

CITY COUNCIL PROCEEDINGS

April 14, 2010

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on April 8th, 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 Dana Trowbridge, Council President Gary Kroesing, Council members Bill Yindrick, Mike Rogers, Bill Scribner, Gary Smith, and Nick Hein, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room and Resolution No. 2-2008 establishing rules and procedures for public participation at city council meetings.

Mayor Trowbridge stated the council members had received the minutes and asked if the council had any questions, comments, clarifications, or changes. Council member Hein made a motion to approve the minutes of the March 10th meeting of the Mayor and City Council. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Rogers, Kroesing, Scribner, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Hein, Yindrick, Rogers, Scribner, and Smith. Voting NAY: None. The motion carried.

Mayor Trowbridge called for Committee and Officer Reports.

Mayor Trowbridge stated, "We should all join the Friends of the Library. It is a good organization; does a lot of good things for the Library; and it is very helpful. April is dues month so if anybody is driving by the Library and feels the urge stop in and join the Friends of the Library, it will help everybody."

Council member Kroesing noted that City Clerk Kovar's report asked if the City Office could be closed on April 15th, as a training session is scheduled from 7:30 a.m. to 5:30 p.m. with the Elster Solutions - EnergyAxis Project, concerning automatic meter readings. Kroesing stated that he felt this would be a good idea. Mayor Trowbridge agreed stating, "This is a big step in the utilities for the City of David City as we get to automatic reads. There are a lot of positive things that can be done with an auto read system beyond not having to walk house to house to read the meters. You can do electric consumption reports and several other reports. It is a good thing. Let's ask questions and maximize what this system will do for us." City Clerk thanked the council for agreeing to close the office on April 15th.

Council member Kroesing also stated that he had previously asked that names be listed in the Zoning Administrator's report, rather than making references to "clients and application

numbers”, and this has not been done. City Clerk Kovar stated that she thought she had visited with Zoning Administrator Kotil about this, however, she will mention this to him again.

Council member Kroesing made a motion to approve the Committee and Officer Reports as presented. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Rogers Yindrick, and Kroesing. Voting NAY: None. The motion carried.

Council member Hein made a motion to authorize Mayor Trowbridge to execute Amendment No. 1 to the Nebraska Department of Aeronautics Agency Agreement deleting Project No. G01 and replacing it with Project No. 3-31-0025-07-2010. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Yindrick, Scribner, Rogers, Smith, and Hein. Voting NAY: None. The motion carried.

Council member Smith made a motion to advance to Agenda Item #12 - Consideration of the request by Joy Fountain to sell fireworks on City property located at 660 N 5th Street - Scout Hall. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Rogers, Kroesing, Yindrick, Hein, and Smith. Voting NAY: None. The motion carried.

Joy Fountain is requesting permission to sell fireworks on City property located at 660 N 5th Street. Joy stated that this is in behalf of the Boys Scouts, Girl Scouts, and Cub Scouts. It was explained that those organizations don't really condone the selling of the fireworks, so it is the parents and supporters of those organizations that will be selling the fireworks with the proceeds going to support those organizations.

It was noted that additional insurance is needed if the fireworks were to be sold from inside the building. Joy Fountain said that they sold the fireworks from a tent last year but they think they would like to move it inside the building, they aren't sure yet. This would need additional insurance coverage. Mayor Trowbridge stated, “So am I hearing that if you move it inside, that operation will do the insurance purchasing?” Joy Fountain stated, “We will have to; that will come out of our profits.” Mayor Trowbridge thanked her for clarifying that.

. Council member Scribner made a motion to approve the request by Joy Fountain (“the group” representing parents and supporters of the Cub, Boy, and Girl Scouts) to sell fireworks on City property located at 660 N 5th Street - Scout Hall. If sales are made from inside the building the “the group” will purchase and provide proof of insurance. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Kroesing, Hein, Rogers, Yindrick, and Scribner. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Public Hearing open at 7:15 p.m. concerning the Community Development Block Grant Programs. Jared D. Hahn, Community Economic Development Coordinator, stated that this is the second Public Hearing on the “D” Street Project. Monitoring from a DED representative will be done on June 3rd and once that is completed they will do the project close out. There being no further comments or questions Mayor Trowbridge closed the Public Hearing at 7:18 p.m.

