

**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 **12th day of June, 2013**, 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 3rd day of June, 2013.

AGENDA AS FOLLOWS:

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| 1. Roll Call; | <hr/> Mayor Alan Zavodny |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | <hr/> Council President Gary L. Kroesing |
| 4. Minutes of the May 8 th , 2013 meeting of the Mayor and City Council; | |
| 5. Consideration of Claims; | <hr/> Council member Michael E. Rogers |
| 6. Committee and Officer Reports; | |
| 7. Consideration of the bids received for the Hein Water Extension which consists of constructing approximately 1,100 LF of 8-inch water main; | <hr/> Council member Ruddy L. Svoboda |
| 8. Consideration of a settlement offer on the Mark and Willow Holoubek Condemnation Award; | |
| 9. Consideration of Resolution No.11 – 2013 as per the request by Bank of the Valley, to divide their property described as Lots 4 and 5, Block 2, and Outlot "A" Schmid's Addition, into two Tracts: Tract 1 – 1.03 acres and Tract 11 – 1.39 acres as shown on plat; | <hr/> Council member William Scribner |
| 10. Consideration of Resolution No. 12 – 2013 authorizing the closing of Highway 15 and "L" Street from 3:30 p.m. to 7:00 p.m. on July 21, 2013 for the Butler County Fair's Annual Parade; | <hr/> Council member Gary D. Smith |
| 11. Consideration of Resolution No. 13 – 2013 increasing the Airport Hangar rents; | <hr/> Council member John P. Vandenberg |
| | <hr/> City Clerk Joan E. Kovar |

12. Consideration of authorizing Mayor Zavodny to renew the agreement to loan the city's painting "The Foundation" by Dale Nichols to the Bone Creek Museum to exhibit as they wish for 2 years;
13. Consideration of entering into an agreement with Callaway Rolloffs, LLC to place a container by the City Maintenance Building for the collection of appliances. The City would be charged \$200 for each load of appliances taken to Road Runner Metal;
14. Consideration of the application by Scott Samek d.b.a. Samek Fireworks to sell permissible fireworks at 375 Nebraska Street;
15. Consideration of approving a Policy Statement ensuring that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA);
16. Consideration of an appointment to the Housing Authority;
17. Consideration of an appointment to the Library Board;
18. Adjournment;

CITY COUNCIL PROCEEDINGS

June 12, 2013

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 June 6th, 2013 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, Gary Smith, City Attorney James Egr, Interim City Administrator Joan Kovar and Interim City Clerk Tami Comte. Council members Bill Scribner and Mike Rogers were absent.

Also present were: Water/Sewer Supervisor Gary Janicek, Janis Cameron, Carolyn Yates, Craig Reinsch of Olsson Associates, Larry McPhillips of Bank of the Valley 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.

The minutes of the May 8, 2013 meeting of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Svoboda. Voting AYE: Council members Svoboda, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried. Council members Scribner and Rogers were absent.

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

Mayor Zavodny called for Committee and Officers Reports.

Council member Vandenberg stated we apparently still don't know where the ammonia in the lakes came from.

Council member Kroesing stated that he talked to a guy from the DEQ and they are still investigating and they have the Butler County Sheriff's department investigating also.

Mayor Zavodny stated that he has had complaints that the swimming pool is cold and so we may have to turn up the heat.

Mayor Zavodny stated that we need to start looking at the budget numbers.

Interim City Administrator Joan Kovar stated that she had e-mailed Mayor Zavodny to schedule budget meetings during the Committee of the Whole meeting. She stated that she would like to have the Utility departments and the Library present their budgets on Wednesday evening June 26th and then recess the meeting and have the rest of the City departments present their budgets on Thursday evening June 27th.

Mayor Zavodny stated that Northwest Drainage has not been working perfectly. There has been flooding on Jim Thege's property. We'll need to have a meeting regarding this and figure out if it is a design flaw or a structural issue.

Council member Kroesing stated that there's also a problem with the easements because they are not wide enough to get a piece of equipment in there to clean out the culverts.

