



# SPRINGFIELD

## NEBRASKA

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### **CITY COUNCIL AGENDA**

Tuesday, September 17, 2024, 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

#### **BUDGET HEARING & BUDGET SUMMARY**

Tuesday, September 17, 2024  
7:00 p.m.

Budget Discussion, in compliance with the provisions of Nebraska State Statute Sections 13-501 to 13-513, that the Governing Body will meet for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the FY24-25 proposed budget.

#### **SPECIAL HEARING TO SET FINAL TAX REQUEST**

Tuesday, September 17, 2024

*This hearing will immediately follow the Budget Hearing & Budget Summary Hearing.*

Public Hearing, in compliance with the provisions of Nebraska State Statute Section 77-1601.02, that the Governing Body will meet for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request at a different amount than the prior year tax request.

#### **CONSENT AGENDA**

*The regular Council meeting will immediately follow the Special Hearing to Set Final Tax Request. 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 September 3, 2024, Council Meeting
2. Approve Claims
3. Treasurer's Report

4. Approve quote from American Playground & Recreation in the amount of \$2,875.00 for the purchase of eleven (11) flat top rain bonnets for trash cans in city parks.
5. Approve Pay Application No. 17 & Final to Judds Bros. Construction in the amount of \$129,091.91 for construction services rendered on the New Well Project.

#### **REGULAR AGENDA**

1. Exceed the budget lid limit by an additional 1% for the fiscal year 2024-2025.
2. Consider adopting **Resolution 2024-21** to request the new property tax rate be changed from the levy rate of the prior year to the levy rate for the General Fund of 0.436421 and the Bond Fund of 0.063579 for a total levy rate of 0.500000 for FY2024-2025 and to request the FY2024-2025 property tax request be set at \$1,415,010.04 for the General Fund and \$206,145.00 for the Bond Fund, for a total of \$1,621,155.04.
3. Consider approval of **Ordinance No. 1156** to adopt the budget statement to be termed the annual appropriation bill; to appropriate sums for necessary expenses and liabilities.
4. Consider approval of **Ordinance No. 1157** designating Horizon Bank of Springfield, Nebraska and Pinnacle Bank of Springfield, Nebraska as city depositories for the City of Springfield, Nebraska for the fiscal year October 1, 2024, to September 30, 2025.
5. Consider COLA increase for regular full-time employees (40 hours) and regular part-time employees (30+ hours).
6. **Tabled September 3, 2024.** Consider a request to remove bushes located within the city right-of-way (old alley) east of North 4<sup>th</sup> Street between Elm Street and Chestnut Street.
7. Consider approval of **Ordinance No. 1158** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO ESTABLISH REGULATIONS REGARDING THE OPERATION OF GOLF CARS ON PUBLIC ROADWAYS WITHIN THE CITY; TO ADOPT CHAPTER 5, ARTICLE 4, SECTION 5-407 OF THE SPRINGFIELD MUNICIPAL CODE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
8. Consider approval of **Ordinance No. 1159** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 5 TRAFFIC REGULATIONS, ARTICLE 4 BICYCLES, MINIBIKES, AND MOPEDS, SECTION 5-406 UTILITY-TYPE VEHICLES AND MINITRUCKS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.
9. Review Agreement for Connection and Wastewater Service Between the Sarpy County and Cities Wastewater Agency and the City of Springfield (Member Service Agreement).

#### **DEPARTMENT REPORTS**

1. Water & Sewer Department – Mike Neitzel

2. Library & Community Building – Michael Herzog
3. 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 p.m. on Tuesday, September 17, 2024, at City Hall. 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.

### **BUDGET HEARING & BUDGET SUMMARY**

Tuesday, September 17, 2024

7:00 p.m.

**Agenda Item 1.** A Budget Hearing of the Mayor and Council of the City of Springfield, Nebraska, was held at 7:01 o’clock p.m. at Springfield City Hall on September 17, 2024. Notice of the Budget Hearing was given in advance by publishing in the Sarpy County Times, one of the designated methods of giving notice. The public hearing was open for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed Fiscal Year 2024-2025 budget. Those who spoke in favor: None. Those who spoke in opposition: None. Those who spoke in neutral capacity: None. Motion by Herzog, seconded by Craney, to close the public hearing. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing ended at 7:03 p.m. No action was taken.

