

**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 **26<sup>th</sup> day of June, 2019**, in the meeting room of the City Office, 557 North 4<sup>th</sup> 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 13<sup>th</sup> day of June, 2019.

**AGENDA AS FOLLOWS:**

- |  |  |
|--|--|
| 1. Roll Call;  | _____<br>Mayor Alan Zavodny  |
| 2. Pledge of Allegiance;   |  |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;   | _____<br>Council President Kevin N. Hotovy                                     |
| 4. Minutes of the June 12 <sup>th</sup> , 2019 meeting of the Mayor and City Council;  |  |
| 5. Presentation by Jenie Maloney of Elite Web Concepts;  | _____<br>Council member Thomas J. Kobus  |
| 6. 7:15 p.m. Public Hearing for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to amending the budget;   | _____<br>Council member Dana E. Trowbridge                                     |
| 7. Consideration of Ordinance No. 1319 approving the amended budget as presented and discussed during the Public Hearing;  | _____<br>Council member Patrick J. Meysenburg                                  |
| 8. 7:45 p.m. Presentation by IES concerning the web design;  |  |
| 9. Update by Al Hotovy of Leo A. Daly, on the project status of the Downtown Renovation Project;   | _____<br>Council member John P. Vandenberg                                     |
| 10. Consideration of Ordinance No. 1318 approving, ratifying, and confirming the purchase agreement for the sale of real estate described as Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1 <sup>st</sup> Addition, David City, NE, to Gary J. and Kimberly S. Meister, d/b/a/ Gary Meister Construction; and authorizing the Warranty Deed; | _____<br>Council member Gary D. Smith<br><br>_____<br>City Clerk Joan E. Kovar |

11. Consideration of the bids received for a 4700 Set-Forward Front Axle Chassis;
12. Consideration of the KENO revenues;
13. Consideration of the agreement and costs associated with the installation of the individual water meters at Lakeside Estates;
14. Presentation of proposed budgets for fiscal year 2019 – 2020;
15. Consideration of re-appointing the Tree Board members for another 2-year term – July 1, 2019 – June 30, 2021;
16. Adjourn.

## **CITY COUNCIL PROCEEDINGS**

(Edited for publication)

**June 26, 2019**

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office, 557 North 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on June 20<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor 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: Jim Angell, Planning Commission Member Janis Cameron, Jenie Maloney of Elite Web Concepts, Sergeant Drew Behn, Deputy Clerk Tami Comte, Utility Billing Clerk Lori Matchett, Park/Auditorium Supervisor Bill Buntgen, and Interim Water Supervisor Aaron Gustin.

The meeting opened with the Pledge of Allegiance.

Mayor Alan Zavodny asked if the Council would be in favor of advancing Agenda Item #13 up – Consideration of the Agreement and costs associated with the installation of the individual water meters at Lakeside Estates - to follow Agenda Item #4 – Minutes of the June 12<sup>th</sup> Meeting.

Council member Kobus made a motion to advance Agenda Item #13 to follow directly behind Agenda Item #4. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Hotovy, Trowbridge, Vandenberg, Kobus, and Meysenburg. Voting NAY: None. The motion carried.

Mayor Alan Zavodny stated: “An employee of 20 years, as we are aware, passed away suddenly last week and we certainly wish our best for his family and our condolences as they deal with this very difficult time, and we appreciate his service to the community for 20 years in his position with the City and the other things he did. So, just wanted to take a moment to say

that.” [Power Plant Supervisor Eric Betzen worked for the City from 4/28/97 until he resigned on 3/18/19. He was 47 years old and died in his sleep. 11/17/71 - 6/21/19]

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

The minutes of the June 12<sup>th</sup>, 2019 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Meysenburg. Voting AYE: Council members Smith, Hotovy, Vandenberg, Kobus, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

The need to replace the aging water meters at Lakeside Estates was discussed at the last Council Meeting. Interim Water Supervisor Aaron Gustin was asked to provide a cost for the meters and the labor to install the new meters. The agreement was also discussed and one change was made to the Lakeside Estates proposal that stated: #2. Lakeside Estates will pay for the new meters ~~provided~~ and the City ~~will install~~ **will install** the new meters so they function properly.

