

## CITY COUNCIL PROCEEDINGS

March 27, 2001

The Mayor and City Council of the City of David City, Nebraska met in an open public session at 5:30 p.m. on March 27, 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 March 22, 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 Ted Lukassen, Gary Kroesing, Bill Schatz, Gary Smith, Nick Hein, and Mark Kirby, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, and City Clerk Joan E. Kovar.

Also present were: Terry Samek, Mark Wagner and Darren Jack of Jacobson Helgoth Consultants, and Roger Frahm of Frahm Construction.

Terry Samek was present to discuss and answer questions concerning his plans to erect 24 storage units on the south west corner of 3<sup>rd</sup> and H Streets. He has cleaned the lots off, set out stakes for the proposed building, and made transit shots concerning drainage back to "H" Street and back to 3<sup>rd</sup> Street. He plans to pour paving between the buildings. Terry said he visited with neighbors and addressed their concerns. He will stay 45' from the south neighbor as requested, and 10' from the alley on the west. Samek removed four trees, one which was on the city parkway. He realizes that he should have gotten a tree removal permit but said the tree had been topped out a couple of times by storms so the tree was in poor condition. He said he will complete a tree removal agreement even if it is after the fact. He removed the trees and had the stumps ground out at his expense. Samek stated he will also be planting trees on the south side of the property. Samek stated security should not be a problem as there are two street lights, one on the corner and one by the alley. The sewer line has not been capped so he will discuss this with WA/SE Supervisor Gene Divis. There will be no utility service to the storage units.

Council member Kirby arrived at 5:38 p.m..

Mayor Smith asked since Ordinance #902 was passed on the first reading on March 14, 2001, if they could still vote to suspend the statutory rule that requires an ordinance be read on three separate days. City Attorney Egr stated yes.

Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Schatz seconded the motion. All of the Council members were present and all voted YEA. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 902 on the third and final reading. Council member Schatz seconded the motion. Voting YEA: Council members Schatz, Kirby, Smith, Lukassen, and Kroesing. Voting NAY: Council member Hein. The motion carried and Ordinance No. 902 was passed and adopted as follows:

**ORDINANCE NO. 902**

AN ORDINANCE TO AMEND ORDINANCE NO. 616, TO CHANGE THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM HIGH DENSITY RESIDENTIAL TO (HDR) TO LIGHT INDUSTRIAL (LI)

The Planning Commission conducted a Public Hearing on Saturday, March 10, 2001 to consider a request by Terry Samek to rezone the following property (765 3<sup>rd</sup> Street) from High Density Residential to Light Industrial, so that storage units would be permitted:

- Original Town of David City, Block 6, Lots 1, 4, and 5

The Planning Commission recommended to the Council that Lots 1, 4, and 5, Block 6, of the Original Town of David City be rezoned from High Density Residential to Light Industrial with the following contingencies:

- An adequate drainage system is designed for the property, and
- Proper screening is installed on the south side of the property as well as the alley side

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

Section 1. That Ordinance No. 616, be amended as follows: The zoning classification be changed from High Density Residential to Light Industrial for Lots 1, 4, and 5, Block 6, Original Town of David City, Butler County, Nebraska with the contingencies that 1) an adequate drainage system is designed for the property, and 2) proper screening is installed on the south side of the property as well as the alley side.

Section 2. That the aforesaid amendment be reflected on the Official Zoning Map of the City of David City, Nebraska. Such amendment be signed by the Mayor and attested by the Deputy City Clerk.

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 its provisions, is hereby appealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and adopted this 27<sup>th</sup> day of March, 2001

Mayor

City Clerk

Mark Wagner of Jacobson Helgoth Consulting reported that on March 23, 2001, at 1:00 p.m., four bids for the David City Park Lakes Restoration project were received and publicly opened and read in accordance with the Contract Documents for the removal of sediment and grading of the lakes. Mark presented a bid tabulation as follows:

Frahm Construction	\$285,910.00
Pruss Excavation	\$531,019.01
Castle Construction	\$369,820.00
Kohl Construction	\$340,380.50

Two bids, Frahm Construction and Pruss Excavation, included unsolicited attachments. The Frahm Construction attachment stated the following: "Bid good only if both parties can come to a satisfactory agreement on what is expected to bring asphalt roads back to pre-construction conditions." The road on the south side of the east lake is in pretty good condition, as is the road between the Schweser House and the Auditorium. Mr. Frahm reported that he will be using twin-screw dump trucks. The asphalt is only 4" thick. Council member Hein stated that for the majority of the roads in the park it is hard to resurrect junk. The Council agreed not to hold Roger Frahm responsible for the park roads. The Council does want him to provide a gravel base to at least keep up the roads. The bridges were discussed. The bridges are too small to be included in the Nebraska Department of Roads' inventory. The state assumes they will hold the legal load limit.

Council member Hein made a motion to award the contract to Frahm Construction of Carroll, Nebraska in the amount of \$285,910.00. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

No resolution was necessary to designate the representative and alternative representative to the members' council of the Nebraska Municipal Power Pool as this had already been done with Resolution No. 6-2000 dated April 12, 2000.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kirby seconded the motion. Voting YEA: Council members Kirby, Schatz, Smith, Lukassen, Kroesing and Hein. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 6:12 p.m.

Mayor

City Clerk



CERTIFICATION OF MINUTES  
March 27, 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 March 27, 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