

CHAPTER 2: COMMISSIONS AND BOARDS

Article

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ARTICLE 1: STANDING COMMITTEES

§ 2-101 STANDING COMMITTEES; GENERAL PROVISIONS.

At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the City Council may by ordinance, or resolution create. The membership of such standing committees may be changed at any time by the Mayor. The Mayor shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one (1) year, unless reappointed.

The following standing committees shall be appointed or reappointed each year until changed by the Governing Body:

- Streets and Alleys
- Sewer and Water
- Lights
- Finance

ARTICLE 2: COMMISSIONS AND BOARDS

§ 2-201 LIBRARY BOARD.

(1) The Library Board shall consist of five (5) appointed members who shall be residents of the Municipality and who shall serve terms of four (4) years. The Governing Body shall appoint the members of the Library Board by a majority vote. Neither the Mayor nor any member of the Governing Body shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Governing Body shall fill the vacancy for the unexpired term.

(2) No member shall receive any pay or compensation for any services rendered as a member of the Library Board. The Governing Body may require the members of the Library Board to give a bond in a sum set by resolution of the Governing Body and conditioned upon the faithful performance of their duties.

(3) At the time of the Board's first (1st) meeting in July of each year, the Board shall organize by selecting from their number a Chairperson and Secretary. No member of the Library Board shall serve in the capacity of both the Chairperson and Secretary of the Board. 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 Municipal Clerk where they shall be available for public inspection at any reasonable time.

(4) A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or a majority of the members of the Board.

(5) The Library Board shall have the authority to appoint a Librarian and all other employees. The Board shall have supervisory authority over all employees of the Library including the Librarian.

(6) The Library Board shall have general charge of the Municipal Library and shall establish appropriate rules and regulations for the management, operation, and use of the Library. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. (*Ref. 51-202 RS Neb.*) (*Amended by Ord. Nos. 388, 12/8/81; 467, 1/13/87; 703, 8/11/98*)

§ 2-201.05 LIBRARY BOARD; ANNUAL REPORT.

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the President and Secretary of the Library Board. (*Ref. 51-213 RS Neb.*) (*Ord. No. 834, 2/8/05*)

§ 2-201.1 LIBRARY BOARD; GENERAL POWERS AND DUTIES.

(1) The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with sections 51-201 through 51-219 RS Neb. (*Ref. 51-205 RS Neb.*)

(2) The Library Board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. (*Ref. 51-207 RS Neb.*)

(3) The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, and appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the Board. The Governing Body of the City shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

(4) The Library Board may establish rules and regulations for the government of the Library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The Library Board may fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of sections 51-201 through 51-219 RS Neb. in establishing and maintaining the library and reading room. (*Ref. 51-211 RS Neb.*)

(5) *Grounds and building.* The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in sections 76-704 through 76-724 RS Neb. (*Ref. 51-210 RS Neb.*) (*Ord. No. 2-201.1, 2/12/13*)

§ 2-202 PLANNING COMMISSION.

(A) (1) If the Governing Body adopts zoning or other regulations pursuant to sections 19-901 et seq. RS Neb., the Planning Commission shall consist of five (5), seven (7), or nine (9) regular members, as specified by the Governing Body by ordinance, who shall represent, insofar as is possible, the different professions or occupations in the Municipality and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the Governing Body. Two (2) of the regular members may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there are five hundred (500) residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) regular member of the Commission shall be a resident from such area. If it is determined by the Governing Body that five hundred (500) residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. All regular members of the Commission shall serve without compensation. The term of each regular member shall be three (3) years, except that one-third or fewer of the regular members of the first commission to be so appointed shall serve for terms of one (1) year, one-third or fewer for terms of two (2) years, and the remaining members for terms of three (3) years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Governing Body, be removed by the Mayor with the consent of a majority vote of the members elected to the Governing Body for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(2) The Mayor may, with the approval of a majority vote of the elected members of the Governing Body, appoint one (1) alternate member to the Planning Commission. The alternate member shall serve without compensation. The term of the alternate member shall be three (3) years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the Governing Body. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting.

