

**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 **11th day of July, 2018**, 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 6th day of July, 2018.

AGENDA AS FOLLOWS:

- | | |
|--|---|
| 1. Roll Call; | |
| 2. Pledge of Allegiance; | _____
Mayor Alan Zavodny |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | |
| 4. Minutes of the June 13 th , and June 27 th , 2018 meetings of the Mayor and City Council; | _____
Council President Gary D. Smith |
| 5. Discussion with Al Hottovy of Leo A. Daly, concerning the Downtown Improvement Project; | _____
Council member Thomas J. Kobus |
| 6. Consideration of Progress Estimate #11 for Constructors, Inc. in the amount of \$788,214.05; | _____
Council member Dana E. Trowbridge |
| 7. Consideration of a Change Order for Constructors, Inc. in the amount of \$13,946.90 for additional electrical work on the traffic pole and LED Sign; | _____
Council member Kevin N. Hotovy |
| 8. Consideration of Claims; | |
| 9. Committee and Officer Reports; | |
| 10. Consideration of awarding a bid for the Wastewater Treatment Plant Improvements; | _____
Council member Patrick J. Meysenburg |
| 11. Consideration of Zoning Permit #6384 that was issued for a carport for Heidi Rehmer; | _____
Council member John P. Vandenberg |
| 12. Consideration of Ordinance No. 1290 releasing/vacating utility easements in the vacated "S" Street from the west side of Industrial Drive to the dead-end of vacated "S" Street; | _____
City Clerk Joan E. Kovar |

13. Consideration of accepting the resignation of Ted Lukassen (12-2008 to present) on the Board of Zoning Adjustment and appointing Roger Comte as a regular member and Alan Steinberger as an Alternate Member, each to fill a 3-year term – August 1, 2018 – July 31, 2021;
14. Consideration of a new contract with Ray Sueper as the Building Inspector;
15. Consideration of a Letter of Agreement with Olsson Associates to provide a traffic study at the intersection of “S” Street and Hwy. 15;
16. Consideration of the proposed budgets for upcoming fiscal year;
17. Adjourn.

CITY COUNCIL PROCEEDINGS

July 11, 2018

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 July 5th, 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 Alan Zavodny, Council members Gary Smith, Thomas Kobus, Pat Meysenburg, Dana Trowbridge, Kevin Hotovy, and John Vandenberg, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Jeff Hilger, Heidi Rehmer, Mike Rogers, David McPhillips, Al Hottovy of Leo A. Daly, Planning Commission member Janis Cameron, Paul Perske, Building Inspector Ray Sueper, Electric Supervisor Pat Hoeft, Water/Sewer Supervisor Travis Hays, and Street Supervisor Chris Kroesing.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the June 13th and June 27th, 2018 meetings of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Kobus. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Al Hottovy of Leo A. Daly was present and stated: “First of all, I want to Thank You for having us up here today. I just got done driving the streets, we’re not happy with what they look like in terms of the bricks, at all. We’ve put Constructors on notice. They’re trying to help with the situation but we’re having a little bit of problem with the sub. There is a construction

meeting tomorrow, and I believe based on what we discuss tomorrow, we might do some field investigations out there to see what's going on. We might reject all the brick that's in and have them start all over again. That might be coming out Friday. We're not going to stop the contractors, there is stuff he can do, but we have to start getting them to put in the section that was in the plans, and they're not doing it."

Council member Kobus asked: "How come nobody supervised that?"

Al Hottovy stated: "We are supervising it and we're on them. I was out here when they started and basically, we told them they had to be following the plans and the contractor refused to do that. If you take a look at the operation right now, he is putting the filter fabric right down on the sub grade, and there is supposed to be 2 inches of rock above the filter fabric, then the geo web, and we've been telling that, and we've been telling them that..."

Council member Kobus stated: "I told them that and they said "Well that's the way we do it."

Al Hottovy stated: "That's exactly what he told us, but that's why I'm saying right now, it's going to be probably our recommendation that it comes out. Then the pay estimate, that's the next agenda item, we're not paying them for any of the work they've done on the bricks; we're withholding all that money."

Mayor Zavodny stated: "I think it would be our position that what's done does have to come out. There are partial bricks in there, it's very uneven, but also we need a process of sorting, different than what we're getting."

Al Hottovy stated: "We will discuss that too about them getting out there and presorting before they bring them in; that was promised. Part of our concern is they don't have enough supervisors out here, that's what we think. We are just going to have to reinforce that, with not paying them, and also making them take it out."

Council member Meysenburg asked: "Who's the guy with the camera working for?"

Al Hottovy stated: "That's our guy, Greg Goldman. He is documenting all this and we're sending that over to the contractors with no results, except this if the first time they said they will get it done properly. So, we've been fighting, except that when you have people out there not cooperating....and we're not going to argue with Linhart, we are going to be arguing with Constructors because that is who the contract is with. *[Note: Linhart is doing the brick work.]* I don't want to get into that. It's got to be City of David City and us, with Constructors."

Mayor Zavodny stated: "We understand the bricks are poor, but as far as the rest of the project, what do you see and what are you finding? How is it progressing?"

Al Hottovy said: "I think that's going pretty well. We've got two blocks of water left. Everything has been approved. The only parts left is "E" Street from 4th to 5th, and 5th Street from "E" to the Railroad Tracks, then we are done with the water except for the services. The services come in when they are doing the sidewalks. It's going to be a little bit of an inconvenience for the people on 5th Street, and also those on "D" Street, but if we don't do it I don't think that streets going to last more than a year. We're not happy with it at all. I just wanted to let you know that, that's going to be our recommendation, take it out."

Council member Trowbridge stated: "That's good because we're not happy either Al."

Mayor Zavodny stated: "And you're absolutely going to ensure that just because they say "this is how we do it" that we're going to get it done correctly?"

Al Hottovy stated: "Yes. They're not meeting specs. They're not meeting the plans. We are having problems. Greg is calling me about every two hours and they are arguing with him, and that shouldn't be going on. Chris (Woodward – Project Manager) should be here from Constructors more often. They come here for an hour and then they leave. There is nobody here from Van Kirk's the way it looks, so we are having a meeting tomorrow.... We do get a lot of concerns, we get a lot of calls, but we are not happy either. When the truck goes over it, it sinks an inch, it's not supposed to do that. I just wanted to give you the bad news, but I think it's good news in the long run."