Interim City Administrator Joan Kovar stated that Rodney Rech talked to RJ Hein and got an additional easement to clean out a culvert that has been plugging up. He does have a meeting scheduled for June 18th with Jeff from the Upper Big Blue NRD to look at the problem where water is backing up onto Thege's property. Kovar also stated that she talked with Jim Thege and he said that he had taken pictures of where the problem is and he was going to e-mail them to her so she could print them out but she had not received them yet. We don't know yet what time we will be meeting on the 18th because Jeff is on vacation and won't be back in the office until the 17th.

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

Bids were opened on June 6, 2013 for the Hein Water Extension project. Craig Reinsch of Olsson Associates tabulated the bids and they were as follows:

M.E. Collins	\$89,381.00
Rutjens Construction	\$69,325.54

Robert Wheeler & Sons.....	\$84,425.00
Obrist & Co., Inc.....	\$60,822.50

Council member Smith made a motion to accept the bid of Obrist & Co., Inc. in the amount of \$60,822.50 for the Hein Water Extension project which consists of constructing approximately 1,100 L.F. of 8-inch water main. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

City Attorney Jim Egr explained that Mark and Willow Holoubek made an offer to settle for both causes of action and the additional amount would be \$2,580. Egr explained that an appraisal would cost \$3,500.

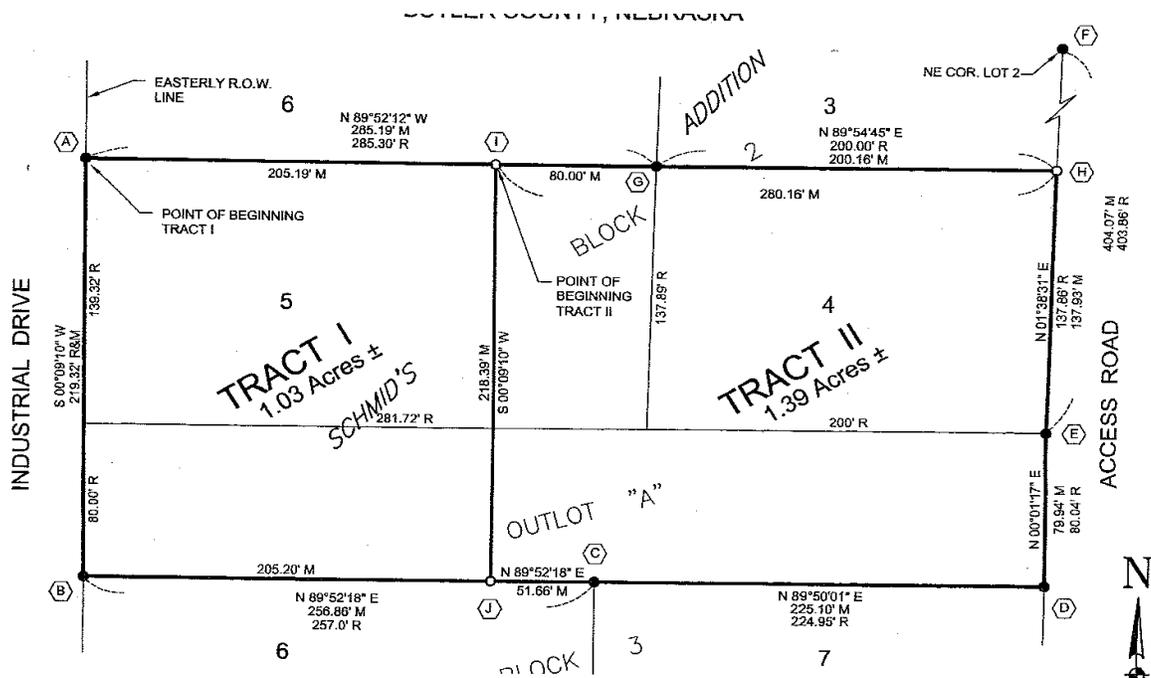
Council member Smith made a motion to approve the settlement offer on the Mark and Willow Holoubek condemnation award. Council member Kroesing seconded the motion. Voting AYE: Council members Svoboda, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried. Council members Scribner and Rogers were absent.

Larry McPhillips was present representing the Bank of the Valley and stated that they would like to sell the west parcel of their property and so they need to divide it.

