

CITY COUNCIL PROCEEDINGS

July 31, 2001

The Mayor and City Council of the City of David City, Nebraska met in open public session at 5:30 p.m. on July 31, 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 19th and 26th, 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 Mark Kirby, Ted Lukassen, Gary Kroesing, Gary Smith, Bill Schatz, and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Electric Supervisor Tim Kovar, Water/Sewer Supervisor Gene Divis, Park/Auditorium Supervisor Bill Buntgen, Police Chief Steve Sunday, and City Clerk Joan E. Kovar.

Also present were: Jack Tarr, Rob Scheffler, Kathy Engel, Barb Belsky, Susan Bongers, Linda Vandenberg, Pam Vavrina, Deb Svoboda, Brian Pecska of Bid Muddy Workshop, Tim Arlt of Nebraska Public Power District, Dave Burbach of Burbach Aquatics, and Kreig Ritter of the Banner Press.

Council member Kroesing made a motion to advance ahead to agenda item #8 - Executive Session to discuss the Randy Janak property. Council member Hein 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. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council, Mayor Smith, City Administrator Brannen, City Attorney Jim Egr, Police Chief Sunday, and City Clerk Kovar went into executive session at 5:34 p.m..

Council member Kirby made a motion to come out of executive session. Council member Hein 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 5:54 p.m..

Council member Kroesing made a motion that the City Council give City Attorney Jim Egr the authority to continue to reach a negotiated settlement concerning the Randy Janak property. 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 ahead to agenda item #4 - Presentation by Brian Pecska of Big Muddy Workshop, Omaha, Nebraska, concerning landscaping along the park embankment. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Brian Pecska of Big Muddy Workshop stated that they would become accustomed to the site, develop concept plans and sketches, document our understanding of what the community wants, develop cost opinions, set up a review committee meeting, finalize the concept plan, and

provide a colored plan. Pecska would obtain a base map from Jacobson Helgoth Consultants. Pecska estimated the cost to be 10% of the construction costs which he estimated at \$100,000.00, so approximately \$10,000. Pecska stated without knowing the extent of the parking lots, gravel or concrete?/how many stalls?, it was hard for him to give an estimated cost.

Council member Kroesing, who was on call for Butler County Rural Public Power, excused himself at 6:08 p.m. due to a trouble call.

Council member Smith stated that he understood that Jacobson Helgoth Consultants would design the trail, and Frahm Construction would do the grading. Smith said that this proposal was only to include landscaping along the park embankment and planning for two parking lots. Pecska was under the assumption that they were doing the master planning for the trail. Discussion followed. The Council felt that it might be best to have Jacobson Helgoth Consultants / Frahm Construction plan the two parking lots, and basically just have Brian Pecska of Big Muddy Workshop landscape the slope.

As there apparently was a misunderstanding, the Council asked Brian Pecska to present a revised proposal for landscaping the park embankment north of the west lake, at the August 8, 2001, council meeting.

Dave Burbach of Burbach Aquatics presented a project manual and the construction plans for the proposed construction of the David City Family Aquatic Center. The plans and specifications for the proposed aquatic center were reviewed. The proposed time frame is to hold a pre-bid meeting on August 20 to invite perspective bidders to the City Office. A slide presentation will show the contractors how to build this facility to meet the plans and specifications. The bid opening is tentatively scheduled for August 30, 2001, beginning construction the middle of September. The work should be substantially completed by May 10, and the City should be using the pool by June 1, 2002. Final completion is October 1, 2001. Burbach stated that they are using legal terms. "Substantial completion" means you can use the facility for whatever it was originally intended for, in this instance a swimming pool. The first summer of use is actually during the construction period, so when the pool shuts down there may be items, such as pumps that didn't work right, or doors that didn't work right, that is actually part of the construction period and the contractor will have to have that work done by October 1, which is the final completion date. Actually the two year warranty starts at the end of your first season of use.

Burbach reviewed the general description of work and reviewed Contract #1, Contract #2, and Contract #3 and the alternates for each. The ADA lift was questioned. Burbach stated that there must be two methods to get handicapped people into the pool: (1) the zero entry and (2) an ADA chair lift. Burbach estimates a heavy duty slide at \$140,000.00, and the second flume about \$50,000. The tower would be about 25' tall. An economy water slide would be about 17' tall. Burbach suggests bidding an economy slide for approximately \$85,000. Council member Hein questioned if we could get a second flume for \$50,000 why would we bid an economy slide for \$85,000. Burbach stated that if the base bids come in higher than they estimated, the City may not be able to afford a slide at all. Burbach stated the swimming pool will have a design life of 50 years. Linda Vandenberg stated that on Contract #1, K, the Umbrella Type Shade Structures were listed as the base bid work, but should be listed as alternates. Burbach said that would need to be moved to an add alternate. Vandenberg also asked if the frog, slides, and diving boards were included. Burbach said they were covered under Contract #2 - P - Pool water feature #1, #2, and #3. City Administrator Brannen pointed out that on one illustration it showed a tree on the southwest corner being removed, when in fact it was to be saved.

Burbach will correct this. Electric Supervisor Tim Kovar questioned the needed size for a transformer. Burbach said he could size a transformer for him and get the information to Brannen. Water/Sewer Supervisor Divis questioned the water service lines. City Administrator Brannen suggested that we stick to general questions.

Council member Kirby made a motion to authorize Burbach Aquatics to advertise for bids for the construction of a family aquatic center. Council member Smith seconded the motion. Voting YEA: Council members Lukassen, Kirby, Schatz, Smith, and Hein. Voting NAY: None. Council member Kroesing was absent. The motion carried.

City Administrator Brannen did not have the opportunity to see if we were comparing apples to apples on the sign presentations, so Council member Hein made a motion to table consideration of purchasing signs to advertise the park improvements to the August 8, council meeting. Council member Kirby seconded the motion. Voting YEA: Council members Smith, Hein, Kirby, Schatz, and Lukassen. Voting NAY: None. Council member Kroesing was absent. The motion carried.

Council member Hein made a motion to table consideration of hiring a firm to prepare a landscape proposal for the city park. Council member Lukassen seconded the motion. Voting YEA: Council members Schatz, Smith, Hein, Lukassen, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried.

Council member Hein made a motion to table consideration of changes to the park lakes project. Council member Kirby seconded the motion. Voting YEA: Council members Smith, Hein, Schatz, Lukassen, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried.

The Council considered the natural gas rate ordinance that would offer a fixed-price gas cost option. Council member Hein made a motion to table consideration of a natural gas rate ordinance. Council member Kirby seconded the motion. Voting YEA: Council members Kirby, Hein, Lukassen, Smith, and Schatz. Voting NAY: None. Council member Kroesing was absent. The motion carried.

There being no further business to come before the Council, Council member Kirby made a motion to adjourn. Council member Hein seconded the motion. Voting YEA: Council members Schatz, Smith, Hein, Lukassen, and Kirby. Voting NAY: None. Council member Kroesing was absent. The motion carried and Mayor Smith declared the meeting adjourned at 7:08 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
July 31, 2001

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 July 31, 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