



## **CITY COUNCIL AGENDA**

Tuesday, November 1, 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 October 18, 2022, Council meeting
2. Approve Claims and Payroll
3. Approve bid from Ty's Outdoor Power & Service for additional amount of \$947.54 for two new Super Z 72' Kawasaki FX1000 35 HP mowers with two flex forks, and two-13x6.50-6 new solid tires
4. Approve fireworks stand license application from Wild Willy's Fireworks for the New Year's selling period
5. Waive the Community Building rental fee for the Springfield Youth Athletic Association soup supper scheduled for Monday, November 21, to be held in conjunction with Making Spirits Bright – A Springfield Holiday Tradition
6. Close Main Street from 9<sup>th</sup> Street to 1<sup>st</sup> Street for the parade of lights and close North 2<sup>nd</sup> Street from Main Street north to the alley adjacent to the Post Office for the tree lighting ceremony as part of Making Spirits Bright – A Springfield Holiday Tradition
7. Approve Pay Application No. 2 in the amount of \$365,705.64 to Judd Bros Construction Co. for services performed on Municipal Water Well and Improvements

### **REGULAR AGENDA**

1. Sarpy County Sheriff's Monthly Service Report

2. Consider request from Austin Arens, 765 N 1<sup>st</sup> Street, to plant a tree with marker near the leaf structure in Springfield Creek Trails and Recreation Area in honor of his unborn daughter
3. Conduct a **Public Hearing** to consider text amendments to Section 2.03 Definitions of the Springfield Zoning Ordinance to add definitions for Special Event and Special Event Venue
4. Consider approval of **Ordinance No. 1124** AN ORDINANCE TO AMEND ARTICLE 2 “DEFINITIONS”, SECTION 2.03 “DEFINITIONS”, SUBSECTION 2.03.19 “S” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD DEFINITIONS FOR SPECIAL EVENT AND SPECIAL EVENT VENUE; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF
5. Conduct a **Public Hearing** to consider text amendments to Section 9.04.01 Fences and Retaining Walls, General Provisions-Residential of the Springfield Zoning Ordinance to revise fence requirements for street side yards in residential districts
6. Consider approval of **Ordinance No. 1125** AN ORDINANCE TO AMEND ARTICLE 9 “LANDSCAPING AND FENCING REQUIREMENTS”, SECTION 9.04 “FENCES AND RETAINING WALLS”, SUBSECTION 9.04.01 GENERAL PROVISIONS-RESIDENTIAL OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO REVISE FENCE REQUIREMENTS FOR STREET SIDE YARDS IN RESIDENTIAL DISTRICTS; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF
7. Consider approval of **Resolution 2022-45** entering into a Maintenance Agreement Renewal with the Nebraska Department of Roads for the period January 1, 2023 to December 31, 2023
8. Consider approval of **Resolution 2022-46** authorizing the Mayor to sign the Year-End Certification of City Street Superintendent Form for 2022
9. Consider approval of payment of \$360.70 for taxes due on Urban Park property
10. **Tabled October 18, 2022**, Consider purchase of a new flagpole for Buffalo Park
11. Continue discussions regarding the city acquiring the SSAP soccer complex

#### **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, November 1, 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 Murtha, to approve the Consent Agenda. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Claims and Payroll:**

<b>Check #</b>	<b>Account ID</b>	<b>Account Description</b>	<b>Debit Amount</b>	<b>Name</b>
<b>General</b>				
46309	6084-10-10	Aflac-Gen	243.38	Aflac
46311	7205-10-10	Subscriptions-Gen	450.00	American Legal Publishing
46371	6084-10-10	Aflac-Gen	68.60	Ameritas
46286	6080-10-10	Health Insurance-Gen	2,875.73	BlueCross BlueShield
46366	7045-10-10	Prof Svcs-Tech Support-Gen	695.50	Core Technologies
46284	6080-10-10	Health Insurance-Gen	122.77	Delta Dental
46319	8140-10-10	R&M Equipment-Gen	121.46	Eakes Office Solutions
46320	7480-10-10	Janitorial-Gen	240.00	Executive Janitorial
46321	9040-10-10	Tools & Misc Equip-Gen	98.00	First National Bank
46321	7205-10-10	Subscriptions-Gen	5.00	First National Bank
46321	7045-10-10	Prof Svcs-Tech Support-Gen	16.03	First National Bank
46321	7330-10-10	Telephone-Gen	186.61	First National Bank
46322	8140-10-10	R&M Equipment-Gen	126.29	Five Points Bank
46328	8030-10-10	Supplies-Gen	26.61	Home Depot
46328	8130-10-10	R&M Building-Gen	49.66	Home Depot
46329	7030-10-10	Prof Svcs-Planning-Gen	806.25	JEO Consulting Group
46333	8010-10-10	Office Supplies-Gen	80.87	Ledenbach, Andrea
46341	7320-10-10	Natural Gas-General	43.74	MUD
46368	7270-10-10	Insurance-Gen	75.09	Nebraska Assigned Risk Pool
46344	8010-10-10	Office Supplies-Gen	536.25	ODP Business Solutions
46345	7010-10-10	Prof Svcs-Engineer-Gen	180.00	Olsson

