

CITY COUNCIL PROCEEDINGS

May 13, 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 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on May 7th, 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, Mike Rogers, Bill Scribner, and Bill Yindrick, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

The meeting opened with the Pledge of Allegiance.

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

Council member Scribner noted a correction on page 18 of the April 8th minutes which should have said: a motion to hire Olsson Associates, at a cost not to exceed \$30,000, for professional consulting services and to conduct a feasibility study for subtransmission, transformation, and generation improvements for the David City Electric Systems that provide cost efficient results for electric customers of David City. The amended minutes of the April 8th meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Rogers. Voting AYE: Council members Scribner, Kroesing, Smith, Yindrick, Rogers, 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 no petitions or communications.

Citizen Jim Redler stood and addressed the Mayor and Council: "I am contesting the communications, procedures and timing by Joe Johnson. I called the council members about the letter that I got from Joe Johnson; none of them knew anything about it even though it had their names on it. I am also contesting the false information that you Mr. Mayor provided out to the members of the City Council, and there are four of you members here that were not on the City Council when my agreement with the City took place and that's why I wanted to come to the City Council. I want to correct that information, have it recorded at a public meeting, protect my personal reputation that was defamed in the letter that you sent out and also in case any further developments occur. At this time I am asking you as a city council to make sure that I get on the June council agenda to present this information that'll correct the false information that was put out. And that's all I've got. Mayor Trowbridge stated: "Good Jim, under three minutes, thank you." "Any other comments from the public?" "Hearing none we shall move on to agenda item #6."

Mayor Trowbridge asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Hein seconded the motion. Voting

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

Daniel Duren and Ted Thiemann of Benefit Management and Pam Siroky of Agency One Insurance were present. Ted Thiemann of Benefit Management stated that they were chosen as the broker of record with Pam at Agency One Insurance. Thiemann stated they did finalize the Long Term Disability & Life Insurance with Hartford Insurance. They were able to map over the exact same coverage as the city had prior with roughly a \$400 per month savings, saving the City nearly \$5,000 a year on the premium for the long term disability. On the life insurance the premium was reduced from \$175/mo down to \$100/month to map over the same 15,000 coverage for every employee. Thiemann stated there were a couple of people who waived off of the health insurance and were not allowed on the life insurance, however, more competitive rates are given if you have 100 percent participation so Benefit Management asked that we eliminate that rule and let everyone be allowed on the life insurance plan. In the end the City is still netting roughly a savings of \$4,000 - \$4,500 annually. This makes more of a uniform benefit for the employees and simplifies it when everyone has the same type of coverage. Everything is ready to go with the carriers and we will move over to this plan on June 1, 2009.

The employees completed a Coventry Health Insurance application because Coventry had the lowest rates initially. Currently on the HSA option there is a \$2,000 deductible and the employees actually had an additional \$1,000 out of pocket expense. They were able to get a \$2,000 deductible and eliminate the out of pocket expense so this will actually enhance the benefits. It also has a more robust "preventative care benefits" where the company actually pays for checkups, annual mammograms, pap smears, those type of things. Here is where Coventry came in at roughly \$300 - \$400 within where the city currently was because the current carrier rate is up 40% and this is why we've taken on this whole process. So at the time Benefit Management's recommendation was to move to Coventry to the \$2,000 deductible HSA because that maps the same deductible that the employees are used to right now but actually eliminates the additional out of pocket expense. In the last week, rates have come in from Blue Cross Blue Shield; the exact same plan, \$2,000 deductible, 100% plan, and it is actually about 10% less than the Coventry rates. These are final Coventry rates but these are pre-screen Blue Cross Blue Shield rates. Blue Cross Blue Shield won't release a final rate until the employees have actually signed off on their enrollment forms. Either one of these will be a better option than what the City previously had at no additional cost. Thiemann stated they are asking that the Council approves either Coventry or Blue Cross Blue Shield, and, if once Blue Cross receives the applications and they raise their costs, the city would still have Coventry plans that are still better than where the city was at no additional cost. The Department of Insurance just improved a general application so in the future there will be one uniform application that all insurance carriers have agreed to accept. Benefit Management is pretty confident that they will recommend Blue Cross Blue Shield as the carrier of choice. There is currently a 10% "fudge factor" so even if Blue Cross would raise their rates 10% they would be still be right at or about where Coventry is. There is a "deductible carry over" so the employees will get credit for any deductibles they have already met.

Council member Kroesing made a motion to accept the Group Long Term Disability and the Group Life Insurance with Hartford Life Insurance Company and the Group Health Insurance with Blue Cross Blue Shield or Coventry. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Smith, Hein, Rogers, Yindrick, and Kroesing. Voting NAY: None. The motion carried.

Matt Rief of Olsson Associates was present to give an overview and present the bid specs for the "D" Street Project. The project starts at 4th Street (Hwy 15) and goes west towards the Burlington Northern Santa Fe Railroad. This will be full pavement reconstruction; concrete reconstruction; taking up the bricks; and salvaging the bricks to a brick company in Omaha which Street Superintendent Jim McDonald is coordinating. This will be full pavement reconstruction with concrete pavement for roadway; redoing the parking along the roadway and redoing the sidewalks. Part of this will include pavers, which will go along the curb line and some decorative pavers at the intersection nodes; some color concrete for a color concrete crosswalk; and some color strips delineating some of the curb lines just to highlight at the intersection of 3rd Street. Henningsen Foods wanted a medium around their loading dock area, so this basically follows the concept plan that was developed as part of the revitalization study of the downtown. Olsson Associates met with the property owners; brought them in; kind of went through it with each of the individual property owners and made a few modifications along the way. There will also be fourteen different pedestrian lighting poles located along this corridor; 12' poles with a decorative globe on top. This will follow the historic lighting that the city previously had on the downtown square; so if we ever want to apply for additional grant money for the downtown area they can get some historic lighting as part of that. We are trying to set this as a prototype so if we ever reconstruct the downtown we are kind of following that same plan so this all ties into that. There is quite a bit more Henningsen Foods has agreed to pay for; everything from the roadway curb line to their building. A major part of this project is storm sewer. Right now everything funnels down to this area. There are two small inlets that are really constraint. Storm sewer will be put all along this project, adding an inlet up by the Post Office (4th & "D"), and several more inlets and changing the grade a little bit. As they come down with storm sewer, the ditch along the railroad track will be enclosed with pipe; from there when they get to "C" Street a bore will be made under the railroad tracks with a 36" pipe and then they will build an additional storm sewer pipe along the south side of "C" Street; currently there is one on the north side and they are going to add double the capacity with building another one on the south side of "C" Street. From "C" Street, when they get to Oak Street, it will outlet into that existing drainage swell that will be re-graded and down to "A" Street where an additional culvert will be placed. As part of this re-grading there will some erosion control measures that Olsson's will do.