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

- (a) Mayor;
- (b) A member of the Governing Body;

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

(d) A member of any citizen advisory review committee created under section 18-2715 RS Neb. (*Ref. 19-926 RS Neb.*)

(B) The Commission shall elect its Chairperson from its members and create and fill such other of its offices as it may determine. The term of the Chairperson shall be one (1) year, and he or she shall be eligible for reelection. The Commission shall hold at least one (1) regular meeting in each calendar quarter, except the Governing Body may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. (*Ref. 19-927 RS Neb.*)

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

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

(E) (1) (a) Except as provided in sections 19-930 to 19-933 RS Neb., the Planning Commission shall:

(i) Make and adopt plans for the physical development of the Municipality, including any areas outside its boundaries which in the Commission's judgment bear relation to the planning of such Municipality and including a comprehensive development plan as defined by section 19-903 RS Neb.;

(ii) Prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipality departments; and

(iii) Consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the comprehensive development plan and its implemental programs. The Commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports.

(b) The Governing Body 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, provided that the Planning Commission shall make its recommendation so that it is received by the governing body within sixty (60) days after the Commission begins consideration of a matter or within such other number of days as the Governing Body has set by ordinance.

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

(2) (a) The Commission may, with the consent of the Governing Body, 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 Municipality;
4. Employ agents and employees; and
5. Acquire, hold, and dispose of property.

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

(3) (a) The Commission may grant conditional uses or special exceptions to property owners for the use of their property if the Governing Body 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.

(b) The power to grant conditional uses or special exceptions shall be the exclusive authority of the Commission, except that the Governing Body 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 Governing Body may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest.

(c) An appeal of a decision by the Commission or Governing Body regarding a conditional use or special exception shall be made to the District Court. *(Ref. 19-929 RS Neb.)*
(Amended by Ord. Nos. 468, 1/13/87; 519, 3/13/90; 594, 8/9/94; 608, 2/14/95; 704, 8/11/98; 758, 9/11/01; 942, 2/13/18)

§ 2-202.5 CONDITIONAL USES.

The City Planning Commission of the city shall be empowered to grant conditional uses or special exceptions to property owners, using the standards, procedures, and permitted uses set forth in the zoning code. *(Ord. 855, 11/14/06)*

§ 2-203 BOARD OF HEALTH.

(1) The Governing Body shall appoint a Board of Health which shall consist of four (4) members. The members of the Board shall include the Mayor, who shall serve as Chairperson, the President of the City Council, and two (2) other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, the Chief of Police shall serve on the Board as Secretary and quarantine officer. The members of the Board shall serve, without compensation, a one (1) year term of office, unless reappointed, and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one (1) Board of Health position.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the Governing Body from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Board.

(3) The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the Municipality. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State of Nebraska and ordinances of the Municipality relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. *(Ref. 17-121 RS Neb.) (Amended by Ord. Nos. 469, 1/13/87; 679, 7/8/97)*

§ 2-204 through 2-210 HOSPITAL AND CLINIC BOARD.

(Repealed by Ord. No. 898, 3/13/12)

§ 2-211 BOARD OF PARK COMMISSIONERS.

(A) The Governing Body shall appoint a Board of Park Commissioners, as follows:

(1) The Park Board shall have charge of all municipal parks and belonging to the Municipality. It shall consist of not less than three (3) members, who shall serve on a three (3) year rotation. Fields

and facilities for public recreation, including, swimming pool, baseball, softball, and soccer, shall not be under the jurisdiction of this Board and responsibility for the same will be separately established by the Mayor and Council.

(B) All members of the Board of Park Commissioners shall be resident freeholders in the Municipality. The members of the Board shall serve a three (3) year term of office, with the exception of the first (1st) Board appointed, of which one (1) member shall serve a one (1) term of office, one (1) member shall service a three (3) year term of office. Terms of members shall be from January 1 to December 31 of their (3rd) year in office. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties.