46347	7310-10-10	Electricity-Gen	232.59	OPPD
46287	6080-10-10	Health Insurance-Gen	152.52	Principal Financial
46348	7025-10-10	Prof Svcs-CPA-Gen	6,100.00	Ric Ortmeier, CPA
EFTPS 11/18/2022	7045-10-10	Prof Svcs-Tech Support-Gen	1,279.50	Sage Software
EFTPS 11/18/2022	8010-10-10	Office Supplies-Gen	1,279.50	Sage Software
46350	7046-10-10	Prof Svcs-Building Inspector	11,109.66	Sarpy County Building Inspector
46351	7060-10-10	Animal Control-Gen	399.00	Sarpy County Fiscal Administrator
46365	8200-10-10	Miscellaneous-Gen	360.70	Sarpy County Treasurer
46352	7050-10-10	Law Contract-Gen	9,771.00	Sarpy County Treasurer
46354	9310-10-10	Nuisance Abatement-Gen	187.50	Seidler & Seidler, P.C.
46354	7020-10-10	Prof Svcs-Legal-Gen	3,038.30	Seidler & Seidler, P.C.
46317	7455-10-10	Internet-Gen	127.97	Spectrum
46360	7270-10-10	Insurance-Gen	604.48	USI Insurance Services
46363	7280-10-10	Laundry-Gen	109.54	Walkers Uniform Rental
<b>Total</b>			<b>41,800.10</b>	
<b>Sales Tax</b>				
46283	9089-15-10	Community Events-Sales Tax	5,600.00	Brite Ideas
46324	9089-15-10	Community Events-Sales Tax	69.23	Gottsches, Kathleen
<b>Total</b>			<b>5,669.23</b>	
<b>Library</b>				
46310	8060-20-10	Books/Videos/Maps-Lib	837.71	Amazon/SYNCB
46371	6084-20-10	Aflac-Lib	26.40	Ameritas Life
46313	8060-20-10	Books/Videos/Maps-Lib	233.60	Baker & Taylor
46286	6080-20-10	Health Insurance-Lib	1,720.87	BlueCross BlueShield
46284	6080-20-10	Health Insurance-Lib	51.90	Delta Dental
46328	8160-20-10	R&M Grounds-Lib	27.96	Home Depot
46330	8060-20-10	Books/Videos/Maps-Lib	65.95	Kid's Reference Company
46332	8060-20-10	Books/Videos/Maps-Lib	150.93	Lakeview Books
46338	8060-20-10	Books/Videos/Maps-Lib	131.78	MicroMarketing
46339	8060-20-10	Books/Videos/Maps-Lib	251.40	MidAmerica Books
46341	7320-20-10	Natural Gas-Lib	59.31	MUD
46368	7270-20-10	Insurance-Lib	75.09	Nebraska Assigned Risk Pool
46369	7330-20-10	Telephone-Lib	62.00	NT&T
46347	7310-20-10	Electricity-Lib	214.32	OPPD
46287	6080-20-10	Health Insurance-Lib	0.25	Principal Financial
46353	7480-20-10	Janitorial-Lib	375.00	Schmieder, Marcie
46357	8160-20-10	R&M Grounds-Lib	135.73	The Rock Place II
46356	7455-20-10	Internet-Lib	59.99	Time Warner Cable
46360	7270-20-10	Insurance-Lib	264.42	USI Insurance Services
46349	7340-20-10	Waste Disposal-Lib	26.24	Waste Connections
<b>Total</b>			<b>4,770.85</b>	
<b>Library Restricted</b>				
46310	8070-21-10	Library Supplies-Lib Rest	389.86	Amazon/SYNCB
46314	8070-21-10	Library Supplies-Lib Rest	82.09	Brodart
46323	8060-21-10	Books/Videos/Maps-Lib Rest	64.41	Cengage Learning/Gale

