

CITY COUNCIL PROCEEDINGS

February 13, 2002

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 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 Ted Lukassen, Gary Smith, Bill Schatz, Mark Kirby and Nick Hein, City Attorney Jim Egr, Electric Supervisor Tim Kovar, Police Chief Stephen Sunday, Water/Sewer Supervisor Gene Divis, Street Supervisor Jim McDonald, and City Clerk Joan E. Kovar. Also present were: John Olsson of Olsson Associates, Mike Scow representing the firm of Scow, Rief, Kruse, & Schumacher, Barb Vogl, Greg Cech d.b.a. U & I Sanitation, and Sherri Nun of the Banner Press. Council member Gary Kroesing and City Administrator Andrew Brannen were absent.

The minutes of the January 9th and January 31st, 2002 meetings of the Mayor and City Council were approved upon a motion by Council member Kirby and seconded by Council member Hein. Voting YEA: Council members Smith, Schatz, Lukassen, Hein, and Kirby. Voting NAY: None. Council member Kroesing was absent. 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.

City Clerk Kovar read a "Thank You" addressed to Chief Sunday from Mrs. Bathen and the students of 3B thanking Sunday for coming to St. Mary's Elementary School to read stories and provide a science lesson for their classroom.

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

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

City Attorney Jim Egr reported that Randy Janak was found in contempt of court and given to March 5th to purge the contempt. On February 5th, Joe & Sharon Smith signed a Stipulation for Order concerning their property. If the Smith property is not cleaned up by February 26th, a Citation to show cause may be issued by the District Court for failure of Joe & Sharon Smith to comply with the Stipulation, and said citation to show cause will be set for March 5, 2002 at 9:30 a.m..

Police Chief Sunday stated a Board of Health meeting is scheduled for May 2, at 5:00 p.m.. Sunday also reported that a certified police officer may be interested in our police vacancy, but

the residency requirement is a problem. Council member Lukassen stated he had no problem doing away with the residency requirement. Council member Hein stated that Seward does not have a residency requirement and their beginning pay is \$13/hr. Council member Kirby stated that we need to do something because we are always losing officers, but didn't think pay was the problem. Chief Sunday stated that most officers leave for career opportunities that David City can't provide. Council member Smith stated we could require that they live in Butler County or within a certain radius of David City.

Council member Kirby made a motion to schedule a special council meeting for Wednesday, February 27, at 5:30 p.m., to discuss the residency requirement for police officers. Council member Smith seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried.

Mayor Smith scheduled a Committee of the Whole meeting for Wednesday, January 27, immediately following the special council meeting scheduled for 5:30 p.m..

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

Council member Hein made a motion to advance ahead to agenda item #7 - Consideration of a Resolution concerning the Barb Vogl property located at 1070 8th Street which is in violation of City Code Article 4: Nuisances. Council member Lukassen seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried.

Police Chief Sunday distributed pictures to the Council of the Barb Vogl property at 1070 8th Street which was in violation of City Code Article 4: Nuisances. Police Chief Sunday stated that the vehicles are now licensed so they are no longer an issue. The pictures showed a John Deere riding lawn mower and an electric fan that Randy Janak (Barb's boyfriend) said he would remove. Council member Lukassen stated that Randy notified him, prior to the meeting, that these items were removed.

Mayor Smith asked Barb Vogl if she had any questions. Barb stated no, that she only came to listen.

Police Chief Sunday reported that the violation has been resolved, but asks that Barb Vogl and Randy Janak rearrange some of the items left - working gas grills, go cart, canoe, wheel chair, etc., so that their property looks neat and orderly.

Council member Smith made a motion to accept Police Chief Sunday's report that the Barb Vogl property at 1070 8th Street, which was in violation of city code Article 4: nuisances, has been resolved. Council member Lukassen seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried.

