

## CITY COUNCIL PROCEEDINGS

October 10, 2012

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 October 4<sup>th</sup>, 2012 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, Bill Scribner, Mike Rogers, Ruddy Svoboda, Gary Smith, City Attorney James Egr, Interim City Administrator Joan Kovar and Interim City Clerk Tami Comte.

Also present were: Bob Palik, Joy Fountain, Janis Cameron, Carolyn Yates, 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 September 12, 2012 and the September 18, 2012 meetings 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 Svoboda, Scribner, Rogers, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried.

Mayor Zavodny called for Committee and Officers Reports.

Mayor Zavodny stated that he saw that the library had adjusted their hours. He stated that he received the inventory from the police department.

Council member Scribner reported that the City Office Staff, Mayor Zavodny, Electric Supervisor Pat Hoeft, Dee Pohl and himself met with Ashley Cameron on the new website design and stated that she should have something put together for them by December.

Mayor Zavodny stated that he was glad to see the water levels are rising.

Council member Kroesing stated that he liked the new financial reports that they received in their packets from the City Office Staff.

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

City Council Proceedings

October 10, 2012

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Council member Scribner made a motion to approve Payment No. 6 to Gehring Construction & Ready Mix Co., Inc. for Project No. 011-0758 for Street Improvements. Council member Kroesing seconded the motion. Voting AYE: Council members Svoboda, Rogers, Scribner, Vandenberg, Smith and Kroesing. Voting NAY: None. The motion carried.



**CERTIFICATE OF PAYMENT NO. 6**

201 East 2nd Street, Grand Island, Nebraska 68801

Date of Issuance: October 10, 2012

Project: Industrial Drive and 'O' Street Improvements, Municipal Street Improvements, David City, Nebraska, 2012 Project No. 011-0758

Contractor: Gehring Construction & Ready Mix Co., Inc., 5424 West Meadow Drive, Columbus, NE 68601

DETAILED ESTIMATE		
Description	Unit Prices	Extension
See Attached		

PLEASE REMIT PAYMENT TO: Gehring Construction & Ready Mix Co., Inc.

Value of Work Completed and materials stored: \$1,296,087.40

Original Contract Cost: \$1,104,946.05

Approved Change Orders:

No. 1 \$ 153,466.70

No. 2 \$ 37,674.65

No. \_\_\_\_\_

No. \_\_\_\_\_

No. \_\_\_\_\_

Total Contract Cost: \$1,296,087.40

Value of completed work and materials stored: \$1,296,087.40

Less retained percentage (.05 %) \$6,480.44

Net amount due including this estimate \$1,289,606.96

Less: Estimates previously approved:

No. 1 \$101,027.52	No. 7 _____	No. 13 _____
No. 2 \$465,934.14	No. 8 _____	No. 14 _____
No. 3 \$280,595.61	No. 9 _____	No. 15 _____
No. 4 \$340,322.35	No. 10 _____	No. 16 _____
No. 5 \$69,374.84	No. 11 _____	
No. 6 _____	No. 12 _____	

Total Previous Estimates \$1,257,254.46

**NET AMOUNT DUE THIS ESTIMATE \$32,352.50**

The undersigned hereby certifies that the work done and materials delivered have been checked as to quantity and conformance with the plans and specifications and the Contractor, in accordance with the contract, is entitled to payment as indicated above.

OLSSON ASSOCIATES

By: 

Date: 10-4-12

cc: Owner, Contractor, File

Mayor Zavodny stated that Van Kirk Contracting has been working around the highway for the last few weeks. They have passed the date for substantial completion. Mayor Zavodny stated that they had a meeting with Jay Bitner, who is the engineer on the project, and while Van Kirk Contracting probably isn't as far along as they should be, they have been doing very good work.

Council member Kroesing made a motion to approve Construction Progress Application Number 5 for the Northwest Drainage Project and payment to Van Kirk Brothers Contracting. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Scribner, Svoboda, Kroesing, Rogers and Smith. Voting NAY: None. The motion carried.

PROJECT: City NW Drainage Improvement Project

ENGINEER: Upper Big Blue Natural Resources District  
 ENGINEER'S PROJECT NO.

TO: (OWNER) City of David City  
557 4th Street  
David City, NE 68632

CONTRACTOR: Van Kirk Bros. Contracting  
 CONTRACT FOR: Storm Sewer Installation  
 APPLICATION DATE: 09/28/12 APPLICATION NO.: 5

FOR WORK ACCOMPLISHED THROUGH THE DATE OF: September 28, 2012  
 Application is made for payment, as shown below in connection with the Contract.

