

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING
OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **27th day of February, 2019**, in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska.

This agenda is available for public inspection in the office of the City Clerk and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this 22nd day of February, 2019.

AGENDA AS FOLLOWS:

- | | |
|--|---|
| 1. Roll Call; | _____
Mayor Alan Zavodny |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | _____
Council President Kevin N. Hotovy |
| 4. Minutes of the February 13 th , 2019 meeting of the Mayor and City Council; | |
| 5. Consideration of the Recycling Center and discussion with First Star Recycling; | _____
Council member Thomas J. Kobus |
| 6. Consideration of the Cross-Connection Control Reporting by Backflow Coordinator Gil Frey concerning required air gaps; | _____
Council member Dana E. Trowbridge |
| 7. Consideration of possible revisions to the Municipal Code Book; | |
| 8. Consideration of ORDINANCE NO. 1304, on the 2 nd reading only, entitled: AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, PART OF THE NORTHWEST QUARTER (NW¼) OF SECTION EIGHTEEN (18), TOWNSHIP FIFTEEN (15), NORTH, RANGE THREE (3), EAST OF THE 6 th P.M., BUTLER COUNTY, NEBRASKA; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM, (Samuel J. Stara property); | _____
Council member Patrick J. Meysenburg

Council member John P. Vandenberg

Council member Gary D. Smith

City Clerk Joan E. Kovar |

9. Consideration of ORDINANCE NO. 1305, on the 2nd reading only, entitled: AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, PART OF THE NORTHEAST ¼ OF SECTION 13, TOWNSHIP 15 N, RANGE 2 E OF THE 6th P.M., BUTLER COUNTY, NEBRASKA; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM, (Aurora Cooperative Elevator Company);
10. Consideration of the Kathryn D. Treat property located at 715 4th Street, David City, NE, legally described as Lots 7,8,9 & 10, Block 5, Original Town of David City;
11. Consideration of the Interlocal Agreement between David City and Butler County for Law Enforcement Services;
12. Consideration of Resolution No. 3-2019 approving the Interlocal Agreement between David City and Butler County for replacement of bridge #804 just east of David City on E. "A" Street;
13. Consideration of hiring JK Energy Consulting, LLC to do a cost of service/electric rate design study for an estimated cost of \$4,500;
14. Consideration of replacing the eight-year-old Power Manager server in the City Office;
15. Consideration of accepting the resignation of Virgil Vrbka and appointing Marlene Hein to the David City Housing Authority Board of Commissioners;
16. Consideration of advertising for an entry level water/sewer position;
17. Consideration of replacing the service renewal for testing and calibrating the meters and equipment;
18. Consideration of the application by Ka-Boomer's Enterprises, Inc. to sell permissible fireworks at 1510 4th Street;
19. Consideration of moving the VFD's to the basement of the Water Plant and rewiring the control panel for the high service pumps;
20. Adjourn.

CITY COUNCIL PROCEEDINGS

February 27, 2019

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on February 21st, 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 Agendas which are a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agendas, which were kept continuously current in the office of the City Clerk and were available for public inspection during regular office hours. No new items were added to the agendas during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council President Kevin Hotovy, and Council members Tom Kobus, Dana Trowbridge, and Gary Smith, City Attorney Jim Egr,

and City Clerk Joan Kovar. Council members Pat Meysenburg and John Vandenberg were absent.

Also present for the meeting were: Joanna Uden of Egr, Birkel, & Wollmer Law Offices, Jim McNally of Municipal Code Services, Program Manager Danielle Easdale of First Star Fiber /Recycling, Deputy Clerk Tami Comte, Electric Distribution Supervisor Pat Hoeft, Planning Commission Member Janis Cameron, Sheriff Tom Dion, Backflow Coordinator Gil Frey, Street Employees Mat Asche & Nicholas Zrust, Building Inspector Ray Sueper, Interim Water Supervisor Aaron Gustin, and citizens Jerry Kosch and Rusty Deeringer.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the east wall of the meeting room asked those present to please silence their cell phones.

The minutes of the February 13th, 2019 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Hotovy. Voting AYE: Council members Kobus, Smith, Trowbridge, and Hotovy. Voting NAY: None. Council members Meysenburg and Vandenberg were absent. The motion carried.

Program Manager Danielle Easdale of First Star Fiber /Recycling was present to discuss ways in which they could make the recycling center more efficient and solve some of the issues we have been dealing with. Danielle stated: "We are actually the largest mechanical materials recovery facility in Nebraska. We have a facility in Omaha and also a satellite facility in Lincoln, and we focus on sensible waste management. It doesn't work unless it's sensible, it doesn't work unless it's sustainable. We were also the first facility to implement the Hefty Energy Bag Program. We do a lot of work with smaller rural communities in the Midwest and we understand some of the problems that smaller communities come across. When it comes to recycling programs it is difficult to find and market places for your materials to go. It takes a long time before you can get enough material to make it sellable and the collection logistics just make it a bit of a nightmare, and the distances that the freight has to travel presents quite a few problems and tends to focus on waste disposal rather than treating the materials as a resource."