Council member Smith introduced Resolution No. 11-2013 and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent. The motion carried and Resolution No. 11-2013 was passed and approved as follows:

RESOLUTION NO. 11 - 2013

WHEREAS, Bank of the Valley, as the owner of Lots 4 and 5, Block 2, and Outlot "A" Schmid's Addition to the City of David City, Butler County, Nebraska, has submitted a request to divide their property into two Tracts:



Tract I: Part of Lot 5, Block 2, and part of Outlot "A" to Schmid's Addition to the City of David City, Butler County, Nebraska, and described as follows:

Beginning at the Northwest corner of Lot 5, Block 2, Schmid's Addition to the City of David City, Butler County, Nebraska, said point being on the easterly right-of-way of Industrial Drive, thence southerly on said easterly right-of-way, 219.32 feet to the southwest corner of Outlot "A" to said Schmid's Addition; thence easterly on the south line of Outlot "A", 205.20 feet; thence northerly and parallel to said easterly right-of-way line of Industrial Drive, 218.39 feet, to a point on the northerly right-of-way line of said Lot 5, Block 2; thence westerly on said north line Lot 5, 205.19 feet, to the point of beginning, containing 1.03 acres, more or less.

Tract II: All of Lot 4, and part of Lot 5, Block 2, and part of Outlot "A", Schmid's Addition to the City of David City, Butler County, Nebraska, and described as follows:

Commencing at the Northwest corner of Lot 5, Block 2, Schmid's Addition to the City of David City, Butler County, Nebraska; thence easterly on the north line of said Lot 5, 205.19 feet, to the point of beginning; thence southerly parallel to the east right-of-way line of Industrial Drive, 218.39 feet, to a point on the south line of Outlot "A", Schmid's Addition; thence easterly, 51.66 feet, to the northwest corner of Lot 7, 1993 replat of Block 3, Schmid's Addition; thence easterly on the south line of Outlot "A", 225.10 feet to the southeast corner of Outlot "A"; thence northerly on the east line of said Outlot "A", 79.94 feet, to the northeast corner of Outlot "A"; thence northerly on the east line of Lot 4, Block 2, Schmid's Addition, 137.93 feet, to the northeast corner of Lot 4, Block 2; thence westerly on the north line of Lot 4, Block 2, 200.16 feet, to the northwest corner of said Lot 4; thence westerly on the north line of said Lot 5, Block 2, Schmid's Addition, 80.00 feet to the point of beginning, containing 1.39 acres, more or less.

WHEREAS, there were no objections expressed concerning the request of the Bank of the Valley.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of the Bank of the Valley to divide Lots 4 and 5, Block 2 and Outlot "A", Schmid's Addition to the City of David City, Butler County, Nebraska, is hereby approved.

Passed and adopted this 12th day of June, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Council member Kroesing introduced Resolution No. 12-2013 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent. The motion carried and Resolution No. 12-2013 was passed and approved as follows:

RESOLUTION NO. 12 - 2013

WHEREAS, the Butler County Fair's Annual parade is scheduled for July 21, 2013; and

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

WHEREAS, it is necessary to close Highway 15 at the intersection of "L" Street and Highway 15 for the parade from 3:30 p.m. to 7:00 p.m.; and

WHEREAS, the road closure described above must be approved by the State of Nebraska Department of Roads;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the Interim City Administrator 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 3:30 p.m. to 7:00 p.m. for the parade to be held on July 21, 2013 in David City, Nebraska.

Passed and adopted this 12th day of May, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Council member Kroesing stated that he had a call from a gentleman who rents a hangar at the airport and he was not happy with the hangar that he rents. Kroesing stated that the gentleman said that when the ground froze or there was moisture in the track that the door would not open. He also told Council member Kroesing that there were only two hangars with airplanes that are operational.

Council member Smith stated that if he can't access the hangar that we need to get it repaired before we raise the rent.

It was decided that Interim City Administrator Joan Kovar would discuss the problem with Street Foreman Rodney Rech to determine how to fix the problem with the hangar door.