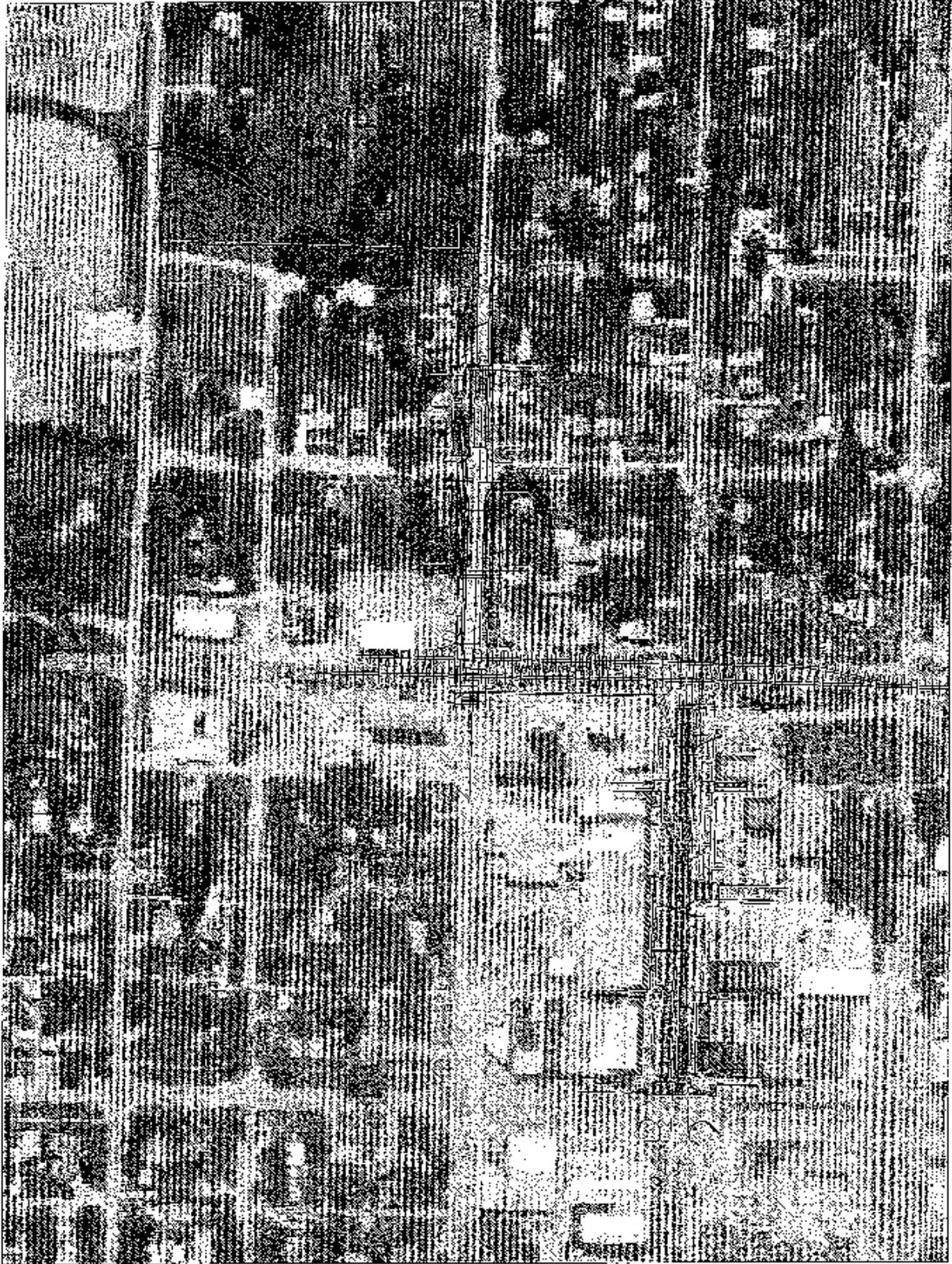
The schedule for advertising for bids will be May 21st, May 28th, the bids will be opened on June 4th, and the bid awarded at the next council meeting. Matt Rief reviewed the budget for the surfacing, lighting, Storm Sewer, Storm Outlet, Engineering, and Railroad Permit & Fees totaling approximately \$950,000.00. These are estimates; hopefully the bids will come in lower. There is not much concrete paving going on right now so we might receive some very competitive bids. He then reviewed the funding from CDBG, Paving Assessments (\$100 a lineal foot), Sidewalk Assessments (not for Eldon Coufal or the Frontier Coop as they really don't have sidewalks in their areas), Henningsen Foods Additional Costs (they said they would pay for everything behind the curb line), NRD Contribution (to help with the drainage outlet improvements), NE Department of Roads (clarification on their payment has not been received), the Electric Department (lighting & pedestrian lighting) and Water Departments (water main reconstruction) totaling approximately \$626,000 which leaves a City paving obligation of approximately \$324,000. (See the following Project Budget Summary). City Administrator Johnson stated that we will have to bond a portion of this out, so Phil Lorenzen of D.A.

Davidson will do a bond for us, approximately \$320,000, that will be paid by Highway Allocation. Right now we divert roughly \$70,000 annually on residential street re-construction, so those funds will be diverted for three or four years, depending on how much the bonds will be to pay off this debt; so no raising of tax dollars, no raising of excess assessments against the property. City Administrator Johnson stated that during discussions Street Superintendent Jim McDonald came up with a very creative idea. The City is falling behind on residential streets and if we go four years without replacing a residential street we will be hurting, but the "D" Street Project is a priority. So, while we are going to the bond market it would make sense to do a little extra bonding for a few extra years to pay off that bond and do residential streets in the same mix; because if we have contractors here, give them more work, more concrete, prices drop. Matt Rief stated that Street Superintendent McDonald identified fifteen blocks that have existing curb and gutter that we'd pour concrete pavement between the existing curb and gutters. Matt stated if we are going to combine this with the "D" Street Project, to do this quickly it would be easier to use the streets that already have curb and gutter as the grade is already established there. If we wanted to bond it out for another 1 - 2 years we could probably do another four or five blocks. The blocks that they identified were "M" Street between 4th & 5th; "I" Street between 7th to 9th; and Nebraska Street between 4th & 5th. Basically put those streets in the bid package as an alternate bid. "D" Street is the base bid and then alternates can be added for residential streets. More volume should lower prices. We could add more blocks but that will be more years that we are using the Highway Allocation.

Mayor Trowbridge stated: "I think everyone needs to give some thought to whether you want to go four, eight, ten, or eleven residential blocks, and it will depend upon where the bids come in; it will also depend upon how Phil feels bonding it makes sense; now, versus doing it four to six years from now.

Council member Scribner questioned the "A" Street Bridge east of town that might not be sufficient for the truck route and perhaps the bridge should be removed and a culvert put in. McDonald stated that County Roads Supervisor Jim Truksa brought that up two years ago but it is still in the works. McDonald stated that he did budget for that already in this year's budget; however, it is basically up to the County to get the project started.

Council member Scribner made a motion to authorize Olsson Associates to bid the project out for the "D" Street Project, with alternate bids for residential streets. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Kroesing, Hein, Rogers, Smith, and Scribner. Voting NAY: None. The motion carried. [Matt Rief asked for clarification on the residential streets. City Administrator Johnson stated that the council will decide once the numbers come in and we have reviewed this with our bond agent Phil Lorenzen. The residential streets will be broken up in groups of three to four, leaving all options open.]



