

CITY COUNCIL PROCEEDINGS

January 8, 2003

The Mayor and City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on January 2, 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 notices 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 Stephen Smith, Council members Mark Kirby, Gary Kroesing, Gary Smith, Ted Lukassen, Bill Schatz, and Nick Hein, City Attorney Jim Egr, Electric Supervisor Tim Kovar, Linemen Pat Hoefft and Tim Kozisek, Police Chief Steve Sunday, Park/Auditorium Supervisor Bill Buntgen, Water/Sewer Supervisor Gene Divis, Police Chief Stephen Sunday, and City Clerk-Treasurer Joan E. Kovar.

Also present were LaVerne Kozisek and his three sons, Pat, Jim, and Chris, Pat Kozisek's daughter Emily, Darrell Kahler, Richard Ronkar of Gilmore and Associates, Mike Sousek of the NRD, Jim Vandenberg, Roger Svoboda, Richard Sabata, and Banner Press Editor Larry Peirce.

The minutes of the December 11, 2002 meeting of the Mayor and City Council were approved upon a motion by Council member Lukassen and seconded by Council member Hein. All of the Council members were present, all voted YEA and the motion carried.

Stephen Smith asked for Petitions, Communications and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions. A Thank You was received from the City Employees for getting off two hours early on Christmas Eve and one hour early on New Year's Eve.

Mayor Smith asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to advance to agenda item #10 - Consideration of a wellhead protection plan and wellhead protection Ordinance No. 925. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Bill Schatz reported that the Wellhead Protection Committee met on Saturday, January 4, and they accepted the revisions that were discussed at the Committee of the Whole meeting on December 23. The underlined sections indicate changes or additions:

ORDINANCE NO. 925

AN ORDINANCE TO PROVIDE FOR PROTECTION OF THE CITY OF DAVID CITY WELLHEAD PROTECTION AREA PURSUANT TO SECTION 17-536 AND SECTION 46-1501 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA BY ESTABLISHING LIMITATIONS UPON THE LOCATION OF POTENTIAL SOURCES OF POLLUTION OR INJURY TO THE

MUNICIPAL WATER SUPPLY AND GROUND WATER; TO ESTABLISH RULES AND REGULATIONS DEFINING AND ENFORCING SUCH LIMITATIONS; TO PROVIDE FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Section 17-536 of the Revised Statutes of Nebraska provides that the jurisdiction of the City to prevent pollution or injury to the source of its water supply shall extend 15 miles beyond its corporate limits;

WHEREAS, Section 46-1503 of the Nebraska Wellhead Protection Area Act in the Revised Statutes of Nebraska provides that the City may designate a wellhead protection area and adopt controls pursuant to said Act for the protection of the public water supply system;

WHEREAS, pursuant to the Nebraska Wellhead Protection Area Act, Sections 46-1501 et. seq. of the Revised Statutes of Nebraska, the Mayor and City Council have adopted a Wellhead Protection Plan and Area, which has been approved by the Nebraska Department of Environmental Quality;

WHEREAS, it is necessary to place limitations upon the location of potential sources of pollution or injury to the municipal water supply and ground water within the Wellhead Protection Area and to prescribe rules and regulations with respect to such limitations and the enforcement thereof;

WHEREAS, the County of Butler has not adopted zoning regulations at the time of the enactment of this ordinance, this ordinance shall be precedent;

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

Section 1. The City of David City hereby declares the David City Wellhead Protection area to include the entire area within the **one mile** jurisdictional zoning map for the City of David City.

Section 2. The City of David City adopts the Wellhead Protection Plan and Area which has been approved by the Nebraska Department of Environmental Quality; the same is attached hereto and incorporated herein by reference as if fully set forth.

Section 3. Words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Definitions set forth in the City of David City General Plan shall be applied in the event of any ambiguity or uncertainty in the interpretation of the rules and regulations established by this ordinance.

