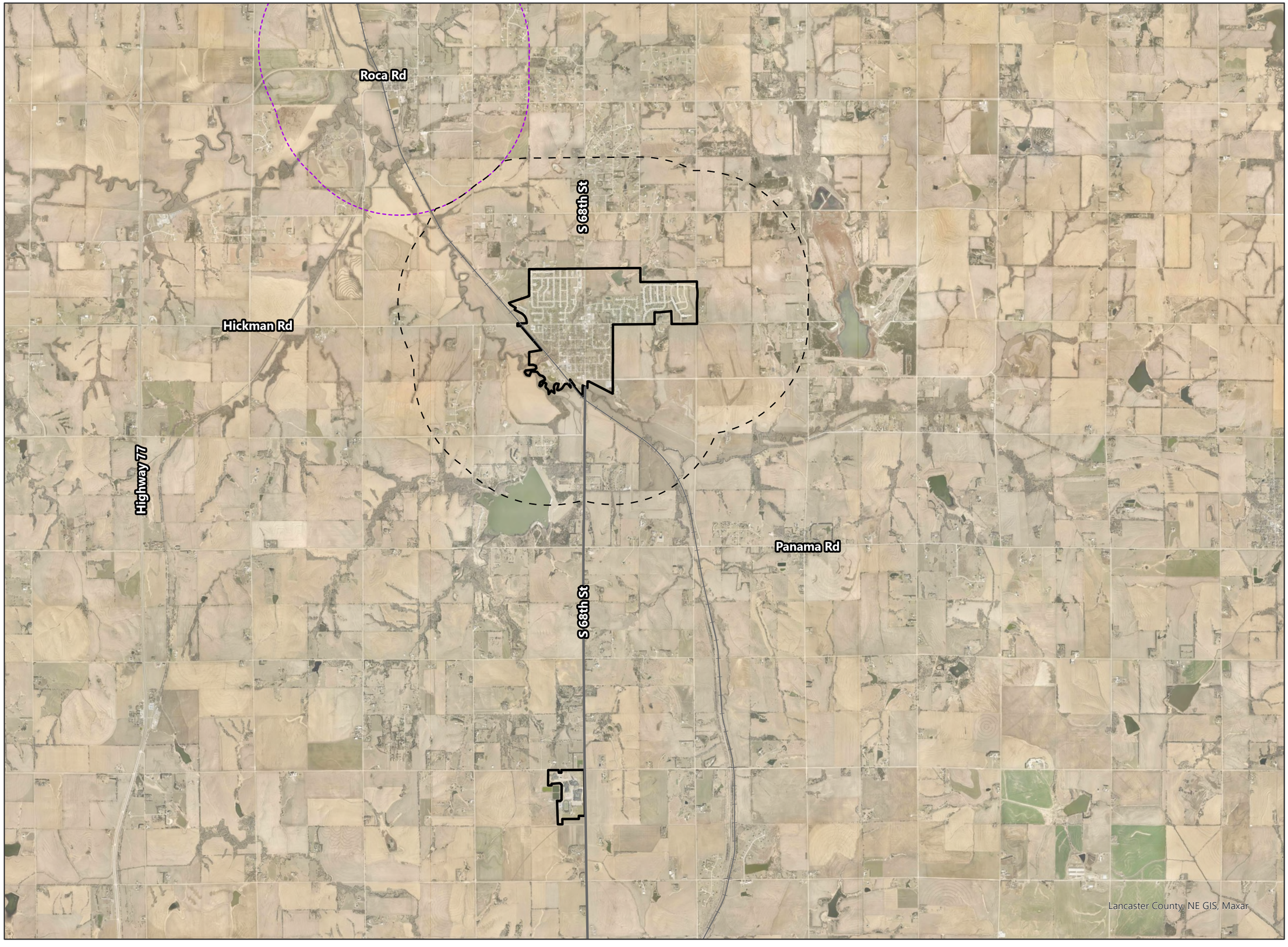
1: Hickman Community Center
2: City Maintenance Facility
3: Local Healthcare Provider
4: Local Eyecare Provider
5: Local Assisted Living Facility
6: Hickman City Park
7: Prairie Park
8: Prairie View Park
9: LP Stewart Family Skatepark
10: Linear Park
11: Craig Dodge Memorial Park
12: Oakview Park

N

MARVIN PLANNING CONSULTANTS
Specializing in Municipal, County and Neighborhood Planning

PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.04 0.09 0.17 Miles



HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 6.5: EDUCATIONAL FACILITIES

LEGEND

- Norris
- City Limits
- 68th Street
- Railroad
- Roca 1-Mile ETJ
- Hickman 1-Mile ETJ

N

MARVIN PLANNING CONSULTANTS
Specializing in Municipal, County and Neighborhood Planning

PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.25 0.5 1 Miles

equipment for recreation purposes. This park is 3/4th of an acre and on the east side of town.

Prairie View Park

Located along Sunflower Drive in northeast Hickman, this park offers a basketball court and playground equipment for recreation purposes. The park has a large shelter as well as a pond. Prairie View Park is approximately 4 acres in area.

LP Stewart Family Skatepark

Located at 312 Main Street, this park offers a full-sized skatepark for recreation. The skatepark includes a 4-stair with handrail, straight ledge, and a hubba ledge that connects to a bowled corner with a 2-hips and an extension. The skatepark has obstacles for all ages and experience levels and is approximately half an acre in size. The City maintains this park.

Linear Park

Located at the intersection of Main and 2nd Streets, this park offers a landscaped path, several shaded benches, and a drinking fountain. Linear Park is approximately half an acre in area.

Craig Dodge Memorial Park

Located at the intersection of Main and 4th Streets, this park is dedicated to the Lancaster County Sheriff's who have died in the line of duty. This park was opened in 2013 and was named for Deputy Craig Dodge who was shot and killed at the location of the memorial in 1987. The park also memorializes the Hickman School which once sat on this piece of land .

Oakview Park

Photo 6.1: City water tower
Source: Marvin Planning Consultants

Located in the Baylor Heights Subdivision on Oakview Drive, this new park offers residents a full playground and large green space. The park is approximately 2.6 acres.

Future Parks

Future park space is a priority for the City. Plans for future parks include green space on Titan Drive in the Terrace View neighborhood.

City Trails

Trails can assist with the mobility of residents accessing amenities around their community without them having to use a car. Trails have long been recommended in Hickman by previous Comprehensive Plans as well as several Trails Master Plans which have characterized the benefits of having separated pedestrian and cycle paths from vehicular traffic. Specifically, the 2017 Trails Master Plan provides city officials with a proposed trail map to guide future trail development.

The existing trail network spans throughout the city.

Hickman Linear Park Trail

The Hickman Linear Park Trail runs from 68th Street and Wagon Trail Road northwest following the path of the railroad. The trail connects with Scott's Creek Trail at Maple Street. The trail then crosses 7th Street where it connects with the Hickman Road Trail, then moving north behind the Arbor Ridge subdivision. The trail then ends, entering the neighborhood north of 1025 Cyprus Boulevard, connecting to the future Baylor Heights Trail. This trail is approximately one mile in length.

Hickman Road Trail

The Hickman Road Trail starts from S. 54th and 7th Streets, then heading east following Hickman Road. Once the trail passes Autumn Road the trail forces

riders to cross Hickman Road to the south, where it connects to Scott's Creek Trails and continues west along the street. The trail connects with the future Scotts Creek Trail which will start north of Walnut Street, then crossing the 68th Street roundabout. The trail continues east until the path ends just to the south of Larkspur Drive. The 2017 Trails Master Plan calls for this trail to be expanded east to 82nd Street. This trail is approximately one mile in length.

Scott's Creek Trail

This trail starts at the Maple Street intersection with the Hickman Linear Park Trail and heads east following the Hickman Branch of Salt Creek. Crossing Main Street, the trail follows the bend in the creek north passing the City Skatepark. The trail changes course from the creek, instead continuing straight north, connecting with Hickman Road and the Hickman Road Trail. This trail is approximately .3 miles in length.

Historic Standards

A standard used for decades regarding parks and recreation, as established by the National Parks and Recreation Association (NPRA), is 10 acres per 1,000 residents. However, there are a number of standards in addition to NPRA. Nebraska Game and Parks Commission (NGPC) has used a standard of 14 to 25 acres per 1,000 residents. Another standard is the Small Community Park & Recreation Standards (SCPRS), 2003, which examines the primary areas of small community parks and recreation. This standard breaks parks down into five basic categories: sports fields, courts, outdoor recreation, leisure, and other facilities. This resource also determines the minimum acreages for each and the total comes to 15.5 acres per 1,000 residents.

Examining Standards

This section will examine the three historic standards. Table 6.2 examines the NPRA, NGPC, and SCPRS standards for key facilities found in communities. The table is meant as a guide for Hickman, instead of an absolute. For example, not all communities have BMX courses in their communities; in some cases these facilities may become a huge liability risk to the community due to the nature of the uses.

Table 6.3 examines standards as established in Small Community Park & Recreation Standards, 2003. Table 6.4 expands on the standards in Table 6.3 and applies it to the minimum amounts of land needed to meet these standards.

Park Demands

Table 6.5 examines population demands per park type, as established by the National Parks and Recreation Association, Tables 6.6 through 6.8 then identifies specific recreational uses and their potential demand based upon the three different population projections in Chapter 3. The number represented in the far right column represents the total needed by 2050 based upon the projections and ideal ratio per 1,000 persons.

Some of the recreational uses may be more in demand than others as the planning period moves forward to 2050; there may be demand for soccer fields, basketball courts, trails, picnic areas, and park benches. The tables are a guide for the community, not an absolute.

These numbers begin to indicate the overall impact long range growth can have on Hickman. As the planning period moves forward an annual to five year review of these criteria should be undertaken to determine future needs and deficits.

Table 6.2: Parks and Recreation Standards

Organization	Standard	2022 pop	Parks and Recreation Needed
NPRA	10A/1,000 residents	2,697	26.9 Acres
NGPC	14-25A/1,000 residents	2,697	37.7 Acres to 67.4 Acres
SCPRS	15.5A/1,000 residents	2,697	41.8 Acres

Source: Marvin Planning Consultants

Photo 6.2: Linear Park
Source: City of Hickman

Table 6.3: Population served per Park System Facility

Facility Category	Parks System Facility Type	Total Population served by one facility	# of facilities Needed per 1,000 residents
Sports Fields	Soccer/Multi-Use Field	1,050	2.6
	Ball Field (Baseball/Softball	1,640	1.6
Courts	Tennis Court	1,030	2.6
	Basketball Court	1,100	2.5
	Volleyball Court	7,540	0.4
Outdoor Recreation	Small Skate park (7000 sf footprint)	6,410	0.4
	Full-sized Skate park (17,000+ sf footprint)	15,560	0.2
	BMX Track (Standard ABA Certified)	6,250	0.4
	Paved Multi-purpose Trail (per mile)	960	2.8
	Dirt/Gravel Multi-Use Trail (per mile)	430	6.3
Leisure	Playgrounds (per 3,200 sf of fully developed area)	6,270	0.4
	Family Picnic Area	160	16.9
	Group Picnic Area (w/ Shelter)	2,780	1.0
	Park Bench	130	20.7
Other Facilities	Swimming Pool (outdoors)	8,250	0.3
	Outdoors Events Venue	2,380	1.1

Source: Small Community Parks and Recreation Standards, 2003

Table 6.4: Small Community Parks Land Standards

Facility Category	Parks System Facility Type	# of facilities Needed per 1,000 residents (Demand)	Acres required for one facility	Total Acres required per 1,000 residents (park land standards)
Sports Fields	Soccer/Multi-Use Field	0.95	2.21	6.6
	Ball Field (Baseball/Softball	0.61	3.77	7.5
Courts	Tennis Court	0.97	0.17	0.5
	Basketball Court	0.91	0.16	0.5
	Volleyball Court	0.13	0.10	0.5
Outdoor Recreation	Small Skate park (7000 sf footprint)	0.16	0.18	0.0
	Full-sized Skate park (17,000+ sf footprint)	0.06	0.50	0.0
	BMX Track (Standard ABA Certified)	0.16	3.12	0.0
	Paved Multi-purpose Trail (per mile)	1.04	2.43	7.3
	Dirt/Gravel Multi-Use Trail (per mile)	2.33	1.83	11.0
Leisure	Playgrounds (per 3,200 sf of fully developed area)	0.16	0.14	0.0
	Family Picnic Area	6.25	0.01	0.2
	Group Picnic Area (w/ Shelter)	0.36	2.06	2.0
	Park Bench	7.69	0.00	0.0
Other Facilities	Swimming Pool (outdoors)	0.12	0.34	0.0
	Outdoors Events Venue	0.42	3.19	3.2

Source: Small Community Parks and Recreation Standards, 2003

Table 6.4: Population served per Park System Facility

Type of Park	Optimum Size	Service Area	Uses
Mini Parks	.2 to 1 acre	Residential neighborhoods within ¼ mile radius	A walk-to facility that provides play and passive recreation for the immediate vicinity: • Playground equipment • Picnic tables and shelters • Open turf • Natural areas
Neighborhood Parks	5 to 10 acres	Residential areas within ½ mile radius	A walk-to facility with amenities that are predominately neighborhood-oriented (not competitive sports): • Play areas • Tennis courts • Basketball courts • Open field for casual and multi-use play
Community Parks	20 to 40 acres	½ mile to 3 miles	A drive-to facility that serves multiple neighborhoods and includes both competitive sports and passive recreation facilities that are typically not provided in neighborhood parks: • Active sports facilities grouped for efficiency where possible (three to four tennis courts, two or three basketball courts, etc.) • Lighted sports fields with bleachers • Small passive areas for neighborhood park functions • Community center for indoor recreation including kitchen, meeting rooms and large open exercise area • Natural area with trail
District / Regional Parks	40 to 150 acres	5 mile radius	A city-wide drive-to resource primarily for nature-oriented activities and/or major sports facilities: • Large children's playground (with theme) • Lighted active sports facilities (tennis, baseball, soccer, etc.) grouped in complexes for efficiency • Significant dedicated natural areas with trails and passive park uses • Community center
Natural Resource Area	based on resource	Entire community	Lands set aside to preserve unique natural resources: • Remnant landscapes • Open space • Visual/aesthetics buffering
Greenway (trails and linear parks)	25 ft. width minimum; 200 ft. or more optimal	Based on resource availability and opportunities	Ties park system components together to form a continuous park environment
School – Park	10 to 15 acres minimum	Based on school district's school distribution policies	Combines parks with school spaces
Sports Complex	40 acres or more	Entire community	Consolidates heavily-programmed athletic fields to larger and fewer sites
Special Use	Variable	Variable	Covers a broad range of park and recreation facilities oriented toward a single-purpose use

Source: National Parks and Recreation Association

Table 6.5: Recreation Needs - Low Series Projection

Facility Category	Parks System Facility Type	# of facilities Needed per 1,000 residents (Demand)	# of Existing Facilities in Hickman	# of New Facilities Needed by 2050 Low Series Projection
Sports Fields	Soccer/Multi-Use Field	0.95	0	5.9
	Ball Field (Baseball/Softball)	0.61	3	0.8
Courts	Tennis Court	0.97	0	6.1
	Basketball Court	0.91	2	3.7
	Volleyball Court	0.13	0	0.8
Outdoor Recreation	Small Skate park (7,000 sf footprint)	0.16	0	1.0
	Full-sized Skate park (17,000+ sf footprint)	0.06	1	0.0
	BMX Track (Standard ABA Certified)	0.16	0	1.0
	Paved Multi-purpose Trail (per mile)	1.04	2.3	4.2
	Dirt/Gravel Multi-Use Trail (per mile)	2.33	0	14.6
Leisure	Playgrounds (per 3,200 sf of fully developed area)	0.16	3	0.0
Other Facilities	Swimming Pool (outdoors)	0.12	0	0.8
	Outdoors Events Venue	0.42	0	2.6

Source: Marvin Planning Consultants – 2024

Table 6.6: Recreation Needs - Medium Series Projection

Facility Category	Parks System Facility Type	# of facilities Needed per 1,000 residents (Demand)	# of Existing Facilities in Hickman	# of New Facilities Needed by 2050 Medium Series Projection
Sports Fields	Soccer/Multi-Use Field	0.95	0	7.5
	Ball Field (Baseball/Softball)	0.61	3	1.8
Courts	Tennis Court	0.97	0	7.6
	Basketball Court	0.91	2	5.1
	Volleyball Court	0.13	0	1.0
Outdoor Recreation	Small Skate park (7,000 sf footprint)	0.16	0	1.3
	Full-sized Skate park (17,000+ sf footprint)	0.06	1	0.0
	BMX Track (Standard ABA Certified)	0.16	0	1.3
	Paved Multi-purpose Trail (per mile)	1.04	2.3	5.8
	Dirt/Gravel Multi-Use Trail (per mile)	2.33	0	18.3
Leisure	Playgrounds (per 3,200 sf of fully developed area)	0.16	3	0.0
Other Facilities	Swimming Pool (outdoors)	0.12	0	0.9
	Outdoors Events Venue	0.42	0	3.3

Source: Marvin Planning Consultants – 2024

Table 6.7: Recreation Needs - High Series Projection

Facility Category	Parks System Facility Type	# of facilities Needed per 1,000 residents (Demand)	# of Existing Facilities in Hickman	# of New Facilities Needed by 2050 High Series Projection
Sports Fields	Soccer/Multi-Use Field	0.95	0	9.6
	Ball Field (Baseball/Softball)	0.61	3	3.2
Courts	Tennis Court	0.97	0	9.8
	Basketball Court	0.91	2	7.2
	Volleyball Court	0.13	0	1.3
Outdoor Recreation	Small Skate park (7,000 sf footprint)	0.16	0	1.6
	Full-sized Skate park (17,000+ sf footprint)	0.06	1	0.0
	BMX Track (Standard ABA Certified)	0.16	0	1.6
	Paved Multi-purpose Trail (per mile)	1.04	2.3	8.3
	Dirt/Gravel Multi-Use Trail (per mile)	2.33	0	23.7
Leisure	Playgrounds (per 3,200 sf of fully developed area)	0.16	3	0.0
Other Facilities	Swimming Pool (outdoors)	0.12	0	1.2
	Outdoors Events Venue	0.42	0	4.3

Source: Marvin Planning Consultants – 2024

Public Facilities and Utilities Goals, Objectives, and Action Steps

The expansion of public infrastructure will be conducted in a manner that supports diverse and contiguous growth to ensure the efficient utilization of services without adversely affecting their delivery.

Public Facilities and Utilities Goals

PUB-1: Continue to expand and upgrade the water, stormwater, and sanitary sewer system in a manner that will guide growth in a systematic and responsible manner without creating large shortfalls for the city to meet demand. The City should focus on upgrading water facilities first, with a focus on water storage.

PUB-2: Strategically locate public facilities within Hickman in order to provide cost- effective, efficient, and timely service to all residents.

PUB-3: Locate public facilities, such as maintenance buildings, in key areas of the city. Facility locations must always be outside of a 100-year floodplain.

PUB-4: Provide services to the public in an efficient and cost effective manner by utilizing a cost/benefit ratio in evaluating whether to contract for services or to utilize city personnel and resources.

PUB-5: Encourage the dedication of major drainage ways such as wetlands, intermittent creek basins and roadside depressions for the purpose of stormwater collection.

PUB-6: Locate an appropriate site and work to construct a permanent facility for the Senior Center.

PUB-7: Work with the Unites States Postal Service, when appropriate, to site/relocate or expand the existing postal facility in Hickman.

Public Facilities and Utilities Objective 1: Maintain a coordinated plan for maintenance, improvement, and future locations of all streets, roads, highways, trails, sidewalks, and bridges in the community; including paving, curbs, gutters, street lighting, curb cuts, replacement, etc. (PUB-1)

Action Steps

1. Maintain design standards and policies for various classifications of streets, roads, highways, and bridges to enhance the function and safety of the roadway and street system in Hickman.
2. Continually monitor traffic throughout the community and include traffic counts and figures in any updates to the Comprehensive Plan.

Responsible Group/Agency City Administrator, City Engineer, Public Works Department, NDOR
Potential Resources: General Funds, Capital Improvement Budget, NDOR

Public Facilities and Utilities Objective 2: In accordance with the 2016 Sanitary Sewer Study, expand the trunk line along Hickman Road to the treatment facility and provide for planned improvements and future growth.

Action Steps

1. Identify and package local, state, and federal resources for wastewater system upgrades.
2. Consult the Capital Improvements Plan to coordinate other needed subterranean or roadway improvements.
3. Analyze and adjust user rates to make the wastewater system financially supportive.
4. Authorize the City Engineer to prepare plans and specifications for the project.
5. Undertake construction related activities.

Responsible Group/Agency: City Administrator, City Engineer, Public Works Department, City Council, Utility partners
Potential Resources: General Funds, Capital Improvement Plan Budget, User Fees, Municipal Bonds

Public Facilities and Utilities Objective 3: Explore the feasibility of flood control infrastructure to alleviate the prevalence of 100-year floodplain in downtown Hickman.

Action Steps

1. Authorize the City Engineer to prepare alternatives and cost estimates for flood control infrastructure.
2. Add the implementation of the most practical and cost-effective alternative to the Capital Improvements Plan for implementation as funds or grants are available.

Responsible Group/Agency: City Engineer, Public Works Department
Potential Resources: General Funds, Capital Improvement Plan Budget, Municipal Bonds, FEMA grants

Public Facilities and Utilities Objective 4: Expand water storage and update the water distribution system.

Action Steps

1. Identify and package local, state, and federal resources for water storage/distribution system upgrades.
2. Consult the Capital Improvements Plan to coordinate other needed subterranean or roadway improvements.
3. Analyze and adjust user rates to make the water system financially supportive.
4. Authorize the City Engineer to prepare plans and specifications for the project.
5. Undertake construction related activities.

Responsible Group/Agency: City Administrator, City Engineer, Public Works Department, City Council, Utility partners
Potential Resources: General Funds, Capital Improvement Plan Budget, User Fees, Municipal Bond

Education Goals, Objectives, and Action Steps

The city should support and partner with area educational facilities to expand the opportunity for educational attainment for Hickman residents.

Education Goals

EDU-1: Cooperate with educational entities/agencies in expanding public uses of city and future facilities.

EDU-2: The school district should be informed of all new development proposed within the zoning jurisdiction of Hickman to accommodate future school populations.

Education Objective 1: Cooperate with educational entities and agencies in expanding the public uses of city's current and future facilities. (EDU-1)

Action Steps

1. Create channels of communication to coordinate with the school district public events that may benefit from the use of Hickman's facilities and public areas.
2. Consider the use of joint public agency funding mechanisms for collaborative facilities.

Responsible Group/Agency: Norris School Board or Education, School Administration, City Administration, City Council
Potential Resources: Nebraska Joint Public Agency funding mechanism, School and City Bonding Authority, Sales Tax proceeds, Keno funds, General Fund, Private Donations, Community Development Assistance Act, Civic and Community Center Financing Fund

Education Objective 2: Explore opportunities to expand technology and communication infrastructure for public use. (EDU-1)

Action Steps

1. Implement and maintain a Capital Improvements Plan that allows for the coordination of any subterranean utility upgrades. Private utility upgrades can be coordinated with public projects to reduce the investment cost and make Hickman an attractive investment area for communications service providers and satellite education opportunities.
2. Engage the services of the City Engineer to prepare a Utility Assessment Report.
3. Update the Capital Improvements Plan to coordinate any utility upgrades with projected population and economic development needs as well as the potential to coordinate the timing of any subterranean utility improvements to minimize costs.
4. Identify local, state, and federal resources for fiber upgrades.
5. Secure appropriate funding to make long-term improvements to the subterranean system upgrades affordable to households.
6. Authorize the City Engineer to proceed with plans and specifications for implementation.
7. Construction-related activities.

Responsible Group/Agency: City Administration, Public Works, Businesses, City Engineer, Utility Providers
Potential Resources: General Funds, USDA - Rural Development, Utility Providers, Usage Fees

Recreation Goals, Objectives, and Action Steps

The City should ensure prominent recreation opportunities for local residents and visitors. These facilities should be a combination of the expansion and improvement of existing facilities, plus the establishment of additional facilities.

Recreation Goals

REC-1: Develop parks and recreation space in conformance with the criteria found earlier in this chapter.

REC-2: Design to accommodate the particular needs and interests of area residents while protecting, preserving, and conserving the environmental character and quality of the area.

REC-3: Preserve natural attributes of both the floodplain and floodway to avoid loss of life and property while providing open space

REC-4: Encourage private developers to actively contribute to the city's park, recreation and open space system and encourage the development to supplement those provided by the city. This shall be done through the City's subdivision regulations.

REC-5: Expand recreational assets to allow for the continued promotion for the community's quality of life and lifestyle. Appropriately budget for parks and recreation master planning.,

REC-6: Acquire or otherwise preserve future park areas, recreation areas, and open space sites within growth areas prior to extensive new development to ensure adequate land is available and to avoid prohibitive acquisition costs.

REC-7: Expand the recreational trail system, with an ultimate goal of complete connectivity, utilizing floodplain land, easements, and parklands into areas not currently served, including both developing and established areas of the city.

REC-8: Set standards requiring the dedication of parks and open space, including in the Subdivision Regulations.

REC-9: Develop recreational amenities offering year round use.

REC-10: Work with developers of future rural subdivisions to create conservation areas through cluster subdivisions and conservation easements. These conservation areas should be connected within subdivisions whenever possible.

REC-11: Develop trail connections to area state parks and regional trail systems.

REC-12: Cooperate with all governmental agencies within the region to identify open space and scenic resources, to determine resident and non-residential recreation needs, and to formulate and implement measures for open space preservation and use.

REC-13: Develop and expand youth and adult recreation opportunities in the future. These may include an aquatic center, trails, or a swimming pool.

Recreation Objective 1: Explore recreational amenities including an aquatic center, wellness center, senior center, trails, or a swimming pool (REC-9, REC-13)

Action Steps

1. Form a steering committee to explore options for development of future recreational amenities.
2. Identify the future usage of the amenities including special demands and needs for physical amenities.
3. Inventory amenities recently built in the region. Visit with local officials to determine lessons learned.
4. Present the physical needs and expectations to City Council and the public.
5. Procure the services of a licensed architecture firm to assist in assessing all potential options for the amenity.
6. Inventory available land or buildings within the community that meet the spatial needs of the facility.
7. Prepare architectural rendering and opinion of costs for renovating potential structures for the construction of a new facility, emphasizing energy efficiency and accessibility.
8. Present the renderings and opinion of costs to the public for review and comment; modifying as necessary.
9. Determine the long-term ownership and operational structure of the amenity.
10. Identify potential resources for the construction financing of the amenity.
11. Utilize the architect to develop final plans and specifications for the project as well as construction management services.
12. Construction Activity.

Responsible Group/Agency: City Administrator, Parks and Recreation Department, Identified Committee, Residents

Potential Resources: Municipal Bonds, Local Option Sales Tax, Fundraising, USDA-RD, Civic and Community Center Financing Fund, Community Development Assistance Act (CDAA), Keno Funds, Usage Fees

Recreation Objective 2: Develop more trails in Hickman and connect them to regional trails, local parks, and state recreation areas. (REC-11)

Action Steps

1. Update subdivision regulations with provisions for programming trails into developments and/or development fees for community trail system.
2. Utilizing the Trails Master Plan, dedicate necessary rights-of way or easements for trails.
3. Begin trail planning along 68th Street.
4. Utilize the City Engineer to develop plans and specifications for trails.
5. Package funds for the construction and implementation of prioritized trail sections; placing priority in utilizing available resources to connect the existing trail sections to one another.
6. Bid phase to include advertising, letting, and contract award.
7. Begin construction activity.

Responsible Group/Agency: City Administrator, Parks and Recreation Department, Public Works Department, City Engineer, Landowners

Potential Resources: General Funds, Capital Improvements Budget, Developer Fees, Municipal Bonds, Local Option Sales Tax, Fundraising, Nebraska Game and Parks Commission, CDAA, Nebraska Department of Roads (NDOR), Keno Funds

Recreation Objective 3: Increase the number of sporting events in the community (i.e. 5K runs, bike races, etc.). (REC-5)

Action Steps

1. Develop a planning committee with a cross section of stakeholders interested in attracting events to Hickman.
2. Identify the types of events the community seeks to attract.
3. Conduct a facility assessment to identify the needs or gaps required to host events.
4. Utilize the planning committee to attract, create, and promote annual events based on the availability of facilities.

Responsible Group/Agency: Parks and Recreation Department, Identified Committee, Residents, Businesses, Public Works Department, School Administration
Potential Resources: General Funds, Tourism Grants, Fundraising, Sponsorships

Recreation Objective 4: Ensure future planning of all City parks is ADA compliant. (REC-5)

Action Steps

1. Establish an inventory of needed improvements based on ADA park standards.
2. Working with equipment suppliers and installers, develop cost estimates for required improvements.
3. Add necessary investments to the Capital Improvements Plan, and develop fundraising campaigns to offset public costs.
4. As packaged funds become available, install required improvements utilizing city staff and volunteers.

Responsible Group/Agency: Parks and Recreation Department, Public Works Department
Potential Resources: General Funds, Fundraising, Sponsorships, Community Development Assistance Act, Health and Human Services

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Chapter 7
Public Safety

Public Safety

The protection of public safety is a key responsibility of local government. This chapter describes current Hickman fire protection, emergency medical services (EMS), law enforcement, and emergency management.

Fire and EMS

Hickman Rural Fire and Rescue is comprised of the City of Hickman, the Village of Roca, and the surrounding area.

Hickman Rural Fire and Rescue is a volunteer department. The department provides 24/7 response to all fires, vehicle accidents, HAZMAT/chemical spills and medical emergencies for the people who live and visit their district. Hickman Fire and Rescue also issues burn permits for the fire district and accepts non emergency inquiries on Tuesday nights.

As of the writing of this plan, 25 volunteer firefighters and EMTs are at the department. The department is located at 401 W. 7th Street with nine garage spaces and multiple stories.
Source: hickman.ne.gov/vnews/display.v/SEC/City Services | Fire

State Fire Marshal

The State Fire Marshal's office conducts fire safety inspections on most properties open to the public. Codes used in these inspections are outlined in Title 153, Chapter 1.

Law Enforcement

With no local law enforcement, services are provided by the Lancaster County Sheriff's Office, located at 575 S 10th St in Lincoln. The Sheriff's Department is responsible for managing the Lancaster County Courthouse along with providing patrol service, investigative service, administerial support for the county.
(Note: modified slightly from website.)
Source: lancaster.ne.gov/1349/Sheriffs-Office

Emergency Management

Emergency management involves the coordination and integration of activities necessary to build, sustain, and improve the capabilities to prepare for, respond to, recover from, or mitigate against threatened or actual disasters or emergencies, regardless of cause. This includes man-made and natural disasters. The discipline and profession of emergency management applies science, technology, planning, and management to deal with extreme events which can injure or kill large numbers of people, do extensive damage to property, and disrupt community life.

Emergency management is integrated at the local, state and federal levels. All disasters start at the local level. When a local disaster declaration is made because local resources have been overwhelmed, a request may be made for assistance from the Nebraska Emergency Management Agency (NEMA).

Should state resources ever become overwhelmed, a state disaster may be declared and the governor can request assistance from the Federal Emergency Management Agency ("FEMA"). Emergency response operates within the principles of the National Incident Management System ("NIMS") and the Incident Command Systems ("ICS").

It is the responsibility of all elected and appointed county or local officials to protect citizens' lives, and public and private property from the effects of hazards and disasters.

Lincoln-Lancaster County Emergency Management ("LLCEMA") is responsible for facilitating the continuation of government operations in times of disaster or major emergency. This agency coordinates county, city, private sector and volunteer services to facilitate and enable continuity of operations countywide.

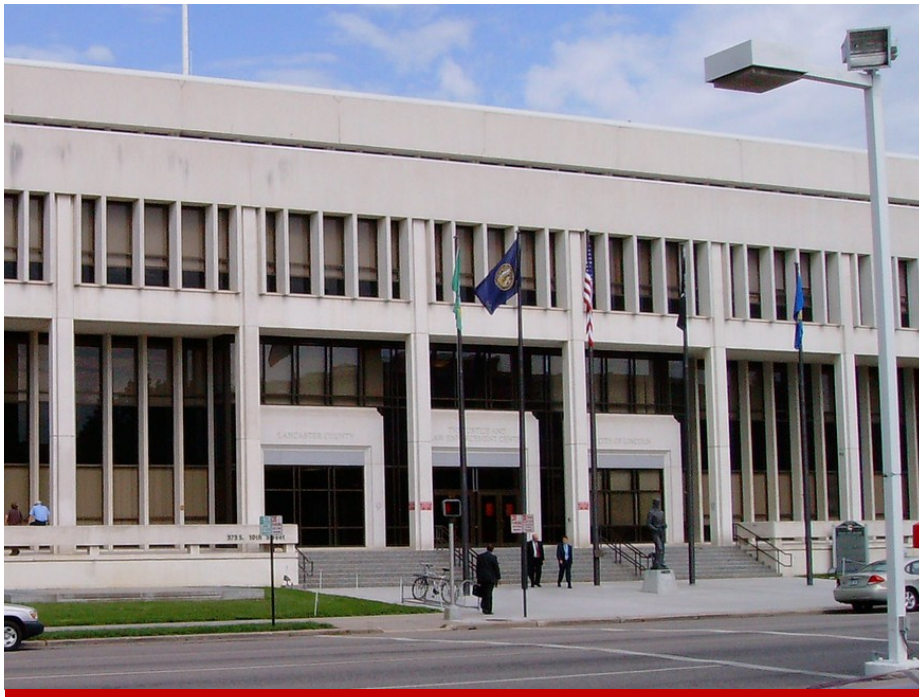


Photo 7.1: Lancaster County Courthouse - Sheriff Department's home
Source: Flickr

Photo 7.2: Hickman Fire and Rescue
Source: Marvin Planning Consultants

HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 7.1: FIRE AND EMS

Roca

Roca Road

Highway 77

S 54th St

Hickman Rd

Hickman

Hickman Rd

S 68th St

Lancaster County, NE GIS, Maxar

LEGEND

- Hickman Fire Department
- Hickman Fire and EMS
- Bennet Fire and EMS
- City Limits
- Railroad
- Highway
- Roca 1-Mile ETJ
- Hickman 1-Mile ETJ

N

MARVIN PLANNING CONSULTANTS
Specializing in Municipal, County and Neighborhood Planning

PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.25 0.5 1 Miles

Public Safety Goals, Objectives, and Action Steps

The City will support health care, fire protection, and law enforcement programs with policies and services that improve public safety and well-being.

Public Safety Goals

SAFE-1: Clean and regulate poorly maintained and nuisance properties based on an adopted nuisance abatement program and property maintenance code.

SAFE-2: Establish regulations protecting Hickman residents from the secondary effects of adult entertainment.

SAFE-3: Continually analyze the cost effectiveness and patrol rates of providing law enforcement through the Lancaster County Sherriff's Office vs. the cost and benefits of locally funded and maintained police department.

SAFE-4: Work to construct safe, at grade, pedestrian crossings at all street, trail, and sidewalk intersections of the railroad tracks.

SAFE-5: Work with the Nebraska Department of Roads and Lancaster County to identify key locations for health safety and general welfare of the public such as the installation of traffic control devices, lighting, electronics, and markings at pedestrian crossings.

SAFE-6: Prioritize the widening of existing arterial streets to allow for turn lanes, shoulders and pedestrian pathways. Maintain road classification descriptions that are utilized in subdivision regulations that enact minimum standards for each applicable road classification.

SAFE-7: Prioritize safety measures and infrastructure at pedestrian crossings on arterial streets.

SAFE-8: Continually monitor emergency response (Police, Fire, EMT) reports and response times to ensure that public safety is not compromised by rapid growth in and around Hickman.

SAFE-9: The City should ensure prominent recreation opportunities for local residents and visitors. These facilities should be a combination of the expansion and improvement of existing facilities, plus the establishment of additional facilities.

Public Safety Objective 1: Improve the functionality and safety of arterial streets in Hickman with widening projects allowing for turn lanes, shoulders, and pedestrian pathways. (SAFE-5)

Action Steps

1. Engage the services of the City Engineer to conduct an analysis of current and future arterial streets to determine the viability of widening projects. Analysis should include the existence of necessary right-of-way for vehicular and parallel pedestrian/bike corridors.
2. Coordinate with Lancaster County on plans for the widening of 68th Street outside of Hickman's jurisdiction to extend widening efforts in a timely and cost-effective manner.
3. Provide cross-sections of various alternatives for widening with options for turn lanes, pedestrian/bike trails for corridors and intersections. Include public review.
4. Provide opinion of cost for preferred corridor cross-sections.
5. Determine the City's ability to finance priority street improvements and potential ROW acquisition. Consult the Capital Improvement Plan and package all financial resources for maximum public benefit.
6. Procure the City Engineer to prepare plans and specifications for street widening improvements.

7. Undertake construction-related activities in a planned system manner, coordinated with Lancaster County projects.

Responsible Group/Agency City Council, Hickman residents, City Engineer
Potential Resources: General Street Fund, General Obligation Bond, Local Option Sales Tax, and Special Assessment Districts, NDOR, Lancaster County

Public Safety Objective 2: Improve pedestrian safety with dedicated crossings on Hickman's arterial streets. (SAFE-5)

Action Steps (SAFE-8)

1. Evaluate sidewalk conditions throughout Hickman. Rate sidewalk and curb/ramp conditions and note needed improvements.
2. Prioritize sidewalks/curb ramps near key public facilities and at intersections of sidewalks along existing and future arterial streets. Map priorities to ensure the proper phasing of improvements.
3. Explore the viability of an under/over pass of arterial streets with cost estimates and potential grant funding.
4. Coordinate the improvements of crosswalks with any improvements and widening of existing arterial streets.
5. Determine the City's ability to finance priority sidewalk improvements. Consult the Capital Improvement Plan and package all financial resources for maximum public benefit.
6. Undertake long-term, priority sidewalk and crosswalk improvements, as funds permit.

Responsible Group/Agency City Council, City staff, residents, City Engineer, and Fiscal Agent
Potential Resources: General Street Fund, General Obligation Bond, Local Option Sales Tax, and Special Assessment Districts, NDOR, Lancaster County

Chapter 8 Energy

Energy

This section is intended to meet the requirements for an energy element in Neb. Rev. Stat. §19-903(4) that each city comprehensive plan "Assesses energy infrastructure and energy use by sector, including residential, commercial, and industrial sectors; evaluates utilization of renewable energy sources; and promotes energy conservation measures that benefit the community."

Energy Use by Sector

According to Nebraska Energy Statistics, electricity use in Nebraska rose to 32,341 million kilowatt hours in 2021, an increase of 3.8% from 31,172 million kilowatt hours in 2020. The industrial sector used 38.9%, the residential sector used 32.4%, and the commercial sector used 28.6%. The use of electricity produced off-site is ultimately constrained by transmission capacity. Distributed generation of electricity (from wind farms or solar farms) is also constrained by capacity of the regional transmission grid.

In 2021, Nebraska used 180.1 billion cubic feet of natural gas, a decrease of 0.3% from 2020. The industrial sector consumed 53.5% of total natural consumption in Nebraska in 2021. The residential sector consumed 20.2% and the commercial sector consumed 17.6%. The electric power and transportation sectors accounted for the remainder of gas consumption.
Source: neo.ne.gov

Residential Energy Use

Energy is consumed in the residential sector primarily for space heating, water heating, air conditioning, refrigeration, cooking, clothes drying, and lighting. Fuel used for motor vehicles by household members is included in the transportation sector - electricity use will increase with increased use of electric vehicles (EVs) requiring home charging stations. Natural gas met almost one-half (46.2%) of residential energy needs in Nebraska in 2021, followed by electricity (42%).

Statewide, Black Hills Energy provided residential natural gas service to 254,647 customers as of February 2022 according to the Energy Information Administration.

Commercial Energy Use

Commercial uses include buildings such as retail stores, nonmanufacturing businesses, motels, health and education institutions for energy use reporting. Government uses are included in this sector for these reports. Common uses of energy in the commercial sector include space heating, water heating, refrigeration, air conditioning, and cooking. Natural gas met almost one-half (47%) of commercial energy needs in Nebraska in 2021, followed by electricity (44%).

Statewide, Black Hills Energy provided natural gas service to 32,302 commercial customers as of February 2022 according to the Energy Information.

Industrial Energy Use

Energy use in the industrial sector covers fuels for manufacturing, data centers, construction, mining, agriculture, and forestry. Energy to transport products is included in the transportation sector. Natural gas met 1/3 (33.1%) of industrial energy needs in Nebraska in 2021, followed by biofuels (34.3%), and electricity (13.8%).

Statewide, Black Hills Energy provides natural gas service to 5,086 industrial energy customers as of February 2022 according to the Energy Information Administration.

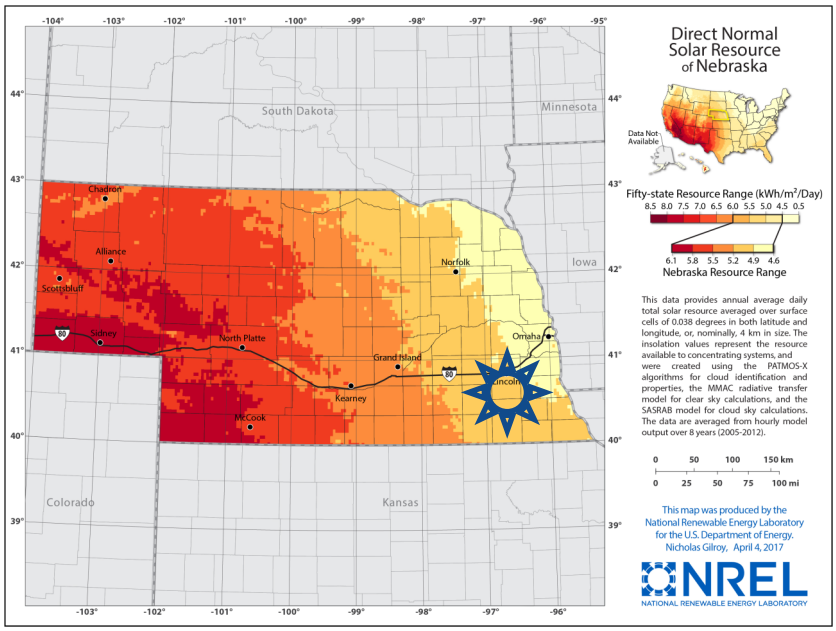
Energy Generation

Statewide, over 1/3 (36.9%) of Nebraska's electricity is generated by coal, according to the Nebraska Department of Environment and Energy (NDEE). Renewable wind energy is close behind, capacity to generate 27.5% of the state's electricity, with natural gas in third-place with 20% of generation.

Renewable Energy

Renewable energy is energy from sources which are naturally replenished. Nebraska, like all of the United States, is moving towards renewable and away from legacy fuel sources. While almost 75% of the state's electricity was generated by coal in 2011, only 50% came from coal in 2021.

Figure 8.1: Direct Normal Solar Resource of Nebraska



Source: National Renewable Energy Laboratory, 2017

Biomass

Biomass is renewable organic material coming from plants and animals. This includes biofuels, such as ethanal and biodiesel, along with wood waste, landfill gas, and similar fuels. In 2021, there were six units in Nebraska producing electricity from biomass, and 11 from landfill gas.
Source: eia.gov/energyexplained/biomass

Hydropower

Hydropower was one of the first sources of energy used for electricity generation. Until 2019, hydropower was the largest source of total annual U.S. renewable electricity generation. In 2021, there were 20 units in Nebraska producing electricity with hydropower. Hydroelectric accounted for about 3% of Nebraska's annual electricity generation in 2021.
Source: eia.gov/energyexplained/hydropower

Geothermal

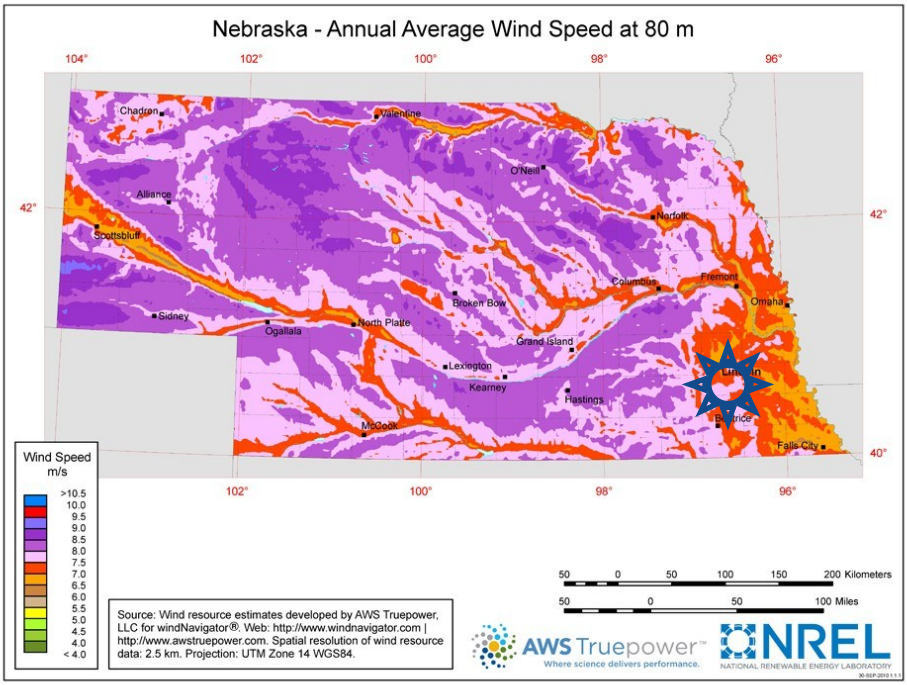
Geothermal energy is heat within the earth. Geothermal energy is a renewable energy source because heat is continuously produced inside the earth. People use geothermal heat for bathing, for heating buildings, and for generating electricity. Geothermal electricity generation requires water or steam at high temperatures(300° to 700°F).

According to the U.S. Environmental Protection Agency (EPA), geothermal heat pumps are the most energy-efficient, environmentally clean, and cost-effective systems for heating and cooling buildings.
Source: eia.gov/energyexplained/geothermal

Solar

A photovoltaic (PV) cell, commonly called a solar cell, is a nonmechanical device which converts sunlight directly into

Figure 8.2: Average Annual Wind Speed at 80m



Source: National Renewable Energy Laboratory, 2010

electricity. Some PV cells can convert artificial light into electricity.

The efficiency at which PV cells convert sunlight to electricity varies by the type of semiconductor material and PV cell technology. The efficiency of commercially available PV modules averaged less than 10% in the mid-1980s, increased to around 15% by 2015, and is now approaching 20% for state-of-the art modules. Experimental PV cells and PV cells for niche markets, such as space satellites, have achieved nearly 50% efficiency.

Rooftop solar has increasingly become an option for many homeowners and small businesses. The direction and pitch of the roof affect the amount of energy produced, as do nearby trees or other structures.

In 2021, there were 13 units in Nebraska producing utility-scale electricity with solar as the primary energy source. Only 0.2% of Nebraska's electricity was generated by solar in 2021, but the capacity doubled in just two years.
Source: eia.gov/energyexplained/solar

Wind

An increasing share of Nebraska's energy comes from renewable wind energy. In 2021, there were 1,333 utility-scale wind turbines producing electricity in Nebraska. The state's wind generation grew from 3% of electricity generated in 2011 to 25% in 2021.

According to the US Department of Energy's Office of Energy Efficiency & Renewable Energy, "Areas with annual average wind speeds around 6.5 meters per second and greater at 80-m height are generally considered to have a resource suitable for wind development. Utility-scale, land-based wind turbines are typically installed between 80 - and 100m high although tower heights for new installations are increasing - up to 140 m - to gain access to better wind resources higher aloft."

Individual sites may be powered by Small Wind Energy Systems, a type of wind energy conversion system with a rated capacity of 100 kilowatts or less.

Technological advancements are driving the growth of the small wind power market by making turbines more efficient and cost-effective. Small wind turbines can operate efficiently on wind speeds of just nine miles per hour.

The location of large commercial utility-scale wind farms are chosen for a variety of factors, including wind speed, and the ability to tie into interstate transmission lines gaining access to the electric grid.
Source: eia.gov/energyexplained/wind

Net Metering

Since 2009, private electricity generating facilities with capacity at or below 25 kilowatts may operate under Nebraska's net–metering statutes. Any excess generation produced by the system will be credited at the utility's avoided cost rate and carried forward to the next billing period. Any excess remaining at the end of an annualized billing period is to be paid out to the customer.

Solar/Wind Access

Municipalities are permitted to develop regulations or development plans protecting access to solar and wind energy

resources if they choose to do so. Local governing bodies may also grant zoning exemptions to solar and wind energy systems which would be restricted under existing regulations, so long as the exemption is not substantially detrimental to the public good.

Conservation Measures

There are different ways to improve energy efficiency and usage. These strategies range from simple (often less costly) to complex (often more costly). Unfortunately, not all of the solutions will have an immediate return on investment. Individual property owners and tenants will need to find strategies fitting their budgets to harvest long-term savings.

Some common ways to make a structure more energy efficient include:

- Converting incandescent light bulbs to Compact Florescent Lights (CFL) or Light Emitting Diodes (LED);
- Installing additional insulation;
- Replacing windows;
- Changing out older, less-efficient air conditioners and furnaces to newer high-efficiency units;
- Changing out older appliances with new EnergyStar rated appliances;
- Adding solar panels;
- Adding individual-scale wind energy conversion systems (WECS), and;
- Installing a geothermal heating and cooling system

Resources

Brownfields Assistance

A brownfield is a property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Reinvesting in these properties increases local tax bases, facilitates job growth, utilizes existing infrastructure, takes development pressures off of undeveloped, open land, and both improves and protects the environment.

ESAs

Sec. 128(a) Assessment are Environmental Site Assessments (ESAs) providing preliminary environmental information to determine if there is contamination on a property. The Nebraska Department of Environment and Energy offers these assessments at no cost.

These assessments are performed in accordance with the "all appropriate inquiry" requirements but may include additional activities such as nearby drinking water well sampling and testing building materials for asbestos, lead-based paint and/or mold.

The first part of the assessment examines the background, setting and past uses of a property. It includes a records review, site reconnaissance, interviews, and, as a final product, a report documenting the environmental conditions at the property.

The second part of the assessment examines and evaluates the conditions identified in the initial assessment. Soil and groundwater sampling and analyses are conducted to determine whether any contamination associated with any environmental conditions has occurred on the site. The results of the sampling and analyses are evaluated in the Assessment Report.
Source: dee.ne.gov

Energy Goals, Objectives, and Action Steps

The city will grow and develop in a manner that conserves the natural resources; minimizes potential conflicts between rural/urban residents; promotes compatible land uses; encourages compact development and an efficient provision of services.

Energy Goals

ENERGY-1: Zoning regulations and design standards should be created to protect the environmental and natural resources of Hickman through the encouragement of preservation and conservation practices.

ENERGY-2: Federal requirements and regulations relating to natural resources and environmentally sensitive areas shall be followed when land use regulations are developed. Hickman's regulations should, at a minimum, be as strict as federal standards, and where appropriate, enforced in a manner stricter than federal guidelines.

ENERGY-3: Protect all water supplies and aquifers from development activities that may affect the quality and/or quantity of water. Development demonstrating an adverse impact on surface or ground water supplies shall not be allowed

ENERGY-4: The conservation of natural resources is a priority in Hickman. Zoning and subdivision standards shall reflect conservation by allowing compact, mixed-use development and utilizing Conservation Easements and other regulatory tools.

ENERGY-5: Continue participation in the FEMA National Flood Insurance Program to prevent flood-caused loss of life and property, by applying identified mapped areas showing the floodplain and floodway.

ENERGY-6: Discourage development within the identified 100-year floodplain to avoid property loss during flood-events.

ENERGY-7: Cooperate on a regional level regarding stormwater management structures and control.

ENERGY-8: Enforce and monitor the requirements for stormwater management under the National Pollutant Discharge Elimination System ("NPDES") Phase II program.

ENERGY-9: The city will, in making land use decisions relative to industrial or other uses likely to pose a threat to air quality, consider proximity of the proposed use to residential areas and meteorological factors such as prevailing wind direction and velocity.

ENERGY-10: Promote the planting of desired species of trees recommended by the standards of the Nebraska Forest Service. All trees planted on city-owned property will comply with the recommendations.

ENERGY-11: Enforce standards for landscaping and plant materials via subdivision regulations

ENERGY-12: Encourage rain barrels and the conservation or containment of stormwater runoff. The scale and context of rain barrels shall be addressed in design standards or neighborhood covenants.

ENERGY-13: Promote the development of bioswales in areas as a means to contain stormwater runoff at the neighborhood and property levels.

ENERGY-14: Energy efficiency and conservation shall be a priority in the investment in community facilities. The City of Hickman shall lead this effort by policy and practice.

ENERGY-15: The City shall identify and promote energy efficiency incentives and education offered by

City owned or partnered utility providers.

ENERGY-16: Development should not occur within the established 100-year floodplain

Energy Objective 1: Increase the energy efficiency of buildings within Hickman. (ENERGY -15)

Action Steps

1. Educate homeowners regarding practical energy efficiency measures.
2. Partner with Norris Public Power District and Nebraska Public Power District to enhance Hickman's understanding of energy use patterns, rates, programs, and incentives
3. Encourage energy conservation through the siting of development and landscaping standards by updating the subdivision regulations.
4. Review and update zoning and building codes to reflect the promotion of on-site renewable energy generation such as solar, wind, and geothermal.
5. Explore opportunities within the Capital Improvements Plan to supplement public facilities investments with on-site renewable energy generation.

Responsible Group/Agency: City Administration, Businesses, Property Owners, Residents, Norris Public Power, Nebraska Public Power

Potential Resources: Private investments, Nebraska Department of Energy, Usage Fees, Utility Providers

Energy Objective 2: Educate Hickman residents regarding the Comprehensive Plan Energy Element (ENERGY-16)

Action Steps

1. Use the city website to inform citizens of the City's energy related efforts, as well as provide energy saving tips.
2. Recognize local projects that support the goals and strategies of the energy element.
3. Working with Norris Public Power, and other utility providers; package available energy efficiency incentives into an informational flyer/pamphlet for distribution to Hickman and area residents.
4. Review the Energy Element on annual basis, coinciding with the Comprehensive Plan document as a whole, for updates and relevancy.

Responsible Group/Agency: City Administration, Residents

Potential Resources: General Funds, Sponsorships, Nebraska Department of Energy

Chapter 9
Hazards

Hazard Mitigation

Hazard mitigation planning reduces loss of life and property by minimizing the impact of disasters. It begins with local governments identifying natural and manmade disaster risks and vulnerabilities common in their area. After identifying these risks, they develop long-term strategies for protecting people and property from similar events. Mitigation plans are key to breaking the cycle of disaster damage and reconstruction.

The impacts of hazard and potential damage can be avoided, or at least lessened, with thoughtful land use and development practices. Hazard mitigation informs the entire emergency management cycle.

This chapter summarizes findings from the draft form of the Lower Platte South Natural Resources District ("NRD") Hazard Mitigation Plan 2025, and references resources for mitigation planning. The hazard mitigation plan will be adopted after the adoption of this Comprehensive Plan.

The Federal Emergency Management Agency ("FEMA") requires hazard mitigation plans be updated every five years to reflect changing conditions. This Comprehensive Plan should itself be updated to reflect any changes in the hazard mitigation plan.

Hazard Mitigation Plan

The Lower Platte South NRD Hazard Mitigation Plan is being updated by JEO Consulting Group, and will be approved by FEMA in compliance with requirements of the Disaster Mitigation Act of 2000. Developing a hazard mitigation plan is not only good public policy for a resilient community, but participation in and adoption of a hazard mitigation plan is also required to become eligible for certain federal funding sources.

The 2025 plan update process is being sponsored by the Lower Platte South Big Blue NRDs and is being lead by local planning representatives from NRDs and Emergency Management offices in Cass, Otoe, Lancaster, Seward, Butler, and Saunders Counties. The City of Hickman is being represented by the City Administrator and the Director of Permits, Codes, and Zoning.

Hazard Mitigation Goals and Objectives

The hazard mitigation plan will include goals, objectives, and action items, including:

- Goal 1: Protect the Health and Safety of the Public
- Goal 2: Reduce Future Losses from Hazard Events
- Goal 3: Increase Public Awareness and Education on the Vulnerability to Hazards
- Goal 4: Improve Emergency Management Capabilities
- Goal 5: Pursue Multi-Objective Opportunities (whenever possible)
- Goal 6: Enhance Overall

Resilience and Promote Sustainability

Critical Facilities

The hazard mitigation plan will identify a broad range of Critical Facilities for each participating jurisdiction. For the City of Hickman, these include a meeting hall, a church, park facilities, and city facilities.

Hazard Risk Assessment

The hazard mitigation plan will include a description of the hazards considered, including a risk and vulnerability assessment.

Top Hazards of Concern

Each participating entity has begun ranking hazards with the potential to affect their own jurisdiction. For the City of Hickman, the top hazard of concern included:

- Hazardous Materials Release (Transportation)
- Dam Failure
- Drought/Grass/Wildfires/Fire Protection
- Flooding
- High Winds and Tornadoes (Tornadoes)

Mitigation Strategy

The primary focus of the mitigation strategy is to identify action items to reduce the effects of hazards on existing infrastructure and property based on the established goals and objectives. These actions consider the most cost effective and technically feasible manner to address risk.

The intent of each goal and set of objectives is to develop strategies to account for risks associated with hazards and identify ways to reduce or eliminate those risks. Local planning teams will be evaluating and prioritizing mitigation and strategic actions. These actions included: the mitigation and strategic actions identified per jurisdiction in the previous plan; additional mitigation and strategic actions discussed during the planning process; and recommendations from consultants for additional mitigation and strategic actions based on risk probability and vulnerability at the local level.

Planned actions to implement the hazard mitigation strategies for the City are presented below. The actions listed are in draft form, and will be implemented into the 2025 hazard mitigation plan. Responses to questions asked by JEO during the planning process are listed in quotation.

Hazard 1: Hazardous Materials Release (Transportation)

Chemical transportation spills are a concern for the local planning team due to the potential contamination of land and surface water. While no significant events have occurred locally, the City experiences heavy traffic flows through town on highways and rail lines which can be carrying hazardous materials. Transportation routes of top concern include the BNSF rail line, 68th St, and Hickman Road. Critical facilities including City Hall by the rail line and the Fire Department on Hickman Road are vulnerable to chemical transportation spill incidents.

What has the community done to mitigate the risk of this hazard?

"This project has not yet started."

What needs to be done to reduce the risk of this hazard?

1. "Conduct tabletop exercises with City Staff to determine the level of response and corresponding scenarios in the event of a chemical transportation spill."
2. "Have emergency contact sheets readily available for any employee to implement. The notification sheets should define the level of emergency and script to be used when communicating with our mutual aid emergency contact professionals. Including location of emergency and who they will be coordinating with from the City. Include the Mayor, City Administrator and Public Works Director's phone numbers for communication of the event and be updated when changes are made to ensure the flow of information during an event."

Hazard 2: Dam Failure

The City of Hickman has three high hazard dams surrounding the community. One, Upper Salt Creek 35-A, is located directly northeast of the city boundaries. The dam is owned and managed by the Lower Platte South NRD. Two, Salt Creek 8 – Wagon Train dam is located east of Hickman. Three, Salt Creek 9 – Stagecoach Dam is located southwest of Hickman. Evacuation mapping is needed for Stagecoach and Wagon Train dam failures.

High hazard dams are required to have Emergency Action Plans in the case of a dam failure. While no dam failure events have occurred on record, dam failure is a hazard of concern due to the

high potential for property damage and loss of life.

Have there been any changes since the last plan?

"Yes, Wagon Train Lake was drained in 2022 to remove sediment build up on the bottom and are waiting on rains to refill the lake. Water levels are very low two years later, presenting less risk than in previous years. "

What has the community done to mitigate the risk of this hazard?

- "High Hazard Dam 35-A has emergency contact sheets with notification sheets that define the level of emergency and script to be used when communicating with our mutual aid emergency contact professionals. It includes the location of the dam."
- "The two other dam emergency contact action plans have not yet been started."

What needs to be done to reduce the risk of this hazard?

1. "Conduct tabletop exercises with City Staff to determine the level of response scenarios in the event of a dam failure and determine how to designate a point of gathering at the onset of an emergency event."
2. "Emergency contact sheets should be readily available at each location used as a point of gathering during an emergency and should include the current Mayor, City Administrator and Public Works Director's phone numbers and be updated when changes are made to ensure the flow of information during an event."

Hazard 3: Drought/Grass/ Wildfires/Fire Protection

The City's water system includes four metered wells which are monitored monthly for water level. The County has a drought monitoring board, but the City has its own drought response plan that has been used in previous dry years for water restrictions. The City has high nitrates in some wells which can be exacerbated by drought conditions. During past drought periods the local water supply has been sufficient. However, the local planning team indicated with the population growth Hickman has experienced, additional water supplies are currently being investigated for any future events.

The Rural Fire Protection District built a new station in Hickman. Rural fires within the south district of Lancaster County are under the coverage of the station, along with the mutual aid of surrounding rural fire stations. During fire emergencies they generally fill their grass rigs and tanks at the nearest community to the fire, however, some small communities do not have a large amount of storage or pumping ability to supply the needs, so they supplement the need for water by coming to Hickman or another adequate facility. During the October 2022 Hallam fire event, water was utilized from Hickman. The fire destroyed three homes and injured two firefighters.

What has the community done to mitigate the risk of this hazard?

- "Beginning June 2021, the city implemented mandatory odd and even watering days beginning May 1st and ending September 30th each year including a policy for warnings and fines. This policy has continued yearly."
- "The City has completed construction of additional water vessels which have doubled the capacity for treatment to 1300 gpm (gallon per minute) design and 1800 gpm max."
- "The City drilled two test wells in search of new water sources and did not have success."
- "An option is to redrill the current wells to a larger diameter and install a turbine pump to increase the volume available to pump."
- "An option is to install a 2-million-gallon ground storage facility at the treatment plant with a high service pump to supplement our current 300,000-gallon water tower. This would allow the use of the current wells and decrease the head pressure, which will increase the ability to pump more water to the storage containers."
- "Increasing water storage will increase our fire protection capabilities. Our peak usage is 1.029 mgd (million gallons per day) on average in the summer runs 0.8 mgd."
- "Transmission line replacement and upgrade from 10" to 16" from the water treatment plant to the city limits within the next 2 years."
- "We are adding a booster station at the current water tower location to increase water pressures in the city for residents and businesses north of Hickman Road."
- "Design phase of the booster

pump on the water tower property."

What needs to be done to reduce the risk of this hazard?

1. "Increase water volume by either revamping current wells or drilling new ones."
2. "Complete installation of the booster pump on the water tower property."
3. "Increase the water transmission line to 16" line from the water treatment facility to the city limits."
4. "Increase water storage capacity to two times (2x) the peak usage for fire safety."
5. "Budget for the construction of a 2-million-gallon storage tank adjacent to the water treatment facility and include it in the capital improvement plan."
6. "Seek funding sources and grants to offset the cost of the storage tank.
7. "Add a booster station at the current water tower location to increase water pressures in the city for residents and businesses."

Hazard 4: Flooding

The local planning team identified flooding as a significant concern for the community. The local planning team estimated that future flood events could impact more than 40 percent of the city's population and would interrupt critical facility operations. Approximately ten percent of the structures located within the city are within the one percent annual flood risk area. There are several facilities located in the floodplain including the two City Maintenance Shops.

Have there been any changes since the last plan?

"Yes."

Does this accurately describe your community's risk or concern related to this hazard?

"Yes."

Please describe any recent events and their impacts on the community.

- "In June 2020 high winds and intense rain caused the main park and downtown area to experience flooding. The Salt Creek backed up into Main Park which then washed-out part of the BNSF railroad tracks which allowed water to flow in the downtown area. Damage occurred to the railroad tracks, playground equipment, trails, ball fields, and several downtown businesses and houses. Tree limbs and several trees throughout town fell to the ground. Two fireworks tents were collapsed and damaged."
- "Most recently high winds events occurred on June 1 and June 16, 2024, both left tree debris in Main Park area, on the city trail system and across city streets."

What has the community done to mitigate the risk of this hazard?

- "We continue to follow our floodplain regulations and in December of 2023, we updated them to include more definitions, diagrams and pictures with the goal of making them easier to follow and understand. Within the update, the city opted to prohibit the placement of manufactured (mobile) homes within the special flood hazard area as we currently do not have any located in SFHA."
- "The city has moved many vehicles and equipment to a shop not located in the floodplain."

What needs to be done to reduce the risk of this hazard?

1. "Create a plan and contract with a person(s) to record a drone fly over of the Hickman Branch of Salt Creek, focusing on the area from the overpass around the back of Main Park to Hickman Road. Main Park is the recurring source of floodwaters and debris causing damage to play equipment, trails and it becomes an entry point to downtown business and houses."
2. "Use the footage to identify areas with fallen trees and beaver dams which need to be cleared for flow."
3. "Flood Administrator and Public Works to review the drone recordings at least every six months."
4. "Keep a historical record for reference and track changes to the stream bank."
5. "Have a drone fly over immediately after each intense rain event to identify hot spots not seen under normal conditions."
6. "Create and budget for mitigation to clear the debris and stabilize stream banks as needed. Work with adjacent property owners who have portions of the Salt Creek run through their land and need to be cleared as it affects their property as well."

Hazard 5: High Winds and Tornadoes (Tornadoes)

A tornado in October 2013 damaged nine residential homes with significant hail and damaged the local schools. Municipal records are backed up locally to the cloud. Hickman has one warning siren located on Chestnut Street which is activated by Lancaster County Emergency Management. There are no FEMA certified safe rooms in Hickman. The City has mutual aid agreements and additional resources identified in the Lancaster County Local Emergency Operations Plan.

Have there been any changes since the last plan?
"No ."

Does this accurately describe your community's risk or concern related to this hazard?
"Yes."

Please describe any recent events and their impacts on the community.

- "In June 2020 high winds and intense rain caused the main park and downtown area to flood. The Hickman Brach of the Salt Creek backed up into Main Park which washed -out part of the BNSF railroad tracks allowing the flood water to flow in the downtown area. Damage occurred to the railroad tracks, playground equipment, ball fields, and several downtown businesses. Tree limbs and several trees throughout town fell to the ground. Two fireworks tents were collapsed and damaged."
- "Most recently high winds events June 1 and June 16, 2024, left debris scattered throughout the city."
- "As we have learned from recent tornadoes in Omaha and surrounding areas there are items and land needed for alerting, sheltering after an event, searching, restricting access to the areas to prevent looters, debris removal, central command center, FEMA trailers for showers and restrooms, donation drop off site, and more as needed."

1 What needs to be done to reduce the risk of this hazard?

1. "Backup generator for City Hall to power for a group of residents who may need to shelter in place for a period until housing can be found for them. Have a pet policy in place, which may include an off-site location or two separate shelter locations."
2. "Backup generator hard wired at each well site."
3. "Provide protection of the backup generator, either place in a building or build a structure to house them safely."
4. "Evaluate working order and power capabilities of the city's portable generator as it was purchased in 2008."
5. "Hardwired full capability backup generators are needed for water and wastewater treatment facilities."
6. "Keep a log of planned maintenance checklist standard inspections for all generators (including portable)."
7. "Designate an area for post-storm shelter and FEMA trailers if necessary."
8. "Hardwire warning alert sirens."
9. "Account for the number of vehicular barriers and access the number of entry points to the city as continued growth has added new roads and entrances to Hickman. Increase the number of barriers as needed to adequately protect the City from trespassers post-storm event."
10. "Have adequate signage to put on the barricades or in what was the ROW to direct people."
11. "Have adequate signage to put out in key areas as identified ahead of time in case of downed communications directing people to shelters and contact information."
12. "Conduct tabletop exercises with City Staff to determine the level of response scenarios in the event of a dam failure and determine how to designate a point of gathering at the onset of an emergency event."
13. "Emergency contact reference book should be readily available at each location used as a point of gathering during an emergency and should include the current Mayor, City Administrator and Public Works Director's phone numbers and be updated when changes are made to ensure the flow of information during an event."

Plan Maintenance

Each participating jurisdiction in the hazard mitigation plan is responsible for monitoring, evaluating, and updating the plan during its five-year lifespan. Plan review and updates should

occur annually, with a complete update occurring every five years. At the discretion of the governing body, updates may be incorporated more frequently, especially in the event of a major hazard or as additional mitigation needs are identified.

This comprehensive plan should also be reviewed regularly and updated when the hazard mitigation plan is revised.

Lancaster County Local Emergency Operations Plan

The Lancaster County Local Emergency Operations Plan establishes standardized policies, plans, guidelines, and procedures for emergency resources and governmental entities to respond and recover when a disaster event occurs. It contains information regarding direction and control, communications and warning, damage assessment, emergency public information, evacuation, fire services, health and human services, law enforcement, mass care, protective shelters, utilities and resource management. Hazards of priority information from the last LEOP (2017) was incorporated into the 2020 HMP. This plan was updated in 2021 and is reviewed every five years.

Resources

FEMA and the American Planning Association work together to provide resources to communities for hazard mitigation planning. Their report *Hazard Mitigation: Integrating Best Practices into Planning* (2010), identifies effective multi-jurisdictional hazard mitigation strategies and tools based on a series of case studies for large and small towns and rural jurisdictions across the United States.

In 2020, the APA adopted a Hazard Mitigation Policy Guide, which includes 13 Guiding Policies on hazard mitigation. The guide supplements and updates APA's earlier report, with a focus on recent severe hazard occurrences. Plans need to consider not just mitigation, but adaptation to changing conditions and situations.
Source: planning.org/nationalcenters/hazards

Policies

Policy 1: Supporting the current Plan

The City provides adequate support for goals and objectives of the Hazard Mitigation Plan once adopted.

Policy 2: Flood Protection

The City maintains conformance with the National Flood Insurance Program ("NFIP"), and considers participating in the FEMA Community Rating System ("CRS") to provide flood insurance premium discounts to property owners and tenants.

HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 9.1: FLOODPLAIN

Martell Rd

Martell Rd

S 38th St

S 68th St

S 82nd St

S 96th St

S 54th St

Hickman Rd

Hickman Rd

Wagon Train Rd

Stagecoach Rd

S 38th St

S 54th St

S 68th St

S 82nd St

S 96th St

Lancaster County, NE GIS, Maxar

LEGEND

- City Limits
- Railroad
- Highway
- Roca 1-Mile ETJ
- Parcels
- Hickman 1-Mile ETJ

Flood Risk

- 0.2% Annual
- 1% Annual
- Floodway

N

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PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.1 0.2 0.4 Miles

Chapter 10
Land Use

Hickman's Land Use

Land use and development are the primary focus of the Comprehensive Plan. The land use element does not regulate land use - it is a general guide for future decision making. The Comprehensive Plan is not regulatory; however, the Plan reflects the community's ability and preferences to guide and plan for development and land use policy.

The Comprehensive Plan - in particular the land use element - plays a fundamental role as the substantive basis for regulations implementing the Plan such as zoning, subdivision, and floodplain management. A clear land use element provides a vision for the future and helps prevent, or at least minimize, conflicts between different uses of land.

It is essential for the land use element to reflect the wants and needs of Hickman's residents and property owners, within the constraints of the landscape. This chapter addresses the statutory requirements of the land use element, describes existing land use, and presents the future land use plan. This chapter also discusses the community character of Hickman and action items for building on this unique character.

Land Use Element

This section is intended to meet the requirements in Neb. Rev. Stat. §19-903(1) that the Comprehensive Plan include: "A land-use element which designates the proposed general distributions, general location, and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land".

The land use element is based on an understanding of how Hickman's citizens have built their community. All of the other elements presented so far in this plan, from demographics to hazard mitigation, inform the analysis of existing land use to determine recommendations for future land use.

Existing Land Use

Land in Hickman and the surrounding area has been developed for many different purposes. Existing land use includes both the use of buildings and parcels of land. The use of land is constantly changing - this Plan presents a snapshot in time of existing land use. It is essential to have a solid understanding of existing land use at a point in time to carefully consider future land use policy.

Existing Land Use Categories

The utilization of land is best described in specific categories providing broad descriptions where numerous businesses, institutions, and structures can be grouped. For the purposes of the

Comprehensive Plan, the following land use classifications are used:

- Vacant/Agriculture;
- Single-Family Residential;
- Multi-Family Residential;
- Public/Institutional;
- Commercial;
- Utilities, and;
- Transportation/ROW

Land Use Constraints

While certain areas are well situated for different types of growth and development, they may also be subject to constraints discussed throughout this plan. These constraints may direct development elsewhere, or they may simply be issues to be improved and resolved. Constraints to land use include concerns such as:

- Water availability;
- Limited opportunities for in-fill development;
- Neighborhood impacts of existing commercial and industrial uses, including visual blight;
- Cost to extend infrastructure including streets, electricity, water, and sewer service;
- Agricultural uses;
- Transportation such as highways and railroads;
- The reach of the gravity-fed sewer system, without adding lift stations, and;
- Willingness of adjacent property owners to sell land at prices which the market will support

Table 10.1: Existing Land Uses

Use	Acres	Share of Developed Area (acres)	Share of Total Area (acres)
Residential	1,134.1	66.9%	19.5%
Single-Family	1,100.9	64.9%	18.9%
Multi-Family	33.2	2.0%	0.6%
Public/Institutional	198.7	11.7%	3.4%
Commercial	36.6	2.2%	0.6%
Utilities	13.5	0.8%	0.2%
Transportation/ROW	3,12.4	18.4%	5.4%
Total Developed Land	1,695.2	100.0%	29.1%
Vacant/Agriculture	4,121.0	-	70.9%
Total Area	5,816.2	-	100.0%

Source: Marvin Planning Consultants

Extraterritorial Jurisdiction

The City of Hickman has planning and zoning jurisdiction over the unincorporated area of Lancaster County within one-mile of the city limits, known as the extraterritorial jurisdiction or ETJ. The Future Land Use Plan also applies to the ETJ, with or without annexation into the city limits.

Future Land Use

The Future Land Use Plan is intended to be a policy guide to how land will be used in the future, balancing private sector development with the public interest, so the city can effectively and efficiently deliver public services. The future land use categories cover areas inside current city limits, future annexation areas, and the extraterritorial jurisdiction. The categories in the Future Land Use Plan are as follows:

- LDR - Low-Density Residential
- MDR - Medium-Density Residential
- HDR - High-Density Residential
- C - Commercial
- MU - Mixed-Use
- LI - Light Industrial
- P/R - Parks and Recreation
- P/Q-P - Public/Quasi-Public

HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 10.1: EXISTING LAND USE

Martell Rd

Martell Rd

S 38th St

S 68th St

S 82nd St

S 96th St

S 54th St

Hickman Rd

Hickman Rd

Wagon Train Rd

Stagecoach Rd

S 38th St

S 54th St

S 68th St

S 82nd St

S 96th St

Lancaster County, NE GIS, Maxar

LEGEND

- City Limits
- Railroad
- Highway
- Roca 1-Mile ETJ
- Hickman 1-Mile ETJ

Land Use

- Agricultural/Vacant
- Single Family
- Multi-Family
- Public/Institutional
- Commercial
- Utilities

N

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PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.1 0.2 0.4 Miles

HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 10.2: FUTURE LAND USE

Martell Rd

Martell Rd

S 38th St

S 68th St

S 82nd St

S 96th St

S 54th St

Hickman Rd

Hickman Rd

Wagon Train Rd

Stagecoach Rd

S 38th St

S 54th St

S 68th St

S 82nd St

S 96th St

Lancaster County, NE GIS, Maxar

LEGEND

- City Limits
- Railroad
- Highway
- Roca 1-Mile ETJ
- Parcels
- Hickman 1-Mile ETJ

District

- Low-Density Residential (LDR)
- Medium-Density Residential (MDR)
- High-Density Residential (HDR)
- Commercial (C)
- Mixed-Use (MU)
- Light Industrial (I)
- Parks and Recreation (P/R)
- Public/Quasi-Public (P/Q-P)

N

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0 0.1 0.2 0.4 Miles

LDR - Low-Density Residential

General Purpose

Due to the mixture and blending of different residential uses and densities, the Hickman Future Land Use Plan recognizes this blending through a multi-level density approach. The Low Density Residential land use district includes both existing and new residential neighborhoods, including the Missing Middle concept.

Some areas within Hickman where this land use district is identified are ideal for infill development and redevelopment.

Compatible Uses

1. Residential single-family dwellings
2. Missing Middle residential development (such as cottage court, townhouses, duplex, tri-plex)
3. Accessory Dwelling Units ("ADUs")
4. Residential care facilities
5. Public facilities (such as fire stations, public utility substations, community centers, etc.)
6. Religious and Educational uses and structures
7. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Industrial uses
2. Large scale commercial. Small scale commercial, such as corner stores or bodegas, may be compatible

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access
3. Natural amenities such as trees and waterways
4. Topography and drainage
5. Municipal water and sewer availability
6. Sidewalks and multi-modal accessibility

Special Policies

1. Densities should be up to seven dwelling units per acre with city water and sewer services
2. Missing middle dwelling units need to be designed to match the architectural context of neighborhood

MDR - Medium-Density Residential

General Purpose

The Medium Density Residential land use district includes both existing and new residential neighborhoods with a mix of single-family, two-family, and multi-family dwellings on small to moderately-sized lots with supporting community facilities. It is intended to encourage creative development patterns and adaptive reuse of existing structures. Streets are paved with sidewalks, curb, and gutter.

Compatible Uses

1. Residential single-family dwellings
2. Missing Middle residential development (such as cottage court, townhouses, duplex, fourplex)
3. Accessory Dwelling Units ("ADUs")
4. Residential care facilities
5. Small-scale mixed-use development
6. Public facilities (such as fire stations, public utility substations, community centers, etc.)
7. Religious and Educational uses and structures
8. Renewable Energy facilities, within performance standards

Incompatible Uses

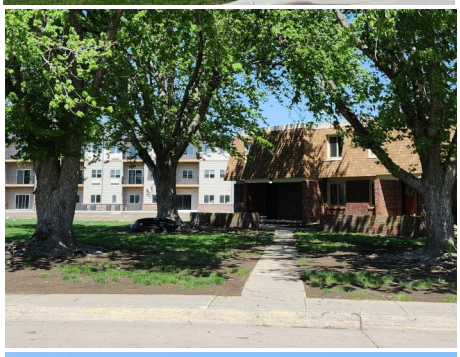
1. Industrial uses
2. Commercial uses, except in small scale mixed use developments

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access
3. Natural amenities such as trees and waterways
4. Topography and drainage
5. Municipal water and sewer availability
6. Sidewalks and multi-modal accessibility

Special Policies

1. Densities should range between seven and 15 dwelling units per acre
2. Density may be increased for small lot development



HDR - High-Density Residential

General Purpose

The High Density Residential land use district includes both existing and new residential neighborhoods with multi-family residential development on moderate to large-sized lots with supporting community facilities. It is intended to encourage creative development patterns. Streets are paved with sidewalks, curb, and gutter. This land use type is ideally located near intersections of arterial streets to act as a buffer between more high intensity uses and lower density residential uses.

Compatible Uses

1. Missing Middle residential development (such as cottage court, townhouses, duplex, fourplex)
2. Multi-family residential development/apartment complexes
3. Residential care facilities
4. Large-scale mixed-use development
5. Public facilities (such as fire stations, public utility substations, community centers, etc.)
6. Religious and Educational uses and structures
7. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Industrial uses
2. Commercial uses, except in large-scale mixed use developments

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access
3. Natural amenities such as trees and waterways
4. Topography and drainage
5. Municipal water and sewer availability
6. Sidewalks and multi-modal accessibility

Special Policies

1. Densities should start at 15 or above dwelling units per acre

C - Commercial

General Purpose

The Commercial land use district provides for a variety of commercial uses, typically located along arterial and collector streets and roads.

Compatible Uses

1. Commercial retail and services uses
2. Accommodations and food/beverage services
3. Arts, entertainment, and recreation
4. Auto service uses (such as auto sales or repairs)
5. Multi-family residential development
6. Mixed-use development
7. Public facilities (such as fire stations, public utility substations, community centers, etc.)
8. Religious and Educational uses and structures
9. Wireless telecommunication facilities
10. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Single-family residential development, unless included in an overall mixed use concept

Issues

1. Off-site impacts—visual, noise odors, runoff
2. Traffic and site access, and parking
3. Municipal water availability and connections
4. Sewer system connections
5. Flood hazard areas
6. Natural amenities such as trees and waterways
7. Sidewalks and multi-modal accessibility

Special Policies

1. Effective minimum lot area should be based upon adequate space for vehicular movement and parking
2. Developments of one acre or more may be required to meet the standards of NPDES permitting
3. Developments which create more than a 5% increase in runoff may be required to construct a detention basin to control runoff
4. Screening should be provided between residential and commercial/industrial property
5. Landscaping should be provided along arterial and collector streets and roads, and in parking lots
6. Limit new access along arterial and collector streets

MU - Mixed-Use

General Purpose

The Mixed Use land use district is intended to accommodate a flexible blend of commercial and industrial uses. These areas are typically located along arterial highway corridors or arterial streets.

Compatible Uses

1. Commercial retail and services uses
2. Accommodations and food/beverage services
3. Light manufacturing and warehousing, inside a structure
4. Commercial grain storage and agricultural services, when off-site impacts and hazards are mitigated
5. Auto service uses (such as auto sales or repairs)
6. Public facilities (such as road maintenance storage, fire stations, public utility substations, community centers, etc.)
7. Wireless telecommunication facilities
8. Oil and gas production and services
9. On-site renewable energy facilities, within performance standards

Incompatible Uses

1. Residential development, other than caretaker/watchman quarters

Issues

1. Off-site impacts - visual, noise odors, runoff
2. Traffic and site access, and parking
3. Groundwater / Municipal water availability and connections
4. Sewer system connections
5. Flood hazard areas
6. Natural amenities such as trees, and waterways

Special Policies

1. Effective minimum lot area should be based upon adequate space for vehicular movement and parking
2. Developments of one acre or more may be required to meet the standards of NPDES permitting
3. Developments which create more than a 5% increase in runoff may be required to construct a detention basin to control runoff
4. Screening should be provided between residential and commercial/industrial property
5. Landscaping should be provided along arterial and collector streets and roads, and in parking lots
6. Limit new access along arterial streets and roads

LI - Light Industrial

General Purpose

The Light Industrial land use district is intended to provide for manufacturing and warehousing uses. These uses typically require larger tracts of ground and have multiple buildings on a site. Location of industrial uses needs to be sensitive to other uses, in particular to residential areas, which may require screening and mitigation of impacts.

