



## **CITY COUNCIL AGENDA**

Tuesday, May 17, 2022 at 7:00 p.m.  
Springfield City Hall  
170 North 3<sup>rd</sup> Street

### **CALL TO ORDER**

- Public announcement that a copy of the Nebraska Open Meetings Law is posted in the entry to the meeting room
- Roll call
- Pledge of Allegiance

### **CONSENT AGENDA**

*All consent agenda items are approved in one motion unless removed by a Council Member. Removed items will be placed under the Regular Agenda for consideration and action by the Council.*

1. Approve Minutes of the May 3, 2022 Council Meeting
2. Approve Treasurer's Report

### **REGULAR AGENDA**

1. **Tabled May 3, 2022.** Consider approval of **Resolution 2022-18** entering into a License Agreement with Kracklin Kirks Fireworks for the use of city-owned property at Railroad and Main Streets for the operation of a fireworks stand
2. **Tabled May 3, 2022.** Waive Springfield Municipal Code §10-710 and approve fireworks stand license for Kracklin Kirks Fireworks at Railroad and Main Streets
3. Consider approval of **Resolution 2022-19** approving the first amendment to Sarpy County and Cities Wastewater Agency FY2021-2022 budget
4. Consider approval of **Resolution 2022-20** approving the Sarpy County and Cities Wastewater Agency proposed FY2022-2023 budget
5. Consider approval of **Resolution 2022-21** approving the First Amendment to Option and Lease Agreement with NCWPCS MPL 33 – Year Sites Tower Holdings, LLC for the telecommunications tower located at 13050 Platteview Road
6. Consider approval of **Ordinance No. 1101** AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OMAHA PUBLIC POWER DISTRICT, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER "GRANTEE") TO

CONTINUE TO CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA (HEREINAFTER "CITY"), AND GRANTING A FRANCHISE TO GRANTEE TO GENERATE, DISTRIBUTE AND DELIVER AN ADEQUATE AND CONTINUOUS SUPPLY OF ELECTRIC ENERGY TO THE CITY, EXCEPT FOR INTERRUPTIONS BEYOND GRANTEE'S CONTROL; TO ERECT POLES AND INSTALL WIRES AND CABLES THEREON; TO CONSTRUCT UNDERGROUND CONDUITS AND MANHOLES AND TO INSTALL CABLES IN UNDERGROUND CONDUITS OR BURIED DIRECTLY IN THE GROUND, AND TO INSTALL SUCH FACILITIES ALONG, OVER, UPON, UNDER OR ACROSS PRESENT OR FUTURE STREETS, ALLEYS, AVENUES, HIGHWAYS AND OTHER PUBLIC RIGHTS-OF-WAY OF THE CITY, AND TO CONSTRUCT, OWN, OPERATE AND MAINTAIN ALL OTHER ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS NECESSARY TO SUPPORT AND CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY

7. Consider approval of a water refund to Julie Golda, 460 South 6<sup>th</sup> Street
8. Consider parking issues at City Park
9. Discuss options for a new City Hall

#### **DEPARTMENT REPORTS**

1. Sewer Department – Mike Neitzel
2. Library & Community Building – Michael Herzog
3. Water & Parks Department – Kacie Murtha
4. Street Department – Dan Craney
5. Mayor’s Report – Bob Roseland
6. City Staff Reports

*The Mayor and City Council reserve the right to adjourn into executive session per Section 84-1410 of the Nebraska Revised Statutes.*

#### **ADJOURNMENT**

#### **MINUTES**

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:00 o'clock p.m. at City Hall on Tuesday, May 17, 2022. Present were Mayor Bob Roseland; Council Members: Mike Neitzel, Michael Herzog, Kacie Murtha, Dan Craney. Notice of this meeting was given in advance by posting in three public places, one of the designated methods of giving notice. Notice of this meeting was given in advance to the Mayor and all Council Members and a copy of their receipt of notice is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the public. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

## **Consent Agenda**

Motion by Herzog, seconded by Murtha, to approve the Consent Agenda. AYES: Herzog, Neitzel, Murtha, Craney. NAYS: None. Motion carried.