### **SPECIAL HEARING TO SET FINAL TAX REQUEST**

Tuesday, September 17, 2024

*This hearing will immediately follow the Budget Hearing & Budget Summary Hearing.*

**Agenda Item 1.** A Final Tax Request Hearing of the Mayor and Council of the City of Springfield, Nebraska, was held immediately following the Budget Hearing & Budget Summary Hearing at Springfield

City Hall on September 17, 2024. Notice of the Final Tax Request Hearing was given in advance by publishing in the Sarpy County Times, one of the designated methods of giving notice. The public hearing was open for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to setting the final tax request for Fiscal Year 2024-2025 at a different amount than the prior year tax request. Those who spoke in favor: None. Those who spoke in opposition: None. Those who spoke in neutral capacity: None. Motion by Murtha, seconded by Neitzel, to close the public hearing. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing ended at 7:04 p.m. No action was taken.

**Consent Agenda**

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

<b>Name</b>	<b>Account ID</b>	<b>Account Description</b>	<b>Debit Amount</b>
<b>General</b>			
Grass Pad, Inc	8160-10-10	R&M Grounds-Gen	56.97
JEO Consulting Group, Inc.	7030-10-10	Prof Svcs-Planning-Gen	1,292.50
Waste Connections of NE	7340-10-10	Waste Disposal-Gen	33.27
NE Depart of Revenue	7460-10-10	Waste Tax-Gen	25.00
Travelers	7270-10-10	Insurance-Gen	1,290.52
		<b>Total</b>	<b>2,698.26</b>
<b>Sales Tax</b>			
Henninger, Barb	9089-15-10	Community Events-Sales Tax	53.90
Ledenbach, Andrea	9088-15-10	Community Betterment-Sales Tax	51.52
		<b>Total</b>	<b>105.42</b>
<b>Library</b>			
Charter Communications	7455-20-10	Internet-Lib	59.99
Grass Pad, Inc	8160-20-10	R&M Grounds-Lib	56.97
Waste Connections of NE	7340-20-10	Waste Disposal-Lib	38.70
Travelers	7270-20-10	Insurance-Lib	563.67
		<b>Total</b>	<b>719.33</b>
<b>Park</b>			
BRP Investments	8120-30-10	Fuel-Prk	654.82
Ferguson Enterprises	8160-30-10	R&M Grounds-Prk	62.57
Hughes Mulch Products	8160-30-10	R&M Grounds-Prk	7,700.00
Jensen Gardens	8160-30-10	R&M Grounds-Prk	2,366.00
Mill Creek Auto Parts	9040-30-10	Tools & Misc Equip-Prk	56.69
Waste Connections of NE	7340-30-10	Waste Disposal-Prk	231.54
Lang Diesel, Inc.	8140-30-10	R&M Equipment-Prk	91.79
Travelers	7270-30-10	Insurance-Prk	830.67
		<b>Total</b>	<b>11,994.08</b>
<b>Community Bldg</b>			
Grass Pad, Inc	8160-40-10	R&M Grounds-Comm Bldg	56.96
Waste Connections of NE	7340-40-10	Waste Disposal-Comm Bldg	87.83
Travelers	7270-40-10	Insurance-Comm Bldg	437.59

		<b>Total</b>	<b>582.38</b>
<b>Water</b>			
BRP Investments	8120-50-20	Fuel-Wtr	582.71
Verizon Wireless	7330-50-20	Telephone-Wtr	21.97
Verizon Wireless	9155-50-20	GIS-Wtr	30.01
Aqua-Chem, Inc.	8110-50-20	Chemicals-Wtr	1,269.20
Judds Bros. Construction	9090-50-20	New Well-Wtr	129,091.91
Travelers	7270-50-20	Insurance-Wtr	1,379.51
		<b>Total</b>	<b>132,375.31</b>
<b>Sewer</b>			
BRP Investments	8030-60-30	Supplies-Swr	5.19
BRP Investments	8120-60-30	Fuel-Swr	173.21
Verizon Wireless	7330-60-30	Telephone-Swr	21.97
Verizon Wireless	9155-60-30	GIS-Swr	30.02
Travelers	7270-60-30	Insurance-Swr	1,038.35
		<b>Total</b>	<b>1,268.74</b>
<b>Streets</b>			
BRP Investments	8120-70-40	Fuel-Str	798.29
Carroll Construction Supply	8030-70-40	Supplies-Str	84.95
Concrete Delivered LLC	8090-70-40	Asphalt & Concrete-Str	14,944.95
Logan Contractors Supply	8090-70-40	Asphalt & Concrete-Str	2,855.95
Mill Creek Auto Parts	8030-70-40	Supplies-Str	112.20
Mill Creek Auto Parts	8140-70-40	R&M Equipment-Str	67.17
Waste Connections of NE	7340-70-40	Waste Disposal-Str	73.19
Travis Moore Constr	8090-70-40	Asphalt & Concrete-Str	15,712.00
Verizon Wireless	7330-70-40	Telephone-Str	21.95
Verizon Wireless	9155-70-40	GIS-Str	30.01
Travelers	7270-70-40	Insurance-Str	1,876.45
		<b>Total</b>	<b>36,577.11</b>
		<b>Grand Total</b>	<b>186,320.63</b>

