



**CITY COUNCIL AGENDA**

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

**CALL TO ORDER**

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

**CONSENT AGENDA**

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

1. Approve Minutes of the May 17, 2022 Council Meeting
2. Approve Claims and Payroll

**REGULAR AGENDA**

1. Sarpy County Sheriff's Monthly Service Report
2. Andrew Rainbolt or Josh Charvat, Grow Sarpy – Quarterly Report
3. Conduct a Public Hearing for an application filed by Laura and Justin Huscroft, property owners and subdividers, for preliminary and final plats for Lot 5, Prairie Toehold Replat 1, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and generally located at 13248 Birchwood Plaza, Springfield, Nebraska
4. Consider approval of Resolution 2022-22 approving the First Amendment to Subdivision Agreement and Preliminary and Final Plats for Lot 5, Prairie Toehold Replat 1, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and generally located at 13248 Birchwood Plaza, Springfield, Nebraska
5. Craig Reinsch, Olsson – Consider approval of a bid for the New Well Project
6. Consider approval of Resolution 2022-23 entering into Letter Agreement Amendment #3 through which Olsson shall provide construction administration, construction observation and post construction services associated with the New Well Project

7. Consider approval of Resolution 2022-24 entering into a Revised License Agreement with Kracklin Kirks Fireworks for the use of city-owned property at Railroad and Main Streets for the operation of a fireworks stand
8. Ryan Fisher, 755 North 5<sup>th</sup> Avenue – Request amendment to Springfield Municipal Code to allow golf carts to be operated on city streets
9. Consider approval of Highway Corridor Overlay District Design Review for Lot 4, Springfield Commerce (Midland Garage Door)
10. Approve Pay Application No. 4 in the amount of \$242,043.13 to OMNI Engineering for services performed on Main Street and Platteview Road Improvements
11. Accept Certificate of Substantial Completion for Main Street and Platteview Road Improvements
12. Consider approval of Resolution 2022-25 to call BANS on Main Street and Platteview Road Improvements
13. Consider approval of Ordinance No. 1102 to issue a new bond for Main Street and Platteview Road Improvements
14. Consider approval of BlueCross BlueShield employee health insurance renewal
15. Appoint members to a Safety Committee
16. Discuss Jean Latham’s annual review and consider a proposed merit increase.
17. Discuss Barb Henninger’s annual review and consider a proposed merit increase.

#### **DEPARTMENT REPORTS**

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

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

#### **ADJOURNMENT**

## MINUTES

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

### Consent Agenda

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

### Claims and Payroll:

Check #	Account ID	Account Description	Debit Amount	Name
<b>General</b>				
45732	6084-10-10	Aflac-Gen	140.68	Aflac
45734	6084-10-10	Aflac-Gen	98.20	Ameritas Life Insurance
45737	8130-10-10	R&M Building-Gen	465.00	Blankman Services
45744	7045-10-10	Prof Svcs-Tech Support-Gen	1,429.50	Core Technologies
45758	7250-10-10	Publication Costs-Gen	1,089.24	DCI Media
45828	6080-10-10	Health Insurance-Gen	122.77	Delta Dental
45752	7480-10-10	Janitorial-Gen	230.00	Executive Janitorial Corporation
45753	9010-10-10	Office Equipment-Gen	58.55	First National Bank
45753	7205-10-10	Subscriptions-Gen	5.00	First National Bank
45753	7045-10-10	Prof Svcs-Tech Support-Gen	16.03	First National Bank
45753	8030-10-10	Supplies-Gen	61.93	First National Bank
45753	7205-10-10	Subscriptions-Gen	169.87	First National Bank
45753	7330-10-10	Telephone-Gen	186.72	First National Bank
45753	7230-10-10	Postage/Shipping-Gen	1,042.25	First National Bank
45754	8140-10-10	R&M Equipment-Gen	126.29	Five Points Bank
45759	8130-10-10	R&M Building-Gen	20.76	Home Depot
45759	8030-10-10	Supplies-Gen	74.94	Home Depot
45762	7030-10-10	Prof Svcs-Planning-Gen	762.50	JEO Consulting Group
45764	8010-10-10	Office Supplies-Gen	180.89	Lanoha Nurseries
45769	7320-10-10	Natural Gas-General	54.77	MUD
EFTPS	7270-10-10	Insurance-Gen	3,592.67	Nebraska Assigned Risk Pool
45774	7200-10-10	Dues-Gen	124.00	Nebraska Notary Association
45775	9310-10-10	Nuisance Abatement-Gen	300.00	Nebraska Title Company
45779	9010-10-10	Office Equipment-Gen	83.97	ODP Business Solutions
45780	7010-10-10	Prof Svcs-Engineer-Gen	600.08	Olsson
45782	7310-10-10	Electricity-Gen	240.86	OPPD
45827	6080-10-10	Health Insurance-Gen	152.52	Principal Financial

