

CITY COUNCIL PROCEEDINGS

September 9, 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 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on September 3rd, 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 Kroesing, Gary Smith, Nick Hein, Mike Rogers, Bill Scribner, and Bill Yindrick, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan 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.

The minutes of the August 12th and the August 31st meetings of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Rogers. Voting AYE: Council members Smith, Kroesing, Scribner, Rogers, and Hein. Voting NAY: None. Council member Yindrick was absent. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns. Mayor Trowbridge stated "If you have any please check the agenda to make sure what you are going to visit with us about is not already on the agenda, and with that being said does anyone have any of the above?"

Steve Gaston stood and introduced himself and stated: "Some time ago, I made a statement to the paper regarding the sale of the police department building to Henningsen Foods, and I stated that there were no objections to Henningsen's purchasing the police department building at a substantially reduced savings on the condition that the police department was supplied an equivalent or superior facility to which they now occupy. This isn't being done, quite obviously. Proposal #22 states: Consideration of deconstruction and reconstruction of the current City Hall building to appropriately accommodate city hall and police department services.

Mayor Trowbridge stated: "Wasn't I clear when I talked about if there was something on the agenda that you wanted to address please wait for that; #22 is on the agenda."

Steve Gaston stated: "Yes sir it is, now if you don't want the opinion at this time..."

Mayor Trowbridge stated: "No, that's fine; share your opinion."

Steve Gaston continued saying "Floor plans have been submitted. For both of these plans, you cannot possibly consider. You're suggesting that our police department operate efficiently in less than half the space they now operate. You're also proposing that Glayda

Scofield perform the fine duties of the police department, clerk, and the receptionist for the City Office. Not only will this undoubtedly reduce the efficiency of her duties to the police department, but I haven't seen any proposal yet, and there may be, a salary increase for increasing her job responsibilities. These proposals appear to be an attempt to intentionally reduce the quality and efficiency of our city police department with absolutely no concern to the effect it will have for the safety and the welfare of the citizens of our community. I find it amazing that this administration continually expresses its dedication to the progress and development of David City and yet fails to plan for the future of our city when the opportunity arises. It will take this city, to progress into the future it had better plan for the future, and any community that is looking for the growth of the future, there also has to be a demand for the future growth of the Police Department. It is obvious that no one has taken this into consideration which only leads me to believe that the only future that you folks are really preparing for is the dissolution of our police department. I ask the City Council to table the proposal on the police department until the next city council meeting, at which time with your permission, I will submit to you and the community floor plans for a separate police department building and plans for a combined police department and City Office building, along with construction proposals from three separate contractors, a proposal for the location of the construction of the building, and then we'll take into consideration the future of the City. And that's about all I have on that part. That's just an opinion and with your permission at the next city council meeting I will submit those."

Mayor Trowbridge stated: "Well, we can't respond to you; so Thank You." Mayor Trowbridge asked City Attorney Egr if he was correct on that and Egr answered "yes".

Council member Yindrick arrived at 7:08 p.m.

Mayor Trowbridge asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Scribner seconded the motion. Voting AYE: Council members Rogers, Hein, Smith, Scribner, Yindrick, and Kroesing. Voting NAY: None. The motion carried.

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 Kroesing noted a correction on the Committee of the Whole minutes from August 31, 2009: *Present for the meeting were: Mayor Dana Trowbridge, Council members Gary Smith, Bill Scribner, Bill Yindrick, Mike Rogers, and Gary Kroesing, City Administrator Joe Johnson, and City Clerk-Treasurer Joan E. Kovar. Council member Nick Hein was absent.* The minutes incorrectly listed Ted Lukassen and Bill Schatz instead of Mike Rogers and Gary Kroesing. Council member Hein made a motion to accept the Committee and Officer Reports as corrected. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Rogers, Yindrick, Scribner, Smith, and Hein. Voting NAY: None. The motion carried.

Council member Rogers made a motion to approve the request by David City Public Schools to utilize City property for the proposed installation of an electronic message board on the corner of 7th & E Streets provided they are granted a conditional use permit and a variance. Council member Smith seconded the motion. It was noted that a conditional use permit must be considered/approved by the Planning Commission and a variance request for the placement of the sign needs to be considered/approved by the Board of Zoning Adjustment. Voting AYE: Council members Scribner, Yindrick, Hein, Kroesing, Smith, and Rogers. Voting NAY: None. The motion carried.

The following letter was received from Jerry Phillips, Superintendent, David City Public Schools:

To: Joe Johnson, David City Mayor, and David City Council

Recently personnel in our school system were approached by a citizen of David City inquiring about the possibility of students from the High School video taping city council meetings. The idea is to tape the meetings and make them available to the public through local access television. Prior to entering discussions on the subject to determine if this is even a possibility for us, I contacted the city administrator to ascertain if he and the council were open to this idea. Joe assured me that the city was open to the possibility.

It is my understanding that the City does not have equipment for this project. Since we offer a film making class at the High School, we would have equipment that could be used. However, the class is offered second semester. Therefore, we would not have a method to organize this project until January. If the City is interested in purchasing the equipment prior to January, Jarod Ockander is willing to use our Final Cut Pro software to edit the digital recording which would result in broadcast quality format for the local access channel.

If we use our equipment, it would be our proposal to offer our services, beginning in January, with the understanding that this would be a semester long (January through May) project. Students in the film making class would alternate their attendance at meetings to monitor the camera and the class would complete the editing. Completing this activity would fit into the goals and objectives of the course.