CONSTRUCTION ESTIMATE
D STREET PAVING AND STORM SEWER IMPROVEMENTS & C STREET OUTLET IMPROVEMENTS
DAVID CITY, NEBRASKA
5/5/2009

SURFACING				
ITEM DESCRIPTION	UNITS	UNIT PRICE	TOTAL QUANTITY	TOTAL BID
8" P.C. CONCRETE PAVEMENT W/INTEGRAL CURB	S.Y.	\$36.00	3239	\$116,388.00
8" P.C. COLORED CONCRETE PAVEMENT W/INTEGRAL CURB	S.Y.	\$90.00	65	\$5,850.00
8" P.C. CONCRETE DRIVEWAY	S.Y.	\$37.00	619	\$22,903.00
6" P.C. CONCRETE DRIVEWAY	S.Y.	\$35.00	1985	\$69,475.00
6" P.C. COLORED CONCRETE PAVEMENT	S.Y.	\$75.00	168	\$12,600.00
5" P.C. CONCRETE SIDEWALK	S.Y.	\$35.00	1391	\$48,685.00
DETECTABLE WARNING PLATE	EA.	\$250.00	14	\$3,500.00
CONCRETE PAVERS	S.Y.	\$80.00	450	\$32,000.00
CRUSHED ROCK SURFACE COURSE	TONS	\$40.00	50	\$2,000.00
VEHICLE DETECTOR, TYPE A	EA.	\$600.00	4	\$2,400.00
VEHICLE DETECTOR, TYPE B	EA.	\$650.00	2	\$1,300.00
ADJUST VALVE TO GRADE	EA.	\$200.00	8	\$1,600.00
ADJUST FIRE HYDRANT TO GRADE	EA.	\$800.00	2	\$1,600.00
ADJUST MANHOLE TO GRADE	EA.	\$275.00	4	\$1,100.00
REMOVE PAVEMENT	S.Y.	\$7.00	3254	\$22,858.00
REMOVE DRIVEWAY	S.Y.	\$5.00	3586	\$17,930.00
REMOVE SIDEWALK	S.Y.	\$5.00	749	\$3,745.00
REMOVE VEGETABLE OIL TANK	EA.	\$5,000.00	1	\$5,000.00
8" X4" SANITARY SEWER SERVICE TEE	EA.	\$150.00	1	\$150.00
4" SANITARY SEWER SERVICE PIPE	L.F.	\$25.00	24	\$600.00
8" FERNCO COUPLING	EA.	\$50.00	1	\$50.00
HIGH EARLY STRENGTH CONCRETE PAVEMENT FASTWORK	C.Y.	\$40.00	50	\$2,000.00
FASTWORK	L.S.	\$8,000.00	1	\$8,000.00
OVEREXCAVATION	C.Y.	\$15.00	500	\$7,500.00
TRAFFIC CONTROL	L.S.	\$5,000.00	1	\$5,000.00
			SUBTOTAL	\$394,434.00
			5% CONTINGENCY	\$19,721.70
			TOTAL	\$414,155.70

LIGHTING				
ITEM DESCRIPTION	UNITS	UNIT PRICE	TOTAL QUANTITY	TOTAL BID
LIGHTING CONTROL CENTER	EA.	\$1,500.00	1	\$1,500.00
CONDUIT, 1-1/2"	L.F.	\$4.00	1050	\$4,120.00
CONDUIT, 1 1/2" DIRECTIONAL BORED	L.F.	\$13.00	300	\$3,900.00
CABLE, NO 4 CG	L.F.	\$2.00	1330	\$2,660.00
CABLE, NO 2 SL	L.F.	\$3.00	2660	\$7,980.00
STREET LIGHTING UNIT	EA.	\$3,000.00	5	\$15,000.00
RESIDENTIAL LIGHTING UNIT	EA.	\$2,700.00	14	\$37,800.00
			TOTAL	\$72,960.00
			5% CONTINGENCY	\$3,648.00
			TOTAL	\$76,608.00

REMOVE AND REPLACE CONCRETE DRIVEWAY	S.Y.	\$50.00	27	\$1,350.00
CRUSHED ROCK SURFACE COURSE	TONS	\$40.00	10.6	\$424.00
REMOVE AND REPLACE CONCRETE SIDEWALK	S.Y.	\$15.00	8	\$120.00
DETECTABLE WARNING PLATE	EA.	\$250.00	2	\$500.00
WATER MAIN WITH CUT-IN	EA.	\$500.00	2	\$1,000.00
REMOVE 8" WATER MAIN	L.F.	\$25.00	32	\$800.00
BUILD 8" WATER MAIN	L.F.	\$30.00	32	\$960.00
8" M.I. 45 DEG. BEND	EA.	\$200.00	4	\$800.00
REMOVE AND RELOCATE FIRE HYDRANT	EA.	\$1,200.00	1	\$1,200.00
DITCH EXCAVATION 'C' STREET OUTLET	L.S.	\$8,000.00	1	\$8,000.00
TOTAL				\$199,636.00
5% CONTINGENCY				\$9,981.80
TOTAL				\$209,617.80

TOTAL CONSTRUCTION COSTS	
SURFACING	\$414,155.70
LIGHTING	\$76,608.00
D STREET STORM SEWER	\$142,842.00
C STREET STORM OUTLET	\$209,617.80
TOTAL CONSTRUCTION COSTS	
\$843,223.50	

PROJECT BUDGET SUMMARY
D STREET PAVING AND STORM SEWER & C STREET OUTLET IMPROVEMENTS
DAVID CITY, NEBRASKA
5/5/2009

PROJECT COSTS	
SURFACING	\$414,155.70
LIGHTING	\$76,608.00
D STREET STORM SEWER	\$142,842.00
C STREET STORM OUTLET	\$209,617.80
TOTAL CONSTRUCTION COSTS	\$843,223.50
ENGINEERING	\$101,500.00
RAILROAD PERMIT & FEES	\$4,000.00
TOTAL PROJECT COST	\$948,723.50
Funding	
CDBG	\$250,000.00
PAVING ASSESSMENT	\$107,000.00
SIDEWALK ASSESSMENT	\$26,610.00
HENNINGSEN FOOD ADDITIONAL COSTS	\$108,386.25
NRD CONTRIBUTION	\$10,004.93
NDOR CONTRIBUTION	\$32,980.20
CITY LIGHTING DEPARTMENT	\$76,608.00
CITY WATER DEPARTMENT	\$14,540.00
TOTAL FUNDING	\$626,129.38
CITY PAVING OBLIGATION	\$322,594.13

- No clarification

Mayor Trowbridge stated: "The next agenda item is consideration of Resolution No. 12-2009 directing the sale of the City property located at 475 North 3rd Street and accepting sealed bids until 5:00 p.m. on July 3, 2009. This is the police department; this is what has filled the room up I believe. It was a little over a year ago that management from Henningsen Foods got in touch with City Administrator Joe Johnson and the question was asked "would you consider selling the police building to us? We believe we may be able to use it in our future plans." As we look backwards now we understand that they were making their plans for closing their New York City offices and moving those offices to Omaha, Nebraska. Some of the offices in Omaha are going to be moved to David City. Now, granted, there are other buildings in the Community that might work for them but they're not across the street from their main plant. Henningsen Foods employs roughly 152 people directly in their plant. When we look at all the peripherals that it takes to raise 1.25 million chickens in our area we find a lot of truck drivers, feed being sold, and a lot of farmers that are using the chicken houses as income. 150 just scratches the surface as to how many people draw their living from the enterprises of Henningsen Foods. They have been an excellent community citizen for years and years in David City, Nebraska. If they were to not be here, none of you would like to look at your electric, water, or sewer bills, sewer in particular; if you take their contributions out, and their contributions are strong. We just got done hearing of a \$108,000 willing contribution from Henningsen towards a street project, and granted their facilities are located on that street, others are located on that street also, and I thought they did a very meaningful job of a \$108,000 contribution to the project. I think we need to all consider what sits over on third street, it's a building; it's a building, not much different from any other building in town other than it is cut up in 8 x 10 cubicles which will work fine for what Henningsen wants to do. They are talking about bringing in HR (Human Resources), engineering, quality control, and record storage from New York to that building. I think this is simply a stepping stone on the way to bigger and better things with that particular employer as we move ahead. Economic Development is an interest subject. Several of us in this room have been deeply involved in Economic Development through the last fifteen to twenty years in David City. We have some experience at it; we have some understanding as to what it takes. We have some understanding as to what the ultimate value is. We'll go back, not long in time, and we'll go to the north end of town. We had to have an interesting council meeting to decide whether to close "S" Street or not and "S" Street west of 3rd Street was closed; and the construction (Timpert's) that's going on up there right now is wonderful. They are getting ready for the future. This is a slow market for their product but they're looking past tomorrow or next week. They are looking down the road with a vision as to what they can become as time moves forward; and I challenge all of us to look at what we can become as time moves forward if we do the appropriate thing today."

