

## CITY COUNCIL PROCEEDINGS

June 22, 2011

The City Council of the City of David City, Nebraska, met in open public session in the lower level of the City Auditorium, 699 Kansas Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on June 16<sup>th</sup>, 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 notice 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 Alan Zavodny, Council President Gary Kroesing, Council members Bill Scribner, Mike Rogers, Gary Smith, John Vandenberg, Ruddy Svoboda, City Attorney Jim Egr, and Interim City Clerk-Treasurer Tami Comte.

Also present were: Police Chief Anthony McPhillips, Park/Auditorium Supervisor Scott Bales, Lowell Schroeder with Northeast Nebraska Economic Development District, Larry & Becky McPhillips, Dale & Carolyn Yates, Richard Lambrecht, Keith Marvin, Joyce Smith, Heather Rerucha, Dana & Jane Trowbridge, Jon Holmes, Jim Kobza, Gery DeWispelare, Jackie Mahlin, Roger Comte, Joan Vandenberg, Paul Perske and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the south wall.

Council member Kroesing introduced Resolution No. 18-2011 and moved for its passage and adoption. Council member Smith seconded the motion. Voting YEA: Council members Kroesing, Rogers, Scribner, Svoboda, Vandenberg and Smith. Voting NAY: None. The motion carried and Resolution No. 18-2011 was passed and adopted as follows:

### **RESOLUTION AUTHORIZING CHIEF ELECTED OFFICIAL TO SIGN AN APPLICATION FOR CDBG FUNDS**

#### **Resolution No. 18-2011**

Whereas, the City of David City, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as Amended for Small Cities Community Development block Grant Program, and,

Whereas, the City of David City, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$350,000 of which \$330,000 will be used to remove architectural barriers for a downtown handicap accessibility improvement project and \$20,000 will be used for general administration. Total budget is \$701,000 with the City providing \$351,000 in matching funds and,

NOW, THEREFORE, BE IT RESOLVED BY

The City Council of the City of David City, Nebraska that the Mayor, Alan Zavodny, be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between the City of David City and the Nebraska Department of Economic Development so as to effect acceptance of the grant application and the required Release of fund documents for Community Development Block Grant Funds.

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Signed

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Mayor

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Date

Council member Smith introduced Resolution No. 19-2011 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Kroesing, Rogers, Scribner, Svoboda, Vandenberg and Smith. Voting NAY: None. The motion carried and Resolution No. 19-2011 was passed and adopted as follows:

**RESOLUTION NO. 19-2011**

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska as follows:

1. The Mayor and City Council heretofore adopted Ordinance No. 1144 creating Street Improvement District No. 2011-3, which ordinance was published as provided by law on May 19, 2011.
2. Notice of Creation of said Street Improvement District No. 2011-3 was given as provided by law by publication on May 26, 2011 and June 2, 2011 and notice was mailed to all non-resident owners as provided by law.
3. That no filings were made by owners of abutting property to the office of the City Clerk relating to the creation of the said Street Improvement District No. 2011-3, as shown on the records of the City Clerk, which filings object to the creation of the Street Improvement District but, the said street constituting a thoroughfare as stated in the Ordinance creating the District, said objections are a matter of record and filing only:
4. Now be it further Resolved by the Mayor and City Council of the City of David City, Nebraska, that all things having been done as provided by law relative to the creation of Street Improvement District No. 2011-3 and the findings and determination that O Street from 14<sup>th</sup> Street west to the City's western Corporate Limits is a thoroughfare within the

City of David City as defined by law, the aforesaid street is by this resolution confirmed by the Mayor and City Council to be found and determined to be a thoroughfare as provided by law and the Mayor and City Council have authority to proceed with the improvement of a portion of the said thoroughfare as provided by law and as set out in Ordinance No. 1144 creating said Street Improvement District, and the Mayor and City Council shall proceed with the construction of the improvements as set out in Ordinance No. 1144 and with other regulations and ordinances of the City of David City.

Passed this 22<sup>nd</sup> day of June, 2011.

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Mayor

ATTEST:

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Interim City Clerk

Seal

Mayor Zavodny asked for comments from the public regarding the future location for the police department.

Carol Brehm stated that she saw the two biggest considerations you have when you rent versus own are you are throwing money down the drain when you are renting or leasing and you don't have a firm and absolute vote from the County that you won't have to leave after 5 years.

The comparison in the size of the buildings (Bob Wright's building at 402 5<sup>th</sup> Street and the Courthouse) was discussed.

There was concern about evidence storage availability in the Courthouse. Council member Kroesing stated that the County Attorney would prefer to have the evidence stored in the Courthouse.

There was a question about the cash flow on purchasing the Wright building.

Mayor Zavodny stated that the work that has been done prior to this point has been trying to determine who could be renters and to that end we have had discussions with Desiree's Dancers who is really interested in the top floor. Mayor Zavodny stated that he wanted to share the work that was done on this. Council member Kroesing went to the County Board meeting and was working with the County on things and Council member Svoboda has been working with Bob Wright on things. Mayor Zavodny commended the council on the work that they did in looking at all of the options. Mayor Zavodny stated that they asked Desiree if the City were to purchase the building would she be willing to rent the upstairs space for \$750/mo. and the State of Nebraska has a little over four years left on their contract for \$700/mo. The other side of the equation is renting from the County is \$750/mo. and there will be a one-time charge of \$2,000 for work that they need to do for the police department to be able to use the space.

