

CITY COUNCIL PROCEEDINGS

August 8, 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 August 2nd, 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, Bill Scribner, Nick Hein, Rick Holland, Ted Lukassen, and Bill Schatz, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

Also present were: Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Marge Grubaugh, Dorothy Buntgen, Roy & Geraldine DeVall, George Mastera, Thomas Margrave, Louis Woita, Dorothy Bohaty, Margaret Kitt, Jerry Kosch, Fire Chief Matt Hilger, Administrator/CEO of the Butler County Health Care Center Don Naiberk, JEO Professional Civil Engineer Greg Wood, Superintendent Jerry Phillips of David City Public Schools, BCD Executive Director Willow Holoubek, and Banner Press Editor Larry Peirce.

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 July 11th, 2007 meeting of the Mayor and City Council were approved upon a motion by Council member Lukassen and seconded by Council member Hein. Voting AYE: Council members Schatz, Lukassen, Scribner, 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 communications.

Dorothy Bohaty reported that Randy Janak has six (6) or seven (7) propane cylinders on the property at 1070 N 8th Street that children are climbing on. Mrs. Bohaty stated that this may be a safety concern. Police Chief Sunday will address this issue.

Fire Chief Matt Hilger asked if the city would support the fire department in asking Alltel to improve their cell phone reception by providing a letter of concern or recommendation. Matt stated this is a community concern and would like the City to join in the fire departments effort regarding this matter.

Mayor Trowbridge asked for consideration of claims, noting that City Clerk Joan Kovar celebrated her 35th Anniversary with the City as of August 3rd. Those present gave her a round of applause. Council member Smith made a motion to authorize the payment of claims.

Council member Holland seconded the motion. Voting AYE: Council members Scribner, Schatz, Lukassen, Hein, Holland, and Smith. Voting NAY: None. The motion carried.

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, August 27th, at 6:00 p.m. in the City Office meeting room.

Mayor Trowbridge called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. There were no additional reports.

Council member Bill Scribner stated that Park Supervisor Bill Buntgen advised him that approximately \$600/year is spent on vandalism to the Park public restrooms and questioned if perhaps there is a need to lock the restrooms at night. Council member Hein stated that is not a unique problem concerning public restrooms. Council member Schatz stated that perhaps a keyless entry pad could be installed on the restrooms.

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

Administrator/CEO of the Butler County Health Care Center Don Naiberk, and JEO Professional Civil Engineer Greg Wood presented proposed Butler County Drainage Improvements for 10th Street between Iowa Street and Kansas Street. They explained the installation of storm sewers and flared end sections along 10th Street and that 225 LF of 24" RCP Storm Sewer pipe will be installed south of Kansas Street west of the current #1 Golf Green. A 4' shoulder is planned on the west edge of 10th Street. The improvements were designed to accommodate any future curb and gutter projects.

City Administrator Joe Johnson stated that The Schemmer Associates, on behalf of the City, reviewed the Butler County Drainage Improvements Plan. Civil Manager Matthew Sutton of The Schemmer Associates provided the following summary of their plan review:

1. It appears that portions of the proposed construction shall take place on private property. Easements are necessary prior to any work being performed on private property.
2. Provide drainage calculations to verify pipe sizes of main line.
3. Provide specifications on asphalt pavement and Portland cement concrete pavement mixes to be used on this project (or reference to NDOR or similar specification).
4. Specify subgrade compaction requirements under paved areas.
5. Sheet CO.2, General Note no. 1: Note references the specifications for the seed, mulch and fertilizer, however specifications were not provided. Provide the proposed seeding specification to the City for approval.
6. Sheet SS1.1: Outlet protection may be necessary at outlet of 24" RCP. Please verify.
7. Sheet SS1.1: The 18" CMP culvert to be abandoned shall be filled with flowable fill. Note on drawings.
8. Sheet D1.1, Detail No. 1: Detail shows pavement replacement as concrete. Will areas of asphalt pavement be replaced with concrete or asphalt? Clarify on drawings.

Council member Lukassen made a motion to authorize the Butler County Hospital to proceed with the drainage improvement project, contingent upon following the recommendations by The Schemmer Associates. Councilmember Smith seconded the motion. Voting AYE: Council members Scribner, Schatz, Hein, Holland, Smith, and Lukassen. Voting NAY: None. The motion carried. Council member Schatz stated that the City Administrator and the Street Superintendent are to be involved with this process.

