

AGENDA FOR COUNCIL MEETING APRIL 1, 2003

1. Approve Minutes
2. Citizen Communication
3. Claims and Payroll
4. Sarpy County Sheriff Report
5. Department Reports/CA Report
6. Special Designated Liquor Licenses – Hazy’s
May 3, June 14, July 12, August 16
7. Approve “Park Naming Contest” Judges
Diane Sullivan, Angie Gourley, Matt Fowler, Bill Schlenge, Wes Reed, Keith Hentzen,
Larry Goldman, Dick Hindalong
8. Williams Development Plan – Dan Williams
9. Zoning Interpretation – Dan Williams
10. Stop Sign Study
11. Resolution 2003-5 – NCIP Competition Entry Endorsement
12. Ord 598 - Kildow Addition
13. Ord 599 – Elected Officials; Vacancy Due to Unexcused Absences
14. Ord 600 – Elections; Petition, Write-in, and Other Candidates for General Election
Ballot; Procedures
15. Ord 601 – Elections; Recall Procedure
16. Ord 602 – Initiative and Referendum; Referendum Limitations
17. Ord 603 – Fiscal Management; Proposed Budget Statement; Contents; Availability;
Correction
18. Ord 604 – Fiscal Management; Proposed Budget Statement; Hearing; Adoption;
Certification of Tax Amount
19. Ord 605 – Fiscal Management; Revision of Budget
20. Ord 606 – Fiscal Management; Property Tax Levy; Maximum; Authority to Exceed
21. Ord 607 – Fiscal Management; Credit Cards and Electronic Funds Transfers; Authority
to Accept

22. Ord 608 – Fiscal Management; Deposit of Funds
23. Ord 609 – Municipal Water Department; Diversion of Services, Meter Tampering, Unauthorized Reconnection prohibited; Evidence
24. Ord 610 – Municipal Water Department; Diversion of Services; Civil Action
25. Ord 611 – Child Passengers; Use of Restraint System or Occupant Protection Systems
26. Allen Post Annual Review
27. Executive Session – Personnel
28. Executive Session Action

A regular meeting of the Mayor and Council of the City of Springfield, Nebraska was held at City Hall at 7:30 o'clock PM on April 1, 2003. Present were Mayor Larry Goldman; Council Members: Dennis Gosch, Eric Hayes, Greg Latham, Bruce Thayer. Absent: None. Notice of this meeting was given in advance by publishing notice in The Times on March 27, 2003. 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. All proceedings hereafter shown were taken while the convened meeting was open to the public.

Agenda Item 1. Motion by Gosch, seconded by Latham, the minutes of the March 18, 2003, regular Council Meeting be approved as presented. AYES: Latham, Hayes, Thayer, Gosch. NAYS: None.

Agenda Item 2. There was no citizen communication.

Agenda Item 3. The City Administrator reported a balance on hand of \$82,567.75 in cash assets; \$101,102.41 Prestige Treasury; \$59,381.81 Prestige Keno Lottery; \$88,415.62 Prestige Progressive Jackpot Reserve; \$11,818.61 in Water Deposit Savings; \$2,084.79 in Refundable Deposits Savings; \$14,014.51 in Sewer Restricted; \$62,497.97 in Money Market Bond; \$20,427.02 in Money Market Library Bricks; \$38,393.78 in Water Tower Savings; \$142,944.61 in Government Securities; and Time Certificates as follows: Bond – \$61,203.67, Tower – \$46,040.55, Repo/Water - \$60,427.26, Water(ANB) – \$38,535.33, Hoppe-Kildow - \$3,296.26.

Line Description	Debit Amount	Name
Council Chambers Remodel	54.43	Millard Lumber
Professional Services	747.50	RDG Crose Gardner Shukert
Publications Costs	189.55	Papillion Times
Council Chambers Remodel	273.48	Stander Ace Hardware
Telephone	234.49	NT&T
Professional Services	255.00	Massman, Nelson, Reinig
Professional Services	810.00	JEO Consulting Group
Laundry	30.24	AmeriPride
Education	268.00	League of NE Municipalities
Dues/Subscriptions	40.00	Int City/County Mngt. Assoc.

