

**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 special meeting of said body and the agenda for such meeting to be held at 6:30 o'clock p.m. on the **26th day of March, 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 21st day of March, 2017.

AGENDA AS FOLLOWS:

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;
4. Consideration of going into Executive Session to discuss a legal issue;
5. Consideration of Henningsen's percentage share of the Wastewater Treatment Plant (WWTP);
6. Consideration of waiving the PH incident charges for Henningsen's;
7. Adjourn.

CITY COUNCIL PROCEEDINGS

March 26, 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 special meeting by publication of notice in The Banner Press on March 22nd, 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, Dana Trowbridge, Patrick Meysenburg, and Kevin Hotovy, and City Clerk Joan Kovar. Council member John Vandenberg and City Attorney Jim Egr were absent.

Also present for the meeting were: Craig Reinsch of Olsson Associates, Dick Schmid, Hank & Bonnie Kobza, Jim & Pam Kabourek, Jeff Hilger, Planning Commission Member Jim Vandenberg, Banner Press Editor Larry Peirce, David McPhillips, Electric Supervisor Pat Hoeft, Sewer Supervisor Travis Hays, Street Supervisor Rodney Rech, Street Employees Chris Kroesing and Mat Asche, and Building Inspector Ray Sueper.

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 asked those present to please silence their cell phones.

Council member Smith made a motion to go into executive session to discuss a legal issue concerning an agreement with Henningsen Foods concerning their required contribution towards the Wastewater Treatment Plant. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Trowbridge, Smith, and Hotovy. Voting NAY: None. Council member Vandenberg was absent. The motion carried.

Mayor Zavodny stated, "At 6:32 p.m. we are going into executive session to discuss a legal issue/ strategy concerning Henningsen Foods contribution towards the Wastewater Treatment Plant." Mayor Zavodny, Council members Hotovy, Smith, Trowbridge, Meysenburg, and Kobus, and City Clerk Kovar went into executive session at 6:32 p.m. Council member Vandenberg and City Attorney Egr were absent.

As City Attorney Egr has advised that a motion and second is not needed to come out of executive session, Mayor Zavodny declared the City Council out of executive session at 7:16 p.m.

Council member Smith made a motion to reset the percentage share of Henningsen's to 65% of the Wastewater Treatment Plant. Council member Meysenburg seconded the motion.

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

Council member Trowbridge made a motion to waive the PH incident charges for Henningsen Foods Inc. effective March 26, 2018, moving forward through the installation period of their PH Batch System, or September 1, 2018, whichever comes first, and then, see if it works. Council member Smith seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Hotovy, Smith, and Trowbridge. Voting NAY: None. Council member Vandenberg was absent. The motion carried.

There being no further business to come before the Council, Council member Trowbridge made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Kobus, and Trowbridge. Voting NAY: None. Council member Vandenberg was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:20 p.m.



CERTIFICATION OF MINUTES
March 26, 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 March 26th, 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