CHANGE ORDER SUMMARY:

CO #	DATE	ADDITIONS	DEDUCTIONS
1	Mar-12		
2	Mar-12	\$ 39,500.00	\$ (39,495.35)
3	10-Apr	\$ 14,746.00	
4	Aug-12	\$ 10,852.00	
5	Aug-12	\$ 95.00	
TOTAL		\$ 65,193.00	\$ (39,495.35)
NET CHANGE		\$	\$ 25,697.65

The present status of the account is as follows:

ORIGINAL CONTRACT PRICE..... \$ 1,891,889.00  
 Net Change by Change Orders  
 & Written Amendments..... \$ 25,697.65  
 CURRENT CONTRACT PRICE..... \$ 1,917,586.65  
 TOTAL COMPLETED & STORED TO DATE..... \$ 1,524,316.23  
 LESS RETAINAGE : 10% ..... 152,431.62  
 TOTAL COMPLETED & STORED TO DATE  
 LESS RETAINAGE..... \$ 1,371,884.61  
 LESS PREVIOUS APPLICATION FOR  
 PAYMENTS..... \$ 934,220.00  
 AMOUNT DUE THIS APPLICATION..... \$ 437,664.61

The undersigned CONTRACTOR certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract referred to above have been applied to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1, inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

CONTRACTOR: Van Kirk Bros. Contracting

By: Melissa Scheidtmann Date: 9/28/12

Engineer: Upper Big Blue NRD

BY: [Signature] 1 Oct. 12

OWNER: City of David City

BY:

Mayor Zavodny asked for consideration of claims. Council member Kroesing questioned the claim to George Morgan for tree removal reimbursement. It was noted that the reimbursement was for trees removed at his rental property at 1015 9<sup>th</sup> Street. Council member Smith made a motion to authorize the payment of claims and Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Scribner, Vandenberg, Smith Rogers and Kroesing. Voting NAY: None. The motion carried.

Mayor Zavodny stated that Van Kirk Contracting is behind schedule on the Northwest Drainage Project so City Attorney Jim Egr, Interim City Administrator Joan Kovar and himself had a meeting with Jay Bitner and tried to hammer out a compromise. The way the contract was set up was that substantial completion was supposed to happen October 3<sup>rd</sup>, and we figured there were four days for some contract things and extensions which would make it the 7<sup>th</sup>; and 30 days after that for final completion. What we decided was to draft a letter waiving substantial and stating that they will be finished on December 1<sup>st</sup>. That will give them enough time to know that if they don't want to start paying liquidated damages, they need to get enough crews here to be finished by December 1<sup>st</sup>. There is a change order issue that they raised and we can work that out too. There was one piece that they had to order and we decided to set that aside and we're not going to hold that against them. The piece will take 10 – 12 weeks to be manufactured, and then they need to come in and finish it. We'll hold back some money, but we won't hold that against them as far as completion. If it is not completed by December 1<sup>st</sup>, they start paying \$1,500/day in liquidated damages.

City Attorney Jim Egr stated that they also added in the letter to Van Kirk that they are not to have the crew leave the site. He stated that once they pick up and leave then it's difficult to get them back here to work. He specified that they can leave until the part that they are waiting for gets in, but then they need to stay here and finish the job.

Interim City Administrator Joan Kovar stated that she questioned the maintenance of the drainage ways because she had been asked by one of the property owners who would be responsible for maintaining them. She asked Street Foreman, Rodney Rech, if he was familiar with the drainage ways and he said that he was not. They visited with Jay Bitner about the maintenance and Jay Bitner took Rodney Rech to the project manager and he took Rodney Rech on a tour and showed him what needed to be maintained and how to maintain them.

Council member Kroesing made a motion to grant a time extension to Van Kirk Bros. Contracting for completion of the David City Northwest Drainage Project by December 1, 2012. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Vandenberg, Rogers and Svoboda. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to approve the Commercial Aeronautical Operator Application for a term of one year as submitted by Roth Aerial Spraying, Inc. Council member Rogers seconded the motion. Voting AYE: Council members Rogers, Kroesing, Vandenberg, Svoboda, Smith and Scribner. Voting NAY: None. The motion carried.

Council member Scribner made a motion to advance to agenda item #13 Consideration of Ordinance No. 1181 setting a \$300/day penalty on nuisance properties. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Rogers, Smith, Vandenberg, Svoboda and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing introduced Ordinance No. 1181 and made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council

member Smith seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Scribner and Vandenberg. Voting NAY: Council member Svoboda. The motion carried.

Council member Kroesing made a motion to pass Ordinance No. 1181 on third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Rogers, and Vandenberg. Voting NAY: Council member Svoboda. The motion carried and Ordinance No. 1181 was passed on third and final reading as follows:

**ORDINANCE NO. 1181**

AN ORDINANCE TO AMEND CHAPTER 4, HEALTH AND SANITATION, SECTION 4-701, PENAL PROVISIONS, OF THE MUNICIPAL CODE; TO REPEAL ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM, AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

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

Section .1: That Chapter 4, Article 4, Section 4-701 of the Municipal Code of David City, Nebraska shall read as follows:

~~§ 4-701 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.~~

§ 4-701 VIOLATION; PENALTY. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be fined three hundred (\$300.00) dollars per day for being in non-compliance.

Section 2: That any other Ordinances or part of Ordinance passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict with its provisions, is hereby repealed.

Section 3: This Ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 10<sup>th</sup> day of October, 2012.

ATTEST:

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

\_\_\_\_\_  
Interim City Clerk Tami Comte

Council member Scribner made a motion to pass Ordinance No. 1179 on 3<sup>rd</sup> and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Kroesing, Smith, Svoboda, Scribner, Rogers and Vandenberg. Voting NAY: None. The motion carried and Ordinance No. 1179 was passed on 3<sup>rd</sup> and final reading only as follows:

**ORDINANCE NO. 1179**

AN ORDINANCE TO AMEND ORDINANCE NO. 1040 CODIFYING THE GENERAL ORDINANCES OF THE MUNICIPALITY BY AMENDING CHAPTER 10: BUSINESS REGULATIONS; ARTICLE 1: ALCOHOLIC BEVERAGES §10-117 ALCOHOLIC BEVERAGES;

HOURS OF SALE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT CHAPTER 10, ARTICLE 1, §10-117 OF THE MUNICIPAL CODE BOOK BE AMENDED AS FOLLOWS:

§10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE.