Compatible Uses

1. Manufacturing (indoors and outdoors)
2. Warehousing, outdoor storage, and self-storage
3. Data centers
4. Commercial grain storage and agricultural services
5. Farm machinery and vehicle sales and service
6. Auto and large vehicle service uses (such as auto sales or repairs)
7. Accessory retail use of products manufactured on-site
8. Off-site commercial advertising (billboards)
9. Public facilities (such as road maintenance storage, fire stations, public utility substations, community centers, etc.)
10. Wireless telecommunication facilities
11. Renewable energy facilities, within performance standards

Incompatible Uses

1. Residential development, other than caretaker/watchman quarters

Issues

1. Off-site impacts - visual, noise, odors, runoff
2. Traffic, especially truck traffic, and site access, and parking
3. Groundwater / Municipal water/wastewater system availability
4. Topography
5. Flood hazard areas
6. Off-site commercial advertising (billboards) may lead to blight conditions

Special Policies

1. Effective minimum lot sizes based upon adequate space for vehicular movement, parking, and drainage
2. Developments of one acre or more may be required to meet the standards of NPDES permitting
3. Developments which create more than a 5% increase in runoff may be required to construct a detention basin to control runoff
4. Outdoor storage should be protected by security fencing, and may require a solid visual buffer
5. Data centers need to be located near power supply

P/R - Parks and Recreation

General Purpose

The Parks and Recreation land use district provides for parks and recreation sites. Parks should also be provided in all areas with new residential neighborhoods.

Compatible Uses

1. Local and County parks and recreation areas
2. Golf courses and accessory uses
3. Non-profit conservation lands

Incompatible Uses

1. Industrial development
2. Livestock operations which cannot mitigate impacts

Issues

1. Natural amenities such as trees, and waterways
2. Sidewalks and multi-modal accessibility

Special Policies

1. For major regional recreation facilities, new access along arterial streets and roads should be limited

P/Q-P - Public/Quasi-Public

General Purpose

The Public/Institutional land use district provides for public and institutional facilities. These facilities are also located throughout the community in other land use districts.

Compatible Uses

1. City and County buildings and facilities
2. State and Federal buildings and facilities
3. Non-profit buildings and facilities
4. Renewable Energy facilities, within performance standards

Incompatible Uses

1. Livestock operations

Issues

1. Traffic and site access, and parking
2. Flood hazard areas
3. Sidewalks and multi-modal accessibility

Special Policies

1. Public and non-profit land holdings may have long-term impacts on property tax revenues
2. Limit new access along arterial streets and roads

Community Character

Every community has a unique character distinguishing a specific place from every other place. Character encompasses many aspects of the community, from the street grid, lots and blocks, to the brick storefronts downtown and homes in tree-lined neighborhoods, to the extensive prairie stretching from the city into the countryside.

Signage and Wayfinding

Community character includes a combination of physical and psychological experiences. Residents and visitors learn to "read" a place based on formal and informal clues.

Community Entrances

There is only one chance to make a first impression on visitors, and potential new residents and employers. Community entrances are a statement welcoming new and returning people to town. A well-designed monument sign conveys a message more than mere words. Entrance signs should reinforce the community brand with curbside appeal. Landscaping improves this appeal.

Wayfinding

Wayfinding refers to how people find their way around the community. Appropriate signage helps people walk and/or drive to specific locations in the community. Wayfinding would more easily direct visitors to downtown, public facilities, and city parks.

A unified wayfinding system does not need to be elaborate, but it does need to easily convey a message as well as be legible to drivers as well as pedestrians.

Signage

Signs are an important form of communication. Sign control - or the lack of sign control - can have a significant impact on the community's appearance and economic competitiveness.

The image of a community is fundamentally important to its economic vitality and the signs along a community's streets can greatly affect the image of a place. Sign clutter is ugly, costly, and ineffective; "When everyone shouts, no one can be heard."

Commercial signage on the street and building front helps people get where they need to go. A good sign code is pro-business because an attractive business district will always attract more customers than an ugly one. Signs can be well designed at a human scale, or they can create visual clutter and distracted driving as pedestrians and motorists search for their destination.

On city streets, ground-mounted monument signs are an effective form of commercial signage. They can also be designed to fit into the overall architectural character of a specific building or development.

Landscaping

Landscaping is critical to creating a positive community character. It also filters drainages (such as bio-swales) and provides buffers; Landscaping makes a particular impression in areas such as:

- Along streets, especially major thoroughfares;
- Along parking barriers;
- Near commercial and public buildings, and;
- In public spaces

Landscaping should include a variety of organic and hardscape materials, appropriate to Hickman's environment. These may include:

- Xeriscaping (not "zero-scape);
- Grass and ground cover;
- Shrubs and trees, and;
- Street furniture

Street trees, for example, not only improve the appearance of the community, but also provide erosion control and drainage as well as breaking up large expanses of concrete and asphalt.

As new development and re-development occurs in Hickman, the City should work closely with developers and property owners to ensure there is appropriate landscaping installed and maintained to improve the appearance of the community.

Cluster or Conservation Subdivisions/Planned Unit Developments

The Cluster Subdivision is designed to "cluster" building lots into certain pockets of the site. Generally, these pockets are located where the least amount of negative impact will be made to the natural environment.

In addition, the Cluster Subdivision provides a means to create new neighborhoods where natural amenities are present, such as mature trees, slopes, streams and buffers. The Cluster Subdivision will be one of the most powerful tools the City and Developer have to preserve parts of the existing natural environment.

Subdivisions should be designed

using principles of environmental conservation and clustering. When clustering is used in subdivision design, the same number of dwelling units can be realized while natural features are preserved. The preserved areas can be used as natural open spaces, linear parks, or trails. This can have the effect of increasing property values as people are drawn to live in areas with environmental amenities.

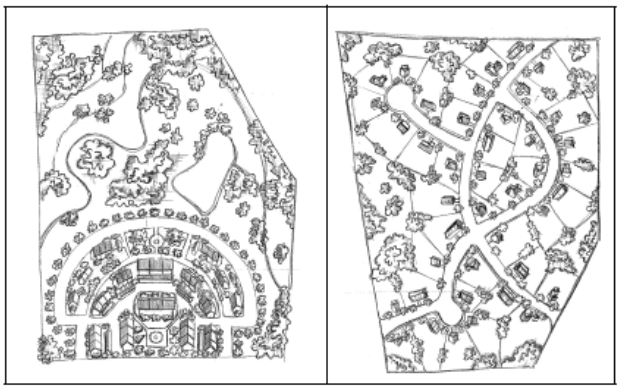
Another beneficial effect often accompanying cluster development is as developers utilize this technique, Hickman can recognize an overall increase in open space without having to increase the park system.

Density bonuses can be used to encourage developers to preserve natural space within their developments, while still developing approximately the same number of lots can do this. The Figure show how clustering concepts can be used to develop the same number of lots in a smaller area, thereby preserving natural features such as tree clusters.

Ghost Platting

Per the City of Hickman's current Zoning Regulations, a ghost plat is a subdivision or re-subdivison concept plan illustrating possible future lot layout, street networks, and utility systems for oversized lots, outlots, or undeveloped land within or adjoining a preliminary plat. When making future land us decisions, this a concept the City should continue to refer to.

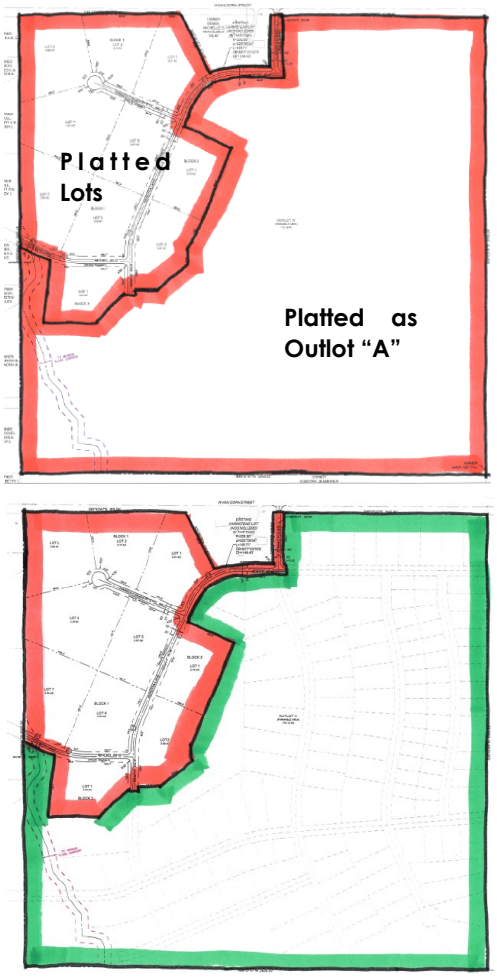
Figure 10.3: Subdivision Types



Conservation subdivisions (left) feature smaller lots with a high percentage of open space. Conventional subdivisions (right) feature large lots with little common open space. A conventional subdivision is subject to all of the base zoning district standards, such as minimum lot size, front setbacks, landscaping, and adequacy of public facilities.

Source: 21st Century Land Development Code; Freilich, Robert H., White, S. Mark; APA Planners Press 2008

Figure 10.4: Ghost Platting



Source: Marvin Planning Consultants

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Chapter 11 Annexation

Annexation

As cities grow in population, employment, and services, the municipal limits will need to expand to provide infrastructure to new development.

Annexation Element

This section is intended to meet the requirements in Neb. Rev. Stat. §19-903(5)(a) that the Comprehensive Plan include: "an identification of sanitary and improvement districts, subdivisions, industrial tracts, commercial tracts, and other discrete developed areas which are or in the future may be appropriate subjects for annexation and (b) a general review of the standards and qualifications that should be met to enable the municipality to undertake annexation of such areas."

Annexation Process

The State of Nebraska has established a process for municipalities to extend their corporate limits into contiguous areas, provided the criteria for such action is justified. An important consideration of annexation is the property in question may not be further than 500 feet from corporate limits of the municipality in order to be considered adjacent and contiguous.

There are two methods for annexing land into the corporate limits:

- Voluntary - Land requested to be annexed by the property owner(s), or;
- Involuntary - Any contiguous or adjacent lands, lots, tracts, streets, or highways which are urban or suburban in character and annexation is initiated by the municipality

Landowners desiring voluntary annexation of land must submit an annexation plat prepared by a licensed surveyor. The annexation plat must be approved by the City Engineer and filed with the City Clerk along with a written request signed by all owners of record within the proposed annexed area.

The City Council must make three separate readings of the annexation ordinance (waiver of the three readings is not allowed by State law for this process). A majority of the City Council must make affirmative votes in favor of an annexation at each reading to pass the ordinance.

A certified copy of the annexation ordinance shall then be filed with the County. The City has one year to develop a plan addressing the provision of services to residents of the annexed area.

With regard to annexation, the City should establish provisions for subdivision improvement agreements and non-contested annexation agreements with any future Sanitary Improvement Districts (SIDs). This type of agreement assures the City the

SID can be annexed at such time as it becomes necessary, without the SID contesting the action.

Boundary Changes Affecting State Aid

The Nebraska Department of Review sets forth procedures for reporting population changes due to boundary changes and the resulting effect on state aid. The municipality must submit the following documentation to the Department when a boundary change occurs:

1. A certified copy of the annexation ordinance;
2. A certified map of the municipality showing the area annexed (or de-annexed), and;
3. Calculations and basis for the population estimate by count of housing units multiplied by average persons per household in the most recent federal census, or by other method specified by the Department

The Department will review documentation within 60 days and certify the total new population of the municipality.
Source: revenue.nebraska.gov/government/municipal-boundary-changes

Potential Future Annexation Areas

The City of Hickman should consider annexation of adjacent property to assure the proper provision of health and safety public services.

Proposed Annexation Areas

Near-term annexation areas should be considered for annexation within the next one to five (1-5) years. Many of these areas are currently eligible for annexation, and should be brought into the corporate limits at the earliest opportunity. Other areas should be considered for annexation over the long-term, five or more years from plan adoption or when developed. City decisionmakers should take into consideration:

- Annexation DOES NOT commit the City to extend services in the near term;
- Statutory requirements only require a "plan" for how services will be provided, to be completed within one year, and;
- Annexation DOES NOT require the City to pay for the extension of services

Property can be considered for annexation when meeting state requirements, even if not shown in this plan as a proposed annexation area.

Policies

Policy 1: Proactive Growth

Future growth and development has adequate land available while avoiding land use conflicts and incompatible impacts. The City should proactively pursue annexation of eligible property over the short-term. The City should also be prepared to annex additional property as it becomes developable over the long term.

HICKMAN, NEBRASKA

COMPREHENSIVE PLAN

FIG 11.1: ANNEXATION

Martell Rd

S 38th St

S 68th St

S 82nd St

S 96th St

S 54th St

Hickman Rd

Wagon Train Rd

Stagecoach Rd

Lancaster County, NE GIS, Maxar

LEGEND

- City Limits
- Railroad
- Highway
- Roca 1-Mile ETJ
- Parcels
- Hickman 1-Mile ETJ

Term

- Long
- Short

N

MARVIN PLANNING CONSULTANTS

Specializing in Municipal, County and Neighborhood Planning

PROJECTION: NE State Plane (Ft.)
DATUM: NAD 83
DATE: 01.07.25

0 0.1 0.2 0.4 Miles

Chapter 12 Transportation

Transportation

Transportation is a prime determinant of land use. The City, County, and State transportation network, combined with railroads, defines access to land and much of its potential for development. Land Use and transportation create the pattern for future development.

This section is intended to meet the requirements for a transportation element in Neb. Rev. Stat. §19-903(2): "The general location, character, and extent of existing and proposed major roads, streets, and highways, and air and other transportation routes and facilities".

Streets and Roads

The city's primary road network includes State highways, county roads, and city streets. Maintenance and construction of the road network is a cooperative effort.

Functional Classification

The street and road network is classified by function:

- Expressway - major roadway for state or regional access
- Arterial - major road with high volumes of traffic, primarily connecting places to each other
- Collector - street with less traffic, connecting local traffic to arterial roads
- Local - street with low traffic volumes and slow design speeds, primarily uses for direct access to property

These streets can be seen in Figure 12.1, courtesy of the Nebraska Department of Transportation.

One and Six Year Plans

The City Street Superintendent develops the One and Six-Year Road Plan for the city, which is adopted by the City Council. The current plan, as of 2024, listed general street maintenance projects having been completed in 2024.

For 2025 and forward, the projects listed under the One Year category are as follows:

- Replacing Wagontrain Avenue from Wagontrain Rd to 1st St at an estimated cost of $317,000
- Replacing Chestnut Street) 68th Street) from the north corporate limits to 7th Street (Hickman Road), and adding curb and gutter, at an estimated cost of $4,710,000

The projects listed under the Six Year category are as follows:

- Replacing Chestnut Street (68th Street) from 7th Street (Hickman Road) to Wagon Train Road, and adding curb and gutter, at an estimated cost of $2,624,000
- Replacing the intersection of Chestnut Street (68th Street) and Woodland Boulevard with a concrete roundabout at an estimated cost of $609,000

Source: City of Hickman

NDOT

Hickman is located in the Nebraska Department of Transportation (NDOT) District One, headquartered in Lincoln. NDOT's Surface Transportation Program Book for 2024-2029 (the "five-year plan") includes projects in the Hickman region, to be completed between 2024 and 2029. These include:

- Municipal resurfacing in Lincoln ($400,000);
- Expand I-80 to six lanes, replace culverts, add surfaced shoulders, and seal the road from NW 56th Street to the Pleasant Dale exit ($120,242,000)
- Resurfacing, bridge maintenance, grading, adding culverts, and surfacing on the Hickman Spur ($2,692,000);
- Sealing the N-2 between Lincoln and Syracuse ($2,631,000);
- Adding culverts to US-6 west of SW 63rd Street ($2,012,000);
- Bridge maintenance and culvert work on Sun Valley Blvd in Lincoln ($4,390,000);
- Bridge maintenance on Cornhusker Highway and Cother Blvd in Lincoln ($9,357,000);
- Bridge maintenance on US-34 and NW 48th Street in Lincoln ($1,679,000);
- Resurfacing and bridge maintenance on US Highway 43 from N-41 to Bennett ($16,286)
- Sealing US-77 from Beatrice to Princeton ($4,939,000);
- Sealing US-77 from I-80 north to Davey ($1,616,000);
- Resurfacing and culvert work along US-77 north of Davey to Cresco ($10,844,000);
- Resurfacing, culvert maintenance, and bridge maintenance along NE-79 from US-34 to Raymond Road ($4,056,000);
- Bridge Maintenance on NE-79 on Agnew Road ($977,000);
- Concrete repair and joint sealing on I-80 from US-34 to NW 56th Street ($1,433,000);
- Bridge maintenance on I-80 from Wavery to NW 48th Street ($26,119,000);
- Joint sealing on I-80 from the I-180 junction to US-77 ($148,000);
- Cable Median Barrier on I-80 from 27th Street to the Platte River ($11,463,000);
- PCC and slab jacking on I-80 from Waverly to the N-66 junction ($1,001,000);
- District 1-A High Mast Tower Replacement along I-80 ($2,101,000);
- Resurfacing on I-180 from the I-80 interchange to Cornhusker Highway ($2,368,000);
- Bridge maintenance on I-180 over I-80 ($8,736,000);
- Concrete resurfacing and sealing on I-180 from the I-80 to Cornhusker Highway ($2,368,000);
- Bridge maintenance on the Adams Street Bridge in Lincoln ($3,936,000);
- Resurfacing I-180 from Cornhusker Highway to R Street ($847,000);

The Program Book includes a capital improvement project in Lincoln, an intersection improvement, which will cost an estimated $34,7 million.
Source: Nebraska Department of Transportation

Public Transit Lancaster County

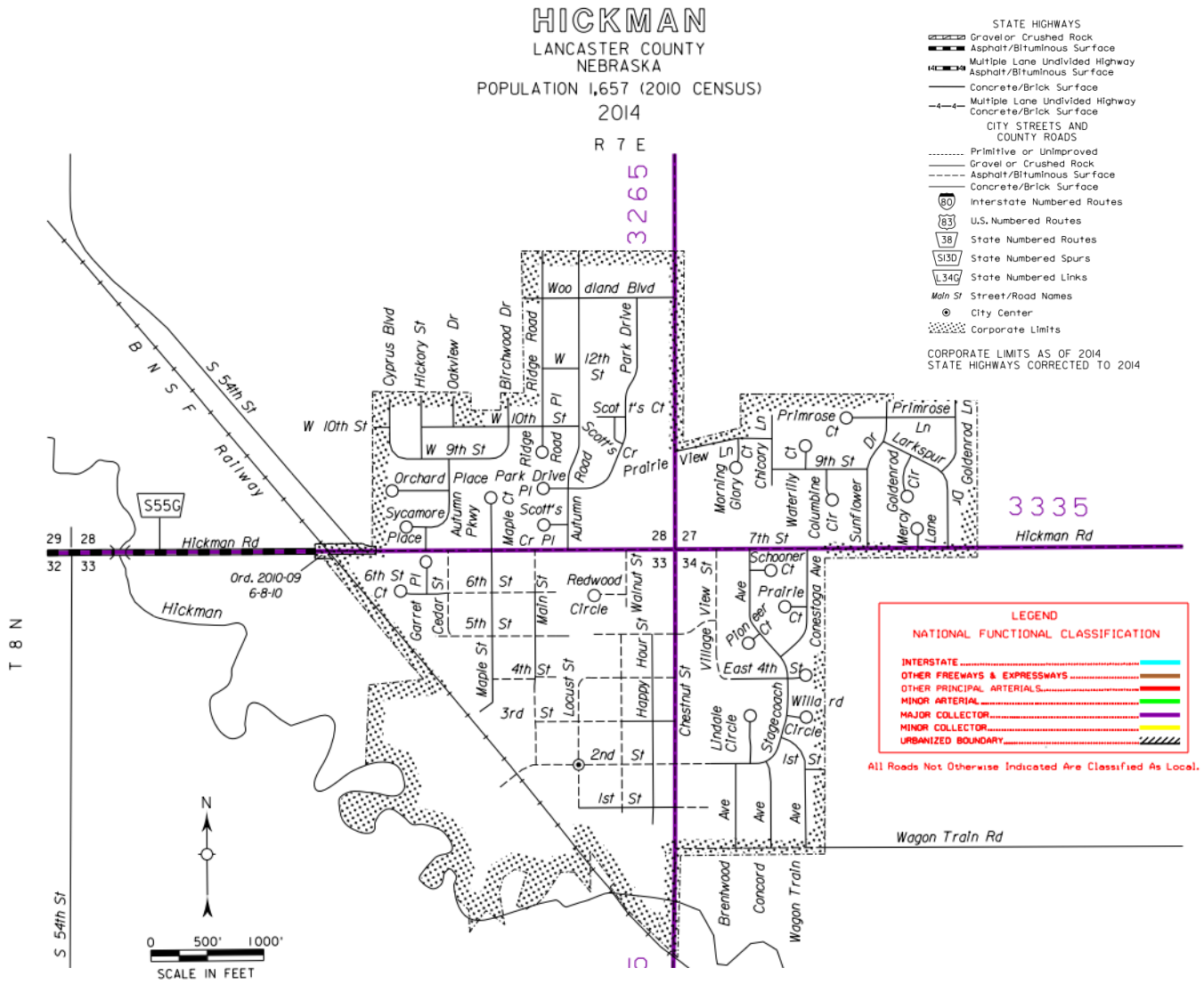
Public Rural Transit is the primary transit agency available to Hickman residents. This agency provides door-to-door public transportation for all of Lancaster County along with the communities of Adams, Ceresco, Cortland, Eagle, and Greenwood. However, due to the rural designation, the trip must either start or end outside of the Lincoln city limits. Citizens of Hickman can board a trip to Lincoln or request a ride home from the city.

StarTran is the City of Lincoln's transit agency, providing many services within the capital city including fixed routes and paratransit. The agency does not currently provide service for Hickman, thus this service can only serve as one leg of a trip for residents
Source: City of Lincoln, 2023

Transportation Network Companies

A Transportation Network Company ("TNC") option referred to as a ridesharing or ride-hailing service is a type of transportation service based on a technology-based platform. TNCs, like Uber and Lyft, have revolutionized the way people access on-demand transportation services, providing a convenient alternative to traditional taxis and public transportation. Residents, employees, and visitors of Hickman can utilize TNCs to provide access to/from the city to supplement the transit system. Some companies also provide additional services, such as food delivery
Source: Nebraska Public Service

Figure 12.1: Hickman National Functional Classification



Source: Nebraska Department of Transportation

Commission, 2023

Multi-Modal

Multi-modal transportation planning creates communities where it is possible to get around by walking, bicycling, and public transportation. Many State and county highways are designed to favor high-speed motorized traffic, without consideration of those on foot or on a bicycle.

For young people and older residents, building streets for multiple modes of transportation becomes all the more important. Young people need to be able to go places without relying on drivers. As well, many older

Source: Google Maps

people may prefer not to drive, or may become unable to drive. Trail development is also becoming an economic development attraction as young families consider options for where to live. The National Association of Realtors has reported on recent studies which show living near trails and greenways will likely raise property value an average of 3-5% and sometimes even as high as 15%.

Community Trails

Multi-user trails are becoming a popular piece of infrastructure for everyday transportation as well as exercise and recreation. As noted in Chapter Six, trails have long been a priority for residents. Hickman residents are currently served by three trails. In 2024, the City received funding from the Nebraska Game and Parks program to connect Scott's Creek Trail to the City's new Pedestrian Underpass under 68th Street.

Sources: www.hickman.ne.gov

Regional Infrastructure

Given Hickman's proximity to Lincoln, residents likely expect to be able to take advantage of Lincoln's bike and trail system. Today, however, the closest trail extending toward Hickman is along Martell Road and S 38th Street. This trail is about 3 miles from the heart of Hickman.

Accessibility

The Americans with Disabilities Act ("ADA") was signed by President George H.W. Bush in 1990. The ADA is intended to make sure people with disabilities have the same rights and opportunities as everyone else.

The NDOT Roadway Design Manual (May 2022) provides guidance for design of pedestrian and bicycle facilities in conformance with ADA. This includes having a transition plan when structural modifications are required to provide accessibility, including curb ramps.

Sidewalks on rights-of-way and bridges must be at least four-feet wide, provided there are larger passing spaces every 200 feet (driveways may be considered as passing spaces). A shared-use path must be a minimum 10 feet wide, with 11-14 feet preferred in certain situations.

Air Travel

The nearest scheduled passenger air service is available at the Lincoln Airport around 22 miles away from Hickman. Flights are available from this facility to Chicago (ORD), Denver, and Houston by United Airlines.

Railroad

Burlington Northern San Francisco ("BNSF") has a rail line which runs through Hickman. This line connects north to Lincoln and south to Rulo. The nearest Amtrack location is 20 miles away from Hickman in Lincoln at 277 Pinnacle Arena Drive.

Resources

Electric Vehicle Charging Stations

Electric vehicles (EVs, also known as battery-electric vehicles) require off-board electric charging stations. Although the majority of EV owners charge at home, public charging and workplace charging stations are necessary for trips away from home.

There are currently three types of EV charging stations:

- **Level 1 chargers** use typical electric outlets (120V);
- **Level 2 chargers** are typically freestanding or hanging, and require a higher level of service (240V);
- **Level 3** or **DC fast chargers** are freestanding stations. They can take around 30 minutes to charge a vehicle but require a very high level of service (480V).

General public charging uses Level 2 or DC fast charging, while Level 1 stations are typically located in a home garage or place of business. Charging stations should typically be located where vehicle owners are highly concentrated and parked for long periods of time. Public charging stations should also be located along highway corridors.

According to the US Department of Energy, there are no public EV charging stations located in Hickman. There are numerous public charging stations located in Lincoln with the closest at Standingbear High School on S 70th Street. There are two chargers at this location—two small Level 2 (J1772 connection) chargers operated by ChargePoint. A Level 2 charging station typically provides approximately 25 miles of range per hour of charging.

Currently, NDOT is focusing electric charging infrastructure funding on the designated Alternative Fuel Corridor (AFC) along I-80 and in the Omaha area. Additional state and federal funding programs may be available in the future.

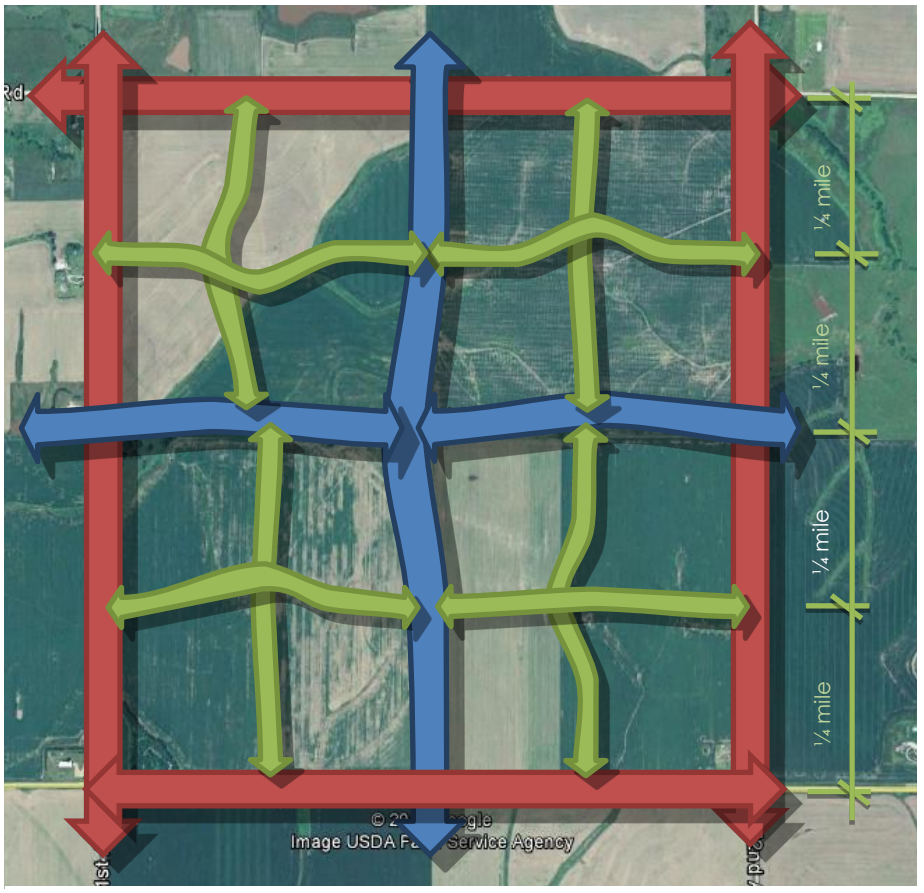
Hickman's Zoning Ordinances should be reviewed to provide guidelines for EV charging stations to be located in safe locations, integrated with parking requirements.
Source: afdc.energy.gov/fuels/electricity_basics.html

Policies

Policy 1: Three through-routes per section policy

As seen in Figure 12.2, three through-routes per section would require subdivisions within the same section to connect local streets to create standard access points and better internal traffic flow. These route access points should fall as close as possible to the ¼, ½, and ¾ mile marks along each section. This would create a standard road network, eliminating confusion while traveling through neighborhoods, limit dead ends, and better traffic flow along adjacent arterial and collector streets.

Figure 12.2: Through Route Policy



Source: Marvin Planning Consultants

These identified through-routes are encouraged to be contiguous throughout the section and implement traffic calming measures to discourage high-speed cut through traffic. Minimal offsets of roadway design may also be implemented.

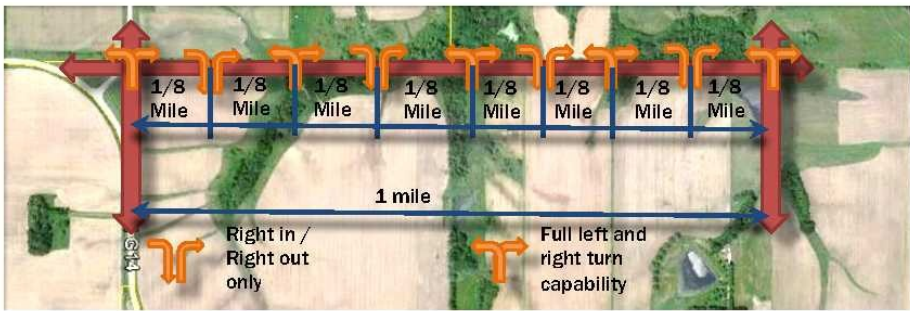
Policy 2: Access Point Policy

This transportation policy builds upon the three through routes per section concept and the corresponding access criteria. This policy is illustrated in Figure 12.3. Full access points (A) are recommended every quarter mile within a section. Full access points are entrances into subdivisions allowing full turns in all directions, both right and left. In addition to these full access points, intermediate access points (B) are allowed at eight mile points with limited access. Limited access allows for only right-in, -right-out traffic movement.

Policy 3: Intersection Policy

Intersections along section lines should not be offset, but meet directly at recommended access points. In addition to relieving traffic congestion along roadways, turn lanes should be installed at both full access points and intermediate access points.

Figure 12.3: Through Routes Policy



Source: Marvin Planning Consultants

Chapter 13 Implementation

Implementation

Successful community plans have the same key ingredients: "2% inspiration and 98% perspiration." This section of the plan contains the inspiration of the many city officials and residents who have participated in the planning process. However, the ultimate success of this plan remains in the dedication offered by each and every resident.

There are numerous goals and action items in this plan. These items should inform annual workplans and budget-setting to assure progress continues to bring the plan to life.

Action Plan

The Comprehensive Plan is not intended to sit on a shelf. The plan is intended to be put into action. Goals and action items specific to each plan element are included in the relevant chapter.

Evaluation of Development Proposals

Development proposal applications should be carefully reviewed against the goals and of the Comprehensive Plan as well as the specific requirements of the development regulations. This plan is not regulatory; however, the underlying regulations are based on compatibility with this plan. Each development application should address how the specific proposal meets the goals of the comprehensive plan.

In cases in which a proposal is not clearly supported by the plan, the developer should be encouraged to improve the project to meet the community's goals. On the other hand, approval of a proposal not in conformance with the comprehensive plan would point to the need to review and update the plan to better serve the citizens of Hickman.

Implementation Action Items

This plan recommends several implementable action items which can be undertaken immediately. These include:

- Implementing the Goals and Policies outlined in this plan;
- Floodplain Regulations & Mapping;
- a Capital Improvement Program, and;
- Plan Maintenance

The City Council will have a critical role in implementation of this plan through the annual budgeting process. Elected officials, staff, and volunteers take the primary role in implementation of the comprehensive plan.

Other action items are referenced in support of activities by other entities which support implementation of this plan.

Comprehensive Plan Maintenance

Annual Review of the Plan

A relevant, up to date Plan is critical to the on-going planning success. To maintain both public and private sector confidence; evaluate the effectiveness of planning activities; and, most importantly, make mid-Plan corrections on the use of city resources, the Plan must remain current. The annual review should be performed each January to begin the calendar year. This review should result in a report from the Planning Commission and Staff to the City Council and the citizens of Hickman.

Unanticipated Opportunities

If any innovate development and/or redevelopment opportunities arise which impact any elements of the plan and which are determined to be of importance, a plan amendment may by proposed and considered separate from the Annual Review and other proposed Comprehensive Plan amendments.

The Comprehensive Plan amendment process should adhere to the adoption process specified by Nebraska law and provide for the organized participation and involvement of citizens.

Five Year Review

As discussed in the Introduction, the Comprehensive Plan is a 20-year plan. However, the Planning Commission should review the plan annually and update the document at least every five years (2029), or when major, unanticipated opportunity arises. Completing updates every five years or so will allow the City to incorporate ideas and developments not known at the time of this planning process.

Appendix A
Survey Results

#1: Please answer the following General questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
Hickman's history and architecture should be preserved.	21.74%	44.02%	23.10%	9.24%	1.90%
There are adequate after-school programs available.	3.01%	12.84%	55.46%	22.68%	6.01%
Good quality education is available in Norris Public Schools.	32.43%	39.51%	16.35%	8.17%	3.54%
High school kids travel too far for entertainment and jobs.	14.71%	34.60%	29.70%	17.17%	3.81%
Middle school kids don't have anything to do with their free time.	9.84%	31.15%	33.88%	19.95%	5.19%
It is important to preserve and share Hickman's history	18.96%	47.53%	23.90%	7.69%	1.92%
The future of Hickman is more important than preserving its history.	18.08%	32.33%	20.82%	24.38%	4.38%
Overall, Hickman is a good place to live.	30.33%	59.29%	4.10%	4.92%	1.37%
Hickman has a likeable rural and small town atmosphere.	24.66%	56.99%	6.03%	10.68%	1.64%
Local government officials are responsive to community needs.	4.67%	25.00%	44.23%	19.23%	6.87%

#2: Please answer the following Economic Development questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
If I had the means, I would start or invest in a small, local business.	19.18%	42.74%	17.53%	16.44%	4.11%
It is too hard for small businesses to survive here.	9.07%	35.44%	31.59%	22.80%	1.10%
Hickman should offer tax incentives to fill vacant buildings downtown.	17.53%	42.74%	21.92%	13.15%	4.66%
New business should be along 68th Street and Downtown.	18.46%	50.96%	14.33%	14.33%	1.93%
The City should keep all new business development within city limits.	14.29%	31.04%	24.18%	28.30%	2.20%
I would pay extra taxes for improvements downtown.	3.02%	15.66%	18.41%	35.44%	27.47%
New and expanded manufacturing or assembly plants will bring the kinds of jobs we need.	4.40%	22.80%	28.30%	23.35%	21.15%
There is a strong available workforce in Hickman.	4.95%	28.30%	38.19%	25.82%	2.75%
There are enough part-time jobs for high-school students.	1.93%	10.74%	29.48%	45.18%	12.67%
Retaining youth is key to Hickman's future.	13.15%	50.41%	17.53%	16.71%	2.19%
Retaining current business is key to Hickman's economic survival.	22.53%	63.19%	9.62%	4.12%	0.55%
Recruiting new business should be priority for the City.	25.75%	47.12%	14.25%	8.77%	4.11%
Existing business districts should be revitalized.	14.29%	44.23%	27.75%	10.99%	2.75%
We should partner with neighboring communities for the future of our region.	13.15%	48.22%	27.40%	7.67%	3.56%

#3: Please answer the following Development/Housing questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
Commercial real estate is over-priced in Hickman.	24.93%	28.15%	43.99%	2.64%	0.29%
Old buildings/houses should be cleaned up or torn down.	22.29%	52.20%	12.90%	10.85%	1.76%
The entrance to Hickman is attractive.	5.00%	45.59%	14.12%	31.76%	3.53%
The City should be more proactive in supporting existing industries and businesses in Hickman.	14.41%	55.59%	25.88%	3.82%	0.29%
Hickman has a variety of housing options.	6.74%	57.18%	10.85%	21.41%	3.81%
Real estate and rental rates are less expensive than surrounding counties.	2.64%	8.21%	26.10%	38.42%	24.63%
Should there be Public Housing in Hickman.	0.88%	15.88%	23.24%	28.53%	31.47%
Most homes in Hickman appear to be in good condition.	8.50%	80.35%	6.45%	4.69%	0.00%
New housing should be located next to the corporate limits and connected to existing services.	7.62%	40.18%	37.83%	12.02%	2.35%
More affordable housing is needed for young families.	17.06%	46.47%	16.47%	15.59%	4.41%
Older adults need more housing and assisted living facilities.	8.50%	43.70%	34.31%	10.26%	3.23%
There needs to be more apartments, town homes, or duplexes.	3.81%	17.60%	22.87%	29.03%	26.69%
Enough homes are for sale in the $250,000 to $400,000 range.	9.68%	36.36%	24.34%	23.75%	5.87%
I would buy a condominium or town home if I could afford one.	4.11%	12.02%	21.11%	29.62%	33.14%
There is enough rental properties in Hickman.	7.65%	15.00%	47.65%	23.53%	6.18%
Overall, homes in Hickman have an above average appearance.	7.62%	64.52%	16.42%	10.85%	0.59%
I would support a program to strengthen community pride and appearance.	16.42%	58.65%	18.77%	4.69%	1.47%
Developers should be allowed to build residential subdivisions in rural areas.	8.50%	34.60%	21.99%	21.70%	13.20%
Developers should be required to enhance roads and bridges.	31.18%	51.47%	12.06%	4.12%	1.18%
Developers should be required to locate next to corporate limits and connect to existing services.	14.79%	33.43%	41.42%	7.99%	2.37%
Growth and development should be carefully managed.	46.76%	45.29%	5.59%	2.35%	0.00%

#4: Please answer the following Renewable Energy questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
The City should focus on developing technology and energy resources.	17.89%	38.42%	20.23%	14.96%	8.50%
Wind farms will strengthen our economy.	7.92%	13.20%	16.72%	14.37%	47.80%
Solar farms will strengthen our economy.	10.56%	24.34%	19.65%	13.78%	31.67%
Wind farms can be attractive.	4.41%	10.88%	13.24%	17.65%	53.82%
Solar farms can be attractive.	4.41%	18.53%	16.76%	21.47%	38.82%
I think large wind mills would ruin my view of the landscape.	53.37%	17.89%	9.97%	13.20%	5.57%
I think large solar farms would ruin my view of the landscape.	39.00%	17.30%	17.60%	18.77%	7.33%
Wind energy will help us protect other natural resources in Hickman.	7.33%	16.42%	21.99%	18.48%	35.78%
Solar energy will help us protect other natural resources in Hickman.	9.09%	25.51%	23.46%	15.54%	26.39%

#5: Please answer the following Recreation questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
There should be more places where kids can hang out with their friends.	28.15%	45.45%	17.01%	7.04%	2.35%
There are plenty of extracurricular activities and events for kids.	5.28%	17.89%	31.38%	36.95%	8.50%
There are adequate senior citizens activities.	1.47%	8.80%	61.88%	23.17%	4.69%
There are adequate adults activities.	1.76%	21.99%	28.74%	37.24%	10.26%
I often use community centers and/or walk-n-bike paths, tracks, or trails.	24.05%	52.20%	9.09%	11.73%	2.93%
There are not enough places to exercise, or they are too far away.	6.18%	22.65%	20.29%	41.18%	9.71%
Outdoor recreation options are limited in Hickman.	12.06%	40.00%	13.24%	27.65%	7.06%
There are adequate cultural opportunities, events and activities.	4.13%	18.88%	35.99%	33.04%	7.96%

#6: Please answer the following Transportation questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
City roads are in good condition.	6.59%	70.96%	6.59%	13.47%	2.40%
There are plenty of extracurricular activities and events for kids.	1.77%	17.11%	18.58%	36.58%	25.96%

#7: Please answer the following Public Safety/Health questions as indicated above.

Item	Strongly Agree	Agree	No Opinion/ Not Sure	Disagree	Strongly Disagree
Police, EMS, and fire protection are adequate.	15.88%	55.88%	15.59%	10.59%	2.06%
I receive good health care locally.	5.87%	26.39%	39.00%	21.41%	7.33%
I feel that adequate senior services are available.	2.94%	9.12%	69.71%	15.29%	2.94%
I feel that adequate senior services are affordable.	2.36%	4.72%	78.47%	9.73%	4.72%
I feel that adequate child care is available.	1.47%	11.76%	46.76%	27.35%	12.65%
I feel that adequate child care is affordable.	1.76%	8.24%	56.18%	20.00%	13.82%

#8: Please answer the following Development/Housing questions as indicated above.

Item	Hickman	Lincoln	Beatrice	Wilber	Crete	Nebraska City	Omaha	Gretna	Online/ Internet
Entertainment (such as movies, miniature golf, etc.)	3.64%	99.09%	14.85%	2.42%	9.09%	3.94%	30.00%	9.39%	0.66%
Outdoor recreation (such as hunting, hiking, boating, etc.)	44.12%	46.08%	5.56%	0.65%	5.56%	8.17%	13.73%	6.54%	0.00%
Outdoor exercise (such as walking, running, biking, etc.)	45.55%	38.08%	8.54%	4.27%	9.96%	7.47%	8.90%	3.91%	0.00%
To play sports (such as basketball, tennis, golf, etc.)	12.33%	85.62%	0.00%	0.68%	0.00%	0.00%	0.00%	0.00%	0.00%
Indoor exercise (such as walking, aerobics, weights, etc.)	45.10%	68.18%	1.05%	0.35%	0.00%	0.35%	0.70%	0.35%	0.00%
Swimming (outdoor or indoor)	5.39%	87.88%	15.49%	12.12%	11.11%	4.71%	7.07%	2.36%	0.00%
Cultural events (such as theater, concerts, museums, etc.)	19.87%	94.64%	4.42%	2.52%	1.58%	2.21%	45.11%	3.15%	0.00%
Festivals and fairs	26.10%	83.05%	9.49%	13.56%	9.83%	11.53%	32.88%	6.78%	0.00%
Grocery shopping	21.88%	99.39%	5.17%	0.00%	4.26%	0.61%	3.04%	0.61%	0.00%
Furniture shopping	0.93%	73.77%	11.11%	0.31%	0.31%	0.31%	65.43%	3.70%	0.65%
Clothes shopping	6.42%	92.97%	2.14%	0.61%	2.14%	0.92%	30.58%	17.13%	1.63%
Vehicle shopping	3.74%	89.10%	9.35%	0.00%	4.05%	1.87%	28.97%	4.36%	0.32%
Farm equipment shopping	8.15%	54.81%	28.15%	2.96%	10.37%	5.93%	5.93%	1.48%	0.14%
Antique's	23.03%	78.09%	11.24%	2.81%	5.06%	8.43%	24.16%	7.30%	0.18%
Gas/Convenience items	68.71%	84.36%	5.52%	0.31%	2.15%	1.84%	6.75%	4.29%	0.00%
Hardware/Lumber	49.85%	94.12%	3.41%	0.00%	2.17%	0.31%	1.24%	0.31%	0.00%
Other shopping	20.53%	91.39%	4.64%	0.99%	1.66%	1.66%	27.81%	11.26%	.90%
Dining out (fast food)	34.17%	99.06%	10.03%	0.63%	4.70%	2.19%	18.18%	5.33%	0.00%
Dining out (with sit-down service)	57.72%	96.60%	15.74%	1.23%	4.01%	3.09%	32.10%	6.79%	0.00%
Bar/Entertainment	49.66%	92.91%	6.76%	1.35%	2.03%	2.03%	20.61%	4.39%	0.00%
Community clubs or groups	28.45%	85.34%	3.88%	0.00%	1.72%	0.86%	6.03%	1.29%	0.00%

#9: Which of the following services and/or businesses should be the focus of economic development activities in the future?

Question	Very Important	Important	Neutral	Less Important	Not Important
Daycare - children	30.26%	36.18%	24.67%	2.96%	5.92%
Daycare - adults	5.32%	23.26%	50.50%	11.30%	9.63%
Grocery store	47.88%	31.60%	10.75%	6.84%	2.93%
Banking	8.20%	18.03%	29.51%	28.85%	15.41%
Tech support computers	5.26%	15.79%	38.16%	24.67%	16.12%
Tourism	6.58%	17.43%	35.53%	20.72%	19.74%
Arts and culture	7.57%	29.28%	31.91%	16.78%	14.47%
Main street retail	18.69%	46.23%	22.95%	7.21%	4.92%
Restaurants: Family Friendly	43.51%	46.10%	6.49%	2.92%	0.97%
Restaurants: Sports Bars	26.14%	37.58%	18.30%	11.11%	6.86%
Restaurants: Fast Food	26.62%	41.56%	16.56%	11.04%	4.22%
Recreational facilities	31.48%	48.20%	14.10%	3.93%	2.30%
More jobs: High Level	19.02%	39.02%	27.21%	9.18%	5.57%
More jobs: Middle Level	19.02%	50.82%	19.67%	6.23%	4.26%
More jobs: Entry Level	24.09%	44.88%	19.80%	6.60%	4.62%
Youth retention	21.97%	43.28%	23.93%	7.21%	3.61%
Senior housing - including assisted living	9.60%	37.09%	39.07%	9.60%	4.64%
Healthcare	18.42%	43.75%	26.32%	8.55%	2.96%
Better broadband	45.07%	31.58%	16.78%	2.96%	3.62%

#10: Please answer the following Development/Housing questions as indicated above.

Question	Very Available	Available	Neutral	Less Available	Not Available	N/A
Daycare - children	3.61%	16.39%	24.92%	12.46%	5.90%	36.72%
Daycare - adults	0.00%	3.92%	31.37%	3.92%	5.88%	54.90%
Grocery store	5.61%	33.33%	8.91%	36.30%	15.18%	0.66%
Banking	25.25%	37.38%	17.05%	9.84%	4.26%	6.23%
Tech support computers	2.31%	11.55%	24.75%	17.49%	22.77%	21.12%
Tourism	1.66%	9.27%	27.81%	17.55%	23.18%	20.53%
Arts and culture	1.99%	27.81%	23.51%	19.54%	12.25%	14.90%
Nursing home facilities	1.66%	13.25%	26.82%	11.59%	5.96%	40.73%
Assisted living facilities	1.99%	17.28%	25.91%	8.97%	5.65%	40.20%
Meals on wheels	0.99%	4.64%	30.79%	5.96%	5.63%	51.99%
Senior services	0.67%	10.07%	28.19%	9.06%	3.69%	48.32%
Main street retail	1.67%	17.73%	26.09%	40.13%	9.36%	5.02%
Restaurants: Family Friendly	3.99%	44.52%	14.29%	33.89%	2.33%	1.00%
Restaurants: Bar/Sports Bar	2.67%	41.00%	19.00%	27.67%	6.33%	3.33%
Restaurants: Fast Food	2.68%	19.06%	12.37%	37.79%	25.08%	3.01%
Healthcare facilities	2.02%	24.58%	20.54%	29.97%	13.47%	9.43%
Recreational facilities: Indoor	2.03%	24.66%	20.95%	31.76%	14.19%	6.42%
Recreational facilities: Outdoor	5.76%	35.93%	16.95%	24.75%	12.88%	3.73%
Agricultural support (such as dealerships, parts, and repair)	0.34%	7.82%	19.39%	14.29%	23.13%	35.03%

#11: What is/will be your plan for retirement?

- None of the above: 6.06%
- Already retired: 11.11%
- Stay in Hickman: 29.97%
- Seek a nearby location: 9.09%
- Stay in Nebraska: 18.86%
- Move to another state: 24.92%
- Elaborate (please specify); comments below
- *"family is in Nebraska"*
- *"When kids graduate, moving out of state - if kids were younger would have sent them back to Lincoln for schooling - Norris education went downhill since moving here - AND Way too much Norris politic with everything from education to Sports (lots w Sports)"*
- *"retired, staying Hickman while able"*
- *"Unsure yet. I have 20 years before I retire"*
- *"No"*
- *"Florida"*
- *"Won't be able to afford the taxes in this town by now. You've already proven to waste tax dollars on the unnecessary city building, the theater that will never be used."*
- *"Less Taxes!"*
- *"Travel in an RV -no lawns to mow, snow to scoop, etc"*
- *"To find an affordable acreage"*
- *"Or in the country away from Hickman"*
- *"I am no where close to retirement age."*
- *"Moving outside of city limits ."*
- *"Taxes and utilities are too high in Hickman, so likely moving outside of town."*
- *"Not sure"*
- *"Move to Lincoln"*
- *"I will leave NE if taxes aren't controlled. IA is much better on state income tax"*
- *"Stay near Hickman"*
- *"Moving to a tax friendly state that does not tax my pensions"*
- *"We own a home in Hickman and plan to retire here."*
- *"We are undecided, it will largely depend on where our children end up but we like living in Hickman or in one of the surrounding developments depending on how they grow."*
- *"No golf course or pool in Hickman."*
- *"Unsure at this time"*
- *"Not sure"*
- *"Not sure where at this time."*
- *"It doesn't make sense to retire in Nebraska. Between the property taxes and income tax on social security payments it's cost prohibitive to stay here."*
- *"I have more and more services I need and will need."*
- *"Rent a quality townhouse"*
- *"Probably move after kids are done with high school"*
- *"Possibly move closer to kids/ grandkids"*
- *"Move to another country"*
- *"Find a 15+ acreage"*
- *"Move to warmer climate more affordable state."*
- *"Move to Lincoln"*
- *"Taxes"*
- *"soon as my grandkids graduate we plan to move to a less taxed state."*
- *"Unknown. Depends on where my kids end up living"*
- *"not sure"*
- *"Long term care with medical resources near"*
- *"Like to retire at a home on a lake"*
- *"Will likely move out of state to better weather"*
- *"Somewhere with less taxes"*
- *"Way too Republican base values in semi-rural Nebraska to stay."*
- *"Will stay after I retire because we live in a wonderful townhouse."*
- *"Some where more affordable"*
- *"Lincoln"*
- *"Seeking lower taxes somewhere"*
- *"Plan to stay in our house"*
- *"Texas or Florida"*
- *"No idea"*
- *"Somewhere with lower property taxes"*
- *"I taught in California and have been retired for 15 years"*
- *"Unsure, depends on kids' plans."*
- *"Find a state with lower taxes"*
- *"Might stay in Hickman, but might move out of town a couple miles with more land/ space."*
- *"Will depend on where kids end up."*
- *"Mountains"*
- *"Acreage"*
- *"Taxes are WAY TO HIGH in Hickman"*
- *"Outside city limits"*
- *"No idea"*

#12: Please answer the following Development/Housing questions as indicated above.

Area	1	2	3	4	5
Manufacturing / Assembly	38.36% 112	18.15% 53	24.32% 71	12.67% 37	6.51% 19
Mining	77.27% 221	7.34% 21	8.04% 23	2.10% 6	5.24% 15
Technology	17.87% 52	13.40% 39	30.93% 90	21.99% 64	15.81% 46
Retail and Wholesale Trade	7.53% 22	11.64% 34	29.79% 87	28.42% 83	22.60% 66
Energy	23.00% 66	19.86% 57	29.62% 85	15.68% 45	11.85% 34
Agriculture	12.10% 34	13.17% 37	27.76% 78	22.06% 62	24.91% 70
Other	31.30% 36	6.09% 7	24.35% 28	5.22% 6	33.04% 38

- Elaborate (please specify); comments below
- *"this is a bedroom community"*
- *"Joey Hausmann golf course around Harlan Reservoir"*
- *"Pool / Golf Course"*
- *"Eateries, grocery store, car wash, and youth baseball/ softball complex"*
- *"Let's leave the energy generation to the people that know what they're doing. Solar/wind are highly unreliable and offer no shortage of environmental impact on the area."*
- *"Grocery store"*
- *"Need a golf course."*
- *"Stop building new houses. No more cookie cutter hoa neighborhoods. Taking the charm away from hickman. As it is I no longer want to be here anymore."*
- *"I think having entertainment and groceries etc would be important. The cost of those things cannot exceed what it would cost to drive to Lincoln."*
- *"Support independent owners and entrepreneuers"*
- *"Retail business"*
- *"a lot depends on the tax burden on local residents for any of these initiatives. Water and sewer are exorbitant costs in Hickman"*
- *"Grocery"*
- *"Outdoor recreation. Swimming pool"*
- *"Future businesses should remain close to 68th St. The area around the reservoir should remain field or grassland."*
- *"I would say anything that speaks to families, most people who live in Hickman do so because they don't want to live in a big city (like Lincoln) but want to be close enough for the wants and needs that come up. So ensuring we have access to internet (lots of remote workers) and clean water is a huge complaint we hear most of the time. If we could have shops or cafes available that would keep more residents here as well as bring in more guests."*
- *"Please get a golf course and a pool already"*
- *"Swimming pool"*
- *"Services"*
- *"Public transportation between Hickman, Lincoln, and Beatrice."*
- *"Churches"*
- *"We need a pool"*
- *"Farm store, grocery store"*
- *"Aquatic facility"*
- *"Pool"*
- *"Microbrew pub"*
- *"Swimming pool"*
- *"Healthcare"*
- *"We are a bedroom community. We cant out lincoln lincoln. Enhance what we can by all means but lower our taxes so ppl move here"*
- *"Restaurants & Entertainment"*
- *"Infrastructure: water, electric, internet, roads, snow removal, etc."*
- *"Walking distance to church, stores, bank, USPS, would be ideal."*
- *"Get high speed internet for all rural homes within the Hickman corporate jurisdiction not just within the city limits. We have no options except Windstream DSL which is painfully slow and poor service."*
- *"Repair of existing beauty, expansion of existing services (our power is awful and I have the data to back that up). Make our town beautiful, make it the shining jewel, not with new stuff. Maybe the new paint kind of new"*
- *"More green space"*
- *"Water infrastructure needs improvement"*

- *"Swimming pool"*
- *"Entertainment options #1; City Infrastructure #5"*
- *"Nuclear energy"*
- *"Recreation"*
- *"Our area severely lacks low/ mid level workforce and jobs. Hickman is full of well paid citizens who commute to Lincoln. It's too expensive for low/middle class families to live in Hickman. I believe that's why it's difficult for Hickman to support small businesses. Small businesses need cheaper labor than what the current citizens of Hickman are willing to work for. Current citizens demand higher salaries than most and businesses struggle to find local employees that are willing to work in for their offered wages."*
- *"Remember that people in Hickman enjoy the rural area with a tight-knit community. Maintain the integrity of the small town."*
- *"Construction"*
- *"The entrances to the town are awful. Empty lost with overgrown weeds North entrance garbage apartments west entrance. City has abandoned the original down town. Made a huge mistake with the theater to draw business on a non consistent basis. Should have built strip mall in place of a theater."*
- *"Fast food more gas stations with outdoor multi purpose facilities"*
- *"Family / Kids entertainment"*

#13: Please rate the following governmental entities.

Entity	Excellent	Good	Average	Improvement Needed	N/A
Mayor	7.43%	24.32%	40.20%	8.45%	19.59%
City Council	5.76%	24.07%	34.58%	17.97%	17.63%
City Hall	9.80%	29.73%	28.72%	15.20%	16.55%
Public Works Department	10.20%	37.07%	22.11%	16.67%	13.95%
Planning & Zoning	4.05%	25.00%	28.72%	26.01%	16.22%
Code Compliance	4.79%	26.37%	34.59%	11.30%	22.95%
Local Fire Department	36.24%	43.96%	9.40%	2.68%	7.72%
City Law Enforcement	19.66%	41.02%	18.64%	11.19%	9.49%
Elementary education	34.58%	34.24%	9.49%	10.17%	11.53%
Secondary-education	29.25%	31.63%	10.88%	11.56%	16.67%
Utilities	6.35%	31.10%	26.09%	29.77%	6.69%
Other	2.46%	7.38%	15.57%	19.67%	54.92%

- Elaborate (please specify); comments below
- *"Lower utility prices-fix existing electrical issues"*
- *"city administrator"*
- *"The water quality is HORRIBLE!"*
- *"Water quality"*
- *"Want Allo!!!!"*
- *"The water quality is atrocious, only surpassed by the denial of poor water quality."*
- *"TAXES"*
- *"Houses and buildings keep going g up but cannot support the infrastructure in water or electricity."*
- *"Community Improvement Initiatives"*
- *"Parks are great"*
- *"Need more of water pressure - second well"*
- *"Water storage and source"*
- *"Improve the water quality & pressure!!"*
- *"We need to not depend on surrounding cities for our public services, we need to be more innovative in our education, build stronger curriculum programs, pay attention to details and quality and bring in more critical thinking - we should be raising future Presidents of the USA in our schools."*
- *"Business development needs to improve. With a growing city why are we losing businesses? To name a few businesses, Lakeside Liquor, Mettle Grill, Titan Fitness, etc."*
- *"Wireless internet, please"*
- *"Property taxes and city spending are out of control."*
- *"Water"*
- *"Need new water tower; focus on water quality"*
- *"Need swimming pool or water park"*
- *"More fiscal responsibility and infrastructure improvements; keep building without investing in infrastructure"*
- *"Internet service in rural acreages within the Hickman limits is terrible and is a deterrent to living here"*
- *"Make our existing stuff great, why is my quiet walk interrupted by a busy road, design our city"*
- *"to be more inclusive. Most of*

- *"it can be walked. Major cities are going green spaces and less roadways. We're becoming an intersection with a gas station."*
- *"Roads"*
- *"water needs improvement"*
- *"Sheriff harassing citizens for no violation. Rude"*
- *"Transparency on issues; no hidden agendas"*
- *"To many dead trees"*
- *"Utilities are poor. No water pressure and electrical outages"*
- *"Water storage please please please no more water restrictions"*
- *"I have no idea about the mayor or city council. I don't even know who they are or role they serve in this community."*
- *"You don't want to know"*
- *City Adminstrator*
- *"City streets are in terrible shape. Invest in infrastructure first it's been an afterthought for years. No survey asking about clean water, and water tower volume necessity"*
- *"City council and city hall do not listen at all to the majority of this community which has lead to many short term citizens that move to Firth or Roca. This can be seen from growth in the last few years where Hickman has steadily slowed and others growing."*
- *"City Administrator"*

#14: Please prioritize the following critical items Hickman should focus on in the future. (1) Highest to (5) Lowest preference.

Item	1	2	3	4	5
Street improvements - maintenance and safety	15.22%	19.03%	41.52%	15.92%	8.30%
Economic development	22.41%	22.07%	23.10%	19.66%	12.76%
Pedestrian friendly development (e.g. sidewalks, trails, bike lanes)	18.21%	21.65%	29.21%	17.18%	13.75%
Public building improvement	6.97%	24.39%	32.40%	21.95%	14.29%
Planning policies guiding the future of the city	17.99%	21.80%	28.37%	16.26%	15.57%
Housing improvements	10.64%	18.44%	41.84%	21.99%	7.09%
Beautification	11.81%	21.53%	39.24%	17.71%	9.72%
Community activities and facilities	18.12%	22.65%	28.22%	19.51%	11.50%
Public parking	17.31%	15.55%	26.50%	19.08%	21.55%
Pedestrian scaled street lighting	12.94%	21.68%	29.02%	22.38%	13.99%
Other	40.26%	9.09%	15.58%	9.09%	25.97%

- Elaborate (please specify); comments below
- *"Have owners clean up junk that are eye sores in yards. Spray weeds in timely manner"*
- *"Infrastructure"*
- *"Joey Hausmann golf course around Harlan Reservoir"*
- *"Pool / Golf Course"*
- *"Again. We have wasted enough of the already back breaking taxes we pay on the red brick road I have never seen a bike on, the roundabout that was poorly designed and poorly executed and the lavash and overdone buildings down town"*
- *"No more housing/apartments etc."*
- *"one tree planted per house along street of houses built after 2022. we need trees planted for oxygen, reduce air pollution, soil erosion, and provides habitat and food sources for wildlife"*
- *"Incentivize environment, ecology, conservation"*
- *"learn to walk before you run consider the cost burden on existing residents and businesses before undertaking an endeavor"*
- *"Connect city bike trail to MoPac and Wagon Train lake"*
- *"Modest swimming pool not destination pool"*
- *"Swimming pool"*
- *"Clean up the area surrounding 68th & Hickman Rd...especially the old stone building with the broken windows."*
- *"a pool"*
- *"We need a golf course and a pool"*
- *"Revitalizing downtown"*
- *"Intergeneration networking that could lead to two-way assistances for those citizens interested. Witherbee neighborhood in Lincoln has such an intentional goal. (Last 20 yrs.)"*
- *"Reducing water cost"*
- *"Community pool"*
- *"Stop signs for Pedestrians to stop and look before crossing roads. They don't pay any attention to their surroundings while walking or on a bike."*
- *"New water tower; focus on water quality"*
- *"Swimming pool and accessible playground"*
- *"Green space"*

- *"Pool, water park, park with walking trails on the East end of Hickman"*
- *"Infrastructure of city #4; Extend trail to 82nd St. #3"*
- *"Fix streetlights and streets"*
- *"Utilities"*
- *"Would love a dog park. Also apartments that are less than 800 a month!!"*
- *"Lowering taxes"*
- *"Recreation"*
- *"A city pool is the only improvement needed."*
- *"Swimming pool!"*
- *"Infrastructure (particularly water)"*
- *"Old town Utilities infrastructure"*
- *"Youth sports complete not on other side of tracks"*
- *"Grocery shopping and more food options so not needing to go to Lincoln so frequently"*
- *"Fishing pond for the kids"*
- *"Lighting is very poor and need more outdoor community multipurpose facilities like soccer/baseball/ softball/football/pickle ball/ tennis/pond for fishing ect…"*

#15: How long have you lived in Hickman?

- Less than 1 year: 9.84%
- 1 to 5 years: 30.82%
- 6 to 10 years: 18.36%
- 11 to 15 years: 12.79%
- 16 to 20 years: 8.52%
- 21 to 30 years: 10.16%
- 31 years to 40 years: 2.95%
- 41 years to 50 years: 2.30%
- 50+ years: 0.33%
- I don't live in Hickman: 3.93%

#16: Please tell us your age range.

- Under 18 years: 0.00%
- 18 to 19 years: 0.00%
- 20 to 24 years: 1.33%
- 25 to 29 years: 6.89%
- 30 to 34 years: 8.52%
- 35 to 39 years: 17.38%
- 40 to 44 years: 18.03%
- 45 to 54 years: 23.28%
- 55 to 64 years: 14.43%
- 65 to 74 years: 9.51%
- 75 to 84 years: 1.64%
- 85 and over: 0.00%

#17: What is your role in the community?

- City Leadership: 2.01%
- Resident: 93.62%
- Business Owner: 9.40%
- Other (please specify): 4.03%; comments below
- *"Live in firth"*
- *"Work in Hickman"*
- *"American Legion Member"*
- *"Future business owner"*
- *"Educator"*
- *"Live in neighboring town - visit often"*
- *"Live outside Hickman"*
- *"Youth coach"*
- *"Legion volunteer"*
- *"Community participant"*
- *"Rural home"*
- *"Employee of business"*

#18: How many children do you have/had in your family?

- 0: 10.63%
- 1: 14.29%
- 2: 36.54%
- 3: 25.58%
- 4: 8.64%
- 5+: 4.32%

#19: What age/grade level are your children? Select all that apply.

- Daycare/Preschool: 21.45%
- K-5:33.82%
- 6-8:22.55%
- 9-12: 22.91%
- College: 15.27%
- Grown (adult): 37.45%

#20: My children live: (select all that apply)

- At home: 67.15%
- Away at college: 8.30%
- Grown - Living in Hickman: 8.66%
- Grown - Living in Nebraska: 29.60%
- Grown - Living out-of-state: 14.08%

#21: Education style for my children (select all that apply)

- Public: 84.64%
- Private: 9.29%
- At home: 6.43%
- N/A: 7.86%
- Other (please specify): 1.43%; comments below
- *"My kids did public but I would not do public ever again. Will do home school for grandchildren:*
- *"College graduates:*
- *"Private daycare in Lincoln"*
- *"Norris"*

#22: Employment

- Employed Full-Time: 74.26%
- Employed Part-Time: 3.30%
- Self-Employed: 9.24%
- Stay at home parent: 2.31%
- Unemployed: 0.33%
- Retired: 10.56%

#23: Which of the following industries is your primary income? (US Census categories).

- Agriculture, Forestry, Fishing, Hunting, and Mining: 1.68%
- Construction: 5.39%
- Manufacturing: 7.74%
- Wholesale Trade: 1.01%
- Retail Trade: 2.02%
- Transportation and warehousing and utilities: 4.04%
- Information: 4.71%
- Finance, Insurance, real estate, and rental and leasing: 11.78%
- Professional, scientific, management, administrative and waste management: 10.44%
- Educational, health, and social services: 20.88%

- Arts, entertainment, recreation, accommodation and food services: 2.02%
- Other services (except public administration): 5.05%
- Public administration: 2.69%
- Retired: 11.11%
- Disabled: 0.00%
- Other: (please specify): 9.43%; comments below
- *"retail trade and construction"*
- *"Health & Fitness"*
- *"Youth Baseball and Softball Complex"*
- *"Bnsf railroad"*
- *"Railroad"*
- *"Public Safety"*
- *"Military"*
- *"Not your business"*
- *"Marketing"*
- *"Mechanic"*
- *"Sea Merchant Marines"*
- *"Technology"*
- *"Currently not employed"*
- *"Healthcare"*
- *"LES Generation specialist"*
- *"Healthcare"*
- *"Technology"*
- *"Architecture"*
- *"Banking"*
- *"Engineering Consultant"*
- *"Sales"*
- *"Sales"*
- *"Marketing"*
- *"Sales"*
- *"Telcom"*
- *"Tech"*
- *"Nursing and lineman"*
- *"Body shop painter"*

#24: Do you work in Hickman?

- Yes: 18.94%
- No: 81.06%

#25: How far is your commute to work?

- Work at/from Home: 17.67%
- Less than 10 minutes: 9.33%
- 10 to 14 minutes: 10.33%
- 15 to 29 minutes: 37.33%
- 30 to 44 minutes: 10.67%
- 45 to 59 minutes: 1.67%
- 60 minutes or more: 1.00%
- Retired: 9.67%
- Other (please specify): 2.33%; comments below
- *"Don't worry about it. That's for me to know."*
- *"Home"*
- *"2-3 minutes drive & 12 minutes walk"*
- *"Work from home"*
- *"Drive to Lincoln for work"*
- *"Travel for work, cover a 7 state territory"*
- *"Varies."*

#26: Highest Level of Education

- Grade/Middle School: 0.00%
- High School: 11.55%
- GED: 0.66%
- Community/Technical/ Vocational: 20.13%
- 4-year College/University: 41.58%
- Graduate/Advanced Degree: 27.39%

#27: What brought you to Hickman?

- Family: 24.91%
- Retirement and Family: 4.44%
- Work: 12.97%
- Retirement: 1.37%
- Always lived here: 4.78%
- School District: 37.88%
- Other: 31.40%; comments below
- *"But no longer would come for School District"*
- *"hunting and fishing"*
- *"Clean community"*
- *"Live closer to our kids"*
- *"Small town, grow family, safety"*
- *"Quieter, safer community"*
- *"Small town environment close to Lincoln."*
- *"Growing community. Business opportunity."*
- *"Small sense of community"*
- *"Nowhere else to live when I was looking. Can't leave soon enough"*
- *"Small town living"*
- *"Small town"*
- *"Friends"*
- *"Tired of high taxes."*
- *"We happened to go to an open house out here & decided to build in Hickman instead of Lincoln. We liked the small town feel & heard good things about Norris"*
- *"Wanted to live close to Lincoln, but not in Lincoln"*
- *"Close to family, found good property to start our farm"*
- *"Lower taxes. NOT ANYMORE!"*
- *"wanted to get out of Lincoln"*
- *"My husband grew up in Roca. Hickman had more housing options when we were looking"*
- *"Originally moved here for the school district, but have not been happy with the way things have been going, so are now exploring other options."*
- *"Location"*
- *"Small community/ housing"*
- *"Bought an acearge*
- *"Near Lincoln"*
- *"I found a walk out lot I liked for building a new home"*
- *"Wanting a smaller community feel still close to Lincoln"*
- *"Rural area to live"*
- *"small town"*
- *"New business venture"*
- *"We moved here because of Norris Schools. It was a better back then, but has gone downhill."*
- *"I heard Hickman was getting a golf course and a pool :/"*
- *"Acreage owner"*
- *"Proximity to Lincoln"*
- *"Closer to family in Bennet"*
- *"Wanted to live outside of Lincoln"*
- *"Small town, acreage"*
- *"Favorable housing prices"*
- *"Cost of lot to build"*

- *"Purchased home"*
- *"Enjoy the small town and would love for it to stay small"*
- *"Rural/ small town living, cost of living"*
- *"Small town"*
- *"Leaving the city"*
- *"Wanted small town living"*
- *"Friends"*
- *"Safe, Quiet & Closer To Spouce Work"*
- *"Available housing"*
- *"nice acreage"*
- *"Small town"*
- *"Love small town feel."*
- *"Wanted an acreage"*
- *"Available housing in rural area"*
- *"Norris ranks at a 4, not that great"*
- *"Out of the city"*
- *"Wanted to live in a safe small community."*
- *"A desire to live in a small town"*
- *"Ability to live on an acreage."*
- *"Thought it would be good place to raise family"*
- *"Small town atmosphere"*
- *"Proximity to Crete/Lincoln"*
- *"Wanted to live on an acreage"*
- *"Small town. Not big!!!"*
- *"Housing at that time 1976"*
- *"My kids were small then"*
- *"Didn't want to live in Lincoln."*
- *"Housing availability"*
- *"The smalltown feel"*
- *"Wife"*
- *"Liked the town and area"*
- *"Affordability of Land"*
- *"Small town, live close to bigger city"*
- *"My daughter and grandkids"*
- *"Young families/community"*
- *"Small town atmosphere"*
- *"Terrace View Housing development"*
- *"Small town with acerage"*
- *"Wanted small town lifestyle/ community and a smaller school for our kids"*
- *"Smaller school and safe, quiet, young community"*
- *"Available housing for sale"*
- *"Housing was less of a competition like it is in Lincoln"*
- *"Small town"*

#28: All of us have different experiences with where we live. We want to know how YOU FEEL about Hickman. Is Hickman a quality place to live?

- Very high quality: 13.91%
- High quality: 55.63%
- Neither high nor low quality: 24.17%
- Low quality: 2.32%
- Very low quality: 0.33%
- Other: (please specify) 3.64%; comments below
- *"Doesn't have the small town feel anymore"*
- *"I knew Hickman when I was younger. Still the same drug ridden dump it was, they just raised the taxes."*
- *"Taxes way to high."*
- *"cost of water and sewer is way too high comparatively to other communities the size of Hickman. What is 'affordable' housing in Hickman? Seems like all new home construction is well over $400k today"*
- *"I like the neighborhood (Terrace View), but we need more things in Hickman to make it actually feel like a community. At current state, it is a commuter town."*
- *"Would be Very high quality if the Education was better."*
- *"Would be great if we would get a golf course and a pool"*
- *"Good town. Looking to move due to high taxes"*
- *"It has changed alot with all the growth. Basically lincoln issues have come to our area. I'm just glad my kids went to school and lived here when they did. It's not a small town country feel with all the spoiled kids and rules that are not followed!!"*
- *"Can we consider a pool?"*

#29: I plan to retire in Hickman.

- Yes : 43.20%
- No: 46.26%
- Already Retired: 10.54%

#30: I am confident in Hickman's future.

- Yes : 59.54%
- No: 10.53%
- Not sure: 29.93%

#31: What is your vision for the downtown areas in the next 10 years? (2024-2034)

- *"there is no downtown"*
- *"I just would like to see the spaces that are built used for offices and jobs"*
- *"More for young adults to do"*
- *"more retail, destination shops/boutiques/ice cream"*
- *"Retain current businesses"*
- *"Bring more stores"*
- *"Pickleball court, keep the buildings up to date."*
- *"enlarge the commercial area out to 68th street, add a parking area, beautify it and then utilize it for small town festivals."*
- *"A restaurant that serves a good and reliable breakfast."*
- *"A restaurant added and more small businesses (brewery)"*
- *"Retail that is a destination that draws FROM surrounding communities."*
- *"No one cares"*
- *"It would be nice to see more small-town retail in the downtown area as well as some family-style restaurants*

that would bring local foot traffic into the downtown area."

- *" Expanded retail/ restaurants/ activity centers"*
- *"Grow businesses, restaurants & shops."*
- *"Hopefully more shops and more activity. More family friendly"*
- *"Would love to see locally-owned businesses - retail and restaurants"*
- *"A place to spend a Saturday or Sunday afternoon. It would be nice to have a baseball/softball field complex nearby."*
- *"Would love to see a way nicer looking, attractive downtown area with restaurant or coffee shop that you can sit outside, some retail for shopping and a friendly vibe with flowers/ planters and sitting areas"*
- *"It will take some intentional planning or it will not advance. The potential for flooding is a concern for that area."*
- *"Stop wasting our tax dollars on buildings! We don't need anything else for Pete's sake!"*
- *"Restored with more parking."*
- *"More things to do"*
- *"More things to do"*
- *"More public parking is the biggest issue"*
- *"We need a Vegas style strip. With casinos and shows/ concerts. Would bring a lot of money to the city/county and lower our taxes."*
- *"I have always loved little downtown areas , especially when they are maintained to keep the same look & feel the buildings originally had decades prior. It would be nice to keep that for Hickman; repairing where necessary, and adding on if possible but still keeping the small town feel. It would be great to have multiple functioning businesses to shop at /frequent in the downtown area besides just a bar . "*
- *"No opinion"*
- *"I would like to see it be a mix of the old charmy farm town think Mayberry. We need to figure out what is going on with the apartments down there and the used buildings. Empty buildings are not attracting anyone."*
- *"More shops or cafes, businesses for haircuts or nail services."*
- *"Down town is fine. Leave it alone."*
- *"More shopping/food options that will draw business to the area, possibly a grocery store, more public events (bands, street dances, festivals)"*
- *"Improvement for utilities in the older homes, underground power lines. Working on keeping up the older homes to look nice. It's hard to pay such high taxes where only half of the town looks kept up."*
- *"The same. Fixing things that need to be fixed, doesn't seem like a priority to hickman. They want to build build build"*
- *"family friendly restaurants and local coffee shop/ bakery"*
- *"Hopefully not like the current ghost town."*
- *"It would be nice to have a little entertainment district with bands etc."*
- *"I would love to see it continue to revitalize!! Make it inviting for businesses as well as new areas of town."*
- *"Food, business and retail development on 68th and/or downtown to create a vibrant community. Perhaps Food Truck nights and Farmers/Open Air markets to create a sense of community. Check out Circle C community in Austin, Texas."*
- *"I don't see much change. Maybe an increase in some sort of retail."*
- *"More variety of services and things for kids"*
- *"Continued shared use of facilities and available parking space. Utilize shuttle services to encourage participation in Locust Street events and activities."*
- *"It would be nice to have solid, stable businesses which remain downtown long-term and attract people from Lincoln."*
- *"Would have been great to develop athletic complex.. soccer, baseball, softball.. would bring people to your town year round.."*
- *"As is. Community Center and Theater are solid. Need to beautify Hickman bar."*
- *"More retail and bistros"*
- *"more family friendly and a swimming pool!"*
- *"Build local businesses"*
- *"More restaurants in the future and movie house hopefully."*
- *"It will likely develop more slowly than residents would like for it to."*
- *"The new theater is the right direction to take downtown. Offer existing businesses some TIF"*
- *"More retail - restaurants, nice bars, shops"*
- *"1. Encourage new development/ replacement*

of old worn out buildings."
- "Focus should be in new commercial development along 68th St"
- "Maintain what is already there."
- "Restaurant and sports bar"
- "More entrepreneurial business, variety. Bike trails to get to/from through all of Hickman to the main city square."
- "More retail shops. An ice cream shop. A coffee shop. A consignment shop where locals can sell their handmade items. Flowers, trees."
- "Shops and restaurants with some entertainment other than a bar."
- "More family friendly-activities for kids and family and bring the community together. A facelift of buildings and more inviting feel."
- "It would be nice to see more shops, cafes or somewhere anyone can hangout in. Easy access via the trails and options for any age."
- "more restaurants and things to do, pickleball courts would be great, especially indoor for the summer."
- "More retail"
- "I don't know"
- "More retail and services"
- "A few restaurants and entertainment shops"
- "I would love to see more small businesses & entertainment available. Added parking areas for busy times is needed."
- "Like to see something online of either a coffee shop or something more family focused"
- "Hoping to have more shopping opportunities, coffee place, bars"
- "Gain more businesses"
- "I hope there's investment downtown. Aside from Hickman haydays, there's not much activity downtown most of the year. The playhouse and the bar draw people in. The businesses currently located downtown don't align. There's a body shop next to a bridal shop next to the VFW these businesses are occupied at different times."
- "Economic development"
- "Parking solutions, coffee shop, floral shop, ice cream shop"
- "Keep the charm, but improve any buildings that can be used for business purposes."
- "A people focused downtown that provides meaningful opportunitirs for connecting and gathering."
- "Na"
- "More retail and food industry services."
- "More vibrant and greater usage. The only time I see people is when there is an event at the theater or when picking up mail."
- "If you lower our taxes, the city will grow naturally because of the quality of life, and the free market will fill the gaps. Would love to fix the water problem. Can nothing be done with the reservoirs we have nearby?"
- "Wherever economics takes us"
- "More restaurants and venues"
- "More family friendly events, more businesses"
- "Businesses that show pride in their products and community. Expanded parking."
- "Need to make Main Street more like Ashland entertainment and shopping"
- "More activity."
- "Trick or treat on the trail is my favorite Hickman event. It always draws a great turnout. Costume contest was a great event as part of that. Having food trucks downtown during trail event was also great idea."
- "Clean. Farmers market. Like dt a lot currently."
- "We need to beautify with flowers and such"
- "More businesses and jobs."
- "Leave it be"
- "I think we are on the right path. Need a few more business and fast food restaurants to keep people in Hickman"
- "I believe the downtown area can be a thriving business district, with more businesses, buildings, and apartments making downtown an attractive destination to visit. There is untapped potential for additional bars and restaurants, ice cream shop, boutiques and shops, as well as leaning in to the golf cart scene. Revamping and beautifying all the way to 3rd street. Potentially revamping 1st street to Locust. Apartments with accessible parking with businesses wanting to have offices in Hickman."
- "I owned retail for 25 years. I believe in it. But i also know its tough. Have as much as we can but accept we are a bedroom community, and thats ok. Beautify our town. Lower our taxes. We will thrive."
- "To try and entice people from the surrounding small communities to come and

entertain families here. Plus host family outings as well."

- *"For Hickman to attract more business, retail and restaurants, as well as a grocery store."*
- *"Clean up the buildings"*
- *"Expand retail business."*
- *"Vital business district, restaurants, no open lots"*
- *"Fill the existing buildings with active businesses."*
- *"depends on population"*
- *"Business hub of the city, but not retail."*
- *"Would be nice to have a full grocery store"*
- *"More businesses"*
- *"Having a walkable community area with businesses that are fun and high quality. Right now, there's really no reason to stay and hang out in the downtown area. Maybe some benches, trash cans, small play areas in addition to quality, family friendly food and drink businesses would be great!"*
- *"Boutiques and sports bar and legion."*
- *"Increase the recreational and shopping experiences people can have there."*
- *"Beautify the area. Get some cute shops like a bakery or cafe, antique shop, etc. clean up or replace the junky buildings and abandoned gas station."*
- *"Restore and beautify"*
- *"More retailers"*
- *"Maintain/ grow commercial businesses"*
- *"mix of commercial and residential, more vibrant, family environment, leveraging local historical and cultural assets"*
- *"Maintain/improve the appearance of the downtown are to the glory of its hay day."*
- *"Addition of more local shops/restaurants/ entertainment"*
- *"Would be nice to update and make it more inviting to families for dinner, coffee, shopping"*
- *"It's in a flood plain"*
- *"No comment"*
- *"I envision downtown becoming a nostalgic and bustling area of business. Tourists will come visit Hickman from miles around. It will be a destination and the unique small businesses will be a draw for tourism."*
- *"bring more life to downtown by more businesses"*
- *"Update and clean up"*
- *"Needs improved parking and a reason to go there."*
- *"More retail"*
- *"Develop businesses to retain yourh and recreational areas for the community"*
- *"Idk"*
- *"More retail. Restaurants. Fast food options"*
- *"Thriving businesses"*
- *"Little to no change. Development should occur along 68th street and 82nd st. There is no space to develop downtown and businesses would not be successful as little traffic is in downtown. This is a flood plain area. Lots on the east side are still empty and available. If anything --Hickman needs a larger post office!!!!"*
- *"Let it grow naturally, don't force or go soliciting specific businesses. Be fair to residents and businesses in taxing, good job city council for batting down the grocery that wanted to only profit and get incentives to be in our town."*
- *"Make it a place to stroll and shop, maybe a little cafe and a couple more little shops. Finally finish that mixed use building on the corner! What's up with that?"*
- *"Nothing, I think it's OK as is"*
- *"Tear it down"*
- *"Would love it if the city stopped trying to grow. The appealing small town feel will be lost. If people want the big city... They would have or can move to Lincoln."*
- *"Not much change"*
- *"More new business."*
- *"More business, and things to do"*
- *"Coffee shop, family dining, local shopping, local grocery store"*
- *"More retail spaces and restaurants"*
- *"I would like to see more festivals/shows in the future. I would also like to see more businesses open."*
- *" Something that compliments the theater A new post office"*
- *"A thorough mix of eateries, stores, and activities (like mini bowling or golf simulators). Places to hang out both inside and out."*
- *"More public parking available - Priority."*
- *"Beautification"*
- *"To add more businesses and possibly more fast food options and a pool."*
- *"We need a secondary retail/ business district with a variety of options and services"*
- *"Not sure"*
- *"Develop the small businesses rather than adding chains/ corporate business."*
- *"Transition retail out of existing downtown location and move to more accessible area. Use existing downtown area to attract*

businesses that don't require retail storefronts (tech office, dance studio, mechanic shop, daycare, fitness gym, etc)"
- "Natural gradual improvement"
- "Maintain businesses in downtown area, with no additional lots being added for space."
- "Not worth the effort"
- "More shops, maybe an arcade"
- "Coffee shop, retail space, restaurants, walkable community"
- "My perception of downtown right now is mostly government buildings and a bar. Hickman needs to do a better job of promoting local businesses and creating environments where people want to start a business. But that only happens with a high enough population to drive traffic keep the doors open."
- "Na"
- "The downtown is fine. It is what it is."
- "More family friendly businesses and more developments for hanging out in Hickman instead of driving to Lincoln (ie axe throwing/bowling/mini golf, sonic/ice cream shop)"
- "There's no room now that the theater has been built."
- "Create an area where people want to be and is accessible"
- "Nothing growth should be on 82nd street."
- "Better retail, entertainment, expansion, and places to eat"
- "More businesses, keep the historic feel"
- "Restaurants / Apartments / Recreation Activities"
- "Updated buildings with additional businesses"
- "Preserve and keep occupancy"
- "More eating establishments..family friendly and more activies for younger children..swimming pool, drive inn theatre"

#32: What do you like about other downtown areas that you have visited and/or lived in?

