

**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 **8<sup>th</sup> day of June, 2016**, in the meeting room of the **Hruska Memorial Public Library**, 399 N 5<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   1st   day of June, 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 May 11, 2016 meeting of the Mayor and City Council; Council President Gary L. Kroesing
5. Consideration of Claims;
6. Committee and Officer Reports; \_\_\_\_\_  
Council member Michael E. Rogers
7. Consideration of the Downtown Renovation Project;
8. Consideration of the bids received for a new server with specified components, hardware, setup, and installation; \_\_\_\_\_  
Council member Thomas J. Kobus
9. Consideration of Ordinance No. 1246 imposing/extending a sales tax of 1½% upon the same transactions within the City of David City on which the State of Nebraska is authorized to impose a tax, commencing October 1, 2020, for a ten (10) year period ending October 1, 2030; \_\_\_\_\_  
Council member Kevin N. Hotovy
10. Consideration of the application by Scott Samek to sell permissible fireworks at 375 Nebraska Street (Amigo's) between 12:01 a.m. June 25<sup>th</sup> and 11:59 p.m. July 4, 2016; \_\_\_\_\_  
Council member John P. Vandenberg
11. Consideration of Resolution No. 7 – 2016 approving the Butler County Parade Committee's request for the parade to cross Highway 15 on "L" Street on Sunday, July 24, 2016 in accordance with LB589; \_\_\_\_\_  
City Clerk Joan E. Kovar
12. Adjourn;

## CITY COUNCIL PROCEEDINGS

June 8, 2016

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the Hruska Memorial Public Library, 399 N 5<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on June 2<sup>nd</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 Kroesing, Council members Gary Smith, Tom Kobus, John Vandenberg, and Kevin Hotovy, and City Clerk/ Interim City Administrator Joan Kovar. Council member Mike Rogers & City Attorney Jim Egr were absent.

Also present for the meeting were: Al Hottovy, Vice-President of Leo A. Daly, Micky Rutenbeck of Extreme Technology, Dale & Carolyn Yates, Jim Vandenberg, Janis Cameron, Skip Trowbridge, Michelle Longenecker, Keith Marvin, David McPhillips, Sheriff Marcus Siebken, Jeff Hilger, Beth Klosterman, Paul Perske, Mr. & Mrs. Larry Heins, Robert Daro, Russell Heller, Banner Press Employee Joseph Bodenbach, and Electric Plant Supervisor Eric Betzen.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the May 11<sup>th</sup>, 2016 meeting of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Smith. Voting AYE: Council members Kobus, Kroesing, Smith, Hotovy, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried.

Mayor Zavodny asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims and Council member Kobus seconded the motion. Voting AYE: Council members Kroesing, Smith, Hotovy, Kobus, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried.

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports. Mayor Zavodny stated that Board of Health meetings should be scheduled and we need to address our infiltration problems (storm water) into the sanitary sewer system which is causing back-up sewer problems for our citizens.

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

Council member Kroesing made a motion to advance to Agenda Item #8 – Consideration of the bids received for a new server with specified components, hardware, setup, and installation. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Hotovy, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried.

The following sealed bids were publicly opened and read aloud:

Connecting Point  
 Tony Kresha

EnergyAxis Rack Server – per bid specs	
1 HP Proliant DL360 GEN9 Rack Array Server	\$6,946.00
1 US Robotics 56K External Serial Modem Software	89.99
1 Microsoft Windows Server 2012 R2 Standard Server	787.00
1 Symantec Endpoint protection Antivirus Software Backup Symantec System Recovery 2013R2 Backup Software each server (729.00)	36.00
Installation	
12 Instore & Onsite config & install Server (est. only) 90.00)	<u>1,080.00</u>
TOTAL:	\$8,938.99
Note: Sales tax would need to be added @ 7.5%	<u>670.42</u>
	<b>\$9,609.41</b>

Extreme Technology  
 Micky Rutenbeck

EnergyAxis Rack Server – per bid specs	
1 HP ML360 64GB Memory Software	\$7,964.54
1 Windows Server 2012 R2 Standard Server Setup and Install of server with Elster	850.00
10 Backups will be set on existing HW & Software	<u>750.00</u>
Sub Total:	\$9,564.54
Sales Tax (7.5%)	<u>717.34</u>
<b>TOTAL:</b>	<b>\$10,281.88</b>

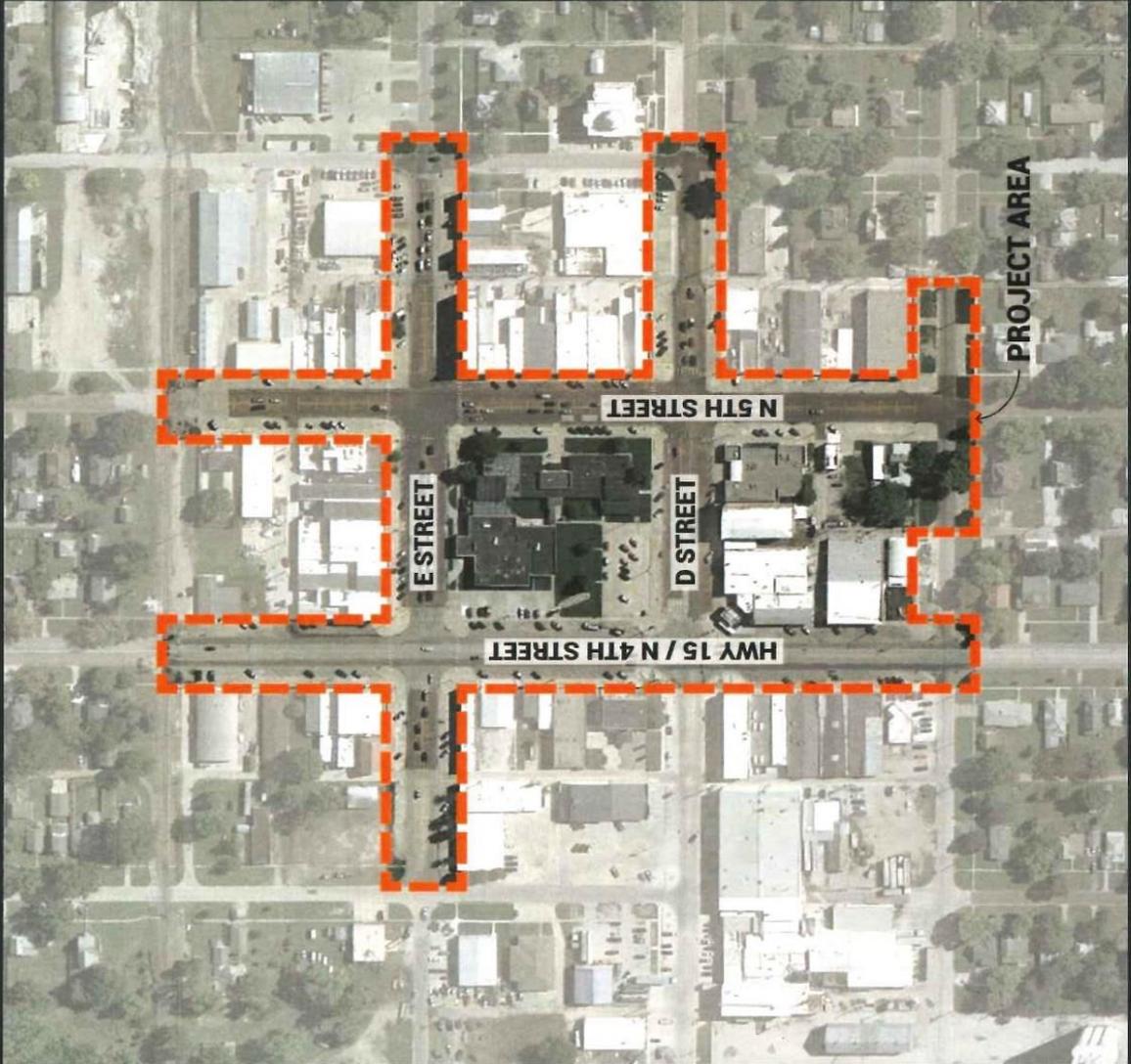
Council member Hotovy made a motion to accept the low bid of Connecting Point in the amount of \$8,938.99 (plus applicable sales tax) for a new server with specified components, hardware, setup, and installation. Council member Kroesing seconded the motion. Voting AYE: Council members Vandenberg, Smith, Kobus, Hotovy, and Kroesing. Voting NAY: None. The motion carried.

