

CITY COUNCIL PROCEEDINGS

January 10, 2007

The 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 4th, 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, Rick Holland, Bill Schatz, Bill Scribner, Nick Hein, and Ted Lukassen, City Administrator Joe Johnson, City Attorney Jim Egr, Electric Supervisor Tim Kovar, Water/Sewer Supervisor Jim Kruse, Electric Plant Supervisor John Kabourek, Police Chief Stephen Sunday, Park/Auditorium Supervisor Bill Buntgen, D.C. Middle School Principal Tom Jahde, and students Chris Kouba, Tyler Croghan, and Seth Behrens, Ken Fairchild of Olsson Associates, Don Moravec of Moravec and Associates, Alan Zavodny, Janis Cameron, Banner-Press Editor Larry Peirce, and City Clerk-Treasurer Joan Kovar.

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.

The minutes of the December 13th, 2006 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Smith. Voting AYE: Council members Schatz, Holland, Scribner, Lukassen, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions or communications. Alan Zavodny asked the council to reconsider their December 13, 2006 action when they designated "Emergency Vehicle Parking Only" in front of the Windstream building located at 591 D Street, contingent upon the David City Volunteer Fire Department paying the cost of the signs. Alan stated that the Fire Department doesn't use the parking spaces that often to validate designated parking, and it limits parking spaces for activities at the Senior Center located at 592 D Street. Alan suggested that the parking situation be worked out with Rose Call Solutions, located at 532 D Street; concerning economic development, actions speak louder than words. Alan stated that perhaps the employees of Rose Call Solutions could park in the Auditorium parking lot and then two or three workers could car pool to Rose Call Solutions. Alan stated he would appreciate the council giving this some consideration. This will be discussed at the next Committee of the Whole meeting.

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

Mayor Trowbridge scheduled a Committee of the Whole Meeting for Monday, January 22, 2007, at 6:00 p.m. in the meeting room of the City Office, 557 4th Street, David City, Nebraska.

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

Park/Auditorium Supervisor Bill Buntgen reported that his department has been doing maintenance on the swimming pool. Water was put in the pool vessel last Friday. Council member Hein questioned why water wasn't put in earlier before the hard freeze and advised Bill Buntgen to read the operating manual for clarification. Buntgen said he was under advisement from Street Superintendent McDonald and the manual simply said "winter". It was noted the water is for insulation and to protect the vessel when the concrete expands and contracts.

A Board of Health meeting will be held on February 1, 2007, at 6:00 p.m. at the City Office, 557 4th Street, David City, Nebraska.

City Administrator Joe Johnson reported that there was an article in the October 2006 issue of the Nebraska Municipal Review entitled "David City Council Member receives Groundwater Foundation award. The article reports that Bill Schatz received the E. Benjamin Nelson Government Service Award from the Groundwater Foundation for his work in city government. The article references the wellhead protection area and using effluent (treated wastewater) to irrigate the golf course. Joe also reported that there is an article in the Nebraska Municipal Review – Utilities Section – that highlights the timelines for David City's utilities.

Council member Lukassen made a motion to accept the Committee and Officers' Reports as presented. Council member Smith seconded the motion. Voting YEA: Council members Scribner, Hein, Schatz, Holland, Smith, and Lukassen. Voting NAY: None. The motion carried.

Don Moravec, of Moravec and Associates, presented the Independent Accountant's Report on agreed upon procedures concerning the Keno Accounts for the year ended September 30, 2006. Council member Holland made a motion to accept the Independent Accountant's report as presented. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Schatz, Lukassen, Hein, and Holland. Voting NAY: None. The motion carried.

Tom Jahde, David City Middle School Principal and students Seth Behrens, Chris Kouba, and Tyler Croghan were present. They had explained at the December 13th council meeting that as part of a school project they are proposing a community project, estimated at \$1,450, to remodel the west shot put area at the track in the City park. The students reported that they applied for and received a \$500 D.C. Area Foundation grant but are still \$950 short of the anticipated cost. They are also waiting to hear the results of their application for a \$1,500 grant from Hamburger Helper. Park/Auditorium Supervisor Bill Buntgen stated that he did not have \$950 in his budget for this project unless he would not shingle the Schweser House. The Council stated they are in favor of the project but would like to wait for the results of the Hamburger Helper grant. Therefore, Council member Schatz made a motion to table consideration of improvements to the east shot put throwing area at the David City Track

Facility. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Hein, Lukassen, Holland, Scribner, and Schatz. Voting NAY: None. The motion carried. The Council asked the students to keep Bill informed as to how the grant request turns out and to come to the February council meeting.