45786	7046-10-10	Prof Svcs-Building Inspector	2,504.93	Sarpy County Building Inspector
45787	7060-10-10	Animal Control-Gen	399.00	Sarpy County Fiscal Administrator
45788	7050-10-10	Law Contract-Gen	9,771.00	Sarpy County Treasurer
45790	7020-10-10	Prof Svcs-Legal-Gen	1,244.50	Seidler & Seidler
45742	7455-10-10	Internet-Gen	144.74	Spectrum
45792	9040-10-10	Tools & Misc Equip-Gen	8.59	Springfield Ace Hardware
45792	8030-10-10	Supplies-Gen	72.47	Springfield Ace Hardware
45792	8130-10-10	R&M Building-Gen	105.66	Springfield Ace Hardware
45794	4705-10-10	Watershed Fees	978.00	SSWP
45793	4705-10-10	Watershed Fees	14,000.00	SSWP
45795	7270-10-10	Insurance-Gen	51.69	Travelers
45798	7280-10-10	Laundry-Gen	132.09	Walkers Uniform Rental
<b>Total</b>			<b>40,842.66</b>	
<b>Sales Tax</b>				
45740	9089-15-10	Community Events-Sales Tax	8.28	BRP Investments
45743	9089-15-10	Community Events-Sales Tax	2,235.00	Construction Containers & Excavating
45753	9089-15-10	Community Events-Sales Tax	396.62	First National Bank
45792	9089-15-10	Community Events-Sales Tax	64.99	Springfield Ace Hardware
45799	9089-15-10	Community Events-Sales Tax	350.19	Waste Connections
<b>Total</b>			<b>3,055.08</b>	
<b>Library</b>				
45733	8060-20-10	Books/Videos/Maps-Lib	456.87	Amazon/SYNCB
45734	6084-20-10	Aflac-Lib	26.40	Ameritas Life Insurance
45735	8060-20-10	Books/Videos/Maps-Lib	67.24	Baker & Taylor
45828	6080-20-10	Health Insurance-Lib	51.90	Delta Dental
45759	9010-20-10	Office Equipment-Lib	189.00	Home Depot
45767	8060-20-10	Books/Videos/Maps-Lib	135.77	MicroMarketing
45769	7320-20-10	Natural Gas-Lib	66.55	MUD
EFTPS	7270-20-10	Insurance-Lib	1,569.21	Nebraska Assigned Risk Pool
45778	7330-20-10	Telephone-Lib	63.07	NT&T
45782	7310-20-10	Electricity-Lib	190.80	OPPD
45827	6080-20-10	Health Insurance-Lib	145.83	Principal Financial
45789	7480-20-10	Janitorial-Lib	250.00	Schmieder, Marcie
45795	7270-20-10	Insurance-Lib	23.55	Travelers
45783	7340-20-10	Waste Disposal-Lib	27.65	Waste Connections
<b>Total</b>			<b>3,263.84</b>	
<b>Library Restricted</b>				
45733	8070-21-10	Library Supplies-Lib Rest	100.27	Amazon/SYNCB
45733	8060-21-10	Books/Videos/Maps-Lib Rest	238.72	Amazon/SYNCB
45739	8070-21-10	Library Supplies-Lib Rest	100.09	Brodart
45756	8060-21-10	Books/Videos/Maps-Lib Rest	97.18	Cengage Learning/Gale
45741	8060-21-10	Books/Videos/Maps-Lib Rest	91.68	Center Point Large Print
45747	8070-21-10	Library Supplies-Lib Rest	118.12	Demco
45751	8070-21-10	Library Supplies-Lib Rest	116.68	Eakes Office Solutions
45754	9010-21-10	Office Equipment Lib Rest	93.51	Five Points Bank
45755	8130-21-10	R&M Building-Lib Rest	475.00	Floors Inc.
45767	8060-21-10	Books/Videos/Maps-Lib Rest	74.44	MicroMarketing

