

**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 **13th day of April, 2016**, in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska.

This agenda is available for public inspection in the office of the City Clerk and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this 7th day of April, 2016.

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 April 9, 2016 meeting of the Mayor and City Council; Council President Gary L. Kroesing
5. Consideration of Claims;
6. Committee and Officer Reports; Certificate of Appreciation to Jim Kozisek for Nine Years as a Library Trustee; _____
Council member Michael E. Rogers
7. Consideration of appointing Larry Griffiths to another four year term as a Library Trustee until August of 2019; _____
Council member Thomas J. Kobus
8. Consideration of appointing Steve Smith to a four year term as a Library Trustee until May 2020; _____
Council member Kevin N. Hotovy
9. Consideration of the bids received Concerning a grass taxi-way at the David City Municipal Airport; _____
10. Consideration of the bids received from Extreme Technologies and Connecting Point for a server, etc; Council member Gary D. Smith
11. Update on the 11th Street Box culvert by Matt Rief; _____
Council member John P. Vandenberg
12. Discussion and Consideration of an "O" Street curb and gutter project; _____
City Clerk Joan E. Kovar

13. Consideration of advertising for bids to install or replace approximately 9 blocks of water main as part of a phased overall distribution system improvement plan – OA Project No. 015-3415;
14. Consideration of membership in the Northeast Nebraska Economic Development District and the increase in dues;
15. Consideration of the bids received for the Auditorium renovation project;
16. Consideration of a building inspector;
17. Consideration of Resolution No. 4 – 2016 approving the Nationwide Retirement (restated Plan Document for the PPA '06 Restatement) Adoption Agreement;
18. Consideration of appointing a small committee to discuss and review the recent salary surveys;
19. Adjourn;

CITY COUNCIL PROCEEDINGS

April 13, 2016

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on April 7th, 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 Kroesing, Council members Tom Kobus, Gary Smith, Mike Rogers, Kevin Hotovy, and John Vandenberg, City Attorney James Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Ryan Brandt of Kirkham Michael, Matt Rief of Olsson Associates, Jim Kozisek, Jeff Hilger, Steve Smith, Skip Trowbridge, Jared Storm of Storm Flying Service, Butler County Sheriff Marcus Siebken, Banner Press Editor Larry Peirce, Street Employee Chris Kroesing, Electric Supervisor Pat Hoefl, Power Plant Supervisor Eric Betzen, Park/Auditorium Supervisor Bill Buntgen, Sewer Supervisor Kevin Betzen, and Water Employee Matt Fleming.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the March 9th, 2016 meeting of the Mayor and City Council were approved upon a motion by Council member Rogers and seconded by Council member Smith. Voting AYE: Council members Kroesing, Vandenberg, Hotovy, Kobus, Rogers, and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny asked for consideration of claims.

Council member Rogers questioned the claim to Yong Construction in the amount of \$35,802.00 saying that he hasn't seen much activity or work being done at the 11th Street box culvert and questioned what the invoice was actually for.

Matt Rief of Olsson Associates stated it was basically for removing the concrete structure, earthwork, etc. Matt stated: "I agree you should hold the payment right now until we get the broken water main issue resolved. I don't think that's a bad thing to do right now."

Therefore, Council member Smith made a motion to authorize the payment of claims except for the claim in the amount of \$35,802.00 to Yong Construction. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Kroesing, Vandenberg, Kobus, and Rogers. Voting NAY: None. The motion carried.

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

Council member Kroesing questioned, with all of the water main breaks that we have had in the City lately, how often is the water department using the shoring box? Water Employee Matt Fleming stated that they don't use the shoring box. It was noted that this has come up before and that the City crews were instructed to use the shoring box. This is something the Council has strong feelings about as it only takes one time for someone to get seriously injured. Kroesing stated that this needs to be enforced and Council member Kobus agreed saying that he would make it mandatory. NOTE: Later during the meeting, when Sewer Supervisor Kevin Betzen arrived, he was asked the same question. Kevin stated that they have used the shoring box, it's in the Astro building for tight places, but other than that they usually do the trench safety where you do the 2', 2', and 2' steps to where you don't have to use the shoring. Discussion followed in which the Mayor and Council members unanimously agreed and advised Sewer Supervisor Kevin Betzen and the water/sewer employees that they ARE to use the shoring box on their projects.

Mayor Zavodny presented a Certificate of Appreciation to Jim Kozisek that stated: "In Grateful Acknowledgment of Nine Years of Faithful and Dedicated Volunteer Service as a Library Trustee, the City of David City, Nebraska, by its Mayor and Council Members have presented this Certificate of Appreciation to Jim Kozisek".

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

Council member Kroesing made a motion to appoint Larry Griffiths to another four year term as a Library Trustee until August, 2019. Council member Hotovy seconded the motion. Voting AYE: Council members Smith, Vandenberg, Kobus, Rogers, Kroesing, and Hotovy. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to appoint Steve Smith to a four year term as a Library Trustee until May, 2020. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Kroesing, Smith, Kobus, and Rogers. Voting NAY: None. The motion carried.

Ryan Brandt of Kirkham Michael presented the following bids that were received for a grass taxi-way at the David City Municipal Airport:

Paul Krivanek – Krivanek Construction

\$26,623.00

Joe Kobus – Mid-Nebraska Grading & Demo \$24,984.50

Ryan stated that in multiplying the unit prices by the quantities, it appears that the costs for seeding and mulching were not calculated correctly on the bid from Mid-Nebraska Grading & Demo. The request for bids stated: *In the situation where an extension of a unit price is found to be incorrect, the stated unit price and correct extension will govern.* Therefore, by correcting that extension the total bid is \$24,770.46. Ryan of Kirkham Michael stated that they recommend awarding the bid to Joe Kobus – Mid-Nebraska Grading & Demo – in the amount of \$24,770.46.

Council member Smith made a motion to accept the bid of Joe Kobus d.b.a. Mid-Nebraska Grading & Demo in the amount of \$24,770.46. Council member Vandenberg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Smith, and Kobus. Voting NAY: Council members Kroesing and Rogers. The motion carried.

Next on the agenda was consideration of the bids received for a server from Micky Rutenbeck of Extreme Technologies and Tony Kresha of Connecting Point. Neither of them were able to be present at this meeting. Mayor Zavodny stated that in looking at this and talking to people we probably don't want to go with the entry level server. Council member Hotovy stated that he felt that we should have specifications for this. Mayor Zavodny asked Council member Vandenberg if he could help with writing up some specs for the server so we can have an apples to apples bid and he stated that he could.