If the City is interested, we are open to further discussion. This is not a project that we want to pursue unless the Mayor and Council support the idea. We realize that this could put you in an awkward position if the public became accustomed to having this available and it was only done for a short time. We are willing to assist if you feel this is something you want to pursue. I will await a response from you, or feel free to contact Bill Lentz, secondary principal or Jarod Ockander, teacher if you have questions.

The Council discussed the offer presented by Jerry Phillips, Superintendent of the David City Public Schools. The City does not wish to buy equipment at this time. If the school did video tape the council meetings during January through May, the public might come to expect this and then who would fill in during the other 7 months. After further discussion the Council agreed that it was very nice of Mr. Phillips to offer this service, however, if the Council did decide to video tape the council meetings they would like it to be continuous. Mayor Trowbridge stated to Mr. Phillips: "We appreciate your gracious response to the citizen's concern about video taping meetings but felt that if we couldn't do it on a twelve month run, and we understand that it can't be done with the school on a twelve month run, we would probably be better off not starting at all as people would begin to expect that service and then we would be out hiring and training people to continue it; but thank you very much for the good attitude towards that program."

Council member Kroesing introduced Ordinance No. 1115 incorporating a 1% Cost of Living Adjustment to the pay scales for appointed officers and employees of the City. Council member Smith made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Kroesing seconded the motion. Voting AYE: Council members Yindrick, Rogers, Hein, Scribner, Smith, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1115 on the third and final reading. Council member Rogers seconded the motion. Voting AYE: Council members Yindrick, Scribner, Smith, Rogers, and Kroesing. Voting NAY: Council member Hein. The motion carried and Ordinance No. 1115 was passed and adopted as follows:

ORDINANCE NO. 1115

AN ORDINANCE AMENDING THE PAY SCALE TO ACCOUNT FOR AN INCREASE IN THE COST OF LIVING ADJUSTMENT (COLA), ADJUSTING THE PAY SCALE TO PROVIDE FOR A UNIFORM AND CONSISTENT PAY INCREASE ON AN ANNUAL BASIS AND/OR SETTING THE SALARIES AND PAY SCALES FOR APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF DAVID CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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 scales and salaries for the following positions for the appointed officers and employees of the City of David City, Nebraska:

SECTION 2. The wages for the Library Director and Librarians are set by the Library Board and therefore are not included.

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Part-Time Staff (Hourly Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Part-time workers	7.93	8.11	8.29	8.47	8.64	8.82	9.00	9.18	9.36	9.54	9.72	9.89	10.07	10.25	10.43	10.61	10.79	10.97	11.14	11.32	11.50	11.68
Zoning Inspector	15.76	16.02	16.23	16.28	16.35	16.41	16.48	16.53	16.61	16.66	16.72	16.77	16.84	16.89	16.96	17.03	17.09	17.16	17.24	17.29	17.36	17.47

Bartenders Begin @ \$7.25/hr - experienced up to \$7.75

Recycling Workers Begin @ \$7.25/hr - experienced up to \$7.75

Years in Position	1	2	3	4
Summer Time Help	7.62	7.88	8.14	8.40

SEASONAL - Aquatic Center Staff (Hourly Rate of Pay)

	A	B	C	D	E	F	G	H	I	J
Years in Position	1	2	3	4	5	6	7	8	9	10
Manager	11.11	11.36	11.62	11.87	12.12	12.37	12.63	12.88	13.13	13.38
Asst. Manager	10.67	10.92	11.17	11.42	11.68	11.93	12.18	12.43	12.69	12.94
Head Lifeguard	9.95	10.20	10.45	10.71	10.96	11.21	11.46	11.72	11.97	12.22
WSI Lifeguard	8.53	8.79	9.04	9.29	9.54	9.80	10.05	10.30	10.55	10.81
Lifeguard	7.82	7.92	8.02	8.12	8.22	8.32	8.42	8.52	8.63	8.73
Swimming Lesson Aid	7.32	7.42	7.52	7.63	7.73	7.83	7.93	8.03	8.13	8.23
Water Aerobics Instructor	9.24	9.34	9.44	9.54	9.65	9.75	9.85	9.95	10.05	10.15
Concession	7.32	7.42	7.52	7.63	7.73	7.83	7.93	8.03	8.13	8.23
Games/Cleaning	7.32	7.42	7.52	7.63	7.73	7.83	7.93	8.03	8.13	8.23

Salaried Staff (Annual Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V	
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
<u>Salaried Staff</u>																							
Clerk/Treasurer	30,710	31,659	32,639	33,648	34,689	35,761	36,868	38,008	39,183	40,395	41,644	42,932	44,260	45,629	47,040	48,495	49,995	51,495	53,040	54,631	56,270	57,958	

Full-Time Staff (Hourly Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V	
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
<u>Office Staff</u>																							
Clerical I	10.64	10.78	10.90	11.06	11.20	11.33	11.48	11.61	11.75	11.91	12.04	12.18	12.32	12.46	12.60	12.74	12.87	13.02	13.17	13.30	13.45	13.57	
Police Clerical	10.09	10.48	10.68	10.84	10.91	10.99	11.06	11.16	11.25	11.35	11.48	11.56	11.67	11.74	11.82	11.90	11.95	12.01	12.07	12.15	12.23	12.30	
Acct Clerk I	10.71	10.86	11.06	11.23	11.43	11.59	11.76	11.96	12.11	12.31	12.49	12.67	12.84	13.02	13.21	13.40	13.54	13.71	13.85	14.01	14.20	14.35	
Acct Clerk II	13.77	14.08	14.26	14.44	14.58	14.70	14.79	15.01	15.19	15.39	15.58	15.82	16.02	16.16	16.29	16.43	16.59	16.72	16.86	17.03	17.18	17.34	

