

CITY COUNCIL PROCEEDINGS

April 9, 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 April 3rd, 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, and Bill Schatz, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar. Council members Lukassen and Yindrick were absent.

Also present were: Police Chief Stephen Sunday, Park/Auditorium Supervisor Bill Buntgen, Interim Electric Supervisor Pat Hoefft, Ruddy Svoboda, Marianne Long & son Frankie, Carolyn Yates, Samantha Kosch, David Spike, Dan & Jan Sypal, Jim & Mary Redler, Renee Schmieding, Economic Development Director Willow Holoubek and son Chase, Don Naiberk, Northeast Nebraska Economic Development Coordinator Leo Ahmann, 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 March 12th, 2008 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Smith. Voting AYE: Council members Schatz, Scribner, Smith, and Hein. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets.

David Spike stated that he erected a metal car port on his property at 208 N. 10th Street, but now has received a letter from Zoning Administrator Roger Kotil stating that 1) David did not apply for a zoning application, 2) metal structures are not allowed in R-1, R-2, R-3, and RM Districts, and 3) there has to be at least a ten foot separation between buildings. Discussion followed in which David was instructed that he would need to complete an application form and visit with Zoning Administrator Kotil concerning this issue.

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

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, April 28th, 2008, 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 reported that Police Officer Vince Brehm is back on active duty following his work comp accident.

The Hruska Public Library's "Heart of the Community" Room Improvement Project will provide new equipment to better utilize an already popular facility. The items in bold will be covered by grant funds. Items in regular print will be covered by local funds or as in-kind expenses as follows:

Project Costs:	Description/Details:	Estimated Cost:
Panasonic TH-58PZ750U Plasma Television	Consumer Reports Best Buy for 58 inch or larger.	\$5,000.00
HP Pavillion dv9500t Laptop Computer	Consumer Reports Best Buy for Laptops	\$1,200.00
Speaker Telephone	Quill.	\$200.00
Wireless Microphone/Sound System	Highsmith	\$600.00
Materials/Supplies	Newsletter expenses - (200	\$94.50
Salaries and Wages	Grant application, installation	\$155.25
	TOTAL:	\$7,250.00

City Administrator Johnson stated that he received a letter from Library Director Kay Schmid stating the Library was granted a Library Improvement Grant in the amount of \$5,800.00 (Grant #08.06) from the Nebraska Library Commission. The Library also received an additional \$800 state aid incentive payment because of an excellent accreditation rating. Library Director Schmid is requesting the use of the \$800 to help meet the cash match requirement.

Council member Scribner made a motion to authorize Library Director Kay Schmid to use the incentive payment of \$800.00 to help meet the cash match requirement on the Library's Community Room Improvement Project. Council member Smith seconded the motion. Voting AYE: Council members Schatz, Hein, Smith, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Mayor Trowbridge opened the Public Hearing at 7:15 p.m. to consider an application to the Department of Economic Development (DED) for Community Development Block Grant funding in the amount of \$250,000 in CDBG Public Works funds. Northeast Nebraska Economic Development Coordinator Leo Ahmann stated that David City is requesting \$250,000 in CDBG funds of which \$235,000 will be used for the complete reconstruction of "D" Street, from the Burlington Northern Santa Fe Railroad tracks east to 4th Street (Highway 15) and

\$15,000 will be used for administration of the grant. The total cost of the project is \$572,100. David City will provide \$337,100 in funds. David City will be using a Blighted and Substandard Area analysis in place of a low-to-moderate income survey. No persons will be replaced as a result of the CDBG activities. It was noted that this would include the replacement of water mains concerning the downtown / D Street water main project. Council member Scribner questioned "D" Street, between 5th & 6th Streets, in front of the fire department located at 552 "D" Street. It was noted that the portion of "D" Street in front the of fire department will be included in the Downtown Redevelopment Plan which is a separate grant request. As there were no further comments to be made, Mayor Trowbridge declared the Public Hearing closed at 7:22 p.m.

Council member Schatz made a motion to authorize Mayor Trowbridge to execute all appropriate Department of Economic Development application documents concerning the CDBG Public Works Funds. Council member Hein seconded the motion. Voting AYE: Council members Smith, Scribner, Hein, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Council member Schatz introduced Resolution No. 7 - 2008 and moved for its passage and adoption. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried and Resolution No. 7 - 2008 was passed and adopted as follows:

RESOLUTION NO. 7 - 2008

RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, David City, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, David City, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application requesting \$250,000 of CDBG Public Works funds of which \$235,000 will be used for the full reconstruction of D Street from railroad tracks, east to 4th Street (Highway 15) and \$15,000 will be used for general administration of the grant. The total cost of the project is \$527,100. David City will provide \$337,100 in funds. David City will be using a Blighted and Substandard Area Analysis in place of a low-to-low-moderate-income survey. There will be no persons displaced as a result of CDBG activities; and,

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of David City, Nebraska, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the city of David City, Nebraska and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Passed and approved this 9th day of April, 2008.