45776	7205-21-10	Subscription-Lib Rest	500.00	Network Needs
45785	8075-21-10	Program Fees-Lib Rest	250.00	Quinn, Jeff
<b>Total</b>			<b>2,255.69</b>	
<b>Park</b>				
45740	8120-30-10	Fuel-Park	610.50	BRP Investments
45828	6080-30-10	Health Insurance-Park	51.90	Delta Dental
45749	8140-30-10	R&M Equipment-Park	285.30	Dultmeier Sales
45750	7350-30-10	Rental-Park	210.00	Eagle Services
45753	8030-30-10	Supplies-Park	20.97	First National Bank
45753	8140-30-10	R&M Equipment-Park	36.05	First National Bank
45759	9040-30-10	Tools & Misc Equip-Parks	14.68	Home Depot
45759	8030-30-10	Supplies-Park	21.94	Home Depot
45759	8160-30-10	R&M Grounds-Park	59.90	Home Depot
45761	8140-30-10	R&M Equipment-Park	533.40	Island Sprinkler Supply Company
45764	8160-30-10	R&M Grounds-Park	2,755.72	Lanoha Nurseries
EFTPS	7270-30-10	Insurance-Park	2,312.52	Nebraska Assigned Risk Pool
45782	7310-30-10	Electricity-Park	582.39	OPPD
45827	6080-30-10	Health Insurance-Park	183.02	Principal Financial
45691	7290-30-10	Uniform Allowance-Park	196.00	Special Tee's Screenprinting
45792	8160-30-10	R&M Grounds-Park	18.58	Springfield Ace Hardware
45792	9040-30-10	Tools & Misc Equip-Parks	54.98	Springfield Ace Hardware
45792	8030-30-10	Supplies-Park	82.51	Springfield Ace Hardware
45792	8140-30-10	R&M Equipment-Park	430.86	Springfield Ace Hardware
45745	8080-30-10	Promotional Materials-Park	316.80	The Cosgrave Company
45745	8160-30-10	R&M Grounds-Park	1,262.40	The Cosgrave Company
45795	7270-30-10	Insurance-Park	34.43	Travelers
45796	8140-30-10	R&M Equipment-Park	584.06	Ty's Outdoor Power & Service
45783	7340-30-10	Waste Disposal-Park	166.48	Waste Connections
<b>Total</b>			<b>10,825.39</b>	
<b>Community Building</b>				
45746	4950-40-10	Rent-Community Building	150.00	Cronican, Kari
45752	7480-40-10	Janitorial-Community Building	240.00	Executive Janitorial Corporation
45759	8130-40-10	R&M Building-Community Bldg	36.47	Home Depot
45759	8030-40-10	Supplies-Community Bldg	82.44	Home Depot
45760	4950-40-10	Rent-Community Building	109.02	Hudson, Rock & Rucker, Miranda
45769	7320-40-10	Natural Gas-Community Bldg	90.30	MUD
EFTPS	7270-40-10	Insurance-Community Bldg	1,218.20	Nebraska Assigned Risk Pool
45782	7310-40-10	Electricity-Community Bldg	131.12	OPPD
45792	8130-40-10	R&M Building-Community Bldg	89.11	Springfield Ace Hardware
45795	7270-40-10	Insurance-Community Bldg	18.55	Travelers
45798	7280-40-10	Laundry-Community Bldg	190.44	Walkers Uniform Rental
45783	7340-40-10	Waste Disposal-Community Bldg	63.15	Waste Connections
<b>Total</b>			<b>2,418.80</b>	
<b>Water</b>				
45732	6084-50-20	Aflac-Water	29.12	Aflac
45734	6084-50-20	Aflac-Water	9.75	Ameritas Life Insurance

45740	8120-50-20	Fuel-Water	101.84	BRP Investments
45828	6080-50-20	Health Insurance-Water	12.98	Delta Dental
45762	9155-50-20	GIS-Water	3,760.00	JEO Consulting Group
45765	9090-50-20	New Well-Water	4,260.00	Layne Christensen Company
45768	7420-50-20	Testing-Water	58.52	Midwest Laboratories
45770	8030-50-20	Supplies-Water	2,188.39	Municipal Supply
45770	9042-50-20	Meter Upgrades	9,402.60	Municipal Supply
45771	7045-50-20	Prof Svcs-Tech Support-Water	2,086.61	Municipal Supply
45773	7420-50-20	Testing-Water	36.00	NE Public Health Environmental Lab
EFTPS	7270-50-20	Insurance-Water	3,840.44	Nebraska Assigned Risk Pool
45778	7330-50-20	Telephone-Water	208.60	NT&T
45780	9090-50-20	New Well-Water	2,381.20	Olsson
45748	7430-50-20	Digger's Hotline-Water	74.92	One Call Concepts
45782	7310-50-20	Electricity-Water	945.21	OPPD
45827	6080-50-20	Health Insurance-Water	36.05	Principal Financial
45795	7270-50-20	Insurance-Water	55.56	Travelers
45817	7230-50-20	Postage/Shipping-Water	162.40	US Postal Service
45797	7330-50-20	Telephone-Water	33.65	Verizon Wireless
<b>Total</b>			<b>29,683.84</b>	
<b>Sewer</b>				
45732	6084-60-30	Aflac-Sewer	29.12	Aflac
45734	6084-60-30	Aflac-Sewer	9.75	Ameritas Life Insurance
45740	8120-60-30	Fuel-Sewer	204.40	BRP Investments
45828	6080-60-30	Health Insurance-Sewer	122.76	Delta Dental
45762	9155-60-30	GIS-Sewer	3,760.00	JEO Consulting Group
45768	7420-60-30	Testing-Sewer	485.00	Midwest Laboratories
45771	7045-60-30	Prof Svcs-Tech Support-Sewer	2,086.60	Municipal Supply
EFTPS	7270-60-30	Insurance-Sewer	2,890.65	Nebraska Assigned Risk Pool
45780	7010-60-30	Prof Svcs-Engineer-Sewer	544.62	Olsson
45782	7310-60-30	Electricity-Sewer	2,549.38	OPPD
45827	6080-60-30	Health Insurance-Sewer	83.58	Principal Financial
45691	7290-60-30	Uniforms Allowance-Sewer	100.00	Special Tee's Screenprinting
45792	8030-60-30	Supplies-Sewer	13.99	Springfield Ace Hardware
45795	7270-60-30	Insurance-Sewer	42.17	Travelers
45817	7230-60-30	Postage/Shipping-Sewer	162.40	US Postal Service
45797	7330-60-30	Telephone-Sewer	23.38	Verizon Wireless
<b>Total</b>			<b>13,107.80</b>	
<b>Street</b>				
45736	8130-70-40	R&M Building-Street	650.00	Big Red Lighting & Electrical
45738	8140-70-40	R&M Equipment-Street	104.08	BOO (Bobcat of Omaha)
45740	8120-70-40	Fuel-Street	651.94	BRP Investments
45777	9040-70-40	Tools & Misc Equip-Street	131.90	Capital One Trade Credit
45828	6080-70-40	Health Insurance-Street	138.41	Delta Dental
45749	8140-70-40	R&M Equipment-Street	183.28	Dultmeier Sales
45759	9040-70-40	Tools & Misc Equip-Street	23.96	Home Depot
45759	8030-70-40	Supplies-Street	32.94	Home Depot
45759	8140-70-40	R&M Equipment-Street	54.07	Home Depot
45759	8130-70-40	R&M Building-Street	96.47	Home Depot

