

## CITY COUNCIL PROCEEDINGS

July 8, 2009

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the Hruska Memorial Public Library, 399 N. 5<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on July 2<sup>nd</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 Kroesing, Gary Smith, Nick Hein, Bill Scribner, and Bill Yindrick, City Administrator Joe Johnson, Attorney Jim Egr, and Deputy City Clerk Tami Comte. Council member Mike Rogers was absent.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the west 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 June 10<sup>th</sup> and June 25<sup>th</sup> 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 Kroesing, Smith, Yindrick, Scribner and Hein. Voting NAY: None. Council member Rogers was absent. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. Mayor Trowbridge informed the public that Citizens' Concerns cannot be acted upon or addressed as that would be a violation of Nebraska Revised Statutes #84-1411. Carol Brehm addressed the council and voiced her concerns about not only the Police department building but also the continuation of the Police department. Gary Lorimor, Vice President of Operations for Henningsen Foods, Inc. wanted to clarify that their interest in the building arose after they found out it was for sale. He stated that the reason that they were interested in the building was that they are moving several of their departments, including, Human Resources, Quality Control and Engineering to David City. The convenience of that building in relation to the David City plant should be obvious. They have no interest in dislodging the Police department and that decision is up to the town. Leo Meister stated that in his opinion it's not in the best interest of the City to sell the Police department building. He feels that the situation with law enforcement is completely different out in the county and in the city. It doesn't do you any good to have people out in the county all night. It's such a wide area that you can't cover it. The city is consolidated and is a completely different place and you can get from point A to point B if you have to in a hurry. I just don't think Sheriff Hecker can do it by hiring two people or even three people. He stated that it takes at least four people to cover 24 hours a day with holiday, vacation, sick leave, etc. So if you hire three people and cover the city for 24 hours the county in which he is supposed to be taking care of is going to be short changed. He checked with the County Clerk's office and the Sheriff's budget 10 years ago was \$189,000 and last year their budget was \$496,000. It went up \$300,000 in 10 years. That isn't a lot. That's only \$30,000 per year for that kind of service but he didn't think that the sheriff could keep offering the service for the amount of money that was talked about for very long.

Apparently this was talked about 10 years ago and it fell through at that time for whatever reason.

Mayor Trowbridge asked for consideration of claims. Council member Scribner questioned why the claim to NCS Equipment included a week of Cat loader rental when it was not used for that week. Mayor Trowbridge stated that the Cat loader wasn't used because the individual was given an additional month to clean up his property since he had been making progress. Council member Smith made a motion to authorize the payment of claims. Council member Yindrick seconded the motion. Voting AYE: Council members Yindrick, Kroesing, Smith, Scribner and Hein. Voting NAY: None. Council member Rogers was absent. The motion carried.

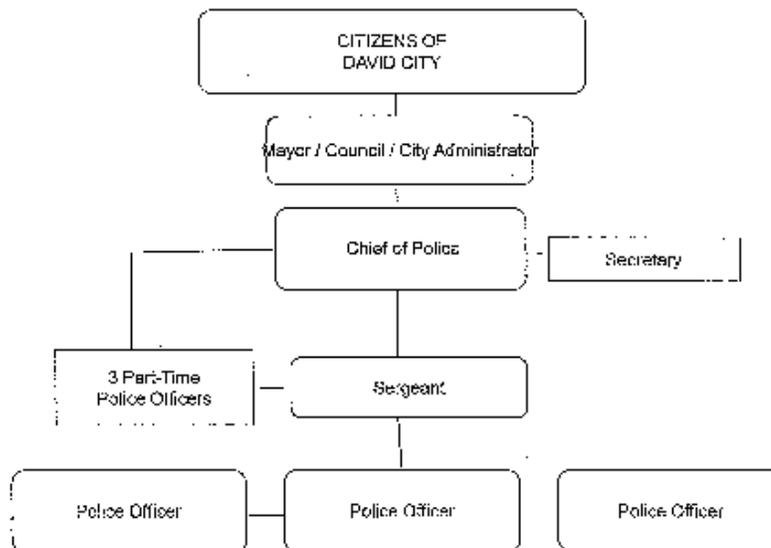
Mayor Trowbridge called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. There were no additional reports.

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

Police Chief Sunday presented the following:

# DAVID CITY POLICE DEPARTMENT

Stephen Sunday  
Chief of Police  
July 8, 2009



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## Staffing

- Over 110 years of cumulative experience.
- Five full-time officers, including the chief, and 3 part-time officers are providing the City with effective 24/7 law enforcement coverage.
- The number of current staff is sufficient to cover shifts when officers on sick leave, on vacation, or in training.

Fiscal Year - 2007-2008	Fiscal Year - 2008-2009	S. O. Proposal	Approx. Difference
\$992,385 Per Year	\$957,612 Per Year	\$240,000 Per Year	\$1,070,012 Per Year
\$79,087 Per Month	\$79,801 Per Month	\$20,000 Per Month	\$99,801 Per Month
\$657 Per Person/Year	\$666 Per Person/Year	\$87 Per Person/Year	\$770 Per Person/Year

S.O. proposes an increase of 0.5-0.6% each & every year. Accordingly, a yearly 0.5% increase would cost:

- \$214,400 in 2011
- \$270,628 in 2012
- \$286,750 in 2013
- \$406,777 by 2019
- \$431,193 by 2020

In 2008-09, P.D. had a budget decrease of \$4,700

City Council controls all Police expenditures, which resulted in a \$4,700 decrease in the 08-09 Budget. This happened because the Council was in control of budget.

\$417,221 is my proposed figure for fiscal year 09-10. This includes \$80,000 for dispatching, but this can be changed, for the dispatching issue has not been settled with County and the 08-10 budget has not been acted on by the Council yet.

## BUDGETS

- The \$80,000 amount has not yet been voted on by the Council. The Sheriff used \$417,412 in his proposal using 08-09 figures. The PD budget for 09-10 I prepared has a total figure of \$417,221, a difference of \$191. My figures includes \$80,000 for dispatching, but I expect this figure to be closer to \$60,000 depending on the options to be decided by the Council. \$20,000 could be cut during budget reviews for fiscal year 09-10 depending on what option is exercised by the Council.
- Dispatching figures are subject to change, depending on what the Council decides to do regarding dispatching. There still remains several options for the City to consider.

