

CITY COUNCIL PROCEEDINGS

April 12, 2006

The 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 April 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 Stephen Smith, Council members Gary Smith, Gary Kroesing, Nick Hein, Bill Schatz, Ted Lukassen, and Mark Kirby, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Electric Plant Supervisor John Kabourek, Library Director Kay Schmid, Deputy City Clerk Tami Comte, Dr. Jack Kaufmann, Fred Vandenberg, Skip Trowbridge, Wayne Arnold, Margaret Kitt, First Vice President Philip Lorenzen of Kirkpatrick Pettis, Amanda Rose, Northeast Nebraska Economic Development Coordinator Jeff Christensen, Jerry Kosch, Banner Press Editor Larry Peirce, Bill Scribner, and City Clerk-Treasurer Joan E. Kovar.

The meeting opened with the Pledge of Allegiance.

Council member Lukassen made a motion to advance to agenda item #26 – Consideration of the recommendation from the CDBG Revolving Loan Fund Committee concerning the request of Amanda Rose d.b.a. Rose Call Solutions for a \$750.00 grant. Council member Smith seconded the motion. Voting AYE: Council members Kirby, Hein, Schatz, Kroesing, Smith, and Lukassen. Voting NAY: None. The motion carried.

Northeast Nebraska Economic Development Coordinator Jeff Christensen explained that the \$750.00 request by Amanda Rose is for a required environmental study when applying for CDBG funds for the establishment of “Rose Call Solutions” which would be a telemarketing and customer service center to be located in David City. Initially it would create 41 new jobs in the community as well as generate substantial business with local insurance providers and the telephone company. Jeff stated that the \$750.00 would be an allowable administrative expense. City Clerk Kovar reported that the economic development committee members realized the potential of additional revolving loan funds; however, Kent Ketteler noted that the current guidelines state that 50% of the project funds must come from another source. Therefore, the committee is recommending to the City Council that a grant of \$375.00 be authorized to Amanda Rose d.b.a. Rose Call Solutions for an environmental study. Council member Kirby made a motion to approve a \$375.00 grant of Economic Development Funds towards an environmental study, which is a requirement to receive CDBG funds, as part of the process for the establishment of “Rose Call Solutions”. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Schatz, Hein, Lukassen, Smith, and Kirby. Voting NAY: None. The motion carried.

Mayor Smith stated that the Council needed to decide whether to retain the City Administrator position or merge jobs and establish a City Administrator/Clerk position. Council member Schatz made a motion to proceed with the process of intent to hire a City

Administrator. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Hein, Schatz, and Smith. Voting NAY: Council members Kirby and Kroesing. The motion carried. (Smith had initially passed and then voted AYE stating that he didn't want to put Joan in that situation – being it was a split vote.)

Mayor Smith asked for names of applicants the Council would like to interview for the City Administrator position. Council member Schatz made a motion to table recommendations of applicants to the end of the meeting. Council member Smith seconded the motion. All of the Council members were present, all voted AYE, and the motion carried.

Roger Kotil's request that his resignation as Zoning Administrator be rescinded was discussed. It was questioned, since 4 applications have already been received, if the position should be re-advertised at which time Kotil could submit an application. City Attorney Egr stated that was not necessary and the previous motion to accept the resignation could simply be rescinded. Therefore, Council member Schatz made a motion to rescind the resignation of Roger Kotil as zoning administrator. Council member Smith seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to advance to agenda item #10 – 7:30 p.m. Public Hearing to consider the City's intent to issue General Obligation Bonds to collateralize bonds of the Joint Entity (City and School District) for the purpose of providing financing for the remodel, renovation, and operation of the existing municipal auditorium. Council member Hein seconded the motion. Voting AYE: Council members Schatz, Kroesing, Smith, Lukassen, Hein, and Kirby. Voting NAY: None. The motion carried.