Council member Scribner made a motion to advance to Agenda Item #13 - Consideration of the application by Ka-Boomers Enterprises, Inc. to sell permissible fireworks at 1510 4th Street. Council member Yindrick seconded the motion. Voting AYE: Council members Rogers, Hein, Kroesing, Smith, Yindrick, and Scribner. Voting NAY: None. The motion carried.

Council member Hein made a motion to approve the request by Ka-Boomers Enterprises, Inc., Richard Ludvik, Wahoo, Nebraska, to sell permissible fireworks at 1510 4th Street. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Yindrick, Scribner, Smith, Rogers, and Hein. Voting NAY: None. The motion carried.

Council member Yindrick made a motion to advance to Agenda Item #17 - Consideration of the appointment of a police officer. Council member Hein seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Scribner, Hein, and Yindrick. Voting NAY: None. The motion carried.

Mayor Trowbridge stated, "Agenda Item #17 is the consideration of the appointment of a police officer and it has been a long time coming. We first visited with this young man from an application that he filed back in June, and we got into interviews in October and a lot of things have happened in the meantime haven't they Brian? It is a pleasure to see a bright young person who certainly has had some challenges in his young life and has risen above them. Brian Buresh is the young man in question and he is from Valparaiso, Nebraska. We have had, for a long time, a residential limit of thirty miles from David City for a police officer to live and Brian fits in that very nicely. He is a fully certified officer so he is ready to go to work for us."

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

Council member Hein made a motion to advance to Agenda Item #15 - Consideration of Resolution No. 4 - 2010 dividing Lot 5 (155' x 140") of Hildy Estates First Addition into two lots, one being 75' x 140' and the other being 80' x 140'. Council member Yindrick seconded the motion. Voting AYE: Council members Rogers, Kroesing, Smith, Scribner, Yindrick, and Hein. Voting NAY: None. The motion carried.

County Surveyor Dick Ronkar stated, "I am here on behalf of the owners, Ryan and Bryan Hilderbrand. I've prepared the plot that is before you, that is the split of Lot 5 in Hildy Estates Addition that lies directly east across the road from the golf course. The purpose of the plat is to split Lot 5 with a 155' frontage into the north 75' and the south 80'. The plot complies with the zoning regulations, has been approved by the zoning administrator, so I would ask the Council to approve this split."

Council member Kroesing introduced Resolution No. 4 - 2019 and moved for its passage and adoption. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Hein, Rogers, Yindrick, Scribner, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 4 - 2010 was passed and adopted as follows:

WHEREAS, Ryan and Bryan Hilderbrand, as the owners of Lot 5, Hildy Estates First Addition, have submitted a request to divide Lot 5 which is currently 155' x 140' into two lots consisting of 1) the north half (N½) of Lot 5 being a 75' x 140' lot and 2) the south half (S½ of Lot 5 being an 80' x 140' lot, and,

WHEREAS, Zoning Administrator Roger Kotil has reviewed the request and has recommended approval to the City Council, and,

WHEREAS, there were no objections expressed concerning the request of Ryan and Bryan Hilderbrand.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Ryan and Bryan Hilderbrand to divide Lot 5 which is currently 155' x 140' into two lots consisting of 1) the north half (N½) of Lot 5 being a 75' x 140' lot and 2) the south half (S½) of Lot 5 being an 80' x 140' lot, all in Hildy Estates First Addition, is hereby approved.

Dated this 14th day of April, 2010.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Council member Hein made a motion to advance to Agenda Item #14 - Consideration of Authorizing the payment of purchasing the Southern XV property located at 315 So. 4th Street and the title insurance expenses. Council member Scribner seconded the motion. Voting AYE: Council members Rogers, Kroesing, Smith, Yindrick, Scribner, and Hein. Voting NAY: None. The motion carried.

City Attorney Egr stated that the title insurance was \$170.00. Egr has the deed from Westland Industries and all of the title requirements have been satisfied. Egr will get the check from the City and pay the real estate taxes, record the deed tomorrow, and be done.