## Statistics – 2008

- Number of calls-for-service received by P.D.
  - 1,186
    - includes, but not limited to, calls for: 911 calls, accidents, alarms, ambulance assist, animal complaint, felony warrants, assault, assist S.O., bar fights, burglary, child abuse/ custody/welfare, children welfare, civil problem, criminal mischief, destruction of property, disturbance, disturbing the peace, DUI, DUS, forgery, theft, fraud, funeral escort, motor vehicle offenses, harassment, juvenile welfare, uncontrollable juvenile, towing, medical emergency, missing juvenile, motorist assist, open door, parking non-compliance, property damage, drug violations, Salvation Army aid, suicide threat, suspicious activity/personnel/area, threats, arrest warrants
- Clearance rate of calls for service within the city
  - 849 calls-for-service or a 72% clearance rate

## 2008 DAVID CITY PD STATS

Number of calls responded to by PD – 1,186

Number of calls resolved & cleared - 849

Criminal arrests/charges - 72

Traffic citations issued - 95

Traffic warnings issued - 183

### Current Services Provided

- Coverage
  - 24/7, 365 days a year
- Access to a police officer at any time of the day or night
- Enforcement of state statues AND all city ordinances
- Enforcement of city health codes
- Enforcement of public nuisance codes
- Immediate response time once dispatched by sheriff's office

### Current Services Provided

- Animal control services
  - Respond to animal complaints
  - Set & retrieve traps as requested by citizens
  - Removal of dead animals
- Refuel airplanes at city airport when city crews are unable to respond on weekends, holidays and nights
- Code enforcement for snow removal
- Confirm and report streetlight outages

## Current Services Provided cont'd

- Funeral escort
- Open-door checks on businesses
- Welfare checks on citizens
- Child Fingerprint Programs
- First responder to dispatched 911 calls
- Membership in RAP Drug Task Force
- Local & State Crime Stoppers Programs
- Fire Watch at night
- Bicycle Rodeo and other programs
- Recourses for all the Schools and Students

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## Current Services Provided cont'd

- The residents of David City will continue to receive all of these services along with professional, courteous and impartial law enforcement that treats all citizens fairly, equally and consistently.

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## CONCERNS

- How will city code complaints be handled and by whom?

Routinely, when current S.O. shifts end, the county is left without a deputy on duty. What will be the protocol when something happens in the County during this time period? Will the "City Deputy" leave the city to respond to other calls in the county? If the "City Deputy" leaves David City for any reason, who will respond to David City calls?

## Future under a County Contract

- What if the current, or next elected sheriff wants to raise the base rate? The sheriff can dictate the terms of the contract. Or discontinue the contract. What then?
- The sheriff is autonomous except to the voters every four years. There will be NO LOCAL COUNCIL CONTROL of anything during the four year terms of the Sheriff.
- If the police department is closed, it will be extremely expensive to reinstate it. It may be gone forever.

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## COUNTY CONTRACTS

SHERIFF SAID APPROX. 100 TOWNS IN NEBRASKA  
HAVE COUNTY CONTRACTS.

SIZE OF TOWNS INVOLVED, MOST ARE UNDER 1,000  
IN POPULATION.

ARE THE CITIZENS IN THESE TOWNS HAPPY WITH  
COUNTY CONTRACT LAW ENFORCEMENT?

ARE THE SHERIFF'S INVOLVED HAPPY WITH HAVING  
CONTRACT LAW ENFORCEMENT?

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## QUALITY OF LIFE

Future businesses are going to take a look at public safety as part of their review of a community. They are going to want to know that their business will be looked after, that their staff and their families will be in a community that is providing services for their safety. The David City Police Dept. is as much a part of the quality of life as any other resource in the community.

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## GOAL

The David City Police Department has a long established a goal of:

“Always Ready to Serve and Protect”

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## CONCLUSION

The City of David City Needs to maintain it's own municipal law enforcement agency.

Now is not a time to eliminate your municipal law enforcement presence from the community.

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## Questions / Comments

Thank You

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Dr. Kaufmann asked Police Chief Sunday if he was appointed monthly or yearly. Chief Sunday answered that he and his officers were appointed each year in December. Dr. Kaufmann also stated that he imagined that this was very stressful for him. Chief Sunday responded that it has been very stressful for himself, his officers and their families.

Jerry Storrer asked Chief Sunday if code enforcement was included in his budget. Chief Sunday stated that code enforcement was already included in his budget. Mr. Storrer asked how much code enforcement would cost if we had to hire someone to do that since it wasn't included in the sheriff's budget. Chief Sunday stated that he really couldn't give him a figure at this moment. He stated that he would have to sit down and figure it out. Sheriff Hecker stated that his proposal **did** include code enforcement, however, he felt that it would be cheaper to hire a non-certified officer to enforce the codes.

The question was raised as to why the police department was not in the courthouse? Chief Sunday stated that Sheriff Hecker came to the City Council at the time and asked them if they wanted the police department to be included in the plans for the new courthouse. The City Council was not interested in pursuing that.

Mayor Trowbridge said to Chief Sunday, "Very early in the discussions about selling the building to Henningsen's you had indicated that you were not very fond of that idea. Has that idea stayed steady or have you decided that there is adequate room in city hall?"

Chief Sunday responded, "I think that what my position is going to be now is that if the current building is sold, and I have my own personal feelings about that, and I've shared those with you. But, I think if the community comes together and develops a plan and develops a plan quickly to say we're going to provide you with a professional looking facility with the proper space needed to operate with that I would be able to support that."

Jim Redler stated that one of the things that hadn't been brought up at all is that the current building is also being used by several other offices such as the state patrol and domestic abuse and so that should be entertained in looking at a new facility.

Mayor Trowbridge stated that Chief Sunday gave them a list a couple of weeks ago as to what his needs were and victim assistance was included on that list. Trooper Hayes has already asked the county and they've given him a room over there so he will remain in David City and Butler County also. So those have been provided for. Mayor Trowbridge said, "Steve, there were questions asked in the early part of this meeting. Has the mayor or city administrator or any of the council members been in the police building? Why don't you let us know? Have any of us been over there?" Chief Sunday responded by saying "Yes."

