

CITY COUNCIL PROCEEDINGS

April 9, 2003

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 April 3, 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, Gary Kroesing, Gary Smith, Ted Lukassen, Bill Schatz, and Nick Hein, City Attorney Jim Egr, Street Supervisor Jim McDonald, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, Police Chief Stephen Sunday, Water/Sewer Supervisor Gene Divis, Wastewater Plant Operator Jim Kruse, Electric Plant Supervisor John Kabourek, City Clerk-Treasurer Joan E. Kovar, Roger Helgoth of Jacobson Helgoth Consultants, Mike Sousek of Lower Platte North NRD, Bill Voboril, Chairman - Village Board of Bruno, Richard Sabata, Jim Vandenberg, Bob Hilger, Mark Holoubek, Richard Ronkar of Gilmore & Associates, Darlene Divis, Jerry Kosch, Cleo Pope, Darrel Kahler, and Banner Press Editor Larry Peirce.

Council member Hein made a motion to start each council meeting with the Pledge of Allegiance. Council member Smith seconded the motion. Council member Schatz respectfully stated that our country is made up of a diversity of people. We have descent people in the state and community who have different beliefs and cultures, diversity of opinions, moral reasons, or religious beliefs that do not compel loyalty to oaths or pledges. All have alternative points of views. Those people need to be respected too. Mayor Smith stated that personally he was in favor of saying the Pledge of Allegiance. "This is the greatest country in the world. The Pledge of Allegiance is an ideal of what we are working towards." Voting YEA: Council members Kroesing, Lukassen, Kirby, Smith, and Hein. Voting NAY: Council member Schatz. The motion carried. Those present wishing to participate, stood, and recited the Pledge of Allegiance.

The minutes of the March 12, 2003 meeting of the Mayor and City Council were approved upon a motion by Council member Kroesing and seconded by Council member Kirby. 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 none.

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. Council member Kirby noted that the Library had several claims for mileage and questioned if the Library personnel was aware that the old police car is available for use to attend meetings. Street Superintendent Jim McDonald will attach a David City logo on the side of the vehicle. All of the Council members were present, all voted YEA, and the motion to authorize the payment of claims carried.

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

Electric Supervisor Tim Kovar reported that he plans to sell the old bucket truck at the Omaha Public Power District auction scheduled for May 10, although the new bucket truck may not be in by that time..

None of the other department heads had anything new to report.

Council member Schatz asked City Clerk Kovar what the City charges for dog licenses. Kovar responded \$7.00. Schatz suggested waiving the fee if the dog is spayed or neutered. This will be discussed further at the next Committee of the Whole meeting.

Darrel Kahler, representing the Chamber of Commerce, reported that a July Jam is scheduled for July 12th and 13th with similar activities as last year. Last year, the City budgeted approximately \$10,000 for the July Jam, however the City did not budget any money for this year. In order to cut costs the Chamber suggested a 30 minute fireworks display instead of a 50 minute display. It is late in the year for the Chamber to do much fund raising before the event, so the Chamber of Commerce is requesting monetary support from the City. Mayor Smith stated that it is not that the City is dis-interested, but simply that the Council felt the City should not have to absorb the total cost. The City felt that other businesses, etc. could help with the costs. The Council will discuss this further at their next Committee of the Whole meeting.

Council member Schatz asked how the Zoning Administrator Applications were progressing. The committee members reported that one applicant rescinded and the committee would like more candidates.

Council member Kroesing made a motion to schedule a special Council meeting on Thursday, April 17th at 5:00 p.m. in the meeting room of the City Office, as the grant request that Orville Stahr is working on for street improvements is due by April 25. Council member Hein 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 Monday, April 28, 2003, at 5:30 p.m., in the City Office.

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

Mayor Smith declared the Public Hearing open at 7:30 p.m. to consider the final plat for Kozi 2nd Addition. Mayor Smith asked for a copy of the drainage report which Richard Ronkar of Gilmore & Associates presented. Council member Lukassen asked for a set of building covenants. Ronkar was not sure if LaVerne Kozisek had building covenants for Kozi 2nd Addition, or if LaVerne planned to use the same covenants as drawn up for the 1st Addition. City Attorney Jim Egr stated that was not a concern as the developer can add covenants at any time. There being no further comments, Mayor Smith closed the Public Hearing at 7:45 p.m..