Council member Smith made a motion to pay for the purchase of the Southern XV property located at 315 So. 4th Street currently owned by Mr. Gaylen, Westland Enterprises, for the sum of \$22,500.00 (\$25,000 less \$2,500 purchase option) and the tile insurance of \$170.00. Council member Yindrick seconded the motion. Voting AYE: Council members Hein, Rogers, Kroesing, Scribner, Yindrick, and Smith. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Public Hearing open at 7:30 p.m. to consider the application of Theresa and Don Saalfeld d.b.a. Paradise Floral, for a Class D Liquor License at 449 D Street. A Class D Liquor License allows for the sale of Beer, Wine, & Distilled Spirits, off sale only. There being no comments or questions Mayor Trowbridge closed the Public Hearing at 7:31 p.m.

Council member Kroesing made a motion to recommend approval to the Nebraska Liquor Control Commission concerning the application of Theresa and Don Saalfeld d.b.a. Paradise Floral, for a Class D Liquor License at 449 D Street. Council member Rogers seconded the motion. Voting AYE: Council members Yindrick, Scribner, Smith, Hein, Rogers, and Kroesing. Voting NAY: None. The motion carried.

Council member Hein made a motion to advance to Agenda Item #19 - Presentation by Matt Rief of Olsson Associates concerning an update on the "D" Street Project and change orders. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, Rogers, Hein, and Yindrick. Voting NAY: None. The motion carried.

Matt Rief of Olsson Associates stated, "We are getting closer, we went through a punch list today with the contractor and we had a preliminary punch list a couple of weeks ago, and got some more of the items completed. They are doing some pavement repair right now, some of that is more of a warranty work; some of the cracks are showing up, some others were out of their control. They did get that outlet almost completed; that is one of the issues that I wanted to talk to you about down there on "A" Street, that drainage. That farmer has approached us that he wanted the trees cleared on that outlet downstream of "A" Street, to road "M", that north /south street. He (the farmer) also wants it graded but Joe (previous city administrator) only agreed to clearing the trees; now he wants it graded also so he can farm across it. Right now Jim (street superintendent) has gotten some bids to clear those trees for \$300 and I would say to have Jim go ahead and get that done. Right now I don't have any authorization unless you guys feel that we need to re-grade it downstream, from that standpoint, right now we were basically going to clean it up. Think about that. Lighting; everything is lit up except for the end light that doesn't have a mast arm on it and a fixture, and there is also a globe that needs to be replaced, it is cracked. Another issue I want to bring up is over by the bank (4th & D) there are bank pavers, the bank put in a heated sidewalk and that sidewalk right now you saw a little frost heave because of the temperature differential because of the parking lot curb compared to the sidewalk so there was a little lip there from the curb to the pavers, we kind of smoothed it out right now but I think it is something you are going to see over time and it is that temp differential. You have a heated sidewalk and you have un-heated. This may be an issue next spring again. I haven't worked with heated sidewalks, I didn't design that, this is something the bank took on."

Mayor Trowbridge stated, "This was not in the preliminary plans or engineering, it was brought on by the property owner mid-stream."

Gary Meister of Castle Construction stated that they think they have ten days of odds and ends to take care of to complete the "D" Street Project. These items take skilled people.

Matt Reif suggested that they write a letter to the Contractor stating that this project should be completed in two weeks; the two issues being out there, the drainage ditch itself, seeding, and the lighting. The project needs to be brought to a closure.

Council member Hein made a motion to advance to Agenda Item #20 - Consideration of Change Order No. 2 - Final for alternates E-2, F-2, G-2, and H-2. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Yindruck, Scribner, and Hein. Voting NAY: None. The motion carried.