Section **4**. It shall be unlawful for any person, other than the City of David City, to place, install, construct or replace any of the following structures or conduct any of the following activities or any activity which shall be designated by the Planning Commission as a potential threat to the water supply within the Wellhead Protection Area, except as may be provided **by permit** herein, to wit:

Activity or structure

Non-potable water well

- Sewage lagoon - not allowed
- Absorption or disposal field for waste - not allowed
- Cesspool - not allowed
- Dump - not allowed
- Livestock confinement facilities - restricted by Section 4
- Pit toilet
- Sanitary landfill - not allowed
- Chemical or petroleum product storage
- Septic Tank **and septic drain field**
- Sewage treatment plant - not allowed
- Sewage wet well - not allowed
- Sanitary sewer connection
- Sanitary sewer manhole
- Sanitary sewer line

Section **5**. The placing, installing, construction or replacing of any allowed structure or activity as set forth in Section **4** of this ordinance, hereafter termed "wellhead structure or activity", within the Wellhead Protection Area, shall not be permitted after the effective date of this ordinance unless a permit approved by the Planning Commission has been obtained. The owner of any wellhead structure or activity shall have the burden of establishing the existence and use of said wellhead structure or activity at the time of the effective date of this ordinance.

Section **6**. No permit shall be issued by the Planning Commission within the following setback distances from any City of David City municipal water well:

<u>Activity or structure</u>	<u>Minimum Distance from Water Supply</u>
Non-potable water well	1,000 ft.
Sewage lagoon	not allowed
Absorption or disposal or leach field for waste	not allowed
Cesspool	not allowed
Sanitary landfill	not allowed
Livestock confinement	5,000 ft.
Pit toilet	500 ft.
Chemical or petroleum storage	500 ft.
Septic tank and septic drain field	500 ft.
Commercial Lawn and garden compost	500 ft.
Fertilizer and pesticide storage	500 ft.
Septic tank exceeding 1,000 GPD	5,000 ft.
Sewage treatment plant	not allowed
Sewage wet well	not allowed
Sanitary sewer connection	100 ft.
Sanitary sewer manhole	100 ft.
Sanitary sewer line	50 ft.

Any activity described in Section **6** located within the defined setback distance shall be considered prima facie a hazard to the quality of the municipal water supply.

Section 7. For purposes of this ordinance, livestock confinement shall be restricted to a maximum of three hundred (300) animal units per site as defined by Title 130 of the regulations of the Nebraska Department of Environmental Quality and where allowed by Title 130 Rules and Regulations, zoning regulations and ordinances of the City

of David City. In the event conditions at the livestock facility at any time indicate there is a high potential for waste discharge which may threaten the municipal water supply or groundwater, as determined by the Department of Environmental Quality, the Planning Commission permit for the operation shall be subject to revocation, unless the owner of the operation can provide evidence to the Planning Commission that the threat has been eliminated.

Section 8. Any wellhead structure or activity not prohibited by Sections **4** and Section **6** shall be allowed, subject to a determination of the Planning Commission that such activity does not constitute a hazard or threat to the quality of the municipal water supply or ground water and upon issuance of a permit.

Section 9. The Planning Commission of the City of David City shall be responsible for implementation and enforcement of the rules and regulations established by this ordinance and shall consider all applications filed pursuant hereto. All applications shall be approved or rejected by roll call vote. The Zoning Enforcement Officer shall be charged with administration of the rules and regulations.

Section 10. Prior to placing, installing, constructing, expanding or replacing any wellhead structure or activity, the owner of the real estate upon which the structure or activity is proposed shall file with the Planning Commission an application for a wellhead activity permit. Said application shall be on a form furnished by the City of David City and shall include supporting information indicating why approval would not adversely impact the municipal water supply and ground water. The application shall be submitted to the Planning Commission for review. Prior to acting upon the application, the Planning Commission may seek an engineering report, recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply. A permit shall be issued only after the Planning Commission determines that the structure or activity is unlikely to contaminate or pollute the municipal water supply and ground water. **Replacement or repair of existing properly registered agricultural irrigation wells, when done in an expedited or emergency status process by the Natural Resources District, shall be exempt from the Planning Commission permit process and must meet all requirements of the Natural Resources District and the setback distance requirements of Section 6.**