46316	8060-21-10	Books/Videos/Maps-Lib Rest	91.68	Center Point Large Print
46322	9010-21-10	Office Equipment Lib Rest	93.51	Five Points Bank
46338	8060-21-10	Books/Videos/Maps-Lib Rest	76.29	MicroMarketing
<b>Total</b>			<b>797.84</b>	
<b>Park</b>				
46286	6080-30-10	Health Insurance-Park	1,049.12	BlueCross BlueShield
46364	8120-30-10	Fuel-Park	139.41	BRP Investments
46315	8120-30-10	Fuel-Park	722.53	BRP Investments
46284	6080-30-10	Health Insurance-Park	25.95	Delta Dental
46368	7270-30-10	Insurance-Park	262.82	Nebraska Assigned Risk Pool
46347	7310-30-10	Electricity-Park	527.87	OPPD
46287	6080-30-10	Health Insurance-Park	105.75	Principal Financial
46355	8150-30-10	R&M Vehicle-Park	21.96	Springfield Ace Hardware
46359	8150-30-10	R&M Vehicle-Park	820.89	Ty's Outdoor Power & Service
46360	7270-30-10	Insurance-Park	389.09	USI Insurance Services
46349	7340-30-10	Waste Disposal-Park	167.41	Waste Connections
<b>Total</b>			<b>4,232.80</b>	
<b>Community Bldg</b>				
46320	7480-40-10	Janitorial-Community Building	230.00	Executive Janitorial
46325	4950-40-10	Rent-Community Building	40.00	Guffey, Terry
46328	8160-40-10	R&M Grounds-Comm Bldg	27.95	Home Depot
46341	7320-40-10	Natural Gas-Community Bldg	85.56	MUD
46368	7270-40-10	Insurance-Community Bldg	18.77	Nebraska Assigned Risk Pool
46347	7310-40-10	Electricity-Community Bldg	126.04	OPPD
46355	8030-40-10	Supplies-Community Bldg	31.50	Springfield Ace Hardware
46357	8160-40-10	R&M Grounds-Comm Bldg	135.72	The Rock Place II
46360	7270-40-10	Insurance-Community Bldg	204.97	USI Insurance Services
46363	7280-40-10	Laundry-Community Bldg	163.19	Walkers Uniform Rental
46349	7340-40-10	Waste Disposal-Community Bldg	63.50	Waste Connections
<b>Total</b>			<b>1,127.20</b>	
<b>Water</b>				
46309	6084-50-20	Aflac-Water	29.12	Aflac
46371	6084-50-20	Aflac-Water	9.75	Ameritas Life
46286	6080-50-20	Health Insurance-Water	1,571.29	BlueCross BlueShield
46364	8120-50-20	Fuel-Water	52.35	BRP Investments
46315	8120-50-20	Fuel-Water	126.09	BRP Investments
46364	8110-50-20	Chemicals-Water	155.34	BRP Investments
46315	8110-50-20	Chemicals-Water	179.64	BRP Investments
46284	6080-50-20	Health Insurance-Water	12.97	Delta Dental
46326	7045-50-20	Prof Svcs-Tech Support-Water	1,420.50	GIS Workshop
46329	9155-50-20	GIS-Water	2,618.75	JEO Consulting Group
46331	9090-50-20	New Well-Water	365,705.64	Judds Bros. Construction
46340	7420-50-20	Testing-Water	245.67	Midwest Laboratories
46342	7420-50-20	Testing-Water	34.00	NE Public Health Environmental Lab
46368	7270-50-20	Insurance-Water	450.55	Nebraska Assigned Risk Pool
46369	7330-50-20	Telephone-Water	224.45	NT&T