Council member Kroesing made a motion to table Resolution No. 13-2013 to the July 10, 2013 Council meeting. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

RESOLUTION NO. 13 - 2013

WHEREAS, the rental rates for the airport hangars have not been increased for some time, and,

WHEREAS, the City has determined a need to increase the rentals for the airport hangars, and,

WHEREAS, the City needs to have access to the hangars for necessary repairs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the following hangar rental schedule for the airport hangars is hereby approved and adopted.

1. The following rates will be in effect beginning July 1, 2013:

David City Municipal Airport:

T-Hangar.....	\$150.00 /month
Shop Hangar.....	\$240.00 /month

2. All individuals and/or firms shall provide a key to their respective hangars located at the David City Airport to the Airport Manager for maintenance and/or repairs.

Dated this 12th day of June, 2013.

 Tabled
Mayor

 Tabled
Interim City Clerk

Council member Smith made a motion to authorize Mayor Zavodny to extend the agreement to loan the City's painting "The Foundation" by Dale Nichols to the Bone Creek Museum of Agrarian Art to June 10, 2016. Council member Vandenberg seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

Council member Svoboda stated that he really doesn't want to enter into an agreement with Callaway Rolloffs, LLC to collect and dispose of appliances as long as we have a local person that is willing to pick them up and dispose of them at no charge to the City. Council members Kroesing and Smith both agreed.

Interim City Administrator Joan Kovar stated that Street Foreman Rodney Rech pointed out that if Kobza's don't want to have it on their property because of the liability then why would the City want the liability?

Council member Kroesing made a motion to enter into an agreement with Callaway Rolloffs, LLC to place a container by the City Maintenance building for the collection of appliances. The City would be charged \$200 for each load of appliances taken to Road Runner Metal. The motion died for lack of a second.

Council member Smith made a motion to approve the application by Scott Samek, d.b.a. Samek Fireworks to sell permissible fireworks at 375 Nebraska Street, David City, NE. Council member Vandenberg seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

Interim City Administrator Joan Kovar stated that the Nebraska Department of Roads needs the City to have a policy statement concerning qualified disabled individuals and this needs to be submitted to the NDOR so the City does not lose our highway allocation funds.

Council member Smith made a motion to approve a policy statement ensuring that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). Council member Kroesing seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

TITLE VI

NONDISCRIMINATION AGREEMENT
Nebraska State Department of Roads
And
The City of David City

Policy Statement

The City of David City assures that no person shall on the grounds of race, color, national origin, age, disability/handicap or sex, as provided by Title VI of the Civil Rights Act of 1964, and the Civil Rights Restoration Act of 1987 (P.L. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The City of David City further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

The Civil Rights Restoration Act of 1987, broadened the scope of Title VI coverage by expanding the definition of terms "programs or activities" to include all programs or activities of Federal Aid recipients, sub-recipients, and contractors/consultants, whether such programs and activities are federally assisted or not (Public Law 100259 [S.557] March 22, 1988.)

Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of David City hereby gives assurance that no qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives or benefits from this Federal financial assistance.

In the event the City of David City distributes federal aid funds to a sub-recipient, the City of David City will include Title VI language in all written agreements and will monitor for compliance.

The Mayor of David City is responsible for initiating and monitoring Title VI activities, preparing reports and other responsibilities as required by 23 Code of Federal Regulation(CFR) 200 and 49 Code of Federal Regulation 21.

Alan Zavodny

Name of Responsible Agency Official (Please Print)

Mayor

Title

Date

Title VI Program

Organization and Staffing

Mayor Alan Zavodny, will serve as the City of David City's ADA and Section 504 Compliance Coordinator. The Mayor will rely on other key members, including The Planning Commission, Street Superintendent Jerry G. Hain, Consulting Engineers Olsson Associates, City Attorney Jim Egr, and the City Council Members for assistance and support in the development, implementation, and monitoring of the City of David City's Plan.