Section 1. For purposes of this section, “on sale” shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment. “Off sale” shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein:

**HOURS OF SALE**

~~Alcoholic Liquors (except beer and wine)~~

~~Secular Days~~

~~Off Sale ..... 6:00 A.M. to 1:00 A.M.~~

~~On Sale ..... 6:00 A.M. to 2:00 A.M.~~

~~Sundays~~

~~Off Sale ..... 12:00 Noon to 1:00 A.M.~~

~~On Sale ..... 12:00 Noon to 2:00 A.M.~~

~~Beer and Wine~~

~~Secular Days~~

~~Off Sale ..... 6:00 A.M. to 1:00 A.M.~~

~~On Sale ..... 6:00 A.M. to 2:00 A.M.~~

~~Sundays~~

~~Off Sale ..... 12:00 P.M. (Noon) to 1:00 A.M.~~

~~On Sale ..... 12:00 P.M. (Noon) to 2:00 A.M.~~

Alcoholic Liquors / Beer and Wine

Secular Days and Sundays



Off Sale ..... 6:00 a.m. to 1:00 a.m.  
On Sale ..... 6:00 a.m. to 2:00 a.m.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section. (Ref. 53-179 RS Neb.)

Section 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 3. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

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

\_\_\_\_\_  
Interim City Clerk Tami L. Comte

Council member Scribner introduced Resolution No. 16-2012 and moved for its passage and adoption. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Rogers, Smith, Svoboda and Kroesing. Voting NAY: Council member Vandenberg. The motion carried and Resolution No. 16-2012 was passed and adopted as follows:

**RESOLUTION NO. 16 - 2012**

WHEREAS, Chapter 5, Section 216 of the David City Municipal Code provides that the Governing Body of said City may by resolution provide for placing of stop signs or other signs and signals in any street or alley within the Municipality's jurisdiction for the purpose of regulating or prohibiting traffic thereon, and,

WHEREAS, the City of David City, Nebraska, has determined that there is a need for the placement of additional "stop" signs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following stop signs shall be installed:

INTERSECTION:

3<sup>rd</sup> & "L" Street

TO STOP TRAFFIC TRAVELING:

North

3<sup>rd</sup> & "L" Street

South

Dated this 10<sup>th</sup> day of October, 2012.

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Mayor Alan Zavodny

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Interim City Clerk Tami L. Comte

Council member Scribner made a motion to return to agenda items #11 & #12 Consideration of the Commercial Aeronautical Operator Application as submitted by Storm Flying Services, and they are requesting more than the one (1) year term and Consideration of an Airport Grounds Lease Agreement between the City of David City and Storm Flying Service, LLC for a concrete containment pad and a tract of land abutting the east side of such containment pad and continuing to the taxiway to runway 14 for the construction of a taxiway. Council member Vandenberg seconded the motion. Voting AYE: Council members Vandenberg, Scribner, Smith, Kroesing, Rogers and Svoboda. Voting NAY: None. The motion carried.

Jared Storm was present representing Storm Flying Service. Storm would like to construct a concrete containment pad and taxiway at the airport, east of the new maintenance building. Storm stated that it is ground that is not being utilized for anything else.

Mayor Zavodny stated that they have had several meetings with the Nebraska Dept. of Aeronautics. They are the ones that said that there are three different places that he could use.

Jared Storm stated that as long as he is not putting up a facility and it's just a concrete pad that they were okay with it. The only other thing is that the area is in a wellhead protection area and the Nebraska Dept. of Aeronautics told Storm that as long as the airport was there before 1984 then he was not under any restrictions.

Storm stated that he will be working with local people on the construction. Storm stated that he is planning to hire Stara and Terry Samek.

Jared Storm stated that he is looking for a long term lease as part of this process. He will have a substantial investment in the concrete so he would like a long term lease.

Mayor Zavodny stated that the Nebr. Dept. of Aeronautics will only approve up to a 27 year lease.

Jared Storm stated that every five years the lease rate can be renegotiated so you are not locked into one rate for the entire 27 years.

City Attorney James Egr stated that every five years there can be no greater than a 10% increase on the amount of the lease.

Mayor Zavodny stated that the Dept. of Aeronautics requires that the City is getting a fair market value on the leases.

Council member Scribner made a motion to approve the Commercial Aeronautical Operator Application for a term of 27 years as submitted by Storm Flying Services. Council member Kroesing seconded the motion. Voting AYE: Council members Kroesing, Rogers, Vandenberg, Smith, Scribner and Svoboda. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to approved an Airport Grounds Lease agreement for a term of 27 years between the City of David City and Storm Flying Service, LLC for a concrete containment pad and a tract of land abutting the east side of such containment pad and continuing to the taxiway to runway 14 for the construction of a taxiway contingent upon approval from the Nebraska Department of Aeronautics. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Rogers, Vandenberg, Smith, Scribner and Svoboda. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to authorize Mayor Zavodny to sign Maintenance Agreement No. 27 between the Nebraska Department of Roads and the City of David City for January 1, 2013 to December 31, 2013. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Rogers, Vandenberg, Smith, Scribner and Svoboda. Voting NAY: None. The motion carried.