Council member Smith introduced Ordinance No. 928. 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 Smith, Schatz, Hein, Kirby, Lukassen, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 928 on the third and final reading. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Hein, Schatz, Lukassen, Kroesing, and Smith. Voting NAY: None. The motion carried and Ordinance No. 928 was passed and adopted as follows:

ORDINANCE NO. 928

AN ORDINANCE ACCEPTING AND APPROVING THE PLAT DESIGNATED AS "KOZI 2ND ADDITION", A REPLAT OF A TRACT OF LAND LOCATED IN THE SW ¼ OF SECTION 20, T15N, R3E OF THE 6TH P.M. IN BUTLER COUNTY, NEBRASKA, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS, LaVerne and Norma Jean Kozisek, owners of a tract of land legally described as:

A tract of land located in the SW ¼ of Section 20, T15N, R3E of the 6th P.M. in Butler County, Nebraska, described as follows:

Beginning at the northeast corner of Lot 4, Block 1, Kozi Addition to the City of David City, said point being on the southerly right-of-way line of the Union Pacific Railroad, and assuming said southerly railroad right-of-way to have a bearing of S 88°14'22" E; thence S 88°14'22" E and on said southerly right-of-way line, 419.65 feet; thence S 04°27'46" W, 336.77 feet; thence S 14°27'00" W, 241.35 feet; thence N 90°00'00" W, 340.01 feet; thence N 00°00'00" E, 110.00 feet, to the southwest corner of Lot 1, Block 3, of said Kozi Addition; thence S 89°58'14" E and on the south line of said Lot 1, 149.02 feet; thence N 04°47'35" E, 135.47 feet; thence S 89°58'54" W, 49.89 feet, to the northeast corner of Lot 1, Block 3, said Kozi Addition; thence N 00°02'46" E, 60.00 feet; thence S 89°58'54" W, 103.51 feet, to the southeast corner of Block 1, said Kozi Addition; thence N 00°00'00" E and on the east line of said Block 1, 277.48 feet, to the point of beginning, containing 4.56 acres, more or less.

WHEREAS, LaVerne and Norma Jean Kozisek have filed said Plat with the City of David City, Nebraska, and

WHEREAS, LaVerne and Norma Jean Kozisek have requested that said Plat be approved and accepted, and

WHEREAS, the Planning Commission of the City of David City, Nebraska, has given their acceptance and approval.

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

Section 1. That the Plat of Kozi 2nd Addition as filed in the City Office of the City of David City, Nebraska, is hereby accepted and approved and said owners are hereby given the right to plat said Addition to the City of David City, Nebraska.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska.

Section 3. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage and approval as provided by law and city ordinance.

PASSED AND APPROVED this 9th day of April, 2003.

Mayor

City Clerk

KOZI SECOND ADDITION

Richard Sabata, Director of Lower Platte North NRD and a wellhead protection committee member, stated that he felt the Council should go ahead and approve Ordinance No. 925. Sabata is comfortable with the 1 mile jurisdiction and has little concern with the mention of Section 17-536 of the Revised Statutes of Nebraska, that provides that the jurisdiction of the City to prevent pollution or injury to the source of its water supply shall extend 15 miles beyond its corporate limits. "We can watch similar court cases on this and see if there are changes coming down the line." Sabata said he has no problems with the ordinance and the Council should accept it.

Jim Vandenberg, who also served on the wellhead protection committee, stated that several concerns were expressed about the reference to Section 17-536 and the 15 mile jurisdiction. However, after some interpretation it was clarified that the ordinance clearly states "The City of David City hereby declares the David City Wellhead Protection area to include the entire area within the one mile jurisdictional zoning map for the City of David City." People within the one mile jurisdictional zoning map can live with this ordinance.

Bob Hilger stated that a preamble explains the intent of the ordinance so the "15 miles" drew up red flags.

Mike Sousek of Lower Platte North NRD, stated this ordinance is a great thing as it completes the plan. Council member Schatz agreed stating that the ordinance is needed.

