

CITY COUNCIL PROCEEDINGS

July 18, 2001

The Mayor and City Council of the City of David City, Nebraska met in open public session at 7:00 p.m. on July 18, 2001 in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on July 12, 2001 and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notices to the Public, Mayor and Council members conveyed the availability of the Agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Stephen Smith, Council members Ted Lukassen, Gary Kroesing, Bill Schatz, Gary Smith, Nick Hein, and Mark Kirby, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Plant Supervisor John Kabourek, Water/Sewer Supervisor Gene Divis, Street Superintendent Jim McDonald, Electric Supervisor Tim Kovar, and City Clerk Joan E. Kovar.

Also present were: Tim Kozisek, Bob Palik, Dr. Kaufmann, Dick Grubaugh, Eudes Otero, and Darren Jack of Jacobson Helgoth Consultants

The minutes of the June 13th and June 25th, 2001 meetings of the Mayor and City Council were approved upon a motion by Council member Lukassen and seconded by Council member Smith. Voting YEA: Council members Smith, Schatz, Hein, Lukassen, Kirby, and Kroesing. 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.

- City Clerk Kovar read the following correspondence:
 - ✍ Thank You from the David City Playground Committee for the \$2,500 contribution to the Jaycee Playground Fund.
 - ✍ Thank You from Don & Jan Struebing, Relay Co-Chairmen, for the help provided by City employees with the Butler County Relay for Life, and for the cooperation and consideration.
 - ✍ Thank You from Irma Farrell for the use of the city auditorium for their Roh family reunion, and to Bill Buntgen for all of his help in setting up.
- City Administrator Andrew Brannen reported the city swimming pool was closed at 3:30 p.m. today, July 18, due to feces found in the pool by the slide.
- Council member Kirby stated that traffic has increased at the corner of 9th & "M" Streets, due to the new playground equipment in the Jaycee Park, and therefore feels that the "children at play" signs need to be updated - brightened up.
- Council member Smith stated that "No Dogs Allowed" signs should be placed at the Jaycee Park on the South west corner of 9th & M. The Council members unanimously agreed. Although there is nothing in city code regarding this, the Council said to erect the signs and see what happens before doing an official ordinance.
- Council member Schatz asked when the closing date was for the sale of the

theater lot. City Administrator Brannen reported it was August 6th at 1:00 p.m.. Council member Schatz asked if the weeds could be cleaned up. Council member Smith reported that Rodney Rech of the street department mowed the theater lot today, July 18, 2001.

Mayor Smith asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Kirby seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

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

- City Attorney Jim Egr reported that due to the fact that Judge Mary Gilbride's father had a heart attack, the trial date concerning the Joe Smith and Randy Janak properties was moved back to August 14, 2001.
- Police Chief Sunday reported that a resident of David City has an 8' boa constrictor. City Clerk Kovar reported that the female owner had called the City Office to inquire if a permit was required to have an exotic animal, but there is nothing concerning exotic animals in city codes.
- Water/Sewer Supervisor Gene Divis reported that Sargent Drilling videoed well #3 with a tv camera. Well #3 was drilled in 1947 and is located behind the water plant. Divis played a section of the video which revealed that the pumping column casing has holes in it. Divis recommends abandoning well #3. In order to abandon the well, the well would need to be partially filled with chlorinated sand, treated with calcium hypochlorite, and the top sealed off with bentonite and concrete. The City has four other operating wells. The Council unanimously agreed with Water/Sewer Supervisor Gene Divis' recommendation and authorized Divis to act administratively and proceed with abandoning well #3.
- Council member Schatz stated that in Street Superintendent Jim McDonald's department head report, Jim stated that he would like to purchase a used oil heater for the city shop. Schatz stated that he felt this would be a good idea. McDonald would need to budget for this.
- City Administrator Brannen recommended a special council meeting in which the swimming pool engineer could be present to review the final pool plans.

Council member Smith made a motion to schedule a special council meeting on Thursday, July 31, at 5:30 p.m.. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith scheduled a Committee of the Whole meeting for Thursday, July 31, immediately following the special council meeting.