Council member Kroesing made a motion to table consideration of the bids received from Extreme Technologies and Connecting Point for a server. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Vandenberg, Hotovy, Kobus, Smith, and Kroesing. Voting NAY: None. The motion carried.

On Friday, April 8th, Matt Rief of Olsson Associates e-mailed the following to Interim City Administrator Joan Kovar concerning the 11th Street Box Culvert Conflict:

“As I am sure all of you are aware of, the contractor, Yong Construction, broke a 12” water main along 11th Street while excavating for the box culvert. What you might not be aware of is that the main was less than 2’ below the channel. Attached is a sketch showing the existing 12” main profile with the proposed relocation.

Typically water main installation is a minimum of 4’ bury (5’ typical) and when crossing a channel or pipe, a 20’ section of pipe would be centered at the crossing. These are industry standards and the assumptions we made for the design which our proposed box culvert could have been constructed over.

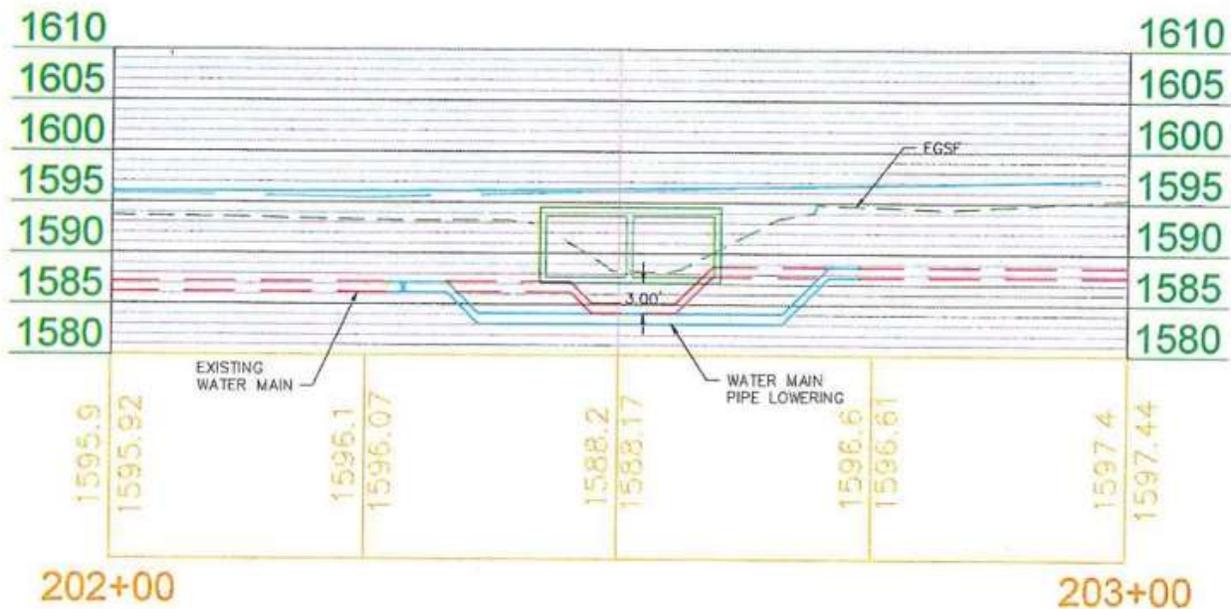
The water main break is a contractor responsibility and he is responsible for all costs associated with the break. The main was located in the shoulder of the road and was marked last week but was not re-marked this week. The contractor hit a concrete water main thrust block that he thought was part of the old bridge foundation. The contractor should have potholed the water to verify depth, as stated on the plans:

- 2. The location of all underground utilities may not be shown on these plans. Underground utilities, whether indicated or not will be located and flagged by the utilities at the request of the contractor. No excavation will be permitted in the area of underground utility facilities until all such facilities have been located and identified to the satisfaction of all parties. The excavation must be accomplished with extreme care in order to avoid*

any possibility of damage to the utility facility. The contractor shall be responsible for all damages.

If the contractor did not break the main, there would have been an additional city cost for the required water main lowering. The City is compiling all of the costs including staff time associated with the break of the water main and the contractor is compiling his cost for the lowering. We will meet with the contractor and City next week to discuss additional costs for the break and lowering.

We realize this was an inconvenience for you and the community. If you have additional questions, please give me a call. I plan to be at the next council meeting to give an update on the project.”



Matt Rief stated: “Where we are at right now, I went down there this morning, they are still leaking so they are trying to fix that. What it was, this morning, is that there was a crack in one of the sleeves basically, I don’t know if the contractor was careless with the pipe, I don’t know. My opinion is that work should have been done last Friday, it should have been completely operational and up and running. What we did is, we dropped an extra valve, and it was something that Kevin Betzen thought was a good idea. I agreed with Kevin so we isolated that section underneath the box culvert. The other thing we did when we put this in is, we did not put a joint underneath the box culvert. There are no joints underneath that box culvert. If there is ever a leak it is outside of the box. Just to back up a little bit with it, there probably should have been some red flags there on both parties when we found that sanitary sewer so shallow, probably should have been some red flags there. When the contractor came in there, he thought it was a footing, he didn’t remark it, it should have been remarked. It was not refreshed that week, so it’s really his fault for breaking it. Would we be in a position of lowering it? Yes we would have, but we would not have gone into emergency mode. On behalf of the Contractor, he apologizes for all of the inconveniences. There are a lot of inconveniences for water residences in the community. I’m sure every one of you got a phone call, guaranteed, and there were additional costs for the City for that break. If he was careful, he should have probed; he should have been probing for that water main just in case. He should have probed.

He did not probe. He thought it was part of the bridge footing, that big hunk of concrete there. Is that to spec? A concrete thrust block? No, but have I seen it like that? Yes. I know exactly what happened before, is they put everything together, put two 45's, dug quickly, stuck it down in the hole, backfilled as quick as they could and poured the concrete around it. There should have been a 20' stick on the bottom there, centered on the channel, that's typical construction, HHS, that's a requirement from the State. We would have had some additional work no matter what, but for the break to happen the way it did, and the inconvenience, "no". I should have gotten a phone call Wednesday that said, "We need to lower this water main". I would have been here on Thursday morning like I was. Since there was a break we figured out what we wanted to do, they started getting parts....it should have been completed at the latest, Friday. Most contractors would have had it done on Thursday. They are having issues. We're there. Mike Davis has been there, our off site inspector. He is very knowledgeable, he has a lot of experience, and he is making a lot of suggestions to the contractor."

