

## CITY COUNCIL PROCEEDINGS

January 14, 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 publication of notice in The Banner Press on January 8<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 Dana Trowbridge, Council members Gary Smith, Bill Yindrick, Nick Hein, Mike Rogers, Gary Kroesing, and Bill Scribner, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

Also present were: Police Chief Stephen Sunday, Park/Auditorium Supervisor Bill Buntgen, Water Supervisor Gary Janicek, Carolyn Yates, Janis Cameron, Bill Schatz, Jim Redler, Bryon Forney, Tim Wollmer, Economic Development Director Willow Holoubek, Dan & Jan Sypal, Jim Kobza, Don Moravec of Moravec and Associates, Jim Condon of Olsson Associates, and Banner Press Editor Larry Peirce.

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.

The minutes of the December 10<sup>th</sup> / 22<sup>nd</sup> regular and organizational meetings of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Smith. Voting AYE: Council members Rogers, Scribner, Kroesing, Yindrick, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were none.

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

Mayor Trowbridge scheduled a Committee of the Whole meeting for Wednesday, January 28, 2009, at 6:00 p.m. in the City Office meeting room.

Mayor Trowbridge called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. Water Supervisor Gary Janicek reported that on January 4, 2009, while on a trouble call, Water Operator Gary Hascall slipped on the ice and broke the tibia and fibula in his lower right leg. Hascall will not be able to put any weight on it for about two months. Mayor Trowbridge wished Hascall well and instructed the City staff to do their part in assisting him with his recovery. Mayor Trowbridge and Council member Hein both commended Street Superintendent Jim McDonald and his department for a statement on his report that stated: "The Nebraska State Recycling came and looked at our Recycling Center

and said it was the cleanest one they had seen and that they would be glad to give us grant funds for a facility like this.” Council member Hein made a motion to accept the Committee and Officer Reports as presented. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Rogers, Kroesing, Yindrick, Smith, and Hein. Voting NAY: None. The motion carried.

Council member Hein made a motion to approve amendments to the David City Economic Development Reuse Plan that includes allowing all rates and costs of a loan be negotiated and the boundaries of the Reuse funds being a four mile radius outside the corporate limits of David City. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Kroesing, Yindrick, Scribner, Smith, and Hein. Voting NAY: None. The motion carried and the CDBG Revolving Economic Development Reuse Plan was approved as follows:

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**CITY OF DAVID CITY, NEBRASKA**  
**CDBG REVOLVING ECONOMIC DEVELOPMENT LOAN FUND PLAN**  
**January 12, 2009**

***PART ONE – STRATEGY FOR USE OF FUNDS***

**GOALS & OBJECTIVES**

The goal of this plan is to provide economic development and job creation in the City of David City and other areas of Butler County.

The local and regional objectives shall be met as follows:

- a. Provide financing for start-up of new or expansion of existing business/industry that is unable to obtain conventional financing at like rates and terms.
- b. Creation and retention of jobs mainly for low and moderate income persons.
- c. Diversify the local economy by assisting new business and industry not already present.
- d. Assist in the redevelopment of vacant &/or blighted buildings and land.
- e. Provide needed public infrastructure improvements needed to retain existing and/or attract new business and industry.
- f. To improve substandard public infrastructure in the redevelopment area to help eliminate slum and blighted conditions.
- g. Help business & industry with job training costs.

The priorities of the plan shall be:

- A. Industrial Job Creation & Job Retention
- B. Back office/Service Operations targeting job creation and job retention
- C. Retail Business
- D. Public Works Infrastructure to support Industrial, Service, Commercial, and Retail expansion and retention opportunities

**PURPOSE**

The purpose of this plan is to establish policies, program application forms, application approval procedures and administrative support for the proper dispensation, in accordance with federal and state requirements, of program income (herein defined as the repayments of prior

and subsequent economic development loans, including interest and income resulting from the investment of repayments or other recaptured amounts related from such grants or loans) from previously funded Community Development Block Grants, Economic Development Category, as administered by the State of Nebraska, Department of Economic Development.

### **PROGRAM INTENT**

The City of David City (upon the approval of this plan or as it is amended from time to time) will consider applications for direct use of funds or loans that create or retain jobs which will benefit lower to moderate income (LMI) persons (to meet the National Objective that 51% of the jobs created or retained must be held by, or be available to, LMI persons), expand economic opportunities and contribute directly to the economic development of the David City and other areas, defined as the corporate limits of the City of David City and a four (4) mile radius outside the corporate limits of David City, Nebraska. These funds may also be used in projects in the aforementioned jurisdiction's designated redevelopment areas to help eliminate slum and blighted conditions.

### **TYPE OF ASSISTANCE**

Loans will be made for fixed asset improvements and also to supply working capital.

A minimum of 50 percent "private funds" will be required by the applicant for projects utilizing Revolving Loan funds. Private funds may include bank loans or other funds.