Mayor Zavodny stated: "Those are set-backs, but at the end of the project we just have to have something that is right."

Al Hottovy stated: "Right, and I don't want to put our name, Leo A. Daly, on something that isn't done correctly and isn't going to be there."

Mayor Zavodny stated: "Especially when other people come to look at it, because they probably will; how to do bricks."

Al Hottovy stated: "We've been fighting this for about a month and a half. I was here when they started, we told them to change it and they argued and argued, so I got fed up too, and our engineers said the testing people are fed up, so we're going to have them take it up. Now, I'm not saying they won't keep going on 5th Street, north of "D", and getting that ready, but if it's going in, they better do it the way the plans show."

Mayor Zavodny stated: "There's no point laying brick if we're not getting the foundation part; that's not a smart way to go."

Citizen Janis Cameron stated: "On the two streets there is concrete, brick, concrete; even before they laid the brick the concrete was chipping. Can that be fixed?"

Al Hottovy stated: "We are documenting that. That will be fixed, but I don't want to fix it until these guys are done. One of their problems is they have the long-toothed bucket, they also have the flat bucket. We've been telling them to use the flat bucket so they don't tear up the concrete, but they're tearing up the concrete when they do this flipping of this stuff off, so they're trying to get that straightened out tomorrow too. We have Chris coming tomorrow, his boss is coming tomorrow, with Constructors. That's who I want to talk to, I'm not going to argue with Van Kirk anymore."

Mayor Zavodny stated that we were ready for the next agenda item which was consideration of Progress Estimate #11 for Constructors, Inc., in the amount of \$599,369.65.

Al Hottovy stated: "Did everybody see where we kept \$188,844.40, we are withholding payment for the brick work. They're not going to get it until it's done right."

CONTRACTOR'S PROGRESS ESTIMATE			NO. 11
Project:	City of David City Improvements David City, Nebraska	Date:	July 10, 2018
Owner:	City of David City David City, Nebraska	Engineer:	LEO A DALY
Contractor:	Constructors, Inc. P. O. Box 80268 Lincoln, Nebraska 68501	Contract for:	Entire Work
		Contract Date:	April 12, 2017
Original Contract Sum			\$ 9,304,432.44
Change Orders Previously Approved	ADDITIONS \$72,990.06	DEDUCTIONS \$17,952.00	\$55,038.06
Change Orders Approved This Period	\$0.00	\$0.00	\$0.00
Total Amount of Contract To-Date			\$ 9,359,470.50
Current Pay Period			
Current Contractor Estimate	\$ 591,065.77		
Retainage (5%)	\$ (29,553.29)		
Current Total	\$ 561,512.48		
Stockpiled Materials			
Van Kirk	\$ (27,196.89)		
IES	\$ (22,119.00)		
Adjustments (Retainage Release)	\$275,017.46		
Adjustments (Brick Work Withholding)	\$ (188,844.40)		
Total Amount Current Pay Period	\$ 599,369.65		
Previous Pay Periods			
Estimate Amount Previously Submitted			\$ 5,830,349.14
Previous Retainage (10%)			\$ (579,573.63)
Previous Total			\$ 5,250,775.51
Previous Stockpiled Materials			
Van Kirk			\$ 102,205.23
IES			\$ 180,256.00
Totals To-Date			
Total Estimated To-Date			\$ 6,183,254.62
Total Retainage To-Date (Previously 10%, Now 5%)			\$ (333,109.46)
Estimated Work Completed To-Date			\$ 5,850,145.16
Less Previous Payments			\$ 5,250,775.51
Balance Due by Estimate 11			\$ 599,369.65

Council member Trowbridge made a motion to approve Progress Estimate #11 for Constructors, Inc., in the amount of \$599,369.65. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Hotovy, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Electric Supervisor Pat Hoefft stated that he had some questions on the additional electrical work as some of this should be billed to the County. Al Hottovy stated that part of the change order for the additional electrical work will be billed to the County.

Therefore, Council member Hotovy made a motion to table consideration of the change order for Constructors, Inc. in the amount of \$13,946.90 for additional electrical work on the traffic pole and LED sign, until a further break down is received. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

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

Council member Trowbridge questioned a claim to GPM in the amount of \$11,477.00 that he said had not come previously before the Council, was not a budgeted item, and it is three months late. Water/Sewer Supervisor Travis Hays stated that this was the bill for the rental of the sampler units.

Council member Trowbridge stated: "For rental, we don't own any of them."

Water/Sewer Supervisor Hays stated: "No, so that would be three separate units for flow meters and samplers. We were checking to see what loading is coming from the north side of town, the south side of town, before Henningsen's, after Henningsen's, basically break it down to determine if our previous samplings were in the ballpark for their percentage of loading, whether they are contributing more than it appears or maybe we have another contributor in

town that we need to track down. So, this helps us to determine a more accurate picture of what's actually coming from Henningsen's and what may or may not be coming from elsewhere so that if there is another contributor we can start looking towards another potential agreement with somebody else."

Council member Trowbridge asked: "Is that the same project that we spent \$8,900 on last month for testing? So, we've spent over \$20,000 on that project, that none of us knew anything about around this table, except the Mayor."

Mayor Zavodny stated: "So, why don't you look here now? I'll take it from here. This was my call, and I would do it again. One of Henningsen's big contentions when we were negotiating percentages and all that, was, we don't think we're contributing the amount that the City was claiming. The only way to see if that's right is to get the data, and the only way to do that was to have it just with people operating normally, and that's why we didn't come here and say "we're going to test" and put everybody on alert. So, I had to make a call, talk to Craig and Travis, it's not their responsibility it lies directly at my feet and I'll accept all of it, but I think it was the right thing to do. We are talking about a multi-million-dollar project at our wastewater treatment plant and I felt we should have data."

Council member Trowbridge asked: "So what did we learn?"

Mayor Zavodny stated: "Craig is still breaking down the data."