46345	9090-50-20	New Well-Water	7,885.11	Olsson
46346	7430-50-20	Digger's Hotline-Water	70.42	One Call Concepts
46347	7310-50-20	Electricity-Water	1,227.11	OPPD
46287	6080-50-20	Health Insurance-Water	53.23	Principal Financial
46355	8110-50-20	Chemicals-Water	869.88	Springfield Ace Hardware
46360	7270-50-20	Insurance-Water	646.16	USI Insurance Services
46361	7330-50-20	Telephone-Water	63.29	Verizon Wireless
<b>Total</b>			<b>383,651.31</b>	
<b>Sewer</b>				
46309	6084-60-30	Aflac-Sewer	29.12	Aflac
46371	6084-60-30	Aflac-Sewer	9.75	Ameritas Life
46286	6080-60-30	Health Insurance-Sewer	1,845.43	BlueCross BlueShield
46315	8030-60-30	Supplies-Sewer	5.19	BRP Investments
46364	8030-60-30	Supplies-Sewer	5.19	BRP Investments
46364	8120-60-30	Fuel-Sewer	52.36	BRP Investments
46315	8120-60-30	Fuel-Sewer	126.09	BRP Investments
46284	6080-60-30	Health Insurance-Sewer	122.77	Delta Dental
46326	7045-60-30	Prof Svcs-Tech Support-Sewer	1,420.50	GIS Workshop
46329	9155-60-30	GIS-Sewer	2,618.75	JEO Consulting Group
46334	9020-60-30	Vehicles-Sewer	995.00	Line-X
46340	7420-60-30	Testing-Sewer	217.50	Midwest Laboratories
46368	7270-60-30	Insurance-Sewer	244.04	Nebraska Assigned Risk Pool
46345	7010-60-30	Prof Svcs-Engineer-Sewer	2,487.49	Olsson
46347	7310-60-30	Electricity-Sewer	2,590.47	OPPD
46287	6080-60-30	Health Insurance-Sewer	66.40	Principal Financial
46359	9020-60-30	Vehicles-Sewer	10,566.45	Ty's Outdoor Power & Service
46360	7270-60-30	Insurance-Sewer	486.36	USI Insurance Services
46361	7330-60-30	Telephone-Sewer	21.58	Verizon Wireless
46362	8140-60-30	R&M Equipment-Sewer	647.50	Waldinger Corporation
<b>Total</b>			<b>24,557.94</b>	
<b>Street</b>				
46286	6080-70-40	Health Insurance-Street	3,249.76	BlueCross BlueShield
46364	8120-70-40	Fuel-Street	1,355.38	BRP Investments
46315	8120-70-40	Fuel-Street	1,529.74	BRP Investments
46284	6080-70-40	Health Insurance-Street	88.67	Delta Dental
46327	8090-70-40	Asphalt & Concrete-Street	15,089.52	Harm's Concrete
46335	8030-70-40	Supplies-Street	683.58	Logan Contractors Supply
46337	8010-70-40	Office Supplies-Street	1.75	Menards
46337	8225-70-40	R&M Street Signs&Posts-Street	6.98	Menards
46336	8030-70-40	Supplies-Street	22.02	Menards
46336	8090-70-40	Asphalt & Concrete-Street	35.91	Menards
46337	8030-70-40	Supplies-Street	41.52	Menards
46336	9040-70-40	Tools & Misc Equip-Street	142.53	Menards
46341	7320-70-40	Natural Gas-Street	125.36	MUD
46368	7270-70-40	Insurance-Street	750.91	Nebraska Assigned Risk Pool
46343	8140-70-40	R&M Equipment-Street	1,376.40	NMC Exchange
46369	7330-70-40	Telephone-Street	142.58	NT&T
46345	7010-70-40	Prof Svcs-Engineer-Street	45.00	Olsson