Loans may be made at below market interest rates and interest rates may differ between projects. Rates will be charged depending upon the needs of each project and the degree to which the proposal is in conformance with the goals and priorities of the CDBG Revolving Loan Fund Program. The amount, the interest rate, term and other conditions of the loan shall be negotiated with the applicant. The cost/job ratio shall not exceed a maximum of \$20,000 for each job developed or retained in the usual or standard business application.

The amount, interest rate and term of the Revolving Loan Fund will be determined for each project application based upon the three general justifiable reasons for CDBG assistance identified in the memorandum dated May 19, 1987 from the U.S. Department of Housing and Urban Development. The three "justifiable" reasons includes:

1. Financing GAP. The private sector can maximally raise only a portion of the debt and equity funds necessary to complete the project. A gap between sources and uses exist and the RLF fills the gap.
2. Rate of Return (ROR). The private sector can raise sufficient debt and equity to complete the project, but the returns to the developer/user are inadequate to motivate and "economic person" to proceed with the project. That is, project risks outweigh rewards.
3. Locational. In its most simplified version, the private sector entity is deciding between Site A and Site B for its project. The RLF grantor (City of David City) wants the project at Site A; but the private entity argues that the project will cost less at Site B and will require subsidy to equalize the costs in order to locate at Site A. The reasons for the cost differential are varied and must be evaluated on a case-by-case basis. The objective here is to quantify the cost differential to the extent possible between Site A and B so that the financial needs of the business may be judged in relationship to the public benefit and avoid an undue enrichment of the business.

Revolving Loan Fund loans will be secured by mortgages against fixed assets. Such mortgages may be made junior to bank loans or other private loans.

Loans may be renegotiated. Renegotiation proceedings, however, are not the borrowers inherent right.

Loans will be secured by a mortgage or security agreement on fixed assets. The mortgage may be renegotiated after 75 percent of the loan has been paid.

Loans may be made for the re-use of abandoned facilities, for modernization of plant or equipment, or for new installation. Loans may be made for equipment of building changes because of environmental or safety reasons, but only if the number of employees of the borrower will be immediately affected.

In general, principal will be repaid in equal installments spread over the term of the loan. Alternative schedules, however, may be arranged. Principal and interest will be due and payable semi-annually. Sinking fund arrangement may be considered provided that semi-annual payments are placed in escrow, payable to the Revolving Loan Fund for principal and interest due. Any excess in the escrow account will be paid to the borrower.

Date of the first payment of principal and interest will be arranged for each project. Usually, the date of the first payment will not exceed one year beyond the date of the loan.

Loans may be called by the borrower at any time after one year and on payment of all principal and interest.

### **RECYCLED REVOLVING LOAN FUNDS**

Recycled loans will not be made unless there is sufficient funds cash flow for a direct loan.

It is intended that only one loan of recycled funds may be made to a particular borrower. No maximum amount per borrower is stipulated.

Earned interest may be used to pay administrative expenses charged to the CDBG Revolving Loan Fund. Excess earned interest will be credited to the CDBG Revolving Loan Fund.

An annual financial statement and certified audit shall be required of all borrowers. Copies of such reports will be given to the administrator of the CDBG Revolving Loan Fund and reviewed by the Revolving Loan Fund Committee on an annual basis. Reports will be required throughout the term of the loan.

### **TIME OF PERFORMANCE**

Loans may be long-term depending upon the particular situation and the length of the loan may vary from project to project. Date of the first payment of principal and interest will be arranged for each project. Usually the date of first payment will not exceed one year beyond the date of the loan. Loan fund projects must begin construction immediately upon approval and construction projects must be completed within 18 months after loan approval date or face a penalty or cancellation imposed by the Revolving Loan Fund Committee.

### **OTHER TYPES OF ASSISTANCE**

Applicants may be eligible for other types of assistance including interest or principal buy down or equity or working capital grants. These types of funding will only be considered when

an applicant demonstrates sufficient needs. Such assistance shall always be a lower priority than direct loans for fixed asset financing.

## ***PART TWO - DISTRIBUTION AND MANAGEMENT SYSTEM***

### **SUBMISSION OF APPLICATIONS**

An applicant with a potential Revolving Loan Fund project must contact the administrator of the Revolving Loan Fund Program and provide information in an application packet. The following information from the applicant will be required: description of business, project description, number of jobs created or retained, other job creation impacts, description of the proposed financial package, description of other assistance involved in the project, description of the need for a project, description of project impact on the applicant and two years projected, spread sheet, business plan, letter from business committing to project and job creation, and a commitment letter or a letter of credit from lenders.

A non-refundable verification and processing fee of \$250 shall accompany a completed application.

### **SELECTION OF APPLICANTS**

There will be a CDBG Revolving Loan Fund Review Committee established. The committee shall consist of five members appointed by the Mayor and City Council for staggered three-year terms. Two members (each from a different financial institution) shall have banking and loan experience, one member shall be an accountant or a certified public accountant, one member shall be a resident of the community with business experience, one member shall be a member of the city council. The City Administrator of David City shall be an ex-officio member of the committee without a vote and shall be designated Revolving Loan Fund Administrator having the authority to call meetings. A chairperson will be designated annually by the committee.