- "community center"
- "when Hickman gets to Lnk pop then ask me"
- "easy access"
- "outdoor bar seating"
- "old town feel"
- "unique shopping experiences"
- "Clean, well maintained streets"
- "Every downtown areas have a splash pad for our younger children. Mine are teenagers now but when we or other people have families visiting with little children a splash pad would be beneficial for them while visiting during the summer."
- "The historical look with the modern shops"
- "uniform lighting with seasonal banners, hanging plants, sidewalk and street repair with additional curbing and landscaping."
- "Restaurants ,shopping"
- "Water feature & small play ground in a courtyard. With 3-4 business with shopping and patios surrounding it."
- "Ice cream/popcorn shops. Outdoor beer gardens. Micro brewery. Farmers markets."
- "People"
- "Historically-minded structures that house businesses that are owned and operated by local community members that employee local community members. Businesses that drive local foot traffic and support 'outdoor' activities such as coffee, eating, etc. that bring opportunities for the community to interact and tighten."
- "Many different retailers, restaurants, etc"
- "NA"
- "Charming businesses, boutiques, restaurants & bars."
- "Variety of shops and areas I can enjoy time with my family"
- "variety of retail, bars, restaurants, lodging, etc. Clean and kept up - investments in beautification + availability of special events areas."
- "A vibrant setting with mis-use space such as restaurants, outdoor play space for kids and adults, wide sidewalks, places to sit, artwork, etc."
- "Old buildings kept up, retail"
- "I like Ashlands downtown, fun variety of businesses, eating spots and flowers/ trees that are nice looking and inviting"
- "The small town community that serves it."
- "Everything is in one place and not spread out all over the community."
- "Lots of things to do, places to eat, shopping,"
- "The old style business fronts and lots to chose from"
- "Being able to support more people when holding community events. People around Hickman like to socialize and bring their kids to events, so the crowds are bigger than what the city plans for. The park doesn't even have much parking when there are activities going on. Be careful with

trying to add more taxes."
- "Again, the maintained small town /old time-y feel of the buildings, the architecture, having several diverse business options"
- "Seward has a nice downtown. Lots of shops (coffee, Ice cream parlor, etc) I think they also have a park there as well. That would attract more people if the park was more attractive and connected to the main street more."
- "More shops to visit, walking paths that actually get you to businesses."
- "They are fine."
- "Shopping options, food options"
- "Community feeling. The whole town feels so political around Norris where it's not needed."
- "Everyone is rude and stuck up. Not warm and inviting. More interactions for parents and kids that are fun events. Summer block parties, dunk tanks, just fun events."
- "I'm not fond of most downtown areas I've seen."
- "small town local businesses. would love a plant/nursery business"
- "Syracuse, NE. They have about half the population, fewer surrounding communities but they support a brewery/restaurant, winery, two other bar/restaurants and several other businesses in their downtown area alone. Why can't that be Hickman?"
- "I like that there is a nightlife and places to just sit outside and listen to music or attend events."
- "Small town quaint."
- "Unfortunately the best downtowns are usually on the Main Street of the community. In this case, that would be 68th and Hickman road as it grabs the attention of passersby and it's good for small businesses."
- "Inviting atmosphere (clean, well maintained)."
- "Quaint, variety, small town feel"
- "Seasonal plantings perhaps cared for by city employees"
- "There were multiple family-friendly food options available."
- "Would love to expand trail system.. we walk several days a week"
- "Not much. I like being on the outskirts and visiting downtown as infrequently as possible."
- "lots of things to do and see"
- "Local feel"
- "Lots of activities to do, a lot of shopping and food choices."
- "People are there."
- "Pella, IA has the tulip festival that brings in thousands of people to a little town. Winterset, IA has Bridges of Madison County that brings in thousands of people to a little town. BRAN - bike ride across Nebraska - be a host town along the route. Promote Hickman for more than the connection to Norris Public Schools."
- "It's great to see historical buildings preserved, but new life brought to them through retail businesses. Outdoor seating or gathering areas for special events is always a plus."
- "Love the reading center and post office"
- "Clean, bike trail, park"
- "Outdoor/sidewalk dining option, regular farmers market, start/stop community walks/bike rides, flea markets on Main Street."
- "Redevelopment like the Lincoln Haymarket or Hastings downtown. Hickman Doesn't have the availability to do redevelopment that can make it a consistent destination place"
- "The downtowns I've liked consisted of more than 2 blocks and was older architecture. I don't see much history in Hickman's downtown. It's not going to reflect much history, so why waste resources "preserving" history. Instead, make Hickman a destination to see with beautiful new architecture, unusual or unique attractions or festivals."
- "Walkable, businesses, restaurants"
- "Convenience. Great staff. Pleasurable."
- "They are clean & pretty. Much of downtown Hickman is trashy & forlorn."
- "The ability to get almost anything you need (entertainment, meals, drinks, general shopping)"
- "Bricktown in Oklahoma City has such a unique vibe and options for all ages. Lots of shops connected and easy to access. Nebraska City has a great history and options for everyone with golf, pool, historical tours and the various festivals they put on."
- "they're easy to walk, a variety of places to walk into, eat healthy meals, shop, places to eat outside when it's warm, outdoor activities to do."
- "They have viable retail options"
- "choices"
- "I moved here from the

Hastings area & saw them build downtown into a destination for restaurants, unique stores, & places of art & entertainment."

- *"They have a swimming pool to keep kids active and busy in the summer"*
- *"The amount of businesses that have an opportunity be in the down town area for local consumers"*
- *"Ashland is a great example of how you create a downtown area."*
- *"Walkability, availability of services, green space"*
- *"Greenery, brick or designed crosswalks, shade, outdoor movies"*
- *"The Community Center, a Bar & Grill to go to, that it leads to the Community Park"*
- *"Walkability, plants and other seasonal decor to make the downtown more welcoming. Ambient lighting and love music. Businesses like coffee or ice cream shops or restaurants where people can congregate with outdoor spaces that can create places to congregate and build relationships."*
- *"Na"*
- *"Attractive storefronts and ability to walk a few blocks while browsing through interesting stores."*
- *"Weston, MO is a great example."*
- *"Shops. ..quaint"*
- *"Spots to sit! There are no benches or outdoor cafes."*
- *"There are many beautiful, historic downtown areas in the region. They offer a community gathering place and charm that Hickman does not and won't have. That's okay. We could have great sports facilities, a pool and other fun things for families, and focus on quality of life, and we'll see businesses flourish that carve a niche for themselves."*
- *"Cleanliness "*
- *"Bars nightlife restaurants etc"*
- *"Modern businesses while preserving the history of the town"*
- *"Variety of restaurants and shops"*
- *"Small town feel with quaint shops"*
- *"Walkability. Being able to walk around to multiple shops and businesses/events"*
- *"Waterfront views. Wide variety of retail stores. Ice cream"*
- *"Ashland is good vibe"*
- *"More activity and shops"*
- *"Walkable, pretty flowers, green spaces, variety of unique shops and eateries"*
- *"Planter boxes and trees"*
- *"Social opportunities. Bars. Restaurants. Dog friendly. Library. Gym. Family friendly."*
- *"Community center, bar/ restaurant"*
- *"Christmas lights"*
- *"Plattsmouth Nebraska City are examples of keeping the old and incorporating it with the new. Cheery small town feel with more amenities."*
- *"Shops, parking, decorations, outdoor areas to eat, 2 story buildings."*
- *"Much much cleaner than ours. We have too much junk downtown. Attractive fronts, nice lighting and signage, distinctive businesses"*
- *"The local shops, restaurant and entertainment places."*
- *"Historic, well kept."*
- *"A good mix of retail, and outdoor space."*
- *"I like the playhouse plays. I like the legion fish fries and the pancake feeds. I like the bar. I like the community center for Makers Marts and basketball. I use the reading room and love to see the kids there. I like that the trail system allows me to get downtown. I use the post office daily."*
- *"Less government micromanagement"*
- *"Easy access and parking"*
- *"More shops"*
- *"I like walkable areas with good retail stores and attractions"*
- *"Historical feel and local businesses."*
- *"It is close to the park and connected with walking trails."*
- *"Attactive and unique places to eat and shop."*
- *"Small shops"*
- *"Clean"*
- *"More food and entertainment options."*
- *"Places to eat, bars, coffee places, shops. Clean areas"*
- *"No comment"*
- *"Cute shops, unique street signs and lighting, food vendors, large downtown area, variety of businesses, cohesive feel, nostalgic, small -town feel."*
- *"Clean, welcoming"*
- *"Pool, variety of shops"*
- *"Nice"*
- *"Nebraska City has a historic downtown that has been invested in to revive businesses in the area."*
- *"History and businesses"*
- *"Ice skating and cube in lincoln."*
- *"Small town businesses."*
- *"Towns were larger so that made a difference. Post office that is large enough for community."*
- *"Variety - Not one big arts facility that suits a small*

portion of the population and holds questionable events i.e., called White Trash Bash - Certainly not a very inclusive event for a city that wants to be where everyone wants to live and enhance business."
- *"In the small town I grew up in, we had a drug store, clothing stores, hardware store, flower shop, post office, bowling alley, a couple of restaurants, a donut shop, furniture store and a couple of bars downtown. It was nice to stroll up and down the street to shop, run errands, stop to eat and visit with friends and neighbors."*
- *"Small town atmosphere"*
- *"Shopping"*
- *"That they are not trying to grow and change what is already good"*
- *"Unique shops but more than one or two - half d to do in our downtown."*
- *"Clean and easy to access."*
- *"Lots of open thriving businesses, walkable and looks good."*
- *"Lively, things to do, more then one option for food/ bar, options"*
- *"Has places to eat, has local shopping,"*
- *"A central location for shopping and restaurants. A meeting place for community celebrations, street fairs, outdoor concerts, etc."*
- *"Ease of access and parking, historic charm and well maintained buildings."*
- *"Walkability"*
- *"Sioux Falls, SD has a great downtown. Bars, restaurants, activities, stores, salons, arts, events. You hang out there because it has everything you need/want. They pooled their resources and took it from a place no one wanted to be to a place everyone wanted to be."*
- *"Well equipped parking for each business."*
- *"Town square, continued downtown improvement, downtown committees, business feedback, summer weekly or bi-weekly community events."*
- *"They have lots of fun shops that work together to better the community. Pools that are clean and well maintained."*
- *"A variety of businesses"*
- *"Outdoor dining, walkable, well lit and landscaped."*
- *"Any good downtown area is easily accessible and a central hub. Look at all other communities large and small in our area. The downtown area is almost always very near the center OR where traffic is the highest. Hickman's existing downtown is neither."*
- *"Small town atmosphere"*
- *"Small town feel."*
- *"Easy accessibility which Locus is not."*
- *"Lots of shopping, fun stuff for kids, short walks between shops"*
- *"Things to do. Movies, restaurants, unique shops or retail spaces. In Lincoln I can grab dinner, play board games, go see a movie, and get a drink afterwards all within short walking distance of each other."*
- *"Na"*
- *"The wide variety of things/ activities to do, local shops to support"*
- *"Small town business is supported by the community.*
- *"Things to do and shared reasons to be there"*
- *"Hickman bar and Andy's are the best thing in downtown."*
- *"Welcoming, family friendly, everyone of all ages is invited or can feel included"*
- *"Some have murals and shops/ cafes"*
- *"Entertainment"*
- *"Outdoor seating at bar/food establishment, entertainment for all ages, places for families/friends to gather and come together"*
- *"An active environment is important"*
- *"More stuff to do "*

#34: What amenities would you like to see in the parks?
- Basketball Court: 41.11%
- Pickleball Court: 46.30%
- Tennis Court: 25.93%
- Walking Trail Loop: 58.15%
- Playground: 39.26%
- Soccer/Flag Football Field: 34.07%
- Other (please specify): 32.22%; comments below
- *"Pool"*
- *"swimming pool"*
- *"swimming pool"*
- *"Updates baseball firld"*
- *"T-ball, softball, baseball sports complex built. Bring money into the community vs everyone taking our money elsewhere. Think of ways like this to build sales tax to generate money. This could help/keep improving the city needs."*
- *"Pool"*
- *"Splash pad or swimming pool"*
- *"Roller hockey rink"*
- *"Baseball and softball complex"*
- *"Again with the spending tax payers money."*
- *"Pool"*
- *"Swim pool/splash pad"*
- *"Disc Golf"*
- *"Splash pad or shallow pool"*
- *"Golf course"*

- *"Golf course."*
- *"City pool"*
- *"Covered seating at the new park, water fountain, bathroom at the new park, parking lot for the new park where the field is to the South of the park so everyone can stop parking in front of other people's homes !"*
- *"Finish or connect the bike/ walking trails."*
- *"Accessible Playground"*
- *"Baseball/softball fields"*
- *"Pool"*
- *"A trail to the Jamaica trail"*
- *"A connection to the Homestead Trail to the west"*
- *"New Baseball Fields"*
- *"Swimming pool"*
- *"swimming pool"*
- *"Outdoor music area (regular weekly music)"*
- *"Swimming pool"*
- *"Swimming pool. Splash pad"*
- *"Splash pad"*
- *"Splash pad but only if the water infrastructure is addressed first!"*
- *"POOL, trees to climb, natural playscapes"*
- *"Pool"*
- *"Restrooms"*
- *"Swimming pool"*
- *"Community pool or water park."*
- *"Swimming pool or splash pad"*
- *"Golf Course, city pool"*
- *"Exercise course/stations"*
- *"We need a pool"*
- *"Swimming pool"*
- *"Pool"*
- *"Golf, sporting clays, fishing pond, other quality of life options available to lots of people."*
- *"Pool"*
- *"Pool"*
- *"Running trails"*
- *"dog park"*
- *"Shooting and Archery Range"*
- *"Pool"*
- *"pool"*
- *"Another great playground on the east side please"*
- *"Swimming pool"*
- *"Pool"*
- *"Parks are good"*
- *"I would never use it but we need a pool"*
- *"Splash pad"*
- *"we need a trail from the new underpass north to Woodland Blved."*
- *"Accessible playground"*
- *"Dog Park"*
- *"Pool"*
- *"Disc Golf."*
- *"Pool or Water Park"*
- *"Sand volleyball"*
- *"Parking, Pool"*
- *"Pool"*
- *"Archery Range"*
- *"Better baseball fields"*
- *"Pool"*
- *"BASKETBALL COURT AT OAKVIEW PARK"*
- *"Golf course"*
- *"When is the 82nd & 7th park going to be developed? Currrent parks need to be maintained & kept in good shape."*
- *"A pool"*
- *"Dog park"*
- *"Outdoor tennis court/ pickleball would be most ideal."*
- *"Pool"*
- *"Golf"*
- *"Pool and Dog park"*
- *"Existing parks are very nice and offer lots of things to do."*
- *"Pool"*
- *"City pool or other water installations"*
- *"Dog park"*
- *"Fix street and infrastructure first."*
- *"Fishing"*
- *"Baseball/softball/soccer"*
- *"Whiffle ball"*
- *"Enclosed area for younger kids"*

#35: Do you feel that the city provides adequate trail/ pedestrian across to key areas of the community (neighborhood connections, parks, businesses)

- Yes: 74.30%
- No: 25.70

#36: What activities do you use the City's trail network for?

- Walking dog or pet: 56.16%
- Walking/biking to city parks: 52.54%
- Walking/biking to businesses: 18.48%
- General Activities/exercise: 74.64%
- Other (please specify): 4.71%; comments below
- *"No"*
- *"Lighting project has been a great addition to the city trails"*
- *"Would like to bike to Lincoln and Wagon Train Lake on a trail vs road."*
- *"I would love if we could get a longer trail connected for those who go more then 6 miles, without having to make several loops."*
- *"Walking while kids play"*
- *"Looking for a pool"*
- *"Running"*
- *"Trick or treat on the trail event"*
- *"With age has come less frequency of use, but I always felt like they were well maintained and safe."*
- *"Extend 7th st trail to 82nd st. Place trail on 68th street behind houses and Prairie View Park water to keep golf carts off streets. Golf carts on streets & even 68th Street should not occur. What enforcement is being done to keep youth from driving & keep carts off 68th street?"*
- *"Trail is nice although snow powing needs to be a*

priority."
- "To Vist others in town"
- "NA "

#37: List the one most important quality of Hickman that must be preserved.
- "small town feeling"
- "small town atmosphere"
- "why preserve? onward!"
- "trails/parks"
- "small town"
- "small town atmosphere"
- "small town caring for each other"
- "History"
- "Trees"
- "It's youth"
- "Stay class B school district"
- "small town fun"
- "Can't think of one."
- "Family"
- "Safety of the residents"
- "Small-town atmosphere"
- "Smaller town feel"
- "Clean & maintained homes & businesses."
- "Small town feel and sense of community"
- "safe streets"
- "Current trails"
- "The hardware store is the only thing in the town worth its salt."
- "Small town feel"
- "It's small town feel!"
- "Community involvement"
- "The small town feel must be preserved."
- "Small town feel"
- "Small town atmosphere"
- "Nothing."
- "Small town feel"
- "Growth"
- "Small town feel."
- "The small town / agricultural feel."
- "Quiet, small town vibe even if it grows"
- "Small town feel"
- "Lower taxes"
- "The small town feel."
- "Small town feel"
- "Downtown. There's a lot of history there and it should be kept nice instead of run down."
- "preserve having control of our town and not letting Lincoln bleed into us."
- "Family atmosphere"
- "Clean"
- "Small town. This absolutely does not need to be a suburb of Lincoln. People move to Hickman to get out of Lincoln. While growth is important, it makes not sense to allow homes and apartments to be built when we are on water restrictions every summer, and there are power outages constantly, and water is turning brown all the time. Fix the town for the people that are already here FIRST."
- "Street quality"
- "Small town ""feel"""
- "Small town ferl"
- "Continue to promote opportunities for the community to keep learning from and connecting with the many talented people living in and around Hickman."
- "Safety"
- "Support our school!"
- "Small town bedroom community with an awesome class B school"
- "Cost of living here"
- "Downtown"
- "The downtown area its heart of the city."
- "Safety."
- "Keeping children safe on the streets, free to ride their bikes, go to the playground and arrive home without worry"
- "Safety"
- "Family friendly / safety"
- "Small town feel"
- "Separation from Lincoln, remain an attractive location to live."
- "Strong School system"
- "I don't have any idea. What is Hickman known for?"
- "Walking and biking Trails"
- "Downtown character."
- "Small town feel"
- "None"
- "Small Community"
- "Growth, don't let Hickman get 'too' big where you can't know your neighbors as well or lose that 'community' feeling."
- "small town feel"
- "N/A"
- "Commitment to 20-year plans - low density housing"
- "Good roads"
- "Small town feel."
- "Small town without a lot of rules or regulations no HOA's let kids be kids allow us to use our golf carts"
- "Small town living."
- "The ability to drive ATVs and golf cars."
- "Please don't ruin the scenery by supporting wind farms. They're ugly and no one will move here to live by a wind farm."
- "Downtown vitality"
- "Food Services"
- "Safety"
- "History"
- "Small town"
- "Downtown"
- "Community unity or spirit. Do not make decisions that could fracture the community."
- "Tranquility"
- "Small town community feel"
- "Police protection"
- "Safety and security"
- "Continued QUALITY growth"
- "The feeling of community"
- "Rural living"
- "Small town feel"
- "Trick or treat on the trail and Hickman hay day's events"

- *"High home ownership"*
- *"Small Town atmosphere"*
- *"Small town that it is... stop trying to grow it so fast"*
- *"Small town atmosphere."*
- *"Family-focused"*
- *"Family friendly activities and environment."*
- *"Small town identity, low crime"*
- *"The downtown needs to look more like the Haymarket in Lincoln ~ charming brick streets, flowers, street lamps etc"*
- *"Small Town/agriculture"*
- *"Small town feel"*
- *"The small town atmosphere."*
- *"Safety"*
- *"Small town feel"*
- *"Nice neighborhoods"*
- *"Small town atmosphere"*
- *"Small town feel."*
- *"Good school system"*
- *"Downtown business district"*
- *"The feeling of safety for families. I think the unique thing about Hickman is that everyone knows their neighbors and watches out for them."*
- *"quiet"*
- *"Small town feel!"*
- *"Multi-generational living"*
- *"Safety/community civil mindedness"*
- *"Small town feel."*
- *"Safety for children"*
- *"Friendly community"*
- *"Stay small."*
- *"The small town feel"*
- *"Old beauty"*
- *"Separate from the city"*
- *"Recognize we are primarily a suburb/commuting community. With continued developing nearing from Lincoln, the community doesn't have to provide every employment opportunity"*
- *"Friendly, respectful people"*
- *"Safety of residents and community."*
- *"Small town"*
- *"Low crime rate"*
- *"Small town feel"*
- *"Small town feel"*
- *"Trails"*
- *"Small town community"*
- *"The small-town feel."*
- *"post office"*
- *"Small town feel"*
- *"Small town feel"*
- *"HISTORY"*
- *"Small town feel"*
- *"Remaining a small town tgrough growth. We moved to Hickman from Lincoln as we grew up in a small town and wanted to get back to that atmosphere."*
- *"Remain a small town."*
- *"Integrity. We don't need all these apartments clogging up this nice city and attracting shit birds so they can go to Norris. You wanna go to Norris then buy a house here"*
- *"Community center. Theatre. Let's make downtown cool and inviting"*
- *"Small town feel"*
- *"Well maintained homes & parks with adequate infrastructure."*
- *"Small town, quiet atmosphere."*
- *"Keep Hickman separate from Lincoln politics"*
- *"City employees have no leadership on what needs to be fixed"*
- *"The smaller population, the small town feel."*
- *"Small town atmosphere"*
- *"City park"*
- *"Independence from Lincoln. While the taxes are high here, the smaller community is better able to service the roads and infrastructure. If we are annexed by Lincoln that all goes away."*
- *"Young population"*
- *"Being able to walk on all the trails around the town"*
- *"The small town feel, it needs to maintain it's separation from Lincoln, maintain its quaintness."*
- *"The small town charm"*
- *"Keeping small town feel"*
- *"Walkability and small business support"*
- *"History of the town."*
- *"The downtown"*
- *"Small town community feel"*
- *"Small Town"*
- *"Not sure"*
- *"The small town feel"*
- *"Small town feel."*
- *"Strong sense of community."*
- *"Small town atmosphere"*
- *"Small town"*
- *"Quality/smaller school. The school has gotten huge with so many towns feeding into it and continuing to grow with the many families moving to Hickman and the surrounding towns. I worry it will be the same size as LPS soon."*
- *"Small town vibe"*
- *"I do really enjoy how committed Hickman is to having playgrounds for kids. People even come from Lincoln to use them. For a city this size having more than one play area for kids is surprising in a good way."*
- *"The people"*
- *"A quiet friendly community."*
- *"Affordable housing/taxes"*
- *"City limits"*
- *"Cemetery"*
- *"Small town living"*
- *"Small town feel"*
- *"Small town"*
- *"Family Friendly"*
- *"The community feel and not become a big city mindset"*
- *"Rural separation from Lincoln"*

#38: List the one thing that most needs to be changed about Hickman.

- *"fast food, grocery store"*
- *"cant think of anythingclose enough to what i need and want"*
- *"employment"*
- *"Needs a pool"*
- *"The way water smells and tastes"*
- *"need swimming pool, another grocery store"*
- *"need a swimming pool"*
- *"Weed Control"*
- *"More parks"*
- *"Grocery store"*
- *"More healthy activities for adults"*
- *"sidewalks on 68th Street through town"*
- *"Bring a major grocery store to Hickman!"*
- *"Another gas station. Ustop controls gas price and it's to busy."*
- *"Water quality."*
- *"THE NAME and more affordable housing."*
- *"Ways to keep people and their money within Hickman while maintaining our small-town atmosphere."*
- *"Updated infrastructure for growth"*
- *"More restaurants, shops, bars, & groceries."*
- *"Grocery store or more variety of stores"*
- *"clean up of older areas"*
- *"Create a better space for youth activities - there is a lot of money to be made with youth complexes"*
- *"City administration that cares about residents"*
- *"Local taxes and utilities are much higher than Lincoln and the surrounding area. We Mugsy keep costs in check."*
- *"Need to have more access to community center, pickle balls courts, golf course, swimming pool but does not need to be in Hickman can be in Norris district. And more food options and grocery store"*
- *"Need a swimming pool"*
- *"Taxes Taxes TAXES"*
- *"Needs a real grocery store*
- *"We need a grocery store!!!!"*
- *"We need a pool"*
- *"Stop trying to be Lincoln and too big for your britches. Lower the property taxes."*
- *"We need a pool like waverly"*
- *"Taxes and High utilities!"*
- *"The good ole boy feel. Who you know. And property taxes."*
- *"Updating & upgrading any areas necessary to accommodate for the massive growth that Hickman has experienced over the years and continues to experience."*
- *"We need Russ's! An actual grocery store!"*
- *"The water quality"*
- *"Infrastructure and water need to be updated desperately. Also need to plant more trees and native gardens."*
- *"Lower taxes"*
- *"Focus on getting the water and electricity issues fixed."*
- *"More places to shop/eat"*
- *"The roads in the new neighborhoods are horrible. There's dips and dents in roads that shouldn't be there."*
- *"adding landscape and trees to new construction and neighborhoods"*
- *"More businesses. I'd like to stop driving to Lincoln for literally everything."*
- *"Taxes"*
- *"See above."*
- *"We need more starter homes. The young adults can not afford housing."*
- *"High utilities"*
- *"Incentivize water conservation, transition lawn types and mulch alternatives including plantings requiring less water"*
- *"Lower property taxes, especially for those whose children don't attend Norris"*
- *"More dining options.. we drive to Lincoln & other small towns"*
- *"We need a multi sports complex with baseball/ softball/football and soccer. There are far too few fields in this community of almost 3000 people. What happened to this supposed priority from our last comprehensive plan??? WE. NEED.BALLFIELDS."*
- *"Add full sized Grocery store"*
- *"street lights need to be at EVERY intersection!!"*
- *"No more roundabouts. Hate them."*
- *"Postal services"*
- *"It needs a grocery store."*
- *"cost of water and sewer"*
- *"More things to do - give residents a reason to stay in Hickman for entertainment vs going to Lincoln and give people outside of Hickman a reason to come here, which will generate money for the community."*
- *"Grocery store"*
- *"Help for small businesses."*
- *"At some point an elementary school in town needs to be planned. Seems like a significant number of younger families with kids in Hickman."*
- *"water system"*
- *"Affordable and additional water for expansion and to keep the community looking good. High cost water will kill*

the above average appearance to the community."

- *"Water"*
- *"Need grocery store- should have approved Russ Market plan"*
- *"Growth mindset to bring more business and recreation to the community."*
- *"Clean up the rundown houses & businesses. Put some effort into some landscaping"*
- *"downtown/along 68th St/ town entrances"*
- *" Most important is upgraded utilities, especially water, then additional businesses, restaurants, and recreation opportunities"*
- *"More recreational activities for children. Ex. The community center gym being open when kids aren't in school, with it staffed. (No fees)"*
- *"More transparency: I would like to see more from city officials, we have lived here for 9 years and I have never met the mayor or heard of anything from him. City Council could do better about sharing what goes on in meetings and what they need community members help with, one member recently started sharing via Facebook what happened after the meeting which is super helpful especially when we can't get to the meetings due to work and other activities."*
- *"The "'Titan Pride"" can sometimes feel arrogant, unfortunately, I would like it if it felt more innovative and always looking for growth and doing better, more about good character, honesty, responsibility, etc. Not that people don't have these characteristics, I'm just saying sometimes the overall "'Titan Pride"" can feel like the community does no wrong, and obviously this is tied in with the school, but Hickman is so defined by the school, that's the feeling that sometimes comes across."*
- *"We need a pool and a golf course"*
- *"Connecting the bike trail by the restaurant"*
- *"run down housing"*
- *"Wind and or solar energy needs to be used"*
- *"Full grocery store instead of just convenience items."*
- *"Finish connecting the sidewalk from the northwest area to the north east area across 68th St."*
- *"Fast food"*
- *"We need a better more affordable place to get groceries. This in return would give kids in our community a great place to work."*
- *"The water issues. There's not enough water capacity/ pressure in the morning or during the summer."*
- *"It's not the most welcoming place."*
- *"Wish drivers would slow down through town"*
- *"Need a grocery store"*
- *"Fast Food Options"*
- *"Swimming pool or splash pad"*
- *"Increased availability of retail and food service."*
- *"A pool"*
- *"A grocery store"*
- *"Bring the tax levy down"*
- *"Internet access is HORRIBLE!"*
- *"Quality of life amenities such as parks, courts, fields, pool, etc. Hickman would be wise to focus on being family friendly, because people are continually going to buy more online, and we're never going to compete with the retail and entertainment options in Lincoln."*
- *"Grocery store"*
- *"Lower taxes"*
- *"Danger of 68th Street to norris"*
- *"We need a full grocery store."*
- *"Lack of restaurants and groceries."*
- *"Need swimming pool and grocery store"*
- *"Dated downtown, run down areas/housing"*
- *"Need new water tower and focus on water quality"*
- *"High school taxes"*
- *"Stop trying to be a big city with all the amenities. If you want that big city life move back to it, don't bring it here."*
- *"Taxes are high for property"*
- *"Pool."*
- *"Limit expansion, keep it small, that's why we moved here"*
- *"Opportunities to spend money locally. Particularly with every day items like groceries. A bike trail that connects to the Jamaican trail would be neat."*
- *"Utilities need to expand capabilities to support growth"*
- *"Lose the bedroom town stigma and develop Hickman local pride"*
- *"Housing prices"*
- *"Downtown is not attractive, but it could be!"*
- *"Too many taxes"*
- *"Better sidewalks between quadrants of the city/ less need to cross busy streets."*
- *"The animosity among entities trying make improvements."*
- *"Needs to be open to expand. Goal should be*

population of 10k. Hold houses accountable to city ordinances around cleanliness."
- "More retail"
- "High taxes"
- "Bring in more businesses instead of taxing/ overcharging them which encourages them to move away"
- "More businesses"
- "Don't forget about the people that live in the older parts of town. The small neghiborhood park os very small and outdated."
- "More businesses"
- "Establish city law enforcement"
- "When we have issues with the city it usually is with the lack of support to our residents. It seems that the city staff supports the developers and ignores what effect change will do to our neighborhoods. A more proactive response from the city staff would be helpful."
- "more connected trails. More road maintenance"
- "Post Office"
- "I would really like to see more adult community activities"
- "Add small busineses and fast food"
- "New city clerk with a friendly helpful welcoming personality"
- "New housing and making them look like copy neighborhoods of Lincoln... Too close..."
- "The access to food close by (restaurant and stores)"
- "Need a grocery store"
- "Clean up or clear away the junky old houses and properties."
- "Suburbia with a gas station"
- "Less apartments"
- "Better understanding that we cannot compete on larger scale businesses with Lincoln"
- "Adequate infrastructure to support growing city (e.g., water supply)"
- "We need walking trails to connect East Hickman (82nd) to West Hickman."
- "Decrease in utility costs"
- "More food/grocery options"
- "More responsive City Government"
- "WiFi, price of utilities, water issues"
- "Infrastructure and planning for future"
- "Hickman needs more businesses."
- "cleaner more attractive trails"
- "Traffic safety around parks"
- "Push to grow without a plan"
- "Water infrastructure needs major improvement"
- "Lower taxes!"
- "There needs to be more amenities for youth. The new playground is great. However a pool would be an attractive hangout spot for families in the summer, too."
- "Too much growth and losing small town feel."
- "Don't allow any more apartments"
- "We need a pool. At the high school and an outdoor pool"
- "More local businesses"
- "Water park"
- "Update & improve infrastructures (utilities, streets, etc.)"
- "Need a fast food place"
- "Stop growing with houses and focus on infrastructure. Hickman is about to lose small town and be sucked by Lincoln anyway. For over 40 years, everyone goes to other cities for work and most services, doubt this is going to change since the feed store left, the grocery store downtown replaced by a facility used once a month by some, where as a business i.e. replacement grocery store would have been used weekly by everyone, like the Old Hickman."
- "We need a pool"
- "Fix the streets and clean up all of the dead and fallen trees"
- "Get the railroad to clean up their junk pile by the walking trail"
- "Adequate utilities"
- "Continue to NOT build on the south side of Hickman Rd to the east of the water tower."
- "Inforce laws/rules!!"
- "Taxes, I have a coworker who lives on an acreage by Roca. I pay $1,700 a year more than him in property taxes on a house that is assessed at $100k less. What do I have to show for that $1,700 that he doesn't also have?"
- "Homes that are affordable"
- "More local family sit down dining"
- "Connecting walking trails all together, extending trails in some places, and maintaining all the trails"
- "More job offerings"
- "The smell every nice evening around 6"
- "There's a large rift between ""lifers"" and new comers. Until we bury that hatchet we're going to struggle to get things done."
- "Public parking."
- "The water problems and utility costs"
- "Grocery store"
- "The city administrator"
- "More restaurants A pool"

- *"Trail to Norris schools"*
- *"Reduce the cost of water and sewer."*
- *"The price of water and electricity"*
- *"Need more jobs and activities for the youth."*
- *"It is a bedroom community, we need businesses and we need residents to be able to work here rather than travel to another town for work."*
- *"Limit expansion."*
- *"Nothing"*
- *"None"*
- *"Infrastructure. We have allowed so many new houses to be built when we can't support the previous houses - talking water/sewer/electric/ etc."*
- *"Utilities department"*
- *"Better infrastructure before more building. We need dependable electricity and water"*
- *"We need things for kids to do"*
- *"More businesses to reduce my reliance Lincoln. Grocery store, movie theatres, restaurants, etc."*
- *"Infrastructure"*
- *"A healthcare facility"*
- *"No more apartment complexes."*
- *"Amount of taxes"*
- *"Enough water for the town"*
- *"City council"*
- *"Access to affordable groceries"*
- *"No more Apartments needed"*
- *"We don't live in lincoln so stop acting like we do"*
- *"Better roads - 68th is dangerous."*
- *"Infrastructure update!!"*
- *"Speed / Crosswalks Hickman Road."*
- *" Communication/ professionalism with management of city"*
- *"Ability to move safely between neighborhoods-traffic"*
- *"Pool"*

#39: What makes Hickman a comfortable place to live?

- *"friendly"*
- *"eventually there will be a need for swimming pool/golf course but new people will have to pay for it"*
- *"size of community"*
- *"Friendly community"*
- *"community"*
- *"safety, good trails. reading center*
- *Average income poeple*
- *Close to big city*
- *The small town feeling and everyone so courteous of others.*
- *Well kept, pride in our land, school involvement*
- *our neighbors are great*
- *Fun place to ride golf carts and talk with people.*
- *Quiet Friendly neighborhoods*
- *Great city staff. Very responsive.*
- *Friendly community with the convenience to go to Lincoln for things that are not in Hickman.*
- *The small town, community atmosphere.*
- *Smaller town feel with accessible amenities*
- *Clean community.*
- *Small town values and close sense of commmunity. Just peaceful here*
- *active families in safe neighborhoods*
- *It is quiet*
- *Close to Lincoln*
- *Neighbors*
- *Nice people. Friendly faces.*
- *Nothing anymore. Used to be okay but it bloomed into a fad town.*
- *Friendliness and low crime*
- *It's feels safe here to raise families.*
- *Sense is community*
- *The residents.*
- *Safe*
- *Small town atmos here*
- *The atmosphere. The amount of kids my children had to play with. The sense of family.*
- *It's safe, quiet & friendly*
- *low crime. save for my kids. quiet.*
- *The small town feel and having everything we need locally.*
- *I've been here forever, but I'm not sure I'd totally call it comfortably. It needs improvements that I've mentioned elsewhere.*
- *Small town friendly atmosphere*
- *Quite*
- *Nothing.*
- *People are friendly and it is a safe place close to a big city.*
- *Honestly, I don't know that it's comfortable. I enjoy the smaller town.*
- *safety*
- *Family atmosphere*
- *Good people*
- *Size.*
- *Outdoor activities. Small town vibe. Just enough in town to stay entertained if we choose to.*
- *Small town, but close enough to needed amenities (some available here in small quantities - construction materials, groceries).*
- *Agriculture around it*
- *Proximity to population centers Lincoln, Omaha, Kansas City*
- *It's safe and has great parks for families*
- *Close to south Lincoln & south bypass*
- *Quiet, safe, small town living with an excellent school system with the "big city" far enough and close enough*

away.
- Safe
- quiet and calm
- Safe, quiet, trusting people
- Very near in big cities.
- Proximity to Lincoln and good schools.
- easy access to Lincoln, the interstate, and the local hardware store
- Safety
- Small town feel
- Quiet
- Close proximity and easy commute to Lincoln and other towns. Lower cost of housing than in Lincoln (lower property tax)."
- "small town"
- "Safe town with well maintained housing."
- "It's a small town in close proximity to Lincoln."
- "Close to Lincoln"
- "Small town feel, safe, clean."
- "Its a small town"
- "N/A"
- "Small living, close knit neighborhoods"
- "All the families, our kids have friends near by they can walk to or we can walk to the park with friends together."
- "Open spaces, not overly crowded, lively neighborhoods around the holidays, people interacting with each other."
- "Small amounts of traffic noise"
- "quiet, close to Lincoln"
- "Not sure"
- "Feels safe & has a small town feel while still having your basic business & medical needs."
- "Not as big as Lincoln"
- "The small town feel and our kids can play comfortably"
- "The safety of the community."
- "Proximity to school"
- "Easy to get around and to activities/services"
- "Low crime"
- "The houses have been platted very well and nice neighborhood streets"
- "Low crime"
- "Size and relatively safe feel of the city."
- "Safe"
- "Small and safe"
- "Welcoming community with services to match"
- "City Hall is centralized — everything you need on one place."
- "It feels safe, it's possible to know your neighbors, the traffic isn't terrible, the people are very nice."
- "Peaceful"
- "Close to Lincoln"
- "Peacefulness"
- "Safe for the most part."
- "Feeling of safety and community."
- "Rural safe community"
- "Low crime, quiet"
- "Low crime; very kid friendly town"
- "Respectful neighbors"
- "Quiet, low crime, most people are friendly."
- "Literally keeping it a small town is why I like it... don't need to bring lots of new homes and business... it will be just like lincoln then... just beautify it"
- "Small town atmosphere"
- "Small and safe"
- "Safe environment. Friendly people. Fun neighbors. Close to Lincoln but far enough to have the small town life style."
- "Quiet, low crime. Still has somewhat of a rural feel about it"
- "Safe, great neighborhoods, all the wonderful activities around holidays for kids"
- "Being away from development"
- "Community feel"
- "Know your neighbors super friendly."
- "Safety, noise, away from 77 and the bypass"
- "Friendly neighbors"
- "Nice neighbors"
- "Well policed and friendly people."
- "The people. Small hometown feel"
- "Small town feel but still close to bigger city."
- "Small town atmosphere"
- "There is a good mix of retirees, families and kids in my neighborhood. The residents seem to care about one another."
- "less people, more space"
- "Friendliness of neighbors and business personnel."
- "Friendly people, easy to drive around"
- "The people"
- "Great size and it's close proximity to Lincoln"
- "Safety for children"
- "Proximity to Lincoln"
- "Neighbors."
- "The quality of the park and area surrounding it."
- "Close to larger city if you need services and for workplaces and healthcare. I wouldn't live here if it wasn't close to Lincoln because there's so little available in town."
- "Small population"
- "Not connected to the city"
- "Residential with small town feel, good services and a great school system. Those are driving our growth"
- "Slower-paced, calm environment"
- "The safety of the community."
- "The current small town culture Hickman has is what makes it feel like a safe and

comfortable place to live."
- *"Friendly residents and low crime"*
- *"Friendliness"*
- *"Good people, small feel."*
- *"Quiet"*
- *"It's safe."*
- *"quiet, friendly town"*
- *"Small town feel"*
- *"Nothing"*
- *"Nice and safe town to live"*
- *"Safety"*
- *"It is a safe and clean place to raise a family. We enjoy the quietness of small town life while still being close to Lincoln."*
- *"Right balance between small town but thriving community."*
- *"It is safe and welcoming"*
- *"Small town family like atmosphere"*
- *"Friendly people"*
- *"The neighbors"*
- *"Quiet, close to nature."*
- *"Wide streets, easy to walk around, generally safe"*
- *"No crime"*
- *"Small town feel. Hickman has a feel much like Mayberry! Please keep it that way."*
- *"Small town atmosphere"*
- *"Far enough from Lincoln but not too far."*
- *"Not as comfortable as it use to be"*
- *"It's not Lincoln, generally speaking it's safe here and the neighbors are friendly. Granted that could be said about a lot of neighborhoods in Lincoln."*
- *"Excess ability to Lincoln for work"*
- *"Can walk around the entire town on walking trails and mostly everyone waves and seems friendly"*
- *"Away from the city and safe surroundings."*
- *"Hickman is small enough that you get to know people and close enough to Lincoln to get everything you need."*
- *"Still feels like a small town"*
- *"It's small. Everyone in my neighborhood mostly is in the same phase of life."*
- *"Community"*
- *"I don't live in Hickman"*
- *"Friendly Small town feel"*
- *"Small Town, close to larger city"*
- *"The friendly people"*
- *"No opinion"*
- *"The people are friendly and its about family and being outside"*
- *"Small town feel."*
- *"Current size. I know and/or are familiar with many in the community, but it's getting more difficult to keep up with the growing numbers."*
- *"Small town atmosphere"*
- *"Safe, relaxed environment, with caring community"*
- *"Small town community"*
- *"Small and not busy"*
- *"Small safe"*
- *"The people!"*
- *"The people are very friendly."*
- *"People"*
- *"Clean and quiet."*
- *"Small town feel."*
- *"Safety"*
- *"Quiet, welcoming, low crime"*
- *"Excessively high taxes and substandard intranet service."*
- *"Small community"*
- *"Nothing once kids graduate we are moving to an acreage"*
- *"Small town"*
- *"Smaller than Lincoln"*
- *"Small town far enough from Lincoln"*
- *"Space"*
- *"Good people who look out for each other and safety"*
- *"Distance from Lincoln but accessible resources"*
- *"Small town feel"*

#40: What's your big idea for the future of Hickman? The Comprehensive Plan update offers us an opportunity to envision the future of Hickman. Submit your "Big Ideas" for the future by using the comment feature to share your thoughts.
- *"grocery store"*
- *"Get a pool"*
- *"More restaurants and a grocery store"*
- *"need swimming pool for everyone"*
- *"if funding available, indoor/ outdoor swimming pool"*
- *"maintain cleanliness, clean up yards"*
- *"Parks, green space,and trails for future families to stay in Hickman"*
- *"Baseball/softball facility for our youth teams to practice. Currently most of our youth go to Lincoln and spend that money in Lincoln."*
- *"Connect Hickman's trail system to the Homestead Trail"*
- *"Try to bring more commercial north of town. Car dealership /Ag dealer / fast food ect. /Apartments , that would help support the local economy."*
- *"City work with Joey Hausmann to build a golf course around Harlan Reservoir. (He just built a personal 4 holes course behind his house.) Many (100 plus) residents travel 30 +miles for golf leagues. The community even rents out other courses to put on fundraising events. Keep that money here. This will give you benefits in all areas you're looking for. -Activities for youth and adults -new*

businesses (course and clubs house) -local high school jobs -Norris home course - after school/summer program, - HUGE attraction to keep growing a clean community building! - generates local tax income for city improvement's"

- "The area east of Hickman is growing very fast but the kids have to go a long way to a playground. A park including a pool or splash pad would be nice. Seems like the city is dragging their feet on this issue. Lots of young families in that area."
- "Change the name"
- "Ways to bring business to Hickman without impacting the rural nature and views that make Hickman special. Revitalizing the downtown area with amenities that would keep our money and community in Hickman to grow community relationships, while maintaining our small-town atmosphere."
- "Roller hockey rink or mixed use hockey/ tennis/ pickle ball courts that could be used for a variety of youth/ adult sports and recreation"
- "Renovate downtown similar to the Bricks in Kearney NE."
- "revitalized classic ""main street""
- "Baseball and Softball Complex Indoor fieldhouse for mix use Hotel Grocery store Fast food restaurants 10+ miles of paved trails"
- "Pool, pickleball courts, better downtown. More food options, grocery store"
- "Lower taxes"
- "Let's just improve what is here! I don't want Hickman to grow and spread out to much and then lose the ability to be a safe community."
- "Make Hickman self sufficient and support the local businesses. Stop calling business from out of town."
- "Continue to grow but also staying ahead of the growth with infrastructure upgrades without raising taxes"
- "Like I said before, you need to get big casinos in town. Make a Vegas style strip. That would be not only fun. But would attract people from all over. Live concerts, would open up a slew of jobs at a higher pay. Crime would increase but maybe the sheriff will actually do their jobs instead of netflixing or not writing tickets."
- "It would be nice to have a few more business out here : fast food (also provides more jobs for PM teens) , small bookstore downtown, affordable gift or clothing shop , more family friendly restaurants, small movie theater , a ""soda shop""of sorts for kids for after school/ weekends/ summers, eventually a pool /water park of some kind...."
- "Grocery store"
- "Russ's Market, fast food location, ice cream shop."
- "Shopping Retail center with everyday services provided. Shopping, retail, fast food, groceries etc."
- "Leave things alone and concentrate on LOWERING TAXES!!!""Stop building houses, apartments etc.... keep it a small town feel."
- "Accessible Playground"
- "Improve utilities/water access."
- "Grocery store, keeping the small town feel, offering a better health care doctor for adults and children, growing food and coffee options. A hotworx would be awesome for a gym. additional safety features for Norris public schools to prevent school shootings and violence. possibly a city pool.. but would need more water because im barley allowed to water my yard.. even tho the plaque says keep Hickman beautiful with a big green tree."
- "Turn downtown into an entertainment district. 68th st on the north side of town, grocery/retail."
- "Don't let developments out grow utilities"
- "I just want it to be inviting for YOUNG families. And that we have opportunities for our senior citizens."
- "Could be a "get away from Big City and chill / shop" kind of place."
- "Trail to Jamaica trail"
- "Support entry level businesses to employ entry level employees"
- "We need a full-service grocery store. That would greatly reduce trips into Lincoln. Also, it'd be neat to establish a large orchard adjacent to town. That would preserve the agricultural feel of the town and possibly increase tourism (like the AppleJack festival in Nebraska City)."
- "Multi sports complex"
- "swimming pool"
- "Grand entrances to the north and west of town"
- "We needs more family friendly shops , needs more restaurants options, needs groceries, needs to have outlet mall so that more jobs opportunities. Public

transportation should be considered."

- *"Successful locally-owned businesses providing residents with necessary goods and services."*
- *"Indoor entertainment (movie theatre, bowling alley, skating rink)"*
- *"Not get too big*
- *"Expand city limit to protect/ control growth. as well provide opportunity for business growth."*
- *"Hickman is a bedroom community. Focus on services such as groceries, health clinics, daycare facilities, retail, fast food. More services that people have to make a special effort to go to Lincoln to get."*
- *"Finding good water sources."*
- *"Hickman needs a swimming pool! It would bring jobs to the community for teens/ young adults. And give our youth a summer activity locally."*
- *"A swimming pool would be nice, but it needs to be done without raising our taxes."*
- *"Focus on technology or clean energy. Require developers to plant trees and help upgrade infrastructure as they develop"*
- *"Updated utilities (water system) and larger community gym/facilities for multi-use at the same"*
- *"Work with the other small towns around Hickman to gather other events and activities that go on throughout the year to create a master 'travel pass' where families can check off the various events and things to do."*
- *"Do our best to keep open green spaces in the community. Really invest in our education - and not with a focus on sports, but a focus on innovative curriculum and teaching methods - we should be raising strong men and women who have good moral character and love family and each other, but also want to give back to the community, we should be raising a generation of thinkers and problem solvers that can face the next generation of AI."*
- *"We need a pool and a golf course"*
- *"Make the Oakview Park more wheelchair friendly."*
- *"Find a way to finance pool and youth activities - improve utility service"*
- *"Clean energy use"*
- *"I would like to see an art gallery downtown or place to sell handmade items."*
- *"Adding a grocery store and a water park here would be fantastic. Think the community wouldn't have to hardly go anywhere else to get what they need."*
- *"Incentivizing businesses to establish in Hickman."*
- *"Add services while maintaining the peaceful, small town environment. Think Aksarban village."*
- *"Instead of a "solar farm", integrate solar into existing and new buildings. In another county I saw a solar cover over a bike/walk trail in median of four-lane highway. Could panels be on a viaduct, water tower, on top of businesses, private outbuildings, or the fire station?"*
- *"Practice golf range"*
- *"Sports Bar & Grill - We need a place to ""go and hang out with friends & family before & after ball games"". Fast Food with Drive-Thru Options - always needing to stop & get food and we have limited options, plus hardly any drive-thru fast food places. I think those types of additions to Hickman would be very well received (such as Runza, Dairy Queen, etc)."*
- *"Create spaces, activities and events to bring people together and build community."*
- *"A thriving downtown where people can walk around, enjoy the atmosphere and stroll through lots of interesting store and restaurant options."*
- *"Pool"*
- *"Is there anything in the comp plan for economic development for industry or manufacturing"*
- *"Make Hickman a welcome oasis for remote workers and entrepreneurs who work from home. Invest in emerald infrastructure to attract young tech talent so they stay and raise families here."*
- *"Using public resources, help make the Hickman area the best place in the region to raise a family. Do something like that really well and don't try to be everything to everyone. Personally, I love the restaurant and baseball field combo in Pleasant Dale. The fields in York are amazing. The trails in Lincoln are awesome. The pool facilities at Firethorn are enviable. One big idea: a drive-in theater."*
- *"Trails connecting outside developments to hickman"*
- *"Farmers market/co-op grocery store"*
- *"Focus on needs of existing residents instead of trying to*

attract new ones. A new water tower has been needed for years. Stop building any more apartments."
- "Public golf course"
- "Offer to Beautify a house exterior or yard per year for someone who can't afford Or plant more shrubs and trees"
- "Pool"
- "Pool would be awesome. Longer bike trail would be lovely. More parks and outdoor facilities. We have great parks now."
- "Downtown renovation, park on the east side"
- "Schools which excel at core subjects"
- "Thriving business district in both downtown and east of 68th. Additional 4 round snouts to slow traffic down in and around Hickman Road and 68th. Grocery store. Athletic facility (private business). Fast food, ice cream. Satellite offices for businesses in agriculture, tech, medical. Build a Hickman Elementary to take the k-6 burden off of Norris. 9-hole municipal golf course south of Hickman road on 82nd. Hotel. City pool. Outdoor and indoor pickleball courts. Tap house bar location."
- "Cottage style housing with basic assistance for senior living."
- "Beautify our neighborhoods, get junk cars etc off the streets lower taxes. Appeal to ppl to move here. Retail follows population"
- "Have the trails overall connect to the Homestead Trail and expand to Wagon Train and Stagecoach Lakes. Encourage small business owners to open places here by offering incentives."
- "N/a"
- "Grocery store,fast food fair and affordable utility rates"
- "Become a leader in Nebraska for small businesses and renewable energy."
- "A permanent director of Hickman Hay Days. We should make this celebration as big as Wilbers or Sewards. I would be neat to see Hickman be a destination city for people to come and enjoy and have fun."
- "more connected trails. More road maintenance"
- "Broadband upgrades are necessary. A good, plentiful water source is mandatory."
- "I've heard maybe a Russ's market"
- "I think the city should put a pool in. I am aware of the vote for the proposed pool a few years ago. I think this proposed plan was too expensive and the pool and proposed facilities was too excessive. A relatively small, basic pool would suit the needs of the community without raising our already outrageously high taxes. Find a pool solution/middle ground that does not raise taxes while still providing a fun place to hang out and cool down in the summer"
- "Add a diner and small NICE motel"
- "Swimming pool"
- "A public pool!"
- "Ice cream shop, young adult staffed in non-business hours, downtown."
- "Grocery store"
- "Planned growth that limits community sprawl, and incorporates trails and parks. Outdoor spaces are important for kids and families."
- "Pool, water park or splash pad for kids and families."
- "Improve the existing infrastructure to support the current population reliably."
- "I have no big ideas, but id like to see a Christmas tree in the middle of the roundabout."
- "To have better water."
- "No comment"
- "swimming pool"
- "Pool"
- "Keep small town feel, teenagers need somewhere to work, keep entertainment here not Lincoln, pool, a community center with more to offer."
- "N/a"
- "Na"
- "Check out other thriving towns our size and get ideas. Lincoln is coming this way....we could draw people into businesses"
- "Thriving downtown businesses. A community swimming pool like other small towns have. Better quality infrastructure."
- "Indoor swimming & fitness facility."
- "Fast food please!"
- "Keep it a small town, stop focusing on building and stop urban-sprawl."
- "We need a pool"
- "Beautification of parks and trails. When walking all we're looking at is dead and fallen trees"
- "Add a public swimming pool"
- "Multiple softball/baseball complex"
- "Hickman needs to attract some type of industry or manufacturing that can employ a portion of its population. Without that we are just another

neighborhood in Lincoln."
- *"To grow"*
- *"Having more restaurants/ retail stores could make it a good place for people to visit. Right now there are not a lot of reasons someone would come down to Hickman, or if someone does come to visit, not a lot of places for someone to go."*
- *"I would like to see some sort of manufacturing come to Hickman to increase job opportunities. I would also like to see a police department opened as the community grows."*
- *"Motocross track"*
- *"We really need a pool or "3rd place" for youth. I know y'all haven't wanted a pool in the past but it is important. Also, make good on that golf course/sports complex proposal from the comp plan."*
- *"Outdoor Pickleball Courts. Soccer/Football Fields off of Ball Fields."*
- *"A community that is family friendly and open to all."*
- *"Pool"*
- *"Don't have one"*
- *"To remain family orientated"*
- *"Add a pool and indoor sports complex. Grocery store and fast food options that also provide places for youth to work. Extend the trail to Wagon Train lake."*
- *"Hickman needs a swimming pool and grocery store."*
- *"Do not force change"*
- *"Full trail system. Starbucks"*
- *"We need a swimming pool. Hickman seems to be one of the only small communities without a pool. Lifeguards, concession, cleaning, etc are great jobs for high school kids!"*
- *"As a young adult I just want Hickman to have things to do. I'd love a movie threatre - like a real one and not a crappy cinema with bad seating and sound. I'd love for people to have a reason to start a business here that serves the community rather than just a place for an insurance agent to set up a storefront. Boutiques, retail, electronics stores, anything."*
- *"Better infrastructure"*
- *"Ice cream shop (sonic or local place), local coffee shop, activities for young families, pool(?), bowling alley, axe throwing, dine in restaurant options/ fast food options too."*
- *"Tourism needs to be capitalized on. We need something to draw others in. This could help ease tax implications on current residents"*
- *"Fix infrastructure first. No expansions until infrastructure is updated. Fix or finish the underpass that leads to nowhere."*
- *"Need to utilize growth on the 82nd street for business and multiporpose sports complex. Even if you want an industrial are this would work to. Grow towards the by pass which helps out of town money kept taxes down."*
- *"City pool. Dosnt need to get a big fancy pool just a pool with a slide. Aka like wilburs pool"*
- *"Bowling alley, simple swimming pool, baseball and softball practice areas for kids 1st-8th., fast food, affordable grocery store (Russ's is not great), 2nd gas station, another water tower, better and bigger schools and incorporate better parking with those schools"*
- *"Keep its small town feel. Keep housing affordable"*
- *"Connecting Bike Path to Homestead Trail instead of just talking about it for 10 years. More sports fields in town. Fix our utilities costs and water (quality)"*
- *"Arcade Center/Bar, Bowling Alley, Theatre, Ice Cream Parlor"*
- *"Rural farming buffer zone. Maintain small identity."*

#41: What is your vision for Hickman? Share your vision for the short- and long-term improvements that will make your community better in 2044
- *"swimming pool"*
- *"more businesses in downtown, entertainment district with the theatre"*
- *"keep factories and low income housing"*
- *"City pool, pickleball courts, solar panels for residents, indoor youth facilities for sorts teams to practice. 9-hole golf course"*
- *"Shut down residential development requiring city services. Keep the small town feel where the kids can walk the town and adults can drive their UTVs. Block parties and fireworks are allowed. If the town gets too big, the fun stuff we take for granted goes away with the influx of more Karens and Chads."*
- *"Continue to grow in the Lincoln direction"*
- *"Short term -golf course (2026 completed) -local sport complex on east side of Hickman. (2029) -HICKMAN sign light up on hwy 77 to draw traffic (2024) Long term (6,000 population) -a lot small businesses(American Dream) thriving -own city police force -rated #1 safest community in*

state"
- "A trail extending all the way to wagon train lake would be nice."
- "Name change and more affordable housing"
- "We need to find ways to keep Hickman a "small town" and protect it from the urban sprawl coming from Lincoln, while providing industry that supports our local infrastructure that does not destroy the natural beauty that surrounds us. The rolling hills of farmland are a big part of what makes Hickman special."
- "Expanded infrastructure for growth and expanded activity spaces for residents."
- "Expand downtown businesses."
- "Continue to expand housing to support local business. We will always be a bedroom community, but there is no need to go into Lincoln for everything."
- "The city of Hickman is a simple bedroom community for people who work and do most of their entertainment activities in Lincoln. It is okay, to know what we are."
- "More community events for families Free options also More outdoors options for adults and youth"
- "Get out as soon as possible
- "Grocery store!!!!"
- "More places for entertainment and family activities. Keeping the small town atmosphere "
- "Lowering taxes. property taxes are higher than Lincoln. That shouldn't be the case. Vegas style strip. Stop acting like you own the city. You work for us."
- "More retail and services. Affordable Groceries etc."
- "Lower taxes"
- "Keeping the small town feel by not building anymore developments."
- "A larger community with a small town feel but it needs more things to do (shop, eat, activities)."
- "Shared above"
- "adding additional water, a regular sized grocery store, more food options."
- "Growing community."
- "Lower taxes"
- "Gear housing towards young families."
- "Idk"
- "Utilize technology and conservation methods to be wise providers of great services for Hickman residents."
- "It would be great to have Hickman remain a small town surrounded by agricultural fields, but it could be supplemented with amenities like a large grocery store."
- "Multi sports complex"
- "That I could see more family friendly shops, more fun activities that we can do around in Hickman. Hopefully they will make better affordable houses in the future."
- "Necessary goods and services being available before Hickman triples in size again."
- "continue to elect mayor and council members who are more concerned for the community than the politics. Next time city lots are drawn for new construction, make sure each home has a back yard that can be of some utility. The west side homes are built on postage stamp sizes and I see no reason why so many lots were crammed into such tight spots."
- "Indoor entertainment (movie theatre, bowling alley, skating rink)"
- "Building a local elementary school in town at some point would reduce busing, reduce cost of expanding the central Norris education site."
- "Water and water treatment, are a must to continue growing."
- "Finding good water sources, building a swimming pool, complete existing trail and ensure safe crossings over 68th street and Hickman Road."
- "Short term, curb appeal improvement, property cleanup, grants for startup businesses. Long term, more amenities local to Hickman."
- "Another gas station would be nice - maybe on the other side of town by 68th & Wagon Train, or across the railroad tracks."
- "Improve water and other utilities, require developers to plant trees"
- "Facelift to downtown buildings, More community events."
- "Water issues fixed (maybe a 2nd treatment plant), internet and power outages (thankfully we haven't gone too long without either but working remotely this is a huge issue) and then connecting up the various trails/walking paths"
- "I'd love to see a nice pool, some pickelball courts, more spaces for activities, it'd be great to also make better use of the lakes around us, a fun summer haven. I'd love to see more small businesses, and a downtown people can walk through and enjoy date nights and evenings out."
- "A usable pool and golf

course"
- "try to keep rural feel, improve utility services"
- "Clean energy use"
- "I"
- "Get our water and our power system up to date"
- "Revitalizing downtown to an entertainment district. Connecting the Hickman trails to the lakes and the homestead trail."
- "Lots of green space and recreational opportunities. Places to shop and eat."
- "Scholarships for, and more, free opportunities for our youngest citizens whose families can't afford private payment. Someday a City Library."
- "I want to support my local businesses, but they have to be businesses that I want to spend my money in. Food services places are huge and places that can draw community events, especially when they weather gets nice."
- "Redevelopment of the downtown area, consisting of businesses and spaces that bring people together. Increased childcare and early childhood development centers. Addition of a swimming pool, splash pad, sand volleyball, improved and increased softball fields and other youth activities."
- "Swimming pool, new businesses, recreational options for all ages. Fast food options for families going to and from activities at Norris. Controlled and thoughtful growth that doesn't compromise the existing acreages and farms. Sustainable sources of energy. Educational opportunities for adults who may want to change careers or advance their career."
- "Pool"
- "Will Hickman continue to be a bedroom community or is there a possibility it can be a more economically sustainable community with some type of industry"
- "More connectivity and tech access. Affordable homes for young families. Economic diversity beyond agriculture or manufacturing— we need healthcare, retail, etc. so the city can weather industrial downturns. There needs to be a prudent plan for growth with thoughtful neighborhoods instead of sprawl. Lure younger entrepreneurs."
- " Hickman is the best place in the midwest to raise a family. It's safe, affordable, the school has invested in its future, it's clean, and the sense of community has only grown over the years."
- "Growth/organic expansion"
- "Short term need of a new water tower. The Black Dragon fireworks demo night is also very unique and brings lots of people to town to spend money in the community. Nice to see Hickman bring in tax money off the fireworks tents. July 4th events are a key part of Hickman identity as a patriotic town."
- "Connected trails"
- "Keep it from becoming lincoln like"
- "Pool"
- "Would love a bike trail that connects Hickman with Wagontrain Lake, Stagecoach Lake, Norris, and Firth."
- "I like the small town community. Don't want this to be a suburb of Lincoln. Love to be a part of a small community that I can invest my family in long term. Place to be proud to tell people I love."
- "This survey is by TOO long. You will lose many responders."
- "Get population to 10k to stave off Lincoln from annexing the town."
- "Above"
- "I would love to see them expand downtown to encourage people to come to Hickman and enjoy spending money here."
- "Access to more water"
- "Continue growth and become a town that you don't need to leave."
- "Planned controlled growth of new subdivisions which includes trails that are not just sidewalks."
- "In the long term I would like for us to promote a trail from Hickman to connect with Wagon Train Lake and the Homestead Trail."
- "more connected trails. More road maintenance"
- "It won't be long before Hickman is a sub-division of Lincoln. A smooth transition would be nice!"
- "Swimming pool"
- "Make it more of a lake community. Have some great natural resources around us."
- "That the space keeping Lincoln and Hickman doesn't close so much that Hickman is a part of Lincoln. Also, that the rural housing areas can stay rural and spacious."
- "A real grocery store. High speed internet available to all locations. Interesting shops and businesses on Main

Street."
- *"Treat us like we have something pretty to preserve, then like we're a small community in Sweden, their neighborhood models are much better. Smaller pods and not one stop shops full of cars."*
- *"Less development"*
- *"See previous answer"*
- *"Encourage (and perhaps provide incentives) for homeowners to plant some trees and other landscaping plantings, especially in the newer neighborhoods. The city might also invest in some natural beautification projects to improve the overall look/feel of the city."*
- *"To develop with current residents in mind"*
- *"No comment"*
- *"swimming pool"*
- *"Pool, better parking, traffic control near parks."*
- *"Long term water infrastructure improvements Short term more trails"*
- *"Building a pool and investing in busi esses both old and new ill help make Hickman a great place to live AND work."*
- *"Keep it small town feel with more to do"*
- *"Improved & updated infrastructure so there is adequate water, sewer, electricity."*
- *"Solid infrastructure, removal of city sales tax, a community that has stopped growing in size and has grown as a community."*
- *"More restaurants for people to gather. A building spot for Redemption Hill church. A pool."*
- *"Don't care I'll be dead"*
- *"Add trails on the NE edge of town and a dog park."*
- *"Long term- attracting business to help growth Short term- housing has to be more affordable, most homes that are available in Hickman ranges between 300-450k, making it hard to justify staying when Lincoln has more affordable homes starting at 200k with similar bed/baths"*
- *"Small businesses connected by a trail system, pool, golf course, grocery store. Most money stays in Hickman."*
- *"City utilities need improvement, adequate housing (some is less affordable than Lincoln), improvement of school district"*
- *"Leave Hickman a small town. Stop trying to make it more commercial"*
- *"Grocery options. Restaurants. Another gas station"*
- *"A town doesn't need to increase population to be considered a success. Slow down the growing and building of new houses, developments, etc. Hickman needs to attract a lower income workforce that businesses can utilize. Existing residents aren't willing to work in small/local business because it would require lower wages than we receive now. Attract workers willing to work for those willing to work for the lower wages and see small businesses flourish."*
- *"Natural improvement"*
- *"Grocery store. Some businesses that offer more manager/executive level jobs - I would love to work locally but do not want to take a huge pay cut to do so."*
- *"Improve the streets"*
- *"I would absolutely love a coffee shop that people can gather in/walk to"*
- *"Infrastructure"*
- *"Small town living with some amenities"*
- *" Better community that is not encompassed by those who have always lived here- it's too overtaken by the people whose last name matters and tied to where the money is."*
- *"Small town focus"*
- *"Focus on needs for the the majority and not minority in power."*
- *"To not become a community of houses and keep the economics developing"*
- *"Build a unique identity. Who are we? Publicize it. Stay distinct from Lincoln."*
- *"I would love to have somewhere to take my young grandchildren too that is enclosed for their safety. A swimming pool or movie theater would be fantastic"*

#42: What type(s) of outdoor recreation are most important to you?
- *"Tennis"*
- *"Golf and swimming"*
- *"walking"*
- *"swimming pool"*
- *"fishing, walking, hunting"*
- *"walking, would use a swimming pool"*
- *"walking trails"*
- *"Play equipment"*
- *"Pickleball, walking, biking, golfing."*
- *"Trails, trails, trails."*
- *"Trail system"*
- *"Youth sports complete east side of tracks Golf course"*
- *"Fishing, target shooting, bike riding, swimming."*
- *"Swimming."*
- *"Roller hockey, tennis,*

swimming“
- “Expanded bike paths & pickleball courts.“
- “safe trails and good parks.“
- “Running trails Baseball / Softball Complex Basketball Swimming pool“
- “Baseball and soccer fields“
- “Trails“
- “Pool, pickleball, golf course possibly a country club type developed with pool“
- “Trails from Hickman to Lincoln“
- “Pool“
- “Swimming, walking, farmers market“
- “Fishing, golf, baseball, softball, football, etc“
- “Swimming“
- “Hunting, Fishing and Golf“
- “Hiking, picnic areas , water park, playgrounds“
- “Camping, water sports.“
- “Community Swimming Pool“
- “Walk/bike trails. Connect them.“
- “Parks, places for kids to be outside and play.“
- “Sand volleyball, walking trails, pickleball“
- “Sports“
- “parks and paths that feel safe to walk alone“
- “Activities for kids and adults. Basketball, pickleball, sand volleyball.“
- “Fishing, camping“
- “Walking and playgrounds.“
- “Trail, playgrounds for kids.“
- “Trails“
- “Connected, lighted trail system Accessible playground equipment for young families Park shelters with handicap access“
- “I bike often. The city park trail is too short for a workout. It would be great to have a connection to the Homestead Trail to the west (that trail ultimately goes all the way north into Lincoln, so it would connect Hickman's trails to Lincoln's).“
- “Trail for biking & walking“
- “Sports fields“
- “Tennis and pickleball“
- “walking, and love the ability to use golf carts here.“
- “More connectivity to parks from one to another“
- “Football field, pet parks.“
- “Walking and biking.“
- “sidewalks and trails“
- “Walking trails, soccer fields, playground“
- “Walking“
- “Biking/walking/jogging trails that connect to the Lincoln trail system and Wagon Train Lake. Golf- Can the town support a course or encourage development? Outdoor Tennis and Pickle ball courts“
- “Hickman has a decent variety of outdoor recreation. Should take advantage of the nearby lakes.“
- “The trail and a swimming pool.“
- “Walking and biking“
- “Swimming pool.
- “A pool would be nice - without raising taxes. Biking on the trails is nice. But no one here knows how to use them. When you are approaching someone from behind, say I'm on a bike & I'm coming up to a walker, I'm supposed to announce my presence by saying something like "on your left". Then I would pass them on the left. But people here seem clueless on trail etiquette/ rules.“
- “Trails and parks“
- “Pool, more open play areas for kids to use imagination, green space for soccer, kickball, running around.“
- “Trail/walking/running paths, being able to go farther than 5-6 miles without having to do multiple loops“
- “open spaces, trees, a pool! places to walk and bike, I'd love to see more natural playscapes for kids that include trees and playing with water, like the water rivers at the zoos the kids can play in.“
- “Swimming and golf“
- “sports and walking“
- “Bird and nature watching“
- “Places to walk & enjoy green space & nature.“
- “Hunting and fishing“
- “Anything outdoors.“
- “Parks, trails, pool“
- “Trails, swimming pool“
- “Walkability/biking/golf“
- “Walking trails, park, playground for kids.“
- “Aquatics, ability to host competitions such as softball or baseball tournaments. Adult basketball, sand volleyball or softball leagues. Live music or summer movies. Friday night events with music, movies, games, drinks and food. Farmers market our artisian/makers market on weekends.“
- “Expanded trails to Wagon Train SRA.“
- “Walking, biking, pickleball, cornhole, bocce ball.“
- “Pool“
- “Swimming pool“
- “Addition of a pool“
- “Hiking, walking, swimming“
- “I love to hunt and fish, personally. Would love for the city to invest in the fishing amenities at the lakes!“
- “Walking paths“
- “Pool“
- “Extensive trail system that connects the rural areas to the town of Hickman“
- “Play grounds, trails, basketball hoops, pools“
- “Hiking, sports, swimming“

- "Fishing, hunting"
- "Pickleball. golf"
- "Hunting, shooting/archery sports."
- "Pickleball would be fun, outdoor volleyball"
- "Park, pool, trails, concerts"
- "Walking/running/hiking/biking"
- "Longer bike trail."
- "Walking, kayaking, hunting, fishing"
- "Basketball"
- "Biking"
- "Pool"
- "Youth facilities and safe walking biking paths"
- "Pickleball, swimming pool, 9 hole golf course, tennis courts, out door basketball court."
- "Golf, fishing"
- "Pickleball court selfishly. Swimming pool for others"
- "Walking/biking trail systems"
- "Trails-parks and recreation for people of all ages"
- "Trails and parks"
- "Parks. Walking paths."
- "Trails - biking/walking"
- "Golf, gardening, fishing and walking."
- "walking, biking"
- "Walking, swimming, making sure equity is involved in future decisions"
- "Pool"
- "Swimming pool"
- "Golf. Both ball golf and disc golf."
- "Youth activities."
- "Pickleball"
- "Walking, biking, archery"
- "Fishing/hiking"
- "Hunting, fishing, birdwatching, hiking/walking with dog"
- "Hike/bike trails, ideally around the perimeter of the city and surrounding areas, not just within Hickman."
- "Walking trails, pool, water park or splash pad."
- "Running/walking trails"
- "Basketball and tennis courts. And a swimming pool"
- "Boating, fishing, walking"
- "Parks, trails, tennis courts"
- "Community pool"
- "Golf"
- "swimming, biking, kayaking, walking"
- "Pool"
- "Lake's, trails, hunting, fishing"
- "Trails for bike riding"
- "Fishing and hunting"
- "Pool"
- "Hunting, fishing, and green space."
- "Sports"
- "Swimming"
- "Swimming pool. Parks."
- "Trails, soccer, basketball, tennis, pickleball, softball/baseball."
- "Better trails. We have an underpass but can't use it. I want to be able to walk over to the nice new park but it's difficult to get to."
- "Fishing, hunting."
- "Walking and swimming"
- "Walking"
- "Walking and swimming"
- "Trails with some exercise station like in Kansas City."
- "Trails"
- "Pickleball courts"
- "Tennis courts"
- "Tennis courts"
- "Lakes, fishing, boating etc"
- "Pool, golf, trails, parks"
- "Pickleball, Soccer & Football Fields that are not on the outfield of a ball field."
- "trails and places to walk"
- "Pool"
- "Walking paths"
- "Sports and walking/running"
- "Bike trail, expand the trail through the northeast and southeast sides of Hickman."
- "Pet friendly"
- "Community activities/sports"
- "Playgrounds"
- "A swimming pool would be great but going back to the infrastructure-we have to get that fixed before we even entertain this. I would also love to see some adult activities such as slow pitch softball/sand volleyball/etc."
- "Trails"
- "Pool!"
- "Parks for my kids. Golf courses."
- "Parks"
- "Walking"
- "Walking, pickle ball court, golfing, volleyball courts"
- "Wagontrain."
- "All of them bas ball/softball/football/hunting/trap/soccer/golf/fishing/cross country running or sking/road races/marathons/boating/ paddle boarding/ and much more."
- "Focus on the park/pond on the NE part of town."
- "Swimming, baseball and softball, volleyball , frisbee golf"
- "A local pool for families!"
- "Walking on trails and access all over town"
- "Baseball, Walking, Biking, Soccer"
- "Outdoor seating, entertainment"
- "Effective paths and trails to allow movement w/o cars. Parks and sports fields"
- "Activities that involve younger children.. under 4 or so"

ORDINANCES OF A GENERAL
AND PERMANENT NATURE
OF THE CITY OF HICKMAN, NEBRASKA

ORDINANCE NO. 2025-03

AN ORDINANCE OF THE CITY OF HICKMAN, NEBRASKA, RECODIFYING THE GENERAL ORDINANCES OF THE CITY; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HICKMAN, NEBRASKA, AS FOLLOWS:

SECTION 0-001: RECODIFICATION

The ordinances of the City of Hickman, Nebraska, are hereby compiled and classified into ten chapters and the sections thereunder, which are adopted and declared to be the ordinances of this city.

SECTION 0-002: REPEAL PRIOR ORDINANCES IN CONFLICT

All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance are hereby repealed; provided, in construing the provisions of this ordinance, the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets or alleys;
2. Ordinances authorizing or directing public improvements to be made;
3. Ordinances levying taxes or special assessments;
4. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations;
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
6. Any other ordinance which by nature would be considered special.

SECTION 0-003: EXCEPTIONS

The repeal of ordinances as provided in the preceding section hereof shall not affect any right acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication hereof for the purpose of all such rights, fines, penalties, forfeitures, and liabilities and actions therefor.

SECTION 0-004: CONSTRUCTION OF CHAPTERS

For purposes of construction, each chapter contained and arranged in this code shall be considered as a separate and distinct ordinance grouped for convenience under General Codification Ordinance No. 2025-03, and each section appearing in the several chapters of this code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is considered.

SECTION 0-005: DEFINING CHAPTERS AND SECTIONS; ORDINANCE NUMBERING

The chapters and sections as set forth herein shall be and hereby are declared to be the chapters and sections to designate said provisions, and all ordinances hereafter passed shall be numbered consecutively.

SECTION 0-006: GENERAL DEFINITIONS

1. *Person*. Whenever used in this code, "person" shall include persons, artificial persons such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. *Gender, number*. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender, and all words importing the plural may be applied to and mean a single person, firm or thing, or vice versa; and all words importing the singular number may be applied to and mean plural number.

3. *Code, ordinance, article*. "Municipal code" shall mean General Codification Ordinance No. 2025-03. "Ordinance" and "article" are used synonymously, unless from the context the contrary clearly appears.

4. *City, municipal, municipality*. These terms, whenever used in this code, refer to the City of Hickman, Nebraska, a municipal corporation.

SECTION 0-007: VALIDITY

Each chapter, section, and subdivision of a section of each ordinance is hereby declared to be independent of each other chapter, section, or subdivision of a section so far as inducement of the passage of this ordinance is concerned; and the invalidity of any chapter, section, or subdivision of a section of this ordinance shall not invalidate any other chapter, section, or subdivision of a section thereof.

SECTION 0-008: NONSUBSTANTIVE CHANGES

Municipal Code Services, Inc., and the city clerk be and hereby are authorized to make nonsubstantive changes in this ordinance to correct the spelling of words, capitalize or uncapitalize words, and make other similar changes in accordance with accepted us-

age or for consistency with terminology used in other provisions of this code. Municipal Code Services, Inc., and the city clerk are further authorized to make other nonsubstantive changes necessary to incorporate ordinance material into this code while preserving the original meaning of the ordinance sections.

SECTION 0-009: EMPOWERMENT OF OTHER LAW ENFORCEMENT PERSONNEL

The terms "city police" or “city law enforcement” shall apply in all instances to all other law enforcement officials, including the county sheriff and deputies and Nebraska State Patrol troopers. Whenever this codifying ordinance empowers the city police to take any action, such empowerment shall extend to and apply equally to the county sheriff or deputies or any Nebraska State Patrol troopers.

SECTION 0-010: DOLLAR AMOUNTS NOT REQUIRED TO BE INCORPORATED

All compensation amounts for city officials and employees, fees and charges for providing municipal services to the customers of such services, occupation taxes, and minimum fines for violation of municipal ordinances may be established from time to time by ordinance or resolution as required or permitted by Nebraska law. Any such ordinance or resolution shall be kept on file with the city clerk and available for public inspection during normal office hours. Such ordinances containing compensation, fees, charges, taxes and fines shall be published as required by law but it shall not be required that they be incorporated into the general ordinances in book form.

SECTION 0-011: FINES, COSTS, COMMITMENTS

In any case where any person, including a partnership or corporation, shall have been found guilty of the violation of any city ordinance, such person shall pay the costs of prosecution and court costs and shall stand committed until the same shall have been paid in full.

SECTION 0-012: BLANKET PENALTY

Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of the within municipal code of ordinances, chapters, sections, or subdivisions of sections included herein, unless specifically otherwise provided herein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed $500.00.

SECTION 0-013: PUBLICATION AND DISTRIBUTION

This code was printed in book form under the direction of the Mayor and City Council and shall be distributed as they may see fit.

SECTION 0-014: WHEN OPERATIVE

This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this _____ day of _____, 2025.

CITY OF HICKMAN, NEBRASKA

_____
Phil Goering, Mayor

ATTEST:

_____
Michele Lincoln, City Clerk

CERTIFICATION OF PASSAGE

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

I, Michele Lincoln, city clerk in and for the City of Hickman, Nebraska, do hereby certify that Ordinance No. 2025-03, which is herein set out, was duly passed by the City Council of the City of Hickman on the _____ day of _____, 2025, and was duly approved by the mayor on the same date.

In testimony whereof, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2025.

_____
Michele Lincoln, City Clerk

(S E A L)

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CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – City Administration

SECTION 1-101: CORPORATE EXISTENCE

The City of Hickman, Nebraska, having a population of more than 800 inhabitants but fewer than 5,000, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class. (Neb. Rev. Stat. §17-101)

SECTION 1-102: OFFICIAL CORPORATE SEAL

The official corporate seal of the City shall be kept in the office of the city clerk, who shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the City Council and countersigned by the city clerk. (Neb. Rev. Stat. §17-502)

SECTION 1-103: OATH OF OFFICE; CITY OFFICIALS

A. All elected or appointed officials of the City shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds, except when a different oath is specifically provided herein:

> "I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God."

B. If any such officer is not required to give bond, the oath shall be filed in the office of the secretary of state or with the city clerk.
(Neb. Rev. Stat. §11-101)

SECTION 1-104: BONDS; BLANKET BOND (AMENDED)

A. The City may enact ordinances or bylaws to require from all officers and servants, elected or appointed, bonds and security or evidence of equivalent insurance

for the faithful performance of their duties. All official bonds of city officers must be in form, joint and several, and made payable to the City in such penalty as the City Council may fix. All official bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of any persons injured by a breach of the conditions of such bonds. The approval of each official bond shall be endorsed upon such bond by the officer approving the same and no bond shall be filed and recorded until so approved. No bond shall be deemed to be given or complete until the approval of the City Council and all sureties are endorsed in writing on the instrument by the mayor and city clerk pursuant to the approval of the council. In place of the individual bonds required to be furnished by municipal officers, a blanket bond or undertaking or evidence of equivalent insurance may be given by the officers. The City may pay the premium for the bond or insurance coverage, which shall be, at a minimum, an aggregate of the amounts fixed by law or by the City Council and with such terms and conditions as may be required.

B. All official bonds of local officers shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county in which such bonds are given; or any official bond of a local officer may be executed by the officer as principal and by a guaranty, surety, fidelity or bonding company as surety or by two or more of such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a local officer. No official bond shall be rendered void by reason of any informality or irregularity in its execution or approval.

C. Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the following time: (1) of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election; (2) of all appointed officers, within 30 days after their appointment; and (3) of officers elected at any special election and city officers, within 30 days after the canvass of the votes of the election at which they were chosen. The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, Section 5 of the Constitution of Nebraska.

D. The officers with whom any official bonds are required by law to be filed shall carefully record and preserve the same in their respective offices and shall give certified copies thereof, when required, under the seal of their office and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases.

E. If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by Neb. Rev. Stat. §§11-101 to 11-122, the provisions of Neb. Rev. Stat. §11-115 shall apply.