Council member Trowbridge asked: "We did this three months ago."

Mayor Zavodny stated: "There's some flow issues with the sizing of pipes and stuff that have changed the formula that he needs to look at. Craig has been on vacation and on business travels."

I am currently out of the office per the following schedule:

- Week of June 18, 2018 - I will be out of the office, but in town. I will be responding to emails, etc during the evenings.
- Week of June 25 through July 4 - on vacation
- July 5 and 6 - in the office
- July 9 and 10 - out of the office; business travels
- July 11 (am only) - in the office.
- July 11 (pm) through 14 - on vacation
- Back in the office on July 16, 2018

Water/Sewer Supervisor Hays stated: "He told me that as soon as he got back he should be able to do it and have it no later than the Committee of the Whole meeting."

Mayor Zavodny stated: "The worst thing we could find out is that we charged Henningsen's too much; then we have another source and we don't know where it is."

Council member Kobus asked: "Is that Craig's cost in there too?"

Council member Trowbridge stated: "No."

Council member Kobus asked: "What's that going to run?"

Water/Sewer Supervisor Hays stated: "Well his portion would just be basically covered in their contract with the City."

Council member Trowbridge stated: "Whose bill this month was about \$3,500 outside of the plant, and it was \$30,000 for the plant."

Mayor Zavodny stated: "I actually wanted the results by now, to be honest, instead of the Committee of the Whole meeting."

Council member Trowbridge stated: "Do you see what it looks like though when we are paying bills three months in arrears. Does it look like somebody is dragging their feet and keeping information from the public? It does to me."

Water/Sewer Supervisor Hays stated: "We just received that invoice."

Council member Trowbridge stated: "No you didn't, it's dated the 18th of April. It went to you, it didn't go to her. I don't know where it's been between the 18th of April and now, because I talked to the guy that sent that invoice an hour ago and he sent it in April."

Water/Sewer Supervisor Hays stated: "Well I didn't receive it until I got the e-mail last week in which I brought it in for payment."

Council member Trowbridge stated: "Well he commented to me that he was disappointed in the City of David City being three months late on paying him."

Water/Sewer Supervisor Hays stated: "Well he hasn't said a word to me."

As there was already a motion and second on the floor for approving the claims, Mayor Zavodny asked roll call. Voting AYE for approving the claims: Council members Smith, Meysenburg, Hotovy, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports.

Building Inspector Ray Sueper reported on the Milda Gray property at 897 5th Street stating: "I had a call on Tuesday from the asbestos company. The contractor said that he had found a note taped to the door from Milda that she was disgruntled that people were going in and out of her house and basically threatened to call her lawyer. I did call Marcus Siebken (Sheriff) and asked him to run by and kind of patrol in the morning while they were there, just to make sure she wasn't around and trying to obstruct. Nobody had any reports of any activity by the owner and they were able to get the asbestos checked for abatement and as far as I know within a week it should be down."

Mayor Zavodny stated: "Counsel, have we reviewed everything and we are good in our process."

City Attorney Jim Egr stated: "Yes. I sent her a letter advising her that we went through the process, she got her notices and gave her a chance, even gave her extensions to address the nuisance, and that the nuisance will be abated and the charge will be to her property and I sent a copy of that to the City. I haven't heard any call back or didn't have anybody knocking at the door."

Egt, Birkel & Wollmer, P.C.

Attorneys at Law

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Toll Free: 1-866-859-1306

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timwollmer@egrbirkel.com

July 10, 2018

Milda Gray
1125 North 3rd Street, Apt 220
David City, NE 68632

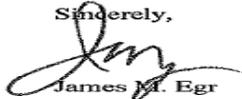
Re: Removal of the House at 897 North 5th Street, David City, Nebraska

Dear Ms. Gray,

I am writing you as City Attorney for the City of David City, Nebraska. It has been brought to my attention that you question the City's ability to remove the house and other improvements located at 897 North 5th Street, David City, Nebraska. You should be advised that the City did follow all the procedures provided in the Municipal Code for addressing nuisances and addressing notifications to you and your hearing rights. Further, the City has been very generous in extending the time to abate the nuisance and remove the house and other buildings on the said property without the City having to address the matter and than charge your real estate as a special lien.

Please be advised that the successful bidder for the abatement for the nuisance on your property will proceed with the removal of the house and any other buildings; will clean up the property; and the cost the City will incur will be taxed to your real estate.

Sincerely,



James M. Egr

JME/bnr

Mayor Zavodny stated: "So, from your legal opinion we have dotted our i's and crossed our t's?"

City Attorney Egr stated: "I believe we have."

Council member Kobus made a motion to accept the Committee and Officers Reports as presented. Council member Vandenberg seconded the motion. Voting AYE: Council members Hotovy, Smith, Trowbridge, Meysenburg, Vandenberg, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny stated that the next agenda item was, consideration of awarding a bid for the wastewater treatment plant improvements, and the City still doesn't have a signed agreement with Henningsen Foods, Inc.

City Attorney Egr stated: "I don't know what to say. I think we have an agreement reached on there. I know that Council member Trowbridge has talked with Terry Tanaka, I've talked to, it's been a while it's been at least a week to ten days, Henningsen's Attorney (Mike Mostek). We have an understanding on the liability part, the wording, we've gotten that, I think, straightened out. There was a part on that formula thing, the sampling protocol, I think that's worked out, basically, all the terms are ready to go we've just got to have that agreement, I think Tanaka's bosses are basically all in agreement with what we have, it's just we don't have that agreement there to sign."

Council member Trowbridge stated: "They're as miffed at the attorney as we are. The Japanese executives were in Omaha this week and they went through the agreement, line by line, and are in total agreement. They've authorized James Harshman, the president, to sign it when it comes to him, and they are chasing their attorney trying to figure out what in the world is going on getting it put on paper."

Mayor Zavodny stated: "That is good to know. I think the Council did the right thing in taking away the punishment things, I think that cleared a lot of stuff up. Where I am starting to get really nervous is, it's our compliance that's at stake here, and we had said we were going to wrap this up December 1st and here we are, the middle of July, still waiting for it. I think you are probably right, I have not heard anything from anybody from Henningsen's that it's problematic but we have to get this thing done. To me, the EPA thing trumps what's going on with Henningsen's; we've got to get in compliance there."

