

**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 **13<sup>th</sup> day of September, 2017**, 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 6<sup>th</sup> day of September, 2017.

**AGENDA AS FOLLOWS:**

1. Roll Call;
2. Pledge of Allegiance; \_\_\_\_\_  
Mayor Alan Zavodny
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; \_\_\_\_\_
4. Minutes of the August 9<sup>th</sup>, and August 23<sup>rd</sup>, 2017 meeting of the Mayor and City Council; Council President Gary D. Smith
5. Consideration of Claims; \_\_\_\_\_
6. Committee and Officer Reports; Council member Thomas J. Kobus
7. Consideration of funding options for the wastewater treatment plant, slip lining, etc., as explained by Phil Lorenzen of D.A. Davidson & Co.; \_\_\_\_\_  
Council member Dana E. Trowbridge
8. Consideration of Olsson Associates, Letter Agreement Amendment #1, for additional design and construction observation fees \$217,475.00; \_\_\_\_\_  
Council member Kevin N. Hotovy
9. Discussion with Bryon Forney concerning draining issues at the Airport, and consideration of such; \_\_\_\_\_  
Council member Patrick J. Meysenburg
10. Public Hearing: Budget Hearing and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget Fiscal Year 2017 – 2018; \_\_\_\_\_  
Council member John P. Vandenberg
11. Consideration of Ordinance No. 1272 adopting the budget statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2017 – 2018 fiscal year; \_\_\_\_\_  
City Clerk Joan E. Kovar
12. Public Hearing to consider setting the final tax request at a different amount than the prior year tax request;

13. Consideration of Resolution No. 30 – 2017 approving an additional one percent (1%) increase in restricted funds;
14. Consideration of Resolution No. 31 – 2017 setting the property tax request;
15. Consideration of Resolution No. 32 – 2017 carrying forward the unused budget authority;
16. Public Hearing to consider designating particular real estate within the corporate boundaries of the City of David City, Nebraska, as blight and substandard, pursuant to the Nebraska Community Development Law: Point of beginning (POB) is the intersection of 7<sup>th</sup> Street and Iowa Street; thence westerly along the centerline of Iowa Street to the centerline of the Burlington Northern Santa Fe Railroad tracks; thence, southerly along said tracks to the extended southern boundary of a lot described as 30 15 3 PT E ½ SW ¼; thence, easterly along said south boundary line to the intersection with a north boundary line of same said lot; thence, northerly along said east boundary line to the intersection of the next south boundary line; thence easterly to intersection with the centerline of Nebraska Highway 15; thence, northerly along said centerline of Nebraska Highway 15 to the extended centerline of Kansas Street; thence, easterly along said centerline of Kansas Street to the intersection of the centerline of 7<sup>th</sup> Street; thence, northerly along said centerline of 7<sup>th</sup> Street to the POB;
17. Consideration of Resolution No. 33 – 2017 declaring a certain area of the City (see above) to be blighted and substandard and in need of redevelopment;
18. Public Hearing to consider the Preliminary Plat of Zegers 1<sup>st</sup> Addition located in the East ½ of the Southwest ¼ of Section 30, T15N, R3E of the 6<sup>th</sup> PM., Butler County, Nebraska, legally described as follows: Commencing at the northeast corner of said Southwest ¼, and assuming the east line of said Southwest ¼ to have a bearing of N 00°59'17"W; thence N 89°40'57" W, 75.71 feet on the North line of said Southwest ¼, to the Point of Beginning, said point being on the westerly right-of-way line of Nebraska highway No. 15; thence S 00°55'30" E, 1334.83 feet on said westerly Highway Right-of-Way line; thence S 09°25'22" E, 202.41 feet on said westerly Highway Right-of-Way line; thence S 01°04'43" E, 12.86 feet on said westerly Highway Right-of-Way line; thence S 89°23'46" W, 296.24 feet; thence S 00°15'37" W, 213.37 feet; thence S 89°48'29" W, 245.44 feet to a point on the easterly Right-of-Way line of the Burlington Northern Railroad; thence northerly 1804 feet, more or less on said easterly Railroad Right-of-Way line to a point on the North line of said Southwest ¼; thence N89°45'02" E on said North line, 836.59 feet to the Point of Beginning;
19. Consideration of the Preliminary Plat of Zegers 1<sup>st</sup> Addition as described above;
20. Public Hearing to consider filing an application to USDA Rural Development for financial assistance in the amount of \$4,339,500 for assistance with the sewer improvement project;
21. Public Hearing to consider amending the Zoning Ordinance Article 6: Parking, by amending Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements – Use: Duplex, Parking Requirements - 2 per dwelling unit, Loading Requirements: 0 per structure; Residential (Single-family, attached and detached), 2 per dwelling unit with 1 required to be enclosed; and amending Article 2: Definitions, Section 2.02 Definitions, by changing the definition of Parking Space, Automobile – shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet;

22. Consideration of Ordinance No. 1273 amending the Zoning Ordinance Article 6: Parking, by amending Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements – Use: Duplex, Parking Requirements - 2 per dwelling unit, Loading Requirements: 0 per structure; Residential (Single-family, attached and detached), 2 per dwelling unit with 1 required to be enclosed; and amending Article 2: Definitions, Section 2.02 Definitions, by changing the definition of Parking Space, Automobile – shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet;
23. Public Hearing to consider amending the Land Use Plan Map by changing the zoning classification from MDR – Medium Density Residential, LDR – Low Density Residential and I - Industrial to FS – Flex Space for the following real estate: The point of beginning (POB) is the southeast corner of a tract described as 29 15 3 PT NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  6 Acres; thence, heading westerly along the south property line of said lot and continuing to the intersection with a tract referred to as 29 15 3 PT NW  $\frac{1}{4}$  28.91 Acres; thence, southerly to the northern southeast corner of said tract; thence, westerly from said point running parallel to the northern property line until intersecting with the creek; thence, southwesterly along the centerline of said creek and connecting to the lot referred to as Multi-purpose land in East Park Meadows Final Plat; thence, westerly along north property line of said lot in East Park Meadows Addition and continuing to the intersection with the southeast corner of a lot referred to as David City 29 15 3 PT NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  3.5 Acres ANNEX; thence, northerly along the east property line of said lot and a lot referred to as David City 29 15 3 PT NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  6 Acres Annex to the intersection with the centerline of “A” Street; thence, easterly along said centerline to a point intersecting with the east property line of the initial tract referred to as 29 15 3 PT NW  $\frac{1}{4}$  6 Acres; thence, southerly to the POB;
24. Consideration of Ordinance No. 1274 amending the Land Use Plan Map by changing the zoning of real estate, described above, from MDR – Medium Density Residential, LDR – Low Density Residential and I – Industrial, to FS – Flex Space as requested to allow for a proposed shop 60' x 90' to park semi-trucks and work on personal semi-trucks;
25. Public Hearing to consider amending the Official Zoning Map by changing the zoning classification from I-1 Light Industrial, R-1 Single Family Residential, and R-2 Two Family Residential, to FS – Flex Space for the following real estate: The point of beginning (POB) is the southeast corner of a tract described as 29 15 3 PT NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  6 Acres; thence, heading westerly along the south property line of said lot and continuing to the intersection with a tract referred to as 29 15 3 PT NW  $\frac{1}{4}$  28.91 Acres; thence, southerly to the northern southeast corner of said tract; thence, westerly from said point running parallel to the northern property line until intersecting with the creek; thence, southwesterly along the centerline of said creek and connecting to the lot referred to as Multi-purpose land in East Park Meadows Final Plat; thence, westerly along north property line of said lot in East Park Meadows Addition and continuing to the intersection with the southeast corner of a lot referred to as David City 29 15 3 PT NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  3.5 Acres ANNEX; thence, northerly along the east property line of said lot and a lot referred to as David City 29 15 3 PT NW  $\frac{1}{4}$  NW  $\frac{1}{4}$  6 Acres Annex to the intersection with the centerline of “A” Street; thence, easterly along said centerline to a point intersecting with the east property line of the initial tract referred to as 29 15 3 PT NW  $\frac{1}{4}$  6 Acres; thence, southerly to the POB;
26. Consideration of Ordinance No. 1275 amending the Official Zoning Map by changing the zoning of real estate, described above, from I-1 Light Industrial, R-1 Single Family

- Residential, and R-2 Two Family Residential, to FS – Flex Space as requested to allow for a proposed shop 60' x 90' to park semi-trucks and work on personal semi-trucks;
27. Consideration of Project Estimate No. 3 - Constructors, Inc. in the amount of \$880,350.26;
  28. Consideration of the bids received for the Airport Storage Units; (Min. Bid \$115/month)
  29. Consideration of Resolution No. 34 – 2017 for the League Association of Risk Management (LARM) insurance coverage for October 1, 2017 – September 30, 2018;
  30. Consideration of increasing the Employers Liability coverage under the W/C to \$5,000,000, for an extra \$695; increasing the Law Enforcement Liability to \$5 million per occurrence and in the aggregate for an additional \$455; and approving a short third party contract to be used when the city does not have a detailed contract in place.
  31. Consideration of Ordinance No. 1276 increasing the pay scales/salary by 1½% as approved by Council action on August 23, 2017;
  32. Consideration of the purchase of an ISCO 5800 Refrigerated Sampler \$6,318.00; 1 bottle configuration 5.5 gallon bottle two caps and two discharge tubes \$220; Sampler multipurpose cable with 16 unterminated leads \$110.00; plus installation if required;
  33. Consideration of a loan agreement, concerning “The Foundation” a 1940 oil on canvas by Dale Nichols, to the Bone Creek Museum of Agrarian Art;
  34. Consideration of authorizing a raise for legal counsel: \$350 to attend a City Council meeting, and \$125/hr. outside of that;
  35. Consideration of a December 1, 2017 deadline for Henningsen Foods Inc. regarding the Wastewater Treatment Plant improvements;
  36. Consideration of returning the CDBG housing program funds in the amount of \$19,192.34 to the Nebraska Department of Economic Development;
  37. Consideration of terminating the KENO contract with Todd Zeilinger of Zeilinger Keno Inc., and/or continuing with keno operator Craig Blake from Waverly;
  38. Consideration of Administrative Procedures - Building Inspector;
  39. Adjournment;

#### CITY COUNCIL PROCEEDINGS

September 13, 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 August 31<sup>st</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: Phil Lorenzen of D.A. Davidson & Co., Craig Reinsch of Olsson Associates, John Zwingman of Advanced Consulting Engineering Services, Bryon Forney, Russell Heller, Planning Commission Members Keith Marvin, Jim Vandenberg, and Janis Cameron, Library Board member Jane Buresh, Mrs. Bob (Laura) Kobza, Superintendent Chad Denker of David City Public Schools, Sgt. Anthony Whitmore, Jeff Hilger, Building Inspector Ray Sueper, Banner Press Editor Larry Peirce, Power Plant Supervisor Eric Betzen, and Sewer Supervisor Travis Hays.

