

CITY COUNCIL PROCEEDINGS

February 13, 2008

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on February 7th, 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, Bill Scribner, Nick Hein, Ted Lukassen, Bill Schatz, and Bill Yindrick, City Administrator Joe Johnson, Attorney Jim Birkel, and City Clerk-Treasurer Joan Kovar.

Also present were: Police Chief Stephen Sunday, Street Superintendent Jim McDonald, Interim Electric Supervisor Pat Hoeft, citizens Marge Grubaugh, Darlene McClure, Dorothy Buntgen, Matt Bartlett, Paul Montag, Pat McCracken, Alan Zavodny, Joan Vandenberg, Conrad Keck, Dale & Vickie Kerkman, and Scott Steager, Mr. Pete Brummels who serves on the Board of Directors for the Butler County Ethanol LLC, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

The minutes of the January 9th, 2008 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Yindrick. Voting AYE: Council members Schatz, Scribner, Lukassen, Smith, Yindrick, 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.

Several rental property owners were present to discuss unpaid utility bill issues. Mayor Trowbridge stated that this issue will be discussed at the February Committee of the Whole meeting so the Council would only listen to a few brief comments at this time. Mrs. Mike (Pat) McCracken stated that she felt that the City Office was doing a commendable job - ratio to volume - in collecting utility bills. She said that she does her best to screen potential renters and always notifies the City Office of changes in tenants. Paul Montag stated that he felt that the Council was passing the renters unpaid utility bills on to the property owners and he didn't feel that the property owners should be responsible for their renter's unpaid utility bills.

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 AYE: Council members Yindrick, Scribner, Schatz, Hein, Lukassen, and Smith. Voting NAY: None. The motion carried.

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

Police Chief Sunday stated that his printer broke down and he was seeking funds for a replacement. Council member Schatz made a motion to authorize Police Chief Sunday purchasing a new printer that will be charged to the Contingency - Police #97-2032 Account. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Hein, Yindrick, Lukassen, Smith, and Schatz. Voting NAY: None. The motion carried.

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, February 25th, at 6:00 p.m. in the City Office meeting room.

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

Mayor Trowbridge opened the Public Hearing at 7:16 p.m. to consider the request of Alan and Rhonda Zavodny to annex their property described as part of the Southeast Quarter (SE $\frac{1}{4}$) of Section Twelve (12), Township Fifteen (15), North, Range Two (2), East of the 6th P.M., Butler County, NE, lying east of the right-of-way of the Chicago, Burlington & Quincy Railroad track, consisting of approximately 128.63 acres, more or less.

Alan Zavodny was present concerning his request for annexation and stated that he would like to add two conditions:

1. If something unforeseen happens, and the ethanol plant does not come to David City, then Alan asks that the property be de-annexed, and
2. If the ethanol plant falls through and another business or farm operation would locate there, he asked that the 6% franchise fee not be initiated.

It was noted that the 6% franchise fee was an agreement between Butler Rural Public Power and the City and this would have nothing to do with the property itself.

Mr. Pete Brummels who serves on the Board of Directors for the Butler County Ethanol LLC stated that it is his belief that David City will have an Ethanol Plant by early 2010. He stated that they are on the threshold of doing soil samples. They are considering gas or coal. The coal has a clean emission. The by-product, a distiller grain, will be feed for cattle. The alcohol will be transported by tanker or train. He stated that the large companies looking to invest in the ethanol plant would like to know the status of the Tax Increment Financing, a summary of City and County projects, and costs associated with the roads, turn-outs, etc. as soon as possible.

There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:35 p.m.

Council member Schatz introduced Ordinance No. 1067 and moved to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Lukassen seconded the motion. Voting AYE: Council members Scribner, Yindrick, Smith, Hein, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1067 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Yindrick, Scribner, Hein, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1067 was passed and adopted as follows:

ORDINANCE NO. 1067

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION TWELVE (12), TOWNSHIP FIFTEEN (15), NORTH, RANGE TWO (2), EAST OF THE 6TH P.M., BUTLER COUNTY, NEBRASKA, LYING EAST OF THE RIGHT-OF-WAY OF THE CHICAGO, BURLINGTON & QUINCY RAILROAD TRACK, CONSISTING OF APPROXIMATELY 128.63 ACRES, MORE OR LESS; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1: It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said city;
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water will be available as provided by law;
- (c) The Zoning classification of such territory as shown on the official zoning map of the City of David City, Nebraska, is hereby confirmed;
- (d) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska.

SECTION 5: Upon the taking effect of this Ordinance, the police, fire and snow removal services of said City shall be furnished to the territory herein annexed, and water services will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not effect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

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

SECTION 8: This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Mayor Trowbridge opened the Public Hearing at 7:38 p.m. to consider the One Year and Six Year Street Improvement Program.

Street Superintendent Jim McDonald presented the following:

One-Year Plan

I Street between 4th and 5th Streets
L Street between 10th & 11th Streets
M Street between 5th & 6th Streets
M Street between 4th * 5th Streets
A Street Bridge

Six – Year Plan

D Street between 3rd and the Burlington/Santa Fe Railroad Tracks
M Street between 9th & 10th Streets
Nebraska between 4th & 5th
M Street between 5th & 6th
M Street between 8th & 9th
Oak Street between C & D
9th Street between E & Railroad Tracks
I Street 7th & 9th
5th Street from Kansas to Park
L Street 11th 200' east
K Street 7th to 8th
M Street from 4th to 5th
10th Street from J to K
8th Street from "G" to "H"
9th Street from "G" to "H"
9th Street from "B" to "C"
M Street from 6th to 7th
B Street from 6th to 7th
H Street from 3rd to Railroad Tracks
H Street tracks west
Industrial from "O" to "S" Streets
Park Road Tennis
10th Street from Iowa to Kansas

11th Street 470' south
11th Street from Hildy Addition to St. Mary's Cemetery
Widen the 11th Street bridge
"D" Street by the Fire Hall (Storm Sewer)
10th Street between "I" to "J"
M Street between 7th to 8th
Replace the "A" Street Bridge

Street Superintendent Jim McDonald stated for "I" Street between 4th & 5th Streets, he would prefer going from 6" to 8" concrete for an additional cost of \$1,600 so that it can accommodate truck traffic going to St. Joseph's Villa and St. Mary's Elementary School. The council agreed that would be appropriate. The "A" Street Bridge would be a joint project with the County. The bridge will probably be taken out completely and culverts put in. The 11th Street bridge needs to be widened. "L" Street between 10th & 11th would require a curb and gutter petition to be signed by the property owners. Discussion followed. There being no further discussion, Mayor Trowbridge closed the Public Hearing at 7:46 p.m..

