

CITY COUNCIL PROCEEDINGS

March 13, 2002

The Mayor and City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on March 7, 2002, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notices to the Public, Mayor and Council members conveyed the availability of the Agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Stephen Smith, Council members Ted Lukassen, Gary Kroesing, Gary Smith, Bill Schatz, Mark Kirby and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, Water/Sewer Supervisor Gene Divis, Park/Auditorium Supervisor Bill Buntgen, and City Clerk Joan E. Kovar. Also present were: Dr. Jack Kaufmann, Deb Dinkelman, Ed Sieck, Phil Lorenzen of Kirkpatrick Pettis, and Sherri Nun of the Banner Press.

The minutes of the February 13th and February 27th, 2002 meetings of the Mayor and City Council were approved upon a motion by Council member Lukassen and seconded by Council member Smith. 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.

Dr. Kaufmann said "Thank You" to City Administrator Brannen, Mayor Smith, City Council members and City Clerk Kovar for taking care of the City. Kaufmann said it is amazing how they can keep up on all this - the rules and regulations - and comprehend it all. Kaufmann told them not to worry about a hole in the ground, mistakes happen. (Kaufmann was referring to the hole dug by Hildy Construction for the proposed D.C. Public Schools pre-school, South east corner of 7th & "D", and then construction was halted due to a zoning restriction that requires a special exception/conditional use permit). Dr. Kaufman also stated that if the City decided to turn the empty theater lot, 481 4th Street, into a park, he would like to see a lighted flag pole and flag at the rear of the lot. Kaufmann stated that he and his wife would be willing to buy the flag and replace it when necessary, however, Kaufmann suggested letting people donate money towards the flag pole and flag because then it will be "their" flag. "People these days need that", said Kaufmann. Dr. Kaufmann joked that he had become the village beggar and would be glad to raise the money if the City pursues this project.

Council member Smith thanked Police Chief Sunday for his quick response to a woman's complaint about a neighbors barking dog. Sunday took care of the problem and the woman was very grateful.

Council member Hein thanked Street Supervisor McDonald for the snow fence that was erected north of "O" Street.

Council member Hein questioned how many licensed vehicles are going to be allowed on a property. Currently there is no limit as long as the vehicles are licensed. Council member Smith stated that the State is partially to blame since they discontinued the requirement for a Safety

Inspection on vehicles. Now you can license anything.

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

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

Council member Schatz stated that Water/Sewer Supervisor Divis' monthly report stated "As of 2/28/02 the well water static is staying 4' to 5' average below static which is not normal at this time of year. Should be back to static level or above this time of year." Schatz asked if this is something the Council should be concerned about. Divis said it is something to think about because normally they are at static or above at this time of year. This is due to the lack of rain. Divis said he will note where it is at the end of March.

City Attorney Egr stated that a court date has been set for April 9th at 9:30 a.m. for the Joe Smith property. Egr advised City Administrator Brannen to meet with Joe and/or Sharon Smith and explain to them what still needs to be cleaned up on their property, 595 C Street, by April 9th.

Council member Kroesing reported that the D.C. Golf Board hauled dirt to the island in the City park lake, that will be used for a tee-box, and he is concerned that a heavy rain will wash the dirt away. Park Supervisor Bill Buntgen will check with the Golf Board to see if they can put something down to hold the dirt in place.

Park Supervisor Bill Buntgen reported that a lake manual is being compiled on how to care for the Park Lakes, so that if something would happen to Bill, the information will not be lost. The Game and Parks Commission will stock the lakes the first part of April.

City Administrator Brannen reported that 1) Due to the forecast for rain and freezing drizzle with the possibility of snow beginning Thursday, March 14th and continuing possibly through the weekend, Lueder Construction has decided to reschedule the deep-end pour of the swimming pool for Tuesday, March 19th beginning at 7:30 a.m.. 2) David City, Seward, and Wahoo were the top three town alternatives for the PrairieLand RC&D office location. The RC&D Council is nearly unanimous in their desire for the office to be located in David City. The location of the office should be decided at their meeting Monday, March 18th.

Council member Schatz questioned a proposition for the levy of a city sales tax for street improvements. City Administrator Brannen answered that City Clerk Kovar researched the necessary procedure and it will be addressed at a later meeting.

Mayor Smith scheduled a Committee of the Whole meeting for Monday, March 25, at 5:30 p.m..

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

The Council discussed providing for the financing of certain swimming pool equipment through a lease-purchase financing arrangement. The Council was considering an internal borrowing from the electric utility for the new aquatic center. Phil Lorenzen of Kirkpatrick Pettis was present to discuss an ordinance authorizing a lease-purchase agreement, however, he advised the council that he contacted the firm of Cline/Williams who would issue a revenue bond opinion. Lorenzen advised that, rather than a lease purchase agreement, the City should pass an ordinance authorizing a bond issue. A revenue bond issue is not subject to the lid levy limit.