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.

The minutes of the August 9<sup>th</sup>, and August 23<sup>rd</sup>, 2017 meetings of the Mayor and City Council were approved upon a motion by Council member Smith and seconded by Council member Kobus. Voting AYE: Council members Meysenburg, Vandenberg, Trowbridge, Hotovy, Smith, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny asked for consideration of claims. Council member Trowbridge questioned some of the employee's overtime on recent timesheets. Council member Smith made a motion to authorize the payment of claims and Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Hotovy, Trowbridge, Kobus, and Smith. Voting NAY: None. The motion carried.

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

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

Phil Lorenzen of D.A. Davidson & Co., discussed funding options for the wastewater treatment plant, slip lining, etc. and presented the following handouts.

CITY OF DAVID CITY, NEBRASKA  
NOTES TO FINANCIAL STATEMENTS, CONTINUED

SEPTEMBER 30, 2016

NOTE 6 - LONG-TERM DEBT

Proprietary Fund Long-Term Debt at September 30, 2016, is comprised of the following:

<i>Sewer</i>	Original Amount	Issued	Issue	Interest Rate	When Due	Interest Due	Amount Outstanding
	\$2,728,924	12/15/98	NDEQ Loan	3.22	Term '99-'16	Semiannually	\$ 443,520
	626,435	05/03/04	NDEQ Loan	2.51	Term '05-'21	Semiannually	244,579
	880,000	02/09/14	Water Refunding	0.50 - 2.85	Ser. '14-'22	Semiannually	680,000
<b>Total Proprietary Funds Debt</b>							<b><u>\$1,368,105</u></b>

Governmental Fund Long-Term Debt at September 30, 2016, is comprised of the following:

Original Amount	Issued	Issue	Interest Rate	When Due	Interest Due	Amount Outstanding	
\$ 650,000	08/15/14	Highway Allocation Refunded Bonds	0.40 - 1.60	Ser. '15-'20	Semiannually	\$ 380,000	
550,000	08/15/14	Storm Water Sewer Refunded Bonds	0.875 - 1.60	Ser. '15-'19	Semiannually	350,000	
615,000	08/15/14	G. O. Various Purpose Bonds	0.65 - 2.80	Ser. '15-'24	Semiannually	495,000	
<b>Total Governmental Funds Debt</b>							<b><u>\$1,225,000</u></b>

Long-term liability debt for the year ended September 30, 2016 was as follows:

	Beginning Balance	Additions	Retirements	Ending Balance	Due Within One Year
<b>Proprietary Funds:</b>					
NDEQ Loan	\$ 611,240	\$ -	\$ 167,714	\$ 443,520	\$ 173,158
Water Refunding	780,000	-	100,000	680,000	100,000
NDEQ Loan	285,553	-	40,974	244,579	42,010
Electric Refunding	105,000	-	105,000	-	-
<b>Proprietary Funds Long-Term Liabilities</b>	<b><u>\$1,781,793</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 413,688</u></b>	<b><u>\$1,368,105</u></b>	<b><u>\$ 315,168</u></b>
<b>Governmental Funds:</b>					
Highway Allocation Refunded Bonds	\$ 500,000	\$ -	\$ 120,000	\$ 380,000	\$ 125,000
Storm Water Sewer Bonds	450,000	-	100,000	350,000	100,000
G.O. Various Purpose	60,000	-	60,000	495,000	60,000
<b>Governmental Funds Long-Term Liabilities</b>	<b><u>\$1,010,000</u></b>	<b><u>\$ -</u></b>	<b><u>\$ 280,000</u></b>	<b><u>\$1,225,000</u></b>	<b><u>\$ 285,000</u></b>

**PHILIP A. LORENZEN**  
 Vice President  
 Public Finance

CITY OF DAVID CITY, NEBRASKA  
PROPRIETARY FUNDS STATEMENT OF REVENUES, EXPENSES,  
AND CHANGES IN NET POSITION

FOR THE YEAR ENDED SEPTEMBER 30, 2016

	Major Enterprise Funds			Total Enterprise Funds
	Electric	Water	Sewer	
<b>OPERATING REVENUES</b>				
Charges for Services	\$ 4,719,632	\$ 998,850	\$ 761,443	\$ 6,479,925
Miscellaneous	17,435	10,841	4,133	32,409
<b>Total Operating Revenues</b>	<b>\$ 4,737,067</b>	<b>\$ 1,009,691</b>	<b>\$ 765,576</b>	<b>\$ 6,512,334</b>
<b>OPERATING EXPENSES</b>				
Personnel Services	\$ 504,064	\$ 172,460	\$ 177,071	\$ 853,595
Production	2,655,162	-	-	2,655,162
General Operations	704,384	434,326	403,418	1,542,128
Depreciation and Amortization	194,373	255,849	143,751	593,973
<b>Total Operating Expenses</b>	<b>\$ 4,057,983</b>	<b>\$ 862,635</b>	<b>\$ 724,240</b>	<b>\$ 5,644,858</b>
<b>OPERATING INCOME</b>	<b>\$ 679,084</b>	<b>\$ 147,056</b>	<b>\$ 41,336</b>	<b>\$ 867,476</b>
<b>NON-OPERATING REVENUES (EXPENSES)</b>				
Interest Revenue	\$ 49,203	\$ 983	\$ 8,218	\$ 58,404
Interest Expense	(158)	(23,497)	(21,975)	(45,630)
<b>Total Non-Operating Revenues (Expenses)</b>	<b>\$ 49,045</b>	<b>\$ (22,514)</b>	<b>\$ (13,757)</b>	<b>\$ 12,774</b>
<b>NET CHANGE IN NET POSITION</b>	<b>\$ 728,129</b>	<b>\$ 124,542</b>	<b>\$ 27,579</b>	<b>\$ 880,250</b>
<b>NET POSITION</b>				
Balance at Beginning of Year	6,378,684	2,152,833	3,141,296	11,672,813
Balance at Ending of Year	<b>\$ 7,106,813</b>	<b>\$ 2,277,375</b>	<b>\$ 3,168,875</b>	<b>\$ 12,553,063</b>

*Operating Income* 679,084 147,056 41,336 867,476

*Less Depreciation Exp.* 194,373 255,849 143,751 593,973

*Available for Project Costs or Debt Service* 873,457 1,021,905 185,087 1,461,149

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**CITY OF DAVID CITY, NEBRASKA  
 SANITARY SEWER/WASTEWATER SYSTEM**

**HISTORICAL OPERATING RESULTS, YEAR ENDING SEPTEMBER 30**

	2010	2011	2012	2013	2014	2015	2016
<b>Revenues</b>							
Charges for Services	\$ 621,186	\$ 619,911	\$ 578,802	\$ 657,859	\$ 696,549	\$ 675,126	\$ 761,443
Other	5,923	51,237	1,348	26,915	8,955	972	4,133
	\$ 627,109	\$ 671,148	\$ 580,150	\$ 684,774	\$ 705,504	\$ 676,098	\$ 765,576
<b>Expenses</b>							
Personal Services	\$ 133,761	\$ 129,435	\$ 122,205	\$ 123,009	\$ 185,969	\$ 129,241	\$ 177,071
Production	-	-	-	-	-	-	-
General Operations	227,247	356,548	227,429	258,540	265,763	300,243	403,418
Depreciation/Amortization	153,829	155,644	141,075	138,335	140,382	146,388	143,751
	\$ 514,837	\$ 641,627	\$ 490,709	\$ 519,884	\$ 592,114	\$ 575,872	\$ 724,240
Operating Income (Loss)	\$ 112,272	\$ 29,521	\$ 89,441	\$ 164,890	\$ 113,390	\$ 100,226	\$ 41,336
<b>Other Revenue &amp; Expense</b>							
Interest Income	\$ 10,430	\$ 16,324	\$ 10,855	\$ 7,632	\$ 7,089	\$ 7,573	\$ 8,218
(Interest Expense)	\$ (60,671)	\$ (54,725)	\$ (48,587)	\$ (43,491)	\$ (36,342)	\$ (28,950)	\$ (21,975)
Other	-	-	-	-	-	-	-
	\$ (50,241)	\$ (38,401)	\$ (37,732)	\$ (35,859)	\$ (29,253)	\$ (21,377)	\$ (13,757)
<b>Net Income (Loss)</b>	\$ 62,031	\$ (8,880)	\$ 51,709	\$ 129,031	\$ 84,137	\$ 78,849	\$ 27,579
Transfers From (To) Other Funds							
Net Income After Transfers	\$ 62,031	\$ (8,880)	\$ 51,709	\$ 129,031	\$ 84,137	\$ 78,849	\$ 27,579