Council member Schatz introduced Resolution No. 1 - 2008 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Scribner, Smith, Yindrick, Lukassen, Hein, and Schatz. Voting NAY: None. The motion carried and Resolution No. 1 - 2008 was passed and adopted as follows:

RESOLUTION NO. 1 – 2008

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on February 13, 2008, 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, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Mayor Trowbridge declared the Public Hearing open at 7:47 p.m. concerning the application of Matthew Wayne Bartlett d.b.a. Par IV, 899 Park Drive, for a Class C Liquor License. Matt Bartlett stated that he looks forward to running Par IV, but he needs a Class C Liquor License so that his clientele are able to have a drink. There being no further discussion, Mayor Trowbridge declared the Public Hearing closed at 7:48 p.m..

Council member Schatz made a motion to approve the application of Matthew Wayne Bartlett d.b.a. Par IV for a Class C Liquor License. Council member Hein seconded the motion. Voting YEA: Council members Scribner, Yindrick, Smith, Lukassen, Hein, and Schatz. Voting NAY: None. The motion carried.

At 7:48 p.m., Mayor Trowbridge declared the Public Hearing open to consider amending the zoning regulations by adding a definition for "lawn care" and adding "lawn care" as a conditional use in Highway Commercial zoned property. Scott Steager stated that he has purchased Highway Commercial property and would like to erect a building for a lawn care business. There being no further discussion, Mayor Trowbridge declared the Public Hearing closed at 7:49 p.m.

Council member Schatz introduced Ordinance No. 1068. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Hein seconded the motion. Voting AYE: Council members Smith, Yindrick, Scribner, Lukassen, Hein, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1068 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Hein, Lukassen, Scribner, Yindrick, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1068 was passed and adopted as follows:

ORDINANCE NO. 1068

AN ORDINANCE AMENDING THE ZONING ORDINANCE NO. 1060 BY ADDING A DEFINITION FOR "LAWN CARE" AND AMENDING SECTION 5.11 C-1 HIGHWAY COMMERCIAL BY ADDING "LAWN CARE" AS A CONDITIONAL USE, PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Article 2: Definitions Section 2.02 Definitions of the Zoning Ordinance of David City, Nebraska, be amended to include the following:

2.02.251 LAWN CARE shall be a business done either as a Home Occupation or stand alone business that may provide any or all of the following: lawn mowing, snow removal, sprinkler installation, lawn maintenance, and the appurtenant secondary uses such as maintenance of machinery.

Section 2. That Section 5.11 C-1 Highway Commercial, Section 5.11.03 Conditional Uses be amended to include the following:

30. Lawn Care

Section 3. 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 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law and city ordinance.

Passed and approved this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Ordinance No. 1069 and made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Hein, Yindrick, Scribner, Lukassen, Smith, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1069 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Hein, Lukassen, Scribner, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1069 was passed and adopted as follows:

ORDINANCE NO. 1069

AN ORDINANCE RELATING TO ELECTRIC SERVICE RATES AND MINIMUM CHARGES, TO PROVIDE A NEW SCHEDULE OF ELECTRIC RATES, MINIMUM CHARGES, AND CUSTOMER SERVICE CHARGES, TO DISTINGUISH RESIDENTIAL RATES, COMMERCIAL RATES, INDUSTRIAL SERVICE 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 - \$7.85 per month (or partial month)

Summer	Winter
\$0.0896	\$0.0883 per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0804	\$0.0609 per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0711	\$0.0402 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 - \$7.80 per month

Summer	Winter
\$0.0896	\$0.0883 per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0741	\$0.0609 per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0678	\$0.0402 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 - \$7.85 per month (or partial month)

Summer	Winter
\$0.0998	\$0.0979 per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0778	\$0.0686 per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0778	\$0.0551 per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge, or \$1.85 per month per horsepower for the first 10 horsepower and \$1.06 per horsepower of connected load thereafter, or whichever is the largest.

Three Phase Rate

Customer Service Charge - \$15.70 per month (or partial month)

Summer	Winter
\$0.0998	\$0.0979 per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0778	\$0.0686 per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0778	\$0.0551 per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge or \$1.85 per month per horsepower for the first 10 horsepower and \$1.06 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.

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 or 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	\$16.80 per kilowatt of maximum billing demand
Winter	\$13.90 per kilowatt of maximum billing demand

Energy Charge

Summer	\$0.0405 per kilowatt-hour used
Winter	\$0.0310 per kilowatt-hour used

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

The minimum bill shall be \$304.19 per month, or the billing demand charge, 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 week-end, customers will be given the following regular business day. 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% 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 or 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.

Rate

Demand Charge

Summer	\$16.80 per kilowatt of maximum billing demand
Winter	\$ 9.08 per kilowatt of maximum billing demand

Energy Charge

Summer	\$0.0405 per kilowatt-hour used
Winter	\$0.0310 per kilowatt-hour used

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

The minimum bill per month shall be \$277.10 during the winter months, or the billing demand charge, whichever is greater.

The minimum bill per month shall be \$304.19 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.

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)

\$39.47 per Horsepower connected per year. Energy consumed shall be billed at the rate of 7.30¢ per kilowatt hour per month, payable as used.