Matt Rief of Olsson Associates presented Change Order No. 2 - Final:

6' PC concrete pavement NE Street, "M" Street, I Street	\$2,219.40
Extra Saw Joints	\$4,796.76
Pavement Removals	<u>\$244.96</u>
	\$7,261.12



Change Order
 No. 2-Final

Date of Issuance: April 8, 2010 Effective Date: April 8, 2010

Project: Municipal Street Improvements Owner: City of David City Owner's Contract No.: _____
 Contract: Alternates E-2, F-2, G-2 and H-2 Date of Contract: _____
 Contractor: Castle Construction, Inc. Engineer's Project No.: 2009-0018
P.O. Box 332, Columbus, NE 68502

The Contract Documents are modified as follows upon execution of this Change Order:
 Description: See attached document

Attachments: (List documents supporting change):
See attached document

<p>CHANGE IN CONTRACT PRICE:</p> <p>Original Contract Price: _____</p> <p><u>\$394,247.00</u></p> <p>(Increase) (Decrease) from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : _____</p> <p>Contract Price prior to this Change Order: _____</p> <p><u>\$374,018.98</u></p> <p>(Increase) (Decrease) of this Change Order: _____</p> <p><u>7,261.12</u></p> <p>Contract Price incorporating this Change Order: _____</p> <p><u>\$381,280.10</u></p>	<p>CHANGE IN CONTRACT TIMES:</p> <p>Original <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>October 30, 2009</u> Ready for final payment (days or date): <u>October 30, 2009</u></p> <p>(Increase) (Decrease) from previously approved Change Orders Substantial completion (days): _____ Ready for final payment (days): _____</p> <p>Contract Times prior to this Change Order: Substantial completion (days or date): <u>October 30, 2009</u> Ready for final payment (days or date): <u>October 30, 2009</u></p> <p>(Increase) (Decrease) of this Change Order: Substantial completion (days or date): <u>December 19, 2009</u> Ready for final payment (days or date): <u>April 1, 2010</u></p> <p>Contract Times with all approved Change Orders: Substantial completion (days or date): <u>December 19, 2009</u> Ready for final payment (days or date): <u>April 1, 2010</u></p>
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RECOMMENDED: Olsson Associates ACCEPTED: City of David City ACCEPTED: Castle Construction
 By: _____ By: _____ By: _____
Engineer (Authorized Signature) Owner (Authorized Signature) Contractor (Authorized Signature)

Date: _____ Date: _____ Date: _____

Approved by Funding Agency (if applicable): _____ Date: _____

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 Prepared by the Engineers' Joint Contract Documents Committee and endorsed by the Associated General Contractors of America and the Construction Specifications Institute.



Alternate Municipal Street Paving
DAVID CITY, NEBRASKA
 2009

DATE: **CHANGE ORDER - 2**
April 14, 2010
 Project No. 009-0018

Items of Work Description	Unit	Unit Price	Rev. Contract Qty	Rev. Contract Total Price	Current Quantity	Add/Deduct Quantity	Add/Deduct Price	Contract Adj. Price
ALTERNATE-E-1 Nebr. Street/1 street/M Street								
1 6" P.C. Concrete pavement	SY	\$27.00	3430.0	\$92,610.00	3312.2	82.20	\$2,219.40	\$94,829.40
3 Earthwork	LS	\$8,450.00	1.00	\$8,450.00	1.00	0.00	\$0.00	\$8,450.00
ALTERNATE F-1-M Street (6th to 9th)								
1 6" P.C. Concrete pavement	SY	\$27.00	2409.0	\$65,043.00	2409.0	0.00	\$0.00	\$65,043.00
3 Earthwork	LS	\$6,480.00	1.00	\$6,480.00	1.00	0.00	\$0.00	\$6,480.00
ALTERNATE G-1-8th & 9th (C st. to BNSF RR)								
1 6" P.C. Concrete pavement	SY	\$27.00	3500.0	\$94,500.00	3500.0	0.00	\$0.00	\$94,500.00
3 Earthwork	LS	\$7,960.00	1.00	\$7,960.00	1.00	0.00	\$0.00	\$7,960.00
ALTERNATE H-1-B Street /9TH Street/Onk Street								
1 6" P.C. Concrete pavement	SY	\$27.00	1679.0	\$45,333.00	1679.0	0.00	\$0.00	\$45,333.00
3 Earthwork	LS	\$6,587.00	1.00	\$6,587.00	1.00	0.00	\$0.00	\$6,587.00
ALTERNATE TOTALS								
				\$326,963.00			2,219.40	\$329,182.40
CHANGE ORDER 1/NEW ITEMS								
COI-1 Fly Ash Stabilization	TN	\$150.00	88.00	\$13,200.00	88.00	0.00	\$0.00	\$13,200.00
COI-2 Alley Wings Concrete Pavement	SY	\$38.00	33.00	\$1,254.00	33.00	0.00	\$0.00	\$1,254.00
COI-3 Sidewalk Concrete Pavement	SY	\$36.00	11.00	\$396.00	11.00	0.00	\$0.00	\$396.00
COI-4 Extra Saw Joints	LF	\$2.13	1818.00	\$3,872.34	4070.00	2252.00	\$4,796.76	\$8,669.10
COI-5 Change of Pavement Width	LS	\$1,500.00	1.00	\$1,500.00	1.00	0.00	\$0.00	\$1,500.00
COI-6 Pavement Removals	SY	\$2.98	11018.00	\$32,833.64	11100.20	82.20	\$244.96	\$33,078.60
COI-7 City Credit for Hauling off Millings	LS	-\$6,000.00	1.00	-\$6,000.00	1.00	0.00	\$0.00	-\$6,000.00
CHANGE ORDER 1/NEW ITEMS TOTAL								
				\$47,055.98			\$5,041.72	\$52,097.70
TOTAL Alternates/Change Order 1/ New Items								
				\$374,018.98			\$7,261.12	\$381,280.10
TOTAL CHANGE ORDER 1 NEW ITEMS								