Mayor Zavodny stated: "We have costs that we are tracking. To summarize what you have said up to now, there was an issue with how it was installed originally, so we can't fix that. So, how do I get comfortable with them doing it now that this has been such a struggle?"

Matt Rief stated: "I guess what we've been doing. We just stepped up to the plate of getting an inspector here basically full time."

Mayor Zavodny stated: "Is that going to guarantee us, to the best that we can be guaranteed in an imperfect world, that it's going to be right?"

Matt Rief stated: "This is the lowest part of your system. There is the most pressure probably at this point than in your entire system, underneath that creek. If we're going to have a leak, we're going to get a leak. We are testing as best we can; it hasn't passed yet. From our standpoint as Olsson's, we didn't anticipate being here this much. I'm not going to ask for a change order. We're there. I can guarantee Mike's been up there. If we were charging a client that'd be \$3,000 worth of charges right now. Well that's \$3,000 that we're not able to collect on another project so we're \$6,000 in the hole on this one. I know we're going to have to be there more, and I'm taking responsibility too, I made the recommendation to award the bid. So I know with Olsson Associates we have to be there more to make sure you don't have a problem later. Mike Davis is out there, he sees it, he can do the best he can with them but he's not the one turning the bolts; the one was cross threaded, ok, they got a crack in the pipe. I know one of the things that's been going on is they don't have a lot of good tools, they need better tools."

Mayor Zavodny stated: "Ok, you're going the opposite direction of what I asked of you though. Where is my confidence supposed to come from now?"

Matt Rief stated: "Where's it coming from now? It's with an inspector being there."

Mayor Zavodny stated: "Do they know what they are doing? Not the inspector, the contractor?"

Matt Rief stated: "There is a lot of training on the job right now."

Council member Rogers stated: "When do we say "enough is enough"? People are upset."

Mayor Zavodny asked: "I wanted to piggy back on what Council member Rogers said, I mean, is the contractor in over his head?"

Mat Rief stated: "I don't think he is on the box culvert. He got into the water main. This is something he wasn't prepared for. He was not prepared for the water. Has he done it before, yes, but it's been a long time ago."

It was also noted that the City has received notification the last two months from Progressive Commercial that Yong Construction needed to make their monthly payment or their insurance coverage would be cancelled. The notice stated: "Thank you for your payment. We recently sent you a cancellation notice stating that your policy was canceled on March 16, 2016. We have now reinstated your policy effective March 16, 2016. There was no lapse in your coverage". The City has just received a new cancellation notice that states: "Unfortunately, we didn't receive your payment and, as a result, your policy will be canceled at 12:01 a.m. on April 16, 2016".

Matt Rief stated that he would contact Yong Construction to notify them that they have until 5:00 p.m. on Thursday, April 14, to show that their insurance is current.

Kevin Betzen is gathering costs associated with the break from Henningsen Foods, the Hospital, Nursing Homes, and the schools. We need some conclusion, as we can't let this drag out, so they will be given till 5:00 on Friday, April 15th, to submit their costs. Kevin will have to estimate costs for running samples to Lincoln next week and lab fees.

Discussion followed in which it was mentioned that this was a main artery for the entire City and it affected everyone. It was probably pumping 2,500 – 3,000 gallons a minute; the water tower went down 1½ feet in a short time period. It was noted that our water system is too important to be taking any chances with delays and possible leaks.

Council member Rogers made a motion declaring the water main break by the 11th Street box culvert an emergency because of its effect on the Butler County Hospital, the nursing homes (St. Joseph's Villa and David Place) the schools (David City Public Schools, St. Mary's, and Aquinas) and the businesses and Industries. Council member Kroesing seconded the motion. Voting AYE: Council members Kobus, Hotovy, Smith, Kroesing, Vandenberg, and Rogers. Voting NAY: None. The motion carried.

As the water main break by the 11th Street Bridge was declared an emergency situation, Kevin Betzen will contact Obrist & Company, first, to see if they can repair this water main break. If Obrist is not available he will keep calling other companies until he locates someone who can repair the water main break immediately. Yost Construction will be instructed at 8:00 a.m. Thursday, April 14, 2016, to stop their work on the water part of this project. Kevin Betzen was instructed to contact Obrist & Company as soon as possible so he sent them a text immediately.

Matt Rief of Olsson Associates stated: "For an "O" Street curb and gutter project you are probably looking at a 1.6 million dollar project (that includes \$300,000 for the subdivision portion). If everything came in right you may look at 1.3 or 1.4 million. We took that basically from where we left off at the Quick Shop and went to the edge of town and then we went all the way out along the subdivision. {Stop-Inn at 4th & "O" where they left off at about the alley, all the way east on "O" Street to 11th Street, then out to the edge of the proposed subdivision on the south east side of 11th & "O" – see the following illustration.}



Mayor Zavodny stated: "Well, describe the project a little bit because I think we can agree; I talked to Sod (Street Foreman Rodney Rech) and he thinks it should happen. My thing is, I get the traffic, there's big trucks, there's big equipment that goes up and down that street, but we have Silver Heights that has nothing as far as a drainage system so it uses the streets to take it and fly it over "O". Does your 1.6 include a drop, a drain, from handling all their water?"

Matt Rief stated: "It includes a storm sewer, grading, and stuff like that."

Mayor Zavodny stated: "And now we have a huge water main there and now we're going to have to handle drainage."

Matt Rief stated: "I did not put anything in there for water main replacement all the way through there. Can we take care of lowering for storm sewer? Yes there is money in there for that."

Mayor Zavodny stated: "What would the plan be to be able to get the gutter part and the storm sewer part done; where's it going to go?"

Matt Rief stated: "Right now there is a high point, I can't remember the exact street, where the break is and then you just outlet it in both directions from that standpoint. You would pipe it in each direction. So we'd be putting in pipe in the majority of the roadway."

Mayor Zavodny stated: "And I think herein lies my logistical problem. I've watched it when it rains and what happens is all of the Silver Heights drainage comes and there's a nice little waterfall and then the ditches fill up. I'm worried that our capacity is going to be quite a bit less with pipes because right now it backs up like a natural dam, it fills way up and then it slowly drains. If you try to pipe it you're restricting it significantly because you have a lot of surface retention until slowly it drains downstream. Do we have the room?"

