



## **CITY COUNCIL AGENDA**

Tuesday, November 19, 2013 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 November 5, 2013 Council Meeting
2. Approve Treasurer's Report

### **REGULAR AGENDA**

1. Conduct a **Public Hearing** for consideration of Sarpy County's sewer extension proposal, which would extend the Sarpy County sewer service to the area of Highway 50 and Schram Road. A Sarpy County representative will present plans for the proposed development for the sewerage disposal system.
2. Consider authorizing Sarpy County to proceed with the sewer extension to the area of Highway 50 and Schram Road
3. Consider approval of **Ordinance No. 844** AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SIDEWALK BONDS OF SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1 OF THE CITY OF SPRINGFIELD, NEBRASKA, OF THE PRINCIPAL AMOUNT OF ONE HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) ISSUED TO PAY THE COST OF CONSTRUCTING SIDEWALK IMPROVEMENTS WITHIN THE CITY IN SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY 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

4. Consider finding all of the bids received for the Buffalo Park Splash Pad Project to have exceeded the estimated cost and direct the Mayor to negotiate a contract with Dostals Construction, the apparent low bidder, in an attempt to complete the project at a cost commensurate with the estimate given
5. David Potter, JEO Consulting Group – Discuss UNL study and city comprehensive plan update
6. Consider proposals for the urban park master plan
7. Marla Kildow, 400 North 3<sup>rd</sup> Street – Discuss water billing for multi-unit buildings
8. **Tabled November 5, 2013.** Discuss possible events and marketing strategies for the Community Building
9. Consider submitting a grant application for the 2014 Civic and Community Center Financing Fund for a Community Building improvement project
10. Consider City Hall meeting room design and review table sketch
11. Consider a bid from Millennium Construction in the amount of \$14,920.00 for a new roof at the wastewater treatment facility
12. Consider offering employment to an applicant for the part-time City Hall office assistant position

#### **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 November 19, 2013. Present were Mayor Mike Dill; Council Members: Bob Roseland, Randy Fleming, Dan Craney, Chad Nolte. Absent: None. 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 Nolte, to approve the Consent Agenda. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

The City Clerk reported a balance on hand of \$757,480.54 in cash assets; Prestige Treasury - \$203,920.41; Prestige Bond - \$496,566.86; Keno Community Betterment - \$141,860.10; Keno Progressive Jackpot - \$50,000.00; Water Deposit Savings - \$4,180.26; Refundable Deposit Savings - \$1,220.46; Water Tower Savings - \$115,410.08; Sewer Restricted - \$80,144.48; Water Capital Facilities Fees - \$32,225.54; Sewer Capital Facilities Fees - \$75,192.90; City Sales Tax - \$314,941.88; Money Mark Library Bricks - \$3,758.15; Government Securities - \$103,286.71; Library Savings - \$67,805.09; Time Certificates as follows: Bond - \$76,519.78; Tower - \$57,249.66; Water - \$125,143.67; Park - \$11,898.06; Library Bricks - \$21,199.77; Cash Receipts - \$104,000.99; Cash Disbursements - \$75,316.55.

### **Regular Agenda**

Agenda Item 1. A Public Hearing of the Springfield City Council was opened at 7:01 p.m. to consider Sarpy County's sewer extension proposal to extend the Sarpy County sewer service to the area of Highway 50 and Schram Road. The new sewer line will connect into Omaha's sewer system, not Springfield's system. Since the proposed sewer extension is located within the city's area of future growth and development, the city is required by state statute to hold a public hearing to consider the extension and vote on whether or not to authorize the county to proceed. Mark Wayne, Sarpy County Administrator, reviewed the proposed sewer line location and project financing for the Travelers Insurance data center, which will be served by the sewer extension. George Crawford, 804 Maple Street, inquired what the project will cost to the city. Wayne affirmed that the city will not be required to pay for any portion of the sewer extension and that no property tax dollars are being used for it. He reported that the sewer extension will be paid for by sewer connection fees. Wayne discussed sewer line options for future growth, especially in the area south of the ridge line. City Attorney, Bill Seidler, Jr., reviewed the Council's voting criteria, as provided by state statute, and requested Wayne to address the criteria as necessary. No one else from the public spoke in opposition to or in favor of the proposal. Motion by Craney, seconded by Roseland, to close the public hearing. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried. Public Hearing closed at 7:19 p.m.