Rate: Off-peak irrigation (Non-Firm)

\$16.87 per Horsepower connected per year. Energy consumed shall be billed at the rate of 4.59¢ 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.

FLUCTUATING LOADS

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, will be charged \$1.63 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 4. That all rates in Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. This ordinance shall be published in pamphlet form and all rates included in this Ordinance shall be effective as of **April 1, 2008**. (So the usage for March will be billed on these rates).

PASSED AND ADOPTED this 13th day of February, 2008

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Only one bid from Dueco, Inc. was received for the Hi-Ranger Non-Overcenter Material Handling Aerial Device (boom truck). Drake-Scruggs Equipment, Inc. mailed a response that they were unable to bid the unit at this particular time. It was questioned why Altec had not presented a bid.

Council member Schatz made a motion to table consideration of accepting a bid for a fifty-two foot insulated, non-over center, boom truck. Council member Smith seconded the motion. This will be re-bid in the hopes additional bids will be received. Voting AYE: Council members Scribner, Hein, Lukassen, Yindrick, Smith, and Schatz. Voting NAY: None. The motion carried.

At the December 22, 2007, Planning Commission meeting a motion was made to schedule a special meeting to discuss the open meetings act and to ask the City Council to provide funding for a workshop with Dave Ptak. City Administrator Joe Johnson contacted David H. Ptak, General Counsel and Vice President of Human Resources, Northeast Community College, concerning his availability to teach training in David City, concerning the Open Meetings Act, for elected and appointed officials. Dave stated that he would be available in March and he charges \$100/hour plus mileage at the Federal reimbursement rate. Johnson stated that the anticipated fiscal impact would be approximately \$500 to \$1,000 for a half-day training.

Council member Schatz made a motion to authorize funding for, and scheduling of, a Zoning and Open Meetings Act training session conducted by David Ptak for the David City Planning Commission, Board of Zoning Adjustment, and the City Council. Council member Lukassen seconded the motion. Voting AYE: Council members Hein, Yindrick, Smith, Scribner, Lukassen, and Schatz. Voting NAY: None. The motion carried. It was noted that this will be scheduled when the most Planning Commission members can attend.

Council member Schatz introduced Resolution No. 2 - 2008 and moved for its passage and adoption. Council member Hein seconded the motion. Council member Smith stated that he hoped the Council wasn't getting into censorship and stated that the Council needed to remember who got them there (on the City Council by election of the citizens). Yindrick stated that he agreed the public has the privilege to speak. Voting AYE: Council members Lukassen, Yindrick, Hein, and Schatz. Voting NAY: Council members Scribner and Smith. The motion carried and Resolution No. 2 - 2008 was passed and adopted as follows:

RESOLUTION NO. 2 - 2008

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, ESTABLISHING RULES AND PROCEDURES FOR PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS.

WHEREAS, the City of David City, Nebraska (hereinafter referred to as "City") is an independent body of government, and

WHEREAS, the rules and procedures for City Council meetings are intended to establish a standard policy and identify rules and procedures for the conduct of City Council meetings.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of David City, Nebraska, that the following rules and procedures for City Council meetings regulations be in full force and effect and posted in clear view of the general public at all City Council meetings:

A. Purpose

These Rules of Procedures for City Council meetings are intended to establish a standard policy and identify rules and procedures for the conduct of City Council meetings.

The City of David City is governed by Nebraska Revised Statutes Sections 84-1407 to 84-1414, known as the Open Meetings Act. It is the City Councils intention to conduct public meetings in a timely and orderly manner.

B. Definitions

1. Agenda shall mean a formal listing of items to be considered by the City Council at a noticed public meeting of the City Council.
2. Council Packet shall mean a compilation of documents supporting the items listed on the Agenda and requiring Council action, which may be used by the City Council, Staff, and the public for more in-dept information that may be presented in an oral report.
3. Meeting shall mean the gathering of a quorum of members of the City Council, as a result of a Public Notice and Agenda, to propose to take legal action or to deliberate legal action to be taken in the future.
4. Newspaper shall mean the publication containing an Agenda of subjects known at the time of publicized notice, or a statement that the Agenda shall be available for public inspection at the principle office of the City Council.
5. Notice shall mean a formal announcement to the public that sets forth the date, time, and place for which a meeting of the City Council will be held.
6. Ordinance shall mean a Council action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations or any abandonment, laws of the City, and such.
7. Presiding Officer shall mean the Mayor, City Council President, or other designee, who shall preside over the Meeting of the City Council and conduct the meeting in conformance with and adherence to all applicable state statutes, policies, rules, regulations, and procedures.
8. Quorum shall mean the minimum number of members of the City Council who must be present in order for business to be legally transacted. With a six member body, a quorum is four members.
9. Resolution shall mean a more formal form of a motion normally utilized to set forth policy of the City. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its content warrants a separate document to facilitate such future reference and research.

C. Types of Meetings

1. Regular Meetings

- a. The City Council of the City of David City, Nebraska shall hold Regular Meetings in the City Council meeting room in the City Office Building. Regular Meetings shall be held on the second (2nd) Wednesday of each month at the hour of seven (7:00) o'clock P.M., unless otherwise declared.
- b. Regular Meetings, open to the public, are held for the purpose of discussion or action of the City Council on various issues deemed necessary to further the business of the City.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

2. Committee of the Whole Meeting

- a. The City Council of the City of David City, Nebraska shall hold Committee of the Whole Meetings in the City Council meeting room in the City Office Building. The location, date, and time of Committee of the Whole Meetings shall be determined by the City Council at their Regular Meeting within the same month.
- b. Committees of the Whole Meetings, open to the public, are held for the purpose of presentations, suggestions, and discussions on non-action items that require more in-depth consideration or conversations of the City Council than may be possible at a Regular Meeting. No formal action of the City Council may be taken at such meetings, other than a general consensus vote of the City Council conveying directions to staff for further action in one of the following ways:
 1. Advance to the Regular Council Meeting as an action item that is ready for a ruling vote;
 2. Tabled for further consideration and discussion to the next scheduled Committee of the Whole Meeting;
 3. Cease conversations indefinitely because of lack of support; or
 4. Designated as a non-action item requiring no further discussion or consideration.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

3. Special Meetings

- a. Special Meetings may be called by the Mayor, or by three members of the City Council, the object of which shall be submitted to the Council in writing. Upon filing the call for a Special Meeting, the City Clerk shall notify the City Council of the Special Meeting, stating the time and its purpose.

