



## **CITY COUNCIL AGENDA**

Tuesday, April 15, 2014 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 April 1, 2014 Council Meeting
2. Approve Treasurer's Report

### **REGULAR AGENDA**

1. Lisa Roseland, Springfield Youth Athletic Association – Discuss softball field improvements at City Park
2. Mark Zimmerman, 585 Cedar Street – Discuss dead end on Cedar Street at City Park
3. Conduct a **Public Hearing** for an amendment to Section 7.11 “Fences, Walls, and Similar Structures” of the Springfield Zoning Ordinance
4. Consider approval of **Ordinance No. 858** TO AMEND ARTICLE 7 “SUPPLEMENTARY REGULATIONS”, SECTION 7.11 “FENCES, WALLS, AND SIMILAR STRUCTURES” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF
5. Consider Mark Scholting's request for an annual special use permit for his mobile home located at 15010 Platteview Road
6. Consider a request from Rod Kehlenbeck, 585 Vine Street, and Doug Agne and Audrey Swann, 590 Vine Street, to waive the sidewalk construction requirements for the portion of their property that abuts South 6<sup>th</sup> Street due to the unusual terrain

7. Consider bids received for the sale of the Union Pacific caboose located in Buffalo Park
8. Report from the Springfield Board of Health regarding nuisances at Lot 18, Block 5, City of Springfield, Sarpy County, Nebraska (174 Main Street)
9. If the Board of Health has delivered a certification to the City Council that the owners of 160 South 1<sup>st</sup> Street have not abated the nuisances, then direct the City Clerk to notify Ronald W. Bockerman, William R. Bockerman, and Philip A. and Diane R. Wagner, property owners of 160 South 1<sup>st</sup> Street, Springfield, NE 68059, legally described as the South 1 foot of Lot 17 and all of Lot 18, Block 12, and the North 21 feet of Lot 17, Block 12, City of Springfield, Sarpy County, Nebraska, that they are to appear before the City Council on May 20, 2014, at 7:00 p.m. and show cause why such condition of said property should not be found to be public nuisance
10. Consider approval of Change Order No. 1 from Dostals Construction deducting \$81,139.00 from the original bid amount for the removal of the reclamation tank for the Buffalo Park Splash Pad
11. Discuss eMeeting software provided by Nebraska Education Technology Services (NETS)
12. **Tabled April 1, 2014.** Consider charging a fee for parking on the city's lot during the Sarpy County Fair
13. Discuss building inspection services
14. Consider changing Andrea Ledenbach, City Hall Office Assistant, from a part-time employee to a regular part-time employee commencing June 1, 2014; consider a 6-month proposed merit increase to Andrea Ledenbach commencing June 1, 2014

### **DEPARTMENT REPORTS**

1. Water & Parks Department – Bob Roseland
2. Library & Community Building – Randy Fleming
3. Sewer Department – Dan Craney
4. Street Department – Chad Nolte
5. Mayor's Report – Mike Dill
6. City Staff Reports

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

### **ADJOURNMENT**

### **MINUTES**

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:00 o'clock p.m. at City Hall on April 15, 2014. Present were Mayor Mike Dill; Council Members: Bob Roseland,

Randy Fleming, Dan Craney. Absent: Chad Nolte. 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 Fleming, seconded by Craney, to approve the Consent Agenda. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

The City Clerk reported a balance on hand of \$883,759.82 in cash assets; Prestige Treasury - \$204,023.08; Prestige Bond - \$516,401.75; Keno Community Betterment - \$150,799.97; Keno Progressive Jackpot - \$50,012.33; Water Deposit Savings - \$4,181.12; Refundable Deposit Savings - \$1,220.95; Water Tower Savings - \$118,609.16; Sewer Restricted - \$86,450.29; Water Capital Facilities Fees - \$32,241.77; Sewer Capital Facilities Fees - \$75,230.76; City Sales Tax - \$379,879.32; Money Mark Library Bricks - \$3,759.66; Government Securities - \$103,888.00; Library Savings - \$62,385.73; Time Certificates as follows: Bond - \$76,601.57; Tower - \$57,285.74; Water - \$125,477.22; Park - \$11,906.91; Library Bricks - \$21,226.50; Cash Receipts - \$148,523.02; Cash Disbursements - \$62,883.34; Various Purpose Bond 2013 Interest Pymt \$1,207.50.