Kent Kettler presented petitions signed by approximately 58 David City business representatives which stated:

To Mayor of David City and City Council Members

WIN WIN OPPORTUNITY

We, the undersigned, are excited about Henningsen Foods' proposed expansion of their business and relocation of several jobs to our community.

Since coming to David City in 1966, Henningsen Foods has been a vital part of David City. As an industrial partner, Henningsen Foods has shown their commitment to our local economy through their community participation, contributions to civic and business functions,

employment base, and increased tax revenue. They represent a positive example of the “good community citizen” role that all businesses strive to achieve.

As Butler County business representatives we urge you, our City Governmental Body, to do all within your powers to see that Henningsen Foods’ expansion plans come to fruition. We believe the positive message sent out by your actions will further business growth and economic development in our community for many years to come.

* * * * *

City Administrator Johnson stated that the proposed resolution simply places the police building up for bids and at the July 8th council meeting the Council can decide whether or not to sell the building. At this time the resolution simply places the building out for bids.

Citizen Carol Brehm asked what the valuation was on the building. Mayor Trowbridge stated that since the building is tax exempt a valuation has not been set. Mayor Trowbridge stated: “We have an appraisal from Kobza Realty from last January in which they said \$70,000 - \$75,000.” Mayor Trowbridge stated that was an interesting subject. Mayor Trowbridge continued: “The number that has been talked about recently with Henningsen Foods is \$50,000. There are probably some people in the room that say we should give it to them. We’re not in the real estate business. So if we could get \$70,000 or \$75,000 we could hold out and maximize our revenue. The question I have for you is what if we don’t sell it to anybody and Henningsen goes somewhere else. We need to weigh the alternatives that downsize the negatives; we don’t seem to look at that; we are not in the real property business. The reason we have that building is because nobody else wanted it when it was sold - it was sold for \$10,000; that’s what the City paid for it. So we can talk about maximizing our revenue all we want to. Most communities would be more than willing to give that facility to anybody that would come into town and bring jobs, especially in today’s economy.”

After much discussion, Council member Rogers introduced Resolution No. 12 - 2009 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting AYE: Council members Scribner, Smith, Yindrick, Hein, Kroesing, and Rogers. Voting NAY: None. The motion carried and Resolution No. 12 - 2009 was passed and approved as follows:

RESOLUTION NO. 12 - 2009

WHEREAS, Nebraska State Statute 17-503 allows any city of the second class to convey any real and personal property owned by it providing the passage of a resolution directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof; and,

WHEREAS, the City of David City, Nebraska, is the owner of the building and property located at 475 North 3rd Street, David City, Nebraska and legally described as Lot 5 & South 20' of Lot 4 & North 25' of Lot 8, Block 23 Original Town of David City, and,

WHEREAS, the City of David City, Nebraska, desires to sell said building and property as is to the bidder that is deemed by the City Council of the City of David City, Nebraska as the most favorable. The City of David City, Nebraska reserves the right to reject any and all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City of David City, Nebraska be allowed to

conduct a sale of real and personal property and that notice shall be given that said building and property is for sale as is and that sealed bids be accepted until 5:00 o'clock p.m. on July 3, 2009 for the sale of the building and property. All sealed bids shall be publicly opened and read aloud during the Regular City Council Meeting of July which convenes at 7:00 o'clock p.m. on July 8, 2009 at City Hall, located at 557 North 4th Street. Terms of the sale will include a 10% down-payment with the balance payable within 90 days. The buyer shall pay all closing cost associated with said property.

BE IT FURTHER RESOLVED that the City of David City, Nebraska shall set the minimum price of forty-five thousand dollars (\$45,000.00) and this price shall serve as a minimum price for all sealed bids.

BE IT FURTHER RESOLVED that the sale of real and personal property and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in David City, Nebraska.

Dated this 13th day of May, 2009.

Mayor Dana Trowbridge

(ATTEST)

City Clerk Joan E. Kovar

City Attorney Egr stated that the City of David City made an application to the Power Review Board to adjust the service area. Jim Papek, the Butler Public Power District's Attorney, and City Attorney Jim Egr spent a lot of phone calls and about 3 hours the night before the hearing negotiating out stipulations. Jim Papek prepared the agreement and City Attorney Egr received an e-mail on the agreed upon stipulation between the City and Butler County Rural Public Power District which Gary Westphal, General Manager of Butler County Rural Public Power District and Mayor Trowbridge both signed. They needed something to present to the Power Review Board that an understanding was reached. The only issue left is how much the City has to pay back to the Butler Public Power District for any distribution facilities costs. This will be determined by the Nebraska Power Review Board at a hearing scheduled for Friday, June 26, at 9:30 a.m. City Attorney Egr stated: "Yes, the Council is approving this after the fact but we had to have something that morning for the Power Review Board."

Council member Scribner made a motion to approve an electric service area stipulation prepared by Butler Public Power District regarding their David City Electric Service Area. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Hein, Yindrick, Smith, and Scribner. Voting NAY: None. Council member Kroesing abstained.

STATE OF NEBRASKA, NEBRASKA POWER REVIEW BOARD

IN THE MATTER OF THE APPLICATION OF THE)
CITY OF DAVID CITY, NEBRASKA TO)
AMEND THE RETAIL SERVICE AREA OF) STIPULATION BETWEEN CITY OF
SAA 159 TO SERVE NEWLY ANNEXED AREAS) DAVID CITY AND BUTLER
OF THE CITY OF DAVID CITY, NEBRASKA) COUNTY RURAL PUBLIC
) POWER DISTRICT

THIS STIPULATION is made and entered into this 17th day of April, 2009, by and between THE CITY OF DAVID CITY, NEBRASKA, A CITY OF THE SECOND CLASS UNDER NEBRASKA LAW hereinafter referred to as "City," and THE BUTLER COUNTY RURAL PUBLIC POWER DISTRICT A POLITICAL SUBDIVISION OF THE STATE OF NEBRASKA, hereinafter referred to as "Butler."