Council member Scribner introduced Ordinance No. 1183.

Council member Rogers made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Svoboda, Scribner and Vandenberg. Voting NAY: None. The motion carried.

Council member Rogers made a motion to pass Ordinance No. 1183 on 3<sup>rd</sup> and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Svoboda, Scribner, Rogers and Vandenberg. Voting NAY: None. The motion carried and Ordinance No. 1183 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1183**

AN ORDINANCE RELATING TO ELECTRIC SERVICE RATES AND MINIMUM CHARGES, TO PROVIDE NEW SCHEDULES OF ELECTRIC RATES, TO REPEAL ALL PARTS OF THE CODE, RESOLUTIONS AND ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE WHEN THE ORDINANCE SHALL TAKE EFFECT; AND TO PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. NEW SCHEDULES: Relating to electric service and minimum charges, to provide a schedule of electric rates, minimum charges, and customer service charges, to distinguish residential rates, commercial rates, industrial rates, off-peak industrial rates, and irrigation rates; to set availability rating; to provide and establish the following tariff of rates to consumers of electric service from the electric distribution system of the City of David City, Nebraska.

**RESIDENTIAL SERVICE**

*Available*

To residential customers in the established service area of David City.

*Applicable*

To single-family residences and individually metered apartments for all domestic purposes when all service is supplied through a single meter. It is not applicable to residences where a commercial enterprise is conducted.

*Character of Service*

A.C. 60 Hertz, Single-Phase 120 volt, 2 wire or 120/240 volts, 3 wire.

***Rate Effective December 19, 2012***

**Customer Service Charge - \$14.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1100</b>	<b>\$0.1050 per kilowatt-hour for the first 500 kilowatt-hours used per month</b>
<b>\$0.0975</b>	<b>\$0.0850 per kilowatt-hour for the next 500 kilowatt-hours used</b>
<b>\$0.0900</b>	<b>\$0.0700 per kilowatt-hour for all additional use.</b>

**Subject to Application of Production Cost Adjustment (PCA)**

***Rate Effective December 19, 2013***

**Customer Service Charge - \$18.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1125</b>	<b>\$0.1100 per kilowatt-hour for the first 500 kilowatt-hours used per month</b>
<b>\$0.1000</b>	<b>\$0.0900 per kilowatt-hour for the next 500 kilowatt-hours used</b>
<b>\$0.0950</b>	<b>\$0.0790 per kilowatt-hour for all additional use.</b>

**Subject to Application of Production Cost Adjustment (PCA)**

***Minimum Bill***

**Customer Service Charge**

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**RESIDENTIAL SUMMER CONTROLS**

*Applicable*

To residential consumers who have allowed the Utility Department to install, and operate, such devices as would be required to cycle central air conditioning units during periods of peak electrical demand and imposed upon the electrical system. Window air conditioning units, on a separate electric circuit can be included in this rate.

***Rate Effective December 19, 2012***

**Customer Service Charge - \$14.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
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**\$0.1100**    **\$0.1050** per kilowatt-hour for the first 500 kilowatt-hours used per month  
**\$0.0925**    **\$0.0850** per kilowatt-hour for the next 500 kilowatt-hours used  
**\$0.0875**    **\$0.0700** per kilowatt-hour for all additional use.  
 Subject to Application of Production Cost Adjustment (PCA)

***Rate Effective December 19, 2013***

**Customer Service Charge - \$18.00 per month (or partial month)**

<p><b>Summer</b>  <b>\$0.1125</b>  <b>\$0.0925</b>  <b>\$0.0875</b></p>	<p><b>Winter</b>  <b>\$0.1100</b> per kilowatt-hour for the first 500 kilowatt-hours used per month  <b>\$0.0900</b> per kilowatt-hour for the next 500 kilowatt-hours used  <b>\$0.0790</b> per kilowatt-hour for all additional use.                  Subject to Application of Production Cost Adjustment (PCA)</p>
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***Minimum Bill***

**Customer Service Charge**

***Seasonal Billing Periods***

- Summer - Summer period is for the meter readings obtained during the four month period of May 19<sup>th</sup> through September 19<sup>th</sup>.
- Winter - Winter period is for the meter readings obtained during the eight month period of September 19<sup>th</sup> through May 19<sup>th</sup>.

***Terms of Payment***

Utility bills are mailed on approximately the 25<sup>th</sup> day of each month and are payable upon receipt. They become due the 1<sup>st</sup> day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

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**STREET LIGHT / ALLEY LIGHT RENTALS**

***Available***

To customers in the established service area of David City.

***Applicable***

To any residence or commercial customer who has an alley light or a **requested** street light that is not individually metered. It is not applicable to residences or businesses where the city has installed a street light for the City's convenience.

***Rate Effective December 19, 2012***

**Customer Service Charge - \$5.84 per fixture per month (or partial month)**

***Rate Effective December 19, 2013***

**Customer Service Charge - \$6.45 per fixture per month (or partial month)**

**Some customers will share the cost of one fixture.**

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**COMMERCIAL SERVICE**

*Available*

To any non- residential consumer in the established service area of David City.