The City Clerk reported a balance on hand of \$3,550,255.74 in cash assets; Prestige Treasury-\$205,762.46; Prestige Bond-\$1,195,462.61; Keno Community Betterment-\$356,712.83; Keno Progressive Jackpot-\$50,000.00; Water Deposit Savings-\$4,208.08; Refundable Deposit Savings-\$1,228.60; Water Tower Savings-\$263,223.05; Sewer Restricted-\$266,223.24; Water Capital Facilities Fees-\$126,901.96; Sewer Capital Facilities Fees-\$663,883.65; City Sales Tax-\$4,734,103.41; Money Mark Library Bricks-\$971.39; Government Securities-\$115,976.23; Library Savings-\$1,635.29; ASIP at Pinnacle-\$1,784,753.50; Time Certificates as follows: Bond-\$79,680.40; Tower-\$59,608.37; Water-\$131,642.90; Library Bricks-\$13,084.55; Library Restricted-\$42,074.95; Cash Receipts-\$1,659,047.05; Cash Disbursements-\$113,892.75.

## **Regular Agenda**

**Agenda Item 1.** Council continued discussion with Kirk Myers of Kracklin Kirks Fireworks regarding the use of city-owned property at Railroad and Main Streets for the operation of a fireworks stand. Craney inquired how trailers would be parked on the property. Myers said that one trailer would be on the west and one trailer would be on the north. Myers also said that he plans to contact the Sarpy County Sheriff's Office to oversee parking during wedding reception rentals at the Community Building. Herzog inquired if anyone from the public had commented on this item. Kathleen Gottsch, City Administrator, reported that Dan Williams, owner of Wild Willy's Fireworks, provided a letter to the Mayor and City Council Members. No other comments were received. Council Member Herzog introduced **Resolution 2022-18** and moved its adoption. Council Member Craney seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

### **RESOLUTION 2022-18**

#### **Short Term Facilities License Agreement between Kracklin' Kirks Fireworks and the City of Springfield for the Use of City-Owned Property for the Operation of a Fireworks Stand**

BE IT RESOLVED by the Mayor and City Council of the City of Springfield, Nebraska, as follows:

WHEREAS, the City of Springfield, Nebraska, a Municipal Corporation, and Kracklin' Kirks Fireworks, desire to enter into a Short-Term Facilities License Agreement; and

WHEREAS, the leased area is described as a portion of the vacant lot owned by the City of Springfield and legally described as Tax Lot R2, Section 24, Township 13 North, Range 11 East of the 6<sup>th</sup> P.M., City of Springfield, as surveyed, platted, and recorded in Sarpy County, Nebraska; and

WHEREAS, the term of the lease shall commence on the 15<sup>th</sup> day of June, 2022, at 8:00 a.m. and shall terminate on the 11<sup>th</sup> day of July, 2022, at 10:00 a.m.; and

WHEREAS, Kracklin' Kirks Fireworks agrees to pay the City of Springfield \$4,000 as rental payment and \$500 as security deposit; and

WHEREAS, Kracklin' Kirks Fireworks agrees to pay for the expansion of the hard surfaced area as outlined in the License Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Short-Term Facilities License Agreement with Kracklin' Kirks Fireworks, a copy of which is attached hereto as Exhibit "A," is hereby approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Mayor is authorized to enter into said Short-Term Facilities License Agreement.

Introduced and Passed this 17<sup>th</sup> day of May, 2022.

City Council Member Herzog moved the adoption of said resolution.  
City Council Member Craney seconded the motion.