Mayor Dana Trowbridge

City Clerk Joan Kovar

Council member Scribner made a motion to amend the proposed resolution setting the permit fee to operate fireworks stands from June 25 through July 4 by deleting the following:

2. That the sum of five hundred dollars (\$500.00) be deemed an appropriate and reasonable fee for each firework vendor application on or after July 5, 2008.

Council member Smith seconded the motion. Voting AYE: Council members Hein, Schatz, Smith, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Council member Schatz made a motion to pass and adopt Resolution No. 8-2008, as amended, setting the permit fee to operate fireworks stands from June 25 through July 4. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried and Resolution No. 8-2008 was passed and adopted as follows:

RESOLUTION NO. 8 - 2008

WHEREAS, Chapter 10, Article 4, §10-414 of the Municipal Code of the City of David City, Nebraska, provides for Fireworks Vendor Regulations.

WHEREAS, Chapter 10, Article 4, §10-419 of the Municipal Code of the City of David City, Nebraska, provides for the Fireworks Vendor Application.

WHEREAS, Chapter 10, Article 4, §10-420 of the Municipal Code of the City of David City, Nebraska, provides for the Fireworks Application Fee.

WHEREAS, Fireworks Vendor Application Fees are collected to off set the City of David City, Nebraska's cost to allow for the use of fireworks, permitting of fireworks vendors, and enforcement of fireworks within the City of David City, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following fireworks vendor application fee and dedication of fireworks vendor application fee are hereby approved and adopted:

1. That the sum of two hundred and fifty dollars (\$250.00) be deemed an appropriate and reasonable fee for each firework vendor application from the passage of this resolution to July 4, 2008.
2. That the sum of which is deemed an appropriate and reasonable fee be allocated to the David City Police Department in the measurement of seventy-five percent (75%) and the David City General Fund in the measurement of twenty-five percent (25%) from each and every firework vendor application fee received.

Passed and approved this 9th day of April, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz introduced Ordinance No. 1072. Council member Schatz made a motion to pass and adopt Ordinance No. 1072 on the first reading. Council member Smith seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried and Ordinance No. 1072 was passed on first reading only as follows:

ORDINANCE NO. 1072

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 1, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK; 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. Article 1 of Chapter 6 of the David City Municipal Code Book be amended to read as follows:

Chapter 6

POLICE REGULATIONS

Article 1. Dogs

§6-101 DOGS; LICENSE. Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog. **The renewal date for a dog**

license shall be the first (1st) day of January of each year. The said tax shall be delinquent from and after January tenth (10th); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January first (1st) of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of seven (\$7.00) dollars for each spayed or neutered dog, and ten (\$10.00) for each dog not spayed or neutered. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (*Ref. 17-526, 54-603, 71-4412 RS Neb.*)

- §6-102 DOGS; LICENSE TAGS.** Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31st) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year at no charge. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year.
- §6-103 DOGS; WRONGFUL LICENSING.** It shall be unlawful for the owner, keeper, or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal Identification than that issued by the Municipal Clerk for dogs, nor shall the owner, keeper, or harborer wrongfully and knowingly license an un-spayed or un-neutered dog with a license prescribed for a neutered or spayed dog.
- §6-104 DOGS; OWNER DEFINED.** Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed liable for all penalties herein prescribed. (*Ref. 54-606, 71-4401 RS Neb.*)
- §6-105 DOGS; PROCLAMATION.** It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided.

- §6-106** **DOGS; UN-COLLARED.** All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Un-collared dogs found running at large may be killed by the Municipal Police. *(Ref. 54-604 RS Neb.)*
- §6-107** **DOGS; RUNNING AT LARGE.** It shall be unlawful for the owner of any dog, whether licensed or unlicensed, to allow such dog to run at large in the Municipality. "Running at Large" shall mean any dog found off the premise of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.
- §6-108** **DOGS; IMPOUNDMENT FEES WHEN DOGS LICENSED OR UNLICENSED ARE IMPOUNDED.** Impoundment of dogs within the City of David City, Nebraska, shall be accomplished by the Municipal Police or person designated by the Mayor when found "running at large." There shall be a boarding fee for each day the dog is impounded by the City, which shall be the responsibility of the owner. In addition there shall be a general impoundment fee of five dollars (\$5.00) for the first impoundment of a dog during any license year; then ten dollars (\$10.00) for the second impoundment during any license year; fifteen dollars (\$15.00) for the third impoundment during any license year.
All such fees, together with proof that a dog is licensed in accordance with the provisions of this Chapter, before any dog is released. When all fees have been paid to the City, the dog may be returned to the owner.
- §6-109** **DOGS; CAPTURE IMPOSSIBLE.** The Municipal Police shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. *(Ref. 54-605 RS Neb.)*
- §6-110** **DOGS; VICIOUS.** It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite. If any vicious or dangerous dog is allowed to run at large, the Municipal Police shall have the authority to put the dog to death. Upon the complaint of one (1) or more affected persons, filed with the Municipal Police Department, that any dog owned by the person named in the complaint is committing injury to persons or property, or is an annoyance, dangerous, offensive or unhealthy, the Municipal Police Department shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to dispose of the dog. If the Municipal Police Department is unable to locate the owner of the dog, or if the owner of the dog fails to restrain such dog, the Municipal Police Department shall take custody of the dog, and impound said dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-107.01, before the dog will be released.
- §6-111** **DOGS; INTERFERENCE WITH POLICE.** It shall be unlawful for any person to hinder, delay, or interfere with any Municipal Policeman who is performing any duty enjoined upon him by the provisions of this Article. *(Ref. 28-729 RS Neb.)*
- §6-112** **DOGS; KILLING AND POISONING.** It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that

is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog.

