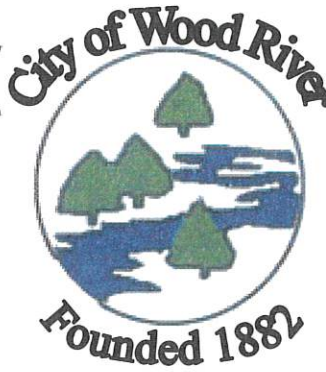


A Proud Past

108 W. 10th Street
PO Box 8
Wood River, NE 68883



A Promising Future

Phone: 308-583-2066
Fax: 308-583-2316
clerkcwr@woodriverne.com

REGULAR CITY COUNCIL MEETING
AGENDA

2024 May 21

TIME: 7:00 PM

BILL READERS: RENNAU & ROTTER
PUBLIC NOTICE: (FOLLOWING PAGES)

I. CALL TO ORDER:

II. ROLL CALL:

III. RECITE THE PLEDGE OF ALLEGIANCE:

The Mayor led the Council Members and audience in the Pledge of Allegiance. Mayor Cramer advised the public body of the Open Meetings Act that is posted in the meeting room and entry hall.

IV. CITY COUNCIL OF WOOD RIVER DECLARATION OF OPEN MEETINGS ACT:

The City of Wood River abides by the open meetings act in conducting business. A copy of the open meetings act is displayed around the board room and in the hall as required by state law. The City Council may vote to go into closed session on any agenda item as allowed by state law.

V. CITIZENS WITH BUSINESS NOT SCHEDULED ON THE AGENDA.

(Comments may have a limitation of 15 minutes per topic. The purpose of the public comment is for the presentation of an item to the City Council that is not on the agenda) (As required by State Law, no matter may be considered under this item unless Council determines that the matter requires emergency action.)

VI. CONSENT AGENDA:

(All items listed under consent agenda, are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a council member or citizen requests it, in which case the item will be removed and will be considered after completion of the consent agenda.)

VI. Regular Meeting Minutes, May 7, 2024.

Pages 1-2

VI. Disbursements \$31,020.01

Pages 3-4

VI. Checks not on the list \$67,208.50

VI. Payroll for April 2024 \$ 36,248.27



VI. Payroll Tax \$ 7,608.83

VI. Retirement \$ 2,535.44

VI. Sales Tax Paid \$6,878.92

VI. Wire(s) \$9,262.50

VI. SDL Request(s)

6/21/24 6:00pm-10:00pm / Wedding Rehearsal

Page 5

MNO Hometown Market
118 E 9th St..
Wood River, NE

Wood River Community Center
108 W 10th St
Wood River, NE

VII. PUBLIC COMMENT

VIII. PUBLIC HEARING

7:00PM Public Hearing to consider amendments to Article 8: Flood Plain Regulations of the City of Wood River Zoning Regulations.

Pages 6-7

IX. INTRODUCTION OF RESOLUTIONS AND ORDINANCES

ORDINANCE 586 AN ORDINANCE TO AMEND ARTICLE 8: FLOOD PLAIN REGULATIONS OF THE CITY OF WOOD RIVER, TO APEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HERE WITH; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND THE EFFECTIVE DATE OF THIS ORDINANCE.

Pages 8-24

ORDINANCE 587 AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 5 OF THE MUNICIPAL CODE OF WOOD RIVER, NEBRASKA, RELATED TO PARKING ENFORCEMENT AND IMPOUNDMENT; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERE WITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Pages 25-33

7. MAYOR CRAMER discuss/approve payment to IES Commercial (Invoice 542032019-07 FINAL) in the amount of \$29,620.00 for ball field lighting project.

Page 35

8. CHRISTINA WEMHOFF discuss treasurer's report for April 2024.

Handout

XI. COUNCIL REMARKS:

XII. MAYOR'S REMARKS:

XIII. DEPARTMENTS REMARKS:

XIV. NEXT REGULAR MEETINGS SCHEDULES ARE AS FOLLOWS:

June 4

|

June 18

|

July 2

**Official
City Council Minutes
City of Wood River, Nebraska
Regular Meeting
May 7, 2024**

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Wood River, Nebraska was conducted in the Council Chambers of City Hall, 108 W. 10th St, on May 7, 2024. Notice of the time and place of the meeting was given in advance thereof by publicized notice on May 1, 2024 in the Clipper and the Grand Island Independent. An agenda for the meeting, was kept continuously current, and was made available for public inspection on the City's website (woodriverne.com).

Mayor Greg Cramer called the meeting to order at 7:00 p.m.

Council Present: Nielsen, Rotter, Thompson, Rodriguez, Klingsporn.
City Officials Present: Ashley Manning, City Clerk; Brent Gascho, Utilities Superintendent.
Public Present: Deputy J. Jones; Veronica Kaufman; Dewey Heminger.
The Mayor led the Council Members and audience in the Pledge of Allegiance.

Mayor Cramer advised the public body of the Open Meetings Act that is posted in the meeting room and entry hall.

Public Comment(s): Dewey Heminger asked Council for some clarification regarding the negotiations with Casey's. Council stated that the \$160,000 purchase price included the old park, the lot where there are currently trailers parked, and the street in between. Dewey also talked about the sewer plant needing upgrades, last major upgrades were in 2002.

Items on the consent agenda for approval were:

April 16, 2024, Regular Meeting Minutes.

Disbursements reviewed this meeting by: THOMPSON & KLINGSPORN

Disbursements totaling: \$104,615.31

Checks not on list: \$4,269.30

Sunlife Financial: \$169.52

Blue Cross BlueShield: \$5,968.65

Lincoln Financial Group: \$548.79

Redwing Software \$15.00

Ameritas \$59.16

Zero Fee \$29.99

Clearly \$361.59

SDL Request(s)

06/15/2024 3:00pm - 1:00am / Wedding

The Wandering Well
427 S. Showboat Blvd
Hastings, NE

Babel's Barn
510 W Old Military Rd.
Wood River, NE

Nielsen made the motion to approve items on the consent agenda. Motion seconded by Thompson. Motion carried. 5/0. Rennau absent.

Deputy J. Jones offered a summary of the Sheriff's report for April 2024.

Council discussed the cleanup efforts around the home explosion site. Cramer mentioned that the City may have to cleanup some of the properties and assess the costs to the properties. Cramer will keep in touch with the homeowners to determine their plans.