The Mayor and Council had previously conducted a hearing on February 8, 2006, on the proposition of entering into an Interlocal Agreement with Butler County School District No. 56 for the creation of the David City Community Building Agency and the issuance of bonds of the City relative to such Agreement for the purpose of securing payment of principal and interest on bonds to be issued by said Agency to provide funds for the renovation, remodeling, and financing of the David City Auditorium. A further requirement of the process of the issuance of bonds of a joint agency was to conduct a hearing dealing specifically with the issuance of bonds by the city, which bonds, would in part collateralize and secure the bonds to be issued by the Joint Agency. Notice had been published in the Banner Press on March 16, 2006 and April 6, 2006, which publication dates are not less than three weeks apart, as provided by law.

Mayor Smith declared the Public Hearing open at 7:30 p.m. to consider the City's intent to issue general obligation bonds to collateralize bonds of the Joint Agency (City and David City School District #56) for the purpose of providing financing for the remodeling, renovation, and operation of the existing Municipal Auditorium. City Clerk Kovar reported that no written comments or written objections had been filed relative to the City's intent to issue bonds payable to the Joint Action Agency proposed to be created. The Mayor then asked if there were any persons who wished to be heard relative to the City's intent to issue bonds payable to the Joint Action Agency proposed to be created. There being no comments, Mayor Smith declared the Public Hearing closed at 7:35 p.m.

Council member Hein made a motion to advance to agenda item #11 – Consideration of Resolution No. 9 – 2006 finding the results of the hearing concerning the City's intent to issue general obligation bonds to collateralize bonds of the Joint Agency (City and David City School

District #56) for the purpose of providing financing for the remodeling, renovation, and operation of the existing Municipal Auditorium. Council member Lukassen seconded the motion. Voting AYE: Council members Kirby, Schatz, Kroesing, Smith, Lukassen, and Hein. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass Resolution No. 9 - 2006 finding the results of the hearing on the intent of the City of David City, Nebraska, of issuing its bonds to secure the issuance of bonds of a joint agency to be created as the David City Community Building Agency. Council member Hein seconded the motion. Voting YEA: Council members Lukassen, Kirby, Smith, Kroesing, Hein, and Schatz. Voting NAY: None. The motion carried and Resolution No. 9 - 2006 was passed and adopted as follows:

RESOLUTION NO. 9 – 2006

A RESOLUTION FINDING THE RESULTS OF A HEARING ON THE INTENT OF THE CITY OF DAVID CITY, NEBRASKA, OF ISSUING ITS BONDS TO SECURE THE ISSUANCE OF BONDS OF A JOINT AGENCY TO BE CREATED AS THE DAVID CITY COMMUNITY BUILDING AGENCY.

BE IT RESOLVED by the Mayor and Council of the City of David City, Nebraska, as follows:

Section 1. The Mayor and City Council of the City of David City (the "City") in accordance with published notice, published in the Banner Press on March 16, 2006, and April 6, 2006, and appended hereto and made a part of this resolution, conducted a hearing at 7:30 p.m. on April 12, 2006, on the matter of the intent of the City of David City to issue its bonds to secure the issuance of bonds of a joint agency to be created as the David City Community Building Agency.

Section 2. The Mayor and City Council find and determine that no one appeared at said hearing to make any comments in favor or in opposition to the proposal as set out above and as set out in the Notice of Hearing.

Section 3. The Mayor and City Council further find and determine that the City, having published notice and having conducted a hearing on the matter of the creation of the David City Community Building Agency, and having now published notice of the City's intent to issue its bonds to secure the issuance of bonds of a joint agency to be created as the David City Community Building Agency, is now authorized to proceed with the entering into the said Agreement and to take such actions as may be further required to carry out the provisions of the proposed Agreement.

Dated this 12th day of April, 2006.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Schatz made a motion to advance to agenda item #12 – Consideration of Resolution No. 10 – 2006 to issue bonds of the City relative to the interlocal agreement and the joint agency. Kirby seconded the motion. Voting AYE: Council members Kroesing, Smith, Lukassen, Hein, Kirby, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass Resolution No. 10 – 2006 to issue bonds of the City relative to the interlocal agreement and the joint agency. Council member Kirby seconded the motion. Voting YEA: Council members Hein, Lukassen, Smith, Kroesing, Kirby, and Schatz. Voting NAY: None. The motion carried and Resolution No. 10 – 2006 was passed and adopted as follows:

RESOLUTION NO. 10 – 2006

BE IT RESOLVED by the Mayor and Council of the City of David City, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City and, in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the city in connection with the construction of improvements for the City's City Auditorium now being constructed or to be constructed for said auditorium in the City of David City, Nebraska, all as provided in an interlocal agreement between the City of David City and Butler County School District 0056.