§6-113 DOGS; BARKING AND OFFENSIVE. It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any person or neighborhood, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the complaint of one (1) or more affected persons from different households, that any dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section of the Municipal Code, the Police shall investigate the complaint and, if in the opinion the situation warrants, shall notify the owner to silence and restrain such dog. If the Police Department is unable to locate the owner of the dog, or if the owner of the dog fails to silence and restrain such dog, the Police Department may take custody of the dog, and impound such dog. The owner of the dog shall be required to pay impoundment fees as set forth in Municipal Code 6-107.01, before the dog will be released.

§6-114 DOGS; LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept, or harbored by him, or under his charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (*Ref. 54-601, 54-602 RS Neb.*)

§6-115 DOGS; REMOVAL OF TAGS. It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper, or possessor thereof.

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 repealed.

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 9th day of April, 2008.

Passed on 1st reading only 4/09/08
Mayor Dana Trowbridge

Passed on 1st reading only 4/09/08
City Clerk Joan E. Kovar

Council member Schatz made a motion to table consideration of appointing two representatives of the City to serve on the Butler County Economic Development Board. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Hein,

Scribner, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

The position of Electric Distribution Supervisor has been vacant since January 1, 2008, due to the resignation of Tim Kovar. Mayor Trowbridge recommended the appointment of Pat Hoefft as the Electric Distribution Supervisor. Council member Scribner made a motion to ratify the appointment of Pat Hoefft as the Electric Distribution Supervisor. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Hein, Schatz, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Council member Schatz introduced Resolution No. 9 - 2008 increasing the utility service deposit fee for rental customers. Council member Scribner felt that \$300.00 was too high an amount for a renter when the renter also has to make a housing deposit and pay all other utility hook-ups such as gas and phone. Scribner suggested the deposit be \$200.00. Discussion followed in which it was decided that the deposit fee for renters should be increased to \$300. The renter would be required to pay \$200.00 up front and then be allowed to pay the additional \$100.00 over a two month period. Council member Scribner made a motion to pass and adopt Resolution No. 9 - 2008 with the amendment that renters would be required to pay a \$300 deposit; \$200.00 up front and then the additional \$100.00 over a two month period. Council member Schatz seconded the motion. Voting AYE: Council members Hein, Smith, Schatz, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried and Resolution No. 9 - 2008 was passed and adopted as follows:

RESOLUTION NO. 9 - 2008

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, have authority, by virtue of Chapter 3, Article 3, §3-810, and Chapter 3, Article 2, §3-214 of the Municipal Code of the City of David City, Nebraska, to establish the amounts of service deposits to be charged to customers, and

WHEREAS, it is necessary to adjust the fees for service deposits, and the requirements.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that a service deposit for electrical service shall be required of all new subscribers for such services as a guarantee of payment. The amounts of such deposits and the administrative policies governing them shall be established by the City Administrator and approved by the City Council, and shall be on file at the City Office. The funds from deposits shall be invested by the City Treasurer and the income from the investment shall be used for the repair and maintenance of the electrical system.

FURTHERMORE, all service deposit amounts shall be returned after the customer has established twenty-four consecutive months of utility bill payment without having been delinquent in payment.

CALCULATION OF SERVICE DEPOSIT:

Residential Customer:

Customer owned property	\$50.00
Customer renting property	\$300.00

(renter must pay at least \$200.00 immediately and then may make arrangements to pay the additional \$100 deposit over a two month period.)

In the event a customer previously lived in David City, they will still be required to make a deposit when they request service.

If the customer previously left town owing utility bills, then the customer will be required to pay all outstanding bills, plus 14% interest per year on the outstanding amount, and the required deposit will be as follows:

Customer owned property	\$100.00
Customer renting property	\$350.00

In the event of a divorce, separation, or split of tenants, the original deposit will apply to the property that the deposit was made for, regardless of which party actually made the deposit. If the party moving out relocates in David City, another service deposit will be required for this property.

Commercial Customer:

Transfer of ownership of existing business:

Customer shall make a deposit equal to the average billing for the previous twelve months, with a minimum service deposit of \$100.00.

(Average Billing shall be based on all existing services:

Electric, Water, Sewer, Sales Tax, and any other applicable charges.)

New Commercial Installation:

Customer shall make a service deposit equal to two times the average monthly billing. The estimated KWH for billing shall be calculated by using the required KWH, if known, or if unknown, using a minimum of 15kw multiplied by 200 hours. The monthly average cost per kilowatt hour for commercial class customers shall be used in calculating the actual dollar amount of billing.

Industrial Customer:

Transfer of ownership of existing business:

Customer shall make a service deposit equal to two times the estimated monthly billing. The estimated KWH for billing shall be calculated by using the required KW multiplied by 200 hours. The average cost per kilowatt hour for Industrial Class Customers shall be used in calculating the actual dollar amount of billing.