Mayor Cramer offered an update on the plans with Casey's and what needs to be done. Cramer had a meeting with Casey's, building inspector, and Nabity regarding the plans and next steps. Steve Wolford has been working on plans to move the water line. Cramer would like to see the trailers moved by the end of July/mid-August. Rotter motioned to approve City Attorney to draft an eviction letter to the trailer owners. Motion seconded by Nielsen. Motion carried 5/0. Rennau absent.

Brent Gascho offered an update on the ball field light project stating that the last of the poles are laying on the field, concrete is poured and set, just waiting on IES to schedule with the ball association to get the set up. Poles should be set by next week. Council discussed complaints regarding rocks and glass in the field.

Nielsen motioned to support the Housing Committee's recommendation and approve the City taking a subordinate position to Trius Federal Credit Union to allow homeowner HR-21 to obtain a HELOC loan. Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Klingsporn motioned to approve payment to Goodlife Architecture, LLC (Invoice 382) in the amount of \$5,550.00 for plans created for project 23-TFRH-3010 (Dunn Building Conversion). Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Rotter motioned to approve draw request # 2 in the amount of \$5,550.00 for project 23-TFRH-3010 (Dunn Building Conversion). Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Nielsen motioned to approve amended draw request # 1 for project 23-TFRH-3010 (Dunn Building Conversion) as now presented. Motion seconded by **Rodriguez**. Motion carried 5/0. Rennau absent.

Rotter motioned to approve payment to IES Commercial (Invoice 542032019-06) in the amount of \$59,261.00 for stored materials on the ball field lighting project. Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Nielsen motioned to approve City paying for Cassie Lechtenberg and Jocelyn Rauert's recertification of instructor licenses for \$90.00 each. Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Rotter motioned to approve payment to JEO (Invoice 149975) in the amount of \$2,447.50 for work completed on 2023 Electric System Improvement project. Motion seconded by **Thompson**. Motion carried 5/0. Rennau absent.

Department Remarks:

Manning: (1) Will be sending out nuisance/ weed letters this week. (2) Elementary school asked that they be able to close the street between the ball fields and park on May 22nd from 11:45-2:45 for their picnic event. (3) Drew and Stover are working to update the parking Ordinance.

Gascho: (1) 5" rain caused a drainage issue at Elm and 13th. Called in emergency locate, did get ditch to drain. Called County to inform them, County said they'd get here to clean it. Ran tires through culverts – still silt in bottoms but it worked okay; will take hydrovac out after the county comes through and cleans it out.

Council Remarks:

Nielsen: Elementary school concert is set for May 7 – a meeting night. Asked Council if they'd like to reschedule. Klingsporn, Thompson, Nielsen, Rodriguez plan to attend meeting to have quorum – will keep meeting date the same.

Thompson: there was some curb damage from the snow plow. Utility department is driving around making a list to repair.

Mayor's Remarks:

Asked that Brent and Ashley send out weed letters this week.

As there was no further business to come before this session of the Council, Council member **Nielsen** made the motion to adjourn at 7:39 p.m. Motion seconded by **Thompson**.

You can find agenda request forms and minutes from previous meetings on the city's website at www.woodriverne.com/agendaform.htm. You can preview all ordinances and resolutions at the city office during regular business hours.

Greg Cramer, Mayor

Ashley Manning, City Clerk

CLAIMS

5/21/2024

ABBREVIATIONS USED: RP=REPAIRS, SU=SUPPLIES,
 SE=SERVICES, IT=INS/TAXES/RETRM, RE=REIMBURSEMENTS
 UE=UTIL. EXPENSES, DM=DUES/MEMBERSHIPS/FEES, SP=SALARIES
 PAID, ER=ELECTRICAL REBATE, MI=MISCELLANEOUS, OE=OPERATING
 EXPENSES, CD=CD'S PURCHASED

General Fund

| | | |
|-------------------|----|-------|
| CHRISTINA WEMHOFF | RE | 40.00 |
| ASHLEY MANNING | RE | 40.00 |
| LINCOLN JOURNAL | SE | 25.20 |
| DOLLAR GENERAL | SU | 25.68 |

Street Fund

| | | |
|----------------------|----|---------|
| CHAD SHUDA | RE | 40.00 |
| CPI | RP | 3959.95 |
| BBS PARTS | SU | 39.66 |
| BARCO | SU | 856.65 |
| AG SERVICES | SU | 323.75 |
| GREG CRAMER | RE | 555.28 |
| COMMUNIT CONTROLS | SU | 353.00 |
| JOHN DEERE FINANCIAL | SU | 141.78 |

Sewer Fund

| | | |
|-------------|----|--------|
| MARTY BROWN | RE | 40.00 |
| HACH | SU | 114.40 |

Park Fund

| | | |
|---------------------|----|---------|
| RICK'S FERTILIZING | SE | 2292.53 |
| SITEONE | SU | 299.00 |
| CONSTRUCTION RENTAL | MI | 297.00 |

Electric Fund

| | | |
|-------------------|----|---------|
| BRENT GASCHO | RE | 40.00 |
| ONE CALL CONCEPTS | SE | 39.08 |
| TOOFAST | SU | 408.96 |
| VERIZON | UE | 80.02 |
| CRESCENT ELECTRIC | SU | 51.83 |
| NEBR.GOV | OE | 230.00 |
| BORDER STATES | SU | 3246.95 |

Water Fund

| | | |
|-------------|----|---------|
| ZANE STRODE | RE | 40.00 |
| WEEDCOPE | SU | 420.00 |
| CORE & MAIN | SU | 2590.88 |

Police Fund

| | | |
|--------------|----|--------|
| PIONEER DOOR | SE | 173.00 |
|--------------|----|--------|

Senior Center Fund

| | | |
|------------------|----|---------|
| STICK CREEK KIDS | SU | 2784.00 |
| DENNIS WAGONER | RE | 281.40 |
| DONALD MAYS | RE | 107.20 |

Pool Fund

| | | |
|-----------|----|---------|
| AQUA-CHEM | SU | 2204.50 |
|-----------|----|---------|

Ambulance Fund

| | | |
|------------|----|--------|
| BOUND TREE | SU | 129.99 |
| OMNI | SE | 168.97 |

Real Estate Fund

| | | |
|---------------------|----|--------|
| JERRY'S SHEET METAL | RE | 110.00 |
|---------------------|----|--------|

REVIEWED BY:

COUNCILPERSON

| | | |
|---------------------|----|---------|
| SVEHLA LAW | SE | 300.00 |
| Variety Fund | | |
| PRESTO-X | SE | 169.63 |
| VERMEER | OE | 5400.00 |
| USBANK | MI | 857.65 |
| NT&T | UE | 230.41 |
| MENARDS | MI | 1511.66 |

| | | |
|--------------------|----|------------------|
| TOTAL DISB. | \$ | 31,020.01 |
| CHECKS NOT ON LIST | \$ | 67,208.50 |
| | \$ | 98,228.51 |

Checks not on list:

| | |
|----------------------|----------|
| 38135 GOODLIFE ARCH. | 5500.00 |
| 38136 IES COMMERCIAL | 59261.00 |
| 38137 JEO | 2447.50 |

**Special Designated License
Local Recommendation (Form 200)**

Applications must be entered on the portal after local approval – no exceptions
Late applications are non-refundable and will be rejected

MNO Hometown Market Inc
Retail Liquor License Name or *Non-Profit Organization (*Must include Form #201 as Page 2)

118 E 9th St Wood River Ne 68883
Retail Liquor License Address or Non-Profit Business Address

118118
Retail License Number or Non-Profit Federal ID #

Consecutive Dates only
Event Date(s): Feb 14

Event Start Time(s): 6 pm

Event End Time(s): 10 pm

Alternate Date: _____

Alternate Location Building & Address: _____

Event Building Name: Wood River Community Center

Event Street Address/City: 108 W 10th Wood River Ne 68883

Indoor area to be licensed in length & width: 75 x 50

Outdoor area to be licensed in length & width: _____ X _____ (Diagram Form #109 must be attached)

Type of Event: Wedding Rehearsal Estimate # of attendees: 40

Type of alcohol to be served: Beer Wine Distilled Spirits
(If not marked, you will not be able to serve this type of alcohol)

Event Contact Name: Veronica Morse Event Contact Phone Number: 308-390-3993

Event Contact Email: mhohometowmarket@gmail.com

*Signature Authorized Representative: Veronica Morse Printed Name Veronica Morse

I declare that I am the authorized representative of the above named license applicant and that the statements made on this application are true to the best of my knowledge and belief. I also consent to an investigation of my background including all records of every kind including police records. I agree to waive any rights or causes of action against the Nebraska Liquor Control Commission, the Nebraska State Patrol or any other individual releasing said information to the Liquor Control Commission or the Nebraska State Patrol. I further declare that the license applied for will not be used by any other person, group, organization or corporation for profit or not for profit and that the event will be supervised by persons directly responsible to the holder of this Special Designated License.

*Retail licensee – Must be signed by a member listed on permanent license
*Non-Profit Organization – Must be signed by a Corporate Officer

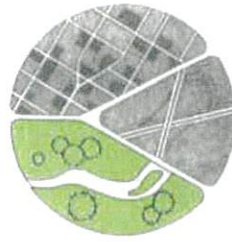
Local Governing Body completes below:

The local governing body for the City/Village of _____ OR County of _____ approves
the issuance of a Special Designated License as requested above. (Only one should be written above)

**REGIONAL PLANNING COMMISSION
NOTICE OF PUBLIC HEARING(S)**

Notice is hereby given that the City Council of Wood River, will at its meeting beginning at 7:00 p.m. Tuesday, May 21, 2024 in the Council Chambers of City Hall located at 108 W. 10th Street, hold a public hearing on the following:

Public Hearing – Zoning Text Amendment – Wood River – Public hearing to consider amendments to Article 8: Flood Plain Regulations of the City of Wood River Zoning Regulations. Copies of the proposed changes are available from the Hall County Regional Planning Department Office located at the Grand Island City Hall. (C-23-24WR)



THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska

May 7, 2024

Dear Chair and Members of the City of Wood River City Council:

RE: Public Hearing to consider changes to Article 8: Flood Plain Regulations of the Wood River Zoning regulations

At the regular meeting of the Regional Planning Commission a public hearing was held May 1, 2024, the above item was considered

O'Neill opened the public hearing.

Nabity stated the Wood River Floodplain regulations were brought forward by the Nebraska Department of Natural Resources who manages flood plain. In 2017 they updated their model ordinance and last year they were doing a review community assessment for Wood River and noticed they were not using the most current version of their model ordinance. Wood River was missed when the model ordinances changed for Grand Island, Hall County and Cairo. The solution to fix this was to adopt a new Model ordinance.

No members of the public wished to speak.

O'Neill closed the public hearing.

A motion was made by Rainforth and second by Robb to recommend that the City of Wood River approve the Wood River Flood plain regulations as submitted. The motion carried with seven members voting in favor (O'Neill, Ruge, Rainforth, Barnes, Allan, Goplin, and Robb) and no members voting no and no members abstaining (Stevenson, Allan, Nelson, and Randone were absent).

Sincerely,

Chad Nabity, AICP
Regional Planning Director

cc: City Clerk
Wood River Attorney
County Building Inspector
County Public Works
County Assessor/Register of Deeds

ORDINANCE NO. 586

An ordinance to amend Article 8: Flood Plain Regulations of the City of Wood River; to repeal any ordinance or parts of ordinances in conflict herewith; and to provide for publication in pamphlet form and the effective date of this ordinance.

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

SECTION 1. Article 8: Flood Plain Regulations of Wood River City Code are hereby amended to read as follows:

Section 8.01 Statutory Authorization, Findings of Fact and Purposes

8.01.01 Statutory Authorization

The Legislature of the State of Nebraska has delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the public health, safety, general welfare, and property of the people of the state. The Legislature, in *Nebraska Revised Statutes* Sections 31-1001 to 31-1023 (as amended), has further assigned the responsibility to adopt, administer, and enforce floodplain management regulations to the county, city, or village with zoning jurisdiction over the floodprone area. Therefore the City Council of Wood River, Nebraska ordains as follows:

8.01.02 Findings of Fact

A. Flood Losses Resulting from Periodic Inundation

The flood hazard areas of City of Wood River Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. General Causes of the Flood Losses

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.

8.01.03 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Section 8.01.02 by applying the provisions of this ordinance to:

A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities that service such uses, be provided

with flood protection at the time of initial construction.

- C. Reduce financial burdens from flood damage borne by the community, its governmental units, its residents, and its businesses by preventing excessive and unsafe development in areas subject to flooding.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance from the National Flood Insurance Program.

