

CITY COUNCIL PROCEEDINGS

January 10, 2001

The Mayor and City Council of the City of David City, Nebraska met in open public session at 7:00 p.m. on January 10, 2001 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 4, 2001 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, Ted Lukassen, Gary Kroesing, Bill Schatz, Gary Smith, and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Water/Sewer Supervisor Gene Divis, Police Chief Stephen Sunday, Street Superintendent Jim McDonald, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, and City Clerk Joan E. Kovar.

Also present were: Dorothy Bohaty, Mr. & Mrs. Curtis Burgess, Mike Hiatt, Scott Hlavac, Mr. & Mrs. Keith Moore, Sheriff Mark Hecker, Mr. & Mrs. Jason Rosendranz, Mark Brockhaus representing the CPA firm of Scow, Rief, Kruse, and Schumacher, and Greg MacLean of Olsson Associates.

The minutes of the December 13 regular meeting, and the December 13 organizational meeting, of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Smith. 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 or communications to be read. Council member Hein stated that Willard Zavodny, 1491 No. 8th, said to thank the street department on the fine job they did in installing the snow wall to deter the snow drifts.

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

Mayor Smith called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. There were no additional reports from the department heads. Council member Schatz made reference to Police Chief Sunday's report concerning State Statute 17-563 that states: each city of the second class and village by ordinance may require any and all lots or pieces of ground within the city or village to be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon. This will be reviewed at the next Board of Health meeting. Mayor Smith scheduled a Committee of the Whole meeting for Tuesday, January 30, at 5:30 p.m. in the meeting room of the City Office.

Council member Kirby made a motion to accept the Committee and Officers' Reports as presented. Council member Hein seconded the motion. All of the Council members were

present, all voted YEA, and the motion carried.

Council member Kirby made a motion to advance ahead to agenda item #13 - Consideration of the Board of Health's recommendations. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

The Board of Health met on January 4, 2001 and recommended to the City Council that the property located at 164 S. 4th Street be declared a public nuisance. The property is owned by Shawn Marie Rosendranz, but was occupied by Lynn Grimm and her boyfriend Ron Shock. Shawn Marie and Lynn are sisters. On November 28, 2000, a search warrant was obtained to seize evidence of an active methamphetamine laboratory. As the methamphetamine is cooked, these hazardous materials are exposed to the interior of the house. Thousands upon thousands of cockroaches were found inside the house. Shawn and her husband Jason live in Brookings, South Dakota. Jason said that they want to cooperate with the police department and agree the best solution would be to burn the house down. They would like a weeks notice and a couple of days to get a few salvageable items out of the house. Jason stated that anyone who needs the wheel-chair ramp at the entrance to the house would certainly be allowed to have it. Council member Hein made a motion to accept the Board of Health's recommendation that the property located at 164 S. 4th Street be declared a public nuisance. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The fire department will arrange to burn the house down once the necessary paper work is obtained. Weather permitting the house will be burned down by the end of February.

The Board of Health met on December 7 and reviewed the property located at 1070 N 8th Street, owned by Barb Vogl. The Board of Health found that the property is in violation of David City Code Article 4 - Nuisances, 4-401 Nuisance: Specifically Defined (3)(6)(7)& (9). At the December 13, 2000 Council meeting, the Council accepted the Board of Health's recommendation. Council member Kirby made a motion to schedule a Public Hearing for the next council meeting scheduled for February 14, 2001, to discuss the property located at 1070 N 8th Street, owned by Barb Vogl, that has been declared a public nuisance. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to advance ahead to agenda item #8 - Consideration of an Ordinance adding a special exception for garden centers to High Density Residential. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby introduced Ordinance No. 900. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Kirby seconded the motion. All of the Council members were present and all voted YEA. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 900 on the third and final reading. Council member Smith seconded the motion. Council member Lukassen,

who had been a member of the Planning Commission, reminded the Council that the Planning Commission had recommended to the Council that the request be denied. The off-street parking was discussed. Jane Moore said that they would install 6 -7 stalls. Street Superintendent Jim McDonald stated that the off street parking should be asphalt or concrete, not rock or gravel. Moores agreed that the off street parking will either be asphalt or concrete, they will have the curb ground out, and it will all be at their expense. Voting YEA: Council members Schatz, Kirby, Smith, and Kroesing. Voting NAY: Council members Hein and Lukassen. The motion carried and Ordinance No. 900 was passed and adopted as follows:

ORDINANCE NO. 900

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, TO AMEND ZONING ORDINANCE NO. 616, SECTION 411 - HIGH DENSITY RESIDENTIAL, TO ALLOW GARDEN CENTERS AS PERMITTED SPECIAL EXCEPTIONS UNDER SECTION 411.4 SPECIAL EXCEPTIONS, TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS PROVISION AND PROVIDING FOR AN EFFECTIVE DATE AFTER PASSAGE, APPROVAL AND PUBLICATION AS REQUIRED BY LAW.