Earnings Available for Debt Service	\$ 62,031	\$ (8,880)	\$ 51,709	\$ 129,031	\$ 84,137	\$ 78,849	\$ 27,579
Add Back Interest Expense	\$ 60,671	\$ 54,725	\$ 48,587	\$ 43,491	\$ 36,342	\$ 28,950	\$ 21,975
Add Back Depreciation/Amortization	\$ 153,829	\$ 155,644	\$ 141,075	\$ 141,075	\$ 141,075	\$ 141,075	\$ 143,751
Total Available For Debt Service	\$ 276,531	\$ 201,489	\$ 241,371	\$ 313,597	\$ 261,554	\$ 248,874	\$ 193,305

Borrowing Capacity; 15-Year Amortization @ 3.75% Est. Average Interest  
 Assumed 1.50 times debt service coverage \$ 184,354 \$ 134,326  
**\$ 2,075,000 \$ 1,520,000**

<b>At 2.00% USDA 20 Year payment schedule \$4,399,500</b>	
\$	\$ 161,000
	1.20 X Cover
Estimated USDA Loan Debt Service, annually	
	160,827

Council member Smith made a motion to advance to agenda item #20 – Public Hearing to consider filing an application to USDA Rural Development for financial assistance in the amount of \$4,339,500 for assistance with the sewer improvement project. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Trowbridge, Hotovy, Kobus, and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny declared the Public Hearing open at 7:33 p.m. to consider filing an application to USDA Rural Development for financial assistance in the amount of \$4,339,500 for assistance with the sewer improvement project.

The Council members discussed the improvements that are needed including Wastewater Treatment Plant improvements and slip lining of the mains, all which are costly ventures. It was noted that the Council can't continue to look the other way and not address these issues.

Phil Lorenzen of D. A. Davidson & Company stated that he felt the City was well advised to take advantage of the USDA financial assistance. Phil stated that he could provide interim financing if needed at probably 1½% interest, but again reiterated that he felt the City would be well advised to take advantage of the USDA long term financial assistance (20 – 40 yrs.).

There being no further comments, Mayor Zavodny declared the Public Hearing closed at 7:39 p.m.

On March 9, 2016, the Council approved the hiring of Olsson Associates, in the amount of \$27,000, for Phases 1 and 2 to provide professional services concerning the sewer collection system infiltration and inflow study.

Council member Hotovy made a motion to table consideration of hiring Olsson Associates in the amount of \$128,320.00 for the performance of the Scope of Services (Project Management & Coordination \$22,565.00; Design Services, including Survey, \$100,395.00; and Bidding Services \$5,360.00) and \$89,155.00 for the Scope of Services for Construction Phase (Administration and Observation) services for a total design and construction observation fee of \$217,475.00. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Meysenburg, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.



**LETTER AGREEMENT  
AMENDMENT #1**

Date: September 8, 2017

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated March 16, 2016 between the City of David City, Nebraska ("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: Slip-lining, point repairs, manhole, sanitary sewer main and service repairs as recommended to the City Council in Fall 2016, and submitted to the Nebraska Water/Wastewater Advisory Committee (WWAC). This work is located within the City's existing sanitary sewer collection system, primarily located north of the existing railroad tracks, or F Street. Repair, sludge removal, and restoration of Cells A and C of the City's wastewater treatment facilities, as well as construction of a secondary access road along the ½ section line of Section 25, Township 15N, Range 2E, paralleling an existing power line, and connecting to 35 Road, approximately ½ mile north of the City's wastewater facility.

## 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:

### Design Services

- A project initiation meeting will be conducted with all parties involved to refine project scope, review the project site, identify specific goals, determine area to be surveyed, establish schedule for completion, and establish channels of communication.
- Coordinate with Client's representative for the project. Olsson shall attend two (2) meetings.
- Provide general administrative services to manage and support the design of the project.
- Topographic survey data will include all necessary field and property surveys required for design and construction of the sanitary sewer utility renovation and replacement. This will also provide vertical and horizontal control points. It is anticipated that the water utility replacement will occur within the City's existing ROW, and no easements will be necessary. If additional easements are required for the project, this service can be provided, but will be considered an additional service. Survey will also include the area for a new access road at the wastewater treatment facility from the admin building access road to County Road 35.
- Sludge judging of Cells A, B, and C shall be completed to determine current sludge levels for removal. Cell B is not being considered for renovation, but it has been a while since the sludge levels have been reviewed, and are included with this proposal for consideration.
- Prepare detailed drawings and technical specifications for the proposed construction work and for all equipment and materials required under the contract. The documents will be prepared for construction by a private contractor as contracted with by the Client. The specifications shall not contain contracts, bid forms, bidding instructions, General or Supplementary Conditions, or other documents typically included when the project will be competitively bid.
- Provide three (3) sets of drawings and specifications to the Client for review at 90 percent. As part of the review of each submittal, meet with Client or Client's Designee to discuss their review comments and resolve any questions.

- Perform an "in-house" quality control review of drawings and specifications at 90 percent completion.
- Opinion of Probable Costs: Prepare an opinion of probable construction cost for the project work.
- Present to the Client: Olsson shall present complete plans and specifications to the Client or Client's Designee for review and approval. Any comments shall be incorporated into the final draft of the Contract Documents.
- Submit the project documents to the Nebraska Department of Environmental Quality (NDEQ) and Incorporate Review Comments. Olsson will coordinate the project with NDEQ and USDA-Rural Development, and submit the project plans and specifications as required for approval and issuance of a construction permit. Permit review fees, if any, shall be the responsibility of the Client.
- Provide five (5) sets of final plans and specifications to the Client for their use.

### Bidding Services

- Prepare Notice to Bidders and Issue Documents: Olsson will coordinate the issuance of notices to bidders and the production and distribution of bidding documents. Notices will be placed in the official publications directed by the Client, and in bidding services known to provide data to contractors in the area. In addition, invitations will be mailed directly to contractors whom the project team and/or the Client know will be interested in the project, Documents will be available for inspection at Olsson offices.
- Answer Questions and Prepare Addenda: Olsson will coordinate answering questions raised by bidders, Addenda will be prepared} as required, to provide clarification to questions. The Client will be informed on a regular basis of any project changes resulting from bidders' questions.
- Review and Evaluate Bids: Olsson will attend the bid opening. All bids properly received will be reviewed. Any inconsistencies or irregularities found in the bids will be reported to the Client. Olsson will prepare a bid tabulation of bids received and will distribute the bid tabulation to all bidders. Olsson will evaluate the bids and make a written recommendation to the Client concerning contract award.
- Conform Documents: Conformed copies of the contract documents, including all insurance and bond forms, will be prepared by Olsson. Olsson will review the documents to confirm that all procedures have been properly followed. Copies of the conformed documents will be provided to the Client for review, Approved copies will be distributed to the Client, the contractor, and Olsson. These documents form the official contract between the Client and the contractor, as well as the basis for all decisions concerning the work.

### Construction Administration and Observation Services

- Perform construction administrative services including communication with the Contractor and City personnel, attendance at the pre-construction meeting, as well as up to four (4) site visits to verify construction activities, review of the Contractor's pay applications, shop drawing or submittal review (as defined below), respond to field questions from the City and/or Contractor, and other items requested by the City during construction, within the budget amount stated for construction administration.

- Perform construction staking services for the Client based on the plans prepared by Olsson. Fees are based on two (2) round trips to the job site.
- Shop Drawing Submittal Review: Review drawings and other data submitted by the Contractor as required by the construction contract documents. Olsson's review shall be for general conformity to the construction contract drawings and specifications for the Contract and shall not relieve the Contractor of any of his contractual responsibilities, such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions and programs incident thereto.
- Substantial and Final Completion Inspections: Upon the Contractor completing substantial and final completion, inspection of the construction work and preparation of a tentative list of the items to be completed or corrected before final completion of the contract. Following substantial completion, conduct a final inspection to determine if the work is completed. A total of two (2) additional site visits will be made than what was previously referenced. Olsson shall provide written recommendations concerning final payment to Client, including a list of items, if any, to be completed prior to making such payment. This item includes a site visit to review the completed items.

Olsson will furnish a part-time Resident Project Representative (RPR), at approximately 2-3 full days per week, for an anticipated construction schedule of 12-14 weeks. The RPR will observe the Contractor's work and perform the services listed below. The RPR shall not have the responsibility for the superintendence of construction site conditions, safety, safe practices or unsafe practices or conditions, operation, equipment, or personnel other than employees of Olsson. This service shall in no way relieve the Contractor of complete supervision of the work or the Contractor's obligation for complete compliance with the drawings and specifications. The Contractor shall have sole responsibility for safety and for maintaining safe practices and avoiding unsafe practices or conditions. Specific services performed by the RPR are as follows:

- Conduct on-site observations of the general progress of the work to assist Project Manager in determining if the work is proceeding in accordance with the construction contract documents.
- Attend pre-construction conference and assist Project Manager in explaining administrative procedures which will be followed during construction.
- Submit to the Client construction progress reports containing a summary of the Contractor's progress, general conditions of the work, problems, and resolutions or proposed resolutions of problems.
- Verify that all construction testing conforms to the contract documents.
- Maintain a marked set of record drawings and specifications at the job site based on data provided by the Contractor. This information will be combined with information maintained by the Contractor and a master set of record documents produced.
- Before Olsson issues a Certificate of Substantial Completion, assist the Project Manager in submitting to the Contractor a punch list of observed items requiring completion or correction.
- Assist the Project Manager in conducting final inspection in the company of the Client and the Contractor, and prepare a final list of items to be completed or corrected.