8.01.04 Adherence to Regulations

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the Nebraska Minimum Standards for Floodplain Management Programs as published in the Nebraska Administrative Code Title 455, Chapter 1

Section 8.02 General Provisions

8.02.01. Lands to which ordinance applies

This ordinance shall apply to all lands within the jurisdictions of the City of Wood River identified on the Flood Insurance Rate Map (FIRM) panels 3101040209D, 3101040225D, 3101040228D, 3101040229D, 3101040236D, 3101040237D dated September 26, 2008 as Zones A, A1-30, AE, AO, or AH and within the Zoning Districts FW and FF established in Section 8.03 of this ordinance. In all areas covered by this ordinance, no development shall be allowed except upon the issuance of a floodplain development permit to develop, granted by the floodplain administrator or the governing body under such safeguards and restrictions as the City of Wood River or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 8.05, 8.06, and 8.07.

8.02.02. Rules for interpretation of district boundaries

The boundaries of the floodway and the flood fringe overlay districts shall be determined by scaling distances on the official zoning map or on the effective Flood Insurance Rate Map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the zoning or other community map, the floodplain administrator shall make the necessary interpretation. In such cases where the interpretation is contested, the Hall County Board of Adjustment, as appointed by the Hall County Board of Commissioners will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case to the Hall County Board of Adjustment and to submit their own technical evidence, if so desired

8.02.03. Compliance

Within identified floodplains of this community, no development shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

8.02.04. Abrogation and Greater Restrictions

This ordinance does not intend to repeal, abrogate, or impair any existent easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

8.02.05. Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

8.02.06. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur, or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and flood fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This ordinance shall not create liability on the part of the City of Wood River or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

8.02.07. Severability

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby

Section 8.03 Establishment of Zoning Districts

Along watercourses where a floodway has been established, the mapped floodplain areas are hereby divided into the two following districts: a floodway overlay district (FW) and a flood fringe overlay district (FF) as identified in the Flood Insurance Study dated September 26, 2008 and on accompanying FIRM panels as established in Section 8.02.01. The flood fringe overlay district shall correspond to flood zones A, AE, A1-30, AH, AO, AR, A99, and floodway areas in Zone AE that are identified on FIRM panels. The floodway overlay district shall correspond to the floodway areas in Zone AE that are identified on the FIRM panels. Within these districts, all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited.

Section 8.04 Flood Plain Management Administration

8.04.01 Designation of Floodplain Administrator

The Hall County Regional Planning Director or their designee is hereby designated as the community's local floodplain administrator. The floodplain administrator is authorized and directed to administer, implement, and enforce all provisions of this ordinance. If the local floodplain administrator position is unfilled, the community CEO shall assume the duties and responsibilities herein.

8.04.02 Permits required.

A floodplain development permit shall be required before any development, construction, or substantial improvement is undertaken. No person, firm, corporation, government agency, or other entity shall initiate any floodplain development without first obtaining a floodplain development permit.

8.04.03 Duties of the Floodplain Administrator

- A. Duties of the floodplain administrator shall include, but not be limited to the following:
- i. Review, approve, or deny all applications for floodplain development permits.
 - ii. Review all development permit applications to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - iii. Review applications for proposed development to assure that all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
 - iv. Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding.
 - v. Notify adjacent communities and the Nebraska Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
 - vi. Assure that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.
 - vii. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures in the floodplain.
 - viii. Verify, record, and maintain record of the actual elevation (in relation to mean sea level) to which all new or substantially improved structures have been floodproofed.
 - ix. Verify, record, and maintain record of all improved or damaged structures to ensure compliance with standards in applicable sections. Track value of improvements and market value with permits. Also, ensure consistent market value estimations to evaluate against damaged or improved values.
 - x. Ensure comprehensive development plan as amended is consistent with this ordinance.
 - xi. In the event the floodplain administrator discovers work done that does not comply with applicable laws or ordinances, the floodplain administrator shall revoke the permit and work to correct any possible violation in accordance with this ordinance.

8.04.04 Application for permit and demonstration of compliance

- A. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
- i. Identify and describe the proposed development and estimated cost to be covered by the floodplain development permit.
 - ii. Describe the land on which the proposed development is to be done by lot, block, tract, and house and streets address, or similar description that will readily identify and definitely locate the proposed building or development.
 - iii. Indicate the use or occupancy for which the proposed development is intended.
 - iv. Be accompanied by plans and specifications for proposed construction.

- v. Be signed by the permittee and authorized agent who may be required to submit evidence to indicate such authority.
- B. If any proposed development is located entirely or partially within a floodplain, applicants shall provide all information in sufficient detail and clarity to enable the floodplain administrator to determine that:
 - i. All such proposals are consistent with the need to minimize flood damage;
 - ii. All utilities and facilities such as sewer, gas, water, electrical, and other systems are located and constructed to minimize or eliminate flood damage;
 - iii. Structures will be anchored to prevent flotation, collapse, or lateral movement;
 - iv. Construction materials are flood resistant;
 - v. Appropriate practices to minimize flood damage have been utilized; and
 - vi. Electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities have been designed and located to prevent entry of floodwaters.
 - C. For all new and substantially improved structures, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator and be completed by a licensed surveyor, engineer, or architect.
 - D. When floodproofing is utilized for an applicable structure, a floodproofing certificate shall be provided to the floodplain administrator and be completed by a licensed professional engineer or architect.
 - E. For all development proposed in the floodway, no-rise certification shall be provided to the floodplain administrator and be completed by a licensed professional engineer.
 - F. Any other such information as reasonably may be required by the floodplain administrator shall be provided.

8.04.05 Flood data required

- A. All Zone A areas on the FIRM are subject to inundation of the base flood; however, the base flood elevations are not provided. Zone A areas shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation or floodway data currently available from federal, state, or other sources, including from a study commissioned by the applicant pursuant to best technical practices.
- B. Until a floodway has been designated, no development or substantial improvement may be permitted within the floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the base flood more than one (1) foot at any location as shown in the Flood Insurance Study or on base flood elevation determinations.

8.04.06 Variance and Appeals procedures

- A. The Hall County Board of Adjustment, as established by the Hall County Board of Commissioners shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- B. The Hall County Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the floodplain administrator in the

enforcement or administration of this ordinance.

