

CITY COUNCIL PROCEEDINGS

May 14, 2003

The Mayor and City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on May 8, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notices to the Public, Mayor and Council members conveyed the availability of the Agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Stephen Smith, City Administrator Jeff Fiegenschuh, Council members Mark Kirby, Gary Kroesing, Gary Smith, Ted Lukassen, Bill Schatz, and Nick Hein, Attorney Jim Birkel, Street Supervisor Jim McDonald, Police Chief Stephen Sunday, Park/Auditorium Supervisor Bill Buntgen, Wastewater Plant Operator Jim Kruse, Lineman Tim Kozisek, City Clerk-Treasurer Joan E. Kovar, Roger Helgoth of Jacobson Helgoth Consultants, Mike Sousek of Lower Platte North NRD, General Manager John Miyoshi LPN NRD, Bill Voboril, Chairman - Village Board of Bruno, Brandy Willett of the Rural Comprehensive Care Network, Dr. Jack Kaufmann, Carol Korus of Timpfe Mfg., Milton Bemis, Gary Dinkelman, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Smith introduced City Administrator Jeff Fiegenschuh, whose first official day will be June 17, 2003. Smith also reported that Water/Sewer Supervisor Gene Divis is in the hospital in Lincoln due to scar tissue blocking his heart shunt.

The minutes of the April 9, April 17, and April 28, 2003 meetings of the Mayor and City Council were approved upon a motion by Council member Kirby and seconded by Council member Smith. All of the Council members were present, all voted YEA and the motion carried.

Stephen Smith asked for Petitions, Communications and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions.

City Clerk Kovar reported that the County Assessor notified Street Superintendent Jim McDonald that the Airport farm land will be subject to property tax for 2003. City Attorney filed a protest stating that a case is pending in the Nebraska Supreme Court involving the City of York concerning their airport land. The case was argued April 4, 2003 and a decision is pending.

Mayor Smith reported that Tami Comte attained her 1st level in the Master Municipal Clerk Program.

Mike Sousek of the Lower Platte North NRD reported that the David City Wellhead Protection Plan has been approved.

Council member Hein reported that citizens have approached him concerning unlicensed vehicles around town. Police Chief Sunday stated he is preparing a list of unlicensed vehicles.

Mayor Smith asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Smith seconded the motion. 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 #8 - Presentation by Brandy Willett of the Rural Comprehensive Care Network concerning the mobile hearing unit. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Brandy Willett of the Rural Comprehensive Care Network made a presentation concerning the mobile hearing unit. Willett explained that if this is a benefit that the City wishes to offer, the mobile unit would come directly to us in David City and the employees could be tested. The mobile screening unit was in David City on April 9th for viewing. A David City Occupational Health Coalition meeting is held monthly between 12:00 p.m. - 1:00 p.m. at the Butler County Health Care Center in the Radiology Conference Room. Water/Sewer Supervisor Gene Divis has attended several of the coalition meetings. The Rural Comprehensive Care Network is one of the facilitators at the monthly meetings. The next coalition meeting will be on April 24th and Investigator Shane Flynn from the Nebraska State Patrol will make a presentation on methamphetamines.

Council member Smith made a motion to advance to agenda item #24 - Consideration of the request of Timpte Mfg. to waive the penalty applied to the utility bill. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Carol Korus of Timpte Mfg. explained that she prepared the check for Timpte's utility bill. The check was dated May 5, 2003 and she hand delivered it to the Post Office on May 5, 2003. Timpte received a delinquent notice because the check was not received in the City Office by May 10, 2003. Carol stated that the post office said she can't put a trace on the mail for 30 days, and she doesn't think it is fair that they be charged a penalty charge when no-one knows what happened to the check. Carol said she always pays the bills on time and knows that she took it to the post office on May 5, 2003. After some discussion the Council decided to temporarily waive the delinquent charge and wait and see what the trace reveals.

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

Park/Auditorium Supervisor Bill Buntgen reported that the Nebraska Game & Parks Commission will host a Youth Family Fishing Day on June 7th from 10:00 a.m. to 1:00 p.m. in the City Park.