Mike Scow, representing the firm of Scow, Rief, Kruse, and Schumacher, summarized the General Audit and asked if there were any questions. Scow made note of the Enterprise Funds on page 11 of the audit report. The water department shows a loss of \$17,233. Mayor Smith stated that the Council is analyzing water rates at this time. As there were no questions, Council

member Hein made a motion to accept the General Audit as prepared by Scow, Rief, Kruse, and Schumacher. Council member Lukassen seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried.

Police Chief Sunday distributed pictures to the Council of the Rick Lord property located at 479 Oak Street which is in violation of City Code Article 4: Nuisances. The pictures showed that no attempts were made to clean-up the property.

Council member Hein introduced Resolution No. 2 - 2002 and moved for its passage and adoption. Council member Kirby seconded the motion. Voting YEA: Council members Smith, Schatz, Lukassen, Hein, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried and Resolution No. 2 - 2002 was passed and adopted as follows:

RESOLUTION NO. 2 - 2002

WHEREAS, the City of David City has authority by Municipal Code Section No. 4-401 to establish definitions of what constitutes a public nuisance. Specifically, the maintaining, using, placing, depositing, leaving, or permitting any of the specific acts, omissions, places, conditions, and things as set out in the twelve sections of said municipal code.

WHEREAS, the City of David City, as established in code #4-402, has the authority to abate all nuisances as defined in code #4-401.

WHEREAS, the David City Board of Health at a public meeting held on December 6, 2001, declared the property located at 479 Oak Street, David City, Butler County, Nebraska, to be in violation of Municipal Code Section No. 4-401 (3), (6), (7), and (9), and a public nuisance.

WHEREAS, at the December 12, 2001 City Council meeting, the Governing Body affirmed the findings of the Board of Health, and further ordered that notice be given to the owner, occupant, lessee, or mortgagee of said property, of the violations.

WHEREAS, the City of David City, held a public hearing at a regularly scheduled City Council meeting on January 9, 2002, regarding the property located at 479 Oak Street, David City, Butler County, Nebraska.

WHEREAS, the City of David City, having followed the rules and procedures as set out in code #4-402, and having held a public hearing on January 9, 2002, does hereby declare said property, owned by Rick Lord, to be a public nuisance.

WHEREAS, the Governing Body (City Council) having declared said property to be a public nuisance, by this Resolution, orders and directs the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once. The owner, occupant, lessee, or mortgagee may appeal such decision to the District Court of Butler County, Nebraska.

WHEREAS, the City of David City, by this Resolution, shall proceed to abate the nuisance if the owner, occupant, lessee or mortgagee fails to remedy said public nuisance at once. Upon the completion of the work by the Municipality, a statement of the costs of such work shall be transmitted to the Governing Body (City Council), which is authorized to bill the property owner, occupant, lessee or mortgagee.

THEREFORE, BE IT RESOLVED THAT, the City of David City has declared the property located at 479 Oak Street, David City, Butler County, Nebraska, to be a public nuisance, and further more directs that the Municipality begin cleaning up said property on, or after, February 14, 2002, unless a notice of appeal is made with the District Court of Butler County, Nebraska.

DATED, this 13th day of February, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Kirby made a motion to pass and adopt Ordinance No. 918 on the third and final reading. Council member Hein seconded the motion. Voting YEA: Council members Hein, Schatz, Lukassen, Smith, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried and Ordinance No. 918 was passed on the third and final reading as follows:

ORDINANCE NO. 918

AN ORDINANCE RELATING TO ELECTRIC SERVICE RATES AND MINIMUM CHARGES, TO PROVIDE A NEW SCHEDULE OF ELECTRIC RATES, CUSTOMER CLASSIFICATIONS, MINIMUM CHARGES, AND CUSTOMER SERVICE CHARGES, TO DISTINGUISH RESIDENTIAL RATES, COMMERCIAL RATES, INDUSTRIAL RATES, OFF-PEAK INDUSTRIAL RATES, AND IRRIGATION RATES, TO SET AVAILABILITY RATING; TO REPEAL ALL PARTS OF THE CODE, RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE WHEN THE ORDINANCE SHALL TAKE EFFECT; AND TO PROVIDE 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. NEW SCHEDULE: Relating to electric service and minimum charges, to provide a schedule of electric rates, minimum charges, and customer service charges, to distinguish residential rates, commercial rates, industrial rates, off-peak industrial rates, and irrigation rates; to set availability rating; to provide and establish the following tariff of rates to consumers of electric service from the electric distribution system of the City of David City, Nebraska.

RESIDENTIAL SERVICE

Available

To residential customers in the established service area of David City.

Applicable

To single-family residences and individually metered apartments for all domestic purposes when all service is supplied through a single meter. It is not applicable to residences where a commercial enterprise is conducted.

Character of Service

A.C. 60 Hertz, Single-Phase 120 volt, 2 wire or 120/240 volts, 3 wire.

Rate

Customer Service Charge - \$7.00 per month (or partial month)

Summer	Winter	
\$0.0725	\$0.0725	per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0650	\$0.0500	per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0575	\$0.0330	per kilowatt-hour for all additional use.

Subject to Application of

Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge

RESIDENTIAL SUMMER CONTROLS

Applicable

To residential consumers who have allowed the Utility Department to install, and operate, such devices as would be required to cycle central air conditioning units during periods of peak electrical demand and imposed upon the electrical system. Window air conditioning units, on a separate electric circuit can be included in this rate.

Rate

Customer Service Charge - \$7.00 per month

Summer	Winter	
\$0.0725	\$0.0725	per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0600	\$0.0500	per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0550	\$0.0330	per kilowatt-hour for all additional use.

Subject to Application of

Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of

October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

COMMERCIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any non-residential consumer for lighting, heating and power purposes where the customer's billing demand does not exceed 35 Kw or 10,000 Kwh for three consecutive months.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

Single Phase Rate

Customer Service Charge - \$7.00 per month (or partial month)

Summer	Winter	
\$0.0800	\$0.0800	per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0625	\$0.0560	per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0625	\$0.0450	per kilowatt-hour for all additional use.

Subject to Application of

Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge, or \$1.65 per month per horsepower for the first 10 horsepower and \$0.95 per horsepower of connected load thereafter, or whichever is the largest.

Three Phase Rate

Customer Service Charge - \$14.00 per month (or partial month)

Summer	Winter	
\$0.0800	\$0.0800	per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0625	\$0.0560	per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0625	\$0.0450	per kilowatt-hour for all additional use.

Subject to Application of

Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge or \$1.65 per month per horsepower for the first 10 horsepower and \$0.95 per horsepower of connected load thereafter, or whichever is the largest.

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

INDUSTRIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh and whose monthly peak demand equals or exceeds 35 Kw for three consecutive months.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

Rate

Demand Charge	
Summer	\$14.60 per kilowatt of maximum billing demand
Winter	\$11.50 per kilowatt of maximum billing demand
Energy Charge	
Summer	\$0.030 per kilowatt-hour used
Winter	\$0.025 per kilowatt-hour used
Production Cost Adjustment (PCA)	Subject to Application of

Minimum Bill

The minimum bill shall be the Billing Demand or \$275.00 per month whichever is greater.

Determination of Billing Demand

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt demand registered on the meter during the preceding months of June, July, August, or September.

Seasonal Billing Periods

- Summer - Summer period is for the meter readings obtained during the four month period of June through September.
- Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a weekend, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those

electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

Fluctuating Loads

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all nonbetterment costs for corrective equipment to eliminate the interference.