*Applicable*

To any non-residential consumer for lighting, heating and power purposes where the customer's billing demand does not exceed 35 Kw or 10,000 Kwh for three consecutive months.

*Character of Service*

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

***Single Phase Rate Effective December 19, 2012***

**Customer Service Charge - \$21.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1200</b>	<b>\$0.1175 per kilowatt-hour for the first 1000 kilowatt-hours used per month</b>
<b>\$0.0925</b>	<b>\$0.0925 per kilowatt-hour for the next 1000 kilowatt-hours used</b>
<b>\$0.0925</b>	<b>\$0.0700 per kilowatt-hour for all additional use.</b>

**Subject to Application of Production Cost Adjustment (PCA)**

***Single Phase Rate Effective December 19, 2013***

**Customer Service Charge - \$28.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1200</b>	<b>\$0.1175 per kilowatt-hour for the first 1000 kilowatt-hours used per month</b>
<b>\$0.0950</b>	<b>\$0.0925 per kilowatt-hour for the next 1000 kilowatt-hours used</b>
<b>\$0.0925</b>	<b>\$0.0800 per kilowatt-hour for all additional use.</b>

**Subject to Application of Production Cost Adjustment (PCA)**

***Minimum Bill***

**Customer Service Charge, or \$2.20 per month per horsepower for the first 10 horsepower and \$1.26 per horsepower of connected load thereafter, or whichever is the largest.**

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***Three Phase Rate Effective December 19, 2012***

**Customer Service Charge - \$30.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1200</b>	<b>\$0.1200 per kilowatt-hour for the first 1000 kilowatt-hours used per month</b>
<b>\$0.1050</b>	<b>\$0.0975 per kilowatt-hour for the next 1000 kilowatt-hours used</b>
<b>\$0.0960</b>	<b>\$0.0700 per kilowatt-hour for all additional use.</b>

**Subject to Application of Production Cost Adjustment (PCA)**

**Three Phase Rate Effective December 19, 2013**  
**Customer Service Charge - \$37.00 per month (or partial month)**

<b>Summer</b>	<b>Winter</b>
<b>\$0.1200</b>	<b>\$0.1200</b> per kilowatt-hour for the first 1000 kilowatt-hours used per month
<b>\$0.1075</b>	<b>\$0.0975</b> per kilowatt-hour for the next 1000 kilowatt-hours used
<b>\$0.0975</b>	<b>\$0.0800</b> per kilowatt-hour for all additional use.

**Subject to Application of Production Cost Adjustment (PCA)**

***Minimum Bill***

**Customer Service Charge or \$2.20 per month per horsepower for the first 10 horsepower and \$1.26 per horsepower of connected load thereafter, or whichever is the largest.**

***Seasonal Billing Periods***

Summer - Summer period is for the meter readings obtained during the four month period of May 19<sup>th</sup> through September 19<sup>th</sup>.

Winter - Winter period is for the meter readings obtained during the eight month period of September 19<sup>th</sup> through May 19<sup>th</sup>.

***Terms of Payment***

Utility bills are mailed on approximately the 25<sup>th</sup> day of each month and are payable upon receipt. They become due the 1<sup>st</sup> day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

***Power Factor Adjustment***

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

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**INDUSTRIAL SERVICE**

***Available***

To any non-residential consumer in the established service area of David City.

***Applicable***

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh or whose monthly peak demand equals or exceeds 35 Kw for three consecutive months.

***Character of Service***

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

***Rate Effective December 19, 2012***

**Customer Service Charge - \$50.00 per month (or partial month)**

**Demand Charge**

**Summer                    \$22.00 per kilowatt of maximum billing demand**  
**Winter                    \$17.50 per kilowatt of maximum billing demand**

**Energy Charge**

**Summer                    \$0.0520 per kilowatt-hour used**  
**Winter                    \$0.0438 per kilowatt-hour used**  
**Subject to Application of Production Cost Adjustment (PCA)**

***Rate Effective December 19, 2013***

**Customer Service Charge - \$75.00 per month (or partial month)**

**Demand Charge**

**Summer                    \$24.00 per kilowatt of maximum billing demand**  
**Winter                    \$18.00 per kilowatt of maximum billing demand**

**Energy Charge**

**Summer                    \$0.0520 per kilowatt-hour used**  
**Winter                    \$0.0485 per kilowatt-hour used**  
**Subject to Application of Production Cost Adjustment (PCA)**

***Minimum Bill***

**The minimum bill shall be the customer charge or the billing demand charge, whichever is greater.**

***Determination of Billing Demand***

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt average demand registered on the meter during the preceding months of May 20<sup>th</sup> thru September 19<sup>th</sup>.

***Seasonal Billing Periods***

Summer - Summer period is for the meter readings obtained during the four month period of May 19<sup>th</sup> through September 19<sup>th</sup>

Winter - Winter period is for the meter readings obtained during the eight month period of September 19<sup>th</sup> through May 19<sup>th</sup>.

***Terms of Payment***

Utility bills are mailed on approximately the 25<sup>th</sup> day of each month and are payable upon receipt. They become due the 1<sup>st</sup> day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.



*Power Factor Adjustment*

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

*Fluctuating Loads*

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all nonbetterment costs for corrective equipment to eliminate the interference.

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**OFF-PEAK INDUSTRIAL SERVICE**

*Available*

To any non-residential consumer in the established service area of David City.