(includes .50/hr for CMC)

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Utility Staff																						
Power Plant Operator I	11.23	11.43	11.66	11.91	12.11	12.36	12.59	12.81	13.05	13.29	13.52	13.79	14.01	14.25	14.50	14.72	14.99	15.20	15.45	15.70	15.93	16.21
Power Plant Operator	13.57	14.18	14.81	15.00	15.18	15.40	15.69	15.99	16.30	16.61	16.92	17.21	17.43	17.60	17.81	18.02	18.22	18.42	18.64	18.83	18.94	19.03
Power Plant Operator III	17.29	17.50	17.67	17.89	18.04	18.21	18.39	18.55	18.76	18.93	19.10	19.32	19.50	19.68	19.88	20.07	20.25	20.46	20.65	20.83	21.03	21.23
Apprentice Lineman	13.07	13.43	13.61	13.80	13.91	14.01	14.16	14.33	14.52	14.68	14.86	15.05	15.21	15.35	15.45	15.58	15.70	15.82	15.92	16.02	16.19	16.28
Line worker II	15.54	15.87	16.05	16.28	16.40	16.52	16.66	16.85	17.05	17.24	17.47	17.66	17.85	18.01	18.17	18.32	18.45	18.57	18.72	18.87	19.01	19.19
Line worker I	18.41	18.80	18.98	19.19	19.32	19.45	19.61	19.82	20.05	20.25	20.47	20.66	20.90	21.04	21.20	21.35	21.51	21.67	21.84	21.97	22.11	22.28
Line Foreman	19.43	20.10	20.24	20.52	20.69	20.86	21.06	21.32	21.59	21.86	22.13	22.39	22.67	22.81	23.01	23.18	23.38	23.54	23.73	23.91	24.04	24.24
Water/Sewer Operator I	11.23	11.54	11.71	11.91	12.02	12.11	12.24	12.43	12.62	12.79	12.99	13.18	13.38	13.49	13.62	13.78	13.90	14.03	14.18	14.32	14.46	14.60
WAISE Op 1 w Grade VI	11.89	12.18	12.36	12.54	12.66	12.76	12.87	13.06	13.26	13.43	13.62	13.82	14.00	14.15	14.26	14.40	14.55	14.67	14.79	14.98	15.09	15.22
WAISE Operator II	13.55	13.77	13.94	14.15	14.33	14.54	14.71	14.94	15.09	15.29	15.49	15.70	15.90	16.08	16.31	16.50	16.71	16.93	17.12	17.32	17.54	17.74
WAISE Op I I w Gr VI	14.20	14.38	14.58	14.75	14.98	15.15	15.35	15.54	15.75	15.91	16.16	16.32	16.52	16.72	16.94	17.14	17.33	17.55	17.75	17.97	18.17	18.37
WAISE Op III w Gr VI	16.23	16.59	16.75	16.93	17.05	17.16	17.28	17.51	17.70	17.80	18.05	18.26	18.47	18.59	18.75	18.87	18.99	19.13	19.25	19.40	19.54	19.68
Waste Water Plant Operator	15.31	15.66	15.83	15.99	16.16	16.25	16.35	16.55	16.75	16.93	17.10	17.29	17.52	17.65	17.77	17.92	18.05	18.17	18.29	18.43	18.57	18.72
City Maintenance Staff																						
Laborer I	8.33	8.54	8.59	8.76	8.83	8.91	8.98	9.10	9.20	9.30	9.41	9.53	9.63	9.70	9.78	9.86	9.93	9.99	10.06	10.14	10.20	10.26
Laborer II	11.10	11.45	11.60	11.79	11.91	12.02	12.11	12.30	12.47	12.65	12.81	12.99	13.17	13.28	13.40	13.50	13.62	13.76	13.85	13.96	14.08	14.21
Maintenance Worker I	11.37	11.66	11.80	11.95	12.04	12.14	12.24	12.41	12.56	12.71	12.86	13.04	13.21	13.31	13.43	13.54	13.67	13.79	13.90	14.00	14.15	14.26
Maintenance Worker II	11.96	12.25	12.43	12.59	12.69	12.79	12.91	13.09	13.28	13.45	13.61	13.80	13.97	14.11	14.24	14.38	14.52	14.64	14.75	14.91	15.04	15.17
Street Foreman	15.03	15.42	15.60	15.82	15.93	16.05	16.23	16.40	16.61	16.81	17.02	17.18	17.42	17.53	17.66	17.79	17.92	18.06	18.19	18.32	18.46	18.59
Police Staff																						
Police Officer	13.83	14.12	14.29	14.45	14.57	14.67	14.77	14.97	15.09	15.26	15.45	15.63	15.83	15.93	16.08	16.22	16.32	16.45	16.59	16.68	16.81	16.92
Sergeant	16.54	16.90	17.09	17.28	17.46	17.65	17.80	17.91	18.04	18.23	18.45	18.64	18.84	18.99	19.13	19.29	19.42	19.57	19.74	19.86	20.00	20.18
Department Supervisors																						
Park & Awd Supt.	14.97	15.36	15.54	15.75	15.89	16.01	16.18	16.37	16.60	16.81	17.03	17.22	17.47	17.64	17.79	17.97	18.11	18.28	18.46	18.60	18.79	18.96
Licensed Street Supt.	19.37	19.72	19.88	20.06	20.18	20.28	20.41	20.57	20.76	20.92	21.09	21.26	21.45	21.55	21.67	21.79	21.91	22.02	22.13	22.26	22.36	22.51
Water Super w/Gr VI	18.63	18.83	19.03	19.23	19.43	19.63	19.83	20.03	20.23	20.43	20.94	20.83	21.03	21.23	21.43	21.63	21.83	22.03	22.23	22.43	22.63	22.83
Wastewater Super w/Gr VI	18.63	18.83	19.03	19.23	19.43	19.63	19.83	20.03	20.23	20.43	20.94	20.83	21.03	21.23	21.43	21.63	21.83	22.03	22.23	22.43	22.63	22.83
Power Plant Supervisor	19.09	19.65	19.93	20.19	20.35	20.56	20.72	21.00	21.25	21.52	21.80	22.04	22.32	22.49	22.68	22.84	23.01	23.19	23.35	23.54	23.71	23.91
Police Chief	18.42	19.09	19.43	19.77	20.00	20.22	20.46	20.79	21.14	21.47	21.81	22.14	22.49	22.71	22.94	23.17	23.39	23.60	23.84	24.09	24.30	24.55
Electric Supervisor	21.76	22.44	22.76	23.11	23.33	23.56	23.80	24.16	24.48	24.80	25.15	25.48	25.83	26.03	26.27	26.52	26.72	26.95	27.18	27.42	27.60	27.85