WHAT IS THE HEFTY® ENERGYBAG™ PROGRAM?

The Hefty® EnergyBag™ program is an innovative program that uses orange Hefty® bags with existing curbside recycling services to collect previously **non-recycled* plastics** and convert them into valuable energy resources.

- 1** Put clean and dry **non-recycled* plastics** in your Hefty® EnergyBag™ orange bags.
- 2** When full, securely tie the Hefty® EnergyBag™ orange bags.
- 3** Place the bags inside your recycling cart during your scheduled recycling pickup.

Hefty
ENERGYBAG™

See other side for a full list of previously **non-recycled* plastics**

IF YOU DON'T BIN IT, BAG IT!

Introducing a new way to divert waste from landfills! Thanks to the Hefty® EnergyBag™ program, you now have another option besides the trash can.

Check this list for the many **non-recycled* plastics** that can be collected in the orange Hefty® bags for the Hefty® EnergyBag™ Program

- Toothpaste tubes
- Food bags
- Plastic cups, plates and bowls
- Foam cups
- Stand-up pouches
- Condiment packets
- Salad bags
- Squeezable pouches
- Laundry pouches
- Potato chip bags
- Pudding cups
- Foam to-go boxes
- Frozen potato bags
- Plastic cheese bags
- Plastic pet food bags
- Frozen fruit bags
- Frozen vegetable bags
- Candy wrappers
- Single-serve coffee pods (without coffee)
- Disposable razors (without the blades)
- Packing peanuts
- Plastic liners from powdered mixes
- Microwaveable pouches
- Plastic straws and stirrers
- Juice pouches
- Plastic utensils
- All other non-recycled plastic bags

EXCEPTIONS
 The following items are **not** accepted with the Hefty® EnergyBag™ program, and should not go in the orange Hefty® bags

- Aluminum Cans
- Food
- Glass
- Paper
- Liquids
- Metal

HeftyEnergyBag.com
 #ENERGYBAG

*The Hefty® EnergyBag™ program does not replace your current recycling program. Please continue to recycle cardboard and other paper products in your current recycling bin. To support state recycling programs, please use the Hefty® EnergyBag™ program to collect previously non-recycled plastics.

Hefty
ENERGYBAG™

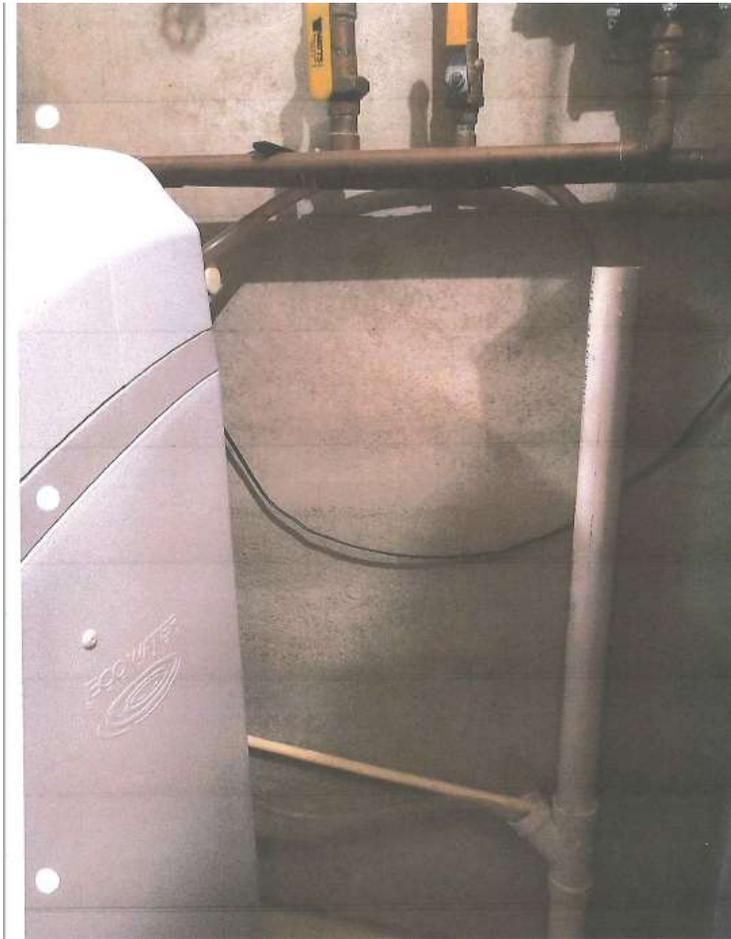
For use in the Hefty® EnergyBag™ Program. In collaboration with © 2017 Reynolds Consumer Products LLC

Danielle went on to explain a Dual Stream Recycling system that is more sustainable and economically feasible. She also stated that the City could apply for a grant for balers and/or the installation of a dock to the recycling facility.