Section 11. Wellhead structures or activities in existence and use in the Wellhead Protection Area as of the effective date of this ordinance shall continue to be permitted unless such continued existence or use, in the opinion of the Planning Commission, presents a hazard to the municipal water supply or ground water. If the Planning Commission determines that an existing wellhead structure or activity presents a hazard, the Planning Commission shall authorize the Zoning Enforcement Officer to notify the owner of the structure or activity to cease and desist said structure or activity. If the owner of the structure or activity desires to continue operation of said structure or activity, the owner may make application for a permit pursuant to this ordinance. If the owner does not cease and desist pursuant to this ordinance, the Zoning Enforcement Officer may proceed pursuant to Section 12 of this ordinance against said owner of the structure or activity.

Section 12. Any person found **guilty by a court of law of** violating any provision of this ordinance shall be subjected to a fine not to exceed \$500. The continuation of a violation of this ordinance shall be deemed an additional offense for every 24 hours of such continued violation. In addition, the City of David City may obtain injunctive relief and sue for damages and remediation and pursue other remedy available under laws of the State of Nebraska or other

authority having jurisdiction over such matters.

Section 13. Should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and City Council of the City of David City that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 14. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 15. This ordinance shall take effect and be in full force from and after its passage and publication according to law.

PASSED AND APPROVED this _____ day of _____, 2003

1st rdg- 10/09/02; 2nd rdg- 11/13/02;

Mayor Stephen Smith

Attest:

1st rdg- 10/09/02; 2nd rdg- 11/13/02;

City Clerk Joan E. Kovar

Mike Sousek of the Natural Resource Development distributed pamphlets on Documenting Public Input - Wellhead Protection Plan. Sousek explained that a very important part of a Wellhead Protection Plan is the documentation of public review and public input on the plan itself. The following are the basic minimum requirements that must be documented:

- ✓ Prepare a Wellhead Protection Plan
- ✓ The WHP Plan is made available for public review at least 30 days prior to the meeting where public comment will be taken on the Plan.
- ✓ Public comment is taken at a regularly scheduled meeting of the "controlling entity" (meaning the city council.)

Council member Hein made a motion to advance to agenda item #6 - Discussion concerning proposed street improvements in the proposed Kozi 2nd Addition. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

LaVerne Kozisek and his 3 sons Pat, Jim, and Chris were present along with Richard Ronkar of Gilmore & Associates. Kozisek's presented a map showing the proposed Kozi's 2nd Addition which would be located east of Kozi's 1st Addition. East "E" Street would be extended further east to join Cottonwood Drive that would run North and South with a cul-de-sac to the North end. The proposed addition would consist of 9 lots, 8 potential building lots. (Albrachts purchased Lot 9 which adjoins their lot).

Kozisek and Ronkar had questions for the Council before presenting their preliminary plat to the Planning Commission:

Does the City provide the electric, water, and sewer? Electric Supervisor Tim Kovar stated that it is the city's policy to build in the electric lines in provided easement areas. Water Sewer Supervisor Gene Divis stated that the city will extend the main water and sewer lines. The property owners will then be assessed a water tap fee, sewer tap fee, and also a sewer assessment because a lift station will be needed in this area.

Will the City require that streets be put in prior to accepting the sub-division? The Council stated that they require a minimum of curb and gutter. This was not required in Kozi's 1st Addition, however, after the homes were established the new home owners petitioned for curb and gutter which resulted in problems concerning grade and elevations. Therefore, the Council decided that curb and gutter must be included in the preliminary plat. The assessments will be an 80/20 split with the property owners share at 80% of total costs, which would include all aspects of the project. The placement of sidewalks is also to be noted on the plat.