Council member Kroesing made a motion to approve Change Order No. 2-Final for alternates E-2, F-2, G-2, and H-2 in the amount of \$7,261.12. Council member Yindrick

seconded the motion. Voting AYE: Council members Scribner, Hein, Rogers, Smith, Yindrick, and Kroesing. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Public Hearing open at 7:48 p.m. to consider the expenses incurred abating the nuisance at 241 South 4th Street. This is the Leslie Milne property. A certified, return receipt letter was mailed to Leslie but she was not present at the meeting. Mayor Trowbridge gave a description of the guidelines followed and the action taken. A citizen commented that this has cleaned up the entrance to the City but she hoped that the vacant lot wouldn't just sit there like that now for eternity since it is on the highway. She stated there should be a better use for it such as being plowed into a park or something. It would be nice if someone would purchase the property. City Attorney Egr stated that usually if the real estate taxes aren't being paid the County will eventually bring it up for state taxes. Mayor Trowbridge stated that we have abated a nuisance that was degrading the value of properties around it and close to it and it gave a terrible message to our community. It is good to move on. There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:55 p.m.

Council member Yindrick made a motion to approve the expenses incurred as presented, abating the nuisance at 241 South 4th Street, in the amount of \$26,975.00. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Scribner, Kroesing, Hein, Smith, and Yindrick. Voting NAY: None. The motion carried.



STATEMENT OF EXPENSES

INVOICE

Page 1 of 1

DATE: 15-Mar-10

INVOICE #: Milne 1

557 4th Street
 P.O. Box 191
 David City, NE 68632
 Phone: (402) 367-3135
 Fax: (402) 367-3126

FOR:

City of David City, Nebraska's abatement of a nuisance as detail in Resolution No. 6-2009 and the abating such nuisance.

PROPERTY ADDRESS:

Leslie Milne
 241 South 4th Street
 David City, NE 68632

BILLING ADDRESS:

Leslie Milne
 P.O. Box 430
 Greeley, CO 80632-0430

DESCRIPTION	DATE	QUANTITY	UNIT	UNIT COST	UNIT AMOUNT
Truck Rental	6/15/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - house demo	6/15/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Truck Rental	6/16/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - demo load out	6/16/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Truck Rental	6/17/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - demo load out	6/17/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Truck Rental	6/18/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - demo load out	6/18/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Truck Rental	7/6/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - haul in clay	7/6/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Truck Rental	7/7/2009	2	8Hrs @ \$50/hr	\$400.00	\$800.00
Labor - Haul in clay/dirt	7/7/2009	3	8hrs @ \$33.50/hr	\$268.00	\$804.00
Cat Dozer - RENT	6/1/09 - 7/2/09	1	48 hrs @ \$100/hr	\$4,800.00	\$4,800.00
Cat Dozer Fuel	6/15/09 - 7/7/09	1		\$389.00	\$389.00
Bobcat Rental	6/15/09 - 7/7/09	1		\$800.00	\$800.00
Cat Loader Rent	6/15/09 - 7/7/09	1		\$800.00	\$800.00

