

CITY COUNCIL PROCEEDINGS

March 12, 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 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on March 6th, 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, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

Also present were: Police Chief Stephen Sunday, Interim Electric Supervisor Pat Hoeft, Ruddy & Mary Svoboda, Marianne Long & son Frankie, Janis Cameron, Alice Isham, Beth Klosterman, 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 and Resolution No. 2-2008 establishing rules and procedures for public participation at city council meetings.

The minutes of the February 13th, 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.

Donna Storrer, 193 So. 6th Street, stated that she did not feel that the City would benefit by bidding for the garbage hauling service and only having one hauler. Mayor Trowbridge stated that he would not get in a discussion on that as it was not on the agenda.

Ruddy Svoboda, who currently operates a garbage hauling service, stated that if the City did decide to ask for bids for the garbage hauling service he would not be able to submit a bid because he is a "little guy" and there is no way he can compete against a million dollar corporation. Ruddy stated that the Council begins their meetings with the Pledge of Allegiance which states "with liberty and justice for all", but he doesn't see this as justice. He also stated that President Thomas Jefferson said "when the government fears the people there is liberty; when the people fear the government it is tyranny."

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

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, March 24th, at 6:00 p.m. in the City Office meeting room.

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

Police Chief Sunday stated that some suspects have been identified concerning the Park incident and vandalism. In his report Sunday stated that there is a citizen who wants to use a large round metal stock tank as a swimming pool. It was noted that this request would need to go before the Planning Commission.

The following bids were received for a boom compensating material handling aerial device truck:

Dueco, Inc., 1901 14th Avenue NW, Watertown, SD 57201

One new Terex Utilities Hi-Ranger TCX-52 aerial device offering a working height of 57.0 ft. and 36.6 ft. of horizontal reach (platform rotated).

Total selling price of Unit, Body & Installation:	\$91,108.00
Selling price of chassis per specifications:	<u>\$45,067.00</u>
Total selling price of unit & chassis:	\$136,175.00

Altec, 2106 South Riverside Road, St. Joseph, MO

204 - ALTEC Model AA55E articulating non-overcenter aerial device with an insulating lower arm, insulating telescopic upper boom and the Altec ISO-Grip? (patent applied for) system, an upper control system incorporating high resistance components at the boom tip, for installation over rear axle, built in accordance to ALTECS standard specifications.

Unit, Hydraulics, Body, Installation:	\$84,728.00
Chassis:	<u>\$50,949.00</u>
Total price:	\$135,677.00

Council member Smith made a motion to accept the bid of Dueco, Inc. in the amount of \$136,175.00 for a boom truck (compensating material handling aerial device). Council member Scribner seconded the motion. Voting AYE: Council members Hein, Lukassen, Yindrick, Schatz, Scribner, and Smith. Voting NAY: None. The motion carried.

Mayor Trowbridge stated that Jodi Prochaska of Scow, Rief, Kruse, & Schumacher, presented the City of David City Financial Statements for year ended September 30, 2007, at the February 25, 2008, Committee of the Whole Meeting. Council member Schatz made a motion to accept the audit as prepared by Scow, Rief, Kruse, & Schumacher. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Lukassen, Yindrick, Hein, Smith, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz introduced Resolution No. 6 - 2008 and moved for its passage and adoption. Council member Smith seconded the motion. Council member Hein questioned "Equipment and building charges do not include the cost of the operator, mileage, maintenance, and caretaker, which are additional separate charges." City Administrator Johnson said that was correct. Voting YEA: Council members Scribner, Yindrick, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. The motion carried and Resolution No. 6 - 2008 was passed and adopted as follows:

RESOLUTION NO. 6 - 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, building rentals, and other situations, and

WHEREAS, the consumer charges for labor, vehicles, equipment rentals, building 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 some of the Park and Auditorium rental fees and Auditorium bar charges.

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, buildings and other City expenses when said use shall be billed to another party, be hereby adopted. Equipment and building charges do not include the cost of the operator, mileage, maintenance, and caretaker, which are additional separate charges.

Municipal Auditorium Rental

Lower Level 8 a.m. to 6 p.m.	\$275.00
after 6 p.m. (per hour)	\$ 50.00
Dance	\$200.00
Preparation Time (1/2 day)	\$ 40.00
Meeting, Civic, Religious Activity	\$150.00
Auctions	\$275.00
Preparation time (1/2 day)	\$ 40.00
Table Coverings (per table).....	\$ 1.00
Cleanup Fee	\$100.00
(Cleanup Fee must be paid up front when auditorium is rented and is returned only if renter cleans up following the event. The Park/Auditorium Supervisor needs to sign off that the cleanup meets his specifications before clean up fee is returned.)	
Deposit (applied towards rental fee)	50% of total Rental fee

Municipal Auditorium - Bar Charges

** Renters must use the city bartenders*

** All liquor and beer must be purchased from the city – even for the reception*

Beer	\$2.25 / beer
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Municipal Running Track Rental

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

Football Practice Field

Football Practice Field - per hour	\$15.00
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All equipment, buildings, 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 12th day of March, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Ordinance No. 1071. Council member Schatz 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 Yindrick, Scribner, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1071 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. 1071 was passed and adopted as follows:

ORDINANCE NO. 1071

AN ORDINANCE TO ESTABLISH THE SALARIES AND PAY SCALES FOR THE EMPLOYEES AT THE DAVID CITY FAMILY AQUATIC CENTER, DAVID CITY, NEBRASKA.