46347	7310-70-40	Electricity-Street	2,431.48	OPPD
46287	6080-70-40	Health Insurance-Street	110.80	Principal Financial
46317	7455-70-40	Internet-Street	107.98	Spectrum
46355	8140-70-40	R&M Equipment-Street	16.95	Springfield Ace Hardware
46355	8030-70-40	Supplies-Street	175.88	Springfield Ace Hardware
46355	9040-70-40	Tools & Misc Equip-Street	228.52	Springfield Ace Hardware
46358	8090-70-40	Asphalt & Concrete-Street	13,706.00	Travis Moore Construction
46360	7270-70-40	Insurance-Street	878.52	USI Insurance Services
46361	7330-70-40	Telephone-Street	21.57	Verizon Wireless
46363	7290-70-40	Uniform Allowance-Street	20.25	Walkers Uniform Rental
46349	7340-70-40	Waste Disposal-Street	93.20	Waste Connections
<b>Total</b>			<b>42,478.76</b>	
<b>Keno</b>				
46318	9174-80-70	Keno CB Project	6,308.00	Crouch Recreation
46312	9174-80-70	Keno CB Project	2,029.00	TLMV/American Playground
<b>Total</b>			<b>8,337.00</b>	
		Water Deposit Refunds	1,094.29	
		Payroll	65,053.63	
		VOYA Retirement ER	5,964.62	
		Medical Reimbursement	402.26	

**Agenda Item 1.** Lt. Wrigley reviewed the Sarpy County Sheriff’s monthly service report. He said they are going to be getting a new military tribute wrap on a cruiser next year. Also, the Sarpy County Sheriff Department is participating in No Shave November. Each officer can pay \$100 to participate which will then go to charity.

**Agenda Item 2.** Austin Arens, 765 North 1<sup>st</sup> Street, requested permission to plant a tree in honor of his unborn daughter who is due any day now. He would like to plant an oak tree near the leaf structure at Springfield Creek Trails and Recreation Area. A 4x4 treated post with a plastic plaque would be put in front of the tree. Council noted that city staff needs to review plaque wording prior to installation. Motion by Herzog, seconded by Craney, to approve Austin Arens request to plant a tree near the leaf structure in Springfield Creek Trails and Recreation Area conditioned upon him working with city staff on tree location and plaque wording. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 3.** A Public Hearing opened at 7:09 p.m. to consider text amendments to Section 2.03 Definitions of the Springfield Zoning Ordinance to add definitions for Special Event and Special Event Venue. No one from the public spoke in favor of or in opposition to the amendments. Motion by Murtha, seconded by Herzog, to close the public hearing. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:12 p.m.

**Agenda Item 4.** Council Member Murtha introduced Ordinance No. 1124 entitled:

AN ORDINANCE TO AMEND ARTICLE 2 “DEFINITIONS”, SECTION 2.03 “DEFINITIONS”, SUBSECTION 2.03.19 “S” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD DEFINITIONS FOR SPECIAL EVENT AND SPECIAL EVENT VENUE; 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 Herzog seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance. Said ordinance was then read by title and thereafter Council Member 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. 1124 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### **ORDINANCE NO. 1124**

AN ORDINANCE TO AMEND ARTICLE 2 "DEFINITIONS", SECTION 2.03 "DEFINITIONS", SUBSECTION 2.03.19 "S" OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO ADD DEFINITIONS FOR SPECIAL EVENT AND SPECIAL EVENT VENUE; 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 October 11, 2022, the Springfield Planning Commission conducted a public hearing on the matter of amending Section 2.03.19 of the zoning ordinance adding definitions for Special Event and Special Event Venue and reported a recommendation of approval to the City Council. On November 1, 2022, 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 2.03.19 is hereby amended to add the following definitions:

#### **2.03.19 S**

**Special Event** shall mean a celebration, ceremony, wedding, reception, corporate function, or similar activity for the benefit of someone other than the property owner that takes place on a periodic basis, involving the gathering of individuals assembled for the common purpose of attending a special event. Uses that are accessory to a single-family residential use for non-commercial private parties, gatherings, and similar activities that are not defined as a special event and are not regulated as such.

**Special Event Venue** shall mean a commercial facility or building that hosts Special Events.

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 1<sup>ST</sup> DAY OF NOVEMBER, 2022.

Robert Roseland, Mayor  
(SEAL)

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 5.** A Public Hearing opened at 7:13 p.m. to consider text amendments to Section 9.04.01 Fences and Retaining Walls, General Provisions-Residential of the Springfield Zoning Ordinance to revise fence requirements for street side yards in residential districts. No one from the public spoke in favor of or in opposition to the plan. Motion by Herzog, seconded by Craney, to close the public hearing. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:15 p.m.

