

## CITY COUNCIL PROCEEDINGS

August 31, 2009

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on August 27<sup>th</sup>, 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.

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Present for the meeting were: Mayor Dana Trowbridge, Council members Bill Scribner, Mike Rogers, Bill Yindrick, Gary Kroesing, Nick Hein, and Gary Smith, City Administrator Joe Johnson and City Clerk-Treasurer Joan E. Kovar.

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 and Resolution No. 2-2008 establishing rules and procedures for public participation at city council meetings.

On August 19, 2009, Butler County Clerk Vicki L. Truksa certified the signatures accepted on the Recall Petitions seeking the recall of Mayor Dana Trowbridge as follows:

Number of accepted signatures:	388
Number of rejected signatures:	55

The letter continued that pursuant to Nebraska State Statute 32-1306, she was notifying the City, as the political subdivision, that sufficient signatures have been gathered and the governing body of the political subdivision shall order an election to be held not less than thirty nor more than forty-five days after the notification of the official.

Council member Kroesing introduced Ordinance No. 1113 ordering an election to be held concerning the recall of Mayor Dana Trowbridge. Council member Rogers made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Scribner seconded the motion. Voting AYE: Council members Scribner, Rogers, and Kroesing. Voting NAY: Council members Hein, Smith,

and Yindrick. The result being a tie vote, the motion failed as a ¾ vote of the city council is required to suspend the statutory rule that an ordinance be read on three separate days.

City Attorney Jim Egr stated that the issue “shall order an election to be held not less than thirty nor more than forty-five days” concerning the recall of Mayor Dana Trowbridge now goes to the District Court.

When the Council members were voting on Ordinance No. 1113 ordering an election to be held concerning the recall of Mayor Dana Trowbridge, the following Council members gave reasons as to why they voted the way they did:

Council member Hein stated that the reasons stated for the recall petition were baseless. For instance, “lack of communication between the Mayor and members of the city council”. Hein stated that Trowbridge immediately contacted four city council members who stated there was no problem with communication. “A complete lack of public confidence and support has developed in his leadership”. Hein stated that “complete” means everyone. Not everyone has a lack of public confidence in the Mayor’s leadership. Hein stated that this is more of a personality conflict; vengeance; hatred; a lack of acceptance of new ideas. Hein stated: “I have confidence in our Mayor and therefore I vote “No”.

Council member Scribner voted “Yes” stating that it should be up to the public to decide.

Council member Smith stated the he hadn’t really thought much of it because he thinks it’s a joke. “I’m not on either side regardless of who the mayor is.” “This is a poor way to handle things, it splits the town up.” Smith stated that he does business for everyone and he will lose their return business. “If I don’t vote a certain way I’m going to lose their business.” “It splits the city; it doesn’t make a difference if it’s Skip or whoever, it’s a bunch of nonsense.” Council member Smith then voted “No”.

Council member Yindrick stated that he was on duty Saturday at the Columbus Fire Department when the Platte County Deputy Sheriff was killed in an accident. “It is difficult to put it into words, but my immediate thoughts were “what’s important in this life?” and how truly short it is.” “How are we leaving this when we are gone; life is too short for anger, bitterness, and hatred; for the community to be divided is senseless.” Council member Yindrick stated that the specifics and reasons are not substantiated and voted “No”.

### **ORDINANCE NO. 1113**

AN ORDINANCE ORDERING AN ELECTION TO RECALL MAYOR DANA TROWBRIDGE; TO SET THE RECALL ELECTION TO BE OCTOBER 2, 2009 IN THE MANNER PROVIDED BY LAW FOR RECALL ELECTIONS; TO ESTABLISH THE FORM OF THE BALLOT PURSUANT TO STATE STATUTE; TO REPEAL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDERED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

SECTION 1: DANA TROWBRIDGE, Mayor of the City of David City, Nebraska, has been notified on August 20, 2009 of a sufficient number of signatures in a petition for his recall.

SECTION 2: Pursuant to Section 32-1306(2) of the Revised Statutes of Nebraska, Reissue 2008, the City Council shall order an election to be held not less than thirty (30) nor more than forty-five (45) days after the said notification.

SECTION 3: The City Council of David City, Nebraska ORDERS an election to be held to determine if DANA TROWBRIDGE, Mayor of the City, shall be recalled on October 2, 2009 in the manner provided by State Statutes for such recall elections.

SECTION 4: The form of the ballot shall be pursuant to Section 32-1307 of the Revised Statutes of Nebraska, Reissue 2008 as follows:

“Shall DANA TROWBRIDGE be removed from the office of Mayor of the City of David City, Nebraska:

YES  NO ”

SECTION 5: That any other Ordinance or parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict with provisions herein is hereby repealed.

SECTION 6: This Ordinance stated takes effect and shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009.

FAILED - TIE VOTE - REQUIRES ¾ VOTE  
Dana Trowbridge, Mayor

FAILED - TIE VOTE - REQUIRES ¾ VOTE  
City Clerk Joan E. Kovar

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Smith, Yindrick, Hein, Rogers, and Scribner. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 6:32 p.m.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
August 31, 2009

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 31, 2009; 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.

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Joan E. Kovar, City Clerk