

## CITY COUNCIL PROCEEDINGS

June 11, 2008

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on June 5<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Dana Trowbridge, Council members Gary Smith, Ted Lukassen, Nick Hein, Bill Schatz, and Bill Scribner, City Administrator Joe Johnson, Attorney Jim Birkel, and City Clerk-Treasurer Joan Kovar. Council member Bill Yindrick was absent.

Also present were: Police Chief Stephen Sunday, Interim Water Supervisor Gary Janicek, Marianne Long, Marge Grubaugh, Eugene Carroll of Northeast Colorado Cellular, Angie Peirce of Blue Valley Community Action, Phil Lorenzen of D.A. Davidson & Company, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room and Resolution No. 2-2008 establishing rules and procedures for public participation at city council meetings.

The minutes of the May 14<sup>th</sup>, 2008 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Schatz. Voting AYE: Council members Lukassen, Smith, Schatz, and Hein. Voting NAY: None. Council members Scribner and Yindrick were absent. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were none.

Mayor Trowbridge asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Schatz seconded the motion. Voting AYE: Council members Lukassen, Hein, Schatz, and Smith. Voting NAY: None. Council members Scribner and Yindrick were absent. The motion carried.

Council member Scribner arrived at 7:06 p.m.

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, June 23<sup>rd</sup>, 2008, at 6:00 p.m. in the City Office meeting room.

Mayor Trowbridge called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet.

It was noted that the police monthly report stated that the city recently had to mow the yard at 835 C Street. Police Chief Sunday stated that he has identified an interested party from Lincoln, NE, and the bill will be sent to him.

Council member Hein made a motion to accept the Committee and Officer Reports as presented. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Schatz, and Hein. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #10 - Consideration of appointing Rembolt & Ludtke Attorneys at Law as special counsel to assist the City of David City with an electric service area expansion. Council member Hein seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

City Administrator Joe Johnson reported that City Attorney Jim Egr said that the electric service area expansion is a "specialty" interest and suggested hiring a law firm as special counsel.

Council member Schatz made a motion to appoint Rembolt & Ludtke, Attorneys at Law, as special counsel to assist the City of David City with an electric service area expansion and presenting the electric service area expansion to the Power Review Board for approval. Council member Hein seconded the motion. Council member Scribner questioned the costs associated with the electric service area expansion. Council member Schatz stated that the City is first compelled to get the approval of the Power Review Board and then we will check on the costs associated with it. Voting AYE: Council members Smith, Scribner, Lukassen, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #11 - Consideration of an administrative plat subdividing property owned by David & Constance Schmit for a communications tower - David City Viaero, being part of the northwest quarter of Section 17, T15N, R3E, Butler County, Nebraska. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Eugene Carroll, Northeast Colorado Cellular, stated they applied for, and received, approval from the FFA for the tower. This is for a microwave cellular communication tower which can hold three other carriers. The Planning Commission approved the Conditional Use Permit on April 26, 2008. Council member Schatz made a motion to approve the administrative plat subdividing property owned by David and Constance Schmit for a communications tower - David City Viaero. Council member Smith seconded the motion. Voting AYE: Council members Hein, Lukassen, Scribner, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #12 - Consideration of adopting the recommendation of the Economic Development Reuse Committee to approve an Economic Development Loan Application by the Butler County Development Board for CDBG Reuse Economic Development Loan Funds in the amount of \$66,000.00 for a speculative building, with an August 1, 2009 review date, contingent upon a business plan or private developers needs being brought to light and other funding being in place. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Scribner, Smith,

Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to approve an Economic Development Loan Application by the Butler County Development Board for CDBG Reuse Economic Development Loan Funds in the amount of \$66,000.00 for a speculative building. Council member Smith seconded the motion. City Administrator Joe Johnson stated that he and Economic Development Director Willow Holoubek will be working together to attract businesses to David City. Voting AYE: Council members Scribner, Hein, Lukassen, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #13 - Consideration of Ordinance No. 1072 amending Chapter 6, Article 1, of the City Code Book setting the date at which animal licenses are issued to coincide with the calendar year. Council member Hein seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

Ordinance No. 1072 was introduced and passed on first reading 4/09/08 and on second reading 5/14/08. Council member Schatz made a motion to approve Ordinance No. 1072 on the third and final reading. Council member Hein seconded the motion. Attorney Birkel stated a citizen asked if the dog tag fee would be prorated - the Council stated "No". Voting AYE: Lukassen, Scribner, Smith, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried and Ordinance No. 1072 was passed on third and final reading as follows:

### **ORDINANCE NO. 1072**

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. Article 1 of Chapter 6 of the David City Municipal Code Book be amended to read as follows:

#### **Chapter 6**

#### **POLICE REGULATIONS**

#### **Article 1. Dogs**

**§6-101 DOGS; LICENSE.** Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog. **The renewal date for a dog license shall be the first (1<sup>st</sup>) day of January of each year.** The said tax shall be delinquent from and after January tenth (10<sup>th</sup>); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January first (1<sup>st</sup>) of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of seven (\$7.00)

dollars for each spayed or neutered dog, and ten (\$10.00) for each dog not spayed or neutered. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71-4412 RS Neb.)

- §6-102 DOGS; LICENSE TAGS.** Upon the payment of the license fee, the Municipal Clerk shall issue to the owner, a dog license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31<sup>st</sup>) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year at no charge. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year.
- §6-103 DOGS; WRONGFUL LICENSING.** It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal Identification than that issued by the Municipal Clerk for dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an un-spayed or un-neutered dog with a license prescribed for a neutered or spayed dog.
- §6-104 DOGS; OWNER DEFINED.** Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Neb.)
- §6-105 DOGS; PROCLAMATION.** It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided.
- §6-106 DOGS; UN-COLLARED.** All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Un-collared dogs found running at large may be killed by the Municipal Police. (Ref. 54-604 RS Neb.)
- §6-107 DOGS; RUNNING AT LARGE.** It shall be unlawful for the owner of any dog, whether licensed or unlicensed, to allow such dog to run at large in the Municipality. "Running at Large" shall mean any dog found off the premise of the owner, and not

under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

- §6-108 DOGS; IMPOUNDMENT FEES WHEN DOGS LICENSED OR UNLICENSED ARE IMPOUNDED.** Impoundment of dogs within the City of David City, Nebraska, shall be accomplished by the Municipal Police or person(s) designated by the Mayor when found "running at large." There shall be a boarding fee for each day the dog is impounded by the City, which shall be the responsibility of the owner. In addition there shall be a general impoundment fee of five dollars (\$5.00) for the first impoundment of a dog during any license year; then ten dollars (\$10.00) for the second impoundment during any license year; fifteen dollars (\$15.00) for the third impoundment during any license year. All such fees, together with proof that a dog is licensed in accordance with the provisions of this Chapter, shall be paid before any dog is released. When all fees have been paid to the City, the dog may be returned to the owner.
- §6-109 DOGS; CAPTURE IMPOSSIBLE.** The Municipal Police shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (*Ref. 54-605 RS Neb.*)
- §6-110 DOGS; VICIOUS.** It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite. If any vicious or dangerous dog is allowed to run at large, the Municipal Police shall have the authority to put the dog to death. Upon the complaint of one (1) or more affected persons, filed with the Municipal Police Department, that any dog owned by the person named in the complaint is committing injury to persons or property, or is an annoyance, dangerous, offensive or unhealthy, the Municipal Police Department shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to dispose of the dog. If the Municipal Police Department is unable to locate the owner of the dog, or if the owner of the dog fails to restrain such dog, the Municipal Police Department shall take custody of the dog, and impound said dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-107.01, before the dog will be released.
- §6-111 DOGS; INTERFERENCE WITH POLICE.** It shall be unlawful for any person to hinder, delay, or interfere with any Municipal Policeman who is performing any duty enjoined upon him by the provisions of this Article. (*Ref. 28-729 RS Neb.*)
- §6-112 DOGS; KILLING AND POISONING.** It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog.
- §6-113 DOGS; BARKING AND OFFENSIVE.** It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any person or neighborhood, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the complaint of one (1) or more affected persons from different households, that any dog owned by

the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section of the Municipal Code, the Police shall investigate the complaint and, if in the opinion the situation warrants, shall notify the owner to silence and restrain such dog. If the Police Department is unable to locate the owner of the dog, or if the owner of the dog fails to silence and restrain such dog, the Police Department may take custody of the dog, and impound such dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-108, before the dog will be released.