Matt stated: "We'll need to look at that. When I looked at the corridor I didn't think it looked too bad. I would put it 8" (thickness of the road) like we did at Industrial Drive. There's a couple different ways to do it. You can do it as a thoroughfare district which is basically a public hearing and a vote of the council, or a Street Improvement District which gives the property owners the right to protest. If you have more than 50% that protest it gets thrown out and the project doesn't move forward. If you do a petition, you need 60% approval. For assessments I would not go any less than \$28/foot."

Discussion followed. When Matt Rief asked if he should proceed with anything he was told "No" not at this time.

Craig Reinsch, Engineer at Olsson Associates, has been working on a Water Main Improvements & Replacement project – OA Project No. 015-3415 for David City. The project is located at five (5) separate locations:

- 1) N. 2nd Street, from "N" to "O" Streets
- 2) Oak Street from "D" to "E" Streets
- 3) N. 5th Street from "F" to "I" Streets
- 4) "B" Street from 11th to 13th Streets
- 5) "C" Street from 13th to 14th Streets, and on 14th from "C" to "D" Streets

The City would need to advertise for bids for the above project that would consist of constructing approximately 630 LF of 6-inch water main and 2,540 LF of 8-inch water main installed by either trenching or trenchless technologies, connecting to existing water mains, bore without casing, horizontal directional drilling, fittings, valves, fire hydrant assemblies, abandonment of existing water mains, new connections to existing services, concrete removal and replacement, and associated incidental items of work.

Council member Hotovy made a motion to advertise for bids to install or replace approximately 9 blocks of water main as part of a phased overall distribution system improvement plan. (Project is listed above.) Council member Rogers seconded the motion. Voting AYE: Council members Kobus, Smith, Kroesing, Vandenberg, Rogers, and Hotovy. Voting NAY: None. The motion carried.

Consideration of membership in the Northeast Nebraska Economic Development District and the increase in dues was discussed.

Mayor Zavodny stated: "I will go on record saying, you know, I am a big advocate of economic development. I have to tell you that outside of, we did have some businesses in town that received some loans from them, I was really interested when they had the nuisance abatement program that they are no longer offering, I guess I am just going to throw it out, right up front, I don't know what we are getting for our membership."

Council member Smith agreed stating that he didn't think we are getting our money's worth out of the membership. Why would we continue to pay dues when we aren't getting anything out of it?"

Council member Kroesing stated: "I was all excited about the nuisance abatement program too, having these quadrants all mapped out for us, and the program disappeared before it ever got started."

Council member Kroesing made a motion to continue our membership in the Northeast Economic Development District. Council member Smith seconded the motion. Voting AYE: None. Voting NAY: Council members Vandenberg, Rogers, Kobus, Hotovy, Smith, and Kroesing. The motion failed.

The City received a Civic and Community Center Financing Fund (CCCCFF) Contract #15-03-302 from the State of Nebraska Department of Economic Development in which the Department will disburse funds to the City for the Project in a total amount not to exceed

\$60,000; or fifty percent (50%) of the cost of construction, renovation, or expansion of the Project, whichever is less.

Park/Auditorium Supervisor Bill Buntgen presented some of the bids he has received for the Auditorium Renovation project that includes gymnasium lighting, heater control panels, handicap parking, window replacement, door replacement, vanity tops & sinks, tile replacement, plumbing, bathroom partitions, ceiling tile, etc.

It was noted that at the May 10, 2016, election the electors will be voting on a multi-purpose facility at the Butler County Fairgrounds.

City Attorney Jim Egr stated: "Now I'm just asking, if that passes, is the public going to say *"why are you putting that money into that white elephant?"*. I'm just being a devil's advocate."

Council member Hotovy stated: "Just because you get a grant that doesn't necessarily mean you can't turn it down."

Council member Smith stated: "I was thinking the same thing Jim. If that new building goes in, what are we going to do with the Auditorium?"

City Attorney Egr stated: "Maybe we need to wait. I'm not against it, I think it'd be a great thing, but we might just want to wait."

Mayor Zavodny stated: "What are you waiting for? The auditorium is our asset. What are you going to do with it? Irrespective of what happens May 10th with that other building this is a City asset. What is your vision for what the auditorium should be? Do we keep it up? I argue we do, we own it. If we can't get rid of it, why wouldn't you? There will still be usages for it that they may not want in that big multi-purpose facility. You know, I think it is fine to wait on it, but my argument will be the same next month and the month after, we should invest in that facility since we own it and we have to keep it up."

Discussion followed.

Council member Kroesing made a motion to table consideration of the bids received for the Auditorium renovation project to the May 11, 2016, council meeting. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Hotovy, Rogers, Smith, and Kroesing. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "Consideration of a building inspector. I think we are getting closer to figuring this out. The one thing I want to say is, the electrical can be handled by the State, we're going to have to break down the other pieces, the plumbing, etc. What I am going to say is, we've looked for this for a while and we've crossed trained a lot of our employees, maybe we should see if we have anybody currently employed that would be interested in studying or at least doing a portion of this. Ever since Roger Kotil vacated his position, we're trying to handle that using Mick (lineman Shipley) and stuff, so the zoning pieces and setbacks we need to have in, and then have, maybe, there are other parts of the building inspector. Do you think that's a reasonable thing to try to develop? Our own to cover parts of it? We could send them to the training; maybe a couple of people."

Council member Kroesing stated: "Haven't you done some of it, Bill?"

Park/Auditorium Supervisor Bill Buntgen stated: "Yes, I have an Associate Degree in Building Construction and Architectural Drafting. Right now I don't have time to take on anything else."

Mayor Zavodny stated: "All I am trying to determine is "can we development something with our current employees? Maybe Eric (Betzen - Power Plant Supervisor) has decided he would like to learn about becoming a building inspector. We're going to have to find a plumber, we're going to have to break this job up. What do you think of that approach?"

Council member Hotovy stated that the City would need to make sure that we were following the most recent building codes. *[Currently the City has adopted the 2006 International Building/ Residential/ Mechanical/ and Plumbing Codes.]* Council member Kroesing questioned if they would also handle nuisance properties, etc. Discussion followed.

City Clerk Kovar stated that City Attorney Egr reviewed the Nationwide Retirement Adoption Agreement. Egr stated that we should be alright with the restated plan documents.