Council Chambers Remodel	2.39	Papillion Hardware
Professional Services	382.50	Network Needs
Health Insurance	477.76	Fortis
Miscellaneous-Contractual	10.00	American Legal Publishing
Liquor License Fund	250.00	South Sarpy District 46
Supplies-Office	133.45	Office Depot
Professional Services	884.31	Seidler & Seidler
Education	11.50	Tiffany Wiese
Milage	94.71	Tiffany Wiese
Law Contract	3,444.02	Sarpy Co. Treasurer
Professional Services	1,731.55	Sarpy Co. Building Insp.
Total General	10,324.88	
Telephone	38.35	NT&T
Health Insurance	32.40	Fortis
Janitorial	240.00	Marcie Schmieder
Promotional Materials	11.43	Nobbies
Library Supplies	184.28	Follett Software Company
Books/Videos/Maps	37.88	MicroMarketing, LLC
Total Library Non-restricted	544.34	
Books/Videos.Maps	40.67	History Book Club
Books/Videos.Maps	44.94	Mystery Guild
Books/Videos.Maps	14.00	Backwater Press
Total Restricted	99.61	
R&M Equipment	68.85	Old Mill Lawn & Leisure
R&M Vehicle-Commodities	117.98	Mill Creek Auto Parts
Hand Tools-Park	44.60	Menards
Total Park	231.43	
Supplies-Other	16.99	Stander Ace Hardware
Laundry	30.24	AmeriPride
Total Auditorium	47.23	
Digger's Hotline	23.15	Great Plains
Supplies-Other	13.49	Stander Ace Hardware
Supplies-Shop	4.29	Mill Creek Auto Parts
Telephone	46.81	NT&T
Education	88.20	Super 8 Motel

New Well	3,491.50	JEO Consulting Group
Education	14.88	Allen Post
Health Insurance	896.58	Fortis
Tools & Misc. Equipment	1,834.10	Municipal Supply
Education	309.00	Quality Inn & Suites
Hand Tools	44.60	Menards
Total Water	6,766.60	
R&M Sanitary Sewer	160.00	Electric Company of Omaha
Testing	55.00	Midwest Laboratories
Telephone	41.18	NT&T
Professional Svcs	406.41	Layne Christensen Co.
Total Sewer	662.59	
R&M Equipment	6.00	B & B Garage
R&M Vehicle	25.33	Mill Creek Auto Parts
Sand & Gravel	682.73	Westover Rock & Sand
R&M Vehicle	70.97	Midwest Service & Sales
Telephone	39.29	NT&T
Uniform Allowance	56.55	AmeriPride
Laundry	30.25	AmeriPride
Health Insurance	679.72	Fortis
Fuel	154.98	Conoco
Total Road	1,745.82	

Estimated Payroll 11,935.93 Payroll

Motion by Gosch, seconded by Hayes, the bills be allowed and warrants drawn on the treasury in payment of same. AYES: Hayes, Thayer, Gosch, Latham. NAYS: None.

Agenda Item 4. Sgt. Svoboda was present. The March reports were distributed.

Agenda Item 5. Sandra Powell, City Administrator, distributed an "Elected Officials Code of Decorum" for discussion. It was Council consensus that the Code be put in Resolution form for approval at the next meeting.

It was Council consensus that grey be the color for the new carpet in the Council Chambers.

Powell reported Charter is not required to seek Council approval for rate changes. However, they are required to notify the City and the cable subscribers 30 days prior to the rate changes. The City files these rate notices along with the reports of service and increase in services documents.

Powell reminded Council of the April 3rd "Name the Park Kick-off Dinner" at the Springfield Legion.

Agenda Item 6. Dee Hayes, Hazy's, reported that 8 to 10 deputies would be providing security for the rodeos and dances held on May 3, June 14, July 12, and August 16. Motion by Gosch, seconded by Latham, to approve the application for Special Designated Liquor Licenses for May 3, June 14, July 12, and August 16, 2003, for the All Heritage Invitational Rodeo and Dance being held on each date from 4:00 PM to 1:00 AM, being sponsored by D&TH Inc. dba Hazy's and held at the Sarpy County Fairgrounds. AYES: Hayes, Thayer, Gosch, Latham. NAYS: None.

Agenda Item 7. Motion by Thayer, seconded by Latham, to approve Diane Sullivan, Angie Gourley, Matt Fowler, Bill Schlenge, Wes Reed, Keith Hentzen, Larry Goldman, and Dick Hindalong as the "Park Naming Contest" judges for the new park. AYES: Thayer, Gosch, Latham, Hayes. NAYS: None.

Agenda Item 8. Dan Williams, 6620 F Street, Omaha, was present to ask Council if they had made a decision on assisting him with the cost of road construction on a proposed nine-lot development on Pflug Road. Goldman stated that it was Council consensus that the City is not in the position to assist in the developer's road construction.

Agenda Item 9. Dan Williams, 6620 F Street, Omaha, stated that he had been denied a building permit on his Pflug Road property due to zoning. William E. Seidler, Jr., City Attorney, stated that zoning appeals are heard by the Board of Adjustment.

Williams asked if his building had been singled out for occupancy permits. Powell stated, due to the variable occupancy nature of Williams' building, occupancy permits are necessary to assure compliance. Powell will have the Building Inspector contact him to explain the "CO" process. She will also follow up on certain properties that Williams believes are in violation.

Agenda Item 10. Powell reported that the City office and the Nebraska Department of Roads office is searching for the Springfield Stop Sign study. She will inform the Council when the study is located.