Mayor Zavodny said, "I'm going to share what I think we should do, now, and then you can pick it apart. I don't think we should buy the building. Bob Wright is willing to rent the City the space for \$750 which would be the same cost as renting the courthouse. So, really, I think the big question before us is, we have two \$750 rent amounts to consider."

The question was asked if the courthouse leave room for the police department to grow.

Council member Kroesing stated that the police department would never grow to the extent that it would outgrow the courthouse.

Mayor Zavodny stated that Chief McPhillips understands that they have to be very careful with expenses. One of the things that we have recognized early on is that we have a finite amount of money that can go to this. Policing is a non-revenue governmental service. There is no money generated from having them. It's for public safety and it's what you do and you budget for it based on that. Renting does give some flexibility as far as growth. If we were to purchase a building it ties your hands a little more because you are tied to that money that you spent for that location. Maybe for some reason that location doesn't meet your needs in the future.

Council member Rogers stated that he has never seen two departments that work so well together. That is the police department and the sheriff's office. They just work like a team. Council member Rogers stated that he really appreciated that.

Much discussion about the rental options followed.

Council member Rogers made a motion to rent the space in the Courthouse for the Police department at \$750.00 per month including utilities. Council member Smith seconded the motion. Voting AYE: Council members Smith, Rogers, Kroesing, Vandenberg and Scribner. Voting NAY: Council member Svoboda. The motion carried.

Police Chief Anthony McPhillips presented the name of Michael Youngquist as the police officer that he would recommend for appointment. He stated that he received 16 applications and he eliminated the applicants that were not certified and after he did background checks and checked references he narrowed it down to three. They conducted interviews on all three. One of the other candidates could not make a commitment to move to David City in the allotted time. He stated that Michael Youngquist is currently a police officer in Crawford, Nebraska.

Mayor Zavodny asked Chief McPhillips when he would be available. Chief McPhillips stated that as soon as we notify him, he will give his two week notice. Mayor Zavodny asked if he was clear on our salary schedule and how we are structured. Chief McPhillips stated that they covered all of that in the interviews. Mayor Zavodny asked what distinguished this applicant from the other applicants. This particular individual is familiar with community oriented policing and he has worked in the schools. He will be able to move to David City within a year and a few other things. That put this particular officer at the top of the list.

Council member Scribner made a motion to appoint Michael Youngquist as a police officer for David City, Nebraska. Council member Kroesing seconded the motion. Voting AYE: Council members Scribner, Yindrick, Smith, Hein, Rogers, and Kroesing. Voting NAY: None. The motion carried.

Mayor Zavodny stated that agenda item #8 Consideration of reimbursement of swimming suits for lifeguards is on the agenda because of a technicality problem that we had. The last time we did not have a majority of the elected officials vote to do this because of an abstention. So, our last vote wasn't valid in that respect. Mayor Zavodny said, "I do know that we have some people here from the pool and some people who wanted to speak and didn't quite have the opportunity to address us."

Swimming Pool Manager Yvonne Pence stated that the guards would rather go back to the old pay scale than have the \$90 for swim suits.

Mayor Zavodny said, "I understand their plight. When you expect one thing and maybe we could have done a better job of communicating how that was going to happen this year. I acknowledge those things. I had also gone on record to say that we gave money out of Keno to pay for fireworks and these are people who save people's lives and you can't compare. I've heard from a lot of different people on this and I respect their opinions but now we are almost through June and it would be pretty hard to fix it at this point. I think going forward that we would certainly use the scale that we have now unless someone has a different feeling."

Paul Perske asked what the difference was in the pay scales.

Mayor Zavodny stated that it would have cost about \$5,000 more.

Mayor Zavodny stated that from last meeting to this meeting he asked Interim Administrator Joan Kovar to figure out what that dollar amount differential would be and her calculations, based on input from Yvonne, and the amount of hours people work, is that it would cost us an additional \$3,719.52. That was the calculation we did to see what the difference is. Mayor Zavodny said, "When it comes down to it the question that is foremost in my mind is, "Are you willing to do the job asked of you for what we are willing to pay?" Mayor Zavodny stated that he thinks that the study that was done was reasonable and the justifiable position is that we are still paying a lot better than a lot of area pools. Mayor Zavodny said, "While this is not their ideal solution to it, it's at least a gesture by this governing body."

Council member Smith made a motion to pay the lifeguards a \$90 swimsuit allowance. Council member Rogers seconded the motion. Voting AYE: Council members Smith, Rogers, Kroesing and Scribner. Voting NAY: None. Council members Vandenberg and Svoboda abstained. The motion carried.

There being no further business to come before the Council, Council member Smith made a motion to adjourn. Council member Scribner seconded the motion. Voting AYE: Council members Scribner, Smith, Rogers, Kroesing, Vandenberg and Svoboda. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:05 p.m.

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Mayor Alan Zavodny

ATTEST:

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Interim City Clerk Tami L. Comte



CERTIFICATION OF MINUTES  
June 22, 2011

I, Tami L. Comte, duly qualified and acting Interim City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of June 22, 2011; 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.

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Tami L. Comte, Interim City Clerk