### **Regular Agenda**

Agenda Item 1. Lisa Roseland, Springfield Youth Athletic Association, requested financial assistance from the city for the purchase of infield conditioner for the City Park softball field. Roseland estimated that it would cost approximately \$1,600 for the conditioner. Council inquired if the high school was contributing funds towards the product. Roseland said that the high school was not asked. Council asked if the SYAA could contribute towards the purchase. Roseland said that the SYAA could contribute financially. Motion by Fleming, seconded by Craney, to pay \$800.00 towards the purchase of infield conditioner for the City Park softball field. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Agenda Item 2. Mark Zimmerman, 585 Cedar Street, expressed several concerns with the west entrance into City Park just off of Cedar Street. Lisa Roseland, Springfield Youth Athletic Association, also expressed concerns. Zimmerman reported that the city lawnmowers cannot fit between the bollards on the west side of the park near the Cedar Street entrance. He said that weeds and volunteer trees grow up along the bollards and bushes and are not trimmed adequately. He suggested that some bollards be removed in order for the mowers to be used in the area. Zimmerman said that children crawl up on top of the bathrooms and stuff trash down the pipes. He suggested the city put up a sign saying no climbing. Zimmerman and Lisa Roseland, SYAA, suggested the city add concrete parking to the Cedar Street park entrance. Zimmerman said that cars park on the street blocking his driveway. He also said that many cars turn around in his driveway to leave the park, which has caused damage to his concrete. Roseland said that it would help the SYAA concession stand volunteers to have dedicated parking for unloading their vehicles with concession stand product, as well as a driveway up to the stand. Zimmerman suggested that parking be restricted to SYAA volunteers and the elderly or handicap. Craney suggested pouring a 4 to 6 foot sidewalk up to the concession stand instead of creating dedicated parking and a driveway. Zimmerman also suggested continuing Cedar Street west and making it a through street or restricting parking on Cedar Street. Council discussed pros and cons to creating a parking area. Mayor Dill suggested having the city engineers look at the dead end to see what options are available to improve the area.

Agenda Item 3. A Public Hearing of the Springfield City Council was opened at 7:27 p.m. to consider an amendment to Section 7.11 “Fences, Walls, and Similar Structures” of the Springfield Zoning Ordinance. The City Clerk reviewed the staff report prepared by David Potter, City Planner with JEO Consulting Group. No one from the public spoke in opposition to or in favor of the application. Motion by Roseland, seconded by Craney, to close the public hearing. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried. Public Hearing closed at 7:28 p.m.

Agenda Item 4. Council Member Craney introduced Ordinance No. 858 entitled:

AN ORDINANCE TO AMEND ARTICLE 7 “SUPPLEMENTARY REGULATIONS”, SECTION 7.11 “FENCES, WALLS, AND SIMILAR STRUCTURES” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA; 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 Fleming seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted AYE: Roseland, Fleming, 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 Roseland moved for final passage of the ordinance, which motion was seconded by Council Member Craney. The Mayor then stated the question was “Shall Ordinance No. 858 be passed and adopted?” Upon roll call vote, the following Council Members voted AYE: Roseland, Fleming, 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. 858**

AN ORDINANCE TO AMEND ARTICLE 7 “SUPPLEMENTARY REGULATIONS”, SECTION 7.11 “FENCES, WALLS, AND SIMILAR STRUCTURES” OF THE ZONING ORDINANCE OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA; 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 April 8, 2014, the Springfield Planning Commission conducted a public hearing on the matter of amending Section 7.11 of the zoning ordinance to amend front yard fence requirements, street corner visual triangle requirements, and barbed wire fence requirements in non-residential zoning districts and reported a recommendation of approval to the City Council. On April 15, 2014, the City Council held a public hearing on said proposed amendment to the zoning ordinance and found and determined that said proposed change 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 9.01 of the Springfield Zoning Ordinance, Section 7.11 is hereby amended to read as follows:

## Section 7.11 Fences, Wall, and Similar Structures

**B. General Provisions–Non-Residential.** In the non-residential zoning 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 shall be built in a front yard, except in the Downtown Commercial and General Business Zoning Districts having a zero (0) foot building setback or for security purposes around communication or utility facilities.
2. *Side Yard and Rear Yard:* The maximum height of a fence for any permitted use in any non-residential zoning district shall be eight (8) feet. (See also Street Side Requirements)
3. *Street Side Requirements:* A fence, wall, or similar structure may be built along a street side provided that the structure shall be constructed on or within a five (5) foot setback from the property line. Should the zoning district require a zero (0) foot building setback, the fence may be built on or within the property line. The maximum height of a structure shall be eight (8) feet.
4. *Civic Uses in Residential Districts:* The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning District shall be eight (8) feet. (See also Street Side Requirements)
5. *Waiving of Height Requirement:* The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Springfield.
6. *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 except in the Downtown Commercial and General Business Zoning Districts having a zero foot front and street side building setback, regardless of Section 4.08, 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.
7. *Property Lines:* Fences may be constructed at the property line unless otherwise stated.
8. *Support Structures:* The support structure (e.g., posts) for any fence shall face the interior of the lot upon which the fence is constructed.
9. *Barbed Fencing:* Barbed wire fences may be used in the construction of perimeter security fencing in an industrial district or for communication or municipal facilities provided that the bottom strand of the wire shall be at least six (6) feet above ground level.
10. *Prohibited Fences:* Electric fences are prohibited in non-residential districts.

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 15<sup>TH</sup> DAY OF APRIL, 2014.

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Mayor

(SEAL)

Attest:

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City Clerk

Agenda Item 5. Mark Scholting, owner of a mobile home located at 15010 Platteview Road, informed the Council that his brother-in-law lives in the home and watches over the farm equipment and grain stored on the property. Motion by Roseland, seconded by Fleming, to approve Mark Scholting's annual special use permit for his mobile home located at 15010 Platteview Road. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Agenda Item 6. Mayor Dill recommended that if the Council granted a waiver to 585 and 590 Vine Streets that it be done on a temporary basis. He said that in the future the city may desire a sidewalk along South 6<sup>th</sup> Street for possible future residential and/or commercial development south of town. Motion by Roseland, seconded by Craney, to direct city staff to prepare a temporary waiver to the sidewalk requirements for 585 Vine Street and 590 Vine Street that the Mayor and property owners will sign and which document will be filed with the Register of Deeds. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Agenda Item 7. The City Clerk reported that the city received two bids for the sale of the Union Pacific Caboose located in Buffalo Park. The first bid was from the Sarpy County Historical Society in the amount of \$18.00. The second bid was from Terrence Kubicek (Homestead Village Living History Museum) in the amount of \$1,000.00. The Clerk noted that the resolution and notice of sale stated that bids received from public agencies and non-profit organizations located within Sarpy County would be given priority over bids received from private parties or other public agencies and non-profit organizations located outside of Sarpy County. Terrence Kubicek (Homestead Village Living History Museum) is located outside of Sarpy County. Since the city received two different bids, City Attorney Bill Seidler recommended that this item be presented to the City Council for final approval. Ben Justman, Director of the Sarpy County Museum, and Terrence Kubicek each discussed their intentions for the caboose. Motion by Fleming, seconded by Craney, to award the bid for the sale of the Union Pacific Caboose to the Sarpy County Historical Society in the amount of \$18.00. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Agenda Item 8. The Springfield Board of Health reported to the Council that the nuisances at 160 South 1<sup>st</sup> Street, legally described as the South 1 foot of Lot 17 and all of Lot 18, Block 12, and the North 21 feet of Lot 17, Block 12, City of Springfield, Sarpy County, Nebraska, have not been abated. The Board noted that on March 10, 2014, they determined the property to be a public nuisance as per Springfield Municipal Code §4-301 (3)(7)(8)(9) and subsequently notified the property owner of the property of such determination and directed him to remedy the nuisances immediately. On April 14, 2014, the Board of Health met and determined that the nuisances at 160 South 1<sup>st</sup> Street were not abated.

Agenda Item 9. Motion by Roseland, seconded by Craney, to direct the City Clerk to notify Ronald W. Bockerman, William R. Bockerman, and Philip A. and Diane R. Wagner, property owners of 160 South 1<sup>st</sup> Street, Springfield, NE 68059, legally described as the South 1 foot of Lot 17 and all of Lot 18, Block 12, and the North 21 feet of Lot 17, Block 12, City of Springfield, Sarpy County, Nebraska, that they are to appear before the City Council on May 20, 2014, at 7:00 p.m. and show cause why such condition of said property should not be found to be a public nuisance. AYES: Roseland, Fleming, Craney. NAYS: None.