- C. Any person aggrieved by the decision of the Hall County Board of Adjustment or any taxpayer may appeal such decision to the District Court as provided in *Nebraska Revised Statutes* Section 23-168 (for counties) and *Nebraska Revised Statutes* Section 19-192 (for municipalities).
- D. In evaluating such appeals and requests, the Hall County Board of Adjustment shall consider technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. The danger to life and property due to flooding or erosion damage;
 - ii. The danger that materials may be swept onto other lands to the injury of others;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner, future owners, and neighboring properties;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity of the facility to have a waterfront location, where applicable;
 - vi. The availability of alternative locations that are not subject to flooding or erosion damage for the proposed use;
 - vii. The compatibility of the proposed use with existing and anticipated development;
 - viii. The relationship of the proposed use to the comprehensive plan and the floodplain management program for that area;
 - ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - xi. The costs of providing government services during and after flood conditions including emergency management services and maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.

8.04.07 Conditions for variances

- A. Variances shall only be issued upon a showing of good and sufficient cause and also upon a determination that failure to grant the variance would result in an exceptional hardship to the applicant.
- B. Variances shall only be issued based upon a determination that the granting of a variance will not result in increased flood heights.
- C. Variances shall only be issued based upon a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items E-I below have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
- E. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure on the National Register of Historic Places and the variance is the minimum necessary to preserve the historic character and design of the structure.

- F. Variances shall not be issued within any designated floodway if any increase in water surface elevations along the floodway profile during the base flood discharge would result.
- G. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- H. The applicant shall be given a written notice over the signature of a community that the issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and also that such construction below the base flood elevation increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance.
- I. All requests for variances and associated actions and documents, including justification for their issuance, shall be maintained by the community.

8.04.08 Enforcement

A. Violations

Failure to obtain a floodplain development permit or the failure of a structure or other development to be fully compliant with the provisions of this ordinance shall constitute a violation. A structure or other development without a floodplain development permit, elevation certificate, certification by a licensed professional engineer of compliance with these regulations, or other evidence of compliance is presumed to be in violation until such time as documentation is provided.

B. Notices

When the floodplain administrator or other authorized community representative determines, based on reasonable grounds, that there has been a violation of the provisions of this ordinance, the floodplain administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:

- i. Be in writing;
- ii. Include an explanation of the alleged violation;
- iii. Allow a reasonable time for the performance of any remedial act required;
- iv. Be served upon the property owner or their agent as the case may require; and
- v. Contain an outline of remedial actions that, if taken, will bring the development into compliance with the provisions of this ordinance.

C. Penalties

- i. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person, firm, corporate, or other entity that violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

- ii. The imposition of such fines or penalties for any violation or non-compliance with this ordinance shall not excuse the violation or non-compliance or allow it to continue. All such violations or non-compliant actions shall be remedied within an established and reasonable time.
- iii. Nothing herein contained shall prevent the City of Wood River or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 8.05 Standards for Floodplain Development

8.05.01. General Provisions

A. Alteration or Relocation of a Watercourse

- i. A watercourse or drainway shall not be altered or relocated in any way that in the event of a base flood or more frequent flood will alter the flood carrying characteristics of the watercourse or drainway to the detriment of upstream, downstream, or adjacent locations.
- ii. No alteration or relocation shall be made until all adjacent communities that may be affected by such action and the Nebraska Department of Natural Resources have been notified and all applicable permits obtained. Evidence of such notification shall be submitted to the Federal Emergency Management Agency.

B. Encroachments

- i. When proposing to permit any of the following encroachments, the standards in Section 8.05.01 (B) (ii) shall apply:
 - a. Any development that will cause a rise in the base flood elevations within the floodway; or
 - b. Any development in Zones A, A1-30, and Zone AE without a designated floodway that will cause a rise of more than one foot in the base flood elevation; or
 - c. Alteration or relocation of a stream; then
- ii. The applicant shall:
 - a. Apply to FEMA for conditional approval of such action via the Conditional Letter of Map Revision process (as per Title 44 of the Code of Federal Regulations, Chapter 1, Part 65.12) prior to the permit for the encroachments; and
 - b. Supply the fully approved package to the floodplain administrator including any required notifications to potentially affected property owners.

C. Floodway Overlay District

- i. Standards for the Floodway Overlay District
 - a. New structures for human habitation are prohibited.
 - b. All encroachments, including fill, new construction, substantial improvements, and other development must be prohibited unless certification by a registered professional engineer or architect is provided demonstrating that the development shall not result in any increase in water surface elevations along the floodway profile during the occurrence of the base flood discharge. These developments are also subject to all the standards of Section 8.05.

- c. In Zone A areas, obtain, review, and reasonably utilize any flood elevation and floodway data available through federal, state, or other sources, including studies done under Section 8.05.03 (H) "Subdivisions", in meeting the standards of this section.
- ii. Only uses having a low flood-damage potential and not obstructing flood flows shall be allowed within the Floodway Overlay District to the extent that they are not prohibited by any other ordinance. The following are recommended uses for the Floodway Overlay District:
 - a. Agricultural uses such as general farming, pasture, nurseries, and forestry
 - b. Residential uses such as lawns, gardens, parking, and play areas
 - c. Nonresidential uses such as loading areas, parking, and airport landing strips
 - d. Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, and wildlife and nature preserves.

8.05.02. Elevation and Floodproofing Requirements

A. Residential Structures

- i. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation.
- ii. In Zone AO, all new construction and substantial improvements shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet.
- iii. In the floodway, new structures for human habitation are prohibited.

B. Nonresidential Structures

- i. In Zones A, AE, A1-30, and AH, all new construction and substantial improvements shall have the lowest floor, including basement, elevated to or above one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - a. The structure is watertight with walls substantially impermeable to the passage of water and
 - b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

- ii. In Zone AO, all new construction and substantial improvements shall have the lowest floor elevated above the highest adjacent grade at least as high as one (1) foot above the depth number specified in feet on the FIRM or, if no depth number is specified on the FIRM, at least as high as three (3) feet; or, together with attendant utility and sanitary facilities, floodproofed so that below one (1) foot above the base flood elevation:
 - a. The structure is watertight with walls substantially impermeable to the passage of water and

- b. The structure has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A floodproofing certificate shall be provided to the floodplain administrator as set forth in Section 4.

C. Space Below Lowest Floor

- i. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be used solely for the parking of vehicles, building access, or limited storage of readily removable items.
- ii. Fully enclosed areas below the lowest floor (excluding basements) and below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a net total area of not less than one (1) square inch for every one (1) square foot of enclosed space,
 - b. The bottom of all openings shall not be higher than one (1) foot above grade, and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they allow the automatic entry and exit of floodwaters.

