

CITY COUNCIL PROCEEDINGS

May 8, 2002

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 May 2, 2002, 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 Gary Kroesing, Ted Lukassen, Gary Smith, Bill Schatz, Mark Kirby and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Water/Sewer Supervisor Gene Divis, and City Clerk Joan E. Kovar.

The minutes of the April 10th, 2002, meeting of the Mayor and City Council were approved upon a motion by Council member Kroesing and seconded by Council member Hein. Voting YEA: Council members Smith, Schatz, Lukassen, Kirby, Hein, and Kroesing. Voting NAY: None. 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 or communications.

Council member Hein stated that a citizen would like a light or lights on the new fountain in the park lake. The fountain is on a timer and shuts off at night. Lighting the fountain will be given some consideration.

Mayor Smith asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Smith seconded the motion. Voting YEA: Council members Schatz, Hein, Kirby, Lukassen, Kroesing, and Smith. Voting NAY: None. The motion carried. The Council thanked Deputy Clerk Comte for preparing a cellular phone comparison.

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

Mayor Smith stated that City Administrator Brannen sent a letter to Vicky Samek advising her that according to David City Comprehensive Zoning Regulations, her swimming pool must be enclosed by a substantial fence or other protective barrier by June 1, 2002. Mayor Smith questioned what action the City would take if she ignored the letter. City Attorney Egr stated that the City could file an injunction, and possibly get a temporary restraining order, banning the use of the swimming pool until she complies with the zoning regulations and erects a fence.

Council member Hein questioned if a fence is needed around ponds or fountains that people are installing in their yards. After some discussion, the Council decided that they were not going to address ponds and fountains at this time. Section 619 of the Zoning Regulations addresses a) private swimming pools, b) semi-private pools, c) general swimming pools, and d) wading

pools; but not ponds or fountains

Water/Sewer Supervisor Gene Divis reported:

- 1) Layne Western pulled water Well #10 for an inspection and any needed repairs. It has been 11 years since well #10 was last inspected. Well #10 will soon be back in operation.
- 2) Well #8 well was not working today due to a junction box that burned up. The electric department replaced the junction box and well #8 is back in operation.
- 3) Rutjens Construction bore under Hwy. 15 north of town, about by Jones Insurance, 1740 No. 4th Street, to get ready to put in a new sewer line. The line will be used as the main sewer line for possible future developments. The bore came up 4' so they will need to re-shoot it.

Council member Schatz stated that the weeds by the railroad tracks are beginning to get out of hand. Normally the street department ends up mowing the weeds and sending the railroad a bill. Police Chief Sunday and Street Superintendent McDonald will be advised of this.

City Administrator Brannen reported the following:

- 1) Three things are holding up the swimming pool project: 1) the final pour which is scheduled for Friday, May 10th, if it doesn't rain; 2) ventilator units for the bath house. The ventilators must be installed prior to putting up the drywall, painting, etc.; and 3) the doors and windows which should be received on May 20th or 21st. Once the doors and windows are in they can finish up on the outside of the pool house. Will the pool open on June 10th? No-one knows for sure; it depends on the weather, receiving supplies in a timely fashion, etc..
- 2) Equipment will be brought in next week to begin work on the walking trail through the city park.
- 3) Nine trees were moved in the city park and seventeen new trees were planted in the park.
- 4) Approximately 75-80 people participated in the Household Hazardous Waste Collection Day at the City Maintenance Building on Saturday, May 4, 10:00 a.m. to 2:00 p.m..
- 5) Don Hilger visited with the Boy Scouts about letting them use the Youth Center Building, 660 5th Street. The City owns the youth center building, so this is really up to the City Council. The Council may ask Don Hilger or someone from the Boy Scouts to meet with the City Council.

Mayor Smith scheduled a Committee of the Whole meeting for Monday, May 20, at 5:30 p.m. in the City Office meeting room.

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

Council member Hein made a motion to approve the application of the David City Area Jaycees for a Fireworks Permit. They will be selling permissible fireworks on the south Courthouse parking lot located on the east side of 4th Street, between "D" and "E" Streets, David City, Nebraska. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kroesing introduced Resolution No. 11 - 2002 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Smith, Schatz, Lukassen, Kirby, Hein, and Kroesing. Voting NAY: None. The motion carried

and Resolution No. 11 - 2002 was passed and adopted as follows:

RESOLUTION NO. 11 - 2002

WHEREAS, Robert J. Bierbower, as the owner of Lots 4 & 5, Block 45, Original Town of David City, Butler County, Nebraska, has filed a request to combine the above lots to form one lot approximately 99.92' x 139.75'

WHEREAS, there were no objection expressed concerning combining Lots 4 & 5, Block 45, Original Town of David City.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Robert J. Bierbower to combine Lots 4 & 5, Block 45, Original Town of David City, Butler County, Nebraska, to form one lot, is hereby approved.

