



CITY COUNCIL AGENDA

Tuesday, June 1, 2021 at 7:00 p.m.
Springfield City Hall
170 North 3rd 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 18, 2021 Council Meeting
2. Approve Claims and Payroll

REGULAR AGENDA

1. Accept Roy Swenson's resignation from the City Council
2. Declare a vacancy for Roy Swenson's City Council seat which term expires December 2024 and authorize notice of the vacancy and length of the unexpired term to be posted in three public places within the city (Springfield City Hall, Springfield Post Office, Springfield State Bank)
3. Sarpy County Sheriff's Monthly Service Report
4. Conduct a **Public Hearing** on the adoption of a Resolution of Necessity for storm sewer improvements in Storm Sewer Improvement District No. 2021-1
5. Consider approval of **Resolution 2021-16** adopting the Resolution of Necessity for Storm Sewer Improvement District No. 2021-1
6. Consider approval of **Ordinance No. 1063** AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, SERIES 2021, OF THE CITY OF SPRINGFIELD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) TO CONSTRUCT STORM SEWER ADDITIONS AND IMPROVEMENTS IN STORM SEWER

IMPROVEMENT DISTRICT NO. 2021-1 OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

7. Consider approval of bid from Omni Engineering in the amount of \$971,235.45 for Platteview Road and Main Street Improvements
8. Conduct a **Public Hearing** on the sufficiency of any written objections to the creation of Street Improvement District No. 2021-1 (Main Street from LA Bates Street to 10th Avenue)
9. Conduct a **Public Hearing** on the sufficiency of any written objections to the creation of Street Improvement District No. 2021-2 (Platteview Road from 2nd Street to 5th Street)
10. Consider approval of **Resolution 2021-17** confirming Street Improvement District Nos. 2021-1 and 2021-2
11. Consider approval of **Ordinance No. 1064** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2021, IN THE AMOUNT OF NOT TO EXCEED EIGHT HUNDRED THOUSAND DOLLARS (\$800,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM
12. Consider approval of **Ordinance No. 1065** AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2021, IN THE AMOUNT OF NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM
13. Conduct a **Public Hearing** to consider amendments to Section 5.05 AR Agriculture Residential District of the Springfield Zoning Ordinance adding Concrete Construction Batch Plants to the list of Permitted Conditional Uses
14. Consider approval of **Ordinance No. 1066** AN ORDINANCE TO AMEND ARTICLE 5 "ZONING DISTRICTS", SECTION 5.05 "AGRICULTURE RESIDENTIAL DISTRICT" OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD CONCRETE CONSTRUCTION BATCH PLANT AS A PERMITTED CONDITIONAL USE; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF
15. Consider approval of **Ordinance No. 1067** AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADOPTING AND CODIFYING A NEW ARTICLE 6 TO CHAPTER 8 OF THE CITY OF

SPRINGFIELD MUNICIPAL CODE ENTITLED "TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES" AND PROVIDING REGULATIONS FOR THE CITY OF SPRINGFIELD'S PROCESSING OF APPLICATIONS FOR AND FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES BY TELECOMMUNICATIONS COMPANIES; TO REDESIGNATE THE CURRENT ARTICLE 6 TO ARTICLE 7 OF THE CITY OF SPRINGFIELD MUNICIPAL CODE; TO REPEAL ORDINANCE NO. 1007 ADOPTING SECTION §8-319 OFFICIAL DESIGN STANDARDS FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ORDINANCE NO. 1008 ADOPTING DESIGN STANDARDS FOR WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ALL OTHER CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF

16. Consider approval of a bid from CoreTech for Microsoft 365 email migration, cloud file sharing, and implementation of email filtering, security and backup services for Microsoft 365 data
17. Consider a bid from Hydro Optimization and Automation Solutions (HOA Solutions) in the amount of \$29,574.00 for the installation of new control devices, new antennas and cable at the Water Tower, Well #3, Well #2 and Lift Station, PLC programming for new PLCs and HMI configuration
18. Consider creation of job descriptions for new positions and amendments to existing employee job descriptions
19. Discuss Jean Latham's annual review and consider a proposed merit increase
20. Discuss Sterling Lambries' annual review and consider a proposed merit increase

DEPARTMENT REPORTS

1. Sewer Department – Roy Swenson
2. Library & Community Building – Michael Herzog
3. Street Department – Kacie Murtha
4. Water & Parks 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. on Tuesday, June 1, 2021, at City Hall. Present were Mayor Bob Roseland; Council Members: 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, Murtha, Craney. NAYS: None. Motion carried.

Claims and Payroll:

Check #	Account ID	Account Description	Debit Amount	Name
General				
44448	6084-10-10	Aflac-Gen	140.68	Aflac
44458	7045-10-10	Prof Svcs-Tech Support-Gen	419.50	Core Technologies
44462	7480-10-10	Janitorial-Gen	200.00	Executive Janitorial
44464	9316-10-10	COVID-General	41.02	First National Bank
44464	8010-10-10	Office Supplies-Gen	29.47	First National Bank
44464	7330-10-10	Telephone-Gen	140.18	First National Bank
44464	7205-10-10	Subscriptions-Gen	169.87	First National Bank
44465	8140-10-10	R&M Equipment-Gen	378.87	Five Points Bank
44469	9010-10-10	Office Equipment-Gen	37.65	Home Depot
44470	7030-10-10	Prof Svcs-Planning-Gen	337.50	JEO Consulting Group
44480	7010-10-10	Prof Svcs-Engineer-Gen	80.84	Olsson Associates
44482	7310-10-10	Electricity-Gen	211.80	OPPD
44487	7046-10-10	Prof Svcs-Building Inspector	198.50	Sarpy County Building Inspector
44488	7060-10-10	Animal Control-Gen	408.03	Sarpy County Fiscal Administrator
44489	7050-10-10	Law Contract-Gen	9,431.00	Sarpy County Treasurer
44491	7020-10-10	Prof Svcs-Legal-Gen	812.50	Seidler & Seidler
44502	7280-10-10	Laundry-Gen	122.88	Walkers Uniform Rental
44504	7320-10-10	Natural Gas-General	45.10	MUD
44507	8130-10-10	R&M Building-Gen	49.94	Springfield Ace Hardware
44511	7320-10-10	Natural Gas-General	45.10	Metropolitan Utilities District
44512	6084-10-10	Aflac-Gen	13.20	Ameritas Life Insurance
44513	7330-10-10	Telephone-Gen	-29.65	NT&T
44514	7270-10-10	Insurance-Gen	30.00	USI Insurance Services
44515	7270-10-10	Insurance-Gen	50.63	Travelers
Total			13,364.61	
Sales Tax				
44480	9169-15-10	North Park (SCTRA)-Sales Tax	80.84	Olsson Associates
44480	9171-15-10	City Park-Sales Tax	80.84	Olsson Associates
44498	9089-15-10	Community Events-Sales Tax	354.00	USI Insurance Services
44503	9089-15-10	Community Events-Sales Tax	3,000.00	Wild Willys Fireworks
Total			3,515.68	
Library				
44449	8060-20-10	Books/Videos/Maps-Lib	598.80	Amazon/SYNCB
44452	8060-20-10	Books/Videos/Maps-Lib	132.76	Baker & Taylor
44463	8130-20-10	R&M Building-Lib	132.25	Fireguard

44472	8060-20-10	Books/Videos/Maps-Lib	119.86	Lookout Books
44476	8060-20-10	Books/Videos/Maps-Lib	392.05	MidAmerica Books
44482	7310-20-10	Electricity-Lib	208.57	OPPD
44483	7340-20-10	Waste Disposal-Lib	20.00	Waste Connections
44484	8060-20-10	Books/Videos/Maps-Lib	330.16	Penworthy
44485	8060-20-10	Books/Videos/Maps-Lib	421.54	Perma-Bound Books
44490	7480-20-10	Janitorial-Lib	250.00	Schmieder, Marcie
44511	7320-20-10	Natural Gas-Lib	43.03	MUD
44512	6084-20-10	Aflac-Lib	26.40	Ameritas Life Insurance
44513	7330-20-10	Telephone-Lib	53.80	NT&T
44515	7270-20-10	Insurance-Lib	22.12	Travelers
Total			2,751.34	
Library Restricted				
44449	9010-21-10	Office Equipment Lib Rest	90.08	Amazon/SYNCB
44453	8070-21-10	Library Supplies-Lib Rest	64.61	Brodart Co.
44456	8060-21-10	Books/Videos/Maps-Lib Rest	89.28	Center Point Large Print
44465	9010-21-10	Office Equipment Lib Rest	93.51	Five Points Bank
44466	8130-21-10	R&M Building-Lib Rest	15,103.00	Floors
44467	8060-21-10	Books/Videos/Maps-Lib Rest	50.23	Cengage Learning Inc/Gale
44475	8060-21-10	Books/Videos/Maps-Lib Rest	166.28	MicroMarketing
44486	8070-21-10	Library Supplies-Lib Rest	27.98	Quill Corporation
44505	8070-21-10	Library Supplies-Lib Rest	69.98	Eakes Office Solutions
44510	8075-21-10	Program Fees-Lib Rest	225.00	Wildlife Encounters
Total			15,979.95	
Park				
44448	6084-30-10	Aflac-Park	52.52	Aflac
44454	8160-30-10	R&M Grounds-Park	340.00	Carlson Lawn Care & Sprinklers
44459	8140-30-10	R&M Equipment-Park	999.00	Dultmeier Sales
44460	7350-30-10	Rental-Park	324.00	Eagle Services
44469	8160-30-10	R&M Grounds-Park	15.66	Home Depot
44479	8150-30-10	R&M Vehicle-Park	180.75	Mill Creek Auto Parts
44482	7310-30-10	Electricity-Park	615.46	OPPD
44483	7340-30-10	Waste Disposal-Park	116.00	Waste Connections
44497	9040-30-10	Tools & Misc Equip-Parks	21.99	Ty's Outdoor Power & Service
44506	8120-30-10	Fuel-Park	324.05	BRP Investments
44507	8030-30-10	Supplies-Park	112.90	Springfield Ace Hardware
44507	8130-30-10	R&M Building-Park	35.15	Springfield Ace Hardware
44507	9040-30-10	Tools & Misc Equip-Parks	59.99	Springfield Ace Hardware
44515	7270-30-10	Insurance-Park	32.59	Travelers
Total			3,230.06	
Community Building				
44462	7480-40-10	Janitorial-Community Building	230.00	Executive Janitorial
44482	7310-40-10	Electricity-Community Bldg	97.53	OPPD
44483	7340-40-10	Waste Disposal-Community Bldg	44.00	Waste Connections
44502	7280-40-10	Laundry-Community Bldg	178.35	Walkers Uniform Rental
44507	8030-40-10	Supplies-Community Bldg	6.77	Springfield Ace Hardware
44507	8130-40-10	R&M Building-Community Bldg	14.78	Springfield Ace Hardware
44511	7320-40-10	Natural Gas-Community Bldg	46.61	MUD
44515	7270-40-10	Insurance-Community Bldg	17.17	Travelers
Total			635.21	
Water				
44448	6084-50-20	Aflac-Water	56.16	Aflac