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

SECTION 1. Pursuant to Chapter 48, Article 12, Section 48-1201 to 48-1209, and Nebraska Revised Statutes Supplement 2007, provides for a minimum wage for all workers.

SECTION 2. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the following positions at the Family Aquatic Center of the City of David City, Nebraska, and provides for the minimum wage to be set at \$5.85 per hour from the passage of this Ordinance through July 23, 2008:

Position					
Manager (negotiable)					
	1st year	2nd year	3rd year	4th year	5th year
Asst. Manager	\$8.52	\$8.77	\$9.02	\$9.27	\$9.52
Head Lifeguard	\$7.95	\$8.20	\$8.45	\$9.70	\$8.95
Water Swim Instructor / Lifeguard	\$6.82	\$7.07	\$7.32	\$7.57	\$7.82
Lifeguard	\$6.25	\$6.35	\$6.45	\$6.55	\$6.65
Swimming Lesson Aid	\$5.85	\$5.95	\$6.05	\$6.15	\$6.25
Water Aerobics Instructor	\$7.38	\$7.48	\$7.58	\$7.68	\$7.78
Concession Games/Cleaning	\$5.85	\$5.95	\$6.05	\$6.15	\$6.25

SECTION 3. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the following positions at the Family Aquatic Center of the City of David City, Nebraska, and provides for the minimum wage to be set at \$6.55 per hour from July 24, 2008 through July 23, 2009:

Position					
Manager (negotiable)					
	1st year	2nd year	3rd year	4th year	5th year
Asst. Manager	\$9.54	\$9.79	\$10.04	\$10.29	\$10.54
Head Lifeguard	\$8.90	\$9.15	\$9.40	\$9.65	\$9.90
Water Swim Instructor / Lifeguard	\$7.63	\$7.88	\$8.13	\$8.38	\$8.63
Lifeguard	\$7.00	\$7.10	\$7.20	\$7.30	\$7.40
Swimming Lesson Aid	\$6.55	\$6.65	\$6.75	\$6.85	\$6.95
Water Aerobics Instructor	\$8.27	\$8.37	\$8.47	\$8.57	\$8.67
Concession Games/Cleaning	\$6.55	\$6.65	\$6.75	\$6.85	\$6.95

SECTION 4. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the following positions at the Family Aquatic Center of the City of David City, Nebraska, and provide for the minimum wage to be set at \$7.25 per hour from July 24, 2009:

Position					
Manager (negotiable)					
	1st year	2nd year	3rd year	4th year	5th year
Asst. Manager	\$10.56	\$10.81	\$11.06	\$11.31	\$11.56
Head Lifeguard	\$9.85	\$10.10	\$10.35	\$10.60	\$10.85

Water Swim Instructor / Lifeguard	\$8.45	\$8.70	\$8.95	\$9.20	\$9.45
Lifeguard	\$7.74	\$7.84	\$7.94	\$8.04	\$8.14
Swimming Lesson Aid	\$7.25	\$7.35	\$7.45	\$7.55	\$7.65
Water Aerobics Instructor	\$9.15	\$9.25	\$9.35	\$9.45	\$9.55
Concession	\$7.25	\$7.35	\$7.45	\$7.55	\$7.65
Games/Cleaning	\$7.25	\$7.35	\$7.45	\$7.55	\$7.65

SECTION 5. Applicants for the position of Manager and Asst. Manager shall be required to have successfully completed the certified swimming pool operator training course through the Nebraska Department of Health and Human Services. While patrons are present, the David City Family Aquatic Center shall be under the immediate supervision of a certified swimming pool operator who shall be held responsible for compliance with all provisions of the regulations relating to equipment, pool operation and maintenance, and safety of bathers. Once hired and having remained on the staff for at least one season in good standing, they may receive partial reimbursement of the training / class fees as determined appropriate by the Swimming Pool Committee.

SECTION 6. Applicants for the positions of Asst. Manager, Head Lifeguard, Water Swim Instructor / Lifeguard, Lifeguard, Swimming Lesson Aid and Water Aerobics Instructor may be required to have current American Red Cross Life Guarding WSI, Life guarding, First Aid, CPRPR, and Title 22 certificates as determined appropriate by the Manager and Swimming Pool Committee. Once hired and having remained on the staff for at least one season in good standing, they may receive partial reimbursement of the training / class fees as determined appropriate by the Swimming Pool Committee.

