

## CITY COUNCIL PROCEEDINGS

February 14, 2001

The Mayor and City Council of the City of David City, Nebraska met in open public session at 7:00 p.m. on February 14, 2001 in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on February 8, 2001 and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notices to the Public, Mayor and Council members conveyed the availability of the Agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Stephen Smith, Council members Mark Kirby, Ted Lukassen, Gary Kroesing, Bill Schatz, Gary Smith, and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, Street Superintendent Jim McDonald, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, and City Clerk Joan E. Kovar.

Also present were: Joe & Dorothy Bohaty, Skip Trowbridge, Mona Peterson, Rob Scheffler, Bob Palik, Father Connor, and Tony Smith.

Due to the inclement weather in Lincoln, Alan Hersch, the Associate Vice-President of Community Services for Peoples Natural Gas, was not present to explain the recent increase in natural gas prices. Hersch did fax a report that stated Peoples Natural Gas customers in rate area 3 will pay significantly lower billing rates in February due to a decline in U.S. natural gas commodity prices. Historically high natural gas prices on U.S. commodity markets coupled with record cold weather this winter season have combined to cause significant increases in bills for Peoples' 177,000 customers in Nebraska this winter. However, for February usage, gas costs for Peoples customers in the area will decrease by \$3.87 cents per mcf (1,000 cubic feet) representing a 32 percent decrease compared to January gas usage costs. Combined with lower expected seasonal usage by customers in February, an average residential customer's bill would be about 34 percent less compared to January. As a result, an average residential customer of Peoples would pay \$155.93 for February usage compared to \$236.34 in January.

The minutes of the January 10, and January 15/16 meetings of the Mayor and City Council were approved upon a motion by Council member Kroesing and seconded by Council member Kirby. All of the Council members were present, all voted YEA and the motion carried.

Stephen Smith asked for Petitions, Communications and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions or communications to be read. Council member Hein reported an individual asked if gravel or crushed rock could be put on the parking lot directly north of the City Auditorium off of Kansas Street. The south end of the parking lot is a muddy mess. Street Superintendent Jim McDonald was instructed to place some gravel on the parking lot.

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

Tony Smith, representing the firm of Jerome J. Smith, C.P.A., P.C., presented the report concerning the City's Keno Lottery operation for fiscal year 2000. Tony Smith thanked Andrew Brannen, Joan Kovar, and Barb Hiatt for their help and stated no problems were noted in the keno operation report. City Clerk Kovar reported that she filed a claim in small claims court against Dan & Vonda Havlena, d.b.a. Dan's Bar, for the 2% tax due the Nebraska Department of Revenue that the City paid in 8/13/98. Payment was received from Dan's Bar in the amount of \$2,035.12 (2,014.12 + 21.00 court costs) to reimburse the General Account. The City has never received their percentage of the Keno games in which the Department of Revenue proved that Dan's Bar destroyed the game reports. Council member Hein made a motion to accept the Keno Lottery report as presented. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

The bids for the new running track were opened on January 11. The bidders were asked to submit a base bid and two alternate bids. The base bid included a 6" asphalt base and polyurethane surfacing. The first alternate bid included a 5" asphalt base and polyurethane surfacing. The second alternate bid included a 6" asphalt base and latex surfacing. Bids were received from two companies as follows:

|                  | <u>M.E. Collins</u> | <u>Castle Construction</u> |
|------------------|---------------------|----------------------------|
| Base Bid         | \$287,414           | \$304,468                  |
| First Alternate  | \$273,949           | \$286,881                  |
| Second Alternate | \$267,239           | \$285,355                  |

The City's engineering firm for the project, Lamp, Rynearson and Associates, recommended that the City award the contract to M.E. Collins.

The Council discussed the pros and cons of the base bid and the alternates. Discussion covered the following points:

- Although the base bid carries a higher initial construction cost than the alternate bids, a track with a 6" asphalt base and polyurethane surface would require less maintenance and, therefore, be more cost-effective in the long run.
- Latex tracks are generally resurfaced every 10-12 years, while polyurethane tracks are resurfaced every 18-20 years.
- A 6" asphalt base allows 3 lifts of asphalt to be put down while a 5" track would have only 2 lifts. The extra lift helps insure a smoother asphalt surface, which in turn reduces the possibility of cracks or bubbles developing on the track surface.

