

CITY COUNCIL PROCEEDINGS

December 12, 2001

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 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, Gary Smith, Bill Schatz, Mark Kirby and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, Library Director Kay Schmid, City Clerk Joan E. Kovar, Sherri Nun of the Banner Press, Swimming Pool Manager Rob Scheffler and his two sons.

The minutes of the November 14th, 2001 meeting of the Mayor and City Council were approved upon a motion by Council member Lukassen 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 read the following letter from Dr. Jack Kaufmann:

To the City Councilmen, City Administrator Brannen, MayorSmith:

Thank you gentlemen for allowing Ruth Nichols, Rich Sweney, and I to put a lighted Christmas display on the downtown lot where once stood the 4th Street Theater, 481 4th Street, and thank you for supplying the electric hookup and power needed to light the display. Tim Kovar, Pat Hoefl, Tim Kozisek, and Mick Shipley did a fast and fine job of making the hookup and of placing the lights on the display.

The expense of the display, \$700.77 have been paid with money donated by business and professional people and by a few other people, and the surplus of \$61.56 has been given to the City to help pay for electricity expenses. If additional money is donated to the project in the future, it also will be given to the City.

We would like to give the display (the tree, 3 gift packages, and the lights) to the City of David City as a Christmas gift to be used as you see best in future years. This will invlove the dismantling of the display by City employees at the end of this Christmas season, and storing it for future use. Please notify me by January 1, 2002 whether you will accept this gift. Thank You.

Best wishes to you and your loved ones for a joyous and healthy Christmas and New Year.

Dr. Jack Kaufmann

The Council instructed City Administrator Brannen to notify Dr. Kaufmann that they will graciously accept the gift of the Christmas display.

Council member Kirby reported that Scrib's House Moving recently moved a house to the So. 75' of Lot 5, Block 4, Miles 4th Addition (north west corner of 1st & B Streets). Kirby is concerned that the foundation is so high above the ground. If dirt is brought in, it could cause run-off on the neighboring houses and flood Joe Smith's rental house. Council member Hein didn't think that would make any difference as you still have the same amount of square footage for the run-off. Council member Kirby asked the Council members to take a look at it sometime.

Council member Kroesing stated that earlier this year the Council discussed the fact that Vicky Samek, 253 West D Street, installed a swimming pool but a fence was never installed. On August 6, 2001, City Administrator Brannen mailed Vicky a letter stating: "According to the David City Comprehensive Zoning Regulations, pool areas shall be enclosed by a substantial fence or other protective barrier, which shall be adequate to prevent persons, children, or animals from danger or harm, and shall be equipped with a self closing, self-latching lock. Please make arrangements to have the necessary fence or protective barrier installed by September 1, 2001." This has not been done. City Administrator Brannen will contact her again concerning this.

Mayor Smith asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Kirby seconded the motion. Council member Hein questioned the police department's Alltel Cellular bill of \$175.18, and the water plant bill of \$67.09. Police Chief Sunday stated they just switched to a different plan which should be less expensive. Hein suggested checking all of the cellular plans. Voting YEA to authorizing the payment of claims: Council members Schatz, Hein, Kirby, Lukassen, Kroesing, and Smith. Voting NAY: None. The motion carried.

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

Library Director Kay Schmid asked the Council members to review the booklet "Welcome to the Hruska Memorial Public Library" that was distributed in the agenda packet. The booklet contains a lot of information concerning the library. A separate page was inserted inside the booklet that is the Hruska Public Library mission statement and general objectives. Mayor Smith thanked Librarian Kay Schmid stating this was a very nice and informative brochure.

Police Chief Sunday reported that the 1992 Crown Victoria is showing signs of age and he will monitor it as time goes on. The photo copier was repaired but it too is showing signs of age. Mayor Smith stated that perhaps Police Chief Sunday will want to budget for a new copier in the next fiscal year.

Police Chief Sunday also reported that the new police officer, John Carter, is doing a great job. He has been working the day shift, will work a few night shifts with Chief Sunday, and then will be on his own.

City Clerk Kovar reported that the new utility billing program is still not working properly. The new program did not print 94 delinquent notices, so they had to do the delinquent notices on the old program again. A back-up and corresponding reports were sent to Salt Creek Software for a solution to the problem.