Jolene Scheffler stated that she and her husband both teach in a small community close to David City and they are seeing some changes in both communities and along with those changes there are some challenges that the community is facing. You have to be able to handle those changes in a safe and constructive way. She didn't know that reducing what we already have is the best approach.

In conclusion Chief Sunday stated that we need to maintain a municipal law enforcement office and also have Mark Hecker and his staff available. We're two resources to help deal with those types of things. The sheriff has bi-monthly intelligence meetings that he attends and they share information. He stated that having the two of us together is a very powerful force and we need both to deal with those types of issues that you're seeing. The sheriff, and his staff, along with the police department staff working together can deal with those types of issues.

As per Resolution No. 12-2009 sealed bids were accepted until 5:00 p.m. on July 3, 2009 for the sale of the police building at 475 N 3<sup>rd</sup> Street. The following bids were received: Henningsen Foods, Inc. placed a bid of \$51,001.00 for the police building and land located at 475 North Third Street.

Jim Redler asked if there had been an appraisal done on the building and he didn't think that a building should be sold without an appraisal.

Willow Holoubek encouraged the council to separate the two issues. She stated that economic development was extremely important to the community. She indicated that there was a grant that was applied for to assist in relocating the police department.

Carol Brehm asked that if the bid to sell the building was accepted that they have a firm plan in place as to where the police department would be relocated.

Joan Vandenberg stated that she wasn't against selling the building but she wasn't sure where they were going to go. She said that it eases her mind a lot to know that there are grant funds to help with the cost.

Janis Cameron wanted to remind the Mayor and Council that at the May council meeting Kent Ketteler, on behalf of the Butler County Chamber of Commerce, presented a resolution by the chamber supporting the sale of this building and to support Henningsen's expansion as well as signatures of 58 people in town that support this.

Rob Scheffler asked if there was a reason that this had to be decided tonight.

Mayor Trowbridge responded by saying that if we want to look like responsible adults, four months later, we probably need to bring this to a close. Mayor Trowbridge said, "I think we begin looking like fools if we continue dabbling with this."

Rob Scheffler stated that to him it would make sense to dot your i's and cross your t's. I think you would go in and look at what it's going to cost; your options; what it's going to cost to move the police department to different places and then make a choice as to accept the bid for this amount and see what it's going to cost. You've had four months to do that.

Mayor Trowbridge said, "The attitude of the police department has changed within the last four months from city hall not being workable at all to city hall being workable. So we've made progress along those lines."

Rob Scheffler stated that we are willing to accept the bid on the building but we have no idea how much it's going to cost to move the police department. That just doesn't make fiscal sense to me.

Janis Cameron stated that they were given a spreadsheet at either the council meeting or the committee meeting.

Mayor Trowbridge responded by saying that a lot of these folks have not been to the building block meetings that we've had for the last four months. We have a lot of opinion being kicked around this evening; we don't have a lot of substance. We don't have a lot of study.

City Administrator Joe Johnson said, "If I could make a brief comment. I've been in David City for three years after accepting the city administrator position. One thing that I've noticed right away after I came to this community is that city staff were forced into buildings because those buildings were sold cheap. We, the City, bought the current police building for

\$10,000 because it was sold to the city for cheap. So, we asked our law enforcement to adapt to the building. There's a chance and an opportunity here that we can have a building that is built specifically around our needs. That's a fantastic opportunity."

It was questioned how much that would cost.

City Administrator Johnson said, "We can make that happen. Give us a chance and we can make that happen."

Council member Kroesing said, "They forgot to tell you one thing, Rob. We spent a lot of money on that building adapting it to the police department.

It was asked how much we spent adapting the building.

City Administrator Johnson stated that we spent \$50,000.

Council member Kroesing stated that we spent \$23,000 in 2003, plus the \$50,000 for the pitched roof, and the carport.

Mayor Trowbridge stated that we have a difference of opinion here and he didn't think we had the resources to sort it out right now.

Jan Sypal stated that she thought she could speak, perhaps for a lot of people in the community, that she feels that the whole problem with this whole thing is that there's no plan. She said she thinks that people don't like that there are so many unknowns. So, it's hard for everybody to visualize what's going to happen because there's no plan. That's the problem with everybody's minds, I think, in the community. We need a plan!

Doctor Kaufmann asked how the gentleman from Henningsen Foods feels about the urgency to complete this deal.

Henningsen Foods Vice President, Gary Lorimor, stated that they could be flexible on a time frame; 2 months, 6 months, whatever.

Mayor Trowbridge said that we should just table this item if they could live with a couple months. We'll have the Council put together a plan.

Jim Egr said, "Now, I gotta step in here as City Attorney from the legal standpoint. From the legal standpoint, people have to understand several things. The matter can be tabled, in accepting the bids, to give a period of time to come up with a plan. That's strictly with relocating the police department, etc. That's number one. Number two; no other bids can come in. People have to understand that, from a legal standpoint. Number three; unless the Council, let's say two, three or six months from now, the Council still has one bid on the table and a plan is developed and so forth. The only way to stop the sale of the building would be for the Council not to accept the only bid they received. You have to understand, the Nebraska Statutes specifically state that when a city sells real estate it's got to #1) pass a resolution – it did that. The Statute that I'm talking about is #17-503 so if you want to take a look at that. They have to pass a resolution that they're going to sell the property and what the terms and conditions are. They've done that; number one. Then number two; there has to be a publication for three consecutive weeks in a paper of general circulation in the county, which has been done. Then, if somebody wants to say we don't want the building sold, then you, the public, had 30 days after the last publication to file a remonstrance. A remonstrance, under the Statutes, says that it takes 30% of the registered voters of the city, voting at the last regular municipal election to file that remonstrance. The remonstrance 30 day period of time has passed. So, I gotta tell the

public this, so that you understand, under the Nebraska Statutes, if this matter is tabled, you're tabled with one bid, and, number two, then a plan is developed and people still say we still don't think that you're getting enough money for this building. You're remonstrance time has passed and it's going to be dependent upon – the council then votes. So that you know, something will happen, if you say we're going to table it for two or three months to come up with a plan. The general public 30 day remonstrance period has passed, under the statutes, to object to a sale.”

Mike Draper asked if that was all explained when it was put out for bids.