Council member Trowbridge made a motion to approve the agreement, with the correction, and the costs associated with the installation of the individual water meters at Lakeside Estates. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

#### LAKESIDE ESTATES WATER METERS

39	5/8" x 3/4" T-10 Pro Coder Potted Pit Gallon meter with 25' pigtail @ \$135.48	\$5,283.72
39	Water Pit Modules @ \$89.00	\$3,471.00
39	Mounting Kits - Cap and Nut @ \$7.00	\$273.00
		<hr/>
		\$9,027.72
	7.5% Sales Tax	\$677.08
	Labor for the installation of 39 water meters (Reg 66.08 installation not taxed)	\$1,000.00
		<hr/>
		\$10,704.80

Water Meter Issues with Lakeside Estates and City of David City

1. There has been reading discrepancies between the master meter and the individual lot meters many times.
2. Lakeside Estates has been continually monitoring for leaks over the years and fixed any leaks that surfaced.
3. A new master meter was installed when leaking valves and pipes ready to burst were found in the master meter pit.
4. Discrepancies have continued and Lakeside Estates has continued to pay the water bill overages that were submitted.
5. Lakeside Estates was advised that it would be good to replace the individual meters since they are approximately 8.5 years of age and the recommendation is to change out meters every 8 to 10 years.

Lakeside Estates proposal is as follows:

1. Have the City order the new meters to insure they are compatible with the meter reading system that is being used by the City of David City Water department. *will install*
2. Lakeside Estates will pay for the new meters <sup>and</sup> provided the City ~~installs~~ the new meters so they function properly.
  - a. The old meters will be returned to the city.
  - b. The city will not be responsible for the meters after they are installed and functioning so they can be read at the city office.
  - c. If any of the new meters require future repairs Lakeside Estates will pay for them
3. The billing of customers water usage will continue to be handled by the City office just as it has been for the past 8.5 years.
4. Lakeside Estates will take care of turning on/off water for renters.

The proposed removal of the individual meters and only sending 1 mass water bill to Lakeside Estates is not realistic for the following:

1. Not all the people connected are renters of Lakeside Estate Properties
2. A one person renter does not use the same amount as a family with 4-5 people.
3. Any renter that does not winterize their home and has water dripping 24-7 during cold months is causing unfair water bills to the rest.
4. The sewer fees are set by winter month water consumption which causes even more unfair charges to those renters who maintain their homes in the proper fashion.

Additional:

1. Vaughn Bishop have appointed Jim Angell to represent Lakeside Estates in regards to this proposal and agreement on behalf of Lakeside Estates. Jim has been manager of the facility for the last 7 years.

*Vaughn Bishop*  
Signature

*5-28-2019*  
Date

Jenie Maloney, of Elite Web Concepts, provided a presentation concerning the City's website and provided a demonstration of user-friendly applications and changes that she could provide. Discussion followed.

Mayor Zavodny opened the Public Hearing at 7:26 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to amending the budget.

City Clerk Kovar had provided copies of the entire amended budget to the Mayor, Council members, and City Attorney, and had copies available for the Public. Kovar explained that it was necessary to amend the current budget as adjustments were needed concerning the Downtown Improvement Project, the Sewer Lagoon Improvement Project, and the fact that an additional Bond Anticipation Note was issued. Kovar stated the actual changes to the budget were as follows:

City of David City in Butler County

Line No.	Beginning Balances, Receipts, & Transfers	Actual 2016 - 2017 (Column 1)	Actual/Estimated 2017 - 2018 (Column 2)	Adopted Budget 2018 - 2019 (Column 3)
1	Net Cash Balance	\$ 9,224,005.00	\$ 11,317,907.00	\$ 12,275,622.00
2	Investments			
3	County Treasurer's Balance	\$ 41,245.00	\$ 25,021.00	\$ 25,021.00
4	Beginning Balance Proprietary Function Funds (only if Page 8 is Used)			
5	Subtotal of Beginning Balances (Lines 1 thru 4)	\$ 9,265,249.00	\$ 11,342,928.00	\$ 12,300,643.00
6	Personal and Real Property Taxes (columns 1 and 2 - See Preparation Guidelines)	\$ 626,770.00	\$ 619,000.00	\$ 693,285.21
7	Federal Receipts			
8	State Receipts: Motor Vehicle Pro-Rate	\$ 1,302.00	\$ 1,125.00	\$ 1,200.00
9	State Receipts: MRF			
10	State Receipts: Highway Allocation and Incentives	\$ 350,661.00	\$ 353,653.00	\$ 366,675.00
11	State Receipts: Motor Vehicle Fee	\$ 26,647.00	\$ 27,002.00	\$ 27,500.00
12	State Receipts: State Aid	\$ 975.00	\$ 972.00	
13	State Receipts: Municipal Equalization Aid	\$ 153,130.00	\$ 163,818.00	\$ 171,654.00
14	State Receipts: Other			
15	State Receipts: Property Tax Credit			
16	Local Receipts: Nameplate Capacity Tax			
17	Local Receipts: Motor Vehicle Tax	\$ 53,848.00	\$ 50,700.00	\$ 65,000.00
18	Local Receipts: Local Option Sales Tax	\$ 703,860.00	\$ 756,633.00	\$ 760,000.00
19	Local Receipts: In Lieu of Tax	\$ 142,220.00	\$ 143,000.00	\$ 143,000.00
20	Local Receipts: Other	\$ 11,314,785.00	\$ 11,532,265.00	\$ 7,588,402.00
21	Transfers in of Surplus Fees			
22	Transfers in Other Than Surplus Fees			
23	Proprietary Function Funds (only if Page 8 is used)			
24	Total Resources Available (Line 5 thru 23)	\$ 22,619,178.00	\$ 24,973,116.00	\$ 22,107,562.21
25	Total Disbursements & Transfers (Line 22, Pg 3, 4 & 5)	\$ 11,276,250.00	\$ 12,672,473.00	\$ 18,427,571.00
26	Balance Forward/Cash Reserve (Line 24 minus Line 25)	\$ 11,342,928.00	\$ 12,300,643.00	\$ 3,679,991.21
27	Cash Reserve Percentage			47%
<b>PROPERTY TAX RECAP</b>				
Tax from Line 6			\$ 693,285.21	
County Treasurer's Commission at 1% of Line 6			\$ 6,932.85	
Total Property Tax Requirement			\$ 700,218.06	

City of David City in Butler County

**AMENDED BUDGET**

Line No.	Beginning Balances, Receipts, & Transfers	Actual 2016 - 2017 (Column 1)	Actual/Estimated 2017 - 2018 (Column 2)	Adopted Budget 2018 - 2019 (Column 3)
1	Net Cash Balance	\$ 9,224,006.00	\$ 11,317,907.00	\$ 12,275,622.00
2	Investments			
3	County Treasurer's Balance	\$ 41,243.00	\$ 25,021.00	\$ 25,021.00
4	Beginning Balance Proprietary Function Funds (Only if Page 6 is Used)			
5	<b>Subtotal of Beginning Balances (Lines 1 thru 4)</b>	<b>\$ 9,265,249.00</b>	<b>\$ 11,342,928.00</b>	<b>\$ 12,300,643.00</b>
6	Personal and Real Property Taxes (Columns 1 and 2 - See Preparation Guidelines)	\$ 628,770.00	\$ 619,000.00	\$ 693,285.21
7	Federal Receipts			
8	State Receipts: Motor Vehicle Pro-Rate	\$ 1,302.00	\$ 1,125.00	\$ 1,200.00
9	State Receipts: MRF			
10	State Receipts: Highway Allocation and Incentives	\$ 330,661.00	\$ 333,663.00	\$ 366,676.00
11	State Receipts: Motor Vehicle Fee	\$ 26,547.00	\$ 27,002.00	\$ 27,500.00
12	State Receipts: State Aid	\$ 976.00	\$ 972.00	
13	State Receipts: Municipal Equalization Aid	\$ 153,130.00	\$ 163,818.00	\$ 171,654.00
14	State Receipts: Other			
15	State Receipts: Property Tax Credit			
16	Local Receipts: Nameplate Capacity Tax			
17	Local Receipts: Motor Vehicle Tax	\$ 53,848.00	\$ 50,700.00	\$ 55,000.00
18	Local Receipts: Local Option Sales Tax	\$ 703,680.00	\$ 758,633.00	\$ 760,000.00
19	Local Receipts: In Lieu of Tax	\$ 142,220.00	\$ 143,000.00	\$ 143,000.00
20	Local Receipts: Other	\$ 11,314,795.00	\$ 11,532,285.00	\$ 11,568,402.00
21	Transfers In of Surplus Fees			
22	Transfers In Other Than Surplus Fees			
23	Proprietary Function Funds (Only if Page 6 is Used)			
24	<b>Total Resources Available (Lines 6 thru 23)</b>	<b>\$ 22,619,178.00</b>	<b>\$ 24,973,116.00</b>	<b>\$ 26,107,362.21</b>
25	<b>Total Disbursements &amp; Transfers (Line 22, Pg 3, 4 &amp; 5)</b>	<b>\$ 11,276,250.00</b>	<b>\$ 12,672,473.00</b>	<b>\$ 22,427,571.00</b>
26	Balance Forward/Cash Reserve (Line 24 MINUS Line 25)	\$ 11,342,928.00	\$ 12,300,643.00	\$ 3,679,791.21
27	Cash Reserve Percentage			47%
<b>PROPERTY TAX RECAP</b>				
		Tax from Line 6		
		County Treasurer's Commission at 1% of Line 6		
		<b>Total Property Tax Requirement</b>		
			\$	\$ 893,285.21
			\$	\$ 6,932.85
			\$	\$ 700,216.06