- Compile data from the Contractor and from our records to prepare conforms-to-construction-records drawings. These drawings will reflect the best information available about the facility as constructed.
- Conduct a warranty inspection at eleven months after completion of the project. The Project Manager will attend the inspection to review the project with the Client. Minutes will be developed from the inspection to confirm actions and schedules for corrections should any deficiencies be found.

#### ADDITIONAL AND EXCLUDED SERVICES

- Exclusions:
  - Survey, research, and associated services for new easements.
  - The items described in the Exclusions section may be provided as additional services to the Client, if so requested.
- Additional Services: Should Client request work in addition to the Scope of Services (Optional Additional Services), Olsson shall invoice Client for such services at the standard hourly billing labor rate charged for those employees actually performing the work, plus reimbursable expenses if any. Olsson shall not commence work on Optional Additional Services without Client's prior written approval.

#### SCHEDULE FOR OLSSON'S SERVICES

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

Anticipated Start Date:           October 1, 2017  
Anticipated Completion Date:   December 20, 2018

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

#### COMPENSATION

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

Client shall pay to Olsson for the performance of the Scope of Services a fixed fee of One Hundred Twenty-Eight Thousand Three Hundred Twenty Dollars (\$128,320.00), which does not include Construction Phase Services which is described below, A breakdown of the fee is provided below:

<u>Description</u>	<u>Design Fee</u>
Project Management and Coordination	\$ 22,565.00
Design Services, including Survey	\$100,395.00
Bidding Services	\$ 5,360.00
Total Design Services	<u>\$128,320.00*</u>

\*Construction Phase Services shall be completed on a time and expense basis as described below.

Client shall pay to Olsson for the performance of the Scope of Services, the actual time of personnel performing construction observation services only, and all actual reimbursable expenses in accordance with the Labor Rate Schedule and the Reimbursable Expense Schedule attached to this Agreement. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date.

Olsson's Scope of Services for Construction Phase (Administration and Observation) services will be provided on a time and expense basis not to exceed Eighty-Nine Thousand One Hundred Fifty-Five Dollars (\$89,155.00) for an anticipated timeframe of 26 weeks at 2 to 3 site visits per week.

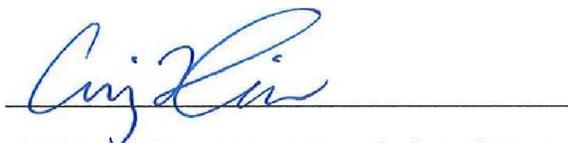
The total design and construction observation fee (combined fixed fee and time and expense basis) is \$217,475.00. This amendment increases the total contract amount to \$244,475.00.

#### 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.



signing below, you acknowledge that you I



authority to bind Client to the terms of t

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, NEBRASKA

By: ----- TABLED -----

Signature

Printed Name: Mayor Alan Zavodny

Dated: \_\_\_\_\_

Bryon Forney, of Forney Repair, 3380 MN Road, was present to discuss drainage issues by his business located at the David City Municipal Airport and presented pictures of the flooding in this area due to the approximate 6½” rain. Everyone agreed that this area gets “swampy” quickly and this was an unusually heavy rain. Bryon thanked the City for quickly replacing the culvert on the main roadway and stated that he hoped the City and he could work together to come up with a solution to help alleviate the drainage problem. Bryon stated that he also talked to Manager Bob Schmidt of the Nebraska Department of Roads, who stated that they couldn’t really place a larger culvert under the Highway because they can’t divert water onto another property, and then the water would travel west and perhaps affect the Burlington Northern Railroad also. Bryon stated: “I have never had water like this. It took about a day to get rid of it. I had water standing by my front dock. I couldn’t use my hoist; I can’t afford to lose my building or my business.” Bryon stated that he had considered possibly a ditch for holding the water or a catch pit.

Planning Commission Member Jim Vandenberg stated that perhaps the best solution would be to pack clay, or dirt, about 3’ out all the way around his building.

Bryon Forney agreed that might at least slow the water down, but questioned where he would get that much dirt and the equipment to move the dirt and pack it down. Bryon stated: “That all takes money.” Bryon thanked the Mayor and Council saying he would appreciate any consideration they would give to helping to alleviate this problem.

At 8:01 p.m. Mayor Zavodny opened the Public Hearing on the Budget Hearing and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the proposed budget fiscal year 2017 – 2018.

Mayor Zavodny asked three different times for any comments from the Public. There being none, Mayor Zavodny declared the Public Hearing closed at 8:03 p.m.

Council member Hotovy introduced Ordinance No. 1272 adopting the proposed Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2017 – 2018 Fiscal Year. Mayor Zavodny read Ordinance No. 1272 by title. Council member Trowbridge made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Meysenburg, Smith, and Trowbridge. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1272 on the third and final reading. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Hotovy, Meysenburg, Vandenberg, Smith, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1272 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1272**

**THE ANNUAL APPROPRIATION BILL**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO

PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statute 17-706 provides that a city council of the second class shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.

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

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2017, through September 30, 2018. All sums of money contained in the budget statement are hereby appropriate for the necessary expenses and liabilities of the City of David City, Nebraska. A copy of all completed State of Nebraska Budget Forms shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Butler County, Nebraska, for use by the levying authority.

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 appealed.

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 13<sup>th</sup> day of September, 2017.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny opened the Public Hearing at 8:05 p.m. to consider setting the final tax request at a different amount than the prior year tax request.

As there were no comments Mayor Zavodny closed the Public Hearing at 8:06 p.m.

Council member Smith introduced Resolution No. 30 – 2017 approving an additional one percent (1%) increase in restricted funds and moved for its passage and adoption. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Trowbridge, Meysenburg, Hotovy, Kobus, and Smith. Voting NAY: None. The motion carried and Resolution No. 30 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 30 - 2017**

A RESOLUTION OF THE CITY OF DAVID CITY TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

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

1. An additional one percent (1%) increase in restricted funds for the 2017 - 2018 budget is approved.

PASSED AND APPROVED this 13th day of September, 2017.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Hotovy introduced Resolution No. 31 – 2017 setting the Property Tax Request. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Trowbridge, Smith, Kobus, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 31 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 31 - 2017**

RESOLUTION OF THE CITY OF DAVID CITY  
SETTING THE PROPERTY TAX REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of David City passes by a majority vote, resolution of ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the City of David City that the property tax request for the current year be a different amount than the property tax request for the prior year.

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

1. The 2017 - 2018 property tax request be set at \$679,779.49
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2017.

PASSED AND APPROVED this 13th day of September, 2017.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Smith introduced Resolution No. 32 – 2017 carrying forward the unused budget authority. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Hotovy, Vandenberg, Kobus, and Smith. Voting NAY: None. The motion carried and Resolution No. 32 - 2017 was passed and adopted as follows:

**RESOLUTION NO. 32 - 2017**

A RESOLUTION OF THE CITY OF DAVID CITY  
TO CARRY FORWARD THE UNUSED BUDGET AUTHORITY

WHEREAS, Nebraska Revised Statute 13-521 provides that a governmental unit may choose not to increase its total of restricted funds by the full amount by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority.

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

1. The unused budget authority of \$2,315,614.34 from the 2016 - 2017 budget shall be carried forward to the 2017 - 2018 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2017.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Joan Kovar

Mayor Zavodny declared the Public Hearing open at 8:08 p.m. to consider designating the following real estate within the corporate boundaries of the City as Blight and Substandard: Point of beginning (POB) is the intersection of 7<sup>th</sup> Street and Iowa Street; thence westerly along the centerline of Iowa Street to the centerline of the Burlington Northern Santa Fe Railroad tracks; thence, southerly along said tracks to the extended southern boundary of a lot described as 30 15 3 PT E ½ SW ¼; thence, easterly along said south boundary line to the intersection with a north boundary line of same said lot; thence, northerly along said east boundary line to the intersection of the next south boundary line; thence easterly to intersection with the centerline of Nebraska Highway 15; thence, northerly along said centerline of Nebraska Highway 15 to the extended centerline of Kansas Street; thence, easterly along said centerline of Kansas Street to the intersection of the centerline of 7<sup>th</sup> Street; thence, northerly along said centerline of 7<sup>th</sup> Street to the POB.

Planning Commission member Keith Marvin stated that this real estate is approximately 95 acres and it meets the standards of case law to be declared blight and substandard.

D.C. High School Superintendent Chad Denker questioned how this would affect the D.C. Public Schools.

Keith Marvin explained that if this property is declared as blight and substandard and then a Tax Increment Financing (TIF) Project is done, (TIF is a tool that allows municipalities to promote economic development by earmarking property tax revenue from increases in assessed values within a designated TIF district), the School continues to receive the tax revenue they are currently receiving, however, they don't receive the "gain" in taxes for several years.

There being no further comments, Mayor Zavodny declared the Public Hearing closed at 8:12 p.m.

Council member Trowbridge introduced Resolution No. 33 - 2017 and moved for its passage and adoption. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 33 - 2017 was passed and approved as follows:

### **RESOLUTION NO. 33 - 2017**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, DECLARING A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED.

