

AGENDA FOR COUNCIL MEETING FEBRUARY 21, 2006  
7:00 pm

1. Approve Minutes
2. Department Reports/CA Report
3. Water Usage at 120 N. 8<sup>th</sup> Street
4. Use of Council Chambers for Blood Drive – May 7<sup>th</sup>
5. Ord 700 – Sewer Connection Fees – Out of District (2<sup>nd</sup> Reading, Public Hearing)
6. Ord 701 – Sewer Connection Fees – In District (2<sup>nd</sup> Reading, Public Hearing)
7. Ord 702 – Sewer Connection Fees – Capital Facilities Fees (2<sup>nd</sup> Reading, Public Hearing)
8. Ord 703 – Water Connection Fees – Out of District (2<sup>nd</sup> Reading, Public Hearing)
9. Ord 704 – Water Connection Fees – In District (2<sup>nd</sup> Reading, Public Hearing)
10. Ord 705 – Water Connection Fees – Capital Facilities Fees (2<sup>nd</sup> Reading, Public Hearing)
11. Ord. 706 - Neitzels Corner Final Plat
12. Ord. 707 – Water Billing Delinquent Date
13. Ord. 708 – Sewer Billing Delinquent Date
14. Long Term Financing Discussion
15. Lease of Office in Council Chambers
16. Resolution 2006-2- Cingular Tower Agreement
17. Executive Session
18. Executive Session Action

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at 7:00 o'clock PM at City Hall on February 21, 2006. Present were Mayor Larry Goldman; Council Members: Diane Sullivan, Eric Hayes, Greg Latham, Bruce Thayer. Absent: None. Notice of the Council meeting was given in advance by posting notice in three public places, one of the designated methods of giving notice. Notice of the 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. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Item 1. Motion by Thayer, seconded by Latham, the minutes of the February 7, 2006, regular Council Meeting be approved as presented. AYES: Latham, Sullivan, Hayes, Thayer. NAYS: None.

Agenda Item 2. The City Administrator gave department reports.

Agenda Item 3. Motion by Thayer, seconded by Latham, to reduce the water usage reading at 120 N. 8<sup>th</sup> Street from 167,000 gallons to 7,000 gallons. AYES: Latham, Sullivan, Hayes, Thayer. NAYS: None.

Agenda Item 4. Motion by Sullivan, seconded by Hayes, to allow the Red Cross Blood Drive to be held in the Council Chambers May 7, 2006, and acknowledge that the Fire Chief accepts responsibility for the event. AYES: Latham, Sullivan, Hayes, Thayer. NAYS: None.

Agenda Item 5. Councilman Latham introduced Ordinance No. 700.

Councilman Thayer moved that the statutory rule requiring reading on three different days be suspended. Councilman Hayes seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Latham moved for final passage of the ordinance, which motion was seconded by Councilman Thayer. The Mayor then stated the question "Shall Ordinance No. 700 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### ORDINANCE NO. 700

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 3-209.01 "MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION FEES NOT IN A SEWER DISTRICT"; CLARIFYING CERTAIN CONNECTION FEES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-209.01 of the Municipal Code of Springfield, Nebraska is amended and shall read as follows:

MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION FEES NOT IN A SEWER DISTRICT.

- (1) ~~Sewer Connection Fees.~~ Fee Base. All applicants for connection to the sewer system which seek to connect to the system where a Sewer District, Sewer Extension District, or combined Sewer and Water District have not been created and whose property shall not have been charged by way of special

assessments for said sewer service, shall pay, in addition to the deposit required by the Code of the City of Springfield, a sewer connection fee to the City ~~Clerk~~ Treasurer, which sewer connection fee shall be based upon the following formula:

~~After any sewer line is constructed by the City, and all or part of the sewer line is outside of a Sewer District, Sewer Extension District, or combined Sewer and Water District, the City Engineer shall prepare an estimate of the cost of an installed eight (8) inch sewer main. In addition to the estimated cost of the eight (8) inch main, the City Engineer shall add a factor to cover engineering fees, bonding fees, legal fees, and other miscellaneous expenses. Based on these estimates, the City Engineer shall then calculate a "per linear foot" estimated cost of the sewer main. The per linear foot cost shall be recalculated annually and then be kept on file in the City Clerk's office. The sewer connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the sewer line times the Engineer's estimate of the per foot sewer line cost.~~

- (2) Application of Fee Base. The sewer connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the sewer line times the Engineer's estimate of the per linear foot sewer line cost.
- (3) Alternate Fee Application. In cases where irregular lot configuration lends front footage connection calculations to be inequitable, the City Engineer, with approval of City Council, may use one of the following alternate methods of applying the fee base.
  - (a) The fee base may be applied prorata to the number of properties benefited.
  - (b) The fee base may be applied on a square footage of benefited properties basis or by a combination of square footage and front footage.
- (4) No connection fee shall prohibit the Council from negotiating and entering into a developer subdivision agreement which may specify fees, assessments and other subsequent charges.
- (5) Sewer Connection Fee is Non-exclusive. Payment of a sewer connection fee under this section does not exclude the applicant from the responsibility of sewer connection-capital facilities fees which intent is to offset costs of treatment plants and supporting structures necessary to provide sewer service to the property.
- ~~(26) Provided that No connection shall be made to the sewer system until such deposit and appropriate sewer connection fees shall have been paid in full to the City Treasurer; and provided further that such sewer connection shall, when collected, be handled by the City Clerk Treasurer as follows:~~
  - (a7) The City ~~Clerk~~ Treasurer shall apply all funds fees collected to the City Sewer Fund.

*(REF. 18-503 RS Neb., Ord. No 470, 9/1/98)*

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

\_\_\_\_\_  
City Administrator/Clerk

Agenda Item 6. Councilman Hayes introduced Ordinance No. 701.

Councilman Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Hayes moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 701 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 701

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADDING SPRINGFIELD MUNICIPAL CODE SECTION 3-209.02 "MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION FEES IN A SEWER DISTRICT"; CLARIFYING CERTAIN CONNECTION FEES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-209.02 of the Municipal Code of Springfield, Nebraska is added and shall read as follows:

MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION FEES IN A SEWER DISTRICT.

(1) Fee Base. All applicants for connection to the sewer system which seek to connect to the system where a Sewer District, Sewer Extension District, or combined Sewer and Water District have been created and whose property shall not have been charged by way of special assessments for said

sewer service, shall pay, in addition to the deposit required by the Code of the City of Springfield, a sewer connection fee to the City Treasurer, which sewer connection fee shall be based upon the following formula:

The City Engineer shall prepare an estimate of the cost of an installed eight (8) inch sewer main. In addition to the estimated cost of the eight (8) inch main, the City Engineer shall add a factor to cover engineering fees, bonding fees, legal fees, and other miscellaneous expenses. Based on these estimates, the City Engineer shall then calculate a "per linear foot" estimated cost of the sewer main. The per linear foot cost shall be recalculated annually and be kept on file in the City Clerk's office.

(2) Application of Fee Base. The sewer connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the sewer line times the Engineer's estimate of the per linear foot sewer line cost.

(3) Alternate Fee Application. In cases where irregular lot configuration lends front footage connection calculations to be inequitable, the City Engineer, with approval of City Council, may use one of the following alternate methods of applying the fee base.

(a) The fee base may be applied prorata to the number of properties benefited.

(b) The fee base may be applied on a square footage of benefited properties basis or by a combination of square footage and front footage.

(4) No connection fee shall prohibit the Council from negotiating and entering into a developer subdivision agreement which may specify fees, assessments and other subsequent charges.

(5) Sewer Connection Fee is Non-exclusive. Payment of a sewer connection fee under this section does not exclude the applicant from the responsibility of sewer connection-capital facilities fees which intent is to offset costs of treatment plants and supporting structures necessary to provide sewer service to the property.