Much discussion followed.

Mayor Zavodny stated: "What about this? We still have time to advertise and have a special meeting on July 25th, prior to the Committee of the Whole meeting, and then we could consider awarding a bid for the Wastewater Treatment Plant Improvements."

Council member Trowbridge made a motion to table consideration of awarding a bid for the wastewater treatment plant improvements to the special meeting that will be scheduled for Wednesday, July 25th. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Vandenberg, Meysenburg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Heidi Rehmer stated: "I applied for a building permit for a carport. On my application I have the dimensions of the carport, that it will be a metal A-frame carport, and I got the permit. Basically, now I am told the carport has to be the same color and material as my house. The drawing on my application is exactly where it ended up at, but now I am told that it goes over the setback. So, I don't know, I guess I need some direction. I did what my application for my permit said, but evidently it's not correct."

Mayor Zavodny stated: "Ray, you want to explain to us how it got to this point?"

Building Inspector Ray Sueper stated: "Well, accessory buildings are dictated by the setbacks and such and regulations are dictated by zoning that your residence is located in. When I issue a permit I usually try to make sure that the occupant or applicant has those regulations in hand when they walk out of here with that application after they turn in their application. That may not have been the case in this incident, it was one of the earlier permits. She may have just stopped in and gotten an application while I was not available here that day and Lori, that's her thing, maybe failed to hand her a summary of the regulations, however, the regulations are available on the City's website for the general public to view. It is the responsibility of the applicant to know what those regulations are before they place any accessory building or structure in David City."

Mayor Zavodny stated: "So in your correction order you talk about the 6' setback, what is the current setback?"

Building Inspector Sueper stated: "The carport is currently probably about 2' past the 6' setback so it's only about 4' off the alley. They did enclose the north side of the carport; carport by definition is supposed to have open sides. They have some exterior non-weather rated wafer board that they used for a wall, wind block, on the one side that is non-weather rated which doesn't match the house siding."

Mayor Zavodny stated: "So your contention would be that we went from a carport to more of the characteristics of a garage."

City Clerk Kovar asked: "Did you have it staked out where it was going to go?"

Heidi stated: "I had it flagged to show how far back it was going to go towards the alley and that's exactly where it ends."

Mayor Zavodny stated: "So, from the time it was erected, when did you go look?"

Building Inspector Sueper stated: "I got a report from a council member that there was a violation on a setback on a carport in town and so I investigated. It took me about two weeks to figure out it was one that was permitted, found the address, and then I notified her of the corrections and she called down here to try to get a copy of the regulations."

Mayor Zavodny asked: "How were the flags determined, where they should be, and who determined where the 6' were?"

Heidi stated: "On my application I had that the carport was going to be 20' from the end of my garage and so I measured 20' and that's where I put the flag up and that's exactly where it ends."

Permit Number 6384
Date Issued 11-21-17

CITY OF DAVID CITY, NEBRASKA

 **COPY**

ZONING PERMIT APPLICATION

IMPORTANT NOTICE: Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Zoning officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of zoning applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Zoning Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. Surveys may be required at any time at the discretion of the city. Applicant must comply with all state electrical, fire and building codes. Call diggers hot line before digging (800-331-5666):

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 11-20-17 Zoning R-2

Type of Construction (specify new, remodeling, sign, paving, fence, move bldg., etc.): new carport

Estimated Cost \$2,000 Intended Use parking vehicles in

Applicant: Name Heidi Rehmer Location of Work: Owner Heidi Rehmer
Address 340 J st Address 340 J st
Phone 402-367-2486 Zoning R-2 Residential

Legal Description of Work Site: E 75' Lots 10 & 11, B1K3
Litty's 1st Add to DC

Description of Work - Describe the project with regard to style, material and set backs. Plans and a survey must be submitted for new construction.

A carport will be erected East of garage.
 It will be a metal - A-Frame carport - 22' x 20'

General Contractor:

Name n/a (self)
 Address _____ City _____ Phone: _____

Electrician (must be licensed in David City):

Name n/a
 Address _____ City _____ Phone: _____

Plumber (must be licensed in David City):

Name n/a
 Address _____ City _____ Phone: _____

This section to be completed by the city

Permit Fee \$2500 Date Paid 11-21-17 Rec'd by Ray
 Date Plans Submitted 11-21-17 Date Survey Submitted OK

ACTION:

RETURNED FOR LACK OF DATA Date _____
 SETBACK APPROVED APPLICATION APPROVED Date 11-21-17
 DENIED Date _____ Reason _____

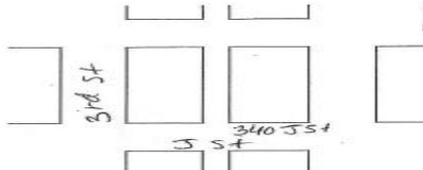
FORWARD TO: PLANNING COMMISSION Date _____
 BOARD ZONING ADJUSTMENT Date _____

Zoning Administrator Signature R. Duffin

COPY TO COUNTY ASSESSOR Date _____

SITE LOCATION SKETCH

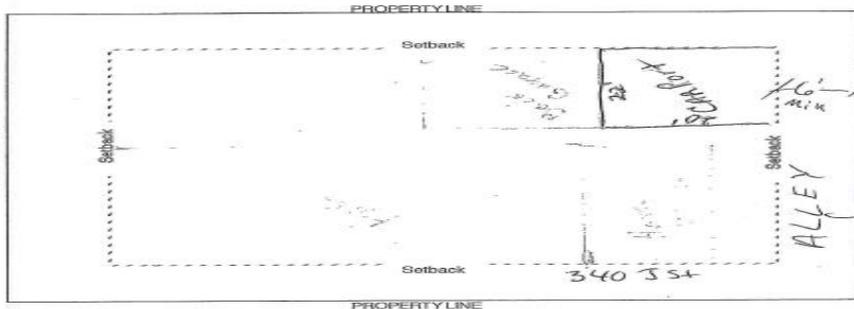
Show:
 • Street names
 • Street widths
 • Lots where work is proposed
 • Existing Sidewalks