Agenda Item 11. Latham offered Resolution 2003-5.

RESOLUTION 2003-5

2003 NCIP Government Resolution

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA, as follows:

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the Mayor and City Council of Springfield do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW, THEREFORE BE IT RESOLVED the City of Springfield, urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year of 2003.

Passed and Approved this 1st day of April, 2003.

Ayes 4

Nays 0

Abstain 0

Absent 0

Approved:

Mayor

SEAL

Attest:

City Clerk

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

Agenda Item 12. Councilman Hayes introduced Ordinance No. 598.

Gosch 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, Hayes, Thayer, Gosch. 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. 598 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hayes, Thayer, Gosch, Latham. 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 ordinances is as follows:

ORDINANCE NO. 598

AN ORDINANCE APPROVING THE PRELIMINARY AND FINAL PLAT OF KILDOW ADDITION OF SARPY COUNTY, NEBRASKA.

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

Section 1. The Preliminary Plat of Kildow Addition approved by JEO, the City of Springfield City Engineer, and the Springfield Planning Commission is approved pursuant to the Subdivision Regulations of Springfield, Nebraska.

Section 2. The Final Plat of Kildow Addition approved by JEO, the City of Springfield City Engineer, and the Springfield Planning Commission is approved pursuant to the Subdivision Regulations of Springfield, Nebraska.

Section 3. 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 4. 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 1st day of April, 2003.

Mayor

(SEAL)

Attest:

City Administrator/Clerk

Gosch offered Resolution 2003-6.

RESOLUTION 2003-6

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, NEBRASKA, as follows:

WHEREAS, it is necessary for all newly platted lots within the City of Springfield's utility service area to have access to municipal sewer service; and

WHEREAS, the Council has approved Ordinance 598, replatting Lots 1 and 2, Block 3 and Tax Lot 2, Spearmans First Addition to the City of Springfield, Nebraska, now known as Kildow Addition, to the City of Springfield, located in the Northwest ¼ of Section 24, T13N, R11E of the 6th PM, Sarpy County, Nebraska; and

WHEREAS, Lot 3 of Kildow Addition to the City of Springfield does not have direct access to the municipal sewer system; and

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

1. The Developer shall construct a sewer main from the closest City sewer main location to Lot 3 of Kildow Addition. Said sewer main shall be constructed to City specifications as provided by the Springfield City Engineer.
2. Said sewer main extension shall be dedicated to the City after receiving inspection and construction approval from the Springfield City Engineer.
3. All costs of constructing said sewer main extension shall be the responsibility of the Developer.
4. Said sewer extension shall be completed prior to the sale of Lot 3 of Kildow Addition.
5. This Resolution shall be filed with the Sarpy County Register of Deeds and become an encumbrance to Lot 3 of Kildow Addition, to the City of Springfield, located in the Northwest ¼ of Section 24, T13N, R11E of the 6th PM, Sarpy County, Nebraska
6. this authority shall take effect upon passage and adoption of said resolution.

Introduced and Passed 1st day of April, 2003.

Ayes 4

Nays 0

Abstain 0

Absent 0

Approved:

Mayor

SEAL

Attest:

City Clerk

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

Agenda Item 13. Councilman Hayes introduced Ordinance No. 599.

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: Thayer, Gosch, Latham, Hayes. 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. 599 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Gosch, Latham, 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 ordinances is as follows:

ORDINANCE NO. 599

AN ORDINANCE RELATING TO the city council; to provide for vacancies due to unexcused absences from meetings; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-105.01 of the Municipal Code of Springfield, Nebraska, is enacted to read as follows:

ELECTED OFFICIALS; VACANCY DUE TO UNEXCUSED ABSENCES.

(A) In addition to the events listed in Neb. RS 32-560 and any other reasons for a vacancy provided by law, after notice and a hearing, a vacancy on the City Council shall exist if a member is absent from more than five consecutive regular meetings of the council unless the absences are excused by a majority vote of the remaining members.

(Neb. RS 19-3101)

(B) The City Council shall take a vote on whether to excuse a member's absence from a meeting upon either (1) a written request from the member submitted to the City Clerk or (2) a motion of any other council member.

(C) If a council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the City Clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the council shall set a date for a hearing and

direct the City Clerk to give the member notice of the hearing by personal service or first-class mail to the member's last-known address.

(D) At the hearing, the council member shall have the right to present information on why one or more of the absences should be excused. If the council does not excuse one or more of the member's absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the council.

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 14. Councilman Latham introduced Ordinance No. 600.

Latham 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: Gosch, Latham, 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. 600 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Gosch, Latham, 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 ordinances is as follows:

ORDINANCE NO. 600

AN ORDINANCE RELATING TO elections; to modify the procedures for placing a candidate's name on the general election ballot; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-706 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.