OFF-PEAK INDUSTRIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh and whose monthly peak demand equals or exceeds 35 Kw for three consecutive months and whose peak demand during the winter season exceeds the peak demand experienced during the preceding summer season.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

	<i>Rate</i>
Demand Charge	
Summer	\$14.60 per kilowatt of maximum billing demand
Winter	\$ 7.15 per kilowatt of maximum billing demand
Energy Charge	
Summer	\$0.030 per kilowatt-hour used
Winter	\$0.0175 per kilowatt-hour used

Subject to Application of

Production Cost Adjustment (PCA)

Rate - Effective March 1, 2003

Demand Charge		
Summer		\$14.60 per kilowatt of maximum billing demand
Winter		\$ 7.50 per kilowatt of maximum billing demand
Energy Charge		
Summer		\$0.030 per kilowatt-hour used
Winter		\$0.025 per kilowatt-hour used
Production Cost Adjustment (PCA)		Subject to Application of

Minimum Bill

The minimum bill per month shall be the Billing Demand or \$250.00 during the winter months, \$275.00 during the summer months, or whichever is the greater between the billing demand or the summer/winter minimum.

Determination of Billing Demand

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt demand registered on the meter during the preceding months of June, July, August, or September.

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

Fluctuating Loads

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all non-betterment costs for corrective equipment to eliminate the interference.

IRRIGATION SERVICE

Available

To irrigation customers in the established service area of David City.

Applicable

Applicable: **Off-Peak**: During the irrigation season, the utility may interrupt pump service during the peak hours. The peak hours shall be between 10:30 a.m. and 9:30 p.m. (Central Daylight Savings Time), Monday thru Saturday, excluding holidays. The City, at their sole discretion may change the period of interruptible hours.

Rate: On-peak irrigation (Firm)

\$35.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 5.4¢ per kilowatt hour per month, payable as used

Rate: Off-peak irrigation (Non-Firm)

\$15.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 3.4¢ per kilowatt hour per month, payable as used.

Minimum Bill

The minimum bill shall be the Horse Power Charge

Determination of Connected Load

The connected load in horsepower shall be taken from the name plates of the motors or from an actual measurement of horsepower input to the motor, or motors, operating under maximum load conditions. The City reserves the right at any time to check the customer's load for recalculation of the connected load.

Terms of Payment

The total horsepower charge shall be billed on approximately April 25th of each year and total amount payable upon receipt. It shall become due the first day of May each year and become delinquent at 5:00 p.m. on the 10th day of May. A ten percent (10%) penalty is imposed on all delinquent bills.

Bills for the kwh usage are mailed on approximately the 25th day of each month and are

payable upon receipt. They become due the 1st day of each month and become delinquent at 5:00 p.m. on the 10th day of each month. A ten percent (10%) penalty is imposed on all delinquent bills.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% whether leading or lagging at all times. Power factor adjustments will be made in the horsepower billing, when the power factor, as determined by test, at the time of the maximum use is less than 90%. The measured maximum horsepower will be multiplied by 90 percent and divided by the customer's power factor expressed in percent.

LOAD CONTROL REBATE

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

FLUCTUATING LOADS

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, will be charged \$1.50 per month per KVA of such nameplate rating of such equipment or other equipment for energy used, and such charges will be in addition to the bill determined by the kilowatt hours recorded by the meter and billed at scheduled rates. It will be added to the minimum bill for services in the event the energy for other services does not equal the amount of a minimum bill for such other services.

Section 2. **RATE MODIFICATION**: Whereas the rates offered to the customer by the City is based upon the current rate being paid by the City to its wholesale supplier, the City shall reserve the right, during the term of the rates, to adjust said rates to the consumer by an amount not to exceed two (2) mills per kilowatt hour greater than the adjustment to the City by its wholesale supplier.

Section 3. That all rates in Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and all rates included in this Ordinance shall be effective as of March 1, 2002.