The committee shall review loan applications, assist the administrator with establishing terms of the loan, and make recommendations as to whether or not a loan should be made. The committee shall review the Revolving Loan Fund Portfolio, the certified annual audits and reports as soon as reasonably possible after receipt; and make recommendations to the administrator as to changes of the program, goals, priorities, loan standards and financial policy. A committee member shall have the right to request additional information from the loanee.

The committee shall review "conflict of interest" situations and determine whether or not a loan should be made. Such conflict of interest would include elected and appointed city officials and their families. Full disclosure of any such conflict shall be in writing and shall be part of the application for assistance.

The City Council of David City may, by resolution, approve any loan made from the Revolving Loan Fund. On a case-by-case basis, the city council may redirect funds for the development of programs that benefit the city's long-term economic development goal of job creation that would benefit low and moderate-income persons. These groups include but are not limited to:

- a) education and training,
- b) entrepreneurship,

- c) small business transfer,
- d) investment capital
- e) marketing, and value-added agriculture

It is not intended that the City Council will arrange loans or loan conditions but will exercise final approval authority. The city Council may approve or modify the CDBG Revolving Loan Fund Program, except that initial loan contractual conditions established with state or federal agencies cannot be changed without their approval.

The CDBG Revolving Loan Fund Administrator will:

- a. Develop and compile the elements of a loan project and report to the revolving loan review committee and the city council as required,
- b. Serve the revolving loan review committee by appointing a secretary to arrange meetings, record minutes of the meetings, and assist in administering and recording of loan funds.
- c. Promote the revolving loan fund program by making it known to other development agencies, banks and prospective borrowers.
- d. Assist in developing loan packages.
- e. Review loan applications.
- f. Arrange for servicing loans.
- g. Assist the committee in developing a recapitalization strategy for the revolving loan fund and administer the fund
- h. Secure legal review and service as required
- i. Secure an annual certified report of the fund and publish an annual report of the program activities. He will make other reports as required by federal and state agencies
- j. Provide continuity and timeliness of program activities

#### **COMPLIANCE WITH FEDERAL, STATE AND LOCAL REQUIREMENTS**

The applicant shall be required to sign a Certification of Assurances, a sample of which is attached as Attachment A, to comply with the requirements of this plan, and (as applicable) shall comply with:

- A. The Civil Rights Act of 1964 (PL 88-352) and Title VIII of the Civil Rights Act of 1968 (PL 90-284);
- B. Housing and Community Development Act of 1974, as amended;
- C. Age Discrimination Act of 1975;
- D. Section 504 of the Rehabilitation Act of 1973;
- E. Davis Bacon Act, as amended, where applicable under Section 110 of the Housing and Community Development Act of 1974, as amended;
- F. Fair Labor Standards Act of 1938, as amended.
- G. Preservation of Historical and Archaeological Data Act of 1974 (PL 93-291);
- H. National Historic Preservation Act of 1966, Section 106 (PL 89-665);
- I. National Environmental Policy Act of 1969;
- J. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, Title II and Title III;
- K. Nebraska Community Development Law, Section 18-2101 to 18-2144, Revised Statutes of Nebraska, 1943.

The City and the Program Administrator shall comply with the following requirements (as applicable):

- a. U.S. Office of Management and Budget Circular A-87, "Cost Principles for State and Local Governments";

- b. U.S. Office of Management and Budget Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to States and Local Governments";
- c. Acquisition of Property for Publicly Financed Projects, Sections 76-1201 to 76-112113, Nebraska Statutes Revised, 1943, as amended;
- d. Community Development Law, Sections 18-2101 to 18-21144, Nebraska Revised Statutes, 1943, as amended;
- e. Public Meetings Law, Sections 118-1401 to 18-1407, Nebraska Statutes Revised, 1943, as amended;
- f. The Hatch Act of 1938, as amended.
- g. Certification of Confidentiality (Attachment B).

It is expressly understood that all applicable local, state, and federal laws, rules, regulations and any other requirements applicable to this Economic Development Plan and Revolving Loan Funds are hereby incorporated by reference and hereinafter apply to all applicable parties to the extent provided by law.

### ***PART 3 - FINANCIAL MANAGEMENT***

#### **MAINTENANCE OF RECORDS**

The City Clerk/Treasurer will service the Revolving Loan Funds by receiving and recording all payments made to the Revolving Loan Fund and reporting this information to the Revolving Loan Fund Committee as activity dictates. There will be no additional costs of reimbursement for this procurement because of in-house professional services.

Financial records, supporting documents, statistical records and all other records pertinent to the loan program shall be retained by the City of David City. All records shall be retained for a minimum of three years beyond the loan or longer if any litigation or audit is begun or if a claim is initiated involving a loan covered by the record. In these instances, the records will be retained until the litigation, audit or claim has been resolved.