45762	9155-70-40	GIS-Street	3,210.00	JEO Consulting Group
45763	9037-70-40	Heavy Machinery-Street	71,000.00	John Deere Financial
45766	8030-70-40	Supplies-Street	14.99	Menards
45766	8160-70-40	R&M Grounds-Street	60.69	Menards
45766	8130-70-40	R&M Building-Street	75.96	Menards
45766	8140-70-40	R&M Equipment-Street	108.27	Menards
45766	9040-70-40	Tools & Misc Equip-Street	196.67	Menards
45772	8140-70-40	R&M Equipment-Street	101.94	Mill Creek Auto Parts
45772	8030-70-40	Supplies-Street	256.85	Mill Creek Auto Parts
45769	7320-70-40	Natural Gas-Street	189.48	MUD
EFTPS	7270-70-40	Insurance-Street	5,223.81	Nebraska Assigned Risk Pool
45778	7330-70-40	Telephone-Street	138.83	NT&T
45779	8030-70-40	Supplies-Street	47.99	ODP Business Solutions
45779	9010-70-40	Office Equip-Street	129.00	ODP Business Solutions
45781	9083-70-40	Main Street Paving	242,043.13	OMG Midwest
45782	7310-70-40	Electricity-Street	2,333.17	OPPD
45784	8140-70-40	R&M Equipment-Street	84.98	Pomp's Tire Service
45827	6080-70-40	Health Insurance-Street	152.02	Principal Financial
45691	7290-70-40	Uniform Allowance-Street	150.00	Special Tee's Screenprinting
45742	7455-70-40	Internet-Street	124.74	Spectrum
45792	8130-70-40	R&M Building-Street	26.97	Springfield Ace Hardware
45792	9040-70-40	Tools & Misc Equip-Street	83.92	Springfield Ace Hardware
45792	8140-70-40	R&M Equipment-Street	99.05	Springfield Ace Hardware
45795	7270-70-40	Insurance-Street	75.05	Travelers
45797	7330-70-40	Telephone-Street	23.38	Verizon Wireless
45798	7290-70-40	Uniform Allowance-Street	19.02	Walkers Uniform Rental
45783	7340-70-40	Waste Disposal-Street	63.15	Waste Connections
45757	8140-70-40	R&M Equipment-Street	117.86	Wulf, Jim
<b>Total</b>			<b>328,217.97</b>	
<b>Keno</b>				
45755	9175-80-70	Community Bldg-Keno	4,212.59	Floors Inc
<b>Total</b>			<b>4,212.59</b>	
		Water Deposit Refunds	972.38	
		Payroll	61,792.24	
		VOYA Retirement ER	5,251.74	
		Medical Reimbursement	1,526.22	

## Regular Agenda

**Agenda Item 1.** Council reviewed the Sarpy County Sheriff's monthly service report.

**Agenda Item 2.** Josh Charvat with Grow Sarpy reviewed the 1<sup>st</sup> Quarter Report. He said Grow Sarpy has 8 new projects to market. Nebraska still has the lowest unemployment rate in the nation, with at least 1,000 new jobs to come this holiday season. Herzog asked if we should be concerned about economic development with the increase in interest rates. Charvat stated that we currently have no concern on demand or drop off. Herzog then asked if there are too many warehouses going up and if there any issues with too much available space. Charvat said that at this point we are still playing catch up.