City of David City in Butler County

Line No.	2018-2019 ADOPTED BUDGET Disbursements & Transfers	Operating Expenses (A)	Capital Improvements (B)	Other Capital Outlay (C)	Debt Service (D)	Other (E)	TOTAL
1	Governmental:						
2	General Government	\$ 311,500.00		\$ 4,000.00			\$ 315,500.00
3	Public Safety - Police and Fire	\$ 267,500.00		\$ 22,000.00			\$ 309,500.00
4	Public Safety - Other						\$ -
5	Public Works - Streets	\$ 599,350.00	\$ 4,839,000.00	\$ 20,000.00	\$ 135,800.00		\$ 5,594,150.00
6	Public Works - Other	\$ 13,750.00					\$ 13,750.00
7	Public Health and Social Services						\$ -
8	Culture and Recreation	\$ 432,450.00	\$ 252,500.00	\$ 2,000.00			\$ 686,950.00
9	Community Development	\$ 6,650.00	\$ 395,000.00		\$ 222,275.00		\$ 623,935.00
10	Miscellaneous						\$ -
11	Business-Type Activities:						
12	Airport						\$ -
13	Nursing Home						\$ -
14	Hospital						\$ -
15	Electric Utility	\$ 4,266,915.00	\$ 500,000.00				\$ 4,766,915.00
16	Solid Waste						\$ -
17	Transportation						\$ -
18	Wastewater	\$ 519,400.00	\$ 2,085,000.00	\$ 14,500.00	\$ 93,623.00		\$ 2,712,423.00
19	Water	\$ 640,340.00	\$ 2,535,000.00	\$ 5,000.00	\$ 224,078.00		\$ 3,404,418.00
20	Other						\$ -
21	Proprietary Function Funds (Page 6)						\$ -
22	Total Disbursements & Transfers (Lns 2 thru 21)	\$ 7,077,895.00	\$ 10,506,500.00	\$ 67,500.00	\$ 675,576.00	\$ -	\$ 18,427,571.00

- (A) Operating Expenses should include Personal Services, Operating Expenses, Supplies and Materials, and Equipment Rental.
- (B) Capital Improvements should include acquisition of real property or acquisition, construction, or extension of any improvements on real property.
- (C) Other Capital Outlay should include other items to be inventoried (i.e. equipment, vehicles, etc.).
- (D) Debt Service should include Bond Principal and Interest Payments, Payments to Retirement Interest-Free Loans from NDA (Airports) and other debt payments.
- (E) Other should include Judgments, Transfers, Transfers of Surplus Fees, and Proprietary Function Funds if a separate budget is filed.