Section 2. This resolution shall stand as a statement of the official intent of the City under Regulation Section 1.150-2 and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond anticipation notes or bond proceeds provided is construction of improvements for the City's City Auditorium now being or to be constructed in the City of David City, Nebraska, all as provided in an interlocal agreement between the City of David City and Butler County School District 0056.
2. The principal amount of notes or bonds expected to be issued by the City for that portion of improvements pertaining to this reimbursement resolution is estimated to be \$50,000.

PASSED AND APPROVED this 12th day of April, 2006.

Mayor Stephen Smith

City Clerk Joan E. Kovar

The minutes of the March 8th, 2006 meeting of the Mayor and City Council were approved upon a motion by Council member Kirby and seconded by Council member Kroesing. Voting YEA: Council members Smith, Schatz, Hein, Lukassen, Kroesing, and Kirby. Voting NAY: None. The motion carried.

Mayor Smith asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions. Communications: A letter asking if the City had an interest in a new aerial picture of the City was acknowledged. The Council did not have an interest but suggested that the letter be forwarded to the Planning Commission. Citizens concerns: Jim McDonald presented a chunk of cement that he claims was from his driveway and that he said should be 5" thick and it is not. McDonald said that no-one will help him. Mayor Smith and City Attorney Egr told Jim McDonald that they had previously told him that the City no longer has a building inspector; we have a zoning administrator. Jim McDonald was once again told that this is a civil matter. City Attorney Egr instructed McDonald that if he is not satisfied with the construction of his house, driveway, or whatever, he is to hire an attorney as this is a civil matter for court. The City has nothing to do with it.

Mayor Smith asked for consideration of claims. Council member Kirby made a motion to authorize the payment of claims. Council member Smith seconded the motion. Voting YEA: Council members Kroesing, Lukassen, Schatz, Hein, Smith, and Kirby. 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 Kirby thanked Police Chief Sunday for notifying property owners that they were not allowed to have a live pony in a residential area; the pony has been removed. Street Superintendent Jim McDonald stated the City wide clean-up is tentatively scheduled for Monday, May 8, thru Thursday, May 11, but he needs to figure out what to do with the appliances since the landfill won't take them anymore.

Mayor Smith scheduled a Committee of the Whole meeting for Monday, April 24, 2006 at 6:00 p.m. Council President Gary Smith will preside at the meeting.

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

Library Director Kay Schmid presented each council member with a "Welcome to the Hruska Memorial Public Library" pamphlet and a candy bar to commemorate the 10th year celebration of the current library. The Mayor and Council thanked Kay for the wonderful job that she does and Mayor Smith acknowledged Kay for 17 years of service.

Mayor Smith declared a ten minute recess at 8:00 p.m. The meeting resumed at 8:10 p.m.

Mayor Smith declared the Public Hearing open at 8:13 p.m. to consider annexing properties owned by the County of Butler (Region V), Gary and Louise Niemann, Jesse and

Leslie Neujahr, and Michael and Sandra Burwell. The speed limit in this area was discussed and will be discussed further as an agenda item at the May 10th council meeting. There being no further comments, Mayor Smith declared the Public Hearing closed at: 8:19 p.m.