(6) No connection shall be made to the sewer system until such deposit and appropriate sewer connection fees shall have been paid in full to the City Treasurer.

(7) The City Treasurer shall apply all fees collected to the City Sewer Fund.

*(REF. 18-503 RS Neb)*

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

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Mayor

(SEAL)

Attest:

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City Administrator/Clerk

Agenda Item 7. Councilman Hayes introduced Ordinance No. 702.

Councilman Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Hayes moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 702 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 702

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADDING SPRINGFIELD MUNICIPAL CODE SECTION 3-209.03 "MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION-CAPITAL FACILITIES FEES"; SPECIFYING AMOUNT OF FEE; ESTABLISHING APPLICABLE PROPERTIES; DEFINING DATE DUE; SPECIFYING DISTRIBUTION OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-209.03 of the Municipal Code of Springfield, Nebraska is added and shall read as follows:

MUNICIPAL SEWER DEPARTMENT; SEWER CONNECTION-CAPITAL FACILITIES FEES.

(1) Amount of Fee. The sewer connection-capital facilities fee shall be established and listed in the Springfield Fees Ordinance adopted by City Council and kept current in the City Clerk's Office.

(2) When Applied. The sewer connection-capital facilities fee shall apply to all final plats which come before the Springfield City Council for approval, and which have not been previously platted.

(3) Date Due. The sewer connection-capital facilities fee shall be paid to the City Clerk prior to the Mayor signing the approved final plat.

(4) Distribution of Funds. The City Treasurer shall apply the sewer connection-capital facilities fee to the Springfield Sewer Capital Facilities Fund.

(5) Sewer Connection-Capital Facilities Fee is Non-exclusive. Payment of a sewer connection-capital facilities fee under this section does not exclude the applicant from the responsibility of sewer connection fees which intent is to offset costs of sewer main installation necessary to provide service to the property.

(6) No connection shall be made to the sewer system until such deposit and appropriate sewer connection fees shall have been paid in full to the City Treasurer.

(7) The sewer connection-capital facilities fee shall not create an obligation on behalf of the city to provide any services to the platted properties.

*(REF. 18-503 RS Neb)*

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

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City Administrator/Clerk

Agenda Item 8. Councilman Latham introduced Ordinance No. 703.

Councilman Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Latham moved for final passage of the ordinance, which motion was seconded by Councilman Thayer. The Mayor then stated the question "Shall Ordinance No. 703 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 703

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 3-105.01 "MUNICIPAL WATER DEPARTMENT; WATER CONNECTION FEES NOT IN A WATER DISTRICT"; CLARIFYING CERTAIN CONNECTION FEES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-105.01 of the Municipal Code of Springfield, Nebraska is amended and shall read as follows:

MUNICIPAL WATER DEPARTMENT; WATER CONNECTION FEES NOT IN A WATER DISTRICT.

- (2) ~~Water Connection Fees.~~ Fee Base. All applicants for connection to the water system which seek to connect to the system where a Water District, Water Extension District, or combined Sewer and Water District have not been created and whose property shall not have been charged by way of special assessments for said water service, shall pay, in addition to the deposit required by the Code of the City of Springfield, a water connection fee to the City ~~Clerk~~-Treasurer, which water connection fee shall be based upon the following formula:

~~After any water line is constructed by the City, and all or part of the water line is outside of a Water District, Water Extension District, or combined Sewer and Water District, the City Engineer shall prepare an estimate of the cost of an installed six (6) inch water main. In addition to the estimated cost of the six (6) inch main, the City Engineer shall add a factor to cover engineering fees, bonding fees, legal fees, and other miscellaneous expenses. Based on these estimates, the City Engineer shall then calculate a "per linear foot" estimated cost of the water main. The per linear foot cost shall be recalculated annually and then be kept on file in the City Clerk's office. The water connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the water line times the Engineer's estimate of the per foot water line cost.~~

- (2) Application of Fee Base. The water connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the water line times the Engineer's estimate of the per linear foot water line cost.