Mayor Zavodny stated: “So, to summarize quickly, everything that currently isn’t our normal recycling can go into these Hefty Energy Bags and we still do our normal recycling drop offs with cardboard and that type of thing. I guess our next step is, apply for the grant, see if we can get our baler fixed and a dock if that’s the best way to go. Let us look at a comparison, and if you could give us numbers of what we’d be looking at. Give us a comparison based on their prospectus and what we are currently doing; get us the numbers.”

Backflow Coordinator Gil Frey was present to discuss Cross-Connection Control Reporting. Gil stated: "Most of what I do here is to work on this backflow program, and a lot of it has to do with the surveys that everybody gets and has to send back; that's kind of a never-ending process. We've gotten a survey from almost every business and house in town except for a few that have the water shut off, and when they ask for the water to be turned back on, we will get a survey to them too. The main thing I want to talk about though is, one of the things on the survey asks if you have a water softener or a water treatment system on your house, and that water softener, water treatment, is like a reverse osmosis. Water softener drains water; reverse osmosis drains water. The problem with that is that they drain into sewer lines and the State requires them to have an air gap, or one other way is to have a backflow device on each building in town which is not very practical. There are about 115 water softeners that I count right now, that varies from time to time, and the problem that we have is getting an air gap. I have a picture of one of the lines that I took, and to tell you the truth, when I first seen a couple of them like this in town, I thought maybe that's alright, but it can't be because the top of this pipe is the hose coming out of the water heater going in and sticking a hose down in a pipe. Down here on the bottom is actually two hoses. The plastic pipe is the drain for the furnace which is not what we are worried about, but there is a plastic line also going into that pipe, so if any water gets backed up in here, if you have a system water leak or loss of pressure, that pressure can overrun that water or sewer line, or especially if you pull it back out or run a sewer jet through it, and it'll pull the water back into the device, either the water softener or the reverse osmosis thing. This is one, I've talked to the people and I've really looked at it a couple of times, and after I talked to them the second time I kind of thought, I've sent out some letters over the time I've been here, have not had a real good response; we've probably only checked about three or four but we do have to get a little more involved in that because it's a State requirement to check them all. Once we've checked them, we don't have to check them again. This house was built 17 years ago and it was built like this. The programs been since 1991. I've talked to the company that put this in, I said it's not put in right, and they said well that's the way we used to put them in, we put them in right now. I said, well, that doesn't help, and the thing that really doesn't help is charging the people to fix it right. I told them (the company) that "you" need to go out and fix it for them (the home owner) and make it so it's right. You put it in, you're still in business, so you should go back and do it correctly. They said they could do it but they would have to charge them for it. I don't understand why they should charge for something that was their mistake to begin with. I've worked in and caught this in Cedar Bluffs and Wahoo and got the company that put them in incorrectly to fix them. I've talked to the State of Nebraska and they said that's how we need to go about doing that, is checking them, and so that's why I want to go and try to get these 115 checked and see how many we have that are like this and come back and tell them. There are some real simple devices to fix this; you are required to have a 1" air gap. I've asked the Rural Water to come up, I pretty much knew that, I just wanted some backing on it. I wrote a letter, to mail to the property owners, kind of explaining it to them and I wanted to have permission from you to mail this letter."

Mayor Zavodny and the Council members stated that this puts our water system at risk and so they all agreed to authorize Gil Frey to proceed with this program.



Jim McNally of Municipal Code Services was present and stated: "We were here a couple weeks ago and since that time we have met with Joan and Tami and we've gone through the Ordinance Book and we've made a lot of progress on it. You folks are very fortunate having these two ladies working for you because they are very knowledgeable and personable, but there are several questions that have to be answered by the City Council and the Mayor. The primary one is that we are suggesting changing the enforcement of your nuisance ordinances. At the present time the enforcement of your nuisance ordinance is rather cumbersome; this process can take 6 months. What we suggest, and what I've used in other cities is simply this, you name a Code Enforcement Officer, it can be anybody that's familiar with the City. If they determine that a nuisance exists, they take a picture of the nuisance, send them a 15-day notice, which includes pictures and a copy of the Ordinance and tell them they have to cure the nuisance within 15 days. Wait 15 days and take a second set of pictures. If they haven't done anything, you take the first set of pictures, the notice that was sent, the 2nd set of pictures and give them to your City Attorney and he files a criminal complaint in County Court. County Court has a hearing and at that hearing the person involved has to explain to the Judge why he is maintaining a nuisance. He can be fined up to \$500, this normally takes less than a month, is very effective, and very easy for the City Attorney to do that because the evidence is already there. So, we suggest you use this procedure in your new ordinance book. We're not going to do it until you tell us to, until Jim tells us to, because he's the one who's going to have to enforce

it. It's difficult, if you file a lien against a property for the ones that you've done and then it's difficult to foreclose the lien. It's going to take Jim (Egr) a lot longer to foreclose that lien."

Mayor Zavodny stated: "Let me suggest a course of action. If you would meet with Building Inspector Ray Sueper, Council member Trowbridge, and City Attorney Egr and flush through all this, something ready to bring, I think that's our best way to go. I'd like to get the three of you in a room, talk about the pros and cons, get it in form ready for us to act on it."