The fund administrator, representatives of the Revolving Loan Fund Committee, members of the City Council of David City, the Nebraska Department of Economic Development, and the state auditor's office shall have access to all books, accounts, documents, records and other property belonging to or in use by the City of David City and business beneficiary pertaining to the receipt of assistance under these rules.

#### **INTERIM INVESTMENT**

The City of David City will invest the recycled revolving loan funds in high interest bearing money market accounts and certificate of deposits for terms not to exceed twelve months.

### ***PART 4 - CHANGES AND MODIFICATIONS***

#### **AMENDMENT PROCEDURES**

If it is determined that the local plan is no longer appropriate for the needs of the City of David City, the following method will be used to amend the original guidelines. The Revolving Loan Fund Committee will determine the appropriate local needs and the amended action and will then report its recommendations to the Fund Administrator. The Fund Administrator will in

turn report to the City Council of David City the committee's findings and recommendations. Within thirty days, a public hearing will be conducted to obtain citizens comments on amended Revolving Loan Fund guidelines. The public hearing on the amendments must address the activities to be undertaken; the minutes of the public hearing and the public hearing notice are to include this listed statement. The public hearing must be held within the local jurisdiction and the guidelines must be available for public inspection at the locality.

Following an official public hearing, the governing body of the City of David City will adopt a resolution authorizing changes to the Revolving Loan Fund guidelines to be amended as read.

The loanee or the City of David City may request an amendment or modification of the guidelines to the Revolving Loan Fund Committee. However, such amendments or modification shall not take affect and be incorporated into the contract, until mutually approved, in writing, by the City Council of David City and the loanee.

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Council member Kroesing introduced Ordinance No. 1098. Council member Kroesing made reference to page ten of the Water and Sewer Rate Study as prepared by Olsson Associates - AO Project No. 007-1011, dated November 2008, which states: "Although this rate provides the correct signals, we caution that it must be fully explained in advance so that the users are informed beforehand and are not "shocked" when the first billing arrives. It is important to note that the first year of the rates as suggested should be considered "interim." It is impossible to calculate the exact usage in the rate block as the consumers must decide how much to water the grass at the higher rate. The usages, revenues, and rates should be reviewed after the first year to determine what, if any, changes need to be made. If many consumers minimize their yard watering, there could be a decrease in variable costs.

Mayor Trowbridge stated that it is the City's responsibility to provide water; not socially accepting how it is being used; it is about price.

The Water and Sewer Rate Study by Olsson Associates stated: "when the water revenues were reviewed it appears that overall water system revenues should be increased. The City has elected to consolidate existing bonds and add 12-year bonds, totaling \$650,000 for the water department to provide capital for two new wells. Also, the City has elected to fund capital projects for water main replacement in the system on an annual basis. By doing this, the revenue increases by approximately \$1.80 per month per average residential user beginning in Fiscal Year 2009 and \$1.37 and \$1.26 per month extending to the year 2011. This assumes an average water use of 5.1 Mgal per month, as recorded in the 2007 water use data. The total rate increase would be \$4.43 per month per average residential user. The recommendation assumes no additional funds will be needed during the next five years for large system improvements. Should additional capital be required, rates will likely have to be increased.

Jim Condon of Olsson Associates stated that the life of a well is typically 20 years. The casing can last 30 to 40 years, but for the well itself anything beyond 20 years is considered a plus.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1098 on the first reading only. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Yindrick, Smith, Hein, Rogers, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1098 was passed on and adopted as follows:

**ORDINANCE NO. 1098**

AN ORDINANCE SETTING THE MONTHLY RATES TO BE CHARGED FOR WATER USAGE; CUSTOMER CHARGES; EFFECTIVE DATES AND RATES; REPEALING ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, SECTION 3-101 OF THE MUNICIPAL CODE PROVIDES THAT THE GOVERNING BODY SHALL SET RATES TO BE CHARGED BY ORDINANCE.

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

Section 1. That the following monthly rates and customer charges shall become effective **February 1, 2009**. (Water used in February, billed in March, and due April 1 - 10th)

**For 5/8" by 3/4" meters:**

Customer charge of \$18.70 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 3/4" meters:**

Customer charge of \$23.40 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 1" meters:**

Customer charge of \$23.40 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 1 1/2" meters:**

Customer charge of \$46.75 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 2" meters:**

Customer charge of \$140.15 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 3" meters:**

Customer charge of \$196.19 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

**For 4" meters:**

Customer charge of \$196.19 per month (no water usage included)  
and \$2.16 per 1,000 gallons for First 10,000  
and \$2.38 per 1,000 gallons Over 10,000

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Section 3. That the following monthly rates and customer charges shall become effective **January 1, 2010**. (Water used in January, which will be billed in February and payable March 1 - 10th)

**For 5/8" by 3/4" meters:**

Customer charge of \$19.10 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 3/4" meters:**

Customer charge of \$23.95 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 1" meters:**

Customer charge of \$23.95 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 1 1/2" meters:**

Customer charge of \$47.90 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 2" meters:**

Customer charge of \$143.65 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 3" meters:**

Customer charge of \$201.10 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

