

## CITY COUNCIL PROCEEDINGS

January 28, 2003

The Mayor and City Council of the City of David City, Nebraska met in open public session at 5:30 p.m. on January 28, 2003 in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Mayor called the special meeting and advised the Banner Press of the meeting since a notice was not published. 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. 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 Mark Kirby, Gary Kroesing, Gary Smith, Bill Schatz, Ted Lukassen, and Nick Hein, Street Superintendent Jim McDonald, Police Chief Steve Sunday, and City Clerk Joan E. Kovar.

The final pay request for the remaining 5% retainage and change order #7 for Lueder Construction Company for the aquatic center was discussed. Mayor Smith reported on a meeting held with Lueder Construction Company and Burbach Construction. The punch list was reviewed. The primary issue was the leak. A 4½ day leak test was performed and there were no leaks. In May another 7 day leak test will be performed. We have a two year warranty on the vessel and mechanics for July 4, 2002 - July 4, 2004. Aksarben Heating visited the aquatics center on 1/17/03 and serviced the malfunctioning furnace and installed regulators. There are a few valves that need to be replaced and the heater still does not work. Pool Construction Inc. is to repair these items when they come in the Spring to assist with the start up. Burbach will be back one more time in the Spring. Pool Construction Inc. will provide a \$10,000 bond. A cut was made in the girls' bathroom floor to help with drainage, however, there will still be some standing water. Lueder agreed to #17,000 for change order #7. A council member questioned what if we give the final payment and then determine in May that the pool is still leaking. Mayor Smith stated that we are covered for full parts and labor under our extended warranty (July 4, 2004).

Council member Kirby made a motion to authorize the final payment to Lueder Construction Company in the amount of \$94,996.50. Council member Kroesing seconded the motion. Voting YEA: Council members Kroesing, Smith, Schatz, Hein, Lukassen, and Kirby. Voting NAY: None. The motion carried.

Park/Auditorium Supervisor Bill Buntgen and Street Superintendent Jim McDonald will work together and share responsibility for the pool (aquatic center).

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Hein seconded the motion. Voting YEA: Council members Schatz, Smith, Hein, Kroesing, Lukassen, and Kirby. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 5:50 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
January 28, 2003

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 January 28, 2003; 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