

CITY COUNCIL PROCEEDINGS

May 13, 2020

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the lower level of the David City Auditorium at 699 Kansas Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on May 7th, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting. The meeting was held at the City Auditorium due to the COVID-19 pandemic so as to incorporate social distancing strategies. [It is recommended that individuals be kept at least 6 feet apart.]

Present for the meeting were: Mayor Alan Zavodny, Council members Tom Kobus, Dana Trowbridge, Pat Meysenburg, Kevin Hotovy, John Vandenberg, and Bruce Meysenburg, City Administrator Clayton Keller, City Attorney James Egr, and Deputy City Clerk Tami Comte.

Also present for the meeting were: Sheriff Tom Dion, Park/Auditorium Supervisor Bill Buntgen, Interim Water Supervisor Aaron Gustin and Building Inspector Ray Sueper (joined by ZOOM video conferencing), Gary Meister, Michael and Alexis Buresh, Kory Kuhlman, Jim Witter, P.A., Nathan Wall and Jeff Wisnieski.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the north wall by the entrance and asked those present to silence their cell phones.

The minutes of the April 22nd, and May 4th, 2020 meetings of the Mayor and City Council were approved upon a motion by Council member Hotovy and seconded by Council member Vandenberg. Voting AYE: Council members Vandenberg, Pat Meysenburg, Hotovy, Bruce Meysenburg, Trowbridge, and Kobus. Voting NAY: None. The motion carried.

Council member Bruce Meysenburg made a motion to approve Pay Estimate #19 to Eriksen Construction Co., in the amount of \$21,024.75 for the Wastewater Treatment Plant Project. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Bruce Meysenburg, Trowbridge, Hotovy, Kobus, Pat Meysenburg and Vandenberg. Voting NAY: None. The motion carried.

Mayor Zavodny asked for consideration of claims. Council member Hotovy made a motion to authorize the payment of claims and Council member Kobus seconded the motion. Voting AYE: Council members Kobus, Hotovy, Trowbridge, Bruce Meysenburg, Vandenberg, and Pat Meysenburg. Voting NAY: None. The motion carried.

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

Council member Pat Meysenburg stated that he had showed the 715 N. 4th Street house eight times and Council member Trowbridge will show the house again tomorrow. They have one bid already at the City Office.

Building Inspector Ray Sueper said, "Did you all receive the letter from Joanna Uden from City Attorney Egr's office? They have several of the nuisance cases in court, but the court keeps moving the date back."

Mayor Zavodny asked if anyone had anything else that they wanted to comment on, as far as the committee and officer's reports. Council member Trowbridge made a motion to accept the Committee and Officers Reports as presented. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Pat Meysenburg, Vandenberg, Bruce Meysenburg, Trowbridge, Hotovy, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny stated that the next item on the agenda was consideration of entering into a Service Agreement with Crexendo for telephones.

City Administrator Clayton Keller said, "Did anyone find out anything more about Crexendo? They are partnered with U.S. Cellular. I started wondering how this would affect our Elster meter reading system and our Scada system. We're not going to touch the SCADA system right now, but we are looking for options for that. With the Elster system, I got in touch with Pat Hoefft and he got in touch with Elster and he found out that Elster needs to stay as a hard line. So, I called Crexendo and they said they aren't going to do anything with Elster so we should be ok. So, I still want to do more homework on that part, so I asked Crexendo, if we decide to move forward with these telephones, can we phase into departments instead of doing them all at once. He said that would be fine."

Mayor Zavodny said, "You were looking at the library, too, right?"

City Administrator Clayton Keller said, "Yes, I'd like to do the library first and see how things go and once we're more comfortable with the system, we can move into the other departments."

Mayor Zavodny said, "OK. So, just so I'm clear on what you're asking, do you want to act on this tonight, or do you want to table for a little more time?"

City Administrator Clayton Keller said, "I was thinking of asking you to table it, but now that we can phase it through the departments, I think that I'm comfortable with that."

Mayor Zavodny said, "But, now we're going to foray into this on a limited basis, is that right?"

City Administrator Clayton Keller said, "Yes, and when I asked him if we decided that we didn't want to go into the other departments because it wouldn't work with some system, then he said that we could do a change order and change the service agreement so that the other departments wouldn't be on the agreement."