City Council Proceedings

June 8, 2016

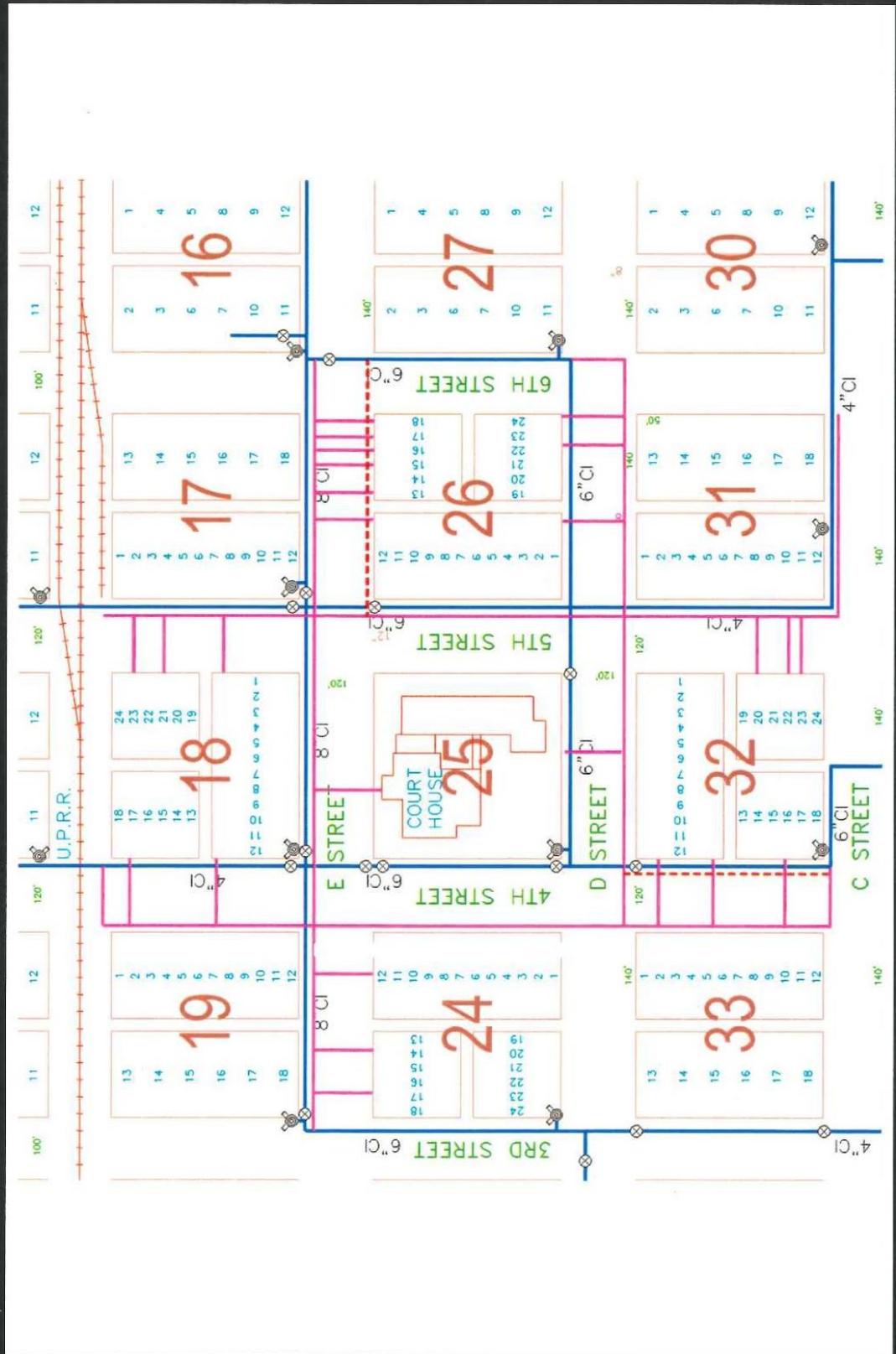
Page #4

# PROPOSED STREET IMPROVEMENT AREA

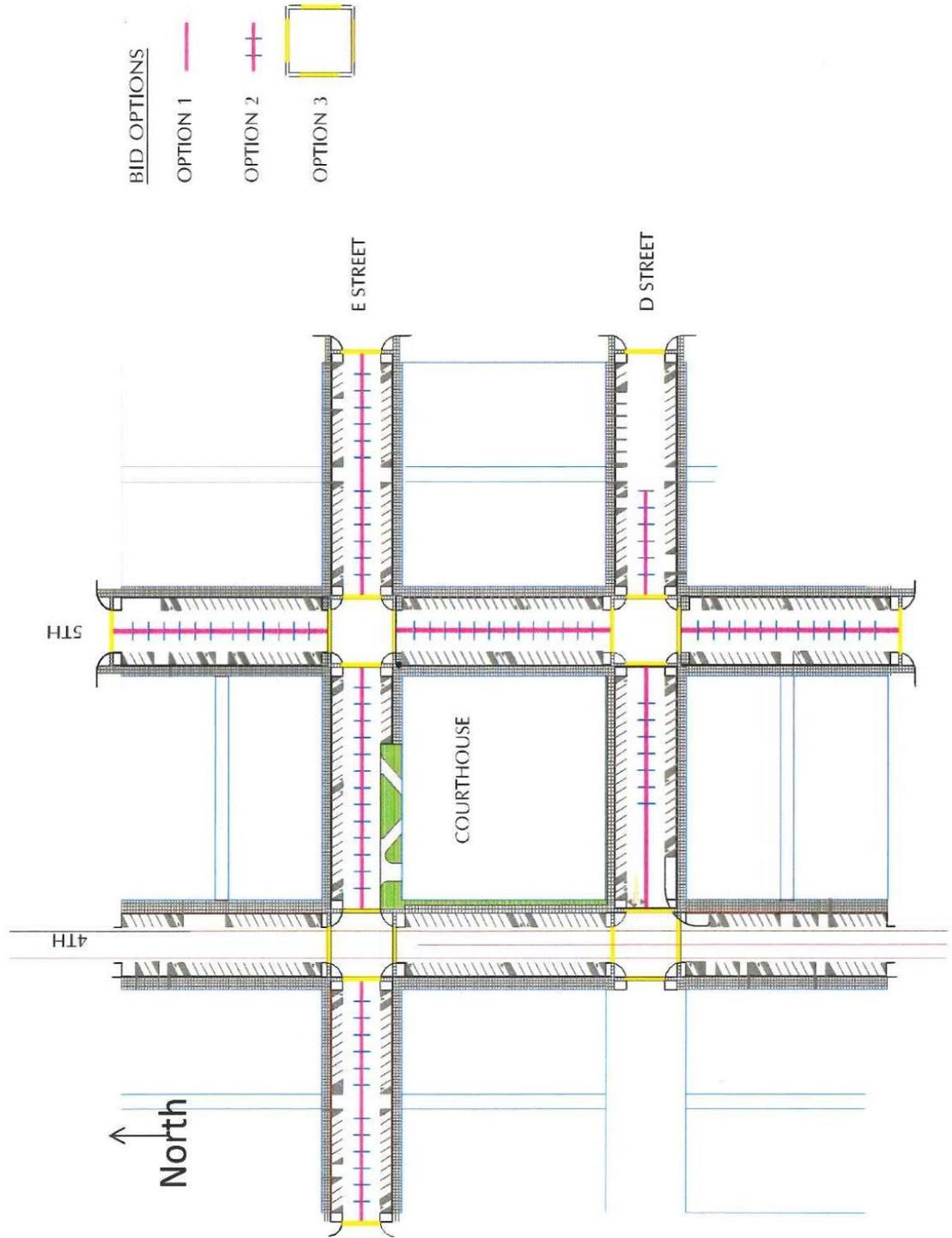


LEO A DALY

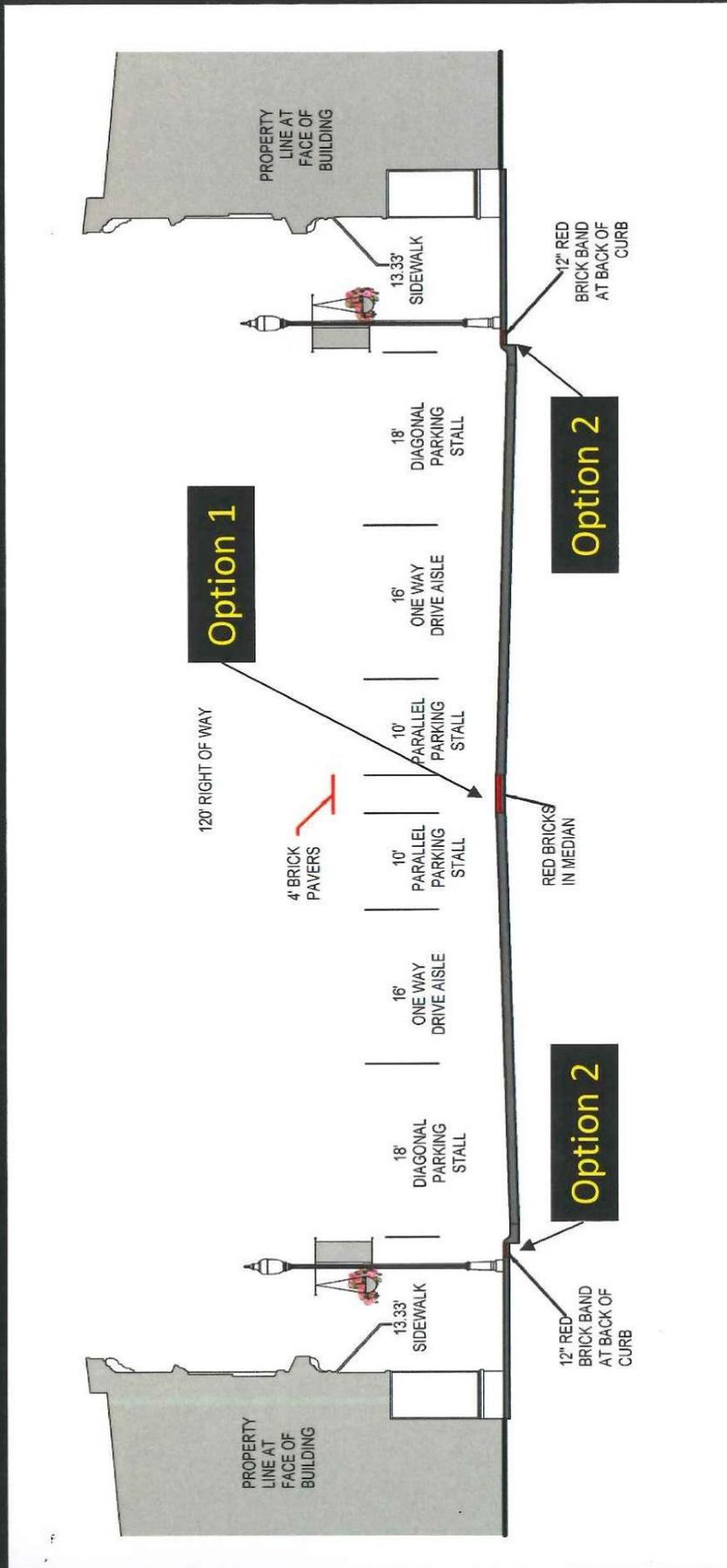
# PROPOSED WATER IMPROVEMENTS



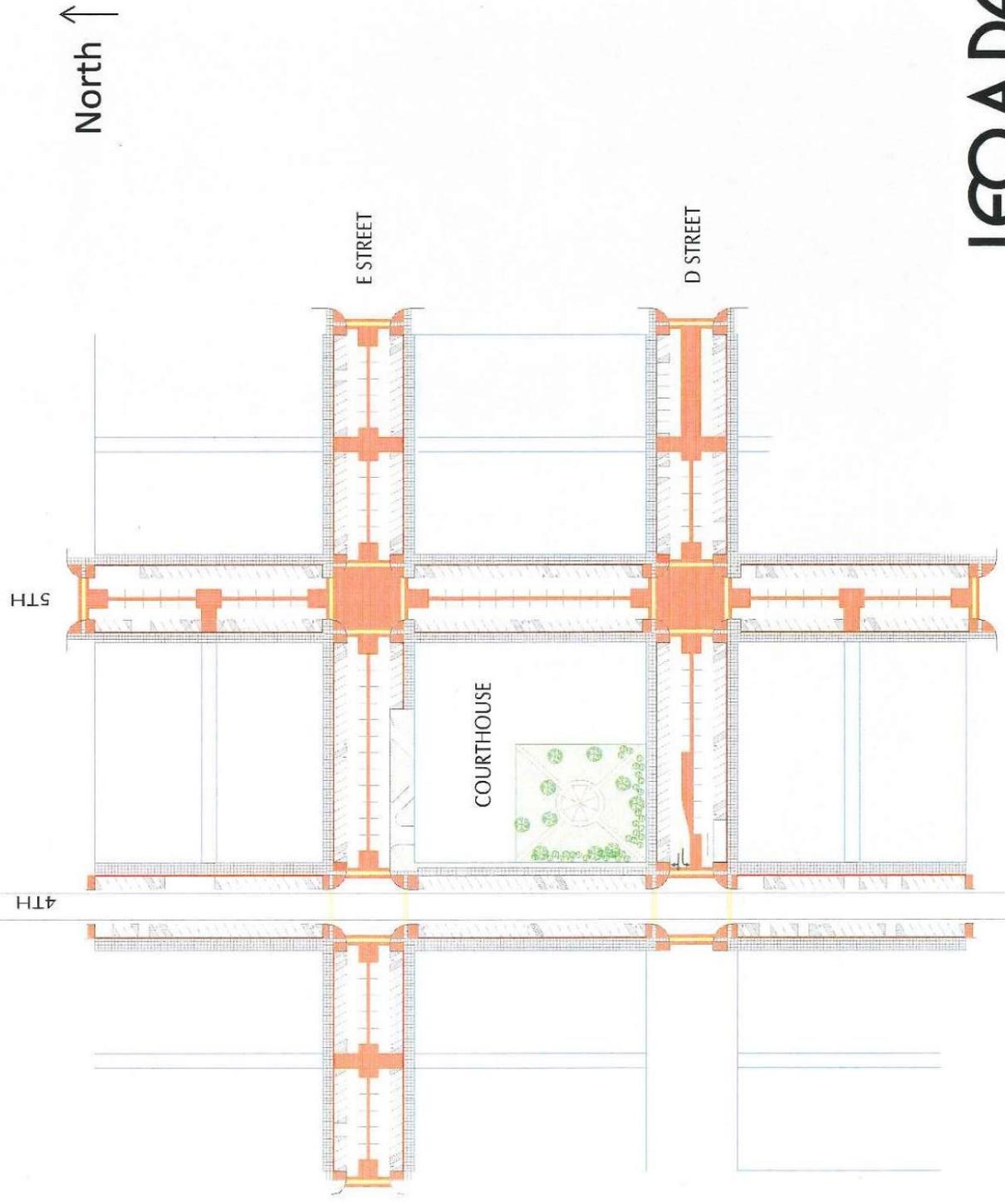
# PROPOSED STREET IMPROVEMENTS



# PROPOSED STEET SECTION



# PROPOSED STREET IMPROVEMENTS

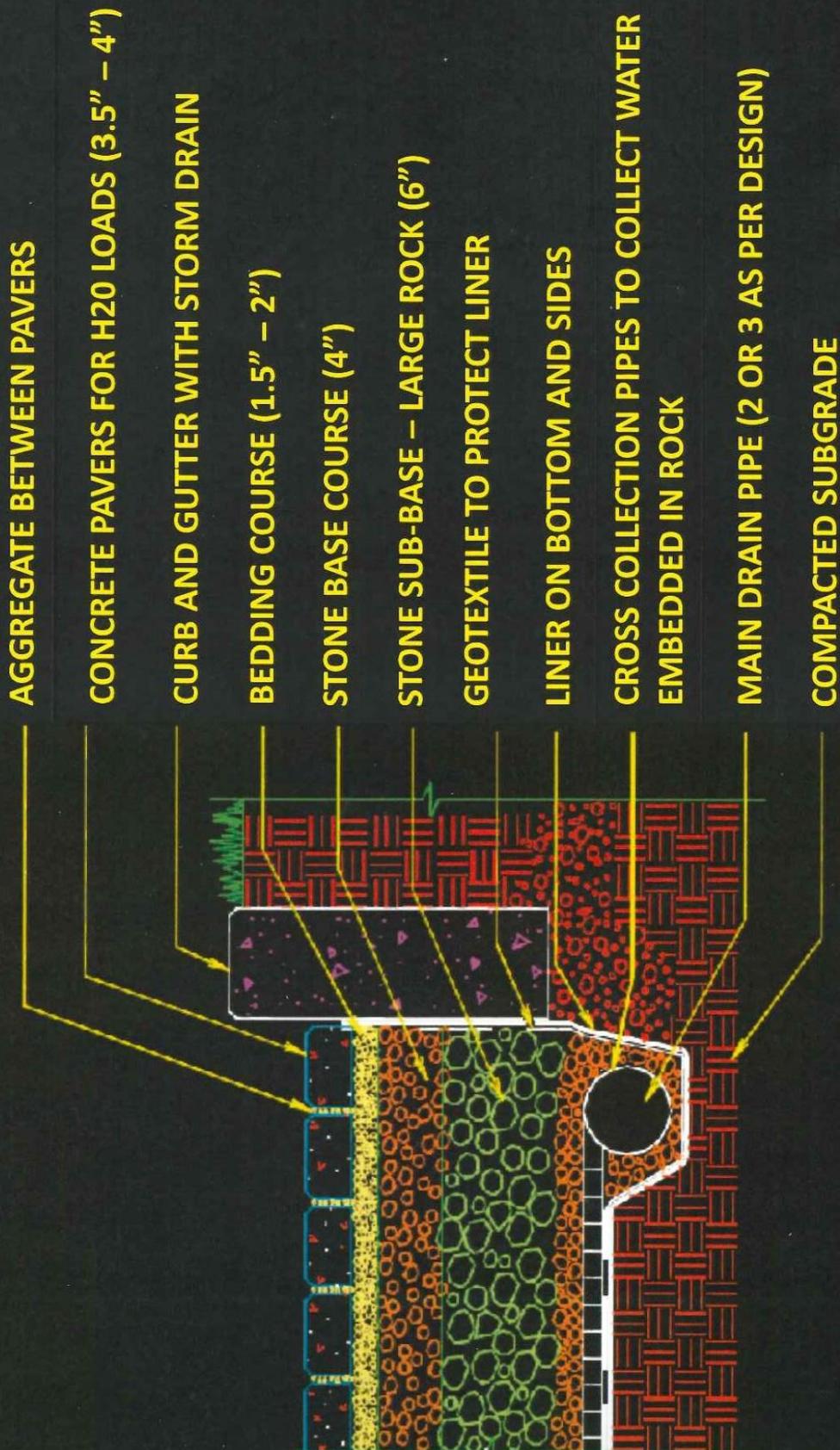


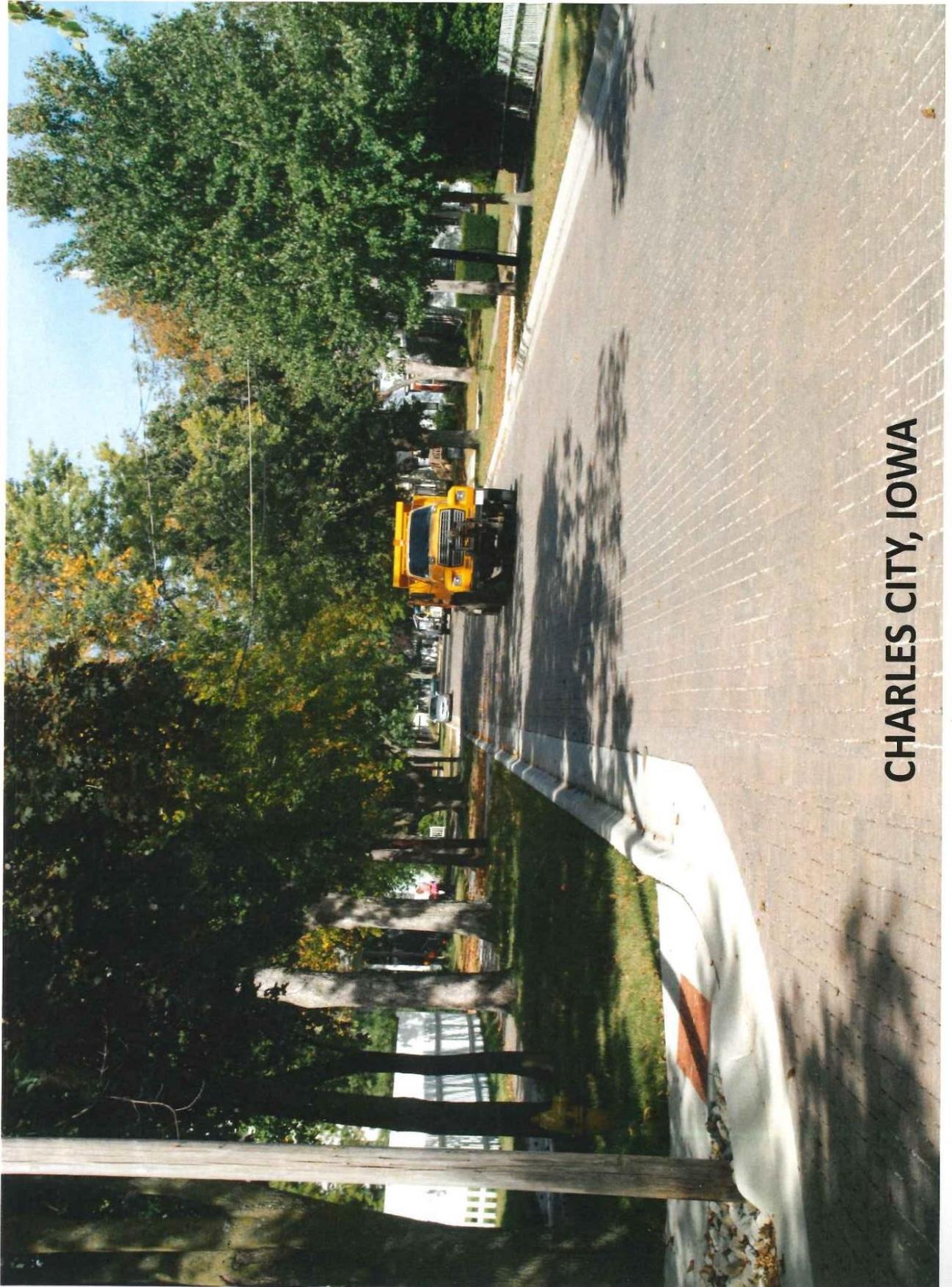
# PROPOSED STREET LAYOUT



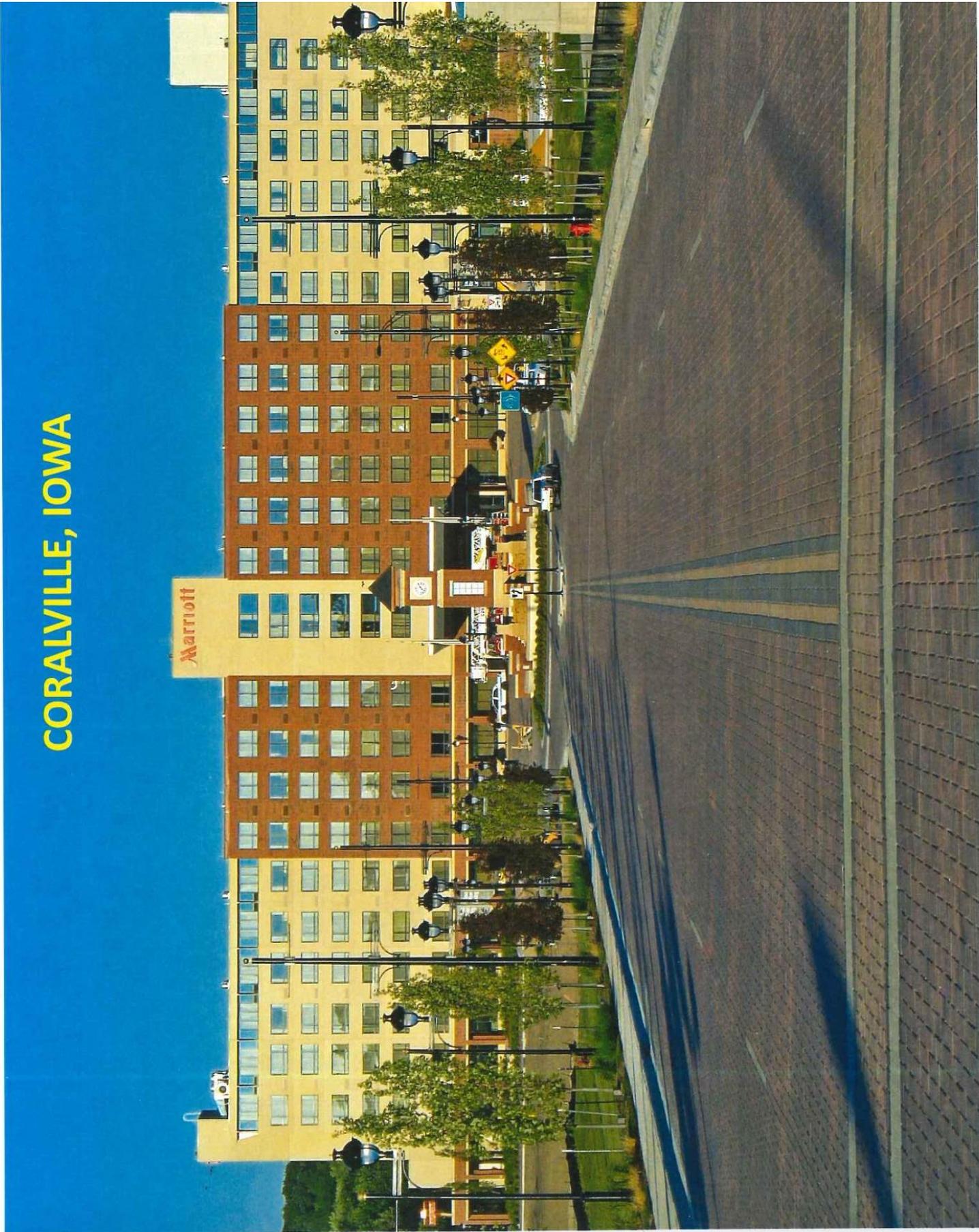
LEO A DAILY

## TYPICAL PAVED STREET WITH PAVER CONSTRUCTION

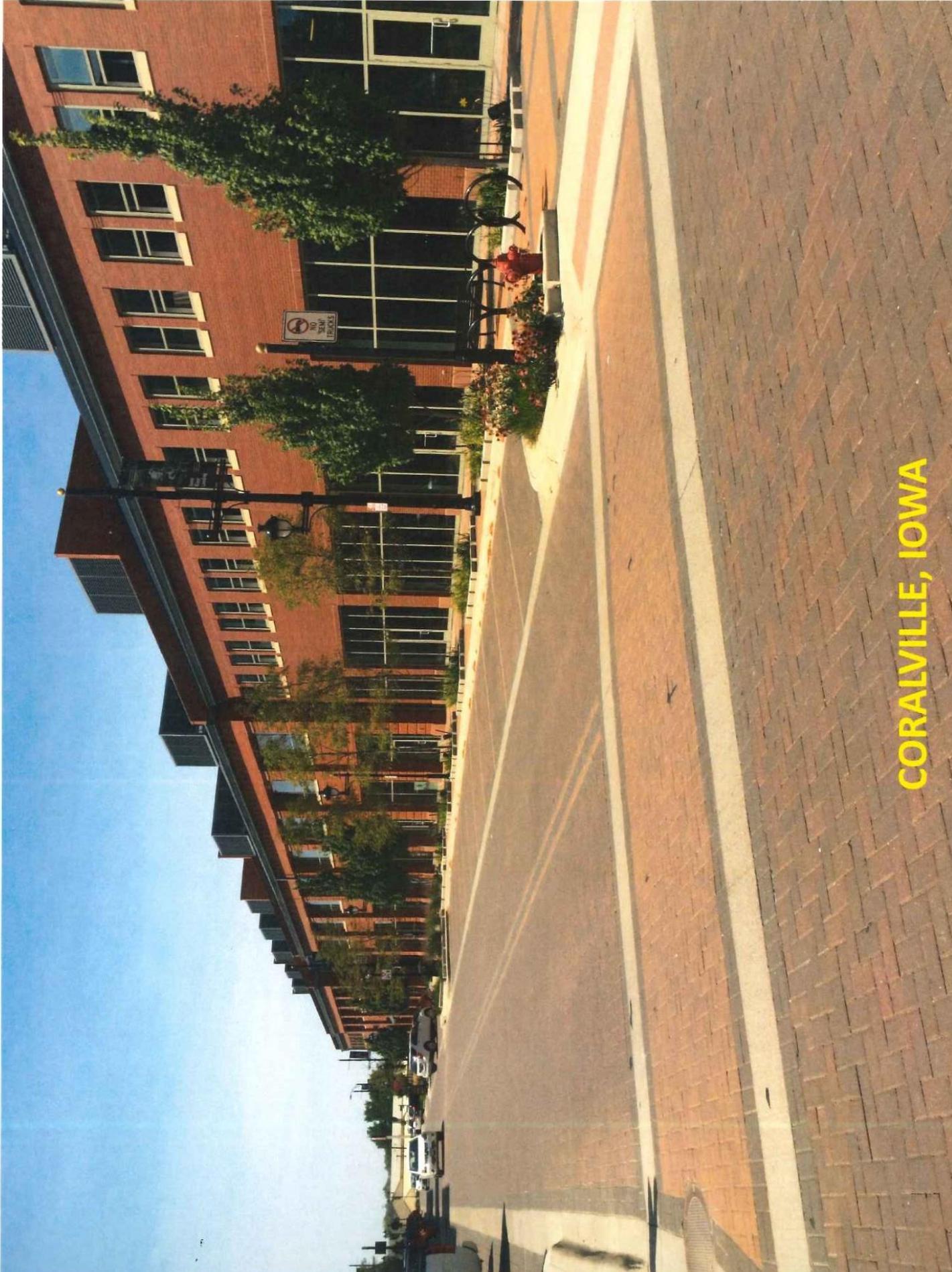




**CHARLES CITY, IOWA**



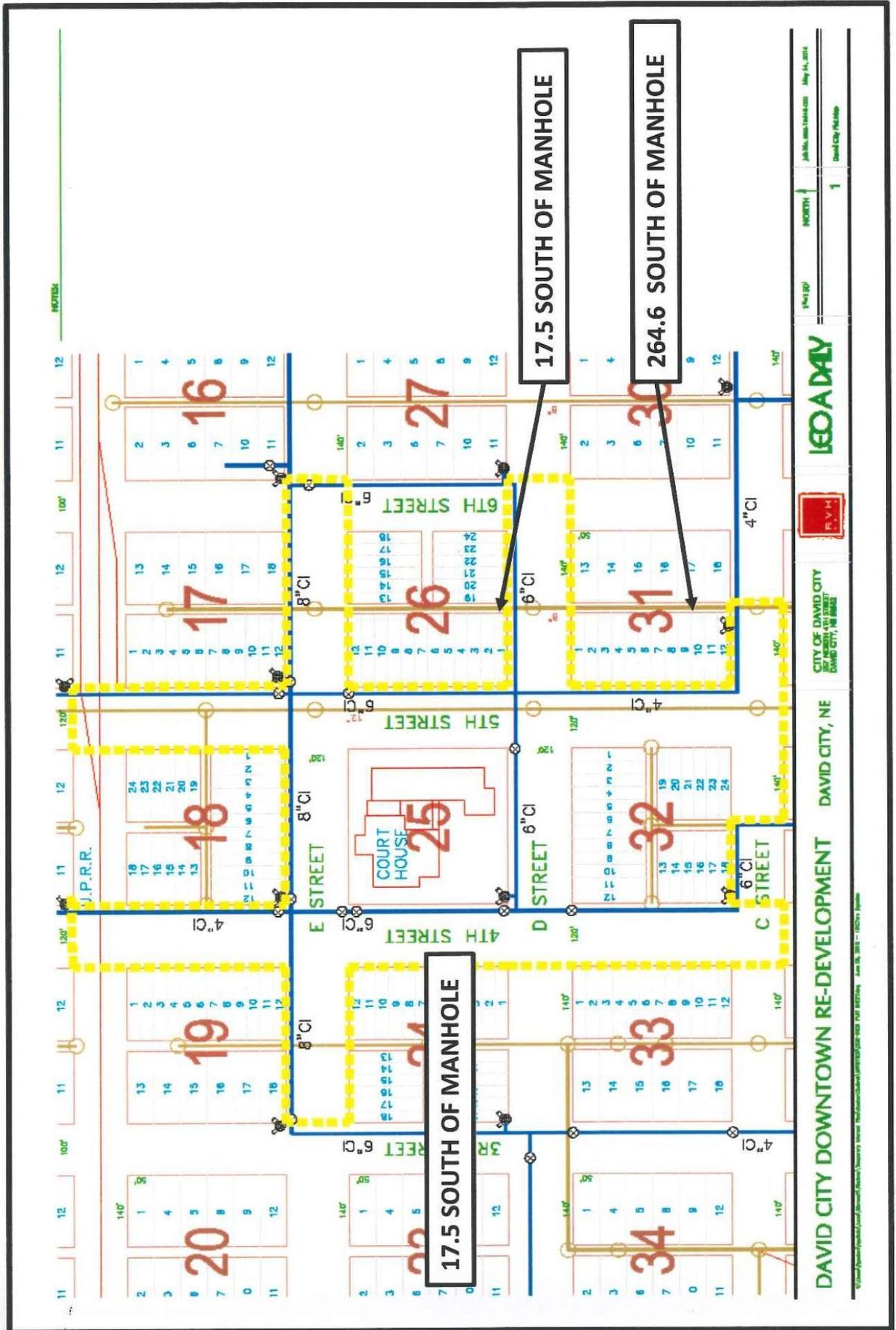
# CORALVILLE, IOWA

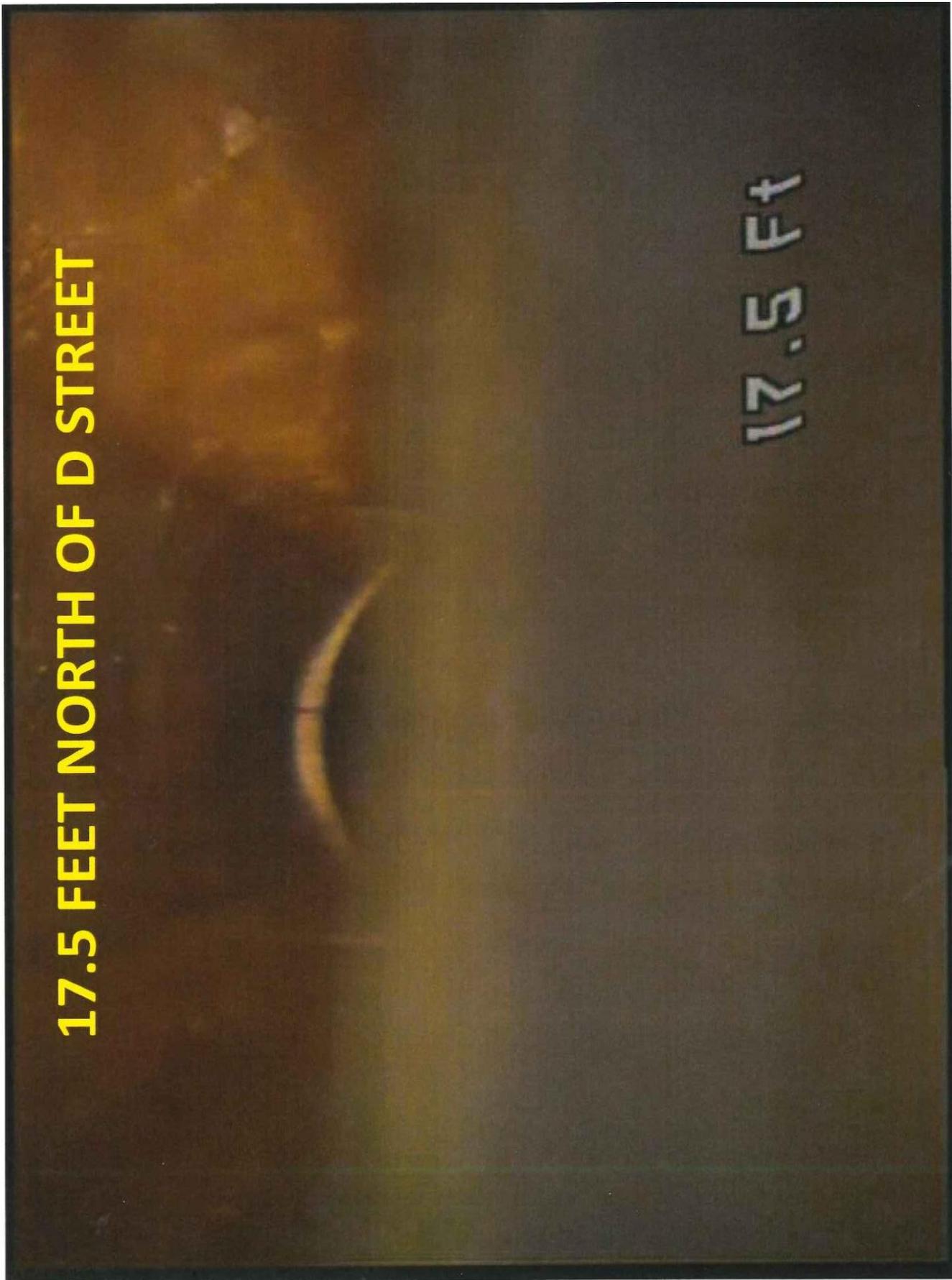


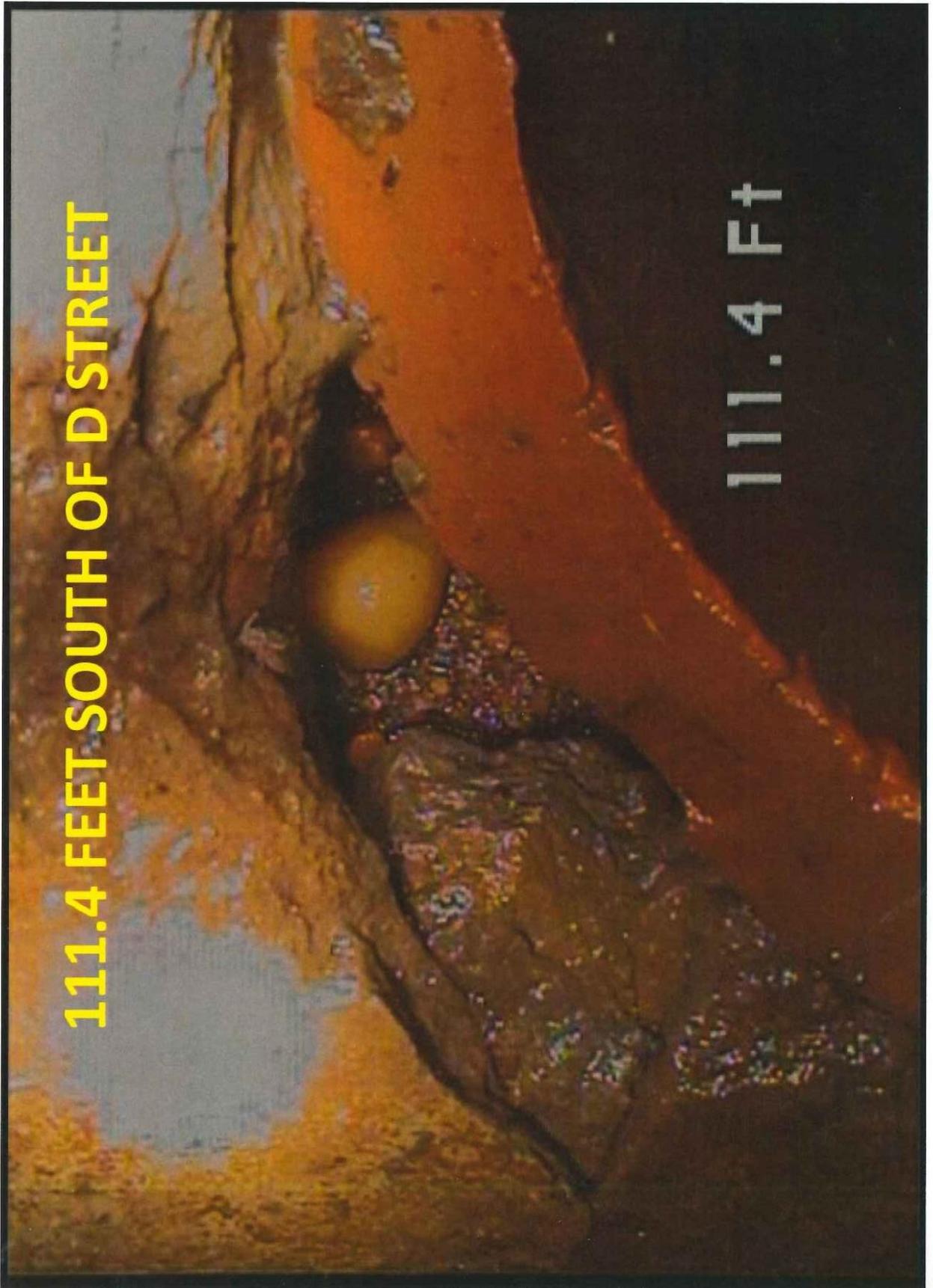
CORALVILLE, IOWA

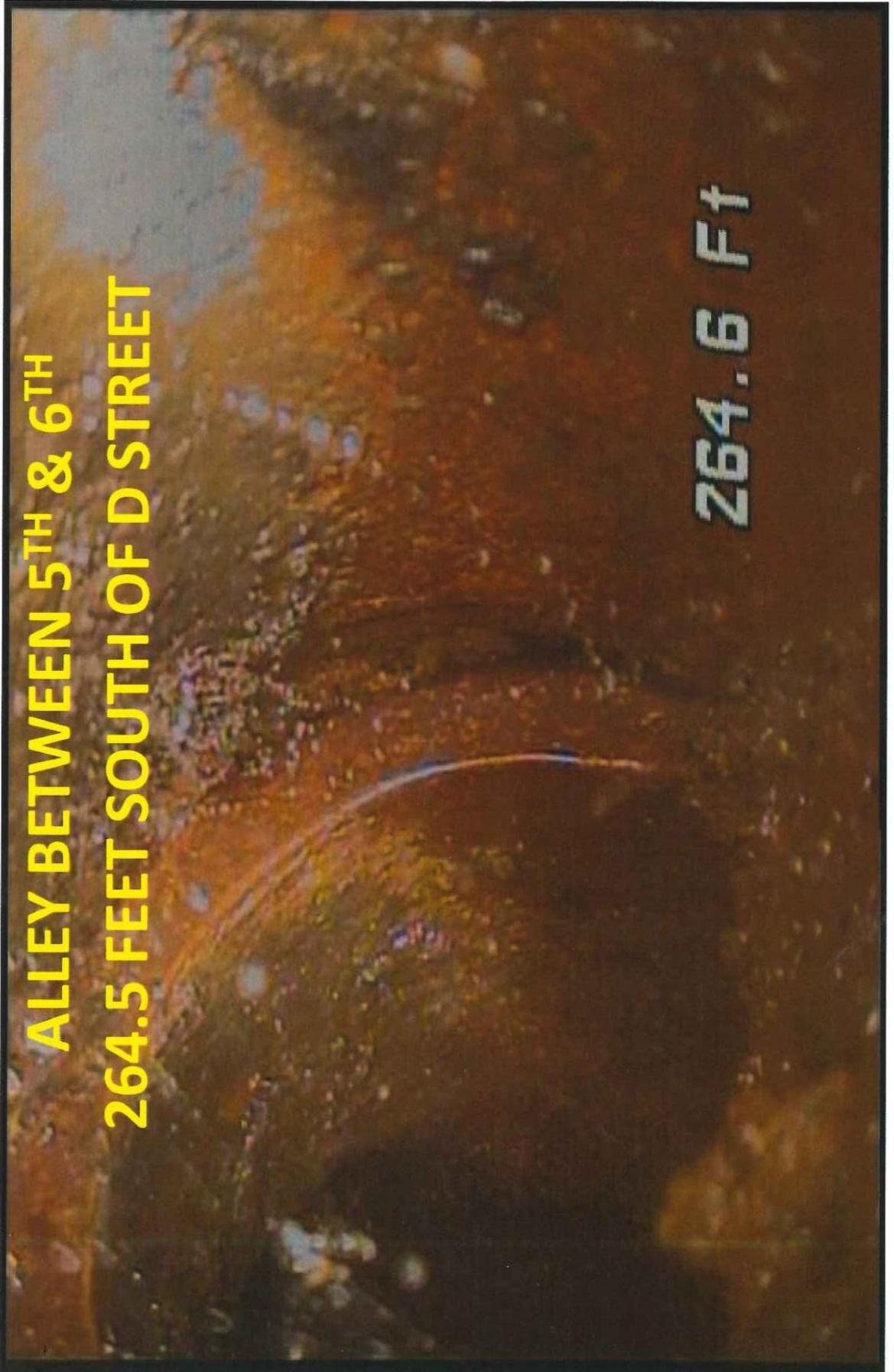


# KNOWN SANITARY SEWER ISSUES



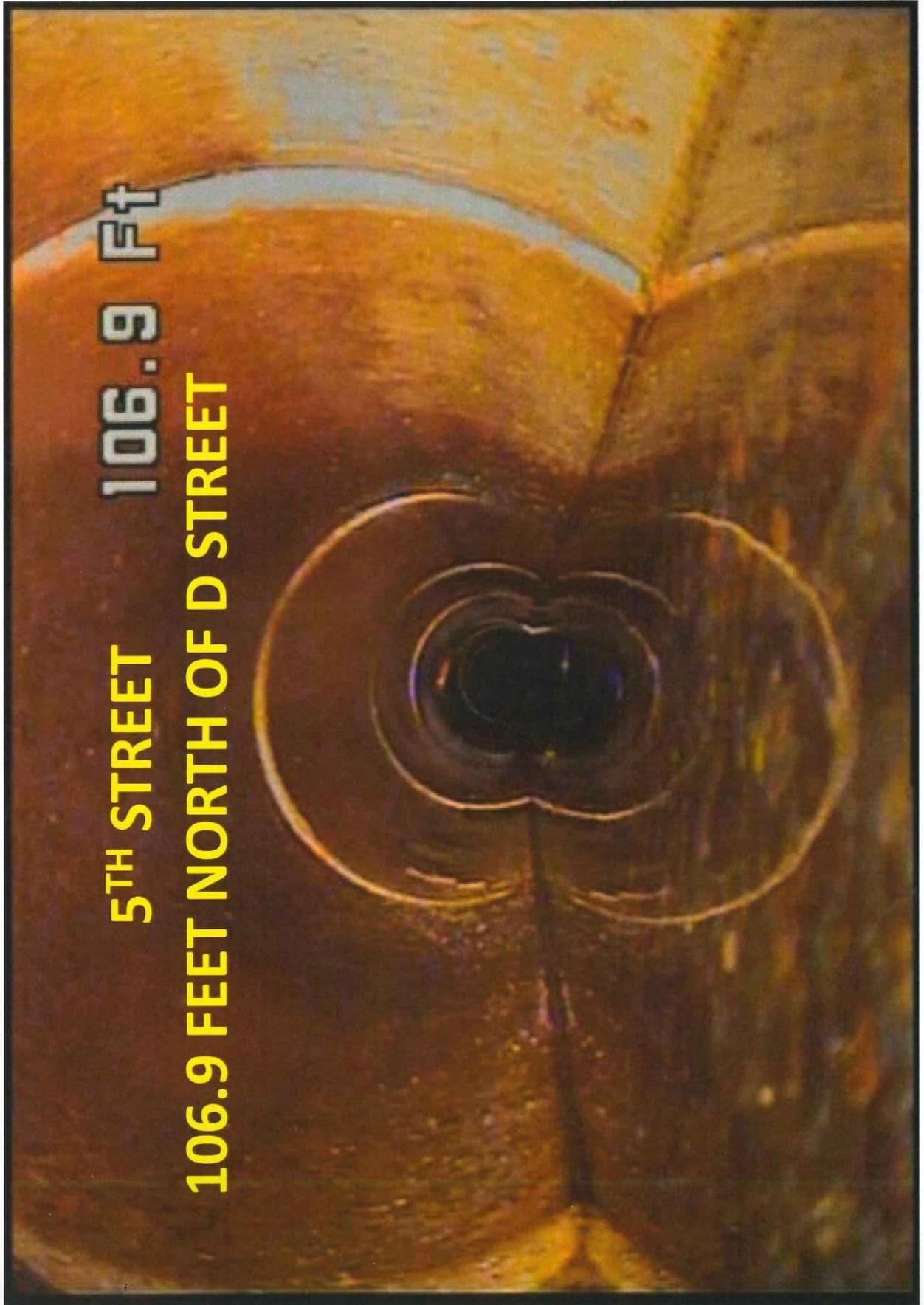


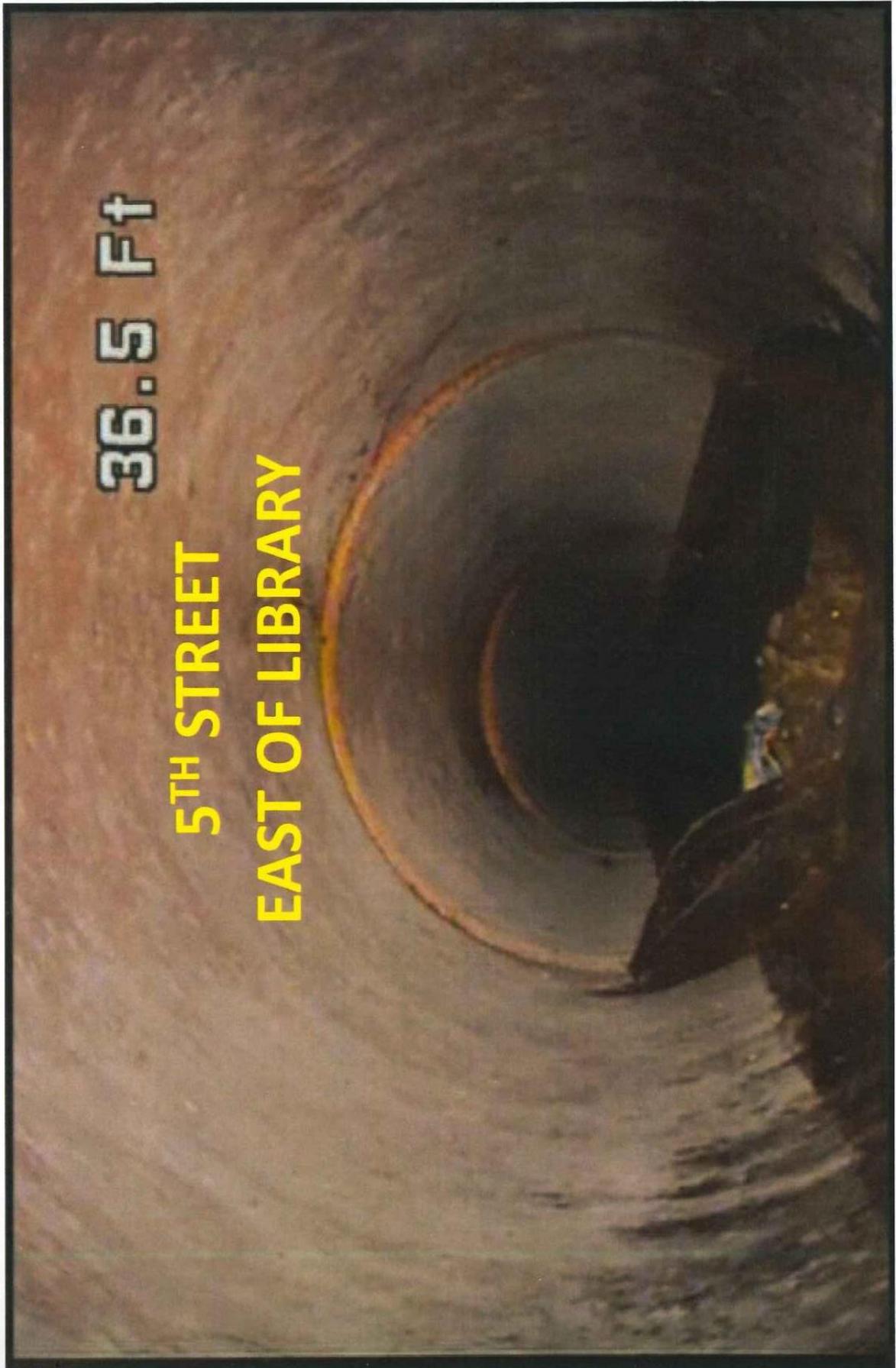




**ALLEY BETWEEN 5<sup>TH</sup> & 6<sup>TH</sup>  
264.5 FEET SOUTH OF D STREET**

**264.6 Ft**





## **Next Steps**

### **Mobilize Geotechnical Investigation**

- 1. DECIDE ON TYPE OF STREET SURFACE**
- 2. Mobilize Geotechnical Investigation**
- 3. Decide on Sewer Line in 5<sup>th</sup> Street**
- 4. Mobilize Geotechnical Investigation**
- 5. Mobilize Surveyors**
- 6. Prepare legal descriptions for districts**
- 7. Exercise the main line water valves**
- 8. Exercise each owner water shut off valve**