Proposed Ordinance No. 1048 entitled: AN ORDINANCE AMENDING CHAPTER 7; "FIRE REGULATIONS" OF THE DAVID CITY MUNICIPAL CODE BOOK was discussed concerning a burning ban. Thomas Margrave, 818 N 5th Street, requested the City Council to leave the original ordinance in place so that burn barrels continue to be allowed. Margrave said that burning yard waste is very effective. "The public wants to do what is right; they simply need to be educated." He suggested that the City prepare a booklet on the "do's and don'ts of burning" for distribution to the public and offered to contribute toward the cost of doing so. Louis Woita, 917 N 5th Street, stated that he has lived in David City since 1962 and has always used a burn barrel. Council member Scribner suggested grandfathering those who currently have burn barrels but banning any new burn barrels. Mayor Trowbridge stated that he liked Scribner's suggestion, stating that this (burn barrels) is a generational issue and most people do burn responsibly. Fire Chief Matt Hilger stated that this sounded reasonable and stated that the fire department will phase out of the burn barrel inspections; the police department can perform this task when needed. Council member Schatz made a motion to table consideration of 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 Hein seconded the motion. Voting AYE: Council members Scribner, Lukassen, Smith, Holland, Hein, and Schatz. Voting NAY: None. The motion carried.

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 ($\frac{1}{2}$ ") inch in diameter or one-quarter ($\frac{1}{4}$ ") 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 is, 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 _____ day of _____, 2007.

Passed on 2nd reading only 6/13/07
Tabled 7/11/07 to August 8, 2007
TABLED 8/08/07
City Clerk Joan E. Kovar

Passed on 2nd reading only 6/13/07;
Tabled 7/11/07 to August 8, 2007
TABLED 8/08/07
Mayor Dana Trowbridge

Council member Schatz made a motion to advance to Agenda Item #18 - 7:45 p.m. Public Hearing on a Redevelopment Plan for the real estate described as Lots Five (5) and Six (6), and the East Thirty Feet (E30') of Lots Seventeen (17) and Eighteen (18), all in Block Thirty-Three (33), Original Town of David City, pursuant to the Nebraska Community Development Law. Council member Holland seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Lukassen, Holland, and Schatz. Voting NAY: None. The motion carried.

Mayor Trowbridge opened the Public Hearing at 7:53 p.m. to consider a Redevelopment Plan for the real estate described as Lots Five (5) and Six (6), and the East Thirty Feet (E30') of Lots Seventeen (17) and Eighteen (18), all in Block Thirty-Three (33), Original Town of David City, which is the current location of "Runza", 367 4th Street, a.k.a. The Eating Establishment LLC. During the remodeling process Runza was required to install a sprinkler system and other improvements. City Administrator Johnson stated that each TIF project is negotiated between the City and the developer. TIF projects can only occur in blighted or sub-standard areas as an incentive to improve the area. The Eating Establishment was pursuing the Tax Increment Financing process before they actually located in David City. Attorney Mike Bacon is preparing the necessary paperwork. Some of the council members asked how Tax Increment Financing works. In this instance, the property was previously valued at \$43,000 and now is valued at approximately \$179,000. With Tax Increment Financing, tax entities continue to receive the tax off of the previous (\$43,000) valuation. Runza pays the entire tax on the increased valuation, but the county assessor splits up the tax paid and 100% of the increased value added tax goes to the holder of the bonds. Runza has fifteen (15) years to pay back the bonds. A bank or someone, in this case Runza itself, buys the bonds in the amount of the taxes on the increased valuation (\$136,000) which is the value added. There being no further comments or questions, Mayor Trowbridge closed the Public Hearing at 7:58 p.m..

Council member Hein made a motion to accept the recommendation of Mayor Trowbridge to appoint Dan Schleusener as a part-time police officer. This will enable him to fill in while Police Officer Chere' Fisher attends National Guard for approximately four (4) months. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Schatz, Lukassen, Holland, Scribner, and Hein. Voting NAY: None. The motion carried.

It was determined that the notice for the Board of Health meeting was not in The Banner Press as required so any action at that meeting was nil and void. Therefore, Council member Schatz made a motion to table consideration of the Board of Health's findings concerning the property located at 241 S 4th Street owned by Dale and Leslie Milne. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Holland, Hein, and Schatz. Voting NAY: None. The motion carried.

Butler County Development Executive Director Willow Holoubek thanked the Mayor and City Council for their support and stated that exciting times are ahead. Willow stated "In a few years we will look back and know that we made a difference." Willow stated that the BCDA is not sustainable without depending on grant money. They recently determined that grant money was not redeemable for office support; only for special projects. Therefore, Willow requested an additional \$5,000 in funding from the City. The City currently contributes \$15,000 to the BCDA.

Citizen Jerry Kosch stated that he saw no reason why the City of David City should be involved. He felt that this should be a Chamber of Commerce issue or that it should be up to the private sector, not government. He is opposed to this entirely.