PASSED AND ADOPTED this 13th day of February, 2002

Mayor Stephen Smith

Attest:

City Clerk Joan E. Kovar

Greg Cech - U & I Sanitation - of Columbus, NE, was present to request permission to provide refuse service to the residents of David City. Cech presented the following rates for review:

Residential rates for the City of David City, once a week pickup:

\$13.00 per month / \$15.00 per month with dumpster

\$10.50 per month for Senior Citizens / \$12.50 per month with dumpster

\$2.00 a month charge for a 90-gallon trash can

Roll off boxes are available for construction and cleanup jobs. The prices on the box rates are \$150.00 for box plus dumping fee.

Council member Lukassen made a motion to approve adding Greg Cech d.b.a. U & I Sanitation to the franchise agreement as an authorized refuse hauler in David City. Council member Hein seconded the motion. Voting YEA: Council members Kirby, Smith, Schatz, Lukassen, and Hein. Voting NAY: None. Council member Kroesing was absent. The motion carried.

Council member Kirby made a motion to advance ahead to agenda item #19 - Consideration of a Resolution setting the mileage rate at 36.5 cents. Council member Hein seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried and Resolution No. 3 - 2002 was passed and adopted as follows:

RESOLUTION NO. 3 - 2002

WHEREAS, the Local Government Miscellaneous Expenditure Act (Nebraska Revised Statutes §§13-2201 through 13-2204) provides that local units of government may approve mileage at the rate allowed by §81-1176. That statute states that the state mileage rate will be set at the prevailing standard mileage rate as established by the Internal Revenue Service through its Revenue Procedures. The mileage rate at which elected and appointed officials, employees, or volunteers may be reimbursed was increased as of January 1, 2002, to 36.5 cents per mile.

WHEREAS, L.B. 344, passed and adopted by the Nebraska Legislature provides for the

I.R.S. limitations for Nebraska for reimbursement for mileage, lodging, and meals for employees when said employees are attending schools, seminars, conferences, etc. on behalf of the City; and, also provides for expenditure of City funds to provide a recognition dinner for City Employees one time per year.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the cost limit for a recognition dinner for all City Employees one time per year not to exceed \$25 per employee be and is hereby established, and,

BE IT STILL FURTHER RESOLVED, that the following limitations be adopted for mileage, meals and lodging as follows:

- Mileage: 36.5 cents per mile.
- Meals: Not to exceed \$30.00 per day.
- Lodging: Actual and reasonable rates

Passed and approved this 13th day of February, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

At 8:00 p.m., Mayor Smith declared the Public Hearing open to consider the adoption of a one-year and six-year street improvement program. Street Superintendent Jim McDonald presented the proposed projects for 2002, and the proposed six year plan 2002-2008 and illustrated the streets on a color coded map.

Priority No.	Project #	length	unit measure	Est. Cost	Location	
1	M-238 84	550	feet	14,700	E St.	R.R. to 1 st
2	M-238 76	400	feet	13,000	10 th St.	D to E St.
3	M-238 74	450	feet	13,700	8 th St.	H to I St.
4	M-238 86	305	feet	12,500	9th St.	C to D St.
5	M-238 87	305	feet	12,500	H St.	5th to 6th St.
	M-238 55	350	feet	14,000	12 th St.	B to C St.
4	M-238 56	750	feet	28,000	13 th St.	C to E St.
	M-238 69	750	feet	30,000	G St.	7 th to 11 th St.
	M-238 61	800	feet	30,000	C St.	Oak to Co. Rd M
	M-238 62	300	feet	14,000	E St.	1 st to Oak St.
	M-238 63	300	feet	15,000	8 th St.	NE to Iowa