**Agenda Item 6.** Council Member Herzog introduced Ordinance No. 1125 entitled:

AN ORDINANCE TO AMEND ARTICLE 9 "LANDSCAPING AND FENCING REQUIREMENTS", SECTION 9.04 "FENCES AND RETAINING WALLS", SUBSECTION 9.04.01 GENERAL PROVISIONS-RESIDENTIAL OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO REVISE FENCE REQUIREMENTS FOR STREET SIDE YARDS IN RESIDENTIAL DISTRICTS; 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 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 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. 1125 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Neitzel, Herzog, Murtha, Craney. The following voted NAY: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the ordinance to be published or posted as required by law and as provided therein. A true, correct and complete copy of said ordinance is as follows:

**ORDINANCE NO. 1125**

AN ORDINANCE TO AMEND ARTICLE 9 "LANDSCAPING AND FENCING REQUIREMENTS", SECTION 9.04 "FENCES AND RETAINING WALLS", SUBSECTION 9.04.01 GENERAL PROVISIONS-RESIDENTIAL OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA TO REVISE FENCE REQUIREMENTS FOR STREET SIDE YARDS IN RESIDENTIAL DISTRICTS; 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 October 11, 2022, the Springfield Planning Commission conducted a public hearing on the matter of amending Section 9.04.01 of the zoning ordinance revising fence requirements for street side yards in a residential district and reported a recommendation of approval to the City Council. On November 1, 2022, 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 9.04.01 is hereby amended as follows:

**9.04.01 General Provisions–Residential.** In Residential Districts, it shall be unlawful for fences, walls, or similar structures to be constructed or maintained, except as provided in this Section, and after a permit is issued by the city.

1. *Front Yard:* No fence, wall, or similar structure may be built in a front yard except on or within the front setback line. The structure shall not exceed three and one-half (3 ½) feet in height.
2. *Side Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet.
3. *Rear Yard:* A fence, wall, or similar structure may be erected to a maximum height of six (6) feet. (See also Street Side Requirements)
4. *Street Side Requirements:* A six (6) foot fence, wall, or similar structure may be built along a street side provided that the structure shall be ~~setback constructed on or within~~ a five (5) foot-footsetback from the street side property line. A four (4) foot fence may be built on the street side yard property line provided that it is an open fence, sight obstruction is not caused by the placement of said fence, and it is a minimum of one (1) foot off the sidewalk.
5. *Street Corner Visual Triangle:* No fence shall be built within the triangle of land formed by lines beginning at the point of intersection of the two (2) street-side lot lines of the corner lot, then proceeding along such lines for a distance of twenty (20) feet, the third side of which triangle of land is formed by drawing a line between the two (2) points which are on the front lot lines, and are 20 feet distant from the point of intersection of the two (2) front lot lines, trees shall be trimmed up eight (8) feet above the ground; but in no case shall such foliage or shrubbery be planted or maintained in such triangular area which will materially obstruct the view of drivers of vehicles approaching the intersection.
6. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
7. *Support Structures:* The support structure (e.g., posts) for any fence face the interior of the lot upon which the fence is constructed.

8. *Prohibited Fences:* Electric fences and barbed wire fences are prohibited in all residential zoned districts except Agriculture Residential (AR) District.

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 1<sup>ST</sup> DAY OF NOVEMBER, 2022.

Robert Roseland, Mayor

(SEAL)

Attest: Kathleen Gottsch, City Clerk

**Agenda Item 7.** Council Member Murtha introduced Resolution 2022-45 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. The following voted NAY: Craney. 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  
2022-45**

**Nebraska Department of Transportation Maintenance Agreement Renewal**

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 the State of Nebraska Department of Roads, wish to enter into Maintenance Agreement No. 120 Renewal for the purpose of performing surface maintenance and snow removal along Highway 50 lane miles within the Corporate Limits of the City of Springfield; and

WHEREAS, the Agreement shall be for the period January 1, 2023, thru December 31, 2023; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Springfield, Nebraska that the Mayor is authorized to enter into Maintenance Agreement No. 120 Renewal attached hereto as Exhibit "A".

Introduced and Passed this 1<sup>st</sup> day of November, 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

Nays: Craney

Abstain: None

Absent: None

Resolution adopted, signed and billed as adopted.