- b. Special Meetings, open to the public, are held for the purpose of discussion or to take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting.
- c. As provided by Nebraska Revised Statute, Section 84-1410, the City Council may meet in CLOSED Executive Session.

D. Public Participation in Council Meetings

1. Purpose. The purpose of addressing the City Council is to communicate formally with the Council regarding matters that relate to Council business. Persons addressing the City on an agenda item shall confine their remarks to the matter under consideration by the Council.
2. Commencement of Public Comment Period. Persons other than Council Members shall be permitted to address the Council on topics relevant to agenda items during public comment periods of the meeting or during public hearing periods of the meeting. The Presiding Officer will publicly announce the opening and closing of public comment periods or public hearings.
3. Obtaining the Floor. Any person wishing to speak shall first obtain the floor by being recognized by the Presiding Officer. When called upon by the Presiding Officer, the speaker's comment and testimony are to be directed to the Presiding Officer. Dialogue between and inquiries from the speaker and individual Council Members, members of staff, or the audience is not permitted to allow all comments and testimonies to be clearly heard by Council Members for consideration. The Presiding Officer may limit discussion when it is not relevant to the agenda item or is off topic.
4. Time Limit. In the interest of fairness to other persons wishing to speak and to other individuals or groups having business before the City Council, each speaker may be instructed to limit comments to a specified time which is permitted by the Presiding Officer. If a large number people wish to speak, this time may be shortened by the Presiding Officer so that the number of persons wishing to speak may be accommodated within the time available. Time limits may be waived upon consensus of the Council Members (no vote required).
5. Speak Only Once. Second opportunities for the public to speak on the same issue will not be permitted unless a Council Member seeking to clarify testimony or to gain additional information should make such a request through the Presiding Officer. The Presiding Officer may allow additional opportunities for the public to speak for the purpose of clarifying testimony when determined to be necessary and such additional comments are not repetitious or previous testimony. The Presiding Officer may limit secondary discussion when it is repetitious, not relevant to the agenda item or off topic.
6. Audience / Speaker Decorum. Members of the audience and speakers shall not engage in disorderly or boisterous conduct, including the utterance of loud,

threatening, or abusive language; clapping; whistling; stamping; or other acts that disturb, disrupt, impede, or otherwise render the orderly conduct of the City Council meeting unfeasible.

A member of the audience or a speaker engaging in such conduct will be warned by the Presiding Officer that they are "out of order". If the member of the audience or a speaker continues with the disruption they may be removed from the meeting by order of the Presiding Officer.

7. Conclusion of Public Comment Period. After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Council, unless a Council Member seeking to clarify testimony or gain additional information should make such a request through the Presiding Officer.

E. Public Agenda Item Submittals

1. Except for Executive Session matters, items may be placed on future City Council meeting Agendas for discussion and possible action according to the following process:
 - a. Completion of the ***Request for Future Agenda Item*** form located in the City Council Chambers, City's website, and the front desk at City Hall;
 - b. Return completed ***Request for Future Agenda Item*** form to the City Administrator;
 - c. City Administrator reviews the completed ***Request for Future Agenda Item*** form;
 - d. City Administrator may forward the completed ***Request for Future Agenda Item*** form to City staff for review and appropriate action or place on the next appropriate City Council Agenda; and
 - e. A copy of the ***Request for Future Agenda Item*** form will be returned to the source with documentation of resolution or City Council meeting Agenda date and time.

PASSED AND APPROVED this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Resolution No. 3 - 2008 and moved for its passage and adoption. Council member Yindrick seconded the motion. City Administrator Johnson stated that this just says that we are interested, give us a bid; this is not a membership. This covers everything exclusive of the Health Insurance. Voting AYE: Council members Scribner, Lukassen, Hein, Smith, Yindrick, and Schatz. Voting NAY: None. The motion carried and Resolution No. 3 - 2008 was passed and adopted as follows:

RESOLUTION NO. 3 - 2008

A RESOLUTION OF THE CITY OF DAVID CITY, TO MAKE APPLICATION FOR MEMBERSHIP, AND REQUEST A PROPOSAL FOR MEMBERSHIP IN THE LEAGUE ASSOCIATION OF RISK MANAGEMENT (LARM) SELF-INSURANCE POOL.

WHEREAS, the City of David City recognizes that the cost of purchasing insurance to protect against loss is a significant budget item that impacts the operations of the City of David City; and

WHEREAS, the City of David City recognizes the need to utilize industry recognized risk management techniques to control the costs of protecting the City of David City from loss; and

WHEREAS, the City of David City recognizes that the needs related to the types of risk created by operations of the City, the financial exposure to loss, and the cost/benefit of use of deductibles is continually changing; and

WHEREAS, the City of David City wishes to consider all available alternatives to protect the City from loss; and

WHEREAS, self-insurance pooling among municipalities is a recognized method of financial risk transfer for protecting individual municipalities from loss; and

WHEREAS, the League of Nebraska Municipalities has created and sponsors the League Association of Risk Management (LARM) as a Risk Management Association under the authority of the Intergovernmental Risk Management Act and the Interlocal Cooperation Act; and

WHEREAS, municipalities throughout the State of Nebraska have joined LARM to jointly self-insure their risk of loss; and

WHEREAS, other municipalities in the State of Nebraska have found LARM membership in a self-insurance pool to be the best alternative to protect against loss; and

WHEREAS, the City of David City council has reviewed the governing documents of LARM; and

WHEREAS, the council understands the rights and responsibilities of membership in LARM; and

WHEREAS, the council, after considering those rights and responsibilities is comfortable with the prospect of accepting a membership proposal from LARM;

NOW BE IT RESOLVED, that the City of David City will make application for membership, and request a proposal for membership in the League Association of Risk Management; and

Such proposal for membership will be considered as an alternative to the purchase of insurance, by considering the proposal for membership separately from any bid process the City may utilize to assist in considering purchasing insurance.