Jim McNally of Municipal Code Services stated: "There are a couple of other things, animals in town. The person would have to come before the Council and obtain a permit and explain what they want to do and what animals they want to have, and then the Council decides if they are going to allow it and under what circumstances. Most towns just eliminate animals in town."

Mayor Zavodny stated: "Let's look at the language for that so we can consider that also."

Jim McNally of Municipal Code Services stated: "You don't have a dangerous building ordinance. If you have some buildings in town that are dilapidated and in bad condition you don't have anything; it's based basically on the nuisance ordinance with one big exception and that is that you take a picture and give them notice but the notice provides that they have an absolute right to a hearing, because if you're going to tear somebodies building down, you have to give them what is called "due process" which is a fancy word for "notice and hearing". Then after the hearing, then you can go ahead and tear the building down and then assess it against the property. So, we suggest you adopt that, and I provided a copy to the City Attorney."

Licensing for electricians and plumbers was also discussed.

A meeting will be scheduled, hopefully in March, so that Jim McNally, Building Inspector Ray Sueper, Council member Trowbridge, and City Attorney Egr can discuss the aforementioned items and make a recommendation to the Council.

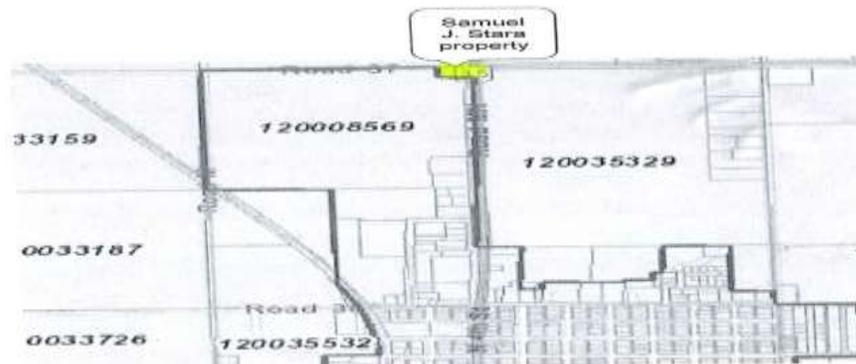
Ordinance No. 1304 was introduced and passed on 1st reading only on February 13, 2019. Council member Hotovy made a motion to pass Ordinance No. 1304 on the second reading only. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Smith, Trowbridge, and Hotovy. Voting NAY: None. Council members Meysenburg and Vandenberg were absent. The motion carried and Ordinance No. 1304 was passed on 2nd reading only as follows:

ORDINANCE NO. 1304

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, A TRACT OF LAND LOCATED IN THE NW ¼ OF SECTION 18 T15N R3E OF THE 6TH P.M., BUTLER COUNTY, NEBRASKA, LEGALLY DESCRIBED BELOW, REPEALING ANY ORDINANCES IN CONFLICT HERewith; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of the City of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence N 90°00'00" W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S 06°11'15" E on said westerly right-of-way line, a distance of 221.29 feet; thence N 90°00'00" W parallel with said North Line, a distance of 253.85 feet; thence N 00°00'00" E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S 90°00'00" E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less;



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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same is hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved this _____ day of _____, 20 19 .

2/27/19 passed on 2nd reading only
Mayor Alan Zavodny

ATTEST:

2/27/19 passed on 2nd reading only
City Clerk Joan E. Kovar

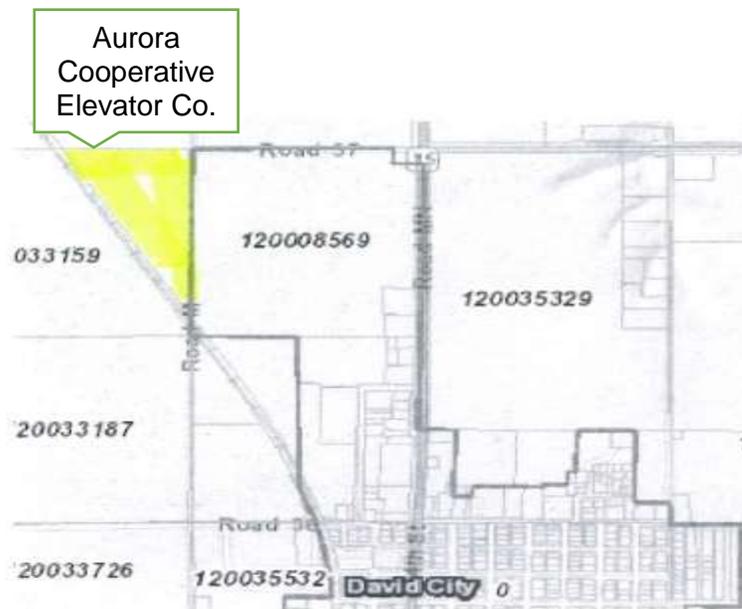
Ordinance No. 1305 was introduced and passed on first reading only on February 13, 2019. Council member Trowbridge made a motion to pass Ordinance No. 1305 on the second reading only. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. Council members Meysenburg and Vandenberg were absent. The motion carried and Ordinance No. 1305 was passed on 2nd reading only as follows:

ORDINANCE NO. 1305

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, A TRACT OF LAND LOCATED IN THE NE ¼ OF SECTION 13 T15N R2E OF THE 6TH P.M., BUTLER COUNTY, NEBRASKA, LEGALLY DESCRIBED BELOW, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of the City of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

Commencing at the Northeast Corner of Section 13, Township 15 North, Range 2 East, said point being the point of beginning; thence on an assumed bearing of S 00°00'00" E, along the East line of said Northeast Quarter, a distance of 2,350.33 feet to a point being on the Easterly right-of-way line of Burlington Northern Santa Fe Railroad; thence N 30°51'10" W, along said Easterly right-of-way line, a distance of 2,723.50 feet to a point on the North line of said Northeast Quarter; thence N 89°29'53" E, along said North line, a distance of 1,396.76 feet to the point of beginning, containing 2.785 acres, more or less;



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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same is hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved this _____ day of _____, 20 19 .

Passed on 2nd reading only 2/27/19
Mayor Alan Zavodny

ATTEST:

Passed on 2nd reading only 2/27/19
City Clerk Joan E. Kovar

The Kathryn D. Treat property located at 715 4th Street, David City, NE, legally described as Lots 7, 8, 9, & 10, Block 5, Original Town of David City was discussed.

Council member Trowbridge stated: "The next prescribed action for this property was very clearly covered at the Board of Zoning Adjustment. I thought they did a really good job of not leaving anything to the imagination during their hearing. They asked all the appropriate questions and they got the appropriate answers. I was deeply involved in this nuisance situation 10 years ago and I don't understand any valid reason that it continues today. I don't wish for it to go down, I don't wish to see that house with a wrecking ball or a crane taking it down, and I'm willing to bring something to the group this evening that I'm going to ask us to consider giving this project 30 days. Not giving any individual 30 days, giving "this project" 30 days. I have had responsible people in the community contact me about their willingness and their effort to buy this property and bring it into compliance, and to me, that would be the best resolution that we could have. I don't want the publicity across the State of Nebraska, with pictures of the house coming down, and we'll just have really some ugly meetings I'm afraid, if we do, and we'll get some bad publicity. I would like to see us put a number of requirements on the 30 days, and the 30 days ends 30 days from today, at two council members from now, that if we don't have in front of us an authentic buy/sell agreement, drafted by a competent attorney with responsible people, responsible buyers, and we define what responsible is, and a closing date set for 30 days from the date of that signed agreement which would put us out, the longest

it could run would be 60 days, the closing would be 60 days out from now. If we have that 30 days from today, we are going to look to the buyers to bring this property into compliance, and I believe that the people that have talked to me **will** bring it into compliance. Now, I can't guarantee they can get it bought, but it gives them a chance to try, and if they fail getting it bought, they know what the result is, the house comes to the ground. So, what do you think about that? I hate asking for another 30 days, but as we take a look at this, Kathryn owns the property and Rodger's the one who is ill. Kathryn is the responsible party, not Rodger."

Mayor Zavodny asked: "Counsel, where we at legally with this?"

City Attorney Egr stated: "Well, I think I have an obligation to pass on, and I know it's immaterial because he doesn't own the property, the title on the property is under Kathryn, but I think I have an obligation because I have received correspondence from the Treats. Rodger has seen fit to send me two more letters about his physical and mental condition that I just received by FAX yesterday. I will not share for the public record what those contained but they do contain his physical and mental conditions and that he cannot help Kathryn take care of the removal of the rest of the items from the house. They've also passed on that they want to transfer the house to their son Boston, who is going to take over the house, is going to finish up the clean-up and is going to finish up the remodeling or the repair work on the house and that he graduated from college and his educational background is in constructing guitars and violins like Mr. Wiebe did and that he is going to take up that same practice and trade, or business as Mr. Wiebe did, and he is moving from Colorado to Nebraska to take over that house and to be involved in that same type business. So, I have an obligation since they conveyed that to me, to convey that to the City Council that that's their plan at this time. Will they sell the house? I don't know, I think that's up to that particular group, for the buyers to do so. Can he get something completed and cleaned up in that time, I don't know, I think if there's interested people I think they have, as Council member Trowbridge said, I think they have three different choices: either they get something done to get it bought, or they do nothing, or if the City proceeds then to condemn the house and go forward they provide funds from Mrs. Treat to find legal counsel to get an injunction to stop the City, but if they want to save the house they have two particular routes to go."

Mayor Zavodny stated: "And once we condemn it, it cannot be sold, is that correct?"

City Attorney Egr stated: "Well I think it can be sold, but the people buying it are going to be in the position that they have to take care of things immediately, like ASAP, PDQ, to prevent that condemnation."

Mayor Zavodny stated that the City acknowledges receipt of the fact that Rodger has had some medical issues, however, that does not preclude them from hiring someone to do the work for them. Mayor Zavodny stated: "So, we're giving them until our March 27th Council meeting to get it sold, or we take our next step."