(A) (1) Any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under subsection (2) of Neb. RS 32-625 and the candidate files for the office by petition as prescribed in this section or files as a write-in candidate as prescribed in Neb. RS 32-615.
(Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the ward in which the officer is to be elected, if candidates are chosen by ward, or residing in the municipality, if candidates are not chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. RS 32-607. Petition signers and circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election
(Neb. RS 32-617)

(C) (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the ward in which the officer is to be elected or in the municipality, as appropriate.

(2) The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for Governor or President of the United States at the immediately preceding general election within the municipality, not to exceed 2000.
(Neb. RS 32-618)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 15. Councilman Hayes introduced Ordinance No. 601.

Hayes 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, Hayes, Thayer, Gosch. 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. 601 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Hayes, Thayer, Gosch. 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 ordinances is as follows:

ORDINANCE NO. 601

AN ORDINANCE RELATING TO recall of elected officials; to authorize a defense statement by the official sought to be recalled; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-714 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

ELECTIONS; RECALL PROCEDURE.

(A) Any or all of the elected officials of the city may be removed from office by recall pursuant to Neb. RS 32-1301 to 32-1309. Petition circulators shall conform to the requirements of Neb. RS 32-628, 32-630, and 32-1303. Each petition paper shall conform to the requirements of Neb. RS 32-1304.

(B) (1) The petition papers shall be procured from the City Clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the Clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed, shall include in typewritten form in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the Clerk issue initial petition papers to the principal circulator for circulation. The Clerk shall deliver a copy of the affidavit by certified mail to the official sought to be removed. If the official chooses, he or she may submit a defense statement in typewritten form in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the affidavit. The Clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

(2) The Clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The Clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the Clerk may distribute such petitions to registered voters residing in the district who may act as circulators of such petitions. For purposes of this section, if the official was elected by ward, district shall mean that ward, and if the official was not elected by ward, district shall mean the city.

(3) Petition signers shall conform to the requirements of Neb. RS 32-629, 32-630, and 32-1303.

(4) A petition demanding that the question of removing the Mayor, a member of the City Council, or another elected official be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(Neb. RS 32-1303)

(C) (1) The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the Clerk within 30 days after the Clerk issues the initial petition papers to the principal circulator or circulators.

(2) Within 15 days after the filing of the petition, the Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the Clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the Clerk for signature verification. If the petition is found to be sufficient, the Clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the Clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

(Neb. RS 32-1305)

(D) If the recall petition is found to be sufficient, the Clerk shall notify the official whose removal is sought and the City Council that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the Council shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the city within 90 days of the expiration of the five-day period, the Council shall provide for the holding of the removal election on the same day. After the Council sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

(Neb. RS 32-1306)

(E) (1) If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in division (F) of this section.

(2) If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this section and state law.

(3) If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the City Clerk that he or she does not want a recount.

(4) If there are vacancies in the offices of a majority or more of the members of the City Council at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner, or County Clerk.

(5) No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same governing body during the remainder of his or her term of office.

(Neb. RS 32-1308)

(F) No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

(Neb. RS 32-1309)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 16. Councilman Latham introduced Ordinance No. 602.

Latham 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: Hayes, Thayer, Gosch, Latham. 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. 602 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hayes, Thayer, Gosch, Latham. 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 ordinances is as follows:

ORDINANCE NO. 602

AN ORDINANCE RELATING TO initiative and referendum; to specify that measures subject to the Municipal Natural Gas System Condemnation Act are not subject to referendum or limited referendum; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-1112 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

INITIATIVE AND REFERENDUM; LIMITATIONS.

(A) The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of the municipality.
(Neb. RS 18-2527)

(B) The following measures shall not be subject to referendum or limited referendum:

(1) Measures necessary to carry out contractual obligations including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to July 17, 1982;

(2) Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;

(3) Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;

(4) Measures relating to the immediate preservation of the public peace, health, or safety which have been designated as urgent measures by unanimous vote of those present and voting of the Governing Body and approved by its Executive Officer;

(5) Measures relating to projects for which notice has been given as provided for in division (E) of this section for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;

(6) Resolutions directing the Municipal Clerk to cause measures to be submitted to a vote of the people at a special election as provided in Neb. RS 18-2524 and 18-2529;

(7) Resolutions ordering an earlier effective date for measures enacted by initiative as provided in Neb. RS 18-2526;

(8) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the municipality and which are necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness;

(9) Measures that amend, supplement, change, modify, or repeal a zoning regulation, restriction, or boundary and are subject to protest as provided in Neb. RS 19-905;

(10) Measures relating to personnel issues, including, but not limited to, establishment, modification, or elimination of any personnel position, policy, salary, or benefit and any hiring, promotion, demotion, or termination of personnel; and

(11) Measures relating to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(C) The following measures shall be subject to limited referendum:

(1) Measures in furtherance of a policy of the municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;

(2) Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs of public ways, public property, utility systems, and other capital projects and measures giving initial approval for industrial development projects;

(3) Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for municipal employees other than the members of the Governing Body and the Executive Officer; and

(4) Measures relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act by the municipality except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidence of indebtedness.