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the City of David City, Nebraska, (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

WHEREAS, on Wednesday, September 13, 2017, at 7:00 o'clock p.m., a Meeting of the Mayor and City Council of the City was held at 557 North 4<sup>th</sup> Street, in the City, and a public hearing (the "Public Hearing") to determine whether that certain area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard and in need of redevelopment as required by the Act; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to declare the Redevelopment Area as blighted and substandard, pursuant to the Act; and

WHEREAS, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis (the "Blight Study") prepared by Marvin Planning Consultants; and

WHEREAS, the Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed and discussed the recommendations received from the Planning Commission; and

WHEREAS, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA AS FOLLOWS:

Section 1. The Redevelopment Area is hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.

## **ATTACHMENT 1.**

The following is the description of the designated area within David City.

### *Study Area*

Point of beginning (POB) is the intersection of 7<sup>th</sup> Street and Iowa Street; thence westerly along the centerline of Iowa Street to the centerline of the Burlington Northern Santa Fe Railroad tracks; thence, southerly along said tracks to the extended southern boundary of a lot described as 30 15 3 PT E ½ SW ¼; thence, easterly along said south boundary line to the intersection with a north boundary line of same said lot; thence, northerly along said east boundary line to the intersection of the next south boundary line; thence easterly to intersection with the centerline of Nebraska Highway 15; thence, northerly along said centerline of Nebraska Highway 15 to the extended centerline of Kansas Street; thence, easterly along said centerline of Kansas Street to the intersection of the centerline of 7<sup>th</sup> Street; thence, northerly along said centerline of 7<sup>th</sup> Street to the POB.



CITY OF DAVID CITY, NEBRASKA

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

ATTEST:

\_\_\_\_\_  
City Clerk Joan E. Kovar

Mayor Zavodny declared the Public Hearing open at 8:15 p.m. to consider the Preliminary Plat of Zegers 1<sup>st</sup> Addition located in the East ½ of the Southwest ¼ of Section 30, T15N, R3E of the 6<sup>th</sup> PM., Butler County, Nebraska, legally described as follows: Commencing at the northeast corner of said Southwest ¼, and assuming the east line of said Southwest ¼ to have a bearing of N 00°59'17"W; thence N 89°40'57" W, 75.71 feet on the North line of said Southwest ¼, to the Point of Beginning, said point being on the westerly right-of-way line of Nebraska highway No. 15; thence S 00°55'30" E, 1334.83 feet on said westerly Highway Right-of-Way line; thence S 09°25'22" E, 202.41 feet on said westerly Highway Right-of-Way line; thence S 01°04'43" E, 12.86 feet on said westerly Highway Right-of-Way line; thence S 89°23'46" W, 296.24 feet; thence S 00°15'37" W, 213.37 feet; thence S 89°48'29" W, 245.44 feet to a point on the easterly Right-of-Way line of the Burlington Northern Railroad; thence northerly 1804 feet, more or less on said easterly Railroad Right-of Way line to a point on the North line of said Southwest ¼; thence N 89°45'02" E on said North line, 836.59 feet to the Point of Beginning.

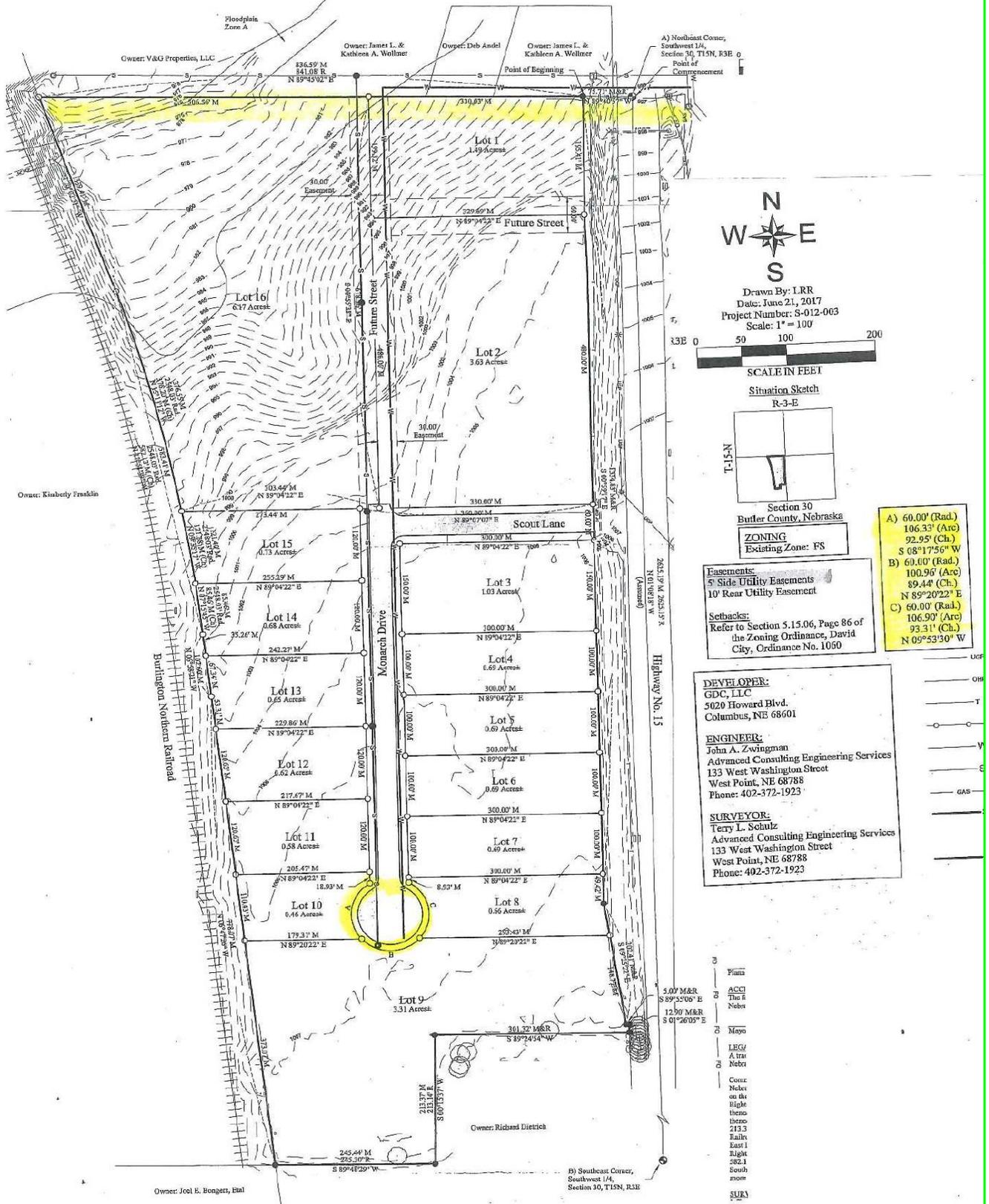
John Zwingman of Advanced Consulting Engineering Services, stated the Zegers 1<sup>st</sup> Addition has 10' easements, 5' on the side of each lot; an 8" water line that will be coming in from the Northeast corner and traveling down the east side of the future street, Monarch Drive, that will eventually be looped; the sewer will also be coming in from the Northeast corner and traveling down the west side of the future street, Monarch Drive. The radius of the cul-de-sac was increased to 100' diameter, and they will be putting in and grading the north dike/ berm in phase one of the project, both as recommended by the Planning Commission.

City Clerk Kovar questioned if 5' easements on the side of each lot was adequate as an alley easement is 20'. John Zwingman stated that he had visited with Electric Supervisor Pat Hoefft who stated that the electric lines would be coming in from the future street, Monarch Drive, so the 5' easement should be adequate.

There being no further comments, Mayor Zavodny declared the Public Hearing closed at 8:27 p.m.

### Zegers 1st Addition

Located in the East 1/2 of the Southwest 1/4 of Section 30, T15N, R3E  
 of the 6th P.M., Butler County, Nebraska



**N**  
**W** **E**  
**S**

Drawn By: LRR  
 Date: June 21, 2017  
 Project Number: S-012-003  
 Scale: 1" = 100'

0 50 100 200  
 SCALE IN FEET



**ZONING**  
 Existing Zone: FS

**Easements:**  
 5' Side Utility Easements  
 10' Rear Utility Easement

**Setbacks:**  
 Refer to Section 5.15.06, Page 86 of  
 the Zoning Ordinance, David  
 City, Ordinance No. 1050

- A) 60.00' (Rad.)  
106.33' (Arc)
- 92.95' (Ch.)  
S 68°17'55" W
- B) 60.00' (Rad.)  
100.96' (Arc)
- 89.44' (Ch.)  
N 89°20'22" E
- C) 60.00' (Rad.)  
106.90' (Arc)
- 93.31' (Ch.)  
N 09°53'30" W

**DEVELOPER:**  
 GDC, LLC  
 5020 Howard Blvd.  
 Columbus, NE 68601

**ENGINEER:**  
 John A. Zwingham  
 Advanced Consulting Engineering Services  
 133 West Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

**SURVEYOR:**  
 Terry L. Schulz  
 Advanced Consulting Engineering Services  
 133 West Washington Street  
 West Point, NE 68788  
 Phone: 402-372-1923

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Council member Smith made a motion to accept the Preliminary Plat of Zegers 1<sup>st</sup> Addition located in the East ½ of the Southwest ¼ of Section 30, T15N, R3E of the 6<sup>th</sup> PM., Butler County, Nebraska, legally described as follows: Commencing at the northeast corner of said Southwest ¼, and assuming the east line of said Southwest ¼ to have a bearing of N 00°59'17"W; thence N 89°40'57" W, 75.71 feet on the North line of said Southwest ¼, to the Point of Beginning, said point being on the westerly right-of-way line of Nebraska highway No. 15; thence S 00°55'30" E, 1334.83 feet on said westerly Highway Right-of-Way line; thence S 09°25'22" E, 202.41 feet on said westerly Highway Right-of-Way line; thence S 01°04'43" E, 12.86 feet on said westerly Highway Right-of-Way line; thence S 89°23'46" W, 296.24 feet; thence S 00°15'37" W, 213.37 feet; thence S 89°48'29" W, 245.44 feet to a point on the easterly Right-of-Way line of the Burlington Northern Railroad; thence northerly 1804 feet, more or less on said easterly Railroad Right-of-Way line to a point on the North line of said Southwest ¼; thence N 89°45'02" E on said North line, 836.59 feet to the Point of Beginning. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Trowbridge, Meysenburg, Hotovy, Smith, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny declared the Public Hearing open at 8:29 p.m. to consider amending the Zoning Ordinance Article 6: Parking, by amending Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements – Use: Duplex, Parking Requirements - 2 per dwelling unit, Loading Requirements: 0 per structure; Residential (Single-family, attached and detached), 2 per dwelling unit with 1 required to be enclosed; and amending Article 2: Definitions, Section 2.02 Definitions, by changing the definition of Parking Space, Automobile – shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet.