COPY
 N ↑

SITE BUILDING SKETCH

Show:
 • Lot dimensions
 • Existing buildings
 • Drainage
 • Utilities (existing & proposed)
 • Distances to lot lines (overhangs included)
 • Driveways, Sidewalks, Fences, Features
 • Setbacks



N ↑

The information contained on this application is, to the best of my knowledge, true and accurate. It is understood and agreed that any error or misrepresentation - intentional or otherwise - shall be sufficient for denial or subsequent revocation of a permit. I agree to file an amended application for a permit in the event of any changes in plans subsequent to the issuance of a permit related to this application. It is understood that a permit expires after 180 days if work authorized is not started, or after starting, work is suspended for a period of 120 days without prior written approval from the Zoning Administrator. It is understood that all applicable state building, electrical and plumbing codes will be complied with and that the City of David City shall be held harmless for any and all liability that may result from the proposed construction.

Signature of Applicant Heidi S. Reine Date 11-20-17
 402-367-2484

—PLEASE POST IN A CONSPICUOUS PLACE—

ZONING PERMIT

Regulations require that no residence or building shall be occupied until a Certificate of Occupancy has been issued by the Office of the City Inspector.

ZONING PERMIT NO. 6384 DATE 11-21-17

LOCATION OF WORK 346 J Street

DESCRIPTION OF WORK 20' x 22' Shelter bldg.

AUTHORIZED SIGNATURE R. Dwyer

Permit holder shall call 402-367-3135 for inspections before covering any work.

This permit is void if construction work has not started within 180 days of issuance.

All inspections must be completed by the City Inspector and any State Inspectors prior to covering any work. This notice is to be posted in the front window as evidence of a Building Permit and is not a Record of Inspection. All Building Codes adopted by the City will be expected to be followed as a minimum requirement.

COPY



COPY

CORRECTION ORDER

(FIX-IT)

PROPERTY OWNER: Heidi Rehmer

You are hereby ordered to correct or address the following violations of Municipal Ordinance within ten (10) days of this notice. Please call 402-367-3135 for an inspection when complete.

- *1) Current Carport Placement Violates The Required 6' Setback From The Alley.
- *2) any Sidewall enclosure would need to Match The House Siding.
- 3) _____
- 4) _____
- 5) _____

PHYSICAL ADDRESS: 340 J Street

DATE: 4-18-18

INSPECTOR: R. Dwyer

REINSPECTION DATE: 5-2-18

VIOLATIONS CORRECTED: _____

*If no corrective action is taken, fines will follow. Up to \$500 per day, per violation of Municipal Ordinance.

Building Inspector Sueper stated: "The drawing does not show the existing garage at all so there is no way to determine that."

Mayor Zavodny asked: "Do you go show them where the set-back is?"

Building Inspector Sueper stated: "The City does not locate property lines. The surveyors, or private enterprise, they get paid to do that, that's their business. They get paid to find the property pins and flag them for people that are building."

Much discussion followed.

Mayor Zavodny stated: "We have to have rules, I believe that you would follow the rules if you were clear on what they were. If you are willing to paint it, are we willing just to not act on this."

City Attorney Egr stated: "May I suggest, that in light of the fact that Mr. Sueper has said that now you have a detailed thing that you hand out to people, that you consider Miss Rehmer's as grandfathered in and that the Council take no action."

Mayor Zavodny stated: "With the compromise being that you will paint it the same color as your house."

Heidi Rehmer stated: "Yes."

City Attorney Egr stated: "That might be the way to handle that. She was one of the first ones, she didn't get the detailed procedures that they now have, she paints her carport to match her house, and that makes the difference between her and the A, B, and C, to follow."

Mayor Zavodny stated: "So, we take no action. It's an open meeting, you are welcome to stay, but I'd recommend you just go. Get some paint."

Heidi Rehmer stated: "Thank You very much."

Council member Trowbridge introduced Ordinance No. 1290 releasing/vacating utility easements in the vacated "S" Street from the west side of Industrial Drive to the dead-end of vacated "S" Street. Mayor Zavodny read Ordinance No. 1290 by title. Council member Trowbridge made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1290 on the third and final reading. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Trowbridge, Hotovy, and Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1290 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1290

AN ORDINANCE RELEASING/VACATING UTILITIES EASEMENTS IN THE VACATED "S" STREET FROM THE WEST SIDE OF INDUSTRIAL DRIVE TO THE DEAD-END OF

VACATED "S" STREET WHICH IS APPROXIMATELY 647 FEET IN LENGTH; PROVIDING FOR AN EFFECTIVE DATE THEREOF; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1: The Mayor and City Council of the City of David City, Nebraska due to the proposed expansion of Timpte, which is in the best interest of the City, would like to release/vacate the easements for utilities retained in Ordinance No. 1082, Passed and Approved September 22, 2008, involving vacated "S" Street from the west side of Industrial Drive to the Dead-End of said vacated "S", which is 647 feet in length.

SECTION 2: The Mayor and City Council have found and determined that it is in the best interests of the City and is expedient for the public good to release/vacate said easements for utilities.

SECTION 3: The City of David City hereby releases/vacates the easements for utilities retained in the said Ordinance No. 1082 in the above referenced vacated "S" Street.

SECTION 4: 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 5: This Ordinance shall be published in pamphlet form and shall be in full force and effect following its passage, approval, and publication as provided by law and City Ordinance.

PASSED AND APPROVED this 11th day of July, 2018.