(D) Measures subject to limited referendum shall ordinarily take effect 30 days after their passage by the Governing Body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to Neb. RS 18-2518 within 30 days after such measure's passage by the Governing Body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision (E)(3) of this section. If the necessary number of signatures as provided in Neb. RS 18-2529 or 18-2530 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

(E) For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects or any measure relating to any facility or system adopted or enacted pursuant to the Integrated Solid Waste Management Act, the municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this Article by the following procedure:

(1) By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five days prior to the date set for hearing in a newspaper of general circulation within the municipality;

(2) By passage of a measure approving the project, including an override of a veto, if necessary, at a meeting held on any date subsequent to the date of hearing; and

(3) After passage of such measure, including an override of a veto, if necessary, by giving notice as follows:

(a) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of 30 days after the first publication of such notice and that, after such 30-day period, the project and measures related to it will not be subject to any further right of referendum; and

(b) For projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of 30 days after the first publication of such notice and that, after such 30-day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by this subdivision shall be published in at least one newspaper of general circulation within the municipality and shall be published not later than 15 days after passage by the Governing Body, including an override of a veto, if necessary, of a measure approving the project.

The right of the municipality to hold such a hearing prior to the passage of the measure by the Governing Body and give such notice after passage of such measure by the Governing Body to obtain exemption for any particular project in a manner described in this division is optional, and the municipality shall not be required to hold such a hearing or give such notice for any particular project.

(F) Nothing in divisions (C) and (E) of this section shall be construed as subjecting to limited referendum any measure related to matters subject to the provisions of the Municipal Natural Gas System Condemnation Act.

(G) All measures, except as provided in divisions (B), (C), and (E) of this section, shall be subject to the referendum procedure at any time after such measure has been passed by the Governing Body, including an override of a veto, if necessary, or enacted by the voters by initiative.

(Neb. RS 18-2528)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 17. Councilman Latham introduced Ordinance No. 603.

Latham 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: Thayer, Gosch, Latham, Hayes. 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. 603 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Thayer, Gosch, Latham, Hayes. 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 ordinances is as follows:

ORDINANCE NO. 603

AN ORDINANCE RELATING TO proposed budget statements; to eliminate the August 1 filing requirement; to require that the proposed budget statement be available prior to publication of the hearing notice; to require information for the immediately preceding fiscal year instead of the immediate two prior fiscal years; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-802 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; CONTENTS; AVAILABILITY; CORRECTION.

(A) The Governing Body shall annually prepare a proposed budget statement on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public prior to publication of the notice of the hearing on the proposed budget statement. A proposed budget statement shall contain the following information, except as provided by state law:

(1) For the immediately preceding fiscal year, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds

and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(2) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: The actual unencumbered cash balance available at the beginning of the year; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (a) for the purpose of paying the principal or interest on bonds issued by the Governing Body and (b) for all other purposes;

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the Governing Body; and

(6) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the Governing Body as provided in the Municipal Proprietary Function Act.

(B) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the municipality as well as any funds held by the County Treasurer for the municipality and shall be accurately stated on the proposed budget statement.

(C) The municipality shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.

(Neb. RS 13-504)

(D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. RS 13-505)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 18. Councilman Latham introduced Ordinance No. 604.

Latham 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: Gosch, Latham, 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. 604 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Gosch, Latham, 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 ordinances is as follows:

ORDINANCE NO. 604

AN ORDINANCE RELATING TO budget statements; to eliminate the option of directly mailing hearing notices to each resident; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-803 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF TAX AMOUNT.

(A) The Governing Body shall each year conduct a public hearing on its proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the municipality.

(B) After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the Governing Body and (2) the amount to be received for all other purposes.

(C) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.
(Neb. RS 13-506)

(D) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.
(Neb. RS 13-507)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 19. Councilman Latham introduced Ordinance No. 605.

Latham 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, Hayes, Thayer, Gosch. 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. 605 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Hayes, Thayer, Gosch. 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 ordinances is as follows:

ORDINANCE NO. 605

AN ORDINANCE RELATING TO revision of the budget; to eliminate a reference to certifying the revised amount of tax to be levied; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-825 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; REVISION OF BUDGET.

(A) Unless otherwise provided by law, the Governing Body may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal whenever during the current fiscal year it becomes apparent to the Governing Body that:

(1) There are circumstances which could not reasonably have been anticipated at the time the budget for the current year was adopted;

(2) The budget adopted violated Neb. RS 13-518 to 13-522, such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. RS 13-518 to 13-522; or

(3) The Governing Body has been notified by the Auditor of Public Accounts of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

(B) Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the municipality. Such published notice shall set forth:

(1) The time and place of the hearing;

(2) The amount in dollars of additional or reduced money required and for what purpose;

(3) A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner;

(4) A copy of the summary of the originally adopted budget previously published; and

(5) A copy of the summary of the proposed revised budget.