A service deposit for electrical service shall be considered sufficient to cover water and/or sewer service, also. **If a customer does not use City electric service**, but does have City water service, then a service deposit shall be required. A water service deposit based upon meter size and utilizing two months average billing shall be required.

Service deposits in the following amounts shall be paid for these meter size services:

5/8 x 3/4 meter	\$20.00
3/4" meter.....	\$25.00
1" meter.....	\$70.00
1 2 " meter.....	\$150.00
2" meter.....	\$425.00
3" meter.....	\$575.00
4" meter.....	\$600.00

BE IT RESOLVED, that all motions and/or resolutions or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this resolution shall be in full force and effect immediately upon its adoption.

PASSED AND APPROVED this 9th day of April, 2008.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz made a motion to authorize the City to sell compact fluorescent bulbs for \$1.95 each - tax included, to David City Utility Customers only, not for re-sale, Council member Scribner seconded the motion. Voting AYE: Council members Smith, Hein, Schatz, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Mayor Trowbridge declared a recess at 8:09 p.m.. The meeting resumed at 8:17 p.m..

Renee Schmieding, residing at 810 H Street, was present to request permission to replace her current gravel parking area, which is approximately 32' x 35', with concrete. This is not a driveway. This is a parking area located on the City's right-of-way along "H" Street between 7th and 8th Streets. The council advised Renee that if anyone wishing to park on this parking area the police cannot ask them to leave as it is located on public property, not private, so technically anyone can park there. Renee stated that she understood but still wanted to concrete the area. Council member Schatz made a motion to approve the request of Renee Schmieding to concrete a parking pad on the City's right-of-way located on the north side of "H" Street between 7th & 8th Streets, just south of Renee Schmieding's property located at 810 H Street. Council member Hein seconded the motion. Voting AYE: Council members Smith, Scribner, Hein, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

City Administrator Johnson presented the following job description for the Water and Sewer System Supervisor:

CITY OF DAVID CITY, NEBRASKA

JOB TITLE: Water and Sewer Systems Supervisor

DEPARTMENT(S): Water and Sewer Systems

NAME: _____

DESCRIPTION OF WORK:

- Responsible for the management and operation of the water and sewer systems.

OBJECTIVES:

- To perform duties in a manner which ensures the citizens of David City of a dependable, safe, and well operated water and sewer systems at all times.
- To proficiently perform all work required for the effective operation and proper maintenance of the Water Treatment Plant, Sewer Treatment Plant, meters, lift stations, various machinery and equipment within the City of David City's service area and other facilities and services that may be acquired.
- 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

- Conduct regular inspections of the water treatment plant and the sewer treatment plant and equipment.
- Perform readings of equipment and chemical levels; determine water quality and adjust chemical feed rates accordingly.
- Collect wastewater samples at the sewer treatment plant and at large industrial customers and assist with laboratory test.
- Conduct preventive maintenance on water and sewer plant facilities and equipment.
- Perform semi-skilled and skilled tasks in the maintenance, construction and repair of water utility system.
- Coordinate service taps and establish proper metering devices.
- Provide assistance in the location of meters and water lines.
- Install mains according to proper grade and other requirements.
- Ensure service lines are installed according to proper grade and other requirements.
- Install and maintain fire service protection lines, hydrants, mains and valves.
- Respond to service calls concerning line emergencies or problems.
- Perform overtime duties as necessary or required in order to maintain proper line function.
- Oversee and assist in restoration of property at the conclusion of all work.
- Ensure all established safety standards are observed while work is performed including the wearing of safety apparel, proper placement of work barricades and warning signs, wall sureing and grounding or machinery and equipment.
- Plan and direct crews to various jobs.
- Troubleshoot, recognize and correct system problems.
- Install main lines.
- Operate and use a variety of equipment and machinery in the construction and maintenance of water and sewer lines including loaders, backhoes, tapping machines, dump trucks, box blades, pumps, sewer Vac-Con, trenchers, thawing machines, sewer jet and jackhammer.
- Remove and install water meters.
- Assist in water service turn-offs/ons.
- Coordinate with other City departments and divisions regarding signing and barricading for construction work and special activities and events.
- Order, receive, stock and issue materials, parts, supplies and tools.
- Ensure that proper equipment and materials are present at the appropriate work site.
- Maintain a log of all maintenance, repairs and checks while on and conducting weekend rounds.
- Compose various reports on operational procedures as required.
- Assist customers, contractors, plumbers and others, as necessary, in completing work related to water distribution lines, and sewer collection lines.

RELATIONSHIPS (AUTHORITY / ACCOUNTABILITY)

- Reports to (in order of sequence): City Administrator; Mayor; City Council.
- Directs: Employees in the Water and Sewer Systems 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 Department of Health and Human Services; Nebraska Department of Environmental Quality; Federal Environmental Protection Agency.

WORKING CONDITIONS

- Factors which make the job difficult/hazardous: Inclement weather; high water levels; danger of electrocution; 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 NDHHS and NDEQ; training and education provided via the City.