Water/Sewer Supervisor Gene Divis presented the following letter In response to the letter that Mark Holoubek read at the March 12 Council Meeting from Greg Ruehle, Executive Vice President on behalf of the Nebraska Cattlemen and several livestock producers in Butler County, in which they respectfully requested that the City Council of David City not pass proposed David City Ordinance No 925:

NEBRASKA
CATTLEMEN
"Representing the state's largest ag industry"

April 8, 2003

FAX to: Joanne Kovar (402/367-3126)
FAX fr: Julie Karavas

Dear Members of the David City City Council:

I am writing in regard to a letter submitted to the Council on March 12, 2003, by the Nebraska Cattlemen (NC). The intent of that letter was to address the concerns NC had with the then current version of proposed David City Ordinance No. 925. It has since been brought to NC's attention that the version on which the comments were made was not the then current version, but was rather an earlier version. Due to the fact NC's comments did not accurately address the appropriate version of the ordinance, and the fact that an NC representative participated in a Council meeting on March 29, NC requests the Council allow NC to retract its March 12 letter. NC is confident that its concern on behalf of its members was adequately addressed in the meeting on March 29. Again, NC has an interest in the proposed ordinance on behalf of its members, but NC has been given the opportunity to discuss its concerns with the proposed wellhead protection plan and is comfortable with ordinance, specifically Section 7 as amended at the March 29 meeting.

Thank you. Please feel free to contact me with any questions.

Julie Karavas

City Attorney Jim Egr suggested that since changes had been made to the ordinance on the three separate readings, that rather than simply pass the ordinance on third and final reading that the Council should start all over by reintroducing Ordinance #925 with all of the changes and amendments so that we have a clean record.

Therefore, Council member Schatz reintroduced Ordinance No. 925 with all of the changes and amendments. Council member Schatz made a motion to suspend the statutory rule that requires an Ordinance be read on three separate readings. Council member Lukassen seconded the motion. All of the Council members were present and all voted YEA. The motion carried.

Council member Schatz made a motion to pass and adopt Ordinance No. 925 on the third and final reading. Council member Lukassen seconded the motion. Council member Kirby stated that we need an ordinance to protect the city water, however, he is totally against any reference to the 15 miles jurisdiction. "If a person knows how to read an ordinance, it is probably fine, but not everyone is a lawyer. I still have problems with the 1st "Whereas" that states Section 17-536 of the Revised Statutes of Nebraska provides that the jurisdiction of the City to prevent pollution or injury to the source of its water supply shall extend 15 miles beyond its corporate limits, but am glad this is coming to a vote." Voting YEA: Council members Smith, Kroesing, Hein, Lukassen, and Schatz. Voting NAY: Council member Kirby. The motion carried and Ordinance No. 925 was passed and adopted as follows:

ORDINANCE NO. 925

AN ORDINANCE TO PROVIDE FOR PROTECTION OF THE CITY OF DAVID CITY WELLHEAD PROTECTION AREA PURSUANT TO SECTION 17-536 AND SECTION 46-1501 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA BY ESTABLISHING LIMITATIONS UPON THE LOCATION OF POTENTIAL SOURCES OF POLLUTION OR INJURY TO THE MUNICIPAL WATER SUPPLY AND GROUND WATER; TO ESTABLISH RULES AND REGULATIONS DEFINING AND ENFORCING SUCH LIMITATIONS; TO PROVIDE FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Section 17-536 of the Revised Statutes of Nebraska provides that the jurisdiction of the City to prevent pollution or injury to the source of its water supply shall extend 15 miles beyond its corporate limits;

WHEREAS, Section 46-1503 of the Nebraska Wellhead Protection Area Act in the Revised Statutes of Nebraska provides that the City may designate a wellhead protection area and adopt controls pursuant to said Act for the protection of the public water supply system;

WHEREAS, pursuant to the Nebraska Wellhead Protection Area Act, Sections 46-1501 et. seq. of the Revised Statutes of Nebraska, the Mayor and City Council have adopted a Wellhead Protection Plan and Area;

WHEREAS, it is necessary to place limitations upon the location of potential sources of pollution or injury to the municipal water supply and ground water within the Wellhead

Protection Area and to prescribe rules and regulations with respect to such limitations and the enforcement thereof;

WHEREAS, the County of Butler has not adopted zoning regulations at the time of the enactment of this ordinance, this ordinance shall be precedent;

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

Section 1. The City of David City hereby declares the David City Wellhead Protection area to include the entire area within the one mile jurisdictional zoning map for the City of David City.