44451	8160-50-20	R&M Grounds-Water	8,700.00	BT Underground
44464	7230-50-20	Postage/Shipping-Water	494.40	First National Bank
44473	7260-50-20	Printing-Water	288.55	Storey Kenworthy/Matt Parrott
44477	7420-50-20	Testing-Water	58.52	Midwest Laboratories
44478	8030-50-20	Supplies-Water	1,156.00	Municipal Supply
44481	7430-50-20	Digger's Hotline-Water	74.64	One Call Concepts
44482	7310-50-20	Electricity-Water	1,081.32	OPPD
44491	9090-50-20	New Well-Water	62.50	Seidler & Seidler
44500	7330-50-20	Telephone-Water	16.73	Verizon Wireless
44506	8120-50-20	Fuel-Water	170.33	BRP Investments
44512	6084-50-20	Aflac-Water	22.95	Ameritas Life Insurance Corp.
44513	7330-50-20	Telephone-Water	195.87	NT&T
44515	7270-50-20	Insurance-Water	54.13	Travelers
Total			12,432.10	
Sewer				
44448	6084-60-30	Aflac-Sewer	55.38	Aflac
44464	7230-60-30	Postage/Shipping-Sewer	494.40	First National Bank
44473	7260-60-30	Printing-Sewer	288.55	Storey Kenworthy/Matt Parrott
44477	7420-60-30	Testing-Sewer	485.00	Midwest Laboratories
44480	7010-60-30	Prof Svcs-Engineer-Sewer	431.98	Olsson Associates
44482	7310-60-30	Electricity-Sewer	2,570.96	OPPD
44491	7020-60-30	Prof Svcs-Legal-Sewer	75.00	Seidler & Seidler
44499	8160-60-30	R&M Grounds-Sewer	2,175.00	Utilities Service Group
44500	7330-60-30	Telephone-Sewer	16.73	Verizon Wireless
44506	8120-60-30	Fuel-Sewer	130.68	BRP Investments
44512	6084-60-30	Aflac-Sewer	9.75	Ameritas Life Insurance
44515	7270-60-30	Insurance-Sewer	40.74	Travelers
Total			6,774.17	
Street				
44509	8140-70-40	R&M Equipment-Street	141.18	Menards
44448	6084-70-40	Aflac-Street	26.26	Aflac
44450	8150-70-40	R&M Vehicle-Street	15.00	B & B Garage
44455	8090-70-40	Asphalt & Concrete-Street	168.60	Carroll Construction Supply
44457	8215-70-40	R&M Streets & Alleys-Street	2,250.00	Clean Sweep Commercial
44468	8090-70-40	Asphalt & Concrete-Street	10,125.00	Harm's Concrete
44469	8225-70-40	R&M Street Signs&Posts-Street	11.04	Home Depot
44471	8140-70-40	R&M Equipment-Street	350.00	Kildow Construction
44474	8225-70-40	R&M Street Signs&Posts-Street	181.28	Michael Todd & Company
44479	8140-70-40	R&M Equipment-Street	11.11	Mill Creek Auto Parts
44480	9083-70-40	Main Street Paving	4,500.00	Olsson Associates
44480	9071-70-40	Platteview Road Overlay	540.00	Olsson Associates
44480	7010-70-40	Prof Svcs-Engineer-Street	2,081.65	Olsson Associates
44480	9202-70-40	Drainage Improvements	4,271.09	Olsson Associates
44482	7310-70-40	Electricity-Street	3,248.50	OPPD
44483	7340-70-40	Waste Disposal-Street	44.00	Waste Connections
44492	8215-70-40	R&M Streets & Alleys-Street	321.57	Silex Group
44493	8030-70-40	Supplies-Street	19.29	Southern Carlson
44493	9040-70-40	Tools & Misc Equip-Street	123.04	Southern Carlson
44494	7455-70-40	Internet-Street	123.65	Spectrum
44495	9015-70-40	Equipment Rental-Street	488.46	Titan Machinery
44496	8090-70-40	Asphalt & Concrete-Street	5,628.00	Travis Moore Construction
44497	8140-70-40	R&M Equipment-Street	264.72	Ty's Outdoor Power & Service
44497	9040-70-40	Tools & Misc Equip-Street	11.00	Ty's Outdoor Power & Service
44500	7330-70-40	Telephone-Street	16.72	Verizon Wireless
44501	8215-70-40	R&M Streets & Alleys-Street	1,230.00	Vogel Traffic Services

44502	7280-70-40	Laundry-Street	17.22	Walkers Uniform Rental
44506	8120-70-40	Fuel-Street	797.24	BRP Investments
44507	8030-70-40	Supplies-Street	4.99	Springfield Ace Hardware
44507	9040-70-40	Tools & Misc Equip-Street	104.15	Springfield Ace Hardware
44508	8140-70-40	R&M Equipment-Street	16.64	Menards
44508	9040-70-40	Tools & Misc Equip-Street	49.95	Menards
44509	9040-70-40	Tools & Misc Equip-Street	21.02	Menards
44509	8030-70-40	Supplies-Street	28.96	Menards
44509	8160-70-40	R&M Grounds-Street	119.97	Menards
44509	8225-70-40	R&M Street Signs&Posts-Street	14.96	Menards
44511	7320-70-40	Natural Gas-Street	102.32	MUD
44513	7330-70-40	Telephone-Street	122.17	NT&T
44515	7270-70-40	Insurance-Street	73.62	Travelers
Total			37,664.37	
		Water Deposit Refunds	1,281.65	
		Payroll	52,066.34	
		VOYA Retirement ER	3,967.54	
		Medical Reimbursement	2,779.25	

Regular Agenda

Agenda Item 1. Motion by Herzog, seconded by Murtha, to accept Roy Swenson’s resignation from the City Council. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Agenda Item 2. Motion by Herzog, seconded by Murtha, to declare a vacancy for Roy Swenson’s City Council seat which term expires December 2024 and to authorize notice of the vacancy and length of the unexpired term to be posted in three public places within the city (Springfield City Hall, Springfield Post Office, Springfield State Bank). AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Agenda Item 3. Lt. Greg Monico presented the Sarpy County Sheriff’s Monthly Service Report. He said the department is ready for Springfield Days. Craney expressed concern with vehicles revving their engines during the evening, especially with children being out for summer. Herzog noted that he has seen many dirt trucks blowing through stop signs and speeding. Lt. Monico said he would let Lt. Svoboda know about these concerns and send a message out to patrols.

Agenda Item 4. A Public Hearing of the Springfield City Council was opened at 7:10 p.m. to consider the adoption of a Resolution of Necessity for storm sewer improvements in Storm Sewer Improvement District No. 2021-1. No one from the public spoke in favor of or in opposition to the proposed amendments. After all those wishing to speak were offered an opportunity to be heard, the Mayor recommended the hearing be closed. Motion by Craney, seconded by Murtha, to close the public hearing. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:10 p.m.

Agenda Item 5. Council Member Craney then introduced the following resolution and moved its adoption. Council Member Herzog seconded the motion for the adoption of the resolution and on roll call the following Council Members voted in favor of said motion: Herzog, Murtha, Craney. The following voted against the same: None. The Mayor declared the motion carried and the resolution adopted. A true, correct, and complete copy of said resolution is as follows:

RESOLUTION 2021-16

RESOLUTION OF NECESSITY

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

Section 1. The Mayor and Council hereby find and determine that, under the provisions of Section 17-913, R.R.S. Nebraska 2012, upon determination by the Council deeming it advisable or necessary to build, reconstruct, purchase, or otherwise acquire a storm sewer system in whole or in part inside or outside such City, the City shall declare the advisability in a proposed resolution.

Section 2. The Mayor and Council further find and determine that it is necessary and advisable to construct certain improvements to the City's storm sewer system consisting of the following: Storm Sewer Improvement District No. 2021-1.

Section 3. That for the purpose of construction of the proposed improvements, there is hereby created in the City a storm sewer district to be known and designated as Storm Sewer Improvement District No. 2021-1, which district shall include all property abutting the following streets located in or adjacent to the City of Springfield: **6th Street from Mulberry Lane to Pflug Road; and Pflug Road from 6th Street to 1st Street; and 1st Street from Spruce Street to Pflug Road.** The outer boundaries of the district are the outer boundaries of the parcels included in the district.

Section 4. A description of the project is as follows: construction and installation within Storm Sewer Improvement District No. 2021-1 of approximately 55 feet of 48-inch round concrete storm sewer pipe, 340 feet of 54-inch round concrete storm sewer pipe, 263 feet of 60-inch round concrete storm sewer pipe, storm sewer inlets, manholes, and headwalls, along with related removals and replacements.

Section 5. Reference is hereby made to the plans and specifications for said project which have been prepared by the engineer for the City, which, together with said Engineer's estimate of total cost for said project have been filed with the City Clerk prior to the proposing of this Resolution. The Engineer's estimate of total cost for the project is \$421,964.00.

Section 6. It is hereby found and determined that the improvements described herein constitute improvements which will be of general benefit to the public such that no portion of the cost of the project will be specially assessed against the parcels included in said District. To pay the cost of the improvements herein provided for, the Mayor and Council will, after such improvements have been completed and accepted by the City and to the extent such costs are not paid from funds on hand or other sources, cause to be issued General Obligation Sewer Bonds or other bonds of the City.

PASSED AND APPROVED this 1st day of June, 2021.

Robert Roseland, Mayor

ATTEST: Kathleen Gottsch, City Clerk

(SEAL)

Agenda Item 6. Council Member Craney introduced Ordinance No. 1063 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, SERIES 2021, OF THE CITY OF SPRINGFIELD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) TO CONSTRUCT STORM SEWER ADDITIONS AND IMPROVEMENTS IN STORM SEWER IMPROVEMENT DISTRICT NO. 2021-1 OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE

SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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: 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 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. 1063 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: 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. 1063

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, SERIES 2021, OF THE CITY OF SPRINGFIELD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) TO CONSTRUCT STORM SEWER ADDITIONS AND IMPROVEMENTS IN STORM SEWER IMPROVEMENT DISTRICT NO. 2021-1 OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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

Section 1. The Mayor and City Council (the "Council") of the City of Springfield, Nebraska (the "City"), hereby find and determine:

(a) That pursuant to a Resolution of Necessity which was duly proposed and passed by the Mayor and Council of this City, there were ordered constructed certain additions and improvements to the storm sewer system within Sewer Improvement District No. 2021-1 of the City and said storm sewer improvements have been completed and are hereby accepted;

(b) That the engineers have filed statements of cost in connection with the construction of the improvements in said storm sewer district and the costs of such improvements are not less than \$421,964;

(c) That after taking into consideration the costs of issuance of the bonds, there remains due and to be paid a sum of up to \$450,000 and bonds of the City should be issued for the purpose of paying such costs;

(d) That said bonds shall be paid for, to the extent not paid from other sources, by taxes levied upon taxable property in said City; and

(e) That all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of Sewer Bonds of the City pursuant to Section 17-925, R.R.S. Nebraska 2012, to pay for such sewer improvements do exist and have been done as required by law.