SECTION 3. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on September 24, 2009 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 9th day of September, 2009.

 Mayor Dana Trowbridge

 City Clerk Joan E. Kovar

Council member Hein made a motion to advance to agenda item #18 - Request for an agenda item by Mike Sousek, Lower Platte North Natural Resource District's Rural Water Manager, regarding water quality issues with the David City Water Treatment Plant. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Yindrick, Scribner, and Hein. Voting NAY: None. The motion carried.

Mike Sousek, Lower Platte North NRD Rural Water Manager stated that he visited with Water Supervisor Gary Janicek about the "bad" cloudy water in July due to a malfunction at the Water Treatment Plant. The PH was too high but it was not harmful. Mike stated that Gary informed him that David City emptied the water tower and flushed the "bad water" out of its mains and suggested that Mike do the same before it gets to the Village of Bruno. Mike said that he asked Gary who was going to pay for the water that would flow through the master meter while flushing the transmission line to Bruno. Mike said that Gary said to keep track of the water used and the LPN would be credited that amount back. Mike stated that to his dismay, it was decided that the City Council had to determine if Lower Platte North would be credited for the water used for flushing. Mike requested that the City Council credit the Lower Platte North 80,000 gallons of water, or about \$190.40 for the month of July. Council member Hein asked if anyone else had approached the City about a refund or a reduction in the rate concerning the problem. City Administrator Johnson stated: "Yes, a couple customers and a couple of industries in town, and the response was "we treat all customers the same", and NRD is a customer of David City, so if we are going to give an industry a credit then that should be extended to all citizens of David City. It wasn't a health issue only a quality issue."

Council member Rogers made a motion to deny the request of Mike Sousek for a water refund for the Lower Platte North NRD. City Attorney Jim Egr stated that he didn't like negative motions and suggested that he make a motion to allow the request and then if there isn't a second it fails. Therefore, Council member Rogers amended his motion to approve crediting the Lower Platte North for 80,000 gallons of water for the month of July. The motion died for lack of a second.

Council member Hein made a motion to advance to agenda item #16 - Consideration of designating 1st National Bank of Omaha - D.C. Branch; U.S. Bank - D.C. Branch; Bank of the Valley - D.C. Branch; and Union Bank - D.C. Branch as the Depository Banks for the City of David City / David City Utilities for the fiscal year October 1, 2009 thru September 30, 2010. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Scribner, Yindrick, and Hein. Voting NAY: None. The motion carried.

Council member Hein made a motion to designate 1st National Bank of Omaha - D.C. Branch; U.S. Bank - D.C. Branch; Bank of the Valley - D.C. Branch; and Union Bank - D.C. Branch as the Depository Banks for the City of David City / David City Utilities for the fiscal year October 1, 2009 thru September 30, 2010. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Yindrick, Rogers, Kroesing, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Budget Hearing and Budget Summary to set the final tax request open at 7:30 p.m. Mayor Trowbridge opened the floor for support, opposition, criticism, suggestions, or observations regarding the proposed budget and final tax request.

Mayor Trowbridge stated: "In Government, Municipal budgets are really interesting animals; they are considerably different than business budgets or homeowner budgets because we run into building streets, or possibly accelerating the building thereof and doing a bond

issue; so therefore, all of that revenue that comes from the bonds and all of the expense to do the streets show in one year. We are all used to "well let's just up 3% or 8% or whatever the case may be" and you really don't easily apply that mentality to what you are doing in the governmental arena. So, questions certainly are welcome and encouraged."

Steve Gaston questioned the dispatcher salaries. Mayor Trowbridge explained that it went from a budgeted \$40,000 to \$70,000+ because during this particular year there was an investigation into taking that service elsewhere and bidding it into two different places. Trowbridge stated: "We are going to spend \$72,000 this year and probably \$74,000 next year."

City Administrator Johnson stated that the draft budget document was on line at www.davidcityne.com if anyone wanted to look at it.

There being no additional comments concerning the budget documents, Mayor Trowbridge closed the Budget Hearing at 7:37 p.m.