M-238 64	1600	feet	50,000	Trailer Park
M-238 65	1400	feet	51,000	11 th St. R.R. to Co. Rd.
M-238 66	750	feet	27,000	Ohio St. 5 th to 7 th St.
M-238 67	1850	feet	65,000	Ind. Rd. "O" to "S" St.
M-238 68	400	feet	17,000	Kansas 8 th to 9 th Street
M-238 70	650	feet	25,000	Oak St. C to D St.
M-238 71	300	feet	14,000	1 st St. D to E St.
M-238 73	400	feet	13,000	5 th St. G St. to R.R.
M-238 78	1800	feet	50,000	D St. 3 rd to Co. Rd. # M
	400	feet	15,000	9 th St. E St. to R.R.
	250	feet	10,000	9 th St. R.R. to G St.
	450	feet	17,000	9 th St. J to K St.
	400	feet	16,000	8 th St. I to J St.
	350	feet	14,000	8 th St. E to D St.
	400	feet	10,000	5 th St. G St. to R.R.
	1000	feet	27,000	3 rd St. A to Iowa

Street Superintendent McDonald stated that #1-#5 were the top priority streets. The Council stated that 13th Street between C to E Street is in terrible shape. After much discussion, the Council decided to move M-238 56 - 13th from C to E Streets to the 4th priority and move #4 and #5 down.

There were no objections expressed, and Mayor Smith declared the Public Hearing closed at 8:15 p.m.. Council member Schatz introduced Resolution No. 4 - 2002 and moved for its passage and adoption. Council member Smith seconded the motion. Voting YEA: Council members Schatz, Lukassen, Kirby, Hein, and Smith. Voting NAY: None. Council member Kroesing was absent. The motion carried and Resolution No. 4 - 2002 was passed and adopted as follows:

RESOLUTION NO. 4 - 2002

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on February 13, 2002, in accordance with the requirements of the Board of Public Roads Classifications and Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the One-Year and Six-Year Street Improvement Plans for Streets, as presented at the public hearing, are unanimously accepted and the City Clerk is hereby instructed to forward a certified copy of this resolution to the Board of Public Roads Classification and Standards of the State of Nebraska.

PASSED AND APPROVED this 13th day of February, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Following the discussion of streets it was noted that approximately \$45,000 was needed. Council member Hein made a motion to appropriate \$45,000 of the Contingency Fund to be used for Street Improvements. Council member Schatz seconded the motion. Voting YEA: Council members Smith, Kirby, Lukassen, Hein, and Schatz. Voting NAY: None. Council member Kroesing was absent. The motion carried.

At 8:23 p.m., Mayor Smith declared the Public Hearing open to consider vacating an additional 70' of the alley located between 5th & 6th Streets and "J" and "K" Streets as requested by St. Mary's Catholic School. Mayor Smith advised the Council that the Planning Commission conducted a Public Hearing on February 9th, 2002, to consider this request and no objections were heard. Mayor Smith declared the Public Hearing closed at 8:24 p.m..

Council member Lukassen introduced Ordinance No. 921. Council member Kirby 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 YEA: Council members Smith, Kirby, Schatz, Hein, and Lukassen. Voting NAY: None. Council member Kroesing was absent. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 921 on the third and final reading. Council member Kirby seconded the motion. Voting YEA: Council members Hein, Kirby, Smith, Lukassen, and Schatz. Voting NAY: None. Council member Kroesing was absent. The motion carried and Ordinance No. 921 was passed and adopted as follows:

ORDINANCE NO. 921

AN ORDINANCE VACATING AN ADDITIONAL 70' OF THE SOUTH END OF THE ALLEY LOCATED IN BLOCK 1, LITTY'S 1ST ADDITION TO DAVID CITY, (BETWEEN 5TH & 6TH STREETS AND "J" AND "K" STREETS) AS REQUESTED BY ST. MARY'S CATHOLIC SCHOOL; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. On December 12, 1951, the City Council passed Ordinance No. 333 vacating that part of J Street, lying between the east line of 5th Street and the west line of 6th Street, and the So. 80' of the alley in Block 1, all in Litty's 1st Addition to David City, reserving in said street and alley utilities easements.