Section 2. The City of David City adopts the Wellhead Protection Area which has been approved by the Nebraska Department of Environmental Quality; the same is attached hereto and incorporated herein by reference as if fully set forth.

Section 3. Words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application. Definitions set forth in the City of David City General Plan shall be applied in the event of any ambiguity or uncertainty in the interpretation of the rules and regulations established by this ordinance.

Section 4. It shall be unlawful for any person, other than the City of David City, to place, install, construct or replace any of the following structures or conduct any of the following activities or any activity which shall be designated by the Planning Commission as a potential threat to the water supply within the Wellhead Protection Area, except as may be provided by permit herein, to wit:

Activity or structure

Non-potable water well
Sewage lagoon - not allowed
Absorption or disposal field for waste - not allowed
Cesspool - not allowed
Dump - not allowed
Livestock confinement facilities - restricted by Sections 6 & 7
Pit toilet
Sanitary landfill - not allowed
Chemical or petroleum product storage
Septic Tank and septic drain field
Sewage treatment plant - not allowed
Sewage wet well - not allowed
Sanitary sewer connection
Sanitary sewer manhole
Sanitary sewer line

Section 5. The placing, installing, construction or replacing of any allowed structure or activity as set forth in Section 4 of this ordinance, hereafter termed "wellhead structure or

activity”, within the Wellhead Protection Area, shall not be permitted after the effective date of this ordinance unless a permit approved by the Planning Commission has been obtained. The owner of any wellhead structure or activity shall have the burden of establishing the existence and use of said wellhead structure or activity at the time of the effective date of this ordinance.

Section 6. No permit shall be issued by the Planning Commission within the following setback distances from any City of David City municipal water well:

| <u>Activity or structure</u> | <u>Minimum Distance from Water Supply</u> |
|--|---|
| Non-potable water well | 1,000 ft. |
| Sewage lagoon | not allowed |
| Absorption or disposal field for waste | not allowed |
| Cesspool | not allowed |
| Sanitary landfill | not allowed |
| Livestock confinement | 5,000 ft. |
| Pit toilet | 500 ft. |
| Chemical or petroleum storage | 500 ft. |
| Septic tank and septic drain field | 500 ft. |
| Commercial Lawn and garden compost | 500 ft. |
| Fertilizer and pesticide storage | 500 ft. |
| Septic tank exceeding 1,000 G.P.D. | 5,000 ft. |
| Sewage treatment plant | not allowed |
| Sewage wet well | not allowed |
| Sanitary sewer connection | 100 ft. |
| Sanitary sewer manhole | 100 ft. |
| Sanitary sewer line | 50 ft. |

Any activity described in Section 6 located within the defined setback distance shall be considered prima facie a hazard to the quality of the municipal water supply.

Section 7. For purposes of this ordinance, a livestock confinement operation, as defined by Title 130 of the regulations of the Nebraska Department of Environmental Quality, shall be restricted to a maximum of 300 animal units and shall comply with zoning regulations and ordinances of the City of David City. Livestock confinement operations less than 300 animal units are exempt from the Nebraska Department of Environmental Quality permit process for a livestock waste control facility pursuant to Title 130, Chapter 2. In the event conditions at the livestock facility at any time indicate there is a high potential for waste discharge which may threaten the municipal water supply or groundwater, as determined by the Nebraska Department of Environmental Quality, the Planning Commission permit for the operation shall be subject to revocation, unless the owner of the operation can provide evidence to the Planning Commission that the threat has been eliminated.

Section 8. Any wellhead structure or activity not prohibited by Section 4 and Section 6 shall be allowed, subject to a determination of the Planning Commission that such activity does not constitute a hazard or threat to the quality of the municipal water supply or ground water and upon issuance of a permit.

