

CITY COUNCIL PROCEEDINGS

May 9, 2007

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 May 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, Rick Holland, Bill Schatz, Bill Scribner, Nick Hein, and Ted Lukassen, City Administrator Joe Johnson, City Attorney Jim Egr, Electric Supervisor Tim Kovar, Police Chief Stephen Sunday, Park/Auditorium Supervisor Bill Buntgen, Banner-Press Editor Larry Peirce, Sue Gillette, Marge Grubaugh, Dorothy Buntgen, Darlene McClure, Brody Stara, Pam Siroky of Agency One Insurance and Steve Gable representing EMC Insurance Company, Mike Jones of Jones Insurance Agency and Steve Connors representing Oak River Insurance Company/Berkshire-Hathaway Homestate Companies, and City Clerk-Treasurer Joan Kovar.

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.

The minutes of the April 11th, 2007 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Holland. Voting AYE: Council members Schatz, Scribner, Lukassen, Smith, Holland, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions or citizens' concerns. Mayor Trowbridge acknowledged a note from Opal Zeilinger of the Butler County Historical Society stating that they used to mow this property, located between "D" and "E" Streets along the east side of the Burlington/Santa Fe Railroad, but all of their members are older and they were wondering if the city could mow it for them. Police Chief Sunday stated that he will visit with the railroad to see if the railroad would mow this property and he will also check to see who actually owns this property.

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

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

Mayor Trowbridge stated that perhaps the Financial Reports should be reviewed as a separate item. It was noted that the Financial Reports should be included with the City Office Department Head Monthly Report as City Clerk Kovar is also the Treasurer.

Council member Holland stated that he has heard wonderful comments concerning the west shot put area at the track in the City Park.

Council member Schatz suggested putting the zoning applications on the web site so that they can be reviewed by the general public.

Police Chief Sunday's monthly report stated: *"Cheri' Fisher announced to me that she will be at National Guard Training from the first week in September 2007 through the last week in December 2007. She will be gone for four (4) months. That means four months of being shorthanded. John Carter and Darren Brown will be asked to help where they can. The rest of the load will have to be shared by the rest of us."* Council member Schatz suggested that Police Chief Sunday think of how to address this problem as it could have a significant effect on the budget.

City Attorney Egr stated there will be a District Court hearing regarding the Randy Janak property, located between "D" and "E" Streets and 1st Street and the Burlington Northern/Santa Fe Railroad, on Tuesday, July 10th at 2:00 p.m.

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, May 21st, at 6:00 p.m. in the City Office meeting room.

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

The Board of Health met on April 18, 2007 and declared the property located at 292 S. 6th Street, owned by Christine A. Lindt, to be in violation of City Code 4-401 (6) (8). Council member Smith made a motion to accept the findings of the Board of Health that the property located at 292 S. 6th Street, owned by Christine A. Lindt, is in violation of City Code 4-401 (6)(8). Council member Hein seconded the motion. Voting AYE: Council members Schatz, Lukassen, Holland, Scribner, Hein, and Smith. Voting NAY: None. The motion carried.

Council member Schatz made a motion to advance to agenda item #13 - Consideration of the bids received for the City's property/liability insurance for the next three years. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Schatz, Lukassen, Holland, Hein, and Smith. Voting NAY: None. The motion carried.

City Administrator Joe Johnson reported that Mike Jones d.b.a. Jones Insurance Agency Inc. and Pam Siroky d.b.a. Agency One Insurance, Inc., both submitted bids for the City's Property/Liability Coverage Insurance. Following is a side-by-side assessment of both bids provided by City Administrator Joe Johnson:

	Jones Insurance Agency, Inc.		Agency One Insurance, Inc.	
PROPERTY COVERAGE	Oak River Ins. Co.	\$21,627	EMC Ins. Co.	\$39,344
CRIME COVERAGE	Oak River Ins. Co.	\$76	EMC Ins. Co.	\$550
LIABILITY COVERAGE	Oak River Ins. Co.	\$5,897	EMC Ins. Co.	\$6,125
INLAND COVERAGE	Oak River Ins. Co.	\$1,736	EMC Ins. Co.	\$3,592
AUTOMOBIL	Oak River Ins. Co.	\$11,541	EMC Ins. Co.	\$10,397
MECHANICAL EQUIP	Travelers	\$1,794	EMC Ins. Co.	Included
WORKERS COMP.	Oak River Ins. Co.	\$41,993	EMC Ins. Co.	\$41,162
UMBRELLA	Oak River Ins. Co.	\$7,646	EMC Ins. Co.	\$10,137
E & O	Oak River Ins. Co.	\$2,337	EMC Ins. Co.	\$2,119
AIRPORT LIABILITY	Old Republic	\$1,716	American Home	\$1,638
PRIOR ACTS CVRG	Included	Included	Included	Included
	Additional Option – Electric Plant Systems Breakdown: Limit \$15,000,000 Premium \$13,824			