**§6-114 DOGS; LIABILITY OF OWNER.** It shall be unlawful for any person to allow a dog owned, kept, or harbored by him, or under his charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (*Ref. 54-601, 54-602 RS Neb.*)

**§6-115 DOGS; REMOVAL OF TAGS.** It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper, or possessor thereof.

Section 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 3. This ordinance shall be published in pamphlet form and 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 11<sup>th</sup> day of June, 2008.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar

Council member Schatz made a motion to advance to agenda item #14 - Consideration of Ordinance No. 1073 to extend the boundaries and include within the corporate limits of, and to annex to, the City of David City, the property owned by Edward and Gwendolynne Hein described as part of the Southeast Quarter (SE<sup>1</sup>/<sub>4</sub>) of the Northwest Quarter (NW<sup>1</sup>/<sub>4</sub>) of Section Twelve (12), Township Fifteen (15) North Range Two (2), East of the 6<sup>th</sup> P.M., Butler County, NE, consisting of approximately 3.00 acres, more or less. Council member Lukassen seconded the motion. Voting AYE: Council members Hein, Smith, Scribner, Lukassen, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

Ordinance No. 1073 was introduced and passed on 1<sup>st</sup> reading 4/28/08 and on second reading 5/14/08. Council member Schatz made a motion to pass Ordinance No. 1073 on the third and final reading. Council member Lukassen seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, and Schatz. Voting NAY: None. Council member Hein abstained due to a possible conflict of interest. Council member Yindrick was absent. The motion carried and Ordinance No. 1073 was passed on third and final reading as follows:

**ORDINANCE NO. 1073**

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX PROPERTY TO, THE CITY OF DAVID CITY, SUCH PROPERTY LOCATED NORTH OF DAVID CITY ALONG THE WEST SIDE OF HIGHWAY 15, LEGALLY DESCRIBED BELOW, AND ALL OF THE CONTIGUOUS OR ABUTTING ROAD AS REQUIRED, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

1. A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section 18 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Commencing at the southeast corner of said NW $\frac{1}{4}$ ; thence westerly, 41.0 feet, on the south line of said NW $\frac{1}{4}$ , to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence northerly, 321.00 feet, on said westerly Highway right-of-way line, to the Point of Beginning, said Point being 41.08 feet west of the east line of said NW $\frac{1}{4}$ ; thence westerly, 340.00 feet, at a right angle to the last described line; thence northerly, 385.00 feet, parallel with the westerly right-of-way line of Nebraska Highway No. 15; thence easterly, 340.00 feet, at a right angle to the last described line, to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence southerly, 385.00 feet, on said westerly Highway right-of-way line, to the Point of Beginning, containing 3.00 acres, more or less. (currently owned by Edward & Gwendolynne Hein, 3661 MN Road)

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same is hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved the 11<sup>th</sup> day of June, 2008.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar

Council member Schatz made a motion to advance to agenda item #15 - Consideration of Ordinance No. 1078 amending Chapter 2, §2-106, of the City of David City, NE, Municipal Code Book, creating and establishing a Tree Board. Council member Hein seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

Ordinance No. 1078 was introduced and passed on first reading on May 14, 2008. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Lukassen, Smith, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to pass Ordinance No. 1078 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried and Ordinance No. 1078 was passed on third and final reading as follows:

**ORDINANCE NO. 1078**

AN ORDINANCE AMENDING CHAPTER 2, §2-106, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. Chapter 2, §2-106, of the David City Municipal Code Book be amended to read as follows:

**§2-106** **TREE BOARD; CREATION AND ESTABLISHMENT.** There is hereby created and established a City Tree Board for the City of David City, Nebraska, which shall



consist of three members, to include the Community Forester, one council member and one citizen, appointed by the Mayor with the approval of the City Council.

The term of office of the tree board members shall be two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. Members of the City Tree Board shall serve without compensation. It shall be the responsibility of the City Tree Board to develop and administer a written plan for the maintenance, planting and removal of all street and park trees and shrubs. Such plans, which may be updated or amended as need requires, will be presented to the City Council and upon their acceptance and approval shall constitute the official "Comprehensive City Tree Plan" for the City of David City, Nebraska.

The Tree Board, when requested by the City Council, shall research and make recommendations on any special matter within the scope of its duties. The City Tree Board shall keep a journal of its proceedings. The Tree Board shall hold quarterly meetings as a minimum. The City Council shall have the right to review the acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council, who will hear the appeal and make the final decision.