Mayor Zavodny said, "And, how would that affect the pricing then?"

City Administrator Clayton Keller said, "We just wouldn't pay that portion of the agreement."

Mayor Zavodny said, "So, you're asking us to approve it on a limited basis?"

City Administrator Clayton Keller said, "Yes, approve the purchase option."

Council member Bruce Meysenburg said, "So, can we just approve the library portion tonight?"

City Administrator Clayton Keller said, "It's all under one service agreement, so as long as I can sign the service agreement and just move forward with the library and then come back later and ask for permission to move forward with the other departments."

Mayor Zavodny said, "That makes sense to me."

Council member Bruce Meysenburg made a motion to approve the purchase option with Crexendo for telephones for the library only, at this time. Council member Kobus seconded the motion. Voting AYE: Council members Bruce Meysenburg, Hotovy, Kobus, Vandenberg, Pat Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

Mayor Zavodny stated that before the Council approves the request by Gary Meister for two additional parking spaces on the City parkay along 5th Street, he wanted to make sure that Gary knew that those were to be public parking spaces.

Deputy Clerk Comte said that he was told that they are public parking spaces.

Council member Pat Meysenburg made a motion to approve the request by Gary Meister for two additional parking spaces on the parkay along 5th Street, on the Northwest corner of 5th & "H" Street, noting the fact that this will be "public parking", not private. Council member Kobus seconded the motion. Voting AYE: Council members Pat Meysenburg, Kobus, Bruce Meysenburg, Hotovy, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried.

Clint Simmons from LARM stated that if the City decides to rescind its request for bids, they would give us a 4% discount on our premium for the following year. This discount is based off of us being with them for two years instead of just one. On the other hand, if we continue with the bid process and end up choosing LARM, we could still get a 4% discount if we decide to go with them for two years (4% the first year, 2% the second year).

Mayor Zavodny stated that the insurance is a "fluid" thing for us with adding the ballfield and the house at 715 N. 4th Street. After some discussion, it was decided that the best course of action was to go through the bidding process again this year.

Council member Trowbridge made a motion to table LARM Resolution No. 13-2020 until the insurance bids have been discussed. Council member Hotovy seconded the motion. Voting AYE: Council members Trowbridge, Bruce Meysenburg, Pat Meysenburg, Vandenberg, Hotovy and Kobus. Voting NAY: None. The motion carried.

The request by NPPD that WAPA provide an assignment contract for its WAPA Firm Power and Energy Contract to NPPD for the sole purpose of delivery, to be effective on January 1, 2021, for the term of its WAPA Firm Power & Energy Contract, was discussed.

Council member Hotovy made a motion to table the request by NPPD that WAPA provide an assignment contract for its WAPA Firm Power and Energy Contract to NPPD for the sole purpose of

delivery, to be effective on January 1, 2021, for the term of its WAPA Firm Power and Energy contract, until which time the contract is ready to be executed. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Trowbridge, Bruce Meysenburg, Pat Meysenburg, and Kobus. Voting NAY: None. The motion carried.

Council member Bruce Meysenburg made a motion to authorize City Administrator Clayton Keller and Council members Dana Trowbridge and Pat Meysenburg, to jointly award bids for the John Deere Model 178 Riding Lawn Mower, 1994 Ford F250 LGT, and salvage rights to contents of the buildings located at 715 4th Street. Council member Kobus seconded the motion. Voting AYE: Council members Bruce Meysenburg, Trowbridge, Pat Meysenburg, Kobus, Hotovy and Vandenberg. Voting NAY: None. The motion carried.

Mayor Zavodny stated that the next agenda item is consideration of amendments to the water purchase agreement with TransCanada Keystone Pipeline, LP.

Mayor Zavodny said, "So, do we have all of the i's dotted and t's crossed. Are we where we think we need to be on this?"

City Administrator Clayton Keller said, "So, we decided to change the fill station to the airport because it's out of town and they can use the hydrant out there to fill up just fine. They asked if we would be willing to give them 100,000 gallons a day instead the 40,000 gallons a day which was what they previously asked for and I talked to Aaron and he said that we could handle that, and that's just more revenue for the City."

Mayor Zavodny said, "There isn't anything else that we need to do for that to happen?"