Agenda Item 2. Motion by Nolte, seconded by Fleming, to authorize Sarpy County to proceed with the sewer extension to the area of Highway 50 and Schram Road. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 3. John Trecek with Ameritas reviewed general obligation bond issuance information for Sidewalk Improvement District Nos. 2011-1 and 2012-1 (Main Street Phase 1 and 2). Trecek reported that the average interest rate on the 2013 Sidewalk Bond will be 1.319%. The final payment for this bond will be in December 2019. Council Member Nolte introduced Ordinance No. 844 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SIDEWALK BONDS OF SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1 OF THE CITY OF SPRINGFIELD, NEBRASKA, OF THE PRINCIPAL AMOUNT OF TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) ISSUED TO PAY THE COST OF CONSTRUCTING SIDEWALK IMPROVEMENTS WITHIN THE CITY IN SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND

AND FOR THE LEVY 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: Roseland, Fleming, Craney, Nolte. 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 Nolte 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. 844 be passed and adopted?" Upon roll call vote, the following Council Members voted AYE: Roseland, Fleming, Craney, Nolte. 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. 844**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SIDEWALK BONDS OF SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1 OF THE CITY OF SPRINGFIELD, NEBRASKA, OF THE PRINCIPAL AMOUNT OF TWO HUNDRED THIRTY THOUSAND DOLLARS (\$230,000) ISSUED TO PAY THE COST OF CONSTRUCTING SIDEWALK IMPROVEMENTS WITHIN THE CITY IN SIDEWALK IMPROVEMENT DISTRICTS NOS. 2011-1 AND 2012-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY 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 COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA:

Section 1. The Mayor and Council of the City of Springfield, Nebraska hereby find and determine that pursuant to ordinances heretofore duly had under Section 19-2419, Reissue Revised Statutes of Nebraska, 2012, sidewalk improvements, designated Sidewalk Improvement Districts Nos. 2011-1 and 2012-1 were constructed which have been completed and have been, and hereby are, accepted by the City; that the total cost of the construction of improvements within the districts, including costs certified by the engineer, interim costs and the costs of issuance of the bonds herein authorized, are found to be not less than \$230,000; and that after taking into consideration funds on hand in connection with these improvements, there remains due and unpaid to pay the cost of the sidewalk improvements an amount in excess of \$230,000 and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of General Obligation Sidewalk Bonds of Sidewalk Improvement Districts Nos. 2011-1 and 2012-1 of the City of Springfield, Nebraska, in the principal amount of \$230,000 have been done in due form and time as required by law.

Section 2. For the purpose set out in Section 1 hereof, there shall be and there hereby are ordered issued the General Obligation Sidewalk Bonds of Sidewalk Improvement Districts Nos. 2011-1 and 2011-2 of the City of Springfield in the principal amount of \$230,000, to bear date of original issue of December 19, 2013, and to be in fully registered form (the "Bonds"). The Bonds shall bear interest at the rates per annum and mature on December 15 of each year in the principal amounts as follows:

<u>Principal Amount</u>	<u>Maturing on December 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$35,000	2014	
35,000	2015	
35,000	2016	
40,000	2017	
40,000	2018	
45,000	2019	

The Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be computed on the basis of a three hundred sixty day year consisting of twelve thirty-day months. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year, starting June 15, 2014 (each such date, an "Interest Payment Date"). The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each Interest Payment Date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of the bond at maturity or any interest installment is not paid when due, the delinquent Bond or delinquent interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor and Council reserve the right, in their discretion, to appoint a 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 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 in Springfield, Nebraska or the principal corporate trust 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. 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 December 15, 2019 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after December 19, 2018, 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. Notice of redemption of any bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such bond at said owner's registered address. Such notice shall designate the bond or bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such bond or bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any bond partially redeemed, such notice shall specify the portion of the principal amount of such bond to be redeemed. No defect in the mailing of notice for any bond shall affect the sufficiency of the proceedings of the Mayor and 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 or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Paying Agent 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, which may be a facsimile seal. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official Bond. Such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 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 provisions shall apply:

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

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

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

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

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

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

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

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



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 to which interest has been paid or provided for, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Interest shall be payable semiannually on the fifteenth day of June and December in each year, starting June 15, 2014. Interest shall be computed on the basis of a three hundred sixty day year consisting of twelve thirty-day months. 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 shall be paid on each interest payment date by the City Treasurer, as 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 last day of the calendar month immediately preceding the month in which the interest payment date occurs, 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 are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in Springfield, Nebraska or the principal corporate trust office of any duly-appointed successor, as applicable. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after December 15, 2019, in whole or in part, on December 19, 2018, 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 the total principal amount of \$230,000 of like tenor herewith except as to date of maturity and rate of interest issued by said City for the purpose of paying the cost of sidewalk improvements constructed in the City in Sidewalk Improvement Districts Nos. 2011-1 and 2012-1 of the City of Springfield. The issuance of said bonds has been authorized by an ordinance duly passed and approved by the Mayor and Council of said City in strict conformity with Section 19-2419 Reissue Revised Statutes of Nebraska, 2012 and published as provided by law.

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, to the extent not paid from other sources.

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 which may be a facsimile seal, all as of the date of original issue shown above.

CITY OF SPRINGFIELD, NEBRASKA

By \_\_\_\_\_ (Sample - Do Not Sign)  
Mayor

ATTEST:

\_\_\_\_\_  
(Sample- 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.

\_\_\_\_\_  
(Sample – Do Not Sign)  
City Treasurer of Springfield, Nebraska,  
as Paying Agent and Registrar

(FORM OF ASSIGNMENT)

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

SIGNATURE GUARANTEED

By \_\_\_\_\_

\_\_\_\_\_  
Authorized Officer

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

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

Section 9. The Bonds are hereby sold to Ameritas Investment Corp. (the "Initial Purchaser") for an aggregate purchase price of \_\_\_\_\_% of the par amount, plus accrued interest, if any, and the City Treasurer is authorized to deliver the Bonds to the Initial Purchaser upon receipt of said amount plus accrued interest to date of payment. The Bonds are sold to the Initial Purchaser subject to the opinion of Rembolt Ludtke LLP, as Initial Purchaser's bond counsel that the Bonds are lawfully issued; that the Bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on the Bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including Initial Purchaser's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository (as defined herein) at closing. The Council Members and officers of the City (or any one of them) is hereby authorized to enter into a Bond Purchase Agreement substantially in the form presented herewith for the sale of the Bonds to the Initial Purchaser. The net proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof.

Section 10. 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 interest on the Bonds as and when the same becomes due and to create a sinking fund to pay the principal of the Bonds when the same becomes due, to the extent not paid from other sources.

Section 11. 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 the Bonds, including monies held in any sinking fund for the payment of the Bonds, which would cause the 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 Sections 103 and 148 of the Code and all applicable regulations thereunder throughout the term of the Bonds. 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 2013 in an amount in excess of \$10,000,000.

Section 12. In order to promote compliance with certain federal tax and securities laws relating to the Bonds (as well as other outstanding obligations) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. 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 13. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 19<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(S E A L)

#### **EXHIBIT "A"**

Policy and Procedures

#### **Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Build America Bonds**

**ISSUER NAME:** City of Springfield, Nebraska

**COMPLIANCE OFFICER (BY TITLE):** City Treasurer

#### **POLICY**

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds or as direct pay build America bonds to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments associated with its bonds issued as "build America bonds" are received by the Issuer in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

#### **PROCEDURES**

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Council (either on its Electronic Municipal Market Access website [“EMMA”] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer’s annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

Scope of Review.