SKILLS, KNOWLEDGE AND ABILITIES

- Considerable knowledge of water and sewer systems.
- Considerable knowledge of standard methods, materials, and practices used in the construction, maintenance and repair of water and sewer systems.
- Considerable knowledge of hazards and safety precautions in the construction, maintenance and repair of water and sewer systems.
- Considerable knowledge of safe work practices.
- Considerable knowledge of installation techniques of lateral and main lines.
- Considerable knowledge of installation and repair of meter systems and devices.
- Considerable knowledge of pertinent Federal, State, and local laws, codes and regulations.
- 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 clearly and concisely, both orally and in writing.
- Ability to prepare oral and written reports.
- Knowledge of the operation of machinery and equipment, and general knowledge of large equipment maintenance.
- Ability to determine pressures and flow rates at various location within the utility lines.
- Ability to perform work in confined spaces.
- Ability to read and interpret maps and blueprints.
- Ability to understand and be able to perform basic plumbing skills for repair and installation of water and sewer line.

EXPERIENCE AND TRAINING

- Must possess high school education, plus (2) two years technical college training or equivalent, plus three years responsible charge of public water system or three years as a certified operator of public water system.
- Must possess a minimum Grade II Water Operators Certification.
- Must possess a minimum Grade VI Backflow in Water.
- Must have completed a minimum thirty-two (32) hour course which includes hands-on instruction, and successful completion of an examination. Such examination must include a written test as well as a hands-on portion to test actual testing and repair proficiency regarding Backflow.
- Must possess a minimum Grade II Wastewater Certification.
- Must reside within one (1) mile of the City of David City's corporate limits and have a local telephone number.
- Must possess a valid Nebraska Driver's License.

Applicant's Signature: _____

Date: _____

RECEIVED BY: _____
Name and Title

Date: _____

Council member Schatz made a motion to approve the job description for the position of Water and Sewer Systems Supervisor and the publication of notice for the position. Council member Smith seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Council member Smith made a motion to approve the use of Contingency Funds to purchase Wood Chips and Swings for the City Park. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Schatz, Scribner, and Smith. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Bids were requested for the repairs to roofs, gutters, etc., due to the 2007 hail storm, and the following bids were received:

Joe Saunders Construction	1821 38 th Rd.	David City, NE	\$29,870.00
Don's Do It All, Todd Yindrick	101 S. Sherman	Brainard, NE	\$27,490.05

Council member Hein made a motion to award the bid for hail damage repairs to roofs, gutters, etc., to Don's Do It All, Todd A. Yindrick, 101 S. Sherman St., P.O. Box 38, Brainard, Nebraska 68626 in the amount of \$27,490.05. Council member Scribner seconded the motion.

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

Council member Schatz introduced Resolution No. 10-2008 and moved for its passage and adoption. Council member Hein seconded the motion. Voting AYE: Council members Smith, Scribner, Hein, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

RESOLUTION NO. 10-2008

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. 3-31-0025-04-2008 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT:

Be it resolved by the Mayor and Members of the City Council of David City, Nebraska, that:

1. The City of David City shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0025-04-2008 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.
2. The Mayor of the City of David City is hereby authorized and directed to execute said Agency Agreement on behalf of the City of David City, and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

PASSED AND APPROVED this 9th day of April, 2008.

Mayor Dana Trowbridge

City Clerk Joan Kovar

AGENCY AGREEMENT
Project No. 3-31-0025-04-2008

This is an agreement between the City of David City, Nebraska, hereinafter referred to as the "Airport Sponsor" and the Nebraska Department of Aeronautics, hereinafter referred to as the "Department," made and entered into in accordance with, and for the purpose of, complying with the laws of the State of Nebraska.

The Airport Sponsor desires to develop the David City Municipal Airport and to use federal airport aid funds available for that purpose. Therefore, the Airport Sponsor hereby designates the Department as its agent in accordance with Neb. Rev. Stat. § 3-124 and 3-239 (reissue 1997), and the Department hereby accepts such designation and agrees to act as the agent of the Airport Sponsor.

It is mutually understood and agreed between the parties that the Airport Sponsor has submitted to the Department its proposed project for the development of said airport, and that such project has been approved by the Department, in accordance with Neb. Rev. Stat. § 3-239 (reissue 1997), .

The Airport Sponsor hereby warrants, undertakes and agrees that if the Federal Aviation Administration makes a grant offer, and the Airport Sponsor executes a Grant Agreement, it will develop and manage said airport in the manner set forth in the Grant Agreement and abide by the conditions, rules and regulations of the Federal Aviation Administration.

The terms and conditions of this Agency Agreement and the respective duties, undertakings and agreements of the parties with respect to this Agency Agreement and with respect to the project of airport development, are as follows:

A. The Department shall accept, receive, receipt for, and disburse all funds granted by the United States for airport aid in accordance with federal laws, rules and regulations and in accordance with Neb. Rev. Stat. § 3-101 to 3-154 and 3-239, (reissue 1997), as the agent of the Airport Sponsor.

B. Upon receipt of such federal funds, the Department shall deposit them in the State Treasury, according to law, and shall cause disbursement to be made therefrom as follows:

FIRST: If the Department advances funds to the Airport Sponsor as the equivalent of the United States' share of allowable project cost, the Department shall reimburse itself for any such advancement out of such federal funds thereafter received.

