

**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 **11<sup>th</sup> day of January, 2017**, in the meeting room of the City Office, 557 N 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 3<sup>rd</sup> day of January, 2017.

contractors, and directing the advertisement for bids;

**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. Minutes of the December 14<sup>th</sup>, 2016 meetings of the Mayor and City Council; \_\_\_\_\_  
Mayor Alan Zavodny
5. Consideration of Claims;
6. Committee and Officer Reports; \_\_\_\_\_  
Council President Gary D. Smith  
Certificate of Appreciation to Kevin Betzen and Lori Matchett;
7. Consideration of Basic Consulting Services and Related Matters for Task Order 2017-1 – Highway 15 Improvements beyond the Downtown Development Area by Leo A. \_\_\_\_\_  
Council member Thomas J. Kobus  
Daly in the amount of \$85,000; \_\_\_\_\_  
Council member Dana E. Trowbridge
8. Consideration of Ordinance No. 1257 creating Street Improvement District No. 2017-1; (Highway 15 [4<sup>th</sup> Street]; \_\_\_\_\_  
Council member Kevin N. Hotovy
9. Consideration of Ordinance No. 1258 creating Street Improvement District No. 2017-2; (5<sup>th</sup> Street, D Street, and E Street); \_\_\_\_\_  
Council member Patrick J. Meysenburg
10. Consideration of Resolution No. 1 – 2017 approving the plans and specifications for Street Improvement District Nos. 2017–1 and 2017–2; ; approving the form of notice to \_\_\_\_\_  
Council member John P. Vandenberg

---

City Clerk Joan E. Kovar

11. Consideration of Resolution No. 2 – 2017 approving the plans, specifications, and cost estimates for Water System Improvements pursuant to Section 17-534, approving the form of notice to contractors, and directing the advertisement for bids;
12. Consideration of Resolution No. 3 – 2017 evidencing the City Council has authorized the Mayor to sign Municipality Program Agreement No. XL1645 between the State of Nebraska/Department of Roads and the City concerning the reconstruction of a portion of N-15;
13. Consideration of Resolution No. 4 – 2017, a Reimbursement Resolution for Water System Improvements;
14. Consideration of Resolution No. 5 – 2017, a Reimbursement Resolution for Street Improvements;
15. 7:30 Public Hearing to consider the adoption of a One-Year and Six-Year Street Improvement Program for the City of David City, Nebraska;
16. Consideration of Resolution No. 6 – 2017 accepting the One-Year and Six-Year Street Improvement Plans;
17. Consideration of advertising for bids for the Water Main Project and update by Craig Reinsch of Olsson Associates on water projects;
18. Consideration of Letter Agreement Amendment #2 for revising existing design reports for the Wastewater Treatment facilities (2010) and sanitary sewer study (2016);
19. Consideration of impact resistant shingles for the City Maintenance Building;
20. Consideration of the property located at 595 C Street that by Resolution No. 17-2016 was given until January 11, 2017 to abate the nuisance on the property;
21. Consideration of the property located at 715 North 4<sup>th</sup> Street that has been reported to the City;
22. Consideration of the property located at 980 “O” Street that has been reported to the City;
23. Consideration of the property located at 433 East Nebraska Street that has been reported to the City;
24. Consideration of purchasing a “Cash Register” Program;

25. Consideration of going into Executive Session to discuss a legal matter;
26. Adjourn.

## CITY COUNCIL PROCEEDINGS

January 11, 2017

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 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 January 5<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 President Gary Smith, and Council members John Vandenberg, Thomas Kobus, Kevin Hotovy, Dana Trowbridge, and Patrick Meysenburg, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Al Hottovy and Jonathan McCarville of Leo A. Daly, Philip Lorenzen of D.A. Davidson & Co., Craig Reinsch of Olsson Associates, Roger Helgoth, David McPhillips, Jim Vandenberg, Sharon Smith and son Adam Smith, Banner Press Editor Larry Peirce, Utility Billing Clerk Lori Matchett, Street Supervisor Rodney Rech, and Sewer Supervisor Kevin Betzen.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the December 14<sup>th</sup>, 2016 meeting of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Kobus. Voting AYE: Council members Meysenburg, Smith, Hotovy, Trowbridge, Kobus, and Vandenberg. 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 Kobus seconded the motion. Mayor Zavodny stated it was moved and seconded and asked for any further discussion.

Council member Trowbridge, who serves on the Finance Committee, stated: "It was an interesting 3½ hour trip through those two boxes (claims); brings out a couple things that are bothersome, not anything that I think we are going to point fingers out or pull out of the pile, but I think we need to help our employees understand that there's probably something such as a "community standard" as to how we buy things for the people that pay the bills, the tax payer and the rate payer. If they need a flashlight they go down and probably ten or twelve bucks would cover most of them, but we elect to spend \$45 to \$50 on ours, and I struggle with things

like that. Overtime looks like it may be becoming an issue again; we will visit about that some other day. The last thing is, we need to keep that person out there who is paying the bill in mind. I spoke some time back of this little elderly person that has a \$900 social security check and that's all the income they've got, and we've got to keep them in the front of our mind as we go through this, doing the business of the City of David City."

Voting AYE on the motion to approve the claims: Council members Hotovy, Meysenburg, Vandenberg, Kobus, Trowbridge, and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports, and presented certificates of appreciation to Lori Matchett and Kevin Betzen, each, which stated: "In grateful acknowledgement of five years of faithful and efficient service to this community".

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

Council member Trowbridge made a motion to engage Leo A. Daly for basic consulting services and related matters for Task Order 2017-1 – Highway 15 improvements beyond the Downtown Development Area in the amount of \$85,000. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Smith, Hotovy, Vandenberg, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

**TASK ORDER – SCOPE OF SERVICES AND FEES FOR PROFESSIONAL SERVICES  
REFERRED TO IN THE AGREEMENT BETWEEN LEO A DALY AND  
CITY OF DAVID CITY, NEBRASKA**

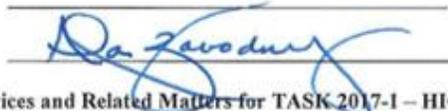
**TASK ORDER NO:** 2017-1 – ADDITIONAL SERVICES TO COVER NDOR CORRIDOR DESIGN.  
**PROJECT NAME:** PREPARATION OF CONSTRUCTION DOCUMENTS FOR HIGHWAY 15 FROM “C TO IOWA” STREET, MARKINGS FROM IOWA STREET TO AQUINAS HIGH SCHOOL DRIVEWAY, AND FROM RAILROAD CROSSING NORTH OF “E” STREET TO THE NORTH CITY LIMIT LINE AS DISCUSSED AND REQUESTED BY THE NDOR AS PART OF THE DOWNTOWN IMPROVMENTS BY LEO A DALY.