M.E. Collins' subcontractor for the polyurethane or latex is Midwest Tennis and Track of Denison, Iowa.

Skip Trowbridge and Mona Peterson agreed that in the long run a track with a 6" asphalt base and polyurethane surface would be more cost-effective in the long run. Originally \$266,000 in sales tax revenue was set aside for the track project. The base bid for the total project cost from M.E. Collins will be approximately \$287,414 for construction plus \$40,000 for engineering for a total of \$327,414. We recently applied for a \$190,000 grant from the Nebraska Department of Environmental Quality. It is probably unlikely that we will get \$190,000 but we could get \$50,000 to \$60,000.

After much discussion, Council member Kroesing made a motion to award the track project to M.E. Collins. The Council will determine at a later date if they will approve the base bid, first alternate bid, or the second alternate bid. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to advance ahead to agenda item #21 - 7:30 p.m. Public Hearing concerning the Barb Vogl property at 1070 N 8<sup>th</sup> Street, David City, Nebraska. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 7:37 p.m., Mayor Smith declared the Public Hearing open to consider the Barb Vogl property located at 1070 N 8<sup>th</sup> Street, David City, Nebraska. Police Chief Sunday reported that he personally served the notice to Barb Vogl concerning this Public Hearing, but nevertheless Barb was not present. Joe and Dorothy Bohaty, who live just south of Barb Vogl, reported that nothing has been cleaned up and Barb's boyfriend, Randy Janak, continues to bring in more tires, chairs, and old cars. Bohaty's are also concerned that they are harboring rats, mice, and snakes in their yard. Mayor Smith declared the Public Hearing closed at 7:41 p.m..

Council member Hein introduced Resolution No. 5-2001 and moved for its passage and adoption. Council member Smith seconded the motion. All Council members were present and all voted YEA. The motion carried and Resolution No. 5-2001 was passed and adopted as follows:

**RESOLUTION NO. 5 - 2001**

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

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

WHEREAS, the David City Board of Health at a public meeting held on December 7, 2000, declared the property located at 1070 N. 8<sup>th</sup> Street, David City, Butler County, Nebraska, to be in violation of Municipal Code Section No. 4-401 (3), (6), (7), and (9), and a public nuisance.

WHEREAS, at the December 13, 2000 City Council meeting, the Governing Body affirmed the findings of the Board of Health, and further ordered that notice be given to the owner, occupant, lessee, or mortgagee of said property, of the violations.

WHEREAS, the City of David City, held a public hearing at a regularly scheduled City Council meeting on February 14, 2001, regarding the property located at 1070 N. 8<sup>th</sup> Street, David City, Butler County, Nebraska.

WHEREAS, the City of David City, having followed the rules and procedures as set out in code #4-402, and having held a public hearing on February 14, 2001, does hereby declare said property, owned by Barb Vogl, to be a public nuisance.

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

WHEREAS, the City of David City, by this Resolution, shall proceed to abate the nuisance if the owner, occupant, lessee or mortgagee fails to remedy said public nuisance at

once. Upon the completion of the work by the Municipality, a statement of the costs of such work shall be transmitted to the Governing Body (City Council), which is authorized to bill the property owner, occupant, lessee or mortgagee.

THEREFORE, BE IT RESOLVED THAT, the City of David City has declared the property located at 1070 N. 8<sup>th</sup> Street, David City, Butler County, Nebraska, to be a public nuisance, and further more directs that the Municipality begin cleaning up said property on, or after, March 15, 2001, unless a notice of appeal is made with the District Court of Butler County, Nebraska.

DATED, this 14<sup>th</sup> day of February, 2001.