Council member Schatz made a motion to table consideration of going into executive session to review the Power Review Board Boundary Change Strategic Session to the end of the council meeting. Council member Smith seconded the motion. Voting AYE: Council members Holland, Lukassen, Hein, Scribner, Smith, and Schatz. Voting NAY: None. The motion carried.

Maria Vachal, of DC Bar & Grill, 412 East E Street, was present to request approval to be a Keno outlet in David City. Council member Schatz made a motion to approve the request of Maria Vachal, d.b.a. DC Bar & Grill, 412 East E Street, as a Keno outlet in David City. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Hein, Scribner, Holland, Smith, and Schatz. Voting NAY: None. The motion carried.

City Administrator Johnson presented the state bid pricing for a police package sedan and non-police package four-wheeled drive vehicles as follows:

STATE VEHICLE STATE BID PRICING

Model	Engine	Price	Police Pkg	Drive
Impala	3.9 L V-6	\$19,497.00	Yes	Front Wheel Drive
Crown Victoria	4.6 L V-8	\$20,687.00	Yes	Rear Wheel Drive
Charger	5.7 L V-8 Hemi	\$20,849.00	Yes	Rear Wheel Drive
Equinox	3.4 L V-6	\$20,097.00	No	Four Wheel Drive
Ram ½ton Cr Cab	4.7 L V-8 FFV	\$21,856.00	No	Four Wheel Drive
Explorer	4.0 L v-6	\$20,197.00	No	Four Wheel Drive

Police Chief Sunday stated that his preference would be the Crown Victoria which has an average life expectancy of ten years.

Council member Hein made a motion to accept the State Vehicle bid of \$20,687.00 for a Crown Victoria with rear wheel drive. Council member Schatz seconded the motion. Voting AYE: Council members Lukassen, Holland, Scribner, Smith, Schatz, and Hein. Voting NAY: None. The motion carried.

Only one bid was received for the handicapped fishing pier to be constructed at the west David City Park Lake as follows:

Castle Construction Co. \$44,884.30

\$30,000 was budgeted for the handicapped fishing pier and \$8,000 has been collected from donations and a breakfast fund raiser.

Council member Hein made a motion to table consideration of bids received for the handicapped fishing pier to be constructed at the west David City Park Lake. Council member Holland seconded the motion. Voting AYE: Council members Scribner, Smith, Schatz, Lukassen, Holland, and Hein. Voting NAY: None. The motion carried. City Administrator Johnson will check with the Nebraska Game and Parks Commission's engineer to see if he

could design a less expensive pier. It was noted that perhaps the Sabata family would be willing to organize another benefit breakfast or some other fund raiser.

\$10,000 has been budgeted to bring the City's zoning regulations and zoning map up to date. City Administrator Johnson met with JEO Consultants David Potter and Keith Marvin, to discuss updating the City's zoning regulations. They suggested the city create a Zoning Regulations Steering Committee consisting of two (2) council members, two (2) planning commission members, zoning administrator, and city administrator. Council member Schatz recommended Council member Lukassen and himself. Council member Scribner stated that he would like to be on the Committee. Mayor Trowbridge appointed all three (3) Council members, Scribner, Lukassen, and Schatz, to serve on the Zoning Regulations Steering Committee.

Council member Hein introduced Resolution No. 1 - 2007 and moved for its passage and adoption. Council member Schatz seconded the motion. Voting YEA: Council members Scribner, Lukassen, Smith, Holland, Schatz, and Hein. Voting NAY: None. The motion carried and Resolution No. 1 - 2007 was passed and adopted as follows:

RESOLUTION NO. 1 - 2007

WHEREAS, the City of David City is a member of the Nebraska Municipal Power Pool, and,

WHEREAS, the City appoints a representative and alternate representative to represent the City at meetings.

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

1. The City of David City, Nebraska, does hereby appoint Tim L. Kovar as the Representative of the City of David City, State of Nebraska, to the Members= Council of the Nebraska Municipal Power Pool, and
2. The City of David City, Nebraska, does hereby appoint Joe J. Johnson as the Alternate Representative of the City of David City, State of Nebraska, to the Members= Council of the Nebraska Municipal Power Pool.