F. Any person appointed to fill a vacancy, before entering upon the duties of the

office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided. When the incumbent of an office is re-elected or re-appointed, he or she shall qualify by taking the oath and giving the bond as above directed; but when such officer has had public funds or property in his or her control, his or her bond shall not be approved until he or she has produced and fully accounted for such funds and property. When it is ascertained that the incumbent of an office holds over by reason of the non-election or non-appointment of a successor or of the neglect or refusal of the successor to qualify, he or she shall qualify anew within ten days from the time at which his or her successor, if elected, should have qualified.
(Neb. Rev. Stat. §§11-103 through 11-105, 11-109 through 11-113, 11-115 through 11-117, 17-604)

SECTION 1-105: COMPENSATION

A. The officers and employees of the City shall receive such compensation as the mayor and council shall fix by ordinance. The City may enact ordinances or bylaws to regulate and prescribe the compensation of officers not provided for in state law. No officer shall receive any pay or perquisites from the City other than his or her salary. The council shall not pay or appropriate any money or other valuable thing to any person not an officer for the performance of any act, service or duty, the doing or performance of which shall come within the proper scope of the duties of any officer of the City.

B. The compensation of any elective official of the City shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the City Council, a board or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he or she resigns and desires to be rehired during the unexpired term of office. The official may be rehired after the term of office during which he or she resigned at a greater salary. All salaries of the elective officers of the City shall be set by ordinance of the council and placed on file at the office of the city clerk for public inspection.
(Neb. Rev. Stat. §§17-108, 17-108.02, 17-604, 17-611, 17-612)

SECTION 1-106: CONFLICT OF INTEREST

A. For purposes of this section, “officer” shall mean: (1) any member of any council or commission of the City; (2) any appointed official if such city official serves on a council or commission which spends and administers its own funds and is dealing with a contract made by such council or commission; or (3) any elected city official. “Immediate family” shall mean a child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.

B. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as

firefighters and ambulance drivers.

C. No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or a business association which shall mean a business (a) in which the individual is a partner, director or officer or (b) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth $1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth $10,000.00 or more at fair market value or which represents more than 10% equity interest; an individual who occupies a confidential professional relationship protected by law shall be exempt from the definition herein and this definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker; or

2. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

D. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;

2. Does not vote on the matter of granting the contract, except that if the number of members of the body declaring an interest in the contract would prevent the body, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

3. Does not act for the governing body as to inspection or performance under the contract in which he or she has an interest.

E. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any City by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections (D)(1) through (3) above, if an officer's parent, spouse or child is an employee of the City, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections (F)(1) through (5) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the City.

F. The city clerk shall maintain, separately from other records, a ledger containing the information listed in this subsection about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made as provided in subsections (D)(1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the (1) names of the contracting parties; (2) nature of the interest of the officer in question; (3) date that the contract was approved by the City; (4) amount of the contract; and (5) basic terms of the contract.

G. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours.

H. An open account established for the benefit of the City or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

I. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §§49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §§49-14,103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

J. The City may enact ordinances exempting from the provisions of this section contracts involving $100.00 or less in which an officer of such city may have an interest.

K. No officer shall receive any pay or perquisites from the City other than his or

her salary. The City Council shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which shall come within the proper scope of the duties of any officer of the City. (Neb. Rev. Stat. §§17-611, 18-305 through 18-312, 49-1408, 49-1425, 49-14,103.01 through 49-14,103.03, 49-14,103.06)

SECTION 1-107: EXAMINATION AND DUPLICATION OF PUBLIC RECORDS; FEES; CONFIDENTIAL RECORDS

All citizens of the City and all other persons interested in the examination of the public records of the City are fully empowered and authorized to examine such records and make memoranda copies thereof as provided in Neb. Rev. Stat. §84-712. Payment of fees may be required. Records which may be withheld from the public shall be as stated in Neb. Rev. Stat. §84-712.05. (Neb. Rev. Stat. §§84-712, 84-712.03 through 84-712.06)

Article 2 – Elected Officials

SECTION 1-201: ELECTION

The mayor and four City Council members shall be nominated at the statewide primary election and elected at the statewide general election. They shall serve for terms of four years or until their successors are elected and qualified. Any person seeking elective office in the City shall be residents and registered voters prior to holding such office and shall not hold any other public elective public office. Two council members' terms shall expire every two years. (Neb. Rev. Stat. §§17-103, 32-404, 32-533)

SECTION 1-202: MAYOR; POWERS AND DUTIES

A. The mayor shall take office on the date of the first regular meeting of the City Council held in December following the statewide general election and shall serve a four-year term of office. He or she shall have the general and immediate control over all property and officials, whether elected or appointed, of the City.

B. The mayor shall preside at all meetings of the City Council and when the council consists of four members as established by ordinance, he or she shall be deemed a member of the council for purposes of establishing a quorum when the mayor's presence is necessary to establish the quorum.

C. The mayor may vote when his or her vote would provide the additional vote required to attain the number of votes equal to a majority of the number of members elected to the City Council (quorum) on any pending matter, legislation, or transaction, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

D. The mayor shall sign the city clerk's minutes of all meetings, all resolutions which have been passed and warrants for the payment of money when ordered by the City Council. The mayor's veto powers shall be as provided in Section 1-405(C) herein. (Ordinances)

E. The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Their terms of office shall be as provided in Section 1-501. Such officers may be removed from office by the mayor. He or she shall, by and with the consent of the council, appoint such a number of regular police officers as may be necessary and may remove the same.

F. The mayor shall, from time to time, communicate to the City Council such information and recommend such measures as, in his or her opinion, may improve the finances, the police, health, security, ornament, comfort, and general prosperity of the City.

G. The mayor shall have the power, when he or she deems it necessary, to

require any officer of the City to exhibit his or her accounts or other papers and to make reports to the council, in writing, touching any subject or matter pertaining to his or her office.

H. The mayor shall have such jurisdiction as may be vested in him or her by ordinance over all places within five miles of the corporate limits of the City for the enforcement of any health or quarantine ordinance and regulation thereof. He or she shall have jurisdiction in all matters vested in him or her by ordinance, excepting taxation, within one-half mile of the corporate limits of said city.

I. The mayor shall have power to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the ordinances of the City.

J. The mayor shall have such other duties as the City Council may by resolution confer upon him or her or in any other matters which the laws of the State of Nebraska repose in him or her.
(Neb. Rev. Stat. §§17-105, 17-107, 17-110 through 17-114, 17-117)

SECTION 1-203: MAYOR; VACANCY

Whenever a vacancy occurs in the office of mayor or in case of his or her disability or absence, the president of the council shall exercise the office of mayor until such vacancy is filled or such disability is removed or, in case of temporary absence, until the mayor returns. If the president of the council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the council which shall be filled as provided in Section 1-206 (City Council; Vacancy). (Neb. Rev. Stat. §32-568)

SECTION 1-204: CITY COUNCIL; POWERS AND DUTIES

The governing body of the City shall be the City Council, which shall exercise all the powers which have been or may be authorized by law. The council shall have the power to make all such ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the state, as may be expedient for maintaining the peace, good government, and welfare of the City and its trade, commerce, and manufactories, to enforce all ordinances by inflicting fines or penalties for the breach thereof, and to assess such taxes and fees as are necessary and appropriate. (Neb. Rev. Stat. §§17-505, 19-611)

SECTION 1-205: CITY COUNCIL; PRESIDENT

The City Council shall elect one of its members each year who shall be styled the president of the council, who shall preside at all meetings of the council in the ab-sence of the mayor. In the absence of the mayor and the president, the council shall elect another member to occupy their place temporarily, who shall be styled acting president of the council. Both the president of the council and the acting president, when occupying the position of the mayor, shall have the same privileges as the oth-er members

of the City Council and all acts of the president or acting president of the council, while so acting, shall be as binding upon the council and upon the City as if done by the elected mayor. (Neb. Rev. Stat. §§17-148, 19-617)

SECTION 1-206: CITY COUNCIL; VACANCY

A. In the case of any vacancy in the office of mayor or in case of his or her disability or absence, the president of the council shall exercise the office of mayor for the unexpired term, until such disability is removed or, in case of temporary absence, until the mayor returns. If the president of the council assumes the office of mayor for the unexpired term, there shall be a vacancy on the council. Other reasons for a vacancy include resignation or death of the incumbent, moving from his or her precinct, or other events listed in Neb. Rev. Stat. §32-560. After notice and a hearing, a vacancy on the City Council shall also exist if a member is absent from more than five consecutive regular meetings of the council unless the absences are excused by a majority vote of the remaining members.

B. Except as otherwise provided in subsection (D) or (E) of this section or subsection (A) above, a vacancy in a city elected office shall be filled by the mayor and council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the council at a regular or special meeting and shall appear as a part of the minutes of such meeting. The council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the City the office vacated and the length of the unexpired term

C. The mayor shall call a special meeting of the council or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the mayor shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of an incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The council shall vote upon such nominee and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the mayor shall continue at such meeting to submit the names of qualified registered voters in nomination and the council shall continue to vote upon such nominations at such meeting until the vacancy is filled. The mayor shall cast his or her vote for or against the nominee in the case of a tie vote of the council. Every council member present shall cast a ballot for or against the nominee. Any member of the council who has been appointed to fill a vacancy on the council shall have the same rights, including voting, as if such person were elected.

D. The mayor and council may, in lieu of filling a vacancy in a city elected office as provided in subsection (B) of this section, call a special city election to fill such

vacancy.

E. If vacancies exist in the offices of one-half or more of the members of the City Council, the secretary of state shall conduct a special city election to fill such vacancies.

F. No official who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same City Council during the remainder of his or her term of office.
(Neb. Rev. Stat. §§17-107, 19-3101, 32-560, 32-568, 32-569, 32-1308)

SECTION 1-207: SUCCESSION OF CONTROL

In order to designate the succession of control of the City and to declare and control a disaster or emergency when the mayor is not present or is unable to act as the principal executive officer of the City, then the following is the procedure used to determine who is next in line to fulfill those duties and responsibilities:

A. If the mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties.

B. Should the president of the council not be present or be unable to perform those functions and duties, then the next most senior elected official shall perform those duties and functions.

C. The line of succession for the remaining elected officials shall follow by seniority from the date originally elected. If more than one council member has the same date of seniority, then the most senior in age shall assume control.

SECTION 1-208: RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

A. The mayor and members of the council shall hold no other elective or appointive office or employment with the City.

B. For purposes of this section:

1. “Elective office” means any office which has candidates nominated or elected at the time of a statewide primary election; any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at

an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and

2. “High elective office” means a member of the Legislature; an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska; or a county, city or school district elective office.

C. No candidate for member of the Legislature or an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election, except for the position of delegate to a county, state or national party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared write-in candidate for more than one elective office to be filled at the same election.

D. Except as provided in subsection (E) or (G) of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he or she has been elected or appointed to or holds another elected office.

E. No person serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska shall simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

F. Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

G. No person serving in a high elective office shall simultaneously serve in any other high elective office.

H. Notwithstanding subsections (E) through (G) of this section, any person holding more than one high elective office on September 13, 1997, shall be entitled to continue to serve the remainder of all terms for which he or she was elected or appointed. (Neb. Rev. Stat. §§17-108.02, 32-109, 32-603, 32-604)

Article 3 – Meetings

SECTION 1-301: DEFINED

"Meetings" as used in this article shall mean all regular, special, or called meetings of a public body for purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action. (Neb. Rev. Stat. §84-1409[2])

SECTION 1-302: PUBLIC BODIES

A. "Public body" as used in this article shall mean: (1) the City Council, (2) all independent boards, commissions, bureaus, committees, councils, sub-units, or any other bodies now or hereafter created by Constitution, statute, ordinance, or otherwise pursuant to law; and (3) advisory committees of the bodies listed above. This article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent bodies.

B. All provisions herein relating to City Council meetings shall also apply to the city public bodies named above.
(Neb. Rev. Stat. §84-1409[1])

SECTION 1-303: RIGHTS OF THE PUBLIC

A. The formation of public policy is public business and may not be conducted in secret. Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act. At least one current copy of the Open Meetings Act shall be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

B. Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies. Members of the public shall not be required to identify themselves as a condition for admission to the meeting. The council shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at any meeting. All or any part of a meeting of a public body, except for closed sessions called pursuant to Section 1-311, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

C. The City invites and encourages the public to share their comments, whether they support or oppose city actions. Without citizens' voices, a key component of representative government is lost. In order to allow comments from citizens at a meeting in an orderly manner, the following rules have been established for speaking at a public

meeting of the City Council as well as any commission, board, or committee appointed by the City.

1. *Citizens Who Wish to Speak During a Public Hearing*. Citizens may make comments regarding the subject at hand during a public hearing. The mayor will ask if there is anyone to speak for (proponent) or against (opponent) the subject. If a citizen wishes to comment, he or she must come to the podium and identify himself or herself; comments must be germane to the subject of the public hearing and should not be repetitive. If comments are not related to the topic at hand or are repetitive, the mayor will state as such and can terminate such person's comments. Citizens will be given a maximum of three minutes to speak regarding the comments concerning the public hearing.

2. *Citizens Who Wish to Speak During Comments from the Floor*. If a citizen wishes to address the mayor and council on any subject, he or she may do so if the mayor invites such citizen to comment. Without the invitation of the mayor to comment, such citizen may not comment on any subject unless such subject is listed on the agenda or unless it is at a public hearing previously advertised as such. If the mayor has invited comments, such citizen must come to the podium and identify himself or herself to the mayor and council, who will listen to such citizen's comments but will not take action at this meeting unless the matter is listed on the agenda as a matter to be considered. If not, such citizen may request that the matter be placed on the agenda for a future meeting. A citizen will be given a maximum of three minutes to speak regarding the topic.

3. *Citizens Who wish to Speak on an Agenda Item for Which the Mayor has Requested Public Comment*. A citizen may speak on any agenda item if the mayor has invited comments from the general public on such agenda item. If a citizen wishes to comment, he or she must come to the podium and identify himself or herself to the mayor and council. Comments must be germane to the subject of the agenda item and must not be repetitive. If such comments are not related to the agenda item or are repetitive, the mayor will state as much and can terminate such citizen's comments. Citizens will be given a maximum of three minutes to speak regarding the subject of the agenda item.

4. *Speaking Rules*:

   a. Speakers will be heard only upon recognition by the mayor.
   b. Remarks shall be addressed to the mayor and council as a whole and not a member thereof, or members of the audience.
   c. Speakers shall speak clearly and begin by stating their name and address.
   d. Speakers shall limit their remarks to the allotted time limit.

e. Speakers shall focus on new or unique information that other speakers have not covered.

D. No public body shall, for the purpose of circumventing the provisions of this section, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.
(Neb. Rev. Stat. §§84-1408, 84-1411, 84-1412, 84-1414)

SECTION 1-304: NOTICE; AGENDA

A. The City Council shall give reasonable advance publicized notice of the time and place of each meeting by (1) publication in a newspaper of general circulation within the City and, if available, on such newspaper's website; or (2) by posting written notice in three conspicuous public places in the City. If posted, such notice shall be posted in the same three places for each meeting. The clerk shall record the methods and dates of such notice in the minutes.

B. Such notice shall be transmitted to all council members and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the city office during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

C. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a City Council meeting scheduled outside the corporate limits. The council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.
(Neb. Rev. Stat. §84-1411[1])

SECTION 1-305: NOTICE TO NEWS MEDIA

The city clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed. (Neb. Rev. Stat. §84-1411[4])

SECTION 1-306: PLACE, DAY, TIME; QUORUM

A. The City Council shall hold two regular meetings per month, on the second Tuesday and fourth Tuesday of each month at 7:00 P.M. in Room 128 at City Hall, 115 Locust Street. The mayor or the council, by majority vote, may change the time and/or the date if notice is given 48 hours in advance of the date and time of the regular meeting. The council shall by resolution establish the ending time for regular meetings and they shall end at such time unless the council shall extend such ending time by majority vote.

B. A majority of the council shall constitute a quorum for the transaction of any business but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business.

C. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members, entering the same in the minutes, and announce whether a quorum is present. If a quorum is present, the council shall be called to order by the mayor, if present, or if absent, by the president of the council. In the absence of both the mayor and the president of the council, the meetings shall be called to order by the president *pro tempore*.
(Neb. Rev. Stat. §17-105) (Am. by Ord. No. 94-12, 11/10/94; 2007-09, 5/22/07)

SECTION 1-307: CHANGE IN OFFICE; REORGANIZATION AFTER ELECTION; STANDING COMMITTEES

A. The change in office shall be made as follows: The mayor and council members shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the council shall present their reports. Upon the old council having completed its business up to the said time, the outgoing members shall surrender their offices to the incoming members. The outgoing officers shall thereupon each surrender to his or her successor in office all property, records, papers and moneys belonging to the same.

B. The new council shall then proceed to organize for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the council shall then elect one of its own body who shall be styled as "president of the council." The mayor shall nominate his candidates for appointive offices and then proceed with the regular order of business.

C. At the organizational meeting of the City Council, the mayor shall appoint members to 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, who 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. The following standing committees shall be appointed or reappointed each year until changed by the council:

1. Personnel
2. Streets and Sidewalks
3. Municipal Property
4. Utilities
5. Parks, Recreation and Beautification

(Neb. Rev. Stat. §17-104, 17-107.02[9]) (Am. by Ord. No. 2009-29, 12/8/09)

SECTION 1-308: ORDER OF BUSINESS

Promptly at the hour set by law on the day of each regular meeting, the mayor, the members of the City Council, the city clerk, and such other city officials that may be required shall take their regular stations in the meeting place and the business of the City shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the city clerk.

SECTION 1-309: PARLIAMENTARY PROCEDURE

Questions of procedure and conduct at City Council meetings shall be decided by the mayor in accordance with *Robert's Rules of Order*.

SECTION 1-310: MINUTES

A. The City Council shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written or kept as an electronic record and shall be available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that the City may have an additional ten working days if the employee responsible for writing or keeping the minutes is absent due to a serious illness or emergency.

B. If the City maintains a public website, (1) the agenda shall be posted on the site at least 24 hours before the meeting and (2) minutes shall be posted on the site at such time as they are available for inspection by the public as described above. Minutes shall be available on the public website for at least six months.

C. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the council in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or voice vote shall be satisfied if the City utilizes an electronic voting device which allows the "yeas" and "nays" of each member of the City Council to be readily seen by the public.

D. The vote to elect leadership within the council may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes.
(Neb. Rev. Stat. §§17-616, 84-1413) (Ord. No. 2023-02, 1/10/23)

SECTION 1-311: CLOSED SESSIONS

A. The City Council may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an

individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the council;

2. Discussion regarding deployment of security personnel or devices;

3. Investigative proceedings regarding allegations of criminal misconduct; or

4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the council.

C. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The City Council shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, “formal action” shall include a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by council members to legal counsel or other negotiators in closed sessions authorized under subsection (A) of this section.

D. Any City Council member shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the council members. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. The City Council shall not fail to invite a portion of its members to a meeting and the council shall not designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this article.

F. The provisions of this article shall not apply to chance meetings or to attendance at or travel to conventions or workshops of the council members at which there is no meeting of the council then intentionally convened, if there is no vote or other action taken regarding any matter over which the council has supervision, control, jurisdiction, or advisory power.
(Neb. Rev. Stat. §84-1410)

SECTION 1-312: SPECIAL MEETINGS

Special meetings may be called by the mayor or by a majority of the City Council, the object of which shall be submitted to the council in writing. The call and object as well as the disposition thereof shall be entered upon the journal by the city clerk. The procedures for the meeting shall follow those of any regular meeting. (Neb. Rev. Stat. §17-106)

SECTION 1-313: EMERGENCY MEETINGS

A. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of virtual conferencing. The provisions of Section 1-305 (Notice to News Media) shall be complied with in conducting emergency meetings.

B. When any ordinance is enacted in an emergency, requiring immediate operation, such ordinance shall take effect upon the proclamation of the mayor, posted in at least three of the most public places in the City. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the City Council and be entered of record on the minutes.

C. Complete minutes of any such emergency meeting, as provided in Section 1-310(A), specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.
(Neb. Rev. Stat. §§17-613, 84-1411)

Previously called videoconferencing. Purpose has changed.
SECTION 1-314: VIRTUAL CONFERENCING

A. A meeting of the City Council may be held by virtual conferencing when an emergency is declared by the governor pursuant to the Emergency Management Act if the following conditions are met:

1. The council's territorial jurisdiction is included in the emergency declaration, in whole or in part.

2. Reasonable advance publicized notice is given as to the time and place of

the meeting and such notice is transmitted to the mayor, all council members and the public. The notice shall include information regarding access for the public and news media. Section 1-305 (Notice to News Media) shall be complied with.

3. The council provides access by providing a dial-in number or a link to the virtual conference.

4. The council also provides links to an electronic copy of the agenda, all documents being considered at the meeting, and the current version of the Open Meetings Act.

5. Reasonable arrangements are made to accommodate the public's right to hear and speak at the meeting and record the meeting.

B. In addition to any formal action taken pertaining to the emergency, the council may hold such meeting for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action by the body.

C. The nature of the emergency shall be stated in the minutes. Complete minutes of such meeting specifying the nature of the emergency and any formal action taken at the meeting shall be made available for inspection as provided in Section 1-310(A).

(Neb. Rev. Stat. §§84-1409, 84-1411, 84-1413)

Article 4 – Ordinances, Resolutions, and Motions

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the laws of the State of Nebraska as may be necessary and proper for maintaining the peace, good government, and welfare of the City and its trade, commerce, and manufactories and to enforce all ordinances by inflicting fines or penalties for the breach thereof. (Neb. Rev. Stat. §17-505)

SECTION 1-402: ORDINANCES; STYLE

The style of all ordinances shall be: "Be it ordained by the Mayor and City Council of the City of Hickman, Nebraska…" (Neb. Rev. Stat. §17-613)

SECTION 1-403: ORDINANCES; TITLE; AMENDMENTS AND REVISIONS

A. No ordinance shall contain a subject not clearly expressed in its title.

B. No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended and the ordinance or section so amended shall be repealed, except that an ordinance revising all the ordinances of the City and modifications to zoning building districts may be adopted as otherwise provided by law.
(Neb. Rev. Stat. §17-614)

SECTION 1-404: ORDINANCES; INTRODUCTION

Ordinances shall be introduced in either of the following ways:

A. With the recognition of the mayor, a council member may, in the presence and hearing of a majority of the City Council, read aloud the substance of his or her proposed ordinance and file a copy of the same with the city clerk for future consideration; or

B. With the recognition of the mayor, a council member may present his or her proposed ordinance to the clerk who, in the presence and hearing of a majority of the council, shall read aloud the substance of the same and shall file the same for future consideration.
(Neb. Rev. Stat. §§17-614, 17-616)

SECTION 1-405: ORDINANCES; READING AND PASSAGE; MAYOR'S VETO

A. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of the City Council. The mayor may vote when his or her vote would provide the additional

vote required to attain the number of votes equal to a majority of the number of members elected to the council (quorum), and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.

B. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the council votes to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinances shall be read by title and then moved for final passage. Three-fourths of the council may require a reading of any such ordinance in full before enactment under either procedure set out in this section.

C. The mayor shall have power to veto or sign any ordinance passed by the City Council and to approve or veto any order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim. If the mayor approves the ordinance, order, bylaw, resolution, contract, or claim, he or she shall sign it and it shall become effective. If the mayor vetoes the ordinance, order, bylaw, resolution, contract, or any item or items of appropriations or claims, he or she shall return it to the council, stating that the measure is vetoed. The mayor may issue the veto at the meeting at which the measure passed or within seven calendar days after the meeting. If the mayor issues the veto after the meeting, he or she shall notify the city clerk of the veto in writing. The clerk shall notify the City Council in writing of the mayor's veto. Any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim vetoed by the mayor may be passed over his or her veto by a vote of two-thirds of the members of the council. If the mayor neglects or refuses to sign any ordinance, order, bylaw, resolution, award of or vote to enter into any contract, or the allowance of any claim but fails to veto the measure within the time required by this section, the measure shall become effective without his or her signature. The mayor may veto any item or items of any appropriation bill or any claims bill and approve the remainder thereof, and the item or items vetoed may be passed by the council over the veto as in other cases.
(Neb. Rev. Stat. §§17-111, 17-614)

SECTION 1-406: ORDINANCES; PUBLICATION; CERTIFICATE

A. All ordinances of a general nature shall take effect after publication, within 15 days after they are passed, (1) in a legal newspaper in or of general circulation in the City or (2) in book, pamphlet, or electronic form.

B. The passage, approval, and publication of any ordinance in a newspaper shall be sufficiently proved by a certificate under seal of the City from the city clerk, showing that such ordinance was passed and approved and when and in what legal newspaper the ordinance was published.

C. When an ordinance is printed in book, pamphlet, or electronic form, purporting to be published by authority of the City Council, the ordinance need not be otherwise published and such book, pamphlet, or electronic form shall be received as

evidence of the passage and legal publication of such ordinance as of the date mentioned in such book, pamphlet, or electronic form in all courts without further proof. (Neb. Rev. Stat. §17-613) (Ord. No. 2023-02, 1/10/23)

SECTION 1-407: EMERGENCY ORDINANCES

An ordinance passed in the case of emergency, requiring its immediate operation, shall take effect as provided in Section 1-313 (Meetings; Emergency) herein. (Neb. Rev. Stat. §17-613)

SECTION 1-408: RESOLUTIONS AND MOTIONS

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the City Council. The issue raised by any such resolution or motion shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the council. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote. (Neb. Rev. Stat. §17-616)

Article 5 – Appointed Officials

SECTION 1-501: GENERAL AUTHORITY (AMENDED)

A. The mayor, with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. All officers appointed by the mayor and confirmed by the council, except regular police officers, shall hold office until the end of the mayor's term of office and until their successors are appointed and qualified, unless sooner removed.

B. The City may enact ordinances or bylaws to regulate and prescribe the powers, duties, and compensation of officers not provided for in state law. If the mayor and City Council appoint any of the officials specified within this article or any other officials, they shall have the powers and duties, if any, provided in this article or otherwise provided by city ordinances and state law.
(Neb. Rev. Stat. §§17-107, 17-604)

SECTION 1-502: MERGER OF OFFICES

A. The City Council may, at its discretion, by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time.

B. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged or combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment, or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.
(Neb. Rev. Stat. §17-108.02)

SECTION 1-503: CITY ADMINISTRATOR

A. *Purpose*. The purpose of the office of full-time city administrator is to provide for the centralization of the administrative responsibilities of all affairs of the City which are under the direction of the mayor and City Council.

B. *Appointment and Responsibilities*.

1. The city administrator shall be the non-elected administrative head of the city government under the direction and control of the mayor and council.

The city administrator shall be appointed by the mayor with the approval of a majority of the council.

2. All of the departments of the City shall be under the direct administrative supervision and direction of the city administrator. Except for purposes of inquiry, the mayor and City Council shall deal with the administrative services of the City through the city administrator.

3. The city administrator shall direct the affairs of the City to include planning, directing, and coordinating the personnel matters of all city employees, except as otherwise provided by city ordinances, state statutes or any applicable labor contracts made on the basis of merit; recruit, interview and test job applicants; ensure all appointments are made on the basis of merit; maintain a classification system, if any, for city employees and administer the pay plan; keep records of all city employees; ensure hearings for grievances promote training programs; and foster good employee relations.

4. The city administrator shall receive such compensation, benefits, allowances, and allocation as allowed within the employment services contract. A beginning annual base salary shall be agreed upon, with provisions for annual performance evaluations and possible salary and benefits increases in July of each year.

C. *Duties and Powers*. In addition to the general authority as administrative head, and not as limitation thereof, the full-time city administrator shall:

1. Recommend to the mayor and council the appointment and dismissal of all department heads over which the administrator exercises jurisdiction. The city administrator is responsible for the appointment and dismissal of all subordinate city employees in the departments, divisions and services over which he/she exercises jurisdiction according to the laws of the City. The city administrator may also provide for the transfer of such employees within such departments, divisions and services to meet the City's varying workload and/or emergencies.

2. Along with the city clerk, keep the mayor and City Council fully advised as to the financial condition of the City and its future needs. The city administrator shall assist in the preparation of the annual estimates of revenues and expenditures of a proposed budget for the presentation of a complete financial plan for the mayor and council prior to the consideration and adoption of the annual appropriation ordinance by the council. He/she will be jointly responsible for the supervision and control of the budgeted expenditure items in annual budget.

3. Make investigations into all of the affairs of the City and make recom-

mendations to the mayor and council for the adoption of such measures and ordinances as are deemed necessary or expedient for the good of the city government.

4. Analyze the functions, duties and activities of the various departments, divisions and services of the City and all employees thereof and make recommendations regarding the same to the mayor and council, and faithfully carry out the directions and recommendations of the mayor and council in coordinating the administrative functions and operations of the various departments, divisions and services.

5. Investigate, or have investigated, all complaints filed against any employees, departments, divisions or services of the City and report such investigations with recommendations to the mayor and City Council.

6. Assist with economic development and city planning and zoning issues as requested and advise the planning commission clerk, Planning Commission and City Council of any matters pertaining to city economic development and planning.

7. Attend all meetings possible of the Hickman City Council with the duty of reporting any matter concerning city affairs under his/her supervision and direction; and represent the City at other meetings as his/her duties may require or as may be directed by the mayor and council.

8. Perform such other duties and exercise such other powers as may be required by ordinance or employment service contract, or prescribed by resolution of the mayor and council.

D. *Political Activity; Conflict of Interest*. The full-time city administrator shall not participate in any political activity, other than administrative requests, on behalf of candidates or issues involving public trust, except for the casting of an individual ballot. The city administrator shall be an officer of the City within the meaning of Neb. Rev. Stat. §16-502 and shall be subject to and bound by the prohibitions contained therein. (Am. by Ord. Nos. 2006-08, 6/13/06; 2017-04, 2/14/17)

Bond recordkeeping transferred to treasurer

SECTION 1-504: CITY CLERK

A. The city clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. Within 30 days after any council meeting, the clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the City and which was duly designated as such by the council. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

B. After the period of time specified by the state records administrator pursuant to Neb. Rev. Stat. §§84-1201 to 84-1220, the clerk may transfer the journal of the council proceedings to the state archives of the Nebraska State Historical Society for permanent preservation.

C. The clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the city ordinances, collect all occupation taxes and license money except where some other city officer is specifically charged with that duty, and keep a register of all licenses granted in the City and the purpose for which they were issued.

D. The clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular funds from which the same are payable. At the end of each month the clerk shall make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

E. The clerk shall deliver all warrants, ordinances and resolutions under his or her charge to the mayor for his or her signature. The clerk shall also deliver to officers, employees, and committees all resolutions and communications which are directed to them. With the seal of the City, the clerk shall duly attest the mayor's signature on all ordinances, deeds and papers required to be attested to.

F. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the general fund. The clerk shall then keep in a book with a proper index copies of all notices required to be published or posted by order of the City Council or under the ordinances of the City. The printer's affidavit of publication shall be attached to each of the file copies of said notices if the said notices are required to be published or the city clerk's certificate under seal where the same are required to be posted only.

G. The clerk shall receive all objections to creation of paving districts and other street improvements. The clerk shall receive the claims of any person against the City. In the event that any of said claims is disallowed in part or in whole, the clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such disallowance and shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

H. The clerk shall keep all city records, including a record of all licenses issued in a book with a proper index. The clerk shall include as part of the records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. The clerk shall endorse the date and hour of filing upon every

paper or document so filed in the city office. All such filings shall be properly docketed. Included in the records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in a manner convenient for reference.

I. The city clerk shall be in charge of the Bureau of Violations, collecting fines for nonmoving traffic violations and maintaining records of the same.

J. The clerk shall permit no records, public papers, or other documents of the City kept and preserved in the office to be taken therefrom except by such officers of the City as may be entitled to the use of the same but only upon their leaving a receipt therefor. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during office hours. The city clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution by the City Council and kept on file in the city office.
(Neb. Rev. Stat. §§17-605, 19-1102, 84-1201 through 84-1220, 84-712)

SECTION 1-505: DEPUTY CITY CLERK

The city administrator may appoint a deputy clerk, who shall assist the city clerk-treasurer in the performance of his/her duties. In the absence of the city clerk-treasurer as determined by the mayor or in the mayor's absence by the president of the council, the deputy clerk shall perform the duties of the city clerk-treasurer as set by statute, ordinance, and resolution. (Neb. Rev. Stat. §17-604) (Am. by Ord. No. 96-19, 9/26/96; 2017-04, 2/14/17)

SECTION 1-506: CITY TREASURER (AMENDED)

A. The treasurer of the City shall be the custodian of all money belonging to the corporation, keeping a separate account of each fund or appropriation and the debts and credits belonging thereto. The treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. The treasurer shall also file copies of such receipts with his or her monthly reports and shall, at the end of every month and as often as may be required, render an account to the City Council, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. The treasurer shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid, which warrants, with any and all vouchers held, shall be filed with his or her account in the clerk's office. If the treasurer fails to render an account within 20 days after the end of the month or by a later date established by the City Council, the mayor, with the advice and consent of the council members, may use this failure as cause to remove the treasurer from office.

B. The treasurer shall keep a record of all outstanding bonds against the City, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The annual statement submitted pursuant to Neb. Rev. Stat. §19-1101 shall be accompanied with

a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

C. The treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held as city treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as a member of the City Council, as a member of a Board of Public Works, or as any other officer of the City shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

D. When the treasurer holds funds of the City in excess of the amount required for maintenance or set aside for betterments and improvements, the mayor and City Council may, by resolution, direct and authorize said treasurer to invest said surplus funds in the outstanding bonds or registered warrants of said city, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which said bonds or warrants were purchased.

E. The mayor and City Council may by resolution direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the City.

F**.** It shall be the duty of the treasurer to prepare and publish annually within 60 days following the close of the City's municipal fiscal year a statement of receipts and expenditures of funds for the preceding fiscal year. Not more than the legal rate provided for in Neb. Rev. Stat. §33-141 shall be charged and paid for such publication.
(Neb. Rev. Stat. §§17-606 through 17-609, 19-1101)

SECTION 1-507: CITY ATTORNEY

The city attorney shall be the legal advisor of the City and shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted, or defended on behalf of the City or that may be ordered by the City Council; attend council meetings when requested; give an opinion upon matters submitted to him or her, either orally or in writing, as may be required; draft and review for legal correctness any ordinances, contracts, franchises, and other instruments as may be required; perform such

other duties as may be imposed upon him or her by general law or ordinance. The council shall have the right to pay the city attorney compensation for legal services performed by him or her on such terms as the council and attorney may agree and to employ additional legal assistance and pay for such legal assistance out of the funds of the City. (Neb. Rev. Stat. §17-610)

SECTION 1-508: CITY PUBLIC WORKS DIRECTOR

The public works director, subject to the supervision of the City Council, shall have the general management and control of the water and sewer systems and shall be primarily responsible for their economic operation and prudent management. The director shall have the general control and supervisory authority over all employees of the water and sewer systems which the City Council may from time to time hire to operate and maintain the said systems. He or she shall make a detailed report regularly to the council of the condition of the said water and sewer systems, which shall show the amount of receipts and expenditures on account thereof for the preceding report period. The director shall recommend such improvements, repairs, extensions and additional employees as he or she may think proper, along with an estimate of the costs thereof. No money shall be expended for improvements, repairs, or extensions of the said water and sewer systems except upon the recommendation of the director. (Neb. Rev. Stat. §§17-541, 17-543, 18-501)

SECTION 1-509: CITY ENGINEER

A. The City Council may employ an engineer to make any particular estimate, survey, or other work. All records of the engineer shall be public records which shall belong to the City. He or she shall:

1. Make a record of the minutes of surveys and all other work done for the City.

2. When directed by the council, accurately make all plats, sections, profiles, and maps as may be necessary.

3. Make estimates of the costs of labor and material which may be done or furnished by contract with the City.

4. Make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, or culverts and for the building, constructing, or repairing of any public improvement of the City.

5. Inspect all works of public improvement and if found to be properly done, accept the same and report his or her acceptance to the council.

6. Estimate the cost of all proposed city utilities and public improvements, together with any extensions thereof which the council may propose to

construct or improve.
(Neb. Rev. Stat. §§18-3301, 17-568, 17-568.01, 17-919)

SECTION 1-510: CITY STREET SUPERINTENDENT

In addition to the above utilities, the utilities superintendent shall, subject to the orders and directives of the City Council, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the City. It shall be his or her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. At the request of the council he or she shall make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the City and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he or she may believe are needed to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. He or she shall perform such other duties as the board may require. (Neb. Rev. Stat. §§17-119, 17-214)

SECTION 1-511: CITY ELECTRICAL ENGINEER

(To be completed)

SECTION 1-512: MERGER OF BUILDING INSPECTOR, ELECTRICAL INSPECTOR AND PLUMBING INSPECTOR POSITIONS

The appointive offices of city electrical inspector, city building inspector, and city plumbing inspector may be combined and merged in accordance with the authority granted to the City Council by Section 1-502. The council, in its discretion, may combine or merge any or all of these offices. The offices so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

SECTION 1-513: CITY BUILDING INSPECTOR

The city building inspector shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with the city ordinances. He shall investigate all complaints, whether verbal, written, or in the form of a petition alleging and charging that a violation of the city ordinances exists and that a building or structure is unfit or unsafe for human habitation. Upon properly identifying himself, the building inspector is authorized to enter, inspect, survey, and investigate any building or structure between the hours of 8:00 A.M. and 5:00 P.M. or at any time if an emergency exists or if requested by the owner or occupant thereof. He shall keep records of all complaints received, inspection reports, orders, and complaints issued. The records shall be available for public inspection, and he shall prepare an annual report including statistics based on the records kept. The building inspector shall have no financial interest in the furnishing of labor, materials, or appliances for

the construction, alteration, or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate. The building inspector shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct. The building inspector may be removed at any time for good and sufficient cause by the council.

SECTION 1-514: CITY ELECTRICAL INSPECTOR

The city electrical inspector shall enforce all laws relating to the installation of electrical wiring and connections thereto. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties. In the discharge of his official duties, he shall, upon proper identification, have authority to enter into any building, structure, or premises at any reasonable hour. He shall perform such other duties and issue any permits that the City Council may direct. The electrical inspector may be removed at any time for good and sufficient cause by the council.

SECTION 1-515: CITY PLUMBING INSPECTOR

The city plumbing inspector shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith and without malice in the scope of his official duties, he shall not himself be held personally liable for any damage that may accrue to persons or property as the result of any act required by him or by reason of any act or omission in the discharge of his duties. In the discharge of his official duties, he shall, upon proper identification, have authority to enter into any building, structure, or premises at any reasonable hour. He shall perform such other duties and issue any permits that the City Council may direct. The plumbing inspector may be removed at any time for good and sufficient cause by the council.

SECTION 1-516: CITY HVAC INSPECTOR

(To be completed)

SECTION 1-517: CITY EMERGENCY MANAGEMENT DIRECTOR

(To be completed)

SECTION 1-518: CITY ZONING ENFORCEMENT OFFICER

(To be completed)

Our recommended nuisance ordinance in this new code provides for appointment of a code enforcement officer to enforce all nuisance violations, esp. dogs, Ch. 3, Art. 2 and nuisances, Ch. 3, Art. 5. Appointment is by resolution.

Building inspector investigates nuisance buildings. Further comments at Ch 2, Art 1 re Board of Health and Ch 3, Art 4, Section 3-404.

SECTION 1-519: CITY CODE ENFORCEMENT OFFICER

When necessary, the City Council shall appoint a code enforcement officer, who shall be charged with investigating municipal code violations and assisting the city attorney in the prosecution of such violations. He or she shall verify and document such violations and issue code violation notices to offenders. The code enforcement officer shall not have authority to issue citations for such code violations but shall only provide such information to the city attorney, who shall use such information in prosecution of the offenses. (Neb. Rev. Stat. §17-208)

SECTION 1-520: LAW ENFORCEMENT; CONTRACT WITH COUNTY SHERIFF

A. The City has entered into a contract with the County Board of Lancaster County for police and law enforcement services to be provided by the Lancaster County Sheriff's Office. Whenever any such contract has been entered into, the sheriff or his deputies shall, in addition to their other powers and duties, have all the powers and duties of the city police chief within and for the City. They shall direct the police work of the City and shall be responsible for the maintenance of law and order; shall file the necessary complaints in cases arising out of violations of city ordinances; and shall make all necessary reports required by the city ordinances or state laws.

B. (The following will be omitted if the new recommended nuisance abatement procedure is adopted as described at Ch 2, Art 1.) If contracted, the county sheriff may be appointed to serve on the Board of Health as secretary and quarantine officer and act as health inspector except in the event the City appoints another person; file the necessary complaints in cases arising out of violations of city ordinances; and make all necessary reports required by the city ordinances or state laws.
(Neb. Rev. Stat. §§17-121, 17-208, 19-3801)

Article 6 – Fiscal Management

SECTION 1-601: FISCAL YEAR

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (Neb. Rev. Stat. §17-701) (Am. by Ord. No. 96-4, 2/22/96)

SECTION 1-602: PUBLIC FUNDS DEFINED

"Public funds" shall mean all money, including non-tax money, used in the operation and functions of governing bodies. For purposes of a city which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the City from a licensed lottery operator shall be considered public funds, and "public funds" shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503)

SECTION 1-603: DEPOSIT OF FUNDS

A. The city treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held by him or her as city treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City Council for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution or qualifying mutual financial institution is also serving as a member of the council, or as any other officer of the City shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such city funds.

B. The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The council shall approve such bond or giving of security. The city treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

C. The insurance afforded to depositors in banks, capital stock financial institutions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation and for deposits so insured, no other surety bond or other security shall be required.

D. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial

institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.
(Neb. Rev. Stat. §§17-607, 77-2362 through 77-2364) (Am. by Ord. No. 04-13, 11/9/04)

SECTION 1-604: INVESTMENT OF FUNDS (AMENDED – EXPANDED)

A. *Investment of Surplus; Securities Authorized.* Whenever the City has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the City Council may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized to invest pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made.

B. *Interest-Bearing Deposits; Conditions*. Notwithstanding any other provision of law, to the extent that the funds of the City may be invested or deposited by the city treasurer in certificates of deposit or time interest-bearing deposits with banks, capital stock financial institutions, or qualifying mutual financial institutions, such authorization may include the investment or deposit of funds in certificates of deposit and time interest-bearing deposits in accordance with the following conditions as an alternative to the furnishing of securities or the providing of a deposit guaranty bond pursuant to the Public Funds Deposit Security Act:

1. The bank, capital stock financial institution, or qualifying mutual financial institution in this state through which the investment or deposit of funds is initially made arranges for the deposit of a portion or all of such funds in one or more certificates of deposit or time interest-bearing deposits with other banks, capital stock financial institutions, or qualifying mutual financial institutions located in the United States;

2. Each such certificate of deposit or time interest-bearing deposit is fully insured or guaranteed by the Federal Deposit Insurance Corporation;

3. The bank, capital stock financial institution, or qualifying mutual financial institution through which the investment or deposit of funds was initially made acts as a custodian for the City with respect to any such certificate of deposit or time interest-bearing deposit issued for the account of the City.

C. *State Investment Officer.* The state investment officer may provide assistance and furnish advice regarding the investment of money to the City whenever such advice is requested. In connection with the rendering of such service, the state investment officer may charge and collect any fee he determines to be reasonable.
(Neb. Rev. Stat. §§17-608, 17-609, 72-1259, 77-2341, 77-2365.02) (Am. by Ord. No. 99-2, 1/11/90)

SECTION 1-605: CREDIT CARDS; AUTHORITY TO ACCEPT

A. The City Council may authorize city officials to accept credit cards, charge cards, or debit cards as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. Rev. Stat. §77-1702.

B. The total amount of such taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card shall be collected by the city official.

C. The City Council may choose to accept credit cards, charge cards, or debit cards as a means of cash payment to any facility it operates in a proprietary capacity and may adjust the price for services to reflect the handling and payment costs.

D. The city official shall, for each transaction, obtain authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

E. The City Council may choose to accept the types of credit cards, charge cards, or debit cards accepted by and the services provided to the state pursuant to the contract entered into by the state with one or more credit card, charge card, or debit card companies or third-party merchant banks for services on behalf of the state and those political subdivisions that choose to participate in the state contract. The council may choose not to participate in the state contract and may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card, or debit card companies or third-party merchant banks for the provision of such services.

F. When authorizing acceptance of credit card or charge card payments, the City Council shall be authorized but not required to impose a surcharge or convenience fee, as set by resolution by the council and kept on file in the city office, upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the City. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the City by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of such surcharge or convenience fee shall be deemed voluntary by such person and shall be in no case refundable.

G. If payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the City shall be authorized but not required to impose an additional

surcharge or convenience fee upon the person making a payment. “Electronic funds transfer” shall mean the movement of funds by non-paper means, usually through a payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve’s Fedwire system.
(Neb. Rev. Stat. §13-609)

SECTION 1-606: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

A. The City may contract to retain a collection agency licensed pursuant to the Collection Agency Act, within or without this state, for the purpose of collecting public debts owed by any person to such city.

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless (1) there has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last-known address of the debtor (a) of the existence of the debt and (b) that the debt may be assigned to a collection agency for collection if the debt is not paid and (2) at least 30 days have elapsed from the time the notice was sent, except that in the case of an order for support being enforced by a county attorney, authorized attorney, or prosecuting attorney pursuant to Neb. Rev. Stat. Ch. 42 or 43, this notice requirement shall not apply and Title IV-D of the federal Social Security Act, as amended, shall be complied with.

C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor. This subsection shall not be construed to in any way limit the remedies and powers available to an authorized attorney as defined in Neb. Rev. Stat. §43-512.

D. For purposes of this section, “debt” shall include all delinquent fees or payments except delinquent property taxes on real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be $25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.
(Neb. Rev. Stat. §45-623)

SECTION 1-607: CLAIMS (AMENDED)

A. All liquidated and unliquidated claims and accounts payable against the City shall be presented in writing; state the name and address of the claimant and the amount of the claim; and fully and accurately identify the items or services for which payment is claimed or the time, place, nature and circumstances giving rise to the claim. As a condition precedent to maintaining an action for a claim, other than a tort claim as defined in Neb. Rev. Stat. §13-903, the claimant shall file such claim within 90 days of the accrual of the claim in the office of the city clerk. The clerk shall notify the claimant or his or her agent or attorney by letter mailed to the claimant’s address within five days if the claim is disallowed by the City Council.

B. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided, in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn.
(Neb. Rev. Stat. §§17-714, 17-715)

SECTION 1-608: WARRANTS; EXPENDITURES

A. No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to the provisions of Neb. Rev. Stat. §§17-714 and 17-715, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law.

B. All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn and the amount already expended of such fund.
(Neb. Rev. Stat. §§17-708, 17-711)

SECTION 1-609: BOND ISSUES

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The council shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §§10-209 through 10-411, 10-606 through 10-612, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)

SECTION 1-610: SINKING FUNDS; GIFTS OF MONEY OR PROPERTY (AMENDED)

A. The City is hereby empowered to receive money or property by donation, bequest, gift, devise, or otherwise for the benefit of any one or more of the public purposes for which sinking funds are established by the provisions of this section, as stipulated by the donor. The title to the money or property so donated shall vest in the City Council or in its successors in office, who shall become the owners thereof in trust to

the uses of the sinking fund or funds; provided, if the donation is real estate, the council may manage the same as in the case of real estate donated to the City for city library purposes under the provisions of Neb. Rev. Stat. §§51-215 and 51-216.

B. The City Council, subject to all the limitations set forth in this section, shall have the power to levy a tax not to exceed that prescribed by state law upon the taxable value of all the taxable property within the City for a term not to exceed ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the public improvements authorized by state law, including acquisition of any land incident to the making thereof. The City shall not be authorized to levy the tax or to establish the sinking fund as provided in this subsection if, having bonded indebtedness, such city has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in subsection (C).

C. Before any sinking fund or funds are established or before any annual tax is levied for any such planned city improvement mentioned in subsection (B) by the City, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City at the next general city election the proposition to provide the City with the specific municipal improvement planned for consummation under this section. The resolution of submission shall, among other things, set forth a clear description of the improvement planned, the estimated cost according to the prevailing costs, the amount of annual levy over a definite period of years, not exceeding ten years, required to provide such cost, and the specific name or designation for the sinking fund sought to be established to carry out the planned improvement, together with a statement of the proposition for placement upon the ballot at such election. Notice of the submission of the proposition, together with a copy of the official ballot containing the same, shall be published in its entirety three successive weeks before the day of the election in a legal newspaper published in the City. No such sinking fund shall be established unless the same has been authorized by a majority or more of the legal votes of the City cast for or against the proposition. If less than a majority of the legal votes favor the establishment of the sinking fund, the planned improvement shall not be made, no annual tax shall be levied therefor, and no sinking fund(s) shall be established in connection therewith, but such resolution of submission shall immediately be repealed. If the proposition shall carry at such election in the manner prescribed in this subsection, the City Council and its successors in office shall proceed to do all things authorized under such resolution of submission but never inconsistent with this section. Provisions of the statutes of the state relating to election of officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, conduct of elections, manner of voting, counting of votes, records and certificates of elections, and recounts of votes, so far as applicable, shall apply to voting on the proposition under this section.

D. All funds received by the city treasurer, by donation or by tax levy, as hereinbefore provided, shall be immediately invested by the treasurer as they accumulate, with the written approval of the City Council, in the manner provided in Neb. Rev. Stat. §77-2341. Whenever investments of such sinking fund or funds are made as aforesaid, the nature and character of the same shall be reported to the council and the investment report shall be made a matter of record by the city clerk in the proceedings of the council. The sinking fund(s) accumulated under the provisions of this section shall constitute a special fund for the purpose for which the same was authorized and shall not be used for any other purpose unless authorized by 60% of the qualified electors of the City voting at a general election favoring such change in the use of the sinking fund; provided, the question of the change in the use of the sinking fund, when it fails to carry, shall not be resubmitted in substance for a period of one year from and after the date of such election.
(Neb. Rev. Stat. §§19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-611: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

A. The City shall collect the special assessments which it levies and perform all other necessary functions related thereto including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.

B. The City shall:

1. File notice of the assessments and the amount of assessment being levied for each lot or tract of land with the register of deeds; and

2. File a release of assessment upon final payment of each assessment with the register of deeds.

(Neb. Rev. Stat. §18-1216)

SECTION 1-612: SPECIAL ASSESSMENT FUND

All money received on special tax assessment shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the City for money expended for any such improvement. (Neb. Rev. Stat. §17-710)

SECTION 1-613: CONTRACTS; APPROPRIATION

No contracts shall hereafter be made by the City Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the City, whether the object of the expenditures shall be ordered by the council or not, unless an appropriation shall have been previously made concerning such expense or

the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §§17-708, 17-709)

SECTION 1-614: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS (AMENDED)

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the City, no contract costing over $30,000.00 shall be made for enlargement or general improvements such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, unless it is first approved by the City Council.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the City Council makes any contract in excess of $30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city engineer and submitted to the council. In advertising for bids as provided herein, the council may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over $30,000.00 entered into for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property or for the purchase of equipment used in the construction of such enlargement or general improvements.

D. A municipal electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. $30,000.00 or less;

2. $60,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of $1,000,000.00;

3. $90,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of $5,000,000.00; or

4. $120,000.00 or less and the electric utility has gross annual revenue from retail sales in excess of $10,000,000.00.

E. The advertisement provided for in subsections (B) and (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper

published in or of general circulation in the City or, if no newspaper has general circulation in the City or county, by posting a written or printed copy thereof in each of three public places in the City at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the City Council and entered of record.

F. If, after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract or if the bids received by the council contain a price which exceeds the estimated cost, the council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the City Council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the City, the council may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

H. Any city bidding procedure may be waived by the City Council when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §§81-145 to 81-162 or when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503 or when required to comply with any federal grant, loan or program.
(Neb. Rev. Stat. §§17-568.01, 17-568.02)

SECTION 1-615: ANNUAL AUDIT (AMENDED)

A. The City Council shall cause an audit of the City's accounts to be made by a recognized independent and qualified accountant as expeditiously as possible following the close of the fiscal year, covering all financial transactions and affairs of the City for such preceding fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the City. Such audit shall be completed and the annual audit report made by such accountant shall be submitted within six months after the close of the fiscal year in any event, unless an extension of time shall be granted by a written resolution adopted by the council.

B. If the City owns or operates any type of public utility or other enterprise which substantially generates its own revenue, that entity shall be audited separately from the City’s other functions and the result shall appear separately in the annual audit report. Such audit shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. If the City operates

its utilities through a board of public works, an entirely separate audit of such operations and report, on an accrual basis, may be provided by a different accountant than the one making the general audit.

C. The annual audit report shall set forth, insofar as possible, the financial position and results of financial operations for each fund or group of accounts of the City. When the accrual method is selected for the annual audit report, such report shall be in accordance with generally accepted accounting principles. The annual audit report shall also include the professional opinion of the accountant with respect to the financial statements or, if an opinion cannot be expressed, a declaration that the accountant is unable to express such an opinion with an explanation of the reasons why he or she cannot do so.

D. At least three copies of such annual audit report shall be properly signed and attested by the accountant; two copies shall be filed with the city clerk and one copy shall be filed with the state auditor of public accounts. The copy of the annual audit report submitted to the auditor of public accounts shall be accompanied by a supplemental report, if appropriate, by the accountant making the audit identifying any illegal acts or indications of illegal acts discovered as a result of the audit.

E. The annual audit report filed, together with any accompanying comment or explanation, shall become a part of the public records of the City and shall at all times thereafter be open and subject to public inspection. The copies filed with the auditor shall be kept as a part of the public records in that office for at least five years and shall at all times be subject to public inspection.
(Neb. Rev. Stat. §§13-606, 19-2903, 19-2904, 19-2905)

SECTION 1-616: BUDGET STATEMENT; APPROPRIATIONS

The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City. (Neb. Rev. Stat. §17-706) (Am. by Ord. No. 96-6, 2/22/96)

SECTION 1-617: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED

Budgets shall be prepared as provided in the Nebraska Budget Act, Neb. Rev. Stat. §§13-501 to 13-513. For the purpose of proper budget preparation, the *City/Village Budget Form* and the *Budget Form Instruction Manual*, prepared by the state auditor of public accounts, are incorporated by reference. ***(Further budget procedures have been omitted. Refer to the above manual.)***

SECTION 1-618: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

A. On and after the first day of its fiscal year and until the adoption of the budget

by the City Council in September, the council may expend any balance of cash on hand for the current expenses of the City. Except as provided in subsection (B) of this section, such expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

B. The restriction on expenditures in subsection (A) of this section may be exceeded upon the express finding of the City Council that expenditures beyond an amount authorized are necessary to enable the City to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the council in open, public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the City in excess of that authorized by any other statutory provision.
(Neb. Rev. Stat. §§13-509.01, 13-509.02)

SECTION 1-619: EMERGENCY; TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent to the City Council that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the council may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in Neb. Rev. Stat. §13-511, which provides for revision of the previously adopted budget statement and conducting a public hearing on such proposal. (Neb. Rev. Stat. §13-510)

SECTION 1-620: PROPERTY TAX; CERTIFICATION OF AMOUNT (AMENDED)

The City Council shall, at the time and in the manner provided by law, cause to be certified to the county clerk the amount of tax to be levied upon the taxable value of all the taxable property of the City which the City requires for the purposes of the adopted budget statement for the ensuing year, including all special assessments and taxes assessed as otherwise provided. The county clerk shall place the same on the property tax lists to be collected in the manner provided by law for the collection of county taxes in the county where the City is situated. In all sales for any delinquent taxes for municipal purposes, if there are other delinquent taxes due from the same person or a lien on the same property, the sale shall be for all the delinquent taxes. Such sales and all sales made under or by virtue of this section or the provision of law herein referred to shall be of the same validity and in all respects be deemed and treated as though such sales had been made for the delinquent county taxes exclusively. Subject to Neb. Rev. Stat. §77-3442, the maximum amount of tax which may be so certified, assessed, and collected shall not require a tax levy in excess of the amounts specified in Neb. Rev. Stat. §17-702. (Neb. Rev. Stat. §17-702)

SECTION 1-621: ALL-PURPOSE LEVY; MAXIMUM; ALLOCATION; ABANDONMENT; CERTIFICATION

A. Notwithstanding any other provision of law to the contrary, for any fiscal year the City Council may decide to certify to the county clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. Rev. Stat. §77-3442, such all-purpose levy shall not exceed an annual levy as provided in Neb. Rev. Stat. §19-1309 upon the taxable valuation of all the taxable property in such city. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the city may be made in addition to such all-purpose levy.

B. If the method provided in subsection (A) above is followed in municipal financing, the city shall allocate the amount so raised to the several departments in its annual budget and appropriation ordinance, or in other legal manner, as the City Council shall deem wisest and best. Should the city elect to follow the method provided in subsection (A) above, such city shall be bound by that election during the ensuing fiscal year but may abandon such method in succeeding fiscal years. If it is necessary to certify the amount of an all-purpose levy under subsection (A) above to county officers for collection, such levy shall be certified as a single amount for general fund purposes. (Neb. Rev. Stat. §§19-1309 through 19-1312)

SECTION 1-622: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET

A. The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. Rev. Stat. §77-1601 unless the City Council passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing, called for such purpose, is held and after notice is published in a newspaper of general circulation in the City at least five days prior to the hearing.

B. The hearing notice shall contain the following information:

1. The dollar amount of the prior year's tax request and the property tax rate that was funding that tax request;

2. The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and

3. The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

C. Any resolution setting a tax request under this section shall be certified and forwarded to the county clerk on or before October 13 of the year for which the tax

request is to apply.

D. Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606. (Neb. Rev. Stat. §77-1632)

SECTION 1-623: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION

A. Pursuant to the Municipal Proprietary Function Act, the City Council may prepare a proprietary budget statement for its proprietary functions separate and apart from its budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, “proprietary function” shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the City.

B. The City Council may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the City's general fund shall have the same fiscal year as the City. For purposes of this section, “subsidization” shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the City's general fund in excess of the amount paid by the City to the proprietary function for actual service or services received.

C. If the City does not include its proprietary functions in its budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the state auditor and filed with the city clerk, at least 30 days prior to the start of the fiscal year of each proprietary function, containing the following information:

1. For the immediately preceding fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

2. For the current fiscal year, the actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;

3. For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during

the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

4. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function. Such statement shall contain the estimated cash reserve for each fiscal year and shall whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

D. After the proposed proprietary budget statement is filed with the city clerk, the City Council shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the city clerk during normal business hours, shall be published at least five days prior to the hearing in a newspaper of general circulation within the council's jurisdiction or by mailing each resident within the jurisdiction.

E. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the city clerk within 20 days after its adoption and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction.

F. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the City Council shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the city clerk and published in a newspaper of general circulation within the City Council's jurisdiction or by mailing to each resident within the jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

G. Any income from a proprietary function which is transferred to the general fund of the City shall be shown as a source of revenue in the budget statement created pursuant to the Nebraska Budget Act.
(Neb. Rev. Stat. §§18-2803 through 18-2808)

Article 7 – Elections

SECTION 1-701: ELECTION ACT; NOTICE OF FILING DEADLINES; CERTIFICATIONS; FORMS

A. When the City holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act, Neb. Rev. Stat. Chapter 32. The City Council has determined, by ordinance duly adopted, to hold the city election in conjunction with the statewide primary election, held on the first Tuesday after the second Monday in May of each even-numbered year. Any other election held by the City shall be held as provided in the act unless otherwise provided by the municipal code.

B. No later than December 1 of each odd-numbered year, the county clerk shall give notice to the City of the filing deadlines for the statewide primary election. No later than January 5 of each even-numbered year, the City Council shall certify to the county clerk the name of the subdivision (city), the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.
(Neb. Rev. Stat. §32-404)

SECTION 1-702: AT LARGE ELECTIONS; NUMBER AND QUALIFICATIONS

The mayor and six City Council members shall be elected from the City at large. They shall be residents and registered voters prior to holding office and shall not hold any other elective public office as provided in Section 1-202 herein. They shall be at least 18 years of age, or 17 years of age and will attain the age of 18 on or before the first Tuesday after the first Monday in November of the then current calendar year. Other general requirements and limitations on filing are provided in Neb. Rev. Stat. §32-602.
(Neb. Rev. Stat. §§17-103, 32-110, 32-602)

SECTION 1-703: TERMS OF OFFICE

Commencing with the primary election in 1976 and every two years thereafter, all elected officers in the City shall be nominated at the statewide primary election and elected at the statewide general election. All elected officers in the City shall serve for terms of four years or until their successors are elected and qualified. (Neb. Rev. Stat. §32-533)

SECTION 1-703: BALLOTS; EXPENSE

The election commissioner/county clerk shall prepare the necessary ballots for every election in which candidates for elective office are certified to or filed with the election commissioner/county clerk or whenever any question is to be submitted to a vote of the registered voters of any locality and not to the state generally. If a question is submitted to the registered voters of the City alone, the City or clerk shall provide the

necessary ballots. The expenses of conducting statewide primary and general elections shall be chargeable to the City.
(Neb. Rev. Stat. §§32-805, 32-1202)

SECTION 1-704: SPECIAL ELECTION

A. Except as provided in Neb. Rev. Stat. §77-3444, any issue to be submitted to the registered voters at a special election by the City shall be certified by the city clerk to the election commissioner/county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §§32-952 through 32-959. Any other special election shall be subject to subdivision (D) of this section.

B. In lieu of submitting the issue at a special election, the City may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the city clerk to the election commissioner/county clerk by March 1 for the primary election and by September 1 for the general election. The city clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues.

C. The election commissioner/county clerk shall prepare the ballots and issue ballots for early voting and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the election commissioner/county clerk. The ballots shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the election commissioner/county clerk shall certify the election results to the City Council. The canvass by the Canvassing Board shall have the same force and effect as if made by the council.

D. Any special election under the Election Act shall be held on the first Tuesday following the second Monday of the selected month unless otherwise specifically provided. No special election shall be held under the Election Act in April, May, June, October, November, or December of an even-numbered year unless it is held in conjunction with the statewide primary or general election. No special election shall be held under the Election Act in September of an even-numbered year except for a special election by a political subdivision pursuant to Neb. Rev. Stat. §§13-519 or 77-3444 to approve a property tax levy or exceed a property tax levy limitation.
(Neb. Rev. Stat. §§32-405, 32-559)

SECTION 1-705: WRITE-IN CANDIDATES (AMENDED)

Any candidate engaged in or pursuing a write-in campaign shall file a notarized affidavit of his or her intent, together with the receipt for any filing fee, with the filing officer as provided in Neb. Rev. Stat. §32-608 no later than ten days prior to the election. Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general

election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §§32-617 to 32-621 or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §§32-627 or 32-710. A candidate who has been defeated as a candidate in the primary election or defeated as a write-in candidate in the primary election shall not be eligible as a write-in candidate for the same office in the general election unless a vacancy on the ballot exists pursuant to Neb. Rev. Stat. §32-625(2) and the candidate files for the office by petition as prescribed in Neb. Rev. Stat. §§32-617 and 32-618 and files as a write-in candidate or is nominated by political party convention or committee as prescribed herein. A candidate who files a notarized affidavit shall be entitled to all write-in votes for the candidate even if only the last name of the candidate has been written if such last name is reasonably close to the proper spelling. (Neb. Rev. Stat. §§32-615, 32-616)

SECTION 1-706: PETITION CANDIDATES (AMENDED)

A. Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in Neb. Rev. Stat. §§32-617 to 32-621, or by nomination by political party convention or committee pursuant to Neb. Rev. Stat. §§32-627 or 32-710.

B. Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (2) of Neb. Rev. Stat. §32-625 and the candidate files for the office by petition as prescribed herein.

C. Petitions for nomination of candidates for City Council shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the City and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and petition circulators shall conform to the requirements of Neb. Rev. Stat. §§32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required. Such petitions shall be filed by September 1 in the year of the general election.

D. The number of signatures of registered voters needed to place the name of a nonpartisan candidate upon the ballot for a city office for the general election shall be at least 10% of the total number of registered voters voting for governor or president of the United States at the immediately preceding general election in the City, not to exceed 2,000. The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of

the registered voters voting for governor or president of the United States at the immediately preceding general election in the City, not to exceed 2,000.

E. The filing officer shall verify the signatures according to Neb. Rev. Stat. §32-631. Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to Neb. Rev. Stat. §32-618 a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

F. A candidate placed on the ballot by petition shall be termed a candidate by petition. The words "By Petition" shall be printed upon the ballot after the name of each candidate by petition.
(Neb. Rev. Stat. §§32-616 through 32-618)

SECTION 1-707: CAUCUS CANDIDATES

A. The City Council may by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the city election. Such caucus shall be held at least ten days prior to the filing deadline for such election. Notice of such caucus must be published at least once in each of two consecutive weeks prior to said caucus in a newspaper of general circulation in the City.

B. The chairman of the caucus at which candidates are nominated shall notify in writing the city clerk of the candidates so nominated, not later than two days following the caucus. The city clerk shall then notify the persons so nominated of their nomination, such notification to take place not later than five days after such caucus. No candidate so nominated shall have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she files with the city clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he or she was nominated.

C. The provisions of Neb. Rev. Stat. §§17-601.01 and 17-601.02 shall not preclude in any manner any person from filing for the offices to which such sections are applicable, either by direct filing or by petition.
(Neb. Rev. Stat. §§17-601.01 through 17-601.03)

SECTION 1-708: FILING FOR OFFICE; FORMS

A. *Primary Election*. Any candidate may place his or her name on the primary election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and February 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term

shall file for any office after February 15 of that election year. Candidates shall file for office between December 1 and March 1 prior to the date of the primary election.

B. *General Election*. Any candidate for the City Council may place his or her name on the general election ballot by filing a candidate filing form prescribed by the secretary of state as provided in Neb. Rev. Stat. §32-607. If a candidate for an elective office is an incumbent of any elective office, the filing period for filing the candidate filing form shall be between December 1 and July 15 prior to the date of the general election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after July 15 of that election year. All other candidates shall file for office between December 1 and August 1 prior to the date of the general election.

C. All candidate filing forms shall contain the information required by Neb. Rev. Stat. §32-607. Said forms shall be filed in the office of the county clerk.
(Neb. Rev. Stat. §§32-606, 32-607)

SECTION 1-709: FILING FEE

A. Except as provided in subsection (C) or (D) of this section, a filing fee shall be paid to the city treasurer by or on behalf of each candidate prior to filing for office. The fee shall be a sum equal to 1% of the annual salary as of November 30 of the year preceding the election for the office for which the candidate files and shall be placed in the general fund of the City. No candidate filing forms shall be filed until the proper receipt showing payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the city treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

B. All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within 10 days after the canvass of votes by the Canvassing Board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

C. No filing fee shall be required on any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than $500.00 per year.

D. No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office *in forma pauperis*. The definition of “pauper” and requirements regarding income and assets shall be as provided in Neb. Rev. Stat. §32-608.

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

(Neb. Rev. Stat. §32-608)

SECTION 1-710: EXIT POLLS

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on Election Day seeking to determine voter preference within 20 feet of the entrance of any polling place room or, if inside the polling place building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

SECTION 1-711: AUTOMATIC RECOUNT

A. If it appears as evidenced by the abstract of votes that any candidate failed to be nominated or elected by a margin of (1) 1% or less of the votes received by the candidate who received the highest number of votes for the office at an election in which more than 500 total votes were cast or (2) 2% or less of the votes received by the candidate who received the highest number of votes for the office at an election in which 500 or fewer total votes were cast, then such candidate shall be entitled to a recount. Any losing candidate may waive his or her right to a recount by filing a written statement with the election commissioner/county clerk. All expenses of a recount under this section shall be paid by the City.

B. Recounts shall be made by the County Canvassing Board which officiated in making the official county canvass of the election returns. If any member of the county canvassing board cannot participate in the recount, another person shall be appointed by the election commissioner/county clerk to take the member's place.

C. The election commissioner/county clerk shall be responsible for recounting the ballots for those candidates for whom the County Canvassing Board deems a recount to be necessary. The recount shall be made as soon as possible after the adjournment of the Canvassing Board.

D. The election commissioner/county clerk shall notify all candidates whose ballots will be recounted of the time, date, and place of the recount. Candidates whose ballots will be recounted may be present or be represented by an agent appointed by the candidate. The procedures for the recounting of ballots shall be the same as those used for the counting of ballots on election day.
(Neb. Rev. Stat. §32-1119)

SECTION 1-712: CERTIFICATE OF NOMINATION OR ELECTION

The county clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the Canvassing Board has declared to have received the highest vote for each city office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5 percent of the total ballots cast at the primary election by registered voters affiliated with that political party

in the district which the office for which he or she is a candidate serves. (Neb. Rev. Stat. §§32-558, 32-1033)

SECTION 1-713: RECALL PROCEDURE

Any or all of the elected officials of the City may be removed from office by recall pursuant to Neb. Rev. Stat. §§32-1301 to 32-1309.

Article 8 – Penal Provision

SECTION 1-801: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

You may wish to omit the Board of Health since the process of appointing members and then meeting to identify nuisances can be revised and simplified. We recommend our current system involving appointment of a code enforcement officer, who is designated as the sole authority to judge whether any situation constitutes a nuisance and reports it to the city attorney. See Ch 1, Art 5 Appointed Officials, Section 1-519.

Abatement is accomplished as described in Ch 3, Art 5, Section 3-504, Notice Procedure; Abatement. Jim McNally has developed this procedure, based on state law, after many years of experience dealing with nuisances. The Nebraska Court of Appeals upheld his prosecution of a nuisance case in Dixon County using this method.

If the Board of Health is repealed, the trash and garbage provisions will be put into the nuisance article in Ch 3 or the solid waste article in Ch 7.

Article 1 – Board of Health

(Neb. Rev. Stat. §17-121)

SECTION 2-101: MEMBERS; TERMS

The City Council shall appoint a Board of Health consisting of four members including the mayor, who shall serve as chairman; a city-contracted law enforcement officer, who shall serve as secretary and quarantine officer; a physician, who shall serve as the medical advisor; and the president of the City Council. The members of the Board shall serve, without compensation, one-year terms of office, unless reappointed, and shall reorganize at the first meeting in June of each year. No member of the Board of Health shall hold more than one Board of Health position. The Board of Health shall be funded by the City Council from time to time out of the General Fund. (Neb. Rev. Stat. §17-121)

SECTION 2-102: OFFICERS; MEETINGS

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. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any two members of the Board. (Neb. Rev. Stat. §17-121)

SECTION 2-103: DUTIES

It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of law to safeguard the health of the residents of the City. Included in

the duties of the Board shall be to enforce the said rules and regulations and to provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State and ordinances of the City relating 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, from time to time, designate. (Neb. Rev. Stat. §17-121)

SECTION 2-104: REGULATIONS

For the purpose of promoting the health and safety of the residents of the City, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. (Neb. Rev. Stat. §17-121)

SECTION 2-105: ENFORCEMENT OFFICIAL

A city-contracted law enforcement officer, as the quarantine officer, shall be the chief health officer of the City. It shall be his/her duty to notify the City Council and the Board of Health of health nuisances within the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-121)

SECTION 2-106: ENFORCEMENT AGREEMENT

In order to facilitate the enforcement of its health ordinances, the City may enter into such agreements and contracts with the Lincoln-Lancaster County Department of Health as the City Council shall deem necessary. A minimum of one copy of such agreements and contracts shall be kept on file at the city clerk's office and shall be available for public inspection during reasonable business hours.

SECTION 2-107: STATE RULES

The *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, are hereby incorporated by reference when the same are applicable to the City, in their present form and as they may hereafter be amended. One copy of the said pamphlet is filed at the office of the city clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902)

SECTION 2-108: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health Board, if any, in protecting the health and welfare of the residents of the City.

SECTION 2-109: DEFINITIONS

"Garbage" as used herein shall be defined to mean kitchen refuse, decayed waste,

dead animals, or anything that may decompose and become offensive to the public health.

"Rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the City.

"Waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

SECTION 2-110: GARBAGE, TRASH, AND WASTE

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the City, decayed vegetable or animal substances, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly air-tight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by a local law enforcement officer, who shall represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week. (Neb. Rev. Stat. §19-2106)

SECTION 2-111: GARBAGE COLLECTION RECEPTACLES; PROHIBITED PLACEMENT; EXCEPTION

It shall be unlawful for any person to keep, maintain or store receptacles used for the collection and containment of decayed vegetables or animal substances, garbage or refuse matter of any kind on public right-of-way and in the front yards of any property located in a zoned residential district at any time other than during the 18-hour period of time immediately preceding the time period specifically designated for garbage collection by the holder of a valid garbage removal service permit.

SECTION 2-112: DEAD ANIMALS

Any dead animal shall be immediately removed and buried by its owner, and if the owner cannot be found within two hours after discovery of the same, then such animal shall be removed by and at the expense of the City. Dead animals shall not be buried within the corporate limits of the City, nor within one mile thereof, nor in or above the course of ground water that is used for drinking purposes by the City or its inhabitants. Such animals may, however, be buried in the city dumping ground. (Neb. Rev. Stat. §17-

114, 17-123)

Article 2 – Park & Recreation Advisory Board

SECTION 2-201: PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Park and Recreation Advisory Board. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the city park may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the city treasurer. The Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The committee shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of a majority of the City Council prior to the contractual agreement. (Neb. Rev. Stat. §17-948 through 17-952)

SECTION 2-202: BOARD; MEMBERS; TERMS; MEETINGS; DUTIES

A. There is hereby created a Park and Recreation Advisory Board for the City. In lieu of appointing a Park and Recreation Advisory Board, the City Council may act as such board. The Board shall consist of not more than ten members, who shall be appointed by the mayor with the approval of a majority of the City Council. Up to two of the members may reside outside of the city limits, and all other members are to be residents of the City. (Am. by Ord. No. 2009-28, 12/8/09)

B. The Park and Recreation Advisory Board shall act in an advisory capacity to the City Council and shall prepare a long-range program for the development of the city park and the promotion of recreational activities. Its recommendations shall be submitted to the City Council for final approval. The Board shall have no power to expend funds of the City or to incur any indebtedness which is binding upon the City.

C. Immediately upon the appointment of the members of the Park and Recreation Advisory Board as herein provided, the Board shall organize and select one of its members as chairman. The Board has power to appoint committees and subcommittees to assist in the planning and carrying out of the park and recreational program in an efficient manner and to adopt all necessary rules and regulations for the performance of its duties, including those necessary for its organization and operation. All rules and regulations adopted by the Board shall be subject to review and approval of the City Council. The rules and regulations adopted by the Board shall be on file with the city clerk and available for public inspection during office hours.

D. The Board shall be responsible for making such reports and performing such additional duties as the City Council may from time to time designate.
(Ord. No. 90-11, 6/14/90)

SECTION 2-203: DEFINITIONS

For the purposes of this article, the following definitions are applicable:

"Director" means and includes a department or division head as designated by the mayor.

"Motor vehicle" means and includes any vehicle propelled by power other than muscular power.

"Park" means and includes any park, playground, swimming pool, recreation center, or any other park or recreational use of facility within or without the limits of the City which is under the city ownership or control.

"Roadway" means and includes every way open to the use of the public for vehicular travel, including any street or highway of the City in or through any park as herein defined, and including any park drive, parkway and park boulevard open to the public for vehicular travel.

SECTION 2-204: PARKS; OPENING AND CLOSING HOURS; NOTICE; PENALTY

A. It is hereby provided that except in emergencies the public parks will be open each and every day from the hours of 7:00 A.M. to 11:00 P.M. January thru December, except

1. The closing hour shall be extended to one hour after the finish of an organized sporting or social event which has been approved by the City Council or City Administration.

2. The City Administration or City Council reserves the right to temporarily close any and all parks if deemed necessary.

B. Notice of hours will be posted in a conspicuous place to give reasonable notice to all persons entering the park. Anyone in the park after closing hours shall be guilty of misdemeanor trespassing.
(Neb. Rev. Stat. §28-521) (Ord. No. 91-3, 7/11/91; 02-12, 9/24/02; 2010-06, 3/23/10)

SECTION 2-205: PARKS; INJURY TO PROPERTY

It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy any tree, plant or shrub in the city parks and recreational areas. It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Neb. Rev. Stat. §17-948 through 17-952)

SECTION 2-206: PARKS; VEHICLES

Except for personnel assigned to work in a park, it shall be unlawful for any person to operate any motor vehicle in or through any park except on a roadway.

SECTION 2-207: PARKS; SNOWMOBILES; VIOLATION; PENALTY

A. The City Council may authorize the operation of snowmobiles within any park and adopt rules and regulations governing: (1) the area or areas of permissible operation; (2) the times of operation; (3) the number of snowmobiles in the park; (4) the number of persons on the snowmobile; and may adopt such other rules and regulations as deemed necessary for the protection of persons and property.

B. Said rules and regulations shall be filed with the office of the city clerk and when so filed shall be in full force and effect; provided, when snowmobile operation is permitted in a park, it shall be sufficient that notice be posted at the entrance to such park or at designated areas within the park indicating the permissible area of operation.

C. Any person operating a snowmobile within a park shall (1) indemnify, save and keep the City harmless from any and all damages, liability, losses or judgments that may be claimed against it as a result of said use, and (2) thereby assume all responsibility and liability for any damages resulting from such operation.

D. Any person who operates a snowmobile in an area not designated for such operation or who violates any rule or regulations adopted pursuant to this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed $500.00 recoverable with costs. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 2-208: PARKS; ANIMALS

It shall be unlawful for any person to drive or ride any horse or any other animal in or through any park except upon roadways or at special events authorized by the City Council.

SECTION 2-209: PARKS; ADVERTISING

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any park, or to attach any notice, bill, poster, sign, wire, rope, or cord to any tree, shrub, fence, railing, post or structure within any park, except as authorized by the City Council in accordance with rules and regulations they have promulgated.

SECTION 2-210: PARKS; COMMERCIAL ACTIVITY

It shall be unlawful for any person to have any commercial activity within any park or on any roadway, except as authorized by action of the City Council.

SECTION 2-211: PERMIT FOR EXCLUSIVE USE OF PARK PROPERTY; BOND, INSURANCE

A. *Granting of Exclusive Use*. Notwithstanding other provisions of this chapter, the City Council may grant the exclusive use of any park or portion or facility thereof for a limited period of time not to exceed seven days for a noncommercial purpose and charge therefor, provided that uniform granting of such use will not impair the City's ability to provide adequate park facilities for the use of the public during such period of time.

B. *Application*. Before the City Council may issue any permit hereunder, the person or organization seeking such permit shall file an application setting forth the following:

1. The name, address and telephone number of the person filing the application.

2. The name, address and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization who will oversee the use requested.

3. The exact use for which the permit is requested.

4. The park or portion or facility thereof requested for such use.

5. The exact dates and if applicable the hours, for which the use is requested.

6. The number of persons expected.

7. If applicable, the number and types of vehicles expected, including the number and types of any camping vehicles and the estimated time of arrival of all vehicles.

8. If required by the City Council, an agreement to save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of such use.

C. *Surety Bond, Liability Insurance*. If the City Council determines that the use requested is different from the regular and normal use of such park property and that to grant the use requested would effect a greater hazard to persons or property than regular and normal use, it shall require as a condition of granting such use the providing

of the surety bond and liability insurance specified herein. In making this determination, the Council shall consider (1) the nature of the proposed use, (2) the nature of the subject park property and the reasonable adaptability of the same to such use, (3) the number of persons expected to use such park property under such permit, (4) the past experience the City and other governmental subdivisions have had with this type of use in parks, (5) the effect such use would be likely to have on the neighborhood adjacent to such park property, and (6) the nature of the organization or group which would be using such park property under such permit. The Council shall not discriminate against any person because of race, color, religion, sex, or national origin in making such determination. In no case shall the Council permit, or continue to permit, a use of park property under the provisions of this section if it reasonably appears that such use would effect, or is effecting to a substantial extent, either at the location of the subject park property or in the neighborhood adjacent to such property, an interference with the safe and orderly movement of vehicular or pedestrian traffic, an interference with fire or police protection, physical damage to persons or property, a disturbance of the peace, or a health hazard.

D. *Surety Bond; Conditions*. The surety bond which shall be furnished the City if required hereunder shall be in the sum of $500.00 conditioned upon the following: (1) that the person or organization to whom such a permit is issued, his/her/its heirs, successors, and assigns shall save and keep the City free and harmless from any and all loss or damage to City property; (2) full and complete protection of the City against any and all litigation growing out of granting of such use or anything done under such permit; (3) returning of the park property to the same condition and degree of cleanliness that it was in prior to the commencement of the use by said person or organization and for the removal of any item of property left or placed in or on the subject park property by such person or by such organization or any member thereof; (4) faithful performance and observance of all the terms and conditions of such permit; (5) where the City requires compensation by the person or by the organization or its members as a condition of such use of park property, for the prompt and full payment of the City of such compensation. Said bond shall not be liable for personal injury, nor shall it be liable for property damage resulting to persons or organizations other than the City. Said bond shall be executed by a bonding company or surety company authorized to do business in the State and shall be approved as to form by the city attorney before the commencement of such use.

E. *Liability Insurance; Terms*. The liability insurance which shall be furnished the City, if required hereunder, shall provide liability insurance coverage for the operations under such permit of the person or organization, including members, to whom the permit is issued. Such insurance coverage shall be in the minimum amounts of $100,000.00 for the injury or death of any one person in any one accident or occurrence, $300,000.00 for the injury or death of any number of persons in any one accident or occurrence, and $50,000.00 for property damage in any one accident or occurrence; and both the person or organization and the City shall be insureds thereunder. Separate policies or certificates of insurance showing the person or organization to be covered under one policy and the City to be covered under another policy may be filed

in lieu of a single policy or certificate at the option of the person or organization. All such policies and certificates of insurance shall be issued by companies authorized to do business in the State and shall be approved as to form by the city attorney before the commencement of such use.

F. *Grievance; Appeal*. Any person or organization aggrieved by any determination of the City Council made under any provision of this section may appeal such determination to the Council by setting forth the details of such grievance in a letter to the Council with a copy to the city clerk. Not less than five days after the filing of such letter, such person or organization shall personally appear before the City Council to show why he/she/it is aggrieved and why and how such determination should be modified or reversed by the City Council. The Council shall then make a final determination of the matter in controversy at or before its next regular meeting and shall sustain, modify, or reverse the determination made by the mayor.