*Applicable*

To any consumer whose monthly consumption equals or exceeds 10,000 Kwh or whose monthly peak demand equals or exceeds 35 Kw for three consecutive months and whose peak demand during the winter season exceeds the peak demand experienced during the preceding summer season.

*Character of Service*

A.C. 60 Hertz, single-phase or three-phase at any of the Cities standard voltages.

***Rate Effective December 19, 2012***

**Customer Service Charge - \$50.00 per month (or partial month)**

**Demand Charge**

<b>Summer</b>	<b>\$20.00 per kilowatt of maximum billing demand</b>
<b>Winter</b>	<b>\$12.75 per kilowatt of maximum billing demand</b>

**Energy Charge**

<b>Summer</b>	<b>\$0.0520 per kilowatt-hour used</b>
<b>Winter</b>	<b>\$0.0438 per kilowatt-hour used</b>

**Subject to Application of Production Cost Adjustment (PCA)**

***Rate Effective December 19, 2013***

**Customer Service Charge - \$75.00 per month (or partial month)**

**Demand Charge**

<b>Summer</b>	<b>\$23.00 per kilowatt of maximum billing demand</b>
<b>Winter</b>	<b>\$13.00 per kilowatt of maximum billing demand</b>

**Energy Charge**

**Summer**  
**Winter**

**\$0.0520 per kilowatt-hour used**  
**\$0.0485 per kilowatt-hour used**

**Subject to Application of Production Cost Adjustment (PCA)**

***Minimum Bill***

**The minimum bill per month shall be the customer charge or the billing demand charge, whichever is greater.**

*Determination of Billing Demand*

The maximum demand for any billing period shall be the larger of: The highest integrated kilowatt load registered on the meter during any thirty (30) minute period occurring in the billing period; or fifty four percent (54%) of the highest kilowatt demand registered on the meter during the preceding months of June, July, August, or September.

*Seasonal Billing Periods*

Summer - Summer period is for the meter readings obtained during the four month period of May 19<sup>th</sup> through September 19<sup>th</sup>.

Winter - Winter period is for the meter readings obtained during the eight month period of September 19<sup>th</sup> through May 19<sup>th</sup>.

*Terms of Payment*

Utility bills are mailed on approximately the 25<sup>th</sup> day of each month and are payable upon receipt. They become due the 1<sup>st</sup> day of each month and become delinquent if not received in the City Office by 5:00 p.m. on the 10<sup>th</sup> day of the month. If the 10<sup>th</sup> of the month falls on a week-end, customers will be given the following regular business day. A ten percent (10%) penalty is imposed on all delinquent bills.

*Power Factor Adjustment*

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% leading or lagging at all times. If it is determined by test that the power factor at the time of the Customer's peak load is less than 90%, the Utility Department, at its option, may correct the power factor of the Customer's load at the expense of the Customer.

*Fluctuating Loads*

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, shall be required to isolate these loads from the balance of the electric system if they unduly interfere with service on the lines. The customer shall be required to pay all non-betterment costs for corrective equipment to eliminate the interference.

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**IRRIGATION SERVICE**

*Available*

To irrigation customers in the established service area of David City.

Applicable

Applicable: **Off-Peak:** During the irrigation season, the utility may interrupt pump service during the peak hours. The peak hours shall be between 10:30 a.m. and 9:30 p.m. (Central Daylight Savings Time), Monday thru Saturday, excluding holidays. The City, at their sole discretion may change the period of interruptible hours.

***Rate Effective December 19, 2012: On-peak irrigation (Firm)***

**\$54.25 per Horsepower connected per year. Energy consumed shall be billed at the rate of 8.00¢ per kilowatt hour per month, payable as used.**

***Rate Effective December 19, 2013: On-peak irrigation (Firm)***

**\$58.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 8.00¢ per kilowatt hour per month, payable as used.**

***Rate Effective December 19, 2012: Off-peak irrigation (Non-Firm)***

**\$23.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 5.60¢ per kilowatt hour per month, payable as used.**

***Rate Effective December 19, 2013: Off-peak irrigation (Non-Firm)***

**\$25.00 per Horsepower connected per year. Energy consumed shall be billed at the rate of 6.00¢ per kilowatt hour per month, payable as used.**

***Minimum Bill***

**The minimum bill shall be the Horse Power Charge.**

***Determination of Connected Load***

The connected load in horsepower shall be taken from the name plates of the motors or from an actual measurement of horsepower input to the motor, or motors, operating under maximum load conditions. The City reserves the right at any time to check the customer's load for recalculation of the connected load.

***Terms of Payment***

The total horsepower charge shall be billed on approximately April 25<sup>th</sup> of each year and total amount payable upon receipt. It shall become due the first day of May each year and become delinquent at 5:00 p.m. on the 10<sup>th</sup> day of May. A ten percent (10%) penalty is imposed on all delinquent bills.

Bills for the kwh usage are mailed on approximately the 25<sup>th</sup> day of each month and are payable upon receipt. They become due the 1<sup>st</sup> day of each month and become delinquent at 5:00 p.m. on the 10<sup>th</sup> day of each month. A ten percent (10%) penalty is imposed on all delinquent bills.