- (3) Alternate Fee Application. In cases where irregular lot configuration lends front footage connection calculations to be inequitable, the City Engineer, with approval of City Council, may use one of the following alternate methods of applying the fee base.

(a) The fee base may be applied prorata to the number of properties benefited.

(b) The fee base may be applied on a square footage of benefited properties basis or by a combination of square footage and front footage.

(4) No connection fee shall prohibit the Council from negotiating and entering into a developer subdivision agreement which may specify fees, assessments and other subsequent charges.

(5) Water Connection Fee is Non-exclusive. Payment of a water connection fee under this section does not exclude the applicant from the responsibility of water connection-capital facilities fees which intent is to offset costs of water treatment facilities and supporting structures necessary to provide water service to the property.

~~(26) Provided that No connection shall be made to the water system until such deposit and appropriate water connection fees shall have been paid in full to the City Treasurer; and provided further that such water connection shall, when collected, be handled by the City Clerk Treasurer as follows:~~

~~(a7) The City Clerk-Treasurer shall apply all funds fees collected to the City Water Fund.~~

*(Ord. No 471, 9/1/98)*

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

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City Administrator/Clerk

Agenda Item. 9. Councilman Hayes introduced Ordinance No. 704.

Councilman Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Hayes moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 704 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### ORDINANCE NO. 704

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADDING SPRINGFIELD MUNICIPAL CODE SECTION 3-105.02 "MUNICIPAL WATER DEPARTMENT; WATER CONNECTION FEES IN A WATER DISTRICT"; CLARIFYING CERTAIN CONNECTION FEES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-105.02 of the Municipal Code of Springfield, Nebraska is added and shall read as follows:

#### MUNICIPAL WATER DEPARTMENT; WATER CONNECTION FEES IN A WATER DISTRICT.

(1) Fee Base. All applicants for connection to the water system which seek to connect to the system where a Water District, Water Extension District, or combined Sewer and Water District have been created and whose property shall not have been charged by way of special assessments for said water service, shall pay, in addition to the deposit required by the Code of the City of Springfield, a water connection fee to the City Treasurer, which water connection fee shall be based upon the following formula:

The City Engineer shall prepare an estimate of the cost of an installed six (6) inch water main. In addition to the estimated cost of the six (6) inch main, the City Engineer shall add a factor to cover engineering fees, bonding fees, legal fees, and other miscellaneous expenses. Based on these estimates, the City Engineer shall then calculate a "per linear foot" estimated cost of the water main. The per linear foot cost shall be recalculated annually and be kept on file in the City Clerk's office.

(2) Application of Fee Base. The water connection fee shall be calculated by multiplying the number of linear feet of frontage of the applicant's lot parallel to the water line times the Engineer's estimate of the per linear foot water line cost.

(3) Alternate Fee Application. In cases where irregular lot configuration lends front footage connection calculations to be inequitable, the City Engineer, with approval of City Council, may use one of the following alternate methods of applying the fee base.

(a) The fee base may be applied prorata to the number of properties benefited.

(b) The fee base may be applied on a square footage of benefited properties basis or by a combination of square footage and front footage.

(4) No connection fee shall prohibit the Council from negotiating and entering into a developer subdivision agreement which may specify fees, assessments and other subsequent charges.

(5) Water Connection Fee is Non-exclusive. Payment of a water connection fee under this section does not exclude the applicant from the responsibility of water connection-capital facilities fees which intent is to offset costs of water treatment facilities and supporting structures necessary to provide water service to the property.

(6) No connection shall be made to the water system until such deposit and appropriate water connection fees shall have been paid in full to the City Treasurer.

(7) The City Treasurer shall apply all fees collected to the City Water Fund.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

\_\_\_\_\_  
City Administrator/Clerk

Agenda Item 10. Councilman Latham introduced Ordinance No. 705.