Council member Kroesing introduced Ordinance No. 1114 adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2009 - 2010 Fiscal Year. Council member Smith made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Yindrick seconded the motion. Voting AYE: Council members Kroesing, Scribner, Hein, Rogers, Yindrick, and Smith. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1114 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Yindrick, Scribner, Hein, Rogers, Kroesing, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1114 was passed and adopted as follows:

ORDINANCE NO. 1114

THE ANNUAL APPROPRIATION BILL

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statue 17-706 provides that a city council of the second class shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2009, through September 30, 2010. All sums of money contained in the budget statement are hereby appropriate for the necessary expenses

and liabilities of the City of David City, Nebraska. A copy of all completed State of Nebraska Budget Forms shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Butler County, Nebraska, for use by the levying authority.

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 9th day of September, 2009.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein introduced Resolution No. 24 - 2009 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Scribner, Kroesing, Rogers, Smith, and Hein. Voting NAY: None. The motion carried and Resolution No. 24 - 2009 was passed and approved as follows:

RESOLUTION NO. 24 - 2009

A RESOLUTION OF THE CITY OF DAVID CITY TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. An additional one percent (1%) increase in restricted funds for the 2009 -2010 budget is approved.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein introduced Resolution No. 25 - 2009 and moved for its passage and adoption. Council member Scribner seconded the motion. Voting AYE: Council members Yindrick, Smith, Rogers, Kroesing, Scribner, and Hein. Voting NAY: None. The motion carried and Resolution No. 25 - 2009 was passed and approved as follows:

RESOLUTION NO. 25 - 2009

RESOLUTION OF THE CITY OF DAVID CITY
SETTING THE PROPERTY TAX REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of David City passes by a majority vote, resolution of ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the City of David City that the property tax request for the current year be a different amount than the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. The 2009 - 2010 property tax request be set at \$524,916.00.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2009.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein introduced Resolution No. 26 - 2009 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Kroesing, Yindrick, Scribner, Smith, and Hein. Voting NAY: None. The motion carried and Resolution No. 26 - 2009 was passed and approved as follows:

RESOLUTION NO. 26 - 2009

A RESOLUTION OF THE CITY OF DAVID CITY
TO CARRY FORWARD THE UNUSED BUDGET AUTHORITY

WHEREAS, Nebraska Revised Statute 13-521 provides that a governmental unit may choose not to increase its total of restricted funds by the full amount by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. The unused budget authority of \$644,578.46 from the 2009 - 2010 budget shall be carried forward to the 2010-2011 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar

Council member Hein made a motion to approve Change Order #1 for the "D" Street Renovation and Drainage Project to include fourteen (14) blocks of Residential Streets and authorize the Mayor to execute all documents regarding the same. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Yindrick, Kroesing, Rogers, Scribner, and Hein. Voting NAY: None. The motion carried.

It was noted that originally the change order was for fourteen (14) blocks of Residential Streets, however Oak Street was deleted, so the remaining thirteen (13) blocks are:

1. "M" Street between 4th & 5th Streets
2. "M" Street between 6th & 7th Streets
3. "M" Street between 7^h & 8th Streets
4. "M" Street between 8th & 9th Streets
5. "I" Street between 7th & 8th Streets
6. "I" Street between 8th & 9th Streets
7. 9th Street between "H" & "I" Streets
8. 9th Street between "G" & "H" Streets
9. 8th Street between "G" & "H" Streets
10. 9th Street between "E" & Union Pacific Railroad
11. 9th Street between "B" & "C" Streets
12. "B" Street between 6th & 7th Streets
13. Nebraska Street between 4th & 5th Streets

Council member Rogers made a motion to accept the following bids for three (3) mechanical warning sirens and installation. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Kroesing, Smith, Yindrick, Scribner, and Rogers. Voting NAY: None. The motion carried.

Federal Signal Corporation, 2645 Federal Signal Drive, University Park, IL 60466
Danko Emergency Equipment
P.O. Box 218
Snyder, NE 68664

3 Siren D.C. Rotating @ \$7,172.00.....	\$21,516.00
3 Transformer Rectifier @ \$1,606.00.....	\$4,818.00
3 Cntl, DC, One-way, high band @ \$4,206.40.....	\$12,619.20
3 Antenna, Arc @ \$30.80.....	\$92.40
Shipping Fees.....	\$1,774.80
TOTAL:	\$40,820.40

Schmader Electric Const. Co. Inc.
1743 Hwy 275
West Point, NE 68788

Installing 3 - 2001 - 130 mechanical sirens in David City. Installation includes all wiring, disconnects, DC cable, flex, labor & equipment.

Overhead riser installed on pole with power to be brought to pole and connected by owner. Any underground service to be brought to pole by owner and connected to contractor furnished 3R J box on pole.

Installation Total:.....	\$4,450.00 per siren
(4) M24MF Batteries @ \$85.00 ea.....	\$340.00 per siren
Pole or Old Siren Removal.....	\$780.00 per siren
(Owner furnished poles.....deduct \$650.00 per install)	

Council member Hein introduced Ordinance No. 1116 confirming the sale of Lot Five (5), the South Twenty Feet (S 20') of Lot Four (4) and the North Twenty-Five Feet (N 25') of Lot Eight (8), all in Block Twenty-Three (23), Original Town of David City, Butler County, Nebraska, aka 475 3rd Street, David City, Nebraska (the police department building) to Henningsen Foods, Inc. for the purchase price of \$51,001.00. Council member Smith made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Yindrick seconded the motion. Voting AYE: Council members Kroesing, Scribner, Hein, Rogers, Yindrick, and Smith. Voting NAY: None. The motion carried.