Mayor

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City Clerk

At 7:45 p.m., Mayor Smith declared the Public Hearing open to consider the adoption of a one-year and six-year street improvement program. Street Superintendent Jim McDonald presented the street projects completed in 2000, the proposed projects for 2001, and the proposed six year plan 2001-2007 and illustrated the streets on a color coded map.

#### **DAVID CITY STREET DEPARTMENT**

##### Projects completed 2000:

. 8<sup>th</sup> Street Railroad tracks to "E" Street

##### Kozisek Addition:

. 15<sup>th</sup> Street from "E" Street south to the dead-end  
. Walnut Street from "E" Street north to the dead-end  
. "E" Street from 14<sup>th</sup> to 15<sup>th</sup> Street - 2<sup>nd</sup> lift of asphalt  
. "E" Street from 15<sup>th</sup> East past Albrecht's driveway

##### Proposed Projects 2001 1 year plan

1. Bemis Addition curb/gutter 5" asphalt
2. N Street between 3<sup>rd</sup> and 4<sup>th</sup> Street curb/gutter 5" asphalt
3. 9<sup>th</sup> Street "I" Street to "J" Street curb/gutter 5" asphalt
4. "E" Street 1<sup>st</sup> Street to Railroad Tracks curb/gutter 5" asphalt
5. 8<sup>th</sup> Street "C" Street to "D" Street 5" asphalt

##### Proposed Six Year Plan 2001-2007

"D" St. from 6<sup>th</sup> Street to the alley between 5<sup>th</sup> & 6<sup>th</sup> Streets. This location is in

- front of the Fire Hall. The existing surface is poor brick. This desperately needs to be upgraded to 8 inches Portland concrete. This area is the main route to the public school, downtown area, and the traffic light.
- 11<sup>th</sup> and "D" Streets intersection - poor drainage and poor surface - needs to be upgraded to 8 inches Portland concrete.
  - 1<sup>st</sup> St. from "D" to "E" Street - 5 inches asphalt - no curb & gutter at this time
    - needs curb & gutter - poor drainage
  - 5<sup>th</sup> St. from "G" St. to Railroad crossing - existing brick 3 inch overlay
  - 8<sup>th</sup> St. from "H" St. to "I" St. - existing surface armor coat - 5 inches asphalt planned
  - 9<sup>th</sup> St. from "I" to "J" St. - curb & gutter with armor coat - 5 inches asphalt planned
  - 10<sup>th</sup> St. from "D" to "E" St. - curb & gutter with armor coat - 5 inches asphalt
  - 10<sup>th</sup> St. from "E" St. to Railroad crossing - partial curb & gutter with armor coat -
    - 5 inches asphalt planned
  - 12<sup>th</sup> St. from "B" to "C" St. - armor coat surface - 5 inches asphalt planned
  - 13<sup>th</sup> St. from "C" to "E" St. - 2 blocks poor armor coat - 5 inches asphalt planned
  - "C" St. from Oak St. to County Rd - 2 blocks poor armor coat - 5 inches asphalt planned
  - "D" St. from 3<sup>rd</sup> St. to County Rd. - 4 blocks existing brick - 5 inches asphalt overlay brick 1½ "
  - "E" St. from 1<sup>st</sup> to Oak St. - poor armor coat - 5 inches asphalt planned
  - "G" St. from 9<sup>th</sup> to 11<sup>th</sup> St. - poor armor coat - 5 inches asphalt planned
  - Oak St. from "D" to "E" St. - poor armor coat - 5 inches asphalt
  - Park Drive - about 7 blocks poor armor coat - 5 inches asphalt planned
  - Iowa St. from 4<sup>th</sup> Street to State Yards - 2 blocks - 5 inches asphalt planned
  - Trailer Court roads - about 5 blocks
  - Storm Sewer - "O" St. from 4<sup>th</sup> Street to the Railroad Tracks - option north or south side.
  - 8<sup>th</sup> Street from Nebraska to Iowa - needs curb/gutter asphalt or concrete
  - 6<sup>th</sup> Street from Nebraska to Kansas - 5" asphalt

There were no objections expressed, and Mayor Smith declared the Public Hearing closed at 7:50 p.m.. Council member Kroesing introduced Resolution No. 6-2001 and moved for its passage and adoption. Council member Smith seconded the motion. Voting YEA: Council members Schatz, Lukassen, Kirby, Hein, Smith, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 6-2001 was passed and adopted as follows:

**RESOLUTION NO. 6 - 2001**

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on February 14, 2001, 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 14<sup>th</sup> day of February, 2001.