City Attorney Egr stated that a trial date for the Joe Smith property is set for January 17th, and a hearing date for the Randy Janak property is set for January 8th, 2002.

City Administrator Brannen reported that the first bond payment in the amount of \$80,662.92

on the Swimming Pool Sales Tax Revenue Bonds was included in this months claims. Brannen met with Phil Lorenzen of Kirkpatrick Pettis today to discuss internal borrowing from the electric department for the new swimming pool. This will be discussed further at the January council meeting.

Mayor Smith stated that due to the hectic Holiday Season and the fact that the council meeting will be on January 9, 2002, he recommended dispensing with a Committee of the Whole meeting for December. The Council members unanimously agreed.

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

As the next agenda item was a 7:45 p.m. public hearing, and it was not yet 7:45, the Council proceeded to the next agenda item. City Attorney Jim Egr stated a motion was not needed in this instance.

Council member Kroesing introduced Ordinance No. 918. Council member Kirby made a motion to pass and adopt Ordinance No. 918 on the first reading only. Council member Smith seconded the motion. Voting YEA: Council members Hein, Schatz, Lukassen, Smith, Kroesing, and Kirby. Voting NAY: None. The motion carried and Ordinance No. 918 was passed on the first reading as follows:

ORDINANCE NO. 918

AN ORDINANCE RELATING TO ELECTRIC SERVICE RATES AND MINIMUM CHARGES, TO PROVIDE A NEW SCHEDULE OF ELECTRIC RATES, CUSTOMER CLASSIFICATIONS, MINIMUM CHARGES, AND CUSTOMER SERVICE CHARGES, TO DISTINGUISH RESIDENTIAL RATES, COMMERCIAL RATES, INDUSTRIAL RATES, OFF-PEAK INDUSTRIAL RATES, AND IRRIGATION RATES, TO SET AVAILABILITY RATING; TO REPEAL ALL PARTS OF THE CODE, RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; AND, TO PROVIDE WHEN THE ORDINANCE SHALL TAKE EFFECT.

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

Section 1. NEW SCHEDULE: Relating to electric service and minimum charges, to provide a schedule of electric rates, minimum charges, and customer service charges, to distinguish residential rates, commercial rates, industrial rates, off-peak industrial rates, and irrigation rates; to set availability rating; to provide and establish the following tariff of rates to consumers of electric service from the electric distribution system of the City of David City, Nebraska.

RESIDENTIAL SERVICE

Available

To residential customers in the established service area of David City.

Applicable

To single-family residences and individually metered apartments for all domestic purposes when all service is supplied through a single meter. It is not applicable to residences where a commercial enterprise is conducted.

Character of Service

A.C. 60 Hertz, Single-Phase 120 volt, 2 wire or 120/240 volts, 3 wire.

Rate

Customer Service Charge - \$7.00 per month (or partial month)

Summer	Winter	
\$0.0725	\$0.0725	per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0650	\$0.0500	per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0575	\$0.0330	per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge

RESIDENTIAL SUMMER CONTROLS

Applicable

To residential consumers who have allowed the Utility Department to install, and operate, such devices as would be required to cycle central air conditioning units during periods of peak electrical demand and imposed upon the electrical system. Window air conditioning units, on a separate electric circuit can be included in this rate.

Rate

Customer Service Charge - \$7.00 per month

Summer	Winter	
\$0.0725	\$0.0725	per kilowatt-hour for the first 500 kilowatt-hours used per month
\$0.0600	\$0.0500	per kilowatt-hour for the next 500 kilowatt-hours used
\$0.0550	\$0.0330	per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

COMMERCIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any non-residential consumer for lighting, heating and power purposes where the customer's billing demand does not exceed 35 Kw or 10,000 Kwh for three consecutive months.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

Single Phase Rate

Customer Service Charge - \$7.00 per month (or partial month)

Summer	Winter	
\$0.0800	\$0.0800	per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0625	\$0.0560	per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0625	\$0.0450	per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge, or \$1.65 per month per horsepower for the first 10 horsepower and \$0.95 per horsepower of connected load thereafter, or whichever is the largest.