Council member Kroesing introduced Resolution No. 4 – 2016 approving the Nationwide Retirement Adoption Agreement. Council member Vandenberg seconded the motion. Voting AYE: Council members Kobus, Smith, Rogers, Hotovy, Vandenberg, and Kroesing. Voting NAY: None. The motion carried.

RESOLUTION NO. 4 – 2016

ADOPTING RESOLUTION

The undersigned authorized representative of the City of David City (the Employer) hereby certifies that the following resolution was duly adopted by the Employer on April 13, 2016, and that such resolution has not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended Plan and Trust effective January 1, 2016, presented to this meeting is hereby approved and adopted and that an authorized representative of the Employer is hereby authorized and directed to execute and deliver to the Administrator of the Plan one or more counterparts of the Plan.

The undersigned further certifies that attached hereto are true copies of the -City of David City, Nebraska, 401(a) Defined Contribution Pension Plan as amended and restated, and the Summary of Plan Provisions, which are hereby approved and adopted.

PASSED AND APPROVED by the City Council of the City of David City, Nebraska this 13th day of April 2016.

Attest:

Mayor Alan Zavodny

City Clerk Joan Kovar

CITY OF DAVID CITY NEBRASKA 401(A) DEFINED CONTRIBUTION PENSION PLAN

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CITY OF DAVID CITY NEBRASKA 401(A) DEFINED CONTRIBUTION PENSION PLAN

SUMMARY OF PLAN PROVISIONS

INTRODUCTION TO YOUR PLAN

What kind of Plan is this?

City of David City Nebraska 401(a) Defined Contribution Pension Plan ("Plan") has been adopted to provide you with the opportunity to save for retirement on a tax-advantaged basis. This Plan is a type of qualified retirement plan. Generally you are not taxed on the amounts we contribute to the Plan until you withdraw these amounts from the Plan.

What information does this Summary provide?

This Summary of Plan Provisions contains information regarding your Plan benefits, your distribution options, and many other features of the Plan. You should take the time to read this summary to get a better understanding of your rights and obligations under the Plan.

If you have any questions about the Plan, please contact the Administrator or other plan representative. The Administrator is responsible for responding to questions and making determinations related to the administration, interpretation, and application of the Plan. The name and address of the Administrator can be found at the end of this summary in the Article entitled "General Information About the Plan."

This summary describes the Plan's benefits and obligations as contained in the legal Plan document, which governs the operation of the Plan. The Plan document is written in much more technical and precise language and is designed to comply with applicable legal requirements. If the non-technical language in this summary conflicts with the language of the Plan document, then the Plan document always governs.

The Plan and your rights under the Plan are subject to various laws, including the Internal Revenue Code. The provisions of the Plan are subject to revision due to a change in laws. Your Employer may also amend or terminate this Plan.

Types of Contributions. The Plan includes provisions for the following types of contributions:

- Employer matching contributions

ARTICLE I PARTICIPATION IN THE PLAN

How do I participate in the Plan?

Provided you are not an Excluded Employee, you may begin participating under the Plan once you have satisfied the eligibility requirements and reached your "Entry Date." The following describes the eligibility requirements and Entry Dates that apply. You should contact the Administrator if you have questions about the timing of your Plan participation.

How is my service determined for purposes of Plan eligibility?

Year of Service. You will be credited with a Year of Service at the end of the twelve month period beginning on your date of hire if you have been credited with at least 1,000 Hours of Service during such period. If you have not been credited with 1,000 Hours of Service by the end of such period, you will have completed a Year of Service at the end of any following Plan Year during which you were credited with 1,000 Hours of Service.

Hour of Service-Employees for whom hourly records are kept. You will be credited with your actual Hours of Service for:

- each hour for which you are directly or indirectly compensated by the Employer for the performance of duties during the Plan Year;
- each hour for which you are directly or indirectly compensated by the Employer for reasons other than the performance of duties (such as vacation, holidays, sickness, disability, lay-off, military duty, jury duty or leave of absence during the Plan Year); and
- each hour for back pay awarded or agreed to by the Employer.

You will not be credited for the same Hours of Service both under (a) or (b), as the case may be, and under (c).

What happens if I'm a participant, terminate employment and then I'm rehired?

If you are no longer a participant because you terminated employment, and you are rehired, then you will be able to participate in the Plan on your date of rehire provided you are otherwise eligible to participate in the Plan.

ARTICLE II EMPLOYER CONTRIBUTIONS

This Article describes Employer contributions that will be made to the Plan.

What is the Employer matching contribution and how is it allocated?

Matching Contribution. Matching contributions are Employer contributions that are based on contributions you make to City of David City 457 Plan. All of these contributions that you make are collectively referred to as "salary deferrals" for purposes of the applying the matching contribution described below.

Matching Contribution. Your Employer will make a matching contribution equal to 100%% of your salary deferrals that do not exceed 6% of your Compensation.

Period of determining matching contribution. The matching contribution above is applied on a payroll period basis. This means that the matching contribution is applied to your salary deferrals for that period.

Limit on matching contribution. Regardless of the preceding, your matching contribution in any Plan Year will not exceed 6% of your compensation.

Allocation conditions. You will always share in the matching contribution regardless of the amount of service you complete during the Plan Year.

ARTICLE III COMPENSATION AND ACCOUNT BALANCE

What compensation is used to determine my Plan benefits?

Definition of compensation. For the purposes of the Plan, compensation has a special meaning. Compensation is generally defined as your total compensation that is subject to income tax and paid to you by your Employer during the Plan Year.

Adjustments to compensation. The following adjustments to compensation will be made:

- compensation paid after you terminate is generally excluded for Plan purposes. However, the following amounts will be included in compensation even though they are paid after you terminate employment, provided these amounts would otherwise have been considered compensation as described above and provided they are paid within 2 1/2 months after you terminate employment, or if later, the last day of the Plan Year in which you terminate employment:
 - compensation for services performed during your regular working hours, or for services outside your regular working hours (such as overtime or shift differential) or other similar payments that would have been made to you had you continued employment
 - compensation paid for unused accrued bona fide sick, vacation or other leave, if such amounts would have been included in compensation if paid prior to your termination of employment and you would have been able to use the leave if employment had continued
 - nonqualified unfunded deferred compensation if the payment is includible in gross income and would have been paid to you had you continued employment

Is there a limit on the amount of compensation which can be considered?

The Plan, by law, cannot recognize annual compensation in excess of a certain dollar limit. The limit for the Plan Year beginning in 2015 is \$265,000. After 2015, the dollar limit may increase for cost-of-living adjustments.