Mayor

City Clerk

Council member Hein introduced Ordinance No. 901. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Kirby seconded the motion. Voting YEA: Council members Smith, Hein, Lukassen, Kirby,

Schatz, and Kroesing. Voting NAY: None. The motion carried.

Council member Hein made a motion to pass and adopt Ordinance No. 901 on the third and final reading. Council member Kroesing seconded the motion. Voting YEA: Council members Hein, Schatz, Lukassen, Smith, Kroesing, and Kirby. Voting NAY: None. The motion carried and Ordinance No. 901 was passed and adopted as follows:

**ORDINANCE NO. 901**

AN ORDINANCE TO ESTABLISH THE SALARIES AND PAY SCALES FOR THE SWIMMING POOL MANAGER, ASSISTANT MANAGER, AND LIFEGUARDS OF THE CITY OF DAVID CITY, NEBRASKA.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the following positions for the employees of the City of David City, Nebraska:

**Swimming Pool Workers**

Pool Manager \$7.65/hr.

Asst. Pool Mgr \$6.50/hr.

|                     | Number of Years      |                      |                      |                      |                      |                      |                      |                      |
|---------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Lifeguards          | 1 <sup>st</sup> year | 2 <sup>nd</sup> year | 3 <sup>rd</sup> year | 4 <sup>th</sup> year | 5 <sup>th</sup> year | 6 <sup>th</sup> year | 7 <sup>th</sup> year | 8 <sup>th</sup> year |
|                     | \$5.50               | \$5.60               | \$5.70               | \$5.80               | \$5.90               | \$6.00               | \$6.10               | \$6.20               |
| Lifeguards with WSI | 1 <sup>st</sup> year | 2 <sup>nd</sup> year | 3 <sup>rd</sup> year | 4 <sup>th</sup> year | 5 <sup>th</sup> year | 6 <sup>th</sup> year | 7 <sup>th</sup> year | 8 <sup>th</sup> year |
|                     | \$5.60               | \$5.70               | \$5.80               | \$5.90               | \$6.00               | \$6.10               | \$6.20               | \$6.30               |

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after it's passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 14<sup>th</sup> day of February, 2001.

Mayor

City Clerk

Council member Kirby made a motion to advance ahead to agenda item #13 - 8:00 p.m. Public Hearing on a proposed budget amendment for CDBG 97-HO-009. Council member Smith

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

City Administrator Andrew Brannen explained that the grant funds for "administrative activities" for our CDBG Housing Program are about depleted and we need to seek an amendment to the original project budget. The amendment will allow us to transfer additional funds into the administration account. The housing program is set to expire in June 2001. Once it expires we can no longer request funds from the state, but we can continue to loan out the funds that we've already accessed (approximately \$65,000). Council member Schatz said we should advertise the availability of the grant funds so that others could take advantage of the funds.

Council member Hein made a motion to request that the budget for CDBG 97-HO-009 be amended as follows:

- Move \$4,500 from Activity 0530 Housing Rehabilitation to Activity 0181 General Administration to cover contractual costs required to administer said CDBG from 6/25/97 thru 6/29/01.
- Move \$1,500 from Activity 0580 Housing Administration to Activity 0181 General Administration to cover contractual costs required to administer said CDBG from 6/25/97 thru 6/29/01.
- Add \$500 to Activity 0580 Housing Administration "OTHER" to accurately reflect City staff time devoted to housing administration tasks including but not limited to filing of deeds and loan payment collections.
- Add \$1,000 to Activity 0181 General Administration "OTHER". These funds will be provided by the City as Personnel Costs, Overhead and Support and Audit Fees. These costs were previously identified under the General Administration activity.
- Move \$20,000 from Activity 0530 Housing Rehabilitation to Activity 0543 Down payment Assistance/ Home ownership to more accurately affect the anticipated expenditure of CDBG funds from now thru the completion of project date, 6/25/01.