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

Section 1. That Ordinance No. 616, Section 411.4 High Density Residential - Special Exceptions - be amended by the addition of the following:

9. Garden Centers / Greenhouses

Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with the provisions is hereby 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 10th day of January, 2001.

Mayor

ATTEST:

City Clerk

City Administrator Andrew Brannen reported that Jerome Smith, C.P.A., P.C., was not available to present the report concerning the City's Keno Lottery Operations. Therefore,

Council member Lukassen made a motion to table the presentation of the Keno Report to the February 14, council meeting. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mark Brockhaus, representing the firm of Scow, Rief, Kruse, and Schumacher, distributed the General Audit and asked if there were any questions. City Attorney Egr questioned item #9 on Page 31 of the schedule of findings that states: City of David City does not qualify as a low-risk auditee. If the City is not low-risk does that mean the City is high-risk? City Attorney Egr wants this clarified so that it does not raise questions for the bonding firms. Council member Hein made a motion to accept the General Audit as prepared by Scow, Rief, Kruse, and Schumacher, with the stipulation that the City get a response to the question raised by City Attorney Jim Egr. Council member Kroesing 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 ahead to agenda item #11 - Discussion concerning the new jail / courthouse renovation. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Sheriff Mark Hecker was present to advise the Council that the County Board is at a point where the County needs to know if the City is interested in being involved with the new jail/ courthouse renovation. Police Chief Sunday had suggested moving the police department into the courthouse. Logistically then, all of the law enforcement offices would be together. Police Chief Sunday stated that a concern is the police departments' budget and how this project would be funded. Sheriff Mark Hecker stated that the County will place the question of a bond issue to the vote of the people. Council member Schatz stated that he would like to see a proposal from the County and see what the costs are. Sheriff Hecker stated that Police Chief Sunday had provided a lay-out of what he would want for offices, but as this would be a law enforcement center, there would be no need to duplicate interrogation rooms, etc.. Hecker felt that the County would want the City to make a proposal to the County, such as what amount would the City pay, would the City pay rent, or what? After further discussion it was decided that Police Chief Sunday and City Administrator Brannen will contact Prochaska & Associates to find out what it would cost to add the police department to the new jail/ courthouse renovation plans.

Mayor Smith declared a ten minute recess at 8:08 p.m.. Meeting reconvened at 8:18 p.m..

Council member Hein made a motion to advance ahead to agenda item #12 - Consideration of appointing Mike Hiatt as Fire Chief. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mike Hiatt stated that he was not appointed as Fire Chief at the December 13, Organizational Meeting, and felt that he should have been appointed. Mayor Smith explained that the Council felt that since the City merged with the Rural Fire District, and the Rural Fire District appoints Mike as Fire Chief, that the City didn't need to appoint him. Mike stated that he felt the City should still make an appointment so that if there are questions concerning city fire codes that he would be the person the City would go to. Council member Kirby made a motion to appoint Mike Hiatt as Fire Chief. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Greg MacLean of Olsson Associates presented a street project that was actually started in November 1998. On November 10, 1998 the Council accepted the proposal of Olsson Associates who had the lowest engineering cost of \$49,209. Approximately 50 - 60 blocks were included in the project. At the February 10, 1999 Council meeting the Council accepted the proposal of Olsson Associates for the proposed 1999-2000 Street Improvement Project. At the time the Council acted on this, the Council was under the impression that the street payments were included in the tax request. After further study, it was noted that the payments were budgeted out of reserve funds. Since the Council did not want to drastically increase the tax request, a motion was made to rescind the motion made at the February 10, 1999 council meeting, accepting the plans and specifications for the one-year and six-year street improvement program. The plans being presented now are the plans accepted on February 10, 1999. The plans would need to be updated slightly since some streets have been improved since then. Discussion followed. Although concrete is more expensive, it lasts a lot longer and has lower maintenance costs than asphalt. Budgeting and financing were discussed. City Administrator Brannen will put together financing options and the plans will be reviewed and updated.