Passed and approved this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

In the past, the City selected a property and casualty insurance provider for a period of three years. However, due to the lack of expertise regarding property and casualty insurance and uncertainty between different insurance bids, the city selected the lowest bid for a period of one year. City Administrator Joe Johnson requested consultant bid proposals. The following bids were received:

Sheri Shonka of Public Risk Management Incorporated,	\$4,000.00
James Charlesworth of Charlesworth & Associates, LC,	\$5,850.00
Mark McCue of Ryder, Rosacker, McCue & Huston Insurance Services	\$3,499.00
[Mark later withdrew his proposal because of lack of time],	
Tom Powell of Mid-Alliance Insurance Associates, LLC.	\$3,800.00

Council member Schatz made a motion to accept the bid of Public Risk Management, Inc. in the amount of \$4,000.00 to assist the City with the bidding and selection process for property and casualty insurance. Council member Lukassen seconded the motion. Voting AYE: Council members Smith, Yindrick, Hein, Scribner, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz introduced Ordinance No. 1070. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Lukassen seconded the motion. Voting AYE: Council members Hein, Smith, Yindrick, Scribner, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1070 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Scribner, Yindrick, Smith, Schatz, and Hein. Voting NAY: None. The motion carried and Ordinance No. 1070 was passed and adopted as follows:

ORDINANCE NO. 1070

AN ORDINANCE AMENDING CHAPTER 1, OF THE DAVID CITY MUNICIPAL CODE BOOK, ENTITLED: ADMINISTRATION: ARTICLE 5. MEETINGS, BY ADOPTING ROBERTS RULES OF ORDER AS GUIDANCE FOR CITY COUNCIL MEETINGS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the following Section of Chapter 1 of the David City Municipal Code Book be amended to read as follows:

Article 5. Meetings

§1-501 **MEETINGS; PUBLIC.** All meetings of public bodies shall be held in the building in which the City Council usually holds meetings unless the notice required by this section designates some other public building or specified place. Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by the public body and recorded in its minutes. If a public body as not designated a method, the Mayor shall designate the method. The notice shall be transmitted to all members of the public body and to the public. The notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, is readily available for public inspection at the office of the City Clerk during normal business hours. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the city. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting. The minutes of the City Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the City Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the City Clerk shall show how each member voted, or that the member was absent and did not vote. (*Neb. RS 84-1408, 84-1409, 84-1411, 84-1413*)

§1-502 **MEETINGS; PUBLIC PARTICIPATION.** The City shall follow State Statutes Sections 84-1407 to 84-1414 which shall be known and cited as the Open Meetings Act as follows:

84-1408 Declaration of intent; meetings open to public.

It is hereby declared to be the policy of this state that the formation of public policy is public business and may not be conducted in secret.

Every meeting of a public body shall be open to the public in order that citizens may exercise their democratic privilege of attending and speaking at meetings of public bodies, except as otherwise provided by the Constitution of Nebraska, federal statutes, and the Open Meetings Act.

84-1409 Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions.

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rule making authority, deliberating, or deciding upon the issuance of administrative orders, and (iii) the Policy Cabinet created in section 81-3009;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

84-1410 (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real

estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body; devices; misconduct; or

(b) Discussion regarding deployment of security personnel or

(c) Investigative proceedings regarding allegations of criminal

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

84-1411 (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than fifty counties in this state, or of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
 - (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
 - (c) At least one copy of all documents being considered is available to the public at each site of the video conference or telephone conference; governing body is present at each site of the video conference or telephone conference; and committee's, or governing body's meetings in a calendar year are held by video conference or telephone conference; electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.
 - (d) At least one member of the state entity, advisory committee, or
 - (e) No more than one-half of the state entity's, advisory
- (3) A meeting of the governing body of an entity formed under the Interlocal Cooperation Act or the Joint Public Agency Act or of the governing body of

a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act may be held by telephone conference call if:

- (a) The territory represented by the member public agencies of the entity or pool covers more than one county; each telephone conference location at which a member of the entity's or pool's governing body will be present; are located within public buildings used by members of the entity or pool or at a place which will accommodate the anticipated audience;
- (b) Reasonable advance publicized notice is given which identifies
- (c) All telephone conference meeting sites identified in the notice
- (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
- (e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;
- (f) At least one member of the governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;
- (g) The telephone conference call lasts no more than one hour; and
- (h) No more than one-half of the entity's or pool's meetings in a calendar year are held by telephone conference call.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

84-1412 (1) Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed sessions called pursuant to section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in

attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(2) It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(3) No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself.

(4) No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(5) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(6) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if:

(a) A member entity of the public body is located outside of this state and the meeting is in that member's jurisdiction;

(b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;

(c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an in-state location to members, the public, or the press, if requested twenty-four hours in advance;

(d) No more than twenty-five percent of the public body's meetings in a calendar year are held out-of-state;

(e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;

(f) Reasonable arrangements are made to provide viewing at other in-state locations for a video conference meeting if requested fourteen days in advance and if economically and reasonably available in the area; and

(g) The public body publishes notice of the out-of-state meeting at least twenty-one days before the date of the meeting in a legal newspaper of statewide circulation.

(7) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

(8) Public bodies shall make available at the meeting or the in-state location for a telephone conference call or video conference, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

84-1413 Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the city council or village board to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

84-1414 (1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty days after but within one year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense.