TOTALS		\$96,363		\$115,064
		option for Electric Plant Systems Breakdown \$13,824		
		\$110,187		

Representatives Mike Jones and Steve Conners, for Jones Insurance Agency, Inc., and Pam Siroky and Steve Gable, Agency One Insurance, Inc. were present to answer any and all questions. Coverage was discussed and Mike Jones was questioned to be sure that his coverage insured the power plant. He assured that it did; stating that a building value of 23 million is insured. Discussion followed. It was noted that even if it is a three year bid, the bid price changes yearly with the annual policy.

Council member Schatz made a motion to accept the low bid of Jones Insurance Agency for May 1, 2007 - April 30, 2008 in the amount of \$96,363; to add \$5 million on the umbrella coverage for an extra \$500 premium; to make a decision at a later date as to whether to include the electric plant breakdown policy; and that the insurance be re-bid annually. Council member Scribner seconded the motion. Voting AYE: Council members Holland, Lukassen, Smith, Hein, Scribner, and Schatz. Voting NAY: None. The motion carried

Council member Schatz introduced Ordinance No. 1047. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Holland seconded the motion. Voting AYE: Council members Lukassen, Smith, Scribner, Hein, Holland, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1047 on the third and final reading. Council member Smith seconded the motion. City Clerk Kovar questioned why the ordinance says "to vacate **part** of the north south alley". City Attorney Egr

stated because the City is not vacating the alley in the entire subdivision. Voting AYE: Council members Lukassen, Holland, Scribner, Hein, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1047 was passed and adopted as follows:

ORDINANCE NO. 1047

AN ORDINANCE VACATING THE NORTH/SOUTH ALLEY LOCATED BETWEEN 6TH & 7TH STREETS AND "G" STREET AND THE UNION PACIFIC RAILROAD (railroad running east and west) IN BLOCK 13 OF ORIGINAL TOWN OF DAVID CITY, BUTLER COUNTY, NEBRASKA; PROVIDING FOR UTILITY EASEMENTS AND STATUTORY RIGHTS; PROVIDING FOR DAMAGE CLAIMS, IF ANY, AND HEARING ON THE SAME; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

Section 1. The Mayor and City Council have found and determined that it is in the best interest of the City and is expedient for the public good to vacate part of the north south alley located between 6th Street and 7th Street, and G Street and the Union Pacific Railroad (running east and west), and in Block 13 of Original Town of David City, Butler County, Nebraska.

Section 2. That the north south alley located between 6th Street and 7th Street, and G Street and the Union Pacific Railroad (running east and west), in Block 13 of Original Town of David City, Butler County, Nebraska, is hereby vacated.

Section 3. That the portion of said vacated north south alley shall revert to the property owners of the abutting real estate, one-half (1/2) on each side thereof, and become part of such property.

Section 4. That the City of David City, and its franchisees, shall retain an easement to all existing and future utilities located within said vacated alley and such rights, provided in Section 17-558 (5)(a) and (b) of the Revised Statutes of Nebraska, 2006 Cumulative Supplement.

Section 5. That any citizen of the City or any owner of the property therein, may file a claim with the City Clerk of the City of David City, Nebraska, on or before the 11th day of June, 2007, for any and all damages sustained by the vacation of the portion of the aforesaid alley and the City Council will take up the amount of damages, if any, at the June 13, 2007 regular City Council meeting.

Section 6. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval, and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

Section 7. This ordinance shall be published in pamphlet form and shall be in full force and effect following its passage approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 9th day of May, 2007

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Scribner made a motion to advance to agenda item #11 - Consideration of an ordinance amending Chapter 7 - Fire Regulations - to disallow residential burning in burn barrels and other containers. Council member Schatz seconded the motion. Voting AYE: Council members Smith, Hein, Lukassen, Holland, Schatz, and Scribner. Voting NAY: None. The motion carried.