**For 4" meters:**

Customer charge of \$201.10 per month (no water usage included)  
and \$2.35 per 1,000 gallons for First 10,000  
and \$2.67 per 1,000 gallons Over 10,000

Section 4. That the following monthly rates and customer charges shall become effective **January 1, 2011**. (Water used in January, which will be billed in February and payable March 1 - 10th)

**For 5/8" by 3/4" meters:**

Customer charge of \$19.60 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 3/4" meters:**

Customer charge of \$24.65 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 1" meters:**

Customer charge of \$24.65 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 1 ½" meters:**

Customer charge of \$49.15 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 2" meters:**

Customer charge of \$147.25 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 3" meters:**

Customer charge of \$206.00 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

**For 4" meters:**

Customer charge of \$206.00 per month (no water usage included)  
and \$2.50 per 1,000 gallons for First 10,000  
and \$2.95 per 1,000 gallons Over 10,000

Section 5. The monthly rates to be charged for water usage and customer charges will be reviewed by the City Council on as needed basis;

Section 6. That any other ordinance or section of any ordinance passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 7. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009.

Passed on 1<sup>st</sup> reading only 1/14/09  
Mayor Dana Trowbridge

(ATTEST)

Passed on 1<sup>st</sup> reading only 1/14/09  
City Clerk Joan E. Kovar

Don Moravec, of Moravec and Associates, presented and reviewed the Statement of Gross Proceeds Distribution for the fiscal year ended September 30, 2008. Council member Hein made a motion to accept the Keno Lottery statement of Gross Proceeds Distribution for the Fiscal Year ended September 30, 2008, together with the Independent Accountant's Reports, as presented by Moravec & Associates, CPA, PC. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Scribner, Kroesing, Rogers, Smith, and Hein. Voting NAY: None. The motion carried.

Ordinance No. 1099 was proposed to amend Section 3-213, Chapter 3 of the Municipal Code Book, regarding setting sewer rates by flat rate. Section §3-213 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. Customers of the Municipality Sewer Department shall **not** be charged a flat rate for the use of sewer service. Rates shall be set by ordinance and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time. Jim Condon of Olsson Associates clarified and stated that the current ordinance in effect that states customers shall **not** be charged a flat rate for the use of sewer service is correct. Therefore no action was necessary and **Ordinance No. 1099 is void.**

Council member Kroesing introduced Ordinance No. 1100 setting the monthly rates to be charged for sewer usage and customer charges. Council member Kroesing stated that the public should be advised of the proposed sewer use charges and Council member Yindrick agreed that the information needs to get out to the Public. Council member Kroesing made a motion to pass Ordinance No. 1100 on the first reading only. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Rogers, Yindrick, Hein, Smith, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1100 was passed on first reading only as follows:

#### **ORDINANCE NO. 1100**

AN ORDINANCE SETTING THE MONTHLY RATES TO BE CHARGED FOR SEWER USAGE; CUSTOMER CHARGES; EFFECTIVE DATES AND RATES; REPEALING ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, SECTION 3-213 OF THE MUNICIPAL CODE PROVIDES THAT THE GOVERNING BODY SHALL SET RATES TO BE CHARGED BY ORDINANCE.

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

- Section 1. For residential customers, the monthly sewer rate fee shall be based on the average quantity of water used in the months of December, January, and February preceding April of the current year. Customers who move within the City shall pay the same Sewer Use Fee at their new location as they paid for at their former location until which time the sewer rate fees are recalculated. For new residential customers in the City, an appropriate Sewer Use Fee will be determined by the Water/Sewer Supervisor.
- Section 2. For commercial customers, who use water in a commercial business, industrial, or other non-residential way, a monthly Sewer Use Fee will be calculated monthly based on the current months water usage. Commercial customers who do not want to pay a sewer use fee for water used for watering lawns or shrubs will be responsible, at their own cost, to hire a licensed plumber to install a separate water meter to separately meter such water usage.
- Section 3. The following monthly Sewer Rates and customer charges shall become effective **February 1, 2009**, billed in March, and due April 1 - 10<sup>th</sup>.

**Customer charge of \$5.65 per month  
Plus \$2.43 per 1,000 gallons of water used**

Section 4. That the following monthly sewer rates and customer charges shall become effective January 1, 2010, billed in February, and due March 1 - 10<sup>th</sup>.

**Customer charge of \$6.50 per month  
Plus \$2.56 per 1,000 gallons of water used**

Section 5. That the following monthly sewer rates and customer charges shall become effective January 1, 2011, billed in February, and due March 1 - 10<sup>th</sup>.

**Customer charge of \$7.15 per month  
Plus @ \$2.70 per 1,000 gallons of water used**

Section 6. The monthly rates to be charged for sewer usage and customer charges will be reviewed by the City Council on an as needed basis;

Section 7. That any other ordinance or section of any ordinance passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 8. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2009.