Three Phase Rate

Customer Service Charge - \$14.00 per month (or partial month)

Summer	Winter	
\$0.0800	\$0.0800	per kilowatt-hour for the first 1000 kilowatt-hours used per month
\$0.0625	\$0.0560	per kilowatt-hour for the next 1000 kilowatt-hours used
\$0.0625	\$0.0450	per kilowatt-hour for all additional use.

Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

Customer Service Charge or \$1.65 per month per horsepower for the first 10 horsepower and \$0.95 per horsepower of connected load thereafter, or whichever is the largest.

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a weekend, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

INDUSTRIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh and whose monthly peak demand equals or exceeds 35 Kw for three consecutive months.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

Rate

Demand Charge	
Summer	\$14.60 per kilowatt of maximum billing demand
Winter	\$11.50 per kilowatt of maximum billing demand
Energy Charge	
Summer	\$0.030 per kilowatt-hour used

Winter \$0.025 per kilowatt-hour used
 Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

The minimum bill shall be the Billing Demand or \$275.00 per month whichever is greater.

Determination of Billing Demand

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt demand registered on the meter during the preceding months of June, July, August, or September.

Seasonal Billing Periods

Summer - Summer period is for the meter readings obtained during the four month period of June through September.

Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

Fluctuating Loads

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all nonbetterment costs for corrective equipment to eliminate the interference.

OFF-PEAK INDUSTRIAL SERVICE

Available

To any non residential consumer in the established service area of David City.

Applicable

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh and whose monthly peak demand equals or exceeds 35 Kw for three consecutive months and whose peak demand during the winter season exceeds the peak demand experienced during the preceding summer season.

Character of Service

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

Rate

Demand Charge	
Summer	\$14.60 per kilowatt of maximum billing demand
Winter	\$ 7.15 per kilowatt of maximum billing demand
Energy Charge	
Summer	\$0.030 per kilowatt-hour used
Winter	\$0.0175 per kilowatt-hour used
	Subject to Application of Production Cost Adjustment (PCA)

Rate - Effective March 1, 2003

Demand Charge	
Summer	\$14.60 per kilowatt of maximum billing demand
Winter	\$ 7.50 per kilowatt of maximum billing demand
Energy Charge	
Summer	\$0.030 per kilowatt-hour used
Winter	\$0.025 per kilowatt-hour used
	Subject to Application of Production Cost Adjustment (PCA)

Minimum Bill

The minimum bill per month shall be the Billing Demand or \$250.00 during the winter months, \$275.00 during the summer months, or whichever is the greater between the billing demand or the summer/winter minimum.

Determination of Billing Demand

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt demand registered on the meter during the preceding months of June, July, August, or September.

Seasonal Billing Periods

- Summer - Summer period is for the meter readings obtained during the four month period of June through September.
- Winter - Winter period is for the meter readings obtained during the eight month period of October through May.

Terms of Payment

Utility bills are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10th day of the month. If the 10th of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

Load Control Rebate

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

Fluctuating Loads

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all non-betterment costs for corrective equipment to eliminate the interference.

IRRIGATION SERVICE

Available

To irrigation customers in the established service area of David City.

Applicable

Applicable: **Off-Peak**: During the irrigation season, the utility may interrupt pump service during the peak hours. The peak hours shall be between 10:30 a.m. and 9:30 p.m. (Central Daylight Savings Time), Monday thru Saturday, excluding holidays. The City, at their sole discretion may change the period of interruptible hours.

Rate: *On-peak irrigation (Firm)*

\$35.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 5.4¢ per kilowatt hour per month, payable as used

Rate: *Off-peak irrigation (Non-Firm)*

\$15.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 3.4¢ per kilowatt hour per month, payable as used.

Minimum Bill

The minimum bill shall be the Horse Power Charge

Determination of Connected Load

The connected load in horsepower shall be taken from the name plates of the motors or from an actual measurement of horsepower input to the motor, or motors, operating under maximum load conditions. The City reserves the right at any time to check the customer's load for recalculation of the connected load.

Terms of Payment

The total horsepower charge shall be billed on approximately April 25th of each year and total amount payable upon receipt. It shall become due the first day of May each year and become delinquent at 5:00 p.m. on the 10th day of May. A ten percent (10%) penalty is imposed on all delinquent bills.