Is there a limit on how much can be contributed to my account each year?

Generally, the law imposes a maximum limit on the amount of contributions that may be made to your account and any other amounts allocated to any of your accounts during the Plan Year, excluding earnings. Beginning in 2015, this total cannot exceed the lesser of \$53,000 or 100% of your annual compensation. After 2015, the dollar limit may increase for cost-of-living adjustments.

How is the money in the Plan invested?

The Trustee of the Plan has been designated to hold the assets of the Plan for the benefit of Plan participants and their beneficiaries in accordance with the terms of this Plan. The trust fund established by the Plan's Trustee will be the funding medium used for the accumulation of assets from which Plan benefits will be distributed.

Participant directed investments. You will be able to direct the investment of your entire interest in the Plan. The Administrator will provide you with information on the investment choices available to you, the procedures for making investment elections, the frequency with which you can change your investment choices and other important information. You need to follow the procedures for making investment elections and you should carefully review the information provided to you before you give investment directions. If you do not direct the investment of your applicable Plan accounts, then your accounts will be invested in accordance with the default investment alternatives established under the Plan.

Earnings or losses. When you direct investments, your accounts are segregated for purposes of determining the earnings or losses on these investments. Your account does not share in the investment performance of other participants who have directed their own investments. You should remember that the amount of your benefits under the Plan will depend in part upon your choice of investments. Gains as well as losses can occur and your Employer, the Administrator, and the Trustee will not provide investment advice or guarantee the performance of any investment you choose.

Will Plan expenses be deducted from my account balance?

Expenses allocated to all accounts. The Plan permits the payment of Plan expenses to be made from the Plan's assets. The method of allocating the expenses depends on the nature of the expense itself. For example, certain administrative (or recordkeeping) expenses would typically be allocated proportionately to each participant. If the Plan pays \$1,000 in expenses and there are 100 participants, your account balance would be charged \$10 (\$1,000/100) of the expense.

Terminated employee. After you terminate employment, your Employer reserves the right to charge your account for your pro rata share of the Plan's administration expenses, regardless of whether your Employer pays some of these expenses on behalf of current employees.

Expenses allocated to individual accounts. There are certain other expenses that may be paid just from your account. These are expenses that are specifically incurred by, or attributable to, you. For example, if you are married and get divorced, the Plan may incur additional expenses if a court mandates that a portion of your account be paid to your ex-spouse. These additional expenses may be paid directly from your account (and not the accounts of other participants) because they are directly attributable to you under the Plan. The Administrator can inform you when there will be a charge (or charges) directly to your account.

Your Employer may, from time to time, change the manner in which expenses are allocated.

ARTICLE IV VESTING

What is my vested interest in my account?

In order to reward employees who remain employed with the Employer for a long period of time, the law permits a "vesting schedule" to be applied to certain contributions that your Employer makes to the Plan. This means that you will not be entitled ("vested") in all of the contributions until you have been employed with the Employer for a specified period of time.

100% vested contributions. You are always 100% vested (which means that you are entitled to all of the amounts) in your accounts attributable to the following contributions:

- matching contributions

ARTICLE V DISTRIBUTIONS PRIOR TO TERMINATION

Can I withdraw money from my account while working?

In-service distributions. You may be entitled to receive an in-service distribution. However, this distribution is not in addition to your other benefits and will therefore reduce the value of the benefits you will receive at retirement. This distribution is made at your election and will be made in accordance with the forms of distributions available under the Plan.

Conditions and Limitations. Generally you may receive a distribution from the Plan from certain accounts prior to your termination of employment provided you satisfy the condition described below:

- you have attained age 70 1/2

The following limitations apply to in-service distributions from certain accounts:

- In-service distributions can only be made from accounts which are 100% vested.
- In-service distributions may be made subject to the following: For Distributions occurring the later of: (1) on or after January 1, 1998, (2) effective date of the plan, (3) the effective date of the first fee agreement with Nationwide Life Insurance Company services (or its predecessor after the date such predecessor was acquired by Nationwide Life Insurance Company); age 70 1/2 and any election

by a Participant to receive a distribution pursuant to this Section shall constitute a Required Minimum Distribution under Section 6.8 of the Plan.

ARTICLE VI BENEFITS AND DISTRIBUTIONS UPON TERMINATION OF EMPLOYMENT

When can I get money out of the Plan?

You may receive a distribution of the vested portion of some or all of your accounts in the Plan for the following reasons:

- termination of employment for reasons other than death, disability or retirement
- normal retirement
- disability
- death

This Plan is designed to provide you with retirement benefits. However, distributions are permitted if you die or become disabled. In addition, certain payments are permitted when you terminate employment for any other reason. The rules under which you can receive a distribution are described in this Article. The rules regarding the payment of death benefits to your beneficiary are described in "Benefits and Distributions Upon Death."

You may also receive distributions while you are still employed with the Employer. (See the Article entitled "Distributions Prior to Termination" for a further explanation.)

Military Service. If you are a veteran and are reemployed under the Uniformed Services Employment and Reemployment Rights Act of 1994, your qualified military service may be considered service with the Employer. There may also be benefits for employees who die or become disabled while on active duty. Employees who receive wage continuation payments while in the military may benefit from various changes in the law. If you think you may be affected by these rules, ask the Administrator for further details.

What happens if I terminate employment before death, disability or retirement?

If your employment terminates for reasons other than normal retirement, you will be entitled to receive only the "vested percentage" of your account balance.

You may elect to have your vested account balance distributed to you as soon as administratively feasible following your termination of employment. (See the question entitled "How will my benefits be paid to me?" for additional information.)

What happens if I terminate employment at Normal Retirement Date?

Normal Retirement Date. You will attain your Normal Retirement Age when you reach age 65. Your Normal Retirement Date is the date on which you attain your Normal Retirement Age.

Payment of benefits. You will become 100% vested in all of your accounts under the Plan if you retire on or after your Normal Retirement Age. However, the actual payment of benefits generally will not begin until you have terminated employment and reached your Normal Retirement Date. In such event, a distribution will be made, at your election, as soon as administratively feasible. If you remain employed past your Normal Retirement Date, you may generally defer the receipt of benefits until you actually terminate employment. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

What happens if I terminate employment due to disability?