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 2.** Motion by Herzog, seconded by Craney, to waive Springfield Municipal Code §10-710 and approve fireworks stand license for Kracklin Kirks Fireworks at Railroad and Main Streets. AYES: Herzog, Neitzel, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 3.** Council Member Murtha introduced **Resolution 2022-19** and moved its adoption. Council Member Neitzel seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-19**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO SARPY COUNTY  
AND CITIES WASTEWATER AGENCY FY2021-2022 BUDGET**

WHEREAS, City of Springfield is a party to an interlocal agreement (as amended, the "Formation Interlocal") entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq., by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the "Members"), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency");

WHEREAS, pursuant to Section IX of the Formation Interlocal, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member;

WHEREAS, pursuant to Agency Resolution No. 2021-011, the Agency Board previously approved the Sarpy County and Cities Wastewater Agency FY2021-2022 Budget (the “FY2021-2022 Budget”), and the Governing Body of the City of Springfield subsequently approved the FY2021-2022 Budget;

WHEREAS, pursuant to Agency Resolution No. 2022-013, the Agency Board approved the Amendment #1 to the FY2021-2022 Budget (the “Amended FY2021-2022 Budget”), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, the Governing Body of the City of Springfield deems it appropriate and advisable to approve the proposed Amended FY2021-2022 Budget which has been approved by the Agency Board and is attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD that the proposed Amended FY2021-2022 Budget is hereby approved.

The above Resolutions were approved by a vote of the Governing Body of the City of Springfield at a public meeting duly held in accordance with applicable law on the 17<sup>th</sup> day of May, 2022.

City Council Member Murtha moved the adoption of said resolution.

City Council Member Neitzel seconded the motion.

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 4.** Council Member Herzog introduced **Resolution 2022-20** and moved its adoption. Council Member Murtha seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-20**

**RESOLUTION APPROVING THE SARPY COUNTY AND CITIES  
WASTEWATER AGENCY PROPOSED FY2022-2023 BUDGET**

WHEREAS, City of Springfield is a party to an interlocal agreement (as amended, the “Formation Interlocal”) entered into pursuant to the Interlocal Cooperation Act, set out at Neb. Rev. Stat. § 13-801 et seq., by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and

Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”);

WHEREAS, pursuant to Section IX of the Formation Interlocal, the Agency Board is required to approve an itemized annual budget which shall be presented to and subject to approval of the individual governing body of each Member;

WHEREAS, pursuant to Agency Resolution No. 2022-014, the Agency Board approved the proposed FY2022-2023 Budget, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the City of Springfield deems it appropriate and advisable to approve the proposed FY2022-2023 Budget which has been approved by the Agency Board and is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD that the proposed FY2022-2023 Budget is hereby approved.

The above Resolutions were approved by a vote of the Governing Body of the City of Springfield at a public meeting duly held in accordance with applicable law on the 17<sup>th</sup> day of May, 2022.

City Council Member Herzog moved the adoption of said resolution.

City Council Member Murtha seconded the motion.

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 5.** Council Member Neitzel introduced **Resolution 2022-21** and moved its adoption. Council Member Craney seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-21**

**First Amendment to Option and Lease Agreement with NCWPCS MPL 33 – Year Sites Tower Holdings, LLC for a Telecommunications Tower Located at 13050 Platteview Road**

BE IT RESOLVED by the Mayor and City Council of the City of Springfield, Nebraska, as follows:

WHEREAS, the City of Springfield, Nebraska, a Municipal Corporation, and NCWPCS MPL 33 – Year Sites Tower Holdings, LLC, a Delaware Limited Liability Company, by and through its Attorney in Fact, CCATT LLC, a Delaware Limited Liability Company, desire to enter into a First Amendment to Option and Lease Agreement for the purpose of constructing, maintaining and operating a

communications facility, including tower structures, equipment shelters, cabinets, meter boards, utilities, antennas, equipment, any related improvements and structures and uses incidental; and

WHEREAS, the parties agree to amend the agreement to acknowledge the sublease of a portion of the leased premises to My Bridge Radio or an affiliate or subsidiary for the purpose of installation, maintenance and replacement of equipment, antennas, cables, fiber, and related accessories on the leased premises for the operation of a wireless communications facility; and

WHEREAS, NCWPCS MPL 33 – Year Sites Tower Holdings, LLC, agrees to pay the City twenty-percent (20%) of the rental, license or similar payments actually received by NCWPCS MPL 33 – Year Sites Tower Holdings, LLC from My Bridge Radio.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Springfield, Nebraska that the First Amendment to Option and Lease Agreement, a copy of which is attached hereto as Exhibit “A,” is hereby approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Mayor is authorized to enter into said First Amendment to Option and Lease Agreement.