(C) At the time of each Board’s first (1st) meeting after January 1, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman, or any two (2) of the Board members.

(D) It shall be the duty of the Board to take the immediate charge of all parks belonging to Municipality. The Board shall establish appropriate rules and regulations for the management, use, and operation of the same. All employees of the Municipality doing work in or for the Municipal Park shall be under the supervision and direction of the Board. All actions of the Board shall be subject to the review and control of the Governing Body. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. No member of the Governing Body shall serve as a member of the Park Commission while serving a term of office as a member of the Governing Body. No member of the park commission shall serve a term of office as a member of the Governing Body. No member of the Park Commission shall serve in capacity of both the chairman and secretary of the Board. *(Amended by Ord. Nos. 470, 1/13/87; 786, 8/13/02; 880, 11/10/09)*

§2-212 SWIMMING POOL BOARD; CREATION, DUTIES.

There is hereby created a Swimming Pool Board, to be known as the "Plainview Swimming Pool Board" which shall consist of four (4) members, all of whom shall be residents of the City. The Swimming Pool Board shall be appointed by the Mayor with the approval of the Council. The term of office of said members of the Board shall be for a period of four (4) years, with the exception of the first (1st) Board appointed, of which one (1) member shall be appointed for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years. Upon the

expiration of the term of office, each member appointed thereafter shall be appointed for a term of four (4) years. Terms of members shall begin on January 1 and terminate on December 31 of their fourth (4th) year in office. Each member appointed shall be a qualified voter of the City of Plainview, Nebraska. The Board shall reorganize each year at its first (1st) meeting after January 1.

The Swimming Pool Board shall have the following powers and duties:

- A. They shall be responsible for and take charge of the swimming pool in Plainview, Nebraska.
- B. They shall set up all plans and basic rules for the operation of said swimming pool.
- C. They shall employ all persons required to operate the pool with full power of employment and power to discharge.
- D. They shall establish opening and closing dates of said pool and hourly use periods.
- E. They shall establish all types of use charges.
- F. They shall employ or have among their members a person responsible to account for all income and expenditures and report the same to the City Council during the period when said pool is in operation.
- G. They shall be responsible to arrange for any and all insurance and liability protection for the City.
- H. They shall do anything and everything necessary and requisite for the efficient operation and maintenance of said City Swimming Pool.

All members of the Board shall serve without pay. The majority of the members of the Board shall constitute a quorum for the transaction of any business of the Board. In the event of a vacancy on the Swimming Pool Board, the Mayor shall appoint some person to fill the vacancy for the unexpired term of the member who has resigned or departed from the Board. *(Amended by Ord. No. 471, 1/13/87)*

§ 2-213 BOARD OF ZONING ADJUSTMENT.

(Repealed by Ord. No. 472, 4/14/87)

§ 2-214 CITY TREE BOARD.

(A) *Definitions.*

PARK TREES are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all other areas owned by the City, or to which the public has free access as a park.

STREET TREES are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

(B) *Creation and Establishment of a City Tree Board.* There is hereby created and established a City Tree Board for the City of Plainview, Nebraska, Pierce County, Nebraska which shall consist of four (4) members, one of whom shall be a member of the Park Board and three (3) who shall be appointed by the Mayor with the approval of the Council Additional advisory members may be appointed in the discretion of the Mayor.

(C) *Term of Office.* The term of the four (4) persons to be appointed by the Mayor shall be two (2) years except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Term shall expire December 31, and first Board terms shall be shortened to comply with that date.

(D) *Compensation.* Members of the Board shall serve without compensation.