**DATED:** JANUARY, \_\_\_\_\_, 2017

Signed and Approved By:

LEO A DALY:

CITY OF DAVID CITY



Description of Basic Consulting Services and Related Matters for TASK 2017-1 – HIGHWAY 15 IMPROVEMENTS BEYOND THE DOWNTOWN DEVELOPMENT AREA.

---

**A. The Basic Services are premised on the following general scope of professional services.**

**1. COLLECT FIELD TECHNICAL INFORMATION FOR PROJECT AND CONDUCT TECHNICAL MEETINGS IN LINCOLN WITH NDOR STAFF.**

- a) Up to six meetings with the NDOR Staff to collect technical information that will be incorporated into the overall plan.
- b) Alternative layout, cross-sections of Highway 15 through the City of David City, Nebraska.

**2. TOPOGRAPHIC SURVEY & GEOTECHNICAL INVESTIGATION.**

- a) Conduct topographic survey of additional areas and add aerial coverage for the corridor. (Fee is \$12,000)

**3. PRELIMINARY ENGINEERING & FINAL ENGINEERING DESIGN**

- a) Provide alignments of storm sewer system, highway improvements, water and or sewer system crossing coordination, railroad crossing permit, and lighting for highway corridor.
- b) Provide cross-sections of the proposed improvements as per NDOR CRITERIA.
- c) Identify areas of land acquisitions, special permits, and other key design issues.
- d) Provide list of conflict points along the route. During the Final Design these conflict points will be reviewed and analyzed for proper design consideration to make the system work.
- e) Preparation of final construction documents including technical specifications for the project
- f) Preparation of final cost estimate for the project.
- g) Assist City with NDOR's reimbursement agreement for the said improvements.

**4. BIDDING PROCESS. (AS PART OF CITY CONTRACT)**

- a) Work with Bond Counsel at the direction of the City for review of documents.
- b) Provide notice-to-bidders for David City for publication in the David City Area Legal Paper.
- c) Sending out notice-to-bidders to potential contractors in the region.
- d) Receive questions and submit Addenda as required prior to the bid date.
- e) Conduct a pre-bid conference with potential contractors in David City.
- f) Attend the bid opening in David City.
- g) Review the bids and make recommendation with NDOR for contract approval.

**5. CONSTRUCTION PROCESS.**

- a) Prepare and distribute for signatures, after the award of the project, the contract documents.
- b) Provide construction control stakes for the construction of the project.
- c) Provide quality control testing for the construction.
- d) Provide full time construction observation during critical phases of the project.
- e) Provide daily observation trips to the site during non-critical phases of the project.
- f) Prepare and obtain approval for change orders, as required, during the construction of the project.
- g) Prepare monthly payment estimates submitted by the contractor for approval by the City.
- h) Coordinate the requirements for the project by NDOR if required.
- i) Prepare substantial completion process and project closeout documentation for the project.
- j) Deliverables:
  - i. Attend bi-monthly City staff meetings.
  - ii. Submit status reports to the City.
  - iii. Assist with NDOR and Bond Counsel coordination.
  - iv. As-built documents.
  - v. Final sets of plans and specifications as-built and electronic files for the City.

**B. SCHEDULE OF FEES FOR TASK ORDER 2015-1, EXCEPT CONSTRUCTION PROCESS.**

ITEM	FEE TYPE	AMOUNT
Item A1, A2, A3, above – Basic Services for Task Order 2017-1	Lump Sum	\$ 85,000
Item A4, above – Bidding Process	Lump Sum	PART OF CITY CONTRACT
Item A5, above – Construction Process	Hourly with a Not-to-Exceed To Be Negotiated	

**TOTAL LUMP SUM FEE FOR TASK ORDER 2017-1:      A1 – A4      \$ 85,000**

*Reimbursable expenses are included in the lump sum fee above.*

Phil Lorenzen, of D.A. Davidson & Company, stated: “On the creation of the street improvement district, both this district and the next proposed district, there’s a finding within the ordinance that they could constitute general public improvements and should not give rise to special assessments which was the intent; because of that, you simply need to pass both of the ordinances. The ordinances will be published, preferably in their entirety rather than in pamphlet form, in the newspaper one time, and then once you’ve gone through that time period, where you’ve published the ordinance and it’s effective and you have the mechanism then to go ahead and 1) contract for the improvements and 2) to provide the financing for the improvements. The intent of course is that it will be paid for through the approved extension of the sales tax through 2020. (Note: the 1.5% sales tax scheduled to terminate October 1, 2020 was extended for an additional 10 years and will terminate on October 1, 2030.)

Mayor Zavodny stated: “We want to be absolutely clear, we are not asking for any assessments from any property owners.”

Council member Hotovy introduced Ordinance No. 1257 creating Street Improvement District No. 2017-1 (Highway 15). Mayor Zavodny read Ordinance No. 1257 by title. Council member Smith 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, Hotovy, Meysenburg, Kobus, Trowbridge, and Smith. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1257 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Meysenburg, Vandenberg, Trowbridge, Kobus, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1257 was passed on 3<sup>rd</sup> and final reading as follows:

CITY OF DAVID CITY, NEBRASKA

**ORDINANCE NO. 1257**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2017-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Section 1. The Mayor and City Council of the City of David City, Butler County, Nebraska, hereby find and determine that it is in the best interests of the City that Nebraska State Highway 15, (4<sup>th</sup> Street) from the south right-of-way line of Iowa Street, north to the north right-of-way line of O Street within the City of David City (a distance of approximately 6,250 feet) be improved as hereinafter described; and that it is in the best interests of the City of David City to create an Street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of David City, Nebraska, a Street improvement district to be known and designated as Street Improvement District No. 2017-1, the outer boundaries of which shall contain the following property:

- Block 1, 2, 5 and 6 of Garlow's Addition;
- Lots 2, 3, 6, 7, and 10, of Block 4; Lots 1, 4, 5, 8, and 9 of Block 5; Lots 1, 4, 5, 8, 9, and 12 of Block 10; Lots 2, 3, 6, 7, 10, and 11 of Block 11; Lots 12 – 18 of Block 18; Lots 1 – 12 of Block 19; Lots 1 – 12 of Block 24; the west one-half of Block 25; Lots 12 – 18 of Block 32; Lots 1 – 12 of Block 33; Lots 1, 4, 5, 8, 9, 12 of Block 38; Lots 2, 3, 6, 7, 10, and 11, of Block 39; Lots 2, 3, and 6 of Block 46; Lots 1, 4, and 5 of Block 47 as platted in the Original Town plat;
- Lots 2, 3, 6, 7, 10, and 11 of Block 2; Lots 1, 4, 5, 8, 9, and 12 of Block 3; Lots 1, 4, 5, 8, 9, and 12 of Block 4; Lots 2, 3, 6, 7, 10, and 11 of Block 5; Lots 2, 3, 6, 7, 10, and 11 of Block 8; Lots 1, 4, 5, 8, 9, and 12 of Block 9 as platted in Litty's 1<sup>st</sup> Addition;
- Lots 2, 3, 6, 7, 10, and 11 of Block 7; Lots 1, 4, 5, 8, 9, and 12 of Block 8 as platted in Will Thorpe & Perkins First Addition plat;
- Lots 2, 3, 6, 7, 10, and 11 of Block 7; Lots 1, 4, 5, 8, 9, and 12 of Block 8 as platted in Will Thorpe & Perkins Second Addition plat;
- Lots 2, 3, 6, 7, 10, and 11 of Block 7, Lots 2, 3, 6, 7, 10, 11 of Block 8 as platted in David City Land and Lot Company Addition; and
- The east one-half of Block 1 and Lots 1 – 3 Block 2 as platted in Green Acres Addition.

Within said District the following Street shall be improved by removal of existing surfaces, grading, subsurface preparation, and construction of curb and gutter as necessary, concrete pavement, storm drainage improvements, miscellaneous sanitary sewer, water and utility improvements, traffic control systems, signage, and other necessary related appurtenances:

Nebraska State Highway 15, (4<sup>th</sup> Street) from the south right-of-way line of Iowa Street, north to the north right-of-way line of O Street within the City of David City (a distance of approximately 6,250 feet)

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of David City, and shall be constructed in accordance with plans and specifications to be prepared by LEO A DALY, Consulting Engineers for the City, which plans shall be approved by the Mayor and City Council.

Section 4. The Mayor and City Council hereby determine that the construction of improvements in said Street Improvement District No. 2017-1 consist of general public improvements and shall be funded at public cost as provided in Section 17-509, Reissue Revised Statutes of Nebraska, 2012. No notice of creation shall be required.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 11<sup>th</sup> day of January, 2017.

---

Mayor Alan Zavodny

ATTEST:

---

City Clerk Joan Kovar

(SEAL)

Council member Trowbridge introduced Ordinance No. 1258 creating Street Improvement District No. 2017-2 (5<sup>th</sup> Street, D Street, & E Street). Mayor Zavodny read Ordinance No. 1258 by title. Council member Smith 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, Hotovy, Meysenburg, Kobus, Smith, and Trowbridge. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1258 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Meysenburg, Smith, Hotovy, and Kobus. Voting NAY: None. The motion carried and Ordinance No. 1258 was passed on 3<sup>rd</sup> and final reading as follows:

CITY OF DAVID CITY, NEBRASKA

**ORDINANCE NO. 1258**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF DAVID CITY TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2017-2; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN.

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

Section 1. The Mayor and City Council of the City of David City, Butler County, Nebraska, hereby find and determine that it is in the best interests of the City that 5<sup>th</sup> Street from the south right-of-way line of C Street north to the north right-of-way line of the Rio Grande Railroad right-of-way; D Street from the east right-of-way line of Nebraska State Highway 15 (4<sup>th</sup> Street) east to the east right-of-way line of 6<sup>th</sup> Street; and, E Street from the west right-of-way line of 3<sup>rd</sup> Street, east to the east right-of-way line of 6<sup>th</sup> Street; including all intersections, be improved as hereinafter described; and that it is in the best interests of the City of David City to create a Street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of David City, Nebraska, a Street improvement district to be known and designated as Street Improvement District No. 2017-2, the outer boundaries of which shall contain the following platted property within the City of David City:

- Lots 1 – 12 and Lot 18 of Block 17; Lots 1 – 12 and Lots 19 – 24 of Block 18; Lots 1 – 24 of Block 26; all of Block 25; Lots 1 – 12 and Lots 19 – 24 of Block 32, and Lots 1 – 13 of Block 31, and Lots 12 and 18 of Block 19; and Lots 12 – 18 of Block 24, of the Original Town Plat, within the City of David City, Nebraska.

Within said District the following Streets shall be improved by removal of existing surfaces, grading, subsurface preparation, and construction of curb and gutter as necessary, concrete pavement, storm drainage improvements, miscellaneous sanitary sewer, water and utility improvements, traffic control systems, signage, and other necessary related appurtenances:

5<sup>th</sup> Street from the south right-of-way line of C Street north to the north right-of-way line of Rio Grande Railroad right-of-way; D Street from the east right-of-way line of Nebraska State Highway 15 (4<sup>th</sup> Street) east to the east right-of-way line of 6<sup>th</sup> Street and E Street from the west right-of-way line of Nebraska State Highway 15 (4<sup>th</sup> Street) west to the west right-of-way line of 3<sup>rd</sup> Street; and, E Street from the east right-of-way line of Nebraska State Highway 15 (4<sup>th</sup> Street) east to the east right-of-way line of 6<sup>th</sup> Street; including all intersections.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of David City, and shall be constructed in accordance with plans and specifications to be prepared by LEO A DALY, Consulting Engineers for the City, which plans shall be approved by the Mayor and City Council.