Consideration of accepting the work on the "O" Street drainage improvements by Rutjens Construction was discussed. Greg MacLean of Olsson Associates stated they had finally received a pay request from Rutjens. Council member Hein made a motion to approve the change order as follows:

Original Contract Sum:	\$72,690.75
Change Order	<u>(\$19,244.30)</u>
Contract Sum to Date:.	\$53,446.45

Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Olsson's reviewed the original bill submitted by Rutjens to verify the work that was actually done. After reviewing the bill Olsson's deducted \$8,024.25 from the original bill of \$53,446.45 for a total of \$45,422.20. As there are still punch list items remaining and the dirt work is still not completed, the Council decided to retain \$10,000.00 as a caveat to Rutjens Construction. Council member Smith made a motion to authorize the payment of \$35,422.20 to Rutjens Construction for the work on the "O" Street drainage improvements. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kroesing introduced Resolution No. 1 - 2001 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Kirby, Smith, Schatz, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Resolution No. 1 - 2001 was passed and adopted as follows:

RESOLUTION NO. 1 - 2001

WHEREAS, the costs for supplies and rentals for the Park, Auditorium, Track, and Football

Field facilities have not been increased for some time, and,

WHEREAS, the City has determined a need to increase the costs for supplies and rentals for the Park, Auditorium, Track, and Football Field facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following rental/rate schedule for the Park, Auditorium, Track, and Football Field facilities is hereby approved and adopted.

The following rates will be in effect beginning February 1, 2001:

Municipal Auditorium - Bar Charges

Beer.....	\$36.00 / case
Whiskey	\$30.00 / liter
Vodka.....	\$28.00 / liter
Rum.....	\$28.00 / liter
Peach Schnapps.....	\$30.00 / liter
Pop.....	\$40.00 / tank
Orange Juice.....	\$10.00 / gallon
Keg Beer	\$100.00 / ½ barrel
.....	\$55.00 / ¼ barrel

Renters must use the city bartenders

All liquor and beer must be purchased from the city - even for the reception.

Schweser House and Campground

Schweser House	8 a.m. - 6 p.m.	\$30.00
	All day	\$45.00
Campground		\$8.00

Municipal Gym Rental

Per hour charge	\$10.00
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Effective August 1, 2001 Per hour charge \$15.00

The following rates will be in effect beginning August 1, 2001:

Football Field Rental

Varsity Football Field	\$300.00
Junior Varsity - Freshman and Middle School:	
without lights	\$40.00
with lights	\$60.00
Practice Scrimmage.....	\$60.00
Playoff Games	\$325.00
Non-local School.....	\$400.00
Clean-up Fee	\$50.00 *
Gym Rental - Before Game - Half Time	\$20.00 ***

* only includes field and stands clean-up. Schools have the option of doing their own clean-up and saving the \$50.00 charge. If concession stand needs clean-up there will be an additional \$50.00 charge.

*** If auditorium gym is to be used there will be an additional \$20.00 charge.

Municipal Running Track Rental

Practice (per season).....	\$500.00
(use of locker rooms would be additional)	
Track Meets:	
Dual, Triangular.....	\$100.00
District, Invitational, Conference	\$250.00

Football Practice Field

Football Practice Field - per hour \$15.00

Municipal Auditorium Rental

Lower Level 8 a.m. - 6 p.m. \$225.00

Council member Kirby introduced Resolution No. 2 - 2001 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Kirby, Smith, Schatz, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Resolution No. 2 - 2001 was passed and adopted as follows:

RESOLUTION NO. 2 - 2001

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF A FINANCIAL ASSISTANCE AGREEMENT FOR PROJECT NO. SA-5 DCY, TO BE SUBMITTED TO THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA TO OBTAIN STATE FINANCIAL AID IN THE DEVELOPMENT OF THE MUNICIPAL AIRPORT.

Be it resolved by the Mayor and members of the City Council of David City, Nebraska, that:

1. The City of David City shall enter into a Financial Assistance Agreement with the Nebraska Department of Aeronautics for Project No. SA-5 DCY for the purpose of obtaining state financial aid in the development of the Municipal Airport and that such agreement shall be as set forth hereinbelow.
2. The Mayor of the City of David City is hereby authorized and directed to execute said Financial Assistance Agreement on behalf of the City, and the Clerk is hereby authorized and directed to attest said execution.
3. The said agreement referred to herein above is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

Passed and approved this 10th day of January, 2001.