SECTION 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

SECTION 3. This ordinance shall be published in pamphlet form and 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 11<sup>th</sup> day of June, 2008.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar

Council member Schatz made a motion to appoint Council member Bill Scribner to the Tree Board. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Smith, Scribner, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #16 - Consideration of Ordinance No. 1079 amending Chapter 8, Article 5, of the City of David City, Nebraska, Municipal Code Book, concerning trees. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

Ordinance No. 1079 was introduced and passed on 1<sup>st</sup> reading on May 14, 2008. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1079 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried and Ordinance No. 1079 was passed on third and final reading as follows:

### **ORDINANCE NO. 1079**

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 5, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. Chapter 8, Article 5, of the David City Municipal Code Book be amended to read as follows:

#### **Article 5. Trees**

##### **§8-501 TREES; DEFINITIONS.**

STREET TREES. "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on street right-of-way, commonly called parquets, lying between property lines on either side of all streets, avenues, and ways within the City, and the street driving surface.

PARK TREES. "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all areas owned by the City, or to which the public has free access as a park.

COMMUNITY FORESTER. "Community Forester" shall be the City employee responsible for the funding and application of Tree City U.S.A.

##### **§8-502 TREES; STREET TREE SPECIES NOT TO BE PLANTED.**

Austrees

Black Locust

Elm Trees

Fruit Trees

Shrubbery of all types

Siberian Elm

Black Walnut  
Conifers  
Cottonwood

Poplars  
Seedless Cottonwoods

Silver Maples  
Tree of Heaven

**§8-503 TREES; PUBLIC TREE CARE.**

(1) The City shall have the right to plant, maintain, and remove trees and shrubs on all public areas to ensure public safety and to preserve the continuity and aesthetic beauty of such public grounds.

(2) The City Tree Board may remove or order removed, any tree or part thereof which is in an unsafe condition, or which by reason of its nature is injurious to sewers, electric power lines, underground utilities, and other public improvements, or is infected with an injurious fungus, insect or other pest.

(3) The City Tree Board shall also have cause to order removed any tree or part thereof which is deemed hazardous to private property or the general public.

(4) Planting trees on adjacent property is not affected by this Article except to the extent of provisions of section 8-506 and Attachment A.

(5) The adjacent or abutting property owners shall have the responsibility to perform appropriate tree care on their street trees.

**§8-504 TREES; CLEARANCE OVER STREETS AND WALKWAYS.**

(1) Clearance over streets and walkways shall be the responsibility of the adjacent or abutting property owner. A clearance of eight feet (8') will be maintained over the walkways and clearance of fourteen feet (14') will be maintained over streets and alleys.

(2) Property owners are responsible for the trees on their own property.

(3) It shall be the responsibility of the Utility Department to prune any trees in close proximity to utility lines.

**§8-505 TREES; DISTANCES FOR PLANTING.**

(1) Street trees may be planted in the parquette where there is more than eight feet (8') between the edge of the sidewalk and the curb of the street. Trees planted in the parquette shall be equidistant from the sidewalk and the curb. Street or private property trees shall not be planted any closer than five feet (5') from a sidewalk.

(2) No tree shall be planted closer than thirty-five feet (35') from the street corner, measured from the point of the nearest intersection of curbs or curb lines

(3) Large trees are those that reach mature heights exceeding forty feet (40'). Medium trees have a mature height of twenty-five feet (25') to forty feet (40'), and small (ornamental) trees have a mature height of less than twenty-five feet (25').

(4) Large or medium street trees shall not be planted closer than thirty-five feet (35') from another tree.

(5) Small (ornamental) trees shall not be planted closer than twenty-five feet (25') from another tree.

(6) No tree shall be planted closer than ten feet (10') from a fire hydrant or utility pole.

**§8-506 TREES; TREE TOPPING AND TRIMMING.**

It shall be unlawful to top any tree. Topping is defined as the severe cutting back of limbs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions will be pruned using other acceptable pruning techniques, such as drop crotch pruning or directional pruning.

**§8-507 TREES; TREE REMOVAL PERMIT.**

(1) It shall be unlawful for any person, property owner, homeowner or any firm engaged in the business or occupation, for hire or other valuable consideration, to prune, treat or remove any street or any park trees within the City without first applying for and procuring a permit. There shall be no permit fee. The permit is obtained at the City Office during regular business hours.

(2) Work performed by any public service company or City employee in the pursuit of the public service endeavors shall be exempt from this requirement.

**§8-508 TREES; STUMP REMOVAL.**

After any street or park tree is removed, the stump shall be removed at least four inches (4") below the surface of the ground and the remaining hole shall be filled with suitable soil.