Introduced and Passed this 17<sup>th</sup> day of May, 2022.

City Council Member Neitzel moved the adoption of said resolution.  
City Council Member Craney seconded the motion.

Ayes: Neitzel, Herzog, Murtha, Craney  
Nays: None  
Abstain: None  
Absent: None

Approved: Robert Roseland, Mayor  
SEAL  
Attest: Kathleen Gottsch, City Clerk

**Agenda Item 6.** Council Member Herzog introduced Ordinance No. 1101 entitled:

AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OMAHA PUBLIC POWER DISTRICT, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER "GRANTEE") TO CONTINUE TO CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA (HEREINAFTER "CITY"), AND GRANTING A FRANCHISE TO GRANTEE TO GENERATE, DISTRIBUTE AND DELIVER AN ADEQUATE AND CONTINUOUS SUPPLY OF ELECTRIC ENERGY TO THE CITY, EXCEPT FOR INTERRUPTIONS BEYOND GRANTEE'S CONTROL; TO ERECT POLES AND INSTALL WIRES AND CABLES THEREON; TO CONSTRUCT UNDERGROUND CONDUITS AND MANHOLES AND TO INSTALL CABLES IN UNDERGROUND CONDUITS OR BURIED DIRECTLY IN THE GROUND, AND TO INSTALL SUCH FACILITIES ALONG, OVER, UPON, UNDER OR ACROSS PRESENT OR FUTURE STREETS, ALLEYS, AVENUES, HIGHWAYS AND OTHER PUBLIC RIGHTS-OF-WAY OF THE CITY, AND TO CONSTRUCT, OWN, OPERATE AND MAINTAIN ALL OTHER ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS NECESSARY TO SUPPORT AND CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Neitzel seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by title and thereafter Council Member Herzog moved for final passage of the ordinance, which motion was seconded by Council Member Craney. The Mayor then stated the question "Shall Ordinance No. 1101 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

### **ORDINANCE NO. 1101**

AN ORDINANCE ACCEPTING THE PROPOSAL OF THE OMAHA PUBLIC POWER DISTRICT, ITS SUCCESSORS AND ASSIGNS (HEREINAFTER "GRANTEE") TO CONTINUE TO CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA (HEREINAFTER "CITY"), AND GRANTING A FRANCHISE TO GRANTEE TO GENERATE, DISTRIBUTE AND DELIVER AN ADEQUATE AND CONTINUOUS SUPPLY OF ELECTRIC ENERGY TO THE CITY, EXCEPT FOR INTERRUPTIONS BEYOND GRANTEE'S CONTROL; TO ERECT POLES AND INSTALL WIRES AND CABLES THEREON; TO CONSTRUCT UNDERGROUND CONDUITS AND MANHOLES AND TO INSTALL CABLES IN UNDERGROUND CONDUITS OR BURIED DIRECTLY IN THE GROUND, AND TO INSTALL SUCH FACILITIES ALONG, OVER, UPON, UNDER OR ACROSS PRESENT OR FUTURE STREETS, ALLEYS, AVENUES, HIGHWAYS AND OTHER PUBLIC RIGHTS-OF-WAY OF THE CITY, AND TO CONSTRUCT, OWN, OPERATE AND MAINTAIN ALL OTHER ELECTRIC TRANSMISSION AND DISTRIBUTION SYSTEMS NECESSARY TO SUPPORT AND CONDUCT A RETAIL ELECTRIC ENERGY SUPPLY BUSINESS WITHIN THE CITY.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA.