City Administrator Clayton Keller said, "No."

Council member Bruce Meysenburg said, "Did they say how many days they were going to use that amount of water?"

City Administrator Clayton Keller said, "He said that they would get water for about a month. He said that construction is June 1st through December and so, at some point, there will be a month when they would come and get water pretty much every day."

Council member Kobus made a motion to approve the amendments to the Water Purchase Agreement with TransCanada Keystone Pipeline, LP. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, Bruce Meysenburg, Pat Meysenburg and Trowbridge. Voting NAY: None. The motion carried.

WATER PURCHASE AGREEMENT

This Agreement is made and entered into on this 13th day of May, 2020 ("Effective Date"), between TransCanada Keystone Pipeline, LP ("Company"), with a mailing address of 700 Louisiana

Street, Suite 700, Houston, TX 77002, and the City of David City, Nebraska, an incorporated municipality, with a mailing address of PO Box 191, David City, NE 68632 ("City").

WHEREAS:

- A. City owns and operates a municipal water system;
- B. Company is a duly organized pipeline company that is constructing the Keystone XL pipeline and needs to acquire water for use in its construction, including but not limited to, for use in dust control, dust abatement, horizontal directional drilling, and hydrostatic testing of sections of the Keystone XL pipeline;
- C. City has the capacity to provide water in sufficient quantities to meet Company's needs, so long the sale of water is not a detriment to City's needs, and Company wishes to purchase water from City for its needs.

NOW THEREFORE, in consideration of the sum stated herein, the receipt and sufficiency of which is hereby acknowledged by City, and of the mutual covenants and terms and conditions contained herein, the parties therefore agree as follows:

1. **PURPOSE**

Under this Agreement, City will sell water to Company on the conditions stated herein. Company agrees to pay for the cost of the water at the rates indicated herein and to maintain its water systems in good condition to accept delivery of the water supply.

2. **SUPPLY OF WATER**

City shall furnish potable water to Company, and Company may fill its trucks and tanks with water from City's pump station **in an amount not to exceed 100,000 gallons per day, with a maximum daily average over the course of a month not to exceed 100,000 gallons per day**. City will collect monthly meter readings of the water received by Company. If the meter reading equipment fails during any period, City shall determine the amount of water used in that period by the use of an historical average of Company's use, unless City and Company agree to use a different meter reading amount.

3. **METERING EQUIPMENT**

City will install a meter and required devices of standard type for properly measuring the quantity of water received by Company.

4. **FILL TIMES & POINT OF RECEIPT (POR)**

There are no restrictions on the fill times or dates for Company to receive City water. The City's water system is available to Company twenty-four hours per day and seven days a week. POR for City's well location is **hydrant near David City Municipal Airport. GPS Coordinates; 41.232321°, -97.126157°**.

5. **PAYMENT FOR WATER**

Company shall pay City a monthly administrative fee of One Hundred Forty-Six Dollars and Fourteen Cents (\$146.14) during each month that it receives water. In addition to the administrative fee, Company shall pay City the sum of Three Dollars and Forty-One Cents (\$3.41) per 1,000 gallons of water for the first 10,000 gallons, and Three Dollars and Eighty-Seven Cents (\$3.87) per 1,000 gallons over 10,000 gallons, to fill the Company's trucks and tanks. Company shall also deposit the sum of Two Hundred Sixty-Five Dollars (\$265.00) ("Deposit") with City before receiving any water to secure payment during the term of this Agreement. The Deposit shall be returned to Company at the end of the Agreement, except for the deduction of any unpaid statements as set forth below in Section 6.

6. **TIME OF PAYMENT**

City shall provide Company a statement showing all amounts due and the volume of water pumped and received by Company each month. Company shall pay all amounts due within 45 days of the date of the statement. If Company fails to pay the amounts due within that time frame, this Agreement will be terminated, and City can deduct those outstanding amounts from the Deposit.

7. **INTERRUPTION OF SERVICE**

Company's use of City's water is subject to and governed by City's other provisions of ordinances and resolutions for receiving water. City shall have the right to interrupt water service to Company during times of capacity shortage, regardless of the cause of the shortage. For the avoidance of doubt, preference will always be given to municipal water needs over Company's water needs during times of capacity shortage.