**§8-509 TREES; BUSINESS LICENSE.**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street or park trees within the City of David City, Nebraska without first filing for and paying a \$25.00 annual license fee based on a calendar year, due January 1. Individual homeowners and property owners pruning, treating or removing street in compliance with Article 8 shall be exempt from licensing, however shall be required to apply for a permit and comply with all requirements required in §8-507 and §8-510 prior to commencing any work.

**§8-510 TREES; INSURANCE REQUIREMENTS.**

(1) It shall be unlawful for any person or firm to engage in the business or occupation or pruning, treating or removing street or park trees within the City of David City, Nebraska without filing evidence of bond or insurance in the minimum amounts of five hundred thousand dollars (\$500,000.00) for bodily injury and five hundred

thousand dollars (\$500,000.00) property damage, which shall be on file with the City Clerk.

(2) It shall be unlawful for individual homeowners and property owners to prune, treat or remove street trees within the City of David City, Nebraska without filing evidence of home owners insurance.

(3) Exempt from this requirement are: a) Any pruning and removals under the diameter of four inches (4") at the last cut, and b) any public employees doing such work in the pursuit of their public service endeavor.

**§8-511 TREES; PENALTY.**

(1) It shall be unlawful for any person to prevent the appointed representative from entering on to property for purposes of carrying out his or her duties, hereunder, or to interfere with the appointed representatives in the lawful performance of his or her duties under the provisions of this Article.

(2) Any persons violating any provision shall be subject to a fine not to exceed one hundred dollars (\$100.00).

SECTION 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

SECTION 3. This ordinance shall be published in pamphlet form and 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 11<sup>th</sup> day of June, 2008.

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Mayor Dana Trowbridge

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Joan E. Kovar

Council member Schatz made a motion to advance to agenda item #17 - Consideration of the application of Marv Kohler Enterprises, Inc., d.b.a. Marv's Fireworks, to sell permissible fireworks at 1831 N 4<sup>th</sup> Street. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Scribner, Smith, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

Council member Schatz made a motion to approve the application of Marv Kohler Enterprises, Inc., d.b.a. Marv's Fireworks, to sell permissible fireworks at 1831 N 4<sup>th</sup> Street, David City, Nebraska. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #18 - Consideration of the bids received for the proposed street improvements. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

At the May 14, 2008, Council Meeting, the City Council tabled consideration of the two bids received for the proposed street improvements for further clarification. Street Superintendent Jim McDonald reviewed the bids and stated that the overall cost for M.E. Collins Contracting would be approximately \$79,474.00 and Castle Construction, Inc. would be approximately \$64,446.00. Therefore, Council member Schatz made a motion to accept the bid proposal of Castle Construction, Inc. for a total cost of \$64,446.00. Council member Smith seconded the motion. Voting AYE: Council members Hein, Scribner, Lukassen, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

**CASTLE CONSTRUCTION, INC.**

P.O. Box 932, COLUMBUS, NE 68602 PHONE: 402/564-5554 FAX: 402/564-0517

CONSTRUCTION PROPOSAL

TO: HONORABLE MAYOR & CITY COUNCIL  
c/o CITY ADMINISTRATOR JOE JOHNSON  
CITY OF DAVID CITY  
FX (402) 367-3126

DATE: 14-Apr-08

**PROJECT:** MUNICIPAL STREET IMPROVEMENTS  
DAVID CITY, NEBRASKA

<u>ITEM NO.</u>	<u>DESCRIPTION</u>	<u>U/M</u>	<u>UNIT PRICE</u> <u>BASE BID</u>
1.	MACHINE CONCRETE PAVING - L Street between 10 <sup>th</sup> & 11 <sup>th</sup> Streets	SY	\$ 12.65
2.	SCREED CONCRETE PAVING--I Street between 4 <sup>th</sup> & 5 <sup>th</sup> Streets and M Street between 5 <sup>th</sup> & 6 <sup>th</sup> Streets	SY	\$ 14.70
3.	TIE BAR EXISTING CURB & GUTTER	EA	\$ 3.98
4.	L STREET INTERSECTION PAVING HANDWORK	SY	\$ 14.90
5.	REMOVE & REPLACE CURB & GUTTER	LF	\$ 11.50

*Proposal includes sub-grade preparation, concrete paving, sawing and sealing of pavement. Mobilization and bonding are included in unit prices. City to remove any culverts along project, remove existing street surface close to final grade. City to provide ready mix concrete, all backfill behind the curb & gutter, and adjust manholes to grade.*

*Quote valid for twenty (20) days. Insured requirements above our standard policy will be an additional charge to the base bid.*

Any alteration or deviation from the specifications provided involving extra cost, material or labor will only be executed upon written orders for the same, and will become an extra charge over the sum mentioned in the contract. All agreements must be made in writing.