- 9. Provide ongoing meetings on design**
- 10. Provide ongoing meetings with owners**
- 11. Plan for a bid opening in early 2017**

**LEO A DAILY**

Mayor Zavodny stated: "I've had people come up to me, and I've been thinking about it too, just looking at what our downtown looks like and seeing what some other communities have done, and now that the money is in place, my concern is we are going to wake up the morning after it's all done and maybe have some regrets. I think if we're looking at a 50 – 100 year decision we ought to take a little time to talk about it. What you're going to see Al (Hottovy of Leo A. Daly) talk about is kind of what we talked about. We weren't sure about intersections with the weight of turning, but the big question was always can you engineer it? It's got to be able to drain, it's got to be able to handle the loads, and I asked him if there was a way to make it work. What I'm suggesting we do, just really briefly is, we have the concrete on west "D" and it's going to be concrete in front of the Fire Station (552 East "D" Street; "D" from 5<sup>th</sup> to 6<sup>th</sup>) and probably concrete in front of Kobza's (566 East "E" Street; "E" from 5<sup>th</sup> to 6<sup>th</sup>) and the west side of the Highway ("E" from 4<sup>th</sup> to 3<sup>rd</sup>) but I would like to see us at least consider bricking around the whole Court House square and the extensions of 5<sup>th</sup> Street (Railroad "F" to "C"). I think we