8. **INTERRUPTION OF SERVICE DURING REPAIRS**

City has the right to temporarily interrupt or reduce the amount of water available to Company for the purpose of maintaining, repairing, replacing, investigating, or inspecting any of the City's water works, so long as City gives Company reasonable notice of such interruption or reduction. In such event, City shall not be responsible for any damage or inconvenience arising from such interruption or reduction in water service.

9. **PERMITTING**

City will be responsible for obtaining any permitting, and providing any documentation needed thereunder, required under state or local rules and regulations that is necessary to allow for the sale and transfer of municipal water to Company for use as specified in this Agreement.

10. **TERM**

This Agreement shall remain in effect for a period of two (2) years ("Term") after the date that Company first receives water from City. Company and City shall have the right to terminate this agreement before the expiration of the Term by providing written notice, via U.S. certified mail at the addresses listed above, of its intent to terminate this Agreement at least three (3) months prior to the termination of water services under this Agreement.

11. INDEMNITY

Each party shall indemnify and hold the other party and its elected officials, officers, agents and employees, harmless from liability for any damage or claims stemming from the indemnifying party's activities and obligations specified herein, except as to claims that are the direct or proximate result of the reckless conduct or intentional actions of the party to be indemnified.

12. SEVERABILITY

If any provision of this Agreement is invalid under any applicable statute or is declared invalid by a court of competent jurisdiction, then it shall be deemed to be severed from this Agreement provided, however, that the remainder of this Agreement shall continue in full force and effect.

13. FACSIMILE AND COUNTERPART

This Agreement may be executed and delivered (including by facsimile or other electronic transmission) by the different parties hereto in separate counterparts, each of which will, when executed, be deemed an original and all of which taken together will constitute one and the same Agreement.

14. ENTIRE AGREEMENT

This Agreement represents the entire agreement of the parties and can only be modified by a written agreement of the parties.

The parties are executing this Agreement as of the Effective Date.

TRANSCANADA KEYSTONE PIPELINE, LP
by its agent TC Oil Pipeline Operations Inc.

Signed: _____
Name: _____
Title: _____

Signed: _____
Name: _____
Title: _____

[CITY]

Signed: _____
Name: Alan Zavodny
Title: Mayor

Mayor Zavodny stated that the next item on the agenda was the discussion and consideration of the updates on the water treatment plant and processes.

Interim Water Supervisor Aaron Gustin said, "As of Monday, we re-initiated the lime softening process to the water treatment plant, due to the manganese levels that we were not comfortable with. That will remain in place until something is done differently or we find a more efficient way to treat the manganese that is in our raw water system without the use of lime. There are other options. I had spoken to a gentleman with Gurney, out of Omaha, and they do water treatment plant filters all over and they've worked with Craig in the past. We do have options with our current media to change it, move the chlorination site and a few other items. They offered to come and take a look and see how we could more efficiently use of our filter media that's in our filters that could potentially remove the manganese that we're having an issue with or we could just keep feeding lime until something is decided and in place. So, we can do stuff to charge the filter media which, the filters are due for a rehabilitation. They are at their fifteen-year life expectancy. The options there, according to the gentleman that works for Tonka and Gurney, is that you can use manganese treated green sand, anthracite cap, which we do have, or potassium permanganate, at the bottom of the filter to effectively remove the manganese in the water so we could, potentially, go back to being lime free."

Mayor Zavodny said, "So, the long and short of it is, the manganese tripped us up."

Interim Water Supervisor Aaron Gustin said, "Yes."

Mayor Zavodny said, "So, we had to go back to lime, after our pilot was going fairly well. So, you're going to continue to research the options that we have to fix that and if we try it again and what costs are associated with those would be."

Interim Water Supervisor Aaron Gustin said, "Yes. I told the gentleman today that I was going to speak with the Council tonight and see what everybody's thoughts were. Just as an update, we turned the lime on and already had a couple of issues that were not good. We had to order two cylinders for the lime press. It was \$800. We now have sludge line that pulls the sludge out and we added the mass to the sludge pit and pulling that mass cracked a pipe in a foot-thick concrete wall and we have to break that out and fix it. So, as we all anticipated, the cost of lime maintenance is going to kick us in the teeth again."

Council member Kobus said, "So, who set up the first pilot program?"