**Agenda Item 3.** A Public Hearing of the Springfield City Council was opened at 7:09 p.m. to consider an application filed by Laura and Justin Huscroft, property owners and subdividers, for preliminary and final plats for Lot 5, Prairie Toehold Replat 1, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and generally located at 13248 Birchwood Plaza, Springfield, Nebraska. Kathleen Gottsch, City Administrator, reviewed the preliminary and final plats and discussed the status of the subdivision agreement amendment. Bill Knight subdivider’s engineer with Lamp Rynearson said that he designed the subdivision under ghost plating requirements. Knight stated that per covenants Lot 5 is not responsible for maintenance of any of the access easements because they were under the impression that not all of the access easements had to be constructed at this time. Matt Mangelsen, developer of the subdivision, said his dad and siblings bought the property in order for his family to move back to Springfield. Mangelsen stated he was told back in 2016 that the roads did not have to go in with ghost plating. The access easements were put into place for future development. After all those wishing to speak were offered an opportunity to be heard, the Mayor recommended the hearing be closed. Motion by Herzog, seconded by Neitzel, to close the public hearing. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:27 p.m.

**Agenda Item 4.** Council Member Murtha introduced **Resolution 2022-22** and moved its adoption with an amendment to remove the date at which the access easements are to be improved but to include language that the access easements shall be constructed when the adjacent property to the south is further developed. Council Member Herzog seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-22**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA APPROVING THE FIRST AMENDMENT TO SUBDIVISION AGREEMENT AND PRELIMINARY AND FINAL PLATS FOR LOT 5, PRAIRIE TOEHOLD REPLAT 1, A SUBDIVISION AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA, AND GENERALLY LOCATED AT 13248 BIRCHWOOD PLAZA, SPRINGFIELD, NEBRASKA.

WHEREAS, Laura and Justin Huscroft, Owners, and MDM Mangelsen, LLC, Developer, of the above described property have made application for approval of a preliminary and final plat for Lot 5, Prairie Toehold Replat 1; and

WHEREAS, the city planner, city engineer, city attorney, city administrator and other agencies have reviewed such application; and

WHEREAS, the Springfield Planning Commission held a public hearing on May 10, 2022, regarding the application and has made a recommendation of approval to the City Council of the preliminary and final plats for Lot 5, Prairie Toehold Replat 1, as it meets the general requirements of the zoning ordinance and subdivision regulations; and

WHEREAS, the City Council of the City of Springfield held a public hearing regarding such application on June 7, 2022, and is agreeable to the approval of the preliminary and final plats for Lot 5, Prairie Toehold Replat 1, contingent upon final approval of the First Amendment to Subdivision Agreement for said development and completion of the conditions identified in the agreement.



NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Springfield hereby approves the preliminary plat and final plat of Lot 5, Prairie Toehold Replat 1, contingent upon (1) the developer executing the final plat attached hereto as Exhibit "A," and (2) final approval of the First Amendment to Subdivision Agreement for said development and completion of the conditions identified in the agreement.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Springfield hereby approves and authorizes the Mayor to enter into the First Amendment to Subdivision Agreement, with MDM Mangelsen, LLC, for Prairie Toehold contingent upon (1) the developer executing the final plat attached hereto as Exhibit "A" and (2) the developer executing the First Amendment to Subdivision Agreement attached hereto as Exhibit "B."

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Springfield hereby approves the Second Amendment to the Declaration of Covenants, Easements and Restrictions for Prairie Toehold attached hereto as Exhibit "C."

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF JUNE, 2022.

City Council Member Murtha moved the adoption of said resolution.

City Council Member Herzog seconded the motion.

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 5.** Craig Reinsch, city water engineer with Olsson, reviewed history of the well project dating back to the March 2014 test well. Nitrate levels were 2.0-2.5 in 2014 from the test well. Levels are now at 3 which is good. He noted that the city's SRF Loan with NDHHS includes 20% loan forgiveness and the interest rate decreased from 2.5% to 1%. Interest will start accruing once the project is complete. Reinsch reviewed the one bid received from Judd Bros. He noted that the bid included four separate bid sections for different parts of the project. Reinsch said the original bid was \$2,527,150.50 but it is now \$2,522,146.50 after his review noted a couple of discrepancies in quantities. The engineer's estimate was \$2,200,000.00. The bid also includes a dry hole price, which means that if any issues arise with the well once it is drilled, the city can walk away from the project and abandon the well for that set price. A preconstruction meeting will be scheduled for mid to late July. Substantial completion is due August 1, 2023, with final completion in October of 2023. Motion by Herzog, seconded by Murtha, to approve the bid from Judd Bros in the amount of \$2,522,146.50 for the new well project contingent upon DWSRF review. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 6.** Council Member Murtha introduced **Resolution 2022-23** and moved its adoption. Council Member Neitzel seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-23**

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

WHEREAS, the City of Springfield, Nebraska, a Municipal Corporation, and Olsson, Inc. wish to enter into a Letter Agreement Amendment #3 through which Olsson shall provide construction administration, construction observation and post construction services associated with the New Well Project; and

WHEREAS, Olsson agrees to provide these services on a time-and-expense basis not to exceed \$138,415.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Mayor is authorized to enter into the Letter Agreement Amendment #3 attached hereto as Exhibit "A".