City Attorney Egr said, “I think the last part of that notice, the 30 day remonstrance, I think it said that. The resolution that was passed, back in May, had that in there, that there's a 30 day remonstrance period after the last publication. The City is required to publish notice in the paper for three consecutive weeks after that. It was there the three consecutive weeks and, I believe, the last clause in that notice says there's a 30 day remonstrance period. That 30 day remonstrance period part of the notice is not required by the state statute to be in the notice. I believe it was in the notice. I would add that in relation to that, even if it wasn't on there, about the 30 day remonstrance, in the notice in the paper. If the public wanted to check that out, that was their obligation, or to contact the city or myself. None of that has ever happened from that time. It was in the resolution that was passed in May.”

Council member Scribner made a motion to table this for 60 days until an option is found for the police department. Council member Smith seconded the motion.

Council member Scribner stated that he would like to thank the Henningsen Foods, Inc. representative that's here for being willing to get this going and for being willing to work with the public, for being willing to work with the police station and the City Council to get this issue resolved and just working with David City in general.

Mayor Trowbridge stated that what he would like, around this table, is to see a commitment from all six council people to participate in moving this forward in reaching a conclusion and reaching a plan, that Jan speaks of, and not simply using this time as a “let's put it off a while longer”. If we can't get to a plan that's acceptable in 60 days then we haven't done a very good job.

Council member Scribner stated that we've already been working on that for the last four months. I think it would be getting closer to what we need right now is prices. Is that correct?

Mayor Trowbridge said, “If we work in good faith toward that end; sixty days from now, we should have a conclusion. Let's work toward a conclusion. I don't want to be closer; I think we need to get there.”

Council member Smith stated that before I would consider committing to this I would like to see it read here that we just build a new police station. We take the money we're gonna get plus whatever it takes on top of that and just build a new building in the youth center parking lot. If that stays in there, then, you don't have to wait 60 days. With the sale of the building, I want to take the money and build a new building – a new police station. I'm just giving you a heads up to what I'm looking forward to gaining by the end of 30 days. That's what I want to see.

It was explained to Council member Smith that they still had nine options to review and so it was not appropriate to amend the motion to include building a new building at this time and that the motion on the floor was just to table consideration of the bid.

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

Mayor Trowbridge declared a break at 8:40 p.m. The meeting resumed at 8:49 p.m.

Council member Yindrick asked to be excused and left the meeting at 8:49 p.m.

Council member Hein introduced Ordinance No. 1107 amending the Land Use Plan Map. Council member Smith made a motion to pass and adopt Ordinance No. 1107 on the first reading. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Kroesing. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried and Ordinance No. 1107 was passed on the 1<sup>st</sup> reading as follows:

**ORDINANCE NO. 1107**

AN ORDINANCE TO AMEND THE LAND USE PLAN BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM LDR (LOW DENSITY RESIDENTIAL) TO MDR (MEDIUM DENSITY RESIDENTIAL), 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 LDR (Low Density Residential) to MDR (Medium Density Residential):

Property located in Section 18, T15N, R3E of the 6<sup>th</sup> P.M., part of Lot 4, David City Land & Lot Subdivision, David City, Butler County, Nebraska, containing approximately .27 acres, owned by Mike & Jolene Eller.

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 8<sup>th</sup> day of July, 2009.

Passed on 1<sup>st</sup> reading only

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

ATTEST:

Passed on 1<sup>st</sup> reading only

\_\_\_\_\_  
Deputy City Clerk Tami L. Comte

Council member Scribner made a motion to table Ordinance No. 1108 amending the Official Zoning Map. Council member Smith seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Kroesing. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

Council member Scribner made a motion to table Resolution No. 18 – 2009 to combine property owned by Michael & Jolene Eller (part of Lot 4, David City Land & Lot Subdivision containing approximately .27 AC and Lot 49 of Silver Heights Addition) to form one lot. Council member Smith seconded the motion. Voting AYE: Council members Hein, Smith, Scribner and Kroesing. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

Council member Hein made a motion to transfer all titles of record on the fire department vehicles to the David City Rural Fire Protection Dist. No. 9. Council member Scribner seconded the motion. Voting AYE: Council members Scribner, Kroesing, Hein and Smith. Voting NAY: None. Council members Yindrick and Rogers were absent. The motion carried.

Council member Hein made a motion to authorize Mayor Trowbridge to sign a quitclaim deed and an estate transfer statement transferring the David City Fire Department building and property, Lots 19, 20, 21, and 22, All in Block 26, Original Town of David City to David City Rural Fire Protection District No. 9. Council member Smith seconded the motion. Voting AYE: Council members Hein, Smith, Scribner and Kroesing. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

Council member Hein introduced Resolution No. 19 - 2009 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Smith, Kroesing, Scribner, and Hein. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried and Resolution No. 19 - 2009 was passed and approved as follows:

#### **RESOLUTION NO. 19 - 2009**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:**

**Section 1.** The Mayor and City Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City and, in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the City in connection with the construction of certain street improvements and related appurtenant improvements now being or to be constructed in the City of David City, Nebraska.

**Section 2.** This resolution shall stand as a statement of the official intent of the City under Regulation Section 1.150-2 and for such purpose the following information is hereby given:

- a. A general functional description of the project for which expenditures may be made and reimbursement from bond anticipation notes or bond

proceeds provided is construction of improvements consisting of street improvements and related appurtenant improvements in and for the City of David City, Nebraska, said projects including specifically reconstructing "D" Street from Highway 15 to the railroad crossing, including the storm water outlet pip improvements for replacing the existing ditch along the railroad tracks and along "C" Street.

- b. The principal amount of notes or bonds expected to be issued by the City for that portion of improvements pertaining to this reimbursement resolution is estimated to be \$325,000.

Passed and adopted this 8<sup>th</sup> day of July, 2009.