Council member Kirby made a motion to schedule a Special Council Meeting for Monday, March 25, 2002, at 5:30 p.m. to discuss an internal borrowing from the electric utility for the new aquatic center and consideration of an ordinance authorizing a bond issue. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 7:53 p.m., Mayor Smith declared the Public Hearing open to consider the application of Gregory J. Pleis, d.b.a. Par IV, 899 Park Drive, for a Class "C" Liquor License. There were no objections expressed, and Mayor Smith declared the Public Hearing closed at 7:54 p.m..

Council member Kirby made a motion to approve the application of Gregory J. Pleis, d.b.a. Par IV, 899 Park Drive, for a Class "C" Liquor License. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Lukassen made a motion to advance ahead to agenda item #12 - Consideration of bids received for the tennis court. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Bids were opened on January 25, 2002, for the tennis court renovation project. A clause in the bid form states that the bids will remain subject to acceptance for 30 days after the bid opening, or for such longer period of time that the bidder may agree to in writing upon the request of the owner. The bid acceptance was extended to March 25, 2002. The following two bids were received:

Knight Asphalt, Inc.	\$31,432.50
M.E. Collins Contracting Co.	\$45,214.60

David City Area Jaycees
Tennis Court Renovation Project
As of March 1, 2002

Revenues

USTA National	1,250	
USTA Missouri Valley Section		1,250
Nebraska Tennis Association	500	
City of David City (Keno Funds)		10,000
City of David City (Sales Tax)	5,000	
<u>Local Donations</u>		<u>7,918</u>
Total	25,918	

Expenses

<u>Court Construction</u>		31,432
General grading and shaping	1,837	
Subgrade preparation	3,309	
Construct 5" asphaltic pavement	17,431	
Acrylic surface with marking	7,855	
Seeding	1,000	
Reset Fence	0	
<u>Engineering</u>		<u>9,500</u>
Total		40,932

Surplus/Deficit -15,014

Deb Dinkelman and Ed Sieck reported that according to the low bid received, they are approximately \$15,000 short on revenues. Deb Dinkelman feels certain that the money can be raised as she raised money before for new park playground equipment. Council member Lukassen stated that he would rather see the project done now in conjunction with the new swimming pool, trail, and renovation of the park lakes, rather than later. City Attorney Egr stated that he believes once the entire project - park, track, swimming pool, trail, tennis courts, - is completed, people will come forward with large amounts of money to donate.

Council member Smith made a motion to accept the bid of Knight Asphalt Inc., P.O. Box 180, Chapman, Nebraska, 68827, in the amount of \$31,432.50 for the tennis court renovation project. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen recommended the adoption of a drug free workplace policy, which is necessary to receive various Federal Grants. Council member Hein made a motion to adopt the following drug free workplace policy. Council member Lukassen seconded the motion. Voting YEA: Council members Kirby, Smith, Kroesing, Schatz, Hein, and Lukassen. Voting NAY: none. The motion carried.

CITY OF DAVID CITY, NEBRASKA

DRUG FREE WORKPLACE POLICY

PURPOSE

The purpose of this document is to prescribe policies pertaining to the establishment

of a Drug Free Workplace. The City of David City receives various Federal Grants which require that all grantees of funds shall provide a drug free workplace.

POLICY

The City of David City recognizes that substance and/or alcohol abuse is a serious and complex condition that negatively affects the productive work, personal, and family lives of employees. The City is committed to providing a safe work environment for all employees, including a workplace free from the effects of alcohol and illegal drugs.

Each City employee is hereby informed that it is illegal to manufacture, distribute, dispense, possess, or use alcohol or illegal drugs in the workplace. The possession of physician-prescribed drugs, verifiable by current prescription, is an exception to this policy. However it is a violation of this policy to be "under the undue influence" of such physician-prescribed drugs.

An employee who violates this Drug Free Workplace Policy will be subject to disciplinary action including suspension and dismissal, and may be required to satisfactorily complete an approved rehabilitation program.

Requirements

1. Each City employee and each new hire will receive a copy of this policy.
2. Each City employee will, as a condition of employment, sign and date a statement certifying that he/she:
 - A. Understands and will abide by the Drug Free Workplace Policy.
 - B. Has knowledge of the disciplinary actions which may be imposed for Violations of the Drug Free Workplace Policy.

The signed statement will be permanently maintained in the employee's personnel file and a copy furnished to the employee.

3. Law enforcement officers who have legal custody of alcohol or controlled substances obtained in the lawful performance of their job duties shall not be deemed in violation of this policy.

I understand and will abide by the City of David City's Drug Free Workplace Policy. I also understand that disciplinary action, including suspension and dismissal, may be imposed for violations of the Drug Free Workplace Policy.