*Document Review.* At the compliance review, the following documents (the “Bond Documents”) shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the “Tax Documents”):
  - (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - (ii) Form 8038 series filed with the Internal Revenue Service;
  - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer’s continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the “Continuing Disclosure Obligations”), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer’s bonds or relating to the Issuer’s Continuing Disclosure Obligations.

*Use and Timely Expenditure of Bond Proceeds.* Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

*Arbitrage Yield Restrictions and Rebate Matters.* The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the “Code”) and timely calculation and payment of any

rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

*Use of Bond Financed Property.* Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

*Continuing Disclosure.* Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

Agenda Item 4. Craney requested that the Council consider allowing Mayor Dill to negotiate a contract with Dostals Construction, the apparent low bidder, in an attempt to complete the splash pad project at a cost commensurate with the estimate given. Nolte informed the Council that at the last meeting he didn't realize that \$25,000 had been budgeted from keno community betterment funds to help pay for the project. He said that if negotiations with the low bidder could get the cost under \$285,000 then he would consider proceeding with the project. Nolte also noted that when voters approved the 1.5% sales tax for community betterment, that constructing a splash pad was top on the list of projects to be funded with the sales tax.

Lindsay Wiese, 480 Vine Street, reviewed financial data obtained from a public records request to City Hall. She pointed out that the city budgeted \$310,000 for the splash pad project and the base bid plus engineering costs came in at \$309,100. She said that approximately \$41,000 has already been spent on the project and costs will continue to go up in the future if the project is not done now. Wiese also

pointed out that the splash pad committee worked on this project for two years and no Council Member said anything to the group about concerns with the project until now. She also said that the alternate items are not necessary at this time and can be done in the future. She suggested that private funds could be raised for benches, picnic tables, and trash cans. Wiese noted that the splash pad would bring people into town and help build community. She asked the Council to consider this project for the children in the community.

Roseland commented that eventually the five alternate items will need to be done and paid for by the city. He said that there are other projects that need to be done first, including the construction of a new maintenance shop. He also noted that the city has many bonds outstanding and new bonds being issued.

Michelle Kildow, 330 South 9<sup>th</sup> Street, said that the splash pad committee was never provided with a formal budget, but they worked within reason. She reiterated that the alternate items are not necessary right now and could be done in the future. She provided the Council with census statistics regarding the number of children living in the community.

Sherry Hudson, 555 Locust Street, thanked the Council for serving the community and taking the time and effort to help grow the city. She said that it takes some amenities to help keep the community growing and new people interested, which would then help increase tax revenue.

Fleming reviewed the 2012 community survey results. He pointed out that at that time 46 people wanted a new pool, 21 people wanted a water park, and 27 wanted a splash pad. Fleming expressed concern with moving forward on the project when new bonds are being issued and other projects need to be done. He said that the splash pad is a luxury item.

George Crawford, 804 Maple Street, said the city should be conservative and he expressed concern with maintenance of the facility.

Motion by Craney, seconded by Nolte, to find all of the bids received for the Buffalo Park Splash Pad Project to have exceeded the estimated cost and to direct the Mayor to negotiate a contract with Dostals Construction, the apparent low bidder, in an attempt to complete the project at a cost commensurate with the estimate given. AYES: Craney, Nolte, Dill. NAYS: Roseland, Fleming. Motion carried.

Agenda Item 5. David Potter, City Planner with JEO Consulting Group, reviewed his draft proposal for an update to the city's comprehensive plan. He indicated that the current plan was last done in 2001 and new energy code requirements mandate that the city update their plan by 2015. State statute also requires the city to have a plan in place prior to zoning regulations. Potter also discussed coordinating with the University of Nebraska Lincoln College of Architecture & Design to develop the urban design component of the plan including corridor planning and design guidelines. UNL offered to allow students to do the work for only the cost of materials and mileage. The Council already approved to match up to \$3,000 of private money donated for UNL's work on the plan. Potter noted that if JEO was asked to do that portion of the project that it would cost an additional \$10,000-\$15,000. He pointed out that the current draft proposal includes JEO's work on the comprehensive plan, as well as their coordination with UNL. The total cost of the project is \$25,750, which will be split out over two fiscal years. Potter requested that action on this item be taken at a later date in order for staff to determine what role UNL will play in the development of the comprehensive plan.