The City Treasurer reported a balance on hand of \$4,848,617.23 in cash assets; Prestige Treasury, \$209,813.06; Prestige Bond, \$1,326,398.44; Keno Community Betterment, \$474,092.91; Keno Progressive Jackpot, \$50,507.21; Water Deposit Savings, \$4,256.70; Refundable Deposits Savings, \$1,242.76; Water Tower Savings, \$364,473.59; Sewer Restricted, \$369,718.06; Water Capital Facilities Fees, \$180,167.70; Sewer Capital Facilities Fees, \$1,197,317.07; City Sales Tax, \$8,599,216.73; Money Market Library Bricks, \$982.59; Government Securities, \$122,951.26; Library Savings-Snyder Estate Donation, \$1,654.15; Pinnacle Bank, \$1,991,051.77; Time Certificates, Bond, \$81,643.89; Tower, \$61,141.12; Water, \$134,290.93; Library Restricted, \$33,816.95; Cash Receipts, \$544,908.60; Cash Disbursements, \$375,342.34.

### **Regular Agenda**

**Agenda Item 1.** Motion by Herzog, seconded by Neitzel, to exceed the budget lid limit by an additional 1% for the fiscal year 2024-2025. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 2.** Council Member Murtha introduced Resolution 2024-21 and moved its adoption. Council Member Herzog seconded the forgoing motion and on roll call on the passage and adoption of said resolution, the following voted AYE: 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  
2024-21**

**FINAL TAX LEVY**

**WHEREAS**, Nebraska Revised Statutes 77-1632 and 77-1633 provide that the property tax request for the prior year shall be the property tax request for the current year for the purposes of the levy set by the County Board of Equalization, unless the Governing Body of the City of Springfield passes by majority vote a resolution or ordinance setting the tax request at a different amount; and

**WHEREAS**, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and

**WHEREAS**, it is in the best interest of the City of Springfield that the property tax request for the current year be a different amount than the property tax request for the prior year; therefore, the Springfield City Council requests the new property tax rate be changed from the levy rate of the prior year to the levy rate for the General Fund of 0.436421 and the Bond Fund of 0.063579 for a total levy rate of 0.500000 for Fiscal Year 2024-2025.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SPRINGFIELD, SARPY COUNTY, STATE OF NEBRASKA, THAT:**

1. The 2024-2025 property tax request be set at \$1,415,010.04 for the General Fund and \$206,145.00 for the Bond Fund, for a total of \$1,621,155.04.
2. The total assessed value of property differs from last year's total assessed value by 35.18% (total assessed value in 2023-2024 of \$239,853,171 and total assessed value in 2024-2025 of \$324,230,820).
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$0.398831 per \$100 of assessed value.
4. The City of Springfield's property tax rate for last fiscal year 2023-2024 was \$0.539135 per \$100 of assessed value.
5. The City of Springfield proposes to adopt a property tax request that will cause its tax rate to be \$0.500000 per \$100 of assessed value (General Fund of 0.436421 and Bond Fund of 0.063579) for Fiscal Year 2024-2025.
6. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of Springfield will increase last year's budget by 3.64%.
7. The vote on this resolution shall be recorded on this resolution.
8. A copy of this resolution shall be certified and forwarded to the Sarpy County Clerk on or before October 15, 2024, and filed with the Auditor of Public Accounts in accordance with applicable law.

Passed and approved this 17<sup>th</sup> day of September, 2024.

City Council Member Murtha moved the adoption of said resolution.

City Council Member Herzog seconded the motion.