Building Inspector Ray Sueper stated that the Planning Commission recommended that the definition be changed to allow cars to be stacked, so that one vehicle can be in the garage stall and another vehicle can be in the driveway.

There being no further comments, Mayor Zavodny declared the Public Hearing closed at 8:34 p.m.

Council member Hotovy introduced Ordinance No. 1273 amending the Zoning Ordinance Article 6: Parking, by amending Section 6.02 Schedule of Minimum Off-Street Parking and Loading Requirements – Use: Duplex, Parking Requirements - 2 per dwelling unit, Loading Requirements: 0 per structure; Residential (Single-family, attached and detached), 2 per dwelling unit with 1 required to be enclosed; and amending Article 2: Definitions, Section 2.02 Definitions, by changing the definition of Parking Space, Automobile – shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet.

Mayor Zavodny read Ordinance No. 1273 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 Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to pass and adopt Ordinance No. 1273 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Kobus, Smith, Meysenburg, and Trowbridge. Voting

NAY: None. The motion carried and Ordinance No. 1273 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1273**

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING SECTION 2.02 DEFINITIONS: PARKING SPACE, AUTOMOBILE; ARTICLE 6: PARKING, SECTION 6.02 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS FOR DUPLEX AND RESIDENTIAL (SINGLE-FAMILY, ATTACHED AND DETACHED); TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

**ARTICLE 2: DEFINITIONS**

**SECTION 2.02 DEFINITIONS**

**PARKING SPACE, AUTOMOBILE** shall mean an area, other than a street or alley, reserved for the parking of an automobile, such space having a dimension not less than nine feet by 20 feet.

**ARTICLE 6: PARKING**

**SECTION 6.02 SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS**

Use	Parking Requirements (spaces)	Loading Requirements
Duplex	2 per dwelling unit	0 per structure
Residential (Single-family, Attached and detached)	2 per dwelling unit with 1 required to be enclosed	None required

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 13<sup>th</sup> day of September 2017.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

City Clerk Kovar stated that the City Council would not be having the Public Hearings to discuss amending the Land Use Plan Map and the Official Zoning Map. A city employee was given the notices to be posted "in a conspicuous place" on or near the property on which action is pending: "Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing." Complaints were received that the notices were not easily visible and were not placed in an open area so that it could be read by the public. Planning Commission member Jim Vandenberg, who lives across the street north of this area, agreed that the signs were not visible.

Therefore, Council member Trowbridge made a motion to table the Public Hearing to consider amending the Land Use Plan Map; consideration of Ordinance No. 1274 amending the Land Use Plan Map; the Public Hearing to consider amending the Official Zoning Map; and Ordinance No. 1275 amending the Official Zoning Map. Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Smith made a motion to table consideration of Ordinance No. 1274 amending the Land Use Plan Map by changing the zoning of real estate, described above, from MDR – Medium Density Residential, LDR – Low Density Residential and I – Industrial, to FS – Flex Space as requested to allow for a proposed shop 60' x 90' to park semi-trucks and work on personal semi-trucks. Council member Hotovy seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Meysenburg, Hotovy, and Smith. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to table consideration of a Public Hearing to consider amending the Official Zoning Map by changing the zoning classification from I-1 Light Industrial, R-1 Single Family Residential, and R-2 Two Family Residential, to FS – Flex Space for the following real estate: The point of beginning (POB) is the southeast corner of a tract described as 29 15 3 PT NE ¼ NW ¼ 6 Acres; thence, heading westerly along the south property line of said lot and continuing to the intersection with a tract referred to as 29 15 3 PT NW ¼ 28.91 Acres; thence, southerly to the northern southeast corner of said tract; thence, westerly from said point running parallel to the northern property line until intersecting with the creek; thence, southwesterly along the centerline of said creek and connecting to the lot referred to as Multi-purpose land in East Park Meadows Final Plat; thence, westerly along north property line of said lot in East Park Meadows Addition and continuing to the intersection with the southeast corner of a lot referred to as David City 29 15 3 PT NW ¼ NW ¼ 3.5 Acres ANNEX; thence, northerly along the east property line of said lot and a lot referred to as David City 29 15 3 PT NW ¼ NW ¼ 6 Acres Annex to the intersection with the centerline of "A" Street; thence, easterly along said centerline to a point intersecting with the east property line of the initial tract referred to as 29 15 3 PT NW ¼ 6 Acres; thence, southerly to the POB. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Trowbridge, Meysenburg, Vandenberg, Kobus, and Hotovy. Voting NAY: None. The motion carried.

Council member Smith made a motion to table consideration of Ordinance No. 1275 amending the Official Zoning Map by changing the zoning of real estate, described above, from I-1 Light Industrial, R-1 Single Family Residential, and R-2 Two Family Residential, to FS –

Flex Space as requested to allow for a proposed shop 60' x 90' to park semi-trucks and work on personal semi-trucks. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Vandenberg, Kobus, Hotovy, and Smith. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve the Contractor's Progress Estimate to Constructors, Inc. in the amount of \$880,350.26 and Council member Kobus seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, Trowbridge, Meysenburg, and Smith. Voting NAY: None. The motion carried.

<b>CONTRACTOR'S PROGRESS ESTIMATE</b>				<b>NO.</b>	<b>3</b>
Project:	City of David City Improvements David City, Nebraska		Date:	SEPTEMBER 7, 2017	
Owner:	City of David City David City, Nebraska		Engineer:	LEO A DALY	
Contractor:	Constructors, Inc. P. O. Box 80268 Lincoln, Nebraska 68501		Contract for:	Entire Work	
			Contract Date:	April 12, 2017	
Original Contract Sum . . . . .				\$	9,304,432.44
Change Orders Previously Approved	001, 002, 003, 004, 005, 006	ADDITIONS \$72,990.06	DEDUCTIONS (\$17,952.00)	\$	55,038.06
Change Orders Approved This Period		\$0.00	\$0.00	\$	-
Total Amount of Contract To-Date . . . . .				\$	9,359,470.50
<b>Current Pay Period</b>					
Current Contractor Estimate . . . . .		\$ 930,803.48			
Retainage (10%) . . . . .		\$ (93,080.35)			
Current Total . . . . .		\$ 837,723.13			
<b>Stockpiled Materials</b>					
Van Kirk . . . . .		\$ (28,160.00)			
IES . . . . .		\$ 43,248.42			
Adjustments . . . . .		\$ 27,538.71			
Total Amount Current Pay Period . . . . .		\$ 880,350.26			
<b>Previous Pay Periods</b>					
Estimate Amount Previously Submitted . . . . .		\$ 1,550,139.63			
Previous Retainage (10%) . . . . .		\$ (155,013.96)			
Previous Total . . . . .		\$ 1,395,125.67			
<b>Previous Stockpiled Materials</b>					
Van Kirk . . . . .		\$ 316,977.42			
IES . . . . .		\$ -			
<b>Totals To-Date</b>					
Total Estimated To-Date . . . . .		\$ 2,523,570.24			
Total Retainage To-Date (10%) . . . . .		\$ (248,094.31)			
Estimated Work Completed To-Date . . . . .		\$ 2,275,475.93			
Less Previous Payments . . . . .		\$ 1,395,125.67			
Balance Due by Estimate 3 . . . . .		\$ 880,350.26			
I have reviewed this estimate and it appears to be correct.					
<b>LEO A DALY</b>					
By:	AL HOTTOVY		Date:	September 7, 2017	
Approved:			Date:		
Owner:					

The City placed the following ad in the paper:

**Storage Units Available  
David City Municipal Airport**

The City of David City is currently accepting sealed bids for the rental of two (2) storage units, each approximately 500 sq. ft., available in the newly constructed T-Hangar at the David City Airport. The minimum bid is \$115/month for each storage unit. Bids will be accepted until 4:00 p.m. on September 13, 2017 with the bid opening during the Council Meeting that evening. Sealed bids can be mailed to: The City Office, Attention: Joan Kovar – Airport Bid, P.O. Box 191, David City, NE 68632-0191. For further information or to view the storage units contact Street Supervisor Rodney Rech at 402-367-3109.