Mayor

City Clerk

EXHIBIT "O"

STATE GRANT AGREEMENT

PROJECT NO. DCY SA-5

This is an agreement by and between the Nebraska Department of Aeronautics, hereinafter referred to as the "Department" and the City of David City, Nebraska, hereinafter referred to as the "Sponsor."

RECITALS

The Sponsor has title to or control of the David City Municipal Airport and wants to develop or improve it. The Department agrees to help the Sponsor with the following development: Construct 5" asphalt apron and connecting taxiway. 2" Overlay of existing paved runway (Change Order #1).

A summary of eligible project costs is attached to this agreement for reference as Exhibit B.

AGREEMENT

In consideration of these facts and the mutual covenants contained herein, the Department and Sponsor agree as follows:

The Sponsor agrees that all developments listed above will be completed and will comply with the approved airport layout plan and the approved construction plans and specifications, as applicable. No development item shall be omitted or added without specific approval from the Department. If the work is contracted by the Sponsor, bids shall be taken as required by law, and submitted to the Department for review prior to contract award.

The Department agrees to reimburse the Sponsor for eighty (80) percent of the actual eligible costs incurred to complete this development, up to a maximum of \$183,285 in state funds. "Eligible Costs" are defined as those necessary for this development and approved by the Department.

In the reimbursement to the Sponsor for work performed and material furnished, the Department agrees to honor approved progress estimates processed during the course of the construction. Upon presentation of the final billings and estimates for the work completed by the Sponsor to the satisfaction of the Department, the Department agrees to reimburse the Sponsor in an amount based upon the actual incurred eligible costs of the improvements set forth in the above noted scope of development, the attached Exhibit B, the approved plans and any approved change orders. The total reimbursement shall not exceed the amount set forth above.

CONDITIONS

The terms and conditions of this agreement shall remain in effect for twenty (20) years from the date of execution by the Sponsor. If the development is land or easement acquisition, then the terms and conditions shall remain in effect for as long as the Sponsor owns this land or easement. The Sponsor will not sell, lease, encumber or otherwise dispose of airport real property, acquired with grant money from the Department, without the Department's approval.

1. The Sponsor will comply with the Department's State Aid Program (current version on

date of execution) and all applicable laws and regulations.

2. The Sponsor will complete the project without undue delay. The project shall be subject to the Department's inspection.
3. The Sponsor will operate and maintain the airport as a public use facility in a safe and serviceable condition, and will not permit any activity thereon that would interfere with its use for aeronautical purposes. The sponsor is not required to operate the airport during temporary periods when snow, flood or other climatic conditions interfere. The Sponsor will comply with the minimum standards of maintenance and operation set by the Department and the Federal Aviation Administration.
4. The Sponsor will make this airport available as a public use airport on fair and reasonable terms and without unjust discrimination, to all types, kinds and classes of aeronautical uses. In its operation of the airport, the Sponsor or any person or organization occupying space or facilities thereon will not discriminate against any person or class of persons because of race, color, religion, national origin, sex, handicap or age and will not discriminate against any employee or applicant for employment based on race, color, religion, sex, age or otherwise qualified handicapped status.
5. The Sponsor will insert and enforce provisions in any contract or other arrangement that grants a right or privilege to any person, firm or corporation to engage in any activity for furnishing services to the public at the airport. These provisions will require the contractor to:
 - a. Furnish said service on a fair, equal and not unjustly discriminatory basis to all users thereof, and,
 - b. Charge fair, reasonable, and not unjustly discriminatory prices for each unit or service. However, it is allowable for the contractor to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
6. The Sponsor will not grant or permit any person, firm or corporation an exclusive right:
 - a. To use the airport to provide aeronautical services to the public; nor
 - b. To conduct any aeronautical activities, including but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, sale of aircraft parts, or any other aeronautical activity.

However, the Sponsor may grant or exercise an exclusive right for furnishing nonaviation products and supplies or any nonaeronautical service.

7. The Sponsor will submit all leases, permits, and agreements for the airport to the

Department upon request. The Department may withhold 20% of payments due the Sponsor until all leases, permits and agreements are acceptable to the Department.