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Approved: Robert Roseland, Mayor

SEAL

Attest: Barbara Henninger, City Clerk

**Agenda Item 3.** Council Member Murtha introduced **Ordinance No. 1156** entitled:

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Craney 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 following were ABSENT: 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 Murtha moved for final passage of the ordinance, which motion was seconded by Council Member Craney. The Mayor then stated the question "Shall Ordinance No. 1156 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The following were ABSENT: 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 follow:

**ORDINANCE NO. 1156**

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2024, through September 30, 2025. All sums of

money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Springfield. The total disbursements and transfers for 2024-2025 is \$6,454,396.00. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska and the County Clerk of Sarpy County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 17<sup>th</sup> day of September, 2024.

Robert Roseland, Mayor  
(SEAL)

Attest: Barbara Henninger, City Clerk

**Agenda Item 4.** Council Member Herzog introduced **Ordinance No. 1157** entitled:

AN ORDINANCE DESIGNATING HORIZON BANK OF SPRINGFIELD AND PINNACLE BANK OF SPRINGFIELD, NEBRASKA AS CITY DEPOSITORIES FOR THE CITY OF SPRINGFIELD, NEBRASKA FOR THE FISCAL YEAR OCTOBER 1, 2024, TO SEPTEMBER 30, 2025

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 following were ABSENT: 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 Neitzel. The Mayor then stated the question "Shall Ordinance No. 1157 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The following were ABSENT: 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 follow:

**ORDINANCE NO. 1157**

AN ORDINANCE DESIGNATING HORIZON BANK OF SPRINGFIELD AND PINNACLE BANK OF SPRINGFIELD, NEBRASKA AS CITY DEPOSITORIES FOR THE CITY OF SPRINGFIELD, NEBRASKA FOR THE FISCAL YEAR OCTOBER 1, 2024, TO SEPTEMBER 30, 2025.



SECTION 1. Horizon Bank and Pinnacle Bank are hereby designated and retained as the official City Depositories for the City of Springfield, Nebraska for the fiscal year October 1, 2024, to September 30, 2025.

SECTION 2. That any other Ordinance and section passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict with its provisions, is hereby repealed.

SECTION 3. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 17<sup>th</sup> day of September, 2024.

Robert Roseland, Mayor

(SEAL)

Attest: Barbara Henninger, City Clerk

**Agenda Item 5.** Council reviewed cost of living allowances approved by other cities and considered market conditions. Motion by Neitzel, seconded by Herzog, to approve a 4% COLA increase for regular full-time and regular part-time employees. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 6.** Kathy Cooper, 465 Chestnut Street, stated she has spoken with Craney regarding the removal of the dead tree in her back yard using her side yard as access. It was determined that her tree company cannot safely access the back yard through her side yard. The opening is 6.4' with her gas meter directly inside the gate. The tree services equipment measures 6.4', there is no room for error without a bigger issue involved. Neitzel stated that he has contacted two different tree services that both have equipment to get through a 30" opening. He didn't obtain a quote from either of the companies. Neitzel would like her to consider using another tree service. Neitzel stated that he has marked each of his sprinkler heads with a flag to show that there is not sufficient room to drive a vehicle down the alley without damaging his system. It was determined that Neitzel's sprinkler heads are encroaching in the public right of way. Craney doesn't feel that the city has the right to request Cooper to choose another tree service. Cooper is paying the bill for her tree removal and has the right to choose who she wants to use. She also has the right to use the public right of way to access her property. Cooper stated that the bushes can be cut down as low as one to two inches and they will grow back. She also stated that the tree service is aware of the issue with the sprinkler heads and has a decking system they place over the area to keep from damaging any sprinkler system on their jobs sites. Motion by Craney, seconded by Murtha, to have the bushes located within the city right-of-way (old alley) east of North 4<sup>th</sup> Street between Elm Street and Chestnut Street cut to the height of 12" for right-of-way access. AYES: Murtha, Craney, Roseland. NAYS: Neitzel, Herzog. Motion carried.