Council member Kroesing introduced Ordinance No. 1017. Council member Smith made a motion to pass Ordinance No. 1017 on the first reading only. Council member Lukassen seconded the motion. Voting AYE: Council members Schatz, Hein, Kirby, Kroesing, Lukassen, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1017 was passed on first reading only as follows:

ORDINANCE NO. 1017

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF PROPERTIES ALL LOCATED NORTH OF "S" STREET 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 in the North One-Half of the Northeast Quarter of the Southwest Quarter (N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$) Section Eighteen, Township Fifteen North, Range Three East of the Sixth Principal Meridian, (Sec 18, T15N, R3E, 6th P.M.) Butler County, Nebraska; more particularly described as follows: Commencing at a point on the south line of said North One-Half of Northeast Quarter, Southwest Quarter, said point being 42.6 feet west of the Southeast Corner thereof; thence northerly on the westerly line of State Highway No. 15 right-of-way a distance of 256.0 feet; thence westerly deflection angle 90°23'50" left a distance of 299.0 feet; thence southerly deflection angle 89°36'10" left a distance of 256.0 feet, to a point on the south line of said North One-Half; thence easterly in said south line a distance of 299.0 feet to the place of beginning, containing 1.75 Acres, and, all that parcel conveyed to the State of Nebraska, for Highway purposes, lying east of, and adjacent to, the above described tract of land. (Currently owned by the County of Butler – Region V building)

2. A tract of land located in the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 18, T15N, R3E of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the northeast corner of said SW $\frac{1}{4}$; thence westerly, 41.0 feet, on the north line of said SW $\frac{1}{4}$, to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence southerly, 145.00 feet, on said westerly Highway right-of-way line, to the Point of Beginning; thence continuing southerly, 256 feet, more or less, on said westerly Highway right-of-way line, to a point 256.0 feet north of the south line of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said SW $\frac{1}{4}$; thence westerly, 173.0 feet, parallel with the south line of the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said SW $\frac{1}{4}$; thence northerly, 256.0 feet, more or less, parallel with the east line of said SW $\frac{1}{4}$, to a point 145.00 feet south of the north line of said SW $\frac{1}{4}$; thence easterly, 173 feet, more or less, parallel with the north line of said SW $\frac{1}{4}$, to the Point of Beginning, and all that parcel conveyed to the State of Nebraska, for Highway purposes, lying east of, and adjacent to, the above described tract of land. (Currently owned by Gary and Louise Niemann)

3. A tract of land located in the N $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 18, T15N, R3E of the 6th P.M., in Butler County, Nebraska, described as follows: Commencing at the northeast corner of the SW $\frac{1}{4}$ of Section 18, T15N, R3E of the 6th P.M. in Butler County, Nebraska, and assuming the north line of the SW $\frac{1}{4}$ of said section to have a bearing of N 90°00'00" W; thence N 90°00'00" W and on the north line of the SW $\frac{1}{4}$ of said section, 41.0 feet, to a point on the west right-of-way line of Nebraska Highway #15; thence N 90°00'00" W and on the north line of the SW $\frac{1}{4}$ of said section, 200.00 feet; thence S 00°15'52" W, 145.00 feet; thence S 90°00'00" E and parallel with the north line of the SW $\frac{1}{4}$ of said section, 200.00 feet, to a point on the west right-of-way line of Highway #15; thence N 00°15'52" E and on the west right-of-way line of Highway #15, 145.00 feet, to the point of beginning, containing 0.67 acre, more or less, and all that parcel conveyed to the State of Nebraska, for Highway purposes, lying east of, and adjacent to, the above described tract of land. (Currently owned by Jesse and Leslie Neujahr)

4. A tract of land located in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 18, T15N, R3E of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the SE corner of said NW $\frac{1}{4}$; thence westerly, 41.0 feet, on the south line of said NW $\frac{1}{4}$, to the Point of Beginning, said point being on the westerly right-of-way line of Nebraska Highway #15; thence northerly, 321.00 feet, on said westerly Highway right-of-way line; thence westerly 325.00 feet, at a right angle to the last described line; thence southerly, 321.57 feet, parallel with said westerly Highway right-of-way line, to a point on the south line of said NW $\frac{1}{4}$; thence easterly, 325.00 feet, on the south line of said NW $\frac{1}{4}$; to the Point of Beginning, containing 2.40 acres, more or less, and all that parcel conveyed to the State of Nebraska, for Highway purposes, lying east of, and adjacent to, the above described tract of land. (Currently owned by Michael and Sandra Burwell)

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 _____ day of _____, 2006.