Interim Water Supervisor Aaron Gustin said, "That would be Craig, myself, and another individual that was working with Craig, and Hawkins. We are in the middle of a water treatment plant evaluation, and Craig will potentially have a summary for you at the next Council meeting. We needed to know if we could treat our water without the use of lime. This gave him the data that he needed, so it was a good platform for him to compile what he needed to move forward for us."

Mayor Zavodny said, "Ok. A couple of other, related, things. Where are we at in the flushing process? I think that the complaints are dropping off a little bit. There's still some brown water and some discoloration."

Interim Water Supervisor Aaron Gustin said, "There is. Due to the reintroduction of lime, we discontinued dosing with Clearitas, the cleaning agent that stabilizes. Lime will be doing that instead. We are still dosing with our coagulant and our flocculant and the poly and

orthophosphates to prevent brown water in the distribution system. So, that is your unoxidized iron and manganese, that is not dropped out in the treatment plant, that makes it through to the water, it oxidizes that as it is exposed to the residual chlorine, for disinfection, that's where the brown water, that you see, in a clean system. Our system is not so clean. We have been cleaning it. The first round of flushing is done. We have one day of flushing, that needs to take place on a Sunday, because of Henningsen's, because they won't be producing that day. Mike or I will go ahead and flush, around that area, but, otherwise, the first round is completed."

Mayor Zavodny said, "Once the chemistry settles down, we should stop seeing the discoloration."

Interim Water Supervisor Gustin said, "Yes. We're on the tail end. The last time we talked about this, I brought up the quote from the gentleman from Hawkins, he said 30 to 60 days is what we would see. We are at 30 days. It is starting to taper off."

Council member Hotovy said, "Any idea what it will take to rehab those filters to give another pilot program a shot at trying to eliminate the lime?"

Interim Water Supervisor Gustin said, "The gentleman is willing to come out take a look at our facility and make his recommendations, he'll talk with Tonka and give us a price."

Mayor Zavodny said, "I like that idea too."

Council member Hotovy said, "We're so close."

Mayor Zavodny said, "As if you don't have enough to do...you know we have the ½ cent sales tax that is dedicated to the water system. This summer - we've got to get those valves replaced, and then exercise them, and then there are a few blocks of main that we can get replaced. I'd just like to see us keep moving forward on that, as much as we can. Last year, and really the year before, was all downtown. That took up all of our time. So, this summer's plan prioritizes getting our valves replaced to the extent that we know we need to and what would you suggest? We mapped it at one time, the area of town where the mains are the highest priority. I know we have a fair amount of money in that ½ cent sales tax fund because we haven't really used it much lately."

Interim Water Supervisor Gustin said, "The area of main that John and I worked on in January, for that main break, was in that map, as part of the 3rd Street water main project. Given his up-close assessment, in the hole there, he doesn't feel that it will last that much longer and we should get to work on that. I feel that would be a good place to start, given that it was already on our plan to be the next project."

Mayor Zavodny said, "I guess what I'm trying to do is to lay the foundation. As we start the budget process this summer, if we are in agreement, those are the areas that I think we would be best served getting our water department working on. I have to throw one last thing out there – our revenue is based on the meters. We've got to get those to work. I'm not using that as a club to beat it over your head but we need that revenue. So, whatever we need to do to figure out accurate readings, so the customer is paying the right amount, we can bill easily for that amount used, your headaches will be much less and I'll not have to talk about it anymore, which will make me happy."

Interim Water Supervisor Gustin said, "I do admit that progress on that has been slower than I would have liked to have seen it. I do want to bring up that given the efforts in the last two months, we were at 19.7%-line loss on our water loss report and now we are down to under 12% water loss. That goes hand in hand with the meters and tracking and things of that nature. So, we are making progress and I'll take every hit that I need to and it's moving slower than we would like."

Mayor Zavodny said, "But, that's a measurement accuracy problem as opposed to a leak somewhere that we don't know about."

Council member Kobus asked how old the water meters are.

Interim Water Supervisor Gustin said, "Some of them are pretty old. I can't give you an exact date but it is recommended that every eight to ten years, the meter is replaced. Meters tend to slow down, given the buildup, just like we have buildup in our mains, the meters that have mechanical workings on the inside, build up happens there too. There's a significant slowdown that can occur that is losing us money. I know we have a full plate, but it's something that we need to think about in the near future, is a campaign to start replacing meters."