Council member Schatz introduced Ordinance No. 1048 entitled: AN ORDINANCE AMENDING CHAPTER 7; "FIRE REGULATIONS" OF THE DAVID CITY MUNICIPAL CODE BOOK; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM. Council member Schatz made a motion to pass and adopt Ordinance No. 1048 on the first reading only. Council member Holland seconded the motion. Voting AYE: Council members Lukassen, Smith, Hein, Holland, and Schatz. Voting NAY: Council member Scribner. The motion carried and Ordinance No. 1048 was passed on 1st reading only as follows:

ORDINANCE NO. 1048

AN ORDINANCE AMENDING CHAPTER 7; "FIRE REGULATIONS" OF THE DAVID CITY 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. That Chapter 7 of the David City Municipal Code Book be amended to read as follows:

**Chapter 7
FIRE REGULATIONS**

Article 1. Fire Prevention

§7-101 FIRE PREVENTION; ADOPTION OF UNIFORM FIRE CODE. There is hereby adopted by the City of David City, Nebraska, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion

that certain Code and Standards known as the Uniform Fire Code Standards which Code makes reference to the National Fire Code, published by Western Fire Chiefs' Association and the International Conference of Building Officials, being the current editions thereof and the whole thereof, except such portions as are hereinafter deleted, modified or amended by this Chapter, of said Code and Standards. One (1) copy is on file with the City Clerk of the City of David City, Nebraska. These Codes are hereby adopted and incorporated as fully as if set out at length, herein, and from the date on which this Chapter shall take effect, the provisions of these Codes shall be controlling within the limits of the City of David City, Nebraska. (Ref. 18-132, 19-902, 19-92.)

§7-102 FIRE PREVENTION; DEFINITIONS.

- a. The word "jurisdiction" used in the Uniform Fire Code, means the zoning jurisdiction of the City of David City.
- b. The term "Municipal official" means all elected and appointed officials of the City of David City.

§7-103 FIRE PREVENTION; OFFICERS RESPONSIBLE FOR CODE ENFORCEMENT.

- a. Inspection under the Uniform Fire Code shall be accomplished principally by the Zoning Administrator, the Fire Chief, Police Chief, and the Police Officers.
- b. For special or unusual situations the Zoning Administrator or the Fire Chief may recommend to the City of David City the employment of special technical inspectors to improve the enforcement of these codes.

§7-104 FIRE PREVENTION; FIRE LIMITS DEFINED. The following described territory in the Municipality shall be and constitute the fire limits:
The corporate limits of the City of David City, Nebraska as they exist from time to time

§7-104.01 FIRE PREVENTION; STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS PROHIBITED. The storage of flammable or combustible liquids in outside aboveground tanks of any size is prohibited within the Residential, Public, Semi-Public and Park areas. (Ref. 17-137 RS Neb.)

§7-104.02 FIRE PREVENTION; STORAGE OF LIQUEFIED PETROLEUM RESTRICTED. In the zones where storage of liquefied petroleum is permitted, the provision of the Uniform Fire Code shall govern. Liquefied petroleum may be stored in areas that are zoned Industrial and Downtown Commercial. (Ref 17-137 RS Neb.)

§7-104.03 FIRE PREVENTION; STORAGE OF EXPLOSIVES AND BLASTING AGENTS PROHIBITED. No areas are zoned to permit the storage of explosives and blasting agents except as regulated in Section 77.106(b) of the Uniform Fire Code. (Ref. 17-137 RS Neb.)

§7-105 FIRE PREVENTION; PERMIT FOR HAZARDOUS MATERIALS. Hazardous materials may be stored within the Commercial and Industrial zones referred to in Section 7-104 provided that all such materials are identified as to kind, amount,

location and other data concerning said materials in "Application to Store Hazardous Material" made annually on August 1, or on the date when such materials are initially placed in the City, to the Fire Chief and the Zoning Administrator, which application must be made by the person in control of such materials. "Application to Store Hazardous Materials" shall be made in duplicate to the Fire Chief and Zoning Administrator on forms supplied by the City and kept on file in the Fire Department. (Ref. 17-137 RS Neb.)

§7-106 **FIRE PREVENTION; BURNING REGULATIONS WITHIN FIRE LIMITS.** Burning is prohibited within the prescribed fire limits. Boilers and wood burning stoves may be used as outside commercial incinerators only if they substantially meet the requirements hereinafter set forth specifically including the requirements of spark arresters and foundations.