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Mayor Dana Trowbridge

ATTEST

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Deputy City Clerk Tami L. Comte

Council member Hein introduced Ordinance No. 1109 amending Chapter 6, Article 4, §6-430 Concerning Weed Removal by adding "If within the same calendar year, the City has, pursuant to Section (1) of the Section, acted to remove grass, weeds or worthless vegetation exceeding 12" in height on the same lot or piece of ground, it shall be declared a nuisance to permit or maintain any growth of 8" or more in height of grass, weeds or worthless vegetation. Council member Smith made a motion to pass and adopt Ordinance No. 1109 on the first reading. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Scribner, Smith, and Kroesing. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried and Ordinance No. 1109 was passed on the 1<sup>st</sup> reading as follows:

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4, §6-430 OF THE OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK PROVIDING FOR ADDITIONAL MEANS TO NOTIFY PROPERTY OWNERS OF WEEDS, GRASSES OR OTHER WORTHLESS VEGETATION NUISANCES; 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 6, Article 4, §6-430 of the David City Municipal Code Book shall be amended to read:

**§6-430 MISDEMEANORS; WEED REMOVAL.**

- (1) It shall be a nuisance to permit or maintain any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation. It shall the duty of each

owner or owner's duly authorized agent or occupant of real estate in the Municipality to cut and clear such real estate, together with one-half (½) of the streets and alleys abutting thereon, of all weeds, grasses or worthless vegetation that are noxious, obstruct travel on public ways, or create a fire or health hazard. Such weeds, grasses and worthless vegetation shall be cut so as not to extend more than twelve inches (12") in height above the ground. Subsequent to the cutting of the said weeds, grasses and worthless vegetation, all loose vegetation shall be immediately removed. Upon the failure of the owner or owner's duly authorized agent or occupant having control of any real estate to cut and clear the said weeds, grasses and worthless vegetation as set forth hereinbefore, the Municipal Police shall give notice to abate and remove such nuisance to each owner or owner's duly authorized agent or occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful after three (3) days, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. In the event that the weeds grasses, and vegetation have not been removed after a period of five (5) days from personal service or certified mail or after a period of five (5) days from publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground, the City Administrator shall have the nuisance abated and removed by directing the Street Department to have such work done, and the cost thereof shall be paid by the owner. (Ref. 17-563 RS Neb.)

- (2) The cost and expenses of any such work shall be paid by the property owner. If unpaid for two months after such work is done, the Municipality may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground. (Ref. 17-563 RS Neb.)
- (3) If, within the same calendar year, the city has, pursuant to subsection (1) of this section, acted to remove grass, weeds or worthless vegetation exceeding twelve (12) inches in height on the same lot or piece of ground, it shall be declared a nuisance to permit or maintain any growth of eight (8) inches or more in height of grass, weeds or worthless vegetation. (Ref. 17-563 RS Neb.)

**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 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 July, 2009.

Passed on 1<sup>st</sup> Reading Only

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Mayor Dana Trowbridge

ATTEST

Passed on 1<sup>st</sup> Reading Only

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Deputy City Clerk Tami L. Comte

Council member Scribner made a motion to approve the order by County Court of Butler County to pay Michael E. and Joan M. Jones, \$5,739.28 and their costs, concerning a concrete storm sewer pipe located on their property at 222 North 5<sup>th</sup> Street. Council member Kroesing seconded the motion. Council member Hein questioned what the court costs would be. Attorney Egr stated that these costs are set by the court and are usually about \$200. Voting AYE: Council members Kroesing, Smith, Scribner, and Hein. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

The necessary agreements for air quality permitting services and tasks Olsson Associates will perform for a proposed landfill gas generator engine were discussed. Jim Redler asked how much more this was going to cost. City Administrator Joe Johnson stated that this was for everything. This is for the permitting of the methane generator. This is saying that Olsson Associates will take care of all the permitting. Jim Redler stated that he thought that Olsson Associates had said that this was not economically feasible. City Administrator Joe Johnson said that Olsson Associates had said that it wasn't economically feasible by ourselves. But, if you remember they said that it was feasible if we partnered with NPPD and they purchase the energy from us. They said we'd actually make money off of the transaction. Council member Scribner asked if we had talked to NPPD about this. City Administrator Johnson said that he has talked to them. We have to submit a proposal to NPPD but their proposal requires us to do all the permitting. Council member Kroesing stated that he thought this was part of the \$30,000 that we authorized. City Administrator Johnson stated that the \$30,000 was just for the study. Mayor Trowbridge stated that this is crossing the T's and dotting the I's and jumping through the governments hoops. Council member Kroesing asked how much above the \$30,000 that we authorized. City Administrator Johnson stated that this will cost \$18,000. This will also include Olsson Associates submitting the request for proposals to NPPD.

Council member Scribner made a motion to authorize Mayor Trowbridge to execute necessary agreements for air quality permitting services and tasks Olsson Associates will perform for a proposed landfill gas generator engine. Council member Hein seconded the motion. Council member Kroesing had several questions regarding the methane generator. He asked if the property had been purchased? City Administrator Joe Johnson said "No." Council member Kroesing asked if we have a timeline for all the new wells that will be needed at Timberline? City Administrator Johnson stated that will be covered in the contract that we work out for purchase of gas from Timberline. We will have in our contract once we purchase gas that they will put in new wells. Council member Kroesing said, "I know that, but last time we heard that could take up to two years to get an additional 10 – 15 wells that might be needed to keep Henningsen's and this generator going. City Administrator Johnson said, "I talked to Jay Hopper from Timberline and he said once we reach an agreement, that then provides them the incentive to put in additional wells. So, he has told me and we will put that in writing that