would pour concrete in the parking areas but it would be brick in the driving lanes and the middle parking. That's what I recommend we consider. I know we've talked about this a while but I think it's worth talking about because this is a long, long, term decision. So, if you (Al Hottovy) want to talk about what it could look like, and let people have that opportunity to talk and share their ideas and thoughts."

Al Hottovy, Vice President of Leo A. Daly, distributed pamphlets and gave a presentation stating: "The center parking and the driving lanes would be brick, is kind of what I am hearing. Whether it's concrete on these crosswalks or whether it's brick, that's open for discussion. We don't need to make that decision now in terms of what the patterns are going to look like, we just need to make a decision if it's concrete or brick. I am not proposing that we only bid brick, we can do a base bid of concrete or a base bid of brick and then ask for the contractors to give us prices on changing it to the other one. We should plan on a bid opening in early 2017."

Al explained what a typical paved street with paver construction would consist of and stated that the geotechnical people are ready to move in. He explained the need for cross collection pipes to collect water to avoid standing water.

Mayor Zavodny asked: "Were you able to find a hardness of brick that will last and something that certainly salts not going to disintegrate?"

Al stated: "The stuff we have now is all manufactured to retard that but the only thing is the snow plows. If one of those gets out a little bit and the snow plow goes over he could break one of them out, but again, it goes right back in, it's not concreted in. If you have to make a cut in this, you cut it out, you take the rock out, you take the liner out, you take the geotextile out, you make your repairs, you put it back in and you put the brick back in."

Mayor Zavodny asked: "What's your thought on wanting it in the parking now?"

Al stated: "The only thing I would recommend is that we would bring the cement out far enough (along the curb) so that the driver's side wheel is on concrete, not on brick because that's when you start getting the inundations. It's about a 5' gutter pan. It would really look good if we did this. I'm not worried about the pattern right now, I just want you guys to take a look at what your options are now."

Council member Kroesing asked: "How come brick all of sudden got to be the same price as concrete when it was so out of reach before?"

Al Hottovy stated: "We were putting the brick on a concrete base."

Council member Kroesing stated: "This looks like a lot more work than just a concrete base."

Al Hottovy stated: "It is more work, except this drains. The concern I had with the other one is how to get the water off of the brick. And again, I'm not saying this is cheaper, it's going to be a little bit more money because of the labor."