SUBTOTAL	\$16,413.00
TAX RATE	6.5%
SALES TAX	\$313.56
OTHER	\$10,248.44
TOTAL	\$26,975.00

Butler County Landfill Charges (Receipt Attached)

Make all checks payable to **the City of David City, Nebraska.**

If the property owner does not pay the expenses of abating the nuisance within five (5) days after the City Council confirms the cost of abatement at the April 14, 2010 Hearing, the cost shall become a special assessment against the real estate upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest applicable per statutes of the State of Nebraska.

Council member Hein made a motion to advance to Agenda Item #23 - Consideration of going into Executive Session for an explanation of settlement terms concerning an inverse condemnation settlement. Council member Kroesing seconded the motion. Voting AYE:

Council members Rogers, Scribner, Smith, Yindrick, Kroesing, and Hein. Voting NAY: None. The motion carried.

City Attorney Jim Egr stated, "The reason we don't have to go into closed session, I have visited personally with each one of the six council members and the mayor about the decision on how we needed to handle that inverse condemnation. I want to emphasize we can't disclose the terms as part of the settlement, but it did not cost the City one penny. A second insurance carrier that we had, covered the 2005 part of it, and by using that we negotiated a settlement of the inverse condemnation and as a result no money came out of the city's coffers, no way, shape, or form, and I would ask the Council to ask the Mayor to sign settlement papers so we can file those with the court, we have our settlement check from the insurance carrier. I want to emphasize this cost nothing to the City of David City, legal fees included."

Council member Smith made a motion to authorize Mayor Trowbridge to sign all necessary settlement papers concerning an inverse condemnation settlement. Council member Hein seconded the motion. Voting AYE: Council members Rogers, Scribner, Smith, Yindrick, Kroesing, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge declared the Public Hearing open at 8:03 p.m. to consider the expenses incurred abating the nuisance at 210 South 8th Street. City Clerk Kovar stated that she mailed a certified letter to Louise Sanders in Lincoln, Nebraska on March 16, however, it was returned stamped with Mar 24 2010, Apr 01 2010, and a label 4/3/10 that stated Return to Sender, Unclaimed, Unable to Forward. Mayor Trowbridge explained the many attempts to get the property cleaned up, the regulations followed, and that the City has an \$11,204.28 claim against the abatement of this particular nuisance on this property. City Clerk Kovar stated that an earlier lien of \$6,959.78 was filed on 11/20/08 for prior clean-up on this property. Local builder, Don Hilger stated that he felt the property is worth that. There being no further discussion or comments, Mayor Trowbridge declared the Public Hearing closed at 8:06 p.m.

Council member Kroesing made a motion to approve the expenses incurred as presented, abating the nuisance at 210 South 8th Street, in the amount of \$11,204.28. Council member Hein seconded the motion. Voting AYE: Council members Smith, Yindrick, Scribner, Rogers, Hein, and Kroesing. Voting NAY: None. The motion carried.

department, one being the current City Hall and the other being the Sturgeon Garden Center on 4th Street. We made contact with the Fire Marshall. Fire Marshall Gary Wagner made a visit on the 22nd of March, looked at both facilities, let me preface that, we as a committee, as well as Don Hilger and Tony Novak made visits to both facilities too, which we appreciated the insight of two experienced and respected builders in the community. The fire marshal made a visit and left a copy of a summary with Mike Rogers at the Sheriffs office. The report is a little vague in his recommendations. I followed this up with a phone call to the fire marshal and actually got a lot more information via a phone call than the document here. Some of his recommendations are very generic such as proper exists, proper exit lighting, proper separations between occupancies, things of that nature, very general recommendations. The biggest thing I gathered from the fire marshal is that before he could really give any specific recommendations as to what we need in a facility, we have to pick that facility. He said we can't ask him to give us recommendations on two facilities, so we need to pick one and move forward with most likely some architectural designs as to how we need to appropriately remodel the facility to make it usable for a police department, then he can reply with his recommendations as to whether it meets the requirements of the fire marshal. I asked Don to be here to give a little summary of what he found as a builder in both facilities."