Incinerators to be used inside buildings shall conform to the standards as specified in the Codes adopted in Section 7-101.

Outside commercial incinerators for use in the fire limits shall, as a minimum, be constructed of steel plate not less than three-sixteenths (3/16) inches in thickness. The base or burning area of the incinerator may not exceed sixteen (16) square feet in area. All joints and seams of the incinerator must be welded together, except for access doors. There will be no more than two (2) access doors for each incinerator. The base walls or burning area of the incinerator must have at least six (6), but not more than ten (10) ventilation holes in each wall of the incinerator base. The holes shall not be greater than one (1") inch in diameter. The base or burning area of the incinerator must be covered with a chimney with an opening not to exceed one (1) square foot in diameter. Chimneys shall be connected to the incinerator base or burning area as noted above. The terminating point of the chimney shall extend above the incinerator base or burning area the same distance as the height of the incinerator base or burning area. The chimney must terminate in a steel, or substantially constructed, spark arrester having mesh openings of not more than one half (1/2") inch in diameter or one-quarter (1/4") inch mesh. Spark arresters must cover the entire chimney opening. Incinerators may have a hole, not to exceed nine (9) square inches, in the bottom of the incinerator base.

Outside commercial incinerators must meet the location standards of Section 7-107.02. Inside incinerators shall be approved by an independent testing or rating agency and must conform to the Codes adopted in Section 7-101. All incinerators must meet the standards of the Department of Environmental Quality. (Ref. 17-549, 17-556.)

§7-107 **FIRE PREVENTION; BURNING AND FIRES PROHIBITED; EXCEPTION AND REGULATIONS.** All open burning and open fires in the City are prohibited.

Article 2. Fires

§7-201 **FIRES; AUTHORITY OF FIRE CHIEF.** When there is a fire, the Fire Chief or the designated Firemen in charge, shall have the authority to do all things that are, in his judgment, necessary to protect life and property in the area adjacent to the fire. (Ref. 17-147 RS Neb.)

§7-201 **FIRES; ASSISTANCE.** It shall be unlawful for any person to refuse, after receiving a command of the Fire Chief or Assistant Fire Chief, to aid in extinguishing a fire or to assist in the removal and protection of property. *(Ref. 28-908 RS Neb.)*

§7-203 **FIRES; SPECTATORS.**

(1) A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties, he willfully:

- (a) Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or
- (b) Disobeys the lawful orders given by any fireman while performing his duties; or
- (c) Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or
- (d) Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(2) As used in this section, fireman shall mean any person who is an officer, employee, or member of a fire department or fire-protection or firefighting agency of the Federal Government, the State of Nebraska, the City of David City, County of Butler County, rural fire district, or other public or municipal corporation or political subdivision of the state, whether such person is a volunteer, partly paid, or fully paid, while he is actually engaged in firefighting, fire supervision, fire suppression, fire prevention, or fire investigation.

(3) Interference with a fireman on official duty is a Class I misdemeanor. *(Ref. 28-908 RS Neb.)*

§7-204 **FIRES; TRAFFIC.** No vehicle, except by the specific direction of the Fire Chief or Assistant Fire Chief, shall follow, approach, or park closer than five hundred feet (500') to any fire vehicle, or to any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department, or emergency vehicles. *(Ref. 39-753 RS Neb.)*

§7-205 **FIRES; PEDESTRIANS.** It shall be unlawful for any pedestrian to enter upon or remain in any street or roadway within a distance of three hundred feet (300') from a fire when fire fighting vehicles are approaching or are present at the scene of a fire.

§7-206 **FIRES; FALSE ALARMS.** It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. *(Ref. 28-907 RS Neb.)*

§7-207 **FIRES; DROP CEILINGS; REMOVAL OF TIN CEILING COVERINGS; UNLAWFUL INSTALLATION.** It shall be unlawful to install a drop ceiling in a room or rooms of a commercial building within the City limits with a tin and/or metal ceiling covering without:

1. First removing such tin and/or metal ceiling covering before installation of the drop ceiling; or
2. Installing a fire sprinkler system. All sprinkler systems installed, from this date, shall comply with the State Fire Marshal codes.
 - a. Having a static flow test to determine the water pressure;
 - b. Determining the minimum number of heads required, with each head covering the square footage specified in the 1990 Factory Mutual System pocket guide to automatic sprinklers;
 - c. Installing a back-flow device;
 - d. Placing the sprinkler heads below the suspended ceiling;
 - e. Sprinkler heads shall also be installed in basements when the building is being remodeled by at least fifty percent (50%) of its assessed value;
 - f. Having a pre-approved plan.