Police Chief Sunday reported that there are 6 cars on the Randy Janak property again, so Randy may be in contempt of court. Sunday turned this over to City Attorney Jim Egr.

Council member Gary Smith thanked the City Office Staff (Barb, Tami, & Joan) for making the David City Aquatic Center brochures and saving money for the aquatic center. City Clerk Kovar stated that pool managers Rachelle Birkel and Brooke Bly designed and typed the brochures and the office staff purchased colored paper, copied them, and sent them through the folding machine. The combined effort saved quite a bit of money.

None of the other department heads had anything new to report.

Mayor Smith scheduled a Committee of the Whole meeting for Tuesday, May 27, 2003, at 5:30 p.m., in the City Office.

Council member Kirby made a motion to accept the Committee and Officers' Reports as presented. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Smith made a motion to advance to agenda item #11 - 7:30 p.m. Public Hearing on the property located at 1255 N. 9th Street. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 7:31 p.m., Mayor Smith declared the Public Hearing open to consider the Terry Colburn property located at 1255 N. 9th Street, David City, Nebraska. Police Chief Sunday reported that the owner, Terry Colburn, was notified concerning this Public Hearing and advised that his garage is in non-compliance. Police Chief Sunday stated that Terry Colburn is considering tearing the garage down rather than renovating it. There being no further discussion, Mayor Smith declared the Public Hearing closed at 7:35 p.m..

Council member Kirby made a motion to advance to agenda item #12 - Consideration of a Resolution declaring the property located at 1255 N. 9th Street a Public Nuisance and directing the clean-up of said property. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kroesing introduced Resolution No. 4 - 2003 and moved for its passage and adoption. Council member Hein seconded the motion. All of the Council members were present and all voted YEA. The motion carried and Resolution No. 4 - 2003 was passed and adopted as follows:

RESOLUTION NO. 4 - 2003

WHEREAS, the City of David City has authority by Municipal Code Section No. 4-401 to establish definitions of what constitutes a public nuisance. Specifically, the maintaining, using, placing, depositing, leaving, or permitting any of the specific acts, omissions, places, conditions, and things as set out in the twelve sections of said municipal code.

WHEREAS, the City of David City, as established in code #4-402, has the authority to abate all nuisances as defined in code #4-401.

WHEREAS, the David City Board of Health at a public meeting held on December 6, 2001, declared the property located at 1255 N. 9th Street, David City, Butler County, Nebraska, to be in violation of Municipal Code Section No. 4-401 (8), and a public nuisance.

WHEREAS, at the January 8, 2003 City Council meeting, the Governing Body affirmed the findings of the Board of Health, and further ordered that notice be given to the owner, occupant, lessee, or mortgagee of said property, of the violations.

WHEREAS, the City of David City, held a public hearing at a regularly scheduled City Council meeting on May 14, 2003, regarding the property located at 1255 N. 9th Street, David City, Butler County, Nebraska.

WHEREAS, the City of David City, having followed the rules and procedures as set out in code #4-402, and having held a public hearing on May 14, 2003, does hereby declare said property, owned by Terry and Lori Colburn, to be a public nuisance.

WHEREAS, the Governing Body (City Council) having declared said property to be a

public nuisance, by this Resolution, orders and directs the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once. The owner, occupant, lessee, or mortgagee may appeal such decision to the District Court of Butler County, Nebraska.

WHEREAS, the City of David City, by this Resolution, shall proceed to abate the nuisance if the owner, occupant, lessee or mortgagee fails to remedy said public nuisance at once. Upon the completion of the work by the Municipality, a statement of the costs of such work shall be transmitted to the Governing Body (City Council), which is authorized to bill the property owner, occupant, lessee or mortgagee.

THEREFORE, BE IT RESOLVED THAT, the City of David City has declared the property located at 1255 N. 9th Street, David City, Butler County, Nebraska, to be a public nuisance, and further more directs that the Municipality begin cleaning up said property on, or after, June 11, 2003, unless a notice of appeal is made with the District Court of Butler County, Nebraska.

DATED, this 14th day of May, 2003.