Council member Kirby made a motion to advance to agenda item #7 - Consideration of bids received for the electric department's basket truck. Council member Hein seconded the motion. Voting YEA: Council members Smith, Schatz, Hein, Lukassen, and Kirby. Voting NAY: None. Council member Kroesing was absent as he left the meeting for a few minutes. The motion carried.

Electric Supervisor Tim Kovar presented the bids received at the January 6th bid opening for an aerial device as follows:

Altec Industries	
Model AM55 articulating overcenter aerial device:	\$57,013.00
Chassis total:	<u>\$36,539.00</u>
	\$93,552.00
MTI Insulated Products	
V50CHA-55 unit	\$76,267.00
GMC C7C042	<u>\$39,170.00</u>
	\$115,437.00
Dueco	
Unit, Body, & Installation	\$68,060.00
2003 Ford F750 Chassis	<u>\$35,630.00</u>
	\$103,690.00

Electric Supervisor Kovar stated that Altec Industries had the low bid, however, he suggested accepting the bid of Dueco because it offered the hydraulic lift. The line crew currently uses a Dueco truck and they are very satisfied with its performance.

Don Sedlacek, representing Altec, stated that they do not offer a hydraulic lift. Sedlacek reported that Polk Public Power has an Altec aerial device with the same features as requested, except for the lift, and Polk Public Power are very pleased with it. Much discussion followed. Council member Schatz stated that he didn't know that much about aerial trucks and asked for

some explanation. Council members Kroesing and Kirby, who both work at Butler County Public Power, explained the different options and functions on the trucks.

Council member Smith made a motion to accept the bid of Dueco in the amount of \$103,690.00 for an aerial truck for the electric department. Council member Lukassen seconded the motion. Voting YEA: Council members Schatz, Lukassen, Kroesing, Kirby, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Smith declared a ten minute recess at 8:25 p.m. The meeting resumed at 8:35 p.m..

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

Park/Auditorium Supervisor Bill Buntgen reported that he has been watering in the park due to the dry conditions. Power Plant employees Brian Coufal and Bob Palik have been helping Bill with various jobs in the auditorium and park. A more permanent arrangement will be made once Power Plant Supervisor John Kabourek returns from sick leave due to heart surgery.

Council member Kirby questioned the \$275.00 electric bill for the swimming pool. Electric Supervisor Tim Kovar explained that due to the rate the pool is on, the actual bill was approximately \$97.00 but the minimum charge is \$275.00. After discussion the Council decided that starting next month, during the winter billing months only, the swimming pool will only be billed for actual usage instead of the minimum charge.

Council member Kroesing thanked Electric Supervisor Tim Kovar and his crew for helping the Butler County Rural Public Power District in Ulysses this afternoon. They re-did a sub-station and Kroesing said they would not have finished the project in the allotted time without help.

City Clerk Kovar reported that Jodi Prochaska of Scow, Rief, Kruse, & Schumacher is finishing up on the general audit. Certified Public Accountant Mike Moravec is beginning the keno audit.

Police Chief Stephen Sunday reported the new 2003 Dodge Intrepid police vehicle has been received. Replacement windows will hopefully be installed in the police building next week.

Mayor Smith reported on the following:

1. Jenny Sylvester made a service deposit on January 2001. She was delinquent with a payment in November 2001. Jenny claims she did not receive a light bill in November and therefore feels that she should receive her service deposit refund. The Mayor informed her that a utility bill was mailed but we are not responsible for the mail service, she should have realized that utility bills are due by the 10th of every month, and the policy is that you must go two (2) years without a delinquent bill before the service deposit is refunded. The Council agreed - rules are rules - they will not make any exceptions.

2. An individual asked if the City would be interested in renting or selling the building given to the City by Sack Lumber Company located at 660 5th Street. Currently the Boy/Cub Scouts are using this building for their meetings. Council member Hein stated he had no desire to rent the building. Mayor Smith stated that if the building was sold it would need to be by sealed bids or public auction. Council member Hein stated "keep it" and life goes on. The other council members agreed.