Passed on 1<sup>st</sup> reading only 1/14/09  
Mayor Dana Trowbridge

(ATTEST)

Passed on 1<sup>st</sup> reading only 1/14/09  
City Clerk Joan E. Kovar

Council member Yindrick made a motion to approve the bid of \$58,135.00 from JWC Environmental for the purchase of, and installation of, a Solids Auger and Screen Removal System [one (1) Model ALE2400 Auger Monster system; AMA2400-480 auger] for the Wastewater Treatment Plant. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, Hein, Rogers, and Yindrick. Voting NAY: None. The motion carried.

Council member Smith made a motion to approve the bid from Constructors Inc., 1815 Y Street, Lincoln, Nebraska 68501 for work at the David City Municipal Airport, AIP 3-31-0025-04/06 for Runway 14/31 Widening, Extension, and Sealcoat Improvements and Lighting Improvements for the Base Bid Price of \$648,302.30 plus Item 1 (\$66,385.35 = \$714,687.65) or Item 2 (\$24,395.15 = \$672,697.45). Council member Rogers seconded the motion. Voting AYE: Council members Yindrick, Scribner, Kroesing, Hein, Rogers, and Smith. Voting NAY: None. The motion carried.

Council member Smith made a motion to authorize Mayor Trowbridge to execute all Federal and State Grant Documents regarding the David City Airport Runway 14/31 Widening, Extension, Seal coat, and Lighting Improvements. Council member Kroesing seconded the motion. Voting AYE: Council members Scribner, Yindrick, Rogers, Hein, Kroesing, and Smith. Voting NAY: None. The motion carried.

Council member Smith introduced Ordinance No. 1101 amending Chapter 8, Article 3 of the David City Municipal Code Book providing rules and requirements for the sale of goods and services on the public right-of-way. Mayor Trowbridge stated that in the heart of David City several items - boats and a 22' trailer with the tongue practically in the street, have been parked on the public right-of-way. City Administrator Joe Johnson spoke to the State and was advised that if these vehicles were parked along the State right-of-way they would have been removed; however, since these were parked in David City the jurisdiction is up to the City. City Administrator Joe Johnson reported that he authorized the Ordinance to provide the David City Police Department authority to remove "for sale" property from the right-of-way. Council member Rogers questioned if a verbal warning couldn't be given rather than a fine as stated in section (E) of the proposed ordinance. It was noted that it is the practice of the police department to give verbal warnings. Council member Rogers stated that nothing was mentioned in the ordinance about a verbal warning being issued prior to a fine. Council member Scribner stated that this was not discussed at a Committee of the Whole meeting prior to it being a Council agenda item. Council member Smith stated that this issue was discussed several times several years prior. Council member Smith made a motion to pass Ordinance No. 1101 on the first reading only. Council member Yindrick seconded the motion. Voting AYE: Council members Hein, Yindrick, and Smith. Voting NAY: Council members Scribner, Kroesing, and Rogers. The vote resulted in a tie. Therefore, Mayor Trowbridge broke the tie and voted AYE. The motion carried and Ordinance No. 1101 was passed on first reading only as follows:

**ORDINANCE NO. 1101**

AN ORDINANCE AMENDING CHAPTER 8, ARTICLE 3 OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK PROVIDING FOR RULES AND REGULATIONS FOR THE SALE OF GOODS AND/OR SERVICES ON THE PUBLIC RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

**SECTION 1.** Chapter 8, Article 3 of the David City Municipal Code Book be amended to add the following section:

**§8-318 STREETS; SALE OF GOODS AND/OR SERVICES WITHIN THE RIGHT-OF-WAY**

- (A) Within a commercial, industrial or flex space zoned area, as determined by the Official Zoning Map of the City, it shall be unlawful for any individual or groups of individuals to engage in the sale of automobiles, or to park any vehicle displaying a "For Sale" sign, or other evidence of the vehicle's availability for sale, on any public right-of-way, unless such vehicle is legally parked upon a public right-of-way immediately adjoining or abutting the owner's place of residence, owner's place of employment (during working hours) and/or while the owner is conducting commerce.
- (B) Within a commercial, industrial or flex spaced zoned area, as determined by the Official Zoning Map of the City, it shall be unlawful for any individual or groups of individuals to display items for retail sale or wholesale sales upon any street, alley, sidewalk or parkway.

- (C) Within a commercial, industrial or flex space zoned area, as determined by the Official Zoning Map of the City, any person or business entity regularly engaged in retail sale and/or wholesale sales may locate goods immediately adjoining or abutting the business property upon any street, alley, sidewalk or parkway for the purpose of displaying it for sale.
- (D) Within a residential zoned area, as determined by the Official Zoning Map of the City, it shall be unlawful for any individual or groups of individuals to display items for retail sale or wholesale sales upon any street, alley, sidewalk or parkway.
- (E) A fine of \$50.00 shall be given for any violation of this section when observed within the first twenty-four (24) hours of the violation.
- (F) If the violation continues past the first twenty-four (24) hours, the item(s) in violation shall be removed at the owner's expense. The owner or other person lawfully entitled to the possession of such item(s) shall be charged with the reasonable cost for such removal and storage, payable before such item(s) are released. This fee shall be in addition to any other fees or penalties owed the Municipality for such item(s).