Section 2. For purposes as set out in Section 1 hereof, bonds to be designated General Obligation Sewer Bonds, Series 2021 (the "Bonds"), in the principal amount of not to exceed \$450,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be issued. The Bonds shall be dated as of their date of delivery and shall mature on the dates, be issued in the principal amount and shall bear interest at the rates per annum all as determined in the Bond Purchase Agreement (the "Agreement") signed by the Mayor or City Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and agreed to by Piper Sandler & Co., which Agreement may also set the pricing terms and the terms pursuant to which the Bonds may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$450,000;
- (b) the true interest cost (TIC) of the Bonds shall not exceed 1.75%;
- (c) the underwriter's discount shall not exceed 1.20%; and
- (e) the longest maturity of the Bonds shall mature no later than twenty (20) years after the date of issuance.

The Authorized Officers are authorized to establish the final terms for the Bonds and arrange for issuance of the Bonds without further action by the Council, provided, however, that the authority of the Authorized Officers to act without further action by the Council shall lapse if not exercised on or before December 31, 2021. The Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be computed on the basis of a three hundred sixty-day year consisting of twelve thirty-day months. Interest on the Bonds shall be payable semiannually on the dates designated by the Authorized Officers in the Agreement (each such date, an "Interest Payment Date"). The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the Bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. In the event that Bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond shall be valid and effectual and shall

be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of the Bond at maturity or any interest installment is not paid when due, the delinquent Bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor may, in his or her discretion, appoint some bank with trust powers or trust company to serve as Paying Agent and Registrar under the terms of this Ordinance as may be determined from time to time. The Authorized Officers, or either of them, is authorized to sign an agreement with said Paying Agent and Registrar for the provisions of such services. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer Bonds during any period from any Record Date until its immediately following interest payment date or to transfer any Bonds called for redemption for a period of 30 days next preceding the date fixed for redemption prior to maturity. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing more than five (5) years after their date of issue shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of delivery of such Bonds at a redemption price equal to 100% of the par amount thereof plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed from such optional redemption in its sole discretion, but Bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such Bond or Bonds are to be presented for prepayment at the

office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the Mayor and the Council designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent and Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The Bonds shall be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Bond. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official bond. Such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Nebraska 2012, as amended, and shall cause the same to be filed with the Auditor of Public Accounts. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten Bond per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City (including any blanket letter previously executed), which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption; or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the

extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond

certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 7. Said Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF SARPY
CITY OF SPRINGFIELD

GENERAL OBLIGATION SEWER BOND, SERIES 2021

<u>Interest Rate</u> %	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
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Registered Owner: _____

Principal Amount: _____

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Springfield, in the County of Sarpy, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Said interest shall be payable semiannually on the first day of _____ and _____ in each year, starting _____, 2021. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity or earlier redemption shall be paid on each interest payment date by the Paying Agent and Registrar for the City, by check or draft mailed to the registered owner hereof, as of the close of business on the fifteenth day (whether or not a business day) immediately preceding the interest payment date, at such owner's registered address as it appears on the books of registration of the City. The principal of this bond and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent in Springfield, Nebraska, or at the offices of any successor Paying Agent and Registrar, as applicable. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after _____, 2026, in whole or in part, on the fifth anniversary of the date of issue, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption.

Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$_____, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by said City for the purpose of paying a portion of the cost of constructing additions and improvements to the storm sewer system of the City in full compliance with Sections 17-913 to 17-925, R.R.S. Nebraska, 2012. This bond and the others of said issue have been duly authorized by an Ordinance duly passed and adopted by the Mayor and Council of said City.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitations imposed by law. The City covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in said City, in addition to all other taxes, sufficient in rate and amount to pay the interest on this bond when

and as the same becomes due and to create a sinking fund to pay the principal of this bond when the same becomes due.

IN WITNESS WHEREOF, the Mayor and Council of the City of Springfield, Nebraska, have caused this bond to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of original issue shown above.

CITY OF SPRINGFIELD, NEBRASKA

By: _____ (Do not sign)
Mayor

ATTEST:

(Do not sign)
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by an ordinance passed and approved by the Mayor and Council of the City of Springfield as described in said bonds.

By: _____ (do not sign)
City Treasurer, as Paying Agent
and Registrar

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto _____ the within bond and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____

Registered Owner

SIGNATURE GUARANTEED

By: _____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within bond in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. The City Clerk shall make and certify a transcript of proceedings of the City precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds. After said Bonds have been executed, they shall be delivered to the City Treasurer who shall register the same in the names of the initial registered owners thereof as directed by the initial purchaser designated in Section 9 hereof and shall be responsible therefor under her official bond.

Section 9. The Bonds are hereby sold to Piper Sandler & Co. (the “Initial Purchaser”) upon the terms set forth in the Agreement approved by the Authorized Officers and the City Treasurer is authorized to deliver the Bonds to the Initial Purchaser upon receipt of said amount plus accrued interest to date of payment. The Bonds are sold to the Initial Purchaser subject to the opinion of Rembolt Ludtke LLP, as Initial Purchaser’s bond counsel that the Bonds are lawfully issued; that the Bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on the Bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including Initial Purchaser’s bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository (as defined herein) at closing. The proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof. The City may also pay costs of issuance from the proceeds of the Bonds.

Section 10. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said Bond issue, including monies held in any sinking fund for the payment of said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the “Code”) and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said Bond issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the Bonds as its “qualified tax-exempt obligations” pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 2021 in an amount in excess of \$10,000,000, taking into consideration the exception for current refunding bonds.

Section 11. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the City has previously adopted “Post-Issuance Compliance Policy and Procedures” which remain in full force and effect and are applicable to the Bonds.

Section 12. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 1st day of June, 2021.

Robert Roseland, Mayor

SEAL

Attest: Kathleen R. Gottsch, City Clerk

Agenda Item 7. Gottsch presented the Council with a revised bid from Omni Engineering that was negotiated by the city engineer. The engineer reached out to Western Engineering, but they were not able to submit a bit. Council considered pros and cons of waiting until the following year to complete the projects. Motion by Murtha, seconded by Craney, to approve the bid from Omni Engineering in the

amount of \$971,235.45 for Platteview Road and Main Street Improvements. AYES: Murtha, Craney. NAYS: Herzog. Motion carried.

Agenda Item 8. For the consideration of the Council in moving forward, the Mayor reported to the Council that the initial bid received for the street improvements in Street Improvement District Nos. 2021-1 and 2021-2 has a total cost of just over \$971,000 as compared to the initial estimated cost of the projects of \$775,600. A Public Hearing of the Springfield City Council was opened at 7:18 p.m. to consider the sufficiency of any written objections to the creation of Street Improvement District No. 2021-1 in the City (Main Street from LA Bates Street to 10th Avenue). The Mayor requested that the Clerk report on the written objections received. The Clerk reported that, on or before the deadline for submission, written objections were received representing 0% of the front footage of the property directly abutting on the streets to be improved in the District. The Mayor then recommended the hearing be closed. Motion by Murtha, seconded by Craney, to close the public hearing. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:18 p.m.

Agenda Item 9. A Public Hearing of the Springfield City Council was opened at 7:19 p.m. to consider the sufficiency of any written objections to the creation of Street Improvement District No. 2021-2 in the City (Platteview Road from 2nd Street to 5th Street). The Mayor requested that the Clerk report on the written objections received. The Clerk reported that, on or before the deadline for submission, written objections were received representing 0% of the front footage of the property directly abutting on the streets to be improved in the District. The Mayor then recommended the hearing be closed. Motion by Craney, seconded by Herzog, to close the public hearing. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:20 p.m.

Agenda Item 10. Council Member Craney then introduced the following resolution and moved its adoption. Council Member Murtha seconded the motion for the adoption of the foregoing resolution and on roll call the following Council Members voted in favor of said motion: Murtha, Craney. The following voted against the same: Herzog. The Mayor declared the motion carried and the resolution adopted. A true, correct, and complete copy of said resolution is as follows:

**RESOLUTION
2021-17**

Resolution Confirming Street Improvement District Nos. 2021-1 & 2021-2

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA AS FOLLOWS:

The Mayor and City Council hereby find and determine:

That an Ordinance creating Street Improvement District Nos. 2021-1 and 2021-2 in the City of Springfield, Nebraska, was previously adopted by the Mayor and City Council; that notice has been given in accordance with law to the owners of record title of the property directly abutting the streets to be improved in said Districts, advising said owners of their right to timely object to the creation of the Districts; and that the written objections to the creation of Street Improvement District Nos. 2021-1 and 2021-2 of the City of Springfield, Nebraska, are insufficient for the Council to consider repeal of the ordinance creating said Districts.

Accordingly, the City will commence construction of improvements in Street Improvement District Nos. 2021-1 2021-2 and will complete such improvements at public cost without a levy of special assessments on the lots and parcels of land abutting on or adjacent to the streets in the District.

PASSED AND APPROVED this 1st day of June, 2021.

Robert Roseland, Mayor
ATTEST: Kathleen Gottsch, City Clerk
(SEAL)

Agenda item 11. No action was taken on Ordinance No. 1064.