(C) At such hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

(D) Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the Governing Body, the Governing Body shall file with the County Clerk of the county or counties in which such Governing Body is located, and with the Auditor of Public Accounts, a copy of the revised budget, as adopted. The Governing Body may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as registered warrants and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

(E) Within 30 days after the adoption of the budget under Neb. RS 13-506, a Governing Body may, or within 30 days after notification of an error by the Auditor of Public Accounts, a Governing Body shall, correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the Governing Body shall file a copy of the corrected budget with the County Clerk of the county or counties in which such Governing Body is located and with the Auditor of Public Accounts. The Governing Body may then issue warrants in payment for expenditures authorized by the budget. (Neb. RS 13-511)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 20. Councilman Latham introduced Ordinance No. 606.

Latham 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: Hayes, Thayer, Gosch, Latham. 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. 606 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hayes, Thayer, Gosch, Latham. 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 ordinances is as follows:

ORDINANCE NO. 606

AN ORDINANCE RELATING TO property tax; to include judgments and orders from the Commission on Industrial Relations in the levy limit; to change how the tax in an offstreet parking district is counted in the allocation of the levy authority; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-821 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED.

(A) Property tax levies for the support of the city for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this division (A), except as provided in division (C). The city may levy a maximum levy of \$0.45 per \$100 of taxable valuation of property subject to the levy plus an additional \$0.05 per \$100 of taxable valuation to provide financing for the city's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. RS 51-201, museum pursuant to Neb. RS 51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. RS 71-1637, or statue, memorial, or monument pursuant to Neb. RS 80-202. Property tax levies for judgments, except judgments or orders from the Commission of Industrial Relations, obtained against the city which require or obligate the city to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the city, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this division (A). The limitations on tax levies provided in this division (A) are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this division (A) are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. RS 77-1606 unless approved under division (C).
(Neb. RS 77-3442)

(B) (1) All city airport authorities established under the Cities Airport Authorities Act, community redevelopment authorities established under the Community Development Law, and offstreet parking districts established under the Offstreet Parking District Act may be allocated property taxes as authorized by law which are authorized by the city and are counted in the municipal levy limit provided by division (A), except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport. For offstreet parking districts established under the Offstreet Parking District Act, the tax shall be counted in the allocation by the city proportionately, by dividing the total taxable valuation of the taxable property within the district by the total taxable valuation of the taxable property within the city multiplied by the levy of the district. The City Council

shall review and approve or disapprove the levy request of the political subdivisions subject to this division (B). The City Council may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the city may be exceeded as provided in division (C).

(2) On or before August 1, all political subdivisions subject to municipal levy authority under this division (B) shall submit a preliminary request for levy allocation to the City Council. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in Neb. RS 77-3444 to exceed the final levy allocation as determined in this division (B).

(3) (a) The City Council shall:

(i) Adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions; and

(ii) Forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

(b) No final levy allocation shall be changed after September 1 except by agreement between both the City Council and the governing body of the political subdivision whose final levy allocation is at issue.

(Neb. RS 77-3443)

(C) (1) The city may exceed the limits provided in division (A) by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

(2) The City Council may call for the submission of the issue to the voters:

(a) By passing a resolution calling for exceeding the limits by a vote of at least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

(b) Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(3) The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in division (A) and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election.

(4) The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the County Clerk or Election Commissioner on or after May 1, 1998, the petition shall be in the form as provided in Neb. RS 32-628 through 32-631.

(5) Any excess levy authority approved under this division (C) shall terminate pursuant to its terms, on a vote of the City Council to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in division (C)(8), whichever is earliest.

(6) The City Council may pass no more than one resolution calling for an election pursuant to this division (C) during any one calendar year. Only one election may be held in any one calendar year pursuant to a petition initiated under this division (C). The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. RS 77-3444.

(7) If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in division (A), but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the City Council shall not impose such tax.

(8) (a) The city may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

(b) The City Council may call for the submission of the issue to the voters:

(i) By passing a resolution calling for the rescission or modification by a vote of at least 2/3 of the members of the City Council and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the city; or

(ii) Upon request of a petition by the County Clerk or Election Commissioner of every county containing all or part of the city requesting an election signed by at least 5% of the registered voters residing in the city.

(c) The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. RS 32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.

(Neb. RS 77-3444)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 21. Councilman Latham introduced Ordinance No. 607.

Latham 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: Thayer, Gosch, Latham, Hayes. 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. 607 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Thayer, Gosch, Latham, Hayes. 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 ordinances is as follows:

ORDINANCE NO. 607

AN ORDINANCE RELATING TO payments to municipalities; to provide for acceptance of electronic funds transfers; to provide for and limit surcharge and convenience fees; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 1-824 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; CREDIT CARDS AND ELECTRONIC FUNDS TRANSFERS; AUTHORITY TO ACCEPT.