1st reading only
Mayor Stephen Smith

1st reading only
City Clerk Joan E. Kovar

Mayor Smith asked for two council members to serve on the interim Economic Development Board. Ted Lukassen and Bill Schatz volunteered. Therefore, Council member Kirby made a motion to appoint Ted Lukassen and Bill Schatz to serve on the Interim Economic Development Board. Council member Hein seconded the motion. All of the council members were present, all voted AYE, and the motion carried.

Council member Schatz made a motion to pass Resolution No. 11 – 2006. Council member Smith seconded the motion. The Council decided not to set a minimum bid. Voting AYE: Council members Hein, Lukassen, Kirby, Kroesing, Smith, and Schatz. Voting NAY: None. The motion carried and Resolution No. 11 – 2006 was passed and adopted as follows:

RESOLUTION NO. 11 – 2006

WHEREAS, Nebraska State Statute 17-503 allows any city of the second class to convey any real and personal property owned by it providing the passage of a resolution directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof; and,

WHEREAS, the City of David City, Nebraska, is the owner of the property located at Lot Nine (9), except for the south 4.7 feet (4.7') of Lot Nine (9), all of Lot Ten (10), and Lot Eleven (11) except for the north 5.8 feet (5.8') of Lot Eleven (11), all in Block Twenty-Four, Original Town of David City, and,

WHEREAS, the City of David City, Nebraska, desires to sell said property by sealed bids, which date is to be determined, 15% down on the date of sale, balance due upon confirmation. The City of David City reserves the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City of David City will sell by sealed bids the north 20.3' of Lot Nine (9), all of Lot Ten (10), and the south 19.2' of Lot Eleven (11), all in Block Twenty-Four (24), Original Town of David City.

BE IT FURTHER RESOLVED that the sale of real property and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in David City, and after the passing of the thirty-day right-of-remonstrance period, the property shall then be sold.

Dated this 12th day of April, 2006

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Kirby introduced Resolution No. 12 - 2006 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Schatz, Smith, Kroesing, Lukassen, Hein and Kirby. Voting NAY: None. The motion carried and Resolution No. 12 – 2006 was passed and adopted as follows:

RESOLUTION NO. 12 – 2006

WHEREAS, John J. & Kimberly L. Kobza, are the owners of Parcel ID 120008143, David City Lot 4, Sypal's Subdivision, containing 0.79 acres more or less, and,

WHEREAS, John J. & Kimberly L. Kobza, have requested to divide this property into two lots selling the south half, hereby referred to as Tract "B", to Henry and Janice Kobza, legally described as:

The south 105.00 feet of Lot 4, Sypal's Subdivision –
A Replat of the 1993 Replat of Lots 1, 2, 3, 4, and 5,
Block 3, Schmid's Addition to David City, Butler County,
Nebraska, and part of the SW¼ of Section 18, T15N,
R3E of the 6th P.M., Butler County, Nebraska

WHEREAS, there were no objections expressed concerning dividing the above legally described property into two lots.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of John J. & Kimberly L. Kobza to divide their property into two lots is hereby approved.

Dated this 12th day of April, 2006

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith declared the Public Hearing open at 8:35 p.m. to consider amending the Land Use Map on the south end of David City along Hwy. 15 across from Aquinas High School by changing the zoning to Flex Space. After waiting a significant amount of time and there being no comments, Mayor Smith declared the Public Hearing closed at: 8:40 p.m.

Council member Schatz introduced Ordinance No. 1018. 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. Voting AYE: Council members Smith, Hein, Lukassen, Kirby, Schatz, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1018 on the third and final reading. Council member Schatz seconded the motion. Voting YEA: Council member Smith, Hein, Lukassen, Kirby, Schatz, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1018 was passed and adopted as follows:

ORDINANCE NO. 1018

AN ORDINANCE TO AMEND THE LAND USE MAP, ON THE SOUTH END OF DAVID CITY, ALONG HIGHWAY 15, ACROSS FROM AQUINAS HIGH SCHOOL BY CHANGING THE ZONING CLASSIFICATION TO FLEX SPACE, PROVIDE AN EFFECTIVE DATE, AND PROVIDE 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. That the Land Use Map be amended on the south end of David City along Highway 15, across from Aquinas High School, by changing the current zoning classification to Flex Space.

