

## CITY COUNCIL PROCEEDINGS

**March 14, 2001**

The Mayor and City Council of the City of David City, Nebraska met in open public session at 7:00 p.m. on March 14, 2001 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 March 8, 2001 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 Mark Kirby, Ted Lukassen, Gary Kroesing, Bill Schatz, Gary Smith, and Nick Hein, City Administrator Andrew Brannen, City Attorney Jim Egr, Police Chief Stephen Sunday, and Deputy City Clerk Tami L. Comte.

Also present were: Dorothy Bohaty and Janis Cameron.

The minutes of the February 14, 2001 meeting of the Mayor and City Council were approved upon a motion by Council member Kirby and seconded by Council member Hein. All of the Council members were present, all voted YEA and 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 to be presented. Deputy Clerk Comte read a thank you from the Merlin Smith families.

Andrew Brannen told the Council that Steve Maguire with the Butler County AYSO is requesting to use the practice football field and the spare lot west of the top Auditorium parking lot for soccer practice since they have 360 kids signed up to play soccer.

Mayor Smith asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Lukassen seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

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

Council member Hein made a motion to schedule a Special Council meeting for Monday, March 26, 2001 at 5:30 p.m. Council member Lukassen seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Council member Hein rescinded his motion to hold the Special Council meeting on Monday, March 26, 2001. Council member Lukassen rescinded his second.

Council member Hein made a motion to schedule a Special Council meeting for Tuesday, March 27, 2001 at 5:30 p.m. Council member Smith seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Mayor Smith scheduled a Committee of the Whole meeting for Tuesday, March 27, immediately following the Special Council meeting in the meeting room of the City Office.

Council member Kroesing made a motion to accept the Committee and Officers' Reports as presented. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby introduced Resolution No. 9 - 2001 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Kirby, Smith, Schatz, Lukassen, Hein, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 9 - 2001 was passed and adopted as follows:

### **RESOLUTION NO. 9-2001**

WHEREAS, the City of David City wishes to enter into an agreement with the State of Nebraska Department of Roads to construct a crushed rock pedestrian and bicycle trail from the sidewalk (which originates at Aquinas High School) along State Highway 15 at the west edge of the City Park to the new housing development at the east edge of the City Park, with funds made available through STP Enhancement Program funds, and

WHEREAS, the Federal share payable shall be a maximum of eighty (80) percent of the eligible costs thereof, up to a maximum payment of the eligible costs thereof, up to a maximum payment from federal funds of \$51,473.00, and

WHEREAS, the City of David City shall be responsible for approximately \$12,868.00 which is estimated by the City to be the City's twenty (20) percent matching share of eligible project costs, and

WHEREAS, the City of David City has agreed to place in its fiscal budget said amount,

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City enter into an agreement with the State of Nebraska Department of Roads for the construction of a crushed rock pedestrian and bicycle trail from the sidewalk (which originates at Aquinas High School) along State Highway 15 at the west edge of the City Park to the new housing development at the east edge of the City Park; that this project be constructed under the designation of Project Number STPB-12(6), State Control No. 12555, and that the terms and conditions in the Agreement with the Nebraska Department of Roads are hereby approved and that the Mayor is hereby authorized to execute said Agreement.

PASSED AND APPROVED this 14<sup>th</sup> day of March, 2001

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy City Clerk

Council member Kroesing introduced Resolution No. 10 - 2001 and moved for its passage

and adoption. Council member Kirby seconded the motion. Voting YEA: Council members Kirby, Smith, Lukassen, Schatz, Hein, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 10 - 2001 was passed and adopted as follows:

**RESOLUTION NO. 10 - 2001**

WHEREAS, the City of David City, Nebraska proposes to apply for Community Development Assistance Act tax credits from the Nebraska Department of Economic Development for the purpose of raising funds for an all weather running track.

WHEREAS, the project includes the construction of an all weather running track and

WHEREAS, the City of David City, Nebraska has the financial capability to operate and maintain the completed facility in a safe and attractive manner for public use; and

WHEREAS, the proposed application and supporting documents were made available for public review at a properly announced meeting of the David City - City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City of David City applies for tax credits from the Nebraska Department of Economic Development Community Development Assistance Act program for the purpose of constructing an all weather running track.

Passed and approved this 14<sup>th</sup> day of March, 2001.

Mayor

Deputy City Clerk

Council member Kroesing made a motion to advance ahead to agenda item #11 - Consideration of the Barb Vogl property at 1070 N 8<sup>th</sup> Street, David City, Nebraska. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith asked Police Chief Steve Sunday for a report on the condition of the property. Chief Sunday told the Council that Randy Janak and Barb Vogl started to clean up the property at about 2 p.m. that day and by 6 p.m. they had 50% of the property cleaned up. Dorothy Bohaty stated that the east side of the garage is still a mess and needs to be cleaned up. Council member Hein made a motion to go ahead and have the City clean up the property within Chief Steve Sunday's and Jim McDonald's schedules. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

City Administrator Andrew Brannen told the council that he had been in contact with Chris Wakefield who is interested in developing in north David City. Council member Schatz told the council that he is concerned about several issues. Has the land been subdivided? What effect would the project have on the current drainage project? Would this be eligible for TIF financing? Janis Cameron told the council that she would like to see the area rezoned. She also asked if the developer was aware that there will be a vacant lot in downtown David City after the theater

building is torn down. City Administrator Brannen told her that he would inform him about that lot. Much discussion followed. Council member Schatz made a motion to table cost sharing on a sewer line extension on the proposed development in north David City. Council member Hein 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 8:25 p.m. Meeting reconvened at 8:35 p.m.