(E) *Duties and Responsibilities.* It shall be the responsibility of the Board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City of Plainview, State of Nebraska. The Board, when requested by the City Council shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

(F) *Operation.* The Board shall choose its own officers, make its own rules and regulations and keep a Minute Book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

(G) *Street Tree Species to be Planted.* The official Street Tree Species List for the City of Plainview, Nebraska shall be adopted and periodically modified by the City Tree Board. No species other than those included in this list may be planted as Street Trees without written permission of the City Tree Board.

(H) *Spacing.* The spacing of Street Trees will be in accordance with the three species size classes listed in the tree list and not trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

(I) *Distance From Curb and Sidewalk.* The distance trees may be planted from curbs and curblines and sidewalks will be in accordance with the three species size classes listed in the tree list and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

(J) *Distance From Street Corners and Fireplugs.* No Street Tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No Street Tree shall be planted closer than ten (10) feet of any fireplug.

(K) *Utilities.* No Street Tree other than those species listed as Small Trees in the tree list may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility.

(L) *Public Tree Care.* The City shall have the right to plant, subject to subsection (M) herein, prune, maintain and remove avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of Street Trees by adjacent property owners providing that the selection and location of said trees is in accordance with subsections (G) through (K) hereof.

(M) *Public Right-of-Way.* The City Tree Board shall plant no trees on public right-of-way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official Tree Board records.

(N) *Tree Topping.* It shall be unlawful as a normal practice for any person, firm or City department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the City Tree Board.

(O) *Pruning, Corner Clearance.* Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or sidewalk.

(P) *Dead or Diseased Tree Removal on Private Property.* All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the

property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, for the City Police shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service and such notice shall allow the said owner sixty (60) days to remove the said tree or trees. In the event that the owner is a nonresident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address is known. The person charges with the removal may enter into an agreement with the City that such work be accomplished by the City and the expense and interest shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement, or to remove the trees, the City Tree Board may enter upon the property and proceed to direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the cost shall be assessed against the property and certified by the City Clerk to the County Treasurer to be collected in the manner prescribed by law. 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.

(Q) *Removal of Stumps.* All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(R) *Interference with City Tree Board.* It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any Street Trees, Park Trees or trees on private grounds, as authorized in this section.

(S) *Arborist's License and Bond.* It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring for a license. The license fee shall be twenty-five dollars (\$25.00) annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of fifty thousand dollars (\$50,000) for bodily injury and one hundred thousand dollars (\$100,000) property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(T) *Review by City Council.* The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision.

(U) *Penalty.* Any person violating any provision of this section shall be subject to a fine of not less than twenty-five dollars (\$25.00) and not more than two hundred fifty dollars (\$250.00). (*Ord. No. 502, 4/11/89*)

§ 2-215 PLAINVIEW COMMUNITY DEVELOPMENT AGENCY.

There is hereby created the Plainview Community Development Agency pursuant to section 18-2101.01 RS Neb. 1943.

The Plainview Community Development Agency shall consist of five (5) citizens of the City, appointed to staggered terms of five (5) years, commencing with terms of one (1), two (2), three (3), four (4) and five (5) years, and appointed by the Mayor.

The Plainview Community Development Agency shall function as a community development authority and shall have all the power and authority granted to a community redevelopment authority set forth in sections 18-2101 to 18-2154 RS Neb. 1943. (*Ord. No. 527, 9/11/90*)

§ 2-216 MANOR BOARD; APPOINTMENT; ORGANIZATION.

