

**ACKNOWLEDGMENT OF RECEIPT OF NOTICE OF MEETING  
OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a special meeting of said body and the agenda for such meeting to be held at **6:30 p.m.** on the **27<sup>th</sup> day of August, 2014**, in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska.

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

Dated this 22<sup>nd</sup> day of August, 2014.

AGENDA AS FOLLOWS:

1. Roll Call;

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

2. Pledge of Allegiance;

3. Inform the Public about the location of the Open Meetings Act;

\_\_\_\_\_  
Council President Gary Kroesing

4. Consideration of purchasing detailed items for the David City Ball Association;

5. Consideration of Resolution No. 17 - 2014 showing support for the Butler County Landfill and an expansion project;

\_\_\_\_\_  
Council member Mike Rogers

6. Consideration of appointing an Interim City Administrator;

\_\_\_\_\_  
Council member Ruddy Svoboda

7. Consideration of going into executive session to discuss a personnel issue;

\_\_\_\_\_  
Council member Bill Scribner

8. Adjourn.

\_\_\_\_\_  
Council member Gary Smith

\_\_\_\_\_  
Council member John Vandenberg

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

## CITY COUNCIL PROCEEDINGS

August 27, 2014

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 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on August 21<sup>st</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council members Gary Kroesing, John Vandenberg, Ruddy Svoboda, and Gary Smith. Council members Mike Rogers and Bill Scribner were absent. City Attorney Jim Egr, and City Clerk Joan Kovar were also in attendance.

Also present for the meeting were: Jared Storm of Hershey Flying Service, Eric Johnson of Kirkham Michael, Bea Alexander, Neil Kuhlman, Jason Lavicky, Lori Aschoff, Bill Lawson, Kory Kuhlman, Mark Kirby, Kelly Danielson, Chad Denker, Mike Draper, Dallas Worrell and wife, Greg Janak, Randy Schwang, Janis Cameron, Carolyn Yates, Electric Plant Supervisor Eric Betzen and wife Darci, Street Foreman Rodney Rech, and Banner Press Editor Larry Peirce.

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.

Jason Lavicky distributed a list that showed outstanding bills and paid bills as incurred by the David City Ball Association.

### **DAVID CITY BALL ASSOCIATION** As of August 27, 2014

#### **Outstanding Bills - Not Paid**

<u>Name</u>	<u>Memo</u>	<u>Amount</u>
BATHEN, JAMES	PAYROLL	-343.42
NORTHSIDE INC.	MOWER TIRE	-101.70
NORTHSIDE INC.	MOWER TIRE	-57.02
DIDIER'S	CONCESSION PURCHASE	-651.99
PLAINS EQUIPMENT GROUP	MOWER REPAIR	-1,919.17
<b>TOTAL</b>		<b><u>-3,073.30</u></b>

### Expenses Paid

<u>Item</u>	<u>Amount</u>
BALL COORDINATOR FEES	4500.00
SUPPLIES PURCHASED	983.36
REPAIRS - FIELD & CONCESSION STAND	927.60
UMPIRES EXPENSE	7140.00
UNIFORMS EXPENSE	761.71
UTILITIES PAID	1567.39
<b>TOTAL</b>	<b><u>15,880.06</u></b>

Discussion followed. City Attorney Egr stated that the City could reimburse the Ball Association for "things" and reimburse or excuse utilities for probably up to two years, but cannot reimburse for personnel expenses. Therefore the payroll for James Bathen \$343.42, Ball Coordinator Fees \$4,500, and Umpires Expense \$7,140.00, totaling \$11,983.42 are not allowable expenses for the City to reimburse.

\$3,073.30  
\$15,880.06  
\$18,953.36  
-11,983.24  
\$6,969.94

Neil Kuhlman stated: "On the bills presented, I only went back a few months because I didn't know exactly what you had in mind. We have other repairs over the last two years that will more than make up the difference."

Mayor Zavodny asked Lori Aschoff where we were on the grant. Lori Aschoff replied: "We are still working on the application. It's in the process and it is due October 1<sup>st</sup>. You'll hear something back within 3 or 4 months after that, most likely."

Mayor Zavodny stated: "We have not made a decision on the purchase of the ball field. We will wait and see what happens with the grant. What we talked about doing, and the reason they are presenting what they are is, if we can help them with reimbursable expenses to get them to next year, when we would defer that decision, is what we are trying to do."

Jason Lavicky stated: "I don't know the likelihood of the grant being approved, so what is Plan B if it doesn't get approved?"

Mayor Zavodny stated: "What we had talked about previously is, if the grant doesn't get approved, we talked about between now and then seeing if we could get some fund raisers going, maybe try to raise some money to help pay down some of what's remaining on the debt and then see what dollar amount we're looking at next summer to consider if this governing body would move forward on it. That's where we're at. In discussions, I have never heard anybody say that it is their wish that that goes away. We've got to do everything we can to

make sure it doesn't. What's unique about this situation is most of the time City's own them; now we're coming in kind of on the tail end when things have got to this point, trying to figure out "Now how do we dive in late in the game?" I think those things can maybe be worked out but you're going to have to get enough votes from this body."

Jason Lavicky stated: "I just always feel when this issue is brought up, and I understand you guys have to go through the procedures, it always seems when this issue is brought up that we always seem to just put a band aid on it and not really get to the concrete; to really resolve it and fix it, and I think that fix is the City probably owning the fields. I think that gives it a solid foundation and really makes it right in my opinion."

Mayor Zavodny stated: "I think it's one of the things considered in the overall big picture, and again, no one wants to see that ball program go away. I think I mentioned it to Lori too, what we put in our grant application is, there's that very real risk of that happening if we don't figure out a way to make the money part work on this."