Agenda Item 10. Motion by Craney, seconded by Fleming, to approve Change Order No. 1 from Dostals Construction deducting \$81,139.00 from the original bid amount for the removal of the reclamation tank for the Buffalo Park Splash Pad. AYES: Roseland, Fleming, Craney. NAYS: None.

Agenda Item 11. Fleming requested the Council continue discussions regarding the possible purchase of new electronic devices and eMeeting software from Nebraska Education Technology Services (NETS) for city meetings. Council reviewed costs associated with the software including the actual cost of laptops or iPads for the City Council, Planning Commission, Board of Health, and staff; \$2,500.00 per year for the software; and \$500.00 for training and startup. Craney suggested researching the option further for the 2014-2015 budget and determining whether or not it fits the city's needs. The City Clerk noted that this item was not included in the 2013-2014 budget, so if the Council decided to consider it further, it would need to be considered for the 2014-2015 budget. Fleming said that the program would cut down on staff time and paper usage. Mayor Dill asked Fleming to research hardware options for budget discussion.

Agenda Item 12. Council continued discussions about charging a fee for parking on the city's vacant lot during the Sarpy County Fair. Mayor Dill suggested asking the city engineers to create an artist rendering of a new parking lot for the vacant lot. He said that the drawing could be displayed in the parking lot, so that people paying for parking would know what the money being charged was going towards. Craney suggested that a cost analysis be done showing revenues and expenses for this project. Fleming requested that the engineers do a master plan for the whole vacant lot, not just for the parking lot.

Agenda Item 13. Council reviewed a cost analysis prepared by George Reese outlining membership fees, travel expenses, training sessions, consulting fees and certification costs the city could potentially incur if it decided to create an internal building inspection department. The city currently contracts with Sarpy County Planning & Building for building inspection services. Fleming reported that he asked Sarpy County Commissioner Jim Warren and Sarpy County Planning and Building Director Bruce Fountain to attend a future Council meeting to discuss building inspection services. Council agreed to hold off further discussion about this item until after meeting with county officials.

Agenda Item 14. Motion by Roseland, seconded by Craney, to move agenda item 14, regarding Andrea Ledenbach's employment status and proposed 6-month merit increase, into executive session. AYES: Roseland, Fleming, Craney. NAYS: None.

### **Department Reports**

Agenda Item 1. Roseland reported that he will be meeting with Craig Reinsch, Olsson Associates, next week regarding test wells. He suggested the Council consider adding parking at City Park and Buffalo Park for ball games. He noted that the tennis court at City Park could be removed and a parking area added in its place. Mayor Dill inquired about the installation of railing at Buffalo Park along the steps. Roseland said that he would check into it.

Agenda Item 2. Fleming reported that the library is still working on its strategic plan. He reviewed March rental of the Community Building. He said that Nolte is still working on the flag pole for the

Community Building. Fleming informed the Council that members of the Springfield Business Association would be attending a future meeting to ask permission to put up attraction signage.

Agenda Item 3. No Department Report from Craney.

Agenda Item 4. No Department Report from Nolte.

Agenda Item 5. Mayor Dill reported on meetings regarding ASIP and 911. He noted that the Spruce Street paving project is underway. He said that construction on the splash pad will commence on April 21. Mayor Dill reported that the NDOR will be opening bids on April 17 for the trail project. He also reminded the Council that the Verizon tower will be going up later this spring.

Agenda Item 6. The City Clerk reported on the comprehensive plan update and provided the Council with city profile information compiled by JEO Consulting Group and Tonya Carlson, UNL Student. The City Clerk provided the Council with sales tax projections.

### **Executive Session**

Motion by Roseland, seconded by Craney, to enter into executive session at 8:17 p.m. for the purpose of personnel discussion (evaluation of the job performance of a person). AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Motion by Fleming, seconded by Craney, to leave executive session at 8:43 p.m. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

Motion by Roseland, seconded by Craney, to change Andrea Ledenbach, City Hall Office Assistant, from a part-time employee to a regular part-time employee commencing on June 1, 2014, and to approve a \$1.50/hour employment category and 6-month merit increase commencing June 1, 2014. AYES: Roseland, Fleming, Craney. NAYS: None. Motion carried.

### **Adjournment**

Motion by Craney, seconded by Fleming, to adjourn. AYES: Roseland, Fleming, Craney. NAYS: None. Meeting adjourned at 8:44 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 April 15, 2014; 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