Section 4. The Mayor and City Council hereby determine that the construction of improvements in said Street Improvement District No 2017-2 consist of general public improvements and shall be funded at public cost as provided in Section 17-509, Reissue Revised Statutes of Nebraska, 2012. No notice of creation shall be required.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 11<sup>th</sup> day of January, 2017.

---

Mayor Alan Zavodny

ATTEST:

---

City Clerk Joan Kovar

(SEAL)

Council member Vandenberg made a motion to advance to Agenda Item #12 – *Consideration of Resolution No. 3 – 2017 evidencing the City Council has authorized the Mayor to sign Municipality program Agreement No. XL1645 between the State of Nebraska/ Department of Roads and the City concerning the reconstruction of a portion on N-15–*, and following return to agenda Item #10. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Meysenburg, Smith, Hotovy, Kobus, and Vandenberg. Voting NAY: None. The motion carried.

Street Supervisor Rodney Rech expressed some concerns regarding the proposed agreement with the State of Nebraska and the municipality's responsibilities. The proposed agreement under Section 4. Municipality's Responsibilities states:

**SECTION 4. MUNICIPALITY'S RESPONSIBILITIES**

**Municipality agrees:**

- 4.1 To design or caused to be designed the modifications to N-15 made necessary by the improvements at Municipality's cost.
- 4.2 To complete the construction on N-15 no later than October 15, 2017, including striping of the highway.
- 4.3 To manage the detour for construction of N-15, including traffic control, within the Municipality's street network.
- 4.5 To present to State for review and approval, an Application to Occupy Right of Way, complete with plans and specifications for the aforementioned modifications to N-15, sealed and signed by a Registered Professional Engineer licensed to practice in the State of Nebraska. These plans shall include temporary and permanent traffic control.
- 4.6 To contact the State's Highway District Engineer's office at the specific milestones in the construction, as detailed below, to allow State, if State so chooses, to inspect the completed work and the preparation for the next phase of construction:
  - a. Forty-eight hours prior to commencing work for the purpose of coordinating the work and establishing contact information.
  - b. Immediately following the installation of the traffic control devices and prior to commencing construction activities to allow for review of the installation of the traffic control devices.
  - c. After removals are marked out on the pavement and prior to commencing removals to allow for the review of the removal areas.
  - d. After the preparation of the subgrade and prior to placement of permanent pavement, to allow the review of the preparation of the base, formwork and placement process.
  - e. Twenty-four hour notice shall be given prior to placement of permanent pavement to allow State to be present during the placement of the permanent pavement.
  - f. Twenty-four hour notice shall be given prior to placement of permanent pavement marking to allow State to inspect the lay out and the placement of the permanent pavement marking.
  - g. Upon completion of the work to facilitate a final inspection of the completed work.

- 4.7 To conduct the construction of the improvements to N-15 according to the plans and specifications approved by State. To present for the approval of State changes in the approved construction plans prior to accomplishing the change.
- 4.8 To install, prior to construction and to maintain during construction, traffic control devices in accordance with the traffic control plans approved by State. To present for approval of State, changes in the approved traffic control plans prior to accomplishing the change.
- 4.9 To notify in writing the State's District Engineer, or their designee, of the completion of the work for inspection by State. This notice of completion shall be accompanied by a certification stamped and sealed by the Professional Engineer supervising the construction that the work was accomplished in accordance with the approved plans and specifications.
- 4.10 To invoice State's District Engineer for State's portion of the completed and accepted work. The invoice shall not be sent until Municipality has received the District Engineer's written concurrence that the work contemplated under this Agreement has been completed in a satisfactory manner. State will pay Municipality as outlined in Section 5 of this Agreement.
- 4.11 That State has the authority to make future modifications to N-15 as necessary to address the needs of traffic operations or public safety.
- 4.12 That any additional property rights made necessary to maintain and operate N-15 by the construction of the improvements will be deeded to State by Municipality at no cost to State.
- 4.13 To provide As-Built drawings and electronic MicroStation files of the drawings of the final constructed N-15 and appurtenances as contained in the design.
- 4.14 To conduct regularly scheduled weekly construction progress meetings throughout the duration of the improvements and notifying the District Engineer or authorized representative as to the Date, Time, and Location of the meetings

Street Supervisor Rodney Rech asked: "This agreement says: the Municipality agrees to complete the construction; to manage the detour; to present to State for review; to conduct the construction; to install traffic control devices; to invoice the State

Al Hottovy, Vice President of Leo A. Daly stated: "That's all part of the agreement and then they are going to reimburse you for all that work."

Street Supervisor Rodney Rech asked: "But who does it, the contractor?"

Al Hottovy stated: "Yes, the contractor will do it. The maintenance people from the Department of Roads will come and take the signs down off of Highway 15. All the rest of the stuff that's on the City part we have to work with the street crew to take those down, salvage them, and get them put back up. The only thing I can see the State doing is taking those signs down and putting them back up. Everything else will be in our documents, showing what has to be done and our specifications, and they'll be coordinated and directed by the City of David City and then you'll get reimbursed."

Street Supervisor Rodney Rech stated: "I have no problem with taking signs down that are ours. My problem is managing the detour, detour signs and traffic control, because you're talking a lot of money to put detour signs up and all that."

Al Hottovy said: "The contractor is going to do that as part of the traffic phasing. The State is going to put two LED signs on Highway 15; it is going to say "Closed; open for local traffic only". We also got approval yesterday from the State, and Jon is working with the Railroad, we can use 6<sup>th</sup> Street as the detour which means we can entirely close part of the highway and get it done quicker and then bring them back to the flashing signal. So that phasing came a long way yesterday. The detour's going to be moving, and we will shut down Highway 15 from "C" Street all the way down to Iowa Street, and they'll get in and out of there quicker than if we had to phase that and build it half at a time, and the State agreed to that yesterday."

Mayor Zavodny asked: "But we are going to stop trucks at the 3 mile corner and the 6 mile corner?"

Al Hottovy said: "Yes, not us, the State's putting that one up."

Mayor Zavodny stated: "As I read this, it started to make me uncomfortable because it seemed like a lot of it was put back on us to make sure everything was okay, and who's looking out for us during this?"

Al Hottovy stated: "If you read this it states that a civil engineer has to be on sight, and you are covered there with Leo A. Daly."