Mayor Alan Zavodny

ATTEST:

City Clerk Joan E. Kovar

(SEAL)

Council member Trowbridge made a motion to accept the resignation of Ted Lukassen (12-2008 to present) on the Board of Zoning Adjustment. Council member Smith seconded the

motion. Voting AYE: Council members Meysenburg, Trowbridge, Hotovy, Vandenberg, Kobus, and Smith. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve the appointments of Roger Comte as a regular member, and Allan Steinberger as an alternate member, each to fill a 3-year term (August 1, 2018 – July 31, 2021) on the Board of Zoning Adjustment. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

It is time to consider a new contract with Building Inspector Ray Sueper. Ray Sueper stated: "I made a couple of changes. If I'm needed here on an off day, I reduced that from on-call emergency pay to just the standard pay rate. I haven't been charging you guys mileage when I'm here in town, at all, for the whole year, I just kind of donate that, just my trip back and forth is all. That's really the only change that I made. The other thing, you guys have a big housing crunch coming because of the Timppte project, you may need to add days to me, maybe, in the near future. You may want to consider that. I don't know what that's going to develop into, but I would be willing to let you adjust the contract at any point throughout the year if that becomes necessary. You know, rather than saying "Oh, you must do that tonight", you know if you think we're getting behind, my office is becoming inundated, you can add a day if you need to, it's up to you. Currently we're keeping up pretty good. But I do see there being a housing shortage very, very shortly in David City, and a subdivision shortage for residential subdivisions."

Mayor Zavodny stated: "I have about three items to discuss with you. One, the mileage rate is a lot higher than the 2018 I.R.S. amount." [Standard Mileage Rate is 54.5 cents per business mile]

Building Inspector Ray Sueper stated: "Well, I have a pickup, and I know that that's probably not even covering the truck costs; I've seen estimates in the 83¢ range. I don't have a little Geo Metro that I wish I was driving back and forth between work and home, but that's why that is where it is."

Mayor Zavodny stated: "Well that's significantly higher. The travel from home; usually when you report to work, that amount is not compensated. Is that work time, from the time you leave home?"

Building Inspector Sueper stated: "No, you're not paying time, just the mileage. So that's kind of a wash really on that."

Mayor Zavodny stated: "And my last thing, and I'm not clear on how some of these went, but we had two phone calls, 5 hours for \$100.00. I know there's a \$20.00 minimum, did anyone read that? The phone calls really added up over the course of time and I know I didn't make one."

Building Inspector Sueper stated: "I know but you've got to realize I am getting about 8 times more e-mails than I am phone calls every week. I am not charging for the e-mails and I'm not charging for the text inspections right now that I am doing with all of the contractors on the commercial jobs, I'm getting plumbing underground inspections, re-bar inspection requests, via text, and things like that that I am not billing for either."

Mayor Zavodny stated: "So every phone call is \$20.00. We don't really have a way to regulate the phone calls. We are paying for the contractors "getting" of information. You get a

contractor who is needy and calling you every second, that can add up in a hurry. I would rather you were able to do the work while you are here because, in a fairness to you also, you can't be on call 365 days a year."

Citizen Mike Rogers stated: "I think we should just pay him the IRS mileage rate because it isn't our problem what kind of a pickup he drives."

Council member Hotovy stated: "To be truthfully honest with you, I am not opposed to that because if an employee is going to argue for more than a Cost of Living Increase, I've always fought to follow the COLA, and the IRS mileage is kind of the same thing."

Building Inspector Sueper stated: "I'd split it with you, do you want to go 60¢ per mile?"

Mayor Zavodny stated: "I think we are at 54.5 cents, and we are paying it for you coming from home, and that's a deal."

Council member Kobus made a motion to approve the following contract with Ray Sueper as the Building Inspector with the mileage set at 54.5 cents per mile. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Meysenburg, Smith, Hotovy, and Kobus. Voting NAY: None. The motion carried.

CONTRACT

THIS CONTRACT, made this 11th day of July, 2018, by and between the City of David City, Nebraska, hereinafter called "City" and Raymond S. Sueper, hereinafter called "Inspector".

WITNESSETH, that for and in consideration of payments and agreements hereinafter mentioned:

- 1) The inspector is a duly qualified zoning administrator, building inspector (plan review, footing, framing, and occupancy inspector), plumbing inspector, mechanical inspector, and building and safety inspector under Nebraska; having worked in this capacity for the City of Crete for a period of 9.5 years and having worked as a private building contractor for a period of 13 years prior to, and during his employment by the City of Crete, Nebraska.
- 2) The City has adopted comprehensive zoning, building, plumbing, mechanical, and safety codes and desires to contract with Inspector to work as Zoning Administrator (for review of building plans, zoning use, and setback requirements) and Building, Plumbing, and Mechanical Inspector under City Codes and State Law for City.

- 3) The Inspector is willing to act as an appointed City Official, Zoning Administrator, Building, Plumbing, and Mechanical Inspector as required under Law for a period of 1 year(s) from and after August 1, 2018; Inspector agrees to furnish, at a minimum, but not limited to, the following work in conjunction with City Code and other applicable laws and regulations:
 - a. All permit review, inspections and zoning administration as required by Ordinance and other applicable laws and regulations, including, but not limited to the breakdown of costs as set forth on exhibit A, (attached hereto and incorporated herein by reference as though set out in full).
- 4) The Inspector agrees to perform all of the work described herein and such other building permit and inspection work as may be required by City Ordinance and other applicable laws and regulations for the fee as set forth on exhibit A, (attached hereto and incorporated herein by reference as though set out in full).
- 5) The City agrees to respond to the Inspector's reasonable requests for pertinent information within 24 hours, as soon as it may be practically given.
- 6) The City agrees to provide the Inspector with his own City email account.
- 7) The City acknowledges that the Inspector may require computer, printer, and various office supplies and shall cause such supplies to be available to him. And to use such items only for City purposes. The Village shall also furnish such electronic devices as necessary to photograph properties and any incidents in the line of duty.
- 8) The Inspector agrees to use his best efforts to work with the Mayor and other City Officials. All requests to the Inspector shall be in writing, by email, or by text message.

The Inspector agrees to represent the best interests of the City while acting as the Inspector.

