

## CITY COUNCIL PROCEEDINGS

December 17, 2009

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 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by posting of notices at the City Office, U.S. Post Office, First National Bank, Hruska Public Library, Union Bank, County Courthouse, U.S. Bank, and Bank of the Valley. 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 members Gary Smith, Nick Hein, Bill Scribner, Bill Yindrick, Mike Rogers, and Gary Kroesing, City Administrator Joe Johnson, and City Clerk-Treasurer Joan Kovar.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

Mayor Trowbridge opened the special meeting at 5:30 p.m. Mayor Trowbridge stated: "This is a single agenda meeting this evening on consideration of Resolution No. 29-2009 submitting to the qualified electors of David City the following question: Shall the City of David City own and operate its own police department? That is the only issue that's before the Council this evening is a vote whether to bring that question to the qualified electors of the City of David City probably through a mail out election. The resolution is relatively long. There are copies going around the room as we speak. To give you a bit of background as to how this came about, we had an executive session at our last meeting and it dealt with the deployment of law enforcement in the City of David City, Nebraska. The question was raised as to deployment of "what law enforcement" in the City of David City, Nebraska, and around the table some people said I've been approached and I've been told that the majority of the people want us to do this and someone else will say and I've been told that the majority of the people want us to do the exact opposite and as we visit nobody quite knows where the majority of the people stand. We have any number of folks out professing that they seem to know where the majority of the people stand and the question was asked around the council table as to why don't we take this to a vote of the public and we will find out where the majority of the people stands on this particular issue, and that is how we got to where we are this evening. Joe and I drafted the next day; we can't take votes in executive session. The next day Joe and I took the information that we had watched around the table of six and put together a resolution and that's what's before the Council this evening and that's what they're going to vote on. Do we take this to a vote of the people and ask the people what the answer is? During the last number of months any number of times I believe we've all either heard or read in the paper that we need to listen to the people; that's exactly what we're doing. So with that table, where are you?"

Council member Kroesing made a motion to pass Resolution No. 29 - 2009. Council member Scribner seconded the motion.

Carol Brehm asked if the public got to talk at all and Mayor Trowbridge said no, not after a motion has been made. Carol stated that Mayor Trowbridge asked for information from the table but didn't ask for information from the audience. Carol stated: "You didn't offer any of us a chance to say anything."

Mayor Trowbridge stated: "Ok, I am going to with guidance of the council. I don't want to hear one side or the other because that's not why we are here this evening and if anyone starts down that path you will be asked to sit down. So, if you have something to say to the council relative to should they or shouldn't they take this action, please ask for the floor."

Carol Brehm stated that she had questions about the voting, the company, and how that all works. Mayor Trowbridge stated a company is not employed. All elections are done by the County Clerk's Office as accepted by the Secretary of States office.

Leo Meister stated: "A couple of months ago the City Council voted to keep the police department. It's up to the Mayor and City Council to provide electricity, police protection, water, whatever. They vote for you people and it's up to you people to decide whether we ought to have this. It looks to me like if you're going to try to do this you are putting the monkey on the people's back to make them make a decision and I don't think that they have a right to do that. This is the city council and the Mayors responsibility and that is where it should lie.

Joan Vandenberg asked: "If we vote not to have a police department will you still build a new building?" City Administrator Johnson said that was not on the agenda.

Max Birkel stated: "I was just looking at the resolution and I was wondering why we have that asterisk that says "does not include costs associated with the 911 dispatch". To me I believe that is part of the cost of running the police force. I would think that would be added on to that and then the numbers and percentages here would all change. If you are going to pass this resolution it needs to be an accurate account of the cost of the police force of the past eight years.

Mayor Trowbridge stated: "I think that is a point well taken. I think it is clearly designated that it "does not" so there isn't a slight of hand going on there. I had something to do with that asterisk. The top part of the resolution is not part of the ballot issue. The ballot issue is simply shall the City of David City, Nebraska, own and operate its own police department?" We have the numbers, what would be the best way to amend that?"

Council member Kroesing stated: "I think the 74% represents a pretty close figure. Its highly enough inflated without that being added on to give a person a sense of just where we're at here; how much it takes just to run it. So, if we add those figures on it would make it eighty some percent. Yes, it would make it more accurate.

City Administrator Johnson stated: "The full budget is on-line so the information is out there. When Mayor Trowbridge and I looked at this we put the asterisk because we don't have any control over the 911 costs. That's simply out of the control of the City. These are the actual costs that we can control as a governing body. The 911 cost is the County's; they tell us how much it's costing to provide 911 services and we reimburse them on a percentage basis."

Mayor Trowbridge asked: "If we got that information to Editor Peirce would that suffice to have him address that?"

Max Birkel stated: "That would help. The more information we can give the public, the better. That 74% average would go up to 88.5%."