Mayor Zavodny stated: "Talk me through this detour one more time. We recognize we don't have a really good option here. None of our chosen potential routes are ideal by any standard and we're running traffic past schools, etc."

Council member Trowbridge asked: "What do we do when a trucker who doesn't believe the sign shows up down here?"

Al Hottovy stated: "There are going to be some making deliveries here. That would have to be your local sheriff."

Discussion continued regarding the detour and if scheduling deliveries would be a necessity. The detour could continue for 2 to 3 months. They chose 6<sup>th</sup> Street because it's not brick south of "C" Street.

Street Supervisor Rodney Rech stated: "Basically everything should be turned over on the City's side of it to the contractor since we're hiring a contractor to do our street project."

Al Hottovy stated: "That's true, that's correct." Discussion followed.

Al Hottovy stated that the current agreement states that "State's reimbursement to Municipality shall be based on the final measured quantities and unit prices bid for the items State has agreed to participate in as stipulated in Section 5.2 of this Agreement. State's reimbursement to Municipality under this Agreement will not exceed \$1,600,000.00." The State has decided that they will change the agreement from "up to \$1,600,000.00" to \$1,600,000.00.

Street Supervisor Rodney Rech asked: "From 'C' Street south to Iowa, are they doing the returns back to the sidewalk?" Al responded "yes". Rodney stated that water sets on every one of the corners and Al stated that new inlets would be installed on each one of them and they are replacing each sidewalk because ADA ramps need to be installed. Mayor Zavodny stated that some of the intersections needed to be cut wider, such as 4<sup>th</sup> & "I" Street, 4<sup>th</sup> & Nebraska Street, and 4<sup>th</sup> & B Street, as some of the delivery trucks can't make the corner; "If we are doing this we need to do it right."

City Clerk Kovar asked when the City would receive the new agreement from the State and Al Hottovy said within the week as their attorneys are reviewing it.

Council member Trowbridge made a motion to table consideration of Resolution No. 3 – 2017 concerning the new Municipality Program Agreement No. XL1645 between the State of Nebraska/ Department of Roads and the City. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Smith, Kobus, Meysenburg, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried.

**RESOLUTION NO. 3 - 2017**

RESOLUTION APPROVING THE MUNICIPALITY PROGRAM AGREEMENT WITH THE NEBRASKA DEPARTMENT OF ROADS (NDOR) FOR CONSTRUCTION OF PROJECT S-15-2(1029), CONTROL NUMBER 13365, INCLUDING RECONSTRUCTION OF SEVERAL BLOCKS OF MUNICIPAL STREETS IN THE VICINITY OF N-15 AND 'D' STREET, INCLUDING RECONSTRUCTION OF N-15 WHICH CONSISTS OF THE RESTRIPEING OF N-15 INTO A THREE LANE ROADWAY, ALL OF WHICH IS IN THE CITY OF DAVID CITY, NEBRASKA CORPORATE LIMITS.

BE IT RESOLVED, by the Mayor and City Council of the City of David City, Nebraska:  
That the Municipality Program Agreement is hereby approved.

Passed this \_\_\_\_ day of \_\_\_\_\_ 2017.

CITY OF DAVID CITY, NEBRASKA

**TABLED**

\_\_\_\_\_  
Mayor Alan Zavodny

**TABLED**

\_\_\_\_\_  
City Clerk Joan Kovar

Council member Hotovy introduced Resolution No. 1 – 2017 approving the plans and specifications for Street Improvement District Nos. 2017-1 and 2017-2, approving the form of notice to contractors, and directing the advertisement for bids. Council member Trowbridge

seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 1 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 1 – 2017**

RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF IMPROVEMENTS AS DESCRIBED IN THE ORDINANCES OF CREATION FOR STREET IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2017-1 AND 2017-2, IN THE CITY OF DAVID CITY, NEBRASKA, AS PREPARED BY LEO A DALY, THE CITY'S CONSULTING ENGINEERS, APPROVING THE FORM OF NOTICE TO CONTRACTORS AND DIRECTING THE ADVERTISEMENT FOR BIDS.

BE IT RESOLVED, by the Mayor and City Council of the City of David City, Nebraska:

That the plans and specifications prepared by Leo A. Daly, the City's Consulting Engineers and filed in the office of the City Clerk for the construction of street improvements and related appurtenant improvements in Street Improvement District Nos. 2017-1 and 2017-2 in the City of David City, Nebraska, to be constructed and financed as provided for the Ordinances of creation of said Districts, be and the same are hereby approved and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Consulting Engineers.

Passed this 11<sup>th</sup> day of January, 2017.

CITY OF DAVID CITY, NEBRASKA

\_\_\_\_\_  
Mayor Alan Zavodny

ATTEST:

\_\_\_\_\_  
City Clerk Joan Kovar

[SEAL]

Council member Hotovy introduced Resolution No. 2 – 2017 approving the plans, specifications, and cost estimates for Water System Improvement – Downtown Project – pursuant to Section 17-534, approving the form of notice to contractors, and directing the

advertisement for bids. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Trowbridge, Hotovy, Kobus, and Vandenberg. Voting NAY: None. The motion carried and Resolution No. 2 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 2 - 2017**

RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND ESTIMATE OF COST FOR CONSTRUCTION OF WATER MAINS AND OTHER RELATED WATER SYSTEM IMPROVEMENTS IN THE CITY OF DAVID CITY, NEBRASKA, AS PREPARED BY LEO A DALY, THE CITY'S CONSULTING ENGINEERS, APPROVING THE FORM OF NOTICE TO CONTRACTORS AND DIRECTING THE ADVERTISEMENT FOR BIDS.

BE IT RESOLVED, by the Mayor and City Council of the City of David City, Nebraska:

That the plans, specifications and estimate of cost in the amount of \$1,200,000.00 (1.2 million) prepared by Leo A. Daly, the City's Consulting Engineers and filed in the office of the City Clerk for the construction of water system improvements consisting of maintenance, extension, improvement and enlargement of the existing system of water works of the City, including water mains and other related water system improvements in the City of David City, Nebraska, to be constructed and financed under authority of Section 17-534, Reissue Revised Statutes of Nebraska, 2012, be and the same are hereby approved and the City Clerk is directed to advertise for bids in the form of the notice prepared by the City's Consulting Engineers.