Section 9. The Planning Commission of the City of David City shall be responsible for implementation and enforcement of the rules and regulations established by this ordinance and shall consider all applications filed pursuant hereto. All applications shall be approved or rejected by roll call vote. The Zoning Administrator shall be charged with administration of the

rules and regulations.

Section 10. Prior to placing, installing, constructing, expanding or replacing any wellhead structure or activity, the owner of the real estate upon which the structure or activity is proposed shall file with the Planning Commission an application for a wellhead activity permit. Said application shall be on a form furnished by the City of David City and shall include supporting information indicating why approval would not adversely impact the municipal water supply and ground water. The application shall be submitted to the Planning Commission for review. Prior to acting upon the application, the Planning Commission may seek an engineering report, recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply. A permit shall be issued only after the Planning Commission determines that the structure or activity is unlikely to contaminate or pollute the municipal water supply and ground water. Replacement or repair of existing properly registered agricultural irrigation wells, when done in an expedited or emergency status process by the Natural Resources District, shall be exempt from the Planning Commission permit process and must meet all requirements of the Natural Resources District and the setback distance requirements of Section 6.

Section 11. Wellhead structures or activities in existence and use in the Wellhead Protection Area as of the effective date of this ordinance shall continue to be permitted unless such continued existence or use, in the opinion of the Planning Commission, presents a hazard to the municipal water supply or ground water. If the Planning Commission determines that an existing wellhead structure or activity presents a hazard, the Planning Commission shall authorize the Zoning Administrator to notify the owner of the structure or activity to cease and desist said structure or activity. If the owner of the structure or activity desires to continue operation of said structure or activity, the owner may make application for a permit pursuant to this ordinance. If the owner does not cease and desist pursuant to this ordinance, the Zoning Administrator may proceed pursuant to Section 12 of this ordinance against said owner of the structure or activity.

Section 12. Any person found guilty by a court of law of violating any provision of this ordinance shall be subjected to a fine not to exceed \$500. The continuation of a violation of this ordinance shall be deemed an additional offense for every 24 hours of such continued violation. In addition, the City of David City may obtain injunctive relief and sue for damages and remediation and pursue other remedy available under laws of the State of Nebraska or other authority having jurisdiction over such matters.

Section 13. Should any section, paragraph, sentence or word of this ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and City Council of the City of David City that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 14. All ordinances or parts of ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 15. This ordinance shall take effect and be in full force from and after its passage and publication according to law.

PASSED AND APPROVED this 9th day of April, 2003

Attest:

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Schatz made a motion to accept and approve the Wellhead Protection Plan. Council member Lukassen seconded the motion. Voting YEA: Council members Kroesing, Hein, Smith, Lukassen, and Schatz. Voting NAY: Council member Kirby. The motion carried.

Mayor Smith thanked the wellhead protection committee members for all of their help. Council member Schatz stated that he sincerely appreciated the expertise of Mike Sousek of Lower Platte North NRD, and Water/Sewer Supervisor Gene Divis.

Roger Helgoth of Jacobson Helgoth Consultants and Bill Voboril, Chairman - Village Board of Bruno, were present to discuss the proposed water line to Bruno. Roger Helgoth of Jacobson Helgoth Consultants reported that Lower Platte North NRD entered into an agreement with Snyder Engineering Company, Inc., 1361 26th Avenue, Columbus, Nebraska, for purposes of evaluation of technical and financial feasibility of David City Utilities supplying water to Bruno, Nebraska. A water supply study reviewed two alternatives. 1) the alternative of Bruno to construct a new well, water treatment plant, and a water main, versus 2) David City supplying water to Bruno. Based upon the evaluation, the David City to Bruno water supply is the cost-effective alternative based upon life cycle costs and favorable funding by USDA Rural Development.