Mayor

City Clerk

The proposed water line to Bruno was discussed. Council member Hein stated that at this time the Council needs to decide if they want to appoint a committee to work with the representatives from Bruno and negotiate an interlocal agreement. Council member Smith stated that the Council should at least consider the proposed water line and look at an agreement. Bill Voboril, Chairman - Village Board of Bruno, stated that there are a lot of unanswered questions at this point. Voboril asked the Council to at least look at an interlocal agreement and stay on board until everything is on the table. Voboril stated it doesn't cost anything until the agreement is signed. Roger Helgoth of Jacobson Helgoth Consultants stated that everyone's interests will be protected by a good interlocal agreement, and that from a technical stand-point there is no threat to David City's water supply.

Council member Kirby made a motion to appoint a committee to negotiate an interlocal agreement with representatives from Bruno, Nebraska, concerning the proposed water line to Bruno. Council member Kroesing seconded the motion. The committee will consist of Council members Bill Schatz, Nick Hein, and Gary Smith, Attorney Jim Egr, Water/Sewer Supervisor Gene Divis, Mayor Smith, and City Administrator Jeff Fiegenschuh. All of the Council members were present, all voted YEA, and the motion carried.

The health insurance premiums are increasing by approximately 34.5%. Mike Jones of Jones Insurance Agency reported that premiums are increasing because there is a very sluggish stock market, claims continue to climb, and the city's "group" continues to age. The following information was reviewed:

United Healthcare
Renewal date: 6/01/03

Medical Plan	Current Monthly Premium \$16,100.43	Renewal monthly premium \$20,929.03
--------------	--	--

Medical Plan Alternates & Premiums

Plan	Current	Alternate 1	Alternate 2	Alternate 3
Deductible Ind/Fam	\$250/\$500	\$250/\$500	\$500/\$1000	\$500/\$1000
Non-network deduct	\$250/\$500	\$250/\$500	\$500/\$1000	\$500/\$1000
Copays				
Office Visit	\$ 15	\$ 15	\$ 15	\$ 20
Urgent Care	\$ 25	\$ 25	\$ 25	\$ 25
Emergency Room	\$ 100	\$ 100	\$ 100	\$ 100
In-network co-ins	10%	20%	10%	20%
Non-network co-ins	30%	40%	30%	40%
Out of pocket (ind/fam)	\$1250/\$2500	\$1000/\$2000	\$1000/\$2000	\$2000/\$4000
Non-network Out of pocket	\$2500/\$5000	\$2000/\$4000	\$2000/\$4000	\$4000/\$8000
Prescription Drugs:				
Member co-pay	\$10 copay gen \$30 copay pfr <u>\$45 copay nonp</u>	\$10 copay gen \$30 copay pfr <u>\$45 copay nonp</u>	\$10 copay gen \$30 copay pfr <u>\$45 copay nonp</u>	\$10 copay gen \$30 copay pfr <u>\$45 copay nonp</u>
Renewal Monthly Premium	\$20,929.03	\$19,297.89	\$18,540.51	\$17,153.02

City Clerk Kovar reported that none of the city/utility employees have seen the reports concerning the health insurance.

Council member Kirby made a motion to schedule a special council meeting for Tuesday, May 27, 2003 at 5:30 p.m. in the City Office meeting room to discuss health insurance. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith declared a ten minute recess at 8:15 p.m. The meeting resumed at 8:25 p.m.

On January 10, 2001, the following resolution was passed and adopted concerning the Bill Hlavac property at 320 N. 10th Street:

RESOLUTION NO. 3 - 2001

WHEREAS, the Mayor and City Council of David City, Nebraska determined that the property owned by Bill Hlavac at 320 N. 10th Street, David City, Nebraska and legally described as follows, to-wit:

N ½ of Lot Six (6), Block Five (5), Miles 3rd Addition, David City, Butler County, Nebraska

was in violation of Chapter 4 Article 402 of the Municipal Code of the City of David City, Nebraska; and,

WHEREAS, Bill Hlavac (owner) was provided notice of violation of Chapter 4 Article 402; that the above described real estate would be cleaned up; that the City would begin cleaning up said property on, or after, November 9th, 2000, unless a notice of

appeal was made with the District Court of Butler County, Nebraska, and that the real estate above described would be assessed as a special assessment for the cost of said clean-up; and,

and, WHEREAS, all due process requirements of the above referenced City Ordinances of David City, Nebraska were followed;

WHEREAS, Bill Hlavac failed to clean-up the above referenced real estate on or before November 9, 2000; and,

WHEREAS, the City of David City, Nebraska did incur \$5,893.33 to clean up the above described real estate.