Agenda Item 12. Council Member Murtha introduced Ordinance No. 1065 entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2021, IN THE AMOUNT OF NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Herzog seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: 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 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. 1065 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Murtha, Craney. The following voted NAY: Herzog. 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. 1065

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2021, IN THE AMOUNT OF NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS WITHIN THE CITY OF SPRINGFIELD, NEBRASKA AND NECESSARY APPURTENANCES THERETO; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY; PRESCRIBING THE FORM OF THE NOTES; AUTHORIZING THE SALE AND DELIVERY OF THE NOTES TO THE PURCHASER AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM

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

Section 1. The Mayor and City Council (the "Council") of the City of Springfield, Nebraska (the "City"), hereby find and determine:

(a) That the City has by ordinance authorized certain street improvements in the City designated as Street Improvement District No. 2021-1 and Street Improvement District No. 2021-2 (the "Districts") and has authorized the construction of certain street improvements in the Districts pursuant to Sections 17-509 to 17-520, R.R.S. Nebraska 2012, and all actions and other required facts and conditions for the authorization of the Districts and the construction of improvements therein have occurred as required by law;

(b) That it is necessary and appropriate to construct, and the City is constructing, the street improvements in the Districts;

(c) That for this purpose the City will issue its general obligation various purpose bonds or other bonds after further determination as to the total remaining costs of the improvements and after finding an appropriate market for said bonds and that the total costs of such improvements, including the cost of issuance of the Notes authorized herein, are presently estimated to be in excess of \$1,000,000;

(d) That the City is authorized to issue warrants to pay the costs of said improvements and, pending permanent financing by the issuance of bonds, it is necessary and desirable in order to provide temporary financing, to issue bond anticipation notes in lieu of issuing warrants; and

(e) That all conditions exist for the issuance of Street Improvement Bond Anticipation Notes, Series 2021, in the amount of not to exceed \$1,000,000 pursuant to Section 10-137, R.R.S. Nebraska 2012.

Section 2. Notes to be designated Street Improvement Bond Anticipation Notes, Series 2021 (the "Notes"), in the aggregate principal amount of not to exceed \$1,000,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be issued. The Notes shall be dated as of their date of delivery and shall mature on the date, be issued in the principal amount and shall bear interest at the rate per annum as determined in the Note Purchase Agreement (the "Agreement") signed by the Mayor or City Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and agreed to by Piper Sandler & Co. (the "Underwriter"), which Agreement may also set the pricing terms and the terms pursuant to which the Notes may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Notes shall not exceed \$1,000,000;
- (b) the true interest cost (TIC) of the Notes shall not exceed 1.50%;
- (c) the Underwriter's discount shall not exceed 1.00%; and
- (d) the Notes shall mature no later than December 15, 2022.

The Authorized Officers are authorized to establish the final terms for the Notes and arrange for issuance of the Notes without further action by the Council, provided, however, that the authority of the Authorized Officers to act without further action by the Council shall lapse if not exercised on or before December 31, 2021. Interest on the Notes shall be payable semi-annually on the dates set forth in the Agreement. In accordance with the date for optional redemption established in the Agreement, the City may thereafter select the Notes to be redeemed for optional redemption in its sole discretion. Any Notes to be redeemed in part shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar in

exchange for a new Note or Notes evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first-class, postage prepaid, sent to the registered owner of such Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such Note to be redeemed. If any Note or an interest payment thereon is not paid at maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. Said Notes shall be delivered to the Underwriter upon receipt of payment for said Notes, at the purchase price therefor agreed to in the Agreement in accordance with the authorization granted to the Authorized Officers. Said Notes are sold to the purchaser subject to the opinion of independent bond counsel that said Notes are lawfully issued; that said Notes constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Notes is exempt from both Nebraska state and federal income taxes. Said purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository (as defined herein) at closing.

Section 3. Said Notes shall be dated the date of their delivery, be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Note. After being executed by the Mayor and City Clerk, said Notes shall be delivered to the Paying Agent and Registrar who shall register each Note in the name of its initial registered owner as designated by the initial purchaser. Each Note shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Notes shall be issued initially as "book-entry only" notes using the services of The Depository Trust Company (the "Depository"), with one typewritten Note per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Note Participant") or to any person who is an actual purchaser of a Note from a Note Participant while the Notes are in book-entry form (each a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Note Participant with respect to any ownership interest in the Notes;

(ii) the delivery to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or

(iii) the payment to any Note Participant, any Beneficial Owner, or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable to or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes, or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the ultimate Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Note Participants of the availability through the Depository of Note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange Note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section and the terms of the Paying Agent and Registrar's Agreement (if any).

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accord with the provisions of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of Note certificates for issuance upon subsequent transfers or in the event of partial redemption. In the event that such supply of certificates

shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Note certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of Note certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. In case any officer whose signature or facsimile signature shall appear on any Note shall cease to be such officer before the delivery of such Note (including any Note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Notes shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 4. All Notes authorized by this Ordinance shall be fully registered Notes pursuant to Section 10-135 R.R.S. Nebraska 2012. The City Treasurer in Springfield, Nebraska is hereby designated as Paying Agent and Registrar for the Notes, provided that the Mayor may, in his or her discretion, appoint some bank with trust powers or trust company to serve as Paying Agent and Registrar under the terms of this Ordinance as may be determined from time to time. The Authorized Officers, or either of them, are authorized, on behalf of the City, to enter into an agreement with said Paying Agent and Registrar for the provisions of such services. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes at the Paying Agent and Registrar's office. The names and registered addresses of the initial registered owner or owners of the Notes shall be recorded in such books prior to the issuance thereof. Any Note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the Note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar will register such transfer and will deliver at such office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Notes by this Ordinance, one Note may be transferred for several such Notes of the same interest rate and maturity and for a like aggregate principal amount, and several such Notes may be transferred for one or several such Notes, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note or Notes shall be canceled and destroyed. All Notes issued upon transfer of the Notes so surrendered shall be valid obligations of the City evidencing the same obligations as the Notes surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Notes upon transfer of which they were delivered. The City Treasurer is hereby authorized and directed to transfer, from any monies of the City available for the purpose, funds required to pay interest and principal on the Notes when and as the same become due, to the Paying Agent and Registrar on or before each interest and principal payment date. Payment of interest, except for payment of interest at maturity or upon redemption, shall be mailed to the registered owners of the Notes as of the record date for each interest payment date. The record date for each interest payment date shall be the close of business on the fifteenth day (whether or not a business day) immediately preceding each interest payment date. The principal, together with accrued interest then due, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of each Note at the office of the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer Notes during any period from any record date until its immediately following interest payment date or to transfer any Notes called for redemption for a period of thirty days next preceding any date fixed for redemption prior to maturity.

Section 5. The fully registered Street Improvement Bond Anticipation Notes, Series 2021, shall be in substantially the following form:

CITY OF SPRINGFIELD, NEBRASKA
STREET IMPROVEMENT BOND ANTICIPATION NOTE
SERIES 2021

No. _____ \$ _____

<u>Interest Rate</u> _____%	<u>Maturity Date</u> _____	<u>Date of Delivery</u> <u>CUSIP No.</u> _____, 2021
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Registered Owner: _____

Principal Amount: _____

The City of Springfield, Nebraska, hereby promises to pay to the registered owner specified above the sum specified above on the maturity date specified above, together with interest thereon from the date of delivery hereof until maturity (or earlier redemption) at the rate per annum specified above, payable on _____ and _____ of each year, beginning _____, 2021. The interest hereon shall be paid on each interest payment date by the City Treasurer, as Paying Agent and Registrar, by wire transfer, check or draft mailed to the registered owner hereof determined as of the fifteenth day (whether or not a business day) immediately preceding each interest payment date, at such owner's registered address as it appears on the books of registration as maintained by said Paying Agent and Registrar. The principal of this note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at the Paying Agent's office in Springfield, Nebraska. If this note or any interest installment hereon is not paid upon maturity or due date, the note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. This note and interest accruing hereon shall be payable from funds received by the City from the issuance and sale of its general obligation various purpose bonds or other bonds and is optional for payment on _____, 20__, or at any time thereafter at par plus accrued interest. This note is one of an issue of \$_____ in total principal amount issued pursuant to an ordinance duly adopted by the City (the "Ordinance"). All the provisions and agreements of said Ordinance are by reference made a part of this instrument and all such agreements accrue to the registered owner of this note. This note shall not be a debt of the City of Springfield, Nebraska within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of said City and said City shall not be liable for the payment of the principal thereof out of any money of the City other than from proceeds of the issuance of general obligation bonds, as aforesaid, or other funds of the City available to pay interest on said note or a portion of the cost of the project so as to reduce the required financing.

This note is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this note, and thereupon a new note or notes of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the Ordinance authorizing said issue of notes, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this note is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this note be overdue or not.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE PAYING AGENT AND REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

This note shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of Springfield, Nebraska, have caused this note to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of delivery shown above.

CITY OF SPRINGFIELD, NEBRASKA

By: _____ (Do not sign)
Mayor

ATTEST:

(Do not sign)
City Clerk

(S E A L)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes authorized by an ordinance passed and approved by the Mayor and Council of the City of Springfield, Nebraska as described in said notes.

(do not sign)
City Treasurer, as Paying Agent
and Registrar

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto _____ the within note and hereby irrevocably constitutes and appoints _____, Attorney, to transfer the same on the books of registration in the office of the within mentioned Paying Agent and Registrar with full power of substitution in the premises.

Date: _____

Registered Owner

SIGNATURE GUARANTEED

By _____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within note in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 6. Notice of the call of any of said Notes for payment prior to maturity shall be sufficient if it has been communicated at least thirty days prior to the redemption date by any means by or on behalf of the City to the registered owner of each of the Notes to be redeemed.

Section 7. Additional Street Improvement Bond Anticipation Notes can be authorized if deemed necessary by the Council by appropriate ordinance.

Section 8. The proceeds received from the sale of the Notes shall be used to pay project costs as set out in Section 1 hereof.

Section 9. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its general obligation various purpose bonds or other bonds. The City further covenants and agrees to issue and sell its general obligation various purpose bonds or other bonds in a sufficient amount and at such time as will enable it to take up and pay off the Notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 10. The City of Springfield, Nebraska, hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said Note issue, including monies held in any sinking fund for the payment of said Notes, which would cause said Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said Note issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Notes with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the Notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar year 2021 in an amount in excess of \$10,000,000.

Section 11. The Authorized Officers are hereby authorized to approve (and declare final) on behalf of the City a preliminary Official Statement or a preliminary Offering Circular, as applicable, prepared with respect to the Notes and to approve and deliver on behalf of the City a final Official Statement or a final Offering Circular, as applicable, relating to and describing the Notes. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with the carrying out and performance of the terms of this Ordinance.

Section 12. If the Notes are issued in a principal amount in excess of \$1,000,000, then in accordance with the requirements of Rule 15c2-12 of the Securities Exchange Act of 1934 (the "Rule") promulgated by the Securities and Exchange Commission, the City being the only "obligated persons" other than the City with respect to the Bonds, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including the Bonds), agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

- (a) at least annually not later than nine (9) months after the end of the City's fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City's audited financial statements and information of the type included in the audit;
- (b) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:
 - (1) principal and interest payment delinquencies;
 - (2) non-payment related defaults, if material;
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
 - (5) substitution of credit or liquidity providers, or their failure to perform;
 - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
 - (7) modifications to rights of the holders of the Bonds, if material;
 - (8) bond calls, if material, and tender offers;
 - (9) defeasances;
 - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
 - (11) rating changes;

- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional Trustee or the change of name of a Trustee, if material.
- (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For purposes subparagraph (15) above, a “financial obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above. The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City with regards to the Bonds, as described above, shall cease when none of the Bonds remain outstanding. The foregoing information, data and notices can be obtained from the City Clerk.