SECTION 1. For and in consideration of the covenants and agreements of the Grantee to continue to conduct a retail electric energy supply business within the City and generate, distribute and deliver an adequate and continuous supply of electric energy to the City and its inhabitants, the City hereby grants to Grantee the right, privilege, and franchise to generate, distribute and deliver an adequate and continuous supply of electric energy to the City except for interruptions beyond the Grantee's control; to erect poles and install the necessary supports, crossarms, and equipment, and to install wires and cables thereon, and to construct underground conduits, manholes and equipment, and to install conductors therein, or bury cable directly in the ground, and to place any such wires, cables, conduits and equipment along, over, upon, under, and across present or future streets, alleys, avenues and other public rights-of-way of the City, and to construct, own, operate, and maintain all other electric transmission and distribution systems necessary to support and conduct a retail electric energy supply business with said City and its inhabitants.

SECTION 2. The Grantee may under the direction of the proper City authorities, make all necessary excavations in any part of the present or future streets, alleys, avenues, highways and other public rights-of-way to erect and maintain poles and other supports for its wires or conductors and to repair same, and to lay, repair, and maintain such underground pipes, conduits and manholes and to place,



repair, maintain and operate said wires and conductors therein, provided that all such items shall be installed and located in accordance with prior approval obtained from City. When any excavation shall have been made pursuant to the authority hereby granted, the Grantee shall restore the portion of the street, alley, avenue, highway or other public right-of-way excavated to the same conditions as existed prior to the excavation. All such work shall be done in such a manner as to least diminish, injure or obstruct the City's own use of its public rights-of-way and the use thereof by other utilities and others authorized by the City to use such rights-of-way. Nothing in this ordinance shall be construed as preventing or diminishing the right of the City from constructing sewers, utilities, grading, paving, planking, repairing, altering, or doing any work, or authorizing others to do so, that may be desired on or in any of the streets, alleys, avenues and public rights-of-way of the City. All of Grantee's excavation, erection, maintenance and work within, and use of City right-of-ways shall be subject to and shall comply with all existing and future City rules, regulations, ordinances and orders.

SECTION 3. Whenever it shall be necessary in grading any street, avenue, alley, or highway of the City, or in building any sidewalk or making any other improvements therein, or in moving buildings or other large objects through or along the streets, to remove or relocate any poles belonging to the Grantee, on which any lines or wires belonging to the Grantee shall be stretched or fastened, or to remove or relocate any cables, equipment, manholes, underground pipe, underground conduit or cable, buried cable, conductors, facilities, fixtures, or any other equipment or facilities associated with the Grantee's electric transmission and distribution systems, the Grantee shall, upon receiving thirty (30) days' notice from the proper City authorities, at the Grantee's sole expense, remove and/or relocate such poles, wires, cables, equipment, manholes, underground pipe, underground conduit or cable, buried cable, conductors, facilities, fixtures, and any other equipment or facilities associated with the Grantee's electric transmission and distribution systems, and if Grantee, upon such notice shall neglect to remove and/or relocate such poles, wires, cables, equipment, manholes, underground pipe, underground conduit or cable, buried cable, conductors, facilities, fixtures, and any other equipment or facilities associated with the Grantee's electric transmission and distribution systems, then such poles wires, cables, equipment, manholes, underground pipe, underground conduit or cable, buried cable, conductors, facilities, fixtures, and any other equipment or facilities associated with the Grantee's electric transmission and distribution systems, may be removed and/or relocated by the proper City authorities at the expense of the Grantee.

SECTION 4. In the event all users of the City's right-of-ways relocate aerial facilities underground as part of an undergrounding or neighborhood beautification project, the Grantee shall participate in the planning for relocation of its aerial facilities contemporaneously with other utilities. The Grantee's relocation costs shall be included in any computation of necessary project funding by the City or private parties. The Grantee shall be entitled to reimbursement costs from private funds raised for the project and made available to other users of the City's right-of-ways.

SECTION 5. The Grantee hereby covenants and agrees to indemnify and save harmless the City and its elected officials, officers, agents, employees, and servants, against all damages, costs and expenses, whatsoever, to which the City may be subject on account of or arising out of negligence of the Grantee, its agents, employees, or servants, in any manner arising from the franchise, rights and privileges granted herein or the exercise thereof.

SECTION 6. This franchise is granted for a term of twenty-five (25) years commencing with the date of passage of this Ordinance.