Agenda Item 6. Mayor Dill informed the Council that he plans to meet with members of the Sarpy County Chamber Leadership Sarpy Class to discuss the development of a park plan for their class project. Motion by Nolte, seconded by Roseland, to table agenda item 6, regarding proposals for the urban park master plan, until the December 3, 2013, Council meeting. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 7. Marla Kildow, 400 North 3<sup>rd</sup> Street, expressed concern with the city's water billing ordinance for multi-unit buildings, in particular Kildow's apartment complex (2 buildings with 5 units in each). Kildow provided the Council with an informational handout comparing water/sewer bills for her personal residence and the apartment complex. She said that she has no problem paying for the water used, but is concerned with paying minimum water and sewer rates for each apartment unit, including vacant units. Currently, each five unit complex is served by one main water line, one water meter and one shutoff, so the city cannot shutoff vacant units without shutting off the entire building. Nolte inquired if Kildow had researched running separate water lines and installing separate meters for each unit. Kildow said that would be costly. Council said they would consider her comments. No action was taken.

Agenda Item 8. Lyn Incontro left the meeting prior to this agenda item being considered. Nolte inquired if Fleming had solicited funds from local businesses for events that could be held at the Community Building. He suggested Incontro attend the business association meeting. Motion by Fleming, seconded by Roseland, to table agenda item 8, regarding events and marketing strategies for the Community Building, until the December 3, 2013, Council meeting. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 9. Fleming asked the Council if they were interested in submitting a grant application to the Civic & Community Center Financing Fund either for a Community Building improvement project or to construct a new building. Council considered options to build a new building. Motion by Fleming, seconded by Nolte, to obtain proposals from architects and grant writers for the construction of a new city hall and community center. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 10. Motion by Nolte, seconded by Roseland, to table agenda item 10, regarding the City Hall meeting room design and table sketch, until the December 3, 2013, Council meeting. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 11. Motion by Craney, seconded by Fleming, to approve the bid from Millennium Construction in the amount of \$14,920.00 for a new roof at the wastewater treatment facility. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Agenda Item 12. Motion by Nolte, seconded by Roseland, to move agenda item 12, regarding the part-time City Hall office assistant position, to executive session. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

### **Department Reports**

Agenda Item 1. Roseland reported that the results for the two test wells should be available within the next week. George Crawford, 804 Maple Street, suggested that the city notify everyone when chlorination of the entire water system will begin.

Agenda Item 2. Fleming reported that the Mayor met with the Library Board. He requested that all City Council, Planning Commission, and Board of Health meeting dates be placed on the library's electronic sign.

Agenda Item 3. No Department Report from Craney.

Agenda Item 4. Nolte reported that the street department is preparing for winter weather. He also noted that they rocked part of the new maintenance lot.

Agenda Item 5. No Department Report from Mayor Dill.

Agenda Item 6. City Clerk, Kathleen Gottsch, provided the Council with an update on the Springfield Trail Phase 3 project.

### **Executive Session**

Motion by Craney, seconded by Nolte, to enter into executive session at 9:14 p.m. for the purpose of personnel matters. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Motion by Nolte, seconded by Roseland, to leave executive session at 9:35 p.m. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

Motion by Nolte, seconded by Roseland, to offer employment to Andrea Ledenbach for the part-time City Hall office assistant at the rate of \$11.00/hour. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Motion carried.

### **Adjournment**

Motion by Nolte, seconded by Craney, to adjourn. AYES: Roseland, Fleming, Craney, Nolte. NAYS: None. Meeting adjourned at 9:38 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 19, 2013; 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