8. The Sponsor will provide a drug-free workplace at the site of work specified in this agreement.
9. The Sponsor will take appropriate action to ensure that the airspace required for airport operations will be adequately cleared and protected. The Sponsor agrees, to the best of its ability, to prevent construction, erection, alteration or growth of any object within or outside the boundaries of the airport which would create a hazard to aircraft operating at or near the airport or otherwise limit the usefulness of the airport. Appropriate actions may include removing, lowering, relocating, marking, lighting or otherwise mitigating existing airport hazards and preventing the establishment or creation of future airport hazards. The Sponsor will, to the best of its ability, arrange for height restriction zoning of the area around the airport as allowed under Nebraska Statutes.
10. The Sponsor will keep a current airport layout plan that has the approval of the Department or the Federal Aviation Administration. The Sponsor will ensure that future development on the airport conforms to this plan.
11. The Sponsor will not enter into any transaction that would operate to deprive it, or any legal successor, of the rights and powers necessary to comply with any or all of the covenants made herein.
12. During the term of these covenants, the Sponsor will maintain a current system of airport accounts and records, using a system of its own choice sufficient to provide annual statements of income and expense. It will furnish the Department with such annual or special airport financial and operational reports as may be reasonably requested.
13. If this airport ceases to be a public-use airport before the applicable time period has expired, or if any other covenants of this agreement are substantially violated without the Department's approval, the Sponsor will reimburse the Department as follows:
 - a. For any monies granted under this contract for any purpose other than land acquisition, the amount due the Department shall be:
$$\frac{\text{Years remaining}}{10 \text{ or } 20 \text{ years, as appropriate}} \times \text{Amount of Dept.'s money granted.}$$
 - b. For any monies granted for land acquisition under this contract, the amount due the Department shall be:
$$\text{Market value of the land} \times \text{Percent of reimbursement listed on page one of this contract.}$$
14. The Sponsor agrees to reimburse the Department for its cost of furnishing services for this project. This includes but is not limited to the services listed on the attached Exhibit A, "Services" and "Schedule of Unit Charges." This Exhibit A is subject to change upon

notification in writing by the Department to the Sponsor.

IN WITNESS WHEREOF, the Department and Sponsor have authorized these presents to be executed by their proper officials, as of the dates shown below.

Executed by the Nebraska Department of Aeronautics this 19th day of December, 2000.

D.J. Hofer

Witness

Director

Executed by the City of David City, Nebraska this 10th day of January, 2001.

City Clerk

Mayor

STATE GRANT AGREEMENT

SERVICES

1. Review, prepare and/or assist with grant applications.
2. Attend airport site and design (plan-in-hand) inspections, as appropriate.
3. Review consultant agreements, technical reports, plans, and contract documents.
4. Review and process award of contracts, change orders, construction reports, supplemental agreements, force account agreements, and/or other agreements.
5. Attend design, preconstruction, and/or other conferences, as appropriate.
6. Review progress estimates, invoices and other evidence of project costs.
7. Conduct periodic and/or final inspections, if deemed necessary.

SCHEDULE OF UNIT CHARGES

- Charges will be the monthly rate worked times a factor of 2.5 for overhead and benefits for the following positions:

State Airport Engineer	Engineer Associate* (all)
Assistant State Airport Engineer	Engineering Aide* (all)
Engineer IV	Accountant* (all)
Engineer III	Accounting Clerk*
Engineer II*	Attorney (all)
Engineer I*	Drafter* (all)

* Employees in these positions received time and one half for time worked over 40 hours per week.

- Living Costs and Outside Expenses. Actual.

Charges will be meals, lodging, telephone calls, etc., normally paid by the Department.

- Materials, Supplies, & rental Equipment. Actual.

Charges will be made in accordance with invoices, billings, contracts or agreements.

- Transportation. Actual.

Charges will be those established by Department policy for all users for operating a state automobile and using a state aircraft.

EXHIBIT B

DAVID CITY MUNICIPAL AIRPORT

PROJECT NO. DCY SA-5
SUMMARY OF PROJECT COSTS
DECEMBER 19, 2000

Construction	
Knight Asphalt, Inc.	\$175,413.36
Engineering (HWS)	
Design	\$12,550.00
Bid	\$2,000.00
Construction	\$17,525.00
Special Services	\$10,110.00
Administration	
NDA	\$3,500.00
Publication	\$1,000.00
Legal	\$2,500.00
Contingency	<u>\$4,507.64</u>
Total	\$229,106.00

SUMMARY OF FUNDS

<u>STATE</u>	<u>LOCAL</u>	<u>TOTAL</u>
\$183,285 (80%)	\$45,821 (20%)	\$229,106

Council member Kirby made a motion to approve the following "Buy Recycled Purchasing Policy". Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

**City of David City
Buy Recycled Purchasing Policy
January 2001**

When purchasing paper products for use by the City of David City, preference shall be given to paper products that are manufactured or produced with at least 20% post-consumer recycled materials. This purchasing policy shall apply to all departments of the City of David City as well as to the purchase of all paper products.

