

CITY COUNCIL PROCEEDINGS

May 12, 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 May 6th, 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: Council President Gary Kroesing, Council members Bill Yindrick, Mike Rogers, Gary Smith, and Nick Hein, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar. Mayor Dana Trowbridge and Council member Bill Scribner were absent.

The meeting opened with the Pledge of Allegiance.

Council President Gary Kroesing 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.

Council President Gary Kroesing stated the council members had received the minutes and asked if the council had any questions, comments, clarifications, or changes. Council member Hein noted a correction on page 13. When voting on participating in the internship program with Metropolitan Community College it was Council members Hein and Yindrick that voted NAY; not Hein and Kroesing as stated. Council member Hein made a motion to approve the minutes of the April 14th meeting of the Mayor and City Council, as corrected. Council member Rogers seconded the motion. Voting AYE: Council members Smith, Hein, Yindrick, Rogers, and Kroesing. Voting NAY: None. Council member Scribner was absent. The motion carried.

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

Council President Gary Kroesing called for Committee and Officer Reports.

Council President Gary Kroesing thanked Zoning Administrator Roger Kotil for adding names to the numbers on his zoning report.

Council member Hein asked if the sewer problem at 628 N 3rd Street had been solved concerning raw sewage coming up from the ground in the backyard. Water Supervisor Gary Janicek stated, "Yes, Chuck Oborny took care of it. It ended up being the line coming out of the house. Somebody had pushed a 55 gallon barrel over the hole which busted the line to open it up to where the seeping came through. Oborny dug it up, pulled the barrel out, replaced 4 or 5 feet of busted line, and put a cleanout there by the house. Oborny cleaned the whole line from the house to the alley and got them back in service." Nobody knows what the purpose of the

barrel was. Gary stated, "When the barrel was put there it actually crushed the sewer line which kept it from going from there to the main sewer, it blocked it, so the water pressure started pushing it up out of the ground. Oborny dug it all up and even hauled the contaminated dirt out and filled it up with fresh dirt for them."

Council member Hein asked how the automated meter reading system was coming along. City Clerk Kovar stated that a file server has been ordered. Barb Hiatt is trying to contact all of the residents in town to get phone numbers for the installation crew so they can contact all residents when necessary to get in basements to replace the water meters. Water Supervisor Gary Janicek brought in their file with all of the serial numbers for the water meters and the electric department is trying to get all of the serial numbers for the electric meters so Barb can input all of those into the utility system. Installation will probably be in July and August.

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

Council President Gary Kroesing presented Water Supervisor Gary Janicek a certificate of appreciation for ten years of faithful and efficient service.

Council member Hein made a motion to approve the application by the Supporters of Scout Hall to sell permissible fireworks at 660 N 5th Street. Mike Jones of Jones Insurance had provided a summary of insurance for liability insurance for the sale of fireworks from inside the scout hall. Council member Yindrick seconded the motion. Voting AYE: Council members Rogers, Kroesing, Smith, Yindrick, and Hein. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Hein made a motion to approve the application by Marv's Fireworks to sell permissible fireworks at 1831 No. 4th Street. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Rogers, Kroesing, Smith, and Hein. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Smith made a motion to appoint Jon A. Holmes as the City Administrator. Councilmember Rogers seconded the motion. The Search Committee consisting of Council members Gary Kroesing, Gary Smith, and Mike Rogers, City Clerk Joan Kovar, Street Superintendent Jim McDonald, Sewer Supervisor Scott Boyd, and citizens Teresa Birkel, Carolyn Yates, and Rex Rehmer recommended the appointment of Jon A. Holmes. Voting AYE: Council members Yindrick, Smith, Kroesing, Hein, and Rogers. Voting NAY: None. Council member Scribner was absent. The motion carried.

Jon Holmes stated, "I am very excited and very honored to come to work with this team in this community. I really appreciate the support that I received from the Council members and Gary and Joan in the last couple of weeks and also Mayor Trowbridge; I appreciate his support and encouragement. I am really excited to be here and looking forward to getting back to this part of the country. I am looking at the 7th of June and transitioning over here that first week of June, with the official start date on the 7th. I am really looking forward to it."

The Search Committee recommended a salary of \$50,000/year for Jon Holmes and to give a week's vacation to start rather than having to work one year before gaining a weeks vacation due to his experience.

Council member Hein introduced Ordinance No. 1125 setting the salary of the city administrator at \$50,000 and starting with one week's vacation. Council member Hein made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Kroesing, Rogers, Hein, and Smith. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Hein made a motion to pass Ordinance No. 1125 on the third and final reading. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Yindrick, and Hein. Voting NAY: None. Council member Scribner was absent. The motion carried and Ordinance No. 1125 was passed and approved as follows:

ORDINANCE NO. 1125

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO SET THE PAY FOR THE CITY ADMINISTRATOR; REPEAL ALL ORDINANCES OR PORTIONS OF ANY ORDINANCE IN CONFLICT THEREWITH; PROVIDE AN EFFECTIVE DATE; AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the salary for the position of City Administrator Jon A. Holmes at \$50,000 per year, after the passage of this ordinance.