PASSED AND APPROVED THIS 7<sup>TH</sup> DAY OF JUNE, 2022.

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

Record of Vote:

Ayes: Neitzel, Herzog, Murtha, Craney

Nays: None

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

Approved: Robert Roseland, Mayor

SEAL

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 7.** Kirk Myers, Kracklin' Kirks Fireworks, reported that the insurance language should have required a \$1 Million per occurrence and \$2 Million aggregate insurance policy, not a \$2 Million per occurrence only. Council Member Herzog introduced **Resolution 2022-24** and moved its adoption. Council Member Murtha seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-24**

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

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

WHEREAS, the City of Springfield, Nebraska, a Municipal Corporation, and Kracklin' Kirks Fireworks, entered into a Short-Term Facilities License Agreement on May 17, 2022, for Kracklin' Kirks Fireworks use of city-owned property for the operation of a fireworks stand; and

WHEREAS, the Short-Term Facilities License Agreement is amended to require a commercial insurance limit of a minimum \$1,000,000 per each occurrence instead of the original \$2,000,000 per occurrence limit.

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

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

Introduced and Passed this 7<sup>th</sup> day of June, 2022.

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

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

Resolution adopted, signed and billed as adopted.

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

Motion by Herzog, seconded by Neitzel, to move agenda items 10-13 after agenda item 7. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 10.** Motion by Murtha, seconded by Herzog, to approve Pay Application No. 4 in the amount of \$242,043.13 to Omni Engineering for services performed on Main Street and Platteview Road improvements. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 11.** Motion by Herzog, seconded by Murtha, to accept the Certificate of Substantial Completion for Main Street and Platteview Road Improvements. AYES: Neitzel, Herzog, Mutha, Craney. NAYS: None. Motion carried.

**Agenda Item 12.** Jay Spearman with Piper Sandler reviewed the call of Bond Anticipation Notes (BANS) and issuance of a final bond for the Main Street and Platteview Road Improvements. Council Member Neitzel introduced **Resolution 2022-25** and moved its adoption. Council Member Herzog seconded the foregoing motion and on roll call on the passage and adoption of said resolution, the following voted YEA: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION  
2022-25**

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

Section 1. That the following notes issued by the City of Springfield, Nebraska are hereby called for redemption at par plus accrued interest to the extent and on such date as set forth in the Designation of Call Date (as defined below):

Street Improvement Bond Anticipation Notes, Series 2021, dated July 14, 2021, in the outstanding principal amount of \$985,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$985,000	December 15, 2022	851077 HL4

Section 2. Said notes are payable at the office of the Treasurer of the City of Springfield, Nebraska, as Paying Agent and Registrar, in Springfield, Nebraska.

Section 3. The Mayor or the City Clerk of the City (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this Resolution to determine the call date for said notes on behalf of the City and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the City without further action of the Mayor and Council of the City. The Call Date shall be set for any time on or the date of this Resolution, provided, however, that on and after December 31, 2022, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this Resolution shall be of no further force and effect.

Section 4. A copy of this Resolution shall be filed with the Treasurer of the City of Springfield, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said notes and in accordance with the Designation of Call Date.

PASSED AND APPROVED this 7 day of June, 2022.

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

Record of Vote:

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

Resolution adopted, signed and billed as adopted.

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

**Agenda Item 13.** Council Member Murtha introduced **Ordinance No. 1102** entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2022, OF THE CITY OF SPRINGFIELD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) TO PAY THE COST OF CONSTRUCTING PAVING AND RELATED IMPROVEMENTS IN CERTAIN STREET IMPROVEMENT DISTRICTS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; 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 Craney seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Neitzel, Herzog, Murtha Craney. The following voted NAY: None. The following were ABSENT: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by title and thereafter Council Member Murtha moved for final passage of the ordinance, which motion was seconded by Council Member Herzog. The Mayor then stated the question "Shall Ordinance No. 1102 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The following were ABSENT: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### **ORDINANCE NO. 1102**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE BONDS, SERIES 2022, OF THE CITY OF SPRINGFIELD, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000) TO PAY THE COST OF CONSTRUCTING PAVING AND RELATED IMPROVEMENTS IN CERTAIN STREET IMPROVEMENT DISTRICTS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; 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 CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. The Mayor and Council find and determine:

(a) That pursuant to an ordinance heretofore duly enacted and proceedings duly had, Street Improvement District Nos. 2021-1 and 2021-2 were duly created in the City and street and related improvements were constructed therein which have been completed and have been, and hereby are, accepted by the City;

(b) That the cost of said street improvements in said districts as certified by the engineers, together with the costs of issuance of the bonds, is found to be not less than \$1,300,000, and the City has taken all preliminary steps required for the issuance of up to \$1,300,000 in combined principal amount of its Intersection Paving Bonds under Section 17-520, R.R.S. Nebraska 2012, and its District Improvements Bonds of said District under Section 17-516, R.R.S. Nebraska 2012;

(c) That pursuant to authority granted by Sections 18-1801 and 18-1802, R.R.S. Nebraska 2012, the City may combine proposed bond issues into a single bond issue to be designated "Various Purpose Bonds", and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of General Obligation Various Purpose Bonds, Series 2022, of the City of Springfield, Nebraska, in the principal amount of not to exceed \$1,300,000 have been done in due form and time as required by law;

(d) That to pay a portion of the cost of the improvements described above, the City has issued Street Improvement Bond Anticipation Notes, Series 2021, dated July 14, 2021, in the aggregate principal amount of \$985,000, which mature on December 15, 2022, and the City will pick up and pay said notes with the proceeds of the General Obligation Various Purpose Bonds, Series 2022; and

(e) That the balance of the proceeds will be used to pay the remaining costs of the improvements described above and costs of issuance.

Section 2. For the purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued General Obligation Various Purpose Bonds, Series 2022, dated the date of delivery, in the combined principal amount of not to exceed \$1,300,000 (the "Bonds") with the Bonds to become due as set out in the Bond Purchase Agreement (the "Agreement"), *provided* that the Bonds mature in the principal amounts and bear interest at the rates per annum as shall be determined in the Agreement signed by the Mayor or the City Clerk (each, an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and which may be agreed to by Piper Sandler & Co., which Agreement may also determine or modify the principal amount for each maturity of the Bonds, mandatory redemption provisions (if any), and pricing terms, all within the following limitations:

- (a) The aggregate principal amount of the Bonds shall not exceed \$1,300,000;
- (b) The total interest cost (TIC) of the Bonds shall not exceed 5.50%;
- (c) The underwriter's discount shall not exceed 1.50%; and
- (d) The longest maturity of the Bonds shall not be longer than twenty years.

An Authorized Officer shall be authorized to enter into an Agreement within the above parameters without further action of the Mayor and Council, provided, however, that on and after December 31, 2022, the Authorized Officers shall have no authority without further action of the Mayor and Council of the City. 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 payable semiannually upon such dates as shall be designated in the Agreement. 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 said 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, in Springfield, Nebraska, is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor may, in his or her discretion, appoint the City Treasurer or some other 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 to sign an agreement with the Paying Agent as may be necessary from time to time to provide for such services. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar or the office of any duly-appointed successor, as applicable. 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 on or after the fifth anniversary of the 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 issue, at par 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. Any Bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal 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 payment 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 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 or village where the principal 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 the proceedings 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 office of the Auditor of Public Accounts of the State of Nebraska. 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 (which may include any “blanket” letter previously executed and delivered), for and on behalf of the City, 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 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.



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 \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_ in each year, starting \_\_\_\_\_, 2022. 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 wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar 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 and Registrar, in Springfield, Nebraska. 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 \_\_\_\_\_, 202\_\_, in whole or in part, on \_\_\_\_\_, 2027, 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 paying the cost of street and related improvements constructed in Street Improvement District Nos. 2021-1 and 2021-2 of the City, which have been completed and have been accepted by the City, and the City has taken all preliminary steps required for the issuance of \$\_\_\_\_\_ in District Improvement Bonds and/or Intersection Paving Bonds and/or Paving Bonds in compliance with Sections 17-516 and 17-520 R.R.S. Nebraska 2012. The issuance of said bonds has been authorized by an ordinance duly enacted by a vote of not less than three-fourths of all members of the City Council and published as provided by law, all in strict compliance with Sections 10-142, 17-516, 17-520, 18-1801 and 18-1802, R.R.S. Nebraska 2012, as amended.

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.

The City Treasurer., as Paying Agent  
and Registrar

By: \_\_\_\_\_ (Do not sign)  
Treasurer

(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 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 the purchase price for the Bonds as set forth in the Agreement 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 9. 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 the City, in addition to all other taxes, sufficient in rate and amount to pay the interest on the Bonds herein authorized as the same becomes due and to create a sinking fund to pay the principal of said Bonds when and as such principal becomes due.