WHEREAS, there is presently pending before the Nebraska Power Review Board by the City an application to enlarge its service area under Service Area Agreement #159 previously made between the parties hereto, and

WHEREAS, Butler has filed an objection to the City's request to enlarge its service area, and

WHEREAS, said application and objection was set for hearing before the Nebraska Power Review Board on April 17, 2009, and

WHEREAS, the parties agree to entry of an order by the Nebraska Power Review Board in said matter consistent with the terms and conditions of this stipulation.

NOW, THEREFORE IN CONSIDERATION of the foregoing recitals, and in further consideration of the terms and conditions set forth herein, it is hereby agreed by and between Butler and City as follows, to wit:

1. BUTLER WITHDRAWS OBJECTION TO THE CITY OF DAVID CITY'S REQUEST TO ADD PORTIONS OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3, EAST OF THE 6TH P.M. BUTLER COUNTY, NEBRASKA IDENTIFIED IN ITS APPLICATION. Butler withdraws its objection to City's request to add that portion of the Northwest Quarter of Section 18, Township 15 North, Range 3, East of the 6th P.M., Butler County, Nebraska, contained in its application and consents to the entry of an order authorizing the enlargement of the City of David City's service area to include said real estate upon payment of the amounts identified in paragraph two (2) to Butler.

2. **CITY AGREES TO PAY BUTLER ITS FACILITIES COSTS.** City and Butler hereby acknowledge that Butler serves several customers in the Northwest Quarter of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, City agrees to pay Butler's distribution facilities costs, to be determined mutually by the parties and paid to Butler within 30 days from April 17, 2009.

In the event the parties cannot agree on the amount of the facilities charges to be paid by City to Butler, a subsequent hearing shall be held before the Nebraska Power Review Board, the sole purpose of which is to determine the amount of facilities cost to be paid by City to Butler.

3. **TREATMENT OF CITY APPLICATION TO INCLUDE THE ANNEXED PORTION OF THE SE ¼ OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 2, EAST OF THE 6TH P.M., BUTLER COUNTY, NEBRASKA IN CITY'S SERVICE AREA.** City and Butler hereby acknowledge that a settlement agreement was reached between the parties dismissing Case #CI07-116 in the District Court of Butler County, Nebraska. Said action by Butler challenged the lawfulness or the annexation by City of a portion of the NW ¼ of Section 18, Township 15 North, Range 3, East of the 6th P.M., Butler County, Nebraska. Said settlement agreement is attached hereto as Exhibit "A" and the parties reaffirm the terms of the agreement and jointly request the Power Review Board to recognize the terms agreed by the parties with respect to the treatment of the service area between Butler and City.

The terms of the settlement agreement provide that City "waive in perpetuity its right to provide electrical power and energy to customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2 East of the 6th P.M., Butler County, Nebraska and that City would execute a service area waiver in favor of Butler to "provide electrical power and energy to all customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska". The agreement also provides that "Butler and City jointly will petition the State of Nebraska Power Review Board to approve said service area waiver." Pursuant to the settlement agreement, City prepared such a service area waiver and it is attached to this agreement as "Exhibit B". The parties stipulate and agree that said real estate identified in City's application in said Section 12, Township 15 North, Range 3 East of the 6th P.M. shall become a part of the City's service area and that the Nebraska Power Review Board recognize the waiver executed by City as a complete and total waiver of City's right to serve any and all customer's electrical power and energy needs in the annexed portion of the Southeast ¼ of Section 12, Township 15 North, Range 3, East of the 6th P.M., Butler County, Nebraska now and in the future.

Butler agrees to serve the electrical power and energy needs of all customers located in the annexed area and to be treated by the Nebraska Power Review Board as if said real estate was located in Butler's service area.

4. **GOVERNING LAW AND BINDING EFFECT.** This stipulation shall be construed under the laws of the State of Nebraska and shall be binding upon the respective parties hereto and upon their successors in interest.
5. **CONSENT TO AN ORDER BY POWER REVIEW BOARD CONSISTENT WITH TERMS HEREIN.** The parties hereby consent to the entry of an Order consistent with the terms herein without the necessity of a formal hearing before the Nebraska Power Review Board on the pending application of City.

Dated: April APR 17th, 2009.

Butler County Rural Public Power District

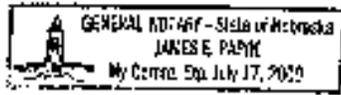
by Gary Westphal
Gary Westphal, General Manager

City of David City, Nebraska

by Dana Trowbridge
Dana Trowbridge, Mayor

STATE OF NEBRASKA)
) SS
COUNTY OF BUTLER)

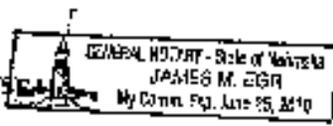
The foregoing Stipulation was acknowledged before me this 17th day of April, 2009, by Gary Westphal, General Manager, on behalf of Butler County Rural Public Power District.

(SEAL) 

James Pank
Notary Public

STATE OF NEBRASKA)
) SS
COUNTY OF BUTLER)

The foregoing Stipulation was acknowledged before me this 17th day of April, 2009, by Dana Trowbridge, Mayor on behalf of the City of David City, Nebraska.

(SEAL) 

James M. Eger
Notary Public

COPY

SETTLEMENT AGREEMENT

THIS AGREEMENT is made and entered into this 30th day of October, 2007, by and between BUTLER PUBLIC POWER DISTRICT, hereinafter referred to as "Butler," and THE CITY OF DAVID CITY, NEBRASKA, hereinafter referred to as "City."

WHEREAS, Butler has filed a lawsuit in the District Court of Butler County, Nebraska challenging the annexation by City of certain real estate, and

WHEREAS, the existence of the lawsuit threatens the ability of the City to offer tax increment financing (TIF) to Butler County Finanzol, LLC pursuant to Neb. Rev. Stat. 17-405.01(2) which plans to construct an agricultural processing facility on the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska, and

WHEREAS, City has filed an answer and counterclaim in said lawsuit, and

WHEREAS, the parties hereto are desirous of resolving and satisfying without the necessity of litigation, all of their respective rights arising out of the subject matter of said litigation.

NOW, THEREFORE IN CONSIDERATION of the foregoing recitals, and in further consideration of the terms and conditions set forth herein, it is hereby agreed by and between Butler and City as follows, to wit:

1. Butler agrees to dismiss, with prejudice case Number CI07-116 presently pending in the District Court of Butler County, Nebraska between the parties hereto at such time as all terms and conditions required by this settlement agreement have been entered into in writing between said parties.
2. In consideration of the dismissal of said lawsuit, City agrees and does hereby waive in perpetuity its right to provide electrical power and energy to customers located in the Southeast Quarter of Section 12 Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska. To this extent City will execute a service area waiver in favor of Butler to provide electrical power and energy to all customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska. Said service area waiver shall be deemed lawful and valid between the parties whether or not said real estate is annexed by City. Butler and City jointly will petition the State of Nebraska Power Review Board to approve said service area waiver. City waives in perpetuity any and all right under Nebraska Law to request a service area change by filing an application with the Nebraska Power Review Board, or any agency existing at the time, to serve the electric load and customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska whether or not said real estate is ever annexed by City or whether the City believes its retail service area should extend beyond its City limits.

or not said real estate is ever annexed by City or whether the City believes its retail service area should extend beyond its City limits.