Bills for the kwh usage are mailed on approximately the 25th day of each month and are payable upon receipt. They become due the 1st day of each month and become delinquent at 5:00 p.m. on the 10th day of each month. A ten percent (10%) penalty is imposed on all delinquent bills.

Power Factor Adjustment

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% whether leading or lagging at all times. Power factor adjustments will be made in the horsepower billing, when the power factor, as determined by test, at the time of the maximum use is less than 90%. The measured maximum horsepower will be multiplied by 90 percent and divided by the customer's power factor expressed in percent.

LOAD CONTROL REBATE

A load control rebate of \$2 per Kw or \$2 per ton of air conditioning will be allowed to those Commercial customers who would be willing to allow the Utility Department to cycle any large electrical devices to control system peak electrical demand or who would control those electrical loads themselves. Electric loads controlled by the Customer must be on a verifiable control system.

FLUCTUATING LOADS

Customers operating equipment having a highly fluctuating or large instantaneous

demand, such as welders and X-ray machines, will be charged \$1.50 per month per KVA of such nameplate rating of such equipment or other equipment for energy used, and such charges will be in addition to the bill determined by the kilowatt hours recorded by the meter and billed at scheduled rates. It will be added to the minimum bill for services in the event the energy for other services does not equal the amount of a minimum bill for such other services.

Section 2. **RATE MODIFICATION**: Whereas the rates offered to the customer by the City is based upon the current rate being paid by the City to its wholesale supplier, the City shall reserve the right, during the term of the rates, to adjust said rates to the consumer by an amount not to exceed two (2) mills per kilowatt hour greater than the adjustment to the City by its wholesale supplier.

Section 3. That all rates in Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 4. That all rates included in this Ordinance shall be effective as of March 1, 2002.

PASSED AND ADOPTED this _____ day of _____, 2002

Mayor _____ **1st reading only**

Attest:

1st reading only
City Clerk

City Administrator Brannen and Swimming Pool Manager Rob Scheffler presented the following list of "wants" for the new pool:

David City Family Aquatic Center
Amenities List

Lap Top Computer w/Printer (Need a zip drive)	3,000.00	Enclosed bulletin board (Have a shop class make)	100.00
Flag Pole		3 pack stackable wall pockets	12.95
Flag		Pizza Oven and warmer	1,195.00
Banners for the fence to advertise programming	500.00	Slushie Machine (Rent for 2002 and consider	.

purchasing for 2003)		Pool Rules Signs	29.85
Retail Sales Items	300.00	No Food or Drink Signs	19.95
(Goggles, fin sets, caps, arm floats, inner tubes, nose/ear plugs, chamois towels)		Nacho Display and Warmer	500.00
Facility sign	250.00	Stanchions	350.00
Hours/Admission Rates Signs	100.00	Planters	240.00
No Food or Drink Sign	6.65	Cigarette Disposal	139.00
Air horn (signals breaks)	80.26	Authorized Personnel Signs	40.95
Office Sign	50.00	MSDS Center	39.99
Step File	36.00	Filing Cabinet	287.65
Bulletin Board	104.00	Office Chair	169.00
Cash Registers	1,019.97	Deck Stor-Away	1,183.00
Trash Can	79.00	Anti Fatigue Matting	117.00
Not responsible for lost or Stolen items sign	50.00	Benches	4,200.00
Miscellaneous office	200.00	Floor Matting in Bench Areas	2,375.00
Cleaning Supplies	250.00	Eye Wash Station	<u>17.99</u>
Portable Hose Reel	72.25	Total Expenses:	22,685.21
Upright Refrigerator	900.00	Shipping/Handling	2,268.52
Shelving w/mop, broom, etc. storage (have city crews build)	500.00	Total Estimate:	\$24,953.73
Mop Bucket/Mop	120.00		
Candy Display Shelving	250.00		
Outside Concession Stand Sign	50.00		
Novelty Ice Cream Freezer	650.00		
Fire Extinguisher	46.30		
Pricing Tags for Candy	29.75		
Life Jackets	200.00		
Noodle Storage	130.00		
Life jacket Storage	125.00		
Floor Matting for Drainage Area	500.00		
Outside Game/Retail/Lost and Found Sign	50.00		
Miscellaneous Games for Rent	100.00		
Trash Cans	1,000.00		
No Food or Drink Signs	13.30		
Pole Hangers for Safety Equip.	20.00		
Water Broom	189.50		
CPR/Rescue Breathing Signs	25.00		
Pool Capacity Signs	49.50		
Spine Board Storage	15.30		
Outside Locker Room Sign	50.00		
Outside Game Rental Sign	50.00		
Outside Concession Stand Sign	50.00		
Outside Locker Sign	50.00		
Miscellaneous First Aid Supplies	75.00		
Supply Storage Cabinet	265.00		
No Food or Drink Sign	6.65		
Rules Sign	9.95		
Shower Before You Swim Sign	49.50		