Council member Hein made a motion to accept the Committee and Officers' Reports as presented. Council member Kirby 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 ahead to agenda item #9 - 7:30 p.m. Public Hearing to amend the Land Use Plan Map as follows: a. To amend the following

properties from Downtown Commercial to High Density Residential: the west sixty feet (60') of Lots 11 and 12, Block 19, Original Town of David City; Lots 13 through 18, Block 19, Original Town of David City, and Lots 1, 2, 4, & 5, Block 20, Original Town of David City; and b. To amend the following property from Light Industrial to Downtown Commercial: Block 23, Original Town of David City. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith declared the Public Hearing open at 7:34 p.m. to consider amending the land use plan map. Mayor Smith informed the council that the planning commission deleted Lots 13 thru 15, Block 19, belonging to Gene Coufal who was against his property being rezoned from Downtown Commercial to High Density Residential, and Block 23, Original Town of David City from Light Industrial to Downtown Commercial. Dick Grubaugh and Eudes Otero were present concerning the west sixty feet of Lots 11 and 12, Block 19, Original Town, which is the old library building. Eudes would like to make the library a residence for her family. There were no objections expressed and Mayor Smith declared the Public Hearing closed at 7:37 p.m..

Council member Lukassen introduced Ordinance No. 910. Council member Kroesing made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Schatz seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 910 on the third and final reading. Council member Smith seconded the motion. All of the Council members were present and all voted YEA. The motion carried and Ordinance No. 910 was passed and adopted as follows:

ORDINANCE NO. 910

AN ORDINANCE TO AMEND THE LAND USE PLAN MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM DOWNTOWN COMMERCIAL (DC) TO HIGH DENSITY RESIDENTIAL (HDR).

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

Section 1. That the land use plan map be amended as follows:

- a. To amend the following properties from Downtown Commercial to High Density Residential:
 - the west sixty feet (60') of Lots 11 and 12, Block 19, Original Town of David City
 - Lots 16 through 18, Block 19, Original Town of David City, and,
 - Lots 1, 2, 4, & 5, Block 20, Original Town of David City

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

Passed and adopted this 18th day of July, 2001.

Mayor

City Clerk

Council member Hein made a motion to move to agenda item #7 - Consideration of purchasing signs to advertise the park improvements. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen stated that the following bids were received for signs to advertise the park improvements:

Jamie Sylvester / Slick Graphixs was as follows:

- 2 - 4' x 6' signs of Omega Lustre Board.....\$800.
- 2 - 4' x 6' signs Alumalite.....\$900.

Jim Angell:

- 2 - 4' x 8' signs of aluminum sheets\$385.

Council member Hein questioned if the Council was comparing apples to apples, when Angell is quoting a larger sign for less than half the cost. City Administrator Brannen stated he wants to check on this. Therefore, Council member Kirby made a motion to table consideration of purchasing signs to advertise the park improvements until the July 31, 2001 special council meeting. Council member Schatz seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to move to agenda item #10 - 7:45 p.m. Public Hearing to amend the Official Zoning Map as follows: a. To amend the following properties from Downtown Commercial to High Density Residential: the west sixty feet (60') of Lots 11 and 12, Block 19, Original Town of David City; Lots 13 through 18, Block 19, Original Town of David City, and Lots 1, 2, 4, & 5, Block 20, Original Town of David City; and b. To amend the following property from Light Industrial to Downtown Commercial: Block 23, Original Town of David City. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith opened the Public Hearing at 7:45 p.m. to consider changes to the Official Zoning Map. Mayor Smith reminded the Council that the Planning Commission had deleted rezoning Lots 13 thru 15, Block 19, from Downtown Commercial to High Density Residential, and Block 23, Original Town of David City from Light Industrial to Downtown Commercial. There were no objections expressed and Mayor Smith declared the Public Hearing closed at 7:46 p.m..

Council member Hein introduced Ordinance No. 911. Council member Schatz made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to pass and adopt Ordinance No. 911 on the third and final reading. Council member Schatz seconded the motion. All of the Council members

were present and all voted YEA. The motion carried and Ordinance No. 911 was passed and adopted as follows:

ORDINANCE NO. 911

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM DOWNTOWN COMMERCIAL (DC) TO HIGH DENSITY RESIDENTIAL (HDR).

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

Section 1. That the Official Zoning Map be amended as follows:

a. To amend the following properties from Downtown Commercial to High Density Residential:

- the west sixty feet (60') of Lots 11 and 12, Block 19, Original Town of David City
- Lots 16 through 18, Block 19, Original Town of David City, and,
- Lots 1, 2, 4, & 5, Block 20, Original Town of David City

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

Passed and adopted this 18th day of July, 2001.