Section 13. In order to promote compliance with certain federal tax and securities laws relating to the Notes herein authorized (as well as other outstanding bonds) the City has previously adopted a policy and procedures (the “Post-Issuance Compliance Policy and Procedures”) which remain in full force and effect and are applicable to the Notes.

Section 14. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 1st day of June, 2021.

Robert Roseland, Mayor

SEAL

Attest: Kathleen R. Gottsch, City Clerk

Agenda Item 13. A Public Hearing of the Springfield City Council was opened at 7:23 p.m. to consider amendments to Section 5.05 AR Agriculture Residential District of the Springfield Zoning Ordinance adding Concrete Construction Batch Plants to the list of Permitted Conditional Uses. No one from the public spoke in favor of or in opposition to the proposed amendments. Motion by Craney, seconded by Herzog, to close the public hearing. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:26 p.m.

Agenda item 14. Council Member Herzog introduced Ordinance No. 1066 entitled:

AN ORDINANCE TO AMEND ARTICLE 5 “ZONING DISTRICTS”, SECTION 5.05 “AGRICULTURE RESIDENTIAL OVERLAY DISTRICT” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD CONCRETE CONSTRUCTION BATCH PLANT AS A PERMITTED CONDITIONAL USE; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF

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: 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. 1066 be passed and adopted?” Upon roll call vote, the following Council Members voted AYE: 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. 1066

AN ORDINANCE TO AMEND ARTICLE 5 “ZONING DISTRICTS”, SECTION 5.05 “AGRICULTURE RESIDENTIAL OVERLAY DISTRICT” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD CONCRETE CONSTRUCTION BATCH PLANT AS A PERMITTED CONDITIONAL USE; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. Approval of Amendment to Zoning Ordinance. On May 11, 2021, the Springfield Planning Commission conducted a public hearing on the matter of amending Section 5.05 of the zoning ordinance adding Concrete Construction Batch Plant as a permitted conditional use and reported a recommendation of approval to the City Council. On June 1, 2021, the City Council held a public hearing on said proposed amendment to the zoning ordinance and found and determined that said proposed amendment to the zoning ordinance is advisable, in the best interests of the City, and consistent with the Comprehensive Plan. The City Council further found and determined that public hearings were duly held and notices given. Therefore, the City Council hereby approves said proposed amendment to the zoning ordinance as set forth in this Ordinance.

Section 2. Amendment to Zoning Ordinance. Pursuant to Section 11.01 of the Springfield Zoning Ordinance, Section 5.05 is hereby amended as follows:

Section 5.05 AR Agriculture Residential District

C. Permitted Conditional Uses

1. Cell/telecommunication towers
2. Airport
3. Private and commercial kennels and facilities for raising, breeding, and boarding of dogs, and other small animals; provided all buildings and facilities are at least 100 feet from any property line, and 300 feet from any residential zoning district
4. Extraction and processing of rock, gravel, sand, clay, and dirt
5. Temporary trailer
6. Commercial recreational areas including facilities for fishing, shooting, hunting, auto racing, cycle clubs, bridal clubs, etc.
7. Commercial camping areas
8. Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, museums, and privately owned non-commercial museums and historic areas
9. Hospitals, nursing homes, and eleemosynary institutions
10. Billboards
11. Signs
12. Private barns, and associated livestock, for not more than one (1) animal for the first acre of land, and one (1) additional animal for every two (2) additional acres of land
13. Planned Development District
14. Satellite dish antennas that conform to the supplementary regulations of this Ordinance
15. Child care home
16. Licensed Recreational Vehicle Storage- Out of Doors and/or Within an Enclosed Building
17. Unlicensed Recreational vehicle Storage – Within and Enclosed Building
18. Bed and Breakfast
19. Concrete recycling and distribution plant
20. Alternative Energy Production
21. Concrete Construction Batch Plant

Section 3. Repeal Ordinances in Conflict. All other ordinances in conflict are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 1ST DAY OF JUNE, 2021.

Robert Roseland, Mayor
(SEAL)

Attest: Kathleen Gottsch, City Clerk

Agenda item 15. Council Member Craney introduced Ordinance No. 1067 entitled:

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADOPTING AND CODIFYING A NEW ARTICLE 6 TO CHAPTER 8 OF THE CITY OF SPRINGFIELD MUNICIPAL CODE ENTITLED “TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES” AND PROVIDING REGULATIONS FOR THE CITY OF SPRINGFIELD’S PROCESSING OF APPLICATIONS FOR AND FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES BY TELECOMMUNICATIONS COMPANIES; TO REDESIGNATE THE CURRENT ARTICLE 6 TO ARTICLE 7 OF THE CITY OF SPRINGFIELD MUNICIPAL CODE; TO REPEAL ORDINANCE NO. 1007 ADOPTING SECTION §8-319 OFFICIAL DESIGN STANDARDS FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ORDINANCE NO. 1008 ADOPTING DESIGN STANDARDS FOR WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ALL OTHER CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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: 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 Craney moved for final passage of the ordinance, which motion was seconded by Council Member Murtha. The Mayor then stated the question “Shall Ordinance No. 1067 be passed and adopted?” Upon roll call vote, the following Council Members voted AYE: 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. 1067

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADOPTING AND CODIFYING A NEW ARTICLE 6 TO CHAPTER 8 OF THE CITY OF SPRINGFIELD MUNICIPAL CODE ENTITLED “TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES” AND PROVIDING REGULATIONS FOR THE CITY OF SPRINGFIELD’S PROCESSING OF APPLICATIONS FOR AND FOR THE DEPLOYMENT OF SMALL WIRELESS FACILITIES BY TELECOMMUNICATIONS COMPANIES; TO REDESIGNATE THE CURRENT ARTICLE 6 TO ARTICLE 7 OF THE CITY OF SPRINGFIELD MUNICIPAL CODE; TO REPEAL ORDINANCE NO. 1007 ADOPTING SECTION §8-319 OFFICIAL DESIGN STANDARDS FOR THE INSTALLATION OF WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ORDINANCE NO. 1008 ADOPTING DESIGN STANDARDS FOR WIRELESS FACILITIES IN PUBLIC RIGHTS-OF-WAY AND ALL OTHER CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

Section 1. That a new Article 6 to Chapter 8 of the City of Springfield’s Municipal Code entitled “Telecommunications – Small Wireless Facilities” and providing regulations for the City of Springfield’s processing of applications for and for the deployment of small wireless facilities by telecommunications companies, is hereby adopted, enacted and codified in the City of Springfield’s Municipal Code as follows:

CHAPTER 8 – PUBLIC WAYS AND PROPERTY
ARTICLE 6 – TELECOMMUNICATIONS – SMALL WIRELESS FACILITIES

SECTION §8-601: FINDINGS AND PURPOSE

A. The City Council finds that it is necessary to achieve a balance between the telecommunications needs of the City’s citizens, and the orderly, safe, and aesthetic deployment of small wireless facilities by telecommunications companies. The deployment of small wireless facilities is expected to enable the provision of improved and enhanced wireless services to citizens and visitors in the City. The FCC has encouraged and required the adoption of policies supporting the deployment of small wireless facilities, in its September 27, 2018 Declaratory Ruling and Third Report and Order, WT Docket Nos. 17-79 and 17-84. Also, Nebraska Legislative Bill 184 (2019) imposed new limits on the local regulation of small wireless facilities. Those actions encourage the placement of such small wireless facilities in public rights of way.

B. The City is responsible for the safe and aesthetic maintenance of its public rights of way, for the benefit of the public and for the protection of public health, safety, and welfare. Public rights of way are a finite resource, and are subject to demands from competing interests. It is necessary to govern their use in a fair, safe, and orderly manner. This includes the proposed use of public rights of way for telecommunications purposes. The City is also responsible for the processing and review of proposed telecommunications uses for properties other than public rights of way, with the objective of protecting public health, safety, and welfare.

C. It is therefore appropriate to adopt these rules and regulations for the processing and review of applications for proposed small wireless facilities, both on public rights of way and on other properties, and for the safe, responsible, and fair deployment of small wireless facilities on public rights of way and on other properties, and to comply with and adopt provisions stated in the said September 27, 2018 FCC Order and Nebraska Legislative Bill 184 (2019).

SECTION §8-602: DEFINITIONS

For the purposes of this Article, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. The purpose of these definitions is to promote consistency and precision in the interpretation of this Article. The meanings and construction of words as set forth shall apply throughout this Article, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

ACTION or TO ACT -- The City’s grant of an application or issuance of a written decision denying an application.

ANTENNA -- Communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

APPLICABLE CODES -- Any uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with federal or state law and to the extent such codes have been adopted by the City and are generally applicable in the City.

APPLICANT -- Any person who submits an application and is a wireless provider.

APPLICATION -- A written request submitted by an applicant to the City (1) for a permit to collocate small wireless facilities on an existing utility pole or support structure, or (2) for a permit for approval for the installation, modification, or replacement of a utility pole or support structure to support the installation of a small wireless facility.

AUTHORIZATION -- Any approval that the City must issue under this Article and applicable codes prior to the deployment of a small wireless facility, along with any associated antenna equipment and support structure, including, but not limited to, zoning approval, building permit, and permit under this Article.

CANTENNA -- A cylindrical shaped antenna.

COLLOCATE or COLLOCATION -- To install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or utility pole. Collocate or collocation does not include the installation of a new utility pole or new support structure in the right of way.

COMMUNICATIONS FACILITY -- Any set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 U.S.C. 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 U.S.C. 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 U.S.C. 153(8), as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

COMMUNICATIONS NETWORK -- A network used to provide communications service.

COMMUNICATIONS SERVICE -- A cable service as defined in 47 U.S.C. 522, as such section existed on January 1, 2019, an information service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 U.S.C. 153, as such section existed on January 1, 2019, or a wireless service.

COMMUNICATIONS SERVICE PROVIDER -- A cable operator as defined in 47 U.S.C. 522, a provider of information service as defined in 47 U.S.C. 153, or a telecommunications carrier as defined in 47 U.S.C. 153, as such sections existed on January 1, 2019. Communications service provider includes a wireless provider.

DECORATIVE POLE -- A utility pole that is owned, managed, or operated by or on behalf of the City, and which is specially designed and placed for aesthetic purposes.

DEPLOYMENT -- Placement, construction, or modification of a small wireless facility.

FCC -- The Federal Communications Commission.