Standard DOT Assurances

49 CFR Part 21.7

The City of David City, in the State of Nebraska, hereby gives assurances:

1. That no person shall on the grounds of race, color, national origin, age, disability/handicap and sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by the City of David City regardless of whether those programs and activities are Federally funded or not. Activities and programs which the City of David City hereby agrees to carry out in compliance with Title VI and related statutes include but are not limited to:
 - That the City of David City agrees that each "program" and each "facility as defined in subsections 21.23(e) and 21.23(b) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
 - That the City of David City shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and in adapted form in all proposals for negotiated agreements, whether Federal-aid will be used or not.
2. The City of David City, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidden that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority business enterprises will be offered full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin, sex, age and disability/handicap in consideration for an award.
3. That the City of David City shall insert the clauses of Appendix A of this assurance in every contract subject to the Act and the Regulations.
4. That the City of David City shall insert the clauses of Appendix B of this assurance, as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements therein, or interest therein.
5. That where the City of David City receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
6. That where the City of David City receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.

7. That the City of David City shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the City of David City with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal Highway Program.
8. That this assurance obligates the City of David City for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the City of David City or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the City of David City retains ownership or possession of the property.
9. The City of David City shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom she/he delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
10. The City of David City agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the City of David City by the U.S. Department of Transportation under the Federal Aid Highway Program and is binding on it, other recipients, sub-recipients, contractors, subcontractors, transferees, successors in interest and other participants in the Federal Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the City of David City.

Implementation Procedures

This agreement shall serve as the City of David City's Title VI plan pursuant to 23 CFR 200 and 49 CFR 21.

For the purpose of this agreement, "Federal Assistance" shall include:

- 1) grants and loans of Federal funds,
- 2) the grant or donation of Federal property and interest in property,
- 3) the detail of Federal personnel,
- 4) the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the City of David City, or in recognition of the public interest to be served by such sale or lease to the City of David City, and
- 5) any Federal agreement, arrangement, or other contract which has as one of its purposes, the provision of assistance.

The City of David City shall:

- a) Issue a policy statement, signed by the Mayor of the City of David City, which expresses its commitment to the nondiscrimination provisions of Title VI. The policy statement shall be circulated throughout the City of David City's organization and to the general public. Such information shall be published where appropriate in languages other than English.
- b) Take affirmative action to correct any deficiencies found by NDOR or the United States Department of Transportation (USDOT) within a reasonable time period, not to exceed 90 days, in order to implement Title VI compliance in accordance with this agreement. The Mayor of the City of David City shall be held responsible for implementing Title VI requirements.
- c) Designate a coordinator who has a responsible position in the organization and easy access to the Mayor of the City of David City. The coordinator shall be responsible for initiating and monitoring Title VI activities and preparing required reports.
- d) Develop and implement a community outreach and public education program.
- e) Process complaints of discrimination consistent with the provisions contained in this agreement. Investigations shall be conducted by civil rights personnel trained in discrimination complaint investigation. Identify each complainant by race, color, national origin or sex, the nature of the complaint, the date the complaint was filed, the date the investigation was completed, the disposition, the date of the disposition, and other pertinent information. A copy of the complaint, together with a copy of the City of David City's report of investigation, will be forwarded to NDOR's Highway Civil Rights Coordinator within 10 days of the date the complaint was received by the City of David City.
- f) Collect statistical data (race, color, national origin, sex) of participants in, and beneficiaries of the programs and activities conducted by the City of David City.
- g) Conduct Title VI reviews of the City of David City and sub-recipient contractor/consultant program areas and activities. Revise where applicable, policies, procedures and directives to include Title VI requirements.
- h) Conduct training programs on Title VI and related statutes.

- i) Prepare a yearly report of Title VI accomplishments for the last year and goals for the next year.
 - 1) Annual Work Plan
Outline Title VI monitoring and review activities planned for the coming year; state by which each activity will be accomplished and target date for completion.
 - 2) Accomplishment Report
List major accomplishments made regarding Title VI activities. Include instances where Title VI issues were identified and discrimination was prevented. Indicate activities and efforts the Title VI Coordinator and program area personnel have undertaken in monitoring Title VI. Include a description of the scope and conclusions of any special reviews (internal or external) conducted by the Title VI Coordinator. List any major problem(s) identified and corrective action taken. Include a summary and status report on any Title VI complaints filed with the City of David City. Include a listing of complaints received against sub-recipients, as well as a summary of complaint and actions taken.