Council member Kirby questioned if a Pizza Oven and warmer for \$1,195.00 was really necessary. Pool Manager Rob Scheffler stated he has sold pizza's from Stop-Inn in the past and the money spent on the unit will be recouped out of the concession sales. Council member Kirby then questioned \$3,000.00 for a lap-top computer with printer. Rob stated a computer was needed for signs, advertising, notices of upcoming events, swimming schedules, etc. The amount is just a ball park figure. Council members Smith and Schatz stated that he did not need a laser printer and he should shop around at Office Depot, Office Max, etc. Council member Lukassen agreed stating that the City Office has a laser printer and he could put the information on a disk and print it off at the City Office.

City Administrator Brannen stated they were cutting the number of benches so the price is decreased from \$4,200 to \$2,100. Scheffler will check with Jim Angell concerning signs. Brannen and Scheffler will continue to update the Council with their next update at the January council meeting.

Council member Kirby made a motion to authorize the City Administrator Brannen and Pool Manager Rob Scheffler to secure amenity items with the total not to exceed \$20,000.00. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At 7:51 p.m., Mayor Smith declared the Public Hearing open to consider the application of Don A. Haldeman, d.b.a. "Don's Bar", 440 No. 5th Street, for a Class "C" Liquor License. There were no objections expressed, and Mayor Smith declared the Public Hearing closed at 7:53 p.m..

Council member Hein made a motion to approve the application of Don A. Haldeman, d.b.a. "Don's Bar", 440 No. 5th Street, for a Class "C" Liquor License. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Swimming Pool Manager Rob Scheffler stated he would like to begin advertising for swimming pool help next week, and would like to have someone hired by February. The assistant managers will need to be trained. This is an Aquatic Center, it is not just a swimming pool. Brannen and Scheffler presented the proposed pay-scales. Council member Hein stated that the City has a full-time employee who has worked for 7 years, does some of the dirtiest work, and currently gets \$9.95/hr.. Mayor Smith stated that full-time employees receive benefits. City Administrator Brannen stated that pool personnel will be supervising other people which is an added responsibility. There will be two managers: an operations manager and a programs manager, an assistant manager, and an assistant manager part-time. Pool Manager Scheffler stated he would like to get school teachers, and it is necessary to offer flexible hours and pay them well for three months during the summer if we want them to come back following years. Council member Kroesing stated the City made a commitment when they designed the aquatic center, now they have a commitment to find people to staff it.

Council member Kirby introduced Ordinance No. 919. Council member Kroesing 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 YEA: Council members Smith, Kirby, Schatz, Hein, Lukassen, and Kroesing. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 919 on the third and

final reading. Council member Kroesing seconded the motion. Voting YEA: Council members Hein, Kirby, Smith, Kroesing, Lukassen, and Schatz. Voting NAY: None. The motion carried and Ordinance No. 919 was passed and adopted as follows:

ORDINANCE NO. 919

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	Starting Pay	1 year	2 years	3 years	4 years
Manager	\$9.50	\$9.75	\$10.00	\$10.25	\$10.50
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 take effect April 1, 2002 and be in full force from and after it's passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 12th day of December, 2001.