SECOND: The Department shall cause the balance of such federal funds due the Airport Sponsor to be paid promptly to the Airport Sponsor.

C. The Department shall maintain accurate records of all the funds received and expended by it in connection with the project. These records shall be open to inspection by the Airport Sponsor, the Federal Aviation Administration and their authorized representatives in the offices of the Department at all reasonable times.

D. The Airport Sponsor reserves the right, power and authority to execute the Application for Federal Assistance, the federal Grant Agreement, all construction and engineering contracts, all agreements related to the purchase of land and all amendments to these items. Aside from the matters so reserved, the Department shall, as agent for the Airport Sponsor, process, execute and submit to the Federal Aviation Administration all papers, forms and documents required by that agency for the approval, carrying out and completion of the project.

E. The Airport Sponsor agrees to reimburse the Department for its administrative costs of furnishing all services performed by it as agent of the Airport Sponsor, including, but not

limited to, the services set forth in the attached Exhibit A, "Administrative Services". Departmental administrative costs charged to the project are considered allowable costs for federal and state participation. These costs will be charged according to the "Schedule of Fees and Charges" shown in the attached Exhibit B, which schedule shall be subject to change upon notification in writing by the Department to the Airport Sponsor.

As used herein, the following words, terms and phrases shall have the meanings herein given:

"Application for Federal Assistance" means the document prepared as the formal application submitted to the Federal Aviation Administration for a grant of federal funds.

"Develop" means to plan, construct or improve the airport as defined in the Application for Federal Assistance.

"Project" means a plan of action for the accomplishment of specific airport developments.

"Grant Agreement" means the contract between the United States of America and the Airport Sponsor in which the Federal Aviation Administration, on behalf of the United States, agrees to pay a portion of the allowable costs of the project.

Executed by the Nebraska Department of Aeronautics this 4th day of April, 2008.
(SEAL)

Director

Executed by the City of David City this 9th day of April, 2008.

City Clerk

Mayor

EXHIBIT A
AGENCY AGREEMENT
ADMINISTRATIVE SERVICES

1. Conduct airport site inspections.
2. Review and secure federal approval of Airport Layout Plans (ALP).
3. Prepare and process CIP Data Sheets and related documents used to request an allocation Of federal funds, if requested by the Sponsor.
4. Assist in the preparation and processing of Environmental Impact Statements and other environmental studies.
5. Review and process land acquisition documents, title opinions, sponsor certifications and audit reports.

6. Prepare an independent cost analysis of consultant costs, if requested by the Sponsor.
7. Prepare a Disadvantaged Business Enterprise (DBE) Program, if requested by the Sponsor and represent the Sponsor in the DBE Unified Certification Program.
8. Review, process, and secure federal approval of all contracts and agreements, change orders and amendments to these agreements.
9. Attend pre-design conferences and conduct design (plan-in-hand) inspections.
10. Review and process the plans, specifications, special provisions and contract documents. Provide U.S. Labor Department wage rate determinations.
11. Attend prebid and preconstruction conferences.
12. Prepare and secure execution of Applications for Federal Assistance and associated documents. Prepare and process program changes.
13. Process Grant Agreements and amendments.
14. Review periodic pay estimates and forward federal funds to the Airport Sponsor.
15. Prepare applications, requests, transfers or letters of credit for Grant Agreement payments.
16. Conduct or participate in periodic and final inspections.
17. Prepare and/or process other federal documents not otherwise specifically covered above.

- Exhibit A -

2-98

EXHIBIT B
AGENCY AGREEMENT
SCHEDULE OF FEES AND CHARGES

- A. Salary Costs. Charges will be the monthly rate worked times a factor of 2.5 for overhead and benefits for the following positions:

Engineer VI	Engineering Associate (all)*
Engineer V	Engineering Aide (all)*
Engineer IV	Accountant (all)
Engineer III	Accounting Clerk*
Engineer II*	Attorney (all)
Engineer I*	Drafter (all)*

* Employees in these positions receive time and one half for time worked over 40 hours per week.

- B. Living Costs and Outside Expenses. Actual.

Charges will be actual expenses and shall include meals, lodging, telephone calls, etc.

normally paid by Department.

C. Materials, Supplies, & Rental Equipment. Actual.

Charges will be actual costs and shall be charged in accordance with invoices, billings, contracts or agreements.

D. Transportation. Actual.

Charges will be those established by Department policy for all users for operating a state automobile or using a state aircraft.

Exhibit B

7-1-96

Council member Schatz made a motion to go into executive session for the protection of the public interest and for the prevention of needless injury to the reputation of an individual. Council member Smith seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Schatz. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Mayor Trowbridge stated that the City Council was going into executive session for the protection of the public interest and for the prevention of needless injury to the reputation of an individual.

The City Council, Mayor Trowbridge, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk Joan Kovar went into executive session at 8:35 p.m.

Council member Scribner made a motion to come out of executive session at 9:20 p.m. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Hein, Schatz, and Scribner. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried.