City Clerk Kovar opened the following bids and read them aloud:

Dana Trowbridge	\$140.00
Jared Storm Aeronautics	\$135.01
Hershey Flying Service	



3370 MN Road  
David City, NE 68632  
402-367-3213

<i>Storage Unit Bid at David City Airport. \$135.01 per month.</i>	<i>Airport Bid</i>
<i>Storm Aeronautics</i>	<i>\$140/month</i>
<i>Jared Storm</i>	<i>Dana Trowbridge</i>

Council member Hotovy made a motion to accept the bid of Dana Trowbridge in the amount of \$140.00 / month for the south storage unit, and the bid of Hershey Flying Service / Jared Storm Aeronautics in the amount of \$135.01 / month for the north storage unit. Council member Vandenberg seconded the motion. Voting AYE: Council members Kobus, Smith, Meysenburg, Hotovy, and Vandenberg. Voting NAY: None. Council member Trowbridge abstained. The motion carried.

Council member Trowbridge introduced Resolution No. 34 - 2017 and moved for its passage and adoption. Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Hotovy, Kobus, Smith, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 34 - 2017 was passed and approved as follows:

League Association of Risk Management  
2017-18 New Resolution

RESOLUTION NO. 34 - 2017

WHEREAS, The City of David City is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of The City of David City, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2020. **(180 day and 3 year commitment; 5% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. **(180 day and 2 year commitment; 4% discount)**
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2018. **(180 day notice only; 2% discount)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2020. **(90 day notice and 3 year commitment only; 2% discount)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. **(2 year commitment only; 1%)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2018. **(90 day Notice only)**

Adopted this 13<sup>th</sup> day of September, 2017.



Signature: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Title: \_\_\_\_\_

Alan Zavadny  
Mayor Alan Zavadny  
Joan Kovar  
City Clerk Joan Kovar

Please email (customerservice@LARMpool.org) or fax (402.476.4089) the completed resolution to LARM.

Council member Trowbridge made a motion to table consideration of increasing the Employers Liability coverage under the W/C to \$5,000,000, for an extra \$695; increasing the Law Enforcement Liability to \$5 million per occurrence and in the aggregate for an additional \$455; and approving a short third-party contract to be used. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Smith, Meysenburg, Hotovy, Trowbridge, and Kobus. Voting NAY: None. The motion carried.

Council member Hotovy introduced Ordinance No. 1276 increasing the pay scale / salary by 1½%.

Mayor Zavodny read Ordinance No. 1276 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 Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1276 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Vandenberg, Kobus, Smith, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1276 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1276**

AN ORDINANCE ADOPTING A ONE AND ONE-HALF PERCENT (1.5%) INCREASE IN THE PAY SCALE / SALARY FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

**SECTION 1.** The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay scales and salaries for the following positions for the appointed officers and employees of the City of David City, Nebraska:

Full-Time Staff (Hourly Rate of Pay)

STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
Office Staff															
Clerical I	11.02	11.27	11.52	11.78	12.05	12.30	12.60	12.87	13.16	13.48	13.77	14.08	14.39	14.74	15.04
Acct Clerk I	13.43	13.73	14.04	14.35	14.70	15.00	15.35	15.70	16.06	16.41	16.78	17.15	17.54	17.92	18.34
Acct Clerk II	15.67	16.02	16.37	16.73	17.14	17.50	17.89	18.31	18.72	19.11	19.55	19.99	20.45	20.90	21.37
(incl .50/hr. CMC)	(Ord. 1192)	14	15	16	17	18	19	20	21	22	23	24	25		
		21.86	22.35	22.87	23.38	23.91	24.44	25.01	25.56	26.14	26.71	27.32	27.93		
STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
Utility Staff															
Power Plant Op I	13.83	14.14	14.43	14.78	15.11	15.44	15.80	16.15	16.51	16.89	17.27	17.66	18.06	18.46	18.88
Power Plant Op II	17.35	17.72	18.14	18.53	18.95	19.39	19.82	20.25	20.72	21.18	21.66	22.16	22.64	23.13	23.67

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Power Plant Op III	17.82	18.24	18.63	19.05	19.48	19.92	20.39	20.83	21.28	21.79	22.27	22.77	23.28	23.80	24.34
Apprentice Lineman	15.32	15.64	16.02	16.37	16.72	17.11	17.49	17.88	18.28	18.71	19.10	19.55	19.98	20.44	20.89
Line worker II	20.11	20.54	21.01	21.49	21.96	22.45	22.97	23.47	24.01	24.55	25.11	25.68	26.25	26.85	27.45
Line worker I	21.13	21.61	22.09	22.58	23.09	23.61	24.15	24.69	25.24	25.81	26.41	26.98	27.60	28.22	28.86
Line Foreman	22.77	23.28	23.79	24.33	24.86	25.45	26.00	26.58	27.19	27.81	28.45	29.08	29.73	30.40	31.09
Water/Sewer Op I	13.12	13.47	13.75	14.05	14.37	14.71	15.02	15.37	15.72	16.07	16.44	16.79	17.17	17.56	17.96
WA/SE Op 1 w Gr VI	13.93	14.25	14.57	14.89	15.24	15.56	15.92	16.27	16.64	17.02	17.40	17.79	18.19	18.59	19.01
WA/SE Operator II	15.88	16.23	16.60	16.98	17.36	17.73	18.15	18.54	18.96	19.40	19.83	20.26	20.73	21.20	21.67
WA/SE Op II w Gr VI	16.63	17.02	17.40	17.77	18.19	18.58	19.01	19.44	19.87	20.32	20.79	21.24	21.73	22.21	22.72
WA/SE Op III w Gr VI	19.01	19.44	19.87	20.32	20.79	21.24	21.73	22.21	22.71	23.22	23.73	24.29	24.82	25.39	25.94
Waste Water Plt Op	17.94	18.35	18.76	19.17	19.62	20.07	20.51	20.96	21.44	21.92	22.40	22.93	23.38	23.97	24.49
STEP	Probation	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
City Maintenance Staff															
Laborer I	11.02	11.27	11.52	11.78	12.05	12.30	12.60	12.87	13.16	13.48	13.77	14.07	14.38	14.73	15.03
Laborer II	13.00	13.29	13.60	13.90	14.22	14.52	14.86	15.19	15.52	15.89	16.24	16.61	16.99	17.37	17.74
Maint Worker I	13.65	13.95	14.28	14.60	14.93	15.28	15.59	15.95	16.30	16.67	17.06	17.44	17.82	18.24	18.63
Maint Worker II	14.32	14.67	14.97	15.32	15.67	16.02	16.37	16.73	17.12	17.50	17.89	18.30	18.72	19.11	19.55
Street Foreman	17.61	18.01	18.41	18.82	19.25	19.68	20.13	20.57	21.04	21.52	21.98	22.49	23.00	23.50	24.05
Bartenders	9.00	Min Wage													
Recycling Workers	9.00	Min Wage													
Summer Time Help	9.00		9.20	9.41	9.62										
	Probationary	6 Mo	1	2	3	4	5	6	7	8	9	10	11	12	13
Supervisors															
Park & Aud Supt.	17.54	17.92	18.33	18.75	19.16	19.61	20.06	20.49	20.94	21.42	21.90	22.39	22.91	23.42	23.95
Street Supt.	21.69	22.18	22.68	23.18	23.70	24.25	24.78	25.34	25.90	26.50	27.08	27.71	28.32	28.96	29.63
	14	15	16	17	18	19	20	21	22	23	24	25			
	<u>30.29</u>	<u>30.97</u>	<u>31.67</u>	<u>32.38</u>	<u>33.10</u>	<u>33.85</u>	<u>34.60</u>	<u>35.39</u>	<u>36.17</u>	<u>36.99</u>	<u>37.83</u>	<u>38.67</u>			
Water Super w/Gr VI	21.35	21.85	22.34	22.86	23.36	23.90	24.41	24.96	25.52	26.11	26.68	27.30	27.91	28.54	29.17
	14	15	16	17	18	19	20	21	22	23	24	25			
	<u>29.83</u>	<u>30.51</u>	<u>31.18</u>	<u>31.89</u>	<u>32.60</u>	<u>33.34</u>	<u>34.08</u>	<u>34.84</u>	<u>35.63</u>	<u>36.43</u>	<u>37.26</u>	<u>38.08</u>			
Wastewater Super w/Gr VI	21.35	21.85	22.34	22.86	23.36	23.90	24.41	24.96	25.52	26.11	26.68	27.30	27.91	28.54	29.17
Power Plant Supervisor	22.36	22.88	23.38	23.92	24.44	25.01	25.56	26.14	26.71	27.32	27.93	28.56	29.20	29.85	30.53
Electric Supervisor	25.49	26.07	26.64	27.26	27.88	28.50	29.14	29.83	30.45	31.14	31.84	32.56	33.31	34.04	34.80

1) 15 Steps Total

2) Approximately 2.25% between steps

3) The salary range from Probationary Salary to Step 13 (maximum) is 37%

Permanent Part-time Staff (Hourly  
Rate of Pay)

Part-time workers	9.76	9.99	10.21	10.43	10.68	10.90	11.15	11.42	11.65	11.94	12.20	12.48	12.76	13.03	13.34
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Swimming Pool	A	B	C	D	E	F	G	H	I	J
Staff	1	2	3	4	5	6	7	8	9	10
Manager	12.50	12.78	13.05	13.36	13.65	13.97	14.30	14.61	14.93	15.28
Asst. Manager	12.04	12.28	12.58	12.86	13.14	13.44	13.74	14.05	14.36	14.70
Head Lifeguard	11.09	11.38	11.64	11.94	12.21	12.50	12.78	13.05	13.35	13.61
WSI Lifeguard	9.50	9.79	10.07	10.36	10.65	10.91	11.20	11.49	11.76	12.06
Lifeguard	8.71	8.83	8.94	9.04	9.17	9.29	9.39	9.49	9.62	9.73
Sw Lesson Aid	8.16	8.27	8.38	8.50	8.62	8.72	8.84	8.95	9.06	9.18
Aerobics Instructor	10.31	10.41	10.52	10.65	10.76	10.86	10.98	11.09	11.20	11.32
Concession/Games/Cleaning	8.16	8.27	8.38	8.50	8.62	8.72	8.84	8.95	9.06	9.18

Salaried Staff Pay Plan (Annual Rate of Pay)

Position	Minimum	Mid-Point	Maximum
Clerk/Treasurer	\$57,700	\$68,378	\$79,055

Notes:

- 1) Exempt (salaried) Employees are subject to the same 2.25% annual step increase as non-exempt employees as well as any Cost-of-Living Adjustments (COLA) as approved by the City Council.
- 2) The range spread from Minimum Starting to Maximum is approximately 37%.