NOW, THEREFORE, BE IT RESOLVED that a Special Assessment in the sum of FIVE THOUSAND EIGHT HUNDRED NINETY-THREE DOLLARS AND THIRTY-THREE CENTS (\$5,893.33) be assessed against the above described real estate; that the Special Assessment be and hereby is levied effective January 10, 2001; that Bill Hlavac be given fifty (50) days to pay this Special Assessment without interest; and after said fifty (50) days the Special Assessment remaining unpaid will be delinquent and will bear interest at the rate of FOURTEEN PER CENT (14%) per annum from said date; this Special Assessment will be a lien against the above described real estate until paid; this Special Assessment will be filed with the Butler County Treasurer and will be collected in the manner provided for Special Assessments by law.

Dated: January 10, 2001

ATTEST:

CITY OF DAVID CITY, NEBRASKA

City Clerk

Stephen Smith, Mayor

Vern Hlavac, Bill's son from Minnesota, was in town last week. Vern reported that his father has some health issues and they would like to move him into a nursing home. Vern can't sell the property until the lien is paid off and is asking if the City would forgive the balance of the lien.

Council member Schatz stated that the City almost needs a request in writing explaining why they are asking that the balance of the lien be waived. Police Chief Sunday reported that Vern was to send a letter of request, but Sunday did not receive one. Therefore, Council member Hein made a motion to table consideration of the lien on the William Hlavac property located at 320 10th Street, until we receive further notice, or a letter requesting the lien be waived. The letter is to be received by the deadline date of June 11th. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Milt Bemis, as owner of East Park Meadows Addition, was present and stated that he would like to increase the size of Lots 4 & 6 in East Park Meadows Addition. As the legal description for the addition to Lot 6 was not available, Lot 6 cannot be changed at this time. Milt Bemis explained that he had a gentleman interested in building a two story home on Lot 4. The gentleman would like his driveway on the east side of the lot. Therefore, Milt Bemis would like to combine approximately 21.00 feet of land designated as multi-purpose land to the east side of Lot 4. Milt asked if this was approved, if the man could center his house on the property including the 21.00 feet addition. The Council answered "yes", the 21.00 feet would be included in the total lot size, however set-backs will still need to be met.

Council member Smith introduced Resolution No. 5 - 2003 and moved for its passage and adoption. Council member Lukassen seconded the motion. Voting YEA: Council members Schatz, Lukassen, Kirby, Hein, Kroesing, and Smith. Voting NAY: None. The motion carried and Resolution No. 5 - 2003 was passed and adopted as follows:

RESOLUTION NO. 5 - 2003

WHEREAS, Milt & Janet Bemis, as the owners of East Park Meadows Addition, have filed a request to combine Lot 4 and 21.00 feet of land located in multi-purpose land, all in East Park Meadows Addition, David City, Butler County, Nebraska as described below:

A tract of land located in multi-purpose land in East Park Meadows Addition to David City, Butler County, Nebraska, described as follows:

Beginning at the southeast corner of Lot 4 of said East Park Meadows Addition; thence easterly, 2.22 feet, on the easterly extension of the south line of said Lot 4, to a point of curvature; thence northeasterly, 31.83 feet, on a 20-foot radius curve, concave northwesterly; thence northerly, 38.17 feet, parallel with the east line of said Lot 4; thence continuing northerly, 92 feet, more or less, to a point on the north line of said East Park Meadows Addition, said point being 21.00 feet east of the northeast corner of said Lot 4; thence westerly, 21.00 feet, to the northeast corner of said Lot 4; thence southerly, 150.03 feet, to the point of beginning.

To form one lot approximately 121.01' x 150.03'.