PASSED AND APPROVED this 10th day of January, 2007.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz made a motion to appoint F.D. Botelho as the Assistant Special Prosecutor. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Hein, Holland, Scribner, Smith, and Schatz. Voting NAY: None. The motion carried.

City Attorney Egr commented that he may have to increase his fees. Egr stated that he has been at \$85/hour for twenty years. He said he may increase to \$100/hr and \$350 per council meeting.

City Administrator Johnson stated that the purpose of a memorandum of understanding is to demonstrate a commitment to develop and apply consistent and complementary policies and services between the City and the Developer which intends to build a facility near David City for the production of ethanol. Johnson stated that since this is a very legal document the Council should review the MOU that was presented to them, as this is what the document would look like. This may be on the February 14, 2007 council meeting for further discussion.

Mayor Dana Trowbridge presented a proclamation to show support for the fight against heart disease.

Council member Schatz stated that proclamations can be very prejudicial. The city could be inundated with proclamations. The City should have some understanding that proclamations will not be judged in a prejudiced manner.

Council member Hein stated that perhaps proclamations should be left to the discretion of the Mayor. City Attorney Egr stated that the Mayor can, administratively, sign proclamations.

Therefore, Mayor Dana Trowbridge signed the following proclamation declaring Friday, February 2, 2007, as "Wear Red Day For Women", in the City of David City, Nebraska, to show support for the fight against heart disease.

NATIONAL WEAR RED DAY – GO RED FOR WOMEN
A Proclamation by the Mayor of the City of David City, Nebraska

WHEREAS, diseases of the heart are the nation's leading cause of death and stroke is the third leading cause of death;

WHEREAS, cardiovascular diseases (CVD) claim the lives of over 460,000 American females (about one death per minute) each year;

WHEREAS, each year, 53% of all cardiovascular disease deaths occur in females, as compared to 47% in men, and about 32,800 more females than males die from a stroke;

WHEREAS, in 2007 the estimated direct and indirect cost of cardiovascular diseases and stroke in the US is estimated at \$431.8 billion;

WHEREAS, more women die of cardiovascular disease than the next five leading causes of death combined, including all cancers;

WHEREAS, only 13% of women consider cardiovascular disease their greatest health risk;

WHEREAS, February is designated as American Heart Month;

WHEREAS, Go Red for Women is the American Heart Association's national call to increase awareness about heart disease – the leading cause of death for women – and to inspire women to take charge of their heart health;

WHEREAS, all women should learn their own personal risk for heart disease, using tools such as the American Heart Association's Go Red for Women Heart Checkup and by talking to their healthcare provider;

NOW THEREFORE, I, Mayor Dana Trowbridge, in recognition of the importance of the ongoing fight against heart disease and stroke, do hereby proclaim Friday, February 2, 2007 to be "**Wear Red Day for Women**" in the City of David City, Nebraska, and urge all citizens to show their support for women and the fight against heart disease by commemorating this day by the wearing of the color red. By increasing awareness and empowering women to reduce their risk for cardiovascular disease, we can save thousands of lives each year.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the City of David City, NE this 10th day of January, 2007.

Dana Trowbridge, Mayor

Council member Smith made a motion to go into executive session for strategic planning concerning the Power Review Board boundary. Council member Holland seconded the motion. Voting AYE: Council members Scribner, Hein, Lukassen, Schatz, Holland, and Smith. Voting NAY: None. The motion carried.

Mayor Trowbridge announced that the City Council would be going into executive session for strategic planning concerning the Power Review Board boundary. The Mayor, Council, City Administrator, City Clerk, and Ken Fairchild of Olsson Associates went into executive session at 8:18 p.m...

The Council came out of executive session at 9:32 p.m...

The Council established a committee consisting of Mayor Dana Trowbridge, Council member Nick Hein, City Administrator Joe Johnson, and City Attorney Jim Egr, for strategy development.

There being no further business to come before the Council, Council member Holland made a motion to adjourn. Council member Scribner seconded the motion. Voting AYE: Council members Schatz, Lukassen, Smith, Hein, Scribner, and Holland. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:35 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
January 10, 2007

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, 2007; 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, City Clerk