Council member Yindrick made a motion to pass and adopt Ordinance No. 1116 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Hein, Rogers, Scribner, Kroesing, Smith, and Yindrick. Voting NAY: None. The motion carried and Ordinance No. 1116 was passed and adopted as follows:

ORDINANCE NO. 1116

AN ORDINANCE TO CONFIRM THE SALE OF LOT FIVE (5), THE SOUTH TWENTY FEET (S 20') OF LOT FOUR (4), AND THE NORTH TWENTY-FIVE FEET (N 25') OF LOT EIGHT (8), ALL IN BLOCK TWENTY-THREE (23), ORIGINAL TOWN OF DAVID CITY, BUTLER COUNTY, NEBRASKA A/K/A 475 – 3RD STREET, DAVID CITY, NEBRASKA TO HENNINGSEN FOODS, INC., A CORPORATION AUTHORIZED TO DO BUSINESS IN THE STATE OF NEBRASKA FOR THE PURCHASE PRICE OF \$51,001.00, THE SAME BEING PAID ON OR BEFORE SEPTEMBER 15, 2009; THE TERMS OF SALE; 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: The appropriate Resolution was passed by the City Council directing sale for the following described real estate to-wit:

Lot Five (5), the South Twenty-Feet (S 20') of Lot Four (4), and the North Twenty-Five Feet (N 25') of Lot Eight (8), all in Block Twenty-Three (23), Original Town of David City, Butler County, Nebraska a/k/a 475 – 3rd Street, David City, Nebraska

hereinafter referenced as "Premises".

SECTION 2: The appropriate publication of notice of the proposed sale has been completed.

SECTION 3: The appropriate passage of the thirty-day (30) right-of-remonstrance period has passed.

SECTION 4: The City Council did accept the bid of HENNINGSEN FOODS, INC., A Corporation authorized to do business in the State of Nebraska for \$51,001.00 at the City Council Meeting held August 12, 2009 with appropriate public notice.

SECTION 5: Sale of the Premises is hereby confirmed in HENNINGSEN FOODS, INC., A Corporation authorized to do business in the State of Nebraska, for the sum of \$51,001.00.

SECTION 6: The terms of the sale are contained in a Purchase Agreement attached hereto, marked Exhibit "A", and incorporated herein by reference as if fully set forth.

SECTION 7: That any other Ordinances or parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict within provisions is hereby repealed.

SECTION 8: This Ordinance stated takes effect and be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar

Council member Hein introduced Ordinance No. 1117.

City Administrator Johnson explained that there was a complaint of a reflective roof followed by communications between himself, Zoning Administrator Roger Kotil, and the Attorney representing the property with the reflective roof. Some pictures of the reflective roof were reviewed and following discussion, the Planning Commission made a motion to recommend to the City Council the deletion of "*or a ribbed metal material approved by the zoning administrator.*" City Administrator Johnson explained that you can still have a metal roof but it must simulate asphalt or wood shingles, tile, slate, or rock.

Council member Hein stated "Removing this statement takes the ambiguity away from Mr. Kotil as far as doing his job; it's not a judgment call then on his part, he has more to work with here." Mayor Trowbridge stated that he wanted to say something in Lee Meysenburg's behalf: "there are any number of similar roofs like his in David City, Nebraska. Some of them probably placed where they are without going through the proper procedures; at times you get away with one. I think the issue here is what it does to the neighbors; those apparently haven't caused any discomfort or ill will in the neighborhood because they don't reflect at the right time of day to a place where people may gather and if the guy has to wear welding goggles on his back patio in the afternoon, for whatever period of time, probably is something that wouldn't make any of us real pleased either. But I don't want you to feel that anybody is sorting you out or picking on you because there are metal roofs in this community, as you well noted, I think upwards of twenty of them."

Lee Meysenburg: "There are metal roofs in this town that are the same exact material as mine that were approved by the Zoning Administrator.

Mayor Trowbridge stated: "Ok, Ok, and I think there are a couple that weren't. There are some of both".

Lee Meysenburg continued: "My concern over taking this out of the Zoning is 1) The fact that the Federal Government is offering a 30% tax credit right now for installing this type of material on your home, up to \$1500. Leaving the wording that's in there now as "simulated asphalt" doesn't work because you still aren't going to be able to get the tax credit. I did research, I had the guy - the head of marketing for Menards do research - there is no material right now that simulates asphalt shingles that is approved by the Federal Government to get the tax credit. Right now, there is one asphalt shingle that is only sold in California that just came

out that meets it. Other than that, the only material that meets it is colored ribbed steel roofing. Galvanized doesn't meet it; it has to be the colored ribbed roof. What that is, the roofing material has to meet a 25% TSR Rating which is total solar reflectance. The only thing out there right now that does is the colored steel roof. The Federal Government right now "it's all just green". They want everybody to be green. We had it figured if we were to put this material on our house, in one year with the tax credit, the money savings on our utility bill, and just the cost of the material itself, and there was one other thing, but basically it would have paid for the material in one year; all we would have had is labor to put it on, other than that no money out of your own pocket. There are eleven states right now, in the United States, that you can't put asphalt shingles on the roof. The roofs have to meet the 25% Reflectivity Rating; so I feel David City as a whole is walking backwards by banning ribbed material. What's going to happen in David City when the Federal Government says you can't put a roof on any more unless it meets the 25% TSR rating? You're not going to be able to put a roof on?"