City of David City in Butler County

**AMENDED BUDGET**

Line No.	2018-2019 ADOPTED BUDGET Disbursements & Transfers	Operating Expenses (A)	Capital Improvements (B)	Other Capital Outlay (C)	Debt Service (D)	Other (E)	TOTAL
1	Governmental:						
2	General Government	\$ 311,500.00		\$ 4,000.00			\$ 315,500.00
3	Public Safety - Police and Fire	\$ 287,500.00		\$ 22,000.00			\$ 309,500.00
4	Public Safety - Other						\$ -
5	Public Works - Streets	\$ 599,380.00	\$ 5,839,000.00	\$ 20,000.00	\$ 135,900.00		\$ 6,594,180.00
6	Public Works - Other	\$ 13,750.00					\$ 13,750.00
7	Public Health and Social Services						\$ -
8	Culture and Recreation	\$ 452,450.00	\$ 252,500.00	\$ 2,000.00			\$ 688,950.00
9	Community Development	\$ 6,660.00	\$ 395,000.00		\$ 222,275.00		\$ 623,935.00
10	Miscellaneous						\$ -
11	Business-Type Activities:						
12	Airport						\$ -
13	Nursing Home						\$ -
14	Hospital						\$ -
15	Electric Utility	\$ 4,206,915.00	\$ 500,000.00				\$ 4,788,915.00
16	Solid Waste						\$ -
17	Transportation						\$ -
18	Wastewater	\$ 519,400.00	\$ 5,085,000.00	\$ 14,500.00	\$ 93,523.00		\$ 5,712,423.00
19	Water	\$ 640,340.00	\$ 2,535,000.00	\$ 5,000.00	\$ 224,078.00		\$ 3,404,418.00
20	Other						\$ -
21	Proprietary Function Funds (Page 6)						\$ -
22	Total Disbursements & Transfers (Lns 2 thru 21)	\$ 7,077,895.00	\$ 14,606,500.00	\$ 67,500.00	\$ 675,678.00	\$ -	\$ 22,427,571.00

- (A) Operating Expenses should include Personal Services, Operating Expenses, Supplies and Materials, and Equipment Rental.
- (B) Capital Improvements should include acquisition of real property or acquisition, construction, or extension of any improvements on real property.
- (C) Other Capital Outlay should include other items to be inventoried (i.e. equipment, vehicles, etc.).
- (D) Debt Service should include Bond Principal and Interest Payments, Payments to Retirement Interest-Free Loans from NDA (Airports) and other debt payments.
- (E) Other should include Judgments, Transfers, Transfers of Surplus Fees, and Proprietary Function Funds if a separate budget is filed.

Mayor Zavodny asked if the Public had any comments concerning the Public Hearing. There being no further comments, Mayor Zavodny declared the Public Hearing closed at 7:29 p.m.

Council member Hotovy introduced Ordinance No. 1319 amending the budget for the City of David City for fiscal year 2018 – 2019. Mayor Zavodny read Ordinance No. 1319 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, Meysenburg, Hotovy, and Vandenberg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1319 on the third and final reading. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Kobus, Meysenburg, Trowbridge, Vandenberg, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1319 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1319**  
**AMENDING THE ANNUAL BUDGET**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE BUDGET FOR THE CITY OF DAVID CITY; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR SECTION OF ANY ORDINANCE PASSED AND APPROVED PRIOR TO THE PASSAGE, APPROVAL, AND PUBLICATION OR POSTING OF THIS ORDINANCE, TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, a Notice of Public Hearing was published in the local Banner Press on June 13<sup>th</sup>, 2019 stating that the governing body would meet on the 26<sup>th</sup> day of June, at 7:15 p.m. at the City Office, 557 N 4<sup>th</sup> Street for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to amending the budget which was originally adopted on the 12<sup>th</sup> day of September, 2018;

WHEREAS, the Public Hearing provided a summary of the proposed revised budget and a summary of the originally adopted budget; and

WHEREAS, no one from the public expressed opposition to amending the budget.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. That the budget for the City of David City is hereby amended as presented in the Notice of Public Hearing and approved at the June 26<sup>th</sup>, 2019, Council Meeting.

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

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

PASSED AND APPROVED this 26<sup>th</sup> day of June, 2019.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Jon McCarville and Al Hottovy had called City Clerk Kovar to state that the agenda looked like it might be a late evening and decided that perhaps it would be best to review the punch list concerning the Downtown Project at a later date. Therefore, Council member Trowbridge made a motion to table consideration of the update by Al Hottovy of Leo A. Daly on the project status of the Downtown Renovation Project. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Hotovy, Smith, Vandenberg, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy introduced Ordinance No. 1318 approving, ratifying, and confirming the purchase agreement for the sale of real estate described as Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1<sup>st</sup> Addition, David City, NE to Gary J. and Kimberly S. Meister, d/b/a/ Gary Meister Construction, and authorizing Mayor Zavodny to sign the warranty deed. Mayor Zavodny read Ordinance No. 1318 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1318 on the third and final reading, and authorize Mayor Zavodny to sign the warranty deed. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Smith, Meysenburg, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1318 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1318**