WHEREAS, there were no objections expressed concerning combining Lot 4 and 21.00 feet of land located in multi-purpose land, all in East Park Meadows Addition to David City, Butler County, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE

CITY OF DAVID CITY, NEBRASKA, that the request of Milt & Janet Bemis, as the owners of East Park Meadows Addition, to combine Lot 4 and 21.00 feet of land located in multi-purpose land, all in East Park Meadows Addition, David City, Butler County, Nebraska, to form one lot, is hereby approved.

Dated this 14th day of May, 2003.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Milt Bemis was present and requested that he be allowed to sign a letter of agreement concerning the installation of a sidewalk in front of his home at 488 So. 11th Street. Basically the agreement would say that he did not need to install a sidewalk until the lot north of him, Lot #5, is developed. Gary Dinkelman, was also present, and stated that he would install a sidewalk across the front of his property located at 1170 No. 11th Street, but requested that he be allowed to sign a letter of agreement that he did not need to install a sidewalk, along the north side of his property, until the area is developed and the sidewalk actually went somewhere. Much discussion followed. In a previous covenant it stated "in consideration of the Board of Zoning Adjustment granting the variance", so some of the Council members felt that the requests should have gone before the Board of Zoning Adjustment.

Mayor Smith stated that the Board of Zoning Adjustment can only grant a variance due to extreme topography. If a letter of agreement is approved the covenant would extend to and bind their heirs, successors, assigns, and all who may purchase or acquire an interest in the above described real estate, and the agreement would run with the land. The cost of drawing up the covenant/agreement would be the responsibility of the property owner.

Council member Smith made a motion to grant the requests of Milt Bemis, and Gary Dinkelman, that they both be allowed to sign letters of agreement delaying the installation of sidewalks until the adjoining land is developed. Council member Kroesing seconded the motion. Discussion followed. The current Subdivision Regulations adopted on June 25, 2001 states that "sidewalks shall be installed in all subdivisions regardless of the use of land in the subdivision". "The Planning Commission may recommend modifications only in instances of extreme topographical conditions." Voting YEA: Council members Kirby, and Smith. Voting NAY: Council members Hein, Lukassen, Schatz, and Kroesing. The vote being 2 - Yes, and 4 - No, the motion failed. Mayor Smith stated that if it would have been a tie vote, he would have voted in favor of granting the request. Mayor Smith asked that Egr & Birkel law firm review the previous agreements and that the council review this again at a later date.

Council member Hein introduced Resolution No. 6 - 2003 and moved for its passage and

adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Kirby, Smith, Hein, Lukassen, Kroesing, and Schatz. Voting NAY: None. The motion carried and Resolution No. 6 - 2003 was passed and adopted as follows:

RESOLUTION NO. 6 - 2003

WHEREAS, Chapter 3, Article 6, Section 3-602 of the Municipal Code of the City of David City, Nebraska, allows a reasonable admission charge for the use by any person of the Municipal Swimming Pool.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following admission fees are hereby established as follows:

<u>Daily</u>		<u>Season</u>	
Adult (18 & up)	\$3.50	Family	\$120.00
Child (6-17)	\$2.00	Couple	\$90.00
Toddler (5 & under)	Free*	Individual	\$60.00

* Free with paying adult.

Dated this 14th day of May, 2003.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Lukassen introduced Ordinance No. 929. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting YEA: Council members Smith, Kirby, Schatz, Hein, Lukassen, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 929 on the third and final reading. Council member Smith seconded the motion. Voting YEA: Council members Hein, Kirby, Smith, Kroesing, Lukassen, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 929 was passed and adopted as follows:

ORDINANCE NO. 929

AN ORDINANCE TO ESTABLISH THE SALARIES AND PAY SCALES FOR THE EMPLOYEES AT THE DAVID CITY FAMILY AQUATIC CENTER, DAVID CITY, NEBRASKA.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the following positions for the employees of the City of David City, Nebraska:

Position

Manager (negotiable)

