

CITY COUNCIL PROCEEDINGS

November 1, 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 November 1st, 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, Ted Lukassen, and Bill Schatz, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar. A vacancy currently exists on the City Council.

Also present was: 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.

Mayor Trowbridge declared this an emergency meeting in regard to an agreement that resolves pending litigation by specific contract negotiations.

Council member Scribner made a motion to go into executive session regarding the City of David City's strategy with respect to pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to the public body, and settling of the same. Council member Smith seconded the motion. Voting AYE: Council members Schatz, Hein, Lukassen, Smith, and Scribner. Voting NAY: None. The motion carried.

Mayor Trowbridge stated that the City Council, City Administrator Joe Johnson, City Attorney Jim Egr, and himself were going into executive session at 5:35 p.m. with respect to pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to the public body, and settling of the same.

Council member Hein made a motion to come out of executive session at 6:05 p.m. Council member Lukassen seconded the motion. Voting AYE: Council members Smith, Scribner, Schatz, Lukassen, and Hen. Voting NAY: None. The motion carried.

Council member Schatz made a motion to authorize Mayor Trowbridge, with the supervision of City Attorney Jim Egr, to execute an agreement with Butler County Public Power that would dismiss an injunction filed against the City by Butler County Public Power, allow Butler County Public Power to provide electric service to customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska, and approve a six percent (6%) franchise fee that Butler County Public Power will pay to the City for the right to serve customers located in the Southeast Quarter of Section 12,

Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska, and to authorize Mayor Trowbridge to sign a Nebraska Power Review Board waiver agreement for land located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Hein, Lukassen, Scribner, and Schatz. Voting NAY: None. The motion carried.

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

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Scribner, Schatz, Smith, and Hein. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 6:10 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
November 1, 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 November 1, 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