§1-503

MEETINGS; NOTICE TO PUBLIC. The City Council of David City, Nebraska shall give reasonable advance publicized notice of the time and place of each

meeting by placing in The Banner Press, a legal weekly newspaper, such notice, six (6) days prior to meeting date. Such notice shall be transmitted to all members of the City Council of David City, Nebraska and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice, or a statement that the agenda, which shall be kept continually current, shall be available for public inspection at the principle office of the City Council of David City, Nebraska during normal business hours.

§1-504 **MEETINGS; NOTICE TO NEWS MEDIA.** The City Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting. (*Neb. RS 84-1411*)

§1-505 **MEETINGS; EMERGENCY MEETINGS.** When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency, and notice of the emergency meeting shall be given in advance to the news media.

§1-506 **MEETINGS; PROCEDURE FOR CITY CLERK.** The City Clerk of the City of David City, Nebraska shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matter discussed.

- (1) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the City Council of David City, Nebraska, in open session, and the record shall state how each member voted, or if the member was absent or not voting.
- (2) The vote to elect leadership within the City Council of David City, Nebraska may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.
- (3) The minutes shall be public records and open to public inspection during normal hours.
- (4) Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. (*Neb. RS 84-1413*)

§1-507 **MEETINGS; ORGANIZATIONAL.** The newly elected Council shall convene at the regular place of meeting in the City on the first (1st) regular meeting in December of each year in which a Municipal election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The Mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective

officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as APresident of the Council.@ The Mayor shall then nominate his candidates for appointive offices. He shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council, or his or her successor in office, and of each officer elected to any office, to qualify prior to the first (1st) regular meeting in December following his election. All appointive officers shall qualify within two (2) weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the Municipality and to perform faithfully and impartially the duties of his office, said oath to be filed in the office of the Municipal Clerk. Each officer who is required to give a bond shall file the required bond in the office of the Municipal Clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his office, with the oath endorsed thereon.

§1-508

MEETINGS; SPECIAL MEETINGS. Special meetings may be called by the Mayor, or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the City Clerk. On filing the call for a special meeting, the City Clerk shall notify the Council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Council member known to be out of the state, or physically unable to be present. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the City Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the Mayor, if present, or if absent, by the President of the Council. In the absence of both the Mayor and the President of the Council, the City Council members shall elect a President pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 6 herein. (*Neb. RS 17-106*)

§1-509

MEETINGS; RULES AND REGULATIONS. The rules of parliamentary practice comprised in Roberts Rules of Order may guide City Council meetings in cases to which they are

applicable, to the extent that they are not inconsistent with this Article or generally accepted practices of the City Council.

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

Section 3. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Resolution No. 4 - 2008 and moved for its passage and adoption. Council member Yindrick made a motion to amend Resolution No. 4 - 2008 by stating "Said equipment charges shall NOT include the cost of the operator, mileage, and maintenance. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Schatz, Smith, Lukassen, Hein, and Yindrick. Voting NAY: None. The motion carried. Council member Hein seconded the motion of Council member Schatz to adopt Resolution No. 4 - 2008 as amended. Voting AYE: Council members Smith, Lukassen, Scribner, Yindrick, Hein, and Schatz. The motion carried and Resolution No. 4 - 2008 was passed and adopted as follows:

RESOLUTION NO. 4 - 2008

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, have in the inventory of the City various pieces of equipment, and

WHEREAS, City Staff have occasion to use this equipment to carry out nuisance abatement, grant related activities, and other activities of an unusual manner, and

WHEREAS, the City does assume certain expenses related to abatement of nuisances, maintenance of the public right of ways, and other situations, and

WHEREAS, the consumer charges for labor, vehicles, equipment rentals, etc., for the City of David City/David City Utilities have not been increased for some time, and

WHEREAS, the City has determined a need to increase the consumer charges for the David City Electric, Sewer, and Water Departments.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following list of charges for the use of City equipment and other City expenses, when said use shall be billed to another party, be hereby adopted. Equipment charges do not include the cost of the operator, mileage, and maintenance, which are additional separate charges.

The following rates will be in effect:

Electric Department - Charges

Labor:

Labor.....\$33.50 / hour
Labor / Overtime.....\$50.00 / hour

Vehicles:

Basket Trucks\$52.00 / hour
Digger Derrick\$52.00 / hour
All other vehicles\$0.85 / per mile

Vermeer Trencher-Plow:

Plow\$1.75 / foot
Trench (2 to 5 feet deep).....\$2.50 / foot
(Additional labor charges may be applied to extra digging around lines)
Chipper\$50.00 / hour

Moles (Includes air compressor):

5 ½ inch\$9.00 / foot
3 inch\$7.00 / foot
2 inch\$7.00 / foot

Water and Sewer Department - Charges

Labor:

Labor.....\$33.50 / hour
Labor / Overtime.....\$50.00 / hour

Vehicles:

Sewer Jet-Vac Truck\$150.00 / hour
 Outside city limits add mileage\$0.85 / mile
Dump Truck.....\$0.75 / mile
Case Backhoe.....\$60.00 / hour

Equipment:

Air Compressor	\$35.00 / hour
Portable Pump	\$15.00 / hour
Portable Generator.....	\$15.00 / hour
Cut Off Saw.....	\$15.00 / hour
(Plus Blades)	
Air Blower.....	\$10.00 / hour
Trench Jacks.....	\$10.00 / hour

Supplies:

Lime Sales	\$ 5.00 / ton
(Plus mileage for dump truck)	

All equipment or vehicle rentals are at a minimum of 1 hour rental. An employee of the City of David City shall accompany the rental, and the labor is a separate charge.