Article 3. Penal Provision

§7-301 **VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

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 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 9th day of May, 2007.

Passed on 1st reading only 5/09/07

Mayor Dana Trowbridge

Passed on 1st reading only 5/09/07

City Clerk Joan E. Kovar

Council member Scribner made a motion approve the David City Soccer Association's request for city water and permission to run an appropriate water line within the City's right-of-way. Council member Lukassen seconded the motion. It was noted that the City will monitor the work, however, the City will not pay for anything. Voting AYE: Council members Holland, Smith, Hein, Schatz, Lukassen, and Scribner. Voting NAY: None. The motion carried.

Council member Schatz introduced Resolution No. 5 - 2007 and moved for its passage and adoption as amended. Council member Scribner seconded the motion. Voting YEA: Council members Lukassen, Smith, Holland, Hein, Scribner, and Schatz. Voting NAY: None. The motion carried and Resolution No. 5 - 2007 was passed and adopted as follows:

Amended 6/13/07

~~RESOLUTION NO. 5-2007~~

~~A RESOLUTION OF THE CITY OF DAVID CITY TO LIMIT THE HOURS OF USE FOR THE EMERGENCY NOTIFICATION SIRENS FROM 8:00 P.M TO 8:00 A.M. DAILY, EXCEPT FOR THE USE OF THE EMERGENCY NOTIFICATION SIRENS DURING THE ONSET OF SEVERE WEATHER OR WEATHER RELATED EMERGENCIES.~~

~~WHEREAS, the City of David City, Nebraska is an independent body of government, and~~

~~WHEREAS, the City of David City owns and maintains all emergency notification sirens located in David City, and~~

~~WHEREAS, the use of the emergency notification sirens have become a burden on citizens of David City during night or dark hours, and~~

~~WHEREAS, the David City Fire Department and other emergency response organizations have appropriate methods of notifying emergency response individuals through the use of technologies that are less intrusive than the use of the emergency notification sirens.~~

~~NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:~~

- ~~1. The City of David City, Nebraska, does hereby prohibit the use of the emergency notification sirens from 8:00 p.m. to 8:00 a.m. daily, with the exception for the use of the emergency notification sirens during the onset of severe weather or weather related emergencies.~~

~~PASSED AND APPROVED this 9th day of May, 2007.~~

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Scribner made a motion to appoint Ron Mimick and Jim Witter to each serve a three (3) year term and Mark Kirby and Mrs. Jo Taylor to each serve a one (1) year term on the Park and Recreation Advisory Board. Council member Holland seconded the motion. Voting AYE: Council members Smith, Lukassen, Schatz, Hein, Holland, and Scribner. Voting NAY: None. The motion carried.

City Administrator Joe Johnson visited with City Attorney Egr who recommended that the City hire special legal counsel to ensure a successful and legal annexation of property that is not contiguous to the city limits of David City and assist the City with a Redevelopment Plan.

Council member Schatz made a motion to enter into an agreement with Mike L. Bacon, who is a State of Nebraska certified attorney from Gothenburg, Nebraska, to research and facilitate the annexation of a proposed ethanol plant facility site, and to assist with a redevelopment plan and related legal concerns. Council member Lukassen seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Holland, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Hein made a motion to approve the request of Richard Ludvik d.b.a. Ka-Boomer's Inc., to sell permissible fireworks at 1510 4th Street, Stop Inn, David City, Nebraska. Council member Holland seconded the motion. Voting AYE: Council members Lukassen, Schatz, Scribner, Smith, Holland, and Hein. Voting NAY: None. The motion carried.

Council member Schatz made a motion to go into executive session to discuss a personnel issue regarding recycling. Council member Holland seconded the motion. Voting AYE: Council members Smith, Lukassen, Scribner, Hein, Holland, and Schatz. Voting NAY: None. The motion carried.

Mayor Trowbridge stated the Council was going into executive session to discuss a personnel issue regarding recycling. The Mayor, Council members, City Attorney, City Administrator Joe Johnson, and City Clerk Kovar went into executive session at 9:29 p.m.

City Attorney Jim Egr stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Trowbridge declared the City Council out of executive session at 9:42 p.m.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Schatz, Holland, Lukassen, Hein, Smith, and Scribner. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:45 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES

May 9, 2007

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 May 9, 2007; 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