SECTION 2. St. Mary's Catholic School is now requesting that an additional 70' of the south end of the alley be vacated, with the understanding that the property owners on the north end of Block 1, Litty's 1st Addition will continue to have access to the North 150' of this alley.

SECTION 3. That the Planning Commission conducted a Public Hearing on February 9th, 2002, to consider the request to vacate an additional 70' of the south half of the alley between 5th & 6th Streets and "J" and "K" Streets, all in Block 1, Litty's 1st Addition to David City, reserving in said street and alley utilities easements, and no objections were heard.

SECTION 4. That the South 150' of the Alley in Block 1 of Litty's 1st Addition to David City, Butler County, Nebraska, is hereby vacated.

SECTION 5. That the vacation of the South 150' of the Alley in Block 1 of Litty's 1st Addition to David City, Butler County, Nebraska, is in the best interest of the City of David City, Nebraska.

SECTION 6. The City of David City, Nebraska shall have an easement for maintaining all utilities located in the portion of the alley herein vacated.

SECTION 7. That any citizen of the City or any owner of property therein may file a claim with the City Clerk of said City on or before the 13th day of March, 2002, for any and all damages sustained by the vacation aforesaid.

SECTION 8. That any other ordinance passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions, is hereby repealed.

SECTION 9. This ordinance shall be published in pamphlet form and be in full force from and after its passage, approval, and posting as required by law.

Passed and approved this 13th day of February, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith introduced John Olsson, representing Olsson Associates. John invited those attending the League of Nebraska Municipalities - 2002 Midwinter Conference to a Municipality Appreciation Social on Monday, February 25, 2002 from 7:00 p.m. - 9:00 p.m. at the Windsor Stables, 1024 "L" Street, Lincoln, NE. Drinks and Hors d'oeuvres will be provided.

Mayor Smith declared a ten minute recess at 8:28p.m. The meeting resumed at 8:38 p.m.

Council member Lukassen introduced Resolution No. 5 -2002 and moved for its passage and adoption. Council member Schatz seconded the motion. Voting YEA: Council members Kirby, Smith, Hein, Lukassen, and Schatz. Voting NAY: None. Council member Kroesing was absent. The motion carried and Resolution No. 5 - 2002 was passed and adopted as follows:

RESOLUTION NO. 5 - 2002

WHEREAS, Chapter 3, Article 6, Section 3-602 of the Municipal Code of the City of David City, Nebraska, allows a reasonable admission charge for the use by any person of the Municipal Swimming Pool.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following admission fees are hereby established as follows:

<u>Daily</u>		<u>Season</u>	
Adult (18 & up)	\$3.50	Family	\$120.00
Child (6-17)	\$2.00	Couple	\$90.00
Toddler (5 & under)	Free*	Individual	\$60.00

* Under the old admission policy adults with toddlers were not charged.
Under the new proposal, adults with toddler will be charged \$3.50.

Dated this 13th day of February, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Smith made a motion for the following swimming pool appointments:

Operations Manager	Rachelle Birkel
Asst. Operations Manager	Mary Ann Mattingly
Part-time Operations Manager	Karin Schreurs

Council member Kirby seconded the motion. Voting YEA: Council members Hein, Lukassen, Schatz, Smith, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried.

As Phil Lorenzen of Kirkpatrick Pettis, Investment Bankers, was not present, Council member Hein made a motion to table consideration of an ordinance approving an internal borrowing from the electric department for the new aquatic center. Council member Kirby seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried.

Council member Hein made a motion to go into executive session to negotiate a land purchase. Council member Lukassen seconded the motion. All of the Council members present voted YEA. Council member Kroesing was absent. The motion carried. The Council, Mayor Smith, City Attorney Jim Egr, Water/Sewer Supervisor Gene Divis, and City Clerk Kovar went into executive session at 8:48 p.m..

Council member Kirby made a motion to come out of executive session. Council member Hein seconded the motion. All of the Council members present voted YEA. Council member

Joan E. Kovar