3. David Burbach, Project Engineer of the aquatic center has scheduled a final close-out meeting with Lueder Construction and the City for the David City Family Aquatic Center project

for Thursday, January 16, 2003, at 8:30 a.m. at the pool site. Mayor Smith will meet with Street Superintendent Jim McDonald and Park/Auditorium Supervisor Bill Buntgen prior to the meeting to prepare a checklist of items that still need attention at the aquatic center.

4. Power Plant Supervisor John Kabourek recently had heart surgery. Kabourek requested that the Council consider giving power plant employee Eric Betzen additional compensation for the extra duties Betzen assumed during Kabourek's absence. The Council will think about this.

5. The Council received copies of the applications received for the building inspector position. Mayor Smith asked how the Council would like to address them; have all the Council members interview applicants? set up a committee to interview them? or any suggestions? Council member Schatz stated there is a high potential that the Council may pass Ordinance #926 replacing a building inspector with a zoning enforcement officer, in which case the job description may change. Perhaps it would be better to adopt the ordinance that establishes a zoning enforcement officer and then review the applications. Council member Smith felt it was a good idea to have a committee. Schatz suggested a committee such as the search committee that was established to hire a city administrator. Schatz stated that he would like to be on the committee and felt that Ted Lukassen should be included also. Council member Hein also expressed an interest in serving on a committee.

Council member Kroesing made a motion to establish a committee consisting of Council members Schatz, Lukassen, and Hein, and Mayor Smith as a sub-committee member, to interview the building inspector applicants and make recommendations to the Council. Council member Smith seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Mayor Smith scheduled Committee of the Whole meetings for Monday, January 27, 2003, at 5:30 p.m., in the City Office, and for Monday, February 24, 2003, at 5:30 p.m. in the City Office.

Council members Gary Smith and Mark Kirby reported that the search committee met on Monday, January 6th, and interviewed Dennis Snook as an applicant for the city administrator's position. Tentatively a meeting is scheduled for next Thursday, January 16, to enable the entire council and all of the department heads an opportunity to meet with Dennis Snook.

Council member Kirby made a motion to accept the Committee and Officers' Reports as presented. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Ordinance No. 926 was discussed. Council member Smith stated an individual approached him concerning the garage the hospital recently put up. The individual said, "do you mean to tell me if you replace the building inspector with a zoning enforcement officer that we could have put up what we wanted if all the City is going to do is just check zoning." Council member Schatz explained that would not make a difference because people would still have to follow the General Plan and zoning regulations. Council member Kroesing stated that this was still vague. Council member Schatz explained that the City will still be "responsible" but will not be "liable" for sub-standard buildings. Discussion followed. Council members Schatz and Lukassen will put together a job description for a zoning enforcement officer and a summary/check sheet.

Council member Schatz made a motion to pass Ordinance No. 926 on the 2nd reading. Council member Smith seconded the motion. Voting YEA: Council members Kroesing, Kirby, Lukassen, Smith, and Schatz. Voting NAY: Council member Hein. The motion carried.

ORDINANCE NO. 926

AN ORDINANCE TO AMEND PROVISIONS RELATING TO BUILDING/ZONING REGULATIONS, TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

SECTION 1: That Chapter 9, Article 1, Sections 9-101 thru 9-104 inclusive; Chapter 9, Article 2, Section 9-201, 9-202, 9-205 and Chapter 9, Article 6, Section 9-605 thru 9-608 inclusive of the Municipal Code of David City, Nebraska be repealed and be amended to read as follows:

Chapter 9
BUILDING REGULATIONS

Article 1. Process

§9-101 ZONING PERMIT APPLICATION: Property owners desiring to do any of the following:

- New home construction
- Foundation laying (for new construction or moving a house)
- New additions
- Rebuilding
- Porches, Decks, Storage Sheds, etc.
- Commercial construction
- Sidewalks, Driveways
- Fences
- Signs
- Satellite dish
- All else falling under Zoning Regulations

are required to complete a zoning permit application.