City Clerk Kovar asked: "So will you (City Attorney Egr) send them a letter telling them that they have till March 27th to get it sold?"

City Attorney Egr stated: "I don't think it's a matter of telling them, or sending them a letter, I think it's a matter of those who are interested in saving the house that they know they've got until March 27th to get something accomplished."

Council member Kobus made a motion to grant until 7:00 p.m. on March 27, 2019, to receive an authentic buy/sell purchase agreement, drafted by a competent attorney with responsible people, (The City Council will determine who responsible buyers are), and then they will have an additional 30 days for closure. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Hotovy, and Trowbridge. Voting NAY: None. Council members Meysenburg and Vandenberg were absent. The motion carried.

City Clerk Kovar again asked: "So will Jim send them a letter telling them they have till 7:00 p.m. on March 27th for someone to present a purchase agreement or how will they even know that?"

Mayor Zavodny stated: "I think what we've done in a public meeting now has motivated buyers to say "we've got till March 27th to try to get this thing bought", whomever now is aware of it through this public process."

City Clerk Kovar stated: "But who is going to know that. I am just playing devil's advocate here, but they're going to say "Well we didn't know, nobody notified us, how were we supposed to know that?"

City Attorney Egr stated: "The gentleman back there from the media."

City Clerk Kovar stated: "So, I don't have to send them anything."

City Attorney Egr stated: "No."

Council member Hotovy excused himself from the Council Meeting at 8:00 p.m.

Mayor Zavodny stated the next agenda item was consideration of the Interlocal Agreement between David City and Butler County for law enforcement services. City Clerk Kovar presented the notification that she received from Julie Reiter:

Joan:

As I tried to explain over the phone, although admittedly did not do a very good job of it, in 2012 Butler County and David City entered into an Interlocal Agreement for Butler County Sheriff's Department to provide extra hours of law enforcement services in exchange for payments specified in the interlocal agreement. Initially in 2012 the agreement was for \$250,000 payable in 12 equal installments of \$20,833.33 each. Commencing one year later the agreement increased that amount. Also, commencing in the second, third and fourth years, the contract base sum would be increased in an amount equal to that of the health insurance premium increase paid by the county for 3 deputies. (See the attached 2012 Interlocal, specifically paragraph 11). In 2016, the parties renewed the interlocal agreement for another 4 years. I suspect that someone simply printed out the 2012 contract and changed the date without reading through the terms and looking at the new rates. Paragraph 11 should have been modified to reflect the new rates being paid. David City continued to pay the rates as reflected on the attached payment amounts which included the health insurance premium increases. However, this caused a discrepancy in the interlocal agreement and what was being paid. This was all brought to the County's attention by the auditors after our audit and the suggestion is that the 2016 interlocal agreement be amended to reflect the accurate payment schedule.

Once you have had a chance to review this and the attachments, please let me know if the City is in agreement. If you have any questions, please call me. Thanks Joan.

Julie L. Reiter
Butler County Attorney
451 5th Street
David City, NE 68632
(402) 367-7470
(402) 367-3287 FAX
jreiter@butlercountyne.net

Mayor Zavodny stated: "I think what complicates this, and I think it has happened for a fair amount of time, I know there have been several times when they haven't been at a full ten deputies. The only burr in my saddle about this is you can't expect us to pay for the full amount for ten and make up that problem when we haven't received any discount when they weren't fully staffed at ten. From the City's standpoint, where is our protection on that end when you're at seven or eight?"

City Attorney Egr stated: "There are other things in the contract people haven't noticed. On the old contract it said: "health insurance premium costs paid by the County associated with three full-time deputies". On the 2016 contract it says: "contract by the increase in health insurance premium costs paid by the County associated with the number of deputies employed by the County to fulfill the law enforcement hours provided to the City". Three deputies were eliminated so it was left open, they could have put in there six or eight deputies needed to cover the City. Both contracts talk about Health Insurance Premiums. Vicki Truksa breaks out the Health Insurance Premiums but there's also \$25.55 for dental, and our agreement does not cover dental. So, we've been paying dental also, that we should not have been paying."

Butler County Clerk
451 North 5th Street, David City, NE 68632
Phone: (402)367-7430 Fax: (402) 367-3329
E-mail: clerk@butler.nacone.org

August 20, 2012

RE: Health Insurance Premiums

Butler County pays the premium for health and dental insurance (employee only coverage) for each full-time county employee.

As of July 1, 2012 the premium for health insurance is \$638.67, and dental insurance is \$25.55; for a total of \$664.22.


Vicki L. Truksa
Butler County Clerk

Discussion followed. Mayor Zavodny stated: "Tonight, we have some points of discrepancy; number of officers/deputies certainly because we paid for the three and they are only at eight, and we have the dental piece. How do we move forward, mid contract, to rectify these differences that we have right now?"

Council member Trowbridge stated: "I think we need to made an offer to them, that here's what we would like to do moving forward. If you are at 80% of capacity, on head count, then we will pay 80% of \$275,000 per year. It's really simple math."