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

Council member Hein made a motion to advance ahead to agenda item #16 - Consideration of a Tennis Court Project. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Bob Palik and Father Brian Connor expressed their interest in a Tennis Court Project. Tennis provides good exercise, it is a cheap sport - just need a racket and a can of balls for about \$3, and a decent court to play on. Father Connor has held tennis camps, but it is hard to sell kids on a sport where there isn't a decent court to play on.

City Administrator Brannen reported that in May 2000, the City applied to the United States Tennis Association for a \$5,000 grant under their Adopt A Court Program. In January 2001 this application was not funded because our local USTA Section - the Missouri Valley Section - did not budget funds to match a potential grant from the USTA national office. This year, the Missouri Valley Section did budget matching funds and our application was submitted and is likely to be funded at \$2,500. In addition to this \$2,500 available from the USTA, a group of tennis enthusiasts in town have committed to raising \$5,000, and the Jaycees are applying to the Kiewit Foundation for a \$10,000 grant. If all of the grants and donations materialize, we'd have roughly \$17,500 for a project that will cost a total of \$23,000. The City will be receiving \$500 from the Nebraska Tennis

Association. The City would need to provide the additional \$5,000 to complete the project. The tennis court project is a natural compliment to the running track project and the asphalt contractor for the track could easily do the asphalt work on the courts and the track surfacing company can also do the surfacing on the courts.

Council member Hein made a motion to commit \$5,000 towards resurfacing of the tennis court providing the other funding materializes. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith declared a ten minute recess at 8:30 p.m.. Meeting reconvened at 8:40 p.m..

The Planning Commission met on February 10, to discuss the request of Terry Samek to re-zone the property located at 765 3<sup>rd</sup> Street (Lots 1, 4, and 5, Block 6, Original Town of David City) from High Density Residential to Light Industrial so that storage units would be permitted. The Planning Commission recommended that Terry Samek formally combine the three lots to form one lot. The Planning Commission also recommended that Terry Samek requests the variance from the Board of Zoning Adjustment and then re-approach the Planning Commission.

Council member Hein introduced Resolution No. 7 - 2001 and moved for its passage and adoption. Council member Kroesing seconded the motion. All of the Council members were present and all voted YEA. The motion carried and Resolution No. 7 - 2001 was passed and adopted as follows:

**RESOLUTION NO. 7 - 2001**

WHEREAS, Terry Samek, owner of Lots 1, 4, and 5, Block 6, Original Town of David City, has filed an application to combine Lots 1, 4, and 5 to form one lot, and,

WHEREAS, Terry Samek would like to install storage units on this property and combining the lots would provide for better utilization of the lots.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Terry Samek to combine Lots 1, 4, and 5, Block 6, Original Town of David City, to form one lot, be and is hereby granted.

BE IT FURTHER RESOLVED that the City Clerk be and is hereby instructed to file a copy of this Resolution with the County Clerk of Butler County, Nebraska.

Dated this 14th day of February, 2001.

Mayor

City Clerk

City Administrator Brannen stated that bids were not actually requested for an Electric Utility study, but he obtained two quotes: \$8,000 from Sam Scheiddeger, an independent engineer in Columbus, and \$13,000 from Olsson Associates. Sam was recommended by Butler County Power District. Council member Lukassen made a motion to approve the bid of \$8,000 for Sam Scheiddeger to perform a cost of service study for the electrical system. Council member Kroesing

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

At the January 30, 2001, Committee of the Whole meeting, Olsson Associates and Jacobson-Helgoth both made presentations for a comprehensive water study. Jim Condon and Kent Prior of Olsson Associates presented an explanation of the services Olsson's would provide in a comprehensive water study. Their quoted price was \$14,887. Roger Helgoth, Tom Satchell, and Jeff Forney of Jacobson-Helgoth Consultants also presented an explanation of the services they would provide in a comprehensive water study. Jacobson-Helgoth Consultants quoted price was \$19,500. The Council felt that since Olsson Associates had done a lot of work for David City, that Jacobson-Helgoth would be more objective since they had no ties to the system.