Council member Hein made a motion to amend the resolution relative to adding the costs paid the County for 911 dispatch fees, giving a total of police department expense plus 911 dispatch fees, and recalculating the percentage of our total property tax revenue that that

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

Mayor Trowbridge stated: "We now have an amended resolution and we have a motion and a second on the table and we are going to move forward with discussion around the table."

Council member Yindrick stated: "A little comment on Mr. Meister's statements. Some month ago I made that motion and it was received with what I thought was strong support and I am a little surprised that we are back here going over something that was already voted on. I felt that the community spoke at that time and that is why I voted why I voted. I just wanted to make that statement that I continue to stand on that."

Council member Hein stated: "And I will agree with what you say Bill but there have been some happenings in the past months. In a sense we are shirking our duty by letting this go to a vote of the people if that is the way we vote this evening. The past months I've also heard from many people who would like to see this go to a vote of the people, and I've also heard from many people who say it's the Councils responsibility, so here we are."

Council member Scribner stated: "Pretty much in the same boat Nick. It's a double edged sword. People want that, people want this, so let's find out what the people want. I can't sit by my phone and call people all day long trying to figure out what they want, let's find out what they want. Let's let the public decide."

Council member Hein stated: "And, I'm not having to sit by my phone and listen to what the people want, so, I think the only way at this point to find out what the people really want is to let them vote on it perhaps. Right, wrong, or otherwise."

Council member Smith stated: "I feel the same way. I voted on this before, and I'm staying the way I voted on it before. That's the way I feel about it"

Council member Rogers stated: "And I've voted on it before and I don't intend to change. But, as Nick said, I've heard from both sides. Some want the Council to make the decision, some want to make the decision themselves. So, I want to go to the people and ask them what they want."

Mayor Trowbridge stated: "Then we'll call the question." [The motion on the table was made previously by Council member Kroesing to pass Resolution No. 29 - 2009, and was seconded by Council member Scribner.] Voting AYE: Council members Scribner, Rogers, Hein, Kroesing, and Smith. Voting NAY: Council member Yindrick. The motion carried and Resolution No. 29 - 2009 was passed and approved as follows:

#### **RESOLUTION NO. 29 - 2009**

**WHEREAS**, the Mayor and City Council of the City of David City, Nebraska, have determined that there is interest in determining whether the City of David City, Nebraska requires its own police department to provide appropriate public safety within and without the corporate limits of David City, Nebraska; and

**WHEREAS**, the operation and maintenance expense of a police department, historically has consumed an average of 88% of all personal and real property tax monies collected by the City of David City, Nebraska, as illustrated below:

	2002-2003 ACTUAL	2003-2004 ACTUAL	2004-2005 ACTUAL	2005-2006 ACTUAL	2006-2007 ACTUAL	2007-2008 ACTUAL	2008-2009 ACTUAL	2009-2010 BUDGET
PROPERTY TAX REVENUE	\$384,659	\$353,013	\$419,559	\$425,172	\$463,780	\$467,364	\$484,781	\$519,719
POLICE O & M EXPENSES	\$282,192	\$290,174	\$291,568	\$314,183	\$327,616	\$312,807	\$349,191	\$414,000
DISPATCH / 911 EXPENSES	\$53,812	\$56,410	\$58,408	\$62,113	\$69,019	\$65,386	\$72,230	\$74,000
TOTAL EXPENSES	\$336,004	\$346,584	\$349,977	\$376,296	\$396,635	\$378,194	\$421,421	\$488,000

**WHEREAS**, the Butler County Sheriff’s Office, by and through Sheriff Mark Hecker, has submitted a “Law Enforcement Proposal for David City Nebraska” which would contract out the public safety requirements of the City of David City, Nebraska, to the Butler County Sheriff’s Office at a cost of \$240,000 for the first year, with cost escalation that may range from 0% to 6% per year.

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

**Section 1.** That a special vote by mail election to be held as soon as possible, regarding the issue of the City of David City, Nebraska, owning and operating its own police department, for the purpose of providing public safety to the citizens of David City, Nebraska, and that such issue shall be submitted to the qualified electors of the City and presented in the following form:

Shall the City of David City, Nebraska, own and operate its own police department?

\_\_\_ Yes

\_\_\_ No

**Section 2.** That the City Clerk is authorized and directed to certify a copy of this resolution to the election commissioner/county clerk and request the election commissioner/county clerk set a special vote by mail election as soon as possible. The City agrees to reimburse the election commissioner/county clerk for the expenses of conducting the special vote by mail election, as required by law.

Adopted by the City Council of the City of David City, Nebraska, on the 17<sup>th</sup> day of December, 2009.

\_\_\_\_\_  
 Mayor Dana Trowbridge

ATTEST:

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 City Clerk Joan E. Kovar

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council members Smith, Yindrick, Hein, Rogers, Scribner, and Kroesing. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 5:50 p.m.

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Mayor Dana Trowbridge

ATTEST:

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City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
December 17, 2009

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 December 17, 2009; 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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Joan E. Kovar, City Clerk