**SECTION 3.** Any and all ordinances or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

**SECTION 4.** This ordinance shall be published in pamphlet form and shall be in full force and effect on September 24, 2017 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 13<sup>th</sup> day of September, 2017.

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

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

Council member Hotovy made a motion to authorize the purchase of an ISCO 5800 Refrigerated Sampler \$6,318.00; 1 bottle configuration 5.5-gallon bottle two caps and two discharge tubes \$220; Sampler multipurpose cable with 16 unterminated leads \$110.00; plus, installation if required. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Kobus, Trowbridge, Meysenburg, Vandenberg, and Hotovy. Voting NAY: None. The motion carried.

**Lee's Refrigeration**  
 734 Seward St., PO BOX 425  
 SEWARD, NE 68434  
 402-643-3644  
 ACCTG@LEESREFRIGERATION.COM

Proposal	Date	Due Date	Summary	City	Address
1198-103	8/28/2017	9/27/2017	COM REFRIG SVC	CITY OF DAVID CITY	WASTEWATER DEPARTMENT 3460 M RD DAVID CITY, NE 68632

**We Hereby Submit Specifications And Estimates For:**

RIC NOT COOLING ISCO 3750VR SN 204h00349 Found unit had been under water. Possible water in compressor/rusted out, All wiring has corrosion. Capacitor, time delay, terminal block all rusted and broker terminals. Unit is not repairable.

New Teledyne ISCO 5800 Refrigerated Sampler \$6,318.00  
 Includes control panel, refrigeration unit, distributor arm, two pump tubes

685800011 1 bottle configuration 5.5 gallon bottle, two caps and tw discharge tubes \$220.00

685800020 Sampler multipurpose cable with 16 unterminated leads \$110.00

Installation by Lees on time and material basis, if required.

Council member Hotovy made a motion to authorize Mayor Alan Zavodny to execute an Incoming Loan Agreement, concerning "The Foundation" a 1940 oil on canvas by Dale Nichols, to the Bone Creek Museum of Agrarian Art, for a 5-year term ending September 9, 2022. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Smith, Meysenburg, and Hotovy. Voting NAY: None. The motion carried.



## Incoming Loan Agreement

This is to acknowledge receipt of the items listed below from:

Institution: City of David City	Loan # 2017.4
Contact: Joan Kovar, City Clerk	Date: September 8, 2017
Address: 557 4 <sup>th</sup> St.	Phone: 402-367-3135 (W)
David City, NE 68632	Email: jkovar@davidcityne.com

**Purpose:** Storage and optional short term exhibition

**Insurance Information:**

Company: Aspen American Insurance Company	Rep: Emma Kienker	Phone: 301-692-3085
Policy #: IMADDXM16	Insured value: \$75,000	

Object ID	Object Name/Description
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2017.4.1

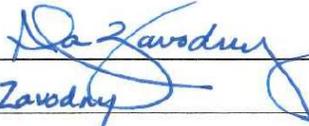
Dale Nichols  
*The Foundation*  
1940, oil on canvas  
Image: 30"x40", framed: 39 1/2" X 49 1/2"  
Signed lower right: "Dale Nichols 1940"

**Credit to be used for label, publications, etc.:** On loan from the City of David City

**Term of Loan:** through September 9, 2022 (5 year term)

**Special Conditions:** Due to the fragile condition of the piece, we will not exhibit the piece for longer than 6 months at a time.

I have read and agree to the terms and conditions set forth in this Loan Agreement and certify that I am the owner or the agent of the owner authorized to agree thereto. I understand that by signing this Agreement, I agree to be bound by all of the provisions set forth herein.

Lender(s) Signature:  Date: 9.13.2017  
(Print name) Alan Zawodny  
(Print title) Mayor

Borrower(s) Signature:  Date: 9/19/2017  
(Print name) Gabrielle Comte  
(Print title) Collections Manager

**Incoming Loan Agreement-**

1. Borrower agrees to exercise the same care and respect to the Artwork as it does in the safekeeping of its own property. Borrower agrees to reasonably protect the Artwork from fire, theft, mishandling, dirt, insects and extremes of light, temperature and humidity. Borrower further agrees to report to Lender any evidence of damage to the Artwork at the time of discovery, if any exists.  
It is understood that the objects in this loan will remain in the condition received and will not be repaired, restored, cleaned or altered in any way without the permission of the lending party. Expenses involved with ongoing and future restoration are the responsibility of the Lender.
2. The Borrower hereby agrees to insure this Artwork under an all risk property insurance policy, for the amount indicated in paragraph 2, above, against all risks of physical loss or damage from any external cause while on location or during the period of the loan as set forth in paragraph 5, above. This insurance policy excludes loss or damage due to war, invasion, hostility or war-like action, insurrection or civil commotion, confiscation by public authority for risk of contraband or illegal transportation or trade, seizure or destruction under quarantine or customs regulations, pollutants, nuclear reaction, nuclear radiation, radioactive contamination, wear and tear, gradual deterioration or inherent vice.  
The Lender agrees that, in the event of damage, recovery shall be limited to such amounts, if any, as may be paid by the insurer, hereby releasing Borrower, its officers, employees and agents from any liability for any claims arising out of such loss or damage.
3. The objects will not be lent to third parties without permission of the Lender.
4. Lender hereby warrants that it has all right, title and ownership interest in the Artwork, and that the Artwork is not subject to any ownership, lien, encumbrance, copyright infringement or other claim by any other person or entity. Lender agrees that it shall not take any action to limit or affect this warranty during the term of this Agreement unless it obtains the advance written consent of the Borrower, in advance.
5. The object(s) may be photographed only with the permission of the lending individual or museum. The Borrower agrees that any photos taken of this loan will be used only for the purpose(s) stated on this form or in accordance with the guidelines of 'fair use'. The Borrower has permission to reproduce this work(s) for press releases, promotional materials including website usage, educational and archival purposes, pending such permission has already been granted by the copyright holder. The lending party will receive a copy of all photographs. All publication of photographs of items in this loan will bear a credit line acknowledging that the objects are the property of the lending individual or institution. No fees will be paid to the Lender.
6. The Borrower is responsible for packing and the cost of transportation.
7. This Agreement shall be governed by and construed under the laws of the State of Nebraska, which shall also be the forum for any litigation arising from or incident to the Agreement. This Agreement may not be assigned by either party without the express written consent of the other, in advance.
8. This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof and may be amended at any time only upon mutual written agreement of the parties. Any notice to either party shall be sent to the party's primary contact.

Council member Hotovy made a motion to authorize a raise for legal counsel to consist of \$350.00 to attend a City Council meeting and \$125/hr. for services outside of that. Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Smith, Kobus, Vandenberg, and Hotovy. Voting NAY: None. The motion carried.

The non-compliance issues at the Wastewater Treatment Plant were discussed. It was noted that it is difficult to plan for improvements when the City doesn't know the level of participation from Henningsen Foods. Henningsen Foods loading plays a significant part in the operations of the plant.

Council member Trowbridge made a motion to set a deadline of December 1, 2017 for Henningsen Foods Inc. to sign an agreement stating that they are financially committed to the Wastewater Treatment Plant Improvements and the City will decide the level of Henningsen Foods participation, or the plant will be designed without Henningsen Foods. Council member Smith seconded the motion. Voting AYE: Council members Meysenburg, Hotovy, Vandenberg, Kobus, Smith, and Trowbridge. Voting NAY: None. The motion carried.

Council member Vandenberg made a motion to return the CDBG Housing Program Funds in the amount of \$19,192.34 to the Nebraska Department of Economic Development. (It was noted that by the time the individual qualifies for low to moderate income, they don't normally qualify for a bank loan.) Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Smith, Meysenburg, Trowbridge, Hotovy, and Vandenberg. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to terminate the KENO Contract with Todd Zeilinger of Zeilinger Keno Inc., and terminate KENO altogether. Council member Kobus seconded the motion. Voting AYE: Council members Kobus, Smith, Meysenburg, and Trowbridge. Voting NAY: Council members Hotovy and Vandenberg. The motion carried.

As the Mayor and City Council had just received an Administrative Procedures Packet from Building Inspector Ray Sueper, Council member Vandenberg made a motion to have Council members Trowbridge, Meysenburg, and Smith, and City Attorney Egr meet with Ray to discuss and review the Administrative Procedures. This committee can then make a recommendation to the full council. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Hotovy, Kobus, Smith, Trowbridge, and Vandenberg. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Council member Smith made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Meysenburg, Vandenberg, Hotovy, Kobus, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:13 p.m.



CERTIFICATION OF MINUTES  
September 13, 2017

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 September 13<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.

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Joan Kovar, City Clerk