AN ORDINANCE TO CONFIRM THE SALE OF LOT ONE (1) AND THE NORTH TEN FEET (10') OF LOT FOUR (4), ALL IN BLOCK EIGHT (8), LITTY'S FIRST (1<sup>st</sup>) ADDITION TO DAVID CITY, BUTLER COUNTY, NEBRASKA TO GARY J. MEISTER AND KIMBERLY S. MEISTER, HUSBAND AND WIFE AS JOINT TENANTS AND NOT AS TENANTS IN COMMON, d/b/a GARY MEISTER CONSTRUCTION FOR THE PURCHASE PRICE OF

\$20,100.00, THE TERMS OF SALE; TO REPEAL ORDINANCES IN CONFLICT HEREWITH;  
AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDERED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID  
CITY, NEBRASKA.

SECTION 1: The appropriate Resolution was passed by the City Council directing sale for the  
following described real estate, to-wit:

Lot One (1) and the North Ten Feet (10') of Lot Four (4), all in Block Eight  
(8), Litty's First (1<sup>st</sup>) Addition to David City, Butler County, Nebraska.

hereinafter referenced as "Premises".

SECTION 2: The appropriate publication of notice of the proposed sale has been completed.

SECTION 3: The appropriate passage of the thirty-day (30) right-of-remonstrance period has  
passed.

SECTION 4: The City Council did accept the bid of GARY J. MEISTER AND KIMBERLY S.  
MEISTER, HUSBAND AND WIFE AS JOINT TENANTS AND NOT AS  
TENANTS IN COMMON, d/b/a GARY MEISTER CONSTRUCTION FOR THE  
PURCHASE PRICE OF \$20,100.00 at the City Council Meeting held April 24,  
2019 with appropriate public notice.

SECTION 5: Sale of the Premises is hereby confirmed in GARY J. MEISTER AND KIMBERLY  
S. MEISTER, HUSBAND AND WIFE AS JOINT TENANTS AND NOT AS  
TENANTS IN COMMON, d/b/a GARY MEISTER CONSTRUCTION FOR THE  
PURCHASE PRICE OF \$20,100.00.

SECTION 6: The terms of the sale are contained in a Purchase Agreement attached hereto,  
marked Exhibit "A", and incorporated herein by reference as if fully set forth.

SECTION 7: That any other Ordinances or parts of Ordinances passed and approved prior to  
the passage, approval, and publication of this Ordinance and in conflict within  
provisions are hereby repealed.

SECTION 8: This Ordinance stated takes effect and be in full force and effect from and after  
its passage, approval, and publication as required by law.

PASSED AND APPROVED this 26<sup>th</sup> day of June, 2019

\_\_\_\_\_  
Mayor: ALAN ZAVODNY

ATTEST:

\_\_\_\_\_  
City Clerk: JOAN E. KOVAR

TO: EGR, BIRKEL & WOLLMER, P.C.  
PO BOX 46  
DAVID CITY NE 68632

**MUNICIPAL CORPORATION JOINT TENANCY WARRANTY DEED**

**THE CITY OF DAVID CITY, NEBRASKA**, a Nebraska Municipal Corporation, Grantor, a corporation organized and existing under and by virtue of the laws of the State of Nebraska in consideration of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION (\$1.00 & OVC), receipt of which is hereby acknowledged, conveys to

**GARY J. MEISTER AND KIMBERLY S. MEISTER, husband and wife as Joint Tenants and Not as Tenants in Common, d/b/a GARY MEISTER CONSTRUCTION**, Grantees, the following described real estate (as defined in Neb. Rev. Stat. § 76-201) in Butler County, Nebraska:

Lot One (1) and the North Ten Feet (10') of Lot Four (4), all in Block Eight (8), Litty's First (1<sup>st</sup>) Addition to David City, Butler County, Nebraska.

- Grantor covenants with the Grantee that Grantor:
- (1) is lawfully seized of such real estate and that it is free from encumbrances
  - (2) has legal power and lawful authority to convey the same;
  - (3) warrants and will defend the title to the real estate against the lawful claims of all persons.