Don Hilger stated, "Tony and I both figured it would take roughly \$40,000 to do both jobs (either about the same amount of money); to re-do this portion for the police department or go over to the flower shop and do windows and put walls in, handicapped restrooms. I don't know if the State Fire Marshall will make you put in handicapped restrooms on this side. Joan, do all of you use these restrooms here or are there other restrooms? Joan stated, "No these are the only restrooms". So that would have to be accessible from sides, the police department and Joan's side. That over there (Sturgeon Garden Center), and I'm not out to knock the building here, is a pole building; that goes into the State Fire Marshall, with occupancy and all that, what he has to say about that; there is no basement for storms or security. This has a basement. That over there has very good parking and accessibility. If the police department has a separate entrance then do we need a fire wall going up between the two? but he is not going to tell you that until you pick a location."

Council member Scribner stated that he talked to Gene Coufal who owns the property just across the alley west of the current City Office. He may be willing to sell or lease some property to the City for parking or whatever.

Mayor Trowbridge stated that we need to make a decision as to which direction we are going to go. We need to vacate the existing police department building.

Council member Scribner stated, "From being on the committee I have no problem making a motion to make this building the combined and move our meetings over to the Library."

Council member Kroesing asked Scribner if he had considered all the options, "Where are you going to hold all of your committee meetings, employee meetings? Drag all of them over to the Library?" Scribner stated "That's correct".

Council member Yindrick asked, "Is the motion narrowed down to just the selection of the facility excluding library and all that? Can we narrow it down to just facility at this point? He (Bill Scribner) added something about moving to the Library and all that and that's irrelevant at tonight's decision I think." City Attorney Egr stated that would be the proper thing.

Council member Scribner made a motion to utilize the current City Office Building for the City Office and the Police Department. Council member Yindrick seconded the motion. Mayor Trowbridge asked the council if they are thinking of using the council meeting room to the end of the building, or from the stairwell to the end of the building. Council member Yindrick stated that, square footage wise for our current needs; we have enough room from the stairwell back. Much discussion followed including the cost of the Sturgeon Garden Center, sawdust insulation in the current City Office Building, extended ceilings and cubicles, sprinkling systems, handicapped restrooms, etc. Voting AYE: Council members Hein, Yindrick, and Scribner. Voting NAY: Council and members Rogers, Smith, and Kroesing. Mayor Trowbridge broke the tie and voted "AYE". Mayor Trowbridge stated, "I don't think it's the building. It's the people. It is the training and the desire. How they conduct themselves." The motion carried.

Electric Supervisor Pat Hoefft stated that he received a letter from Tim Bowling, UTIL Instructor, Metropolitan Community College, Omaha, NE checking to see if David City would be interested in participating in an internship with their school. Pat would like to participate in an internship program with Metropolitan Community College for interns getting started in the utility line industry. This would be part time help only with no benefits. They would earn somewhere around \$10/hr. with a minimum of 400 hrs. Council member Hein asked if the electric department had ever requested summer time help in the past and was told no. Council member Yindrick asked if it was a significant benefit to the City for \$4,000 or if it was a bit of a favor to the college involved.

Council member Scribner made a motion to approve participating in the internship program with Metropolitan Community College for interns getting started in the Utility Line Industry. Council member Rogers seconded the motion. This is for the summer of 2010. Voting AYE: Council members Smith, Rogers, Kroesing, and Scribner. Voting NAY: Council members Hein and Yindrick. The motion carried.

Matt Rief of Olsson Associates presented Change Order No. 1 for the "D" Street paving and drainage improvement in the amount of \$27,516.52 as follows and explained each:

	Remove railroad ties on "D" Street	\$760.00	
	Remove railroad ties on "C" Street	\$760.00	
	Reconstruct Manhole by alley at Henningsen's	\$665.00	
****	<u>Reconstruct Electrical Loops at 4th Street</u>	<u>\$1,870.00</u>	??
	The electric line was located		
	Restocking Fee for water line fittings	\$1,313.02	
	Removal of Co-op's old Truck Scale	\$6,967.00	
	on city property City Admin Johnson authorized		
	Railroad Obstruction - bore on "C" Street	\$7,206.00	
	concrete footing; 15 x 20 bldg., 7-8' deep		
	Additional Jointing	\$7,227.50	
	large sidewalk panel joints 7 x 7 replaced		
	with smaller joints 3 x 3		
	36" CMP FES	<u>\$748.00</u>	
		<u>\$27,516.52</u>	