Bid specifications of the City of David City are hereby revised to provide for the 20% post-consumer recycled preference for the products listed.

This policy shall not operate when it would result in the purchase of products, materials, or supplies that are of inadequate quality or substantially higher cost.

It is the intent of the City of David City to continually increase the percentage of total annual purchases of products, materials, or supplies manufactured or produced from post-consumer recycled material and to increase each year the types and variety of products, materials, or supplies purchased with post-consumer recycled materials.

Council member Hein introduced Resolution No. 3 - 2001 and moved for its passage and adoption. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Resolution No. 3 - 2001 was passed and adopted as follows:

RESOLUTION NO. 3 - 2001

WHEREAS, the Mayor and City Council of David City, Nebraska determined that the property owned by Bill Hlavac at 320 N. 10th Street, David City, Nebraska and legally described as follows, to-wit:

N ½ of Lot Six (6), Block Five (5), Miles 3rd Addition, David City, Butler County, Nebraska

was in violation of Chapter 4 Article 402 of the Municipal Code of the City of David City, Nebraska; and,

WHEREAS, Bill Hlavac (owner) was provided notice of violation of Chapter 4 Article 402; that the above described real estate would be cleaned up; that the City would begin cleaning up said property on, or after, November 9th, 2000, unless a notice of appeal was made with the District Court of Butler County, Nebraska, and that the real estate above described would be assessed as a special assessment for the cost of said clean-up; and,

WHEREAS, all due process requirements of the above referenced City Ordinances of David City, Nebraska were followed; and,

WHEREAS, Bill Hlavac failed to clean-up the above referenced real estate on or before November 9, 2000; and,

WHEREAS, the City of David City, Nebraska did incur \$5,893.33 to clean up the above described real estate.

NOW, THEREFORE, BE IT RESOLVED that a Special Assessment in the sum of FIVE THOUSAND EIGHT HUNDRED NINETY-THREE DOLLARS AND THIRTY-THREE CENTS (\$5,893.33) be assessed against the above described real estate; that the Special Assessment be and hereby is levied effective January 10, 2001; that Bill Hlavac be given fifty (50) days to pay this Special Assessment without interest; and after said fifty (50) days the Special Assessment remaining unpaid will be delinquent and will bear interest at the rate of FOURTEEN PER CENT (14%) per annum from said date; this Special Assessment will be a lien against the above described real estate until paid; this Special Assessment will be filed with the Butler County Treasurer and will be collected in the manner provided for Special Assessments by law.

Dated: January 10, 2001

ATTEST:

CITY OF DAVID CITY, NEBRASKA

City Clerk

Stephen Smith, Mayor

(Seal)

Mayor Smith explained to the Council that Kathi Eberle's term was up on the Library Board so there was not a resignation to accept.

Council member Kroesing made a motion to appoint Jeanne Pope to serve a four year term on the Library Board. Her term will run until January 2005. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen reported the following:

- A gentleman from "Runza" asked permission to locate a trailer on the square to sell Runza sandwiches for one day with ½ of the profits going to a local organization. Runza has done this in the past stating that they would do a study, and if sales were good, they may locate in David City. The results from their study were never shared. The Chamber of Council is recommending to the Council that the request be denied, as the Chamber feels this is not fair to the other food outlets in David City. The Council agreed and informed City Administrator Brannen to deny the request.
- Time Warner is hosting a reception on Monday, January 22, 2001, from 5:00 - 6:30 p.m. at the City Auditorium to celebrate the launch of Digital Cable in David City.

- The Chamber of Commerce is holding their annual banquet on Monday, January 29. Andrew has tickets for sale for those who wish to attend.
- Dave Ptak of Norfolk will give a program concerning Planning and Zoning on Saturday, February 10, 2001, beginning at 10:00 a.m. in the City Office.

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 10:30 p.m..

Mayor

City Clerk



CERTIFICATION OF MINUTES
January 10, 2001

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 10, 2001; 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