The Contractor agrees to carry Workmen's Compensation and Public Liability Insurance, also to pay all Old Age Benefit and Unemployment Compensation Taxes upon the labor furnished under this contract, as required by the United States Government and the State in which this work is completed.

Monthly progress payments for work completed with final payment due twenty (20) days from receipt of final estimate.

Respectfully submitted by  
Stuart Gerhold, President

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Mayor Trowbridge opened the Public Hearing at 7:30 p.m. to consider the resolution of necessity creating a Storm Water Sewer District (Beginning at "D" Street within east half of the CB&Q Railroad right of way and proceeding south to "C" Street, thence west within the "C" Street right of way from CB&Q Railroad to Oak Street, thence south-southwesterly along existing drainage ditch to "A" Street approximately 400' East of Road "M").

It was noted that at the May 14, 2008, council meeting, the Resolution of Necessity was proposed for the construction of storm water sewer improvements within proposed Storm Water Sewer District No. 2008-SWATER. Notice of the said proposed Resolution of Necessity was published in the Banner Press on May 29, 2008, and June 5, 2008.

City Administrator Joe Johnson stated that "D" Street from 4<sup>th</sup> Street west to the CB&Q Railroad (a.k.a. Burlington Northern Santa Fe Railroad) is always a lake. The City needs to get the water out of town as quickly as possible. The water problems on "D" Street back up, causing water to locate in front of the Post Office, 411 N 4<sup>th</sup> Street, and in front of the Police Station, 475 N 3<sup>rd</sup> Street. This will alleviate these problems.

Phil Lorenzen of D.A. Davidson & Company, explained that the resolution of necessity is for the construction of storm water sewer improvements and is the mechanism to proceed to contract for work and provide funding. Phil suggested a short term note at approximately 2½ - 3%; this may go up but it would be a modest cost. There will be a street assessment to the building owners.

There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:39 p.m.

Council member Schatz introduced Resolution No. 14 - 2008, a Resolution of Necessity for the creation of a Storm Water Sewer District No. 2008-SWATER and the construction of storm water sewer improvements as proposed therein, and moved for its passage and adoption. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Lukassen, Smith, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried and Resolution No.14 - 2008 was passed and adopted as follows:

**RESOLUTION NO. 14 - 2008**

RESOLUTION OF NECESSITY

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

1. The Mayor and Council hereby find and determine that it is necessary and advisable to construct additions and improvements to the City's Storm Water Sewer System consisting of the following:

A 36" storm water outlet pipe starting at the 'D' Street and proceeding south approximately 400 feet paralleling the C B & Q Railroad to 'C' Street, replacing the existing open ditch. At 'C' Street, the 36" outlet pipe will head west along 'C' Street beginning with a jack and bore of steel pipe underneath the railroad. The outlet pipe will extend

approximately 750 feet along 'C' Street passing through 1<sup>st</sup> Street intersection to the intersection of Oak Street. At Oak Street the 36" outlet pipe will outlet to the south into an existing ditch draining south-southwesterly to 'A' Street. This ditch will be cleaned out as part of the project. The existing 'A' Street culvert approximately 400 feet east of Road 'M' will remain in place and an additional 36" culvert will be installed at this crossing.

2. The outer boundaries of the said Storm Water Sewer District, referred to as Storm Water Sewer District No. 2008-SWATER shall include certain property located within the corporate limits of the City of David City, Nebraska, more fully described as follows:

Beginning at 'D' Street within east half of the C B & Q Railroad Right of Way and proceeding south to 'C' Street. Thence west within the 'C' Street Right of Way from C B & Q Railroad to Oak Street. Thence south-southwesterly along existing drainage ditch to 'A' Street approximately 400' east of Road 'M'. This property is located within the South Half of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Nebraska. The 'A' Street culvert construction will include property within the Northwest Quarter of Section 30, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Nebraska

3. The size, kind and location and terminal points of pipe proposed to be constructed as a part of said additions and improvements is as follows:

A 36" storm water outlet pipe starting at the 'D' Street and proceeding south approximately 400 feet paralleling the C B & Q Railroad to 'C' Street, replacing the existing open ditch. At 'C' Street, the 36" outlet pipe will head west along 'C' Street beginning with a jack and bore of steel pipe underneath the railroad. The outlet pipe will extend approximately 750 feet along 'C' Street passing through 1<sup>st</sup> Street intersection to the intersection of Oak Street. At Oak Street the 36" outlet pipe will outlet to the south into an existing ditch draining south-southwesterly to 'A' Street. This ditch will be cleaned out as part of the project. The existing 'A' Street culvert approximately 400 feet east of Road 'M' will remain in place and an additional 36" culvert will be installed at this crossing, which is the point terminus of the storm water sewer improvements. The storm water outlet pipe shall be reinforced concrete pipe or HDPE pipe and these improvements shall include all necessary drainage structures and other necessary appurtenances.

4. Reference is hereby made to the plans and specifications for said additions and improvements which have been prepared by Olsson Associates, Special Engineers for the City, and which, together with said Engineer's estimate of total cost for said additions and improvements have been filed with the City Clerk prior to the proposing of this Resolution.

5. The Engineer's estimate of total cost for the proposed Storm Water Sewer System improvements for said Storm Water Sewer District No. 2008-SWATER is as follows:



TOTAL ESTIMATED PROJECT COST                      \$206,000

6. It is hereby found and determined that the Storm Water Sewer Improvements constitute improvements of general benefit to the City of David City as a whole. Said additions and improvements shall be financed by the issuance of the City's General Obligation Sewer Bonds issued pursuant to Section 17-925, R.R.S. Neb. 1997.

PASSED AND APPROVED this 11<sup>th</sup> day of June, 2008.

\_\_\_\_\_  
Mayor Dana Trowbridge

\_\_\_\_\_  
City Clerk Joan E. Kovar

Council member Schatz introduced Ordinance No. 1080. Council member Schatz made a motion to pass and adopt Ordinance No. 1080 on the first reading. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Lukassen, Smith, Scribner, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried and Ordinance No. 1080 was passed on first reading only as follows:

**ORDINANCE NO. 1080**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING SECTION 10-506, AMENDING THE METHOD FOR CALCULATING THE OCCUPATION TAX FOR TELEPHONE AND TELECOMMUNICATION COMPANIES, AND CREATING AN ENFORCEMENT AND REPORTING SYSTEM FOR TELEPHONE AND/OR TELECOMMUNICATION COMPANIES OCCUPATION TAXES AND RATES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

**Section 1.** That Chapter 10, Article 5, Section 10-506 of the Municipal Code of the City of David City, Nebraska, be added to read as follows:

§ 10-506 Occupation Tax; Telephone Companies and Telecommunications Companies

A. Revenue Measure. The provisions of this section are enacted solely as a revenue measure of the city.

B. Telephone Companies and Telecommunications Companies. An occupation tax is hereby levied and imposed on every person who engages in the business of providing local

exchange telephone service, intrastate message toll telephone service and mobile telecommunications services for revenue in the city.

C. Mobile Telecommunications Services, defined. As used in this section, mobile telecommunications services shall mean a wireless communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, and includes: (i) Both one-way and two-way wireless communications services; (ii) a mobile service which provides a regularly interacting group of base, mobile, portable, and associated control and relay stations, whether on an individual, cooperative, or multiple basis for private one-way or two-way land mobile radio communications by eligible users over designated areas of operation; and (iii) any personal communications service;

D. Amount of Tax. The occupation tax shall be five percent (5%) of the gross income received from furnishing local exchange telephone service and intrastate message toll telephone service, other than Mobile telecommunications services as defined in this Section, from subscribers within the corporate limits of the City of David City, Nebraska.

If the telecommunications services provided are Mobile telecommunication services as defined in this section, the tax shall be a percentage, as set by the City Fees ordinance, of the gross income received from furnishing service that originates and terminates in the same state to a customer with a place of primary use within the corporate limits of the City of David City, Nebraska. Gross receipts shall not mean (i) the gross income, including division of revenue, settlements, or carrier access charges received on or after January 1, 1984, from the sale of a telephone communication service to a communication service provider for purposes of furnishing telephone communication service or (ii) the gross income attributable to services rendered using a prepaid telephone calling arrangement.

E. Quarterly payments: due dates. The payment of any occupation tax levied and imposed by the provisions of this article shall be made in quarterly payments using the calendar quarter year as a basis for determining the due date. Each quarterly payment shall be due thirty (30) days immediately following the termination of each calendar quarter year.