Article 3 – Arts Council

(Ord. No. 2017-01, 1/10/17)

SECTION 2-301: CREATION; APPOINTMENT OF MEMBERS

A. The Hickman Arts Council, referred to as "the council" in this article, shall consist of at least five members and no more than seven members. Members shall be appointed by the mayor with the approval of a majority of the members of the City Council. A member may be recommended to serve on the council by:

1. The Hickman Community Foundation.

2. An established Hickman Chamber of Commerce.

3. The superintendent of the Norris School District 160.

B. A representative from the City of Hickman will sit on the council in a nonvoting position and is not counted as one of the council positions.

SECTION 2-302: TERMS OF OFFICE; VACANCIES; RESIGNATIONS; COMPENSATION

A. The term of office of a Hickman Arts Council member shall be three years, except that the terms of office of two of the members appointed to the first council shall be for only one year and the terms of an additional two members shall be for two years.

B. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term directly by the mayor.

C. A member whose term has expired may be reappointed to an additional term by the mayor with the approval of a majority of the members of the City Council.

D. Should any member, including the city representative, miss more than three consecutive meetings and/or more than half of the scheduled council meetings in 12 consecutive months without a valid excuse, it will be viewed as abandonment of the position and the member will be removed from the council.

E. The resignation of a member shall be made in writing and sent to both the mayor and to the chair of the council.

F. Members of the council shall serve without compensation.

SECTION 2-303: DUTIES AND RESPONSIBILITIES

A. The Hickman Arts Council is established to promote, sustain and cultivate the arts for the City of Hickman. It shall be the responsibility of the Arts Council to advise the mayor regarding potential arts programs and activities pertinent to the City, to notify the city representative on the council regarding said items and to recommend how they might be addressed.

B. Additional responsibilities:

1. Complete minutes of all meetings. Minutes and other communications shall be submitted through the city representative to the mayor and City Council.

2. Research grants, programs and other activities pertaining to the enhancing of the arts in the City.

SECTION 2-304: OFFICERS

A. The chair shall be elected for a one-year term by the members of the council at the first scheduled meeting of each calendar year.

B. The secretary shall be elected for a one-year term by the members of the council at the first scheduled meeting of each calendar year and shall be responsible for transcribing the official meeting minutes.

C. The council may choose other officers as it deems necessary.

SECTION 2-305: MEETINGS

A. At least four regular meetings will be held annually on a quarterly basis.

B. Meetings outside regularly scheduled meetings may be called by:

1. The mayor;
2. The city administrator; or
3. The city representative;
4. The council chair; or
5. A majority of the council members.

C. A quorum shall consist of a simple voting majority.

Article 4 – Safety Committee

SECTION 2-401:

(Members, terms, meetings, purpose)

Article 5 – Hickman Area Economic Development

SECTION 2-501: TITLE

The official title of this board is “Hickman Area Economic Development Association Advisory Committee.”

(Members, terms, meetings, purpose)

Article 6 – Hickman Building Foundation Board

SECTION 2-601:

(Members, terms, meetings, purpose)

Article 7 – Planning Commission

SECTION 2-701: FUNDING; EXPENDITURES

The City Council may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (Neb. Rev. Stat. §19-927)

SECTION 2-702: MEMBERS; TERMS; VACANCIES; RESTRICTIONS

A. The City Council shall appoint the Planning Commission, which shall consist of nine members representing, insofar as is possible, the different professions or occupations in the City and who shall be residents of the City. However, two of such members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulations. No member of the City Council, or other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office. The members of the Commission shall serve three-year terms of office unless reappointed. All regular members shall hold office until their successors are appointed. After a public hearing before the City Council, any member may be removed by the mayor with the consent of a majority of the Council for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause.

B. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the mayor. The members of the Commission 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 Council and conditioned upon the faithful performance of their duties. The Planning Commission shall be funded by the City Council from time to time out of the General Fund.

C. A regular or alternate member of the Planning Commission may hold any other municipal office except (A) a member of the City Council, (B) a member of any community redevelopment authority or limited community redevelopment authority created under Neb. Rev. Stat. §18-2102.01, or (C) a member of any citizen advisory review committee created under Neb. Rev. Stat. §18-2715.
(Neb. Rev. Stat. §19-901, 19-925, 19-926)

SECTION 2-703: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the members of the Council, shall appoint one alternate member to the Planning 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/she shall hold office until his/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 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 are present and capable of voting. (Neb. Rev. Stat. §19-926)

SECTION 2-704: OFFICERS; MEETINGS

At the time of the Commission's first meeting each year, the members shall organize by selecting from their membership a chairman and secretary. No member of the Planning Commission shall serve in the capacity of both chairman and secretary. The terms of the chairperson and the secretary shall be one year and they shall be eligible for re-election. 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 Commission shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three members of the Commission. (Neb. Rev. Stat. §19-927) (Ord. No. 2017-04, 2/14/17)

SECTION 2-705: <u>POWERS AND</u> DUTIES; APPEAL (AMENDED)

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) 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 such city and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) 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. The City Council shall not take 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. The City Council shall by ordinance set a reasonable time within which the recommendation from the commission is to be received. A recommendation from the 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 an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the City Council, in its own name

(1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the City, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. 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.

C. 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 a 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. 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. 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)

Article 8 – Board of Adjustment

SECTION 2-801: MEMBERS; TERMS; OFFICERS; MEETINGS; DUTIES

A. The City Council shall appoint the Board of Adjustment, which shall consist 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. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for good and sufficient cause by the City Council upon written charges and after a public hearing. 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. One member of the Board of Adjustment shall be at the same time a member of the Planning Commission at all times. Upon the loss of membership on the Planning Commission, the said member shall also lose his/her membership on the Board of Adjustment. The Board shall be funded from time to time out of the General Fund by the City Council.

B. The Board shall organize at its first meeting of each year and elect from its membership a chairman and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all board meetings and to file the same at the office of the city clerk for examination at any reasonable time by the public. Meetings of the Board shall be held at such times as the City Council may designate, or at such other times as the chairman may determine in his/her discretion. 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.

C. It shall be the duty of the Board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by a city official based on any zoning ordinance of the City; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map; and authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance, would result in exceptional difficulties and undue hardship; provided, no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable, the formulation of a general regulation to be adopted by the City Council as an ordinance. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination made by a city official on any matter which was governed by any city zoning ordinance.
(Neb. Rev. Stat. §19-907 through 19-910, 84-155) (Ord. No. 2017-04, 2/14/17)

Article 9 – Penal Provision

SECTION 2-901: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Removed:

TREE BOARD

CHAPTER 3 – MISDEMEANORS

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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: OBSTRUCTING AN OFFICER

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer acting under color of his or her official authority or a police animal assisting a peace officer acting pursuant to the peace officer's official authority. "Police animal" shall mean a horse or dog owned or controlled by the state or any county, city or village for the purpose of assisting a peace officer acting pursuant to his or her official authority. (Neb. Rev. Stat. §28-906)

SECTION 3-102: HINDERING OR RESISTING ARREST

It shall be unlawful for any person in this city to hinder, obstruct, or resist any police officer in making any arrest or performing any duty of his or her office. (Neb. Rev. Stat. §28-904)

SECTION 3-103: RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON

A. It shall be unlawful for any person to intentionally prevent or attempt to prevent a law enforcement officer, acting under color of his or her official authority, from effecting an arrest on said person or on another by (1) using or threatening to use physical force or violence against the said officer or another; (2) using any other means which creates a substantial risk of causing physical injury to the officer or another; or (3) employing means which require substantial force to overcome resistance to effecting the arrest; provided, this section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

B. It is an affirmative defense to prosecution under this section if the officer involved was out of uniform and did not identify himself or herself as a law enforcement officer by showing his or her credentials to the person whose arrest was attempted. (Neb. Rev. Stat. §28-904)

SECTION 3-104: DISCHARGE OF FIREARMS; DANGEROUS PROJECTILES

A. It shall be unlawful for any person, except an officer of the law in the performance of his or her official duty, to fire or discharge any gun or pistol within the City; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the City Council.

B. It shall be unlawful for any person, except a law enforcement officer in the discharge of his or her official duty, to discharge a slingshot, paint ball gun, blow gun, air rifle, an arrow from a bow, or other like instruments capable of launching a dangerous projectile therefrom at any time or under any circumstances within the City or within a one-half mile radius of the City where the projectile from the piece could reach the city limits, provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the person so discharging the firearm has written permission from the City Council.
(Neb. Rev. Stat. §17-556)

SECTION 3-105: STALKING (AMENDED)

A. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

B. For purposes of this section, the following definitions shall apply:

1. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of, or stalking the person or telephoning, contacting, or otherwise communicating with the person;

3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context.

(Neb. Rev. Stat. §§28-311.02 through 28-311.04)

SECTION 3-106: FALSE REPORTING

<u>It shall be unlawful for any person to:</u>

<u>A. Furnish material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or impede the investigation of an actual criminal matter;</u>

B. Furnish information he or she knows to be false, alleging the existence of (1) a need for the assistance of an emergency medical service or out-of-hospital emergency care provider or (2) an emergency in which human life or property is in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

C. Furnish any information, or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;

D. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person;

E. Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.
(Neb. Rev. Stat. §28-907)

SECTION 3-107: CRIMINAL TRESPASS (AMENDED)

A. A person commits first degree criminal trespass if he or she:

1. Enters or secretly remains in any building or occupied structure or any separately secured or occupied portion thereof, knowing that he or she is not licensed or privileged to do so; or

2. Enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility. For purposes of this section, “public power infrastructure facility” shall mean a power plant, an electrical station or substation, or any other facility which is used by a public power supplier as defined in Neb. Rev. Stat. §70-2103 to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

B. A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

1. Actual communication to the actor; or

2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

3. Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided in subsection (A).

(Neb. Rev. Stat. §§28-520, 28-521)

SECTION 3-108: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure, or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex.
(Neb. Rev. Stat. §28-806)

SECTION 3-109: PUBLIC NUDITY; AIDING AND ABETTING

A. It shall be unlawful for any person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

B. It shall be unlawful for anyone to aid, abet, assist, or direct another person to intentionally expose his or her genitals, pubic area, or buttocks while employed in providing any service, product, or entertainment in any business or commercial establishment.

SECTION 3-110: SEX OFFENDERS AND PREDATORS

A. *Definitions*. For purposes of this ordinance:

1. “Child care facility” means a facility licensed pursuant to the Child Care Licensing Act;

2. “Reside” means to sleep, live, or dwell at a place, which may include more than one location and may be mobile or transitory;

3. “Residence” means a place where an individual sleeps, lives, or dwells, which may include more than one location and may be mobile or transitory;

4. “School” means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

5. “Sex offender” means an individual who has been convicted of a crime listed in Neb. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and

6. “Sexual predator” means an individual required to register under the Sex

Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01 and who has victimized a person 18 years of age or younger.

B. *Residency Restrictions*. It is unlawful for any sex offender or sexual predator to reside within 500 feet from a school or child care facility. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

C. *Exceptions*. This ordinance shall not apply to a sex offender or sexual predator who (1) resides within a prison or correctional or treatment facility operated by the state or a political subdivision; (2) established a residence before July 1, 2006, and has not moved from that residence; or (3) established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sex offender's or sexual predator's residence at that location.
(Neb. Rev. Stat. §§29-4016, 29-4017) (Am. by Ord. No. 2011-08, 6/28/11)

SECTION 3-111: WINDOW PEEPING

It shall be unlawful for any person to maliciously or stealthily go upon the premises of another in this city and look or peep into any window, door or other opening in any building located thereon which is occupied as a place of abode or to go upon the premises of another for the purpose of looking or peeping into any window, door or other opening in any building thereon which is occupied as a place of abode.

SECTION 3-112: CRIMINAL MISCHIEF (FORMERLY MALICIOUS MISCHIEF)

It shall be unlawful for any person to damage property of another intentionally or recklessly, tamper with property of another intentionally or recklessly so as to endanger any person or property or cause another to suffer pecuniary loss by deception or threat intentionally or maliciously, provided that the value of the property involved is under $5,000.00. If the value is $5,000.00 or more, the offense is a felony and not subject to prosecution under this code. (Neb. Rev. Stat. §28-519)

SECTION 3-113: MALICIOUS DESTRUCTION OF PROPERTY

It shall be unlawful for any person within the corporate limits to purposely, willfully, or maliciously injure in any manner, or destroy any real or personal property of any description belonging to another.

SECTION 3-114: THEFT

A. For purposes of this section the definitions found in Neb. Rev. Stat. §28-509 shall apply; and the offenses described in subsections (B) through (H) shall exist when the value of the thing involved is under $500.00.

B. A person commits theft if he or she takes or exercises control over movable property of another with the intent to deprive him or her thereof. A person commits theft if he or she transfers immovable property of another or any interest therein with the intent to benefit himself or herself or another not entitled thereto. Except as provided for rental or lease of a motor vehicle in Neb. Rev. Stat. §28-511(4), it shall be presumed that a lessee's failure to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement is done with intent to deprive if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten days after such notice to return such property.

C. A person commits theft if he or she obtains property of another by deception as defined in Neb. Rev. Stat. §28-512.

D. A person commits theft if he or she obtains property of another by threatening to:

1. Inflict bodily injury on anyone or commit any other criminal offense;

2. Accuse anyone of a criminal offense;

3. Expose any secret tending to subject any person to hatred, contempt or ridicule or to impair his or her credit or business repute;

4. Take or withhold action as an official or cause an official to take or withhold action;

5. Bring about or continue to strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or

6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense.

E. It is an affirmative defense to prosecution based on subdivisions (D)(2) through (4) herein that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services.

F. A person who comes into control of property of another that he or she knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it.

G. A person commits theft if he or she obtains services, which he or she knows are available only for compensation, by deception or threat or by false token or other means to avoid payment for the service. Services include labor, professional service, telephone service, electric service, cable television service, or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property. When compensation for service is ordinarily paid immediately upon the rendering of such service, as in the case of hotels and restaurants, refusal to pay or absconding without payment or offer to pay gives rise to presumption that the service was obtained by deception as to intention to pay. Further, a person commits theft if, having control over the disposition of services of others to which he or she is not entitled, he or she diverts such services to his or her own benefit or to the benefit of another not entitled thereto.

H. A person commits theft if he or she receives, retains or disposes of stolen movable property of another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained, or disposed with intention to restore it to the owner.
(Neb. Rev. Stat. §§28-511 through 28-515, 28-517, 28-518)

SECTION 3-115: ASSAULT IN THE THIRD DEGREE; THREATS (AMENDED)

It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Neb. Rev. Stat. §28-310)

SECTION 3-116: GAMBLING PREMISES

It shall be unlawful for any person to set up or keep a gambling house, table, room, place, or gambling device at which a game of chance may be played for money, property, or other valuable article representing money, property, or other valuable thing. It shall be further unlawful for any person to suffer or permit such gambling device to be set up, kept, or used for the purpose of gambling in or upon any premises or tenement belonging to or under the control of any such person. (Neb. Rev. Stat. §28-941 through 28-945)

SECTION 3-117: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the City by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 3-118: DISTURBING AN ASSEMBLY

It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any

lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. (Neb. Rev. Stat. §17-556)

SECTION 3-119: DISTURBING THE PEACE

It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (Neb. Rev. Stat. §§17-556, 28-1322)

SECTION 3-120: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley, or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section. (Neb. Rev. Stat. §17-556)

SECTION 3-121: ALCOHOL; MINOR IN POSSESSION; MISREPRESENTATION BY MINOR

A. It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to sell, dispense, consume or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways of the City or inside any vehicle while in or on any other place, including but not limited to the public streets, alleys, roads, or highways of the City or upon property owned by the City, except that a minor may consume, possess, or have physical control of alcoholic liquor as a part of a *bona fide* religious rite, ritual, or ceremony or in his or her permanent place of residence. It shall be unlawful for any person under 21 years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle.

B. It shall be unlawful for any minor, as defined by Neb. Rev. Stat. §53-168.06, to obtain or attempt to obtain alcoholic liquor by misrepresentation of age or by any other method in any tavern or other place where alcoholic liquor is sold.
(Neb. Rev. Stat. §§53-180.01, 53-180.02, 53-180.05)

SECTION 3-122: CURFEW

It shall be unlawful for any minor under the age of 17 years to travel on or be on any public street, alley, or other public place between the hours of 12:00 midnight of any day and 5:00 A.M. of the following day except under the following circumstances:

A. The minor is accompanied by a person 18 years or older authorized by the parent to take the parent's place in accompanying the minor for a designated period of time and specific purpose within a specified area;

B. The minor is exercising first amendment rights protected by the Constitution of the United States, such as free exercise of religion, freedom of speech, and the right of assembly;

C. In case of a bona fide emergency, including the prevention of bodily harm or property damage;

D. The minor is directly traveling to or returning home from the commencement or termination of employment or school-sponsored activity.
(Ord. No. 92-3, 10/7/92)

SECTION 3-123: LITTERING

A. Any person who deposits, throws, discards, scatters, or otherwise disposes of any litter, refuse, waste matter, or other thing on any public or private property or in any waters commits the offense of littering unless (1) such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or (2) the litter is placed in a receptacle or container installed on such property for such purpose.

B. Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or watercraft commits the offense of littering.

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

1. "Litter" shall include all waste material susceptible of being dropped, deposited, discarded, or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing.

2. "Waste material" shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(Neb. Rev. Stat. §§17-573, 28-523)

SECTION 3-124: TRASH

It shall be unlawful for any person to willfully, maliciously or negligently place or throw upon the premises of another any filth, garbage, leaves, papers or other matter to the annoyance of the owner or occupant thereon. (Neb. Rev. Stat. §28-523)

SECTION 3-125: POSTED ADVERTISEMENTS

It shall be unlawful for any person to wrongfully and maliciously tear, deface, remove, or cover up the posted advertisement or bill of any person, firm, or corporation when said bill or advertisement is rightfully and lawfully posted and the same remains of

value.

SECTION 3-126: APPLIANCE OUTDOORS

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children, whether on private or public property, unless he or she shall first remove all doors, lids and locks to make the same reasonably safe. (Neb. Rev. Stat. §18-1720)

SECTION 3-127: OBSTRUCTION OF PUBLIC WAYS

It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to or inconsistent with the public use of the same. (Neb. Rev. Stat. §17-142, 17-555, 17-557, 39-703, 39-704)

SECTION 3-128: OBSTRUCTION OF WATER FLOW

It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe or hydrant. (Neb. Rev. Stat. §17-555, 17-970)

SECTION 3-129: INJURY TO PLANTS AND TREES

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any trees or their fruit or any shrub, plant, flower, or grass on any public or private property. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council and the written permit of the council in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

SECTION 3-130: DISEASED OR DYING TREES

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private property within the corporate limits of the City. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

B. Notice to abate and remove such nuisances and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the City may have such work done and bill the property owner. If the owner fails to reimburse the City after being properly billed, the City may

levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

C. In the event the property owner is a non-resident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §§18-1720, 28-1321)

SECTION 3-131: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to injure or destroy any sodded or planted area; or to injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Neb. Rev. Stat. §§17-563, 28-523)

SECTION 3-132: PROHIBITED FENCES

It shall be unlawful for any person to erect or cause to be erected and maintain any barbed wire or electric fence within the corporate limits where such fence abuts a public sidewalk, street, or alley. (Neb. Rev. Stat. §18-1720, 28-1321, 39-705)

SECTION 3-133: HEDGES, VEGETATION OBSTRUCTING VIEW

The growing or maintaining or permitting the growing of hedges, corn, or other vegetation so tall as to obstruct the view of any private building, business building, street intersection, or private drive is declared to be a nuisance and is hereby prohibited.

SECTION 3-134: OBSTRUCTION OF CITY PERSONNEL

It shall be unlawful for any person to obstruct, interfere, or impede any municipal appointed official, public works employee, or other municipal employee when he/she is acting in the official capacity of the City or performing any act which is within the scope of the lawful duty or authority of said municipal position. (Ord. No. 2009-2, 1/27/09)

Removed

REMOVING DIRT
BAWDY HOUSES

Article 2 – Dogs

SECTION 3-201: DEFINITIONS

A. "Agency" or "animal control agency" shall mean any public agency as defined within the Interlocal Cooperation Act (Neb. Rev. Stat. §§13-101 through 13-107), or any organization determined by the mayor and City Council to be knowledgeable in the area of animal control and authorized by the mayor and City Council to act as the animal control agency for the City. (Am. by Ord. No. 92-1, 1/9/92)

B. “Animal control officer” shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

C. Any person who shall harbor or permit any dog to remain in or about his or her house, store, or enclosure, or to remain to be fed for ten days or more, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Neb. Rev. Stat. §54-606, 71-4401)

D. "Vaccination," "inoculation," or "vaccination for rabies" shall mean the inoculation of a dog with a vaccine approved by the Lincoln-Lancaster County Department of Health or the Humane Society of Lincoln, Nebraska, for the prevention of rabies. (Neb. Rev. Stat. §§54-606, 71-4401)

SECTION 3-202: RABIES VACCINATION

Every dog shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated dogs acquired or moved into the City must be vaccinated within 30 days after purchase or arrival unless under the age for initial vaccination. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this city for fewer than 30 days, any dog brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of fewer than 30 days; such dogs shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-203: LICENSE REQUIRED

Any person who shall own, keep, or harbor a dog over the age of six months within the City shall within 30 days after acquisition of the said dog acquire a license for each such dog annually by or before March 31 of each year. The said tax shall be delinquent from and after April 30. Any dog brought into the City after April 1 shall obtain a license for such dog within 30 days or when the dog reaches the age of six months, whichever occurs first; provided, if it is less than six months to the expiration of such license, the fee shall be one-half the full year’s license fee.

SECTION 3-204: LICENSE ISSUANCE

A. Any owner may be issued a license for his/her dog(s) upon the payment of a fee set by ordinance/resolution of the City Council, kept on file at the office of the city clerk for public inspection. The City shall, in addition to the license tax imposed, collect from the licensee a fee of $1.25. The clerk shall retain 3¢ from the said fee and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3¢ collected shall be credited to the general fund along with the license fees. ***(In case you are not familiar with the state fee, the remittance to the Department of Agriculture shall be made at least annually at the conclusion of the City's fiscal year, except that if the City collects $50.00 or less of such fees during the fiscal year, the fees may be remitted when the cumulative amount of fees collected reaches $50.00.)***

B. The said owner shall also present a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculations as evidence that each such dog has been inoculated for rabies effective for the entire ensuing license period.

C. Every service animal shall be licensed as required by this section but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, its owner shall be liable for the payment of a license tax as prescribed herein.

D. Such license shall set forth the following information:

1. Name and address of the owner.
2. License number of the tag issued to the dog.
3. Breed, age, color, name and sex of dog.
4. The name of the person inoculating said dog for rabies.
5. The date the present rabies inoculation shall expire.
6. Such other information as the City may require from time to time to effectively enforce this ordinance.

(Neb. Rev. Stat. §§17-526, 54-603) (Am. by Ord. No. 2007-10, 6/26/07)

SECTION 3-205: TAG; LOST TAG; REMOVAL; **WRONGFUL LICENSING**

A. The clerk shall issue to the owner a metal tag bearing the license number of the license, the inscription "Hickman Dog Tag" and the year for which issued. It shall be the duty of the owner of every dog to securely place upon the neck of such dog a good and sufficient collar or harness with a metallic plate attached which shall be plainly inscribed with the name of such owner. The city license tag shall also be attached.

B. In the event of loss of a tag, a replacement tag and number may be obtained from the clerk for a fee as set by ~~ordinance~~/resolution of the City Council, kept on file at the office of the city clerk and available for public inspection.

C. It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper, or possessor thereof.

D. It shall be unlawful for the owner, keeper or harborer of any dog to permit or allow such dog to wear any other tag than the identical one issued for such dog, and for the license year for which issued.
(Neb. Rev. Stat. §§17-526, 54-605)

SECTION 3-206: RUNNING AT LARGE

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the City. Any dog found to be running at large may be impounded by the City, the animal control agency, its officers, agents or employees as provided in Section 3-220. A dog found to be "running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage of other suitable means of physical restraint. (Neb. Rev. Stat. §17-526)

SECTION 3-207: DESTRUCTION OF PROPERTY; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.
(Neb. Rev. Stat. §§18-1720, 54-601, 54-602)

SECTION 3-208: BARKING AND OFFENSIVE BEHAVIOR

A. It shall be unlawful for any person to own, keep, or harbor any dog within the city limits which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person or persons. This section shall not apply to licensed veterinarians or commercial kennels, which as a regular part of their business board or train dogs for a fee.

B. The enforcement of the provisions of these regulations shall be under the direction of the sheriff. For the purpose of enforcing the above regulations or abating any nuisance existing hereunder, the sheriff may enter upon private premises.

C. Any persons upon whom a duty is placed by the provisions of this section who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this section, shall be guilty of a Class V misdemeanor.

D. Each day that a violation of any provision of this section continues shall constitute a separate and distinct offense, and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture

elsewhere in this section provided.
(Neb. Rev. Stat. §17-526) (Am. by Ord. No. 98-19, 8/27/98)

SECTION 3-209: FEMALE IN SEASON

It is hereby declared unlawful for the owner, keeper, or harborer of a female dog to permit her to run at large within the City while in season. Any such female dog found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein. (Neb. Rev. Stat. §17-526)

SECTION 3-210: KILLING AND POISONING

It shall be unlawful to kill or to administer or cause to be administered poison of any sort to a dog or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; provided, this section shall not apply to city officials acting within their power and duty. (Neb. Rev. Stat. §28-1002)

SECTION 3-211: ATTACKS OR BITES; OBSERVATION

When the owner of any dog shall suspect, believe or know that his dog has attacked or bitten any person, he shall immediately cause said dog to be placed under the care and/or supervision of the animal control agency or a licensed veterinarian. This care and/or observation period shall continue for ten days or until it is determined by the patient's physician that rabies could not have been transmitted to the person attacked or bitten, whichever time is less. Any such dog which is found to be rabid shall be destroyed in a humane manner as soon as possible and the owner shall notify the person attacked or bitten immediately. Dogs under observation shall be released in the same manner and under the same requirements as if they were impounded for running at large.

SECTION 3-212: RABIES SUSPECTED; IMPOUNDMENT

Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of no fewer than ten days. If, upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Neb. Rev. Stat. §71-4406)

SECTION 3-213: VICIOUS OR DANGEROUS DOGS

It shall be unlawful for any person to own, keep, harbor or allow to be in or upon any premises occupied by him or her, or under his/her charge or control within the corporate limits of the City, any dog of a cross, dangerous, or ferocious disposition as manifested by biting, habitual snapping, or growling or otherwise acting so as to endanger any person or domestic animal unless:

A. Said dog is secured on the premises of the owner by a chain, enclosed kennel, or fence at least 6 feet in height, so that the dog cannot be closer than 6 feet to the public street, sidewalk or property line;

B. Said dog is secured in such a manner that it cannot go beyond the property line of the owner; and

C. Said dog is secured in such a manner that it will not injure or pose a threat of injury to any person who is lawfully on the premises of the owner.

Most of our towns have adopted the following provisions for dangerous dogs. These would replace the above on vicious or dangerous dogs. If these are adopted, you should consider whether to keep Section 3-211 re attacks or bites.

SECTION 3-214: DANGEROUS DOGS; DEFINITIONS

A. "Dangerous dog" shall mean any dog that, according to the records of an animal control authority:

1. Has killed a human being;

2. Has inflicted injury on a human being that requires medical treatment;

3. Has killed a domestic animal without provocation; or

4. Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

B. "Potentially dangerous dog" shall mean

1. Any dog that, when unprovoked, (a) inflicts an injury on a human being that does not require medical treatment, (b) injures a domestic animal, or (c) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

2. Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

C. Notwithstanding the foregoing, a dog shall not be defined as a dangerous dog:

1. If the threat, any injury that is not a severe injury, or the damage was sustained by a person who (a) at the time was committing a willful trespass as defined in state statutes or any other tort upon the property of the owner of the dog; (b) at the time was tormenting, abusing, or assaulting the dog; (c) has in the past been observed or reported to have tormented or assaulted the dog; or (d) at the time was committing or attempting to commit a crime; or

2. If the dog is a trained dog assisting a law enforcement officer engaged in law enforcement duties.

D. "Domestic animal" shall mean a cat, a dog, or livestock.

E. "Owner" shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

F. "Severe injury" shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures, cosmetic surgery, or one or more broken bones or that creates a potential danger to the life or health of the victim.
(Neb. Rev. Stat. §54-617)

SECTION 3-215: DANGEROUS DOGS; CONFINED; WARNING SIGN

While unattended on the owner's property, a dangerous dog shall be securely confined in a humane manner indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least 10 feet from any property line of the owner. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. Each warning sign shall be no less than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619)

SECTION 3-216: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the

owner unless the animal is restrained securely by a chain or leash. (Neb. Rev. Stat. §54-618)

SECTION 3-217: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620)

SECTION 3-218: DANGEROUS DOGS; VIOLATION; PRIOR CONVICTION

If a dangerous dog belonging to an owner with a prior conviction under this section attacks or bites a person or another domestic animal, the owner shall be guilty of a misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

SECTION 3-219: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the City Council from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624)

SECTION 3-220: IMPOUNDMENT

It shall be the duty of the code enforcement officer to capture, secure, and remove in a humane manner to the Humane Society in Lincoln any dog violating any of the provisions of this article. Notice of impoundment of any dog, including any significant marks or identification, shall be posted at the office of the city clerk as public notification of such impoundment; provided, if the owner of the dog is known, the clerk may also attempt to personally notify him or her of the impoundment. The owner may reclaim his or her dog by contacting the clerk for information. (Neb. Rev. Stat. §17-548)

SECTION 3-221: INTERFERENCE WITH OFFICIALS

It shall be unlawful for any person to hinder, delay, or interfere with any city official who is performing any duty enjoined upon him or her by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise breaking into the animal shelter or any vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906)

SECTION 3-222: EXCEPTIONS TO PROVISIONS

Notwithstanding any other provisions herein, the provisions of this article shall not be deemed to apply to or in any way interfere with the ordinary conduct and operation of veterinary clinics, biological laboratories or pet shows, when conducted within the City.

Article 3 – Kennels

SECTION 3-301: DEFINED

A. "Commercial kennel" shall mean an establishment where three or more dogs, cats, or other household pets, or nonfarm/nondomestic animals or any combination of five or more thereof at least four months of age are groomed, bred, boarded, trained, or sold as a business.

B. This article shall not apply to animal shelters operated by licensed veterinarians, nor shall it apply to licensed pet stores.

SECTION 3-302: DOG LICENSES REQUIRED

Within 30 days after acquisition of each dog, the owner shall acquire a license for it annually by or before March 31 each year. The said tax will be delinquent from and after April 30. Any dog brought into the City after April 1 shall obtain a license for such dog with 30 days or when the dog reaches the age of six months, whichever occurs first. License fees shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. (Am. by Ord. No. 2007-10, 6/26/07)

SECTION 3-303: KENNEL LICENSE REQUIRED

It is unlawful for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the City without first obtaining a license therefor. The licensing year shall be the same as that for individual dogs.

SECTION 3-304: UNLICENSED KENNELS; NUISANCE

It is and shall be a nuisance for any person, corporation, partnership or other entity to maintain, keep, conduct or operate any kennel within the zoning limits of the City without first obtaining a license therefor.

SECTION 3-305: LICENSE; APPLICATION

A. Any person or legal entity seeking a kennel license shall make written application to the City Council. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail and provide such other information as may be required by the City Council. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located.

B. In the event the City Council determines that such kennel would not constitute a nuisance, it shall issue a license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and

hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. No license shall be issued until such fee is paid.

SECTION 3-306: REGULATIONS

Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated and any animal having any disease shall be properly isolated and treated.

Article 4 – Animals Generally

SECTION 3-401: ANIMALS; NUISANCE; BANNED FROM CITY

It shall be unlawful for any person to keep or maintain within the corporate limits of the City any horse, except as provided in Section 3-416, or any mule, sheep, cow, goat, swine or other livestock; and the same is hereby determined to be a nuisance. Any person, persons, or other legal entity keeping or maintaining such animals within the corporate limits of the City shall be guilty of violation of this section. (Neb. Rev. Stat. §17-123) (Am. by Ord. No. 2015-16, 12/8/15)

SECTION 3-402: RUNNING AT LARGE

It shall be unlawful for the owner, keeper, or harborer of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. (Neb. Rev. Stat. §17-526, 17-547)

SECTION 3-403: POULTRY, CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS

A. It shall be unlawful for any person to keep or maintain within the corporate limits any turkeys, ducks, geese, or any other poultry not classified as chickens *(Gallus gallus domesticus)*.

B. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.

C. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody or control any chicken without a valid annual permit issued by the City. The keeping and harboring of chickens shall only be allowed within the R-2 Zoning District. The fee for an annual chicken permit shall be established by the City through the master fee schedule. No permit shall be assignable or transferable either as to permittee, location or chickens.

D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:

1. No more than four (4) chickens shall be permitted on any lot of one (1) acre or less. No more than six (6) chickens shall be permitted on any lot of more than one (1) acre.

2. The chickens must be housed in a chicken facility and run approved by the

City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:

a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances.

b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health.

c. The chicken facility and run shall prevent chickens from roaming at large.

d. The run shall be attached to the coop and constructed to include metal wire fencing anchored to the ground and a fully-enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public.

e. The chicken facility shall be constructed of durable material and the flooring within the coop shall be of a waterproof hard-surface non-porous material but the chicken run area shall not require hard-surface flooring.

f. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken, and the run shall provide not more than five (5) cubic feet per occupant chicken.

g. The chicken facility and run shall not be located in any front yard of a property and must be located so as to be at least five (5) feet from the rear property line, six (6) feet from the side property line and at least 20 feet from any neighboring residence.

h. The chicken facility and run shall comply with all applicable city building and zoning codes and must be consistent with the requirements of any land use regulation.

3. Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven days.

4. All grain, feed and feedstuffs intended for use as food for chickens shall be kept in tightly fitted containers constructed to keep out vermin and wild

animals.

E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.
(Neb. Rev. Stat. §17-547) (Am. Ord. No. 2020-07, 6/9/20)

SECTION 3-404: DANGEROUS ANIMALS; DEFINITION; PROHIBITION

A. "Dangerous animal" means and includes any animal which is not naturally tamed or gentle, or which is of a naturally wild disposition, or which is capable of inflicting serious injury upon or killing human beings and having, individually or as a species, known tendencies to do so, or which because of its size or other characteristics would constitute a danger to human life or property if not kept or maintained in a safe manner or in secure quarters, including but not limited to the following animals which shall be deemed to be dangerous per se:

Bears, wolves, lions, tigers, panthers, bobcats, elephants, bison, poisonous snakes and spiders, alligators, crocodiles, anacondas, pythons, boa constrictors, and piranhas.

B. No person shall keep, shelter, or harbor for any purpose within the City a dangerous animal as defined herein.

SECTION 3-405: ENCLOSURES

All pens, cages, sheds, yards, or any other areas or enclosures for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

SECTION 3-406: HOWLING AND OFFENSIVE CATS

It shall be unlawful for any person to own, keep or harbor any cat which by loud, continued or frequent howling or meowing shall annoy or disturb any neighborhood or person in the City.

SECTION 3-407: EXISTING HORSE STABLES AND FACILITIES; RIDING ACADEMIES

A. Horses are allowed within the corporate limits of the City only when an existing conditional use permit allowing horse stables, facilities, or horse riding academies pursuant to Section 5.05.03 of the City of Hickman Zoning Code is in effect at the time of annexation into the City.

B. Before any horse is allowed to be boarded overnight at the locations set forth in subsection (A) herein, a valid horse permit shall be obtained from the City. The horse permit application shall be completed and submitted by the owner of record of the horse

stable, facility or riding academy to the city administrator. The horse permit application must include a plan for removal of waste and manure and a health certificate from a veterinarian licensed in the state for each horse to ensure it poses no health risk to people or other horses. All horse permits including new permits issued must be renewed annually by December 31 each year through the completion and submission of a new application and permit fee. Such fees and charges shall be established by ordinance and shall be kept on file at the office of the city clerk for public inspection during normal business hours. Any permits issued under this section are non-transferable and shall be subject to revocation or suspension by the City for violation by the permittee of any of the provisions of this section. Prior to the issuance of a horse permit, the city administrator or designee shall investigate the application for the permit to determine whether said premises conform to the requirements of this ordinance and other ordinances with respect to zoning, building regulations and sanitation. No permit shall be issued until:

1. Proper facilities are provided for the care and protection of the horses to be cared for on the premises;

2. The location of the premises is deemed to be proper and suitable for the keeping of horses; and

3. The application has been approved as to proper zoning.

C. If the city administrator denies an application, fails to renew a permit or revokes a permit, he or she shall notify the applicant or permit holder of such decision in writing by mailing such notice to the address listed on the applicant's most recent application. Upon such notification, and after the expiration of 11 days from the date of such notice, the determination shall be final and binding upon the City and the applicant or permit holder unless, within 10 days after such notice is mailed, the applicant or permit holder requests, in writing, a review of the determination. In the case of such review, a hearing shall be held before the City Council at the next regularly scheduled monthly meeting. The city clerk shall notify the applicant or permit holder in writing of the time, place and date of the hearing. The decision of the council shall be final unless appealed. Appeals of the council's decision may be made to the District Court of Lancaster County within 30 days of such decision.

D. All fencing at such horse stables, facilities or riding academies must be in good repair at all times to prevent the horses from running at large. Such fencing must comply with the applicable zoning ordinances and subdivision regulations of the City. Horse manure shall be removed and handled or disposed of in an approved manner free of any health hazard or public health nuisance. Watering troughs or tanks shall be provided which shall be equipped with adequate facilities for the draining of overflow water so as to prevent the ponding of water, the breeding of flies, mosquitoes or other insects, or any other health hazard.

E. Horse permit applicants must comply with this ordinance within 60 days of annexation.

(Ord. No. 2015-16, 12/8/15)

SECTION 3-408: WILD ANIMALS

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions.

SECTION 3-409: VICIOUS ANIMALS

A. All persons owning or having custody of or control over an animal or animals, whether licensed or unlicensed, which attack, bite or attempt to bite a person or persons, or domestic animals or poultry, or is vicious or dangerous, or chases, maims or kills domestic animals or poultry, are required to keep such animal(s) from running at large and from going into the streets and other public places within the City unless muzzled and on a leash, and shall keep such animal(s) under control and prevent such animal(s) from attacking or injuring persons lawfully on the premises of the owner.

B. The mayor or his/her designee, upon being satisfied that there is a vicious or dangerous animal at large, shall, if practicable, notify in writing the owner or person in control or in charge of such animal to restrain the same from going at large and to control it on the premises of the owner. The mayor or his/her designee may or may not, at his/her discretion, institute a prosecution for violation of subsection (A) above occurring before such notice is given. The right of the mayor or his/her designee to prosecute for the violation of subsection (A) herein shall not be exclusive.

C. If satisfied that an animal is vicious and has without provocation actually bitten or attacked a person or a domestic animal or fowl, the mayor may, if the animal is found at large within the City, cause it to be destroyed without previous notice to the owner, or he/she may, without killing the animal, notify the owner as provided in subsection (B) hereof and prosecute the owner for violation of subsection (A) hereof.

SECTION 3-410: RABIES SUSPECTED; CAPTURE IMPOSSIBLE

(Moved from Art. 2) The animal control authority as defined in Article 2 herein shall have the authority to kill any animal showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §71-4406)

CRUELTY has been removed. If there is a suspected abandonment, neglect or cruelty offense in the City, we recommend filing charges through the county attorney. Depending on the circumstances, the offense could be prosecuted as a felony and this code only covers misdemeanors. PITTING has also been removed. Dogfighting, cockfighting and pitting are always felonies, including being present as a witness.

See note at Ch 2, Art 1 Board of Health

Article 5 – Nuisances (Amended)

SECTION 3-501: PUBLIC NUISANCES PROHIBITED

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the City to keep such real estate free of public nuisances. (Neb. Rev. Stat. §§17-207, 18-1720)

SECTION 3-502: GENERALLY DEFINED

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Injures or endangers the comfort, repose, health or safety of others,

B. Offends decency,

C. Is offensive to the senses,

D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the City,

E. In any way renders other persons insecure in life or the use of property, or

F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
(Neb. Rev. Stat. §18-1720)

SECTION 3-503: SPECIFICALLY DEFINED

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

A. Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter or the whole or any part of any dead animal, fish or fowl.

B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.

C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

D. Animal manure in any quantity which is not securely protected from flies and

the elements or which is kept or handled in violation of any ordinance of the City.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the City nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all trash or abandoned material, unless the same is kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

H. Any buildings or structures which have any or all of the defects defined at Section 3-601 hereafter. ***(Dangerous buildings are now separate in Article 6.)***

I. All places used or maintained (1) as junkyards or dumping grounds; (2) for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind; (3) for the storing or leaving of worn-out, wrecked, or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof; or (4) for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons.

J. Stagnant water permitted or maintained on any lot or piece of ground; water pollution as provided in Ch. 7, Art. 2 Water.

K. Air pollution, which includes discharge into the open air of dust, fumes, gases, mist, odors, smoke, or any combination thereof. The standards for air pollution established or adopted by the State shall be presumptive evidence as to when the air is deemed to be polluted.

L. Any machine, vehicle, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

M. Any motor vehicle as follows: (1) It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any non-operating, wrecked, junked, or partially dismantled

vehicle to remain on such property longer than 30 days. It shall be unlawful for any person in charge or control of any property within the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow any vehicle which has been unregistered for more than 30 days to remain on such property. (2) This subsection shall not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the lawful operation of such business enterprise, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner. If a vehicle is kept within a privacy fence, said fence must have prior approval of the City Board with respect to height requirements, material specifications, and setbacks and must be constructed so as to prevent viewing of the items within the fence by the passing public.

N. Any wood or tree limbs not cut and stacked in neat rows on an area not exceeding 10 feet by 16 feet.

O. Debris from burned or damaged buildings, whether created by consensual burning or demolition or whether occurring due to fire or age.

P. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter, including grain, is being processed, when said places in which said animals are confined or said premises on which said vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the City or are maintained and kept in such a manner as to be injurious to the public health.

Q. ***City sets the height at which weeds, grasses or worthless vegetation are a nuisance.*** Maintenance of weeds, grasses or worthless vegetation of 8/10/12 inches ***(choose)*** or more in height. Weeds shall include, but not be limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

R. All other things specifically designated as nuisances elsewhere in this code.
(Neb. Rev. Stat. §§17-563, 18-1720)

New abatement procedure. Jim McNally has developed this procedure, based on state law, after many years of experience dealing with nuisances. The Nebraska Court of Appeals upheld his prosecution of a nuisance case in Dixon County.

SECTION 3-504: NOTICE PROCEDURE; ABATEMENT

A. Whenever the chief of police, or code enforcement officer appointed by the

mayor, determines that any nuisance, as defined herein, is found on any property, the following abatement procedure shall be followed:

We do not recommend service by certified mail. Many offenders will not claim such mail and the money spent is then wasted. Also a lot of time can be lost because the post office makes three attempts to deliver. The other methods of delivery are personal service, publication and posting on premises.

1. The city clerk or code enforcement officer shall document the nuisance by photographing the same. At the next regular meeting of the City Council or a special meeting called to consider such matter, the photographs shall be submitted to the council for action. If the City Council determines that a nuisance exists and so determines by resolution, it shall direct the city clerk to give notice of such council action and issue a notice to abate such nuisance to each owner or owner's duly authorized agent and to the occupant of the premises, if any, by personal service which shall be made by the city clerk or code enforcement officer and evidenced by his or her certificate of delivery. If notice by personal service is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the lot or property upon which the nuisance is to be abated or removed. Such notice shall contain a description of the nuisance, a copy of this article on nuisances, instructions on abatement of the nuisance, time in which such abatement shall take place, and possible penalties for failure to abate.

2. Within five business days after receipt of such notice, the owner, agent, or occupant of the lot or piece of ground may request a hearing with the City to appeal the resolution determining a nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the mayor as hearing officer. The mayor shall render a decision on the appeal within five business days after the conclusion of the hearing. The hearing shall be conducted informally and the formal rules of evidence shall not apply but either party may appear with an attorney and may request that the hearing be recorded for appeal purposes. Any decision rendered by the mayor may be appealed to the District Court. If no appeal is taken within ten days of the mayor’s decision, the owner, agent, or occupant shall promptly comply with the notice to abate. If abatement is not completed within 20 days of the mayor’s decision and no appeal is taken, the Police Department shall proceed pursuant to subsections (3) and (4) below or to subsections (B)(1) and (2) as set forth below.

3. Within ten days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the City or fails to appeal the decision of the mayor and fails to comply with the order to abate the nuisance, the City shall again photograph the nuisance to document that abatement has not occurred.

4. If abatement has not occurred within the time prescribed, the Police Department may deliver the original photographs, a copy of the delivered notice to abate, the certificate of delivery or acknowledged return receipt of the notice, and the photographs taken subsequent to the time to abate has elapsed to the prosecuting attorney for the City and request that charges be filed against the owner or occupant of the premises for maintenance of a nuisance.

B. In the alternative, the City may cause the weeds to be mowed or the nuisance to be corrected or removed. The costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the City may either:

1. Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or

2. Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(Neb. Rev. Stat. §§17-563, 18-1720)

SECTION 3-505: JURISDICTION

The mayor and city law enforcement officers are directed to enforce this city code against all nuisances. The jurisdiction of the mayor, law enforcement, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the City within one mile thereof and all territory within the corporate limits. (Neb. Rev. Stat. §§17-563, 18-1720)

SECTION 3-506: ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL

In cases of appeal from an action of the City Council condemning real property as a nuisance or as dangerous under the police powers of the City, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. Rev. Stat. §19-710)

Article 6 – Dangerous Buildings

SECTION 3-601: DETERMINATION AND DEFINITIONS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation;

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;

D. Those damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the City;

E. Those which have become dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein;

G. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes or other means of communication;

H. Those having parts thereof which are so attached that they may fall and injure persons or property;

I. Those that are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of the City because of their condition;

J. Those having been inspected by the County Health Department or a professional engineer appointed by the City which are, after inspection, deemed to be in violation of any provision of the health department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;

K. Those existing in violation of any provision of this article, any provision of the

Fire Code, any provision of the county health rules and regulations or other applicable provisions of city ordinances, including but not limited to the building code adopted by the City.
(Neb. Rev. Stat. §18-1720)

SECTION 3-602: BUILDING INSPECTOR

The City's building inspector, as provided in Chapter 9, Section 9-101(A), at the direction of the City Council shall:

A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the City for the purpose of determining whether any conditions exist which render such place a dangerous or unsafe building or structure within the terms of this article;

C. Report to the City Council the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

SECTION 3-603: STANDARDS

In the event that it is determined that any building or structure is unsafe or dangerous the following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated or demolished:

A. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated.

B. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired. It shall be unlawful to repair or reconstruct any building now existing or located within the City where from any cause the building becomes out of repair to the extent of one-third of its value, exclusive of foundation. It shall not be repaired or rebuilt but shall be taken down and removed within 30 days after notice to do so from the chairman and City Council. It shall be unlawful for any person, company or corporation to repair or rebuild any such building or structure or for any owner thereof to fail to remove any such damaged building or structure within the 30-day period provided above without written consent of the council.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article,

it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this city, or statute of the state, it shall be demolished.
(Neb. Rev. Stat. §§17-136, 15-905, 18-2107)

SECTION 3-604: DANGEROUS BUILDINGS; PUBLIC NUISANCE

All unsafe or dangerous buildings or structures within the terms of this article are hereby declared to be nuisances and shall be repaired, vacated, or demolished as provided herein. (Neb. Rev. Stat. §28-1321)

SECTION 3-605: NUISANCE; PROCEDURE (AMENDED)

If the specially designated building inspector or his representatives or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the City Council shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building; the notice will indicate whether the owner must vacate, repair or demolish the building or structure;

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time, not exceeding 30 days, as is reasonable;

C. Direct a city employee to place a sign on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall set forth that the building or structure is unsafe or dangerous for occupancy and use.

D. File a copy of such determination or resolution in the office of the register of deeds of the county to be recorded. No fee shall be charged for such recording or for the release of such recording.
(Neb. Rev. Stat. §18-1722.01)

SECTION 3-606: FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect or refuse to comply with the notice by or on behalf of the City to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the City may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the City Council, which is authorized to levy the cost as a special assessment against

the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes. In addition, the City may bring a civil action against the offending party to recover the cost of the work. (Neb. Rev. Stat. §18-1722)

SECTION 3-607: DISPUTES

A. In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the city clerk with a written statement that sets forth the reasons for the disagreement or dispute and the relief requested. This written request shall be made within 14 days of mailing of the notice as provided herein. If written notice is received by the city clerk within 14 days of mailing or delivery of notice, a hearing shall be held before the City Council, either at a special meeting or at a regularly scheduled monthly meeting. The clerk shall notify the person requesting the hearing, in writing, of the time, place and date of such hearing.

B. The hearing before the City Council shall be informal and not governed by the Nebraska Rules of Evidence. Such hearing shall be quasi-judicial in nature and its decision shall be based on the evidence presented at the hearing. The person requesting the hearing may be represented by legal counsel or other representative, may present witnesses and offer evidence and may examine and copy, at his or her own expense, and not less than three business days before the hearing, the records of the City regarding the inspection and notice. The City Council need not make a written finding of fact and may make its pronouncement orally at the hearing. The decision of the council shall be final unless appealed. Failure of the person to attend the hearing shall relieve the council of any further procedures before action is taken as set forth in the notice.

SECTION 3-608: APPEAL

Any person aggrieved by the decision of the City Council may appeal the decision to the District Court of Lancaster County. This appeal shall and must be taken within 30 days of the pronouncement of the Council's decision. The record and evidence made before the City Council shall become the record for purposes of appeal. All appeals shall be made on the record and not a trial *de novo*.

SECTION 3-609: IMMEDIATE HAZARD

In the event the building constitutes an immediate hazard to the life or safety of any persons and must be demolished to protect their health or safety, the specially appointed building inspector or professional engineer designated by the City Council shall report such facts to the council. Upon receipt of such report the City, by and through the council, may immediately contract for the immediate demolition of the unsafe or dangerous building without requiring bids. The cost of such emergency vacation and demolition of unsafe or dangerous buildings or structures shall be levied, equalized, and assessed, as are other special assessments.

Article 7 – Penal Provisions

SECTION 3-701: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of $25.00 but not more than $500.00 for each offense. A new offense shall be deemed committed each 24-hour period of such failure to com-ply.

B. For a first offense, an appearance in court may be waived by agreeing to pay the minimum fine and court costs. For a second offense within a 12-month period, an appearance in court may be waived by agreeing to pay a minimum fine of $50.00 and court costs. For any third and subsequent offense within a 12-month period, no waiver shall be allowed.
(Am. by Ord. No. 2010-08, 4/27/10)

SECTION 3-702: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. 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. §18-1720, 18-1722)

CHAPTER 4 – VEHICLES AND TRAFFIC

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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

A. The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60. If not defined in the designated statute, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676)

B. "Business district" shall include that portion of the City embraced within the area of public streets enumerated as follows:

1. Locust Street from First Street to Third Street;
2. Second Street from Walnut Street to Main Street;
3. Main Street from Second Street to Third Street;
4. First Street from Locust Street to Walnut Street.

C. "Residential district" shall include all parts of the City not included in the business district.

SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the City Council has the authority to alter such regulations. (Neb. Rev. Stat. §18-132)

SECTION 4-103: LAW ENFORCEMENT OFFICERS; TRAFFIC POWERS

The city law enforcement officers are hereby authorized, empowered and ordered to exercise all powers and duties with relation to the management of street traffic and to direct, control, stop, restrict and regulate, temporarily divert, or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets, parks and on bridges in the interest of public safety, health and convenience. The driver of any vehicle shall stop upon the signal of any officer. (Neb. Rev. Stat. §60-683)

SECTION 4-104: LAW ENFORCEMENT OFFICERS; TRAFFIC OFFICERS; EMERGENCY REGULATIONS; REFUSAL TO OBEY

A. The city law enforcement officers may at any time detail officers, to be known as traffic officers, at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. It

shall be their duty to direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection.

B. The city law enforcement officers and the mayor are hereby empowered to make and enforce temporary regulations to cover emergencies.

C. It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of a police officer. Any person who knowingly fails to obey any lawful order of a peace officer shall be guilty of an offense whenever such order is given in furtherance of the apprehension of a person who has violated the Nebraska Rules of the Road or this article or of a person whom such officer reasonably believes has violated the same. (Neb. Rev. Stat. §§60-680, 60-683, 60-6,110, 81-2005)

SECTION 4-105: SPEED LIMITS

A. No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than 25 miles per hour within the City, provided that the following speed limits shall apply in the following locations unless a different rate of speed is specifically permitted by ordinance:

City park	20 miles per hour
On all of Chestnut Street, Seventh Street, and S. 54th Street	35 miles per hour
On Wagon Train Road between the city limits and 68th Street	35 miles per hour

B. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.
(Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Am. by Ord. Nos. 93-13, 12/12/95, 2020-02, 4/14/2020)

SECTION 4-106: SPEED; ELECTRONIC DETECTOR

A. A determination made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer, while being competent evidence for all other purposes, shall be corroborated by the use of a radio microwave, mechanical, or electronic speed measurement device. The results of such device may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the City may offer in evidence the results of such speed measurement device for the purpose of establishing the speed of any motor vehicle, the City shall prove the following:

1. The said speed measurement device was in proper working order at the time of conducting the measurement;

2. The speed measurement device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;

3. The person operating the speed measurement device and interpreting such measurement was qualified by training and experience to properly test and operate the speed measurement device; and

4. The operator conducted external tests of accuracy upon the speed measurement device within a reasonable time both prior to and subsequent to an arrest being made and the device was found to be in proper working order.

B. The driver of any motor vehicle measured by use of a speed measurement device to be driving in excess of the applicable speed limit may be arrested if the apprehending officer:

1. Is in uniform and displays his or her badge of authority; and

2. Has (a) observed the recording of the speed of the motor vehicle by the speed measurement device or (b) received a radio message from a law enforcement officer who observed the speed recorded and (i) the radio message has been dispatched immediately after the speed of the motor vehicle was recorded and (ii) gives a description of the vehicle and its recorded speed.

(Neb. Rev. Stat. §60-6,192)

SECTION 4-107: SIGNS, TRAFFIC CONTROL AND SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

A. No person shall willfully or maliciously injure, deface, alter or knock down any sign, traffic control device, or traffic surveillance device.

B. Any person who willfully or maliciously shoots upon the public highway and injures, defaces, damages, or destroys any signs, monuments, road markers, traffic control devices, traffic surveillance devices, or other public notices lawfully placed upon such highway shall be guilty of an offense.

C. It shall be unlawful for any person, other than a duly authorized representative of the Department of Roads, the county, or the City to remove any sign, traffic control device, or traffic surveillance device placed along a highway for traffic control, warning, or informational purposes by official action of the department, county, or City. It shall be unlawful for any person to possess a sign or device which has been removed in violation of this subsection.

D. Any person violating subsection (A) or (C) of this section shall be guilty of an offense and shall be assessed liquidated damages in the amount of the value of the

sign, traffic control device, or traffic surveillance device and the cost of replacing it. (Neb. Rev. Stat. §60-6,129 to 60-6,139) (Ord. No. 90-3, 1/11/90)

SECTION 4-108: SIGNS; UNAUTHORIZED DISPLAY

It shall be unlawful for any person to maintain or display upon or in view of any street any unofficial sign, signal, or device which purports to be, is an imitation of, or resembles an official traffic sign or signal which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance and any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Neb. Rev. Stat. §60-6,127)

SECTION 4-109: STOP SIGNS; MANDATORY STOPS; UNNECESSARY STOPS

A. The City Council may provide for preferential right of way at an intersection and indicate such by stop signs or yield signs erected by such authority. Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk but if neither is indicated, then as near the right of way line of the intersecting roadway as possible.

B. All vehicles, before crossing a sidewalk or emerging from a garage, alley, gas station or other place shall come to a complete stop and, after giving sufficient warning, shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, gas station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic.

C. It shall be unlawful for any person to stop any vehicle on any public street or alley, other than in permitted parking areas, except when such a stop is necessary for emergency situations, to comply with traffic control devices and regulations, or to yield the right-of-way to pedestrians or to other vehicles.
(Neb. Rev. Stat. §§60-6,119 through 60-6,121, 60-680, 60-6,148; 60-149)

SECTION 4-110: SIDEWALK SPACE

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except upon a permanent or temporary driveway. (Neb. Rev. Stat. §60-6,178)

SECTION 4-111: RIGHT OF WAY; GENERALLY

A. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a city police officer stationed at the intersection.

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.

C. The driver of a vehicle on any street shall yield the right of way to a pedestrian crossing such street within any clearly marked crosswalk or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than a pedestrian crossing, crosswalk, or intersection shall yield the right of way to vehicles upon the street.

D. The driver of a vehicle emerging from or entering an alley, building, private road, or driveway shall yield the right of way to any pedestrian approaching on any sidewalk and all vehicles approaching on such streets.
(Neb. Rev. Stat. §§60-6,146 through 60-6,154)

SECTION 4-112: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right of way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes, unless otherwise directed by any peace officer; and

2. Any pedestrian using such roadway shall yield the right of way until such emergency vehicle passes, unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.
(Neb. Rev. Stat. §60-6,151)

SECTION 4-113: TURNING; GENERALLY; SIGNAL; "U" TURNS

A. Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right-hand side of the highway and must turn the corner as near the right-hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach such center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the “center of the intersection” shall mean the meeting point of the medial

lines of the highways intersecting one another. A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

B. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation or where a sign is posted indicating that “U” turns are prohibited.
(Neb. Rev. Stat. §§§60-6,159, 60-6,160, 60-6,161))

SECTION 4-114: BACKING

It shall be unlawful for any person to back a motor vehicle on the city streets except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; provided, a vehicle shall be backed only when such movement can be made in safety. (Neb. Rev. Stat. §60-6,169)

SECTION 4-115: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §§60-6,139, 60-6,308)

SECTION 4-116: SCHOOL BUS STOP

The driver of a motor vehicle, upon approaching from the front or rear any school bus on which the yellow warning signal lights are flashing, shall reduce the speed of such vehicle to not more than 25 miles per hour and shall bring such vehicle to a complete stop when the school bus is stopped, the stop signal arm is extended, and the flashing red signal lights are turned on. Said driver shall remain stopped until the flashing red signal lights are turned off, the stop signal arm is retracted, and the school bus resumes motion. Any person violating this subsection shall be guilty of a Class IV misdemeanor, shall be fined $500.00, and shall be assessed points on his or her motor vehicle operator's license pursuant to Neb. Rev. Stat. §60-4,182. (Neb. Rev. Stat. §60-6,175)

SECTION 4-117: FOLLOWING; DISTANCE; FIRE APPARATUS

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles and the traffic and condition of the street. The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block when fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §§60-6,140, 60-6,183)

SECTION 4-118: OVERLOADING

No person shall drive a motor vehicle when it is so loaded as to obstruct the view of

the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle or when there are more than three persons in the front seat. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle. (Neb. Rev. Stat. §60-6,179)

SECTION 4-119: RIDING OUTSIDE VEHICLE

A. No person shall permit any other person to ride on the running board, hood, top or fenders of any motor vehicle, nor shall any person ride on the running board, hood, top or fenders of any motor vehicle.

B. It shall be unlawful for any person to ride, or for the driver to permit the same to be done, on or in any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of duties or employees within truck bodies in space intended for merchandise.
(Neb. Rev. Stat. §60-180)

SECTION 4-120: SKATES, SKATEBOARDS AND OTHER CONVEYANCES

A. It is unlawful for any person to use or permit the use of any skates, skateboard, coaster, toy vehicle, or similar conveyance upon the streets or public ways of the City, except while crossing a street at a crosswalk.

B. It is unlawful for any person to use skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalks and crosswalks adjacent to the following streets: Locust Street from First Street to Third Street, Second Street from Walnut Street to Main Street, and Third Street from Walnut Street to Main Street.

C. Any person operating skates, skateboards, coasters, toy vehicles or similar conveyances upon the sidewalk, or within the sidewalk space, where not otherwise prohibited, shall do so at his/her own risk and shall yield the right-of-way to any and all pedestrians.

D. The City Council may, from time to time by resolution, prescribe such further regulations for the use and operation of skates, skateboards, coasters, and toy vehicles within the City as may be deemed proper.
(Neb. Rev. Stat. §17-139) (Ord. No. 91-1, 3/14/91)

SECTION 4-121: CONVEYANCES; CLINGING TO MOTOR VEHICLE; PEDESTRIANS' RIGHT OF WAY

A. No person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle shall attach the same or himself/herself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle to cling to or attach himself/herself or his/her bicycle, coaster, roller skates, sled, skis or toy vehicle

to such vehicle so driven and operated by him or her. (Neb. Rev. Stat. §60-6,316)

B. Any person operating a bicycle, skates or a skateboard upon a public sidewalk or other public way shall yield the right of way to pedestrians.

SECTION 4-122: MUFFLER

Every motor vehicle operated within this city shall be equipped with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §§60-6,286, 60-6,371)

SECTION 4-123: LICENSE PLATES; READABLE

The license plates required on every motor vehicle by laws of the State of Nebraska or of any other state while such vehicle is operated within the corporate limits shall be kept clear and free from grease, dust, mud, snow or other blurring matter so they will be plainly visible at all times. The said plates shall be attached in such manner as to be clearly readable at a distance of 100 feet and under no circumstances shall they be obstructed by any portion of the vehicle. (Neb. Rev. Stat. §§60-324, 60-325)

SECTION 4-124: ADVERTISING ON VEHICLES

No motor vehicle shall have any poster, sign, picture or advertising material on the front windshield or rear window thereof; and no person shall, by himself or herself or through his or her agent, place or post any poster, sign, picture or advertising material on the front windshield or rear window of either his or her own motor vehicle or that of any other person. (Neb. Rev. Stat. §60-6,127)

SECTION 4-125: NEWLY LAID PAVEMENT

No person shall drive any vehicle or ride any animal over or across any pavement or hard surfacing newly laid or repaired, across or around which there has been placed a barrier, or at or near which there is an officer, person or sign warning persons against driving or riding over the same.

SECTION 4-126: FUNERAL PROCESSIONS

No vehicle, except law enforcement or Fire Department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls, or vehicles carrying United States mails shall be driven through a funeral procession or cortege except with the permission of a law enforcement officer. (Neb. Rev. Stat. §60-119)

SECTION 4-127: UNNECESSARY NOISE

No person shall drive, use, operate, park, or stop any motor vehicle in such a manner as to cause unnecessary noise.

SECTION 4-128: SOUND APPARATUS

No person shall operate or permit to be operated any sound-producing or sound-amplifying apparatus except those for amplifying music and the human voice within the limits of any street or public place in the City or in or upon any vehicle while parked or stopped therein.

SECTION 4-129: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record. No person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-130: EXHIBITION DRIVING

Any person who operates a motor vehicle, meaning any self-propelled vehicle, upon streets or alleys within the city limits or upon property owned by the City in such a manner as to cause or create unnecessary engine noise, squealing of tires, rear skidding, sliding, or swaying of such motor vehicle or possible acceleration of speed of said motor vehicle shall be guilty of exhibition driving.

SECTION 4-131: NEGLIGENT DRIVING

Any person who drives any vehicle in such a manner as to indicate the absence of care, prudence, and forethought as duty requires should be exercised under the circumstances is guilty of negligent driving. (Neb. Rev. Stat. §60-6,182)

SECTION 4-132: CARELESS DRIVING

Any person who drives any motor vehicle in the City carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving. (Neb. Rev. Stat. §§60-6,212, 60-4,182)

SECTION 4-133: RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving and as such shall be punished as provided by statute. (Neb. Rev. Stat. §§60-6,213, 60-6,215, 60-4,182

SECTION 4-134: WILLFUL RECKLESS DRIVING

Any person who drives a motor vehicle in such a manner as to indicate a willful disregard for the safety of persons or property shall be deemed to be guilty of willful reckless driving. (Neb. Rev. Stat. §§60-6,214, 60-6,216, 60-4,182)

SECTION 4-135: TRUCK ROUTES

The City Council may by resolution designate certain streets in the City that trucks shall travel upon and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise; and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through or about the City. The City Council shall cause notices to be posted or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-136: ENGINE BRAKES

It shall be unlawful for the operator of a motor vehicle to utilize compression or engine brakes upon said motor vehicle within the corporate limits of the City or within one mile thereof, unless the motor vehicle upon which said engine braking is being performed has an adequate muffler system to muffle the noise emitted from the motor vehicle when the operator thereof is engine braking. (Ord. No. 05-11, 3/22/05)

SECTION 4-137: MOTORIZED VEHICLES PROHIBITED ON PUBLIC LANDS

The operation of motorized vehicles of all description, other than maintenance vehicles owned by the City, be and hereby are prohibited upon designated bike paths, walking trails or other public lands owned by the City except where allowed by permission of the City Council. (Neb. Rev. Stat. §60-2106)

SECTION 4-138: LOADS; CONTENTS; REQUIREMENTS

A. No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

B. No person shall transport any sand, gravel, rock less than 2 inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

C. No person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used

in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to assure that cargo or contents will not fall from the vehicle.

(Neb. Rev. Stat. §60-6,304)

Article 2 – Parking

SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least four feet between the vehicle so parked and any other parked vehicles, except where the City Council designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-202: COUNCIL ACTION; PARALLEL AND ANGLE PARKING

The City Council may, by resolution, designate any street or portion thereof where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §60-6,167)

SECTION 4-203: CURBS PAINTED

It shall be the duty of the facilities and maintenance director to cause the curb space to be painted and keep the same painted. No person, firm, or corporation shall paint the curb of any street, or in any manner set aside or attempt to prevent the parking of vehicles in any street or part thereof except at such places where the parking of vehicles is prohibited by the provisions of this article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the City through its proper officers at the direction of the City Council. (Neb. Rev. Stat. §60-680)

SECTION 4-204: MAXIMUM TIME LIMIT

A. It shall be unlawful to park any trailer, self-propelled mobile home, bus, tractor-trailer, semi-trailer, or any vehicle which exceeds 20 feet in length, or seven feet wide on any street in the City for over two hours; and provided further, that the provisions of this section shall not apply to semitrailers, trailers, trucks, or truck-tractors being used in connection with construction, repair, service, or moving operations. “Trailer” shall mean any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle. The City Council may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking or stopping of any vehicle in any such street, streets, or district for a period of time longer than fixed in such resolution shall constitute a violation of this article.

B. It shall be unlawful for any person to park any vehicle or to permit such vehicle

to stand on one side of a street within a block for a period longer than 24 hours, excluding weekends and holidays as recognized by the City.
(Neb. Rev. Stat. §60-680) (Am. by Ord. Nos. 2008-07, 7/08/07; 2009-27, 12/8/09; 2014-15, 10/14/14; 2014-16, 11/25/14)

SECTION 4-205: PROHIBITIONS; ALLEYS, ADJACENT PROPERTY, SIDEWALK SPACE, RESIDENTIAL FRONT OR SIDE YARD

It shall be unlawful for any person to park or cause to be parked or placed:

A. Any motor vehicle or other vehicle, that while parked shall have any portion thereof projecting into any alley entrance.

B. Any motor vehicle or other vehicle on any private property in such manner that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property; or

C. Any motor vehicle or other vehicle upon any part of the sidewalk space or that space between the curb line and the lot line, unless the owner or occupant of the real estate abutting such space shall have obtained a permit from the City to do so.

D. No parking of a vehicle or trailer shall be permitted in the front or side yard of any residential zoning district except on a concrete driveway or its equivalent as provided in Section 7.01.05 of the city zoning regulations. For the purpose of this section, “equivalent” shall be recognized as “hard surface” or “impervious surface” as defined per Hickman Zoning Regulations.
(Neb. Rev. Stat. §60-680) (Am. by Ord. Nos. 96-2, 2/13/96; 2016-11, 5/10/16)

SECTION 4-206: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no person shall stop any vehicle (A) in any location where such stopping will obstruct any street, intersection, or entrance to an alley or public or private drive or (B) alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. (Neb. Rev. Stat. §§60-680, 60-6,166)

SECTION 4-207: CURB PARKING

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a "one way" street by the City Council. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. (Neb. Rev. Stat. §60-6,167)

SECTION 4-208: OVERHANGING STREET OR ADJACENT PROPERTY

It shall be unlawful for any person to park or place, or cause to be parked or placed, any motor vehicle or other vehicle on any public or private property in such a manner

that the vehicle overhangs the street, including that space between the curb line and the lot line, or in such a manner that the vehicle overhangs adjacent property.

SECTION 4-209: SIDEWALK SPACE; CROSSWALKS

It shall be unlawful for any person to park, place, or cause to be parked or placed any motor vehicle or other vehicle upon any part of the sidewalk space or on a crosswalk. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: FIRE STATION AND HYDRANTS

No vehicle shall be parked (A) within 15 feet in either direction of any fire hydrant; (B) within 20 feet of the driveway entrance to any fire station; nor (C) on the side of the street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 4-211: EMERGENCY VEHICLES; EXCEPTION

The provisions of this article regulating the movement, parking, and standing of vehicles shall not apply to any authorized emergency vehicle while the driver of such vehicle is operating the same in an emergency. (Neb. Rev. Stat. §60-6,114)

SECTION 4-212: TRUCKS

A. *No Truck Parking Area.* It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of a capacity of 12 tons or more to stop or park any such vehicle on any street within a residential area for over one hour.

B. *Carriers, Night Parking; Livestock Trucks.* No motor carrier, common carrier or contract carrier of property, as defined in Neb. Rev. Stat. §75-302 as now existing or as hereafter amended, shall stop or park in any street or alley within the residential district of the City; and no such carrier shall use or employ any portion of the parking space in said residence district for any commercial purpose. No livestock truck, loaded with livestock or otherwise, shall stand or park for any period of time in any street or alley in the City.

C. *Trucks Carrying Oil, Gasoline, Flammable Materials or Toxic Chemicals.* No oil tanker, gasoline transport or truck transporting flammable materials or toxic chemicals, loaded or empty, shall park or stop for any period of time within the limits of any street or alley of the City except to load or unload its cargo in a safe and expeditious manner; provided, in case of breakdown or stalling on account of exhaustion of its motor fuel on any of said streets, the stopping of the disabled vehicle for the reasonable time necessary to remove the same to the next point where repairs can be made or to meet the emergency shall not be a violation of this section. No oil tanker, gasoline

transport or truck transporting flammable materials or toxic chemicals shall park or stop for any period of time on any private premises within the corporate limits of the City, save and except for purposes of loading, unloading or breakdowns, unless said private premises be used and employed exclusively for the conduct of the wholesale or retail business with ample facilities for parking oil tankers, gasoline transports or truck transporting flammable materials.

D. *Trucks Carrying Explosives.* No truck or other vehicle carrying or transporting explosives shall park or be left standing for any time or at any place within the city limits.

SECTION 4-213: SNOW REMOVAL AND MAINTENANCE

A. It shall be unlawful to park or stand any vehicle on any street or alley in the City after the mayor has declared a snow emergency until the snow has been removed. Notice of a snow emergency shall be given by personal notification or broadcast on any Lincoln radio or television station.

B. The facilities and maintenance director may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this chapter, and such vehicle may be removed and parked, under the supervision of the city officials, to a suitable nearby location without further notice to the owner or operator of such vehicle.
(Neb. Rev. Stat. §17-557)

SECTION 4-214: HANDICAPPED AND DISABLED PERSONS

The City Council adopts and promulgates the rules and regulations necessary to fulfill the duties and obligations provided in Neb. Rev. Stat. §§18-1736 to 18-1741.07, dealing with parking for handicapped and disabled persons. A printed copy of the current regulations shall be available for public review and access at the office of the village clerk during regular office hours.

SECTION 4-215: BUREAU OF VIOLATIONS

A Bureau of Violations has been created within the powers and duties of the office of the city clerk. A copy of each citation issued for nonmoving traffic violations shall be deposited with the clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid to him or her. Parking fees shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. In addition, all fees not paid within 30 days after issuance shall be forwarded to the city attorney for filing in the appropriate court. A portion taken from each fine collected by the clerk's office pursuant to this section

shall be forwarded to the school district in which the City is located; such amount shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours.
(Neb. Rev. Stat. §18-1729) (Am. by Ord. No. 00-2, 1/26/00)

SECTION 4-216: TICKETS

All tickets issued for violations of nonmoving traffic regulations contained in this chapter shall, in addition to information normally stated on such tickets, carry the following information:

A. The amount of the fine if paid within two days;
B. The amount of the fine if paid within seven days;
C. The amount of the fine if paid within 30 days;
D. The location where payment may be made; and
E. The fact that a complaint will be filed after 30 days if the fine is not paid within that time.
(Neb. Rev. Stat. §18-1729)

SECTION 4-217: IMPOUNDING VEHICLES; FEE FOR RELEASE

A. The mayor is hereby empowered and directed to designate a location which may be contracted for by the City for placement of impounded vehicles where and as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The mayor may change such location designated for the placement of impounded vehicles as may seem appropriate for said purpose and as may be necessary to accommodate the vehicles impounded. The City may enter into a contract with private persons, firms, and corporations for the towing of such impounded vehicles and any other vehicles found to be in violation of city ordinances.

B. Whenever any vehicle is found by a law enforcement officer parked or left standing in the streets, alleys, public ways, or parking facilities or other public places of the City or in violation of any ordinances of the City, the law enforcement officer may remove and convey the vehicle by means of towing it or otherwise or may order said vehicle to be towed to the location contracted for by the City for the placement of impounded vehicles; and thereupon the vehicle shall not be discharged or removed from such location except upon payment by the owner, driver, or operator of such vehicle of towing and storage fees as established by resolution of the City Council or by the contract between the City and such person, firm, or corporation operating such facility for the impoundment of vehicles. When the owner, driver, or operator of the vehicle so impounded claims such vehicle, it shall be the duty of the person in charge to inform the owner, driver, or operator of the nature and circumstances of the violation for which the vehicle was impounded. If such person is found not guilty by the court upon such charges, the City shall refund to such person the fees paid by such person.

C. Nothing in this chapter shall be construed as superseding any other provision of this title concerning the proper parking or operation of vehicles, and the collection of

a fee therefor under this chapter shall not prevent or preclude prosecution for violation of any of the provisions of this title concerning the parking or operation of vehicles in the City.
(Ord. No. 93-8, 6/10/93)

Article 3 – Sport and Utility Vehicles

SECTION 4-301: MINI-BIKES; UNLAWFUL OPERATION

It is unlawful for any mini-bike or similar two-, three- or four-wheeled miniature vehicles whose visibility, power and equipment are inadequate for mixing with normal vehicular traffic upon the streets and highways to be operated on any such street or highway. For purposes of this article, "mini-bike" shall mean a two-wheeled motor vehicle which has a total wheel and tire diameter of less than 14 inches, and an engine-rated capacity of less than 45 cubic centimeters displacement or a seat height less than 25 inches from the ground, or any other two-wheeled motor vehicle primarily designed by the manufacturer for off-road use only. (Neb. Rev. Stat. §60-2101.01, 60-2107)

SECTION 4-302: MINI-BIKES; TRAFFIC LAWS INAPPLICABLE

The provisions of Chapter 60, Articles 1, 3, 4, 5 and 17 of the Nebraska statutes shall not be applicable to the owners and operators of any mini-bike.

SECTION 4-303: MINI-BIKES; EMERGENCIES AND PARADES

Mini-bikes shall be exempt from the provisions of this article during any public emergency or while being used in parades by regularly organized units of any recognized charitable, social, educational or community service organization. (Neb. Rev. Stat. §60-2102)

SECTION 4-304: SNOWMOBILES; EQUIPMENT

A. Every snowmobile operated within the City shall be registered with the State of Nebraska as required by law. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one taillamp, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars, and with brakes as prescribed by the state director of motor vehicles. Every snowmobile shall be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall snowmobile noise and is in constant operation to prevent excessive or unusual noise; the exhaust system shall not emit or produce a sharp popping or crackling sound.

B. All laws applying to the operation of other motor vehicles shall apply to snowmobiles, except those relating to required equipment and those which, by their nature, have no application.
(Neb. Rev. Stat. §§60-6,335, 60-6,339)

SECTION 4-305: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to allow a snowmobile, either owned or operated by him or her, to be operated:

A. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

B. In a careless, reckless or negligent manner so as to endanger persons or property.

C. While under the influence of alcoholic liquor or any drug.

D. By a person (1) under the age of 12 years unless accompanied by a parent, guardian, or other person over 18 years of age or (2) over the age of 12 years and under the age of 16 years unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person 14 years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of 18 years. The operator of a snowmobile shall not be required to hold an operator's license.

E. Without the proper equipment as required in Section 4-301.

F. In any tree nursery or planting in a manner which damages or destroys growing stock.

G. Upon the public lands owned by the City, except where allowed by resolution of the City Council.

H. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.

I. Within the congested area of the City, unless weather conditions are such that it provides the only practicable method of safe vehicular travel or said snowmobile is engaged in responding to an emergency; provided, the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.
(Neb. Rev. Stat. §§60-6,337, 60-6,338, 60-6,340)

SECTION 4-306: SNOWMOBILES; ENFORCEMENT

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. (Neb. Rev. Stat. §60-6,343)

Subsection (A)(1) and (2) and subsection (C) were amended by Ord. 2019-05, 6/20/2019, which only covers ATVs and UTVs. The original ordinance also included mini-pickups. Do you want Subsection (A)(1) and (2) and subsection (C) to include mini-pickups? See gray below.

SECTION 4-307: ALL-TERRAIN VEHICLES, UTILITY-TRANSPORT VEHICLES AND MINI-PICKUPS

A. For purposes of this section:

1. "All-terrain vehicle" (ATV) means any motorized off-highway vehicle which (1) is 50 inches or less in width, (2) has a dry weight of 1,200 pounds or less, (3) travels on three or more non-highway tires, and (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger. (Neb. Rev. Stat. §60-6,355)

2. "Utility-type vehicle" (UTV) means any motorized off-highway vehicle which (1) is 74 inches in width or less, (2) is not more than 180 inches in length, including the bumper, (3) has a dry weight of 2,000 pounds or less, and (4) travels on four or more non-highway tires. "Utility-type vehicle" does not include all-terrain vehicles, ATV / UTVs, or low-speed vehicles. (Neb. Rev. Stat. §60-6,355)

3. “Street” or “highway” means the entire width between the boundary limits of any street, road, avenue, boulevard, or way, which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Neb. Rev. Stat. §60-624)

B. An ATV, UTV and mini-pickup may be operated on streets and highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this section.

C. The ATV or UTV (mini-pickup?) must be registered with the City, which will provide proof of registration sticker or tag to the vehicle owner. Said sticker or tag must be prominently displayed on the rear of the vehicle. To obtain a registration sticker or tag from the City, a signed registration form that includes this ordinance's provisions must be completed. Proof of insurance must also be provided and a registration fee paid. The registration fee for ATVs and UTVs will be adopted by ordinance per the master fee schedule. All registrations will expire on December 31 of each calendar year.

D. An ATV, UTV and mini-pickup may be operated only between the hours of sunrise and sunset, unless equipped with operable snow plow blade and apparatus, and shall not be operated at a speed in excess of the posted speed limit and in no event in excess of 30 miles per hour. An ATV, UTV or mini-pickup as authorized in subsection (B) of this section shall comply with the following requirements when in operation:

1. The headlight and taillight of the vehicle shall be fully operable and visible;

2. The vehicle shall be equipped with an electric strobe/flashing beacon mounted on the top of the vehicle or a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color; and

3. The vehicle shall have a visible, operational brake light system.

E. Any person operating an all-terrain vehicle, utility-transport vehicle, or mini-pickup as authorized in subsection (B) of this section shall:

1. Have a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,126; and

2. Wear a helmet or hard hat. This provision shall also apply to all passengers in vehicles specifically designed by the original manufacturer for the operator and one or two passengers; and

3. Have liability insurance coverage for the all-terrain vehicle, utility-transport vehicle or mini-pickup while operating on a street or highway. The person operating the said vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request.

F. ATVs, UTVs or mini-pickups may be operated without complying with subsections (D) and (E) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

G. An ATV, UTV, or mini-pickup shall not be operated on any controlled access highway with more than two marked traffic lanes, and the crossing of any controlled access highway with more than two marked traffic lanes shall not be permitted. For purposes of these regulations, turn lanes are deemed to be auxiliary lanes and not traffic lanes. The crossing of a highway shall be permitted by an all-terrain vehicle without complying with subsections (C) and (D) only if:

1. The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

4. In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

5. Both the headlight and taillight of the vehicle are on when the crossing is made.

(Neb. Rev. Stat. §60-6,356) (Ord. Nos. 2008-12, 8/26/08; 2019-05, 6/20/2019)

SECTION 4-308: GOLF CAR VEHICLES; DEFINITIONS; REGISTRATION; OPERATION

A. For purposes of this section:

1. “Golf car vehicle” means a vehicle that (1) has at least four wheels, (2) has a maximum level ground speed of less than 20 miles per hour, (3) has a maximum payload capacity of 1,200 pounds, (4) has a maximum gross vehicle weight of 2,500 pounds, (5) has a maximum passenger capacity of not more than four persons, (6) is designed and manufactured for operation on a golf course for sporting and recreational purposes, and (7) is not being operated within the boundaries of a golf course. (Neb. Rev. Stat. §60-622.01)

2. “Road” means a public way for the purposes of vehicular travel, including the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

3. “Street” means a public way for the purposes of vehicular travel in the City and includes the entire area within the right of way. (Neb. Rev. Stat. §60-6,381)

B. A golf car vehicle may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions set forth in subsections (1) through (7) below.

1. The golf car vehicle must be registered with the City. The City shall provide the vehicle owner a proof of registration sticker or tag which must be prominently displayed on the rear of the vehicle. To obtain a registration sticker or tag from the City, a signed registration form, which includes the provisions set forth in this section, must be completed; proof of insurance must be provided; and a registration fee must be paid. The registration fee shall be adopted by ordinance per the master fee schedule of the City. All registrations shall expire on December 31 of each calendar year.

2. Any person operating a golf car vehicle as authorized herein shall have a valid Class O operator's license and the owner of the vehicle shall have liability insurance coverage for it. The person operating the vehicle shall provide proof of such insurance coverage to any law enforcement officer requesting such proof within five days after such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: $25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, $50,000.00 because of bodily injury to or death of two or more persons in any one accident and $25,000.00 because of injury to or destruction of property of others in any one accident.