Executed: June 26, 2019.

THE CITY OF DAVID CITY, NEBRASKA  
A Nebraska Municipal Corporation,

By: \_\_\_\_\_  
ALAN ZAVODNY, Mayor

Attested by: \_\_\_\_\_  
JOAN E. KOVAR, City Clerk

(Corporation Seal)

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF BUTLER     )

The foregoing instrument was acknowledged before me \_\_\_\_\_, 2019 by ALAN ZAVODNY, Mayor and JOAN E. KOVAR, City Clerk, of the City of David City, Nebraska, a Nebraska Municipal Corporation on behalf of the said Municipal Corporation.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

Street Supervisor Chris Kroesing was not present for the meeting and therefore Council member Trowbridge made a motion to table consideration of the bids received for a 4700 set-forward front axle chassis. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

The KENO revenues and the process for keeping the records was discussed. City Clerk Kovar stated she didn't know if it was the fact that they are just getting started, because management has recently changed at the Golf Club, or if the establishments don't push KENO as in comparison to prior years. The City Council questioned if it was actually worth having. Billing Clerk Lori Matchett explained the steps necessary to verify the records stating that it does take up quite a bit of her time. Discussion followed.

Council member Trowbridge suggested finding the earliest threshold for removing the City from KENO. City Attorney Egr stated that he believes there is a specific clause for exiting the agreement, so he will check on this.

Mayor Zavodny stated: "I think that's a really good suggestion so we will plan on doing that, and I think we can do that administratively without any council action."

Council member Trowbridge made a motion to advance to Agenda Item #15 – Consideration of re-appointing the Tree Board to an additional two-year term. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Trowbridge, and Kobus. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to re-appoint the Tree Board Members – Street Supervisor Chris Kroesing, Park/Auditorium Supervisor Bill Buntgen, Electric Supervisor Pat Hoefft, Council member Tom Kobus, and Citizen Roger Comte – each to serve an additional two-year term, July 1, 2019 - June 30, 2021, on the Tree Board. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried. Mayor Zavodny thanked them for their willingness to serve.

Marketing Director Viking Mann of IES Central called in to make a video presentation concerning the Web design. They designed the web site for David City Public Schools. Viking showed several examples, designs, and available options such as mobile applications, pop-ups or a marquee for announcements such as water main breaks, power outages, etc. Discussion followed.

The proposed budgets for Fiscal Year 2019 – 2020 were presented and discussed.

Council member Trowbridge asked: "What message went to our people? Fill the form out. Was there a message we want to stay steady; we want to go down; we want to go up slightly; or was it fill the form out?"

City Clerk Kovar stated: "I basically told them to fill it out according to what they thought they needed for the upcoming budget year."

The following budgets were discussed:

Library:

Mayor Zavodny stated: "I still have great indigestion on the way this whole Library situation is structured in the City. We don't set any of the salaries, it is set outside of our decision making which causes discrepancies among other employees and how theirs are set. I just don't think that's a good way to do this. Nothing against the Library, I just don't like the way this is constructed. Does that make any sense?"

Council Member Trowbridge stated: It makes a lot of sense, but the flip side of that is when you compare what we do control to all of the costs that the Library does not incur in personnel, it's eye opening. Their health insurance is zero, their disability is zero, their Union expenses is zero, their safety is zero, their overtime is zero, we don't buy them any trucks, and their capital improvements are zero. We don't have another department that does that. I'm not going to argue the point but that is the flip side of it."

Mayor Zavodny stated: "That is exactly true. Revenue wise that is a governmental supported item.

Discussion followed. The Council would like Library Director Kay Schmid to report on where she sees the Library in 5 years; how the demographic and technology is changing, trending usages, etc., and consideration of adaptive equipment for the older generation.

Street / Airport / Recycling: We have several streets that need repairs but unfortunately, we don't have the money to address the issues. We will have to prioritize the streets. Street Supervisor Kroesing is supposed to estimate the number of bricks that the City should retain for future replacements, put them on pallets, and store them in a secure facility or area. The rest of the bricks could be sold. The trees in town need to be evaluated and notices sent to property owners with trees in need of pruning, trimming, or total removal. The Airport runway is in good shape and we have the new hangar; it is usable and nice. The Recycling Center was discussed; it needs to stay open as it is becoming more important with the changes at the landfill and increased hauling costs. Some people are using the Goodwill boxes for trash and some people are dumping their trash in the local business dumpsters. Mayor Zavodny stated that we are going to see unauthorized dumping in ditches; we are at the front end of a really huge problem.