SECTION 7. Applicants for the position of Water Swim Instructor shall be, first and foremost, hired to teach beginning to advance swimming skills to all ages. Classes may include parent and child, preschool, school age, and adults. Water Swim Instructors shall teach swimming lessons fifty percent of their paid time in order to receive Water Swim Instructor pay.

SECTION 8. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, in conflict with its provisions, is hereby repealed.

SECTION 9. This ordinance shall be published in pamphlet form and shall take effect and be in full force after the passage and approval by the Governing Body of the City of David City, Nebraska.

PASSED AND APPROVED this _____ day of _____, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Police Chief Sunday reported that while Police Officer Fisher was at National Guard Training from September 2007 through January 2008, Sergeant Jim Sylvester was unable to use all of his 2007 vacation hours as it would have caused overtime for other police officers and it would have caused scheduling conflicts. Police Chief Sunday asked the Council for a sixty (60) day extension for Sergeant Sylvester.

Council member Hein made a motion to allow Sergeant Jim Sylvester a sixty (60) day extension to use his 2007 vacation hours. Council member Yindruck seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Sylvester, Yindruck, and Hein. Voting NAY: None. The motion carried.

Beth Klosterman discussed the plans for the renovation of the Thorpe Opera House located at 467 "D" Street. Beth stated that they are trying to raise Three (3) Million dollars if anyone would like to make a donation. They would like the renovation to be as close to the original but still meet code. The current chairlift does not meet ADA requirements and they need additional restrooms. They would like to do the renovation with private grants and funding if possible, however, they are working with the State Historical Society and may need to apply for federal grants. Parts of the plans consist of:

- 1) Removing the back (southeast) portion of the building down to the ground level. Pouring a ground level concrete pad that would meet the Downtown Commercial setbacks and building a one story kitchen.
- 2) Razing the Horacek Building located directly west of the Thorpe Opera House building. On approximately the back two-thirds of the property install three outside air-conditioner units. On approximately the front one-third of the property an entrance would be erected to the area where an elevator and stairs would be located for the Thorpe building. Beth stated that they have to have two forms of egress.
- 3) In order to lengthen the stairs in the middle of the existing Thorpe Opera House building, there is a need to come out four to five feet north onto City property.

Beth stated that they wanted to ask permission to build on city property before they "assume" it will be ok. Beth noted that on an old picture of the Thorpe Opera House there were actually two pillars that stood out on city property with a balcony above it. It was noted that if this extension onto city property is allowed, and the City should ever have to do any work within this space, the structure would be removed, and/or replaced, at the expense of the Thorpe Opera House. The City would not cover nor be responsible for any costs concerning this addition or problems it may cause and the Thorpe Opera house would have to carry the appropriate insurance. Beth stated that was all within reason and no problem whatsoever.

Council member Yindruck made a motion to grant initial approval to allow the Thorpe Opera House to extend the main entrance of their building front onto City property by approximately four to five feet, subject to final engineering and design. Council member Schatz seconded the motion. Voting AYE: Council members Scribner, Lukassen, Smith, Hein, Schatz, and Yindruck. Voting NAY: None. The motion carried.

Council member Schatz stated that once the engineering and design is finalized a resolution should be drafted for consideration. The resolution should also state that if the City should ever have to do any work within this space, the structure would be removed, and/or replaced, all at the expense of the Thorpe Opera House. The City will not be responsible for

any costs concerning this addition or problems it may cause and the Thorpe Opera House will be required to have adequate insurance coverage.

The following letter of resignation was received:

March 7, 2008

To: City Administrator Joe Johnson,
David City Council Members and Mayor

I have been offered employment as the Logan East Rural Water System Manager. I have accepted the position and hereby resign as of March 21, 2008 at 4:00 p.m.

Sincerely,
James Kruse
Water/Sewer Supervisor

Council member Yindrick made to accept the resignation of Water/Sewer Supervisor Jim Kruse with regret. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Scribner, Hein, and Yindrick. Voting NAY: Council members Schatz, and Smith. The motion carried.

Council member Hein made a motion to enter into executive session to conduct a strategy session regarding agreement negotiations. Council member Yindrick seconded the motion. Voting AYE: Council members Schatz, Lukassen, Scribner, Smith, Yindrick, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge stated that the City Council was going into executive session to conduct a strategy session regarding agreement negotiations.

The City Council, Mayor Trowbridge, City Administrator Joe Johnson, City Attorney Jim Egr, Police Chief Stephen Sunday, and City Clerk Joan Kovar went into executive session at 7:48 p.m.

Council member Hein made a motion to come out of executive session at 8:29 p.m. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Scribner, Lukassen, Yindrick, Schatz, and Hein. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Smith, Yindrick, Hein, and Scribner. Voting NAY: Council member Schatz. The motion carried and Mayor Trowbridge declared the meeting adjourned at 8:30 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
March 12, 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 March 12, 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