Council member Hein made a motion to recess this April 9, 2008, council meeting to Monday, April 28, 2008, at 6:00 p.m. for consideration of awarding a three year contract for property and casualty insurance and to consider the following three agenda items: 1) Public Hearing to consider annexing property described as part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twelve (12), Township Fifteen (15), North, Range Two (2), East of the 6th P.M., Butler County, NE, consisting of approximately 3.00 acres, more or less; 2) Consideration of an Ordinance to extend the boundaries and include within the corporate limits of, and to annex to, the City of David City, the property owned by Edward and Gwendolynne Hein as legally described above; and 3) to consider an ordinance to vacate the alley located in Will Thorpe & Perkins 1st Addition, Block 7, located between K & L Streets and 4th & 5th Streets. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Scribner, Schatz, and Hein. Voting NAY: None. Council members Lukassen and Yindrick were absent. The motion carried. The meeting was recessed to Monday, April 28th, at 6:00 p.m.

April 28, 2008

Mayor Trowbridge called the meeting of the City Council of David City, Nebraska to order at 6:00 p.m. on Monday, April 28, 2008 in the Council Room of the City Office, 557 N 4th Street, David City, Nebraska, to continue the meeting of April 9th, 2008 which had been in recess.

Present for the meeting were: Mayor Dana Trowbridge, Council members Gary Smith, Bill Scribner, Bill Yindrick, Nick Hein, and Bill Schatz, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan E. Kovar. Council member Ted Lukassen was absent.

Also present were: Marge Grubaugh, Marianne Long & son Frankie, Carolyn Yates, Jim & Mary Redler, Gary Kroesing, John & Barb Dehner, Jerry Kosch, Water/Sewer employee Scott Boyd, Economic Development Director Willow Holoubek, Mike Jones of Jones Insurance Agency, Pam Siroky of Agency One Insurance, Jeff Forney of Olsson Associates, and Banner Press Editor Larry Peirce.

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

Council member Hein made a motion to come back into session from the April 9, 2008, meeting which had been in recess. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Smith, Schatz, Yindrick, and Hein. Voting NAY: None. Council member Lukassen was absent. The motion carried.

At the February 13, 2008, council meeting the Council accepted the bid of Public Risk Management Inc. to assist the City with the bidding and selection process for property and casualty insurance. T. Patrick Ryan and Sheri Shonka representing Public Risk Management presented a summary of the advantages and disadvantages of the proposals submitted by Jones Insurance Agency, League Association of Risk Management and Agency One Insurance. Patrick then presented the following premium comparison:

Agent:	Mike Jones Jones Insurance Agency PO Box 229 David City, NE 68632 402-367-3674 402-367-3167	LARM Yvonne McConnell League Assn of Risk Mgmt 1335 L Street Lincoln, NE 68508 888-553-5276	Pam Siroky Agency One Ins. Inc. 594 N. 4 th St. David City, NE 68632 402-367-3177 402-367-3653
Insurance Carrier Information:	Oak River Ins. Co. A++ Redwood Fire & Casualty (WC)	NLC Mutual Ins. Co. No Longer Rated	EMC Insurance Co. A- Hartford Steam Boiler A++ (Power Plant & Generators)
	ACE (Airport Liability) A+ Cincinnati (B & M) A++	Lexington (Property) A+ Midwest Employers (WC) A+	AIG Ins. Co. A+
Coverage			
Property	\$28,520	\$45,091	\$43,199
Inland Marine	\$1,574	\$3,374	\$3,019
General Liability	\$6,058	\$12,071	\$7,570
Automobile	\$8,094	\$11,232	\$7,124
Umbrella	\$7,278	\$5,010	\$8,202
Workers' Compensation	\$33,262	\$37,914	\$30,311
Bond & Crime	\$76	\$755	\$362

E&O, EPLI, Law Enforcement	\$2,413	\$6,314	\$2,618
SUB TOTAL:	\$87,275	\$121,761	\$102,405
Airport Liability	\$1,985	\$1,985	included
SUB TOTAL (incl Airport):	\$89,260	\$123,746	\$102,405
Boiler & Machinery	\$14,268	\$8,245	\$45,000
SUB TOTAL (incl B&M)	\$103,528	\$132,171	\$147,405

T. Patrick Ryan stated that on the proposal from Jones Insurance Agency there is a required endorsement to the liability that excludes coverage for participants using the waterslide. This, if not modified, could be reason enough to disqualify this proposal as an option. The risk of injury may be minimal but an injury could be significant and the other proposals do not include this exclusion. On a risk/reward basis it is better to pay a higher premium than to assume this risk. When this issue was brought to the attention of the underwriter, a modification was offered: *“provided that there are lifeguards stationed at the top and bottom of the slide at all times, they are willing to amend the limitations to remove the limitation for “participants” or users of the waterslide for an additional \$500 premium charge. This coverage would be only for the City’s Liability exposure. Premises Med Pay for the waterslide will be excluded.”* Pat said that he would certainly recommend complying with this if the Council chose to proceed.

Council member Schatz made a motion to award a three year contract for property and casualty insurance to Jones Insurance Company, including the Boiler and Machinery coverage totaling \$103,528, and to add the additional water slide coverage for \$500 for a total of \$104,028. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Yindrick, Hein, Smith, and Schatz. Voting NAY: None. Council member Lukassen was absent. The motion carried.