***Power Factor Adjustment***

The rates set forth in this schedule are based on the maintenance by the customer of a power factor of not less than 90% whether leading or lagging at all times. Power factor adjustments will be made in the horsepower billing, when the power factor, as determined by test, at the time of the maximum use is less than 90%. The measured maximum horsepower will be multiplied by 90 percent and divided by the customer's power factor expressed in percent.

**FLUCTUATING LOADS**

Customers operating equipment having a highly fluctuating or large instantaneous demand, such as welders and X-ray machines, will be charged \$1.78 per month per KVA of such nameplate rating of such equipment or other equipment for energy used, and such charges will be in addition to the bill determined by the kilowatt hours recorded by the meter and billed at scheduled rates. It will be added to the minimum bill for services in the event the energy for other services does not equal the amount of a minimum bill for such other services.

Section 2. **RATE MODIFICATION**: Whereas the rates offered to the customer by the City is based upon the current rate being paid by the City to its wholesale supplier, the City shall reserve the right, during the term of the rates, to adjust said rates to the consumer by an amount not to exceed two (2) mills per kilowatt hour greater than the adjustment to the City by its wholesale supplier.

Section 4. That all rates in Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. This ordinance shall be published in pamphlet form and all rates included in this Ordinance shall be effective as of December 19, 2012. (So the usage from December 19<sup>th</sup> through January 18<sup>th</sup> will be billed on these rates).

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_, 2012

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Mayor Alan Zavodny

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Interim City Clerk Tami Comte

Vaughn Bishop, co-owner of V & G Properties, LLC, dba Lakeside Estates requested a refund in the amount of \$1,461 due to the discovery and repair of a water leak recently discovered in Lakeside Estates.

Mayor Zavodny stated that this was discussed at the Committee of the Whole meeting. There is a master meter that is by the veterinary clinic and then feeds that entire area. There was a leak that was discovered and repaired by Mr. Bishop.

City Attorney James Egr stated that whole situation is such that it really should be between Cortney Couch and Vaughn Bishop and not the City of David City. The City is not responsible for that line. That is a matter between Vaughn Bishop and Cortney Couch because it is a private water line.

Council member Kroesing made a motion to approve the request by Vaughn Bishop – Co-owner of V & G Properties, LLC, dba Lakeside Estates, for a \$1,461.00 water credit due to the discovery and repair of a water leak recently discovered in Lakeside Estates. The motion died for lack of a second.

Council member Kroesing introduced Ordinance No. 1184 and made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Smith, Kroesing, Rogers, Scribner, Svoboda and Vandenberg. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass Ordinance No. 1184 on third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Rogers, Svoboda and Vandenberg. Voting NAY: None. The motion carried and Ordinance No. 1184 was passed on third and final reading as follows:

**ORDINANCE NO. 1184**

AN ORDINANCE ADOPTING A TWO PERCENT (2%) COST OF LIVING ADJUSTMENT (COLA) FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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

Full-Time Staff (Hourly Rate of Pay)

STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
<u>Office Staff</u>															
Clerical I	9.79	10.01	10.23	10.47	10.69	10.94	11.19	11.43	11.46	11.69	11.96	12.50	12.78	13.08	13.36
Acct Clerk I	11.93	12.20	12.47	12.75	13.05	13.33	13.63	13.94	14.26	14.58	14.90	15.24	15.58	15.92	16.29
Acct Clerk II (incl .50/hr CMC)	13.91	14.22	14.54	14.86	15.21	15.54	15.89	16.26	16.62	16.98	17.37	17.76	18.17	18.57	18.98
STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
<u>Utility Staff</u>															
Power Plant Op I	12.28	12.56	12.83	13.13	13.42	13.72	14.04	14.35	14.67	15.00	15.34	15.69	16.04	16.40	16.77
Power Plant Op II	15.40	15.75	16.11	16.46	16.83	17.22	17.61	17.99	18.40	18.81	19.25	19.68	20.12	20.56	21.02
Power Plant Op III	15.83	16.20	16.55	16.92	17.31	17.70	18.11	18.50	18.91	19.35	19.78	20.23	20.68	21.15	21.62
Apprentice Lineman	13.60	13.89	14.22	14.54	14.85	15.20	15.53	15.88	16.24	16.61	16.97	17.37	17.75	18.16	18.56
Line worker II	17.85	18.25	18.66	19.08	19.51	19.94	20.40	20.85	21.33	21.81	22.30	22.80	23.32	23.84	24.38
Line worker I	18.77	19.20	19.62	20.06	20.52	20.97	21.45	21.93	22.43	22.93	23.45	23.97	24.52	25.06	25.63

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Line Foreman	20.23	20.68	21.14	21.61	22.09	22.60	23.10	23.62	24.15	24.70	25.27	25.83	26.41	27.00	27.61
Water/Sewer Op I	11.68	11.95	12.22	12.48	12.77	13.06	13.35	13.65	13.96	14.27	14.60	14.91	15.26	15.60	15.94
WA/SE Op 1 w Gr VI	12.37	12.65	12.93	13.23	13.53	13.82	14.14	14.45	14.78	15.12	15.45	15.80	16.16	16.52	16.89
WA/SE Operator II	14.11	14.41	14.74	15.08	15.41	15.76	16.12	16.47	16.84	17.23	17.62	18.00	18.41	18.83	19.26
WA/SE Op I I w Gr VI	14.77	15.12	15.45	15.79	16.16	16.51	16.88	17.27	17.66	18.05	18.46	18.87	19.30	19.73	20.19
WA/SE Op III w Gr VI	16.88	17.27	17.66	18.05	18.46	18.87	19.30	19.73	20.18	20.62	21.08	21.57	22.05	22.55	23.05
Waste Water Plt Op	15.93	16.30	16.66	17.03	17.42	17.81	18.22	18.62	19.03	19.47	19.90	20.36	20.81	21.29	21.76