Employee Signature

Date

Council member Lukassen introduced Resolution No. 6 - 2002 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Schatz, Kirby, Smith, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Resolution No. 6 - 2002 was passed and adopted as follows:

RESOLUTION NO. 6 - 2002

WHEREAS, Chapter 3, Article 1, Section 3-105 of the Municipal Code of the City of

David City, Nebraska provides the Mayor and City Council may establish by resolution the tap fees to be charged for the connection of a private water line to a City water main.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following schedule of tap fees be and is hereby established:

For each tap to connect a private water line to a City water main laid **after** August 4, 1993, the tap fee shall be \$300 plus the cost of a 2" curb valve.

For each tap to connect a private water line to a City water main laid **prior** to August 4, 1993, the tap fee shall be:

- On a 2" line - - - - - \$135.00 plus the cost of a 2" curb valve
- On a 1" line - - - - - \$125.00
- On a ¾" line - - - - - \$100.00

BE IT FURTHER RESOLVED that the City will furnish _" x ¾" water meter and meter couplings, or, when a larger meter is required, the City will credit the price of a _" x ¾" water meter and meter coupling toward the cost of a larger meter with the customer paying the balance of the cost.

Dated this 13th day of March, 2002.

Mayor Stephen Smith

City Clerk Joan E. Kovar

On March 8, 2002, at 1:00 p.m., four bids for the David City Park Trail project were received and publicly opened and read as follows:

<u>Contractor</u>	<u>Total Base Bid</u>
General Excavating	\$85,909.40
Gen-Mech Contractors	\$62,090.00
Kohl Construction	\$76,001.70
Rutjens Construction	\$69,422.00

Council member Smith made a motion to accept the bid of Gen-Mech Contractors, Inc., Lincoln, Nebraska, in the amount of \$62,090.00 for the David City Park Trail project and award the contract. Construction should begin the end of April or the beginning of May. The City will supply the needed culvert and do some tree trimming. After the trail is completed the landscaping will be done as directed by Jim Kluck of Dublin Nursery. It is low maintenance landscape with wood chips. Council member Lukassen seconded the motion. Voting YEA: Council members Smith, Hein, Lukassen, Kirby, and Schatz. Voting NAY: Council member Kroesing. The motion carried.

The following bids were received for the lower level Auditorium windows:

Sack Lumber Company

Marvin Magnum Double Hung Low E II w/Argon Insulated glass Clad Ext.			
7	94 x 76 - 2 w	\$2,710.00	\$18,970.00
2	46 x 76 1- Lite	\$1,370.00	2,740.00
1	46 x 37 1- Lite		995.00
1	142 x 76 - 3 w		4,065.00
1	38 x 42 1-Lite		968.00
	Extended Subsill		180.00
	Frame expander		<u>375.00</u>
			\$28,293.00

Coufal Lumber Company

Marvin Windows-Magnum, Double Hung- Low E Glass		
Glass with Argon Glass Simulated Divided Lite		
10" Jamb. White Clad Exterior. White Screens		
Rough Opening Sizes		
7 units	94 x 76 - 2 w	
2 units	46 x 76	
1 unit	46 x 37	
1 unit	42 x 76	
1 unit	42 x 76	
	Delivered to David City Auditorium	\$29,123.75

S. A. Foster Lumber Company

Marvin Window Quote for City Auditorium, David City		
Magnum Double Hung, Low "E" W/Argon Insulated Glass, Clad Exterior		
7 units	94 x 76	2w
2 units	46 x 76	1w
1 unit	46 x 37	1w
1 unit	142 x 76	3w
1 unit	38 x 42	1w
	Extended Subsill	

Frame expander	
F.O.B. Job site Tailgate	\$30,029.00

Oak Valley Lumber & Supply

Magnum Double Hung - white units exterior clad with screens,
Extended subsill, frame expander, for masonry openings,
Low E w/argon Insulated Glass, delivered

7	94	x 76	_	Multiple unit	
2	46	x 76	_		
1	46	x 37	_		
1	142½	x 76	_	Multiple unit	
1	38	x 42			\$31,281.06

Park/Auditorium Supervisor Bill Buntgen stated that he bid Marvin windows because they are made to order and are more of a commercial window.

Council member Kroesing made a motion to accept the bid of Sack Lumber Company, David City, Nebraska, in the amount of \$28,293.00 for windows for the lower level of the city auditorium. Council member Schatz 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. The meeting resumed at 8:40 p.m.

Council member Smith made a motion to go into executive session to discuss personnel matters. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council, Mayor Smith, City Attorney Egr, City Administrator Brannen, Police Chief Sunday, and City Clerk Joan Kovar went into executive session at 8:40 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 9:28 p.m..

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kroesing seconded the motion. Voting YEA: Council members Smith, Schatz, Kirby, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 9:29 p.m..