Council member Kobus asked: "If you have to cut a piece out and cut through that liner, how are you going to fix that liner?"

Al Hottovy stated: "You have to overlap it onto the other one. You can fuse it (you have to heat it up; melt it) or glue it. They're gluing them now. It's not the easiest thing in the world but it's easier than cutting through concrete."

Council member Kroesing stated: "So if you accidentally rip a couple of bricks out you are going to have a major job right there."

Al Hottovy stated: "Well it depends on how much they rip up because there is only 3.5" – 4" of pavers and then it's sand for the bedding course. My intent would be to order enough bricks so you have some sitting somewhere in case they break. We had this area of the sewer camera-ed. We have a main coming down 5<sup>th</sup> Street where it's picking up the sewer from the east and the west on "G" Street, and then it heads south on 5<sup>th</sup> Street. It's one of the only lines that are in the street, the rest are in the alleys. The pictures show 17.5 feet north of D Street they ran into a plug, and all along that alley the joints are open, so you talk about infiltration into the sewer lines. The next picture is going south from the Fire Hall (between 5<sup>th</sup> & 6<sup>th</sup> on D) 111.4 feet south of the manhole that is open to the soil; that's the top of the pipe; there's supposed to be a pipe there and it's gone, and he couldn't go any further. Also on the pipe there are eleven (11) taps going into that pipe between "C" and "D" but I don't think there are that many users, they're all capped so you're probably getting a lot of water from those also. This is the alley between 5<sup>th</sup> & 6<sup>th</sup> Street, 264.5 feet south of "D" Street, on the right hand side, that's soil coming in and there are instances where you couldn't get the camera through it anymore, it got plugged and you had to back it up. 5<sup>th</sup> Street, that's a reinforced concrete pipe, 106.9 feet north of D Street, it's in pretty good shape, however, there is a problem east of the Library about 36.5' south of "D" on 5<sup>th</sup> Street

Mayor Zavodny stated: "Bit if you're redoing the street is it smart to leave that there?"

Al Hottovy stated: "The concern I have is the crossings of "D" and "E" East of 5<sup>th</sup>. We have to do something with those two because one of them is plugged over there by the Fire Hall, 17.5 feet north of the manhole. We're not even north of the front of the Fire Hall. So the first thing that's going to happen is this is going to plug and we're going to have to dig it up and we're going to be in the street. We also have a blockage east of the Library, and at 34 feet we have a broken pipe."

Council member Kobus stated: "You're going to spend all this money up-town on the streets, and you have this sewer line in the street and it's old. I don't care how good it looks I would get it out of there. I would get it out of there and put in plastic."