D. Manufactured Homes

- i. Require that all manufactured homes to be placed or substantially improved within floodplains on sites:
 - a. Outside of a manufactured home park or subdivision,
 - b. In a new manufactured home park or subdivision,
 - c. In an expansion to an existing manufactured home park or subdivision, or
 - d. In an existing manufactured home park or subdivision on which a manufactured home as incurred substantial damage as the result of a flood,

Be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this Section.

- ii. Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas that are not subject to the provisions of Section 8.05.02 (D) (i) be elevated so that either:
 - a. The lowest floor of the manufactured home is at or above one (1) foot above the base flood elevation, or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 8.05.02 (D) (iv).
- iii. New manufactured home parks of five (5) acres or fifty (50) lots, whichever is less, shall follow

the standards of Section 8.05.03 (H) "Subdivisions".

- iv. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side;
 - b. Frame ties be provided at each corner of the manufactured home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side;
 - c. Any additions to the manufactured home be similarly anchored.

E. Existing Structures

- i. The provisions of this ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to a structure in the floodplain, a floodplain development permit is required and the provisions of 8.05.02 (E) (ii-iv) shall apply.
- ii. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure where the costs of which would equal or exceed fifty (50) percent of the pre-improvement market value shall constitute a substantial improvement and shall fully comply with the provisions of this ordinance.
- iii. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure in the floodway shall comply with the provisions of 8.05.01 (C).
- iv. Any addition, alteration, reconstruction, or improvement of any kind to an existing structure that will change the compliance requirements of the building shall require applicable documentation including an elevation certificate, floodproofing certificate, or no rise certification.

8.05.03. Design and Construction Standards

A. Anchoring

- i. All buildings or structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Building Materials and Utilities

- i. All buildings or structures shall be constructed with materials and utility equipment resistant to flood damage. All buildings or structures shall also be constructed by methods and practices that minimize flood and flood-related damages.
- ii. All buildings or structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Drainage

- i. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

D. Water Supply and Sanitary Sewer Systems

- i. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- ii. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- iii. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

E. Other Utilities

- i. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

F. Storage of Materials

- i. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- ii. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

G. Recreational Vehicles

- i. Recreational vehicles to be placed on sites within the floodplain shall:
 - a. Be on site for fewer than 180 consecutive days;
 - b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
 - c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

H. Subdivisions

- i. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall require assurance that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - d. Proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is less, where base flood elevation data are not available, shall be supported by hydrologic and hydraulic analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA

for Conditional Letters of Map Revision and a Letters of Map Revision.

Section 8.06: Nonconforming Use

- A. A structure or use of a structure or premises that was lawful before the passage or amendment of this ordinance, but that is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - i. If such use is discontinued for twelve consecutive months, any future use of the building premises shall conform to this ordinance.
 - ii. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

- B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50% of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, or safety code or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

Section 8.07: Amendments

- A. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in federal, state, or local regulations provided, however, that no such action may be take until after a public hearing in relation thereto, at which citizens and parties in interest shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Wood River. At least 10 days shall elapse between the date of this publication and the public hearing.

- B. A copy of such amendments will be provided to the Nebraska Department of Natural Resources and the Federal Emergency Management Agency for review and approval before being adopted.

Section 8.08: Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application:

OPTIONAL: 0.2% Annual Chance Floodplain means the floodplain that would be inundated by the 0.2% annual chance flood and delineated on the Flood Insurance Rate Maps.

OPTIONAL: 0.2% Annual Chance Flood Elevation means the elevation to which floodwaters are expected to rise during a 0.2% annual chance flood.

Area of Shallow Flooding means a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Base Flood means the flood having one (1) percent chance of being equaled or exceeded in any given year.

Base Flood Elevation means the elevation to which floodwaters are expected to rise during the base flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building means "structure." See definition for "structure."

Development means any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; or obstructions.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas.

Flood Fringe is that area of the floodplain, outside of the floodway, that has a one percent chance of flood occurrence in any one year.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Flood Insurance Study has delineated the special flood hazard area boundaries and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding"). Floodplain includes flood fringe and floodway. Floodplain and special flood hazard area are the same for use by this ordinance.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Floodway or Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built or modified so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction for floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Obstruction means any wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation (including the alteration or relocation of a watercourse or drainway), channel rectification, bridge, conduit, culvert, building, stored equipment or material, wire, fence, rock, gravel, refuse, fill, or other analogous structure or matter which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the natural flow of the water would carry such structure or matter downstream to the damage or detriment of either life or property. Dams designed to store or divert water are not obstructions if permission for the construction thereof is obtained from the Department of Natural Resources pursuant to the Safety of Dams and Reservoirs Act (*Nebraska Revised Statutes* 46-1601 to 46-1670 as amended).

Overlay District is a district in which additional requirements act in conjunction with the underlying zoning district(s). The original zoning district designation does not change.

Post-FIRM Structure means a building that was constructed or substantially improved after December 31, 1974 or on or after the community's initial Flood Insurance Rate Map dated December 1, 1978, whichever is later.

Pre-FIRM Structure means a building that was constructed or substantially improved on or before December 31, 1974 or before the community's initial Flood Insurance Rate Map dated December 1, 1978, whichever is later.

Principally Above Ground means that at least 51 percent of the actual cash value of the structure is above

ground.

Recreational Vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Flood Elevation means the base flood elevation (BFE) plus a freeboard factor as specified in this ordinance.

Special Flood Hazard Area (SFHA) is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year.

Start of Construction means the date the floodplain development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. "Start of construction" also includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, as well as a manufactured home and a gas or liquid storage tank that is principally above ground.

Subdivision means the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure"

Variance is a grant of relief to an applicant from the requirements of this ordinance that allows construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Violation means a failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the Elevation Certificate, other

certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Watercourse means any depression two feet or more below the surrounding land that serves to give direction to a current of water at least nine months of the year and that has a bed and well-defined banks.

SECTION 2. Article 8: Flood Plain Regulations as existing prior to this amendment, and any ordinances or parts of ordinances in conflict herewith, are repealed.

SECTION 3. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 4. That this ordinance shall be in force and take effect from and after its passage and publication in pamphlet form within 15 days according to law.

Enacted: May 21, 2024

Greg Cramer, Mayor

Attest:

Ashley Manning, City Clerk

ORDINANCE NO. 587

AN ORDINANCE TO AMEND SECTIONS OF CHAPTER 5 OF THE MUNICIPAL CODE OF WOOD RIVER, NEBRASKA, RELATED TO PARKING ENFORCEMENT AND IMPOUNDMENT; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. AMENDMENT: That Sections 5-616, 5-617, and 5-621 of the Municipal Code of Wood River, Nebraska, are hereby repealed in their entirety.