Passed this 11<sup>th</sup> day of January, 2017.

CITY OF DAVID CITY, NEBRASKA

---

Mayor Alan Zavodny

ATTEST:

---

City Clerk Joan Kovar

Phil Lorenzen provided a note of explanation for Resolution No. 4 – 2017 stating: "Under the current Internal Revenue Code a City can advance money from other funds on hand, surplus funds, reserves, etc., any funds that are available to you for some additional costs of a project and so forth. It's a belt and suspenders approach; it's a good idea in all these projects to put in place a reimbursement resolution. It doesn't mandate that you borrow, it gives you the ability to borrow. In the absence of a reimbursement resolution you could expend funds for hard

construction costs; soft costs of engineering, legal, and so forth are exempted from requiring a reimbursement resolution, but if you make the hard construction cost expenditure and you don't have a reimbursement resolution, or you don't issue indebtedness to fund that item within 60 days, then the only way you can fund that and reimburse yourself is through the issuance of taxable bonds under the Internal Revenue Code. So this is just to give you the assurance that if you advance some funds you can go ahead and borrow the money on a tax exempt basis.

Council member Trowbridge introduced Resolution No. 4 – 2017 a reimbursement resolution for water system improvements. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Hotovy, Meysenburg, Smith, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 4 - 2017 was passed and adopted as follows:

### **RESOLUTION NO. 4 - 2017**

BE IT RESOLVED by the Mayor and Council of the City of David City, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City of David City and, in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the City in connection with the construction of certain water mains and necessary related appurtenant improvements in the City of David City , Nebraska, in pursuance of Section 17-534, R.R.S. Neb, 2012.

Section 2. This reimbursement resolution shall stand as a statement of the official intent of the City under IRS Regulation Section 1.150-2 and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond anticipation notes or bond proceeds provided is the construction of certain water mains and necessary related appurtenant improvements as set out above in Section 1 hereof.
2. The principal amount of notes or bonds expected to be issued by the City for that portion of improvements pertaining to this reimbursement resolution is estimated to not exceed \$1,200,000.00 (\$1.2 million)

PASSED AND APPROVED this 11<sup>th</sup> day of January, 2017.

ATTEST

\_\_\_\_\_  
Mayor Alan Zavodny

\_\_\_\_\_  
City Clerk Joan Kovar

[SEAL]

Council member Trowbridge introduced Resolution No. 5 – 2017 a reimbursement resolution for street improvements. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 5 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 5 - 2017**

BE IT RESOLVED by the Mayor and Council of the City of David City, Nebraska, as follows:

Section 1. The Mayor and Council hereby find and determine that it is necessary and appropriate to declare an official intent to issue tax-exempt bond anticipation notes or bonds by the City of David City and, in addition, the City's reasonable expectations to reimburse certain expenditures with the proceeds of such bond anticipation notes or bonds as proposed to be issued by the City in connection with the construction of certain street and related appurtenant improvements in the City of David City , Nebraska, as provided for and as described in Ordinance No. 1257 and Ordinance 1258 as passed and adopted by the City.

Section 2. This reimbursement resolution shall stand as a statement of the official intent of the City under IRS Regulation Section 1.150-2 and for such purpose the following information is hereby given:

1. A general functional description of the project for which expenditures may be made and reimbursement from bond anticipation notes or bond proceeds provided is the construction of certain street and related appurtenant improvements as set out above in Section 1 hereof.
2. The principal amount of notes or bonds expected to be issued by the City for that portion of improvements pertaining to this reimbursement resolution is estimated to not exceed \$1,000,000.00 (One million).

PASSED AND APPROVED this 11<sup>th</sup> day of January, 2017.