FEE -- A one-time, nonrecurring charge, to be collected upon application.

HISTORIC DISTRICT -- Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a (i)-(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission codified at 47 C.F.R. Part 1, Appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

LAW -- Any federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

MAKE-READY WORK -- All work, as reasonably determined by the City, required to accommodate a small wireless facility on a utility pole, and to comply with all the City's applicable codes. Such work includes, but is not limited to, modification or replacement of utility poles or lines, installation of guys and anchors, rearrangement of existing equipment, inspections, reasonable consultant fees or expenses, permitting work, design, planning, construction, materials, cost of removal (less any salvage value), tree trimming (other than tree trimming performed for normal maintenance purposes), facility construction, or conduit system clearing, but does not include ordinary maintenance.

MICROWIRELESS FACILITY -- Any small wireless facility that is not larger in dimension than twenty-four inches in length, fifteen inches in width, and twelve inches in height and with any exterior antenna no longer than eleven inches.

ORDINARY MAINTENANCE AND REPAIR -- Inspections, testings and/or repairs that maintain the functional capacity, aesthetic and structural integrity of a facility.

PERMIT -- A written authorization, in electronic or hard copy format required by the City to perform an action, initiate, continue, or complete installation of a small wireless facility on an existing utility pole or an existing support structure, or to install, modify, or replace a utility pole or support structure to support installation of a small wireless facility.

PERMITTEE -- An applicant that has received a permit under this Article, and its successors and assignees.

PERSON -- An individual, corporation, limited liability company, partnership, association, trust, or any other entity or organization.

PUBLIC POWER SUPPLIER -- A public power district or any other governmental entity providing electric service. Public power supplier includes a municipal electric utility or a rural public power supplier.

RATE -- A recurring charge, collected on a regular basis such as annually.

REPLACE or REPLACEMENT -- In connection with an existing utility pole or support structure, to replace (or the replacement of) the same with a new pole or structure in conformance with this Article and any other applicable codes, in order to address limitations of the existing pole or structure to structurally support collocation of a small wireless facility.

RIGHT OF WAY -- The area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in § 39-1302, the National System of Interstate and Defense Highways, or a private easement.

RURAL PUBLIC POWER SUPPLIER -- A public power district, a public power and irrigation district, an electric cooperative, or an electric membership association, that does not provide electric service to any City of the metropolitan class, City of the primary class, or City of the first class.

SIGHT TRIANGLE ZONE -- An area at a street intersection (or street and railroad) in which nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of 30 inches and eight feet above grade level within the triangular area formed by the intersection of the nearest edges of the street paving or surface as extended and a line connecting points along such street paving or surface which is a distance of 75 feet from the intersection of said streets.

SHOT CLOCK -- The period of time in which the City is required to act on an application.

SMALL WIRELESS FACILITY -- Any wireless facility that meets each of the following conditions: (1) The facilities (a) are mounted on structures fifty feet or less in height including the antennas, or (b) are mounted on structures no more than ten percent taller than other adjacent structures; (2) each antenna associated with the deployment is no more than three cubic feet in volume; (3) all other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than twenty-eight cubic feet in volume; (4) the facilities do not require antenna structure registration under 47 C.F.R. Part 17, as such regulation existed on January 1, 2019; (5) the facilities are not located on tribal lands, as defined in 36 C.F.R. 800.16(x), as such regulation existed on January 1, 2019; and (6) the facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 C.F.R. 1.1307(b), as such regulation existed on January 1, 2019.

SUPPORT STRUCTURE -- Any structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. "Support structure" does not include a utility pole.

TECHNICALLY FEASIBLE -- By virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

UTILITY POLE or POLE -- A pole located in the right of way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right of way. Utility pole does not include (1) support structures, (2) any transmission infrastructure owned or operated by a public power supplier or rural public power supplier, and (3) any distribution or communications infrastructure owned or operated by a rural public power supplier.

WIRELESS FACILITY -- Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (a) equipment associated with wireless communications, and (b) radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration. Wireless facility includes small wireless facilities. "Wireless facility" does not include (a) the structure or improvements on, under, or within the equipment which is collocated, (b) coaxial or fiber-optic cable that is between wireless

structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna, or (c) a wireline backhaul facility.

WIRELESS INFRASTRUCTURE PROVIDER -- Any person, including a person authorized to provide telecommunications service in the State of Nebraska, when acting to build or install wireless communication transmission equipment, wireless facilities, or support structures, but that is not a wireless services provider.

WIRELESS PROVIDER -- A wireless services provider or a wireless infrastructure provider when acting as a coapplicant for a wireless services provider.

WIRELESS SERVICES -- Any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

WIRELESS SERVICES PROVIDER -- A person who provides wireless services.

WIRELINE BACKHAUL FACILITY -- An above-ground or underground facility used to transport communications services from a wireless facility to a communications network.

SECTION §8-603: APPLICABILITY

This Article shall apply to all deployments of small wireless facilities (with the exception of collocations of wireless facilities on utility poles owned, operated, or managed by a public power supplier) on rights of way or other public or private property within the City and its extraterritorial jurisdiction, as amended, annexed or extended from time to time, except as specifically excluded in this section or in this Article. With respect to deployments on rights of way which are owned by another jurisdiction, the City shall coordinate its regulation under this Article with such jurisdiction, by agreement or otherwise, so that only one of the jurisdictions regulates the same. This Article shall not apply to any facility that was in existence and authorized by an agreement with the City as of the effective date of this Article. Notwithstanding this section, the shot clock for an application shall be governed by this Article or by an existing agreement, whichever provides for a shorter shot clock. Notwithstanding this section, application fees and yearly rates shall be governed by this Article or by an existing agreement, whichever provides for smaller fees or rates. Small wireless facilities shall be governed by this Article, and not by other lease requirements of the City or the City's Municipal Code. This Article shall not apply to the design, engineering, construction, installation, or operation of any small wireless facility located in the interior structure or upon the site of any college or university campus, stadium, or athletic facility not owned or controlled by the City, other than to comply with applicable codes. For an application submitted to the State of Nebraska regarding a location within right of way or other property owned or controlled by the State, to the extent that the State seeks a recommendation from the City regarding such application, the City shall apply the location and design standards of Section 8-611. The applicant for a location on such State right of way or other property shall provide to the City a copy of the application submitted to the State, but no application fee shall be due. This Article shall not apply to a microwireless facility that is strung on a cable between existing utility poles in compliance with the National Electrical Safety Code, which may be installed, maintained and operated without a permit or fees; provided, that standard rules regulating the excavation or closing of sidewalks or streets shall apply to the same.

SECTION §8-604: PERMIT REQUIRED

It shall be unlawful for any person to install, maintain, or operate a small wireless facility, unless such person shall have previously obtained a permit under this Article from the City expressly authorizing such small wireless facility; provided, however, that permits under the article are not required for collocation of small wireless facilities on utility poles owned, operated, or managed by a public power supplier. It shall be unlawful for any person to collocate a small wireless facility on or associated with an existing utility pole or support structure, unless such person shall have previously obtained a permit under this Article from the City expressly authorizing the attachment or association of that specific small wireless facility. It shall be unlawful for any person to construct, install, replace, maintain, or operate a new utility pole or support structure to which will be attached or associated a small wireless facility, unless such person shall have previously obtained a permit under this Article.

SECTION §8-605: APPLICATION

A. Form and content. Application for a permit under this Article shall be filed with the City's Building and Zoning Department, on a form provided by that Department. On or in addition to that form, an application shall include the following:

(1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant.

(2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the application.

(3) A description of the proposed work and the purposes and intent of the proposed small wireless facility.

(4) If an Applicant will collocate small wireless facilities on utility poles owned, operated or managed by a public power supplier, then, as per Neb. Rev. Stat. 86-1244, Applicant shall provide City with a certificate from Omaha Public Power District or any other public power supplier showing that it has entered into a "Negotiated Pole Attachment Agreement" for any utility poles in City's jurisdiction. For a utility pole or support structure owned or controlled by a third party, the applicant shall provide proof of approval of the specific plans by that third party.

(5) Detailed construction drawings regarding the proposed small wireless facility, and any associated equipment and utility pole or support structure. The drawings shall show the location, dimensions, elevations, equipment specifications, and attachment methods for the small wireless facility, all equipment, and the utility pole or support structure.

(6) To the extent the proposed small wireless facility involves collocation on a utility pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure will be modified to meet structural requirements) in accordance with applicable codes.

(7) For any new above ground antenna equipment, a conceptual rendering of the equipment, including accurate visual depictions and locations, if not included in the construction drawings.

(8) A full description of any make-ready work that the applicant believes will need to be performed by the City on City-owned poles in preparation for the proposed installation and use of the small wireless facility, associated equipment and utility pole or support structure.

(9) The application fee as required by this Article.

(10) Bond and certificate of insurance as required by this Article. If Bond is provided by Applicant's general contractor, then Applicant shall furnish a copy of their agreement with said general contractor to the City in which the relationship between the two is defined.

(11) The application form shall include:

(a) Language providing for the indemnification of the City by the applicant as required by this Article; and

(b) An attestation by the applicant that the small wireless facility shall be operational for use by a wireless services provider within one year after the later of the completion of all make-ready work or the permit issuance date, unless a delay is caused by lack of commercial power or communications transport facilities to the site, in which case the deadline shall be extended for up to nine months.

(c) The applicant's signature on and submittal of the application shall constitute agreement to subsections (a) and (b) above.

B. Batching. An applicant may apply for more than one but no more than five small wireless facilities in a single application. Application fees shall be paid for as provided in this Article.

Each small wireless facility within a consolidated application is subject to individual review, except that the denial of one or more small wireless facilities in a consolidated application shall not delay processing of any other small wireless facilities in the same application or be a basis upon which to deny the consolidated application as a whole. If an applicant applies to construct or collocate several small wireless facilities within the jurisdiction of the City, the City shall:

(1) Allow the applicant, at the applicant's discretion, to file a single set of documents that apply to all of the applicant's small wireless facilities; and

(2) Render a decision regarding all of the applicant's small wireless facilities in a single administrative action or proceeding.

C. Replacement or modification. A permittee shall be required to file an application and pay an application fee for the proposed replacement or modification of an existing small wireless facility, antenna equipment, or associated utility pole or support structure. In such case, the application shall include updated drawings of the facilities showing such replacement or modification. Such proposed replacement or modification shall be reviewed and acted upon by the City as if it were an initial application. This subsection (C) does not apply to the replacement of a small wireless facility with a small wireless facility that is substantially similar in weight or windage or the same size or smaller, in which case no permit, application, or fee is required.

D. Shot clock. The City shall act on a filed application, and all associated requests, on or before the expiration of the shot clock period.