- 9) The parties agree that Inspector may delegate any respective duty, on a temporary basis, to other individuals and/or entities that are qualified to perform such inspections. Inspector agrees to advise the City of the inspectors who will be acting on a temporary basis.
- 10) Either party may cancel this agreement by giving the other party a minimum of 60 days notice, prior to the end of any contract term.
- 11) The parties agree that said Inspector shall be appointed by the City as the City's Zoning/Building Inspector and shall be covered by the City's insurance while performing work for said City. The parties further agree that Inspector shall have access to all non-private City files.
- 12) Payment for services shall occur monthly as per this contract.
- 13) This Contract shall be binding upon all parties hereto and their successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Contract in 3 copies, each of which shall be deemed an original on the date first above written,

CITY OF DAVID CITY, NEBRASKA

By _____

INSPECTOR

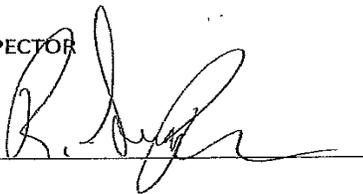
By  _____

EXHIBIT A

FEE SCHEDULE FOR INSPECTOR'S SERVICES

Raymond S. Sueper, agrees to charge a base line fee of \$75.00 per hour for any representative's respective services related to Zoning Administration and/or Building Inspection services as required by the City of David City, Nebraska. An ON-CALL fee of \$150.00 per hour shall be charged for any emergency time required by the City of David City for any of the above mentioned services. A \$20.00 per quarter hour of phone time charge shall apply, with a \$20.00 minimum for each call, for any work related phone contact. A mileage fee of .67 Cents per mile, both ways, shall apply for all necessary travel by any representative of the Inspector to and from the City of David City, Nebraska for the above mentioned services. A one year contract shall be required as a minimum for services.

- 1) \$75.00 per hour for individual Inspector related services.
- 2) \$150.00 per hour for Emergency On-Call Inspector related services.
- 3) 54.5 cents per mile for mileage reimbursement for any representative's travel between home and work, and any incidental work related travel while on duty representing the City's interests in the City of David City, Nebraska.
 - a. (Home is Friend, Nebraska).
 - b. On-call time shall be designated as any time that the Inspector's services are required outside of the agreed upon contracted option, with the exception of regularly scheduled Council and Planning Commission meetings.

PROPOSAL

(Includes mileage estimate)

- \$1934.00 per two week period for an alternating time commitment consisting of two eight hour days for a Tuesday-Wednesday commitment for the first week and an eight hour Wednesday commitment for the second week; each day to consist of an eight hour workday. After hours meetings and any required or requested Continuing Education shall be billed at the standard hourly rate.

Mayor Zavodny stated that as part of the grant awarded to the City, the Nebraska Department of Transportation was requiring a traffic study by Timpte. City Clerk Kovar stated that she had received the following from Craig Reinsch of Olsson Associates:

Hi Craig,

After discussing with our team, we would like the study's scope to include:

- Study area with traffic counts at intersections of "S" / Hwy 15 and "O" / Hwy 15*
- Base Condition vs. Full Buildout conditions*
- Obtain from Timpte / David City*
 - Internal traffic circulations*
 - Shift change timings, general operations, plans for expansion and improvements.*
- Cost estimates for proposed improvements.*

Also, please note that Highway 15 south of the "O" Street intersection has recently changed and it is not reflected in google earth. The highway is now a three-lane section from "O" Street intersection south through town.

Please let me know if you have any questions. Thanks Craig!

*Korey Donahoo
Engineer, Project Development
Nebraska Department of Transportation*

Council member Hotovy made a motion to approve a letter of agreement with Olsson Associates to provide a traffic impact study for a cost of \$8,500. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve an agreement with Olsson Associates to provide a traffic study on the intersections of "S" Street and Hwy. 15, and "O" Street and Hwy. 15, and to provide other information as requested by the Nebraska Department of Transportation. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.



LETTER AGREEMENT AMENDMENT #1

Date: July 12, 2018

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated October 27, 2017 between the City of David City ("Client") and Olsson Associates, Inc. ("Olsson") providing for professional services for the following Project (the "Agreement"):

PROJECT DESCRIPTION AND LOCATION

Project is located at: The 'S' Street and Highway 15 intersection, David City, Nebraska

Project Description: A traffic study will be performed for the City in response to the proposed expansion of the Timpfe facility. Analysis will be performed in conjunction with a proposed expansion of the existing Timpfe Inc facility in David City, Nebraska to determine the traffic volume increase associated with proposed development. The study will analyze impacts to the surrounding roadway network and make recommendations to mitigate these impacts will be identified. The traffic impact study will follow Nebraska Department of Transportation (NDOT) and Institute of Transportation Engineers (ITE) criteria.

SCOPE OF SERVICES

Client and Olsson hereby agree that Olsson's Scope of Services under the Agreement is amended by adding the services specifically described below for the additional compensation set forth below:

Traffic Study

- 1.1 Project Management: Tasks related to PM include the following:
 - Respond to project related phone calls, emails, and/or any version of communication deemed necessary during the course of the project
 - Time required to adequately manage staff internally for the basis of project coordination (this time would be for internal progress and coordination meetings)
- 1.2 Data Collection: Olsson will coordinate weekday 12-hour turning movement counts (6 AM-6 PM) at the following intersection:
 - N-15 & S Street
 - N-15 & O Street

- 1.3 Existing Conditions Analysis: Intersection capacity analyses will be performed utilizing existing geometry and traffic counts. This will provide a baseline of roadway network operations for comparison purposes.
- 1.4 Trip Generation: The expected vehicular traffic generated by the development will be estimated using the current edition of the ITE Trip Generation Manual, 10th Edition. It is assumed that one site plan will be provided and utilized to develop a trip distribution for this phase. These trips will be assigned to the study intersections in order to determine the traffic volume increase. To further examine network operations, Timpte will be requested to provide shift change times, employment numbers, and circulation / delivery routes.
- 1.5 Traffic Control Evaluation: The study intersection will be evaluated appropriate traffic control.
- 1.6 Impact Analysis: Capacity analysis will be carried out for both "base" and "plus site" conditions to help identify operation deficiencies. The expected site trips will be combined with the background volumes based on a trip distribution.
- 1.7 Future Conditions: Capacity analysis will be performed for a 20-year horizon which estimates background traffic and is combined with the expected site trips.
- 1.8 Develop Recommendations: Based on analysis results, recommendations will be made to mitigate impacts to the roadway network created by the site traffic and to provide safe and acceptable traffic operations throughout the study area.
- 1.9 Cost Estimate: A cost estimate will be provided for the recommended roadway improvements.
- 1.10 Study Documentation: The study results will be documented in a draft memo to be submitted to NDOT and the Client for review. After review comments have been received and addressed, a final report will be produced.
- 1.11 Meeting Attendance: Two (2) conference calls with the Project Team/Client and NDOT are assumed with this scope.