STEP	Probation	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13
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**City Maint. Staff**

Laborer I	9.79	10.01	10.23	10.47	10.69	10.94	11.19	11.43	11.69	11.96	12.23	12.50	12.78	13.08	13.36
Laborer II	11.55	11.80	12.08	12.34	12.62	12.91	13.20	13.49	13.79	14.12	14.42	14.75	15.09	15.42	15.77
Maint Worker I	12.13	12.39	12.68	12.96	13.26	13.56	13.85	14.17	14.48	14.81	15.15	15.48	15.83	16.20	16.55
Maint Worker II	12.72	13.02	13.30	13.60	13.91	14.22	14.54	14.86	15.21	15.54	15.89	16.25	16.62	16.98	17.37
Street Foreman	15.64	15.99	16.35	16.72	17.10	17.48	17.87	18.28	18.69	19.11	19.53	19.97	20.43	20.88	21.36
Summer Help	7.62		7.88	8.14	8.40										
Recycling Workers	Begin @	\$7.25 /hr.	experienced	up to	\$7.75										

	Probationary	6 Mo	1	2	3	4	5	6	7	8	9	10	11	12	13
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**Department Supervisors**

Park & Aud Supt.	15.58	15.92	16.28	16.65	17.02	17.41	17.80	18.20	18.60	19.02	19.45	19.89	20.34	20.80	21.27
Licensed Street Supt.	19.27	19.70	20.15	20.59	21.05	21.53	22.01	22.51	23.01	23.54	24.06	24.61	25.15	25.72	26.31
Water Super w/Gr VI	18.97	19.40	19.84	20.29	20.74	21.22	21.69	22.17	22.67	23.18	23.70	24.25	24.79	25.35	25.91
Wastewater Super w/Gr VI	18.97	19.40	19.84	20.29	20.74	21.22	21.69	22.17	22.67	23.18	23.70	24.25	24.79	25.35	25.91
Power Plant Supervisor	19.86	20.31	20.76	21.24	21.71	22.20	22.70	23.21	23.73	24.27	24.81	25.37	25.93	26.52	27.11
Electric Supervisor	22.64	23.15	23.67	24.21	24.76	25.32	25.88	26.50	27.05	27.66	28.28	28.93	29.58	30.23	30.92

Notes:

- 1) 15 Steps Total
- 2) Approximately 2.25% between steps
- 3) The salary range from Probationary Salary to Step 13 (maximum) is 37%

**Permanent Part-time Staff (Hourly Rate of Pay)**

	Probationary	6 Mo	1	2	3	4	5	6	7	8	9	10	11	12	13
Permanent Part-time workers	8.67	8.87	9.07	9.27	9.48	9.69	9.91	10.14	10.36	10.60	10.84	11.08	11.33	11.58	11.85
Zoning Inspector	16.40	16.77	17.15	17.53	17.92	18.33	18.74	19.17	19.59	20.03	20.48	20.94	21.42	21.90	22.39

**Swimming Pool Staff**

Manager	11.10	11.35	11.61	11.87	12.13	12.41	12.69	12.97	13.26	13.56
Asst. Manager	10.68	10.92	11.17	11.42	11.67	11.94	12.21	12.48	12.76	13.05
Head Lifeguard	9.85	10.10	10.35	10.60	10.85	11.10	11.35	11.60	11.85	12.10
WSI Lifeguard	8.45	8.70	8.95	9.20	9.45	9.70	9.95	10.20	10.45	10.70
Lifeguard	7.74	7.84	7.94	8.04	8.14	8.24	8.34	8.44	8.54	8.64
Sw Lesson Aid	7.25	7.35	7.45	7.55	7.65	7.75	7.85	7.95	8.05	8.15
Aerobics Instructor	9.15	9.25	9.35	9.45	9.55	9.65	9.75	9.85	9.95	10.05
Concessions	7.25	7.35	7.45	7.55	7.65	7.75	7.85	7.95	8.05	8.15
Games/Cleaning	7.25	7.35	7.45	7.55	7.65	7.75	7.85	7.95	8.05	8.15

Salaried Staff Pay Plan (Annual Rate of Pay)

Position	Minimum	Mid Point	Maximum
Clerk/Treasurer	\$44,999	\$53,223	\$61,445

Notes:

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

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

**SECTION 4.** This ordinance shall be published in pamphlet form and shall be in full force and effect retro active to September 24, 2012 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 10<sup>th</sup> day of October, 2012.

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Mayor Alan Zavodny

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Interim City Clerk Tami Comte

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

Mayor Zavodny stated, "Now at 8:08 p.m. we are going into executive session to discuss a personnel matter." Mayor Zavodny, all of the Council members, City Attorney Egr, and Interim City Administrator Kovar went into executive session at 8:08 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 8:37 p.m.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Svoboda seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Svoboda, Scribner, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:37 p.m.



CERTIFICATION OF MINUTES  
October 10, 2012

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 October 10, 2012; 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