Mayor

City Clerk

Jim Kluck, owner of Dublin Nursery & Landscaping, was present to discuss landscaping along the embankment north of the west lake. Kluck has a degree in horticulture and has been in business for 21 years. His fee would not exceed \$450 and would include a design of the area, plant recommendations, and suggestions on maintenance. He would also like to bid the project, so he will not recommend plants that he readily has, but rather plants than any nursery could bid on. Kluck stated there are a number of grants available. The State Arboretum grant

application is due September 1st. In order to be eligible you must 1) be a member of Tree City USA (which we are), 2) have a past history of grants (we have received grants in the past for the Library, etc.), 3) submit a design that is compatible to the sight, 4) have volunteers for maintenance, and 5) a theme, unique in some way. The City's in kind match for the grant could include the volunteers, plant material, mulch, etc..

City Administrator Brannen reported that Mark Charipar of Landmark Landscapes in Columbus, Nebraska, who was to give a presentation at 8:00 p.m., was not able to be present. Brian Pecska from Big Muddy Workshop in Omaha was not scheduled for a presentation due to a previous commitment, but viewed the site and submitted a bid of \$3,425 for the development of a conceptual design.

The Council questioned the grade along the embankment. Brannen stated that Jacobson Helgoth Consultants strictly design the lakes, trail, and parking on both sides of the lake. Jim Kluck is more a landscape designer, where Brian Pecska is more a landscape architect. Council member Hein stated that at least Jim Kluck had the courtesy to attend the council meeting. City Administrator Brannen will contact Brian Pecska of Big Muddy Workshop and ask him to make a presentation at the special council meeting on July 31.

Council member Hein made a motion to table consideration of hiring a firm to prepare a landscape proposal for the City Park until the July 31 special council meeting. Council member Schatz seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to move to agenda item #11 - 8:00 p.m. Public Hearing to consider amending the text of the Zoning Regulations - Section 411: High Density Residential - Section 411.4 Special Exceptions, Item #9, to read "Garden Centers / Greenhouses, provided the minimum conditions are met: 1) Proposed location is along Nebraska State Highway 15; 2) Proposed location along Nebraska State Highway 15 is south of the east/west railroad tracks. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 8:15 p.m. Mayor Smith opened the Public Hearing to consider amending the text of the Zoning Regulations - Section 411: High Density Residential - Section 411.4 Special Exceptions, Item #9, to read "Garden Centers / Greenhouses, provided the minimum conditions are met: 1) Proposed location is along Nebraska State Highway 15; 2) Proposed location along Nebraska State Highway 15 is south of the east/west railroad tracks. Mayor Smith stated that the Planning Commission recommends that the text not be amended to provide the minimum conditions are met. All special exception requests must go before the Planning Commission, and the Planning Commission felt we should leave it at that. Each request will be considered individually. Council member Schatz stated that the authority to grant special exceptions is *only the authority of the Planning Commission*. Council member Schatz stated that when the first Garden Center was allowed in High Density Residential by the City Council, some of the neighbors in that area objected. This would be a double whammy to those property owners to now provide conditions which limits the location of Garden Centers / Green-houses to this area. There were no objections expressed and Mayor Smith declared the Public Hearing closed at 8:17 p.m..

Council member Schatz made a motion to accept the recommendation of the Planning Commission to not amend the text of the Zoning Regulations - Section 411 High Density Residential - Section 411.4 Special Exceptions, Item #9, to provide that minimum conditions are

met for "Garden Centers / Greenhouses. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to move to agenda item #12 - 8:15 p.m. Public Hearing to consider modifications to the East Park Meadows Subdivision Plat. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 8:19 p.m. Mayor Smith opened the Public Hearing to consider modifications to the East Park Meadows Subdivision Plat. The Planning Commission had reviewed the proposal of Milt Bemis, but Bemis will need to have a new plat prepared. Mayor Smith closed the Public Hearing at 8:20 p.m..

Council member Hein made a motion to table consideration of modifications to the East Park Meadows Subdivision Plat. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Darren Jack of Jacobson Helgoth Consultants presented a list of meeting objectives as follows:

- Proposed Park Lake Changes
 - 1) East Lake Island Composition Change
 - Increase is approximately \$20,000 (if City supplies & hauls recycled concrete to site)
 - Less maintenance
 - More erosion resistant
 - 2) Rip rap old burn pit dump site - Sediment Trap
 - Armor north shoreline of sediment trap
 - Prevent shoreline from eroding and exposing dump site
 - Requires use of City pump
 - 3) Aeration System
 - Awaiting cost opinions from contractor

Darren Jack began by stating that Jacobson Helgoth Consultants are still awaiting the cost opinions for the aeration system from Roger Frahm of Frahm Construction.