Definition of disability. Under the Plan, disability is defined as a physical or mental condition resulting from bodily injury, disease, or mental disorder which renders you incapable of continuing any gainful occupation and which has lasted or can be expected to last for a continuous period of at least twelve (12) months. Your disability must be determined by a licensed physician. However, if your condition constitutes total disability under the federal Social Security Act, then the Administrator may deem that you are disabled for purposes of the Plan.

Payment of benefits. If you become disabled while an employee, you will be entitled to your vested account balance under the Plan. Payment of your disability benefits will be made to you as if you had retired. (See the question entitled "How will my benefits be paid to me?" for an explanation of how these benefits will be paid.)

How will my benefits be paid to me?

Forms of distribution. If your vested account balance does not exceed \$5,000, then your vested account balance may only be distributed to you in a single lump-sum payment.

In addition, you must consent to receive any distribution of your vested account balance before it may be made. If your vested account balance exceeds \$5,000, you may elect to receive a distribution of your vested account balance in:

- a single lump-sum payment
- installments over a period of not more than your assumed life expectancy (or the assumed life expectancies of you and your beneficiary)
- partial withdrawals
- partial withdrawals or installments but only with respect to minimum required distributions, over a period of not more than your assumed life expectancy (or the assumed life expectancies of you and your beneficiary). (See below "Delaying distributions." for an explanation of minimum required distributions.)
- the following type of annuity: Annuity Purchase

Delaying distributions. You may delay the distribution of your vested account balance. However, if you elect to delay the distribution of your vested account balance, there are rules that require that certain minimum distributions be made from the Plan. Distributions are required to begin not later than the April 1st following the later of the end of the year in which you reach age 70 1/2 or retire.

Medium of payment. Benefits under the Plan will generally be paid to you in cash only.

ARTICLE VII BENEFITS AND DISTRIBUTIONS UPON DEATH

What happens if I die while working for the Employer?

If you die while still employed by the Employer, then your vested account balance will be used to provide your beneficiary with a death benefit.

Who is the beneficiary of my death benefit?

Beneficiary designation. You may designate a beneficiary for your death benefit. The designation must be made in accordance with the procedures set forth by the Administrator. You should periodically review your designation to ensure it continues to meet your goals.

Divorce. If you have designated your spouse as your beneficiary for all or a part of your death benefit, then upon your divorce, the designation is no longer valid. This means that if you do not select a new beneficiary after your divorce, then you are treated as not having a beneficiary for that portion of the death benefit (unless you have remarried).

No beneficiary designation. At the time of your death, if you have not designated a beneficiary or your beneficiary is also not alive, the death benefit will be paid in the following order of priority to:

- (a) your surviving spouse
- (b) your children, including adopted children in equal shares (and if a child is not living, that child's share will be distributed to that child's heirs)
- (c) your surviving parents, in equal shares
- (d) your estate

How will the death benefit be paid to my beneficiary?

Form of distribution. If the death benefit payable to a beneficiary does not exceed \$5,000, then the benefit may only be paid as a lump-sum. If the death benefit exceeds \$5,000, your beneficiary may elect to have the death benefit in the same forms of payments that were available to you.

When must the last payment be made to my beneficiary?

The law generally restricts the ability of a retirement plan to be used as a method of retaining money for purposes of your death estate. Thus, there are rules that are designed to ensure that death benefits are distributable to beneficiaries within certain time periods.

Regardless of the method of distribution selected, if your designated beneficiary is a person (rather than your estate or some trusts) then minimum distributions of your death benefit will begin by the end of the year following the year of your death ("1-year rule") and must be paid over a period not extending beyond your beneficiary's life expectancy. If your spouse is the beneficiary, then under the "1-year rule,"

the start of payments will be delayed until the year in which you would have attained age 70 1/2 unless your spouse elects to begin distributions over his or her life expectancy before then. However, instead of the "1-year rule" your beneficiary may elect to have the entire death benefit paid by the end of the fifth year following the year of your death (the "5-year rule"). Generally, if your beneficiary is not a person, your entire death benefit must be paid under the "5-year rule."

What happens if I'm a participant, terminate employment and die before receiving all my benefits?

If you terminate employment with the Employer and subsequently die, your beneficiary will be entitled to your remaining interest in the Plan at the time of your death.

**ARTICLE VIII
TAX TREATMENT OF DISTRIBUTIONS**

What are my tax consequences when I receive a distribution from the Plan?

Generally, you must include any Plan distribution in your taxable income in the year in which you receive the distribution. The tax treatment may also depend on your age when you receive the distribution. Certain distributions made to you when you are under age 59 1/2 could be subject to an additional 10% tax.

Can I elect a rollover to reduce or defer tax on my distribution?

Rollover or Direct Transfer. You may reduce, or defer entirely, the tax due on your distribution through use of one of the following methods:

(a) **60-day rollover.** The rollover of all or a portion of the distribution to an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the rollover. This will result in no tax being due until you begin withdrawing funds from the IRA or other qualified employer plan. The rollover of the distribution, however, **MUST** be made within strict time frames (normally, within 60 days after you receive your distribution). Under certain circumstances, all or a portion of a distribution may not qualify for this rollover treatment. In addition, most distributions will be subject to mandatory federal income tax withholding at a rate of 20%. This will reduce the amount you actually receive. For this reason, if you wish to roll over all or a portion of your distribution amount, then the direct transfer option described in paragraph (b) below would be the better choice.

(b) **Direct rollover.** For most distributions, you may request that a direct transfer (sometimes referred to as a direct rollover) of all or a portion of a distribution be made to either an Individual Retirement Account or Annuity (IRA) or another employer retirement plan willing to accept the transfer. A direct transfer will result in no tax being due until you withdraw funds from the IRA or other employer plan. Like the rollover, under certain circumstances all or a portion of the amount to be distributed may not qualify for this direct transfer. If you elect to actually receive the distribution rather than request a direct transfer, then in most cases 20% of the distribution amount will be withheld for federal income tax purposes.

Tax Notice. WHENEVER YOU RECEIVE A DISTRIBUTION THAT IS AN ELIGIBLE ROLLOVER DISTRIBUTION, THE ADMINISTRATOR WILL DELIVER TO YOU A MORE DETAILED EXPLANATION OF THESE OPTIONS. HOWEVER, THE RULES WHICH DETERMINE WHETHER YOU QUALIFY FOR FAVORABLE TAX TREATMENT ARE VERY COMPLEX. YOU SHOULD CONSULT WITH QUALIFIED TAX COUNSEL BEFORE MAKING A CHOICE.

**ARTICLE IX
PROTECTED BENEFITS AND CLAIMS PROCEDURES**

Are my benefits protected?