3. During the operation of a golf car vehicle, the same shall be equipped with a bicycle safety flag which extends above the golf car vehicle not less than

5 feet above the ground and which is attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color.

4. The golf car vehicle shall be operated:

   a. Only between the hours of sunrise and sunset;
   b. Only upon streets with a posted speed limit of 35 miles per hour or less; and
   c. At a maximum speed of 20 miles per hour.

5. A golf car vehicle shall not be parked on any city trail or sidewalk.

6. A golf car vehicle shall not be operated at any time on any state or federal highway, city trail or sidewalk, or any road with a posted speed limit above 35 miles per hour, but such vehicle may be operated upon a road, trail, sidewalk or highway system in order to cross a portion of the same which intersects a street with a posted speed limit of 35 miles per hour or less.

7. The crossing of a highway shall be permitted by a golf car vehicle only if:

   a. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

   b. The golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;

   c. The operator yields the right of way to all oncoming traffic that constitutes an immediate potential hazard; and

   d. In crossing a divided highway, the crossing is made only at an intersection of such highway with a street or road, as applicable.

(Neb. Rev. Stat. §60-6,381) (Ord. No. 2016-24, 12/13/16)

Article 5 – Abandoned Vehicles (Amended)

All-terrain vehicles, utility-type vehicles, minibikes and mobile homes can now be considered as abandoned vehicles.

SECTION 4-501: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

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

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

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

4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;

5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or

6. If removed from private property by the City pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:

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

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

3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;

4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb.

Rev. Stat. §60-1903.01; or

5. If removed from private property by the City pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the City, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

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

2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and

3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.
(Neb. Rev. Stat. §60-1901) (Am. by Ord. No. 2009-26, 11/24/09)

SECTION 4-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

SECTION 4-503: TITLE; VEST IN CITY; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of $250.00 or less, title shall immediately vest in the City as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the City shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-504: CITY; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the City shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or

2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The City shall notify the last registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the City 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the City that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the City (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the City will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the City may retain for use, sell, or auction the abandoned vehicle. If the City has determined that the vehicle should be retained for use, the City shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the City intends to retain the abandoned vehicle for its use and that title will vest in the City 30 days after the publication.
(Neb. Rev. Stat. §60-1903)

SECTION 4-505: CUSTODY; WHO ENTITLED

The City shall be entitled to custody of an abandoned vehicle found within the City. (Neb. Rev. Stat. §60-1904)

SECTION 4-506: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the City shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the City. (Neb. Rev. Stat. §60-1905)

SECTION 4-507: LIABILITY FOR REMOVAL

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

SECTION 4-508: DESTROY, DEFACE, OR REMOVE PARTS

No person other than one authorized by the City shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 4-509: COSTS OF REMOVAL AND STORAGE

The last registered owner of an abandoned vehicle shall be liable to the City for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 6 – Penal Provision

SECTION 4-601: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a minimum of $25.00 but not more than $500.00 for each offense. A new offense shall be deemed committed each 24-hour period of such failure to comply.

B. For a first offense, an appearance in court may be waived by agreeing to pay the minimum fine and court costs. For a second offense within a 12-month period, an appearance in court may be waived by agreeing to pay a minimum fine of $50.00 and court costs. For any third and subsequent offense within a 12-month period, no waiver shall be allowed.
(Am. by Ord. No. 2010-08, 4/27/10)

CHAPTER 5 – BUSINESS REGULATIONS

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CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Alcoholic Liquor

SECTION 5-101: DEFINITIONS

All words and phrases herein used are to have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent:

A. The possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, so long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month;

B. The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

C. Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of *bona fide* patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians;

D. The possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any *bona fide* rite or religious ceremony conducted by such church;

E. Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

F. Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

G. Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or

H. Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.
(Neb. Rev. Stat. §§53-168.06, 53-175, 53-194.03)

SECTION 5-103: DRINKING ON PUBLIC PROPERTY; MOTOR VEHICLES; OPEN ALCOHOLIC BEVERAGE CONTAINERS

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property.

B. It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this city.

C. Except as provided in Neb. Rev. Stat. §53-186, it is unlawful for any person to consume an alcoholic beverage (1) in a public parking area or on any highway in this city or (2) inside a motor vehicle while in a public parking area or on any highway in this city.

D. This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or special party service as defined by rules and regulations adopted and promulgated by the state Public Service Commission and subject to Neb. Rev. Stat. Chapter 75, Article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this city if:

1. The driver of the limousine or bus is prohibited from consuming alcoholic liquor; and

2. Alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.

E. For purposes of this section:

1. “Alcoholic beverage” means (a) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) wine of not less than one-half of one percent of alcohol by volume; or (c) distilled spirits, which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. “Alcoholic beverage” does not include trace amounts not readily consumable as a beverage;

2. “Highway” means a road or street including the entire area within the right of way;

3. “Open alcoholic beverage container” means any bottle, can, or other receptacle that (a) contains any amount of alcoholic beverage; and (b) is open or has a broken seal; or (c) the contents of which are partially removed; and

4. “Passenger area” means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. “Passenger area” does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.

5. “Limousine” shall mean a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than fourteen persons behind the driver with a physical partition separating the driver’s seat from the passenger compartment. “Limousine” does not include taxicabs, hotel or airport buses or shuttles, or buses.

(Neb. Rev. Stat. §§53-186.01, 60-6,211.08)

SECTION 5-104: CONSUMPTION IN PUBLIC PLACES; LICENSE

It shall be unlawful for any person owning, operating, managing, or conducting any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It shall also be unlawful for any person to consume alcoholic liquor in any bottle club, dance hall, restaurant, cafe, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under Neb. Rev. Stat. §60-6,211.08. (Neb. Rev. Stat. §53-168.06)

SECTION 5-105: CITY POWERS AND DUTIES (AMENDED)

A. The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the City.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or a craft brewery or microdistillery license, the City Council may make and submit to the commission recommendations relative to the granting or refusal to grant such

license to the applicant.

C. The City Council, with respect to licenses within the corporate limits of the City, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.

2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act ("the act") to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated and at such time examine the premises of such licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated shall report such violation in writing to the executive director of the commission:

   a. Within 30 days after determining that such violation has occurred;

   b. Within 30 days after the conclusion of an ongoing police investigation; or

   c. Within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later.

3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.

4. To receive retail, craft brewery and microdistillery license fees as provided in Neb. Rev. Stat. §§53-124 and 53-124.01 and pay the same to the city treasurer after the license has been delivered to the applicant.

5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to

be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent or attorney to act on its behalf.

6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Neb. Rev. Stat. §53-134.04, it determines that the licensee has violated any of the provisions of the act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.

7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the City Council shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the City one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of such license may do so at the time of the hearing. Said hearing shall be held not more than 45 days after the date of receipt of the notice from the commission. After such hearing the City Council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The city clerk shall mail to the commission by first-class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the city clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-124(5), the fee is payable to the city treasurer; (2) any fee for publication of notice of hearing before the City Council upon the application for license; (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the City.

E. Notwithstanding any ordinance or charter power to the contrary, the City shall not impose an occupation tax on the business of any person, firm, or corporation

licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the City in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license.
(Neb. Rev. Stat. §§53-131, 53-132, 53-134) (Am. by Ord. No. 02-08, 5/14/02)

SECTION 5-106: LICENSE REQUIRED; LICENSEE REQUIREMENTS

A. It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the City unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act.

B. It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a resident of the county in which the premises is located; a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class I misdemeanor pursuant to Neb. Rev. Stat. Chapter 28, Articles 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state; a person who has never had a liquor license revoked for cause; a person whose premises, for which a license is sought, meets standards for fire safety as established by the state fire marshal; or a person who has not acquired a beneficial interest in more than two alcoholic beverage retail establishments since March 4, 1963; provided, the beneficial interest requirement in this section shall not apply to a person applying for an additional license for use in connection with the operation of a hotel containing at least 25 sleeping rooms, or where the request is limited to on premises sale of beer only in a restaurant.
(Neb. Rev. Stat. §53-102, 53-124.03, 53-125)

SECTION 5-107: LOCATION

A. Except as otherwise provided in subsection (B) of this section, no license shall be issued for the sale at retail of any alcoholic liquor or for a bottle club within 150 feet of any church, school, hospital, or home for indigent persons or for veterans and their wives or children. This prohibition does not apply (1) to any location within such distance of 150 feet for which a license to sell alcoholic liquor at retail has been granted by the commission for two years continuously prior to making of application for license, or (2) to hotels offering restaurant service, to regularly organized clubs, or to restaurants, food shops, or other places where sale of alcoholic liquor is not the principal business carried on, if such place of business so exempted was established for such purposes prior to May 24, 1935.

B. If a proposed location for the sale at retail of any alcoholic liquor or for a bottle club is within 150 feet of any church, a license may be issued if the Liquor Control Commission gives notice to the affected church and holds a hearing as prescribed in Neb. Rev. Stat. §53-133 if the affected church submits a written request for a hearing.
(Neb. Rev. Stat. §53-177)

SECTION 5-108: LICENSE APPLICATION; ISSUANCE (AMENDED)

A. When a license is sought within the City, the Liquor Control Commission shall notify the city clerk of receipt of an application and shall include one copy of the application with the notice. During the period of 45 days after the date of receipt by mail or electronic delivery of such application from the commission, the City Council may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

B. Retail licenses, bottle club licenses, craft brewery licenses, or microdistillery licenses issued or renewed by the commission shall be mailed or delivered electronically to:

1. The city clerk, who shall deliver the same to the licensee upon receipt from the licensee of proof of payment of (a) the license fee if by the terms of Neb. Rev. Stat. §53-124(6) the fee is payable to the city treasurer, (b) any fee for publication of notice of hearing before the City Council upon the application for the license, (c) the fee for publication of notice of renewal as provided in Neb. Rev. Stat. §53-135.01, and (d) occupation taxes, if any, imposed by the City; or

2. The licensee, upon confirmation from the city clerk that the necessary fees and taxes described herein have been received by him or her.

C. Notwithstanding any ordinance or charter power to the contrary, the City shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license. Class J retail licensees shall not be subject to occupation taxes

D. Each license shall designate the name of the licensee, the place of business licensed, and the type of license issued.
(Neb. Rev. Stat. §53-131, 53-132, 53-134)

SECTION 5-109: SANITARY CONDITIONS

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections the City Council or the city police may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for or renewal of a liquor license. (Neb. Rev. Stat. §53-118)

SECTION 5-110: DISPLAY OF LICENSE

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to

be framed and hung in plain public view in a conspicuous place on the licensed premises. (Neb. Rev. Stat. §53-148)

SECTION 5-111: HOURS OF SALE

For the purposes of this section, (1) "on-sale" shall be defined as alcoholic liquor sold by the drink for consumption on the premises of the licensed establishment; (2) "off-sale" shall be defined as alcoholic liquor sold at retail in the original container for consumption off the premises of the licensed establishment. It shall be lawful for any licensed person or persons or their agents to sell any alcoholic liquor within the City only during the hours provided herein:

Alcoholic Liquors (Including Beer & Wine) On and Off Sale	Begin Sale	End Sale
Daily	6:00 A.M.	2:00 A.M. the following day

C. This subsection shall not apply after 12 noon on Sunday to a licensee which is a nonprofit corporation and the holder of a Class C license or a Class I license.

D. No person(s) shall consume any alcoholic liquor on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic liquor on said premises.

E. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.
(Neb. Rev. Stat. §53-179) (Am. by Ord. Nos. 95-12, 12/12/95; 2009-9, 5/12/09; 2011-05, 4/12/11; 2016-15, 7/12/16)

SECTION 5-112: KEG SALES; REGISTRATION; KEG ID NUMBERS; PROHIBITED ACTS

A. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or 18 and 92/100ths or more liters, the seller shall record (1) the date of sale, (2) the keg identification number, (3) the purchaser's name and address and (4) the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with (5) the purchaser's signature. Such record shall be on a form prescribed by the Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months. Such records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense.

B. Licensees shall place a label bearing a keg identification number on each

keg at the time of retail sale. Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of an offense.
(Neb. Rev. Stat. §§53-167.02, 53-167.03)

SECTION 5-113: CATERING LICENSES

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev. Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12[2])

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the City Council shall process the application in the same manner as provided in Section 5-106 (City Powers and Duties). (Neb. Rev. Stat. §53-124.12)

SECTION 5-114: INSPECTIONS

The Liquor Control Commission and City Council shall cause frequent inspections to be made on the premises of all retail and bottle club licensees and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense. (Neb. Rev. Stat. §53-116.01)

SECTION 5-115: OWNER OF PREMISES

If the owner of the licensed premises or any person from whom the licensee derives the right to possession of such premises, or the agent of such owner or person, knowingly permits the licensee to use such licensed premises in violation of the terms of the Nebraska Liquor Control Act, such owner, agent, or other person shall be deemed guilty of a violation of the act to the same extent as such licensee and be subject to the same punishment. (Neb. Rev. Stat. §53-1,101)

SECTION 5-116: VIOLATIONS BY AGENT OR EMPLOYEE OF LICENSEE

Every act or omission of whatsoever nature constituting a violation of any of the provisions of the Nebraska Liquor Control Act by any officer, director, manager, or other agent or employee of any licensee, if such act is committed or omission is made with the authorization, knowledge, or approval of the licensee, shall be deemed and held to be the act of such employer or licensee, and such employer or licensee shall be punishable in the same manner as if such act or omission had been done or omitted by him or her personally. (Neb. Rev. Stat. §53-1,102)

SECTION 5-117: HIRING MINORS

It shall be unlawful for any person to hire minors under the age of 19 years to serve or dispense alcoholic liquors, including beer, in the course of their employment. (Neb. Rev. Stat. §53-168.06)

SECTION 5-118: MINORS AND INCOMPETENTS

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, permit the sale of, or make a gift of any alcoholic liquors or to procure any such alcoholic liquors to or for any minor or any person who is mentally incompetent. (Neb. Rev. Stat. §53-180)

SECTION 5-119: MINOR'S PRESENCE

It shall be unlawful for any person or persons who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of 18 years to frequent or otherwise remain in the said establishment unless the minor is accompanied by his or her parent or legal guardian and unless the minor remains seated with and under the immediate control of said parent or legal guardian. (Neb. Rev. Stat. §53-134.03)

SECTION 5-120: PREMISES ALSO USED AS DWELLING

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public. Nothing herein shall prevent any connection with such premises and such other portion of the building that is used only by the licensee, his or her family, or personal guests. (Neb. Rev. Stat. §53-178)

SECTION 5-121: SALES FOR CASH ONLY

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered. If any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing in this section shall prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the bylaws of any such club; and nothing in this section shall prevent (A) any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel and charged to the accounts of such guests, or (B) any licensed retailer engaged in the sale of wine or distilled spirits from issuing tasting cards to customers. (Neb. Rev. Stat. §53-183)

SECTION 5-122: ORIGINAL PACKAGE

It shall be unlawful for any person or persons who own, manage, or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Neb. Rev. Stat. §53-184)

SECTION 5-123: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this city shall engage in, allow, or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls, or unnecessary noise; or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private. (Neb. Rev. Stat. §53-134.03)

SECTION 5-124: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city holding a license covering any premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he or she permit the operation or possession of any payoff gambling device, slot machine or punchboard, mechanical or otherwise, whether payoff is in cash or merchandise, in, on or about the licensed premises.

SECTION 5-125: AUTOMATIC LICENSE RENEWAL; PROTESTS (AMENDED)

A. An outstanding retail license issued by the commission may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission prior to or within 30 days after the expiration of the license. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application, and the commission shall at any time require a licensee to submit an application if requested in writing to do so by the City Council.

B. The city clerk shall cause to be published in a legal newspaper in or of general circulation in the City one time between January 10 and January 30 each year individual notice of the right of automatic renewal of each retail liquor and beer license within the City in the form prescribed by law; provided, Class C license renewal notices shall be published between July 10 and July 30 each year. Upon the conclusion of any hearing required by this section, the City Council may request a licensee to submit an application as provided in Neb. Rev. Stat. §53-135.

C. Written protests to the issuance of automatic renewal of a license may be

filed by any resident of the City as provided in Neb. Rev. Stat. §53-135.01 and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.
(Neb. Rev. Stat. §§53-135, 53-135.01)

SECTION 5-126: CITIZENS' COMPLAINT

A. Any five residents of the City shall have the right to file a complaint with the City Council stating that any retail licensee or bottle club licensee subject to the jurisdiction of the council has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the council and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the City Council is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall set the matter for hearing within 10 days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The said complaint shall in all cases be disposed of by the council within 30 days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order for purposes of appeal to the Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.
(Neb. Rev. Stat. §53-134.04)

SECTION 5-127: COMPLAINT INITIATED BY COUNCIL

The City Council may on its own motion by resolution fix the time and place for a hearing on whether a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission, or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 5-126 (Citizens' Complaint), and insofar as possible the procedure shall be the same as is provided in that section. (Neb. Rev. Stat. §53-134)

SECTION 5-128: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. City police, county sheriffs, officers of the Nebraska State Patrol, and any other such law enforcement officers with power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center, or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those facilities or doctors which have

previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only so long as is necessary to preserve life or to prevent injury and under no circumstances for longer than 24 hours.

B. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody.

C. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions.

D. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

E. For purposes of this section, “public property” shall mean any public right of way, street, highway, alley, park, or other state-, county-, or city-owned property. "Quasi-public property" shall mean and include private or publicly owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.
(Neb. Rev. Stat. §53-1,121)

Article 2 – Peddlers and Solicitors

(Article am. by Ord. No. 2008-13, 9/9/08)

SECTION 5-201: GREEN RIVER ORDINANCE

A. *Going on Private Premises; Nuisance*. The practice of going in and upon private residences or public property in the City by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise and services, not having been requested or invited to do so by the owner(s) or occupant(s) of private residences, for the purpose of soliciting orders for the sale of goods, wares and merchandise, or for the purpose of disposing of, peddling or hawking the same, is hereby declared to be a nuisance and unlawful unless a solicitor's business license is acquired pursuant to Section 5-202 herein.

B. *Duties of Officers*. The law enforcement officers of the City are hereby required and directed to suppress all unlawful nuisances described in the foregoing section and are empowered upon proper complaint to arrest in the manner authorized by law any and all persons complained of engaged in such unlawful practices.

C. *Charitable, Not-For-Profit Organizations*. These regulations shall not be construed to prohibit or in any manner restrict the solicitation of sales or orders for sales by charitable, not-for-profit organizations, provided that such organizations shall register at the office of the city clerk prior to the initiation of any solicitations.

D. *Penalty*. Any person violating any of the provisions herein shall, upon conviction thereof, be subject to a fine not to exceed $100, imprisonment not to exceed 30 days, license revocation, or any combination thereof. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 5-202: SOLICITOR'S BUSINESS LICENSE

A. *License Required*. In order to carry on the activities set forth in Section 5-401 herein, an application for a solicitor's business license must be completed and approved by the City in addition to the payment of a license fee to the city clerk as more fully set forth below.

B. *Not Assignable or Transferable*. No license granted by the City shall be assignable or transferable, nor shall such license authorize any person to do business or act under it except the person named therein, nor at more than one place. There shall be no refunds.

C. *License Period*. Unless otherwise provided, licenses shall commence and endure from their date of issuance until the 31st day of December of the year in which the license was issued.

D. *License Fee; When Payable; Time Period; Amount*. All license fees shall be

due and payable before the commencement of a trade, occupation, business or profession for which fees are required. No license shall be issued until the fee is paid. The amount of the fee shall be set by ordinance of the City Council and shall be on file at the office of the city clerk for public inspection during office hours. There shall be no prorating of the fee.

E. *Payment or Fees; Receipt*. The city clerk or designated representative shall, upon payment of any license fee specified, give a receipt therefor stating the amount paid, the nature of the license issued, the kind of business, to whom issued and, if possible, the exact location where the business is to be carried on.

F. *Contents of License*. Unless otherwise provided, all licenses shall be dated on the date of their issue and shall state the name of the licensee, the kind of business he/she desires to engage in and the location thereof, the amount paid, and time the license shall expire. The person having such license shall be authorized to carry on the business therein named.

G. *Record Book*. The city clerk or designated representative shall keep a book in which shall be entered the name of each person licensed, his/her address, the date of the license, the purpose for which it is granted, the amount paid and other required application information.

H. *Display of License*. Any person doing business as a solicitor-peddler is required to have his/her license available for inspection upon request.

I. *Background Check*. All applications will result in an investigation of the applicant's background by a committee consisting of the City's chief law enforcement officer, city administrator and the mayor or their designated representatives. If it is found that the applicant has been convicted of a felony or a crime involving moral turpitude within the past ten years, the application shall be denied in writing. The denial of an application shall include the reasons for denial and notification to the applicant that no license will be issued. All applicant convictions of felonies or crimes involving moral turpitude more than ten years ago will be considered by the committee on a case by case basis.

J. *Hours of Solicitation*. Any party obtaining a solicitor's business license pursuant to this section shall solicit within the residential districts of the City only between the hours of 8:00 a.m. and 8:00 p.m. (Ord. No. 2009-17, 11/10/09)

K. *Food Vendors; Special Use Permit*. A food vendor who has obtained a solicitor's business license pursuant to this section may apply for a special use permit which will allow additional hours of solicitation in the Commercially Zoned Business District of the City. Said vendor may submit an application for operating up to 20 designated times from 8:00 p.m. through 1:30 a.m. the next day. An additional fee shall be assessed for each special use permit. Said fee shall be set by the City Council and shall be on file at the office of the city clerk for public inspection during office hours.
(Ord. No. 2009-17, 11/10/09)

Article 3 – Occupation Taxes

SECTION 5-301: PURPOSE

For the purpose of raising revenue, there is hereby levied an occupation tax upon such occupations and businesses carried on within the corporate limits of this city and in such amounts as set by ordinance and placed on file with the city clerk; and every person, firm, association or corporation carrying on the occupation or business specified within the limits of the City shall pay to the city treasury the sum named as a tax upon such occupation or business. All money so collected shall be credited to the general fund. The said money shall be and remain under the control of the City Council for such use and purpose as other monies belonging to the general fund. (Neb. Rev. Stat. §17-525) (Am. Ord. No. 2019-04, 6/25/2019)

SECTION 5-302: LEVY AUTHORIZED

A. The city shall have power to raise revenue by levying and collecting a license tax on any occupation or business within the limits of the city and regulate the same by ordinance. Any occupation tax imposed pursuant to this section shall make a reasonable classification of businesses, users of space, or kinds of transactions for purposes of imposing such tax, except that no occupation tax shall be imposed on any transaction which is subject to tax under Neb. Rev. Stat. §53-160, 66-489, 66-489.02, 66-4,140, 664,145, 66-4,146, 77-2602, or 77-4008 or which is exempt from tax under Neb. Rev. Stat. §77-2704.24. The occupation tax shall be imposed in the manner provided in Neb. Rev. Stat. §18-1208, except that Neb. Rev. Stat. §18-1208 does not apply to an occupation tax subject to Neb. Rev. Stat. §86-704. All such taxes shall be uniform in respect to the classes upon which they are imposed. All scientific and literary lectures and entertainments shall be exempt from such taxation, as well as concerts and other musical entertainments given exclusively by the citizens of the city.

B. Notwithstanding any ordinance or charter power to the contrary, the city shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the city in any sum which exceeds two times the amount of the license fee required to be paid under the act to obtain such license. (Neb. Rev. Stat. §17-525, 35-106, 53-132) (Am. Ord. No. 2019-04, 6/25/2019)

SECTION 5-303: COLLECTION DATE

All occupation taxes shall be due and payable on May 1 each year, except in the event that the said tax is levied daily. Upon the payment thereof by any person or persons, the city clerk shall give a receipt, properly dated, specifying the person paying the said tax and the amount paid; provided, occupation taxes collected from Class C liquor licensees shall be due and payable on November 1. The revenue collected shall then be immediately deposited into the general fund by the city treasurer, who shall keep an accurate account of all revenue. All forms and receipts herein mentioned shall be

issued in duplicate. One copy shall then be kept by each party in the transaction. (Neb. Rev. Stat. §17-525)

SECTION 5-304: CERTIFICATES

The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax, the name of the person and the business that paid the said tax. The said certificate shall then be displayed in a prominent place or carried in such a way as to be easily accessible, while business is being conducted. (Neb. Rev. Stat. §17-525)

SECTION 5-305: FAILURE TO PAY

If any person, company, or corporation fails or neglects to pay the occupation tax as provided on the day it becomes due and payable, the City shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid. (Neb. Rev. Stat. §17-525)

Article 4 – Railroad Companies

SECTION 5-401: SAFE CROSSING

It shall be the duty of every railroad company doing business in or traveling through the City to keep in a suitable and safe condition the crossings and right of way in the City. If any such crossing shall at any time fall into disrepair and become unsafe or inconvenient for public travel, the City Council may by resolution call upon the said company to make whatever repairs may be deemed necessary to correct the dangerous condition. Notice of the said resolution shall be served upon the local agent of the said company. In the event that the railroad shall fail or neglect to repair and correct the said condition as aforesaid within 48 hours, neglect for each 24 hours thereafter shall be deemed and is hereby made a separate and distinct offense against the provisions herein. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-402: SPEED LIMIT

It shall be unlawful for any railroad company, its employees, or agents to operate a railroad engine, locomotive, or other vehicle on its tracks within or through the City at a speed in excess of 50 miles per hour. (Neb. Rev. Stat. §§17-551, 17-552)

SECTION 5-403: PUBLIC CROSSING; OBSTRUCTING TRAFFIC

A. A public railroad crossing is hereby established on Second Street between Main Street and the Hickman City Park. Such railroad crossing is hereby established and open to the general public and shall be maintained in a reasonable manner.

B. It shall be unlawful for any railroad company, its employees, or agents operating a railroad through the City to obstruct traffic on any public street, except in the event of an emergency, for a longer period than five minutes at one time.
(Neb. Rev. Stat. §§17-551, 17-552

Article 5 – Penal Provision

SECTION 5-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Removed

ARTICLE 5, SMOKING REGULATIONS

CHAPTER 6 – PUBLIC WAYS AND PROPERTY

ARTICLE 1 – MUNICIPAL PROPERTY

SECTION 6-101: DEFINITIONS
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CHAPTER 6 – PUBLIC WAYS AND PROPERTY

Article 1 – Municipal Property

SECTION 6-101: DEFINITIONS

The following definition shall be applied throughout this chapter. "Sidewalk space" as used herein shall mean that portion of a street between curb lines and adjacent property lines.

SECTION 6-102: GENERAL AUTHORITY

A. The City Council shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the City and shall cause the same to be kept open, in repair, and free from nuisances.

B. The City shall have the power to prevent and remove all encroachments, including snow, ice, and other similar obstructions upon all sidewalks and other city property.

C. The City shall have the power to remove all obstructions from the sidewalks, curbs, gutters, and crosswalks at the expense of the person placing them there or at the expense of the City and to require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.

D. The City shall have the power to regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, lampposts, awning posts, all other structures projecting upon or over and adjoining and all other excavations through and under the sidewalks in the City.
(Neb. Rev. Stat. §§17-555, 17-557, 17-557.01, 17-558, 17-567)

SECTION 6-103: CUTTING CURB; DRIVEWAY; PERMIT, DEPOSIT

A. It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the City Council. Before any person shall obtain a permit, he or she shall inform the city clerk of the place where such cutting is to be done and it shall be the duty of the facilities and maintenance director to inspect the place of entry into the paving, sidewalk, or curb before the same is cut.

B. Before any permit is issued by the City Council, the applicant for such permit shall deposit with the city treasurer a sum set by resolution of the City Council for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis and shall be set by ordinance of the City Council, kept on file at the office of the city clerk. The deposit shall be retained by the City for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the City. In the

event the City elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the City until the work is completed to the satisfaction of the facilities and maintenance director. In addition to making the deposit above set forth, the applicant shall, before any permit is issued, execute a bond to the City with a good and sufficient surety or sureties to be approved by the City Council in a sum set by resolution of the council, kept on file at the office of the city clerk.

C. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulations as may be prescribed by the City Council or the city engineer. When the applicant is ready to close the opening made, he or she shall inform the facilities and maintenance director, who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the City Council to order the director to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit. The council may consent to the work of cutting and closing the paving to be done by the party holding such permit. (Neb. Rev. Stat. §17-567)

SECTION 6-104: OBSTRUCTIONS

A. It shall be unlawful for any person, persons, firm or corporation to obstruct or encumber by fences, gates, buildings, structures or otherwise any of the streets, alleys or sidewalks.

B. Persons engaged in the erection, construction, reconstruction, wrecking or repair of any building or the construction or repair of a sidewalk along any street may occupy the public street space with such building material and equipment as long as is necessary, if any such person shall make written application to do so. However, no permit for the occupancy of the sidewalk space or more than one-third of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked or repaired shall be granted; a suitable passageway for pedestrians shall be maintained within the public space included in the permit, which shall be protected and lighted in the manner required by the official issuing the permit.

C. Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property or wholly upon the abutting property but so close to the lot line as to interfere with the use or construction of any public improvement or so that the roots thereof interfere with any utility wires or pipe shall be deemed obstructions. It shall be the duty of owners and occupants to keep all such similar growth trimmed and pruned at all times.

D. The owner or occupant of any lot, piece or parcel of ground abutting or adjacent to any street, sidewalk or intersection:

1. Over which the branches of trees extend shall at all times keep the branches or limbs thereof trimmed to a height of at least 8 feet above the surface of said walk and at least 12 feet above the surface of said street.

2. Shall not permit any tree, shrubbery or hedge closer than 18 inches to the sidewalk or within 2 feet adjacent to the lot line whether or not there is a sidewalk abutting or adjoining such premises.

3. Shall trim or remove any tree, shrubbery or other obstacle which obstructs the view at such intersection for a distance of 10 feet.

E. Whenever any such growth is allowed contrary to the provisions of this section, the City Council may order the owner or occupant to remove such obstruction within five days after having been served with notice stating that the City will remove the obstruction and charge the costs to the owner or occupant as a special assessment for improvements as herein provided or shall collect the same by civil suit brought in the name of the City against the said owner or occupant.

F. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §§17-555, 17-557.01)

SECTION 6-105: DRIVEWAY APPROACHES

The facilities and maintenance director may require the owner of property served by a driveway approach constructed or maintained upon the street right of way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure, including pavement or sidewalks. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If the property owner fails or neglects to cause such repairs or replacements to be made within 30 days of mailing such notice, the director may cause such work to be done and assess the cost upon the property served by such approach.
(Neb. Rev. Stat. §16-1748)

SECTION 6-106: SEDIMENT ON PUBLIC WAYS; NUISANCE; NOTICE TO REMOVE; PENALTY

A. Any person responsible for sediment deposited into or upon any street, alley, sidewalk public way, storm drainage system, or public ground as a result of tracking, runoff or other erosion and sedimentation from a building or development site, shall remove the same within a reasonable period of time as required by the City of Hickman, Department of Environment and Energy, or other agency. Whenever the person responsible for sediment deposited into or upon any street, alley, sidewalk, public way, storm drainage system, or public grounds refuses or neglects to remove the same, the

City may elect to remove the sediment and the expense of such removal shall be recoverable by the City.

B. If the City, Department of Environment and Energy, or other agency determines that the conditions described above constitute an immediate nuisance and hazard to public safety, the City shall issue a written notice to abate and remove such nuisance or hazard within 24 hours. If such person responsible shall have failed or refused to abate and remove such nuisance at the expiration of 24 hours from delivery of notice, the City may remove such nuisance and the expense of such removal shall be recoverable by the City.
(Ord. No. 2007-20, 12/11/07)

SECTION 6-107: BARRICADES AND LIGHTS

Whenever any excavation on any public property, including without limitation parking sites, sidewalks, curbs and streets, occurs within the zoning jurisdiction of the City, the party responsible for the excavation shall provide adequate barricades around the excavation and shall install sufficient warning lights and signs around the excavation to protect the public. (Neb. Rev. Stat. §17-505)

SECTION 6-108: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling or business building within the limits of the City where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the wastewaters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling or business building shall be constructed to drain into the alleys or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

SECTION 6-109: DANGEROUS STAIRWAY

It shall be unlawful for any person to construct or maintain any stairway, open cellarway, open basement way, or open entrance thereto in or adjacent to any sidewalk, pavement or street, and any such entrance is hereby declared to be a public nuisance. However, all existing stairways, open cellarways, open basement ways or open entrances thereto in said sidewalks, pavements or streets may be permitted to remain from and after the passage, approval and publication of this article if said person owning or using said opening in the sidewalk or street shall satisfy the street superintendent that the same is properly protected by a balustrade or coping of durable material. Said person shall furnish the City with a bond in such amount as may be set by the City Council for the benefit of any person who might suffer an injury or damage by reason of the use of said stairway, cellarway, or open basement way. (Neb. Rev. Stat. §17-555)

SECTION 6-110: HEAVY EQUIPMENT

A. It shall hereafter be unlawful for any person or persons to move or operate

heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such structure with heavy plank sufficient in strength to warrant against the breakage or damage of the same. Hereafter, it shall be unlawful to drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; or with wheels having lugs, protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb.

B. Where heavy vehicles, structures, and machines move along paved or unpaved streets, the City Council is hereby authorized and empowered to choose the route over which such moving will be permitted and allowed.

C. Nothing in this section shall be construed to apply to pneumatic tires with metal or metal-type studs not exceeding 5/16 inch in diameter, inclusive of the stud-casing, with an average protrusion beyond the tread surface of not more than 7/64 inch between November 1 and April 1; provided, it shall be permissible (1) for school buses and emergency vehicles to use metal or metal-type studs any time of the year; (2) to use farm machinery with tires having protuberances which will not damage the streets; and (3) to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.
(Neb. Rev. Stat. §60-6,250)

SECTION 6-111: REAL PROPERTY; ACQUISITION; AUTHORIZATION

When acquiring an interest in real property by purchase or eminent domain, the City shall do so only after the City Council has authorized the acquisition by action taken in a public meeting after notice and public hearing. (Neb. Rev. Stat. §18-1755)

SECTION 6-112: REAL PROPERTY; ACQUISITION; APPRAISAL

The City shall not purchase, lease-purchase or acquire for consideration real property having an estimated value of $100,000.00 or more unless an appraisal of such property has been performed by a certified real estate appraiser. (Neb. Rev. Stat. §13-403)

SECTION 6-113: REAL PROPERTY; ACQUISITION; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

A. The City is authorized and empowered to purchase, accept by gift or devise, purchase real estate upon which to erect, and erect a building or buildings for an auditorium, fire station, city building, or community house for housing city enterprises and social and recreation purposes and other public buildings and maintain, manage, and operate the same for the benefit of the inhabitants of the City.

B. Except as provided in subsection (C) below, before any such purchase can be made or building erected, the question shall be submitted to the electors of the City

at a general election or at an election duly called for that purpose, or as set forth in Neb. Rev. Stat. §17-954, and be adopted by a majority of the electors voting on such question.

C. If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

1. Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the City and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice a remonstrance against the purchase or construction is signed by electors of the City equal in number to 15% of the registered voters of the City voting at the last regular city election held therein and is filed with the City Council. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the City at a general city election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then nor within one year following the election be purchased or constructed; or

2. The City Council may proceed without providing the notice and right of remonstrance required in subdivision (1) of this subsection if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than $25,000.00. The purchase shall be approved by the council after notice and public hearing as provided in Neb. Rev. Stat §18-1755.

(Neb. Rev. Stat. §§17-953, 17-953.01) (Ord. No. 96-3, 2/22/96)

SECTION 6-114: REAL PROPERTY; SALE AND CONVEYANCE

A. Except as provided in subsection (G) herein, the power of the City to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution directing the sale of such real property.

B. After the passage of the resolution directing the sale, notice of all proposed sales of property described in subsection (A) of this section and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the City.

C. If within 30 days after the third publication of the notice a remonstrance against such sale is signed by registered voters of the City equal in number to 30 percent of the registered voters of the City voting at the last regular municipal election held therein and is filed with the City Council, such property shall not then, nor within one

year thereafter, be sold. The procedure for determining the validity of the said remonstrance shall be as provided in Neb. Rev. Stat. §17-503(3).

D. Real property now owned or hereafter owned by the City may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §§18-1001 to 18-1006.

E. Following (1) passage of the resolution directing a sale, (2) publishing of the notice of the proposed sale, and (3) passing of the 30-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

F. Notwithstanding the procedures in subsections (A) through (E) of this section, real property owned by the City may be conveyed when such property:

1. Is sold in compliance with the requirements of federal or state grants or programs;
2. Is conveyed to another public agency; or
3. Consists of streets and alleys.

G. Subsections (A) to (F) of this section shall not apply to the sale of real property if the authorizing resolution directs the sale of an item or items of real property having a total fair market value of less than $5,000.00. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.
(Neb. Rev. Stat. §§17-503, 17-503.01) (Am. by Ord. Nos. 96-8, 2/22/96; 04-14, 11/9/04; 2018-10, 6/12/18)

SECTION 6-115: PERSONAL PROPERTY; SALE AND CONVEYANCE

In order to sell personal property owned by the City, the City Council shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than $5,000.00, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such city at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being sold in compliance with the requirements of federal or state grants or programs or conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Neb. Rev. Stat. §17-503.02)

SECTION 6-116: PUBLIC WORKS; SPECIAL ASSESSMENTS; NOTICE

A. Before the City or special taxing district for public works or public improvements shall be formed and before the City or special taxing district may impose any special assessment for public works or public improvements, a copy of any notice required to be published by law shall be mailed to the last known addresses of all nonresident property owners as shown on the current tax rolls at the time such notice is first published.

B. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to the formation of a special taxing district for public works or public improvements shall mail by certified mail with return receipt requested a copy of the published notice in regard to the formation of any special taxing district within the City to the last known address as shown on the current tax rolls of each nonresident property owner.

C. The city clerk or any other person upon whom the duty is imposed by law to publish notice required by law in regard to any special assessment by a special taxing district shall mail by certified mail with return receipt requested a copy of such notice to be published to the last known address as shown on the current tax rolls of each nonresident property owner.

D. The failure of the city clerk or any other person upon whom the duty is imposed by law to mail a copy of a published notice as provided in this section shall invalidate the assessment against the property involved while permitting all other assessments and procedures to be lawful.

E. "Nonresident property owner" shall mean any person or corporation whose residence and mailing address as shown on the current tax rolls is outside the boundaries of the county and who is a record owner of property within the boundaries of the City, special assessment district, or taxing district involved.
(Neb. Rev. Stat. §§13-310 through 13-314)

SECTION 6-117: IMPROVEMENT DISTRICT; LAND ADJACENT

The City may include adjacent land when creating an improvement district, such as a sewer, paving, water, water extension, or sanitary sewer extension district. The City Council may levy a special assessment for the costs of such improvements upon the properties found specially benefited thereby, except as provided in Section 6-118 below. (Neb. Rev. Stat. §19-2427)

SECTION 6-118: IMPROVEMENT DISTRICT; AGRICULTURAL ZONE; DEFERRAL FROM SPECIAL ASSESSMENTS

A. Whenever the City Council creates an improvement district which includes land adjacent to the City which is within an agricultural use zone and is used exclusively for agricultural use, the owners of record title of such adjacent land may apply for a

deferral from special assessments pursuant to this section. For purposes of this section, the terms “agricultural use” and “agricultural use zone” shall have the meanings specified in Neb. Rev. Stat. §19-2428.

B. Any owner of record title eligible for the deferral granted by subsection (A) shall, to secure such assessment, make application to the City Council within 90 days after creation of an improvement district as specified in Section 6-117 which includes land adjacent to the City which is within an agricultural use zone and is used exclusively for agricultural use.

C. Any owner of record title who makes application for the deferral provided by this section shall notify the county register of deeds of such application in writing prior to approval by the City Council.

D. The council shall approve the application of any owner of record title upon determination that (1) the property is within an agricultural use zone and is used exclusively for agricultural use and (2) the owner has complied with subsection (C) of this section.

E. The deferral provided for in this section shall be terminated upon any of the following events:

1. Notification by the owner of record title to the City Council to remove such deferral;

2. Sale or transfer to a new owner who does not make a new application within 60 days of the sale or transfer, except as provided in subsection (E)(3) below;

3. Transfer by reason of death of a former owner to a new owner who does not make application within 125 days of the transfer;

4. The land is no longer being used as agricultural land; or

5. Change of zoning to other than an agricultural zone.

F. Whenever property which has received a deferral pursuant to this section becomes disqualified for such deferral, the owner of record title of such property shall pay to the City an amount equal to the total amount of special assessments which would have been assessed against such property, to the extent of special benefits, had such deferral not been granted. Interest upon the special assessments shall be deferred and shall accrue from the time the property becomes disqualified for deferral. The interest rate shall be the same as was charged to other property owners within the special assessment district in question and amortized over a term to coincide with the original amortization period.

G. In cases where the deferral provided by this section is terminated as a result of a sale or transfer described in subsection (E) (2) or (3) above, the lien for assessments and interest shall attach as of the day preceding such sale or transfer. (Neb. Rev. Stat. §§19-2428 through 19-2431)

SECTION 6-119: EMINENT DOMAIN

A. The City shall have the power to create, open, widen, or extend any street, avenue, alley, off-street parking area, or other public way or annul, vacate, or discontinue the same; to take private property for public use for the purpose of erecting or establishing market houses; market places; parks; swimming pools; airports; gas systems, including distribution facilities; water systems; power plants, including electrical distribution facilities; sewer systems; or for any other needed public purpose; and to exercise the power of eminent domain within or without the city limits for the purpose of establishing and operating power plants, including electrical distribution facilities, to supply such city with public utility service and for sewerage purposes, water supply systems, or airports.

B. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 to 76-724, except as to property specifically excluded by Neb. Rev. Stat. §76-703 and as to which Neb. Rev. Stat. §§19-701 to 19-707 or the Municipal Natural Gas System Condemnation Act is applicable. For purposes of this section, electrical distribution facilities shall be located within the retail service area of such city as approved by and on file with the Nebraska Power Review Board, pursuant to Neb. Rev. Stat. Chapter 70, Article 10.
(Neb. Rev. Stat. §17-559)

Article 2 – Streets

SECTION 6-201: DEDICATION TO PUBLIC USE

No street or alley which shall hereafter be dedicated to public use by the proprietor of ground in the City shall be deemed a public street or alley or be under the use or control of the City Council unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose. (Neb. Rev. Stat. §17-567)

SECTION 6-202: NAMES AND NUMBERS

The City Council may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the council may require. It shall be the duty of the facilities and maintenance director, upon the erection of any new building or buildings, to assign the proper numbers to said building or buildings and give notice to the owner or owners and occupant or occupants of the same.

SECTION 6-203: EXCAVATION

It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the facilities and maintenance director authorizing such excavations. (Neb. Rev. Stat. §17-567)

SECTION 6-204: SNOW, LAWN DEBRIS, ETC. (AMENDED)

It shall be unlawful to place, push, or deposit snow, sleet, ice, mud, or any lawn debris, including leaves, grass, and branches, from private property onto the streets or other public property of the City. (Neb. Rev. Stat. §17-557)

SECTION 6-205: DRIVING STAKES

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the facilities and maintenance director. (Neb. Rev. Stat. §17-567

SECTION 6-206: MIXING CONCRETE

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever. (Neb. Rev. Stat. §17-567)

SECTION 6-207: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak in the gutter of any street any waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets. (Neb. Rev. Stat. §17-567)

SECTION 6-208: UTILITY POLES, WIRES, MAINS

A. Poles, wires, gas mains, pipelines, and other appurtenances of public service companies shall be located or erected over, upon, or under the streets, alleys, and common grounds after a proper written application has been made to the city clerk and permission in writing given by the City Council. When requested by the council, public service companies heretofore or hereafter granted right of way for the erection and maintenance of appurtenances for the purpose of transacting their business upon, under, or over the streets, alleys, and public grounds shall at all times erect, locate, or relocate their said appurtenances to such places and in such manner as shall be designated by said council.

B. Such poles, wires, gas mains, pipelines, and other appurtenances shall be removed or relocated by said companies at their own expense when requested to do so by the City Council. Whenever it becomes necessary for the council to request such relocation for public safety and convenience, it shall order said relocation by resolution and the city clerk shall notify any company or companies affected. Said companies shall, within a reasonable period of time after receiving notice, at their own expense cause the said appurtenances to be removed or relocated. The City Council shall designate another location where said appurtenances may be reset or placed. All appurtenances shall be reset, placed, or erected in such manner that they will not interfere with the water system, sewer system, poles, wires, or mains of any public utility located on the same street or alley or with travel or buildings constructed or hereafter to be constructed. Whenever possible, all said appurtenances shall be confined to the alleys of the City.

C. Whenever possible, all poles, lines, wires, gas mains, pipelines or appurtenances shall be confined to the alleys of the City. No water pipe, underground electric line or telephone conduit shall be laid in the same trench with sewer pipe in any street, alley or public grounds in the City or nearer than 3 feet to any sewer pipe. No underground electric line shall be laid in the same trench with any water pipe, sewer pipe or telephone conduit in any street, alley or public grounds or nearer than 3 feet to any such pipes or conduit.

SECTION 6-209: POWER TO IMPROVE, VACATE, ETC.; IMPROVEMENT DISTRICTS; SPECIAL ASSESSMENTS; STREETS ON CORPORATE LIMITS

A. The City Council may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravel, widen or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any streets, alleys, public grounds, or public ways, entirely or partially, and streets which divide the city corporate area and the area adjoining the City; construct or reconstruct pedestrian walks, plazas, malls, landscaping, outdoor sprinkler systems, fountains, decorative water ponds, lighting systems, and permanent facilities; and construct sidewalks and improve the sidewalk space. These projects may be funded at public cost or by the levy

of special assessments on the property especially benefited in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431.

B. The City Council may by ordinance create paving, repaving, grading, curbing, recurbing, resurfacing, graveling, or improvement districts, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more of the improvements in one proceeding. All of the improvements which are to be funded by a levy of special assessment on the property especially benefited shall be ordered as provided in Neb. Rev. Stat. §§17-510 to 17-512 unless the council improves a street which divides the city corporate area and the area adjoining the City.

C. Whenever the City Council improves any street which divides the city corporate area and the area adjoining the City, the council shall determine the sufficiency of petition as set forth in Section 6-210 (Petition for Improvements) by the owners of the record title representing more than 60% of the front footage of the property directly abutting upon the street to be improved, rather than 60% of the resident owners.

D. Whenever the council shall deem it necessary to make any of the improvements allowed by statute on a street which divides the city corporate area and the area adjoining the City, the City Council shall by ordinance create the improvement district pursuant to Section 6-211 (Improvement Districts) and the right of remonstrance shall be limited to owners of record title, rather than resident owners.
(Neb. Rev. Stat. §17-509)

SECTION 6-210: PETITION FOR IMPROVEMENTS

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved shall be presented and filed with the city clerk, petitioning therefor, the City Council shall by ordinance create a paving, graveling, or other improvement district or districts and shall cause such work to be done or such improvement to be made. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys especially benefited thereby in such district in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The council shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. (Neb. Rev. Stat. §17-510)

SECTION 6-211: IMPROVEMENT DISTRICTS; OBJECTIONS

A. Whenever the City Council deems it necessary to make any improvements as provided in Section 6-209 (Power to Improve, Etc.) allowed by statute which are to be funded by a levy of special assessment on the property especially benefited, the

council shall by ordinance create a paving, graveling, or other improvement district and after the passage, approval, and publication or posting of such ordinance shall publish notice of the creation of any such district for six days in a legal newspaper of the City, if a daily newspaper, or for two consecutive weeks if a weekly newspaper. If no legal newspaper is published in the City, the publication shall be in a legal newspaper of general circulation in the City.

B. If the owners of the record title representing more than 50% of the front footage of the property directly abutting on the street or alley to be improved file with the city clerk within 20 days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided In such ordinance but the ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the City Council shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited in such district in proportion to such benefits to pay the cost of such improvement.
(Neb. Rev. Stat. §17-511)

SECTION 6-212: IMPROVEMENT OF MAIN THOROUGHFARES

The City Council shall have power by a three-fourths vote to enact an ordinance creating a paving, graveling or other improvement district and to order such work to be done without petition upon any federal or state highways in the City or upon a street or route designated by the council as a main thoroughfare, connecting to either a federal or state highway or a county road. The council shall contract therefor and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, alley or alleys especially benefited thereby in such district in proportion to such benefits to pay the cost of such improvement. (Neb. Rev. Stat. §17-512) (Am. by Ord. No. 89-5, 6/8/89)

SECTION 6-213: IMPROVEMENT; PETITIONS OR OBJECTIONS

Before proceeding with any improvement under Section 6-209, the sufficiency of petitions or objections or of the existence of the required facts and conditions shall be determined by the City Council at a hearing of which notice shall be given to all persons who may become liable for assessments by one publication in each of two successive weeks in a legal newspaper in or of general circulation in the City. Appeal from the action of the council may be made to the District Court. The sufficiency of the petitions or objections referred to in Sections 6-210 and 6-211 as to the ownership of the property shall be determined by the record in the office of the county clerk or register of deeds at the time of the adoption of such ordinance. In determining the sufficiency of the petitions or objections, intersections shall be disregarded, and any lot or ground owned by the City shall not be counted for or against such improvement. (Neb. Rev. Stat. §17-513)

SECTION 6-214: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions in this article shall be made and assessed in the following manner:

A. Such assessments shall be made by the City Council at a special meeting, by a resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements, and the amount charged against the same, which, with the vote thereon by "yeas" and "nays," shall be spread at length upon the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in a newspaper published or of general circulation in said city at least four weeks before the same shall be held or, in lieu thereof, personal service may be had upon persons owning or occupying property to be assessed.

B. All such assessments shall be known as "special assessments for improvements" and shall be levied and collected as a separate tax, in addition to the taxes for general revenue purposes, and shall be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other city taxes.

C. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §17-524)

SECTION 6-215: IMPROVEMENTS; NO PETITION OR CREATION OF DISTRICT

A. The City may, without petition or creating a street improvement district, grade, curb, gutter, and pave:

1. Any portion of a street otherwise paved so as to make one continuous paved street, but the portion to be so improved shall not exceed two blocks, including intersections, or 1,325 feet, whichever is the lesser;

2. Any unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street; and

3. Any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed one block from such major traffic street.

B. Those improvements may be performed upon any portion of a street or alley or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the City for its paved streets.

C. In order to defray the costs and expenses of these improvements, the mayor and City Council may levy and collect special taxes and assessments or issue paving bonds as provided in Neb. Rev. Stat. §18-2003.
(Neb. Rev. Stat. §§18-2001 through 18-2004)

SECTION 6-216: VACATING PUBLIC WAYS (AMENDED)

The City shall have power to open, widen, or otherwise improve or vacate any street, avenue, alley, or lane within the limits of the City and to create, open, and improve any new street, avenue, alley, or lane. When any such improvements are made, all damages sustained by the citizens or by the owners of the property therein shall be ascertained in such manner as shall be provided herein.

A. Whenever any street, avenue, alley, or lane is vacated, the same shall revert to the owners of the abutting real estate, one-half on each side thereof, and become a part of such property unless the City reserves title in the ordinance vacating such street or alley. If title is retained by the City, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.

B. When a portion of a street, avenue, alley, or lane is vacated only on one side of the center thereof, the title to such land shall vest in the owner of the abutting property and become a part of such property unless the City reserves title in the ordinance vacating a portion of such street or alley. If title is retained by the City, such property may be sold, conveyed, exchanged, or leased upon such terms and conditions as shall be deemed in the best interests of the City.

C. When the City vacates all or any portion of a street, avenue, alley, or lane, the City shall, within 30 days after the effective date of the vacation, file a certified copy of the vacating ordinance with the county register of deeds to be indexed against all affected lots.

D. The title to property vacated pursuant to this section shall be subject to the following:

1. There is reserved to the City the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and

2. There is reserved to the City, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish

such purposes at any and all reasonable times.
(Neb. Rev. Stat. §17-558) (Am. by Ord. No. 02-06, 5/14/02; 02-07, 5/14/02)

Article 3 – Sidewalks

SECTION 6-301: DUTY TO KEEP CLEAN

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the business district shall be cleaned within five hours after the cessation of a storm, unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before 8:30 A.M. the following day; provided, sidewalks within the residential areas of the City shall be cleaned within 24 hours after the cessation of the storm. (Neb. Rev. Stat. §§17-557, 17-557.01)

SECTION 6-302: EDIBLE PRODUCE GARDENS; NUISANCE

A. No person shall plant, or allow to grow, any edible produce garden within the sidewalk space or city right of way. Any edible produce garden planted within the sidewalk space or city right of way after the adoption date of this section shall be deemed to be unlawfully planted and growing and shall, at the discretion of the City Council, be deemed to be a nuisance. When any such edible produce garden is declared to be a nuisance, the Council shall, with proper notice, order the said garden to be removed at the expense of the owner of the property adjacent to the sidewalk space or city right of way upon which it has been unlawfully planted.

B. If the property owner fails or neglects to remove, or cause to be removed, the said edible produce garden, the Council shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space or city right of way wherein the edible produce garden is planted and growing. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §17-557.01, 16-1720) (Ord. No. 04-09, 9/14/04; 2009-12, 6/9/09)

SECTION 6-303: CONSTRUCTION BY OWNER; APPLICATION, PERMIT

A. Any person desiring to construct or cause to be constructed any sidewalk shall do so only as provided herein. It shall be unlawful for any person to construct any sidewalk without first having made application with the city clerk and obtaining a permit. The public works director shall issue the desired permit unless good cause shall appear why said permit should be denied. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed.

B. All sidewalks shall be built and constructed on the established grade or

elevation, and if there is no established grade, then on the grade or elevation indicated by the public works director. If it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, elevation, and thickness, the public works director shall submit the application to the City Council, which shall determine whether the permit should be granted or denied.

If the City Council wants to assess the sidewalk costs to property owners:

SECTION 6-304: CONSTRUCT, REPLACE, REPAIR; SIDEWALK DISTRICTS; SPECIAL ASSESSMENTS

A. The mayor and City Council shall have the power to construct, replace, repair, or otherwise improve sidewalks within such city. Whenever the mayor and council shall by resolution passed by a three-fourths vote of all council members determine the necessity for sidewalk improvements, the mayor and council shall by ordinance create a sidewalk district, shall cause such improvements to be made, and shall contract therefor.

B. The mayor and council shall levy special assessments on the lots and parcels of land abutting on or adjacent to the sidewalk improvements specially benefited thereby in any sidewalk district created pursuant to subsection (A) in proportion to the benefits to pay the cost of such improvements. All special assessments shall be liens on the properties on which levied from the date of the levy until paid. The special assessment for the sidewalk improvement shall be levied at one time and shall become delinquent as follows: One-seventh of the total assessment shall become delinquent in ten days after such levy; one-seventh in one year; one-seventh in two years; one-seventh in three years; one-seventh in four years; one-seventh in five years; and one-seventh in six years. Each of such installments, except the first, shall draw interest at the rate of not exceeding the rate of interest specified in Neb. Rev. Stat. §45-104.01, as such rate may from time to time be adjusted by the Legislature, from the time of the levy until the installment becomes delinquent. If the installment becomes delinquent, interest at the rate specified in Neb. Rev. Stat. §45-104.01, as such rate may from time to time be adjusted by the Legislature, shall be paid thereon as in the case of other special assessments. All such special assessments shall be made and collected in accordance with the procedure established for paving assessments for such city.
(Neb. Rev. Stat. §19-2417, 19-2418**)**

SECTION 6-305: CONSTRUCTION OR REPAIR ORDERED BY CITY (AMENDED)

A. The powers conferred under this section are in addition to those provided in Neb. Rev. Stat. §§17-509 to 17-521 and may be exercised without creating an improvement district.

B. The mayor and council may construct and repair sidewalks or cause the construction and repair of sidewalks in such manner as they deem necessary and assess the expense of such construction or repairs on the property in front of which such construction or repairs are made, after having given notice:

1. By publication in one issue of a legal newspaper in or of general circulation in such city and

2. By either causing a written notice to be served upon the occupant in possession of the property involved or to be posted upon such premises ten days prior to the commencement of such construction or repair. ***(The following is from your current code; not in state law.)*** Said notice shall notify the owner of the premises of the passage of the resolution ordering him to construct or cause to be constructed a sidewalk within 60 days after the date of publication and further that if he fails to construct the sidewalk or cause the same to be done within the time allowed, the City will cause the sidewalk to be constructed and the cost thereof shall be levied and assessed as a special tax against the premises; provided, the notice shall contain the official estimate of the cost of said construction and no special assessment in excess of this estimate shall be assessed against the property. ***Current state law does not provide for personal service.***

C. All sidewalks shall be constructed or repaired in conformity with such plans, specifications, and materials as may be approved by the City Council. Every owner of any lot or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land in good and proper repair and in a condition reasonably safe for travel for all travelers thereon.

D. If any owner shall fail to construct or repair any sidewalk in front of his or her property within the time and in the manner as directed herein after having received due notice to do so, the mayor and council may cause the sidewalk to be constructed or repaired and may assess the cost thereof against the property. The owner shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk.

E. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.
(Neb. Rev. Stat. §17-522) (Am. by Ord. No. 90-14, 8/23/90)

SECTION 6-306: IMPROVEMENTS; ASSESSMENT AND COLLECTION

Assessments for improvements made under the provisions herein shall be made and assessed as provided in Section 6-217 (Improvements; Assessment and Collection).
(Neb. Rev. Stat. §17-524)

SECTION 6-307: CONSTRUCTION BY PETITION; IMPROVEMENT DISTRICT; SPECIAL ASSESSMENTS; ABUTTING OWNER

A. If the owners of the record title representing more than 60% of the front footage of the properties directly abutting upon the street proposed to be improved with a sidewalk shall sign a petition and present it to the city clerk for filing, petitioning therefor, the City Council shall by ordinance create a paving or other improvement district, cause such work to be done or such improvement to be made, contract therefor, and levy special assessments on the lots and parcels of land abutting on or adjacent to such streets or alleys specially benefited thereby in such district in proportion to such benefits, except as provided in Neb. Rev. Stat. §§19-2428 to 19-2431, to pay the cost of such improvement. The City Council may deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the council denies a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties.

B. Upon the petition of any property owner who is an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the City Council may order permanent sidewalks built in accordance with this article upon the owner making, executing, and delivering to the City an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs which until paid shall be a perpetual lien upon the real estate along which the owner desires such sidewalk to be constructed and that the petitioner gives and grants to the City the right to assess and levy the costs of such construction against the owner's real estate abutting the sidewalk improvement and promises to pay such costs with interest. The total cost of such improvement shall be levied, allocated, financed, and specially assessed as provided by law.

C. In the event the property owner is a nonresident of the county in which the property lies, the City shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-510)

Article 4 – Penal Provision

SECTION 6-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 7 – PUBLIC UTILITIES

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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

Sections have been added to this article from Water and Sewer which both have in common.

SECTION 7-101: CITY POWERS; RATE SETTING

A. The City currently owns and operates a water supply and distribution system, a sanitary sewer disposal and treatment system, and an electricity distribution system. The latter is managed by Norris Public Power District. The City has the right and power to tax assets and collect from its residents payment for use of the water supplied to them by the water system and for use of the sewer system. The City Council is authorized to establish by ordinance such rates for water and sewer service as may be deemed fair and reasonable.

B. For the purpose of rental fees, the City Council may classify the customers of the Sewer Department, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency relative to the user charge grant condition.

C. All such rates, taxes, or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such rates, taxes, or rent shall be paid and collected and such lien enforced in such manner as the council shall by ordinance direct and provide. All such rates, taxes, or rent shall be kept on file in the office of the city clerk for public inspection.
(Neb. Rev. Stat. §§17-538, 17-542, 17-925.1, 17-925.02, 18-509) (Am. by Ord. No. 98-6, 6/25/98)

SECTION 7-102: MANDATORY USE OF CITY SERVICES

All residents of the City shall be required to subscribe to city utility services. Said residents shall be subject to the assessment and payment of charges for such utility services as set from time to time by the City Council. (Neb. Rev. Stat. §17-532)

SECTION 7-103: SERVICE TO NONRESIDENTS

Any person whose premises are located outside the corporate limits of the City and who desires to connect to city water and sewer service shall file a written application with the city clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises is devoted, and such other information as the City Council may require. The entire cost of pipe and other installation charges shall be paid by such consumer. Nonresidents shall pay such tap fees as have been set by the council by resolution. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts. Nothing herein shall be construed to obligate the City to

provide water and sewer service to nonresidents. (Neb. Rev. Stat. §§17-537, 18-508, 19-2701)

SECTION 7-104: SERVICE CONTRACT; NOT TRANSFERABLE

A. The rules, regulations, and rates set forth in this chapter shall be considered a part of every application hereafter made for utility services and shall be considered a part of the contract between the City and every consumer now or hereafter served.

B. The making of application on the part of any applicant for the use of the city utilities by a new consumer thereof and the furnishing of utility services to said consumer shall constitute a contract between the consumer and the City, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the public works director may cut off or disconnect the water service from the building or premises of such violation. No further connection for service to said building or premises shall again be made save or except by order of said superintendent.

C. Contracts for utility services are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the city clerk, who shall cause the utility services to be discontinued at the said premises. If the consumer should fail to give such notice, he or she shall be charged for utility services monthly until the City is otherwise advised of such circumstances.
(Neb. Rev. Stat. §17-537)

SECTION 7-105: CONSUMER'S APPLICATION (AMENDED)

A. Every person or persons desiring utility services must make application therefor to the city clerk, who shall require the applicant to make a service deposit and tap fees for water and sewer service in such amounts as set by resolution by the City Council and kept on file at the city office. At the time any service deposit is returned to the consumer, the City will not pay any interest that may have accrued on such amount.

B. The application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city clerk. Utility services shall not be supplied to any house or private service pipe except upon the order of the public works director.

C. No applicant for the services of a public or private utility company furnishing water, natural gas, or electricity in this city shall be denied service because of unpaid bills for similar service which are not collectible at law because of statutes of limitations or discharge in bankruptcy proceedings.
(Neb. Rev. Stat. §§17-537, 17-925.02, 19-2701, 70-1601) (Am. by Ord. No. 98-6, 6/25/98)

SECTION 7-106: BILLING AND COLLECTIONS; PAYMENT PLAN; DELINQUENCY

A. Joint water and sewer bills shall be due and payable monthly at the office of the city clerk. Bills shall be due upon receipt and payable by the 20th day of each month. Any residential customer of the utility system whose account is in good standing with the City may make application to enter into an agreement with the City for a monthly payment plan option wherein such customer may pay his or her annual estimated utility cost of water and sewer in 11 installments and the City will bill any amount due on the 12th month ending in December. If late payment of the account occurs, the customer may be removed from the payment plan option and may not be allowed to enter into a future payment plan option. Such application shall include the name and address of the customer desiring to enter into the payment plan option and any other information deemed necessary by the City and shall then be submitted to the Utility Department for consideration.

B. Any bill not paid by 5:00 P.M. on the 20th day of the month shall incur a late fee equal to 10% of the original bill and shall be deemed to be delinquent. If the bill and the penalty have not been paid by the last day of the same month, the clerk shall include notice of the City's intent to discontinue water service to the delinquent customer with the next regular utility bill. Said disconnection shall be accomplished according to the procedures set forth in Section 7-107 (Discontinuance of Service). A copy of such termination procedures shall be furnished to the owner or occupant upon request. Upon restoration of service, a delinquency reconnection fee shall be assessed as set by ordinance by the City Council and kept on file in the office of the city clerk. All amounts due shall be paid prior to reconnection.
(Neb. Rev. Stat. §§17-538, 17-542) (Ord. Nos. 2007-15, 9/11/07; 2010-04 and -05, 3/23/10)

SECTION 7-107: DISCONTINUANCE OF SERVICE; NOTICE; PROCEDURE (AMENDED)

A. The City shall not discontinue service to any domestic subscriber for nonpayment of any past due account unless notice is first given to any subscriber whose service is proposed to be terminated. Such notice shall be given in person, by first class mail or by electronic delivery, except that electronic delivery shall only be used if the subscriber has specifically elected to receive such notices by electronic delivery. If notice is given by first class mail or electronic delivery, such notice shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days. The City shall not charge a fee for the discontinuance or reconnection of utility service that exceeds the reasonable costs of providing such service.

B. The notice required above shall contain the following information:

1. The reason for the proposed disconnection;

2. A statement of intention to disconnect unless the domestic subscriber

either pays the bill or reaches an agreement with the utility regarding payment of the bill;

3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;

4. The name, address, and telephone number of the utility's employee or department to whom the domestic subscriber may address any inquiry or complaint;

5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;

6. A statement that the utility may not disconnect service pending the conclusion of the conference;

7. A statement to the effect that disconnection shall be postponed or prevented upon presentation of a duly licensed physician's, physician assistant's, or advanced practice registered nurse's certificate, which shall certify that a domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the utility within five days of receiving notice under this section, excluding holidays and weekends, and will prevent the disconnection of the utility's service for a period of at least thirty days from such filing. Only one postponement of disconnection shall be required under this subdivision for each incidence of nonpayment of any past-due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;

9. A statement that the domestic subscriber may arrange with the utility for an installment payment plan;

10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and

11. Any additional information not inconsistent with this section which has received prior approval from the board of directors or administrative board of any utility.

C. Public utilities shall make the service termination information required under subdivisions (4), (5), (6), (7), (9), (10), and (11) of subsection (A) of this section readily accessible to the public on their website and available by mail upon request.

D. Each utility subject to subsection (A) herein shall establish a third-party notice procedure for the notification of a designated third party of any proposed discontinuance of service and shall advise its subscribers, including new subscribers, of the availability of such procedures.

E. A domestic subscriber may request a conference in regard to any dispute over a proposed discontinuance of service before an employee designated by the utility to hear such matters. The employee designated by the utility shall hear and decide all matters disputed by domestic subscribers. The subjects to be heard shall include matters relating to a disputed bill.

F. A domestic subscriber may dispute the proposed discontinuance of water, ~~natural gas, or electricity~~ by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue service.

G. Upon notice to the employee designated by the utility of any request for a conference by a domestic subscriber, the employee shall:

1. Notify the domestic subscriber, in writing, of the time, place, and date scheduled for the conference; and

2. Hold a conference within 14 days of the receipt of the domestic subscriber's request. Such conference shall be informal and not governed by the Nebraska Evidence Rules. If the employee determines at the conference that the domestic subscriber did not receive proper notice or was denied any other right afforded under sections 70-1605 to 70-1615, the employee shall recess and continue the conference at such time as the subscriber has been afforded his or her rights. Failure of a domestic subscriber to attend a scheduled conference shall relieve the utility of any further action prior to the discontinuance of service. If a domestic subscriber contacts the utility prior to the scheduled conference and demonstrates that failure to attend is for a legitimate reason, the utility shall make a reasonable effort to reschedule the conference.

H. The employee of the utility shall, based solely on the evidence presented at the conference, affirm, reverse, or modify any decision by the utility involving a disputed bill which results in a threatened termination of utility service. The employee shall allow termination of utility service only as a measure of last resort after the utility has exhausted all other remedies less drastic than termination.

I. Any domestic subscriber may appeal an adverse decision of the utility employee to a management office designated by the utility or to the utility board when designated by the utility. Each utility shall establish a hearing procedure to resolve utility bills appealed by domestic subscribers. The procedure shall be in writing and a copy of such procedure shall be furnished upon the request of any domestic subscriber.

Such appeal shall be filed with the management office or utility board within the time specified in the procedures established by the utility. Nothing in this section shall prohibit any utility from providing such additional stages of appeal as it may deem appropriate.

J. At any hearing held pursuant to section (I) 70-1612, the domestic subscriber may:

1. Be represented by legal counsel or other representative or spokesperson;

2. Examine and copy, not less than three business days prior to such hearing, the utility's file and records pertaining to all matters directly relevant to the dispute or utilized in any way by the utility in reaching the decision to propose termination or to take other action which is the subject of the hearing;

3. Present witnesses and offer evidence;

4. Confront and cross-examine such other witnesses as may appear and testify at the hearing; and

5. Make or have made a record of the proceedings at his or her own expense. (Neb. Rev. Stat. §70-1613)

K. In any appeal filed pursuant to section (I), the management office designated by the utility shall notify the domestic subscriber of the time, place, and date scheduled for such hearing. The notice requirements, hearing procedures, and other rights of domestic subscribers shall be set forth in the procedures established under sections (I) and (J).

J. The provisions of this section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (Neb. Rev. Stat. §§70-1605 through 70-1615)

SECTION 7-108: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for utility services furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of utility charges. It shall be the duty of the city clerk to report monthly to the mayor and City Council a list of all unpaid accounts due for utility services, together with a description of the premises served. The report shall be examined and if approved by the council, shall be certified by the city clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §§17-538, 17-925.01,

18-503)

SECTION 7-109: PLUMBERS' LIABILITY; PERMIT; COMPLIANCE WITH REGULATIONS

A. The owners of any premises to which the city water and sewer systems are available may, in the discretion of the public works director, employ a licensed plumber or drainlayer to make the necessary connections to said premises. The owner or his or her agent shall, before making any repair, replacement or connection to the said sewer system, procure through the office of the city clerk a permit in writing to do so.

B. All work by plumbers shall be done in the manner required by the public works director and shall be at all times subject to his inspection and approval. They shall comply with all rules and regulations of the director, provided that nothing herein shall be construed to apply to persons, firms or corporations under special contract with the City for the construction, extension or repair of the city sewer system. Plumbers who connect with the public water and sewer systems shall be held responsible for any damage to the pipes or the public ways and property and shall restore all excavated streets to the complete satisfaction of the public works director. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory work.
(Neb. Rev. Stat. §17-537)

SECTION 7-110: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying water without the knowledge and consent of the City, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, or water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

B. When electrical or water service has been disconnected by the city, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

C. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity or water passing through it without the knowledge and consent of the City shall be deemed guilty of an offense.

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is *prima facie*

evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.
(Neb. Rev. Stat. §§25-21,275 through 25-21,278, 28-515.02) (Am. by Ord. No. 96-7, 2/22/96)

SECTION 7-111: DIVERSION OF SERVICES; PENALTY

A. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts bypassing, tampering, or unauthor--ized metering when such act results in damages to a city utility. The City may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

B. In any civil action brought pursuant to this section, the City shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of $750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B)(1) or (2), the City may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering, including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.
(Neb. Rev. Stat. §§25-21,276, 25-21,277)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

A. The City owns and operates the Water Department through the public works director. The mayor and City Council, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the water fund and shall remain in the custody of the city treasurer.

B. The public works director shall have the direct management and control of the Water Department and shall faithfully carry out the duties of his office. The superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department, subject to the supervision and review of the mayor and City Council. The council shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the city clerk for public inspection during office hours.
(Neb. Rev. Stat. §§17-531, 17-534, 19-1305)

SECTION 7-202: CONNECTION TO WATER SYSTEM (MANDATORY HOOKUP) (AMENDED)

A. The City through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. All persons whose property is within 300 feet of a main shall be required, upon notice by the mayor and City Council, to hook up with the city water system.

B. The City may furnish water service to persons within its corporate limits whose premises are not within 300 feet of the said main; provided, the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide water service to persons whose property line is not within 300 feet of the said main.

C. Each building hereafter erected shall be connected with the water system at the time of its erection. In the event any owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of ten days after the notice has been given to do so by regular mail or by publication in a newspaper in or of general circulation in the City, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the water bills in the manner provided for collection of other special taxes or assessments or to collect in the manner provided for the collection of water bills as provided herein.

D. Private wells previously constructed and operating prior to the City's estab-

lishment of its water system shall be permitted to operate, providing that such wells comply with other existing, applicable ordinances and do not violate applicable state laws or regulations promulgated by the Nebraska Department of Health.
(Neb. Rev. Stat. §§17-532, 17-537, 19-2701)

SECTION 7-203: INSTALLATION PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the facilities and maintenance director shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer.

B. All installations or repairs of pipes require two inspections by the facilities and maintenance director: (1) when connections or repairs are completed and before the pipes are covered; (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the director at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the director, provided that the said rules, regulations, and specifications have been reviewed and approved by the City Council.
(Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-204: INSTALLATION; EXPENSE

A. The consumer shall be required to pay a tap fee prior to beginning installation. Such fees shall be set by ~~ordinance~~/resolution of the City Council, kept on file at the office of the city clerk and available for public inspection. All costs and expenses of providing water service from the commercial main to the place of dispersement shall be paid by the consumer, including but not limited to tapping the main, trenching, furnishing and installing supply pipe, stop box, meter and service pipe, expenses of procuring the services of a plumber for required installations, all necessary labor, and all expenses required to restore streets, alleys, and sidewalks to good condition.

B. The hookup fees will include a remote meter and curb stop, except for those taps with a line larger than one inch. Curb stops and meters for lines larger than one inch shall be approved by the City prior to installation.

C. If commercial mains are not laid along the street abutting applicant's property and if a water main district is not created or extended, applicant may, at his or her own expense under the approval and direction of the public works director, pay the costs of trenching, pipe installation, labor, and attachments necessary to bring water service

from the nearest commercial main to applicant's premises.
(Neb. Rev. Stat. §17-542) (Am. by Ord. No. 98-9, 6/25/98; 2005-10, 3/8/05)

SECTION 7-205: WATER METER PITS

A. Any person desiring to construct a water meter pit and install a water meter therein shall do so only as herein provided. It shall be unlawful for any person to construct any water meter pit and install a water meter without first having obtained approval in writing from the facilities and maintenance director. Application shall be made in writing to the director for such approval. Such application shall state the dimensions and location of the meter pit and the access thereto. The director shall grant approval for such construction and installation unless good cause shall appear why approval shall be denied. The owner shall assume all costs of construction of the meter pit and the piping and related installation; provided, however, the meter shall be furnished by the City at no cost to the owner.

B. Subject to the approval of the City Council, the facilities and maintenance director may order the construction of a meter pit and the installation of a water meter and related piping and installations or, if any meter pit becomes unusable for any reason, the director may order the replacement thereof after approval of the City Council. The director's order to construct or reconstruct a meter pit and related piping and installations shall be given to the owner of the property served and shall contain the specifications to be followed in connection with such construction or reconstruction. Such order shall provide that (1) such construction or reconstruction shall be completed within 30 days after the date of the service of said order upon the owner and (2) if the owner fails to construct or reconstruct said meter pit and related piping and Installations, the City will cause the same to be accomplished and the cost thereof will be levied and assessed as a special tax against the premises. The order shall contain an itemized estimate of the cost of such construction or reconstruction, and no special assessment in excess of such estimate shall be levied against the property. Such order shall be served upon the owner personally or by certified mail, postage prepaid, return receipt requested, to the last known address of the owner, which shall be that address listed on the current real estate tax rolls as of the date such order is issued.

SECTION 7-206: MATERIAL SPECIFICATIONS

A. All copper pipe used in the installation of water service shall be of "K" quality. All joints of copper pipe shall be either of the flared fittings type or if soldered, they shall be soldered with silver solder. If plastic pipe is used, it shall be first quality, 160 pound pressure tested or better. Joints on polyethylene pipe must be joined by brass fittings with all stainless steel clamps. Polyvinyl chloride pipe shall be glued together only with the proper glue as recommended by the manufacturer of the pipe.

B. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead-free. For purposes of this section, "lead-free" shall mean: solders and flux, not more than .2% lead, and pipe and pipe fittings, not more than 8% lead.

(Neb. Rev. Stat. §71-5301, 71-5301.01)

SECTION 7-207: REPAIRS AND MAINTENANCE

A. The City shall repair or replace, as the case may be, all supply pipe between the commercial main and the stop box. The customer at his or her own expense shall replace and keep in repair all service pipe from the stop box to the place of dispersion. When leaks occur in service pipes, the public works director shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the superintendent.

B. All water meters shall be kept in repair by the City at its expense. When meters are worn out, they shall be replaced and reset by the City at its expense; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his or her own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the public works director shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

C. All meters shall be tested at the customer's request at his or her expense any reasonable number of times; provided, if the test shows the water meter to be running 2% or more fast, the City shall bear the expense of such test. The City reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the City shall always have the right to place a new meter on the customer's water service fixtures at city expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the public works director.
(Neb. Rev. Stat. §17-537)

SECTION 7-208: INSTALLATION OR REPAIR PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe or making repairs, the paving and earth must be removed and deposited in a manner that will be least inconvenient to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade and, during the night, warning lights.

B. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of 24 hours or more, the public works director shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

C. All installations or repairs of pipes require two inspections by the public works

director: (1) when connections or repairs are completed and before the pipes are covered and (2) after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council.
(Neb. Rev. Stat. §§17-537, 71-5301)

SECTION 7-2**09: MINIMUM RATES; DWELLING UNIT**

A. As used in this section, the term "dwelling unit" shall mean a structure consisting of one or more rooms, including a bathroom and complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household. A trailer, mobile home, or apartment shall be considered a dwelling unit for purposes of this section.

B. Each dwelling unit, whether or not metered for water usage by the same meter as any other building unit, shall be assessed a monthly minimum charge for both water and sewer, with the minimum amounts as established by ordinance to be deducted from the total usage for the quarter. In the event the same property owner owns all of the dwelling units metered from the same water meter, such owner may elect to be assessed for the total usage without minimums if the metered water for that quarter exceeds the aggregate of the product of the minimum monthly charge times the number of dwelling units metered through the single water meter.

C. All water consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the public works director to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water usage until the water is turned on again.
(Neb. Rev. Stat. §§17-540, 17-542)

SECTION 7-210: BILLING, COLLECTIONS AND TERMINATION

Billing, collection and termination procedures are set forth in Article 1, Sections 7-106 and 7-107. (Neb. Rev. Stat. §17-540)

SECTION 7-211: RIGHT OF ENTRY FOR INSPECTION

The facilities and maintenance director or duly authorized agent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

SECTION 7-212: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the facilities and maintenance director.

SECTION 7-213: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than (A) members of the Fire Department under the orders of the fire chief or the assistant chief or (B) employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-214: RESTRICTED USE

The City Council or the facilities and maintenance director may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The City shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the City has no control. The following water restrictions shall apply in the enforcement of these regulations due to seasonal lack of sufficient pumping capacity and water supplied to the City's water storage facilities:

A. Lawn watering and lawn irrigation by consumers of city municipal water shall be restricted as follows during the period beginning May 1 and ending September 30 each year.

B. Consumers having odd-numbered street addresses shall be permitted to water or irrigate their lawns on Tuesdays, Thursdays and Saturdays.

C. Consumers having even numbered street addresses shall be permitted to water or irrigate their lawns on Wednesdays, Fridays and Sundays.

D. No lawn watering or lawn irrigation shall be permitted on Mondays.

E. Penalties for noncompliance shall be as follows:

1. First offense shall result in a posted notification on the consumer’s property;

2. Second offense shall result in a written warning mailed to the consumer by USPS first class mail;

3. Third offense shall result in the imposition of a fee added to the consumer's monthly billing from the City;

4. Fourth and continual offenses shall result in the imposition of a fee equivalent to four times the third offense fee added to the consumer's monthly billing from the City;

5. Such fees shall be established by ordinance and shall be on file in the city clerk's office for public inspection during normal business hours.

F. Exemptions:

1. A 30-day exemption to the lawn watering and lawn irrigation regulation is available for those consumers establishing new grass and for seasonal reseeding. Registration is required.

2. Watering restrictions do not apply to washing of cars, driveways, houses, etc.

3. Consumers who irrigate with reclaimed water, well or pond water do not need to follow the alternate-day watering schedule.

(Neb. Rev. Stat. §17-537) (Am. Ord. No. 2021-13, 6/ /21)

SECTION 7-215: POLLUTION (AMENDED)

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. The standards for water quality established or adopted by the state shall be presumptive evidence as to when the water is deemed to be polluted under this section. (Neb. Rev. Stat. §§17-536, 18-1720, 28-1321)

SECTION 7-216: BACKFLOW PREVENTION; DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

"Antisiphon vacuum breaker" is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the facilities and maintenance director as suitable for the intended use.

"Auxiliary water system" means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system, polluted or contaminated water, process fluids, used water or other sources of water over which the City does not have sanitary control.

"Backflow" or "backsiphonage" means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double check valve assembly, antisiphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the facilities and maintenance director.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Consumer's water supply system" means any water supply system located on the consumer's premises supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered to be a consumer's water supply system.

"Contamination" means an impairment of water quality by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any arrangement whereby contamination due to backflow or backsiphonage can occur.

"Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

“Director” or “facilities and maintenance director” means the director of public works or his/her authorized representative.

"Double check-valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Health hazard" means any condition, device or practice in a water system or its operation that creates a real or potential danger to the health and well-being of the consumer.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

"Licensed plumber" means a person who has obtained the appropriate permit from the City Council to perform plumbing-related work within the city limits.

"Non-potable water" means water not safe for drinking or personal or culinary use or which does not meet the requirements of the Nebraska Department of Health.

"Owner" means the entity delivering water through the public water supply system. The owner is the City of Hickman operating through the facilities and maintenance director.

"Plumbing hazard" means a plumbing cross-connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention devices.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrade the quality of water to a degree which does not necessarily cause an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

"Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. "Water supply source" is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include one-hundred-percent-closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service line, then the service connection means the downstream end of the meter.

"System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.

"Used water" means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

SECTION 7-217: BACKFLOW PREVENTION; POLICY AND PURPOSE

A. The purpose of these backflow regulations is to protect the public water supply system of the City from the possibility of contamination or pollution which may backflow into the system. These regulations provide for the maintenance of a continuing program of cross-connection controls which will systematically and effectively prevent the contamination or pollution of the potable water supply system.

B. The facilities and maintenance director shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If an approved backflow prevention device is required for the safety of the public water supply system in the judgment of the director, then he/she shall give notice in writing to the consumer to install said devices at each recommended location. The director shall inspect and approve all installations of the required backflow prevention devices. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. The installation of backflow prevention devices, except for outlet fixture vacuum breakers, shall be by a licensed plumber. Annual testing of all double check valves and reduced pressure zone devices shall be performed by the director. If maintenance and repairs are deemed necessary by the director, the owner shall be contacted and issued an order to make all necessary repairs or maintenance. The owner shall complete all maintenance or repairs within 30 days; if not, the owner shall be considered in violation of the backflow regulations and will be subject to disconnection of municipal water service.

C. No person shall install or maintain a water service connection containing cross-connections to a public water supply system or a consumer's potable water supply system unless such cross-connections are abated or controlled in accordance with this rule and as required by the laws and regulations of the Nebraska Department of Health.