Council member Schatz made a motion to approve an additional \$5,000 in funding for the Butler County Development Board as requested by Executive Director Willow Holoubek. Council member Smith seconded the motion. Voting AYE: Council members Hein, Lukassen, Holland, Smith, and Schatz. Voting NAY: Council member Scribner. The motion carried. Council member Schatz asked Willow to provide a monthly reports and financial sheets.

At 8:19 p.m., Mayor Skip Trowbridge declared a six (6) minute break. The meeting resumed at 8:25 p.m..

Superintendent Jerry Phillips of David City Public Schools was present to discuss the traffic issues and safety concerns by the David City High and Elementary Schools. On August 1, 2007, City Administrator Joe Johnson met with Superintendent Jerry Phillips, Elementary Principal Jim Bathen, Street Foreman Rodney Rech, Donald Neary of the University of Nebraska T-Square, and Police Chief Sunday to discuss ways to provide a safer environment near the David City High/Elementary Schools. Mr. Neary reported that the best option would be to close the road, and the second option is a one-way street. The council briefly discussed a north to south one-way on 8th Street from the Union Pacific Railroad to "D" Street, and an east to west one-way on "E" Street from 9th to 7th Street. Council member Schatz made a motion to table consideration of posting one-way street signs by the David City Public Schools to the Committee of the Whole meeting, scheduled for Monday, August 27, 2007, for further discussion. Council member Hein seconded the motion. Voting AYE: Council members Holland, Lukassen, Smith, Scribner, Hein, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to advance to Agenda Item #19 - 8:30 p.m. Public Hearing to hear testimony of support, opposition, criticism, suggestions, or observations for the following: 1) an update to the David City Future Land Use Map, 2) An entire update to the David City Ordinance, and 3) A complete update to the David City Zoning Map. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Lukassen, Holland, Hein, and Schatz. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Public Hearing open at 8:35 p.m. to hear testimony of support, opposition, criticism, suggestions, or observations for the following:

- 1) An update to the David City Future Land Use Map
- 2) An entire update to the David City Ordinance
- 3) A complete update to the David City Zoning Map

The Council agreed that they did not have sufficient time to review the material. Mayor Trowbridge closed the Public Hearing at 8:37 p.m. Therefore, Council member Schatz made a motion to table consideration of 1) an update to the David City Future Land Use Map, 2) An entire update to the David City Ordinance, and 3) A complete update to the David City Zoning Map to the September 12, 2007, council meeting. Council member Holland seconded the motion. Voting AYE: Council members Lukassen, Hein, Smith, Scribner, Holland, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to approve the application of the Knights of Columbus for a Bingo Permit for the upcoming year being October 1, 2007 to September 30, 2008. Council member Lukassen seconded the motion. Voting AYE: Council members Holland, Hein, Smith, Scribner, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Hein introduced Ordinance No. 1052 creating Street Improvement District No. 1-2007 for "L" Street between 8th and 9th Streets. 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. Voting AYE: Council members Scribner, Holland, Smith, Hein, Lukassen, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1052 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Holland, Hein, Scribner, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1052 was passed and adopted as follows:

ORDINANCE NO. 1052

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY, NEBRASKA, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1 - 2007; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS AND SUCH OTHER WORK AS MAY BE INCIDENTAL THERETO, DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That pursuant to a petition signed by more than sixty percent of the resident owners, owning property directly abutting upon the street proposed to be improved, being presented and filed with the City Clerk of David City, Nebraska, petitioning the City Council of David City, Nebraska, to adopt an ordinance creating a Street Improvement District for "L" Street between 8th and 9th Streets.

Section 2. The Mayor and City Council find and determine said petition is sufficient and adequate and there is hereby created within said City of David City, Nebraska, a Street Improvement District No. 1 - 2007.

The following street within Street Improvement District No. 1 - 2007 shall be and is hereby ordered improved by improvements consisting of grading, concrete curb and gutter, concrete surface, and such other work as may be incidental thereto:

"L" Street between 8th & 9th Streets

including the intersection and the areas formed by the crossing of avenues and alleys.

Section 3. All of said improvements shall be constructed in accordance with plans and specifications to be made by engineers for the City and to be approved by the City Council.

Section 4. That the cost of such curb and gutter and street improvements included in Street Improvement District No. 1 - 2007, shall be levied and assessed against the property's in said district benefited thereby in proportion to the benefits thereof, which tax and assessments shall constitute a lien on said property.

Section 5. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage according to law.