(A) The Governing Body may authorize municipal officials to accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a method of cash payment of any tax, levy, excise, duty, custom, toll, interest, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special, as provided by Neb. RS 77-1702.

(B) The total amount of such taxes, levies, excises, duties, customs, tolls, interest, penalties, fines, licenses, fees, or assessments of whatever kind or nature, whether general or special, paid for by credit card, charge card, debit card, or electronic funds transfer shall be collected by the municipal official.

(C) With respect to a facility which it operates in a proprietary capacity, the Governing Body may choose to accept credit cards, charge cards, or debit cards, whether presented in person or electronically, or electronic funds transfers as a means of cash payment and may adjust the price for services to reflect the handling and payment costs.

(D) The municipal official shall obtain, for each transaction, authorization for use of any credit card, charge card, or debit card used pursuant to this section from the financial institution, vending service company, credit card or charge card company, or third-party merchant bank providing such service.

(E) The Governing Body may choose to participate in the state contract for such payment services. If the Governing Body chooses not to participate in the state contract, it may choose types of credit cards, charge cards, and debit cards and may negotiate and contract independently or collectively as a governmental entity with one or more financial institutions, vending service companies, credit card, charge card, or debit card companies, or third-party merchant banks for the provision of such services.

(F) When authorizing acceptance of credit card or charge card payments, the Governing Body shall be authorized but not required to impose a surcharge or convenience fee upon the person making a payment by credit card or charge card so as to wholly or partially offset the amount of any discount or administrative fees charged to the municipality, but the surcharge or convenience fee shall not exceed the surcharge or convenience fee imposed by the credit card or charge card companies or third-party merchant banks which have contracted with the state or under division (E) of this section. The surcharge or convenience fee shall be applied only when allowed by the operating rules and regulations of the credit card or charge card involved or when authorized in writing by the credit card or charge card company involved. When a person elects to make a payment to the municipality by credit card or charge card and such a surcharge or convenience fee is imposed, the payment of such surcharge or convenience fee shall be deemed voluntary by such person and shall be in no case refundable. If a payment is made electronically by credit card, charge card, debit card, or electronic funds transfer as part of a system for providing or retrieving information electronically, the municipal official shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment.

(G) For purposes of this section, electronic funds transfer means the movement of funds by nonpaper means, usually through a payment system, including, but not limited to, an automated clearinghouse or the Federal Reserve's Fedwire system.

(Neb. RS 13-609)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 22. Councilman Latham introduced Ordinance No. 608.

Latham 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: Gosch, Latham, 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. 608 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Gosch, Latham, 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 ordinances is as follows:

ORDINANCE NO. 608

AN ORDINANCE RELATING TO deposit of funds; to eliminate provisions on cooperative credit associations; to repeal conflicting ordinances and sections; to provide an effective date.

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

Section 1. Section 1-817 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

FISCAL MANAGEMENT; DEPOSIT OF FUNDS.

(A) The City Council, at its first meeting in each fiscal year, shall designate some one or more banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing in which the City Treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as City Treasurer. If there is one or more banks, capital stock financial institutions, or qualifying mutual financial institutions located in the city which apply for the privilege of keeping such money and give bond or give security for the repayment of deposits as provided in this section, such banks, capital stock financial institutions, or qualifying mutual financial institutions shall be selected as such depositories. The City Treasurer shall not give a preference to any one or more of them in the money he or she may so deposit.

(B) The City Council shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The City Council shall approve such bond or giving of security. The City Treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as Mayor, as a member of the City Council, or as any other officer of the City shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. (Neb. RS 17-607)

(C) The insurance afforded to depositors in banks, capital stock financial institutions, or qualifying mutual financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation, and for deposits so insured, no other surety bond or other security shall be required. Neb. RS 77-2366 shall apply to deposits in capital stock financial institutions. Neb. RS 77-2365.01 shall apply to deposits in qualifying mutual financial institutions. (Neb. RS 77-2362)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 23. Councilman Thayer introduced Ordinance No. 609.

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, Hayes, Thayer, Gosch. 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. 609 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Latham, Hayes, Thayer, Gosch. 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 ordinances is as follows:

ORDINANCE NO. 609

AN ORDINANCE RELATING TO utilities; to revise provisions relating to diversion of services and meter tampering; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 3-122 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

MUNICIPAL WATER DEPARTMENT; DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE.

(A) It is an offense for any person:

(1) To connect any pipe or conduit supplying water, without the knowledge and consent of the municipality, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter made or provided for measuring or registering the amount or quantity thereof passing through it;

(2) To knowingly use or knowingly permit the use of water obtained unlawfully pursuant to this section;

(3) To reconnect water service without the knowledge and consent of the municipality if the service has been disconnected pursuant to Neb. RS 70-1601 to 70-1615 or section 3-122 of this code; or

(4) To willfully injure, alter, or by any instrument, device, or contrivance in any manner interfere with or obstruct the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without the knowledge and consent of the municipality.