As a general rule, your interest in your account, including your "vested interest," may not be alienated. This means that your interest may not be sold, used as collateral for a loan, given away or otherwise transferred. In addition, your creditors (other than the IRS) may not attach, garnish or otherwise interfere with your benefits under the Plan.

Are there any exceptions to the general rule?

There are three exceptions to this general rule. The Administrator must honor a "qualified domestic relations order." A "qualified domestic relations order" is defined as a decree or order issued by a court that obligates you to pay child support or alimony, or otherwise allocates a portion of your assets in the Plan to your spouse, former spouse, children or other dependents. If a qualified domestic relations order is received by the Administrator, all or a portion of your benefits may be used to satisfy that obligation. The Administrator will determine the validity of any domestic relations order received. You and your beneficiaries can obtain from the Administrator, without charge, a copy of the procedure used by the Administrator to determine whether a qualified domestic relations order is valid.

The second exception applies if you are involved with the Plan's operation. If you are found liable for any action that adversely affects the Plan, the Administrator can offset your benefits by the amount that you are ordered or required by a court to pay the Plan. All or a portion of your benefits may be used to satisfy any such obligation to the Plan.

The last exception applies to Federal tax levies and judgments. The Federal government is able to use your interest in the Plan to enforce a Federal tax levy and to collect a judgment resulting from an unpaid tax assessment.

Can the Plan be amended?

Your Employer has the right to amend the Plan at any time. In no event, however, will any amendment authorize or permit any part of the Plan assets to be used for purposes other than the exclusive benefit of participants or their beneficiaries. Additionally, no amendment will cause any reduction in the amount credited to your account.

What happens if the Plan is discontinued or terminated?

Although your Employer intends to maintain the Plan indefinitely, your Employer reserves the right to terminate the Plan at any time. Upon termination, no further contributions will be made to the Plan and all amounts credited to your accounts will continue to be 100% vested. Your Employer will direct the distribution of your accounts in a manner permitted by the Plan as soon as practicable. (See the question entitled "How will my benefits be paid to me?" for a further explanation.) You will be notified if the Plan is terminated.

How do I submit a claim for Plan benefits?

Benefits will generally be paid to you and your beneficiaries without the necessity for formal claims. Contact the Administrator if you are entitled to benefits or if you think an error has been made in determining your benefits. Any such request should be in writing.

If the Administrator determines the claim is valid, then you will receive a statement describing the amount of benefit, the method or methods of payment, the timing of distributions and other information relevant to the payment of the benefit.

What if my benefits are denied?

Your request for Plan benefits will be considered a claim for Plan benefits, and it will be subject to a full and fair review. If your claim is wholly or partially denied, the Administrator will provide you with notification of the Plan's adverse determination. This written or electronic notification will be provided to you within a reasonable period of time.

**ARTICLE X
GENERAL INFORMATION ABOUT THE PLAN**

There is certain general information which you may need to know about the Plan. This information has been summarized for you in this Article.

Plan Name

The full name of the Plan is City of David City Nebraska 401(a) Defined Contribution Pension Plan.

Plan Effective Dates

This Plan was originally effective on June 8, 2011. The amended and restated provisions of the Plan become effective on January 1, 2016. However, this restatement was made to conform the Plan to new tax laws and some provisions may be retroactively effective.

Other Plan Information

Valuations of the Plan assets are generally made every business day. Certain distributions are based on the Anniversary Date of the Plan. This date is the last day of the Plan Year.

The Plan's records are maintained on a twelve-month period of time. This is known as the Plan Year. The Plan Year begins on January 1st and ends on December 31st, except for the short Plan Year which begins on June 8, 2011 and ends on December 31, 2011.

Employer Information

Your Employer's name, address and identification number are:

City of David City
557 North 4Th Street
David City, Nebraska 68632
47-6006162

The Plan allows other employers to adopt its provisions. You or your beneficiaries may examine or obtain a complete list of employers, if any, who have adopted the Plan by making a written request to the Administrator.

Administrator Information

The Administrator is responsible for the day-to-day administration and operation of the Plan. For example, the Administrator maintains the Plan records, including your account information, provides you with the forms you need to complete for Plan participation, and directs the payment of your account at the appropriate time. The Administrator will also allow you to review the formal Plan document and certain other materials related to the Plan. If you have any questions about the Plan or your participation, you should contact the Administrator. The Administrator may designate other parties to perform some duties of the Administrator.

The Administrator has the complete power, in its sole discretion, to determine all questions arising in connection with the administration, interpretation, and application of the Plan (and any related documents and underlying policies). Any such determination by the Administrator is conclusive and binding upon all persons.

The name, address and business telephone number of the Plan's Administrator are:

City of David City
557 North 4Th Street
David City, Nebraska 68632
402-367-3135

Plan Trustee Information and Plan Funding Medium

All money that is contributed to the Plan is held in a trust fund. The Trustee is responsible for the safekeeping of the trust fund and must hold and invest Plan assets in a prudent manner and in the best interest of you and your beneficiaries. The trust fund established by the Plan's Trustee(s) will be the funding medium used for the accumulation of assets from which benefits will be distributed. While all the Plan assets are held in a trust fund, the Administrator separately accounts for each Participant's interest in the Plan.

The Plan's Trustee is:

Joan Kovar, Interim - City Administrator
557 North 4Th Street
David City, Nebraska 68632
402-367-3135

Mayor Zavodny stated: "I've done some work on this. I did ask four people to serve on a small committee to discuss and review the recent salary surveys. Three told me "no" outright and the 4th one said "if you can't find anyone else". There are some employees that have indicated they don't know if they are comfortable with community members joining in, I understand that. I thought I would just ask you what do you think the make-up should be and should we not include community members? Do you want to just do council members and employees? I think community members are always a good idea to have some perspective. I think honestly we have a pretty good idea of what direction we want to go so we at least have a start, meaning trying to compress it a little bit, see if we can address our starting wages, and seeing if we need to address any others going forward. So how strongly do you feel about community or not community being on it?"

Council member Rogers stated: "I think it should be a mixture."

Mayor Zavodny stated: "I do too. I will keep trying to see if I can convince someone that this is a good idea to help us with and maybe by May we can finalize our committee members."

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Rogers, Hotovy, Kobus, and Kroesing. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:45 p.m.



CERTIFICATION OF MINUTES
April 13, 2016

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 April 13, 2016; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan Kovar, City Clerk