	1st year	2nd year	3rd year	4th year	5th year
Asst. Manager	\$7.50	\$7.75	\$8.00	\$8.25	\$8.50
Asst. Manager Part-time	\$7.00	\$7.25	\$7.50	\$7.75	\$8.00
WSI Lifeguard	\$6.00	\$6.25	\$6.50	\$6.75	\$7.00
Lifeguard	\$5.50	\$5.60	\$5.70	\$5.80	\$5.90
Swimming Lesson Aid	\$5.15	\$5.25	\$5.35	\$5.45	\$5.55
Water Aerobics Instructor	\$6.50	\$6.60	\$6.70	\$6.80	\$6.90
Concession	\$5.15	\$5.25	\$5.35	\$5.45	\$5.55
Games/Cleaning	\$5.15	\$5.25	\$5.35	\$5.45	\$5.55

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall take effect March 26, 2003 and be in full force from and after it's passage and approval.

PASSED AND APPROVED this 14th day of May, 2003.

Mayor

City Clerk

Mayor Smith advised the council that the pool committee agreed to pay the Manager, Rachele Birkel, \$10.50 per hour.

Park/Auditorium Supervisor Bill Buntgen, stood, and addressed the council. Buntgen stated that he didn't think it was fair that a part-time employee, in their second year of employment, would receive \$10.50/hr. Buntgen stated that he is the supervisor of the park and auditorium both, has been employed full-time since July 2000, and receives \$11.79/hr. Buntgen questioned if there was a job description for the pool manager. Mayor Smith stated yes.

Street Superintendent Jim McDonald stated that speaking of a job description, he has been cleaning the aquatic center, checking the chemicals, and doing a lot of work and preparation that the previous pool manager did. McDonald questioned: "Am I expected to do all that?" McDonald said that he would like to know what is actually expected of him. Mayor Smith stated that the pool committee will meet one more time to discuss this and what is expected of McDonald.

Council member Schatz said that he agreed with Park/Auditorium Supervisor Bill Buntgen. Schatz said: "I don't think Bill's pay is adequate and I share his frustration." Mayor Smith stated this will be discussed during salary negotiations.

Council member Hein made a motion to appoint Marie Hoefft to a 5 year term on the David City Housing Authority. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby introduced Resolution No. 7 - 2003 and moved for its passage and adoption. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Resolution No. 7 - 2003 was passed and adopted as follows:

RESOLUTION NO. 7-2003

WHEREAS, the City of David City is a member of the Nebraska Municipal Power Pool, and,

WHEREAS, the City appoints a representative and alternate representative to represent the City at meetings.

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 appoint Tim L. Kovar as the Representative of the City of David City, Nebraska, to the Members' Council of the Nebraska Municipal Power Pool, and
2. The City of David City, Nebraska, does hereby appoint Jeff Fiegenschuh as the Alternate Representative of the City of David City, Nebraska, to the Members' Council of the Nebraska Municipal Power Pool.

PASSED AND APPROVED this 14th day of May, 2003.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Hein made a motion to table consideration of zoning issues and updates to the Municipal Code Book to incorporate changing from a "building inspector" to a "zoning administrator". Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

A "July Jam" is scheduled for July 12th and 13th with similar activities as last year. Last year, the City budgeted approximately \$10,000 for the July Jam, however the City did not budget any money for this year. In order to cut costs the Chamber suggested a 30 minute fireworks display

instead of a 50 minute display. The fireworks would cost \$4,500 with the City donating \$3,500. Council member Kirby stated that with City Administrator Brannen leaving, discussions with the Chamber concerning the fireworks display were slighted. Kirby feels that the "July Jam" promotes the town and is a worthwhile event.

Council member Schatz stated that last year the City donated the fireworks because it was a kick-off for the city park to publicize the new aquatic center, renovated tennis courts, new running track, and the new walking trail with decorative lighting. Schatz has a problem using tax dollars for entertainment with no matching funds from other in-kind contributions. "What will we tell the public?" "We used \$3,500 of your tax dollars for an intangible item to entertain you." "\$3,500 for twenty-minutes of feeling good". Schatz hates the thought of city money going up in smoke. "The evening event doesn't have much of a residual effect on businesses that are closed in the evening." Schatz questioned what account the \$3,500 would come from. Mayor Smith stated probably the Contingency Fund. Council member Schatz sees the Contingency Fund as an emergency account - for items or something that came up that we didn't plan for - a definite necessity. Mayor Smith stated that we also have the Power Plant Contingency Fund. Schatz said that would be worse - "We are still using money for entertainment. If it were matching funds, then OK, but this is not a function of the municipality."