Mayor

City Clerk

Mayor Smith announced the appointment of Department Heads, Police Chief and Officers and other appointed officials. Council member Kroesing made a motion to approve the

appointments as presented. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the appointments were approved as follows:

APPOINTED OFFICIALS
 December 12, 2001

CODE SECTION	OFFICIAL TITLE	APPOINTEE
201	City Administrator	Andrew Brannen
203 204	City Clerk +) City Treasurer)	Joan E. Kovar *
203.01	Deputy Clerk	Tami L. Comte
206	City Attorney	James M. Egr
	Special Prosecutor	Carl K. Hart
207	City Physician	Victor J. Thoendel, M.D.
208	Chief of Police	Stephen M. Sunday *
209	Police Officers	James D. Sylvester Vincent A. Brehm Kevin Broman John Carter
210	Fire Chief	Michael Hiatt
213	Street Superintendent	James K. McDonald *
214	Electric Supervisor	Tim L. Kovar *
	Power Plant Supervisor	John Kabourek *
	Water/Sewer Supervisor	Eugene Divis *
215	Building Inspector	Harold McElravy
219	Park & Auditorium Superintendent	Bill Buntgen *

* Denotes Department Head

The Board of Health met on December 6, 2001, and reviewed the property located at 1070 N 8th Street, owned by Barb Vogl. The Board of Health found that the property is in violation of David City Code Article 4 - 401 Nuisances. Council member Hein made a motion to accept the Board of Health's

findings and set a public hearing date for January 9, 2002, at 7:30 p.m. to consider the Barb Vogl property at 1070 No. 8th Street which is in violation of David City Code Article 4-401. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

The Board of Health met on December 6, 2001, and reviewed the Rick Lord property located at 479 Oak Street. The Board of Health found that the property is in violation of David City Code Article 4 -401 Nuisances. Council member Kirby made a motion to accept the Board of Health's findings that the Rick Lord property located at 479 Oak Street is in violation of David City Code Article 4-401 and set a public hearing date for January 9, 2002, at 7:45 p.m. to discuss the property located at 479 Oak Street, owned by Rick Lord. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

President Bush declared December 24, 2001, Christmas Eve, a holiday for Federal and State Employees. City Administrator Brannen stated that several cities are also considering closing for Christmas Eve Day. Council member Lukassen stated that if the city employees wanted Christmas Eve Day as a holiday, this should have been discussed during pay negotiations. Council member Hein concurred with Lukassen. Council member Schatz stated that it is the same with the Federal and State employees - it was not considered during pay negotiations; this is just a nice gesture on the part of President Bush. Christmas Eve is on Monday this year. By giving the day off, it allows a 4 day week-end for those that need to travel.

Council member Smith made a motion to declare Christmas Eve Day - December 24, 2001 - a holiday for city employees. (This is for this year only) Council member Schatz seconded the motion. Voting YEA: Council members Kroesing, Smith, and Schatz. Voting NAY: Council members Hein and Lukassen. Council member Kirby abstained. The motion carried. (Thank You! ☺)

Mayor Smith declared a ten minute recess at 8:26p.m. The meeting resumed at 8:36 p.m.

Council member Smith made a motion to go into executive session to discuss the yearly evaluation of City Administrator Brannen. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. City Attorney Jim Egr and City Administrator Brannen were excused. The Council, Mayor Smith, and City Clerk Joan Kovar went into executive session at 8:39 p.m.. City Clerk Kovar was later excused and City Administrator Brannen joined the executive session.

Council member Hein made a motion to come out of executive session. Council member Smith 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 9:33 p.m..

Council member Hein suggested comparing cable rates outside of Time Warner; it doesn't hurt to look around; it appears small towns are being taken advantage of. Council member Schatz agreed. Mayor Smith stated with the digital cable we could anticipate some rate increases. City Administrator Brannen will follow up on this.

Mayor Smith stated that Council members Mark Kirby, Gary Kroesing, and Nick Hein will need to think about refile for city council as their terms will expire December 2002. Mayor Smith's term will also expire December 2002.

Mayor Smith wished everyone a "Very Blessed and Peaceful Holiday Season".

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Smith seconded the motion. Voting YEA: Council members Smith,

Schatz, Kirby, Lukassen, Kroesing, and Hein. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 9:40 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
December 12, 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 December 12, 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