Discussion followed concerning funding for the ball program.

City Attorney Egr stated: "If there is any thought whatsoever of buying the fields; State Statute is very specific that if it is going to be over \$100,000 it has to be appraised, so that needs to get going. I think the City could help the ball program out in two areas. #1 – you have two enterprise funds, that being the electric department and the water and sewer departments. Those two departments technically aren't tax dollars, they're an enterprise. So I think those two enterprises could say either we aren't going to charge you for those utilities over there, and the City can pay for things but they can't pay for people, or reimburse the ball program for up to two years of utility bills."

Jason Lavicky stated: "We need more frequent conversations on this. This is a real concern. I expressed to you Mr. Mayor in a conversation about, "tell me how many petitions I need to get so we can put it on the ballot for the City voters." I'm not beyond doing that if we need to do that, but the time line on that is not going to happen this November, obviously."

Mayor Zavodny stated: "As I expressed to you, I have no doubt you could fill the basement of the Auditorium if we had a meeting supporting the ball association. I have no doubt about that. I know it's not fitting into the time frame you would prefer but I think there are some efforts between now and next summer that we'd probably like to try, one being the grant and two being some fund raisers and then see where we're at. You're not buying ball fields tonight, but as far as reimbursable expenses that have been presented so far, I come up with \$6,969.94 since April 1<sup>st</sup>. So what dollar amount are you willing to put towards this? Basically, I think now we can summarize this as "we are buying a year". We are deciding if we can fund legally acceptable reimbursable(s). If we could come up with \$14,850.14 worth of "things" that legally we could pay for...."

Council member Smith made a motion to reimburse the David City Ball Association up to \$14,850.14 for "things" that they have purchased over the last two years provided they provide the City with an itemized list. Council member Svoboda seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Svoboda, and Smith. Voting NAY: None. Council members Rogers and Scribner were absent. The motion carried.

Council member Kroesing introduced Resolution No. 17 - 2014 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Svoboda, Smith, and Kroesing. Voting NAY: None. Council members Rogers and Scribner were absent. The motion carried and Resolution No. 17 – 2014 was passed and adopted as follows:

**RESOLUTION NO. 17 - 2014**

**A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, SUPPORTING AN EXPANSION OF THE PERMIT LIMITS OF THE BUTLER COUNTY LANDFILL, INC.**

WHEREAS, the City of David City, Nebraska (hereinafter referred to as “David City”) is an independent body of government;

WHEREAS, the County of Butler County, Nebraska is an independent body of government;

WHEREAS, Butler County Landfill, Inc. wishes to expand its current permitted limits;

WHEREAS, the Butler County Board of Supervisors have the responsibility to review and approve expansions of Butler County Landfill, Inc. beyond its current permitted limits;

WHEREAS, Butler County Landfill, Inc. has been a member of the business community for approximately 29 years and provided an economic benefit of \$1,244,186 per year in Butler County;

WHEREAS, Butler County Landfill, Inc., has been producing and marketing methane gas for a number of years now; and

WHEREAS, this renewable source of energy has become a real bonus and currently generates approximately 60,000 MMBtu of energy annually for Henningsen Foods;

WHEREAS, State law requires that communities and counties provide for and manage solid waste disposal services for their community and Butler County Landfill has been managing the community’s solid waste needs since 1992; and

WHEREAS, in order to continue to provide this service, Butler County Landfill will need to expand their permit limits.

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

1. The City of David City, Nebraska, does hereby support the expansion of the permitted limits of the Butler County Landfill, Inc.; and
2. The City of David City, Nebraska, does hereby respectfully recommend that the Butler County Board of Supervisors reach a mutual agreement with Butler County Landfill, Inc. to allow an expansion of the permitted limits of the Butler County Landfill, Inc.

PASSED AND APPROVED this 27<sup>th</sup> day of August, 2014.

ATTEST

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

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

Mayor Zavodny stated: "The next agenda item is consideration of appointing an Interim City Administrator; we are back to that again. I have had a significant number of inquiries. It seems like when we advertised nothing happened, but now that we don't, we have all kinds of interest. If you would ask me how I could possibly explain that, I have no idea, but apparently there is a lot of interest now, but, we can't deal with any of that tonight we will have to consider that in the future, but for purposes of continuing the City's business which we've had to do before because a lot of them require that kind of a sign off and that. I would recommend we formally appoint Joan as Interim City Administrator."

Council member Kroesing made a motion to appoint Joan Kovar as the Interim City Administrator. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Svoboda, Smith, and Kroesing. Voting NAY: None. Council members Rogers and Scribner were absent. The motion carried.

Council member Smith made a motion to go into executive session to discuss a personnel issue. Council member Svoboda seconded the motion. Voting AYE: Council members Smith, Kroesing, Vandenberg, and Svoboda. Voting NAY: None. The motion carried. Council members Rogers and Scribner were absent.

Mayor Zavodny stated, "At 7:13 p.m. we are going into executive session to discuss a personnel issue." Mayor Zavodny, Council members Kroesing, Smith, Vandenberg, and Svoboda, City Attorney Egr, and City Clerk Kovar went into executive session at 7:13 p.m.

City Attorney Jim Egr stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Zavodny declared the City Council out of executive session at 7:48 p.m.

There being no further business to come before the Council, Council member Vandenberg made a motion to adjourn. Council member Svoboda seconded the motion. Voting AYE: Council members Smith, Kroesing, Vandenberg, and Svoboda. Voting NAY: None. Council members Rogers and Scribner were absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:49 p.m.



CERTIFICATION OF MINUTES  
August 27, 2014

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of August 27, 2014, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Joan E. Kovar, City Clerk