Councilman Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Sullivan seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Latham moved for final passage of the ordinance, which motion was seconded by Councilman Hayes. The Mayor then stated the question "Shall

Ordinance No. 705 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 705

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, ADDING SPRINGFIELD MUNICIPAL CODE SECTION 3-105.03 "MUNICIPAL WATER DEPARTMENT; WATER CONNECTION-CAPITAL FACILITIES FEES"; SPECIFYING AMOUNT OF FEE; ESTABLISHING APPLICABLE PROPERTIES; DEFINING DATE DUE; SPECIFYING DISTRIBUTION OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-105.03 of the Municipal Code of Springfield, Nebraska is added and shall read as follows:

MUNICIPAL WATER DEPARTMENT; WATER CONNECTION-CAPITAL FACILITIES FEES.

- (1) Amount of Fee. The water connection-capital facilities fee shall be established and listed in the Springfield Fees Ordinance adopted by City Council and kept current in the City Clerk's Office.
- (2) When Applied. The water connection-capital facilities fee shall apply to all final plats which come before the Springfield City Council for approval, and which have not been previously platted.
- (3) Date Due. The water connection-capital facilities fee shall be paid to the City Clerk prior to the Mayor signing the approved final plat.
- (4) Distribution of Funds. The City Treasurer shall apply the water connection-capital facilities fee to the Springfield Water Capital Facilities Fund.
- (5) Water Connection-Capital Facilities Fee is Non-exclusive. Payment of a water connection-capital facilities fee under this section does not exclude the applicant from the responsibility of water connection fees which intent is to offset costs of water main installation necessary to provide service to the property.
- (6) No connection shall be made to the water system until such deposit and appropriate water connection fees shall have been paid in full to the City Treasurer.
- (7) The water connection-capital facilities fee shall not create an obligation on behalf of the city to provide any services to the platted properties.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and Approved this 21<sup>st</sup> day of February, 2006.

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Mayor

(SEAL)

Attest:

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City Administrator/Clerk

Agenda Item 11. Motion by Thayer, seconded by Hayes, to table Ordinance 706 concerning Neitzels Corner Final Plat until the Council receives a recommendation from the Planning Commission. AYES: Latham, Sullivan, Hayes, Thayer. NAYS: None.

Agenda Item 12. Councilman Thayer introduced Ordinance No. 707.

Councilman Thayer moved that the statutory rule requiring reading on three different days be suspended. Councilman Latham seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Thayer moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 707 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### ORDINANCE NO. 707

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 3-108; CHANGING WATER BILL DELINQUENT DATE; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section §3-108 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

**§3-108 MUNICIPAL WATER DEPARTMENT; WATER BILLS.** Water bills shall be due and payable monthly at the office of the Municipal Clerk, or other depository as approved by the Governing Body. Water bills shall be due on the first (1<sup>st</sup>) day of the month following the month in which service has been provided and shall be considered delinquent after the fifth (5<sup>th</sup>) business day of the same month. Upon being deemed delinquent, as herein defined, the Municipal Clerk shall assess a delinquent fee as set by resolution of the Governing Body and on file at the office of the Municipal Clerk. If a customer shall for any reason remain delinquent after the fifteenth (15<sup>th</sup>) of the same month, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven (7) days after the sending of said notice, it shall be discretionary with the Superintendent to cut off service at any time; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the Municipal Clerk to notify the customer and the County Welfare Department by certified mail of the proposed termination. The Maintenance Superintendent shall assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that water is shut off for the non-payment of any water bill, to compensate the Municipality for additional hook-up necessary to again provide water service to the delinquent customer. In the event that the delinquent bill is not paid, the customer may also be subject to a Municipal Water Lien as provided by Springfield Municipal Code.

Section 2. Any other ordinance or section passed and approved prior to passage, approval and publication or posting of this Ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and Approved this 21st day of February, 2006.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

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

Agenda Item 13. Councilman Thayer introduced Ordinance No. 708.