Darren said they are proposing an enhanced island with crushed rock on top, for the east lake island, which would provide a longer life span and little or no maintenance. Council member Kroesing questioned "A white rock island?, that's an enhanced island?, I don't think so." Darren said it is enhanced as far as maintenance is concerned. Kroesing stated that he liked the idea of geese nesting on the island, and they'll have a hard time nesting on rock. Kroesing stated: "I don't like the idea of a rock island especially when the golfers will get to slam their balls off of a green island, no, no way; and the original island turns to a block of rock, no, something is wrong here."

Discussion followed. Council member Smith stated that a rock island might be better than an island that isn't maintained. How would we get to the island to mow or maintain it? The

Council suggested leaving the east lake island as originally planned rather than changing it to a rock island. A bridge will be installed to allow access to the island which would enable the City to seed and maintain the island.

Darren Jack reported that while Frahm Construction was working on the sediment trap they uncovered an old burn pit dump site. The idea is to armor the north shoreline of the sediment trap to prevent the shoreline from eroding and exposing the dump site. In order to do this they need to draw the lake down. There are several options:

- Use Frahm's pump for a cost of \$35/hr in conjunction with using the City's 4" pump. Neither have the capacity alone.
- Frahm could rent an 8" pump for \$500 - \$600. As dry as it has been, the City's pump could be used to maintain the draw down.

City Administrator Brannen presented the following Park Lake Project financial summary:

David City Park Lake Project
 Financial Summary

| | NETF Funds Spent | Remaining Costs in Frahm Cont | Approved Change Orders to Contract | Proposed Change Orders to Contract |
|---------------------------------|---------------------|-------------------------------------|--|---|
| 1. Land Treatment | \$4,334.42 | | | |
| 2. Sediment Removal | | \$158,800.00 | \$13,101.00 | |
| | | | (remove additional 3,300 cy from east lake) | |
| 3. Shoreline Debris Removal | | \$15,000.00 | | |
| 4. Shoreline Armoring | | \$27,450.00 | | \$2,250.00 (rip-rap area around old landfill) |
| 5. Sediment Trap Construction | | \$71,460.00 | | |
| 6. Lake Level Control | | | | |
| 7. Lake Drain Valve System | \$114,280.43 | | | |
| 8. Lake Aeration System | | | | |
| 9. Lake Management Plan | | | | |
| 10. Lake Water Quality Sampling | | | | |
| 11. Golf Course Grading/Seeding | | | | |
| 12. East & West Lake Island | | | | 47,200.00 |
| | | | (west lake island) | \$20,007.00 (change composition of east lake island) |

| | | | | |
|----------------------------------|---------------------|---------------------|--------------------|------------------------|
| 13. Const. Observation/Surveying | \$3,015.00 | | | |
| 14. Engineering and Design | \$69,750.83 | | | |
| 15. Miscellaneous (pump) | | \$13,200.00 | \$570.00 | |
| | | | | (Sediment for ditches) |
| Total | \$191,380.68 | \$285,910.00 | \$20,871.00 | \$22,257.00 |

Total Incurred & Expected Costs \$520,418.68 (includes approved and proposed change orders)

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Total Available Funds \$535,250.00 (includes grants (\$479,500), local donations (\$5,750), sales tax (\$50,000))

Council member Kroesing made a motion to approve the proposed park lake changes, leaving the east lake island as originally planned, not rock, and renting an 8" pump for the draw down of the lake and using the City's pump in conjunction to maintain the draw down. Council member Kirby 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 8:45 p.m. The meeting resumed at 8:55 p.m.

Council member Hein introduced Resolution No. 23 - 2001 and moved for its passage and adoption. Council member Smith seconded the motion. All of the Council members were present and all voted YEA. The motion carried and Resolution No. 23 - 2001 was passed and adopted as follows:

RESOLUTION NO. 23 - 2001

WHEREAS, LaVerne Kozisek, president of Kozisek & Sons, has filed an application to combine Lot Three (3) and Lot 2, except for the South 43 feet (S 43') of Lot Two (2), Block 1, Kozi Addition to the City of David City, Butler County, Nebraska, to form one lot, and

WHEREAS, there were no objection expressed concerning combining Lot Three (3) and Lot 2, except for the South 43 feet (S 43') of Lot Two (2), Block 1, Kozi Addition to the City of David City, Butler County, Nebraska, to form one lot.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of LaVerne Kozisek, president of Kozisek & Sons, to combine Lot Three (3) and Lot 2, except for the South 43 feet (S 43') of Lot Two (2), Block 1, Kozi Addition to the City of David City, Butler County, Nebraska, to form one lot, is hereby approved.