SCHEDULE FOR OLSSON'S SERVICES

Unless otherwise agreed, Olsson expects to perform its services covered by this Amendment as follows:

Anticipated Start Date: 6 weeks from Notice to Proceed
Anticipated Completion Date: 3 months from Notice to Proceed

Olsson will endeavor to start its services on the Anticipated Start Date and to complete its services on the Anticipated Completion Date. However, the Anticipated Start Date, the Anticipated Completion Date, and any milestone dates are approximate only, and Olsson reserves the right to adjust its schedule and any or all of those dates at its sole discretion, for any reason, including, but not limited to, delays caused by Client or delays caused by third parties.

COMPENSATION

For the additional Scope of Services specifically set forth in this Amendment, Client shall pay Olsson the following fee in addition to the fee(s) set forth in the Agreement:

COMPENSATION

The fee to complete services detailed in the scope required to complete the Traffic Impact Study above shall be a Fixed Fee of Eight Thousand Five Hundred Dollars (\$8,500) including expenses.

Should Client request work in addition to the Scope of Services, Olsson shall invoice Client for such additional services (Optional Additional Services) at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval.

Olsson agrees to provide all of its services in a timely, competent and professional manner, in accordance with applicable standards of care, for projects of similar geographic location, quality and scope.

TERMS AND CONDITIONS OF SERVICE

All provisions of the original Agreement not specifically amended herein shall remain unchanged.

If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.

OLSSON ASSOCIATES, INC.

By Shane A King By Craig Klein

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

CITY OF DAVID CITY

By _____
Signature

Printed Name _____

Title _____

Dated: _____

Mayor Zavodny stated: "Ok, we are going to go over the proposed budgets for the upcoming fiscal year."

The Street Department budget was discussed. There are some unpredictable issues, such as what Timpfe might need due to their expansion and how we plan for that going forward. There may be a need for an additional access road. It was noted that the street department is currently advertising for a full-time employee.

Recycling was discussed. It was questioned how many residents actually have garbage service and what's happening to that garbage for those who don't have garbage service. Garbage has been deposited in the trash cans in the Park, by the Auditorium, at the Power Plant, in the downtown garbage barrels, and behind the Street Maintenance Building. Does the City contract with one provider and go with a recycling program? What if the City billed for garbage service on the utility bills? It was noted that perhaps a public hearing should be scheduled to get the public's input on this.

Mowing of nuisance properties was also discussed. State Statute states "It shall be a nuisance to permit or maintain any growth of eight inches (8") or more in height of weeds, grasses, or worthless. The City has several properties that it ends up having to mow. This is hard on the equipment and then the grass is so tall we have no idea what could be hidden amongst the grass. The street department has better things to do.

Council member Smith asked what account #21-1100 Nebraska Public Power District in the amount of \$296,000.00 was for. Electric Supervisor Pat Hoeft stated that is the revenue we receive from Nebraska Public Power District for having the power plant. Council member Smith questioned why we would want to close the power plant if we have that kind of revenue coming in. Council member Trowbridge stated it was because we generally spend more than that. Mayor Zavodny stated that he felt there were a lot of challenges there, one being it's been quite a few years since we've been able to operate the power plant the way it should be, with only one guy, Eric Betzen, who can really do so.

Electric Supervisor Pat Hoeft said that he recently received a quote of approximately \$50,000 from Olsson Associates to do an electric study concerning Timpfe. Timpfe wants to be insured that they have clean power. Pat stated that he wanted Olsson's to study our pole line to see if there was something better we could put in there, such as steel poles versus laminated, to keep the wind from knocking everything out; we do break jumpers out there just because of the wind. Discussion followed in which they advised Pat to check with other engineering firms for bids for this project.

Water/Sewer Supervisor Travis Hays stated that the level sensors, in the SBR's (treatment basins) at the Wastewater Treatment Plant, haven't been reading quite right and are about due for replacement. The water department is down one person, but they are trying to get by with less people to try to cut down expenses. It is very hectic during the summer. It was noted the Council was okay with budgeting for another person and then if the position isn't filled it just expenditure they don't have. Bond payments were discussed as those are shown on a separate account. All Departments should be able to stand on their own, and that is not the case; the electric department subsidizes others.

Salaries and wages were discussed. Mayor Zavodny stated: "I think this has been a problem in the past. When we've given a Cost of Living, we're giving that on top of adjusting..... that adjusts the whole salary schedule, and then people are getting a step

increase. I think that's how we kind of get out of whack a little bit. Then you add the insurance piece in. I think we need to look at compensations really carefully and be thoughtful of how we are going to structure that, because with the health savings account, a lot of people don't have that kind of thing, that's an extra benefit."

Insurance was discussed. Council member Trowbridge stated: "Could we discuss doing something differently? Could we discuss looking at, during the budgeting process, a dollar amount that we consider to be acceptable or we can work around at the budget and then design an insurance plan to hit that number? Instead of saying "How much it is?"

Mayor Zavodny stated: "I don't mind that approach. The one factor that could really skew it is, if we see a 20% increase or whatever in insurance, then the employees could be eating a bunch more given that amount. It's the Health Savings Account that's going to be a discussion because that's a big consideration. I read a lot about this kind of stuff, and employees are being asked to burden a lot more of these insurance costs, and we haven't gone that route. Our salaries seem pretty competitive, you want it to be a good place to work, so you have to balance things out."

Discussion of the proposed budgets continued.

Mayor Zavodny suggested recessing until Thursday evening at 6:30 p.m. to continue the discussion of the budgets. The Council members were not in favor of recessing the meeting.

Mayor Zavodny stated: "Well let's do this, I would entertain a motion to adjourn."

Council member Trowbridge made a motion to adjourn. Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:32 p.m.



CERTIFICATION OF MINUTES
July 11, 2018

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 July 11th, 2018; 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