(1) The shot clock period for an application is the sum of:

(a) Ninety days, plus one additional period of ten business days if requested in writing by the City prior to the expiration of the ninety days; plus

(b) Such additional number of days of the tolling period, if any, pursuant to subsection (D)(2) below.

(2) Unless a written agreement between the applicant and the City provides otherwise, the tolling period for an application, if any, is as set forth below:

(a) If the City notifies the applicant in writing on or before the twentieth day after submission that the application is incomplete, and specifically identifies the missing documents or information, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the City to render the application complete.

(b) Subsequent findings of incompleteness shall further toll the shot clock from the time the City sends written notice of incompleteness until the time the applicant provides the missing information.

(c) If the applicant submits new or additional documents or information that include material changes not otherwise required by the City, a new application and application fee shall be submitted.

(3) The shot clock deadline for an application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to this subsection (D); provided, that if the deadline calculated in this manner falls on a weekend or holiday, the deadline shall be the next business day after such date. The term "business day" means any day that is not a weekend day or holiday.

E. Permit issuance. Approval of an application authorizes the permittee to maintain and operate the small wireless facilities and any associated utility pole covered by the permit for a period of five years, subject to applicable relocation requirements and the permittee's right to terminate at any time. At the end of each such term, such permit shall be considered automatically renewed for an equivalent duration so long as the permittee is in compliance with applicable criteria of Neb. Rev. Stat. Section 86-1237(5)(j) as such criteria existed at the time the permit was issued.

SECTION §8-606: FEES

A. Application fees.

(1) An application for a permit under this Article for the collocation of a small wireless facility on an existing utility pole or support structure shall be accompanied by an application fee in the amount of \$500.00 for up to five small wireless facilities, plus \$100.00 for each additional small wireless facility.

(2) An application for a permit for one new, modified, or replacement utility pole or support structure intended to support one or more small wireless facilities, and for one small wireless facility to be placed on such pole or structure, shall be accompanied by an application fee of \$250.00 per pole or structure.

B. Annual rates. A permittee who does not pay the City any occupation taxes pursuant to Chapter 10 of the City's Municipal Code and/or pursuant to the City's Master Fee Ordinance, currently Ordinance No. 1045 as amended, shall pay to the City an annual rate of \$20.00 for each small wireless facility attached to a utility pole in City right of way, and an annual rate of \$250.00 for each small wireless facility located anywhere else in City right of way or City property. A permittee who does pay the City any occupation taxes pursuant to Chapter 10 of the City's Municipal Code and/or pursuant to the City's Master Fee Ordinance, currently Ordinance No. 1045 as amended, shall not be required to pay to the City an annual rate. The annual rate shall be paid by or before January 1, in advance for the ensuing year.

C. Reimbursement of direct costs. If the applicant or permittee excavates or damages City right of way or other City property and the City repairs such excavation or damage, the applicant or permittee shall reimburse to the City the actual cost of such repair, as provided in Section 8-610.

SECTION §8-607: INTERFERENCE, REMOVAL, AND ABANDONMENT

A. In the event that any facility of a permittee on City right of way or City property obstructs or hinders the usual travel or public safety or obstructs the legal use of such right of way or property by utilities or other authorized users, the City may provide written notice to the permittee of such interference and of the need to resolve such interference. In the event that any such facility of the permittee causes any radiofrequency interference to any City facilities or other uses of City right of way or City property, the City may notify the permittee in writing of such interference and the need to resolve such interference. Upon service of any notice under this subsection, the permittee shall remedy such interference within ninety days or, in the case of an emergency, within such shorter time period as directed by the City. If such interference is not resolved in a timely manner, the permittee shall, at its own expense, remove its facilities from that location. In such case, the permittee may apply for the relocation of similar facilities at another location, without payment of an application fee.

B. Within ninety days following written notice from the City, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its facilities, whenever the City has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any City improvement in, under or upon the public right of way. The permittee shall be responsible to the City for any damages or penalties the City may incur as a result of the permittee's failure to remove or relocate the facilities as required in this subsection.

C. The City retains the right and privilege to cut or move any facility of the permittee located within the public right of way or on City property, as the City may determine in its sole discretion to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the City shall notify the permittee and give the permittee an opportunity to move its own facilities prior to cutting or removing the facilities. In all cases the City shall notify the permittee after cutting or removing the facilities as promptly as reasonably possible.

D. The permittee may abandon its facilities at a location. The permittee shall notify the City of abandonment of any facility at the time the decision to abandon is made, but in no case shall such notification be made later than thirty days prior to abandonment. The permittee shall, within thirty days of such notice, remove its facilities at the permittee's own expense, unless the City determines and states in writing, in its sole discretion, that any part of the facilities may be abandoned in place. The permittee shall remain solely responsible and liable for all of its facilities until they are removed from the public right of way unless the City agrees in writing to take ownership of the abandoned facilities.

For the purpose of this subsection, abandonment of facilities and cancellation of the related permit shall also be deemed to have occurred after such facilities are not used for a period of one year.

E. If the permittee fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its facilities or remove any of its abandoned facilities as required in this section, the City or its contractor may do so. In such case, the permittee shall pay all reasonable costs related to such work.

SECTION §8-608: INDEMNIFICATION

In submitting an application and maintaining and operating its facilities, the permittee agrees to indemnify, defend and hold the City harmless from all claims, costs, damages, demands, suits, judgments, court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, the permittee's acts or omissions pursuant to its permit or this Article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this Article. Permittee's indemnity shall not apply to any loss or damage resulting from the negligence or willful misconduct of the City or its employees, contractors, or agents. The application to be signed by the applicant shall contain the indemnification language stated in this section.

SECTION §8-609: INSURANCE

A. Upon and after application, the permittee of a permit under this Article shall procure and thereafter continuously maintain for as long as any permit in its favor remains in effect, at the permittee's expense, commercial general liability insurance per ISO form or its equivalent with a limit of at least \$2,000,000.00 per occurrence and at least \$2,000,000.00 general aggregate for bodily injury (including death) and property damage, including explosion, collapse and underground property damage. Upon receipt of notice from its insurer(s), the permittee shall provide the City with thirty days prior written notice of any prospective cancellation of the policy, unless the required coverage is immediately replaced. A certificate of insurance shall be provided with the application. The policy shall be available for review by the City upon request. The policy shall include the City as additional insured as its interest may appear under this Article.

B. Upon and after application, the permittee of a permit (or its general contractor) located on right of way or other City property shall provide and maintain in effect a bond naming permittee (or its general contractor) as obligor, with a surety, in favor of the City, in the minimum amount of \$50,000.00, to cover all permitted sites of the permittee. The surety of the bond shall be a surety company licensed to do business in Nebraska. The bond shall be conditioned:

(1) That the permittee and its successors or assigns shall indemnify, defend, and hold the City harmless from all claims, costs, damages, demands, suits, judgments, and court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, the permittee's acts or omissions pursuant to its permit or this Article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this Article.

(2) For the maintenance of the sidewalk or public right of way.

(3) For the compliance with all applicable laws regarding the permitted facilities and the use of the City right of way or other property.

(4) For the return of the sidewalk, street, right of way or other public property to its condition prior to the permit.

SECTION §8-610: PERMITTEE DUTIES

As a condition of the issuance of a permit under this Article, the permittee shall perform the following duties:

A. Small wireless facilities and associated communications facilities, utility poles and support structures shall be located, installed and maintained so that they do not materially endanger the lives, health or safety of persons, or materially interfere with any public improvements the City or other governmental entities (including any traffic control devices or signs, gas, electric, storm water, sanitary sewer or water utilities or enterprises) have in place or may deem proper to make. The location, installation or maintenance of the small wireless facility and associated communications facilities, utility pole and support structure shall not hinder or obstruct the usual travel or public safety on right of way, or obstruct the legal use of right of way by utilities or the safe operation of their systems or provision of service.

B. All construction, excavation, maintenance and repair work done by the permittee shall be done in a safe, workmanlike and expeditious manner which minimizes inconvenience and danger to the City, the general public and individuals. All such construction, excavation, maintenance and repair work done by the permittee shall comply with all applicable codes and laws. The City shall have the right to inspect all construction or excavation work to ensure compliance with applicable codes, laws, and permits, and may order the permittee to perform corrective work. All right of way or other City property disturbed by permittees' activities shall be promptly restored by the permittee at its expense to its former condition, subject to inspection by the City. If the permittee fails to make required repairs, the City may give the permittee written notice of the required repairs. If after such notice the permittee fails to make the required repairs within fourteen days, the City may make the repairs, and the permittee shall pay the City the reasonable documented cost of such repairs. The City shall grant the permittee a ten day extension to perform repairs if requested by the permittee within the original fourteen day period. In the event of immediate threat to life, safety, or to prevent serious injury, the City may immediately undertake to restore the site and then notify the permittee and charge the permittee for all reasonable restoration costs.

C. The permittee shall install, construct, maintain and operate its small wireless facilities and associated communications facilities, utility poles, and support structures in a safe manner providing reasonable protection against injury or damage to any and all persons or property.

D. Unless otherwise specified in the permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the Manual on Uniform Traffic Control Devices. The permittee shall maintain all barriers and other traffic control and safety devices related to an open excavation until the excavation is filled and finished to the satisfaction of the City, or as otherwise directed by the City.

E. All construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures shall comply with the permit and the approved final plans and specifications. Upon completion of installation of the small wireless facilities and associated

communication facilities, utility poles and support structures, the permittee shall notify the City's Building and Zoning Department within three business days of the completion of said work so that the City may conduct an inspection as provided for above. The City will perform any such inspection within five business days. Any construction that does not conform to the permit and the approved final plans and specifications shall be reconstructed or repaired to conform to the permit and the approved final plans and specification within five business days. If the construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures continues to fail to conform to the permit and the approved final plans and specifications, the City may suspend the associated permit until such time as the work is in conformance.

F. If Applicant will have work performed by someone other than its own employees, then the Applicant shall be responsible for all work performed by its Agents or Contractors.

SECTION 8-611: LOCATION AND DESIGN STANDARDS

All facilities in the public right of way must comply with all applicable provisions in this section.

A. All small wireless facilities shall meet the following requirements:

(1) If technically feasible, antennas should be top-mounted or side-mounted and concealed within a radome (a structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna) or otherwise concealed to the extent feasible. Cable connections, antenna mounts and other hardware should also be concealed. The radome or other concealment elements must be non-reflective and painted or otherwise colored to reasonably match the existing support structure.

(2) Each antenna shall be no more than three cubic feet in volume. All other equipment associated with a small wireless facility, whether ground-mounted or pole-mounted, shall be no more than twenty-eight cubic feet in volume.

(3) The color of the small wireless facility shall reasonably match the color of the utility pole or support structure upon which it is attached.