Councilman Thayer moved that the statutory rule requiring reading on three different days be suspended. Councilman Latham seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 Councilman Thayer moved for final passage of the ordinance, which motion was seconded by Councilman Latham. The Mayor then stated the question "Shall Ordinance No. 708 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Sullivan, Hayes, Thayer. 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 be published as provided therein. A true, correct and complete copy of said ordinance is as follows:

#### ORDINANCE NO. 708

AN ORDINANCE OF THE CITY OF SPRINGFIELD, NEBRASKA, AMENDING SPRINGFIELD MUNICIPAL CODE SECTION 3-214; CHANGING SEWER BILL DELINQUENT DATE; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT.

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

Section 1. Section 3-214 of the Municipal Code of Springfield, Nebraska is amended to read as follows:

**§3-214 MUNICIPAL SEWER DEPARTMENT; FEES AND COLLECTIONS.** The Governing Body has the power and authority to fix the rates to be paid by the customers of the Sewer Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. Sewer fees shall be due and payable monthly at the office of the Municipal Clerk; or other depository as approved by the Governing Body. Sewer fees shall be due on the first (1<sup>st</sup>) day of the month following the month in which service has been provided and shall be considered delinquent after the fifth (5<sup>th</sup>) business day of the same month. Upon being deemed delinquent, as herein defined, the Municipal Clerk shall assess a delinquent fee as set by resolution of the Governing Body and on file at the office of the Municipal Clerk. If a customer shall for any reason remain delinquent after the fifteenth (15<sup>th</sup>) of the same month, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the delinquent bill is not paid, the customer will be subject to a Municipal Sewer Lien as provided by Springfield Municipal Code.

Section 2. Any other ordinance or section passed and approved prior to passage, approval and publication or posting of this Ordinance and in conflict with its provisions is repealed.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and Approved this 21st day of February, 2006.

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Mayor

(SEAL)

Attest:

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

Agenda Item 14. A discussion was had on long term financing as it relates to capital projects. No action was taken.

Agenda Item 15. Motion by Hayes, seconded by Thayer, to direct the City Administrator to research lease options for the office adjacent to the Council meeting room. AYES: Latham, Sullivan, Hayes, Thayer. NAYS: None.

Agenda Item 16. Thayer offered Resolution 2006-2.

RESOLUTION 2006-2

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, wishes to enter into a Telecommunication Tower Option and Lease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company;

NOW, THEREFORE BE IT RESOLVED the Governing Body of the City of Springfield, Nebraska, by a majority vote resolved that:

1. Resolution 2006-2 authorizes the Mayor of Springfield to enter into the Telecommunication Tower Option and Lease Agreement as presented in Exhibit "A" on behalf of the City of Springfield, Nebraska.
2. This authority shall take effect upon passage and adoption of said resolution.

Introduced and Passed February 21, 2006.

Ayes   4  

Nays   0  

Abstain   0  

Absent   0  

Approved:

\_\_\_\_\_  
Mayor

SEAL

Attest:

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

Sullivan seconded the forgoing motion. The following Council Members voted AYES: Sullivan, Latham, Hayes, Thayer. NAYS: None. Whereupon the Mayor declared said motion carried and said resolution passed and adopted.

Agenda Item 17. Motion by Hayes, seconded by Thayer, to enter executive session for the purpose of negotiation discussions. AYES: Thayer, Latham, Hayes, Sullivan. NAYS: None. Entered at 8:13 PM. Session ended at 8:41 PM.

Agenda Item 18. There was no executive session action.

Motion by Hayes, seconded by Latham, to adjourn. AYES: Thayer, Latham, Hayes, Sullivan. NAYS: None.

Meeting was adjourned at 8:41 PM.

ACKNOWLEDGMENT OF NOTICE OF MEETING

The undersigned members of the governing body of the City of Springfield, Nebraska, hereby acknowledges receipt of advance notice of meeting and the agenda for such meeting held at 7:00 o'clock P.M. on February 21, 2005.

\_\_\_\_\_ Mayor \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman \_\_\_\_\_ Councilman

\_\_\_\_\_ Councilman