SECTION 7. Grantee shall file its written acceptance of this Ordinance and the franchise herein granted with the office of the City Clerk, within thirty (30) days after the date of this Ordinance. Such acceptance

by Grantee shall be an acceptance of all the terms and conditions and restrictions contained in this Ordinance.

SECTION 8. This Ordinance shall be in full force and take effect after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS 17<sup>TH</sup> DAY OF MAY, 2022.

Robert Roseland, Mayor  
(SEAL)

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 7.** Andie Ledenbach, Utility Billing Clerk, reported that the meters at 460 and 480 South 6<sup>th</sup> Street were switched so the water usage at each unit was reported incorrectly. Julie Golda, tenant of 460 South 6<sup>th</sup> Street, is now requesting a credit to her account for over payment of water usage. An average monthly water bill for her type of household is approximately \$40.77 (4,500 gallons used). Golda's reported consumption was 10,000 gallons (\$58.70) during the month of January and 32,000 gallons (\$130.42) during the month of February; however, those reads should have been for 480 South 6<sup>th</sup> Street. The tenant at 480 South 6<sup>th</sup> Street moved out on February 15, 2022. If we take the average \$40.77 bill for a residence of this size times two for the months of January and February, we get \$81.54. Golda's actual payments of \$58.70 and \$130.42 during these two months equal \$189.12, for a difference of \$107.58. The high water reads during these months affected the annual sewer average. These high reads caused the sewer average at Golda's apartment to be high (8,667 gallons = \$51.67). The average sewer bill for a household of this size is approximately \$41.25 (4,500 gallons). This equals a difference of \$10.42. The water and sewer differences come to a total of \$128.42 (\$107.58 for the water bill; \$20.84 for the sewer average adjustment). New meters have since been installed in all four apartment complexes. Motion by Craney, seconded by Murtha, to approve a \$128.42 credit to Julie Golda's water account at 460 South 6<sup>th</sup> Street. AYES: Herzog, Neitzel, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 8.** Gottsch reported that City Hall has received concerns/complaints from parents and coaches of SYAA baseball regarding parking issues at City Park. The property owner of 670 LA Bates has a double gate along their side yard fence that allows them to move their large riding lawn mower from their backyard through City Park to their front yard. That owner has hung two "No Parking" signs on the fence gates. According to parents and coaches, the owner has confronted SYAA parents and members during games making visitors move their vehicles from in front of the gate. Council directed city staff to send the property owner a letter telling them to remove the "No Parking" signs from the fence immediately and that they cannot make anyone remove a vehicle from this area. The property owner can use their gate when there are no games or practices going on.

**Agenda Item 9.** Council considered options for a new City Hall. Gottsch reported on conversations she had with school officials regarding the existing elementary school. Council considered remodeling versus new construction as well as location.

### Department Reports

**Agenda Item 1.** No Department Report from Neitzel.

**Agenda Item 2.** No Department Report from Herzog.

**Agenda Item 3.** Murtha reported that the splash pad would be open the Friday before Memorial Day. The parks department is searching for parts for broken playground equipment. They are also removing graffiti. The commemorative rock for Mayor Mike Dill will be installed at Urban Park before Springfield Days. She expressed concern with Kent Maystrick's operation of the backhoe during cleanup day. She said the operation concerned residents and could have created a safety issue. Council discussed developing standard operating procedures and a safety manual. Murtha also suggested the city add a connection point on the south side of Platteview Road between the homes and business district. Gottsch said it would be good to add a trail segment across the eastern portion of the creek to what will be future park land from the neighborhood.

**Agenda Item 4.** No Department Report from Craney.

**Agenda Item 5.** Mayor Roseland reported that cleanup day went well.

**Agenda Item 6.** Gottsch reported that Springfield Days has added a car show. The organization is requesting permission to use the city's vacant lot on Main Street for the event. Council was amenable to the request.

### **Adjournment**

Motion by Herzog, seconded by Craney, to adjourn. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 8:10 p.m. Motion carried.

I, the undersigned, City Clerk for the City of Springfield, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on May 17, 2022; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kathleen Gottsch  
City Clerk