The Mayor, by and with the consent of a majority of the Council shall appoint a Manor Board, which shall consist of five (5) members, all of whom are residents of the City. All appointments to the Board shall be for a term of three (3) years, with the exception of the first three (3) members, who shall be appointed for staggered terms of one (1), two (2), and three (3) years, and two (2) members who shall be appointed for staggered terms of one (1) and two (2) years. The effect of the staggered terms is to have the terms of two (2) members expire in June of 1996, and the terms of two (2) members expire in June of 1997, and the term of one (1) member expire in June of 1998. At the last regular, adjourned regular or special meeting of the Council in the month of June of each year hereafter, the Mayor, by and with the consent of the Council, or a majority of the same, shall appoint such member or members whose terms have expired from the citizens at large, for the managing of such Public Manor for a term of three (3) years and from and after the first (1st) day of July if the years in which he or they shall have been appointed. If the Mayor shall fail or neglect to appoint such member or members, as above provided, the Council shall appoint such members, by a majority vote of the Council. Neither the Mayor nor any member of the Council shall be a member of such Board. No member of the Board shall receive any pay or compensation for his services as a member of the Board. In cases of Board vacancies, by resignation, removal or otherwise, the Mayor and Council shall fill such vacancies for the unexpired term, but in no event shall any appointment to fill such vacancy be in excess of a period of three (3) years. The Board shall prepare and adopt such rules and regulations for the efficient management of such Manor as they deem expedient, PROVIDED THAT said rules shall establish a fiscal year identical to the fiscal year of the City of Plainview, and said rules shall not become effective until approved by majority vote of the City Council. (*Ord. No. 596, 11/15/94*) (*Amended by Ord Nos. 625, 6/13/95; 899, 3/13/12*)

§ 2-217 MANOR BOARD OFFICERS; POWERS.

The Manor Board shall, at their first (1st) meeting after their appointment, and at their first (1st) meeting of July of each year hereafter, organize by electing from their number a President, Vice-President, and Secretary/Treasurer and such other officers as may be necessary. Three (3) members shall constitute a quorum; provided, any motion, resolution or order passed by the Board in order to be valid shall require the assent of two (2) members of the Board. The Board shall have the power to adopt such bylaws, rules and regulations for their guidance and for the government of the Manor, as they may deem expedient, subject to the supervision and control of the Mayor and Council as provided in this and other sections, and not inconsistent with sections 2-216 through 2-221. They shall have general control of the expenditure of all money collected or donated to the credit of the Manor Fund, the general control of all Manor property, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose. The renting or construction of any Manor building, and any contracts for a term of more than one (1) year or an expenditure of more than twenty thousand dollars (\$20,000.00) shall require approval by a majority vote of the City Council. *(Ord. No. 597, 11/15/94) (Amended by Ord. No. 899, 3/13/12)*

§ 2-218 MANOR BOARD; FINANCES.

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of such Manor shall be kept for the use of such Manor, separate and apart from the other funds of the City, and shall be drawn upon and paid out by the Assistant City Treasurer of Manor Finance upon vouchers signed by the President of the Manor Board, and authenticated by the Secretary of such Board, and shall not be used or disbursed for any other purpose or in any other manner.

All moneys received by the Board or by any Manor manager or assistant of said Manor, from any source for the use and support thereof, shall be paid immediately to the Assistant City Treasurer of Manor Finance, and in no event shall the same be retained past the end of any one (1) month. The Manor shall maintain a fiscal year identical to the fiscal year of the City. *(Ord. No. 578, 7/22/94) (Amended by Ord. Nos. 598, 11/15/94; 899, 3/13/12)*

§ 2-219 MANOR BOARD; MANAGER AND ASSISTANTS, APPOINTMENTS; RULES AND REGULATIONS.

The Manor Board shall have power subject to contact approval by the Council as necessary, to appoint a suitable Manor Manager and assistants, to fix their compensation, and remove their appointees at pleasure, and shall have the power to establish such regulations for the government of such Manor as may be deemed necessary for its preservation. To maintain its usefulness and efficiency they shall fix and impose by general rules, room rental rates, operating room charges, costs of meals, and any other

standard and fixed charges for the public, and shall have and exercise such powers as may be necessary to carry out the spirit and intent of sections 2-216 through 2-222 in establishing and maintaining a public Manor. Any bylaws, rules or regulations established by the Manor Board must be approved by the majority vote of the Mayor and Council. (*Ord. No. 599, 11/15/94*) (*Amended by Ord. No. 899, 3/13/12*)

§ 2-220 MANOR BOARD; REPORTS.