ATTEST

---

Mayor Alan Zavodny

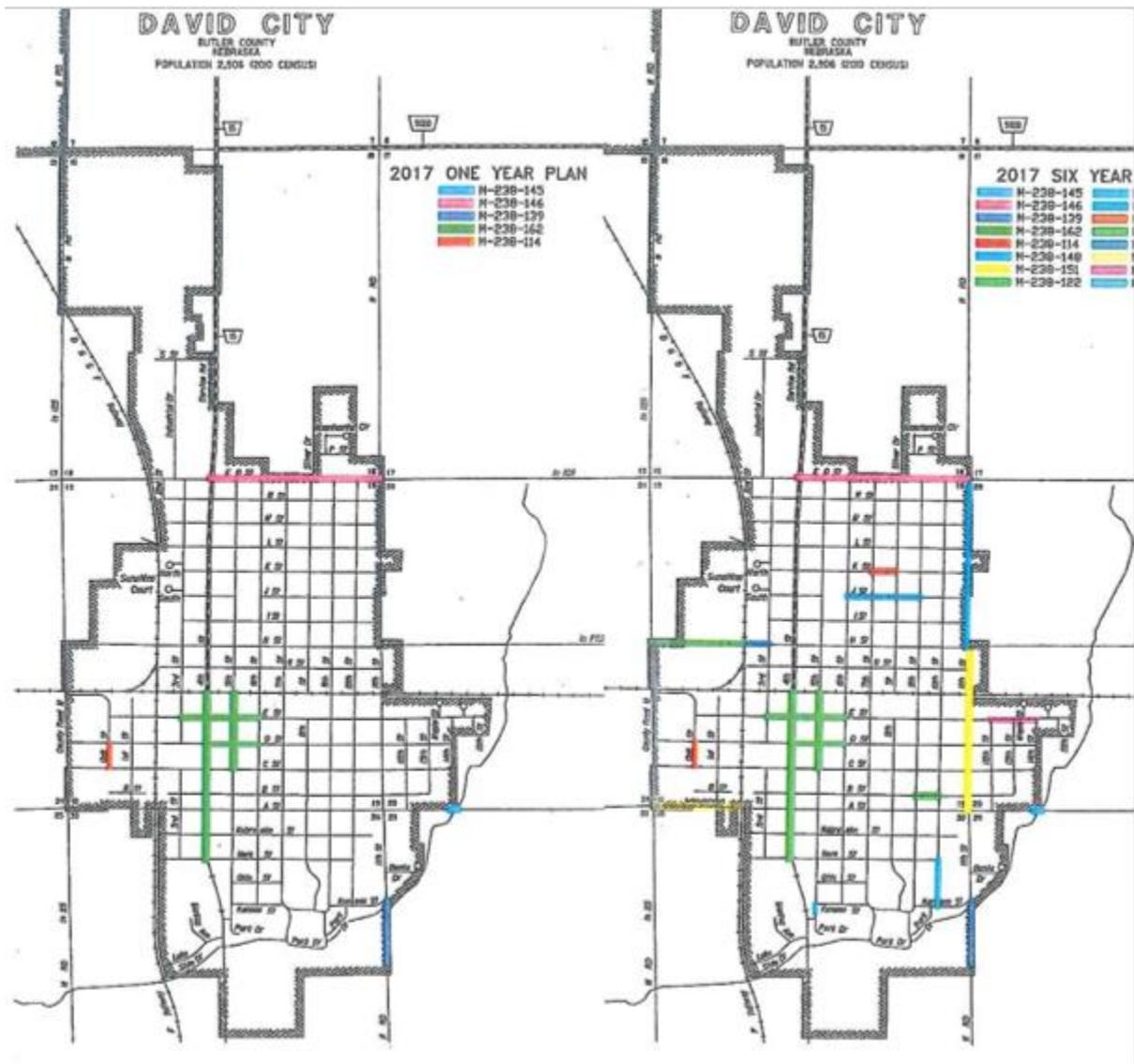
---

City Clerk Joan E. Kovar

[SEAL]

Mayor Zavodny opened the Public Hearing at 7:49 p.m. to consider the adoption of a One-Year and Six-Year Street Improvement Program for the City.

Craig Reinsch of Olsson Associates stated that Street Superintendent Denny Graham and Matt Rief were not able to attend so he would be presenting. The One Year Plan consists of five projects: the Downtown Project, the "O" Street Project, the A Street Culvert Bridge, 11<sup>th</sup> Street from Kansas to the St. Mary's Cemetery, and Oak Street from C to D Street, estimated at \$9,555,000. There are eleven projects on the Six Year Street Plan estimated at \$3,724,000.



Discussion followed.

Mayor Zavodny closed the Public Hearing at 7:57 p.m. Council member Hotovy introduced Resolution No. 6 – 2017 accepting the One-Year and Six-Year Street Improvement Plans and moved for its passage and adoption. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Smith, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 6 - 2017 was passed and approved as follows:

**RESOLUTION NO. 6 – 2017**

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on January 13, 2016, in accordance with the requirements of the Board of Public Roads Classifications and Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the One Year and Six Year Street Improvement Plans for Streets, as presented at the public hearing, are unanimously accepted and the City Clerk is hereby instructed to forward a certified copy of this resolution to the Board of Public Roads Classification and Standards of the State of Nebraska.

PASSED AND APPROVED this 11<sup>th</sup> day of January, 2017.

---

Mayor Alan Zavodny

---

City Clerk Joan E. Kovar

Craig Reinsch of Olsson Associates explained the water main project was designed to install or replace approximately 11 blocks of water main as part of a phased overall distribution system improvement plan. The project would include a new 8-inch water main extension along M Road and 35.5 Road/ H Street. New and replacement 8-inch water main would be installed from the alley east of 4<sup>th</sup> and C Streets, west to 3<sup>rd</sup> Street, and south to Iowa Street, as well as along Iowa Street from 4<sup>th</sup> to 7<sup>th</sup> Streets.

Mayor Zavodny asked: "On the urgency scale, where does this really fall? What are we really fixing by addressing this at this time?"

Kevin Betzen stated: "Poor water quality, bad breaks, and hardly any flow."

Discussion followed. It was noted that if we are going to be mandated to do something at the wastewater treatment plant, this might not be the time for this.

Council member Trowbridge made a motion to table indefinitely, consideration of advertising for bids for the Water Main Project. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Smith, Kobus, Hotovy, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

Craig Reinsch of Olsson Associates presented the following:

Council Information Sheet  
Wastewater Treatment Plant Improvements  
Contract Amendment #2  
David City, Nebraska

- This is part of addressing the improvements required by the City's NPDES Permit updates to have engineering plans submitted by December 2017;
- Contract amendment is for the updated cost and comparison required for USDA funding.
- This will amend or update the WWTP – Anaerobic Lagoon Design from 2011 (Olsson Project No. 009-1925) and the Infiltration/inflow study completed in late 2016 (Olsson Project No. 016-0614)
- WWTP Contract was set up to only proceed to the next phase(s) with Council approval
- Proposed Amendment #2 is \$8,740.
- Henningsen Foods was set to pay 65% as part of Amendment #1. This will be confirmed by Amendment #2.
- Authorized contract amount prior to Amendment #2 was \$169,344, of which nearly 65% has been utilized.
- Work will be budgeted for Fiscal Year 2017.

Discussion followed.

Council member Trowbridge made a motion to approve Letter Agreement Amendment #2 with Olsson Associates, Inc. in the amount of \$8,740.00 to revise the existing design reports for the wastewater treatment facilities (2010) and sanitary sewer study (2016) to be in compliance with the United States Department of Agriculture – Rural Development (USDA-RD) as part of their funding offer and requirements. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Smith, Vandenberg, Meysenburg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.



## LETTER AGREEMENT AMENDMENT #2

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated August 31, 2009 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: David City, Nebraska

Project Description: Revising existing design reports for the wastewater treatment facilities (2010) and sanitary sewer study (2016) to be in compliance with the United States Department of Agriculture – Rural Development (USDA-RD) as part of their funding offer and requirements. This will include life cycle analyses, addressing funding/grants, and alternatives. Cost estimates and Henningsen Food's participation will be included as part of the report update.