Dated this 8th day of May, 2002.

Mayor

City Clerk

The City's current health insurance plan is the CPN-401 with United Healthcare. The City was previously notified that to keep our current level of coverage would cost the city an additional \$32,013, an increase of 27%. Today, however, United Healthcare informed us that there was an error in the previous quotes. To keep our current level of coverage will cost the city an additional \$38,385, an increase of 32.4%.

United Healthcare
 Quotes on next year's rates

	Current Premium	current plan CPN-401 *	CPN-451 _	CPN-501 ◆	CPN-551	CPN-571	CPN-601	Blue Cross Blue Shield Δ
Monthly Payment	\$ 13,177	\$ 17,442	\$ 16,796	\$ 16,366	\$ 15,289	\$ 14,751	\$ 14,211	\$ 15,366
Annual Payment	\$158,124	\$209,304	\$201,552	\$196,392	\$183,468	\$177,012	\$170,532	\$184,392
Increase over last year								
	total	\$ 51,180	\$ 43,428	\$ 38,268	\$ 25,344	\$ 18,888	\$ 12,408	\$ 26,268
	employee	\$ 12,795	\$ 10,857	\$ 9,567	\$ 6,3336	\$ 4,722	\$ 3,102	\$ 6,567
	city	\$ 38,385	\$ 32,571	\$ 28,701	\$ 19,008	\$ 14,166	\$ 9,306	\$ 19,701
Percentage increase		32.4%	27.5%	24.2%	16.0%	11.9%	7.8%	16.6%

* The CPN-401 plan requires a **\$10 co-pay**, an annual deductible of **\$250** (for up to 2 family members), a **90/10 split** on inpatient/outpatient procedures with an out-of-pocket limit of \$1,000 (for up to 2 family members), and prescription drug charges of **\$8/\$20/\$35**

_ The CPN-451 plan requires a **\$15 co-pay**, an annual deductible of **\$250** (for up to 2 family members), a **90/10 split** on inpatient/outpatient procedures with an out-of-pocket limit of \$1,250 (for up to 2 family members), and prescription drug charges of **\$10/\$30/\$45**

◆ The CPN-501 plan requires a **\$15 co-pay**, an annual deductible of **\$500** (for up to 2 family members), a **90/10 split** on

inpatient/outpatient procedures with an out-of-pocket limit of \$1,000 (for up to 2 family members), and prescription drug charges of **\$8/\$20/\$35**

△ The Blue Cross/Blue Shield plan requires a **20% co-pay**, an annual deductible of **\$250** (for up to 2 family members), an **80/20 split** on inpatient/outpatient procedures with an out-of-pocket limit of \$2,000 (for up to 2 family members), and prescription drug charges of **\$10/\$25**. The BC/BS premiums that have been provided are the minimum amounts and would be subject to increases based on past medical history.

If the City drops to a lower coverage such as the CPN-451, the employees will pay more for prescriptions and office visits and the out-of-pocket limit will be increased by \$500.

	CPN/CPI 401		CPN/CPI 501 CPN/CPI 451
	<u>In Network</u>		<u>In Network</u>
Annual Deductible	\$250 (2 x Family)	<u>In Network</u>	\$500 (2 x Family)
Out-of-Pocket Limit	\$1000 (2 x Family) (Doesn't incl deductible)	\$250 (2 x Family) \$1250 (2 x Family) (Doesn't incl deductible)	\$1000 (2 x Family) (Doesn't incl deductible)
Maximum Benefit	Unlimited		Unlimited
Coinsurance	10%	Unlimited 10%	10%
Physician Office Visit	Member responsible for \$10 copay	Member responsible for \$15 copay	Member responsible for \$15 copay
Inpatient/Outpatient	10% of Eligible Expense	10% of Eligible Expense	10% of Eligible Expense
Prescription Drug	\$8/\$20/\$35		\$8/\$20/\$35
Emergency Room	\$100 Copay	\$10/\$30/\$45	\$100 Copay
Urgent Care	\$25 Copay	\$100 Copay \$25 Copay	\$25 Copay
	<u>Out of Network</u>		<u>Out of Network</u>
Annual Deductible	\$250 (2 x Family)	<u>Out of Network</u>	\$500 (2 x Family)
Out of Pocket Limit	\$2000 (2 x Family) (Does not incl deduct)	\$250 (2 x Family) \$2500 (2 x Family) (Does not incl deduct)	\$2000 (2 x Family) (Does not incl deduct)
Maximum Benefit	\$5,000,000		\$5,000,000
Coinsurance	30%	\$5,000,000 30%	30%