Council member Smith made a motion to accept the bid of \$19,500 from Jacobson-Helgoth Consultants to perform a comprehensive water study for David City. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

On February 13, 2001, three bids were received for the demolition of the theater building, 481 4<sup>th</sup> Street as follows:

|  |              |   |
|--|--------------|---|
| K. S. C. Unlimited<br>Silver Creek, NE | \$82,435.00  | for hauling brick and concrete to their dump site and the remaining debris to the local landfill.   |
|  | \$124,435.00 | for hauling all the brick, concrete, and debris to the local landfill.  |
| -----                                  |              |   |
| Kobus Earth Moving<br>David City, NE   | \$73,220.00  | Lump Sum Bid. Will be using the Butler County Landfill for the disposal facility. If any unknown items are found during demolition or excavation of this project, an additional unit price will be added accordingly. |
| -----                                  |              |   |
| Kohl Construction<br>Schuyler, NE      | \$56,185.00  | Lump Sum Bid. All demolition material will be disposed of at the Butler County Landfill. This bid does not include the disconnecting of any utilities.  |

Council member Hein made a motion to accept the bid of \$56,185.00 from Kohl Construction, Schuyler, Nebraska, for the demolition of the theater building, 481 4<sup>th</sup> Street, with the contingency that the references prove valid. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen explained that several months ago the Council had discussed

going after grant funds to redo the city's comprehensive plan. The comprehensive plan includes such things as our zoning regulations, land-use map, housing data, subdivision regulations, and future plans for growth. An updated comp plan will also help as we apply for certain grants such as downtown renovation funds. Brannen visited with Orval Stahr who suggested we partner with other entities in order to make our grant application stronger. Brannen then approached the Butler County Development Alliance, David City High School, and Aquinas High School about a joint application for the county that focused on technology issues, housing issues, and organizational issues for the Butler County Development Alliance - such as how to make the organization more financially stable. The biggest things the city stands to gain out of this are:

- a good start on a revised comprehensive plan
- the beginnings of a technology program
- a start on a downtown revitalization plan

The City's financial commitment to this would be a total of \$8,000 spread over two budget years. Council member Schatz made a motion to apply for a CDBG Planning Grant and commit \$8,000, spread over two budget years, for this project. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

One of the products that the Energy Services Company (ESCO) is offering is an emergency beacon. The fire department would like to sell the emergency beacons as a fund raiser. The beacon is installed in your porch light and if you have a 911 emergency call to your house you can flip the switch twice and the beacon will begin to blink. The blinking light will make it easier for the EMT's to find your house. The city can purchase the beacons for \$6.00 and the fire department would sell them for \$9.00. The fire department would split the \$3.00 profit with the City, either 50/50 or \$2 for the department and \$1 for the city. Council member Hein made a motion to authorize the Fire Department to sell the emergency beacons through the City Office as a fund raiser. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen, Electric Supervisor Tim Kovar, and City Clerk Joan Kovar have been working with NPPD to put on a "key account" luncheon. Key accounts are the larger utility customers and those businesses important to the community such as grocery stores and hardware stores. The idea behind the luncheon is to let customers know that we appreciate their business, provide information as to what services are available, find out how we can better serve their needs, and answer specific electrical related questions. The luncheon will be held at noon on Friday, March 2, at Winfields.

Council member Kirby introduced Resolution No. 8 - 2001 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Kirby, Smith, Schatz, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Resolution No. 8 - 2001 was passed and adopted as follows:

**RESOLUTION NO. 8 - 2001**

WHEREAS, the Local Government Miscellaneous Expenditure Act (Nebraska Revised Statutes §§13-2201 through 13-2204) provides that local units of government may approve mileage at the rate allowed by §81-1176. That statute requires the state Department of Administrative Services set the mileage rate. The mileage rate at which elected and appointed officials,

employees, or volunteers may be reimbursed was increased as of January 1, 2001, to 34.5 cents per mile.