**SECTION 2.** That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

**SECTION 3.** This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

**PASSED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Passed on 1<sup>st</sup> reading only 1/14/09  
Mayor Dana Trowbridge

ATTEST

Passed on 1<sup>st</sup> reading only 1/14/09  
City Clerk Joan E. Kovar

Ordinance No. 1095 was introduced and passed on first reading on November 12, 2008, and passed on second reading December 10, 2008. Council member Smith made a motion to pass and adopt Ordinance No. 1095 on the third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Rogers, Hein, Yindrick, Kroesing, Scribner, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1095 was passed on third and final reading as follows:

**ORDINANCE NO. 1095**

AN ORDINANCE TO AMEND THE LAND USE PLAN BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM FS (FLEX SPACE) TO I-2 (HEAVY INDUSTRIAL), REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, 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. That the land use plan be amended as follows:

- a. To amend the following property from FS (Flex Space) to I-2 (Heavy Industrial):

Property located in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, owned by Timpote Trailer Company.

Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

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

Passed and adopted this 14<sup>th</sup> day of January, 2009.

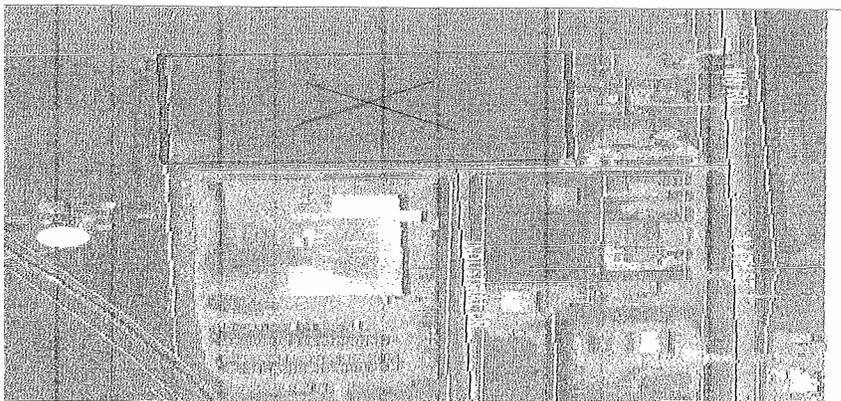
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Mayor Dana Trowbridge

ATTEST:

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City Clerk Joan E. Kovar



Legal Description: 18 15 3 PT NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  15.53 AC - The tract of land located in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Commencing at the southeast corner of said N $\frac{1}{2}$ ; thence westerly, 341.60 feet, on the south line of said N $\frac{1}{2}$ , to the Point of Beginning, said Point being the southwest corner of a parcel of land conveyed in Microfilm Book 81 page 521; thence continuing westerly, 977.83 feet, on the last described line, to the southwest corner of said N $\frac{1}{2}$ ; thence northerly, 658.98 feet, to the northwest corner of said N $\frac{1}{2}$ ; thence easterly, 979.92 feet, on the north line of said N $\frac{1}{2}$ ; thence southerly, 657.35 feet, to the Point of Beginning, containing 14.79 acres, more or less.

Ordinance No. 1096 was introduced and passed on first reading on November 12, and passed on second reading December 10, 2008. Council member Smith made a motion to pass and adopt Ordinance No. 1096 on the third and final reading. Council member Hein seconded the motion. Voting AYE: Council members Rogers, Kroesing, Yindrick, Scribner, Hein, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1096 was passed on third and final reading as follows:

**ORDINANCE NO. 1096**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM FS (FLEX SPACE) TO I-2 (HEAVY INDUSTRIAL), REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, 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. That the Official Zoning Map be amended as follows:

- a. To amend the following property from FS (Flex Space) to I-2 (Heavy Industrial):

Property located in the N½ of the NE¼ of the SW¼ of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, owned by Timpte Trailer Company.

Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

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

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar

Ordinance No. 1097 was introduced and passed on 1<sup>st</sup> reading on November 12, and on second reading on December 10, 2008. Council member Hein made a motion to pass and adopt Ordinance No. 1097 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Yindrick, Rogers, Scribner, Smith, and Hein. Voting NAY: None. The motion carried and Ordinance No. 1097 was passed on third and final reading as follows:

**ORDINANCE NO. 1097**

AN ORDINANCE RELATING TO FLUORIDATION; TO PROHIBIT THE ADDITION OF FLUORIDE TO THE CITY'S WATER SYSTEM; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system, unless the voters of the City adopt an Ordinance to prohibit fluoridation;

BE IT ORDAINED BY THE VOTERS OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. That after complying with all procedures required by law, the addition of fluoride to the water supply of the City of David City, Nebraska is hereby prohibited.

SECTION 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall take effect immediately upon adoption by a majority of the persons voting on said issue at the general election of November 4, 2008.