F. Statement to be filed. Every person coming within the provisions of this article shall, on or before the fifteenth day of the month immediately following the termination of each calendar year, file with the city clerk, in the case of those persons taxed by section 10-506, a full, complete and detailed statement of the income and gross receipts of said person for the preceding three (3) calendar months, omitting therefrom the appropriate exceptions and exemptions, if any. All statements shall be duly verified as true and correct and sworn to by the manager or managing officer of such person.

G. City's right to inspect. The city shall have the right at any and all times during business hours to inspect, through the comptroller or some other officer appointed by the city council, the books and records of any person coming under the provisions of this article for the purpose of ascertaining the correctness of the required statement.

H. Failure to file statement; interest and penalty. In the event any person coming under the provisions of this article shall refuse, fail or neglect to furnish or file the required statement at the time or times specified, the occupation tax for the preceding three (3) calendar months shall draw interest at the rate of one (1) percent per month after due and payable, and in addition thereto, a penalty of five (5) percent for the failure to file.

I. Interest and penalty on delinquent payments. All delinquent payments shall draw interest at the rate of one (1) percent per month; and, if delinquent for six (6) months or more, a penalty of five (5) percent shall be added thereto in addition to the interest charge.

J. Collection of tax by civil action. In case any person shall fail to make payment of the occupation tax as required by this article, the city shall have the right and may sue any such person or persons in any court of competent jurisdiction for the amount of the occupation tax due and payable and may recover judgment against such person for the amount so due, together with interest and penalties, and may have execution thereon.

K. Disposition of receipts. The occupation taxes paid under the provisions of this article shall be credited to the general fund of the city.

Section 2. The calculation of the amount of occupation tax due under Section I(D) of this ordinance shall commence \_\_\_\_\_ 1, 2008.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with the provisions is herewith 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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

THE CITY OF DAVID CITY, NEBRASKA  
Passed on 1<sup>st</sup> reading only 6/11/08  
Mayor Dana Trowbridge

Passed on 1<sup>st</sup> reading only 6/11/08  
City Clerk Joan Kovar

Council member Schatz made a motion to approve the Helping with Energy for Low-income People (HELP) program administered through Blue Valley Community Action which is a voluntary contribution for low-income people which provides funds to help those in need pay their electric bills in emergency situations. Council member Scribner seconded the motion. Voting AYE: Council members Lukassen, Smith, Hein, Scribner, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to advance to agenda item #22 - Consideration of the bids received for replacement of the water treatment plant roof. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. Council Yindrick was absent. The motion carried.

The following bids were received for replacement of the water treatment plant roof:

Midwest Roofing, Inc.;	
Ballasted EPDM Roof System; 15 yr warranty	\$71,805.00
Weathercraft Co. of Lincoln:	

Firestone 45 Mil loose laid ballasted rubberguard membrane roof system; 15 yr water tight warranty	\$46,970.00
Firestone 60 Mil fully adhered rubberguard membrane roof system. Over the prepared surface, a 1.5 inch poly-isocyanurate insulation will be installed. Then a new Firestone 60 mil EPDM roof system will be installed.	\$60,613.00

Council member Schatz made a motion to approve the bid of \$60,613.00 from Weathercraft Co. of Lincoln for a 60 Mil fully adhered rubberguard membrane roof system, for the replacement of the water treatment plant roof. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Hein, Lukassen, Smith, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Schatz made a motion to go into executive session for the prevention of needless injury to the reputation of an individual. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Mayor Trowbridge stated that the City Council was going into executive session for the prevention of needless injury to the reputation of an individual.

The City Council, Mayor Trowbridge, City Administrator Joe Johnson, Attorney Jim Birkel, and City Clerk Joan Kovar went into executive session at 7:52 p.m.

Council member Schatz made a motion to come out of executive session at 8:11 p.m. Council member Hein seconded the motion. Voting AYE: Council members Smith, Scribner, Lukassen, Hein, and Schatz. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Council member Scribner made a motion to approve the Manager Application for Jonathan Fryer in connection with Staab PH Units LLC d.b.a. Pizza Hut of David City, 1931 N 4<sup>th</sup> Street. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Schatz, Hein, Smith, and Scribner. Voting NAY: None. Council member Yindrick was absent. The motion carried.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Smith, and Hein. Voting NAY: Council member Schatz. Council member Yindrick was absent. The motion carried and Mayor Trowbridge declared the meeting adjourned at 8:15 p.m.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
June 11, 2008

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of June 11, 2008; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Joan E. Kovar, City Clerk