3. City will enact a 6% franchise fee for a period of not in excess of 25 years, to be imposed on all retail providers of electricity providing electric service to customers located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska.
4. Butler will pass on said franchise fee imposed by the City to all of its retail customers of electricity located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska. Although not a party to this agreement, it is anticipated by both Butler and City that Butler County Ethanol, LLC will construct an ethanol plant to be located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska. Butler County Ethanol, LLC will enter into separate agreements with City and Butler which agreements shall both implement the 6% franchise fee and provide that said franchise fee is paid by it along with any sales taxes or other charges and assessments legally imposed on said franchise fee.
5. Butler agrees to enter into a power purchase agreement with Butler County Ethanol, LLC or any other electrical customer desiring service at said location as soon as practical to begin construction of a transmission line, substations and other related equipment necessary to meet the anticipated electrical power requirements of Butler County Ethanol, LLC and any other electrical power and energy customer. The construction of these electrical facilities by Butler is more than adequate consideration for dismissal of the pending lawsuit and the perpetual waiver by City of its right to serve customers electrical power and energy located in the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, NE.
6. Butler agrees it will not challenge the annexation by City of the Southeast Quarter of Section 12, Township 15 North, Range 2, East of the 6th P.M., Butler County, Nebraska for the purpose of offering tax increment financing to Butler County Ethanol, LLC.
7. City will dismiss its cross claim, with prejudice, against Butler filed in Case No. C107-176 upon execution of this agreement by both parties.
8. MISCELLANEOUS.
 - (a) This agreement shall be construed according to the laws of the State of Nebraska. Any provisions which shall, for any reason, be unenforceable or invalid shall not

- (b) This agreement shall be binding on and inure to the benefit of the heirs, personal representatives, assigns and successors of the parties hereto.
- (c) This agreement contains the entire understanding between the parties and may not be changed, except in writing, consented to by both parties.

Butler Public Power District

by *Gary Westphal*
 Gary Westphal, General Manager

City of David City, Nebraska

by *Dana Trowbridge*
 Dana Trowbridge, Mayor

STATE OF NEBRASKA)
) SS
 COUNTY OF BUTLER)

The foregoing Settlement Agreement was acknowledged before me this 30th day of October, 2007, by Gary Westphal, General Manager, on behalf of Butler Public Power District.



Darlene D. Stara
 Notary Public

STATE OF NEBRASKA)
) SS
 COUNTY OF BUTLER)

~~Notary~~ The foregoing Settlement Agreement was acknowledged before me this 1st day of ~~October~~, 2007, by Dana Trowbridge, Mayor on behalf of the City of David City, Nebraska.



[Signature]
 Notary Public

Council member Yindrick made a motion to approve Economic Development Reuse Loan #1-2009 for \$30,000. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Kroesing, Rogers, Hein, Smith, and Yindrick. Voting NAY: None. The motion carried.

Council member Smith made a motion to approve Economic Development Reuse Loan #2-2009 for \$35,000. Council member Hein seconded the motion. Voting AYE: Council

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

Council member Rogers made a motion to donate the old City Office printer/copier to the Butler County Development and Chamber of Commerce Office. Council member Smith seconded the motion. Voting AYE: Council members Hein, Kroesing, Scribner, Yindrick, Smith, and Rogers. Voting NAY: None. The motion carried.

Council member Scribner made a motion to approve the request by Nathan Olson to construct a parking space adjacent to his existing driveway at 485 B Street that would be 11' wide x 30½' long. Council member Smith seconded the motion. Nathan was advised that he still needs to complete a zoning application to be approved by Zoning Administrator Roger Kotil and that this will be a public parking space that anyone can technically park on. Nathan acknowledged that he understood this. Voting AYE: Council members Yindrick, Kroesing, Hein, Rogers, Smith, and Scribner. Voting NAY: None. The motion carried.

Council member Scribner introduced Resolution No. 13 - 2009 and moved for its passage and adoption. Council member Kroesing seconded the motion. Citizen Bill Schatz said that to call it a campground was laughable. He stated that he advocated for a number of years that the City take the initiative to improve the facility. "People spend money while they are in town staying at the campground. Personally I feel the campground should be free, Schatz said." Council member Hein agreed stating that he wouldn't pay \$10.00 to stay there; there aren't even designated spaces. Council member Kroesing stated that the campground is a nice facility near the City Park, Aquatic Center, the lakes for fishing, the track, and tennis courts. Council member Hein stated that he was not referring to the Park but to the campground facility itself. Voting AYE: Council members Rogers, Smith, Kroesing, and Scribner. Voting NAY: Council members Yindrick and Hein. The motion carried and Resolution No. 13 - 2009 was passed and approved as follows:

RESOLUTION NO. 13 - 2009

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, have in the inventory of the City various pieces of equipment, and

WHEREAS, City Staff have occasion to use this equipment to carry out nuisance abatement, grant related activities, and other activities of an unusual manner, and

WHEREAS, the City does assume certain expenses related to abatement of nuisances, maintenance of the public right of ways, building rentals, and other situations, and

WHEREAS, the consumer charges for labor, vehicles, equipment rentals, building rentals, etc. for the City of David City/David City Utilities have not been increased for some time, and

WHEREAS, the City has determined a need to increase some of the Park and Auditorium rental fees and Auditorium bar charges.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following list of charges, for the use of City equipment, buildings and other City expenses when said use shall be billed to another party, be hereby adopted. Equipment and building charges do not include the cost of the operator, mileage, maintenance, and caretaker, which are additional separate charges.

Municipal Auditorium Rental

Lower Level 8 a.m. to 6 p.m.	\$275.00
after 6 p.m. (per hour)	\$ 50.00
Dance	\$200.00
Preparation Time (1/2 day)	\$ 40.00
Meeting, Civic, Religious Activity	\$150.00
Auctions	\$275.00
Preparation time (1/2 day)	\$ 40.00
Table Coverings (per table).....	\$ 1.00
Cleanup Fee	\$100.00
(Cleanup Fee must be paid up front when auditorium is rented and is returned only if renter cleans up following the event. The Park/Auditorium Supervisor needs to sign off that the cleanup meets his specifications before clean up fee is returned.)	
Deposit (applied towards rental fee)	50% of total Rental fee

Municipal Auditorium - Bar Charges

** Renters must use the city bartenders*

** All liquor and beer must be purchased from the city – even for the reception*

Beer	\$2.25 / beer
Whiskey	\$38.00 / liter
Vodka	\$35.00 / liter
Rum	\$35.00 / liter
Peach Schnapps	\$38.00 / liter
Pop	\$55.00 / tank
Orange Juice	\$12.00 / gallon
Keg of Beer	\$175.00 / keg

Schweser House and Campground

Schweser House 8 a.m. - 6 p.m.	\$30.00
All day	\$45.00
Campground	\$10.00 / day

Municipal Gym Rental

Per hour charge	\$20.00
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Football Field Rental

Varsity Football Field	\$300.00
Junior Varsity - Freshmen and Middle School:	
without lights	\$65.00
with lights	\$85.00
Practice Scrimmage	\$85.00
Playoff Games	\$325.00
Non-local School	\$400.00
Clean-up Fee	\$75.00 *
Gym Rental - Before Game - Half Time	\$20.00 ***

* If city personnel are involved in clean-up, a \$75.00 fee will be charged. If groups or individuals clean up after the event, no fee will be charged.

Cleaning involves picking up trash around the football field and the area of the football field stands. Trash to be put in park department trash cans.