**Agenda Item 7.** Council Member Craney introduced **Ordinance No. 1158** entitled:

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO ESTABLISH REGULATIONS REGARDING THE OPERATION OF GOLF CARS ON PUBLIC ROADWAYS WITHIN THE CITY; TO ADOPT CHAPTER 5, ARTICLE 4, SECTION 5-407 OF THE SPRINGFIELD MUNICIPAL CODE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Murtha 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 following were ABSENT: 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 Murtha moved for final passage of the ordinance, which motion was seconded by Council Member Craney. The Mayor then stated the question "Shall Ordinance No. 1158 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Murtha, Craney. The following voted NAY: Herzog. The following were ABSENT: 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 follow

### **ORDINANCE NO. 1158**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA TO ESTABLISH REGULATIONS REGARDING THE OPERATION OF GOLF CARS ON PUBLIC ROADWAYS WITHIN THE CITY; TO ADOPT CHAPTER 5, ARTICLE 4, SECTION 5-407 OF THE SPRINGFIELD MUNICIPAL CODE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 5, Article 4, Section 5-407 of the Springfield Municipal Code is adopted to read as follows:

**§5-407 GOLF CARS; DEFINED.** For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense shall include the future tense, words used in the plural number include words in the singular number and words in the singular number include words in the plural number. The word "shall" is always mandatory and not merely directory.

GOLF CAR. A vehicle that has at least four wheels, has a maximum level ground speed of less than twenty (20) miles per hour, has a maximum payload capacity of one thousand two hundred (1,200) pounds, has a maximum gross vehicle weight of two thousand five hundred (2,500) pounds, has a maximum passenger capacity of not more than four (4) persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes.

ROAD. A public way for the purposes of vehicular travel, including the entire area within the right-of-way.

STATE OR FEDERAL HIGHWAY SYSTEM. The roads, streets, and highway forming a group of highway transportation lines for with the Nebraska Department of Transportation or Federal Government shall be the primary authority. It shall include, but not be limited to, rights-of-way, connecting links, drainage facilities, and the bridges, appurtenances, easements, and structures used in conjunction with such roads, streets, and highways.

STREET. A public way for the purposes of vehicular travel in the city and includes the entire area within the right-of-way.

**§5-407.01 GOLF CARS; SAFETY EQUIPMENT REQUIREMENTS.** All golf cars operated pursuant to this Ordinance shall be equipped with the following safety equipment:

- (1) A bicycle safety flag with an area not less than thirty (30) square inches, attached to the rear of the golf car vehicle and standing a minimum of five (5) feet above ground level.
- (2) A manufacturer installed seat belt for each passenger on the vehicle.
- (3) A muffler if the golf car is powered by a gasoline engine.
- (4) Taillights, brake lights and turn signaling lights.
- (5) A rearview and/or sideview mirror.

**§5-407.02 GOLF CARS; PROHIBITED ACTS.** On any Road or Street as defined above and which exist outside the confines of a private golf course, it shall be unlawful:

- (1) for any person to operate a golf car without a valid Driver's license.
- (2) for any person under the age of twenty (20) years to operate a golf car.
- (3) for any person to operate a golf car between sunset and sunrise.
- (4) to operate a golf car without first ensuring that all passengers are utilizing manufacturer installed seat belts.
- (5) for any person to operate a golf car at a speed in excess of twenty (20) miles per hour.
- (6) for any person to operate a golf car on streets with a posted speed limit of greater than twenty-five (25) miles per hour. This shall include and is intended to prohibit the crossing of roadways in which the speed limit is greater than twenty-five (25) miles per hour.
- (7) for any person to operate a golf car on any roadway with more than two (2) marked lanes for traffic.
- (8) for any person to operate or park a golf car on any sidewalk, right-of-way, trail, or bike lane.
- (9) for any person to operate a golf car on any state or federal highway system.
- (10) for any person to operate a golf car, if the owner of the golf car does not possess liability insurance coverage for the golf car vehicle, proof of which shall be provided by the operator within five (5) days of a request by any peace officer. The liability insurance shall be subject to limits, exclusive of interest and costs, as follows: Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one (1) person in any one (1) accident an, subject to such limit for one (1) person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and twenty-five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one (1) accident.
- (11) for any person to exceed the manufacturer determined passenger capacity when operating a golf car.
- (12) any person to operate a golf car while under the influence of alcoholic liquor or of any drug as outlined in Neb. Rev. Stats. §§ 60-6,196 through 60-6,211.11.
- (13) for any person to operate a golf car with open alcoholic containers on board, in violation of Neb. Rev. Stat. § 60-6,211.08.

**§5-407.03 GOLF CARS; EXCEPTIONS.** The following shall not be considered violations for purposes of this ordinance:

- (1) Golf car vehicles may be operated without complying with Section 5-407.02 Golf Cars; Prohibited Acts subsections (1) through (8) of this ordinance on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or

political subdivision of the state. Such exception is not intended to apply unless such parade is formally recognized by the governing body and shall in no event apply to block parties.