D. For the purposes of these backflow prevention regulations, whenever the facilities and maintenance director is to make any decisions or interpretations or whenever reference is made to the fact that the director is to exercise judgment, such decision, interpretation or judgment shall be in accordance with the provisions of these backflow prevention regulations and any other applicable provisions of the municipal

code and state and federal laws.

SECTION 7-218: BACKFLOW PREVENTION; SURVEYS AND INVESTIGATIONS

A. It shall be the responsibility of the water consumer to conduct or cause to be conducted periodic surveys of water use practices on his/her premises as necessary to determine whether there are actual or potential cross-connections in the his/her water supply system. The facilities and maintenance director shall have the authority to conduct or cause to be conducted periodic surveys and investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water system. The director may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

B. On request by the director, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the director shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required herein.

C. The director shall have the right to enter any premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices. In order to inspect any premises, the director shall give notice setting forth a proposed date and time to the consumer at least ten days in advance. If the consumer cannot make the premises available for inspection at the proposed date and time, the consumer shall contact the director and arrange for another date and time for the inspection. If the director and the consumer cannot agree on a date and time, then the director shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required herein.

D. The City Council is hereby appointed as a hearing board to hear differences between the facilities and maintenance director and any consumer on matters concerning interpretation and execution of the provisions of this ordinance by the director. Any consumer aggrieved by being required to pay the expense of installing, furnishing and/or maintaining a backflow prevention device may, within 14 days of the act or event causing the grievance, request a hearing in writing to present such grievance to the Hearing Board. Said board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven days and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance and the director shall be entitled to respond thereto, whereupon the Hearing Board shall render its decision, which will be binding upon the consumer and the director.

SECTION 7-219: BACKFLOW PREVENTION; WHERE PROTECTION IS REQUIRED

A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the facilities and maintenance director a health, plumbing, pollution or system hazard exists.

B. An approved backflow prevention device shall be installed when the following conditions are found by the director to exist:

1. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;

2. Premises having internal cross-connections that, in the judgment of the director, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

3. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

4. Premises having a repeated history of cross-connections being established or re-established;

5. Premises having more than one customer service connection, which could constitute a potential cross-connection.

C. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the facilities and maintenance director determines that no health, pollution or system hazard to the public water supply system exists:

1. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
2. Testing laboratories, film laboratories, film development facilities.
3. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
4. Food or beverage processing plants.
5. Chemical plants.
6. Metal degreasing, plating industries, machine tool plants, die and metal processing or productions.

7. Chemical and petroleum processing or storage plants.
8. Car washes, automobile servicing facilities.
9. Lawn irrigation systems and swimming pools.
10. Laundries and dry cleaners.
11. Packing houses.
12. Power plants.
13. Premises having radioactive materials such as laboratories, industries, hospitals.
14. Rendering plants.
15. Premises having a water recirculating system as used for boilers or cooling systems.
16. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
17. Beauty salons, barbershops, massage parlors, health clubs.
18. Fire suppression systems.
19. Multi-storied buildings greater than three stories in height.
20. Schools, universities, colleges.
21. Other commercial or industrial facilities which may constitute potential cross-connection sites.

SECTION 7-220: BACKFLOW PREVENTION; TYPE OF PROTECTION REQUIRED

A. The type of protection required under this article shall depend on the degree of hazard that exists, as follows:

1. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.

2. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

3. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.

4. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

B. An approved antisiphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used

for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at the least 6" above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

SECTION 7-221: BACKFLOW PREVENTION; BACKFLOW PREVENTION DEVICES

A. Any approved backflow prevention device required by this article shall be installed at a location and in a manner approved by the facilities and maintenance director. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device(s) within 90 days of notice and as directed by the director.

B. Existing backflow prevention devices approved by the director prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of this article, but only if the devices will satisfactorily protect the public water supply system. One-hundred-percent-closing shutoff ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the director. If he deems it necessary that an existing backflow prevention device be replaced, it shall be replaced with an approved backflow prevention device.

SECTION 7-222: BACKFLOW PREVENTION; APPROVAL STANDARDS

A. Any backflow prevention device required herein shall be an “approved backflow prevention device,” which shall mean a device that has been manufactured in full conformance with the most current edition of standards established by the American Water Works Association (AWWA) and by the American Society of Sanitary Engineers (ASSE), which are hereby incorporated by reference in addition to all amendments thereto. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory, certifying full compliance with said standards and specifications.

B. The facilities and maintenance director shall keep a current list of all local certified backflow operators and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this article.

C. The director shall require a strainer of approved type and size to be installed in conjunction with a required backflow prevention device. The installation of a strainer shall preclude the fouling of a backflow device due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs or breaks, fires, or periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow prevention devices.

SECTION 7-223: BACKFLOW PREVENTION; BOOSTER PUMPS

No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low pressure cut-off designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less. It shall be the duty of the customer to maintain the low pressure cut-off device in proper working order.

SECTION 7-224: BACKFLOW PREVENTION; YARD HYDRANTS, SPRINKLER SYSTEMS

A. The installation of yard hydrants where water is available or accessible for drinking or culinary purposes and which have drip openings below the ground surface is prohibited unless such hydrants are equipped with an approved device to prevent entrance of ground water into chambers connected with the water supply. Yard hydrants or hose bibs which would be used by the consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.

B. All underground lawn and garden sprinkler systems shall be equipped with an approved backflow prevention device.

SECTION 7-225: BACKFLOW PREVENTION; FIRE SUPPRESSION SYSTEMS

A. All proposed installations of fire suppression systems shall be reviewed by the facilities and maintenance director to determine the appropriate type of backflow prevention device(s) required.

B. All proposed fire suppression systems requiring an antifreeze solution shall use a pharmaceutical-grade antifreeze. The consumer shall provide to the director a certification identifying the type of pharmaceutical-grade antifreeze which will be used. A double check valve backflow prevention device shall be installed in an approved manner.

C. A double check valve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze, but this may be done only when there are no other cross-connections.

D. All existing fire suppression systems shall meet the requirements of subsections (B) and (C) above, whichever applies. An inspection by a certified fire suppression specialist shall be done at the expense of the consumer to determine whether pharmaceutical-grade antifreeze has been utilized. If it cannot be certified that only pharmaceutical-grade antifreeze has been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the director. This also shall be done at the expense of the consumer.

E. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

SECTION 7-226: BACKFLOW PREVENTION; VIOLATIONS

A. The facilities and maintenance director shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

1. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the facilities and maintenance director.
2. It is found that the backflow prevention device has been removed or bypassed.
3. An unprotected cross-connection exists on the premises.
4. A low pressure cut-off as required herein is not installed and maintained in working order.
5. The director is denied entry to determine compliance with these regulations.

B. The director shall immediately, without notice to the consumer thereof, deny or discontinue the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The director shall notify the consumer within 24 hours of said denial or discontinuation of service.

C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this article.

SECTION 7-227: BACKFLOW PREVENTION; LIABILITY CLAIMS

The City shall hold harmless the facilities and maintenance director, when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this code or by reason of any act or omission of the director in the discharge of his/her duties hereunder. Any suit brought for carrying out the provisions of the code shall be defended by the City or the City's insurance carrier, if any, through final determination of such proceeding.

SECTION 7-228: WELLS AND OTHER UNDERGROUND FACILITIES; DISTANCE FROM CITY WATER SOURCES; PERMIT

A. It shall be unlawful to cause pollution to or be in a position to cause pollution to the public water supply by willfully or carelessly allowing the following facilities, acts, or events within the specified footage of any city public water supply well. The following

facilities, acts, or events shall be defined as nuisances for purposes of this section:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

(Nebraska DHHS 4/4/10) (CHART AMENDED)

B. It shall be unlawful for any person, corporation, or other legal entity to drill and/or operate any of the above-named facilities within the corporate limits of the City or its extraterritorial jurisdiction without first having obtained the proper permit from the City Council. In order to obtain a permit to drill and/or operate any of the said facilities, the owner of property on which the proposed facility is to be located must make application on the proper form provided by the City. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the facilities described above, then the council must approve or deny said permit.

C. In the event any facility as described herein is installed or operated (1) without first having obtained a permit from the City and/or (2) within the designated number of feet from the city water supply, then such facility shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Chapter 3, Article 5 of this code.

SECTION 7-229: DROUGHT EMERGENCY CONTINGENCY PLAN

The City shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals and actions. Each stage is more stringent in regard to water use than the previous stage, since there will be greater deterioration in water supply conditions. The mayor is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The mayor is given discretion to declare any stage as deemed appropriate by him/her by reviewing the severity of the trigger conditions and

other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

STAGE ONE: WATER WATCH

A. Triggers:

1. Ground water levels have fallen five feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Demand for one day is in excess of 500,000 gallons per day.

B. *Goals*: The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

C. *Management Actions*: (1) Leaks will be repaired within 48 hours of detection; (2) The Village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

D. *Regulation Actions*: The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for leaks and dripping faucets, to prevent unnecessary use of water.

STAGE TWO: WATER WARNING

A. Triggers:

1. Ground water levels have fallen ten feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Plant operations are at 80% capacity for more than three consecutive days.
4. Demand for one day is in excess of 500,000 gallons per day.

B. *Goals*: The goals of this stage are to reduce peak demands by 20% and to reduce over all weekly consumption by 10%.

C. *Management Actions*:

1. Water supply will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Pumping at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. The City will curtail its water usage, including watering of city grounds and washing vehicles.

D. *Regulation Actions*: In addition to the regulation actions of Stage One, the following regulatory authority may be exercised by the mayor.

1. An odd/even lawn watering system will be imposed on city residents. Those with odd-numbered houses will water on odd days and those with even-numbered houses will water on even days.
2. Outdoor water use, including watering lawns and washing cars will be restricted to before 10:00 a.m. and after 9:00 p.m.
3. Refilling of swimming pools or hot tubs will be limited to one day a week after sunset.
4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.
5. Waste of water will be prohibited (i.e. water running down the street).

STAGE THREE: WATER EMERGENCY

A. *Triggers*:

1. Ground water levels have fallen 15 feet below normal seasonal levels.
2. System pressure falls below 35 pounds per square inch.
3. Any pumping lowers water levels to within five feet of the top of the well screens.
4. Plant operations are at 90% capacity for more than three consecutive days.
5. Demand for one day is in excess of 500,000 gallons per day.

B. *Goals*: The goals of this stage are to reduce peak demands by 50% and to reduce overall consumption by 25%.

C. *Education Actions*:

1. The City will make news releases to local media describing current conditions and indicate the water supply outlook for the City.
2. The City will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions to be taken.

D. *Management Actions*:

1. The city water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumping at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
5. The City will seek additional emergency supplies from other users, the state or federal government.

E. *Regulation Actions*: In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the mayor:

1. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
2. Waste of water will be prohibited.

F. *Enforcement*: In the event that any water consumer fails to comply with regulatory action taken by the City, then the mayor may direct immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed by the mayor after being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed.

Removed

7-202 DEFINITIONS

7-216 SINGLE PREMISES; PROHIBITED ACTS (same as diversion of services in Article 1)

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING; AUTHORITY

A. The City owns and operates the city sewer system through the public works director. The City Council, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the city sewer system may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) cost among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

B. The revenue from the said user charge system based on actual use shall be known as the sewer maintenance fund. The public works director shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the department subject to the supervision and review of the City Council.

C. The City has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system, whether located inside or outside the city limits.
(Neb. Rev. Stat. §§17-574, 17-925.01)

SECTION 7-302: UNLAWFUL DEPOSITS AND DISCHARGES; PROHIBITED FACILITIES

A. It shall be unlawful for any person to place, deposit, or permit to be deposited any human or animal excrement, garbage, or other objectionable waste in any unsanitary manner on public or private property within the City, within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city.

B. It shall be unlawful to discharge to any natural outlet within the City, within one mile of the corporate limits thereof or in any area under its jurisdiction, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsection (E) below.

C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, cesspool, or other similar facility intended or used for the disposal of sewage. ***(Septic tanks are currently allowed by Sections 7-328 through 7-332. Keep?)***

D. Storm water and all other unpolluted drainage including surface water, subsurface drainage, ground water, and roof runoff shall be discharged to specifically designated combined sewers or storm sewers or to a natural outlet approved by the public works director. Industrial cooling water or unpolluted process water may be discharged, on approval of the director, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the City for such costs, which shall be as determined by the public works director. It shall further be unlawful to connect or maintain connected to the sanitary sewer system any pump which pumps any of the above-identified kinds of water for any purpose whatsoever.

E. No person shall discharge or cause to be discharged any hazardous waters or wastes into the city sewer system ***(covered in current Sections 7-333 through 7-346, which have been omitted. Regulations for hazardous waters & wastes can be found in the Code of Federal Regulations as cited below)***. Specific prohibitions in reference to hazardous discharges, options for handling the same, compliance procedures, and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

F. In addition to the other remedies that are provided by this chapter for violations of this code, the City shall have the right to secure the abatement of any connection or discharging violation of this section.
(Am. by Ord. No. 89-10, 10/12/89)

SECTION 7-303: CONNECTION TO SEWER SYSTEM (MANDATORY HOOKUP) (AMENDED)

A. The owner of any house, building, or property used for human employment, recreation, or other purposes situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer line of the City is hereby required at the owner's expense to install suitable toilet facilities therein and to connect such facilities directly with the said public sewer in accordance with the provisions of this article within ten days after date of official notice to do so, provided that said public sewer is within 300 feet of the property line.

B. The City may furnish sewer service to persons within its corporate limits whose property line is not within 300 feet of the said public sewer with permission from the mayor and City Council, provided that the entire cost of pipe and other installation charges shall be paid by such consumer. Nothing herein shall be construed to obligate the City to provide sewer service to persons whose property line is not within 300 feet of the said public sewer.

C. Each building hereafter erected shall be connected with the sewer system at the time of its erection. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such a connection with the public sewer within a period of ten days after notice has been given to him or her to do so by registered mail or by

publication in a newspaper in or of general circulation in the City, the mayor and City Council shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments or to collect in the manner provided for the collection of sewer bills as provided herein.
(Neb. Rev. Stat. §§17-575, 18-503)

SECTION 7-304: INSTALLATION EXPENSE

The customer, upon approval of his application for sewer service, shall pay a tap fee which compensates the City for the expense of processing his application and tapping the sewer main. Such tap fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. The facilities and maintenance director, in his discretion, may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of the licensed plumber and shall pay all other costs of installation. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Neb. Rev. Stat. §18-503)

SECTION 7-305: REPAIRS AND MAINTENANCE

A. The Sewer Department may require the owner of any property which is connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged, or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the public works director, provided the same have been previously approved by the City Council.

B. The city clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the public works director shall complete the work and charge the cost of such repairs or replacement to the customer.
(Neb. Rev. Stat. §18-1748)

SECTION 7-306: INSTALLATION OR REPAIR; PROCEDURE

A. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage.

B. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights.

C. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of 24 hours or more, the facilities and maintenance director shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property.

D. All installations or repairs of pipes require two inspections by the director. The first inspection shall be made when connections or repairs are complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the director at the time the work is ready for each inspection.

E. All installation or repair of any part of the sewerage system shall be done under the supervision of the public works director and strictly in accordance with the rules, regulations, and specifications on file with the city clerk and prescribed for such installation by the city engineer, provided that the said rules, regulations, and specifications have been reviewed and approved by the mayor and City Council. Where the material proposed to be used for sewerage system installation or repairs is not among those on file in the clerk's office, a determination shall be made and expense paid using the same procedures as prescribed for determinations of materials for water mains, supply lines, and service lines.
(Neb. Rev. Stat. §18-503)

SECTION 7-307: INSTALLATION; USE OF EXISTING SEWERS

Old building sewers and drains may be used in connection with new buildings or new plumbing only when they are found, on examination by the public works director, to conform in all respects to the requirements governing new sewers and drains. If the old work is found defective or otherwise unsatisfactory, the superintendent shall notify the owner to make the necessary changes to conform to the provisions of the municipal code.

SECTION 7-308: INSTALLATION; INDEPENDENT CONNECTION; EXCEPTION

A separate and independent building sewer shall be provided for every building. Where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer; but the City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned. (Neb. Rev. Stat. §18-503)

SECTION 7-309: INSTALLATION; UNLAWFUL CONNECTION; POLLUTED DRAINAGE

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the public works director for purposes of disposal of polluted surface drainage. If responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

SECTION 7-310: SEWER RATES

All sewer consumers shall be liable for the minimum rate provided by ordinance unless and until a consumer shall direct the public works director to shut off the water at the stop box, in which case he or she shall not be liable thereafter for sewer usage until the water is turned on again. (Neb. Rev. Stat. §18-509)

SECTION 7-311: BILLING AND COLLECTIONS

Billing, collection and termination procedures are set forth in Sections 7-106 and 7-107. (Neb. Rev. Stat. §17-540)

SECTION 7-312: MANHOLES

Entrance into a manhole or opening for any purpose except by authorized persons is prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the sewer system any substance which is not the usual and natural waste carried by the sewer system.

SECTION 7-313: USER CHARGE REVIEW; NOTIFICATION

A. The City Council shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

2. Generate adequate revenues to pay the costs of OM&R;

3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

B. Each user will be notified with a regular bill, at least annually, of the rate and that portion of the user charges *ad valorem* taxes which are attributable to wastewater

treatment.

Do you prohibit septic tanks?

SECTION 7-314: PRIVATE SEWAGE DISPOSAL; PERMIT

A. Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

B. Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the public works director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as deemed necessary by the superintendent. A permit and inspection fee, as set by resolution of the City Council and kept on file, shall be paid to the city clerk at the time the application is filed.

C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works director. He shall be allowed to inspect the work at any stage of construction and in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

D. The type, capacity, location, and layout of a private sewage disposal system shall comply with the rules and regulations of the state Department of Health as well as the Department of Environment and Energy's Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Onsite Wastewater Treatment Systems*. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

E. At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this chapter within 60 days and the private sewage system shall be abandoned in accordance with Title 124, Chapter 7.

F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.

G. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer or by state or federal law.

Removed

7-302 DEFINITIONS
7-310 INSTALLATION; CONSTRUCTION CODES (not relevant to citizens**)**
7-316 SEWER MAINTENANCE FUND (not relevant to citizens**)**

Article 4 – Solid Waste

Are there any provisions regarding the collection of garbage that you would like to include? Does the City regulate in any way?

Removed

ARTICLE 4 ELECTRIC DEPARTMENT

Article 5 – Penal Provision

SECTION 7-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 8 – FIRE REGULATIONS

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SECTION 8-502: PERMISSIBLE FIREWORKS; RETAIL SALE; LICENSE; FEE
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SECTION 8-504: SALE AND USE DATES; HOURS OF USE RESTRICTED
SECTION 8-505: THROWING FIREWORKS; WHERE UNLAWFUL
SECTION 8-506: PROHIBITION; WHEN APPLICABLE

SECTION 8-507: SALE PROHIBITED; EMERGENCY
SECTION 8-508: VIOLATIONS; PENALTIES

ARTICLE 6 – PENAL PROVISION

SECTION 8-601: VIOLATION; PENALTY

CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: AGREEMENT WITH RURAL FIRE DISTRICT

A. The City of Hickman has entered into an agreement with the Hickman Rural Fire Protection District for fire protection within the City. The rules and regulations of the district shall be incorporated by reference as the rules and regulations of the City for the purposes of fire protection. The district also operates a Rescue Squad.

B. All references to “Fire Department” or “fire chief” in this chapter shall mean the Rural Fire Protection District and its fire chief.
(Neb. Rev. Stat. §35-501)

Article 2 – Fires

SECTION 8-201: PRESERVATION OF PROPERTY

Any official of the Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire.

SECTION 8-202: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus have stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-203: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm has sounded until the fire trucks have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-204: FIRES; OBSTRUCTION OF HYDRANT

It shall be unlawful for any person to obstruct the use of a fire hydrant or to have or place any material within 15 feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §39-672)

SECTION 8-205: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the fire chief or assistant fire chief, to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §60-6,184)

SECTION 8-206: FALSE ALARM

It shall be unlawful for any person to raise any false alarm of fire intentionally and without good and reasonable cause. (Neb. Rev. Stat. §§28-907, 35-520)

SECTION 8-207: INTERFERENCE (DISORDERLY SPECTATOR) (AMENDED)

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duties. A person commits the offense of interfering with a fireman if at any time and place where any fireman is

discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.
(Neb. Rev. Stat. §28-908)

SECTION 8-208: FIRE INVESTIGATION

The fire chief shall investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the City by which property has been destroyed or damaged. All fires of unknown origin shall be reported, and the chief shall especially make investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall begin immediately after the occurrence of such fire and the state fire marshal shall have the right to supervise and direct such investigation whenever he or she deems it expedient or necessary. The chief shall forthwith notify the fire marshal and shall, within one week of the occurrence of the fire, furnish him or her written statement of all the facts relating to the cause and origin of the fire and such further information as he or she may call for. (Neb. Rev. Stat. §81-506)

Article 3 – Fire Prevention

If 8-301 and 8-302 are adopted, they are available in digital form online, which are cheaper than printed copies.

SECTION 8-301: FIRE CODE; ADOPTED BY REFERENCE

All of the provisions of the most recent edition of the Fire Code, as published by the National Fire Protection Association and recommended by the American Insurance Association, are hereby adopted by reference as part of this chapter. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §§18-132, 19-922, 81-502)

SECTION 8-302: LIFE SAFETY CODE; ADOPTED BY REFERENCE

Incorporated by reference into this municipal code are the standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition and all subsequent amendments. This code shall have the same force and effect as if set out verbatim herein. (Neb. Rev. Stat. §§18-132, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provisions as provided in Sections 8-301 and 8-302, and all infractions shall be immediately brought to the attention of the fire chief.

SECTION 8-304: FIRES REGULATED

A. Any person desiring to burn any substance, except as described in subsection (B) herein, shall contain it in a fireproof trash burner or incinerator with a metal fireproof screen of not more than 1 inch mesh, located at least 15 feet from any building. The incinerator shall be built in such a way that it does not permit the escape of burning paper or other substance. The fire chief shall approve any such burner or incinerator before use. If any person shall require a fire in the course of his or her trade as a blacksmith or mechanic, such fire shall be built and maintained in the manner prescribed by the fire chief. All fires shall be built after sunrise and completely extinguished by sunset, except the aforesaid fires used in the course of a trade, which shall be allowed during such hours as the fire chief shall prescribe.

B. It shall be unlawful for any person to set fire to, burn, or cause to be burned any garbage, animal matter, and vegetable matter including straw, hay, leaves and brush.
(Neb. Rev. Stat. §§17-549, 17-556)

SECTION 8-305: STOVES, FURNACES AND CHIMNEYS

All furnaces, stoves and other heating devices shall be installed at a proper distance

from combustible materials and portions of the building in which they are located. Any combustible materials or portions of the building that are dangerously close to such heating devices shall be protected by non-combustible material. This section shall apply both to existing structures and those which may hereafter be erected.

SECTION 8-306: OPEN BURNING BAN; WAIVER; PERMIT

A. Except as otherwise provided herein, there shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The Hickman Rural Fire Protection District fire chief may waive an open burning ban under subsection (A) of this section for an area under the Hickman Rural Fire Protection District's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Hickman Rural Fire Protection District fire chief to a person desiring to conduct open burning shall be in writing, signed by the fire chief, and on a form prescribed by the state fire marshal.

C. The Hickman Rural Fire Protection District fire chief may waive the open burning ban in the Hickman Rural Fire Protection District's jurisdiction when conditions are acceptable to the fire chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire chief of his or her intention to burn prior to starting the burn.

D. The Hickman Rural Fire Protection District fire chief may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (B) of this section.
(Neb. Rev. Stat. §81-520.01) (Am. by Ord. No. 2012-10, 5/22/12)

SECTION 8-307: OUTDOOR FIREPLACES FIRE PITS AND

"Outdoor fireplaces" shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.

"Portable fire pits" are defined as being commercially designed and intended to confine and control outdoor wood fires.

"Chimineas" are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.

"Fire pits" are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover.

All outdoor fireplaces shall meet the following requirements:

A. *Clearances*. A minimum 10-foot clearance shall be maintained between the outdoor fireplace and property lines, combustible structures or materials such as, walls, roofs, fences, decks, wood piles and other combustible material.

B. *Construction*. Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by a steel screening (spark guard) or an approved non-combustible screening material with openings no greater than one-half inch square. Vent stacks, chimneys, and chimineas shall have a steel screen cover made of heavy wire mesh or other noncombustible material with openings no greater larger than one-half inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.

C. *Size*. The fuel area for a fire pit shall not be larger than 3 feet in diameter and two feet in height.

D. *Location*. Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad and only at grade level. Outdoor fireplaces shall not be located on combustible balconies or decks and shall not be located under any combustible balcony or any overhanging portion of a structure.

E. *Type of Materials Being Burnt*. Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

F. *Amount of Materials Being Burnt*. Users must (1) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend above the pit or into the chimney, and (2) follow the manufacturer's recommendation on the maximum amount of fuel to be used at one time with spark guard in place.

G. *Supervision*. Outdoor fireplaces shall be under constant supervision by at least one responsible person of age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.

H. *Provisions for Protection*. A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

I. *Wind and Weather Conditions*. Outdoor fireplaces shall be completely extinguished and/or not be operated when winds are blowing over 10 mph and wind direction will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

J. *Maintenance*. The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At the minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

K. *Discontinuance*. Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance. The fire chief or an authorized representative has the authority to require outdoor fireplace use to be immediately discontinued if such use is determined to constitute a hazardous condition to occupants of surrounding property.

L. *Hours of Operation*. An outdoor fireplace shall be completely extinguished and embers cooled prior to 11:59 p.m. so as to prohibit the fire from rekindling.
(Neb. Rev. Stat. §§17-549, 17-556, 81-520.01) (Ord. No. 2012-10, 5/22/12)

SECTION 8-308: INSPECTIONS; VIOLATION NOTICE (AMENDED)

A. The fire chief, the mayor or their agent may, at any reasonable hour, enter into all buildings and upon all premises within his or her jurisdiction for the purposes of examination to ascertain whether any conditions are likely to create a fire hazard. The inspection shall be of the storage, sale, and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose, whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

B. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed and who receives written or verbal notice of a violation of any of the provisions of the city ordinances to correct such condition within five days ***(or choose other deadline)*** from the receipt of such notice.
(Neb. Rev. Stat. §§81-503.01, 81-512)

Article 4 – Hazardous Materials

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the City for any period of time shall register such information with the city clerk 24 hours prior to being brought into the City. The clerk shall forward such information to the fire chief and to the City Council. Transfer of explosives to another individual within the City shall require the recipient to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. Any high explosives including dynamite, gunpowder, and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facility shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.
(Neb. Rev. Stat. §§17-549, 17-556, 28-1213, 28-1229, 28-1233)

SECTION 8-402: TRANSPORTATION; PERMIT REQUIRED

Any person wishing to transport high explosives in the City shall first acquire a permit from the City Council and shall take such precautions and use such route as may be prescribed. Nothing herein shall be construed to apply to city law enforcement officers or any of the armed services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five minutes within the City, and in the event of mechanical failure, immediate notice of such breakdown shall be given the county sheriff, who shall then prescribe such precautions as may be necessary to protect the residents of the City and a reasonable time for removal of the vehicle from the City. (Neb. Rev. Stat. §17-549, 28-1235)

SECTION 8-403: EXPLOSIVES; BULLETS

Cartridges, shells, and percussion caps shall be kept in their original containers away from flame, flammable materials, and high explosives.

SECTION 8-404: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the City must secure a permit from the City Council and shall discharge such explosives in conformance with its direction and under its supervision. In no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol. (Neb. Rev. Stat. §§17-556, 28-1229) (Am. by Ord. No. 90-1, 1/11/90)

SECTION 8-405: POISONOUS OR FLAMMABLE GASES

Any person, firm, or corporation desiring to store or keep in the City any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge, or replace any facility used for the storage of such gases must first get a permit from the City Council, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the council shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. (Neb. Rev. Stat. §17-549)

Article 5 – Fireworks Regulations

(Adopted by Ord. No. 88-4, 11/10/88)

SECTION 8-501: DEFINITIONS

For the purpose of this chapter, certain words, phrases, and terms shall be construed as specified below unless the contest otherwise requires:

“Fireworks” shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation.

“Permissible fireworks” shall mean only those allowed by Neb. Rev. Stat. §28-1247 or successive statutes.

“Retailer” shall mean any person engaged in the business of making sales of fireworks at retail.

“Sale” shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

SECTION 8-502: PERMISSIBLE FIREWORKS; RETAIL SALE; LICENSE; FEE

A. It shall be unlawful for any person to sell, hold for sale, or offer for sale at retail any permissible fireworks in the City unless such person has first obtained a license from the City as a retailer.

B. Any person desiring to sell, or offer for sale any permissible fireworks as a retailer shall make application to the city clerk for a license authorizing the same. Such application shall include the following information and such additional information as the City shall deem necessary.

1. The name and residence address of the applicant;

2. The location of the premises for which the license is sought;

3. When the license is sought for a permanent building, the application shall provide an accurate drawing or plat showing the location of the sales display within the building, together with aisles, exits, etc.

4. When the license is sought in a temporary structure or facility, the applicant shall provide a legal description of the premises, a description of the structure or facility to be used, and a drawing showing the location of such temporary structure or facility upon the premises, including the dimensions of the temporary structure or facility, the distance of the temporary

structure or facility from the property lines, and the location of each parking space necessary for the size of the temporary structure or facility.

a. The temporary structure or facility must be located a minimum of ten feet from side and back property lines and a minimum of 30 feet from the front property line.

b. The applicant shall provide one off-street parking space for each 200 square feet of the temporary structure or facility.

c. The term "temporary structure or facility" shall include tents.

Omit dollar amounts as in rest of code?

C. After consideration of the information contained in the application for a license, the clerk may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the license and upon payment by the applicant of a fee set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. Out of such fee, portions will be used to sponsor and promote the community fireworks show in the amount of $400.00 and pay the Hickman building inspector $150.00 for winter inspection costs and $150.00 for summer inspection costs. Applicants must also pay a deposit to ensure that the sales area is kept in an orderly manner and cleaned up after the sales are complete, and to prevent any damage to public property. The amount of such deposit shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. Any license issued under the provisions of this section shall be valid only for the period of June 25 through and including July 4 and for the period of December 29 through and including December 31 of the year in which issued.

D. The premises shall be subject to inspection at any time during the period for which the permit is issued. If the premises are not in conformity with the permit as issued, including the drawing submitted with the application, the permit may be suspended until the premises are brought into compliance.
(Am. by Ord. Nos. 99-2, 2/25/99; 2007-19, 10/23/07; 2009-13, 8/11/09; 2010-16, 11/23/10)

SECTION 8-503: FEES RECEIVED; DEPOSIT IN GENERAL FUND

The funds received under the provisions hereof shall be deposited in the General Fund of the City.

SECTION 8-504: SALE AND USE DATES; HOURS OF USE RESTRICTED

A. Permissible fireworks may be sold at retail, offered for sale at retail from:

1. June 25 through June 30 from 9:00 a.m. to 11:00 p.m.
2. July 1 through July 3 from 9:00 a.m. to 11:59 p.m.
3. July 4 from 9:00 a.m. to 11:59 p.m.
4. December 29 through December 31 from 9:00 a.m. to 11:59 p.m.

B. Permissible fireworks may be discharged, exploded or used within the City only from:

1. June 25 through June 30 from 10:00 a.m. to 10:00 p.m.
2. July 1 through July 3 from 10:00 a.m. to 11:00 p.m.
3. July 4 from 10:00 a.m. to 11:59 p.m.
4. December 29 through December 30 from 10:00 a.m. to 11:00 p.m.
5. December 31 from 10:00 a.m. to January 1 at 1:00 a.m.

(Am. by Ord. Nos. 91-5, 11/14/91; 99-1, 2/25/99; 2009-13, 8/11/09; 2010-16, 11/23/10; 2014-06, 4/22/14)

SECTION 8-505: THROWING FIREWORKS; WHERE UNLAWFUL

It shall be unlawful for any person to throw any firecracker, fireworks or pyrotechnic device, or any device which explodes upon contact with another object: (A) from or into a motor vehicle, (B) onto any street, highway or sidewalk, (C) at or near any person, (D) at or near any group of persons or (E) into any building or structure.

SECTION 8-506: PROHIBITION; WHEN APPLICABLE

The provisions herein shall not apply to:

A. Any fireworks for purposes of public exhibition or displays purchased from a distributor licensed under state law or the holder of a display license issued by the state fire marshal as provided by state law;

B. Any public exhibition or display under the auspices of any governmental sub-division of this state; and

C. Toy cap pistols or toy caps, each of which does not contain more than twenty-five hundredths of a gram of explosive material.

SECTION 8-507: SALE PROHIBITED; EMERGENCY

The City Council may prohibit the sale of all fireworks at any time during which the state fire marshal has declared a fire emergency by virtue of drought conditions or at any time during which the Lancaster County sheriff's office deems such banning to be necessary to preserve the life, safety, and welfare of the population.

SECTION 8-508: VIOLATIONS; PENALTIES

A conviction for violation of any provisions of this article shall constitute grounds for denial of a license under Section 8-502 hereof.

Article 6 – Penal Provision

SECTION 8-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 9 – BUILDING REGULATIONS

ARTICLE 1 – BUILDING INSPECTOR

SECTION 9-101: POWERS AND AUTHORITY
SECTION 9-102: RIGHT OF ENTRY
SECTION 9-103: TIME OF INSPECTION
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SECTION 9-202: BUILDING PERMIT FEE; INSPECTION FEES
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SECTION 9-204: DUPLICATE TO COUNTY ASSESSOR
SECTION 9-205: VARIANCE NOT PERMITTED
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ARTICLE 3 – BUILDING MOVING

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ARTICLE 4 – CODES ADOPTED

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SECTION 9-402: BUILDING CODE; ADOPTED BY REFERENCE
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SECTION 9-407: PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE

ARTICLE 6 – PENAL PROVISION

SECTION 9-601: VIOLATION: PENALTY

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Building Inspector

SECTION 9-101: POWERS AND AUTHORITY

The City Council's appointed building inspector shall be the city official having the duty of enforcing all building and housing regulations as herein prescribed. The duties of the building inspector shall be as follows:

A. He or she shall have the authority to carry out the duties as stated in the Dangerous Buildings Regulations in Chapter 3, Article 6 of this code, especially Section 3-602.

B. He or she shall inspect all buildings repaired, altered, built, or moved in the City as often as necessary to ensure compliance with all city ordinances and is authorized, upon properly identifying himself, to enter, inspect, survey, and investigate between the hours of 8:00 a.m. and 5:00 p.m. or at any time if an emergency exists or if requested by the owner or occupant thereof. He or she shall also investigate all complaints, whether verbal, written, or in the form of a petition, alleging and charging that a violation of the municipal ordinances exists and that a building or structure is unfit or unsafe for human habitation.

C. He or she shall have the power and authority to order all work stopped on any construction, alteration, or relocation which violates any provisions prescribed herein. He or she shall, at the direction of the City Council, issue permission to continue any construction, alteration, or relocation when the council is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one hour. The building inspector or his or her agent shall serve such written order.

D. He or she shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he or she is the owner; and he or she shall not act as an agent for any said dealer or as an agent for the sale, lease, or rental of any real estate.

E. He or she shall keep records of all complaints received, inspection reports, orders, and complaints issued, which shall be available for public inspection.

F. He or she shall report to the City Council as often as may be deemed necessary and shall have such other duties and issue such permits as the council may direct.

SECTION 9-102: RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow the building inspector entry into any building or structure where the work of construction, alteration, repair, or relocation

is taking place, for the purpose of making official inspections, at any reasonable time.

SECTION 9-103: TIME OF INSPECTION

A. The building inspector, upon notification from the permit holder or his or her agent, shall make the following inspections of the building or structure and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent that the work fails to comply with the requirements of the municipal code:

1. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;

2. Frame inspection shall be made after the roof, framing, fire-blocking, and backing are in place and all pipes, chimneys, and vents are complete;

3. Rough-in utilities shall be made after (need description);

4. Finished utilities shall be made after (need description);

5. Final inspection shall be made after the building is completed and ready for occupancy.

B. It shall be unlawful for any person to do work or cause work to be done beyond the point indicated in each successive inspection without the written approval of the building inspector.

SECTION 9-104: APPEAL FROM DECISION

In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the building inspector, that the time allowed for compliance with any order of the building inspector is too short, or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and by the building inspector, the owner, his or her agent, or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation are assured and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted shall be sent to both the building inspector and the applicant.

SECTION 9-105: BARRICADES AND LIGHTS

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the City to have all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day and by warning lights at night during the time that such work is in progress. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this section and the building inspector shall stop all work until guards are erected and maintained as required.

Article 2 – Building Permits

SECTION 9-201: PERMIT; APPLICATION

A. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure, swimming pool, or parking lot in the City or within one mile of the corporate limits of the City or cause the same to be done without first obtaining a building permit from the city clerk. A separate building permit is required for each building or structure. A building permit for a building or structure may also permit work on a swimming pool, fence, and parking lot if the plans for the swimming pool, fence, or parking lot are approved by the City in conjunction with issuance of the building permit.

B. The application for such building permit shall be in writing on a form furnished by the city clerk and shall set forth: the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be required thereon. The application, plans, and specifications so filed with the city clerk shall be checked and examined by a designee of the City Council, and if they are found to be in conformity with the requirements of this chapter and all other ordinances applicable thereto, said designee shall authorize the city clerk to issue the said applicant a permit upon the payment of the permit fee and inspection fees as provided in Section 9-202.

C. Building permits will not be required for the following: (1) cases, counters, or partitions not over 5 feet 9 inches high; (2) retaining walls which are not over 4 feet in height, unless supporting a surcharge or impounding flammable liquids; (3) painting, papering, and similar finish work; (4) window awnings supported by an exterior wall; (5) shingling and residing.

D. Unless otherwise exempted by this code, separate plumbing, electrical, and mechanical permits will be required for the above exempted items. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

E. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any building code adopted by reference, the provisions contained herein shall govern.

SECTION 9-202: BUILDING PERMIT FEE; INSPECTION FEES

For purposes of determining the building permit fee, new building valuation will be based on valuation per square foot or total valuation. For existing structures, the fee will be based on costs of remodeling or renovation. In addition to such permit fees, fees will also be charged for each inspection. All such fees shall be set by ordinance

of the City Council, on file at the office of the city clerk and available for public inspection during office hours.

SECTION 9-203: INFRASTRUCTURE FEES

In addition to the building permit fee set forth herein, there shall be an infrastructure development fee imposed on each lot on which a building permit for a structure utilizing sewer or water is being obtained for the first time. Such fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours. (Ord. No. 04-6, 7/27/04)

SECTION 9-204: DUPLICATE TO COUNTY ASSESSOR

Whenever a building permit is issued for the erection, alteration or repair of any building within the City's jurisdiction and the improvement is $2,500.00 or more, a duplicate of such permit shall be issued to the county assessor. (Neb. Rev. Stat. §18-1743) (Am. by Ord. No. 04-15, 11/9/04)

SECTION 9-205: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit has been issued to construct or repair a building within the corporate limits of the City, to vary in any manner from the plans and specifications submitted to the City in the construction or repair authorized so that such construction or repair does not conform to the ordinances of the City.

SECTION 9-206: LIMITATION

If the work for which a permit has been issued shall not have begun within six months of the date thereof, or if the construction shall be discontinued for a period of six months, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 9-207: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit therefor, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the City at the expense of the owner.

SECTION 9-208: BUILDING DESTRUCTION; NUISANCE; DEPOSIT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building within the City to post a deposit with the city clerk prior to such destruction. Such deposit will be refunded upon payment of all damages to city property occasioned by such destruction and any cleanup work resulting from such destruction. In the event that debris remains on the building permit site for more than six months after the

issuance of the permit, which shall constitute a nuisance as determined by the building inspector, then the deposit shall be forfeited and shall be applied to offset the cleanup by the City. Such deposit shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours.

Article 3 – Building Moving

SECTION 9-301: REGULATIONS

A. It shall be unlawful for any person, firm, or corporation to move any building or structure within the City without a written permit to do so. Application may be made to the city clerk and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the City Council may require. The application shall be accompanied by a certificate to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The city clerk shall refer the said application to the person designated by the City Council for approval of the proposed route over which the said building is to be moved. Upon approval of the designee of the City Council, the city clerk shall then issue the said permit; provided that:

1. The permit is issued to a registered building mover as provided in Section 9-303 below; or

2. Prior to the granting of any permit, a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the City Council and conditioned upon moving said building without doing damage to any private or city property is filed with the city clerk.

B. No moving permit shall be required to move a building that is ten feet wide or less, and 20 feet long or less, and when in a position to move, 15 feet high or less.

C. In the event it will be necessary for any licensed building mover to interfere with the telephone or electric system poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least 24 hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the City, notice in writing of the time and route of the said building moving operation shall be given to the various city officials in charge of the city utility departments who shall proceed on behalf of the City and at the expense of the mover to make such disconnections and do such work as is necessary. Unless a new building is to be moved onto or constructed upon the old foundation, all foundations of buildings moved from real estate shall be removed and the ground filled in level with the surrounding ground.

(Neb. Rev. Stat. §19-1404, 39-6,177 to 39-6,180, 39-6,184, 77-1725) (Am. by Ord. No. 01-01, 3/27/01)

SECTION 9-302: COMPLETION OF MOVE

Unless a new building is to be moved onto or constructed upon the old foundation, all foundations of buildings moved from real estate shall be removed and the ground filled in level with the surrounding ground. At such time as the building moving has been completed, the person designated by the City Council shall inspect the premises and report to the city clerk as to the extent of damages, if any, resulting from the said relocation and whether any city laws have been violated during the said operation. Upon a satisfactory report from the person designated by the Council, the city clerk shall return the corporate surety bond, cash, or check deposited by the applicant who is not a registered building mover. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Council may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the City Council, or additional expense was incurred in removing and replacing any wires or apparatus of the electrical system, the Council may recover such excess expense by civil suit or otherwise as prescribed by law. (Am. by Ord. No. 01-01, 3/27/01)

SECTION 9-303: BUILDING MOVING DEFINED; REGISTRATION AND BOND

A. The business of building moving as used in this article is hereby defined to mean and include the moving of any house, building or structure. It shall be unlawful for any person to carry on or engage in the occupation of house moving in the City without first being registered therefor, having complied with all the provisions of this article, or meeting the cash or bond requirements set forth in this article.

B. Any person desiring to engage in the business of building moving in the City, or within one mile thereof, shall file with the City an application for a registration in writing on a form furnished for that purpose. Said application shall be accompanied by a bond duly executed by both said applicant and a corporate surety company authorized by the state to do business in Nebraska, which bond shall be subject to the approval of the city clerk. Such bond amount shall be set by resolution of the City Council, on file at the office of the city clerk and available for public inspection during office hours.

C. The bond will be conditioned, among other things, that the applicant:

1. Will in all things strictly comply with all the provisions of the ordinances of the City relating to building moving and any and all conditions of the permit;

2. Will save, indemnify, and keep harmless the City from all liabilities, judgments, costs and expenses which may in anywise accrue against the City in consequence of the granting of such registration, or in consequence of any injury to persons or property resulting directly or indirectly from the

exercise of the privileges in such registration granted;

3. Will pay to the City any and all damages which may be sustained to any pavement, road surface, curb, gutter, sidewalk, street crosswalk, traffic signal installation, traffic signals, power poles, power or utility lines, bridges, culverts, sewers, or other city property through the conduct of said applicant's house moving activities; and

4. Will also pay to the owner any and all damages caused in a like manner to any private property.

5. Will pay a fee to the building official for registration; such fee shall be set by ordinance of the City Council, on file at the office of the city clerk and available for public inspection during office hours.

D. In addition to the bond, the applicant for registration shall also be required:

1. At all times to maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form, as permitted by the city attorney, with a minimum combined single limit of $500,000.00 aggregate for any one occurrence. The coverages required herein shall be subject to review and approval by the city attorney for conformance with the provisions of this section.

2. At all times to keep on file with the building official a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State and approved by the city attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the City as an additional insured for the coverage required in subsection (D) (1) above, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring 30 days' notice by mail to the building official before the insurer may cancel the policy for any reason, and upon request of the building official or the city clerk, a copy of any endorsements placed on such policies. Any termination or lapse of such insurance shall automatically revoke any permit issued pursuant to this chapter.

(Ord. No. 01-01, 3/27/01)

Article 4 – Codes Adopted

State law says that at least one copy shall be kept in the office of the clerk for use and examination by the public. We can't imagine that the average citizen would want to see any of these but if you want to comply, the codes are available in digital form, which are cheaper than print. Search online for latest edition. The best source is International Code Council.

SECTION 9-401: CODES; PURPOSE

The purpose of these codes is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all buildings and structures within the City and within one mile of the corporate limits of the City and outside of any other organized city or village, and regulating certain equipment specified herein. The purpose of these codes is not to create or otherwise establish or designate any particular case or group of persons who will or should be especially protected or benefited by its terms.

SECTION 9-402: BUILDING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2012 International Building Code, tenth printing, including Appendix "C," as published by the International Code Council, Inc., hereinafter referred to as the International Building Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Building Code and all amendments thereto shall be kept on file at the office of the city clerk and available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. Nos. 03-03, 5/27/03; 2009-6, 3/24/09; 2016-16, 7/26/16)

SECTION 9-403: RESIDENTIAL CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2012 International Residential Code for One- and Two-Family Dwellings, ninth printing, as published by the International Code Council, Inc., hereinafter referred to as the International Residential Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the International Residential Code and all amendments thereto shall be kept on file at the office of the city clerk and available for public inspection during office hours. The

provisions of the International Residential Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. Nos. 03-04, 5/27/03; 2009-7, 3/24/09; 2016-17, 7/26/16)

SECTION 9-404: PLUMBING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating, the *Lincoln Plumbing Code*, most recent edition, published by the mayor and City Council of the City of Lincoln, Nebraska, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the Plumbing Code is on file at the office of the city clerk and is available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-405: ELECTRICAL CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and fireproof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances, the 2023 National Electrical Code as recommended and published by the National Fire Protection Association 70, as amended by the Nebraska State Electrical Act, printed in book or pamphlet form, is hereby incorporated by reference and all other amendments thereto as though printing in full herein insofar as said code does not conflict with state statutes. One copy of the 2023 National Electrical Code and all amendments thereto shall be on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Electrical Code shall be implemented throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922) (Am. by Ord. Nos. 2016-14, 7/12/16; 2024-19, 11/26/24)

SECTION 9-406: FLOODPROOFING CODES; ADOPTED BY REFERENCE

The following publications are hereby adopted and incorporated into this code for reference to design standards and techniques only as they relate to floodproofing of approved buildings located in the flood hazard areas of the City:

A. *Elevated Residential Structures*, HUD-FLA-184, most recent edition, published by the U.S. Government Printing Office: 1976 0-222-193; and

B. *Floodproofing Nonresidential Structures*, F.E.M.A. Publication No. 102, most recent edition.

SECTION 9-407: PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements to safeguard life,

limb, health, property, and public welfare, and to protect neighborhoods from hazardous, blighting, and deteriorating influences or conditions that have a negative impact on area property values and discourage property owners to improve their properties by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures and premises, the 2012 International Property Maintenance Code, fifth printing, hereinafter referred to as the Property Maintenance Code, printed in book or pamphlet form, is hereby incorporated by reference, and all other amendments thereto, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the Property Maintenance Code and all amendments thereto shall be kept on file at the office of the city clerk and available for public inspection during office hours. The provisions of the Property Maintenance Code shall be controlling throughout the municipality and its zoning jurisdiction. (Neb. Rev. Stat. §18-132) (Am. by Ord. Nos. 99-13, 12/14/99; 2016-18, 7/26/16)

Article 5 – Housing Discrimination Prohibition Policy

Replaced by Fair Housing Code

SECTION 9-501: ANTI-DISCRIMINATION CODE; ADOPTED BY REFERENCE

It is hereby declared to be the policy of the City in the exercise of its police power for the public safety, public health, and general welfare to assure equal opportunities to all persons to live in decent housing facilities regardless of race, color, religion, sex or national origin and, to that end, to prohibit discrimination in housing by any persons. In order to effectuate this policy, the City has adopted a code prohibiting discrimination in housing. One copy of the most recent edition of said code shall be on file in the city clerk's office and available for public inspection during office hours. The provisions of the Anti-Discrimination Code shall be controlling throughout the City and throughout its zoning jurisdiction.

Article 6 – Penal Provision

SECTION 9-601: VIOLATION: PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

ORDINANCE NO. 2024-04

AN ORDINANCE TO ESTABLISH CHARGES AND FEES FOR USE OF THE MUNICIPAL WATER SYSTEM PER §7-207 OF THE MUNICIPAL CODE OF HICKMAN, NEBRASKA; TO CHANGE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMER CHARGES FOR WATER SERVICE; TO REPEAL ORDINANCE 2022-17 AND TO PROVIDE AN EFFECTIVE DATE HEREOF; AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. Charges and Fees for Water Use by Customers of the Municipal Water System per Section 7-207 of the Municipal Code of the City of Hickman be as follows:

MUNICIPAL WATER DEPARTMENT: USER RATES: All water consumers shall be liable for the following rates provided by this ordinance unless and until the consumer shall, by written order, direct the Municipal Clerk to shut off the water at the stop box in which case the customer shall not be liable thereafter for water rental until the water is turned on again.

A. Residential Rate

1. The Residential rate shall be applicable when the building, premises or place receiving water service is primarily used for dwelling or family living purposes. This includes multiple-meter residences used for this purpose.

2. A monthly Customer Charge shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons, or any portion thereof.

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**April 1, 2025**	**April 1, 2026**
Customer Charge, per month	$29.26	$31.01
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

B. Multi-Family Rate

1. The Multi-Family rate shall be applicable in cases where more than one residential dwelling is served by a single meter.

2. A monthly Customer Charge, based on customer meter size, shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons or any portion thereof.

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**April 1, 2025**	**April 1, 2026**
Customer Charge, per month		
2" or less	$29.15	$30.90
3"	$57.77	$61.24
4"	$84.27	$89.33
6"	$269.77	$285.96
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

C. Commercial Rates

1. The Commercial rate shall be applicable when the building, premises or place receiving water service is primarily used for other than residential dwelling or family living purposes. This rate includes Municipal Service.

2. A monthly Customer Charge shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons or any portion there

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**April 1, 2025**	**April 1, 2026**
Customer Charge, per month	$39.43	$41.80
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

D. Tank Truck Rate

Any water supplied to tank trucks from a fire hydrant shall be billed at the following rates:

EFFECTIVE DATE:	**April 1, 2025**	**April 1, 2026**
Usage Charge	$/1000 gal.	$/1000 gal.
First 1,000 gal.	$47.70	$50.56
Excess	$5.30	$5.62

E. When the billing period of a customer's first or final bill is less than thirty (30) days in length, the applicable monthly minimum charge of "A" through "C" above, on the customer's first or final bill, shall be prorated based on the number of days service is provided divided by thirty (30) days.

Section 2. That Ordinance 2022-17 of Hickman, Nebraska, is hereby repealed.

Section 3. This ordinance will become effective and operative with the first billing date occurring on or after April 1, 2025.

Section 4. This ordinance will be in full force and effect from and after its passage, approval and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2025.

_____
Phil Goering, Mayor

ATTEST:

_____
Michele Lincoln, CMC
City Clerk

(SEAL)

FY 2024 Cost of Service / Rate Design Study

City of Hickman
Water Utility

City Council Review Draft

September 5, 2024

JKEC
JK Energy Consulting, LLC
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Appendix A - Rate Ordinance

Executive Summary

This study was prepared by JK Energy Consulting, LLC (JKEC) for the City of Hickman and its water utility (Utility). The purpose of the study was to review the Utility's revenues and expenses and ensure water rates are adequate to pay for projected expenses.

Based on the analysis completed, it appears the existing rates do not collect sufficient revenue to cover projected revenue requirements, including debt service payments, in fiscal year (FY) 2027. While revenues are sufficient to cover projected expenses through FY 2026, by FY 2027 the projected cash basis cost of service is 18.3% greater than projected revenue (see Table 1, Line 27). The shortfall is primarily driven by debt service issued to fund the Utility's capital improvement program. The Utility is planning to construct a $5.8 million redundant water main in the FY 2027 timeframe.

The proposed rate plan would implement annual rate increases of 6% in FY 2025, FY 2026 and FY 2027. If the Utility does not implement the proposed rate increases, the Utility does not collect sufficient revenue to pay projected operating expenses, capital improvements and debt service expenses in FY 2027. If the Utility does not implement the series of rate increases in FY 2025 and FY 2026, it would likely need to implement a rate increase of approximately 18% in FY 2027.

The cost of service analysis was completed to assess the amount that each rate class should be paying, compared to the revenue that is being collected from existing rates. The cost of service indicated all rate classes were paying less than the allocated cost of service, primarily because a 6% increase in revenue was necessary. The indicated rate changes varied between 5.9% and 7.5%, depending on the rate class and usage profile (see Table 6). This is a relatively narrow bandwidth of required rate changes. Implementing similar rate increase percentages for all rate classes and rate components would be a reasonable approach to implementing the proposed 6% increase in revenue.

The purpose of rate design is to develop rates that reflect the cost of service and accomplish other goals established by the Utility. The proposed rates would increase the average monthly residential water bill from $57.55 in FY 2024 to $61.00 in FY 2025, or approximately $3.45.

The Utility's water rate tends to be on the higher end of its peer group. There are multiple factors that affect water costs, including geography, customer sales growth, and financing costs if large capital projects are necessary. The Utility has experienced rapid growth in water sales in current years and this growth has dictated the construction of significant water system improvements. While these improvements may cause short-term rate increases, they provide for long-term stability of supply and enable the Utility to serve expected growth. As the growth materializes, additional water sales may enable the Utility to stabilize or reduce water rates.

Conclusions

The following conclusions were reached, based on the information provided and analyses completed:

1. Projected revenues from existing rates are approximately $762,000 for FY 2024.
2. Projected operating results indicate the need for a rate increase of approximately 18% by FY 2027. This increase is primarily driven by debt service associated with the construction of a new redundant water main at a cost of $5.8 million.
3. Implementing a series of 6% rate increase in FY 2025 through FY 2027 would provide a phase-in of necessary rates to fund debt service on the redundant water main.
4. Existing rates would need to increase by approximately $46,000, or 6%, based on the proposed rate plan.
5. The cost of service indicated that all rate classes are paying within a reasonable bandwidth compared to the overall 6% revenue increase proposed.
6. Implementing an across-the-board rate increase of 6% for all rate classes and rate components would be a reasonable method for implementing the proposed revenue increase.
7. Implementing a rate change of 6% results in rates that are toward the higher end of the Utility's peer group. Numerous factors beyond the control of the Utility, including growth and the need for reliable water supply and distribution, have resulted in rates that are higher than the Utility's peer group.

Recommendations

The following recommendations were developed based on the analyses completed and conclusions reached:

1. Water rates should be increased 6% on October 1, 2024 (for FY 2025) and 6% for FY 2026. This equates to an average monthly residential bill increase of $3.45 in October 2024 and $3.66 in October 2025. The rate ordinance included in Appendix A would implement these rate increases.
2. The Utility should plan for a rate increase on October 1, 2026 (FY 2027). The amount and timing of this rate increase is dependent on the construction cost, schedule and debt service costs associated with the new redundant water main project.
3. The Utility should evaluate its rates if an unexpected expense or change in usage occurs between now and FY 2027.

Purpose and Approach

The purpose of this study was to review the water rates charged by the Utility. The goal of future water rates was to collect sufficient revenue to cover projected expenses, including debt service for water system improvements.

The approach to the study involved completing several tasks. Retail water sales, operating expenses, non-retail revenues, and other financial information was collected. Test year expenses for FY 2024 and future expenses through FY 2027 were projected. A rate plan was developed to meet the financial goals established by the Utility. The allocated cost of service for each rate class was calculated and compared to revenue from existing rates. The existing rate ordinance was reviewed, and new rates were developed. A written report was prepared and presented to City staff for review prior to submitting to the City Council.

Background

City of Hickman – Water Utility

The City operates the water utility, which serves customers located within Hickman and a number of customers in adjacent rural areas. The Utility serves approximately 1,070 customers, approximately 1,000 of which are residential. The City is located near Lincoln and has experienced higher-than-normal growth rates in recent years. Recent building permit activity suggests that water sales growth of 5% or more annually may be expected, largely due to residential and small commercial construction activities.

The planned growth patterns have resulted in the Utility making significant capital improvements to its water system in recent years, with additional plans in the next four years. The City issued nearly $5 million in bonds to fund water treatment facility improvements and is planning to construct a water main project costing nearly $6 million in the FY 2027 timeframe. The construction of the water main project is necessary to provide a redundant water main to supply the Utility in case the existing water main experience an unexpected short-term outage due to maintenance, a break or some other damage.

Projected Financial Results

The purpose of preparing projected financial results is to compare projected revenues with expenses and determine the need for future rate increases. Projections were prepared for the period FY 2024 through FY 2027 based on information provided by the Utility.

Parameters

The following parameters were used to develop the test year budget and the projected financial results.

1. Historical and projected results were prepared based on the Utility's fiscal year (October 1 through September 30).
2. The FY 2024 water department budget was used as the basis for the FY 2024 test year budget, with normal escalation and adjustments for other known changes.
3. Capital improvements of $150,000 per year would be paid from ongoing revenues without issuing additional debt.
4. Operating and maintenance expenses, administrative costs, and other internal expenses were projected to increase at a rate of 3% annually.
5. Water sales were projected to increase by 5% annually based on recent growth history.
6. Projected financial results were presented on an "accrual basis" and "cash basis." Accrual basis accounting is consistent with Generally Accepted Accounting Principles (GAAP) and cash basis results were intended to reflect actual cash flow. Each approach is important for ratemaking purposes, since the Utility's rates should ensure positive cash flow, positive net income.
7. The cost of service was prepared on a cash basis, including capital improvements and debt service payments, while excluding depreciation.
8. Depreciation expense of $150,000 in FY 2024 through FY 2027 was included in the accrual-based financial results.
9. Existing debt service was included based on the repayment schedule provided by staff.
10. The City would issue bonds in FY 2027 to fund projected water system improvements, including the construction of a redundant primary water main at a cost of $5.8 million. The new bonds would be issued for 25 years with an interest rate of 5%. No debt forgiveness or grants were included.
11. Minimum debt service coverage ratio of 110% was included as a constraint for rate-setting purposes.

Projected Financial Results

Table 1 (see page 6) shows the projected financial results for FY 2025 through FY 2027, along with test year FY 2024 and historical financial results for FY 2022 and FY 2023. The projected financial results do not include any rate changes or use of available funds for rate stabilization. While there appears to be sufficient revenue in FY 2025 and FY 2026, when new bonds are issued to fund the redundant water main project, there would be a shortfall of approximately $162,000 in FY 2027. If the City waits until bonds are issued in FY 2027, it will need a rate increase of 18% to provide adequate revenue to cover projected operating costs, debt service payments and capital expenditures that are funded from ongoing revenues.

Table 1
City of Hickman
2024 Water Cost of Service Study
Projected Financial Results
Existing Rates

Line	Description	Actual (1) 2022	Actual (1) 2023	Test Year 2024	Projected 2025	Projected 2026	Projected 2027
1	**Operating Revenues**						
2	Charges for Services	$ 652,020	$ 734,470	$ 761,629	$ 799,710	$ 839,696	$ 881,680
3	Rate Changes	-	-	-	-	-	-
4	Other Operating Revenue	146,345	51,240	64,292	66,221	68,207	70,254
5	**Total Operating Revenue**	**$ 798,365**	**$ 785,710**	**$ 825,921**	**$ 865,931**	**$ 907,903**	**$ 951,934**
6	**Operating Expenses**						
7	Personnel Services	91,086	114,359	118,111	121,654	125,304	129,063
8	Other Operating Expense	119,334	212,120	152,624	157,203	161,919	166,776
9	Depreciation	123,442	124,786	124,786	128,530	132,385	136,357
10	**Total Operating Expenses**	**$ 333,862**	**$ 451,265**	**$ 395,521**	**$ 407,387**	**$ 419,608**	**$ 432,197**
11	**Operating Income - GAAP Basis**	**$ 464,503**	**$ 334,445**	**$ 430,400**	**$ 458,544**	**$ 488,295**	**$ 519,737**
12	**Non-Operating Expense/(Revenue)**						
13	Interest Income	$ (157)	$ (12,078)	$ -	$ -	$ -	$ -
14	Existing Interest Expense	11,646	13,115	68,937	68,533	65,719	62,730
15	Future Interest Expense	-	-	-	-	-	307,500
16	Interfund Transfer Out	570,164	154,144	-	-	-	-
17	Bond Costs		-	-	-	-	-
18	**Total Non-Operating Expense/(Revenue)**	**$ 581,653**	**$ 155,181**	**$ 68,937**	**$ 68,533**	**$ 65,719**	**$ 370,230**
19	**Net Income - GAAP Basis**	**$ (117,150)**	**$ 179,264**	**$ 361,463**	**$ 390,012**	**$ 422,576**	**$ 149,507**
20	**Cash Basis**						
21	Net Income	$ (117,150)	$ 179,264	$ 361,463	$ 390,012	$ 422,576	$ 149,507
22	Plus Depreciation	123,442	124,786	124,786	128,530	132,385	136,357
23	Less Existing Debt Service Principal	-	(140,000)	(195,000)	(200,000)	(205,000)	(205,000)
24	Less Future Debt Service Principal	-	-	-	-	-	(92,566)
25	Less Capital Expenditures	(37,698)	-	(150,000)	(150,000)	(150,000)	(150,000)
26	**Net Income - Cash Basis**	**$ (31,406)**	**$ 164,050**	**$ 141,249**	**$ 168,541**	**$ 199,961**	**$ (161,702)**
27	**Rate Change for Breakeven Cash Flow**	4.8%	-22.3%	-18.5%	-21.1%	-23.8%	18.3%

Notes:
(1) Based on audited financial statements.

Table 2 shows projected debt service coverage based on existing rates. A rate increase of 8.9% would be necessary in FY 2027 to provide sufficient debt service to meet debt service coverage requirements for existing bonds and the projected bond issuance for the water main project. The needed rate change to provide sufficient cash flow is greater than the rate increase required to maintain a 1.10 debt service coverage ratio. The proposed rate plan is based on the cash basis operating results.

Table 2
City of Hickman
2024 Water Cost of Service Study
Projected Financial Results - Debt Service Coverage
Existing Rates

Line	Description	Test Year 2024	Projected 2025	2026	2027
1	**Retail Revenue - Existing Rates**	$ 761,629	$ 799,710	$ 839,696	881,680
2	**Debt Service Coverage**				
3	Net Revenue (1)	$ 555,186	$ 587,074	$ 620,680	$ 656,094
4	Debt Service Expense	$ 263,937	$ 268,533	$ 270,719	$ 667,796
5	**Debt Service Coverage (2)**	**2.10**	**2.19**	**2.29**	**0.98**
6	**Revenue Increase for 1.1x Coverage**	**(264,855)**	**(291,688)**	**(322,889)**	**78,482**
7	**Rate Increase for 1.1x Coverage (%) (3)**	**-34.8%**	**-36.5%**	**-38.5%**	**8.9%**

Note:
1. Operating revenue, less operating and maintenance expenses (excluding depreciation).
2. Net revenue divided by debt service expense.
3. Line 6 divided by Line 1. Represents total cumulative rate change from existing rates required.

Future Rate Changes

Table 3 (see page 8) shows the projected operating results with 6% rate increases in FY 2025, FY 2026 and FY 2027. The series of rate increases in FY 2025 through FY 2027 would result in sufficient revenue to cover projected operating expenses, debt service costs, and planned capital improvements. Implementing a series of rate increases would help customers avoid a sudden increase while providing stable financial results for future periods.

If the City defers rate increases until FY 2027, when the bonds are issued for the redundant water main project, it will likely need a rate increase of more than 18%. If the City is reasonably sure it will construct the water main project in the FY 2027 timeframe, it should consider implementing 6% rate changes in FY 2025 and FY 2026. An additional rate increase of 6% in FY 2027 would likely be needed, but its implementation can be delayed until additional information about project costs, interest rates and bond financing parameters.

Table 3
City of Hickman
2024 Water Cost of Service Study
Projected Financial Results
Proposed Rates - Cash Basis

Line	Description	Test Year 2024	Projected 2025	2026	2027
1	**Operating Revenues**				
2	Retail Sales - Existing Rates	$ 761,629	$ 799,710	$ 839,696	$ 881,680
3	Rate Changes	-	45,698	103,762	171,033
4	Other Operating Revenue	64,292	66,221	68,207	70,254
5	**Total Operating Revenue**	**$ 825,921**	**$ 911,629**	**$ 1,011,665**	**$ 1,122,967**
6	**Operating Expenses**				
7	Personnel Services	$ 118,111	$ 121,654	$ 125,304	$ 129,063
8	Other Operating Expense	152,624	157,203	161,919	166,776
9	Depreciation	124,786	128,530	132,385	136,357
10	**Total Operating Expenses**	**$ 395,521**	**$ 407,387**	**$ 419,608**	**$ 432,197**
11	**Operating Income - GAAP Basis**	**$ 430,400**	**$ 504,242**	**$ 592,057**	**$ 690,771**
12	**Non-Operating Expense/(Revenue)**				
13	Interest Income	$ -	$ -	$ -	$ -
14	Existing Interest Expense	68,937	68,533	65,719	62,730
15	Future Interest Expense	-	-	-	307,500
16	Interfund Transfer Out	-	-	-	-
17	Bond Costs	-			
18	**Total Non-Operating Expense/(Revenue)**	**$ 68,937**	**$ 68,533**	**$ 65,719**	**$ 370,230**
19	**Net Income - GAAP Basis**	**$ 361,463**	**$ 435,709**	**$ 526,338**	**$ 320,541**
20	**Rate Change**		6.00%	6.00%	6.00%
21	**Cash Basis**				
22	Net Income	$ 361,463	$ 435,709	$ 526,338	$ 320,541
23	Plus Depreciation	124,786	128,530	132,385	136,357
24	Less Debt Service Principal	(195,000)	(200,000)	(205,000)	(205,000)
25	Less Future Debt Service Principal	-	-	-	(92,566)
26	Less Capital Expenditures	(150,000)	(150,000)	(150,000)	(150,000)
27	**Net Income - Cash Basis**	**$ 141,249**	**$ 214,239**	**$ 303,724**	**$ 9,331**
28	**Rate Change for Breakeven Cash Flow**	-18.5%	-26.8%	-36.2%	-1.1%

Table 4 (see page 9) shows the projected debt service ratio if the proposed rate increases are implemented. The series of proposed rate increases would increase debt service coverage to approximately 1.24 in FY 2027. This calculation does not include the effect of any debt forgiveness or use of grant money. Increasing rates based on the proposed rate plan of 6% annual increases through FY 2027 would provide some margin over required debt service coverage ratio requirements, provide additional financial flexibility to issue new bonds, cover revenue shortfalls, and pay for unexpected operating expenses.

Table 4
City of Hickman
2024 Water Cost of Service Study
Projected Financial Results - Debt Service Coverage
Proposed Rates

Line	Description	Test Year 2024	Projected 2025	2026	2027
1	**Retail Revenue - Proposed Rates**	$ 761,629	$ 845,408	$ 943,458	1,052,714
2	**Debt Service Coverage**				
3	Net Revenue (1)	$ 555,186	$ 632,771	$ 724,442	$ 827,128
4	Debt Service Expense	$ 263,937	$ 268,533	$ 270,719	$ 667,796
5	**Debt Service Coverage (2)**	**2.10**	**2.36**	**2.68**	**1.24**
6	**Revenue Increase for 1.1x Coverage**	**(264,855)**	**(337,386)**	**(426,652)**	**(92,552)**
7	**Rate Increase for 1.1x Coverage (%) (3)**	**-34.8%**	**-39.9%**	**-45.2%**	**-8.8%**

Note:
1. Operating revenue, less operating and maintenance expenses (excluding depreciation).
2. Net revenue divided by debt service expense.
3. Line 6 divided by Line 1. Represents total cumulative rate change from existing rates required.

Cost of Service

The purpose of the cost of service analysis is to identify the costs related to serving each class of customers. Several steps were completed to prepare the cost of service analysis. A test year budget was prepared based on the FY 2024 operating budget, with adjustments for known changes. Each expense item was identified and assigned to a utility function, and further classified as a base, extra capacity (peak day or peak hour), and customer related expense. This process is called "functionalization" and "classification."

The costs related to each function were allocated to each customer class based on generally accepted cost allocation principles for municipal water utilities. The allocated costs were compared to revenues based on existing rates. The comparison of the cost of service to revenue from existing rates was used as a factor in designing rates.

Test Year Budget

The purpose of preparing a test year budget is to create a scenario that is as close to "normal" operating conditions as possible, reflecting known changes for the Utility. The test year budget for FY 2024 included the following adjustments to the FY 2024 operating budget:

1. Normalized water sales based on typical historical water sales.
2. Exclusion of sales tax revenues and expenses.
3. Debt service based on existing loan repayment schedule.
4. Additional operating margin based on increasing revenues by 6% was included.

The test year budget for FY 2024 was approximately $807,000 and is summarized in Table 5. The test year budget represents the amount that needs to be collected from retail rates. It includes all operating expenses, debt service payments, capital improvements funded from rates, and is reduced for revenue from interest income and other non-retail revenue.

Table 5
City of Hickman
2024 Water Cost of Service Study
Test Year Budget by Function
Annual

Line	Rate Class	Production / Distribution	Customer / Metering	Other	Total
1	Residential	$ 374,144	$ 124,270	$ 251,329	$ 749,743
2	Multi-Family	-	-	-	-
3	Commercial	25,576	10,241	20,713	56,530
4	Municipal	137	303	613	1,053
5	Tank Truck	-	-	-	-
6	Fire Hydrants	-	-	-	-
7	Private Fire Protection Service	-	-	-	-
8	**Total**	**$ 399,857**	**$ 134,815**	**$ 272,654**	**$ 807,326**
9	**Percentage**	**50%**	**17%**	**34%**	**100%**

Functionalization and Classification

Functionalization and classification involve assigning the expense items to function and classifying those expenses on the basis of a reasonable allocation method. The following functions were used for the Utility:

1. Water Production
2. Water Distribution (including storage)
3. Customer service
4. Metering
5. Other (interest income, other charges)

Production and distribution costs were split between base costs, which vary in proportion to water usage, and extra capacity costs. Extra capacity costs were divided between extra peak day capacity and extra peak hour capacity. These costs vary in proportion to the amount the peak usage exceeds the average usage. Customer and metering costs include those costs associated with serving a particular customer, regardless of the customer's water usage. This would include expenses like customer billing, meter reading, customer accounting expense, and maintenance costs related to these functions.

Table 5 (see page 10) summarizes the classification of test year expenses, including the allocation to the various retail rate classes. Approximately $400,000 is production and distribution-related, $135,000 is customer-related and $273,000 is related to other expenses. Based on this classification, 50% of the Utility's test year budget is production and distribution-related, 17% is customer-related, and 34% is considered other expenses unrelated to production, distribution or customer expense. A large portion of the other expenses is the margin associated with implementing the 6% rate change.

Cost Allocation

The functionalized costs were allocated to the various rate classes using generally accepted methods for preparing embedded cost of service studies. There is no standard cost of service methodology that the Utility is required to follow by a regulatory agency. There are a number of guidelines that municipal utilities follow, including publications and guidelines from the American Water Works Association.

Comparison of Revenues to Cost of Service

Revenues collected from existing rates were compared to the allocated cost of service. The purpose of this comparison was to provide guidance on the adequacy of the existing rates for each rate class. This comparison can be used to assess the general magnitude of rate changes needed for each rate class and is one factor in determining the need for rate adjustments for individual rate classes.

Table 6 (see page 12) compares the revenue from existing rates to the calculated cost of service. Overall, the cost of service was 6% more than revenues from existing rates. The cost of service was 5.9% more than existing revenues for residential customers; 7.5% more than existing revenues for commercial customers; and 7.4% more than existing revenues for municipal customers. All rate classes are currently paying a rate that is within 2% of the calculated cost of service, which is a reasonable bandwidth for cost of service calculations. Based on the cost of service results, it is reasonable to implement a similar rate change for all rate classes.

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Table 6
City of Hickman
2024 Water Cost of Service Study
Comparison of Cost of Service
to Revenue from Existing Rates
Annual

Line	Rate Class	Revenue Existing Rates	Cost of Service	Difference $	Difference %
1	Residential	$ 708,044	$ 749,743	$ 41,699	5.9%
2	Multi-Family	-	-	-	0.0%
3	Commercial	52,604	56,530	3,926	7.5%
4	Municipal	980	1,053	73	7.4%
5	Tank Truck	-	-	-	0.0%
6	Fire Hydrants	-	-	-	0.0%
7	Private Fire Protection Service	-	-	-	0.0%
8	**Total**	**$ 761,629**	**$ 807,326**	**$ 45,697**	**6.0%**

Rate Design

The proposed rate plan would increase rates by a cumulative total of 18% through FY 2027. The proposed rate design included in the rate ordinance would implement the first two 6% annual rate changes in October 2024 and October 2025. Based on the cost of service results, an across the board approach to increasing the monthly customer charge and flow-based charge was used. Under this approach, all customers would experience a similar percentage rate increase.

The proposed rate change would increase the average monthly residential water bill by $3.45 per month in October 2024 and $3.66 in October 2025 and $3.87 in October 2026. Table 7 (see page 13) shows the revenue from existing rates and the proposed FY 2025 rates by rate class, effective October 2024. Table 8 (see page 13) shows the proposed revenue increases by rate class for FY 2026, effective October 2025.

A third rate increase of 6% will likely be necessary in FY 2027 if the City proceeds with construction of a redundant water main and issues bonds to fund the project. The proposed ordinance attached to this report does not include the FY 2027 rate change. The City should assess the need for the FY 2027 rate change in the summer of 2026 when it likely will have better information about growth trends, the cost of the new water main, and financing parameters including interest rates and financing term.

Table 7
City of Hickman
2024 Water Cost of Service Study
Proposed Rate Change by Rate Class - October 2024
Annual

Line	Rate Class	Revenue Existing Rates	Revenue FY 2025 Rates	Difference $	Difference Bill (1)	Difference %
1	Residential	$ 708,044	$ 750,527	$ 42,483	$ 3.45	6.0%
2	Multi-Family	-	-	-	-	0.0%
3	Commercial	52,604	55,761	3,156	6.23	6.0%
4	Municipal	980	1,039	59	2.45	6.0%
5	Tank Truck	-	-	-	-	0.0%
6	Fire Hydrants	-	-	-	-	0.0%
7	Private Fire Protection Service	-	-	-	-	0.0%
8	**Total**	**$ 761,629**	**$ 807,326**	**$ 45,698**	**$ 3.66**	**6.0%**

Note:
1. Change in average monthly bill for customers within rate class.

Table 8
City of Hickman
2024 Water Cost of Service Study
Proposed Rate Change by Rate Class - October 2025
Annual

Line	Rate Class	Revenue FY 2025 Rates	Revenue FY 2026 Rates	Difference $	Difference Bill (1)	Difference %
1	Residential	$ 750,527	$ 795,558	$ 45,032	$ 3.66	6.0%
2	Multi-Family	-	-	-	-	0.0%
3	Commercial	55,761	59,106	3,346	6.60	6.0%
4	Municipal	1,039	1,101	62	2.60	6.0%
5	Tank Truck	-	-	-	-	0.0%
6	Fire Hydrants	-	-	-	-	0.0%
7	Private Fire Protection Service	-	-	-	-	0.0%
8	**Total**	**$ 807,326**	**$ 855,766**	**$ 48,440**	**$ 3.77**	**6.0%**

Note:
1. Change in average monthly bill for customers within rate class.

With the proposed rate increases, the Utility's residential water rates in FY 2025 would be toward the higher end of rates for municipal utilities in eastern Nebraska. Table 9 (see page 15) provides a comparison of existing rates for the cities of Beatrice, Lincoln, Nebraska City, Seward, and Wahoo to the proposed FY 2025 rates for Hickman. The comparisons were prepared for usage of 5,000 gallons, 10,000 gallons and 15,000 gallons.

The typical monthly residential water usage for the Utility is approximately 9,000 gallons per month. Based on the comparison prepared for 10,000 gallons of usage, the calculated monthly bill in FY 2025 would be lower than Seward for the analyzed usage levels and somewhat higher than Beatrice, Lincoln, Nebraska City and Wahoo. The rate comparison indicates the projected water rates are toward the higher end of the selected peer group.

There are multiple factors that affect water costs, including geography, customer sales growth, and financing costs if large capital projects are necessary. The Utility has experienced rapid growth in water sales in current years and this growth has dictated the construction of significant water system improvements. While these improvements may cause short-term rate increases, they provide for long-term stability of supply and enable the Utility to serve expected growth. As the growth materializes, additional water sales may enable the Utility to stabilize or reduce water rates.

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Table 9
City of Hickman
2024 Water Cost of Service Study
Typical Bill Comparison
Rate Comparisons - October 2024 Rates
Residential 3/4" Meter

Rate Comparisons			
Utility	**5,000 gal**	**10,000 gal**	**15,000 gal**
Beatrice (1)	27.20	38.45	49.70
Hickman (2)	**42.51**	**55.76**	**79.61**
Lincoln (3)	29.28	46.76	64.25
Nebraska City (4)	24.78	35.21	29.97
Seward (5)	39.19	65.51	95.66
Wahoo (6)	36.88	47.80	58.72

Notes:
1. Effective October 1, 2023
2. Proposed rates, based on 6% rate increase and subject to final rate design.
3. Effective January 2024
4. Rates effective March 2019
5. Rates effective January 2019
6. Rates effective February 1, 2024

Conclusions

The following conclusions were reached, based on the information provided and analyses completed:

1. Projected revenues from existing rates are approximately $762,000 for FY 2024.
2. Projected operating results indicate the need for a rate increase of approximately 18% by FY 2027. This increase is primarily driven by debt service associated with the construction of a new redundant water main at a cost of $5.8 million.
3. Implementing a series of 6% rate increases in FY 2025 through FY 2027 would provide a phase-in of necessary rates to fund debt service on the redundant water main.
4. Existing rates would need to increase by approximately $46,000, or 6%, based on the proposed rate plan.

5. The cost of service indicated that all rate classes are paying within a reasonable bandwidth compared to the overall 6% revenue increase proposed.
6. Implementing an across-the-board rate increase of 6% for all rate classes and rate components would be a reasonable method for implementing the proposed revenue increase.
7. Implementing a rate change of 6% results in rates that are toward the higher end of the Utility's peer group. Numerous factors beyond the control of the Utility, including growth and the need for reliable water supply and distribution, have resulted in rates that are higher than the Utility's peer group.

Recommendations

The following recommendations were developed based on the analyses completed and conclusions reached:

1. Water rates should be increased 6% on October 1, 2024 (for FY 2025) and 6% for FY 2026. This equates to an average monthly residential bill increase of $3.45 in October 2024 and $3.66 in October 2025. The rate ordinance included in Appendix A would implement these rate increases.
2. The Utility should plan for a rate increase on October 1, 2026 (FY 2027). The amount and timing of this rate increase is dependent on the construction cost, schedule and debt service costs associated with the new redundant water main project.
3. The Utility should evaluate its rates if an unexpected expense or change in usage occurs between now and FY 2027.

Appendix A – Rate Ordinance

ORDINANCE NO. 2024-_____

AN ORDINANCE TO ESTABLISH CHARGES AND FEES FOR USE OF THE MUNICIPAL WATER SYSTEM PER §7-207 OF THE MUNICIPAL CODE OF HICKMAN, NEBRASKA; TO CHANGE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMER CHARGES FOR WATER SERVICE; TO REPEAL ORDINANCE 2022-17 AND TO PROVIDE AN EFFECTIVE DATE HEREOF; AND ORDERING THEPUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. Charges and Fees for Water Use by Customers of the Municipal Water System per Section 7-207 of the Municipal Code of the City of Hickman be as follows:

MUNICIPAL WATER DEPARTMENT: USER RATES: All water consumers shall be liable for the following rates provided by this ordinance unless and until the consumer shall, by written order, direct the Municipal Clerk to shut off the water at the stop box in which case the customer shall not be liable thereafter for water rental until the water is turned on again.

A. Residential Rate

1. The Residential rate shall be applicable when the building, premises or place receiving water service is primarily used for dwelling or family living purposes. This includes multiple-meter residences used for this purpose.

2. A monthly Customer Charge shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons, or any portion thereof.

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**October 1, 2024**	**October 1, 2025**
Customer Charge, per month	$29.26	$31.01
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

B. Multi-Family Rate

1. The Multi-Family rate shall be applicable in cases where more than one residential dwelling is served by a single meter.

2. A monthly Customer Charge, based on customer meter size, shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons or any portion thereof.

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**October 1, 2024**	**October 1, 2025**
Customer Charge, per month		
2" or less	$29.15	$30.90
3"	$57.77	$61.24
4"	$84.27	$89.33
6"	$269.77	$285.96
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

C. Commercial Rates

1. The Commercial rate shall be applicable when the building, premises or place receiving water service is primarily used for other than residential dwelling or family living purposes. This rate includes Municipal Service.

2. A monthly Customer Charge shall be charged.

3. All water consumed per month shall be billed the following charges per thousand (1,000) gallons or any portion there

4. The minimum bill shall be the Customer Charge.

Rates:

EFFECTIVE DATE:	**October 1, 2024**	**October 1, 2025**
Customer Charge, per month	$39.43	$41.80
Usage Charge	$/1000 gal.	$/1000 gal.
First 10,000 gal.	$2.65	$2.81
Next 10,000 gal.	$4.77	$5.06
Excess	$6.89	$7.30

D. Tank Truck Rate

Any water supplied to tank trucks from a fire hydrant shall be billed at the following rates:

EFFECTIVE DATE:	**October 1, 2024**	**October 1, 2025**
Usage Charge	$/1000 gal.	$/1000 gal.
First 1,000 gal.	$47.70	$50.56
Excess	$5.30	$5.62

E. When the billing period of a customer's first or final bill is less than thirty (30) days in length, the applicable monthly minimum charge of "A" through "C" above, on the customer's first or final bill, shall be prorated based on the number of days service is provided divided by thirty (30) days.

Section 2. That Ordinance 2022-17 of Hickman, Nebraska, is hereby repealed.

Section 3. This ordinance will become effective and operative with the first billing date occurring on or after October 1, 2024.

Section 4. This ordinance will be in full force and effect from and after its passage, approval and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED this _____ day of _____, 2024.