WHEREAS, L.B. 344, passed and adopted by the Nebraska Legislature provides for the I.R.S. limitations for Nebraska for reimbursement for mileage, lodging, and meals for employees when said employees are attending schools, seminars, conferences, etc. on behalf of the City; and, also provides for expenditure of City funds to provide a recognition dinner for City Employees one time per year.

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

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

- Mileage: 34.5 cents per mile.
- Meals: Not to exceed \$30.00 per day.
- Lodging: Actual and reasonable rates

Passed and approved this 14<sup>th</sup> day of February, 2001.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. City Attorney Egr reported that the pre-trial for the Joe Smith property is scheduled for April 13. Egr stated that he is requesting a consent judgement. If Joe Smith's property became a cluttered mess again, the City wouldn't have to start proceedings all over again. The Randy Janak property will be brought up in June or July.

At a law enforcement meeting with the County Attorney's office the police were advised that if they had contact with any non-English speaking Hispanic, or other nationalities, they cannot process the individual until the police have a translator present.

Police Chief Sunday reported that a grant was received for the purchase of body armor for Rick Schneider. Police Chief Sunday stated his body armor has a hole in it. The Council unanimously authorized Police Chief Sunday to purchase himself a new body armor and pay for it out of Contingency Funds.

Street Superintendent Jim McDonald said his snow removal budget is depleted. He said it would be way over budget if not for the Electric Supervisor Tim Kovar and Plant Supervisor John Kabourek who allow their employees to help the Street Department. Although the electric employees are helping with snow removal it is still the electric department who pays their wages. The Council acknowledged that if the snow removal account is over-budget, it can't be helped due to the inclement weather.

Mayor Smith thanked City Clerk Kovar for the financial report she prepared that displayed the cash and investments for the City and Utility accounts and the outstanding debt.

Mayor Smith scheduled a Committee of the Whole meeting for Tuesday, February 27, at 5:30 p.m. in the meeting room of the City Office.

Mayor Smith read a "Thank You" from Dian and Andrew Brannen for the wedding gift they received from the Mayor and City Council.

Mayor Smith reported that he was presented a "Pat-on-the-Back" award from Lucy Cooper of the Northeast Library System Board. The award acknowledged the City's ongoing efforts for the Hruska Library.

Council member Kirby said he feels City Administrator Andrew Brannen is very competent, but Kirby feels that the Council needs to take a look at where the City is on some of their projects. There are too many large projects going on at one time. Council member Kroesing agreed and stated that he is overwhelmed - too many high priced projects all at once. Kroesing suggested that they complete some projects and then move on to others. Kirby and Kroesing suggested taking stock of where the City is actually at on the projects and how the City stands financially. Council member Hein said he has the same feelings.

City Attorney Jim Egr suggested that the Council go on a retreat. Schedule a Saturday from 9:00 a.m. - 2:30 p.m., so that the Council can discuss the projects and the finances. Get away from David City, arrange for a meeting room in Seward or Columbus, have breakfast or lunch, and just get away for a while. Council member Hein asked if the Council could legally do that. City Attorney Egr said absolutely, as long as the Council makes no decisions. This will be discussed further at the Committee of the Whole Meeting on February 27, 2001.

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

Council member Hein made a motion to go into executive session to discuss a personnel matter. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council and Mayor Smith went into executive session at 10:30 p.m..

Council member Kirby made a motion to come out of executive session. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council came out of executive session at 11:05 p.m..

Council member Hein made a motion that effective immediately, City Administrator Andrew Brannen is to receive one percent (1%) of all grant revenue that Andrew acquires through grants. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 11:10 p.m..

Mayor

City Clerk



CERTIFICATION OF MINUTES  
February 14, 2001

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of February 14, 2001; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan E. Kovar