**§5-407.04 GOLF CARS; PENALTY.**

- (1) Any person found to be in violation of any provision of Section 5-407.02 Golf Cars; Prohibited Acts subsections (1) through (11) of this Ordinance shall be fined as permitted by Nebraska Revised Statute § 23- 187(2) as follows:
  - (a) First Offense: \$100.00
  - (b) Second Offense: \$250.00
  - (c) Third and Subsequent Offense: each \$500.00
- (2) Any person found to be in violation of Section 5-407.02 Golf Cars; Prohibited Acts subsections (12) or (13) shall be subject to the provisions and penalties found in Chapter 60 of the Nebraska State Statutes.
- (3) In addition to the above cited penalties, violation of Section 5-407.02 Golf Cars; Prohibited Acts subsections (2) or (12) above may result in the impoundment of the golf car.
- (4) Such penalties set out in this section may be waived upon a showing of unusual circumstances not within the control of the operator or registered owner.

**§5-407.05 GOLF CARS; EFFECTIVE AREA.** This Ordinance is effective within Springfield’s corporate limits.

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 17 day of September, 2024.

Robert Roseland, Mayor

(SEAL)

Barbara Henninger, City Clerk

**Agenda Item 8.** Council Member Murtha introduced **Ordinance No. 1159** entitled:

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 5 TRAFFIC REGULATIONS, ARTICLE 4 BICYCLES, MINIBIKES, AND MOPEDS, SECTION 5-406 UTILITY-TYPE VEHICLES AND MINITRUCKS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Craney 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 following were ABSENT: 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 Murtha moved for final passage of the ordinance, which motion was seconded by Council Member Craney. The Mayor then stated the question “Shall Ordinance No. 1159 be passed and adopted?” Upon roll call vote, the following Council Members voted AYE: Neitzel, Murtha, Craney. The following voted NAY: Herzog. The following were

ABSENT: 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 follow

### **ORDINANCE NO. 1159**

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE CHAPTER 5 TRAFFIC REGULATIONS, ARTICLE 4 BICYCLES, MINIBIKES, AND MOPEDS, SECTION 5-406 UTILITY-TYPE VEHICLES AND MINITRUCKS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. Chapter 5, Article 4, Section 5-406 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

#### **§5-406 UTILITY-TYPE VEHICLES AND MINITRUCKS.**

(1) For purposes of this section:

MINITRUCK. A foreign-manufactured import vehicle or domestic-manufactured vehicle which:

1. Is powered by an internal combustion engine with a piston or rotor displacement of one thousand (1,000) cubic centimeters or less;
2. Is sixty-seven (67) inches or less in width;
3. Has a dry weight of four thousand two hundred (4,200) pounds or less;
4. Travels on four (4) or more tires;
5. Has a top speed of approximately fifty-five (55) miles per hour;
6. Is equipped with a bed or compartment for hauling;
7. Has an enclosed passenger cab;
8. Is equipped with headlights, tail lights, turn signals, windshield wipers, a rearview mirror, and an occupant protections system; and
9. Has a four (4)-speed, five (5)-speed, or automatic transmission. (Ref. 60-121.01, 60-337.01, 60-363.01 RS Neb.)

STREET OR HIGHWAY. The entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

UTILITY-TYPE VEHICLE. Any motorized off-highway vehicle which:

1. Is not less than forty-eight (48) inches nor more than seventy-four (74) inches in width;
2. Is not more than one hundred thirty-five (135) inches, including the bumper, in length;
3. Has a dry weight of not less than nine hundred (900) pounds nor more than two thousand (2,000) pounds;
4. Travels on four (4) or more low-pressure tires; and
5. Is equipped with a steering wheel and bench or bucket-type seating designed for at least two (2) people to sit side-by-side.

UTILITY-TYPE VEHICLE or MINITRUCK. Does not include golf cars or low-speed vehicles. (Ref. 60-135.01, 60-358.01)

(2) Utility-type vehicles and minitrucks may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

(3) A utility-type vehicle or minitruck may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of thirty (30) miles per hour or the posted speed limit, whichever is lower. When operating a utility-type vehicle or minitruck as authorized in subsection (2) of this section, the headlight and taillight of the vehicle or minitruck shall be on and the vehicle or minitruck shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle or minitruck. The bicycle safety flag shall be triangular in shape with an area of not less than thirty (30) square inches and shall be day-glow in color. (Ref. 60-6,356 RS Neb.)