Council member Scribner made a motion to approve Change Order No. 1 in the amount of \$27,516.52 for the D Street paving and drainage improvements with the stipulation that if reconstructing the electrical loops at 4th Street was due to storm sewer \$1,870.00 will be subtracted, however, if it is determined that it was for pavement removal and an unforeseen cost it will be included in the change order. Council member Hein seconded the motion. Voting AYE: Council members Yindrick, Rogers, Kroesing, Smith, Hein, and Scribner. Voting NAY: None. The motion carried.

Mayor Trowbridge stated, "We now have the discussion concerning the operation of the Recycling Center. One of the charges that we have as a city and as a council and a Mayor and the people that run these different operations is an efficient and effective management of what services we attempt to provide, and there was an issue this last week relative to the Recycling Center. I think it is something that can easily be resolved, but I think it is something we need to visit."

Council member Kroesing stated, "I was called over there early Saturday morning and you couldn't even get into the recycling center. We've got several big generators of cardboard in this town. They have the right to go over there at any time and throw those doors open and drop their cardboard anywhere on that floor and they do it. You've got your bailers in there against the north wall. You couldn't even see the bailers, and then you want somebody to go over there and accept recycling from the people that are driving up the streets in a line. I walked down that street and I talked to three hostile people that had to go back home with their car loaded because the people working there had no where to go with the recyclables. How come we lose so many people at that recycling center; good help? Why are they down the road? I went and asked some of them. They open that door and they are supposed to be working and they can't even find the place to work. There is no place to put the recyclables. They can't get to the containers. There is no place for the cans, plastic, or anything because that place is buried with cardboard. You can't have that happening when people are lined down that street with their recyclables."

Street Superintendent Jim McDonald stated, "There are a lot of different things you have to take into consideration here. It was a mess. I saw it Monday morning when I went over there. I really don't want my people to have to work over there. I have too many other things to do besides having my people work over there. We don't have enough help the way it is. We can't find good dependable help on Saturday. When you try to open it up, as busy as the place is, you try to open it up for the business places to bring the stuff when they can bring it instead of having to bring it on Saturday. If business places were bringing stuff on Saturday it would be backed up clear to the highway. I have talked to businesses and asked them not to bring those boxes over on Friday, I have talked to them two or three times but they still bring them over on Friday and dump them right in front of the door, I have talked to people about that. You need to find dependable people that I can get to work there. We need to have somebody else there during the week like we used to have, because I don't have time to be over there every Friday. When the weather is nice we are busy; we are running constantly all day long trying to keep up with the things that come up that we need to take care of. This is something else that was given to me, that I really didn't want, like the airport and other things like that, the mosquito program, it was just given to me that I am supposed to run. I really didn't want to have anything to do with it. But I am trying to do the best job that I can do. I am trying to have it open when the business places and people want to come there and make it convenient for them. It's just happened a

few Saturdays when it's been like this. I don't know what to do about it. If you guys can run it better than I can, tell me how you want me to do it, and that's the way that I'll do it."

Mayor Trowbridge stated, "Let's figure out how we are going to solve the puzzle that's before us. I think we need to do it at the next committee meeting which will be in two weeks. We can bring it up at the Utility Subcommittee Meeting. I would encourage the public that wants to recycle to help us find a way to do it."

The City Administrator Search Committee will be conducting interviews on Monday and Tuesday, April 19th and 20th and would like some guidance as to what can be offered for a salary. After discussion it was decided that a pay range from \$45,000 - \$60,000 would be negotiable. It was decided not to pass an ordinance until a set amount has been agreed upon and we know who the city administrator will be.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Rogers seconded the motion. Voting AYE: Council members Yindrick, Smith, Kroesing, Scribner, Rogers, and Hein. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:25 p.m.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
April 14, 2010

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 14, 2010; 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, City Clerk