Timberline will do that. Council member Kroesing stated that still doesn't give us a timeline. Will it be one, two years? City Administrator Johnson said, "No it will be a couple months." Council member Kroesing said, "Ken Fairchild said that we may need up to 10 wells to run this." City Administrator Johnson stated that they are planning to put 14 in out there. Council member Kroesing said, "In a couple months? I'm not buying it." "What are the O & M costs on this generator?" City Administrator Johnson stated that the O & M costs are \$350,000 and we are going to contract with Cat on an annual basis to do all the O & M on it." Council member Scribner asked what that's going to do to everybody's budgets in the various departments. City Administrator Johnson stated that it won't do a thing because we are purchasing the generator using revenue bonds and then once we reach an agreement with NPPD they will pay for all the gas and they will pay for the energy and so we will actually be making money off of this project. Mayor Trowbridge stated that NPPD will cover all the costs and there will be no taxpayer funds involved and no rate payer funds involved. Council member Kroesing said, "Except for the \$350,000 O & M." Mayor Trowbridge said "No, it's all baked in to the total equation. It's in the report that Ken Fairchild put together for us." City Administrator Johnson stated that the kilowatt hour number is 6.4 cents per kilowatt hour that Ken Fairchild said that NPPD would have to pay the City to make this a feasible project but NPPD is paying more than that for wind energy so that's a reasonable number. Mayor Trowbridge stated that as we get to the next agenda items relative to the purchase of the Cat engine and generator, you'll find that the purchase price is going to be less than Ken Fairchild put into the equation to pull out the numbers per kilowatt hour. Council member Scribner asked what kind of training do we have to provide for the people at the electric department and the power department to learn how to run that. What kind of schooling? What do you have to do to be qualified? Some of the people there are only a few years away from retiring. Do we need to hire some more people? What do we have to do to get this going? City Administrator Johnson said, "No, we won't have to hire any additional staff. We already have Cat generators at the power plant. All of our employees are very familiar with Cat generators. It's the same kind of generator it just uses a different kind of gas. It requires more maintenance because of the methane. It has some dirtiness to it. So, it would require plugs to be changed and things of that nature." "But, that would be covered by O & M but as far as operating the machinery, our guys do that every day so no additional training and no additional crews are necessary." Council member Kroesing stated that with that proposal on that Cat engine there are a lot of variables that they haven't figured in there like the soil compaction, the topography on the land, all the soil tests and everything. He stated that those are all our liability. City Administrator Johnson said, "This agreement will take care of soil sampling because Olsson Associates will do that. That was part of the permitting process. So, we will know if the soil needs to be compacted in great detail, but, the Cat people will compact, to a certain extent and we'll know that once the permitting is done." Council member Kroesing stated that they said minimal on their part. City Administrator Johnson said that they will take care of compaction up to a certain point and we will be responsible after that. Council member Kroesing asked about emissions standards. City Administrator Johnson said that if you remember Ken Fairchild's report, he has the exhaust system as an additional. Council member Kroesing stated that he read that and it's got a lot of variables in it too. City Administrator Johnson stated that the exhaust system was on there. Council member Kroesing stated that it depends on what type of fuel this really turns out to be. City Administrator Johnson said, "The only variable is the height of the stack. The only variable at this point is how high the stack needs to be. That was straight from the Caterpillar representative's mouth." Council member Scribner said, "We don't have a piece of property as of yet?" City Administrator Johnson stated that we are in discussion with people about property. Council member Scribner stated that we're going through all of these permitting procedures and we don't know exactly where it's going to be. City Administrator Johnson stated that we have a piece of land that works out the best and we're currently in discussion with the property owners and those property owners have

sold us land in the past so the likelihood of them selling us land again is pretty good. Voting AYE: Council members Hein, Smith, and Scribner. Voting NAY: Council member Kroesing. Council members Rogers and Yindrick were absent. The motion carried.

Mayor Trowbridge stated that we have discussed International Property Maintenance Code on and off for six months if not longer. Council member Kroesing stated that he knows that this City Code Official gets supreme power to do anything that he wants to in the City. He said, "It's scary." Mayor Trowbridge asked Council member Kroesing to define "supreme power". Council member Kroesing stated that he can walk on anybody's property; actually he can walk into their homes and check things at random. The only thing the guy can't do is arrest people. He doesn't carry a gun. Mayor Trowbridge stated that we can do that now with the board of health. Council member Kroesing said, "Yeah, but that's a police officer. I'm just saying that this is going to have to be one very tactful person to give him this kind of power, furthermore, you gotta be a building inspector so that tells us we're going to have to have a building inspector. Mayor Trowbridge stated that we are not going to have to have a building inspector on board and we've spoken to this a half a dozen times already. We contract at any number of places for a certified inspector. Council member Kroesing asked if that had already been explored. Mayor Trowbridge said that it could be done at half a dozen different places. Council member Kroesing asked what this cost would be. Mayor Trowbridge answered that it would depend on the condition of the structure and what it takes to analyze it. It's like a house inspection; it depends on how thorough you want it to be.

Jim Redler asked if Mayor Trowbridge had any idea what the minimum and maximum costs would be. Mayor Trowbridge stated that the minimum cost would be about \$175 plus travel and the maximum cost depends on how extensive you want it to be. Those costs are assessed to the property in question. Those aren't paid for by taxpayers or utility payers.

Mike Draper stated that he has a problem with giving this person the right to just walk in any place. He stated that a police officer can't even do that. Mayor Trowbridge asked Council member Kroesing if he would read the section that was stirring such passion. Mike Draper asked who wrote these rules. Mayor Trowbridge responded by stating that it is the "International Property Maintenance Code" and they use this in Wayne, Nebraska. They have been using it for a number of years.

City Administrator Johnson stated that the section that is being referred to is on page 2 Section 104.4. Right of entry. The code official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law; which is a housing inspection warrant. Mayor Trowbridge stated that he can't just walk into your home.

Council member Hein introduced Ordinance No. 1110 Amending Chapter 9 of the David City Municipal Code Book by adopting the most recent edition of the International Property Maintenance Code which regulates and governs the conditions and maintenance of all property, provides the standards for supplied utilities, ensures that structures are safe, sanitary, and fit for occupation and use, and provides for condemnation of unfit buildings, providing for the duties and powers of a City Code Official.

Council member Smith made a motion to pass and adopt Ordinance No. 1110 on the first reading. Council member Hein seconded the motion. Voting AYE: Council members

Kroesing, Smith, and Hein. Voting NAY: Council member Scribner. Council members Rogers and Yindrick were absent. The motion failed.

Mayor Trowbridge stated that sometime back we went from a committee of the whole on a six month trial basis to a standing committee and I think some people on the council have not liked that change. It has appeared to me to be an organizational management change that effectively brought the public closer to what goes on with the city. It effectively brought the department heads into the loop of what goes on in the city by departments. It took away the fear of a formal meeting like we're having this evening from people in the audience because it wasn't a meeting to be governed by meeting rules and regulations. It was a much lower key meeting. There have been complaints that the information from these meeting isn't brought to the council within 24 or 48 hours and when someone somewhere around town quizzes them about what went on at that meeting, they don't have ready answers to it. If those are the worst sins that this has; we made great progress, but I don't think we're probably going to keep doing it. Committee of the Whole seemed to be very popular and it's kind of going to be popular with me because Committee of the Whole is the Council's meeting and I can use one less meeting a month to go to.