Council member Hein made a motion to allocate \$3,500 out of the Contingency Fund for fireworks for the July Jam scheduled for July 12. Council member Kroesing seconded the motion. Council member Schatz objected to the motion stating that he thought the City was going to cut back on their percentage towards the fireworks in the future. Mayor Smith called for a vote on the objection. Voting YEA: Council member Schatz. Voting NAY: Council members Kirby, Smith, Hein, Lukassen, and Kroesing. The objection failed. Council member Hein stated that he would amend his motion to allocate \$3,500 out of the Contingency Fund, for this year only - 2003, for fireworks for the July Jam scheduled for July 12. Council member Kroesing rescinded his original second and seconded the amended motion. Council member Schatz stated that he would like to make an amendment to the motion that an equal amount of money be allocated from the Contingency Fund, or whatever fund the money is coming from, for the police department for extra coverage for the July Jam and any additional money towards remodeling the police building. The amendment failed for lack of a second. Council member Schatz made an amendment to the motion that an equal amount of money be allocated from the Contingency Fund, or whatever fund the money is coming from, for park benches along the walking trail. The amendment failed for lack of a second. Council member Schatz made an amendment to the motion that an equal amount of money be allocated from the Contingency Fund, or whatever fund the money is coming from, for the street department for pothole repairs. The amendment failed for lack of a second. Council member Schatz made an amendment to the motion that an equal amount of money be allocated from the Contingency Fund, or whatever fund the money is coming from, for the water department for protective fences around the wells. The amendment failed for lack of a second. Council member Schatz made an amendment to the motion that an equal amount of money be allocated from the Contingency Fund, or whatever fund the money is coming from, for the Auditorium for new drapes. The amendment failed for lack of a second.

Council member Schatz then made an objection to the motion. Voting YEA: Council member Schatz. Voting NAY: Council members Kirby, Smith, Hein, Lukassen, and Kroesing. The objection to the motion failed.

Mayor Smith then asked for the roll call vote for the amended motion of Council member Hein to allocate \$3,500 out of the Contingency Fund, for this year only - 2003, for fireworks for the July Jam scheduled for July 12th; that Council member Kroesing seconded. Voting YEA: Council

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

Council member Schatz made a motion to reconsider the motion that was passed and enter into the minutes for the next agenda for the meeting on June 11, 2003. Council member Schatz stated that a second is not required to reconsider a motion and place it on the next agenda.

Council member Hein made a motion to table consideration of the following resolution as it increasing the rental rates for the football field/track activities & clean-up, but also increasing the keg beer charges that was not noted on the agenda. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

RESOLUTION NO. - 2003

WHEREAS, the costs for supplies and rentals for the Park, Auditorium, Track, and Football Field facilities have not been increased for some time, and,

WHEREAS, the City has determined a need to increase the costs for supplies and rentals for the Park, Auditorium, Track, and Football Field facilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following rental/rate schedule for the Park, Auditorium, Track, and Football Field facilities is hereby approved and adopted.

The following rates will be in effect beginning August 1, 2003:

Municipal Auditorium - Bar Charges

Beer.....	\$36.00 / case
Whiskey	\$30.00 / liter
Vodka.....	\$28.00 / liter
Rum.....	\$28.00 / liter
Peach Schnapps.....	\$30.00 / liter
Pop.....	\$40.00 / tank
Orange Juice.....	\$10.00 / gallon
Keg Beer	\$125.00 / ½ barrel
.....	\$80.00 / ¼ barrel

Renters must use the city bartenders

All liquor and beer must be purchased from the city - even for the reception.

Schweser House and Campground

Schweser House	8 a.m. - 6 p.m.	\$30.00
	All day	\$45.00

There being no further business to come before the Council, Council member Kirby made a motion to adjourn. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 10:05 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
May 14, 2003

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 14, 2003; 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