City Clerk Kovar questioned the fine process concerning fines that Building Inspector Ray Sueper is issuing. City Attorney Egr stated that after 5 days the City Office staff would give the fines to him (Egr) so that he can file misdemeanor actions at the Court House.

Park/Auditorium/Swimming Pool: Park/Auditorium Supervisor Bill Buntgen stated that he tried to keep his budget down to the 2018 budget. He has been kept busy at the Auditorium with seminars, funerals, and birthday parties. He lowered the bar expenses for resale because they haven't had much in liquor sales recently. The equipment, air-conditioners, lockers, etc. are fine; no major projects coming up. Track: the lines are painted on the track; there is one high spot in lane 7, on the corner, that they need to fix yet. Park: the Fire Marshall made them pour new sidewalks to the new bathrooms in the Park, and that got finished today. The only thing left on this project (new restroom & shelter) is the dirt work and tearing down the old restroom. Swimming Pool: there have been complaints because the swimming pool has been closed so often; some is due to weather; some is a shortage of staff. The shorter swimming season was also discussed, as the pool used to be open to about September 1<sup>st</sup>, but with school starting earlier that makes it difficult. Flexibility of schedules and guarantee of pay was discussed. A grocery store is always open so the employee is guaranteed that pay when they are scheduled to work. At the pool, however, if you are scheduled to work but then it rains, they receive no

pay. It was noted that perhaps a survey should be taken of the lifeguards at the end of the season.

Park/Auditorium Supervisor Bill Buntgen stated that he wanted to spend approximately \$2,000 on new tables for the Auditorium as some of them are getting in really bad shape. The Council approved the expenditure.

Water Department: It was stated that there is so much going on that it was hard to keep track of everything. We are currently short staffed so need to hire additional personnel. The City hired John Kobus in April. Mayor Zavodny stated that by hiring John, so we don't have to outsource it, we are coming out way ahead. John can do the work and the employees can learn by watching him. Discussion followed.

Sewer Department: We also need an additional laborer at the Sewer Treatment Plant. We need to find someone committed to do this work and willing to pursue their certifications. Discussion followed.

Council member Trowbridge stated: "We have lots of people who are really skilled with their hands, have a good work ethic, and they want a decent paying job with good benefits and they can go home at 5:00 o'clock and come back tomorrow morning and leave it all at work. I believe we can find that person

Mayor Zavodny stated: "What I'm hearing is, we are targeting the guys who are going to go out there, the hands-on, changing couplings, laying pipe, that type of an individual who isn't afraid of hard work, and then maybe someone with administrative skills. We need a team built with different skill sets."

Interim Water Supervisor Aaron Gustin stated: "To sign paperwork at the Sewer Treatment Plant, it is quite simple, you just get your sewer operator's license. The next sewer operator's course is, I believe, in October. If we could find somebody with administrative /clerical skills, that is willing to work, in three or four months they could be signing that paperwork, and then we get another hands-on, go-getter type of guy, that can go out there, read meters, John can go out and train Nate (Nathan Styskal), when it comes to the projects we want him to do, and save us a bit of money."

Discussion followed. Substantial completion for the Wastewater Treatment Plant should be November 18, 2019.

General Department, Governmental, etc.: City Clerk Kovar presented the governmental budgets. Discussion followed.

The ball program was discussed; this is currently operated by volunteers. The budget for the Sheriff's contract was discussed. Some citizens have expressed concerns that they haven't really seen patrols, etc., and are questioning if they are getting their monies worth. It was noted that a Town Hall Meeting with the Sheriff's Department should be scheduled sometime in September to discuss this.

Council member Smith excused himself from the meeting at 10:05 p.m.

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council

members Meysenburg, Trowbridge, Vandenberg, Kobus, and Hotovy. Voting NAY: None. Council member Smith was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 10:10 p.m.



CERTIFICATION OF MINUTES  
June 26<sup>th</sup>, 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 June 26<sup>th</sup>, 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