Capital Costs

| | |
|-------------------------|-------------|
| Original Bruno Proposal | \$820,512 |
| Bruno Water Main | \$922,690 * |

* includes Capital Contribution to David City

Annual Operation & Maintenance

| | |
|-------------------------|------------|
| Original Bruno Proposal | \$40,625 |
| Bruno Water Main | \$31,480** |

** Includes Cost of Water Purchased from David City

LCC Analysis Life Cycle

| | <u>10 Year</u> | <u>20 Year</u> | <u>50 Year</u> |
|-------------------------|----------------|----------------|----------------|
| Original Bruno Proposal | \$1,165,290 | \$1,504,686 | \$1,862,266 |
| Bruno Water Main | \$1,189,856 | \$1,370,096 | \$1,610,693 |

Recommended Actions

- Resolution of support by LPNNRD, Bruno and David City for recommended alternative
- Have project approved by WWAC committee and USDA-Rural Development
- Interlocal agreement
- Begin design phase and easement procurement

Helgoth stated that the main question was: If Bruno can obtain funding, can they secure water from David City? Bruno and David City would need to enter into an interlocal agreement. Bruno needs water from the aquifer, either from David City, or from someone or somewhere else further down the aquifer. Bruno would still use their existing wells and water tower for fire protection, etc.. Bruno would like to resolve their water problems this summer if possible, but the project needs to be approved, determine the design, obtain easements from property owners, and install the nine mile 8" gravity pipeline that would serve Bruno. All of this could take up to two years if everything went smoothly.

Council member Kroesing expressed concerns that Lincoln, Nebraska is already rationing water. If we supply water to Bruno that will draw down David City's supply even quicker. Kroesing also questioned if we would just serve Bruno or allow residences along the line to tap on also. Mayor Smith stated that we have always taken care of David City, David City comes first, that can't change. Council member Schatz stated that he sees Bruno as a commercial customer that wants to come to David City and be supplied by our water. "If this was the case, we wouldn't give it a second thought, and here we aren't talking about a business but individuals that will be affected."

Bob Hilger questioned if nearby irrigation systems would be restricted because of servicing Bruno and the declining water tables. Would Bruno get the 1st restriction or how would this be handled? Roger Helgoth stated that all of these issues would need to be addressed in the interlocal agreement.

The Council considered setting up a committee to review the proposed water line to Bruno but decided against it. There are so many details to discuss that it was decided it would be best if the whole council was present for the discussions and possible negotiations.

The Council will plan to meet with the Bruno Village Board at about 6:00 p.m. on April 28 to discuss the proposed water line to Bruno. This will be during their Committee of the Whole meeting which begins at 5:30 p.m..

Mayor Smith declared a ten minute recess at 8:45 p.m. The meeting resumed at 8:55 p.m.

Mayor Smith declared the Public Hearing open at 8:55 p.m. to discuss community needs and issues and to discuss drainage and paving needs and issues. Mayor Smith explained that Orville Stahr of Stahr and Associates is working on a street improvement grant. A special Council meeting has been scheduled for Thursday, April 17th in the meeting room of the City Office for a Public Hearing concerning the application to the Nebraska Department of Economic

Development for a Community Development Block Grant. The City is requesting \$250,000 in grant funds for installation of curb and gutter and/or paving or re-paving of streets. The \$250,000 in grant funds includes \$10,000 for grant administration and audit costs. The balance of \$240,000 in grant funds requested shall be matched by \$125,000 in City Street funds and \$21,000 in in-kind labor and equipment to be provided by the City, resulting in a total project cost of \$396,000 including engineering fees and construction costs. Council member Hein stated that the City needs to proceed as we need streets, the election to provide for an additional one-half of one cent sales tax failed, so this is our last avenue. There being no further comments, Mayor Smith closed the Public Hearing at 9:00 p.m..

Mayor Smith had received a request from Mrs. Peirce of Blue Valley Community Action that the City provide reduced swimming pool rates for low income families. City Clerk Kovar did the following telephone survey to see if neighboring communities offered this :

Administrator Assistant
Deb Schaefer
Seward

Seward has never offered reduced rates.

City Administrator
Mary Peschel
Schuyler

In the summer of 2002, Schuyler did not offer reduced swimming pool rates. However in 2001 the City did give a few free family passes. The passes were given to Health and Human Services who selected the recipients from qualifying welfare participants. Everything was kept very confidential. It was up to Health and Human Services to do the screening and determine who really had a need. Health and Human Services then provided a confidential list to the City as to who the free passes were given to. Last year, the City did not receive a request from Health and Human Services, so nothing was free or reduced.