Discrimination Complaint Procedures – Allegations of Discrimination in Federally Assisted Programs or Activities

1. Any person who believes that he or she, individually, as a member of any specific class, or in connection with any disadvantaged business enterprise, has been subjected to discrimination prohibited by Title VI of the Civil Rights Act of 1964, the American with Disabilities Act of 1990, Section 504 of the Vocational Rehabilitation Act of 1973 and the Civil Rights Restoration Act of 1987, as amended, may file a complaint with the City of David City. A complaint may also be filed by a representative on behalf of such a person. All complaints will be referred to the City of David City's Title VI Coordinator for review and action.
2. In order to have the complaint consideration under this procedure, the complainant must file the complaint no later than 180 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the City of David City or his/her designee may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

3. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative. Complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to a board of trustee member or employee of the City of David City, the person shall be interviewed by the Title VI Coordinator. If necessary, the Title VI Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the City of David City's investigative procedures.
4. Within 10 days, the Title VI Coordinator will acknowledge receipt of the allegation, inform the complainant of procedures to be followed, and advise the complainant of other avenues of redress available, such as NDOR and USDOT.
5. The City of David City will advise NDOR within 10 days of receipt of the allegations. Generally, the following information will be included in every notification to NDOR:
 - a) Name, address, and phone number of the complainant.
 - b) Name(s) and address (es) of alleged discriminating official(s).
 - c) Basis of complaint (i.e., race, color, national origin or sex)
 - d) Date of alleged discriminatory act(s).
 - e) Date of complaint received by the City of David City.
 - f) A statement of the complaint.
 - g) Other agencies (state, local or Federal) where the complaint has been filed.
 - h) An explanation of the actions the City of David City has taken or proposed to resolve the issue raised in the complaint.
6. NDOR will forward the complaint to FHWA. FHWA Office of Civil Rights will determine the appropriate individual and/or organization to conduct the investigation.
7. Within 60 days, the Title VI Coordinator will conduct an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to the head of

the City of David City. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

8. Within 90 days of receipt of the complaint, the head of the City of David City will notify the complainant in writing of the final decision reached, including the proposed disposition of the matter. The notification will advise the complainant of his/her appeal rights with NDOR, or USDOT, if they are dissatisfied with the final decision rendered by the City of David City. The Title VI Coordinator will also provide NDOR with a copy of this decision and summary of findings upon completion of the investigation.
9. Any complaints received against the City of David City should immediately be forwarded to NDOR for investigation. The City of David City will not investigate any complaint in which it has been named in the complaint.
10. Contacts for the different Title VI administrative jurisdictions are as follows:

Nebraska Department of Roads
Human Resources, Title VI Program
1500 Highway 2, P.O. Box 94759
Lincoln, NE 68509-4759
(402) 479-4870

Federal Highway Administration
Nebraska Division Office
100 Centennial Mall North
Lincoln, NE 68508
(402)437-5765

Sanctions

In the event the City of David City fails or refuses to comply with the terms of this agreement, the NDOR may take any or all of the following actions:

- a) Cancel, terminate, or suspend this agreement in whole or in part;
- b) Refrain from extending any further assistance to the City of David City under the program from which the failure or refusal occurred until satisfactory assurance of future compliance has been received from the City of David City.
- c) Take such other action that may be deemed appropriate under the circumstances, until compliance or remedial action has been accomplished by the City of David City.
- d) Refer the case to the Department of Justice for appropriate legal proceedings.

NEBRASKA DEPARTMENT OF ROADS:

Signature

Civil Rights Coordinator

Title

Date

CITY OF DAVID CITY:

Signature

Title

Date

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin, sex, age, and disability/handicap in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin, sex, age, and disability/handicap.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the City of David City or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the City of David City, or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the City of David City shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.

- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as the City of David City or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the City of David City to enter into such litigation to protect the interests of the City of David City, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

- A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that the City of David City will accept title to the lands and maintain the project constructed thereon, in accordance with State of Nebraska Unicameral Legislature, the Regulations for the Administration of the City of David City and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. .2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the City of David City all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the City of David City and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on the City of David City, its successors and assigns.

