

CITY COUNCIL PROCEEDINGS

June 1, 2004

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. Notice of the meeting was published in the May 20, 2004 issue of the Banner-Press. 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 Agenda 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.

The meeting opened with the Pledge of Allegiance.

Present for the meeting were: Mayor Stephen Smith, Council members Gary Kroesing, Ted Lukassen, Bill Schatz, Gary Smith, and Nick Hein, City Administrator Jeff Fiegenschuh, City Attorney Jim Egr, Water/Sewer Supervisor Jim Kruse, Electric Supervisor Tim Kovar, Virginia Rerucha, Mike Novotny, Mary Sohl, Jim Masek, Mike Sousek of LPNDR, and City Clerk Joan E. Kovar. Council member Kirby was absent.

Mayor Smith declared the Public Hearing open at 6:05 p.m. to consider changes or additions to definitions listed in the General Plan consisting of but not limited to: Service Stations, Automobile Repair Services, Motor Vehicle Body Shops, and Truck Stops. Mayor Smith stated that the Planning Commission did not suggest definitions for Implement Dealership Shops or Implement Repair Shops.

DEFINITIONS:

- 1) **Service Station:**
Any commercial building or structure, premises, or other place used to supply motor fuels, (including alternative fuels such as natural gas, or hydrogen) lubricants, tires, batteries, and other small accessories to motor vehicles. Motor vehicle maintenance is permitted in conjunction with a service station.
- 2) **Automobile Repair Services:**
The use of a site for the repair of automobiles, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, auto repair garages, tire sales, and installation, wheel and brake shops, and similar repair and service activities, but excludes permanent dismantling or salvage.
- 3) **Motor Vehicle Body Shop:**
Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an auxiliary function of the body work.
- 4) **Truck Shop:**
A facility intended to provide services to the motoring public including the following activities: dispensing of fuel and other fuel delivery services, repair shops, automated washes, restaurants, motels, and overnight parking; all as part

of the facility.

Mayor Smith stated that there were two corrections: 1) In the definition of “Motor Vehicle Body Shop” the word auxiliary should be ancillary; 2) Instead of “Truck Shop” it should be “Truck Stop”.

Council member Smith stated that he did not like the reference to “auto repair garages” in the definition for “Automobile Repair Services”; the council agreed that this should be deleted. It was also noted that the definition should include repair of buses.

Virginia Rerucha asked several questions such as why the Planning Commission chose to use definitions from larger towns in California rather than neighboring towns in Nebraska, and was it necessary to have so many varied definitions instead of combining some of the definitions. Mayor Smith stated that the Planning Commission met on May 10th and May 17th and this is what they are recommending.

There being no further comments, Mayor Smith declared the Public Hearing closed at 6:29 p.m..

Council member Hein introduced Ordinance No. 972. 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 Schatz, Hein, Lukassen, and Kroesing. Voting NAY: Council member Smith. Council member Kirby was absent. The motion failed as it takes 5 council members to suspend the statutory rule.

Council member Lukassen made a motion to pass Ordinance No. 972 on the first reading. Council member Smith seconded the motion. Voting YEA: Council members Hein, Schatz, Kroesing, Lukassen, and Smith. Voting NAY: None. Council member Kirby was absent. The motion carried and Ordinance No. 972 was passed on first reading as follows:

ORDINANCE NO. 972

AN ORDINANCE TO AMEND ARTICLE 3, SECTION 303 - DEFINITIONS, OF THE MUNICIPAL CODE OF THE CITY OF DAVID CITY, NEBRASKA, TO CHANGE THE DEFINITION FOR SERVICE STATIONS, ADD DEFINITIONS FOR AUTOMOBILE REPAIR SERVICES, MOTOR VEHICLE BODY SHOPS, AND TRUCK STOPS; 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. That Article 3, Section 303 - Definitions - of the Municipal Code of David City, Nebraska shall be amended by the addition of the following:

303.07A

Automobile Repair Services:

The use of a site for the repair of automobiles, buses, trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This use includes muffler shops, ~~auto repair garages~~, tire sales, and installation, wheel and brake shops, and

similar repair and service activities, but excludes permanent dismantling or salvage.

303.77A Motor Vehicle Body Shop:

Any building, or portion thereof, used for the repair or straightening of a motor vehicle body or frame or painting of motor vehicles. Maintenance, service, and engine repair may be performed as an ancillary function of the body work.

303-110A Truck ~~Shop~~ Stop:

A facility intended to provide services to the motoring public including the following activities: dispensing of fuel and other fuel delivery services, repair shops, automated washes, restaurants, motels, and overnight parking; all as part of the facility.

Section 2. That Article 3, Section 303 - Definitions - of the Municipal Code of David City, Nebraska shall be amended by the replacement of the following:

303.90 Service Station:

Any commercial building or structure, premises, or other place used to supply motor fuels, (including alternative fuels such as natural gas, or hydrogen) lubricants, tires, batteries, and other small accessories to motor vehicles. Motor vehicle maintenance is permitted in conjunction with a service station.

Section 3. That any other ordinance or section passed and approved prior to 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 from and after its passage as provided by law.

Passed and approved this _____ day of _____, 2004.

_____ passed on 1st reading only - 6/01/04 (SEAL)
Mayor Stephen Smith

passed on 1st reading only - 6/01/04
City Clerk Joan Kovar

When Ordinance #929 was passed setting the pay scales for the employees at the David

City Family Aquatic Center, a pay scale was not set for the Manager position. The manager position was listed as negotiable.

Council member Smith made a motion to set the pay for the Aquatic Center Manager Rachelle Birkel at \$10.75/hr. effective April 26, 2004, and that prior to the beginning of the next pool year, a pay scale be incorporated for the manager position. Council member Hein seconded the motion. Voting YEA: Council members Kroesing, Schatz, Lukassen, Smith, and Hein. Voting NAY: None. Council member Kirby was absent. The motion carried.

Council member Kroesing stated that the Council had voted to say the Pledge of Allegiance as an integral part of the meeting. Council member Kroesing wants "Roll Call" followed by the Pledge of Allegiance. City Clerk Kovar typed the agenda with agenda item #1 - Pledge of Allegiance, and #2 as Roll Call. It was noted that this was not done intentionally, and in the future the agenda will have #1 - Roll Call and #2 - Pledge of Allegiance.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kroesing seconded the motion. Voting YEA: Council members Smith, Schatz, Lukassen, Kroesing, and Hein. Voting NAY: None. Council member Kirby was absent. The motion carried and Mayor Smith declared the meeting adjourned at 6:40 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES

June 1, 2004

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 June 1, 2004; 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