SECTION 2. AMENDMENT: That Article 7 of the Municipal Code of Wood River, Nebraska, is hereby amended to be renumbered as Article 9, with all applicable Sections therein renumbered accordingly.

SECTION 3. ADDITION: That a new Article 7 of the Municipal Code of Wood River, Nebraska, is hereby added so as to read as follows:

§ 5-701 PARKING VIOLATIONS BUREAU

There is hereby established a Parking Violations Bureau to handle parking violations, which Bureau shall be under the supervision of the Municipal Clerk. The Bureau shall be open at such hours as the Municipal Clerk may designate. It shall be the duty of the Parking Violations Bureau to accept parking penalties and fines and issue receipts therefore pursuant to the articles of this Chapter from such violators as are permitted and desire to plead guilty by written waiver.

§ 5-702 CITATIONS

All citations issued for violations of non-moving traffic regulations contained in this Chapter shall be issued on a City Citation form as prescribed by the City Council.

§ 5-703 PARKING FINES

Parking violators of the articles of this Chapter shall pay a fine to the Municipal Clerk in the amount of seventy-five dollars (\$75.00) for each violation if paid within fifteen (15) days from the date of citation. Should any such fine not be paid within the fifteen-day period, the Clerk shall ask the Municipal Attorney to file a complaint in the appropriate court. The fine for any such violation after fifteen (15) days or after judgment is entered against the violator shall be one hundred fifty dollars (\$100.00) plus any applicable court costs.

SECTION 4. ADDITION: That a new Article 8 of the Municipal Code of Wood River, Nebraska, is hereby added so as to read as follows:

§ 5-801 DEFINITIONS

Except as otherwise specifically provided, the definitions set forth in sections Chapter 60 of the Nebraska Revised Statutes are hereby incorporated by reference and shall apply to this Article and all sections contained therein. Any amendments to those definitions shall automatically be incorporated into this Article as they become effective.

§ 5-802 VEHICLE POUND

- (1) There shall be hereby designated a pound for the impounding of vehicles which are found to be in violation of any provisions of this Chapter of the City Code.
- (2) The City Council shall be empowered and directed to locate and designate a pound sufficient to accommodate all vehicles impounded under the provisions of this Chapter. The City Council may change the location of such pound and may designate one or more parking stalls or other areas of the public right-of-way for use as a temporary pound, when deemed necessary.

§ 5-803 IMPOUNDING OF VEHICLES GENERALLY

- (1) Following the passage of seventy-two (72) hours from the issuance of a citation, an agent authorized by the City Council may remove and convey any vehicle, or cause such vehicle to be removed and conveyed by means of towing or otherwise, to the automobile pound if any of the following conditions are found to exist:

- a. the reason for the issuance of the citation has not been addressed or remedied, or
- b. the vehicle in question remains parked, abandoned, or left standing in the streets or alleys of the City in violation of the provisions of this Chapter; or
- c. the vehicle has two (2) or more unpaid, overdue parking tickets; or
- d. the vehicle presents a danger to the public health, welfare and/or safety.

(2) A report documenting the reason for and the towing of the vehicle shall be completed by the Police Department employee and placed in a designated location for such reports. No impounded vehicle shall be released or removed from impoundment prior to the public sale provided for in § 5-805 except by payment by the owner, operator, or driver of such impounded vehicle, of all unpaid, overdue parking tickets, an impounding fee in the amount of twenty-five dollars (\$25.00), and any towing and storage charge assessed against such automobile as provided for in § 5-804. Further, no impounded vehicle shall be released from impoundment without:

- a. The person claiming the vehicle, or another person accompanying them, presenting for inspection a valid driver's license; and
- b. The vehicle being properly registered and insured for operation upon the roadway in accordance with State Statute.
- c. In the event that conditions (B)(1) and (2) above cannot be met, the vehicle may be released to a towing service only after the owner arranges for the vehicle to be towed from the impoundment facility by the towing service and is not operated on the roadway.

(3) When, and if, the owner, operator, or custodian of such automobile presents himself/herself to the Municipal Clerk, it shall be the duty of the Municipal Clerk to inform such person of the nature of the violation

for which such vehicle was impounded. In case the owner, driver, or custodian of any impounded vehicle executes an affidavit denying the facts upon which the impoundment has been based, and protesting the payment of such impounding, towing, and storage fees, the receipt for the same shall be marked, "Paid Under Protest," and in such case it shall become the duty of the Municipal Attorney to make complaint in conformity with the provisions of this Code, or other ordinances of the City. If such person is charged with a felony or misdemeanor related to the offense for which the vehicle was taken into custody, but is not convicted, it shall be the duty of the Municipal Clerk to refund to such person the fees so paid under protest. Vehicles impounded as a nuisance or in violation of City Ordinance shall not be entitled to a refund of any fees.

- (4) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle shall be removed, nor the City of Wood River 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.
- (5) It shall be the duty of the Municipal Clerk, or their designee, to account for any fees collected by the Bureau of Parking under the provisions of this section to the City Treasurer. The Municipal Clerk, or their designee, shall keep a record of each impounded vehicle containing the name of the owner, the registration plate numbers, (if any), the make, model and year of the vehicle, the nature of each violation involved and the ultimate disposition of each impounded vehicle.

§ 5-804 ABANDONED VEHICLE DEFINITION

- (1) A motor vehicle or trailer is an abandoned vehicle:
 - a. 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;
 - b. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

- c. If left unattended for more than forty-eight 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;
- d. 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;
- e. If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under Neb. Rev. Stat. §60-1903.01; or
- f. If removed from private property pursuant to a municipal ordinance.

(2) An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle:

- a. If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
- b. If left unattended for more than forty-eight 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;
- c. 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;
- d. If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under Neb. Rev. Stat. §60-1903.01; or
- e. If removed from private property pursuant to a municipal ordinance.

(3) A mobile home is an abandoned vehicle if left in place on private property for more than thirty days after a local governmental unit, 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.

a. For purposes of this section:

- i. 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;
- ii. Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and
- iii. Private property means any privately owned property which is not included within the definition of public property.

(4) No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.

§ 5-805 TOWING AND STORAGE CHARGES

(1) In addition to the impoundment fee established by § 5-802, there shall be assessed against each impounded vehicle, the actual towing charge for said vehicle, plus storage charges, during the period of impoundment.