Pam Stevens
Swimming Pool / Aquatic Center /
Senior Center Director
Columbus

No, Columbus has never offered reduced swimming pool rates to low income families. Pam stated that she would avoid this. You should follow state and federal guidelines to avoid any legal problems. Who would do the income analysis? Does Blue Valley have income guidelines. The "need" needs to be verified. What if someone who was employed at the beginning of the season suddenly

becomes un-employed.....are you going to refund ½ of the ticket price they paid because now they qualify for low-income? Where does it stop? Is personnel experienced enough to define who is actually low income and eligible? This could open a whole can of worms.

City Clerk Mary Lou Meister

Brainard

Brainard has never offered reduced swimming pool rates for low income families. They have never been asked to do so. If David City sets up a plan, Mary Lou would like to see it. If David City does this, then maybe Brainard would consider it.

City Clerk Nancy Bryan
Osceola

Osceola has never offered reduced rates. The rates are low already. The pool always loses money. The public doesn't realize how costly it is to operate a pool.

Clerk Darla Hopwood
Shelby

Shelby has never given reduced rates. Darla feels a family recoups it's cost after one month of using the pool. Shelby can't cut back on the price because the pool loses money on operation already. They did provide a free "single pass" for the Library's summer reading program. The single pass given in the summer was for the next years swimming season. The recipient could use the single pass or apply it towards a family pass.

Council member Schatz felt that Pam Stevens of Columbus made several good points. Following discussion the Council decided they did not want to consider reduced swimming pool rates for low income families.

Geri From asked Mayor Smith if the City would waive the auditorium rental fee for the Relay for Life. From would also like to have a contest in conjunction with the Relay for Life with a prize of a free day pool pass. Street Superintendent Jim McDonald stated that a few years ago the Council at that time said they would no longer waive the auditorium rental fee because revenue was down because they were waiving it for so many well deserving groups. Following discussion the Council decided that even though the Cancer Society is well deserving they would not waive the auditorium rental fee nor provide a free day pool pass.

City Clerk Kovar reported that Connie Comte had called the office around 6:30 p.m. and advised her that she was no longer interested in renting the building located at 660 5th Street for a business. The Council informed Kovar that if she received any more requests she should advise them that the City has given the Boy/Girl Scouts permission to use the building and are not interested in renting or selling the building.

Street Superintendent Jim McDonald reported that he would like to enter into an agreement with the Department of Aeronautics to obtain federal assistance for the development of the airport. The funding can be used to extend and widen the runway, purchase additional land, purchase a snowplow, and/or erect a building for the snowplow.

Citizen Jerry Kosch asked why David City needs an airport and how many people use it. Kosch stated that the national debt is 6.3 trillion and we can't continue to use grant money that comes from the tax payers. Kosch suggested selling the airport and using the money to repair the streets as many more people use the streets than the airport.

Council member Hein introduced Resolution No. 3-2003 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Lukassen, Kirby, Hein, Kroesing, Schatz, and Smith. Voting NAY: None. The motion carried and Resolution No. 3 - 2003 was passed and adopted as follows:

RESOLUTION NO. 3 - 2003

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. 3-31-0025-01 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT:

Be it resolved by the Mayor and members of the City Council of David City, Nebraska, that:

1. The City shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0025-01 for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth herein below.
2. The Mayor of the city is hereby authorized and directed to execute said Agency Agreement on behalf of the City of David City, and the Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to herein above, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith stated that he suggested considering additional pay for the council members during the absence of a city administrator. A Council member did not approach him about this, but some have stated that there have been a lot of meetings lately. Council member Hein made a motion to table consideration of additional pay for the Council members during the absence of a city administrator until the May 14th Council meeting. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith reported that interviews with prospective applicants for the city administrator position will be held at Winfields on Monday, April 21 and Wednesday, April 23. The Council will receive more information prior to those dates.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried. Mayor Smith declared the meeting adjourned at 9:35 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
April 9, 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 April 9, 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