Dated this 13th day of February, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Resolution No. 5 - 2008. Council member Schatz amended Resolution No. 5-2008 by adding "Airport" and to read "Equipment charges do not include the cost of the operator, mileage, and maintenance, which are additional separate charges" and moved for its passage and adoption. Council member Lukassen seconded the motion. Voting YEA: Council members Scribner, Yindrick, Hein, Smith, Lukassen, and Schatz. Voting NAY: None. The motion carried and Resolution No. 5 - 2008 was passed and adopted as follows:

RESOLUTION NO. 5 - 2008

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, have in the inventory of the City various pieces of equipment, and

WHEREAS, City Staff have occasion to use this equipment to carry out nuisance abatement, grant related activities, and other activities of an unusual manner, and

WHEREAS, the City does assume certain expenses related to abatement of nuisances, maintenance of the public right of ways, and other situations, and

WHEREAS, the consumer charges for labor, vehicles, equipment rentals, etc., for the City of David City/David City Utilities, have not been increased for some time, and,

WHEREAS, the City has determined a need to increase the consumer charges for the Police, Airport, and Street Departments.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following list of charges for the use of City equipment and other City expenses, when said use shall be billed to another party, are hereby adopted. Equipment charges do not include the cost of the operator, mileage, and maintenance, which are additional separate charges.

The following rates will be in effect:

Street Department - Charges

Labor:

Labor..... \$33.50 / hour
Labor / Overtime \$50.00 / hour

Vehicles:

Pickup Trucks..... \$20.00 / hour
Pickup Trucks with Snow Plow \$25.00 / hour
Pickup Trucks with Salt Spreader..... \$25.00 / hour
Pickup Trucks with Snow Plow and Salt Spreader..... \$30.00 / hour
Pickup Trucks with Mosquito Mister \$75.00 / hour
(Plus chemical costs)
Dump Trucks Single Axle \$35.00 / hour
Dump Trucks Single Axle with Snow Plow..... \$40.00 / hour
Dump Trucks Twin Axle..... \$50.00 / hour
Dump Trucks Twin Axle with Snow Plow \$55.00 / hour
All other vehicles \$1.00 / per mile

Equipment:

Caterpillar Loader..... \$100.00 / hour
Caterpillar Loader with Snow Blower \$150.00 / hour
John Deere Motor Grader..... \$75.00 / hour
Johnson Street Sweeper \$150.00 / hour
Bobcat..... \$35.00 / hour
Bobcat with Jack Hammer \$50.00 / hour
Concrete Saw..... \$50.00 / hour
(Plus Blade Cost)
Sand Compaction Plate..... \$30.00 / day
Air Compressor \$35.00 / hour
John Deere Tractor 3010 (with Mower or Roller) \$50.00 / hour
Salt Spreader \$10.00 / hour
Paint Sprayer \$50.00 / hour
(Plus per use fee of \$20.00 will be added to the rental)
Tree Spade \$50.00 / hour

Supplies

Gravel (delivered).....	\$10.00 / yard
Gravel (picked up).....	\$8.00 / yard
Sand (delivered).....	\$5.00 / yard
Sand (picked up).....	\$3.00 / yard
Dirt (delivered).....	\$6.00 / yard
Dirt (picked up).....	\$5.00 / yard
Dirt Junk.....	\$4.00 / yard
Recycled Re-rock.....	\$20.00 / yard
Cold Patch.....	\$100.00 / yard
Asphalt Millings.....	\$6.00 / yard
Downtown Street Brick.....	\$1.00 / each
Lettering for Street Name Signs.....	\$0.50 / each
Two inch post caps.....	\$6.65 / each
Twenty-four Inch Street Sign Blanks.....	\$12.00 / each

Culverts:

Culvert prices change so rapidly that an exact price cannot be set on a yearly basis. Please contact the Street Department for pricing. The City of David City will charge a \$5.00 administrative fee for each culvert ordered through the Street Department.

David City Municipal Airport:

T-Hangar.....	\$40.00 / month
Shop Hangar.....	\$65.00 / month

Police Department - Charges:

Impoundment.....	\$5.33 / day
Personal Service.....	\$33.50 / hour
Personal Service / Overtime.....	\$50.00 / hour
Towing.....	\$50.00 / hour

All equipment or vehicle rentals are at a minimum of 1 hour rental. An employee of the City of David City shall accompany the rental, and the labor is a separate charge.

Dated this 13th day of February, 2008.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar

On November 8, 2006, the City Council approved the removal of the problem trees that were a nuisance and health concern in the downtown area due to the droppings from Starlings roosting in the trees. The tree located in front of the Thorpe Opera House was not removed as it was not deemed to be a nuisance and/or a health concern.

City Administrator Johnson stated that the tree in front of the Thorpe Opera House located at 449 D Street should be removed as it screens the uniqueness and historic features of the building. Johnson also stated that the Thorpe Opera House is in the process of fund raising to restore the Thorpe Opera House and the removal of the tree would assist the fund raising committee's efforts to return prominence to the Thorpe Opera House by exposing its true beauty or future beauty.

Street Superintendent Jim McDonald stated that he would also like to remove the tree by the Library, 399 N 5th, as it is beginning to heave the sidewalk.

Council member Scribner made a motion to authorize Street Superintendent Jim McDonald to remove trees on the south side of the square ("D" Street between 4th & 5th) as he sees fit. Council member Smith seconded the motion. Voting AYE: Council members Hein, Yindrick, Lukassen, Schatz, Smith, and Scribner. Voting NAY: None. The motion carried.

Council member Schatz made a motion to approve the job description for an Electrical Distribution Supervisor, contingent upon deleting the word "engineers" and substituting the word "designs", and advertising for the position of an Electrical Distribution Supervisor. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Yindrick, Lukassen, Hein, and Schatz. Voting NAY: None. The motion carried.

CITY OF DAVID CITY, NEBRASKA

JOB TITLE: Electrical Distribution Supervisor

DEPARTMENT(S): Electrical Distribution

NAME: _____

DESCRIPTION OF WORK:

- Responsible for the management and operation of the electrical distribution system.