(4) Any person operating a utility-type vehicle or minitruck as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license or a farm permit as provided in section 60-4,126 RS Neb; and

(b) Liability insurance coverage for the utility-type vehicle or minitruck while operating the utility-type vehicle or minitruck on a street or highway. The person operating the utility-type vehicle or minitruck shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request. (Ref. 60-6,356 RS Neb.)

(5) Every utility-type vehicle or minitruck shall be equipped with:

(a) A brake system maintained in good operating condition;

(b) An adequate muffler system in good working condition; and

(c) A United States Forest Service qualified spark arrester. (Ref. 60-6,358 RS Neb.)

(6) No person shall:

(a) Equip the exhaust system of a utility-type vehicle or minitruck with a cutout, bypass, or similar device;

(b) Operate a utility-type vehicle or minitruck with an exhaust system so modified; or

(c) Operate a utility-type vehicle or minitruck with the spark arrester removed or modified except for use in closed-course competition events. (Ref. 60-6,359 RS Neb.)

(7) Utility-type vehicles or minitrucks may be operated without complying with subsections (3), (4), (5) and (6) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the State. (Ref. 60-6,356 RS Neb.)

(8) A utility-type or minitruck vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted. Subsections (2) through (6) and (9) of this section authorize and apply to operation of a utility-type vehicle or minitruck only on a street or highway other than a controlled-access highway with more than two (2) marked traffic lanes.

(9) Subject to subsection (8) of this section, the crossing of a street or highway shall be permitted by a utility-type vehicle or minitruck without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle or minitruck are on when the crossing is made. (Ref. 60-6,356 RS Neb.)

(10) If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each utility-type vehicle or minitruck involved in the accident shall give notice of the accident in the same manner as provide in section 60-699 RS Neb. (*Ord. No. 787, 5/3/11*)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 17th day of September, 2024.

Robert Roseland, Mayor

(SEAL)

Barbara Henninger, City Clerk

**Agenda Item 9.** Kathleen Gottsch, City Administrator, recapped the latest updates to the Connection and Wastewater Service Agreement.

### **Department Reports**

**Agenda Item 1.** Neitzel reported that there is a water main break on Main Street by the library. The maintenance crew is currently working on getting it fixed. Southcrest has a broken valve, but their service is back up and running. Heath Shemek, Water/Sewer Operator, feels they will complete the pot holing project on time.

**Agenda Item 2.** Herzog reported that the library is gearing up to begin their fall programs.

**Agenda Item 3.** Murtha reported that with the extended hot temperatures, the splash pad was left running, but the plan is to shut it down for the season next week.

**Agenda Item 4.** Craney reported Bryan Cherry, Street Commissioner, was able to begin street repairs beginning with 2<sup>nd</sup> Avenue, 7<sup>th</sup> Street and Chestnut Street. Cherry will gather bids for Main Street sidewalks. Gottsch stated there will be a few options to consider depending on when we want the project completed. Andie Ledenbach, Assistant City Clerk, put together a list of the Main Street businesses that will be affected with the project and their business hours. It was determined most of them are closed on Sunday and Monday. The quotes will be for a Sunday and Monday repair, this option will involve overtime, and the other quote will be a Monday and Tuesday repair, this option will not involve overtime.

Herzog left the meeting at 8:25 p.m.

**Agenda Item 5.** Mayor Roseland reported that he took the Leadership Sarpy group on a tour through town. They complimented the communications board in the park and of course the ice cream from Springfield Drug. Mayor Roseland also stated he will attend a sewer meeting next week.

**Agenda Item 6.** Gottsch asked if anyone would like to be a pie judge at the “Easy as Pie Contest” on Saturday, September 21 at 6:30 p.m. Gottsch attended the Comprehensive Plan steering committee meeting Wednesday, September 11. Gottsch also stated she has a development meeting on Wednesday, September 18. The last Farmers Market will be this Thursday, September 19. The homecoming parade will be Wednesday, October 2. The approval of the green stripe on the AM Contracting building has been noted. We should consider a text amendment to accept branding in the CO District.

### **Adjournment**

Motion by Murtha, seconded by Craney, to adjourn. AYES: Neitzel, Murtha, Craney. NAYS: None. ABSENT: Herzog. Meeting adjourned at 8:37 p.m.

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 September 17, 2024; 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.

Barbara Henninger  
City Clerk