Council member Kroesing introduced Ordinance No. 902. Council member Kirby made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. The motion died for lack of a second.

Council member Kirby made a motion to pass Ordinance No. 902 on the first reading. Council member Kroesing seconded the motion. Voting YEA: Council members Schatz, Smith, Kroesing, and Kirby. Voting NAY: Council members Hein and Lukassen. The motion carried and Ordinance No. 902 was passed on the first reading.

### **ORDINANCE NO.**

AN ORDINANCE TO AMEND ORDINANCE NO. 616, TO CHANGE THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM HIGH DENSITY RESIDENTIAL TO (HDR) TO LIGHT INDUSTRIAL (LI)

The Planning Commission conducted a Public Hearing on Saturday, March 10, 2001 to consider a request by Terry Samek to rezone the following property (765 3<sup>rd</sup> Street) from High Density Residential to Light Industrial, so that storage units would be permitted:

- Original Town of David City, Block 6, Lots 1, 4, and 5

The Planning Commission recommended to the Council that Lots 1, 4, and 5, Block 6, of the Original Town of David City be rezoned from High Density Residential to Light Industrial with the following contingencies:

- An adequate drainage system is designed for the property, and
- Proper screening is installed on the south side of the property as well as the alley side

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

Section 1. That Ordinance No. 616, be amended as follows: The zoning classification be changed from High Density Residential to Light Industrial for Lots 1, 4, and 5, Block 6, Original Town of David City, Butler County, Nebraska with the contingencies that 1) an adequate drainage system is designed for the property, and 2) proper screening is installed on the south side of the property as well as the alley side.

Section 2. That the aforesaid amendment be reflected on the Official Zoning Map of the City of David City, Nebraska. Such amendment be signed by the Mayor and attested by the Deputy City Clerk.

Section 3. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage,

approval and publication or posting as required by law.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2001

(Passed on 1<sup>st</sup> reading only)  
Mayor

(Passed on 1<sup>st</sup> reading only)  
Deputy City Clerk

Mayor Smith asked for the council's thoughts on establishing a home based business in a residential district. Mayor Smith told the council that the Planning Commission did not make a recommendation at their meeting. Ted Lukassen made the suggestion that the council revisit the home occupation section of the Zoning Ordinance. Council member Hein made a motion to table the establishment of a home based business in High Density Residential. Council member Kroesing seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

City Administrator Andrew Brannen explained to the council that in order to get a grant from Peter Kiewit that you cannot work with a professional fund raiser. Therefore, he would not recommend that the council stay with Leslie Associates. He would like to have Mary Welsh teach a training class. Since she is not a professional fund raiser Andrew felt that hiring her would not impact the Kiewit Grant. Her costs would be roughly \$5,000 as opposed to \$100,000 for Leslie Associates. Council member Schatz made a motion to rescind the original authorization to enter into a contract with Leslie Associates. Council member Lukassen seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to enter into an agreement with Mary Welsh to provide training for fund raising. Council member Smith seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

City Administrator Brannen told the council that it was time to take bids for health insurance. City Attorney Egr asked the council if they had ever considered going with a broker for their insurance. He stated that the hospital board does business with Alexander & Alexander Brokerage. He suggested that Brannen contact Don Naiberk, the hospital administrator, and discuss this option with him. It was decided that since the insurance is due on May 1, 2001 that there would probably not be time this year to consider that as an option. Council member Kirby stated that maybe they could be contacted after the bids were opened to advise which would be the best bid. City Administrator Brannen said that he would look into it. Council member Hein made a motion to approve the "Request for Proposals" for health insurance and authorize publication of the "Notice to Bidders". Council member Kirby seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

Council member Kroesing made a motion to approve the "Request for Proposals" for general liability insurance and authorize publication of the "Notice to Bidders". Council member Hein seconded the motion. All of the council members were present, all voted YEA, and the motion carried.

A discussion of on-going projects was held. City Administrator Brannen reviewed the Swimming Pool Project and the Park Lake Project. The council asked about the liability for the contractors concerning the roads and bridges in the park. Brannen said that he would look into that. Brannen also told the council that it may be more productive to wait until mid-May to have a meeting to discuss the projects further. By then there would be more information available. Mayor Smith told the council that the meeting scheduled for March 17<sup>th</sup> would not be held. Council member Schatz expressed that after some of the more pressing projects were finished that he would like to bring back the remodeling of the Police Dept.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 9:45 p.m.

Mayor

Deputy City Clerk



CERTIFICATION OF MINUTES  
March 14, 2001

I, Tami L. Comte, duly qualified and acting Deputy City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of March 14, 2001; 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.

Tami L. Comte