Mayor Trowbridge opened the Public Hearing at 6:23 p.m. to consider annexing property described as part of the Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼) of Section Twelve (12), Township Fifteen (15), North, Range Two (2), East of the 6th P.M., Butler County, NE, consisting of approximately 3.00 acres, more or less, owned by Edward and Gwendolynne Hein. This action was initiated by the City. The Public Hearing was advertised in the Banner Press and City Administrator Johnson had mailed notice to Edward and Gwendolynne Hein about the Public Hearing, however, they were not present. There being no further comments Mayor Trowbridge declared the Public Hearing closed at 6:24 p.m..

Council member Schatz introduced Ordinance No. 1073 and moved to pass Ordinance No. 1073 on the first reading only. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Scribner, Smith, and Schatz. Voting NAY: None. Council member Hein abstained due to a possible conflict of interest. Council member Lukassen was absent. The motion carried and Ordinance No. 1073 was passed on first reading only as follows:

ORDINANCE NO. 1073

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX PROPERTY TO, THE CITY OF DAVID CITY, SUCH PROPERTY LOCATED NORTH OF DAVID CITY ALONG THE WEST SIDE OF HIGHWAY 15, LEGALLY DESCRIBED BELOW, AND ALL OF THE CONTIGUOUS OR

ABUTTING ROAD AS REQUIRED, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

1. A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section 18 T15N R3E of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the southeast corner of said NW $\frac{1}{4}$; thence westerly, 41.0 feet, on the south line of said NW $\frac{1}{4}$, to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence northerly, 321.00 feet, on said westerly Highway right-of-way line, to the Point of Beginning, said Point being 41.08 feet west of the east line of said NW $\frac{1}{4}$; thence westerly, 340.00 feet, at a right angle to the last described line; thence northerly, 385.00 feet, parallel with the westerly right-of-way line of Nebraska Highway No. 15; thence easterly, 340.00 feet, at a right angle to the last described line, to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence southerly, 385.00 feet, on said westerly Highway right-of-way line, to the Point of Beginning, containing 3.00 acres, more or less. (currently owned by Edward & Gwendolynne Hein, 3661 MN Road)

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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same 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 as provided by law.

Passed and approved the _____th day of _____, 2008.

Passed on 1st reading only 4-28-08
Mayor Dana Trowbridge

Passed on 1st reading only 4-28-08
City Clerk Joan E. Kovar

Whenever the City Council decides that it would be in the best interests of the Municipality to vacate a street, avenue, alley, lane or similar public way, the City Council must give notice to all abutting property owners either by First Class mail or by publishing a notice in a newspaper of general circulation in the City. The Council may have all the abutting property owners sign a form stating that they consent to the action being taken by the City and waive their right of access. The abutting property owners did not sign a consent form. Council member Schatz made a motion to table consideration of an ordinance to vacate the alley located in Will Thorpe and Perkins 1st Addition, Block 7, located between "K" and "L" Streets and 4th & 5th Streets. Council member Hein seconded the motion. Voting AYE: Council members Yindrick, Scribner, Smith, Hein, and Schatz. Voting NAY: None. Council member Lukassen was absent. The motion carried.

[Note: John Dehner, 1184 N 4th, stated that he was not in favor of vacating the alley in his block. Council member Yindrick, 1183 N 5th, who also lives in this block, stated that he had visited with John about vacating the alley, and realizing that he was not in favor, decided to let the issue die. John also asked if you could block an alley and when told "no" he asked why this alley is usually blocked either by snow or barricades. Mayor Trowbridge, 486 K Street, who also lives in this block, stated the barricades were placed in the alley to allow the alley to dry out because it was in need of repairs.]

ORDINANCE NO. _____

AN ORDINANCE VACATING THE ALLEY IN BLOCK 7 OF WILL THORPE & PERKINS 1ST ADDITION TO DAVID CITY, BUTLER COUNTY, NEBRASKA; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. A petition has been received, signed by the property owners residing in Block 7 of Will Thorpe & Perkins 1st Addition, requesting that the entire alley in Block 7, Will Thorpe & Perkins 1st Addition, located between "K" and "L" Streets and 4th and 5th Streets, be vacated.

SECTION 2. The entire alley located in Block 7 of Will Thorpe & Perkins 1st Addition to David City, Nebraska, is hereby vacated.

SECTION 3. The City of David City, Nebraska shall have an easement for maintaining all utilities located in the portion of the alley herein vacated.

SECTION 4. That any other ordinance passed and approved prior to the passage, approval, and publication of this ordinance and in conflict with its provisions, is hereby repealed.

SECTION 5. 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 9th day of April, 2008.

Tabled

Mayor Dana Trowbridge

Tabled

City Clerk Joan Kovar

There being no further business to come before the Council, Council member Schatz made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Hein, Scribner, Smith, and Schatz. Voting NAY: None. Council member Lukassen was absent. The motion carried and Mayor Trowbridge declared the meeting adjourned at 6:26 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
April 9 and April 28, 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 April 9, 2008 and April 28, 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