Council member Kroesing asked if the Planning Commission had explored everything that Lee Meysenburg had just informed the Council. Lee Meysenburg stated: "I wasn't able to attend the Planning Commission meeting, it wasn't listed anywhere; it wasn't in the paper." City Administrator Johnson said it was in the paper. Lee Meysenburg said: "It's been triple checked, it wasn't". City Administrator Johnson said it was published and the City has Proof of Publication. Lee then asked which paper it was in. Johnson stated The Banner Press.

Council member Yindrick asked since metal roofs were still allowed, "where in, is it defined what type of metal is then acceptable?" City Administrator Johnson stated: "we don't." Yindrick said: "That then becomes a gray area".

Council member Kroesing asked if the Planning Commission had this information. Planning Commission member Janis Cameron stated they did not. Council member Yindrick stated that personally he felt this was worth looking into if there is energy savings and government involvement of tax benefits. Yindrick stated: "I think as a community we have been looking at alternative energy and saving money in that regards; planning for the future this is worth investigating, and to take out language that would appear that metal is not allowed....."

City Administrator Johnson said that he and Zoning Administrator Kotil had many conversations about this and they don't really have a problem with a ribbed metal roof. City Administrator Johnson said: "The ribbed metal roof doesn't look very pleasing but the real problem that started all this is the reflectiveness. If this roof hadn't reflected onto the neighbors property this never would have been before the Planning Commission or the Council." Lee Meysenburg stated: "Part of the reason that my roof was reflecting; part of the problem is the fact that the shed on the one side is 4' off the ground and 6' on the other, and it's basically like a solar panel right at their porch. So, if this was put on a house with an 8' or 10' sidewall you're not going to get the reflection." It was noted that it might reflect depending on the style of homes sitting beside each other; each instance could be different.

Council member Kroesing made a motion to send amending Article 2, §2.02.171 Dwelling, Single Family, (E) *The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, slate, or rock, ~~or a ribbed metal material approved by the zoning administrator,~~* back to the Planning Commission for further consideration. Council member Scribner seconded the motion. Mayor Trowbridge asked Lee Meysenburg if he would be willing to work with the Planning Commission and share his expertise and information with them, and he said he would. City Administrator Johnson asked Lee to drop off his information at the City Office and he would copy it for the Planning Commission. Voting AYE: Council

members Yindrick, Smith, Hein, Rogers, Scribner, and Kroesing. Voting NAY: None. The motion carried.

ORDINANCE NO. 1117

AN ORDINANCE AMENDING ARTICLE 2, §2.02.171 (E) OF THE CITY OF DAVID CITY, NEBRASKA, ZONING ORDINANCE NO. 1060, DELETING THE LANGUAGE OF "OR A RIBBED METAL MATERIAL APPROVED BY THE ZONING ADMINISTRATOR"; 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. Article 2, §2.02.171 (E) of the David City Zoning Ordinance No. 1060 shall be amended to read:

- 2.02.171 **DWELLING, SINGLE FAMILY** a building having accommodations for or occupied exclusively by one family which meet all the following standards:
- A. The ~~home~~ **principal building** shall have no less than 900 square feet of floor area, above grade, for single story construction;
 - B. The ~~home~~ **principal building** shall have no less than an 18 foot exterior width;
 - C. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
 - D. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single family construction;
 - E. The ~~home~~ **principal building and accessory structure(s)** shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, slate, or rock. ~~or a ribbed metal material approved by the zoning administrator;~~
 - F. The ~~home~~ **principal building** shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed;
 - G. The ~~home~~ **principal building and accessory structure(s)** shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district; and
 - H. Permanent foundation: continuous perimeter base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

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 repealed.

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 _____, 2009.

(Referred back to the Planning Commission)
Mayor Dana Trowbridge

(Referred back to the Planning Commission)
City Clerk Joan E. Kovar

City Administrator Joe Johnson reported that he hoped to have a floor plan before the Mayor and Council for consideration; however, the plan is still being changed and approved by two groups: 1) The building committee consists of Council members Gary Smith and Bill Yindrick, local builder Tony Novak, Don Naiberk of the B.C. Hospital, Police Chief Stephen Sunday, City Administrator Joe Johnson and City Clerk Joan Kovar, 2) An internal department head group that consists of City Administrator Joe Johnson, Police Chief Stephen Sunday, City Clerk Joan Kovar, Electric Line Supervisor Pat Hoeft, Water Supervisor Gary Janicek, and Sewer employee Scott Boyd. As the plan is still being reviewed, there is nothing to decide at this time.

Mayor Trowbridge stated that Ordinance No. 1111 setting the salary for City Administrator Joe Johnson at \$70,000 has been tabled several times and it is time to deal with it. Trowbridge stated: "We have one of the finest young City Administrators. We have a young man with a Masters Degree from UNO in Public Administration who has proven to me for the last 2½ years, to some of you for longer than that, that he is fully capable of doing the job as City Administrator in a fashion that most cities of 2500 people don't get to realize. He stands his ground at times, he is a good administrator, he has vision, he has clarity of thought, and he communicates well. I sometimes think we don't ask him enough questions during the course of a week because he is a great resource of talent, technology, and education. He makes \$67,500 now, and as we look around David City, Nebraska, we've got to understand executive compensation, maybe a little better than we think we do. \$70,000 is a pittance compared to what he does and the skills he brings in David City, Nebraska. Nobody is making the illusion that if we don't give him \$70,000 he is going to run away. I'm amazed he's still here; I'd like to keep him; I'd like to keep him for as long as we can. If someone has valid reasons why \$70,000 is the wrong number, I'd like them shared this evening. I'd like to understand why that's the wrong number. I think it's the wrong number because I don't think its high enough but that's the proposal that's been made. So let's put that one out on the floor and discuss it."