The City of David City, in consideration or the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of race, color, or national origin, sex, age, and disability/handicap, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that the City of David City shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by the City of David City pursuant to the provisions of Assurance 6(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the City of David City shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, the City of David City shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of David City and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by the City of David City pursuant to the provisions of Assurance 6(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of, race, color, or national origin, sex, age, and disability/handicap, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal

Regulations. Department of Transportation, Subtitle A, Office of the Secretary. Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation- Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, the City of David City shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, the City of David City shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of the City of David City and its assigns.

AMERICANS WITH DISABILITIES PLAN

CITY OF DAVID CITY

DAVID CITY, NEBRASKA

SECTION 504 -REHABILITATION ACT OF 1973

AMERICANS WITH DISABILITIES ACT OF 1990

JUNE 2013

POLICY STATEMENT

The City of David City will ensure that no qualified disabled individual shall, solely on the basis of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any of its programs, services, or activities as provided by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 (ADA). The City of David City further ensures that every effort will be made to provide nondiscrimination in all of its programs or activities regardless of the funding source. A disabled person is defined as any person who:

- Has a physical or mental impairment that substantially limits one or more major life activities,
- Has a record of such impairment, or
- Is regarded as having such an impairment

AUTHORITIES

Section 504 of the Rehabilitation Act of 1973, as amended, provides that "No otherwise qualified disabled individual in the United States, as defined in section 7(6), shall, solely by reason of his disability, be excluded for the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." 29 USC 794 (October 29, 1992 to the Rehabilitation Act of 1973) substitutes "a disability" for "handicaps" and "disability" for "handicap."

49 CFR Part 27.13 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "This part applies to each recipient of Federal financial assistance from the Department of Transportation and to each program or activity that receives or benefits from such assistance."

49 CFR Part 28.102 (Enforcement of Nondiscrimination on the Basis of Disability in Programs or Activities Conducted by the Department of Transportation) states, "This part applies to all programs or activities conducted by the Department of Transportation except for programs and activities conducted outside the United States that do not involve individuals with disabilities in the United States."

28 CFR Part 35 (Judicial Administration) states that: "The purpose of this part is to effectuate Subtitle A of Title II of the ADA which prohibits discrimination on the basis of disabilities by public entities."

49 CFR Part 27 (Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance) states, "The purpose of this part is to carry out the intent of Section 504 of the Rehabilitation Act of 1973 (29 USC 794) as amended, to the end that no otherwise qualified disabled individual in the United States shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits or, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

49 CFR Part 28-140 (Employment) states that, "(a) No qualified individual with disabilities shall, on the basis of disability, be subjected to discrimination in employment under any program or activity conducted by the Department," and "(b) The definitions, requirements, and procedures of Section 504 of the Rehabilitation Act of 1973 (29 USC 791), as established by the Equal Employment Opportunity Commission in 29 CFR Part 1613, shall apply to employment in federally conducted programs or activities."

29 CFR Part 1613 (Equal Employment Opportunity in the Federal Government) states that: "It is the policy of the Government of the United States...to provide equal opportunity in employment for all persons to prohibit discrimination in employment because of race, color, religion, sex, or national origin and to promote the full realization of equal employment opportunity through a continuing affirmative program in each agency."

42 USC Part 12101-12213 (The Americans with Disabilities Act of 1990) states that: "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment."

ORGANIZATION

Alan Zavodny, Mayor of the City of David City will serve as the City of David City's ADA and Section 504 Compliance Coordinator. The Mayor will rely on other key members, including The City Council, The Planning Commission, Street Superintendent Jerry G. Hain, Olsson Associates Consulting Engineers and City Attorney Jim Egr for assistance and support in the development, implementation, and monitoring of the City of David City's Plan.