- (2) The City Council is authorized to negotiate with one or more towing services and thereby establish the actual towing charges for each vehicle towed, based upon the type of vehicle, the condition of the vehicle, the weather conditions, and any other factor affecting the cost of such towing, including the availability of a towing service.

§ 5-806 SALE OF IMPOUNDED VEHICLES

- (1) If an abandoned vehicle, at the time of abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of five hundred dollars or less, title shall immediately vest in the City of Wood River as provided by the laws of the State of Nebraska.
- (2) Except for vehicles governed by subsection (1) above, the City of Wood River Police Department having custody of an abandoned vehicle, shall make an inquiry concerning the last-registered owner of such vehicle as follows:
 - a. Abandoned vehicle with number plates affixed, to the jurisdiction which issued such number plates; or
 - b. Abandoned vehicle with no number plates affixed, to the Department of Motor Vehicles.
- (3) The Municipal Clerk shall notify the last-registered owner, if any, and any lienholder, if any, within fifteen business days that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, either (a) it will be sold at public auction after five days from the date of such notice was mailed or (b) title will vest in the City of Wood River thirty days after the date such notice was mailed. If the agency described in subsection (1) of this section also notifies the chief of police 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.
- (4) Title to such abandoned vehicles, if unclaimed, shall vest in the City of Wood River as provided by the laws of the State of Nebraska (a) five

days from the date such notice is mailed if the vehicle will be sold or offered at public auction, (b) thirty days after the date the notice is mailed if the City of Wood River will retain the vehicle or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

- (5) After title to the abandoned vehicle vests pursuant to subsection (4) of this section, the City of Wood River may retain for use, sell, or auction the abandoned vehicle. If the City of Wood River 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 of Wood River intends to retain the abandoned vehicles for its use and that title will vest in the City thirty days after the publication.

§ 5-807 RIGHTS OF OWNER OR LIENHOLDER

The owner of any impounded vehicle or the holder of any registered lien on any impounded vehicle may obtain possession of such impounded vehicle by paying to the City of Wood River the charges assessed against such automobile for the impounding fee, towing charge and storage charges at any time prior to the sale of such impounded vehicle as provided for in § 5-805.

§ 5-808 PROCEEDS OF SOLD IMPOUNDED VEHICLES

All money paid for the purchase of impounded vehicles sold according to the provisions of § 5-805 of this Code, in excess of fines, impounding fees, towing charges or storage charges on impounded vehicles, shall be paid to the Municipal Clerk, whose duty it shall be to account for such money collected by him to the City Treasurer, who shall hold the same for the benefit of the owner of such vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the general fund of the City of Wood River.

§ 5-809 CONSTRUCTION OF ARTICLE 8

Nothing in this Article shall be construed as superseding any other provisions of this Chapter concerning the proper parking or operation of vehicles of any character in the City, and the impounding of any vehicle and the collection of

a fee therefor under this Article shall not prevent or preclude prosecution for the violation of any of the provisions of this Chapter concerning the parking or operation of vehicles in the City. It shall be unlawful for any person to abandon a vehicle within the City of Wood River.

SECTION 5. REPEAL: That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

SECTION 6. PUBLICATION AND EFFECTIVE DATE: This ordinance is adopted and approved for publishing in pamphlet form, and shall be in full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Municipal Code of the City of Wood River, Nebraska and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this ____ day of May, 2024.

Greg Cramer, Mayor

ATTEST:

Ashley Manning, City Clerk



2024 MUNICIPAL ACCOUNTING & FINANCE CONFERENCE

June 12-14, 2024

Cornhusker Marriott Hotel, Lincoln



Delegate Registration

Municipality: City of Wood River

Name (as you want it to appear on name tag): Christina Wemhoff

Title: Treasurer Spouse (if attending): _____

First League Conference? Yes _____ No

Check # _____ enclosed for \$ 505 (Advanced payment encouraged)

Billing address: PO Box 8 Wood River, NE 68883

Phone: 308-583-2066

Email: treasurercwr@woodriverne.com (Required for you to receive electronic handbook)

| | Through May 28 | After May 28 | Recordings Only (prepayment required) |
|---------------------------------------------------------------------------------------------------------------------|-------------------------------------------|--------------|------------------------------------------|
| Wednesday Preconference Seminar: (Includes Preconference electronic handbook) | <input checked="" type="checkbox"/> \$110 | _____ \$135 | _____ \$110 |
| Thursday & Friday Conference: (Includes electronic handbook) Per municipal official, League member | <input checked="" type="checkbox"/> \$395 | _____ \$425 | _____ \$395 |
| Conference Total: | \$ <u>505</u> | | |

Meals: (not included in registration fee; indicate number needed by **May 28**)

Wednesday Luncheon _____ \$30
Thursday Luncheon _____ \$30

Meals Total: \$ 0

Grand Total: \$ 505

Conference Information

- ❖ Preregistration deadline is **May 28**. Registrations received after this date will incur higher registration costs.
- ❖ Advanced registrations not cancelled by **May 28** or "no shows" will be billed for the conference and any meal tickets reserved.
- ❖ If you need special accommodations or equipment at this conference, contact the League office by **May 28**.
- ❖ The conference sessions will be recorded, unless prohibited by the speaker, and emailed to registered delegates for viewing through August 31, 2024.

Mail registration and payment to: League of Nebraska Municipalities, 206 S 13th Street, Suite 800, Lincoln, NE 68508, or fax 402-476-7052

Online registration will open soon!

IES COMMERCIAL INC
P.O. BOX 27
HOLDREGE, NE 68949
(308) 995-4462

INVOICE

AN EQUAL OPPORTUNITY/
AFFIRMATIVE ACTION EMPLOYER

| | |
|--------------|-----------------------|
| <u>DATE</u> | <u>INVOICE NUMBER</u> |
| May 13, 2024 | 542032019-07 Final |

TERMS: NET DUE UPON RECEIPT OF INVOICE

TO:
CITY OF WOOD RIVER
108 W 10TH ST
WOOD RIVER, NE 68883

REMIT FROM THIS INVOICE
NO STATEMENT WILL BE SENT

ATTN: clerkcwr@woodriverne.com

| <u>LINE</u> | <u>DESCRIPTION</u> | <u>TOTAL</u> |
|-------------|--------------------|--------------|
| 1 | STORED MATERIALS | \$ 29,620.00 |

FINAL BILLING

TOTAL DUE: \$ 29,620.00