(B) Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration, interference, or obstruction of a meter is prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, interference, or obstruction is proved to exist.

(Neb. RS 28-515.02)

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 1st day of April, 2003.

(SEAL)

Mayor

Clerk

Agenda Item 24. Councilman Thayer introduced Ordinance No. 610.

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: Hayes, Thayer, Gosch, Latham. 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 Hayes. The Mayor then stated the question "Shall Ordinance No. 610 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Hayes, Thayer, Gosch, Latham. 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 ordinances is as follows:

ORDINANCE NO. 610

AN ORDINANCE RELATING TO utilities; to change provisions related to civil actions for diversion of services; to provide for definitions of terms; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 3-123 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

MUNICIPAL WATER DEPARTMENT; DIVERSION OF SERVICES; CIVIL ACTION.

(A) For purposes of this section, the definitions found in Neb. RS 25-21,275 shall apply.

(B) (1) The municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a municipal utility. The municipality may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

(2) In any civil action brought pursuant to this section, the municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

(a) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(b) Liquidated damages of \$750.00 if the amount of actual damage or loss is not susceptible of reasonable calculation.

(3) In addition to damage or loss under subdivision (2)(a) or (b), the municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized

metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Neb. RS 25-1801.

(Neb. RS 25-21,276)

(C) (1) There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

(2) There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

(Neb. RS 25-21,277)

(D) The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws. The remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common-law remedies.

(Neb. RS 25-21,278)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 25. Councilman Hayes introduced Ordinance No. 611.

Hayes moved that the statutory rule requiring reading on three different days be suspended. Councilman Thayer seconded the motion to suspend the rules and upon roll call vote on the motion the following Council Members voted YEA: Thayer, Gosch, Latham, Hayes. 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 Thayer. The Mayor then stated the question "Shall Ordinance No. 611 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Thayer, Gosch, Latham, Hayes. 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 ordinances is as follows:

ORDINANCE NO. 611

AN ORDINANCE RELATING TO traffic regulations; to change provisions related to use of restraint systems and occupant protection systems by child passengers; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

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

Section 1. Section 5-318 of the Municipal Code of Springfield, Nebraska, is amended to read as follows:

TRAFFIC REGULATIONS; CHILD PASSENGERS; USE OF RESTRAINT SYSTEM OR OCCUPANT PROTECTION SYSTEM.

(A) Any person who drives any motor vehicle which has or is required to have an occupant protection system shall ensure that:

(1) All children up to six years of age being transported in such vehicle use a child passenger restraint system of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the National Highway Traffic Safety Administration, as such standard existed on July 20, 2002, and which is correctly installed in such vehicle; and

(2) All children six years of age and less than sixteen years of age being transported in such vehicle use an occupant protection system.

This division (A) shall apply to every motor vehicle which is equipped with an occupant protection system or is required to be equipped with restraint systems pursuant to Federal Motor Vehicle Safety Standard 208, as such standard existed on July 20, 2002, except taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with an occupant protection system.

(B) Whenever any licensed physician determines, through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition, or other medical reason, the provisions of division (A) shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of division (A) when operating such authorized emergency vehicles pursuant to their employment.

(Neb. RS 60-6,267)

(D) (1) The failure to provide a child restraint system for more than one child in the same vehicle at the same time, as required in division (A), shall not be treated as a separate offense.

(2) Enforcement of division (A)(2) shall be accomplished only as a secondary action when an operator of a motor vehicle has been cited or charged with a violation of some other offense.

(Neb. RS 60-6,268)

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 1st day of April, 2003.

Mayor

(SEAL)

Clerk

Agenda Item 26. Motion by Gosch, seconded by Hayes, to move Agenda Item 26 into Executive Session. AYES: Latham, Thayer, Gosch, Hayes. NAYS: None.

Agenda Item 27. Motion by Gosch, seconded by Hayes, to enter Executive Session to discuss personnel. AYES: Thayer, Gosch, Hayes, Latham. NAYS: None. Entered at 8:13 PM. Session ended at 8:43 PM.

Agenda Item 28. Motion by Latham, seconded by Hayes, to approve a 4% merit increase for Allen Post. AYES: Gosch, Latham, Hayes, Thayer. NAYS: None.

Motion by Gosch, seconded by Latham, to adjourn. AYES: Latham, Thayer, Gosch, Hayes. NAYS: None. Meeting was adjourned at 8:43 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 7:30 o'clock P.M. on April 1, 2003.

_____ Mayor

_____ Councilman

_____ Councilman

_____ Councilman

_____ Councilman