### 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:

**PROJECT ADMINISTRATIVE AND REPORT UPDATING SERVICES**

- Project management is responsible for coordination of the various disciplines that have involvement in the project, tracking of work completion, maintenance of project schedule, and project management updates. Specific activities include coordination and meetings with the City, coordination and meetings with NDEQ and USDA-RD, internal project meetings, billings, collections, and project documentation.
- Olsson will participate in one (1) review meeting with the City staff and Henningsen Foods representatives to review progress and exchange ideas and information necessary for the report update. This meeting will be scheduled based on progress of the work and for additional input and information.
- The existing reports; 1) Wastewater Treatment Facilities – Design Memorandum (Olsson Project No. 009-1925), completed November 2010, and 2) Sanitary Sewer Study (Olsson Project No. 016-0614), completed September 2016, will be amended to include the required funding considerations such as reviewing the entire sanitary sewer system, life cycle analyses and alternatives considered, updated opinions of probable construction costs, and the division of project costs between Henningsen Foods and the City per the current service agreement.
- Olsson will work with the relevant agencies, such as the Nebraska Department of Environmental Quality (NDEQ), and others, complete the necessary forms, and provide the documentation necessary to progress towards funding approval by USDA-RD.
- Attend one (1) Public Hearing, as required by USDA-RD.
- It is anticipated that the project will not require a full environmental review as the affected areas are already owned by the City.
  
- Attendance at Board Meetings to communicate progress and answer questions about the project. One (1) council meeting is included.
- Should the City decide to proceed with USDA-RD funding for the project(s), an additional contract amendment will be required to update the federal funding requirements of the existing engineering contract. An update of the project and contract scope and fee will also be provided to the City as part of the contract amendment, as determined by the updated recommendations.

**CONSTRUCTION PHASE SERVICES**

- An amendment for Construction Phase Services will be drafted if desired by the City.

**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:

Client shall pay to Olsson for the performance of the Scope of Services a fixed fee of Eight Thousand Seven Hundred and Forty Dollars (\$8,740.00).

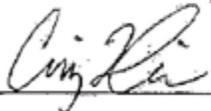
Olsson's reimbursable expenses for this Project are included in the fixed fee. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date.

This Amendment increases the fees of the amended contract from \$296,273 to \$305,013. The contract times shall be extended from December 1, 2011 to an anticipated completion date of April 15, 2017.

**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 

By 

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: \_\_\_\_\_

At the December 14, 2016 Council meeting, it was stated that State Farm allows a 20% discount for Impact Resistant Shingles, so City Clerk Kovar was asked to check with the City's provider League Association of Risk Management (LARM) to see if they would allow a discount for Impact Resistant Shingles. She received the following response: *"As underwriting is very much in support of these improvements as a positive risk management approach (especially given the overall values of the location), we are in agreement with a 20% discount once the impact resistant shingles have been installed/verified."*

Mayor Zavodny asked: "Knowing that are you interested in the impact resistant shingles?" Council member Trowbridge stated: "Absolutely not, but I know we can't make a negative motion."

Council member Trowbridge made a motion to approve the purchase of the impact resistant shingles for the City Maintenance Building. Mayor Zavodny asked three separate times for a second to the motion. There being none, the motion died for lack of a second.

Sharon Smith, owner of the property at 595 C Street, was given until January 11<sup>th</sup> to abate the nuisances on her property. Sharon and her son Adam were present to explain that they have moved items, belonging to her ex-husband Joe, out of the garage and onto the yard and placed their items in the garage and storage building.

It was noted that the pickup becomes a non-issue once it is licensed, insured and operable. The trailer needs to get moved as soon as possible. The items original noted have been moved, but now new items are on the lawn from the garage. Discussion followed.

Council member Hotovy made a motion to declare the property at 595 C Street in violation of City Codes and they have 15 days to address the issues. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Smith, Kobus, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.



The property at 715 North 4<sup>th</sup> Street was discussed and the following pictures were viewed:



Council member Hotovy made a motion to declare the property at 715 North 4<sup>th</sup> Street in violation of City Codes and they have 15 days to address the issues. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Smith, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Street Supervisor Rech stated that with the weather, if these properties aren't cleaned up and the City ends up having to do them, he didn't want to start on these properties if they are covered with snow at the time; he would rather wait.

Mayor Zavodny stated: "What we are doing here tonight won't effect that whatsoever. What we are doing is we are saying to the property owners: *"We are starting the clock, the clock is going to run out"*, and then we can clean it up the next day or we can clean it up 45 days later." City Attorney Egr agreed.

The property at 980 "O" Street was discussed and the following pictures were viewed. Mayor Zavodny stated that one issue that probably will come up is that several years ago the Lukert's had purchased material to put up a shed but it was not allowed because it was metal and it was too tall.



Council member Hotovy made a motion to declare the property at 980 "O" Street in violation of City Codes and they have 15 days to address the issues. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Trowbridge, Meysenburg, and Hotovy. Voting NAY: None. The motion carried.

The property at 433 East Nebraska Street was discussed and the following pictures were viewed:



Discussion followed to determine if the property owner should be sent a tree removal notification or if a nuisance would be more appropriate. Citizens have complained that the trees block the view of oncoming highway traffic from the south. As tree removal agreements are normally for dead and hazardous trees, and some of the trees that need attention are not dead or hazardous, it was determined it should be classified as a nuisance.

Council member Trowbridge made a motion to declare the property at 433 East Nebraska Street in violation of City Codes and they have 15 days to address the issues. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Kobus, Smith, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

City Clerk Kovar explained that the cash register in the office quit working. They priced a new cash register for approximately \$400.00 or they could buy the Cash Register Module that is an application that allows you to record payment information, print customer receipts, balances the cash drawer, and posts payment information to Utility Billing for approximately \$1,100.

Cash register program from NMPP Energy	\$250.00
--	----------

Connecting Point – HP 20 19.5” All in One Desktop (\$349. + \$100 for Windows 10 Pro upgrade)	\$449.00
POSGuys.com – receipt printer	\$275.00
POSGuys.com – Ion Cash Drawer	<u>\$110.00</u>
	\$1,084.00

Council member Hotovy made a motion to authorize the purchase of the Cash Register Module as detailed above. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Trowbridge, Meysenburg, Hotovy, and Kobus. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to go into executive session to discuss a legal matter. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Mayor Zavodny stated that the City Council was going into executive session to discuss a legal matter.

The City Council, Mayor Zavodny, City Attorney Jim Egr, and City Clerk Joan Kovar went into executive session at 9:10 p.m.

Council member Hotovy made a motion to come out of executive session. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried. (Normally City Attorney Jim Egr states 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 9:27 p.m.

There being no further business to come before the Council, Council member Smith made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Meysenburg, Trowbridge, Vandenberg, Kobus, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:28 p.m.



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 January 11<sup>th</sup>, 2017; 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