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

**Agenda Item 8.** Motion by Murtha, seconded by Herzog, to table agenda item 8, regarding authorizing the Mayor to sign the Year-End Certification of City Street Superintendent Form for 2022, until November 15, 2022 Council meeting. AYES: Neitzel, Herzog, Mutha, Craney, NAYS: None. Motion carried.

**Agenda Item 9.** Council reviewed two statements received from the Sarpy County Treasurer stating that the city owes property taxes on Lots 5 and 6, block 6, Springfield Addition to the City of Springfield (210 Main Street – Urban Park) for the 2<sup>nd</sup> half of 2010 taxes. The city acquired the Urban Park property in May of 2011. The previous owner paid for the 1<sup>st</sup> half of the 2010 taxes; however, they did not pay for the 2<sup>nd</sup> half and the title company did not include these taxes at time of closing. The Sarpy County Treasurer indicated that a new county attorney was reviewing government entity tax sales and determined that all cities, some school districts and the NRD owed back taxes for property taxes levied on properties prior to the government entity’s acquisition of the property. Because the property is city-owned, the treasurer does not offer the past due taxes for tax sale. Outstanding taxes are stricken from the treasurer’s accounting system once they have been delinquent for 15 years. The taxes are still collectible and delinquent until then. Bill Seidler, City Attorney, advised that the city could try to go back on the vendor depending upon the statute of limitations, but it would cost more than the property tax amount owed. Motion by Herzog, seconded by Murtha, to approve payment of \$360.70 for 2010 taxes due on the city’s Urban Park property. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 10.** Motion by Herzog, seconded by Murtha, to approve the bid from All Flags in the amount of \$8,831.53 for the purchase of new flagpole for Buffalo Park. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Motion carried.

**Agenda Item 11.** Council discussed a recent meeting that Mayor Roseland, Neitzel, and Kathleen Gottsch, City Administrator, had with Kurt Schanou and Larry Vacek from SSAP regarding the city’s potential acquisition of the soccer complex. Schanou and Vacek plan to continue discussions with the SSAP Board, as well as arrange a meeting between SSAP and city officials with a soccer complex advisor regarding operation of the complex.

### **Department Reports**

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

**Agenda Item 2.** Herzog reported that Kellie Seiber, Library Director, is working on completing the nomination form for the 2023 National Medal for Museum and Library Service award. Congressman Don Bacon nominated the Springfield Memorial Library this year. The library is having their annual fall book sale on Saturday, November 5 from 9:00 a.m. to 1:00 p.m. On November 13 there will be an open house to thank Connie Manzer, previous Library Director, for her many years of service at the library.

**Agenda Item 3.** Murtha reported that concrete will soon be poured for the new basketball hoops at City Park. Tyler Holdorf, Parks Director, will soon be closing the city bathrooms at Buffalo Park and City Park for the winter season. Murtha also reported how nice it was to see our maintenance staff handing out treats to the elementary students during the Fall Festival Parade.

**Agenda Item 4.** Craney reported that the street department is done with concrete for the year, but they have been tarring and patching holes with cold patch, which all looks great. Currently the tar machine is not working and is at Logan Contracting to see about an estimate to repair it.

**Agenda Item 5.** Mayor Roseland thanked city staff for helping him prepare for the Mayor's Forum and reported it was a good meeting. He reported that he was given information on the Beer Run at Aksarben Village coming up with Bob Kerry and a spokesman for Chuck Hagel.

**Agenda Item 6.** Kathleen Gottsch, City Administrator, inquired if Council was okay with Keith Hentzen, new owner of Corky's Workshop, putting a dumpster in two or three parking stalls in front of the buildings while the roof is replaced. Council agreed that this was okay as they have let other business owners on Main Street do this in the past. The lighted holiday parade and Christmas tree lighting is November 21. Gottsch reported that Brite Ideas put up the three trees, garland and bows; however, the three trees were supposed to go up to the library and the garland on the retaining wall at Urban Park was not supposed to be put up for a couple more weeks. The bows are in poor condition and no one from Brite Ideas contacted the city to authorize replacement prior to them being installed. Staff is working with Brite Ideas to get this matter corrected.

### **Adjournment**

Motion by Herzog, seconded by Neitzel, to adjourn. AYES: Neitzel, Herzog, Murtha, Craney. NAYS: None. Meeting adjourned at 7:49 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 November 1, 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