Mayor Zavodny provided updates concerning the COVID-19 Coronavirus, and discussion followed.

Mayor Zavodny said, "I'll start this off. In our United Command telephone calls with the Four Corners Health Department, the discussion has now shifted into how do you reopen some of the places that have been closed down, courthouses, our city office will be a consideration of ours, libraries, the swimming pool, and the ballfield and ball seasons. So, what we need to do is have our discussions on what we want to do, as far as, what we know now. Our cases, as I've said before, we have 23 in our county, of those 23, 6 have resolved. So, we're at an active count somewhere in the neighborhood of 17, but that is not today's updated number. Testing has been up a little bit. I think the things that we need to watch – Colfax County is a hotspot in Nebraska, which goes hand in hand with areas that are hotspots, Madison, Dakota City, Grand Island, and Lexington. The close working conditions in some of those plants, the Smithfield plant in Crete – those are the places that you see very large numbers and then what happens is you've got people that, for years, have worked at Cargill, and they've gotten more mobile. We're going to see more cases. We're trying to balance economics, protecting our most vulnerable and having a measured approach to this. So, going one at a time, a lot of our neighbors, are looking at the June 1st date to maybe start allowing access into the buildings again. Some of the latest numbers that we've seen say that we may want to bump a little later into June. Some of the reasons are that a lot of places are taking a "wait and see" approach that when the governor says to open up around June 1st – it's going to be about two weeks before we see if numbers go up. So, that's a consideration. So, I guess I'd open up the discussion with that. We did make a decision on the pool. We did leave the door open a little, but, honestly the other cities on the call aren't planning to open. The sporting events was a big one and we'll discuss that a little bit tonight. Let's see what happens with the softball and baseball. The restrictions are pretty strong with it. It's a concern that I have but we'll discuss that as a group. But, he (the governor) did say that you can't do basketball, you can't do soccer and some of those others. So, that's where we're at. We need to decide. Let's start with the City Office. What threshold do you want to get to? How do you want to decide to slowly look at improving the access? I'm going to throw this out from the start – a lot of what I've been reading and watching says that how we do business is going to change. It's cliché but it's true – there is a "new normal". I don't know if any of us know exactly what that's going to be yet. So, the question for us is "what is our "normal" going to be?"

Council member Kobus said, "Well, you already have them locked up with plexiglass around everywhere. Basically, all you're doing is going through the window and talking to them as they come in. I don't see anything wrong with that."

Mayor Zavodny said, "What kind of timeline? Let's start with the City Office."

Council member Trowbridge said, "The City Office, at times, will put people across the desk from each other, in a 24" to 36" range. I don't see it as a lot different than full-service dining, under no restrictions – that's when we open City Hall."

Mayor Zavodny said, "OK. That's a threshold."

Council member Hotovy said, "Have we seen an uptick in credit card payments?"

Deputy Clerk Comte said, "Yes. Absolutely."

Council member Hotovy said, "Are we passing that charge on to our customers?"

Deputy Clerk Comte said, "No. We do not. We absorb those charges."

Council member Hotovy said, "Maybe we need to start doing that because that's costing us money. If you pay your taxes, over the phone, to the County, they are going to charge you a percentage, to use your credit card, because that money has to be paid."

Deputy Clerk Comte said, "Right. Early on, when the decision was made to implement the credit card machine, the Council, at that time, decided to just absorb that as a cost of doing business. Now, if you want to change that, that's fine. That was decided at that time. The last month it was about \$375.00 and that is divided between electric, water and sewer."

Council member Bruce Meysenburg said, "That was to help people with the Coronavirus when it first got started."

Council member Hotovy said, "That's about \$3,500 per year. It's not insignificant. As business changes and evolves, you're going to continue to have more over the phone payments happen, I would assume."

Mayor Zavodny said, "There are two arguments to that, too. To incentivize people to do it, which benefits us, and to what level are we willing to absorb it. Maybe we would do half or something, so the blow isn't as much. Maybe some sort of compromise or do we pass the whole cost on."

Council member Hotovy said, "That's just one thing that I thought of. I had known that we never did charge that and if a tax payer has to do it then maybe we should too."