SECTION 504/ADA COORDINATOR RESPONSIBILITIES

1. Serve as principal coordinator for ADA programs, policies, and procedures
2. Publicize the contact information of the designated ADA Coordinator
3. Monitor and ensure compliance with ADA/504 and identify shortcomings and develop remedies
4. Coordinate complaint procedures to ensure due process and provide prompt resolutions
5. Conduct annual reviews and prepare annual reports of accomplishments and problem areas
6. Coordinate and conduct training programs and provide assistance to employees
7. Identify, investigate, and eliminate ADA/504 discrimination when found to exist

SECTION 504/ADA NOTICE TO PUBLIC

The City of David City does not discriminate on the basis of disability in admission of its programs, services, or activities, in access to them, in treatment of individuals with disabilities, or in any aspect of their operations and also does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973. Questions, complaints, or requests for additional information or accommodation regarding the ADA and Section 504 may be forwarded to the designated ADA and Section 504 compliance coordinator.

Name and Title: Alan Zavodny, Mayor of the City of David City
Phone Number: (402) 367-3135
Office Address: 557 No. 4th Street, P.O. Box 191, David City, NE 68632
Days/Hours Available: 8:00 a.m. to 5:00 p.m., Monday through Friday

SECTION 504/ADA SELF-EVALUATION

The City of David City will complete a self-evaluation by December 31, 2013

SECTION 504/ADA TRANSITION PLAN

This is Not Applicable for the City of David City

COMPLAINT PROCEDURES

1. In order to have the complaint considered under this procedure, the complainant must file the complaint no later than 60 days after:
 - a) The date of alleged act of discrimination; or
 - b) Where there has been a continuing course of conduct, the date on which that conduct was discontinued.

In either case, the City of David City may extend the time for filing or waive the time limit in the interest of justice, specifying in writing the reason for so doing.

2. Complaints shall be in writing and shall be signed by the complainant and/or the complainant's representative complaints shall set forth as fully as possible the facts and circumstances surrounding the claimed discrimination. In the event that a person makes a verbal complaint of discrimination to an employee of the City of David City, the person shall be interviewed by the ADA/504 Coordinator. If necessary, the ADA/504 Coordinator will assist the person in reducing the complaint to writing and submit the written version of the complaint to the person for signature. The complaint shall then be handled according to the City of David City's investigative procedures.
3. Within 15 calendar days, the ADA/504 Coordinator will acknowledge receipt of the allegation and inform the complainant of procedures to be followed.
4. Within 90 calendar days, the ADA/504 Coordinator will conduct an investigation of the allegation and will render a final decision for action in a report of findings. The complaint should be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings. The ADA/504 Coordinator will notify the complainant in writing of the final decision reached and will advise the complainant of his/her appeal rights.

REASONABLE ACCOMODATION PROCEDURES

Title I of the ADA requires an employer to provide reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause undue hardship. In general an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.

The City of David City will make reasonable accommodations for the impairments of qualified individuals with disabilities, consistent with the qualifications required for the essential functions of a particular job, unless the accommodation would cause undue hardship to the City.

ASSURANCES Pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (29 USC 794), the City of David City, desiring to avail itself of federal financial assistance from the US Department of Transportation, hereby gives assurance that no qualified disable person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination, including discrimination in employment, under any program or activity that receives benefits from this federal financial assistance.

The City of David City further assures that its programs will be conducted, and its facilities operated, in compliance with all requirements imposed by or pursuant to 49 CFR Part 27,28 CFR Part 35, and 42 USC 12101-12213.

**Adopted this 12th Day of June, 2013
at the City of David City, David City, Butler County Nebraska.**

The Mayor and City Council members of the City of David City

Mayor Alan Zavodny

Council President Gary Kroesing

Council Member Mike Rogers

Council Member John Vandenberg

Council Member Ruddy Svoboda

Council Member Gary Smith

Council Member Bill Scribner

ATTEST:

Tami L. Comte, Interim City Clerk of David City

Council member Kroesing made a motion to reappoint Catherine Marie Hoeft to the Housing Authority Board with her term ending June of 2018. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

Council member Kroesing made a motion to table the appointment to the library board. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing and Vandenberg. Voting NAY: None. Council members Scribner and Rogers were absent.

There being no further business to come before the Council, Council member Vandenberg made a motion to adjourn. Council member Smith 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 and Mayor Zavodny declared the meeting adjourned at 7:47 p.m.



CERTIFICATION OF MINUTES
June 12, 2013

I, Tami L. Comte, duly qualified and acting Interim City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of June 12, 2013; 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.

Tami L. Comte, Interim City Clerk