(4) There shall be no advertising or signs on the small wireless facility, except for equipment logos, specifications, or maintenance instructions that are generally not readable from the ground or from ten feet away, and except for signage required by the FCC.

(5) A small wireless facility shall be mounted at a height no more than the greater of (a) 50 feet, including the antenna, or (b) five feet above an existing utility pole in place as of the effective date of this Article and located within five hundred feet in the same right of way.

(6) Antennas shall be no more than twelve inches in diameter and forty-eight inches in height.

(7) If an antenna of the small wireless facility is side-mounted, it shall not protrude more than eighteen inches outside the pole, and shall not exceed the height of the pole.

(8) The small wireless facility and all associated equipment mounted to the outside of a pole or support structure shall be at least eight feet above grade, excluding the disconnect switch.

(9) Cabling shall be located within conduit or inside the pole or support structure to as great a degree as possible, and otherwise shall be as flush to the pole or support structure as possible. Any support arms shall use flanges or channels to conceal exterior cables and passive radiofrequency gear. Shrouds, sleeves, or ninety degree connectors shall be used to prevent exposed cables.

(10) A small wireless facility shall include a disconnect switch. The disconnect switch shall be no more than twelve cubic inches in size, shall be painted the same color as the pole or support structure, and shall be mounted on the pole or support structure at a maximum height of six feet above grade, unless otherwise directed by the City.

(11) Unless otherwise required by the City, or for compliance with FAA or FCC regulations, small wireless facilities shall not include any lights or lighting.

(12) A small wireless facility may be placed on an existing utility pole that exists within a sight triangle zone as of the effective date of this Article; provided, that any replacement pole replacing such an existing utility pole shall be relocated outside of the sight triangle zone.

B. A new or replacement utility pole for a small wireless facility, referred to in this subsection as a "new pole," shall be subject to the following requirements:

(1) The new pole shall meet the generally applicable standards for such poles as established by the owner of such poles.

(2) The new pole shall comply with applicable codes of general applicability.

(3) The new pole shall be reasonably similar in color, design, size, scale, material, style, and arm structure to the nearest adjacent existing poles; provided, that there shall be no new installations of wooden poles.

(4) A new pole replacing an existing decorative pole shall conform to all non-discriminatory design aesthetic features of the existing decorative pole.

(5) The height of a new pole shall not exceed the greater of (a) five feet above the tallest existing utility pole in place as of the effective date of this Article located within five hundred feet of the new pole in the same right of way, or (b) fifty feet above ground level.

(6) The diameter of the new pole shall be no more than fourteen inches; provided, that the bottom sixty-six inches of the new pole may be no more than eighteen inches in diameter.

(7) The new pole shall be in alignment with existing trees, utility poles, and streetlights.

(8) The new pole shall be an equal distance between trees when possible, with a minimum of fifteen feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.

(9) The new pole shall be placed with appropriate clearance from existing utilities, to accommodate the passage of traffic in the right of way and any work done on or around the facilities.

(10) The new pole shall be placed outside of a thirty foot clear sight triangle zone where pedestrian trails, sidewalks, and streets intersect.

(11) The new pole shall be placed so as not to be located along the frontage of a Historic District.

(12) The new pole shall not be placed within fifty feet of the apron of a fire station or other emergency service responder facility.

(13) In accordance with existing standards for street light poles, and provided it does not result in an effective prohibition of service, a new pole shall be located no closer than one hundred fifty feet from an existing street light pole on an arterial or collector street, and no closer than one hundred feet from an existing street light pole on a local or residential street. This requirement shall not prevent the replacement of light poles that are in place as of the effective date of this Article that do not meet this spacing requirement.

(14) A new pole shall not be located within seven feet of an electrical conductor unless the applicant obtains the written consent of the entity that owns or manages the electrical conductor.

C. All small wireless facilities, and all of their associated equipment, ground equipment, communications facilities, and utility poles and support structures, shall comply with the following requirements:

(1) So as not to impede or impair public safety or the legal use of the right-of-way by the traveling public, ground mounted equipment must be installed below grade or concealed in a ground-mounted cabinet. Ground mounted cabinets must comply with the following design standards:

(a) In areas with curb and gutter, ground mounted equipment shall not be located closer than four feet from the pavement or face of curb, and shall not be located closer than two feet from a sidewalk, bike lane, or shared-use path as measured to the nearest part of the equipment.

(b) In areas with open ditches, ground mounted equipment shall be located at least one foot inside the right-of-way line.

(c) Ground mounted equipment shall be placed outside of all Sight Triangle Zones.

(d) Ground mounted equipment locations shall be located a minimum of twelve feet from driveway aprons as measured parallel to the right-of-way.

(e) Ground mounted equipment shall be consistent with any applicable design standards of the Springfield Guidelines and Regulations for Driveway Locations, Design and Construction, which are incorporated herein for these specific purposes only.

(f) Ground mounted equipment must be secured to a concrete foundation or slab with a breakaway design allowing the equipment to disconnect from the foundation or slab in the event of collision or impact.

(g) Screening of ground mounted equipment with a variety of plant material may be required based on the characteristics of the surrounding area.

(h) All proposed ground mounted equipment shall be subject to the City's landscaping installation and maintenance requirements as set forth in City Zoning Regulation 9.03

Landscaping Requirements and 9.06 Installation and Maintenance of Landscaping and Screening and based on the surrounding context, and where required, for appropriateness of the proposed planting plan and plant specifications.

(2) Such items shall not materially interfere with sight lines or clear zones for air or land transportation or pedestrians.

(3) Such items shall not obstruct or hinder the usual travel or public safety on right of way, or obstruct the legal use of right of way by utilities or the safe operation of their systems or provision of service.

(4) Such items shall not violate or materially interfere with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement.

(5) Such items shall comply with applicable codes of general applicability.

SECTION §8-612: MAKE-READY WORK

A. In its application, the applicant shall identify any make-ready work proposed to be performed by the City. Within one hundred twenty days after receipt of a completed application, the City shall provide a preliminary good faith estimate of the cost of such make-ready work to be paid by the applicant to the City. The applicant shall pay to the City the amount of the estimated cost. Make-ready work to be performed by the City shall be completed within ninety days after written acceptance of the good faith estimate by the applicant. Upon the City's completion of the make-ready work, the applicant shall pay the City, or the City shall refund to the applicant, as the case may be, the difference between the cost estimate paid and the actual cost. Total fees shall not exceed actual costs of the make-ready work. Alternatively, the City and the applicant may agree that the applicant or a party other than the City may perform the make-ready work, subject to the City's approval before and after the work.

B. The City may require replacement of the utility pole if it determines that the collocation would make the utility pole structurally unsound. The person owning the utility pole shall not require more make-ready work than required to meet applicable codes and industry standards.

SECTION §8-613: ASSIGNMENT

A permittee may assign its rights to a permit, small wireless facility, and associated equipment or structures it owns, to an assignee. Such assignment shall not be effective until the applicant and the assignee sign and file with the City's Building and Zoning Department a notice of assignment, containing:

A. The assignee's name, address, telephone number, and e-mail address, including emergency contact information.

B. Exact location of all small wireless facilities and associated equipment or structures being assigned.

Section 2. The currently existing Article 6 of Chapter 8 of the City of Springfield's Municipal Code is hereby redesignated, readopted, and recodified as Article 7 of Chapter 8 of the City of Springfield's Municipal Code as follows:

Article 7 – Penal Provision

SECTION §8-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every twenty-four hours of such failure to comply.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of Springfield hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 4. City of Springfield Ordinance No. 1007 adopting Springfield Municipal Code Section §8-319 Official Design Standards for the Installation of Wireless Facilities in Public Rights-of-Way and Ordinance No. 1008 adopting design standards for wireless facilities in public rights-of-way and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall be in full force and take effect after passage, approval and publication hereof as provided by law.

PASSED AND APPROVED this 1st day of June, 2021.

CITY OF SPRINGFIELD, NEBRASKA

By: Robert Roseland, Mayor

SEAL

Attest: Kathleen R. Gottsch, City Clerk

Agenda Item 16. Council reviewed a proposal from CoreTech for Microsoft 365 email migration and cloud file share services. Services will include the migration of existing staff mailboxes to Microsoft 365 email services, improving file sharing, updating MS Office apps, implementing email filtering, security and backup services for Microsoft 365 data. The proposal includes a one-time project investment of \$3,456.00, as well as proposed monthly support of \$197.00. Staff will confirm whether there will be three or four subscriptions prior to executing the final agreement to proceed. Motion by Craney, seconded by Murtha, to approve the proposal from CoreTech for Microsoft 365 email migration and cloud file sharing services. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Agenda Item 17. Council reviewed a bid from Hydro Optimization and Automation Solutions (HOA Solutions) in the amount of \$29,574.00 for the installation of new control devices, new antennas and cables at the water tower, well #3, well #2 and lift station. Council requested Water Operator, Rick Lee, obtain additional bids if other companies are available to perform this work and to advise the Council as to the age of the current controls. Motion by Herzog, seconded by Murtha, to table agenda item 17, regarding a bid from Hydro Optimization and Automation Solutions, until the June 15, 2021, Council meeting. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Agenda Items 18-20. Motion by Herzog, seconded by Murtha, to move agenda items 18, 19 and 20, regarding job descriptions for new positions and amendments to existing employee job descriptions, Jean Latham's annual review, and Sterling Lambries' annual review, into executive session. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Department Reports

Agenda Item 1. Gottsch reviewed negotiations with the Sarpy County Sewer Agency regarding the city's hook up to the agency system.

Agenda Item 2. Herzog reported that the library plans to reopen with normal hours. The library is holding a book sale on Saturday.

Agenda Item 3. Murtha reported that street repairs are ongoing.

Agenda Item 4. Craney reported that he is obtaining a bid from Gretna Welding for the handrail on the tiered grass seating area at Buffalo Park.

Agenda Item 5. Mayor Roseland noted he will interview all candidates for the Council Member vacancy.

Agenda Item 6. No additional city staff reports.

Executive Session

Motion by Herzog, seconded by Murtha, to enter into executive session at 7:40 p.m. for the purpose of personnel matters. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Motion by Herzog, seconded by Murtha, to leave executive session at 8:24 p.m. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Motion by Herzog, seconded by Craney, to approve a 3% merit increase to Jean Latham, Library Aide. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Motion by Craney, seconded by Herzog, to table agenda item 20, regarding Sterling Lambries' annual review and proposed merit increase, until the June 15, 2021, Council meeting. AYES: Herzog, Murtha, Craney. NAYS: None. Motion carried.

Adjournment

Motion by Herzog, seconded by Murtha, to adjourn. AYES: Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 8:25 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 June 1, 2021; 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