Section 2. 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 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 12th day of April, 2006.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith declared the Public Hearing open at 8:42 p.m. to consider amending the Zoning Map to include Flex Space and to make the Zoning Map reflect the Flex Space as amended. After waiting a significant amount of time and there being no comments, Mayor Smith declared the Public Hearing closed at: 8:44 p.m.

Council member Kirby introduced Ordinance No. 1019. 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. Voting AYE: Council members Smith, Hein, Lukassen, Kirby, Schatz, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1019 on the third and final reading. Council member Schatz seconded the motion. Voting YEA: Council member Smith, Hein, Lukassen, Kirby, Schatz, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1019 was passed and adopted as follows:

ORDINANCE NO. 1019

AN ORDINANCE TO AMEND THE ZONING MAP TO REFLECT THE UPDATES THAT INCLUDE THE FLEX SPACE CLASSIFICATION, PROVIDE AN EFFECTIVE DATE, AND PROVIDE 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. That the Zoning Map be amended to reflect the updates that include the Flex Space Classification and other amendments.

Section 2. 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 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 12th day of April, 2006.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Kirby made a motion to authorize the Planning Commission to hire Olsson Associates to update the Land Use and Zoning Maps for a cost of \$1,500.00. Council member Kroesing seconded the motion. All of the council members were present, all voted AYE, and the motion carried.

Council member Hein made a motion to approve the application of Richard Ludvik, 1/2 Price Fireworks, Ka-Boomers Enterprises, to sell permissible fireworks for the 2006 season at

1510 4th Street. Council member Kirby seconded the motion. All of the council members were present, all voted AYE, and the motion carried.

The bids received to clean up the Sherry Benson property located at 915 No. 11th Street were discussed. The report received last month from Jim McDonald concerning the clean up of the Sherry Benson property was misinterpreted. McDonald stated that for a total of \$4,000 the street department and Kevin Stara would clean the property up as requested. Therefore, Council member Lukassen made a motion to allocate \$4,000 out of the Contingency Fund for the clean up of the Sherry Benson property located at 915 No. 11th Street per the quote by Street Superintendent McDonald. Council member Kroesing seconded the motion. Voting AYE: Council members Schatz, Hein, Smith, Kirby, Kroesing, and Lukassen. Voting NAY: None. The motion carried.

When Ordinance No. 929 was passed on May 14, 2003, establishing the salaries and pay scales for the employees at the David City Family Aquatic Center, the manager's position was listed as negotiable. Therefore, Council member Kroesing made a motion to set the hourly pay for Pool Manager Jill Stara at \$9.50. Council member Lukassen seconded the motion. All of the Council members were present, all voted AYE, and the motion carried.

Council member Schatz made a motion to continue recommendations of applicants for the City Administrator position as previously tabled. Council member Kirby seconded the motion. Voting AYE: Council members Smith, Lukassen, Hein, Kroesing, Kirby, and Schatz. Voting NAY: None. The motion carried.

Mayor Smith asked for recommendations of applicants for the city administrator position and the mayor and council suggested the following:

Gregory S. Fetterman	- 5
Richard S. Blecker	- 4
Raymond C. Locicero, Sr.	- 3
Darrel Carlyle	- 3
Joseph J. Johnson	- 3
Raymond A. Miller	- 1
Mark A. Baker	- 1
Patrick Wilson	- 1

Mayor Smith will contact those applicants listed above, determine if they are still interested in the position, and schedule interviews.

Council member Kroesing made a motion to go into executive session to discuss a personnel issue. Council member Hein seconded the motion. All of the council members were present, all voted AYE, and the motion carried. The Council members, Mayor, City Attorney, and City Clerk Kovar went into executive session at 9:17 p.m.

Council member Kroesing made a motion to come out of executive session. Council member Smith seconded the motion. All of the Council members were present, all voted AYE, and the motion carried. The council came out of executive session at 9:19 p.m.

There being no further business to come before the Council, Council member Kirby made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council