OBJECTIVES:

- To perform duties in a manner which ensures the citizens of David City of a dependable, safe, and well operated electrical distribution system at all times.
- To proficiently perform all work required for the effective operation and proper maintenance of transformers, meters, power poles within the City of David City's service area and other facilities and services that may be acquired by the City of David City if the service area is expanded.
- To comply with and maintain knowledge of policies, procedures, and regulations, codes and laws set forth by the City, the State of Nebraska and the Federal government.
- To continually promote a good working relationship with all City employees and other departments, and maintain a good public image of the City of David City.

RESPONSIBILITIES AND DUTIES

- Designs all metering installations of secondary and primary lines.
- Designs all new line projects, both secondary and primary.
- Oversees electrical services which are to be disconnected or reconnected.
- Plans, directs, coordinates, and supervises the activities of the Electric Distribution Department.
- Supervises, inspects and performs work involved in the construction, operation and maintenance of the electric distribution system.
- Supervises, inspects, and performs work involved in the installation of new services (both high and low voltage).
- Supervises, inspects and performs work involved in changing insulators and crossarms, tightening hardware, replacing poles on energized or de-energized lines, digging and trenching operations, installing cables, repairing or installing transformers, and trimming trees from lines.
- Supervises the City's load management program and operates the system to make sure that electricity usage is at the lowest possible demand level.
- Supervise and inspects the work involved in putting up, taking down, and maintaining Christmas decorations.
- Makes sure service calls from contractors and customers are answered and that repairs are made. Answers calls when necessary and is on call (nights and weekends) for electrical problems. Investigates and responds to complaints.
- Determines job priority and work schedule, and assigns jobs to personnel. Interprets specifications, blueprints, and work orders to workers.
- Keeps records on employee work time, vehicle maintenance, inventory of fixed assets and inventory of operating materials.
- Makes sure employees follow safety procedures.
- Procures operating supplies and materials, and maintains department inventory.
- Operates and ensures the safe and proper use and maintenance of complex mechanical equipment, including bucket truck, digger truck, limb chopper, etc. Maintains department buildings.
- Briefs City Administrator on the activities of the Electric Distribution Department, and attends management meetings. Confers with the City Administrator on all major electric system work, and on expenditures over \$1,000.00.
- Prepares and submits proposed annual department budget and department goals to the City Administrator for review. Manages budget on day-to-day basis, and verifies and signs expenditure claims.
- Acts as personnel officer for the Electric Distribution Department; recommends personnel related action (hiring, firing and discipline); assists in interviewing candidates for employment, enforces discipline, evaluates employee performance, trains employees in the operation of equipment and other necessary job skills and tasks.
- Assists other City departments as needed or directed by the City Administrator. For example, is responsible for snow removal at City Hall and assists the Street Department in snow removal from city streets.
- Performs special project assignments as designated by the City Administrator. For example, represents the City at electric related meeting and attends City Council meetings at the City Administrator's request.
- Supervises and participates in the reading of meters.

- Monitors the Polychlorinated biphenyls (P.C.B.) Program and ensure that no P.C.B. transformers be installed in the electric distribution system.
- Monitors and assures compliance with electrical wholesale contracts

RELATIONSHIPS (AUTHORITY / ACCOUNTABILITY)

- Reports to (in order of sequence): City Administrator; Mayor; City Council.
- Directs: Employees in the Electric Distribution Department
- Coordinates and cooperates with:
 - Internal: City Hall/Utility Office staff; other City departments.
 - External: Businesses and business groups; general public and citizen groups; contractors; Nebraska Public Power District; Nebraska Power Review Board; Butler Public Power District; Nebraska Municipal Power Pool, Federal Environmental Protection Agency.

WORKING CONDITIONS

- Factors which make the job difficult/hazardous: Inclement weather; high water levels; danger of electrocution from power lines; danger of falling from aerial boom; danger from operating and working around large mechanical equipment; danger from working in and around moving traffic; digging around telephone, cable TV lines, and utilities.
- Factors which make the job easier: Guidance and support from the City Administrator; assistance from other departments in emergencies; city policies, procedures, and codes to follow; technical assistance from NPPD, NMPP and BPPD; training and education provided via the City.

SKILLS, KNOWLEDGE AND ABILITIES

- Considerable knowledge of electrical power distribution systems.
- Considerable knowledge of standard methods, materials, and practices used in the construction, maintenance and repair of electric distribution systems.
- Considerable knowledge of hazards and safety precautions in the construction, maintenance and repair of electric systems.
- Ability to supervise skilled and semi-skilled laborers, and to effectively coordinate their activities.
- Ability to develop working relationships with subordinates, other department heads, superiors and elected officials.
- Ability to communicate and deal with public.
- Ability to prepare oral and written reports.
- Knowledge of the operation of machinery and equipment, and general knowledge of large equipment maintenance.

EXPERIENCE AND TRAINING

- At least three years of progressively responsible experience in electric power distribution system construction and maintenance work, of which two years must have been in a supervisory or foreman capacity.
- High school education or equivalent of applicable job training and experience.

- Must possess a valid Nebraska Driver's License.

Applicant's Signature: _____

Date: _____

RECEIVED BY: _____
Name and Title

Date: _____

Council member Hein made a motion to appoint Pat Hoefft as the City's representative, and City Administrator Joe Johnson as the alternate representative, to the Members' Council of the Nebraska Municipal Power Pool. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Scribner, Lukassen, Yindrick, Schatz, and Hein. Voting NAY: None. The motion carried.

Council member Hein made a motion to authorize City Administrator Joe Johnson to execute a letter to the Transportation and Telecommunications Committee expressing support for Legislative Bill 1129 and Legislative Resolution 232 concerning the future of reliable transportation systems and state and local development. Council member Scribner seconded the motion. Voting AYE: Council members Lukassen, Yindrick, Smith, Schatz, Scribner, and Hein. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Yindrick seconded the motion. Voting AYE: Council members Lukassen, Scribner, Smith, Yindrick, and Hein. Voting NAY: Council member Schatz. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:05 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
February 13, 2008

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of February 13, 2008; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan E. Kovar, City Clerk