Council member Kroesing stated: "City Administrator Joe Johnson presents the budget process line item by line item, explains it, and makes it work; and I wouldn't want to." Mayor Trowbridge stated: "Yes, and we wouldn't want to hire someone that couldn't. We've been there before and I don't know that anybody wants to go back and crawl under that rock again."

Council member Rogers stated: "Joe, I told you a month or so ago that I was concerned about the \$2500 raise, but I believe now that we've given the city employees a raise we need to give you a raise, and the \$2500 I think is fair. Council member Scribner agreed. Council member Yindrick stated: "I think when we consider executive compensation we look at the amount of time and work done for the pay, I think \$2500 is by far too little, but, if it's what we can do then it's what we need to do; I'm 100% supportive."

Council member Scribner introduced Ordinance No. 1111 setting the salary for City Administrator Joe Johnson at \$70,000 per year. Council member Kroesing made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Hein seconded the motion. Voting AYE: Council members Rogers, Yindrick, Smith, Scribner, Hein, and Kroesing. Voting NAY: None. The motion carried.

Council member Rogers made a motion to pass and adopt Ordinance No. 1111 on the third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Yindrick, Hein, Kroesing, Smith, Scribner, and Rogers. Voting NAY: None. The motion carried and Ordinance No. 1111 was passed and adopted as follows:

ORDINANCE NO. 1111

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO SET THE PAY FOR THE CITY ADMINISTRATOR; REPEAL ALL ORDINANCES OR PORTIONS OF ORDINANCE IN CONFLICT THEREWITH; PROVIDE AN EFFECTIVE DATE; AND PROVIDE 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. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the salary for City Administrator Joseph J. Johnson at **\$70,000.00 per year**, after the passage of this ordinance.

SECTION 3. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on May 26, 2009.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

ATTEST

City Clerk Joan E. Kovar

Council member Hein made a motion to authorize Mayor Trowbridge to execute all necessary paper work, including the Deed of Trust, concerning the sale of the police department building to Henningsen Foods. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, Rogers, Yindrick, and Hein. Voting NAY: None. The motion carried.

At the August 31, 2009 Committee of the Whole meeting it was stated that a Committee of a Whole meeting is not outlined in the City Codes. It has never been detailed as to what it is and what the council can actually do while in a Committee of a Whole Meeting. There is always a quorum of the council members but no action is ever taken. A different meeting format was suggested. Council members Kroesing and Scribner volunteered to work on this along with City Administrator Joe Johnson. Council member Kroesing spoke on proposed Resolution No. 27 - 2009 stating "its ancient history." "I presented it to Joe, we talked it over for a considerable amount of time; this is where it started before we went to the Committee of the Whole." Instead

of the Committee of the Whole or Standing Committees, there would be three subcommittees consisting of 1) Utilities 2) Government and 3) the Annual Budget Subcommittee. The meetings would be led by the City Administrator and each subcommittee would consist of the Mayor and three (3) City Council Members, City Administrator, and Department Heads (on an as needed basis).

Council member Rogers introduced Resolution No. 27 - 2009 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Kroesing, Yindrick, Scribner, Smith, and Hein. Voting NAY: None. The motion carried and Resolution No. 27 - 2009 was passed and approved as follows:

RESOLUTION NO. 27 - 2009

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA TO ESTABLISH CITY COUNCIL SUBCOMMITTEES OF THE CITY.

WHEREAS, it is desirable and in the public interest that the City of David City, Nebraska, a municipal corporation and City of the Second Class, create a subcommittee resolution to reflect the City Council's ongoing local responsibilities, including but not limited to policies, finance, public safety, culture, recreation, public works and utilities; and

WHEREAS, it is in the public interest for the Mayor, City Council, Departments and Administrator to work cooperatively for the benefit of all David City residents to resolve public issues through efficient and effective communication; and

WHEREAS, subcommittees increase access for interest groups, administrative officials, citizens, and others wanting to get involved in the legislative process; and

WHEREAS, subcommittees provide a platform for elected officials and appointed officials to collaborate and build consensus regarding policy and legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. That there is hereby established three (3) City Council Subcommittees of the City of David City, Nebraska. Each subcommittee shall consist of the Mayor and three (3) City Council Members, City Administrator, and Department Heads (*on an as needed basis*). The subcommittees are as follows:

1. **Utilities Subcommittee** (Water, Wastewater, Electric, Power Plant, Street, Airport & Recycling)
2. **Government Subcommittee** (Administration, Public Safety, Library, Park, Auditorium, Zoning & Pool)
3. **Annual Budget Subcommittee** (Prepare Annual Budget and any amendments thereto)

Section 2. Subcommittee's members shall be appointed or reappointed by the Mayor every year at the regular organizational meeting of the City Council.

Section 3. The subcommittees are established to assist the Mayor and City Council of the City of David City, Nebraska in the creation of public policies and to assist the Administrator and Department Heads in formulating recommendations of policies to the full City Council.

Section 4. Minutes of subcommittee meetings shall be provided to the full City Council.

Section 5. Subcommittees shall not hold hearings, adopt policy, have a quorum of the City Council in attendance, or take formal action on behalf of the full City Council.

PASSED AND APPROVED this 9th day of September, 2009.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar

There being no further business to come before the Council, Council member Yindrick made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Rogers, Hein, and Yindrick. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 8:28 p.m.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
September 9, 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 September 9, 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.

Joan E. Kovar, City Clerk