DATED this 14<sup>th</sup> day of January, 2009.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar

Council member Smith made a motion to appoint Jim Masek to a three year term on the Board of Zoning Adjustment. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Yindrick, Rogers, Kroesing, Hein, and Smith. Voting NAY: None. The motion carried.

Council member Hein made a motion to appoint Steve Mowers, and Mary Havlovic, each, to a two year term on the Board of Zoning Adjustment. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Yindrick, Rogers, Kroesing, Smith, and Hein. Voting NAY: None. The motion carried.

Council member Hein made a motion to approve Audrey Skretta as the Manager, in connection with Staab PH Restaurants, LLC, d.b.a. Pizza Hut, 1931 N 4<sup>th</sup> Street, for Liquor License #A-61360. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Rogers, Scribner, Yindrick, Smith, and Hein. Voting NAY: None. The motion carried.

Resolution No. 8 - 2008 was passed on April 9, 2008 setting the Fireworks Application Fee at \$250.00, however, it was only effective from passage to July 4, 2008. It is therefore necessary to pass a new Resolution setting the fee. Discussion followed. Council member Kroesing felt that \$250.00 was an atrocious amount. It was noted that the fee was raised from \$25 to \$250 to help offset some of the costs involved. Jan Sypal, d.b.a. Stop Inn, stated that last year she researched this and presented her results that most towns our size charge \$100 or less, but no-one was interested in her information. Jan stated that she and her husband Dan would be OK with a fee of \$100.00 or less. Jan stated that there will always be firework complaints whether the fireworks are purchased in David City or elsewhere. The resolution also stated the fee would be allocated 75% to the police department and 25% to the General Fund. Jan Sypal stated the police department didn't need additional police force to enforce the rules, and that's their job. No action was taken. This will be discussed further at a following meeting.

The next agenda item was "Consideration of entering into executive session to have conversation regarding Personnel". Park/Auditorium Supervisor Bill Buntgen requested that this be discussed in open public session, rather than in executive session, as he had nothing to hide.

City Attorney Egr questioned Park/Auditorium Supervisor Bill Buntgen if Buntgen was sure that he didn't want to go into executive session. Egr stated that the reason for going into executive session was to prevent needless injury to the reputation of a person. Park/Auditorium Supervisor Bill Buntgen stated that he had nothing to hide so he wanted it discussed in open public session.

City Attorney Egr stated that his advice was to limit conversations to Bill Buntgen, the City Council, City Administrator Joe Johnson, and Mayor Trowbridge as allowed by 84-1412 - Meetings of public body; rights of public; public body; powers and duties - Section 2 which states: "It shall not be a violation of subsection (1) of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. **A body may not be required to allow citizens to speak at each meeting**, but it may not forbid public participation at all meetings.

Mayor Trowbridge stated that the Personnel matter would be discussed in open public session as requested by Park/Auditorium Supervisor Bill Buntgen, but conversation would be limited to Mr. Buntgen, the City Council, City Administrator Joe Johnson, and himself as suggested by City Attorney Egr. The public would not be allowed to speak.

City Administrator Joe Johnson presented several Power Point Slides showing overtime by city personnel. The city employees were told that they all needed to cut their overtime as it was unacceptable. Overtime was for emergencies such as water breaks or electrical outages.

The employees were asked to plan their schedules around upcoming events to reduce the amount of overtime. The behavior dramatically changed over the years. The Power Point Slides showed graphs depicting that almost all of the employees had reduced their overtime except for Bill Buntgen. Bill stated that he has football games and weddings on the week-ends which accounts for his overtime. It was noted that the "Breakers" have their own key for basketball practice. Bill was advised that he should utilize comp time to cover events. Bill stated that if he did that then he wouldn't get his regular work done. City Administrator Johnson had recently instructed Bill Buntgen that the Park/Auditorium employees were limited to 10 hrs OT/month/employee. It was questioned why Bill was working all of the overtime as his subordinates rarely had overtime. Currently Bill schedules his own work. Mayor Trowbridge stated that you don't schedule your own overtime; it should be scheduled by someone else. Mayor Trowbridge suggested no overtime for the park department unless it is approved in advance by City Administrator Joe Johnson. It was noted that perhaps all overtime should be authorized in advance by City Administrator Joe Johnson.

Council member Hein made a motion to go into executive session to have conversations regarding a strategy session concerning a real estate purchase. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Rogers, Kroesing, Yindrick, Smith, and Hein. Voting NAY: None. The motion carried.

Mayor Trowbridge stated that the City Council was going into executive session regarding a strategy session concerning a real estate purchase.

The City Council, Mayor Trowbridge, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk Joan Kovar went into executive session at 8:48 p.m.

Council member Hein made a motion to come out of executive session at 9:40 p.m. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Scribner, Yindrick, and Hein. Voting NAY: None. The motion carried.

City Administrator Johnson stated there was no new information concerning collective bargaining for 911 services so there was no need to go into executive session.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Yindrick seconded the motion. Voting AYE: Council members Rogers, Kroesing, Scribner, Smith, Yindrick, and Hein. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:41 p.m.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
January 14, 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 January 14, 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