PASSED AND ADOPTED this 8th day of August, 2007.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein introduced Ordinance No. 1053 creating Street Improvement District No. 2-2007 for 1st Street between "D" and "E" Streets. Council member Schatz 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 AYE: Council members Scribner, Holland, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1053 on the third and final reading. Council member Lukassen seconded the motion. Voting AYE: Council members Holland, Smith, Hein, Scribner, Lukassen, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1053 was passed and adopted as follows:

ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY, NEBRASKA, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2 - 2007; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS AND SUCH OTHER WORK AS MAY BE INCIDENTAL THERETO, DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That pursuant to a petition signed by more than sixty percent of the resident owners, owning property directly abutting upon the street proposed to be improved, being presented and filed with the City Clerk of David City, Nebraska, petitioning the City Council of David City, Nebraska, to adopt an ordinance creating a Street Improvement District for 1st Street between "D" and "E" Streets.

Section 2. The Mayor and City Council find and determine said petition is sufficient and adequate and there is hereby created within said City of David City, Nebraska, a Street Improvement District No. 2 - 2007.

The following street within Street Improvement District No. 2 - 2007 shall be and is hereby ordered improved by improvements consisting of grading, concrete curb and gutter, concrete surface, and such other work as may be incidental thereto:

1st Street between "D" and "E" Streets

including the intersection and the areas formed by the crossing of avenues and alleys.

Section 3. All of said improvements shall be constructed in accordance with plans and specifications to be made by engineers for the City and to be approved by the City Council.

Section 4. That the cost of such curb and gutter and street improvements included in Street Improvement District No. 2 - 2007, shall be levied and assessed against the property's in said district benefited thereby in proportion to the benefits thereof, which tax and assessments shall constitute a lien on said property.

Section 5. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage according to law.

PASSED AND ADOPTED this 8th day of August, 2007.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein introduced Ordinance No. 1054 creating Street Improvement District No. 3-2007 for "G" Street between 7th and 8th Street. Council member Schatz 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 AYE: Council members Scribner, Holland, Lukassen, Hein, Smith, and Schatz. Voting NAY: None. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 1054 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Holland, Hein, Scribner, Lukassen, Smith, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 1054 was passed and adopted as follows:

ORDINANCE NO. 1054

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY, NEBRASKA, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 3 - 2007; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS AND SUCH OTHER WORK AS MAY BE INCIDENTAL THERETO, DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That pursuant to a petition signed by more than sixty percent of the resident owners, owning property directly abutting upon the street proposed to be improved, being presented and filed with the City Clerk of David City, Nebraska, petitioning the City Council of David City, Nebraska, to adopt an ordinance creating a Street Improvement District for "G" Street between 7th and 8th Street.

Section 2. The Mayor and City Council find and determine said petition is sufficient and adequate and there is hereby created within said City of David City, Nebraska, a Street Improvement District No. 3 - 2007.

The following street within Street Improvement District No. 3 - 2007 shall be and is hereby ordered improved by improvements consisting of grading, concrete curb and gutter, concrete surface, and such other work as may be incidental thereto:

"G" Street between 7th and 8th Streets

including the intersection and the areas formed by the crossing of avenues and alleys.

Section 3. All of said improvements shall be constructed in accordance with plans and specifications to be made by engineers for the City and to be approved by the City Council.

Section 4. That the cost of such curb and gutter and street improvements included in Street Improvement District No. 3 - 2007, shall be levied and assessed against the property's in said district benefited thereby in proportion to the benefits thereof, which tax and assessments shall constitute a lien on said property.

Section 5. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage according to law.

PASSED AND ADOPTED this 8th day of August, 2007.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Schatz made a motion to return to Agenda Item #9 which had been tabled: Consideration of 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 Lukassen seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Holland, Lukassen, and Schatz. Voting NAY: None. The motion carried.

The council members once again discussed the fire regulations. It was decided that Police Chief Sunday will mail letters to those who currently have a burn barrel notifying them of the proper procedures and the rules and regulations concerning burn barrels. City Attorney Jim Egr was asked to amend, or draft a new ordinance, concerning Chapter 7: "Fire Regulations" to state that only the current burn barrel permit holders at the time of renewal will be allowed to have a burn barrel; the permit is a joint permit but is non-transferable (such as to a new property owner); the permit will automatically expire if not renewed within a specified time; state the specific rules and regulations regarding burn barrels and illegal burning. The Council would like to pass the ordinance in September. Council member Hein made a motion to table consideration of Ordinance No. 1048, that was re-visited, 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 seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Holland, Lukassen, and Schatz. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Lukassen seconded the motion. Voting AYE: Council members Holland, Smith, Hein, Lukassen, and Scribner. Voting NAY: Council member Schatz. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:00 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
August 8, 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 August 8, 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