§9-102 PERMIT APPROVAL: The Zoning Permit Application must be approved by the Zoning Enforcement Officer.

Article 2. Zoning Permit

§9-201 ZONING PERMIT: LIMITATION. If the work described in any Zoning Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Enforcement Officer; and written notice thereof shall be given to the person affected.

If the work described in any Zoning Permit has not been substantially completed within two (2) years of the issuance thereof, said permit shall expire and be cancelled by the Zoning Enforcement Officer, and written notice thereof shall be given to the person affected, together with notice that further work as described in the cancelled permit shall not proceed unless, and until a new Zoning Permit application has been obtained.

§9-202 PERMIT: Any person desiring to commence or proceed to erect, construct, repair, enlarge, any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a Zoning Permit. The Application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such Application shall set forth the legal description of the land upon which the construction is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor and such other information as may be requested thereon. The Application, plans, and specifications so filed with the Municipal Clerk shall be checked by the Zoning Enforcement Officer and if they are found to be in conformity with the zoning requirements and all other ordinances applicable thereto, the Zoning Enforcement Office shall authorize the Municipal Clerk to issue the said applicant a permit upon the payment of the permit fee set by resolution of the Governing Body.

SECTION 2. That existing Chapter 9, Article 1, Sections 9-101 thru 9-104 inclusive and Chapter 9, Article 2, Sections 9-201 and 9-202 are hereby repealed.

SECTION 3. Chapter 9, Article 2, Section 9-205 shall be amended to have all reference to "Building Inspector" deleted and substituted therefore the terminology "Zoning Enforcement Officer".

SECTION 4. Chapter 9, Article 6, Sections 9-605 thru 9-607 inclusive shall be amended to have all references to "Chief Building Inspector" deleted and substituted therefore the terminology "Zoning Enforcement Officer".

SECTION 5. Chapter 9, Article 6, Section 9-605 shall have deleted the reference to "he" and have substituted therefore the terminology "he or she".

SECTION 6. Chapter 9, Article 6, Section 9-608 shall have the words "Building Permits" deleted and have substituted therefore the terminology "Zoning Permits".

SECTION 7. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

SECTION 8. 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 _____, 2003.

2nd reading only
Mayor Stephen Smith

2nd reading only
City Clerk Joan E. Kovar

Council member Hein made a motion to enter an inter-local agreement between the City and County concerning snow removal in the downtown area. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

AGREEMENT

Butler County agrees to contract with the City of David City for the snow removal from October 1, 2002 to October 1, 2003 on the following described streets.

E Street between 4th and 5th Street (North side of Courthouse)

5th Street between D and E Street (East side of Courthouse)

D Street between 4th and 5th Street (South side of Courthouse)

D Street between 5th and 6th (Fire hall)

5th Street from E Street north to railroad tracks (Sack Lumber)

E Street between 5th & 6th Street (Kobza Motors)

5th Street between C and D (Library)

Butler County agrees to do this without any charge to the City. Such work will be done only after rural county roads priorities have been met and the City has wind-rowed the snow to the middle of the street. The City will assist the County in the above mentioned streets after their portion of snow removal has been met.

Stephen Smith
Jr.
City of David City

Irvin Cidlik
Butler County Board of Supervisors

Mayor Smith asked City Attorney Jim Egr if the Council could go into executive session during a Committee of the Whole meeting. City Attorney Egr said "yes" the Council can go into

executive session during a Committee of the Whole meeting. Therefore, Mayor Smith suggested that since it was getting late the Council wait until their January 27th Committee of the Whole meeting to go into executive session. Council member Hein stated that he disagreed and felt that there were items that needed to be discussed right away. Council member Kroesing agreed and made a motion to go into executive session to discuss a matter of personnel. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith and the City Council went into executive session at 9:55 p.m..

Council member Kroesing made a motion to come out of executive session. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Mayor and Council came out of executive session at 10:55 p.m..

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 11:00 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
January 8, 2003

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 January 8, 2003; 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.

Joan E. Kovar