Council member Scribner made a motion to disband the standing committee meetings and to go back to the committee of the whole meetings. Council member Kroesing seconded the motion.

It was asked what the difference was between the standing committee meetings and the committee of the whole meetings. Mayor Trowbridge said that the committee of the whole meetings are governed by the rules of engagement. Other than nothing can happen, the committee of the whole is another Council meeting.

Council member Hein stated that's what we say, but that's not what happens. A lot of the time at committee of the whole we take a straw poll which in itself is a vote. We're not allowed to do that at a committee of the whole meeting but we do it anyway. I walk away from a committee of the whole meeting wondering why did I waste my time. I, personally, get a lot more from the standing committee meetings than I ever have out of the committee of the whole meetings because we've had open and frank discussions. We run out of time every month at the public safety committee meeting because we discuss things. We know what direction we want to go. The committee of the whole is one big lump of nothing.

Mayor Trowbridge stated that committee of the whole meeting appears, to me, to be a spoon feeding with little homework to be done by the council. Joe spoon feeds them all of the information and they meet and they discuss it and make a straw poll or they may not make a straw poll and basically is another Council meeting that doesn't go anywhere or have any effect. But, they can leave that meeting and visit with somebody in the coffee shop the next morning and know what went on at that meeting.

Carol Brehm asked if they could fix the standing committee meetings and still keep them in tact.

Mayor Trowbridge answered by saying that Joan and Tami have a lot of things to do versus sit down and transcribe a meeting so that information is available within 48 hours. To me, a responsible comment from a Council person to somebody from the public asking about what went on at the public safety meeting that you had last night, to a Councilman that wasn't

there, would be to say, "I don't know, I was not at that meeting, but I will find out and get back to you." That doesn't happen easily.

Water/Sewer Supervisor Gary Janicek stated that the only problem that he could see with the standing committees is that they've run out of time and a half an hour isn't enough time to get their points across.

Mayor Trowbridge answered by saying that was always solved well with committee of the whole because the department heads never got invited and you never got to visit about anything and you were never brought into the loop of information.

Council member Gary Smith asked how many other Council members had people come to their places of employment and ask questions about what went on at the meetings. He has people that talk to him about things every day.

Council member Hein stated that if we go back to the committee of the whole we may as well call it a Council meeting and have two Council meetings a month.

Council member Kroesing stated that we've been there and done that. The committee of the whole worked before.

Mayor Trowbridge and Council member Hein stated that they felt that it didn't work.

Council member Kroesing said that he sat through all these things and I've been in the sub committees when I started and we went to the committee of the whole, because at that time, it did not work, because everybody felt like they were out of the loop. So, we went to the committee of the whole and everybody was involved and sat around and things were supposed to all be discussed that appeared on this agenda for a City Council meeting. They were supposed to all be hashed out at a committee of the whole meeting so that when we came to the Council meeting the only questions that should be left to be asked is from the public. We shouldn't have to sit around here and b.s. about what's on this agenda if we've got it all cleared up at the committee meeting unless somebody brings up something that we didn't cover in committee. That was the committee of the whole meeting. Your take on the committee of the whole meeting is something entirely different than I've ever understood. Because, when I get this agenda now; there's things on this agenda that I have never heard about. They haven't come up in subcommittee and I haven't been notified about them prior. They're new.

Mayor Trowbridge asked Council member Kroesing to give him an example.

Council member Kroesing answered by saying, "Consideration of, and accepting, a bid received for one new landfill methane gas generator, paralleling switchgear, and installation." I had no prior information on that until I got this paper, right here, "The Banner Press."

Mayor Trowbridge told Council member Kroesing that he was at the meeting when this was discussed.

Council member Kroesing stated that he had, right there, what we discussed and what we authorized Joe to do.

Mayor Trowbridge asked what we authorized him to do.

Council member Kroesing stated that we did **not** authorize him to go out for bids.

Council member Scribner added that he thought that was the whole point of "committee and officers reports" was so that they would know what was going on in each of the departments. He said that's what he got out of it.

Mayor Trowbridge stated that some of the officer's reports are the same every month, so, he would have to ask, if you look at them, do you think they're doing the exact same thing, on a monthly basis.

Council member Scribner stated that the form looks the same on different departments, they do look very similar, but what they have done through that month always changes.

Mayor Trowbridge stated that they are not horribly informative. I would assume that the guys at the park mowed and picked up sticks and things like that.

Council member Kroesing read from the minutes of the June 10, 2009 Council meeting, "Council member Scribner made a motion to proceed with 1) a memorandum of understanding for the acquisition of land, 2) a Request for Proposal (RFP) to Nebraska Public Power District, 3) a contract with Timberline Energy L.L.C., and 4) the Permitting Processing with Olsson Associates. Council member Rogers seconded the motion." Nowhere is it in here and I realize that we don't have to authorize this but, somebody should notify us when something this big is gonna hit the paper.

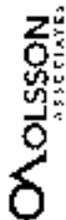
As the motion to disband the standing committee meetings and to go back to the committee of the whole meetings, seconded by Council member Kroesing was still on the table, the vote was: Voting AYE: Council members Scribner, Smith, and Kroesing. Voting NAY: Council member Hein. Council members Rogers and Yindrick were absent. The motion carried. [Resolution No. 20-2009 Continuing the Standing Committees was not needed.]

Council member Hein made a motion to table Ordinance No. 1111 setting the salary for City Administrator Joe Johnson at \$70,000 per year. Council member Scribner seconded the motion. Voting AYE: Council members Hein, Smith, Kroesing and Scribner. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

Mayor Trowbridge stated that we are running out of usable water wells in this community so maybe it's time to move forward and secure us a supply. We have bids. Does anybody like any of the bids, or dislike any of the bids or have questions relative to the bids.

Water/Sewer Supervisor Gary Janicek stated that he would like to accept the bid from Sargent Irrigation. They know our system and we do a lot with them and they happen to be the lowest bid. They do, probably, 95 percent of the work in eastern Nebraska.

Council member Scribner made a motion to accept the bid of Sargent Irrigation for two water wells. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, and Hein. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.