Mayor Zavodny stated: "So what do we do to close some of these gaps? City Attorney Egr do you want to follow up on some of this and see how close we can get?" City Attorney Egr answered "yes".

Council member Trowbridge introduced Resolution No. 3 – 2019, approving the Interlocal Agreement between David City and Butler County for replacement of Bridge #804 just east of David City on East "A: Street. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. [State Statute 16-503 states: To pass or adopt any bylaw or ordinance or any such resolution or order, a concurrence of a majority of the

whole number of the members elected to the council shall be required. The mayor may vote on any such matter when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the council, and the mayor shall, for the purpose of such vote, be deemed to be a member of the council.] Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried and Resolution No. 3 - 2019 was passed and approved as follows:

RESOLUTION NO. 3 - 2019

INTERLOCAL COOPERATION AGREEMENT AND RESOLUTION BETWEEN
BUTLER COUNTY, NEBRASKA
AND
CITY OF DAVID CITY, NEBRASKA

WHEREAS, both of the parties hereto are political subdivisions of the State of Nebraska; and,

WHEREAS, the Interlocal Cooperative Act, Neb. Rev. Stat. §13-801 to §13-827, permits local governmental units to make the most efficient use of their powers to enable them to cooperate with other governmental units, in an effort to provide services and facilities in a manner that will accord with the needs of their local communities; and,

WHEREAS, Butler County, Nebraska (hereinafter the "County") and City of David City, Nebraska (hereinafter the "City") wish to replace bridge no. 804 which is located approximately 450 feet East of 13th Street on "A" Street in David City, Nebraska; and,

WHEREAS, said improvements include removal and disposal of existing bridge no. 804 structure, removal and replacement of asphalt paving, installation of 2 x 60-inch CMP culverts, and installation of Class 1D erosion control blanket, all in accord with the Preliminary 2015 plans drafted by Olsson;

WHEREAS, said County and the City agree that the County and the City will each pay fifty percent (50%) of the costs of the project estimated at \$30,000; and

WHEREAS, the parties agree that Olsson will stake out the project and set elevation for culverts and the County and the City will provide shared workforce to install culverts, install bands, and tamp in culverts and backfill culverts. Crushed rock will be put on driving surface to allow for settlement and when settlement is complete, asphalt will be put back for driving surface; and

WHEREAS, sufficient funds of the County and the City are now, or will be, available and are hereby pledged at the required time for the purpose of paying for said project; and,

WHEREAS, the County and the City that are a party to this contract agree to indemnify and hold harmless, protect and defend the other as well as its elected and appointed officials, employees and representatives against any and all claims, demands, suits, actions, payments and judgments, including any and all costs and expenses connected therewith, for the damages asserted, claimed or recovered against the other or its insurers, because of personal injury, including bodily injury or death, or on account of property damage, in anyway connected with or resulting from the work associated with this agreement; and,

WHEREAS, the County and the City shall maintain general liability insurance coverage of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate covering personal injury, including bodily injury and property damage involved with this agreement. Each party will

carry automobile liability limits of not less than \$1,000,000 single limit. Each party will maintain responsibility for providing its workers with workers' compensation coverage and or any claims associated with its employees.

NOW, THEREFORE, BE IT RESOLVED that Butler County, Nebraska and the City of David City, Nebraska hereby enter into an agreement to replace bridge no. 804 located approximately 450 feet East of 13th Street on "A" Street in David City, Nebraska, in accordance with the terms listed above.

Adopted this _____ day of _____, 2019, at David City, Butler County, Nebraska.

ATTEST:

Butler County Board of Supervisors

County Clerk

Chairman

Adopted this 27th day of February, 2019, at David City, Nebraska.

ATTEST:

City of David City, Nebraska

City Clerk Joan Kovar

Mayor Alan Zavodny

Electric Supervisor Pat Hoefft stated that since Butler Public Power District is going to be increasing the wheeling rate from \$1.10 to \$1.71 that we should look at where our rates are and make sure each rate class is paying their fair share. Pat stated that we haven't done a rate study since 2011, or the beginning of 2012, and the last NPPD representative told Pat that we should really do a rate study every other year. Pat stated: "I don't think we will have to adjust our rates with the wheeling rate going up, we might have to in a couple of years, but I think we should take a look at the rates."

Council member Trowbridge made a motion to hire JK Energy Consulting, LLC to prepare a cost of service / rate design study for the City, estimated at \$4,500. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Smith, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Council member Trowbridge made a motion to approve the quote by Tony Kresha of Connecting Point for a new Server, configuration and install, for the City Office estimated at 6,867.26. Council member Kobus seconded the motion. Voting AYE: Council members Smith,

Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Council member Trowbridge made a motion to accept the resignation of Virgil Vrbka on the David City Housing Authority, appoint Marlene Hein to fill Virgil Vrbka's term until May 2020, and appoint Larry McPhillips as the new Board Chairman. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Advertising for an entry level water/sewer position was discussed. Mayor Zavodny stated that he didn't want to hire an entry level individual, then hire a Water Supervisor and then determine that we don't need the entry level individual. He didn't want to go that route.