Dated this 18th day of July, 2001.

Mayor

City Clerk

Council member Smith introduced Resolution No. 24 - 2001 and moved for its passage and adoption. Usually the City would have to have an auction or take sealed bids, but because the market value on this property is less than \$5,000 the City can pass a resolution and post notices in three prominent places. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Resolution No. 24-2001 was passed and adopted as follows:

RESOLUTION NO. 24 - 2001

WHEREAS, Nebraska State Statute 17-503.01 allows any city of the second class to convey any real and personal property owned by it provided the fair market value is less than five thousand dollars; and,

WHEREAS, the City of David City, Nebraska, is the owner of the property located at Original Town of David City, Block 24, Lots 9, 10, 11, and the North 13'7" of the west 44'60" of Lot 8, and,

WHEREAS, the City is in the process of selling the North 13'7" of the west 44'60" of Lot 8, Block 24, Original Town of David City to Leon Phillips for a fair market value of \$500.00 plus filing fees, and,

WHEREAS, a survey by Richard Ronkar has revealed that buildings are encroaching on the theater building lot, and in order to resolve this situation the City would like to sell the following property at a fair market value as follows:

- the north 5.8 feet (5.8') of Lot Eleven (11), Block Twenty-Four (24), Original Town of David City, to John A. and Gayle Eberly for one dollar (\$1.00) plus the cost of any legal or filing fees;
- the south 4.7 feet (4.7') of Lot Nine (9), Block Twenty-Four (24), Original Town of David City, to Leon P. Phillips for one dollar (\$1.00) plus the cost of any legal or filing fees;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City of David City sell the above mentioned property for the fair market price as quoted above.

BE IT FURTHER RESOLVED that the notice of sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property.

Dated this 18th day of July, 2001.

Mayor

City Clerk

Council member Kroesing made a motion to appoint Jacqueline Horan to serve a three year term on the Planning Commission. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen reported that the employees would like to request two items - a 3% cost of living increase and an increase in the city's deferred compensation contribution from 4.5% to 6%. Brannen reported that total wages paid to all city employees in the last 12 months equaled approximately \$890,000. The 3% cost of living increase would be approximately an additional \$26,600 in wages for the upcoming fiscal year. The additional \$26,600 does not include the small wage increase that most employees will receive as part of the restructured pay plan that was adopted last year. It also does not include the 2nd half of the wage increases that certain positions will receive due to the findings of last year's salary survey.

The city's total deferred compensation contribution to city employees in the last 12 months equaled approximately \$31,384. Increasing the city's deferred compensation contribution from 4.5% to 6% would be approximately \$10,500 in additional contributions for the upcoming fiscal year. Obviously this amount will increase with any cost of living adjustment.

Council member Kirby made a motion to approve a 3% cost of living increase and increase the city's deferred compensation contribution to 5.5%, effective September 26, 2001. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen reported that according to the League of Municipalities, employee discounts are permitted as long as they are formally written in the employee handbook. The employee's provided a suggested list of proposed discounts. The purchase of gravel and car batteries at cost has been an unwritten benefit for a number of years. The discounts on the pool passes, Auditorium and Schweser House would be new. Council member Schatz made a motion to allow the following employee discounts and include them in the employee handbook:

- 10% off Auditorium Rentals (including bar charges)
- 10% off Swimming Pool Passes (family, couple, or single)
- 10% off Schweser House Rentals
- Gravel, White Rock, Mud Rock, etc. - allowed to purchase at cost
- Car Batteries - allowed to purchase at cost

Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to go into executive session to discuss a legal matter concerning the Randy Janak property, and a personnel/deployment/safety matter concerning the police department. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council, Mayor Smith, City Administrator Brannen, Police Chief Sunday, and City Clerk Kovar went into executive session at 9:14 p.m..

City Clerk Kovar was excused from the executive session at 9:30 p.m..

Council member Schatz made a motion to come out of executive session. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council came out of executive session at 10:11 p.m..

Council member Kirby made a motion that the City Council give City Attorney Jim Egr the authority to reach a negotiated settlement concerning the Randy Janak property. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Brannen and Mayor Smith will both be on vacation the week of July 21 thru July 28. Mayor Smith announced that Council President Gary Kroesing will be in charge during their absence, along with the department heads.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 10:13 p.m..

Mayor

City Clerk



CERTIFICATION OF MINUTES
July 18, 2001

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do

City Council Proceedings
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hereby certify with regard to all proceedings of July 18, 2001; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan E. Kovar