MUNICIPAL WATER SYSTEM IMPROVEMENTS  
 DAVID CITY, NEBRASKA - 2009

BID ADVERTISER  
 1-31-2009 CA-408-2077  
 1-11-2009 Page 1 of 1

Item No.	CONTRACTOR ITEM	System Calling Bids, Kansas Lump Sum	U. E. Culp Construction, Inc. Water Service Lump Sum	Emack & Amick Co., Inc. Star Creek Refurbish Lump Sum	Lawrence & Associates Company Water Service Lump Sum
BID SECTION I					
	For piping & labor meters, and for installation of control of city's two water storage tanks.				
	TOTAL BID SECTION I - LUMP SUM:	\$499,877.00	\$574,000.00	\$578,587.00	\$819,250.00
	TOTAL DRY HOLE PRICE - LUMP SUM:	\$51,723.00	\$86,000.00	\$82,241.00	\$145,000.00
BID SECTION II					
	See A System includes \$15,822 for municipal automation, and control in city and local SCADA equipment and labor material.				
	TOTAL BID SECTION II - LUMP SUM:	\$21,408.25	ND BID	\$10,000.00	\$16,750.00
	Substantially Complete On or Before:	November 30, 2009	November 30, 2009	November 30, 2009	November 30, 2009
	Complete and Ready for Final Payment On or Before:	December 31, 2009	December 31, 2009	December 31, 2009	December 31, 2009
	Awards Received:	June 11, 2009	June 11, 2009	June 11, 2009	June 11, 2009
	Bid Guarantee:	Yes	Yes	Yes	Yes
	Named Equipment Form:	Yes	Yes - Partial	Yes	Yes
	FPA Requirements:	Yes	Yes	Yes	Yes
	Remarks:		Star M&B* was purchased in Star M&B* was purchased in Named Equipment Form covered the Star M&B* *NOT SCHEDULED		
	PROJECT STATUS: COMPLETED				

Mayor Trowbridge stated that on agenda item #23 that it is not an ordered item; this is a surplus item that is available now. An ordered item will be eighteen months down the road, minimum, at a considerably different number. That is just the reality of where we are.

Council member Scribner stated that he would like to talk this over at the committee of the whole meeting.

Mayor Trowbridge told Council member Scribner that he should talk to MUD and ask them how they are doing with their six methane generators.

Council member Scribner indicated that he had talked to them.

Mayor Trowbridge asked how they indicated they were doing.

Council member Scribner stated that from when he was doing his initial research on the methane line going through; they work great. They produced electricity; they've had little or no problems from what they told me.

Mayor Trowbridge asked the council members which direction they anticipate energy costs are going to go in the next five years.

Council member Scribner stated that from what Ken Fairchild indicated that energy costs are anticipated to increase 6% in the next five years.

Mayor Trowbridge stated that David Sokol is the President of Mid American Energy out of Des Moines. David is an Omaha resident. His comment on where energy prices are going to go is that they're going to go up by multiples. Two and three times what they are today. He asked Council member Kroesing if he'd heard those terms used in the power industry – multiples?

Council member Kroesing stated that he did hear and that he told Mayor Trowbridge and City Administrator Johnson what could happen in our county alone and our city due to the oil pipeline. It's going to take us anywhere from three to four years to pay back what they paid us to build all the line and the substation for that pumping station. At the return of that, there will be such a tremendous load in this county. We'll see the load right away. We could actually see a reversal of rate structure.

Mayor Trowbridge stated that, yes, if that rate coming to you from NPPD, because you don't produce any electricity, stayed steady; you could see a rate decrease.

Council member Kroesing stated that they could pass on a rate decrease.

Mayor Trowbridge stated, yes, but, the flow of cost coming in to you from NPPD has gone up 8% from last year. Council member Kroesing said it had gone up 7%. Mayor Trowbridge stated that the year before the increase was 6% - 8%. Now, we've got cap in trade coming down the rosy little path, which will do multiples, if it passes. It has already passed Congress. It's not hit the senate. So, what are we paying right now for energy, per kilowatt, in the summertime?

City Administrator Joe Johnson answered on average, at any given time, 4.3 cents.

Mayor Trowbridge stated so we double it we're at 8.6 and if we can produce it at 6.2, we look kind of good, I think.

Council member Kroesing stated that you're not going to produce what you need.

Mayor Trowbridge stated that no, we're not going to produce what we need, but, what we do produce we can either sell to our consumers at 6.2 or sell to NPPD at 6.2 or more. The point I'm making is, probably one that was made twenty-five years ago, when the water treatment plant went in. I'm sure that there was a similar debate; that nobody else is doing this. Well, nobody else has methane, in this particular area. We need to be looking down the road. If we were to have to build a water treatment plant today; we probably couldn't afford to do it. Thank God, we have one twenty-five years later; thank goodness it's functional. Somebody had a lot of vision and foresight when they decided to do that when it wasn't popular. It has worked out relatively well. I'd just hate for us to get down the road five or six years and have been paying 12 to 15 cents per kilowatt hour for electricity and saying 6.2 would have really been a neat deal. Not on all of it but on a third of it.

Council member Smith made a motion that we accept bids on a methane gas generator, paralleling switchgear, and installation. Council member Hein seconded the motion. Voting AYE: Council members Smith, and Hein. Voting NAY: Council member Kroesing. Council member Scribner abstained. Council members Rogers and Yindrick were absent. The motion failed.

Mayor Trowbridge recognized Timpte Industries, Inc. 125<sup>th</sup> Anniversary and proclaimed Friday, July 17, 2009 to be "Timpte Day" in the City of David City, Nebraska.

Council member Smith made a motion to authorize Mayor Trowbridge to execute a grant application for a smart grid meter reading system. Council member Hein seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner and Hein. Voting NAY: None. Council members Rogers and Yindrick were absent. The motion carried.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, and Scribner. Voting NAY: Council member Hein. Council members Rogers and Yindrick were absent. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:50 p.m.

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Mayor Dana Trowbridge

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Deputy City Clerk Tami L. Comte



CERTIFICATION OF MINUTES  
July 8, 2009

I, Tami L. Comte, duly qualified and acting Deputy City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of July 8, 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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Tami L. Comte, Deputy City Clerk