Al Hottovy stated: "Now is the time. While we are doing it, the possibility is picking up the sewer at the alley, bring it on to the new line down 5<sup>th</sup>, and deal with the alleys later and get away from some of those crossings under the street. That is what I would recommend to you. This is a main carrier here of sewer. The next step is we need to decide on the type of street surface. The reason I need to know the type of street surface is that it will affect drainage, the grades will not change."

Discussion followed in which Mayor Zavodny stated that we need to make sure that we coordinate everything on this project so we aren't regretting anything later. We need to address street lighting, drainage, water, sewer, electric lines, shut off valves, running conduit for future fiber, etc. They noted the importance of having all of the department heads involved for planning for the future; now is the time to do it. They will be using radar to check for the location of the tunnels.

Council member Smith stated: "Are you telling us, that with just the rock as a support, that's going to support the bricks forever? They're never going to move or sink? You're going to have some heavy traffic on them, and they're not going to move?"

Al Hottovy stated: "They're not going to move unless the snow plows grab them. There is the possibility that at the crosswalk where this is sticking up just a little bit that the snowplow blade could get it."

Council member Smith stated: "It doesn't look like there is any support there to me; not like concrete. I am not an engineer."

Al Hottovy stated: "Not like concrete. I am not trying to sell either one of these."

Council member Kroesing stated: "What about concrete under the bricks?"

Al Hottovy stated: "Then you have a drainage issue. You're still going to have to have a bedding and if this is concrete, I'm going to have to do something like this to get that water out of there."

Mayor Zavodny stated: "It doesn't work putting the concrete under the brick. The water's going to come up if it doesn't go somewhere fast enough, you're going to have tons of problems there. My question to Al was pretty basic: Can you engineer something to make brick work? The thing I liked about this is it's symmetrical. Yes, you won't have brick going in front of the Fire Hall, that decisions made already, so that's happening. It's symmetrical, you're going to have concrete on "D" and probably on "E" between 5<sup>th</sup> & 6<sup>th</sup> and then you'll brick this area. That's my compromise, I like that plan, you can tell me if you hate it, but for the next 100 years we're deciding on, it's worth taking a little time to at least talk about it because I don't want to wake up one morning and say "Gosh, we have concrete." You can't fix it then, we're done, we're gone forever."

Council member Kroesing stated: "The thing I am having a problem with is all these layers of rocks, and you don't get a swale effect in this? It won't become uneven like we have now? Each and every layer on top of that liner has to be compacted to a certain degree."

Al Hottovy stated: "You don't have those layers underneath the current brick, and probably don't have the compaction you need. It has to be done right."

Council member Kobus stated: "I just don't know how that's going to work in Nebraska with our cold when it freezes and the heat in the summer. In the summer with the dust flying everything gets so dirty and the dirt seeps in everywhere. What's to keep that from plugging up or to quit absorbing water after a few years?"

Al Hottovy stated that they've had a couple of these projects done in Nebraska but he was unable to get the locations today. The Mayor asked Al to research where this proposed plan has been used in Nebraska stating that maybe they could take a drive and look at them. The crosswalks, and parking lanes next to the curb, may be concrete because citizens have complained that the brick are too slick. It was noted that colored concrete has not passed the test of time; it does not wear well and then you can't match the color.

Dana Trowbridge asked: "Is your firm able to provide us with skilled oversight for a project such as this?"

Al Hottovy stated: "Yes. We are going to have a sub but our people will be here. We have an independent group that are construction observation people and are professional engineers; that's all they do, the whole design, they're out here."

Council member Kroesing asked: "They're going to be here for this entire project, Al?"

Al Hottovy stated: "Yes."

Mayor Zavodny stated: "For compaction especially. It doesn't matter what we talk about if the compaction isn't done correctly."

Al Hottovy stated: "For the compaction we'll bring in the geotechnical engineer. We will take soil samples, but there will be pockets of stuff that we will hit that we won't know about until we open it up." (Clay, topsoil, tunnels, voids, pipes, etc.)

Mayor Zavodny stated that the water gets very deep at the intersection of 3<sup>rd</sup> & "E" Street. Al Hottovy stated that if they put the slotted drain inlets up high they could bring it back to the east because there are no storm sewers to the west. Al stated that they would be talking to each property owner about the entrances to their businesses and their shut off valves.

Al Hottovy stated that he would like to have a meeting with all of the relative Department Heads. City Clerk Kovar will schedule that.

Council member Kroesing introduced Ordinance No. 1246. Mayor Zavodny read Ordinance No. 1246 by title. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Hottovy seconded the motion. Voting AYE: Council members Kobus, Smith, Vandenberg, Hottovy, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1246 on the third and final reading. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Hottovy, Kobus, Vandenberg, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1246 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1246**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, IMPOSING/EXTENDING A SALES TAX OF ONE AND ONE HALF PERCENT (1½%) UPON THE SAME TRANSACTIONS WITHIN THE CITY OF DAVID CITY ON WHICH THE STATE OF NEBRASKA IS AUTHORIZED TO IMPOSE A TAX, COMMENCING OCTOBER 1, 2020, FOR A TEN (10) YEAR PERIOD ENDING OCTOBER 1, 2030.

WHEREAS, David City, Nebraska has a 1½% City Sales Tax effective October 1, 2010 with a termination date of October 1, 2020, and

WHEREAS, the Mayor and Council of the City of David City, Nebraska, did on February 10, 2016 pass Resolution No. 3 - 2016 which submitted to the qualified electors of the City of David City, Nebraska, the issue of whether the governing body of the City of David City, Nebraska should impose a sales and use tax of one and one half percent (1½%) upon the same transactions within the City of David City on which the State of Nebraska is authorized to impose a tax, for an additional ten (10) year period commencing October 1, 2020, and ending on October 1, 2030, with the proceeds collected to be used for the Downtown Renovation Project, infra-structure repairs, replacements, and improvements within the City of David City, Nebraska, and for recreational and cultural projects.

WHEREAS, the above-referred to resolution was submitted to the qualified electors at the statewide primary election on May 10, 2016, at which time a majority of the qualified electors approved such tax.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that a sales and use tax of one and one half percent (1½%), upon the same transactions within the City of David City on which the State of Nebraska is authorized to impose a tax, is hereby authorized to commence/continue on October 1, 2020, and end on October 1, 2030.

BE IT FURTHER ORDAINED that the City Clerk is hereby authorized and directed to submit a certified copy of this ordinance to the State Tax Commissioner, to be accompanied with a certified map of the City, and a certified copy from the Election Commissioner of the election results and a statement indicating the issue has not been voted on and failed within the prior 23 months.

PASSED AND APPROVED THIS 8<sup>th</sup> DAY OF June, 2016.

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

Attest:

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

Council member Smith made a motion to approve the application by Scott Samek to sell permissible fireworks at 375 Nebraska Street (Amigo's) between 12:01 a.m. June 25<sup>th</sup> and 11:59 p.m. July 4, 2016. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Kroesing, Vandenberg, Smith, and Kobus. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Smith introduced Resolution No. 7 – 2016 approving the Butler County Parade Committee's request for the parade to cross Highway 15 on "L" Street on Sunday July 24, 2016 in accordance with LB589. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Kroesing, Vandenberg, Kobus, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 7 – 2016 was passed and adopted as follows:

**RESOLUTION NO. 7 - 2016**

WHEREAS, the Butler County Fair's Annual parade is scheduled for July 24, 2016, and

WHEREAS, the Butler County Parade Committee has designated 2:00 p.m. to 7 p.m. to allow for set-up and clean-up, with the parade beginning at 5:00 p.m., and

WHEREAS, the Butler County Parade Committee has requested that Highway 15 at the intersection of "L" Street and Highway 15 be closed so the parade can cross Highway 15, and

WHEREAS, the Mayor and Council acknowledge Revised Statutes Chapter 39-1359, Rights-of way; inviolate for state and Department of Roads purposes; temporary use for special events; conditions; notice; Political Subdivisions Tort Claims Act; applicable, which states:

- (1) The rights-of way acquired by the department shall be held inviolate for state highway and departmental purposes and no physical or functional encroachments, structures, or uses shall be permitted within such right-of-way limits, except by written consent of the department or as otherwise provided in subsections (2) and (3) of this section.
- (2) A temporary use of the state highway system, other than a freeway, by a city including full and partial lane closures, shall be allowed for special events, as designated by a city, under the following conditions:
  - (a) The roadway is located within the official corporate limits or zoning jurisdiction of the city;
  - (b) A city making use of the state highway system for a special event shall have the legal duty to protect the highway property from any damage that may occur arising out of the special event and the state shall not have any such duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
  - (c) Any existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the city making use of the state highway system for the special event, and the state shall not have such statutory or common law duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
  - (d) The city using the state highway system for a special event shall formally, by official governing body action, acknowledge that it accepts the duties set out in this subsection and, if a claim is made against the state, shall indemnify, defend, and hold harmless the state from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.
- (3) If a city has met the requirements of subsection (2) of this section for holding a special event and has provided thirty days' advance written notice of the special event to the department, the city may proceed with its temporary use of the state highway system. The notice shall specify the date and time the city will assume control of the state highway property and relinquish control of such state highway property to the state.

- (4) The Political Subdivisions Tort Claims Act shall apply to any claim arising during the time specified in a notice provided by a political subdivision pursuant to subsection (3) of this section.

WHEREAS, the City of David City wishes to support this annual event, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City Clerk is hereby authorized to forward this resolution to the State of Nebraska Department of Roads for the closing of Highway 15 and "L" Street from 2:00 p.m. to 7:00 p.m. for the parade to be held on Sunday, July 24, 2016 in David City, Nebraska.

Passed and adopted this 8<sup>th</sup> day of June, 2016.

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

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

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Smith, Hotovy, Kobus, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:07 p.m.



CERTIFICATION OF MINUTES  
June 8, 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 June 8, 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