Currently the City pays 75% of the premium and the employee pays 25%. The Council discussed changing the split to 70% city and 30% employees, but felt that the increase in the CPN/CPI 401 was still too great for the city to absorb. Following discussion the Council decided that the CPN/CPI was no longer an option due to the 32.4% increase. City Administrator Brannen will meet with the City employees, advise them that the CPN/CPI 401 is no longer an option, and determine which other plan the employees would prefer.

As our renewal date for health insurance is June 1st, Council member Hein made a motion to schedule a special council meeting on May 20th at 5:30 p.m. to consider the city's health insurance coverage. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kroesing introduced Resolution No. 12 - 2002 and moved for its passage and adoption. Council member Kirby seconded the motion. A note was received from Jenni Kindler, (Mrs. Mike Kindler), 680 "J" Street, stating that they would remove the railroad ties placed on their parkway along "J" Street if a "No Parking" sign was erected to deter people from parking and driving on their lawn. Voting YEA: Council members Smith, Schatz, Hein, Lukassen, Kirby, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 12 - 2002 was passed and adopted as follows:

RESOLUTION NO. 12 - 2002

WHEREAS, Section 5-706 of Chapter 5 of the Municipal Code provides that the City Council may, by resolution, entirely prohibit, or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and,

WHEREAS, the City of David City, Nebraska, has received complaints, concerning vehicles parked along "J" Street between 6th and 7th Streets by those visiting or working at St. Joseph's Villa, and,

WHEREAS, vehicles parked along "J" Street are cutting into the lawns of the property owners and sometimes blocking the entrances to private drives.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that "NO PARKING" signs be placed along the north side of "J" Street, between 6th & 7th Streets.

Passed and approved this 8th day of May, 2002.

Mayor

City Clerk

Council member Kroesing introduced Resolution No. 13 - 2002 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Smith, Schatz, Lukassen, Kirby, Hein, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 13 - 2002 was passed and adopted as follows:

RESOLUTION NO. 13 - 2002

WHEREAS, Section 216 of Chapter 5 of the Municipal Code provides that the City Council may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon.

WHEREAS, there is a handicapped curb cut located in approximately the center of the block on the east side of 5th Street between "D" and "E" Streets, and

WHEREAS, it would be a benefit to the citizens of David City, Nebraska, to provide a handicapped parking stall by the curb cut in the middle of the east side of 5th Street between "D" and "E" Streets.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that a handicapped parking sign be installed approximately in the center of the block on the east side of 5th Street between "D" and "E" Streets.

Passed and approved this 8th day of May, 2002.

Mayor

City Clerk

Council member Kirby made a motion to appoint John D. (Doug) Behrns to serve an additional 5 year term on the Housing Authority. His new term will be May 2001 - May 2006. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to appoint Kate Martin to serve an additional 5 year term on the Housing Authority. Her new term will be May 2002 - May 2007. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith declared a ten minute recess at 8:30 p.m. The meeting resumed at 8:40 p.m.

Council member Kirby made a motion to go into executive session to discuss personnel matters. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. The Council, Mayor Smith, and City Administrator Brannen went into executive session at 8:44 p.m..

Council member Kirby made a motion to come out of executive session. Council member Kroesing 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 9:48 p.m..

Council member Lukassen, referring to Resolution No. 12-2002, stated that Kindlers will remove their railroad ties because the City is installing a "No Parking" sign. Lukassen questioned other property owners in town who are installing posts to deter people from driving on their property. Gene Supancheck, 1484 No. 4th Street, places posts along "O" Street because of trucks driving on the parkay when making deliveries to Stop-Inn. Randy McIntyre, 406 So. 10th, puts up posts along 10th Street during the soccer season to deter people from parking on the parkay. John Rerucha, 982 L Street, put up posts along "L" Street to keep people from driving on the parkay. At first the Council directed City Administrator Andrew Brannen to notify these individuals that the

posts must be removed. During discussion it was noted that Kindler's and Supancheck's are across the street from businesses. McIntyre normally takes the posts down at the end of the soccer season. After discussion the Council decided not to address this at this time.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Kirby seconded the motion. Voting YEA: Council members Smith, Hein, Schatz, Lukassen, Kirby, and Kroesing. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 9:58 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
May 8, 2002

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 May 8, 2002; 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