The Manor Board shall, at each regular monthly City Council meeting, make a report to the Mayor and Council of the condition of their trust on the last day of the previous month, showing all moneys received and expended, number of patient room days utilized, the last annual inventory and a current estimate of the amount of inventory of expendable property on hand, all items of capital equipment purchased during the year, and in addition thereto, such statistics, information and suggestions as may be deemed of general interest or as the Council may require, which report shall be verified by affidavit of the proper officers of the Board; and the Manor Board shall make such other reports from time to time as the Mayor and Council shall request or order. (*Ord. No. 600, 11/15/94*) (*Amended by Ord. No. 899, 3/13/12*)

§ 2-221 MANOR BOARD; DONATIONS, CONVEYANCES.

Any person may make any donation of money, land or property for the benefit of such Manor, and the title of the property may be made to and shall vest in the City for the public Manor and such property shall thereupon be exempt from taxation. The Mayor, subject to general requirements on the sale of City-owned property, shall have the power to convey real estate so received by warranty deed and in addition, shall have the power to release, upon full payment, any mortgage constituting a credit to the Manor Fund, outstanding in the name of such Manor Board, and the signature of the Mayor on any such deed or release shall be authenticated by the City Clerk. The Mayor and City Clerk in like manner, upon resolution duly passed and adopted by the Council, may renew any such mortgage. (*Ord. No. 601, 11/15/94*) (*Amended by Ord. No. 899, 3/13/12*)

§ 2-222 HOSPITAL, MEDICAL CLINIC, NURSING HOME BOARD.

(Repealed by Ord. No. 898, 3/13/12)

§ 2-223 PUBLIC TRANSPORTATION BOARD.

(A) There is hereby created a Public Transportation Board, to be known as the "Plainview HandiBus Board" which shall consist of four (4) members, all of whom shall be residents of the City. The Public Transportation Board shall be appointed by the Mayor with the approval of the Council. The term of

office of said members of the Board shall be for a period of four (4) years, with the exception of the first (1st) Board appointed, of which one (1) member shall be appointed for one (1) year, one (1) member for two (2) years, one (1) member for three (3) years, one (1) member for four (4) years. Upon the expiration of the term of office, each member appointed thereafter shall be appointed for a term of four (4) years. Terms of members shall begin on January 1 and terminate on December 31 of their fourth (4th) year in office. Each member appointed shall be a qualified voter of the City of Plainview, Nebraska. The Board shall reorganize each year at its first (1st) meeting after January 1.

(B) In addition to the basic Board, the City Administrator and one City Council Member appointed by the Mayor shall attend meetings as ex-officio members.

(C) The Public Transportation Board shall have the following powers and duties; all subject to the supervision, control, and approval of the City Council:

(1) They shall review and recommend all plans and basic rules for the operation of said HandiBus.

(2) They shall interview and recommend all persons required to operate the HandiBus.

(3) They shall recommend all types of use charges.

(4) They shall employ or have among their members a person responsible to account for all income and expenditures and report the same to the City Council.

(5) They shall do anything and everything necessary and requisite for the efficient operation and maintenance of said HandiBus.

(D) All members of the Board shall serve without pay. Three (3) members of the Board shall constitute a quorum for the transaction of any business of the Board. In the event of a vacancy on the Public Transportation Board, the Mayor shall appoint some person to fill the vacancy for the unexpired term of the member who has resigned or departed from the Board. (*Ord. No. 892, 4/28/11*)

ARTICLE 3: AIRPORT AUTHORITY

[Editor's Note: Article 3 was adopted in its entirety by Ordinance No. 484, 11/10/87; Repealed by Ordinance No. 575, 3/15/94]

ARTICLE 4: PENAL PROVISION

§ 2-401 VIOLATION; PENALTY.

(Repealed by Ord. No. 744, 7/11/00)

For penalty provisions, see section 12-101 of Chapter 12.