_____
Doug Wagner, Mayor

ATTEST:

_____
Jaala Johnson, City Clerk

(SEAL)

ORDINANCE NO. 2024-05

AN ORDINANCE TO ESTABLISH CHARGES AND FEES FOR USE OF THE CITY SEWER SYSTEM PER §7-321 OF THE MUNICIPAL CODE OF HICKMAN, NEBRASKA; TO CHANGE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMER BASE AND USAGE RATES FOR SEWER SERVICE; TO REPEAL ORDINANCE 2022-18; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. Charges and Fees for Sewer Use by Customers of the City Sewer Department per Section 7-321 of the Municipal Code of the City of Hickman be as follows:

MUNICIPAL SEWER DEPARTMENT; RATE SETTING: Customers of Municipal Sewer Department shall be charged a base rate and a rate based on metered water usage for the use of sewer service. Rates shall be set by ordinance of the Governing Body:

A. Residential Rates

1. Base Rate. Each customer shall be charged a Base Rate per month per sewer hook-up.

2. Monthly Rate Based on Water Usage. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

3. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**April 1, 2025**	**April 1, 2026**
Base Rate	$50.30	$52.81
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.68	$3.86

B. Multi-Family Rate

1. The Multi-Family rate shall be applicable in cases where more than one residential dwelling is served by a single meter.

2. Base Rate. A Base Rate shall be charged per month based on customer meter size.

3. Monthly Rate Based on Water Usage. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

4. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**April 1, 2025**	**April 1, 2026**
Base Rate, per water meter size		
Less than 2”	$50.30	$52.81
3”	$75.92	$79.71
4”	$96.92	$101.76
6”	$280.67	$294.70
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.68	$3.86

C. Commercial and Municipal Use

1. Base Rate. Each customer shall be charged a Base Rate per month per sewer hook-up.

2. Monthly Rate Based on Water Use. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

3. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**April 1, 2025**	**April 1, 2026**
Base Rate	$70.25	$73.76
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.31	$3.47

D. Base Period Definition

1. For Residential users (including Multi-Family) and non-profit education, charitable, religious, or service organization users, the metered water used during the Base Period is December 20 through March 20 and will be determined by calculating the

average monthly metered water usage for the period; or if a recording of such monthly water billing period is not available, the monthly rate shall be calculated on the basis of five thousand (5,000) gallons metered water use until the date of the above monthly water billing period is available.

2. For Commercial users, the Base Period usage will be the last preceding monthly water billing period.

E. Lift Station/Pumping Rates

1. The Lift Station/Pumping rate shall be applicable in cases where more than one customer is served by a single meter and non-municipal water is being discharged into the municipal sewer system.

2. Base Rate. A Base Rate shall be charged per month based on customer meter size.

3. Monthly Rate Based on Water Outflows. The monthly rate based on metered water discharge per one thousand (1,000) gallons, or any portion thereof.

Rates:

Effective Date:	**April 1, 2025**	**April 1, 2026**
Base Rate, per water meter size		
Less than 2”	$50.30	$52.81
3”	$75.92	$79.71
4”	$96.92	$101.76
6”	$280.67	$294.70
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$4.46	$4.69

F. When the billing period of a customer’s first or final bill is less than thirty (30) days in length, the applicable monthly base rate above, on the customer’s first or final bill, shall be prorated based on the number of days service is provided divided by thirty (30) days.

Section 2. That Ordinance 2022-18 of Hickman, Nebraska, is hereby repealed.

Section 3. This ordinance will become effective and operative with the first billing date occurring on or after April 1, 2025.

Section 4. This ordinance will be in full force and effect from and after its passage, approval, and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED THIS _____ day of _____, 2025.

_____
Phil Goering, Mayor

ATTEST:

_____
Michele Lincoln, CMC
City Clerk

(SEAL)

FY 2024 Cost of Service / Rate Design Study

City of Hickman
Wastewater Utility

City Council Review Draft

September 5, 2024

JKEC
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Executive Summary

This study was prepared by JK Energy Consulting, LLC (JKEC) for the City of Hickman and its wastewater Utility (Utility). The purpose of the study was to review the Utility's revenues and expenses and ensure sewer rates are adequate to pay for projected expenses.

Based on the analysis completed, existing rates do not collect sufficient revenue to cover projected expenses in fiscal year (FY) 2024 through FY 2027. Projected retail revenues for FY 2024 were approximately $820,000, while projected test year expenses were approximately $862,000 (see Table 6, Line 6). This indicates a rate increase of 5% would be necessary in FY 2024 to ensure sufficient revenue to cover projected expenses (see Table 6, Line 16).

The proposed rate plan includes two rate increases of 5% for FY 2025 and FY 2026 (see Table 3, Line 20). Implementing 5% rate increases in FY 2025 and FY 2026 should provide adequate revenue to cover projected operating expenses, debt service costs and the cost of capital improvements not being funded from issuing new debt. Rate increases beyond FY 2026 will be dependent on future expenses and the cost of capital improvements.

The cost of service analysis was completed to assess the amount that each rate class should be paying compared to the revenue that is being collected from existing rates. The cost of service indicated that all rate classes were paying less than the cost of service. The indicated rate increases varied between 4.8% and 8.6%, depending on the rate class and usage profile (see Table 6).

The purpose of rate design is to develop rates that reflect the cost of service and accomplish other goals established by the Utility. Based on the cost of service results, it was proposed to implement the rate change by increasing all rate components a similar percentage. The proposed rates would increase the average monthly residential sewer bill from $62.26 under existing rates to $65.37 in FY 2025, or approximately $3.11 (see Table 7, Line 1). In FY 2026, the average residential sewer bill would increase by $3.27 per month. The Utility's sewer rate tends to be higher than its peer group (see Table 10); however, the Utility has been proactive with regard to funding needed capital improvements and ensuring that the sewer system is capable of serving future growth. In addition, there are multiple factors affecting rates that are outside the control of the City, including geography and customer base characteristics.

Conclusions

The following conclusions were reached, based on the information provided and analyses completed:

1. The projected test year budget for FY 2024 was approximately $862,000.

2. Projected revenues from existing rates are approximately $820,000 for FY 2024.
3. Existing rates would need to increase by approximately $41,000, or 5%, to provide sufficient revenue to pay projected FY 2024 test year expenses.
4. Existing rates would need to increase an additional 5% in FY 2026 to ensure adequate revenue to cover projected operating costs, debt service and capital improvements through FY 2027.

Recommendations

The following recommendations were developed based on the analyses completed and conclusions reached:

1. Sewer rates should be increased 5% on October 1, 2024 (for FY 2025) and 5% on October 1, 2025 (for FY 2026). The rate ordinance included in Appendix A implements these rate increases.
2. The Utility should evaluate its rates prior to FY 2027 or if there are any significant changes to the system, including load growth, capital improvements or operating expense increases.

Purpose and Approach

The purpose of this study was to review the sewer rates charged by the Utility. The goal of future sewer rates was to collect sufficient revenue to cover projected expenses and provide an adequate return on rate base.

The approach to the study involved completing several tasks. Sewer discharges (based on water sales), operating expenses, capital improvement programs, non-retail revenues, and other financial information was collected. Test year expenses for FY 2024 and future expenses through FY 2027 were projected. A rate plan was developed to meet the financial goals established by the Utility. The allocated cost of service for each rate class was calculated and compared to revenue from existing rates. The existing rate ordinance was reviewed and new rates were developed. A draft written report was prepared and presented to City staff for review and comment.

Background

City of Hickman – Sewer Utility

The City of Hickman operates its sewer utility, which serves customers located within Hickman and in rural areas adjacent to Hickman. The Utility serves approximately 1,100 customers. The City is located south of Lincoln and has experienced higher-than-normal growth over the last several years. This growth has resulted in significant capital expenditures to add treatment capacity and expand its collection system to serve future customer growth.

Projected Financial Results

The purpose of preparing projected financial results is to compare projected revenues with expenses and determine the need for future rate increases. Projections were prepared for the period FY 2024 through FY 2027 based on information provided by the Utility.

Parameters

The following parameters were used to develop the test year budget and the projected financial results.

1. Historical and projected results were prepared based on the Utility's fiscal year (October 1 through September 30).
2. The FY 2024 sewer department budget was used as the basis for the FY 2024 test year budget.
3. Approximately $80,000 per year in capital expenditures would be funded from ongoing revenue.
4. Operating and maintenance expenses, administrative costs, and other internal expenses were projected to increase at a rate of 3% annually.
5. Sewer billing units, based on water sales, were projected to increase 5% annually based on recent growth patterns for the City.
6. Projected financial results were presented on an "accrual basis" and "cash basis" and projected debt service coverage was calculated. Accrual basis accounting is consistent with Generally Accepted Accounting Principles (GAAP) and cash basis results were intended to reflect actual cash flow. Each approach is important for ratemaking purposes, since the Utility's rates should ensure positive cash flow, positive net income, and adequate debt service coverage.
7. The cost of service was prepared on a cash basis, including capital improvements and debt service principal payments, while excluding depreciation.
8. Existing debt service requirements were based on the outstanding debt allocated to the wastewater fund.
9. The minimum debt service coverage target was set at 1.10 (110%).
10. Depreciation expense of $300,000 in FY 2024 and increasing 5% each year through FY 2027 was included in the accrual-based financial results.

Projected Financial Results

Table 1 (see page 6) shows projected financial results for FY 2024 through FY 2027 without any rate changes. Without a rate change, the Utility does not collect sufficient revenue throughout the study period to cover projected expenses. The projected deficit on a cash basis ranges from approximately $148,000 in FY 2024 to $287,000 in FY 2027.

The Utility would have positive net income on an accrual basis during the study period, ranging from approximately $153,000 in FY 2024 to $258,000 in FY 2027.

Table 2 (see page 7) shows the projected debt service coverage for the study period. The debt service coverage ratio appears to be insufficient in FY 2025. With future load growth, debt service coverage improves in FY 2026 and beyond to a ratio of 1.10 (110% or greater. Based on the analysis completed, maintaining adequate revenue to cover projected operating costs, debt service and capital expenditures on a cash basis as shown in Table 1 appears to be the primary driver of future rate changes.

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Table 1
City of Hickman
2024 Wastewater Cost of Service Study
Projected Financial Results
Existing Rates

Line	Description	Actual (1) 2022	Actual (1) 2023	Test Year 2024	Projected 2025	Projected 2026	Projected 2027
1	**Operating Revenues**						
2	Retail Sales - Existing Rates	$ 692,748	$ 801,774	$ 820,401	$ 861,421	$ 904,493	$ 949,717
3	Rate Changes			-	-	-	-
4	Other Operating Revenue	108,245	38,559	48,924	48,924	48,924	48,924
5	**Total Operating Revenue**	**$ 800,993**	**$ 840,333**	**$ 869,325**	**$ 910,345**	**$ 953,417**	**$ 998,641**
6	**Operating Expenses**						
7	Salaries & Wages	$ 50,030	$ 128,279	$ 128,848	$ 132,713	$ 136,695	$ 140,795
8	Other Operating Expenses	125,234	133,301	141,449	145,692	150,063	154,565
9	Depreciation	177,741	226,598	300,000	309,000	318,270	327,818
10	**Total Operating Expenses**	**$ 353,005**	**$ 488,178**	**$ 570,297**	**$ 587,406**	**$ 605,028**	**$ 623,179**
11	**Operating Income - GAAP Basis**	**$ 447,988**	**$ 352,155**	**$ 299,029**	**$ 322,940**	**$ 348,389**	**$ 375,462**
12	**Non-Operating Expense/(Revenue)**						
13	Interest Income	$ (220)	$ (18,927)	$ -	$ -	$ -	$ -
14	Interest Expense	63,070	56,323	145,562	132,845	125,090	116,090
15	Debt Issuance Expense	11,438	-	-	1,834	1,629	1,422
16	Interfund Transfers	(2,698)	(160,979)	-	-	-	-
17	Grant Income	-	-	-	-	-	-
18	**Total Non-Operating Expense/(Revenue)**	**$ 71,590**	**$ (123,583)**	**$ 145,562**	**$ 134,679**	**$ 126,719**	**$ 117,512**
19	**Net Income - GAAP Basis**	**$ 376,398**	**$ 475,738**	**$ 153,467**	**$ 188,260**	**$ 221,670**	**$ 257,951**
20	**Cash Basis**						
21	Net Income			**$ 153,467**	**$ 188,260**	**$ 221,670**	**$ 257,951**
22	Plus Depreciation			**300,000**	**309,000**	**318,270**	**327,818**
23	Less Principal			**(441,718)**	**(449,473)**	**(482,529)**	**(472,435)**
24	Less Capital Expenditures			**(80,000)**	**(84,000)**	**(88,200)**	**(200,000)**
25	**Net Income - Cash Basis**			**$ (148,252)**	**$ (120,213)**	**$ (118,989)**	**$ (286,667)**
26	**Rate Change Needed (2)**			18.1%	14.0%	13.2%	30.2%

Notes:
(1) Based on audited financial statements.

Table 2
City of Hickman
2024 Wastewater Cost of Service Study
Projected Financial Results - Debt Service Coverage
Existing Rates

Line	Description	Test Year 2024	Projected 2025	2026	2027
1	**Retail Revenue - Existing Rates**	$ 820,401	$ 861,421	$ 904,493	$ 949,717
2	**Debt Service Coverage**				
3	Net Revenue (1)	$ 599,029	$ 631,940	$ 666,659	$ 703,281
4	Debt Service Expense	$ 587,281	$ 582,318	$ 607,619	$ 588,525
5	**Debt Service Coverage (2)**	**1.02**	**1.09**	**1.10**	**1.19**
6	**Revenue Increase for 1.1x Coverage**	**46,980**	**8,610**	**1,722**	**(55,903)**
7	**Rate Increase for 1.1x Coverage (%) (3)**	**5.7%**	**1.0%**	**0.2%**	**-5.9%**

Note:
1. Operating revenue, less operating and maintenance expenses (excluding depreciation).
2. Net revenue divided by debt service expense.
3. Line 6 divided by Line 1. Represents total cumulative rate change from existing rates required.

Future Rate Changes

Tables 3 (see page 8) and 4 (see page 9) show the projected operating results with 5% rate increases in FY 2025 and FY 2026. These increases would provide sufficient revenue to cover projected operating expenses, debt service costs, and a majority of planned capital improvements. These rate increases would increase debt service coverage to 1.16 in FY 2025, 1.24 in FY 2026 and 1.35 in FY 2027, which provides flexibility to issue additional bonds in the future. The primary driver for the rate increases is not projected debt service coverage, but rather ensuring adequate revenue to maintain positive cash flow.

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Table 3
City of Hickman
2024 Wastewater Cost of Service Study
Projected Financial Results
Proposed Rates - Cash Basis

Line	Description	Test Year 2024	Projected 2025	2026	2027
1	**Operating Revenues**				
2	Retail Sales - Existing Rates	$ 820,401	$ 861,421	$ 904,493	$ 949,717
3	Rate Changes	-	41,020	88,296	92,710
4	Other Operating Revenue	48,924	48,924	48,924	48,924
5	**Total Operating Revenue**	**$ 869,325**	**$ 951,366**	**$ 1,041,712**	**$ 1,091,352**
6	**Operating Expenses**				
7	Salaries & Wages	128,848	132,713	136,695	140,795
8	Other Operating Expenses	141,449	145,692	150,063	154,565
9	Depreciation	300,000	309,000	318,270	327,818
10	**Total Operating Expenses**	**$ 570,297**	**$ 587,406**	**$ 605,028**	**$ 623,179**
11	**Operating Income - GAAP Basis**	**$ 299,029**	**$ 363,960**	**$ 436,684**	**$ 468,173**
12	**Non-Operating Expense/(Revenue)**				
13	Interest Income	$ -	$ -	$ -	$ -
14	Interest Expense	145,562	132,845	125,090	116,090
15	Debt Issuance Expense	-	1,834	1,629	1,422
16	Interfund Transfers	-	-	-	-
17	Grant Income	-	-	-	-
18	**Total Non-Operating Expense/(Revenue)**	**$ 145,562**	**$ 134,679**	**$ 126,719**	**$ 117,512**
19	**Net Income - GAAP Basis**	**$ 153,467**	**$ 229,280**	**$ 309,965**	**$ 350,661**
20	**Rate Change**	0.00%	5.00%	5.00%	0.00%
21	**Cash Basis**				
22	Net Income	**$ 153,467**	**$ 229,280**	**$ 309,965**	**$ 350,661**
23	Plus Depreciation	**300,000**	**309,000**	**318,270**	**327,818**
24	Less Principal	**(441,718)**	**(449,473)**	**(482,529)**	**(472,435)**
25	Less Capital Expenditures	**(80,000)**	**(84,000)**	**(88,200)**	**(200,000)**
26	**Net Income - Cash Basis**	**$ (68,252)**	**$ 4,807**	**$ 57,507**	**$ 6,044**

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Table 4
City of Hickman
2024 Wastewater Cost of Service Study
Projected Financial Results - Debt Service Coverage
Proposed Rates

Line	Description	Projected 2025	2026	2027
1	**Debt Service Coverage**			
2	Net Revenue (1)	$ 672,960	$ 754,954	$ 795,991
3	Use of Reserves	-	-	-
4	Debt Service Expense	$ 582,318	$ 607,619	$ 588,525
5	**Debt Service Coverage (2)**	**1.16**	**1.24**	**1.35**
6	**Implemented Rate Change**	5.00%	5.00%	0.00%

Note:
1. Operating revenue, less operating and maintenance expenses (excluding depreciation).
2. Net revenue divided by debt service expense.

Cost of Service

The purpose of the cost of service analysis is to identify the costs related to serving each class of customers. Several steps were completed to prepare the cost of service analysis. A FY 2024 test year budget was prepared based on the FY 2024 operating budget, with adjustments for known changes. Each expense item was identified and assigned to a utility function, and further classified as volume or extra capacity (peak day or peak hour), and customer related expense. This process is called "functionalization" and "classification."

The costs related to each function were allocated to customer classes based on generally accepted cost allocation principles for municipal sewer utilities. The allocated costs were compared to revenues collected from existing rates. The comparison of the cost of service to revenue from existing rates was used as a factor in designing rates.

Test Year Budget

The FY 2024 operating budget was used as the basis for the test year budget. The purpose of preparing a test year budget is to create a scenario that is as close to "normal" operating conditions as possible, reflecting known changes for the Utility. The test year budget for FY 2024 included the following adjustments:

1. Normalized sewer discharges based on typical historical water sales.
2. Exclusion of sales tax revenues and expenses.
3. Rates would recover 5% of additional revenue to match the proposed rate plan.

The test year budget for FY 2024 was approximately $862,000 and is summarized in Table 5. The test year budget represents the amount that needs to be collected from retail rates. It includes all operating expenses, debt service payments, capital improvements funded from rates and is reduced for revenue from interest income and other non-retail revenue. It also includes an adjustment for net margin to ensure the test year budget is 5% greater than revenues from current rates.

Table 5
City of Hickman
2024 Wastewater Cost of Service Study
Test Year Budget by Function

Line	Rate Class	Volume Related	Capacity Related	Customer Related	Total
1	Residential	$ 489,595	$ 211,325	$ 97,493	$ 798,413
3	Multi-Family	6,208	1,786	1,027	9,022
4	Commercial and Municipal Use	38,550	11,093	4,444	54,087
5	Lift Station/Pumping	-	-	-	-
6	**Total**	**$ 534,354**	**$ 224,204**	**$ 102,964**	**$ 861,522**
7	**Percentage**	**62.0%**	**26.0%**	**12.0%**	**100.0%**

Functionalization and Classification

Functionalization and classification involve assigning the expense items to function, and classifying those expenses on the basis of a reasonable allocation method. The following functions were used for the Utility:

1. Sewage collection
2. Sewage treatment
3. Customer service
4. Other (interest income, other charges)

Treatment and collection costs were split between base costs, which vary in proportion to sewer discharge, extra capacity costs, and customer costs that do not vary based on sewage volumes. Extra capacity costs vary in proportion to the amount peak discharge exceeds the average usage. Customer and metering costs include those costs associated with serving a particular customer, regardless of the customer's sewer discharges. Customer-related costs include a portion of collection expense, customer billing, meter reading, customer accounting expense and maintenance costs related to

these functions. Other expenses cannot easily be assigned to the base cost or customer cost category, including administrative expenses. These costs were split between volume-related and customer-related allocations in the cost of service analysis.

Table 5 (see page 10) summarizes the classification of test year expenses and the allocation to the various retail rate classes. Approximately $534,000 was classified as volume-related, $224,000 was classified as capacity related, and $103,000 was classified as customer related expenses. Based on these classifications, 62% of the Utility's test year budget was volume-related, 26% was capacity-related, and 12% was customer-related.

Cost Allocation

The functionalized costs were allocated to the various rate classes using generally accepted methods for preparing sewer cost of service studies. There is no standard cost of service methodology that the Utility is required to follow, although there are a number of guidelines that municipal utilities typically follow to establish sewer rates. The Utility currently differentiates its rates based only on rate class and meter size, which based on the Utility's customer base is a reasonable approach.

Comparison of Revenues to Cost of Service

Revenues collected from existing rates were compared to the allocated cost of service. The purpose of this comparison was to assess the adequacy of existing rates for each rate class. This comparison can be used to assess the general magnitude of rate changes needed for each rate class and is one factor in determining the need for rate adjustments for individual rate classes.

Table 6 (see page 12) compares the revenue from existing rates to the calculated cost of service. Overall, the cost of service was 5% more than revenues from existing rates. The cost of service was 4.8% higher than existing revenues for residential customers, 7.3% higher than existing revenues for multi-family customers, and 8.6% higher than existing revenues for commercial and municipal use customers, depending on the usage profile and meter size.

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Table 6
City of Hickman
2024 Wastewater Cost of Service Study
Comparison of Cost of Service
to Revenue from Existing Rates

Line	Rate Class	Revenue Existing Rates	Cost of Service	Difference $	Difference %
1	Residential	$ 762,204	$ 798,413	$ 36,209	4.8%
2	Not Used	-	-	-	0.0%
3	Multi-Family	8,409	9,022	614	7.3%
4	Commercial and Municipal Use	49,789	54,087	4,298	8.6%
5	Lift Station/Pumping	-	-	-	0.0%
6	**Total**	**$ 820,401**	**$ 861,522**	**$ 41,120**	**5.0%**

Rate Design

The proposed rate plan would increase rates by a cumulative total of approximately 10% through FY 2027. An across-the-board approach was used to increase the monthly customer charge and flow-based charge. Under this approach, all customers will experience a similar percentage rate increase.

The proposed rate change would increase the average monthly residential sewer bill by $3.11 per month in FY 2025 and $3.27 per month in FY 2026. Tables 7 and 8 (see page 13) show the proposed rate increases by rate class for FY 2025 and FY 2026.

Table 7
City of Hickman
2024 Wastewater Cost of Service Study
Proposed Rate Change by Rate Class - FY 2025

Line	Rate Class	Revenue Existing Rates	Revenue FY 2025 Rates	Difference $	Difference Bill (1)	Difference %
1	Residential	$ 762,204	$ 800,314	$ 38,110	$ 3.11	5.0%
3	Multi-Family	8,409	8,829	420	3.26	5.0%
4	Commercial and Municipal Use	49,789	52,279	2,489	4.46	5.0%
5	Lift Station/Pumping	-	-	-	-	0.0%
6	**Total**	**$ 820,401**	**$ 861,421**	**$ 41,020**	**$ 3.17**	**5.0%**

Note:
1. Change in average monthly bill for customers within rate class.

Table 8
City of Hickman
2024 Wastewater Cost of Service Study
Proposed Rate Change by Rate Class - FY 2026

Line	Rate Class	Revenue FY 2025 Rates	Revenue FY 2026 Rates	Difference $	Difference Bill (1)	Difference %
1	Residential	$ 800,314	$ 840,330	$ 40,016	$ 3.27	5.0%
3	Multi-Family	8,829	9,270	441	3.42	5.0%
4	Commercial and Municipal Use	52,279	54,892	2,614	4.68	5.0%
5	Lift Station/Pumping	-	-	-	-	0.0%
6	**Total**	**$ 861,421**	**$ 904,493**	**$ 43,071**	**$ 3.33**	**5.0%**

Note:
1. Change in average monthly bill for customers within rate class.

With the proposed rate increases, the Utility's residential sewer rate in FY 2025 is higher than the identified peer group. Table 9 (see page 14) provides a comparison of existing rates for the cities of Beatrice, Lincoln, Nebraska City, Seward, and Wahoo to the recommended FY 2025 rates for Hickman. The comparisons were prepared for usage of 5,000 gallons, 7,000 gallons and 10,000 gallons. The typical monthly residential sewer bill was 4,200 gallons per customer, based on typical winter usage.

Rate comparisons do not consider factors such as geography, how pro-active a given utility is regarding capital improvement budgets, expected customer growth and differences in customer base. The rate comparison indicates the projected sewer rates are somewhat higher compared to similarly situated municipal utilities in eastern Nebraska after implementing the proposed rate changes. Other municipal utilities are experiencing similar rate pressures related to capital expenditures and compliance with environmental regulations, especially those utilities expected to experience significant growth over the next several years.

[Intentionally left blank.]

Table 9
City of Hickman
2024 Wastewater Cost of Service Study
Typical Bill Comparison
Rate Comparisons - Proposed FY 2025 Rates

Residential

Utility	5,000 gal	7,000 gal	10,000 gal
Beatrice (1)	$ 27.00	$ 33.00	$ 42.00
Hickman (2)	**$ 68.67**	**$ 76.02**	**$ 87.05**
Lincoln (3)	$ 25.66	$ 32.34	$ 42.35
Nebraska City (4)	$ 39.37	$ 45.52	$ 54.74
Seward (5)	$ 59.75	$ 71.10	$ 88.11
Wahoo (6)	$ 41.99	$ 48.69	$ 58.74

1. Rates effective October 2021.
2. Proposed rates, effective FY 2025.
3. Rates from City of Lincoln website as of August 15, 2024.
4. Rates effective March 1, 2019.
5. Rates effective October 2023.
6. Rates effective February 2024.

Conclusions

The following conclusions were reached, based on the information provided and analyses completed:

1. The projected test year budget for FY 2024 was approximately $862,000.
2. Projected revenues from existing rates are approximately $820,000 for FY 2024.
3. Existing rates would need to increase by approximately $41,000, or 5%, to provide sufficient revenue to pay projected FY 2024 test year expenses.
4. Existing rates would need to increase an additional 5% in FY 2026 to ensure adequate revenue to cover projected operating costs, debt service and capital improvements through FY 2027.

Recommendations

The following recommendations were developed based on the analyses completed and conclusions reached:

1. Sewer rates should be increased 5% on October 1, 2024 (for FY 2025) and 5% on October 1, 2025 (for FY 2026). The rate ordinance included in Appendix A implements these rate increases.

2. The Utility should evaluate its rates prior to FY 2027 or if there are any significant changes to the system, including load growth, capital improvements or operating expense increases.

Appendix A – Rate Ordinance

ORDINANCE NO. 2024-_____

AN ORDINANCE TO ESTABLISH CHARGES AND FEES FOR USE OF THE CITY SEWER SYSTEM PER §7-321 OF THE MUNICIPAL CODE OF HICKMAN, NEBRASKA; TO CHANGE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL CUSTOMER BASE AND USAGE RATES FOR SEWER SERVICE; TO REPEAL ORDINANCE 2022-18; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. Charges and Fees for Sewer Use by Customers of the City Sewer Department per Section 7-321 of the Municipal Code of the City of Hickman be as follows:

MUNICIPAL SEWER DEPARTMENT; RATE SETTING: Customers of Municipal Sewer Department shall be charged a base rate and a rate based on metered water usage for the use of sewer service. Rates shall be set by ordinance of the Governing Body:

A. Residential Rates

1. Base Rate. Each customer shall be charged a Base Rate per month per sewer hook-up.

2. Monthly Rate Based on Water Usage. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

3. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**October 1, 2024**	**October 1, 2025**
Base Rate	$50.30	$52.81
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.68	$3.86

B. Multi-Family Rate

1. The Multi-Family rate shall be applicable in cases where more than one residential dwelling is served by a single meter.

2. Base Rate. A Base Rate shall be charged per month based on customer meter size.

3. Monthly Rate Based on Water Usage. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

4. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**October 1, 2024**	**October 1, 2025**
Base Rate, per water meter size		
Less than 2”	$50.30	$52.81
3”	$75.92	$79.71
4”	$96.92	$101.76
6”	$280.67	$294.70
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.68	$3.86

C. Commercial and Municipal Use

1. Base Rate. Each customer shall be charged a Base Rate per month per sewer hook-up.

2. Monthly Rate Based on Water Use. The monthly rate based on metered water usage per one thousand (1,000) gallons, or any portion thereof, during the Base Period by the customer.

3. Minimum Bill. The Minimum Bill shall be the Base Rate.

Rates:

Effective Date:	**October 1, 2024**	**October 1, 2025**
Base Rate	$70.25	$73.76
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$3.31	$3.47

D. Base Period Definition

1. For Residential users (including Multi-Family) and non-profit education, charitable, religious, or service organization users, the metered water used during the Base Period is December 20 through March 20 and will be determined by calculating the average monthly metered water usage for the period; or if a recording of such monthly water billing period is not available, the monthly rate shall be calculated

on the basis of five thousand (5,000) gallons metered water use until the date of the above monthly water billing period is available.

2. For Commercial users, the Base Period usage will be the last preceding monthly water billing period.

E. Lift Station/Pumping Rates

1. The Lift Station/Pumping rate shall be applicable in cases where more than one customer is served by a single meter and non-municipal water is being discharged into the municipal sewer system.

2. Base Rate. A Base Rate shall be charged per month based on customer meter size.

3. Monthly Rate Based on Water Outflows. The monthly rate based on metered water discharge per one thousand (1,000) gallons, or any portion thereof.

Rates:

Effective Date:	**October 1, 2024**	**October 1, 2025**
Base Rate, per water meter size		
Less than 2”	$50.30	$52.81
3”	$75.92	$79.71
4”	$96.92	$101.76
6”	$280.67	$294.70
Water Usage Rate	$/1000 gal.	$/1000 gal.
	$4.46	$4.69

F. When the billing period of a customer’s first or final bill is less than thirty (30) days in length, the applicable monthly base rate above, on the customer’s first or final bill, shall be prorated based on the number of days service is provided divided by thirty (30) days.

Section 2. That Ordinance 2022-18 of Hickman, Nebraska, is hereby repealed.

Section 3. This ordinance will become effective and operative with the first billing date occurring on or after October 1, 2024.

Section 4. This ordinance will be in full force and effect from and after its passage, approval, and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED THIS _____ day of _____, 2024.

_____
Doug Wagner, Mayor

ATTEST:

_____
Jaala Johnson, City Clerk

(SEAL)

The Voice News

P.O. Box 148
Hickman, NE 68372-0148
402-792-2255

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	38002292	DUE DATE	2/15/2025

BILL TO
City of Hickman ATTN: Clerk 115 Locust Street Hickman, NE 68372

THE STATE OF NEBRASKA } ss.
County of Lancaster

Darren P. Ivy, being duly sworn, says that he is the publisher of

VOICE NEWS

News of Otoe, Johnson, Gage, Cass, Lancaster, Douglas, Saline, Sarpy & Saunders Counties,

a legal newspaper which is published and is in general circulation in Lancaster, Gage, Johnson, Otoe, Cass, Douglas, Saline, Sarpy, and Saunders Counties, Nebraska, and is printed in the English Language weekly at its office in Hickman, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was published in said newspaper:

PUBLIC NOTICE
CITY OF HICKMAN, NEBRASKA
NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given pursuant to section 53-135.01 that a liquor license may be automatically renewed for one year from May 1, 2025 for the following retail liquor licensee:

NEBRASKA COMMUNITIES
PLAYHOUSE
225 Locust Street
Hickman, NE 68372

Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the City of Hickman on or before February 05, 2025 in the office of the City Clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

Michele Lincoln, CMC
City Clerk, City of Hickman

Upon the conclusion of any hearing required by this section, the local Governing Body may request a licensee to submit an application as provided in section 53-135.

Jan. 16 - 33 lns
ZNEZ

1	Successive Week(s)
Beginning with the issue of:	1/16/2025
and ending with the issue of:	1/16/2025
Publisher's fee at Legal Rate is:	**$18.97**

Darren P. Ivy

Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Renewal of Liquor License - Nebraska Communities Playhouse - Jan. 16	16.47
Affidavit Fee	2.50

Subscribed and sworn before me, this 16th day of January, 2025

Amanda M. Whitlatch

Notary Public

GENERAL NOTARY - State of Nebraska
AMANDA M. WHITLATCH
My Comm. Exp. January 5, 2028

This document is your Affidavit of Publication and amount that will be on your Invoice.

The Voice News

P.O. Box 148
Hickman, NE 68372-0148
402-792-2255

INVOICE - AFFIDAVIT OF PUBLICATION

INVOICE #	38002293	DUE DATE	2/15/2025

BILL TO

City of Hickman
ATTN: Clerk
115 Locust Street
Hickman, NE 68372

PUBLIC NOTICE
CITY OF HICKMAN, NEBRASKA
NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given pursuant to section 53-135.01 that a liquor license may be automatically renewed for one year from May 1, 2025 for the following retail liquor licensee:

WHITEHEAD OIL DBA U-STOP 17
18940 S 68th Street
Hickman, NE 68372

Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the City of Hickman on or before February 05, 2025 in the office of the City Clerk and that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of the license should be allowed.

Michele Lincoln, CMC
City Clerk, City of Hickman
Upon the conclusion of any hearing required by this section, the local Governing Body may request a licensee to submit an application as provided in section 53-135.

Jan. 16 - 32 lns
ZNEZ

THE STATE OF NEBRASKA } ss.
County of Lancaster

Darren P. Ivy, being duly sworn, says that he is the publisher of

VOICE NEWS

News of Otoe, Johnson, Gage, Cass, Lancaster, Douglas, Saline, Sarpy & Saunders Counties,

a legal newspaper which is published and is in general circulation in Lancaster, Gage, Johnson, Otoe, Cass, Douglas, Saline, Sarpy, and Saunders Counties, Nebraska, and is printed in the English Language weekly at its office in Hickman, Nebraska; that said newspaper has been so published for more than fifty-two successive weeks prior to the publication of the annexed notice, and has a bona fide circulation of more than three hundred copies each issue. That to affiant's personal knowledge, the annexed notice was published in said newspaper:

1	Successive Week(s)
Beginning with the issue of:	1/16/2025
and ending with the issue of:	1/16/2025
Publisher's fee at Legal Rate is:	**$18.47**

Darren P. Ivy

Darren P. Ivy, Publisher

Summary Information	Weekly Cost
Notice of Renewal of Liquor License - Whitehead Oil - Jan. 16	15.97
Affidavit Fee	2.50

Subscribed and sworn before me, this 16th day of January, 2025

Amanda M. Whitlatch

Notary Public

GENERAL NOTARY - State of Nebraska
AMANDA M. WHITLATCH
My Comm. Exp. January 5, 2028

This document is your Affidavit of Publication and amount that will be on your Invoice.

Gana TRUCKING & Excavating, Inc.

2200 West Panama Rd. Martell, NE 68404 Phone (402) 794-5000 Fax (402) 794-5002

Date: 1/16/2025
Bid to: City of Hickman
Attn: Wade
Project: Old County Shop
Scope: Demolition
Addenda Acknowledged:

Gana Trucking and Excavating, Inc. proposes to provide the following for the project stated above.

1. Mobilize equipment to site
2. Demolish existing limestone & concrete block building & haul to appropriate disposal facility
3. Remove concrete foundation walls, footings and slabs on grade, haul rubble to an approved disposal site
4. Remove propane tank from site
5. Remove small trees & bridge planks at the back of the lot and dispose of properly
6. Backfill all voids created as a result of the demolition activities with material generated from onsite
7. Grade disturbed area to generally match into surrounding grades and to prevent ponding of water

Total Bid	$6,975.00

Notes:

1. Removal and disposal of contaminated / hazardous materials is Not Included
2. Asbestos inspections, removals and NESHAP notifications are Not Included
3. Seeding or sodding is Not Included
4. Bond is Not Included
5. Disconnection and capping of water and sanitary sewer services are Not Included
6. The owner shall be responsible for requesting the termination of gas & electric services to the property
7. Import of suitable fill material or topsoil is NOT Included
8. ***Demolition can take place 3 days from the Notice to Proceed from the City of Hickman***

Respectfully Submitted,
Gana Trucking and Excavating, Inc.

Tim Lempka

Accepted By:

Name **Date**

BID PROPOSAL

January 24, 2025

RE: Demolition of Structure @ 6700 Hickman Road

To: City of Hickman % Wade Luther

We hereby submit the following scope of work:

- Demolish and remove one-story masonry structure.
- Removal to include all building slabs, footings and foundations.
- All removed items will be legally disposed of as per County and State laws and regulations.
- Haul in clay fill and compact resulting voids to match existing adjacent grades.
- Rough grade site and provide positive drainage.

Base Bid Amount $ 11,890.00

Note: Per Lancaster County Health regulations an asbestos survey must be completed by a qualified asbestos removal contractor to address the presence of any "special waste" materials and the subsequent abatement. The survey could cost $400-$500, the cost of removal and disposal depends on the survey findings.

Exclusions:

- Performance/payment bond
- Permits (if required)
- Abandonment of utilities (water, sewer, well, propane tank, electrical).
- Asbestos survey
- Removal of any hazardous or "special waste" products (asbestos, PCBs, lead paint, refrigerants, etc.)
- Soil or compaction testing fees
- Overexcavation of any unsuitable soils
- Fine grading, seeding or sod
- Erosion control

Progress payments due thirty days from invoice date, with final balance due thirty days after completion.

Gary T. Varley
Land Excavating and Demolition LLC.
(cell) 402-610-0515

Accepted by _____ Date _____

GROUND LEASE AGREEMENT

This Ground Lease Agreement (**Agreement**) is entered into between City of Hickman, Nebraska, a municipal corporation and political subdivision of the State of Nebraska, (**Landlord**) and ALLO Communications LLC, a Nebraska limited liability company (**Tenant**) as of _____ ("Effective Date").

The Parties agree:

1. **DESCRIPTION**: Landlord leases to Tenant the area identified on Exhibit A, attached hereto and incorporated herein by reference, consisting of approximately _____ square feet at the address commonly known as 6700 Hickman Road (**Premises**).

2. **TERM**: The initial term of this Agreement (**Initial Term**) shall commence as of the Effective Date and continue until the tenth (10^{th}) anniversary of the Effective Date at which time it shall terminate, unless sooner terminated or renewed as provided herein. Upon providing no fewer than thirty (30) days written notice to Landlord prior to the expiration of the Initial Term or first Renewal Term, as applicable, Tenant shall have the option to extend this Agreement for two (2) additional ten (10) year terms (each, a **Renewal Term**, together with the Initial Term, the **Term**), upon the terms and conditions as stated herein. If Tenant fails to provide a notice of renewal, the Agreement shall renew on a month-to-month basis upon the same terms and conditions as stated herein and shall be terminable at any time, by either party, with thirty (30) days' written notice to the other party.

3. **RENT**: During the Term, Tenant shall pay to Landlord as Rent $600.00 per month, with payment due on the first day of each month, and such Rent shall be prorated for any partial calendar months. For each year of any Renewal Term and commencing on the first day of each year of any such Renewal Term, Rent for the applicable year shall be determined by multiplying the monthly Rent for the immediately preceding year by the lesser of: (a) 1.03, representing a three percent (3%) annual increase; or (b) a number equal to the percentage increase in the CPI over a 12 month period, calculated by using the most recently published CPI and the CPI published 12 months earlier. "CPI" shall mean the Revised Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the United States Department of Labor, for United States City Average, All Items (1982-84 = 100).

4. **USE**: Tenant shall use the Premises for a central office and/or data bunker, which is a building for utilities, computers and a generator using electricity, but without any temporary or permanent occupancy. Tenant shall not, without the written consent of Landlord, use the Premises for any other purpose, which consent shall not be unreasonably conditioned, delayed, or withheld.

5. **CONDITION OF PREMISES**: Landlord makes no warranties as to the condition of the Premises, and Tenant acknowledges it is accepting the Premises in its current and "As Is" condition.

6. **ACCESS; FIBER FACILITIES**. Access to the Premises shall be nonexclusive, i.e., the access shall be shared with other users, tenants and owners. In addition to Tenant's access rights described herein, Tenant shall also have the right to install and maintain conduit, fiber optic lines, and related facilities (which shall include, but not be limited to, any utilities, *e.g*., electricity, natural gas, or any similar utilities that may be reasonably required to operate the fiber facilities (collectively, **Fiber Facilities**) so as to allow Tenant to utilize its data bunker situated on the Premises. The Fiber Facilities shall be located in existing utility easements to the extent possible, but in any event within fifteen (15) feet of the boundary of the Premises in easements that are nonexclusive. Tenant and Landlord shall mutually agree on the exact placement of the Fiber Facilities prior to installation and Tenant shall be solely responsible for the repair and maintenance of the Fiber Facilities.

Landlord will grant Tenant any access and utility easements necessary for the installation of Fiber Facilities to Tenant's data bunker/central office located on the Premises.

7. **TAXES**: At any time, in the event improvements placed on the Premises by Tenant cause an annual tax increase over the taxes due in the year of the Effective Date of this Agreement (**Base Year**), Tenant shall, upon billing by Landlord and Landlord's provision of reasonable supporting documentation demonstrating the applicable increase, reimburse Landlord within twenty (20) days in the amount of the applicable tax increase. The obligations in this Section shall survive termination of this Agreement and Tenant shall remain obligated to pay taxes on improvements as stated herein that have accrued up to the date of termination or expiration of this Agreement.

8. **IMPROVEMENTS BY LANDLORD**: Landlord reserves the right to make improvements, alterations, or additions to the Premises, but shall not materially change the general appearance, location or area of the Premises. Further, Landlord's improvements shall not unreasonably disturb or interfere with Tenant's improvements.

9. **IMPROVEMENTS BY TENANT**: Tenant shall not make any improvements or alterations to the Premises (excluding replacement or rearrangement of personal property within the Premises) without submitting plans and specifications to Landlord and securing Landlord's written consent, which shall not be unreasonably conditioned, delayed, or withheld. Tenant shall pay all costs of improvements and alterations, shall provide evidence of such payment to Landlord upon request, and shall hold Landlord harmless from any costs, liens, or damages. Upon termination or expiration of this Agreement, Tenant shall, at Tenant's sole cost and expense, remove from the Premises all of Tenant's leasehold improvements, including without limitation, interior and exterior signs, trade fixtures and equipment, and other such items that have been installed or placed on the Premises by Tenant, by Tenant's predecessors in interest, or which have been installed or placed therein for the benefit of or on behalf of Tenant or Tenant's predecessors (all of which are hereinafter referred to as "Tenant's Property"), and Tenant shall repair all damage resulting from such removal.

Upon completion and installation of the central office and all associated fiber facilities and utilities, and at Tenant's request, Landlord and Tenant shall execute an addendum to this Lease documenting and approving the placement all Fiber Facilities and any associated improvements.

10. **MAINTENANCE OF PREMISES AND TENANT'S PROPERTY.** Tenant shall, throughout the Term of this Agreement, at its own cost, and without any expense to Landlord, keep and maintain the Premises and Tenant's Property, including all appurtenances, in good, sanitary and neat order, condition and repair, and, except as specifically provided in this Agreement, restore and rehabilitate its improvements on the Premises that may be destroyed or damaged by fire, casualty, or any other cause whatsoever. This requirement to maintain includes, but is not limited to, snow removal, landscape maintenance, and utilities as required to effectively use the Premises.

11. **UTILITY CHARGES; TENANT GENERATOR**: The only utilities to the Premises shall be electricity and natural gas in Tenant's name and which Tenant shall cause, at Tenant's cost, to be separately metered from the remainder of Landlord's Property. Landlord acknowledges as part of Tenant's use of the Premises, Tenant shall install a generator.

12. **WASTE**: Tenant shall not commit or permit any waste of the Premises, nor any public or private nuisance on the Premises.

13. **INSURANCE**. Tenant shall, during the entire Term, keep in full force and effect, solely, at Tenant's cost and expense, a policy of commercial general liability insurance with respect to the Premises and the activities of Tenant thereon, for which the limits shall not be less than One Million and no/100 Dollars ($1,000,000.00) covering bodily injury, sickness or death and loss of or damage to Premises, naming Landlord as an additional insured and providing that it is the primary coverage for liability on the Premises. Such coverage shall include a broad form general liability endorsement. The policy shall also be endorsed to provide that the additional insured party will be notified of the cancellation or non-renewal at least thirty (30) days before the effective date of such cancellation or non-renewal except in the event of cancellation due to non-payment of premium then a ten (10) days' notice shall be given.

14. **ASSIGNMENT**: Tenant shall not assign or sublet any portion of the Premises without the prior written consent of Landlord, which shall not be unreasonably conditioned, delayed, or withheld. Any such assignment or subletting without the consent of the Landlord, shall be void and, at the option of the Landlord, Landlord may terminate this Agreement. Notwithstanding anything to the contrary contained herein, Tenant may assign its entire interest under the Agreement or sublet the Premises or any portion thereof to a corporation, partnership, or other legal entity controlling, controlled by or under common control as Tenant, or to any successor to Tenant by purchase, merger, consolidation, reorganization, or sale of substantially all assets without the consent of Landlord.

15. **QUIET ENJOYMENT**: Landlord warrants that Tenant shall have possession and quiet enjoyment of the Premises for so long as Tenant is in compliance with the terms of this Agreement.

16. **DEFAULT**: Each of the following acts and omissions shall constitute a default and a breach of this Agreement:

a. Voluntary or involuntary bankruptcy, assignment for benefit of creditors, reorganization or rearrangement under the Bankruptcy Act, receivership, dissolution or the commencement of any action or proceeding for dissolution or liquidation of Tenant or Landlord whether instituted by or against Tenant or Landlord, as applicable, or any other similar action or proceeding.

b. The failure of Tenant to pay the Rent for a period of ten (10) calendar days after Tenant receives written notice of such non-payment.

c. The failure of Tenant or Landlord to comply with any other provision of this Agreement for a period of thirty (30) days after written notice of such failure; provided, however, in the event that such cure shall be reasonably expected to exceed thirty (30) days, Tenant's or Landlord's cure right shall be extended provided that such cure is commenced within thirty (30) days and such cure is diligently pursued.

17. **REMEDIES**: In addition to any other remedies available to the non-defaulting party, upon a default by a party, the non-defaulting party shall have the right to terminate this Agreement immediately by providing written notice to the breaching party.

18. **HOLDING OVER**: If Tenant remains in possession after the termination date without the written consent of Landlord, Tenant shall be deemed to be a trespasser. If Tenant shall have paid, and Landlord shall have accepted, rent in respect to such holding over, Tenant shall be deemed to be occupying the Premises only as a Tenant from month-to-month subject to all the terms of this Agreement except for the rental charged, which during the hold over period shall be at a rate which is the same as the last rental rate.

19. **EFFECT OF SALE**: A sale of the Premises will operate to release Landlord from all obligations pursuant to this Agreement, except liabilities which arose prior to the closing of such sale, and Tenant shall attorn to Landlord's successor in interest.

20. **TERMINATION**: Upon termination of this Agreement, Tenant shall:

a. Deliver possession of the Premises to Landlord in good condition as at the commencement of this Agreement, ordinary wear and tear excepted.

b. Leave undisturbed all non-trade fixtures and improvements.

c. Remove from the Premises all trade fixtures and other personal property of Tenant. Tenant shall, at Tenant's expense, repair any damage to the Premises arising from the removal of such trade fixtures or personal property.

21. **MISCELLANEOUS**:

No term or condition of this Agreement shall be construed to have been waived by Landlord or Tenant, unless Tenant or Landlord shall have secured such waiver from the other

party, as applicable.

Each person executing this Agreement on behalf of an entity represents and warrants that they have complete and full authority and capacity to act on behalf of that entity.

The invalidity or unenforceability of any term or condition of this Agreement shall not prejudice the enforceability of any other term or condition.

This Agreement shall not be amended or modified, except by a written instrument executed by both Landlord and Tenant.

Any notice, demand, request, or other instrument which may be or is required to be given under this Agreement shall be delivered in person or sent by United States certified or registered mail, postage prepaid and shall be addressed (a) if to Landlord, at 115 Locust Street, Hickman, NE 68372 and (b) if to Tenant, at ALLO Communications LLC, c/o President, 330 S. 21st Street, Lincoln, NE 68510.

Landlord and Tenant represent and warrant to each other that neither of them has consulted or negotiated with any broker or finder with regard to the Premises. Each of them will indemnify the other against any claim for fees or commissions from anyone other than the Broker.

This Agreement shall be binding upon the successors in interest of the parties.

This Agreement shall be construed and enforced in accordance with the laws of the State of Nebraska. EACH PARTY HERETO, TO THE FULLEST EXTENT PERMITTED BY LAW, WAIVES THE RIGHT TO A TRIAL BY JURY FOR ANY ACTION ARISING FROM, OR RELATED TO, THIS AGREEMENT.

The foregoing constitutes the entire agreement between the parties.

IN WITNESS WHEREOF, the Landlord and Tenant have executed this Agreement on the day first set forth above.

LANDLORD:

By:_____
Its:_____

Name:_____
(Please Print)

TENANT:

By:_____
Its: President and CEO

Name: Bradley A. Moline

EXHIBIT A

EASEMENT FOR FIBER OPTIC FACILITIES & STRUCTURES

KNOW ALL MEN BY THESE PRESENT: That **The City of Hickman, a Nebraska municipal corporation and political subdivision of the State of Nebraska**, hereinafter referred to as Grantor, in consideration of $1.00, receipt of which is hereby acknowledged, and the further payment of a sum to make total payment of $1.00 for underground and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures when set on the following described property, do hereby grant and convey unto the **ALLO Communications LLC, a Nebraska limited liability company,** hereinafter referred to as Grantee, its lessees, successors and assigns, the exclusive permanent right, privilege and easement, subject to all terms and conditions herein, to construct, reconstruct, operate and remove all necessary underground and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures in connection therewith, on, under, and across the following property situated in Lancaster County, Nebraska, more particularly described as follows:

Lot One (1), Irregular Tract located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE ¼) of Section Twenty-Eight (28), Township Eight (8) North, Range Seven (7) East of the 6th P.M., Lancaster County, Nebraska, described as follows:

The East Fifteen Feet (15.0') of said Lot One (1).

The underground and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures herein contemplated shall be located on the Easement Property as shown on attached **Exhibit "A".**

Grantee shall also have the exclusive privilege and easement of ingress and egress across that portion of the Easement Property to its (their) officers and employees for any purpose necessary in connection with the construction, reconstruction, operation, maintenance, inspection, and removal of said underground and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures to the extent such use or ingress and egress does not unreasonably interfere with Grantor's rights of ingress and egress, site improvements and its use said Easement Property.

Grantee shall also have the right at any time to trim or remove such trees and underbrush on the Easement Property as may in any way endanger or interfere with the safe operation of the underground and/or fiber facilities, communication lines, utility lines, at grade equipment and fiber structures used in connection therewith.

Grantee shall also at all times exercise all due care and diligence to avoid injury or damage to all persons or property, including but not limited to all personal property, the landscaping, and improvements of Grantor, and Grantee shall indemnify, defend and hold harmless Grantor from any such damage and loss arising or occurring to persons or property by reason of the construction, operation, maintenance and removal of any underground

and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures. Grantee shall repair any damage and loss arising or occurring to Grantor's property solely by reason of the construction, operation, maintenance and removal of any underground and/or aerial fiber facilities, communication lines, utility lines, at grade equipment and fiber structures.

Grantee shall perform any work in connection with this Easement in a good and workmanlike manner with reasonable effort to minimize interference with the use of Grantor's herein described property except as may be reasonably necessary for Grantee to carry out the terms and conditions of this Easement.

Signed the _____ day_____, 2025.

The City of Hickman, a Nebraska municipal corporation and political subdivision of the State of Nebraska

Signature: _____

STATE OF NEBRASKA
COUNTY OF LANCASTER

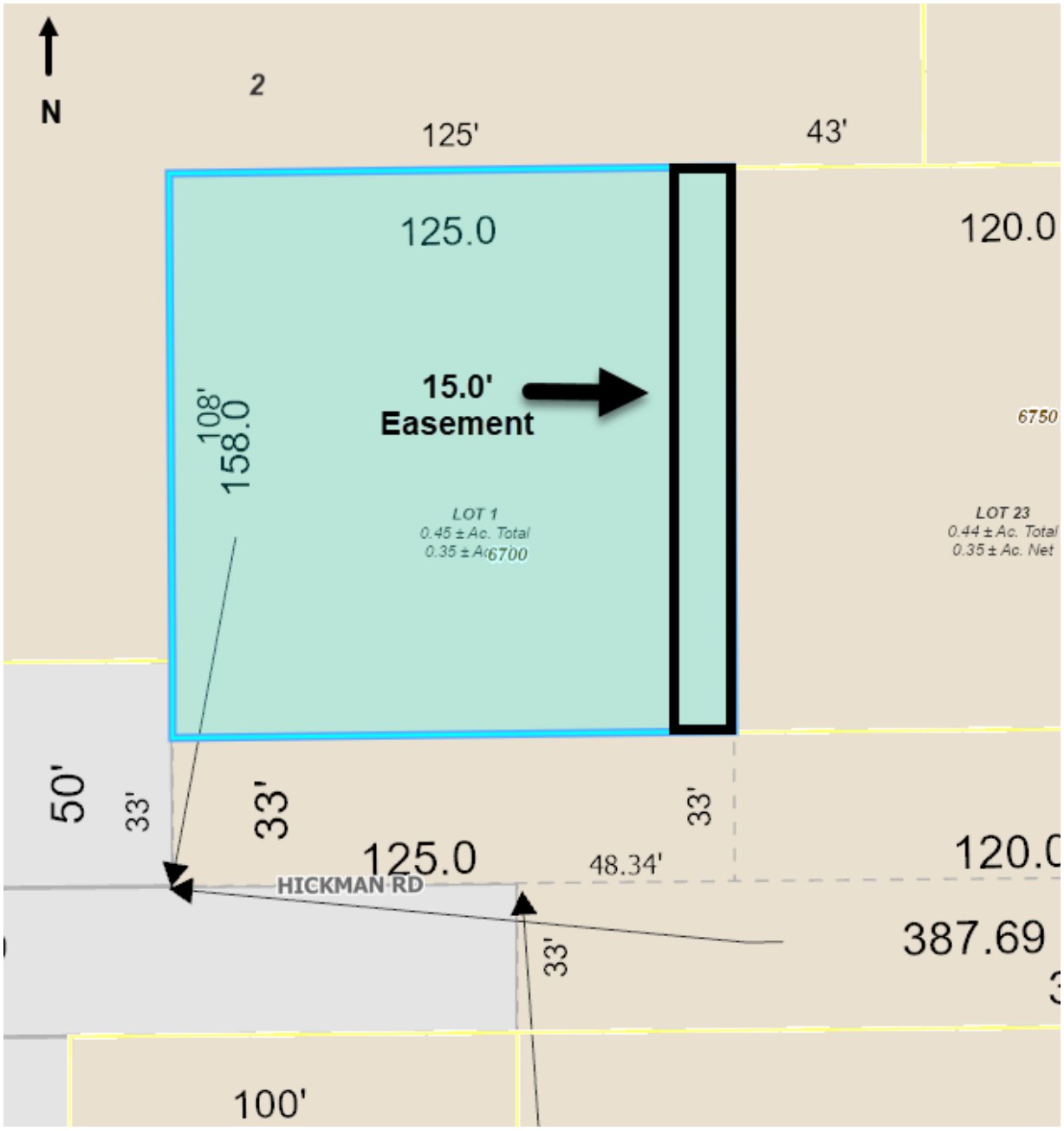
On this _____day of _____, 2025, before me the undersigned, a Notary Public duly commissioned for and qualified in said County and State, personally came _____, _____, on behalf of The City of Hickman, a Nebraska municipal corporation and political subdivision of the State of Nebraska, to me known to be identical person(s) who signed the foregoing instrument as Grantor and who acknowledged the execution thereof to be a voluntary act and deed for the purpose therein expressed.

WITNESS my hand and notarial seal on the _____day of _____, 2025.

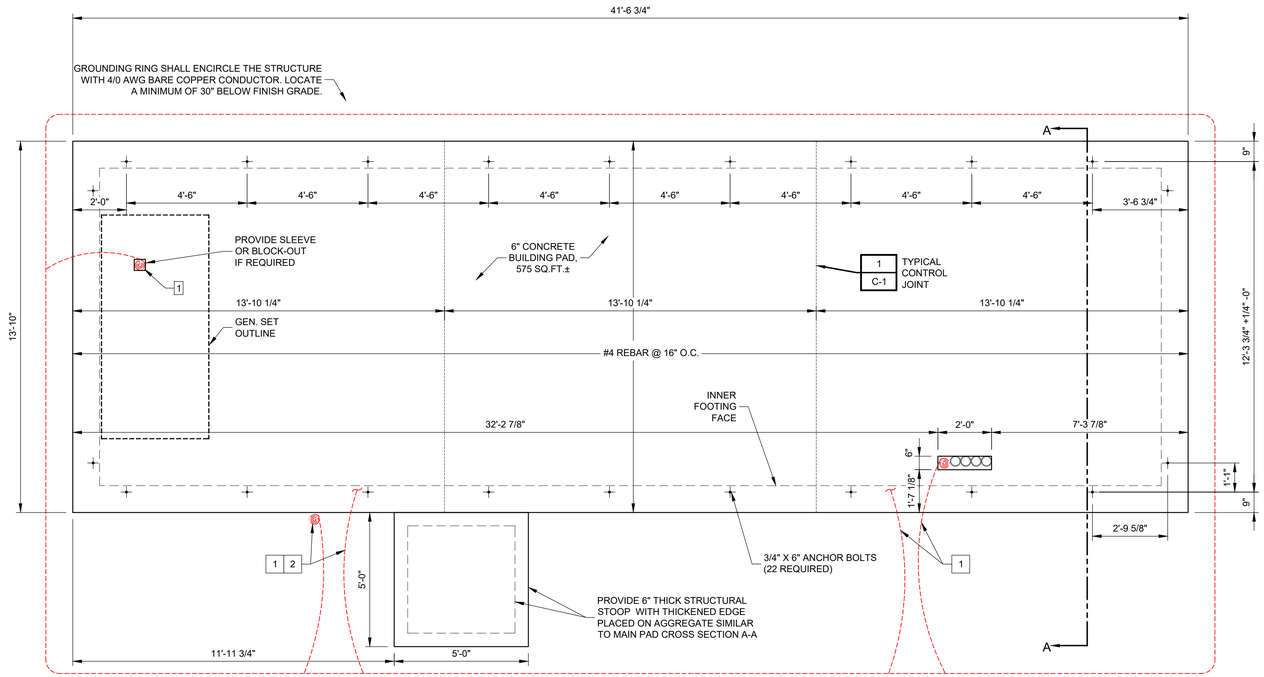
_____

Notary Public

Exhibit "A"
Easement Area



Lot One (1), Irregular Tract located in the Southeast Quarter of the Southeast Quarter (SE 1/4 SE ¼) of Section Twenty-Eight (28), Township Eight (8) North, Range Seven (7) East of the 6th P.M., Lancaster County Nebraska.



NORTH

CONCRETE FOUNDATION PLAN

SCALE: 3/8" = 1'-0"

KEYNOTES:

1. CONNECT BONDING JUMPER FROM GROUNDING RING TO FOOTING STEEL AND ELECTRIC EQUIPMENT WITH 4/0 AWG BARE COPPER CONDUCTOR PER NEC 2017.
2. PROTECT EXPOSED WIRE ON EXTERIOR WITH RIGID METAL CONDUIT

STRUCTURAL LOAD NOTES:

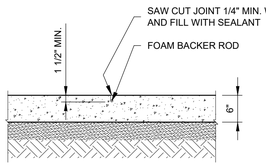
Building Code and Design Load information can be found on ThermoBond Drawing TBB1494 , 11/23/2022
Soil Allowable Load used for Design: 1500 psf

AGGREGATE SPECIFICATIONS:

1. THE TYPES OF AGGREGATE SHALL BE ONE OF THE FOLLOWING:
   a. Crushed Granite
   b. Crushed Concrete
   c. Crushed Limestone
   d. Platte Valley Gravel or approved equal
2. ALL AGGREGATE SHALL MEET THE SAME GRADATION AS REQUIRED BELOW. GRADUATION REQUIREMENTS:

Screen Size	Percent Passing by Weight Graded Aggregate
1"	92 - 100%
3/4"	66 - 90%
3/8"	15 - 45%
No. 4	0 - 12%
No. 10	---
No. 20	0 - 4%
No. 200	3% Maximum

3. THE AGGREGATE SHALL BE LAID AND COMPACTED BY AN APPROVED METHOD TO THE LINES AND GRADES SHOWN ON THE PLANS.



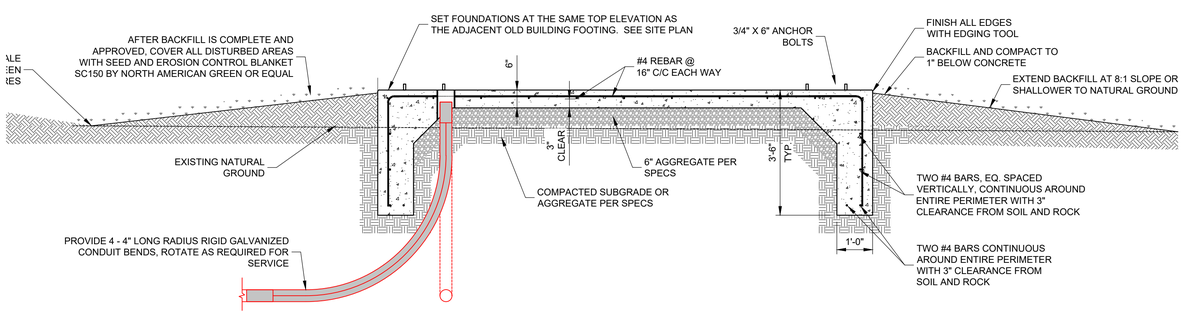
1
C-1

CONTROL JOINT

SCALE: 3/4" = 1'-0"

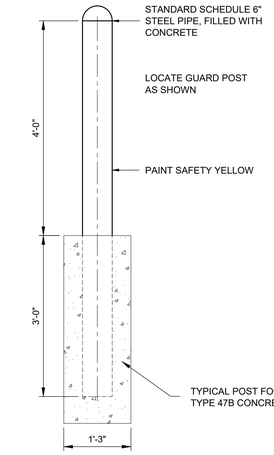
CONSTRUCTION AND CONCRETE NOTES:

1. A LICENSED SURVEYOR SHALL LOCATE ADJACENT PROPERTY, EASEMENT AND SETBACK LINES TO PROPERLY LOCATE THE STRUCTURE.
2. STRIP 6" TO REMOVE ORGANIC MATERIAL. COMPACT STRIPPED AREA (SEE NOTE BELOW). PROVIDE LEAN CLAY FILL OR AGGREGATE TO LEVEL WITH EXISTING SURFACE. COMPACT AND LEVEL TO FLAT PROFILE.
3. ALL PAVING AND CONCRETE SHALL BE PLACED ON A FLAT AND SMOOTH PROFILE. E.G. SCREEDED AND COMPACTED SAND CUSHION OR "TRIMMED" SURFACE.
4. ALL CONCRETE FOR FLOORS, PADS AND FOOTINGS SHALL BE NDOT CLASS "47B-4000". DRIVEWAYS, SIDEWALKS, RAMPS AND CURBS SHALL BE THE SAME.
5. USE POWER TROWEL FINISH ON ALL INTERIOR CONCRETE.
6. PROVIDE BURLAP OR BROOM FINISH ON DRIVES AND SIDEWALKS AND PROVIDE SAWED JOINTS FILLED WITH SEALANT NOTED BELOW.
7. ALL SUBGRADE UNDER CONCRETE SHALL BE COMPACTED TO 95% OF STANDARD PROCTOR DENSITY AT ±2% FROM OPTIMUM MOISTURE..
8. SEAL ALL EXPOSED JOINTS IN CONCRETE, EXPANSION JOINTS AND JOINTS ADJACENT TO BUILDING WITH POLYURETHANE SUCH AS VULKEM 45 SSL BY TREMCO INCORPORATED, SONNEBORN SL-1 OR APPROVED EQUAL.
9. CONTRACTOR TO LAYOUT AND TOOL OR SAW CUT CONTROL JOINTS AS SHOWN OR AS REQUIRED TO PREVENT RANDOM CRACKS. CUT AS SOON AS PRACTICAL. DO NOT LEAVE OVERNIGHT.
10. ALL CONCRETE PAVING CONTROL JOINTS SHALL BE CUT OR PLACED AS DIMENSIONED IN NEARLY SQUARE SECTIONS WITH NO LENGTH TO WIDTH RATIO EXCEEDING 1.2. (E.G. 3'X3', 5'X5', 10'X10' ETC), UNLESS NOTED OTHERWISE.



FOUNDATION SECTION A - A

SCALE: 1/2" = 1'-0"



GP-1

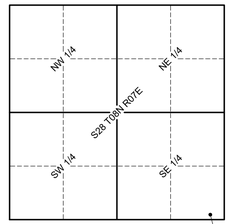
GUARD POST DETAIL

SCALE: 3/4" = 1'-0"

NORTH

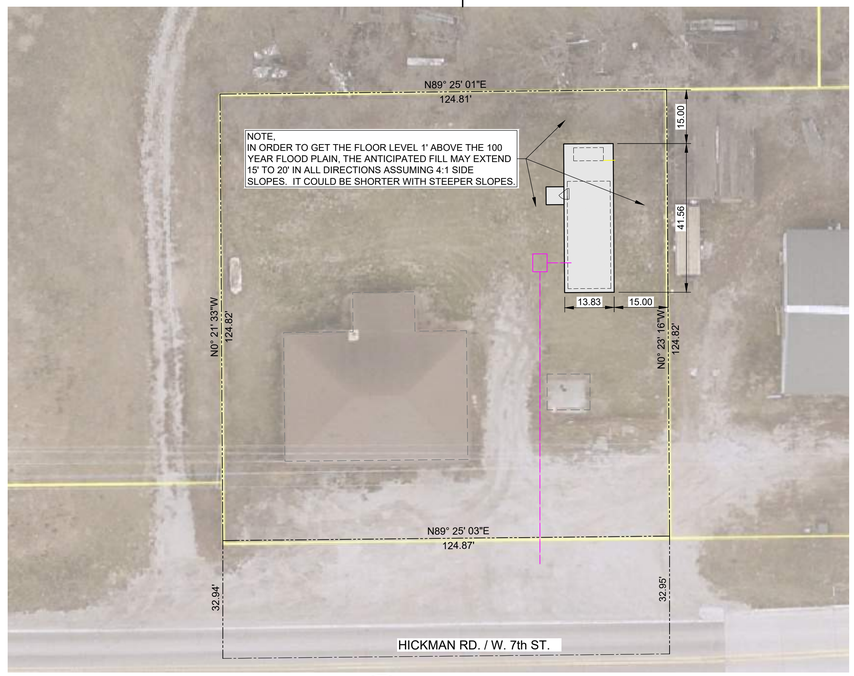
LOCATION MAP

NO SCALE



LOCATION MAP

NO SCALE



NORTH

SITE PLAN

SCALE: 1" = 20'-0"

LOCATION NOTES:

1. PROPERTY ADDRESS: 6700 HICKMAN RD., HICKMAN, NE 68372
2. OWNER: CITY OF HICKMAN
3. LEGAL,SUBDIVISION: S28, T8, R7, 6th Principal Meridian, LOT 1 SE
4. BUILDING ZONE: C2, SETBACKS: FRONT = 25', SIDE = 10', REAR = 10'
5. BUILDING AREA: 360 S.F. (SEE THERMOBOND DRAWING TBB1494 REV. 12/5/24)
6. LOT AREA / LOT COVERAGE: >15,625 S.F. / <0.02%
7. CONTRACTOR TO COORDINATE FINAL BUILDING LOCATION WITH CLIENT PRIOR TO CONSTRUCTION.
8. CONTRACTOR TO LOCATE AND PROTECT ALL UNDERGROUND UTILITIES DURING CONSTRUCTION.
9. CONTRACTOR TO LOCATE AND VERIFY EXISTING PROPERTY PINS, BOUNDS, AND EASEMENTS FOR PROPER BUILDING LOCATION PRIOR TO CONSTRUCTION.

NOTE:

W DESIGN ASSOCIATES, STEVEN W. WOLFORD, P.E., IS PROVIDING PROFESSIONAL ENGINEERING SERVICES FOR THE SITE DESIGN AND FOUNDATION PLAN FOR THE FIBER HUT PROJECT FOR ALLO COMMUNICATION IN HICKMAN, NE. WE ARE NOT ACTING AS THE COORDINATING PROFESSIONAL FOR THIS PROJECT. WE ARE REQUIRED TO VERIFY CONSTRUCTION OF THE COMPONENTS SHOWN IN THESE PLANS AND SPECIFICATIONS. PLEASE PROVIDE APPROPRIATE NOTIFICATION FOR INSPECTION(S).

This bar is one inch long on original drawing.
if not one inch on this sheet, adjust scales accordingly

ALLO COMMUNICATIONS
FIBERHUT PROJECT @ 6700 HICKMAN RD.
HICKMAN, NEBRASKA

DESIGN ASSOCIATES
214 E. 1ST ST. MCCOOK, NE 69001 | 308-345-3370 | ENGINEER | ARCHITECT
2301 N. 3RD ST. NORFOLK, NE 68701 | 402-453-2277 | WWW.WDESIGNS.COM

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PRELIMINARY NOT FOR CONSTRUCTION

DWG: 64ORH-23 C-1 HICKMAN
DRAWN: SWW
CHECKED: SWW
REVISIONS

C-1

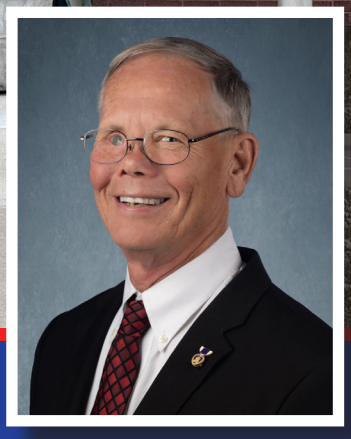
DATE: JANUARY, 2023

J:\64O Allo Communications\64ORH-24 Allo Fiber Sites Raymond, NE and Hickman, NE\64ORH-23 C-1 Hickman.dwg
1/16/2025 9:18:52 AM, DWG To PDF.pc3

2025 MIDWINTER CONFERENCE

Curious leaders. Courageous leadership. Creativity.

Feb. 24-25, 2025 - Cornhusker Marriott Hotel, Lincoln



League President Marlin Seeman
Mayor of Aurora

League of Nebraska Municipalities

2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

February 24-25, 2025

MUNICIPAL TREASURERS AND MUNICIPAL ATTORNEYS: The League will let you know as soon as the State Auditor's Office and the Mandatory Continuing Legal Education Commission informs us of the number of hours each will receive.

Tenative Conference Program (subject to change)

Monday, February 24, 2025

7:30–8 am — **Registration:** Visit Display Areas (coffee and rolls available)

8–8:10 am — **Welcome**
League President Marlin Seeman, *Mayor, Aurora*

8:10–9:15 am — **Panel of State Senators and Others Discussing Legislative Issues of Municipal Importance**

9:15–9:30 am — **Break:** Visit Display Areas

9:30–10:30 am — **Affordable Housing/Workforce Housing Updates; Strategic Housing Framework**
K.C. Belitz*, Director, Nebraska Department of Economic Development*
Shannon Harner*, Executive Director, Nebraska Investment Finance Authority*

10:30–10:45 am — **Break:** Visit Display Areas

10:45–11:45 am — **League Legislative Update**
L. Lynn Rex*, Executive Director, LNM*

11:45 am–12 pm — **Break:** Visit Display Areas

12–1:30 pm — **Luncheon**
Special Keynote Address by Melissa Hinrichs, Coach/Facilitator at EngagedLeadership
Melissa applies a strengths-based lens to uncover, explore, and grow the potential of every individual and team.

1:30–1:45 pm — **Break:** Visit Display Areas

1:45–2:45 pm — **Concurrent Sessions:**

A. Zoning: Understanding the importance of zoning and how to protect yourself from what you don't know!
(Session repeated at 3 pm)
Dave Ptak*, Former City Attorney; Former City Administrator; frequent lecturer on planning and zoning matters*

B. *(Newly Elected/Appointed Officials)* **LEGAL OVERVIEW**
Public Records Law and Transparency in Government: Learn how to limit your liability.
Christy Abraham*, Legal Counsel, LNM*

C. NEMA Panel: "We have a plan...What could go wrong?" Don't miss this live tabletop example of local emergency operations planning for local officials.
(Session repeated at 3 pm)
Erv Portis*, Assistant Director, NEMA*

D. Upgrading the Good Life: Using trends in inter-state migration to modernize Nebraska's workforce recruitment.
(Session repeated at 3 pm)
Ethan Kimbrough*, Economist, Nebraska Department of Economic Development*

2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES
Cornhusker Marriott Hotel, Lincoln
February 24-25, 2025

Monday, February 24, 2025 (con't.)

2:45–3 pm **Break:** Visit Display Areas

3–4 pm **Concurrent Sessions:**

A. **Zoning:** Understanding the importance of zoning and how to protect yourself from what you don't know!
(Repeat of 1:45 pm session)
***Dave Ptak**, Former City Attorney; Former City Administrator; frequent lecturer on planning and zoning matters*

B. *(Newly Elected/Appointed Officials)* **LEGAL OVERVIEW**
Budgeting: Better understanding the law and the process.
***Christy Abraham**, Legal Counsel, LNM*

C. **NEMA Panel:** "We have a plan...What could go wrong?" Don't miss this live tabletop example of local emergency operations planning for local officials.
(Repeat of 1:45 pm session)
***Erv Portis**, Assistant Director, NEMA*

D. **Upgrading the Good Life:** Using trends in inter-state migration to modernize Nebraska's workforce recruitment.
(Repeat of 1:45 pm session)
***Ethan Kimbrough**, Economist, Nebraska Department of Economic Development*

E. **League Insurance Government Health Team (LIGHT):** Learn more about the League's health insurance plan for municipal employees in partnership with Blue Cross and Blue Shield; Understand the challenges of "self-funded programs" like the Chamber plan.
(Session repeated Tuesday at 10:45 am)
***Dennis Maggart**, President, McInnes Maggart Consulting Group*
***Sue Warner**, Strategic Account Executive, Blue Cross and Blue Shield of Nebraska*

4–4:15 pm **Break:** Visit Display Areas

4:15–5:30 pm **Section Meetings:**
Mayors and Village Board Chairs
Smaller Cities and Villages
Larger Cities
Clerks
City Managers/Administrators
Utilities Section

Tuesday, February 25, 2025

8 am **Registration:** Visit Display Areas (coffee and rolls available)

8:15–9:15 am **Concurrent Sessions:**

A. **Local Option Sales Tax (Requiring Approval by Local Voters):** Learn how 265 cities and villages in Nebraska use local option sales tax dollars to fund critically important projects and programs to reduce property taxes; and/or fund LB 840 plans (Local Option Municipal Economic Development Act); as well as finance infrastructure improvements for streets, roads, libraries, etc.; affordable and/or workforce housing projects; etc.
***Emily Bausch**, City Administrator, Plattsmouth*
***Jeff Hofaker,** City Administrator, Sutton*
***Nate Schneider,** City Manager, McCook*

2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

February 24-25, 2025

Tuesday, February 25, 2025 (con't.)

8:15–9:15 am **Concurrent Sessions: (con't.)**

B. *(Newly Elected/Appointed Officials)* **LEGAL OVERVIEW**

1) Tort Claims Liability
2) Recreational Liability
3) Bidding and Purchasing

***Lash Chaffin**, Utilities Section Director, LNM*

C. Federal Highway Administration (FHWA) Update and NDOT Infrastructure Grant Portal: Learn about important resources for local governments applying for grants and how to more easily access potential funding.
(Session repeated at 9:30 am)
***Wayne Fedora**, Nebraska Division Administrator, Federal Highway Administration*
***Jenna Habegger**, PMP, Highway Planning Manager – Nebraska Infrastructure Hub, Local Assistance Division – NDOT*
***Dina Harris**, Highway Programs Specialist – Nebraska Infrastructure Hub, Local Assistance Division – NDOT*

D. Flood Risk Awareness Project: Learn about this project and findings by UNL in partnership with the Nebraska Department of Economic Development on public risk awareness, hazard mitigation and recovery; Find out how CDBG Grants can help financial mitigation needs.
(Session repeated at 9:30 am)
***Jenny Mason**, Director – Community Development Disaster Recovery Divisions, NDED*
Zhenghong Tang, Program Director, UNL Community and Regional Planning Program

9 am–4 pm **Fire Chiefs Section Meeting**

9:15–9:30 am **Break:** Visit Display Areas

9:30–10:30 am **Concurrent Sessions:**

A. Emotional Support Animals (ESAs): Learn what can and cannot be required by municipalities.
(Session repeated at 10:45 am)
***Madison Wurtele**, Staff Attorney, Disability Rights Nebraska*

B. *(Newly Elected/Appointed Officials)* **LEGAL OVERVIEW**

1) Public Works/Utilities
2) Environmental Requirements
3) Code Enforcement

***Lash Chaffin**, Utilities Section Director, LNM*

C. Federal Highway Administration (FHWA) Update and NDOT Infrastructure Grant Portal: Learn about important resources for local governments applying for grants and how to more easily access potential funding.
(Repeat of 8:15 am session)
***Wayne Fedora**, Nebraska Division Administrator, Federal Highway Administration*
***Jenna Habegger**, PMP, Highway Planning Manager – Nebraska Infrastructure Hub, Local Assistance Division – NDOT*
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2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

February 24-25, 2025

Tuesday, February 25, 2025 (con't.)

10:30–10:45 am **Break:** Visit Display Areas

10:45–11:45 am **Concurrent Sessions:**

A. **Emotional Support Animals (ESAs):** Learn what can and cannot be required by municipalities.
(Repeat of 9:30 am session)
***Madison Wurtele**, Staff Attorney, Disability Rights Nebraska*

B. *(Newly Elected/Appointed Officials)* **LEGAL OVERVIEW**
Open Meetings Act
***L. Lynn Rex**, Executive Director, LNM*

C. **League Insurance Government Health Team (LIGHT):** Learn more about the League's health insurance plan for municipal employees in partnership with Blue Cross and Blue Shield; Understand the challenges of "self-funded programs" like the Chamber plan.
(Repeat of session at 3 pm on Monday)
***Dennis Maggart**, President, McInnes Maggart Consulting Group*
***Sue Warner**, Strategic Account Executive, Blue Cross and Blue Shield of Nebraska*

D. **AmeriCorps NCCC/ServeNebraska:** Learn how to access personnel assisting your community, free of charge!
***Audra Piotti**, Assistant Program Director, AmeriCorps NCCC*

11:45 am–12 pm **Break:** Visit Display Areas

12 pm **Designated Delegates with White Ribbons on Their Name Badges:** Greet your State Senator.

12–1:10 pm **Senator Appreciation Luncheon**

1:10 pm **Adjournment – Thank you for coming! Please drive safely!**

2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES

Cornhusker Marriott Hotel, Lincoln

February 24-25, 2025

Delegate Registration

Municipality: _____

Name (as you want it to appear on name tag): _____

Title: _____ **Spouse** *(if attending)*:_____

First League Conference? Yes _____ No_____

Check # _____ **enclosed for** $_____*(Advanced payment encouraged)*

Billing address: _____

Phone: _____ **Email:**_____

	Through Feb. 7		After Feb. 7		Recordings Only (prepayment required)	
Conference: (Includes electronic handbook; meals are extra) Per city/village official, League member	_____	$395	_____	$425	_____	$395
Partial conference attendance: (Includes electronic handbook; meals are extra) Monday sessions	_____	$300	_____	$330	_____	$300
Tuesday morning only	_____	$150	_____	$170	_____	$150

Conference Total: $_____

Meals: (not included in registration fee; indicate number needed by **Feb. 7**)

Monday Luncheon	_____	$33
Tuesday Senator Appreciation Luncheon	_____	$33

Meals Total: $_____

Conference Information

- ❒ Preregistration deadline is **Feb. 7**. Registrations received after this date will incur higher registration costs.
- ❒ Advance registrations not cancelled by this date or "no shows" will be billed since the sessions will be recorded and sent to registered delegates for viewing through May 31, 2025.
- ❒ If you need special accommodations or equipment at this conference, contact the League office by **Feb. 7**.

Mail registration to League of Nebraska Municipalities, 206 S 13th Street, Suite 800, Lincoln, NE 68508, or fax to 402-476-7052.

Online registration will open Jan. 13.

2025 MIDWINTER CONFERENCE

LEAGUE OF NEBRASKA MUNICIPALITIES
Cornhusker Marriott Hotel, Lincoln
February 24-25, 2025

Conference Information

Designed for elected or appointed officials, the focus of the **2025 Midwinter Conference** will be current and proposed legislation and how it affects local governments. A highlight of the two-day conference will be the Senator Appreciation Luncheon, which offers municipal officials an opportunity to meet and visit with their State Senators.

Hotel Reservations

- ❑ All conference sessions will be held at the Cornhusker Marriott Hotel, 333 South 13th Street, Lincoln, NE 68508.
- ❑ To make room reservations at the Cornhusker, call 1-866-706-7706 or 402-474-7474 or book online. When calling to reserve a room, please state that you are attending the League's conference to obtain the special room rate. The deadline for reserving a room is **Feb. 4**.
- ❑ The room rate is $112 for a single or double room with Government ID card. If you need an ID card, contact the League office. Individual guest accounts are payable at check out by cash or credit card.
- ❑ Check in time is approximately 4 p.m.; check out time is 11 a.m.
- ❑ The preregistration deadline is **Feb. 7**. Registrations received after this date will incur higher registration costs. Advance registrations not cancelled by this date or "no shows" will be billed since the sessions will be recorded and sent to registered delegates for viewing through May 31, 2025.
- ❑ If you need special accommodations or equipment at this conference, contact the League office by **Feb. 7**.
- ❑ To meet printing schedules for the conference materials, sponsor fund or display table information must be returned by **Feb. 7**.
- ❑ For your comfort, we recommend that you wear layered clothing or bring a jacket because heating and cooling conditions may vary.