Section 10. The City Council hereby authorizes the Mayor and City Clerk, or either of them, to approve and declare final on behalf of the City the preliminary Official Statement prepared with respect to the Bonds and hereby authorizes the Mayor and Clerk or either of them to approve and deliver on behalf of the City a final Official Statement relating to and describing the Bonds. 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 11. 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 12. The City of Springfield, Nebraska, 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 2022 in an amount in excess of \$10,000,000.

Section 13. 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 policy and procedures attached hereto as Exhibit “A” (the “Post-Issuance Compliance Policy and Procedures”) are hereby adopted and

approved. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

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

PASSED AND APPROVED this 7<sup>th</sup> day of June, 2022.

Robert Roseland, Mayor  
(SEAL)

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 8.** Ryan Fisher, 755 North 5<sup>th</sup> Avenue, was unable to attend; however, Council considered his request to amend Springfield Municipal Code to allow golf carts to be operated on city streets. Motion by Herzog to deny the request to amend Springfield Municipal Code to allow golf carts to be operated on city streets. Motion died due to the lack of a second. Murtha provided the Council with information from the City of Louisville regarding their allowance and regulation of golf carts. Council requested additional time to further research this item.

**Agenda Item 9.** Council reviewed plans submitted by Midland Garage Door, as well as the HCO review report from Marvin Larson with JEO. Midland Garage Door inquired if their footing/foundation permit could be approved even though the site plan was not in compliance with the HCO regulations yet. Council denied their request to issue the footing/foundation permit prior to the HCO being approved. Motion by Herzog, seconded by Neitzel, to table agenda item 9, regarding approval of Highway Corridor Overlay District Design Review for Lot 4, Springfield Commerce, until the June 21, 2022, Council meeting. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 14.** Motion by Murtha, seconded by Herzog, to approve the BlueCross BlueShield Health Insurance Renewal with a 12.09% premium increase. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 15.** Motion by Murtha, seconded by Craney, to appoint Heath Shemek, Tyler Holdorf, Kathleen Gottsch, Andie Ledenbach, Mike Herzog and Dan Craney to the Safety Committee. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 16.** Motion by Herzog, seconded by Neitzel, to approve a 3% annual merit increase to Jean Latham, Library Aide. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 17.** Motion by Herzog, seconded by Murtha, to table agenda item 17, regarding Barb Henninger's annual review and proposed merit increase, until the June 21, 2022, Council meeting. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

### **Department Reports**

**Agenda Item 1.** Neitzel reported that the GIS survey work is almost done. The water department has approximately 20-24 non-working water meters left to replace. Heath Shemek, Water/Sewer Operator, recommends the city purchase more water meters to have on hand for all the new homes being constructed.



**Agenda Item 2.** Herzog reported that the used book sale at the library made approximately \$450. This coming Friday, June 10 there will be a hotdog dinner and movie night at the library for Springfield Days. The library is also working on a community needs and response plan.

**Agenda Item 3.** Murtha reported that the splash pad is on. The memorial stone for Mike Dill is now up in Urban Park. Tyler Holdorf, Parks Director, is working on getting a new spring rider for City Park to replace one that is broken. She also reported that Legion baseball has started.

**Agenda Item 4.** Craney reported that he heard from the community that we may have a feral cat problem. Staff will contact the Humane Society to see what can be done about the situation.

**Agenda Item 5.** No Department Report from Mayor Roseland.

**Agenda Item 6.** Kathleen Gottsch, City Administrator, reported that there is a handicap parking sign on the west side of the Community Building which is on the same side of the street that there are no parking signs. Council authorized staff to remove the handicap parking sign on the west side of the Community Building since there is already a handicap parking space on the south side of the building. Gottsch reported that SYAA requested signs be installed on the baseball fields to let others know that local teams have first right to use the fields. There have been some issues when Springfield teams come to practice or play and other teams from outside Springfield are using the fields. Council requested this item be placed on a future agenda for consideration. Gottsch also reported that SYAA informed City Hall that there have been people smoking in the bathrooms in City Park, and even putting the used butts in the trash in the bathroom. Council authorized staff to order “No Smoking” signs for the bathrooms. Gottsch reported that a portion of Platteview Road will be closed starting June 13 for approximately 40 days as work commences on Hwy 50 and Platteview Road intersection improvements and the permanent traffic light. Gottsch reported that when people are renting the Community Building for parties, receptions or family get together that they are not wanting to clean the night of the event and have asked to come in the next day; however, some renters don’t want to come in during the morning hours but want to clean later in the day which affects renting the building to other customers. Council said renters would need to rent the building for the entire day if they need extra time to clean up. Gottsch asked what the Council’s thoughts were on adding more small data center developments north of town, west of Hwy 50. Herzog said he wasn’t interested in anymore data centers coming to the area. The other members said they were interested in learning more about potential data center developments.

### **Adjournment**

Motion by Murtha, seconded by Herzog, to adjourn. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 8:53 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 7, 2022; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that

all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

Kathleen Gottsch  
City Clerk