If concession stand and press box needs clean-up, there will be an additional \$50.00 charge.

*** If auditorium gym is to be used there will be an additional \$20.00 per hour charge.

Municipal Running Track Rental

Practice (per season)	\$500.00
(Use of locker rooms would be additional)	
Track Meets: Dual, Triangular	\$500.00
District, Invitational, Conference	\$250.00

Football Practice Field

Football Practice Field - per hour	\$15.00
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All equipment, buildings, or vehicle rentals are at a minimum of 1 hour rental. An employee of the City of David City shall accompany the rental, and the labor is a separate charge.

Dated this 13th day of May, 2009.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar

Joy Fountain and Jackie Masek attended the April 20, 2009 Standing Committee to request the use of the Youth Center Parking Lot for the Sale of Fireworks. The fireworks will be sold by the "Friends of Scouting" and they will purchase their fireworks through Phantom Fireworks. Council member Kroesing made a motion to authorize the use of city property (the Youth Center Parking Lot, 660 5th Street), for the sale of fireworks as requested by "Friends of Scouting" as a Fundraiser for the maintenance of the Youth Center Building. Council member Rogers seconded the motion. Voting AYE: Council members Yindrick, Smith, Hein, Roberts, and Kroesing. Voting NAY: None. Council member Scribner abstained. The motion carried.

Council member Yindrick introduced Ordinance No. 1102. Council member Hein made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Rogers, Scribner, Kroesing, Hein, and Yindrick. Voting NAY: None. The motion carried.

Council member Yindrick made a motion to pass and adopt Ordinance No. 1102 on the third and final reading. Council member Hein seconded the motion. Voting AYE: Council members Smith, Scribner, Kroesing, Rogers, Hein, and Yindrick. Voting NAY: None. The motion carried and Ordinance No. 1102 was passed and adopted as follows:

ORDINANCE NO. 1102

AN ORDINANCE INCREASING THE MINIMUM WAGE AND INCORPORATING SALARIED STAFF INTO THE PAY SCALES FOR APPOINTED OFFICERS AND EMPLOYEES OF THE CITY OF DAVID CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay scales and salaries for the following positions for the appointed officers and employees of the City of David City, Nebraska:

SECTION 2. The wages for the Library Director and Librarians are set by the Library Board and therefore are not included.

City Council Proceedings
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Part-Time Workers (Hourly Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Part-time workers	7.85	8.03	8.21	8.38	8.56	8.74	8.91	9.09	9.27	9.44	9.62	9.80	9.97	10.15	10.33	10.50	10.68	10.86	11.03	11.21	11.39	11.56
Zoning Inspector	15.60	15.86	16.07	16.12	16.19	16.24	16.32	16.37	16.44	16.49	16.56	16.61	16.67	16.72	16.80	16.86	16.92	16.99	17.07	17.12	17.19	17.30

Bartenders - Begin @ \$7.25/hr - experienced up to \$7.75

Recycling Workers - Begin @ \$7.25/hr - experienced up to \$7.75

Years in Position	1	2	3	4
Summer Time Help -	7.54	7.80	8.06	8.32

Salaried Workers (Annual Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<u>Salaried Staff</u>																						
Clerk/Treasurer	\$30,406	\$31,346	\$32,315	\$33,315	\$34,345	\$35,407	\$36,502	\$37,631	\$38,795	\$39,995	\$41,232	\$42,507	\$43,822	\$45,177	\$46,575	\$48,015	\$49,500	\$50,985	\$52,515	\$54,090	\$55,713	\$57,384

Full-Time Workers (Hourly Rate of Pay)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<u>Office Staff</u>																						
Clerical I	10.54	10.67	10.80	10.95	11.09	11.22	11.37	11.49	11.64	11.79	11.92	12.06	12.20	12.33	12.48	12.62	12.74	12.90	13.04	13.17	13.31	13.44
Police Clerical	9.99	10.38	10.58	10.73	10.81	10.88	10.95	11.04	11.14	11.24	11.37	11.45	11.55	11.63	11.70	11.78	11.84	11.89	11.95	12.03	12.11	12.18
Acct Clerk I	10.61	10.75	10.95	11.12	11.32	11.47	11.65	11.85	11.99	12.19	12.37	12.54	12.71	12.90	13.08	13.27	13.41	13.57	13.72	13.87	14.06	14.21
Acct Clerk II (includes .50/hr for CMC)	13.63	13.94	14.12	14.30	14.44	14.55	14.64	14.86	15.04	15.24	15.42	15.66	15.86	16.00	16.13	16.27	16.42	16.56	16.69	16.86	17.01	17.17

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
<u>Utility Staff</u>																						
Power Plant Operator I	11.12	11.32	11.54	11.79	11.99	12.24	12.47	12.69	12.92	13.16	13.38	13.66	13.87	14.11	14.35	14.57	14.84	15.05	15.30	15.55	15.78	16.05
Power Plant Operator	13.44	14.04	14.66	14.85	15.03	15.25	15.54	15.83	16.14	16.44	16.75	17.04	17.25	17.43	17.64	17.85	18.04	18.24	18.46	18.65	18.75	18.84
Power Plant Operator III	17.12	17.33	17.49	17.71	17.86	18.03	18.21	18.37	18.57	18.74	18.91	19.13	19.30	19.49	19.69	19.87	20.05	20.26	20.45	20.62	20.82	21.02
Apprentice Lineman	12.94	13.30	13.48	13.67	13.77	13.87	14.02	14.19	14.37	14.54	14.72	14.90	15.06	15.19	15.30	15.42	15.55	15.66	15.77	15.86	16.03	16.12
Line worker II	15.38	15.71	15.89	16.12	16.23	16.36	16.49	16.68	16.88	17.07	17.30	17.48	17.67	17.84	17.99	18.14	18.26	18.39	18.53	18.68	18.82	19.00
Line worker I	18.23	18.62	18.79	19.00	19.13	19.26	19.42	19.62	19.85	20.05	20.27	20.46	20.70	20.83	20.99	21.14	21.30	21.46	21.62	21.76	21.89	22.06