SECTION 2. The Mayor and City Council of David City, Nebraska authorize one week of vacation to start for City Administrator Jon A. Holmes.

SECTION 3. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect beginning on June 1, 2010.

PASSED AND APPROVED this 12th day of May, 2010.

Council President Gary Kroesing

City Clerk Joan E. Kovar

Park/Auditorium Supervisor Bill Buntgen stated, "About a year ago the contractors that originally did the track were out and took a look at it. We are on a schedule for maintenance every ten years. We did budget \$32,000 in capital improvements. We went through a bid process and we discussed these at the subcommittee meeting. We recommend we go with Midwest Tennis & Track, the company that built the track, to repair it. I will try to explain what they are going to do. First of all they spray a glue primer on there and they sprinkle some rubber on to fill in the lose spots, the low spots; or where it needs some rubber they will hand trowel that in. They will come by with two spray layers of coating and then they repaint the track. In another ten years we just put a coating on it. Our track is very well kept. I have been around this spring to various tracks and there are some terrible tracks out there because they do not maintain their tracks. We need to keep up with our maintenance schedule." The following bid was recommended:

Midwest Tennis & Track:

Project: Athletic Track Repair and Resurfacing

Revolution™ Polytop-R Maintenance Coating Track System

Scope of Services

1. Procedures

- A. Clean and prepare the track surface.
- B. Patch any loose and thin areas.
- C. Locate and repair any cracks
- D. Spray application of a primer coat
- E. Hand-application of 0.5mm - 1.5mm rubber.
- F. Spray application of a polymer emulsion coat.
- G. Two (2) coat spray-application of a two-part black polyurethane top coating
- H. Repaint lane lines and event markings as per NFSHSA standards.

We hereby propose to furnish materials and labor in accordance with the above specification for the sum of \$35,950.00

Council member Yindrick made a motion to accept the bid of Midwest Tennis and Track in the amount of \$35,950.00 for track repair and resurfacing. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Hein, Kroesing, Smith, and Yindrick. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Hein made a motion to advance to agenda item #14 - Consideration of requesting bids for the demolition of the Southern XV buildings located at 315 So. 4th Street. Council member Yindrick seconded the motion. Voting AYE: Council members Rogers, Kroesing, Smith, Yindrick, and Hein. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council President Kroesing stated, "My understanding of this when we first talked about this building, and correct me if I am wrong, we talked about having the city do this part and having them remove the tanks for us too if possible."

Council member Hein stated, "I think we had talked more of having Jim's crew do the tanks, than the buildings themselves."

Council member Yindrick stated, "Down the road. The way I understood it too, was when the time came that it was necessary, if the property was to be sold or something like that, I didn't understand moving the tanks in the near future, it was at what point do we deem it necessary." "Originally, way back when this all started, we discussed utilizing city employees to do demolition and tank removal work, but the suggestion came up of throwing it out there for someone that might want to remove it for the salvage of the iron considering what the iron price is right now, which would save the city as far as spending dollars on our employees to be there working on it."

Council member Smith stated, "The city could sell the iron as well as anybody else."

The request for bids would be for demolition and removal both.

Council member Hein stated, "I would say that at this point, Jim McDonald and his department, or any city department is welcome to put in a bid as is any private individual. Let's see where we come out the best from the City's side of it. It may cost us more to have our own people do it than a private individual may bid on it. We don't know unless we throw it out there for bids."

City Attorney Egr stated to be sure the request states that the City reserves the right to reject any and all bids. Egr also stated to send a letter to our insurance carrier that we own this property so we are protected by insurance.

Council member Hein made a motion to request bids for the demolition and removal of the Southern XV buildings located at 315 So. 4th Street. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Rogers, Kroesing, Yindrick, and Hein. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Hein made a motion to go into executive session to discuss personnel matters and public safety matters. Council member Smith seconded the motion. Council President Gary Kroesing asked if newly appointed City Administrator Jon Holmes could join the executive session. Council member Rogers asked if acting Police Chief Jim Sylvester and Sheriff Mark Hecker could also join the executive session. All agreed. Voting AYE: Council members Rogers, Yindrick, Smith, Hein, and Kroesing. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council President Gary Kroesing stated: "We are now going into executive session at 7:35 p.m. to discuss personnel matters and public safety matters."

Council President Kroesing, Council members Yindrick, Smith, Hein, and Rogers, City Attorney Jim Egr, newly appointed City Administrator Jon Holmes, acting Police Chief Jim Sylvester, Sheriff Mark Hecker, and City Clerk Kovar went into executive session at 7:35 p.m.

City Attorney Jim Egr stated that a motion and second was not needed to come out of executive session. Therefore, Council President Kroesing declared the City Council out of executive session at 8:52 p.m.

There being no further business to come before the Council, Council member Yindrick made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Hein, and Yindrick. Voting NAY: None. The motion carried and Council President Kroesing declared the meeting adjourned at 8:53 p.m.

ATTEST:

Council President Gary Kroesing

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
May 12, 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 May 12, 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