Council member Kobus stated: "I talked to my brother the other day, he said you should get him in here and talk to him; that's what he said, so it's up to you guys, I'm out of it."

Mayor Zavodny stated: "So when you say that, is that hiring him, or as a contractor? What role are we talking about? I don't know that it would hurt to talk to him, he can run equipment as well as anyone around. We should meet with him to discuss options."

Council member Kobus made a motion to table consideration of advertising for an entry level water/sewer position. Council member Smith seconded the motion. Voting AYE: Council members Trowbridge, Kobus, Smith, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Interim Water Supervisor Aaron Gustin stated: "I would move to ask the Mayor and Council to table this item again (concerning replacing the service renewal for testing and calibrating the meters and equipment) as I have not been able to do adequate research on this."

Therefore, Council member Kobus made a motion to table consideration of replacing the service renewal for testing and calibrating the meters and equipment. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Council member Trowbridge made a motion to approve the application by Ka-Boomer's Enterprises, Inc. to sell permissible fireworks at Dan & Jan Sypal's business property located at 1510 4th Street, David City, Nebraska. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

Council member Trowbridge made a motion to approve moving the VFD's (Variable Frequency Drives) to the basement of the water plant and rewiring the control panel for the high service pump as quoted by Sargent Drilling \$21,589.84 and Vandenberg Electric \$13,385.00. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried.

PO Box 367
846 S 13th St.
Geneva, NE 68361



Phone: 402-759-3902
888-496-3902
Fax: 402-759-4960

*Providing Complete Municipal, Industrial and Agricultural
Pump and Well Service*

February 20, 2019

City of David City
PO Box 191
David City, NE 68632-1691

Honorable board members:

RE: High Service Pump #3

1 – 75 HP, 480 – volt, 3-phase Danfoss FC202 VFD, (Includes: fuse and disconnect, 3 contact bypass, Relay card, PSI transducer, 5 year on site warranty, Phase protection, 4 position control, HOA switch)	\$17,362.70
1 – MCA 121 EntierNet IP card	\$ 482.14
Subtotal (does not include applicable sales tax)	\$17,844.84
Mileage and labor to install equipment & program	\$ 3,745.00
Total	\$21,589.84

Note:

Once the 5 year on-site warranty is up an additional 5 year warranty may be purchased at a later date for a total of 10 years.

You will be responsible for hiring an electrician to wire the VFD up.

Please call with any questions or concerns, 402-759-3902.

Thank you,


Keith Broman
Technician

KB/jk

**VANDENBERG ELECTRIC &
 COMMUNICATIONS LLC**
 PO Box 124
 David City, NE 68632
 (402)3672022
 vandenberg_electric@yahoo.com



ADDRESS

David City Water Dept
 1220 E St
 David City, NE 68632

ESTIMATE 1193

DATE 02/22/2019

JOB NAME

High service pumps

DATE	ACTIVITY	AMOUNT
02/22/2019	<p>Labor/Parts VEC proposes to relocate all 3 High service pump VFDs to basement next to the pumps. The purpose of this is the following: 1. No disconnect for motor (code violation) 2. Current set up has multiple shut offs and MCC buckets feeding the VFDs and is a huge safety liability to city and to any contractor who works on pumps. The current arrangement requires 2 switches to shut off VFD, the last contractor shut off one and luckily tested the VFD input and found a voltage still present, otherwise he could have been exposed to live 480 volt power. 3. There is at least 8 splices in wires feeding the pumps 4. There are live exposed 480 volt reactors in bottom of enclosure that is in a dangerous spot for any tech or city worker that is working on the VFDs or the control system. 5. Current VFD set up has no logic to turn on after pressure is lost. The scada has not been functioning. The contracted engineers were supposed to fix this after the last incident. These new VFDs will have the logic built in to kick on in this sort of an emergency. 6. We have done service on these VFDs several times in the past. The biggest problem with these VFDs is their location. The airborne Lyme gets packed into the components an it overheats the drive. Several fans and circuit boards have been replaced in the past. These drives are also getting old, so we can expect an increase in problems especially considering their location. By moving to basement in an enclosure this should prevent most of these current issues. 7. It is a great advantage and much safer for those that are working on the pumps to have the disconnect and the controller at the pump to observe operation as it runs and to troubleshoot problems.</p> <p>Job scope per each pump: Build rack in basement by high service pump Disconnect VFD Install provided (by Sargent Irrigation) VFDs Decommission old system. Pull in new wire to drives and re terminate motors Run conduit for low voltage controls Terminate and assist Sargent Irrigation on start up Bring online one at a time to ensure a backup is always available Remove all old conduits, wire, controls, and enclosures associated with old system</p> <p>This quote is to do each of the 3 high service pumps</p>	13,385.00

There being no further business to come before the Council, Council member Kobus made a motion to adjourn. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, and Mayor Zavodny. Voting NAY: None. Council members Hotovy, Meysenburg, and Vandenberg were absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:10 p.m.



CERTIFICATION OF MINUTES
February 27th, 2019

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of February 27th, 2019; 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 Kovar, City Clerk