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Line Foreman	19.24	19.91	20.04	20.32	20.49	20.65	20.85	21.11	21.37	21.64	21.91	22.17	22.44	22.59	22.79	22.95	23.15	23.31	23.49	23.67	23.81	24.00
Water/Sewer Operator I	11.12	11.43	11.60	11.79	11.90	11.99	12.12	12.30	12.49	12.67	12.86	13.05	13.25	13.35	13.49	13.64	13.76	13.89	14.04	14.18	14.32	14.46
WA/SE Op 1 w Grade VI	11.77	12.06	12.24	12.42	12.53	12.64	12.74	12.93	13.12	13.30	13.49	13.69	13.86	14.01	14.12	14.26	14.40	14.53	14.64	14.83	14.94	15.07
WA/SE Operator II	13.42	13.63	13.80	14.01	14.19	14.39	14.56	14.79	14.94	15.14	15.34	15.55	15.75	15.92	16.15	16.34	16.55	16.76	16.95	17.15	17.37	17.57
WA/SE Op I I w Gr VI	14.06	14.24	14.44	14.60	14.83	15.00	15.19	15.38	15.59	15.76	16.00	16.16	16.36	16.56	16.78	16.97	17.16	17.38	17.58	17.79	17.99	18.19
WA/SE Op III w Gr VI	16.07	16.42	16.59	16.76	16.88	16.99	17.11	17.34	17.52	17.63	17.87	18.08	18.28	18.41	18.56	18.68	18.80	18.94	19.06	19.21	19.34	19.49
Waste Water Plant Operator	15.16	15.51	15.67	15.83	16.00	16.09	16.19	16.39	16.59	16.76	16.93	17.12	17.35	17.47	17.60	17.74	17.87	17.99	18.11	18.25	18.39	18.53
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	X	T	U	V
Years in Position	0	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
City Maintenance Staff																						
Laborer I	8.25	8.46	8.51	8.67	8.75	8.82	8.89	9.01	9.11	9.20	9.32	9.43	9.54	9.60	9.68	9.77	9.83	9.89	9.96	10.04	10.10	10.16
Laborer II	10.99	11.34	11.48	11.67	11.79	11.90	11.99	12.18	12.34	12.52	12.69	12.86	13.04	13.15	13.27	13.36	13.49	13.62	13.72	13.82	13.94	14.07
Maintenance Worker I	11.25	11.54	11.68	11.84	11.92	12.02	12.12	12.28	12.44	12.58	12.73	12.91	13.08	13.18	13.30	13.41	13.53	13.66	13.76	13.86	14.01	14.12
Maintenance Worker II	11.85	12.13	12.30	12.47	12.56	12.67	12.78	12.96	13.15	13.31	13.48	13.67	13.83	13.97	14.10	14.24	14.37	14.50	14.60	14.76	14.89	15.02
Street Foreman	14.88	15.27	15.44	15.66	15.78	15.89	16.07	16.23	16.44	16.64	16.85	17.01	17.24	17.36	17.48	17.62	17.74	17.88	18.01	18.14	18.27	18.41
Police Staff																						
Police Officer	13.70	13.98	14.14	14.31	14.42	14.53	14.62	14.82	14.94	15.11	15.30	15.48	15.67	15.78	15.92	16.06	16.16	16.29	16.42	16.52	16.64	16.75
Sergeant	16.38	16.73	16.92	17.11	17.28	17.47	17.63	17.73	17.86	18.05	18.26	18.46	18.66	18.80	18.94	19.09	19.23	19.38	19.54	19.67	19.80	19.98
Department Supervisors																						
Park & Aud Supt.	14.82	15.20	15.38	15.59	15.74	15.85	16.02	16.20	16.43	16.64	16.86	17.05	17.30	17.46	17.62	17.79	17.93	18.10	18.27	18.42	18.61	18.77
Licensed Street Supt.	19.18	19.52	19.69	19.86	19.98	20.08	20.21	20.36	20.55	20.72	20.88	21.05	21.24	21.34	21.46	21.57	21.69	21.80	21.91	22.04	22.14	22.29
Water Super w/Gr VI	18.45	18.65	18.84	19.04	19.24	19.44	19.64	19.83	20.03	20.23	20.74	20.62	20.82	21.02	21.22	21.41	21.61	21.81	22.01	22.20	22.40	22.60
Wastewater Super w/Gr VI	18.45	18.65	18.84	19.04	19.24	19.44	19.64	19.83	20.03	20.23	20.74	20.62	20.82	21.02	21.22	21.41	21.61	21.81	22.01	22.20	22.40	22.60
Power Plant Supervisor	18.90	19.46	19.73	19.99	20.14	20.35	20.52	20.79	21.04	21.31	21.58	21.82	22.10	22.27	22.45	22.61	22.79	22.96	23.12	23.31	23.47	23.67
Police Chief	18.24	18.90	19.24	19.57	19.80	20.02	20.26	20.58	20.94	21.26	21.59	21.92	22.27	22.48	22.71	22.94	23.16	23.37	23.61	23.85	24.06	24.30
Electric Supervisor	21.55	22.21	22.54	22.88	23.10	23.33	23.57	23.92	24.24	24.55	24.90	25.23	25.57	25.77	26.01	26.26	26.46	26.69	26.92	27.14	27.33	27.57

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

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on July 1, 2009 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 13th day of May, 2009.

 Mayor Dana Trowbridge

ATTEST:

 City Clerk Joan E. Kovar

Council member Smith made a motion to approve the Economic Development Reuse Loan #3-2009 for \$25,000. Council member Yindrick seconded the motion. Voting AYE: Council members Scribner, Kroesing, Hein, Rogers, Yindrick, and Smith. Voting NAY: None. The motion carried.

Council member Hein made a motion to advance to agenda item #21 - Consideration of Resolution No. 14-2009 declaring David City to be an official entrant in the Nebraska Community Improvement Program for the Year 2009-2010. Council member Scribner seconded the motion. Voting AYE: Council members Yindrick, Rogers, Smith, Kroesing, Scribner, and Hein. Voting NAY: None. The motion carried.

Council member Yindrick introduced Resolution No. 14-2009 and moved for its passage and adoption. Council member Hein seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, Rogers, Hein, and Yindrick. Voting NAY: None. The motion carried and Resolution No. 14 - 2009 was passed and approved as follows:

RESOLUTION NO. 14 - 2009

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, A MUNICIPAL CORPORATION, APPLYING FOR THE NEBRASKA COMMUNITY IMPROVEMENT PROGRAM.

WHEREAS, local municipal and county government must provide leadership for improving community and economic development efforts; and

WHEREAS, community and economic development needs can best be determined and solved through a cooperative effort between elected officials and the citizens they represent; and

WHEREAS, the Nebraska Community Improvement Program, administered by the Nebraska Department of Economic Development, has been reviewed and found to be a means to improve our community; and

WHEREAS, the City Council, of the City of David City, Nebraska do herewith pledge their full support, endorsement, and cooperation in carrying out the requirements of the NCIP;

NOW, THEREFORE BE IT RESOLVED, that the City of David City, Nebraska urges its citizens to join this effort and hereby declares this city to be an official entrant in the NCIP for the year(s) of 2009-2010.

PASSED AND APPROVED this 13th day of May, 2009.

Mayor Dana Trowbridge

ATTEST:

City Clerk Joan Kovar

City Attorney Jim Egr stated that there were misunderstandings about why leased property is now being taxed and he wanted to clarify some things. City Attorney Egr gave a presentation concerning Nebraska State Statute Section 77-202.11 : Leased public property; taxation status; lessee; lien; procedure. (1) Leased public property, other than property leased for a public purpose as set forth in subdivision (1)(a) of section 77-202, shall be taxed or exempted from taxation as if the property was owned by the leaseholder. City Attorney Egr stated that it is immaterial and irrelevant as to how this came about. It is a State Statute; it exists. Leased property will be taxed unless you can show public use. The Statute states "Shall be taxed" not "may" be taxed. The County Assessor determines if the property is taxable or exempt. The land that Greg Sabata leases is exempt because the land serves as a buffer zone for the Municipal Airport which is a requirement for an Airport; this is a public use. The Assessor notifies the City if the property is not exempt and will be taxed. City Attorney Egr continued to explain this in detail. This is a State Statute and the County Assessor determines if the property is taxable or exempt and the evaluation of the property.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Hein seconded the motion. Voting AYE: Council members Kroesing, Smith, Yindrick, Rogers, Hein, and Scribner. Voting NAY: None. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:12 p.m.

Mayor Dana Trowbridge

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
May 13, 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 May 13, 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.

Joan E. Kovar, City Clerk