Mayor Zavodny said, "At the time that was decided, I'm sure that the usage was significantly less than it is now. I think that's a good agenda item for a future meeting to see what we want to do. It's good that we have this discussion, so now we can start thinking about that."

Council member Trowbridge said, "I think that it is and on the flip side – we don't have the returned checks that we once upon a time did."

Deputy Clerk Comte said, "That is absolutely true."

Council member Trowbridge said, "Those are costly in both time and collection fees. It's 50% on collection fees, a lot of the time. There are people whose lifestyle, that's a lending institution, is a piece of plastic. If we offer them the ability to use it, and don't penalize them heavily for it, I would encourage more, because it's a great cash flow."

Council member Hotovy said, "I just can't see passing that on to everybody else."

Mayor Zavodny said, "Yes. That's a good point. So, as far as when restaurants are able to operate without the 50% capacity, and in some areas of the country, it's 25% yet, when they get to 100%, start looking at the City Office to reopen. You know, counties are struggling with this too, when to reopen."

Council member Hotovy said, "With this being such a fluid thing, do you really want to set time tables?"

Mayor Zavodny said, "I don't know that I came tonight wanting to set a time table, because it does change hourly, to some extent. But, some idea of what is the threshold we use. What is the data that we are going to use to say, ok, we're on the down slope?"

Council member Trowbridge said, "If the threshold cannot be a time table, a given date, in the future, upon it happening, we can go ahead and open things up."

Mayor Zavodny said, "I don't think that's a terrible idea. Once we feel that, or the state feels that you can use a restaurant somewhat normally again, I don't think that's a terrible way to approach it. You know, Mark from Butler Public Power, is on our calls and they wanted to try to get their work force back to normal, they've been doing the split shifts, but they've held off on that for the time being. Everybody is struggling with this, to some extent. What about our library?"

Council member Trowbridge said, "We've got a lot of vulnerable people using the library. Children, early in this pandemic, were not classified as vulnerable, but as time goes forward and the medical community learns a bit more, children are starting to show symptoms at six and eight weeks after they've cleared the virus, supposedly through their system, so we don't know all of the answers yet on children. We do know the answers on people like me, old people, and people like me frequent the library more than the middle-aged people. We've got a different audience there, I believe."

Mayor Zavodny said, "Thank you for opening that door, because as I've been trying to decide things throughout this, I've looked at our vulnerable community. If you get into a nursing home, our demographics are an older population. We're trying to slow this down. Every day that we buy is one day closer to either a treatment that makes the symptoms less severe or a vaccine that will hopefully prevent you from catching it, so that's been the approach. But, the with the library, I'm comfortable with what we're doing right now but, people are getting impatient. Most libraries, some of them have drive throughs and some of them have other things, and they let books sit for a while one they are returned. Our library, to their credit, made some good decisions early on – they aren't going to charge fines because it's harder to do the business. But, bringing kids in and kid's programs, the use of the computer lab, I think we have to be really careful with that kind of stuff. A computer isn't something, from everything that I've read, that you can easily disinfect because it's harmful to the computer to use products on it and if you have to do it over and

over, that wouldn't be good, and people are close together in that computer lab in a confined space. Some communities will open them on a more limited basis, but how do we approach that? We're starting to run out of time to make a decision. Do we leave it like it is until we decide that it's not?"

City Administrator Clayton Keller said, "So, the current plan at the library, if Council allows them to go forward with it, and you're welcome to change it, the library board and the library director had a meeting and they decided that June 1st they would allow the employees to come back and begin working and sanitizing and organizing things and then two weeks later, they would start library services, on a limited basis, they would do two hours in the morning, adult hours, so adults could come in and do some library services, and then they would have two more hours in the afternoon after they sanitized everything, where they would allow adults and children."

Mayor Zavodny said, "So, that plan would involve social distancing, and no more than ten people, that's the rule now, until the governor changes it. So, what about the computer lab?"

City Administrator Clayton Keller said, "I don't know that they've made a decision on that."

Mayor Zavodny said, "That would be the one area that I would have some indigestion over, I guess. What about children's programs?"

City Administrator Clayton Keller said, "I'm not sure which ones they planned on running."

Mayor Zavodny said, "Because to tell a child not to touch their face, to wear a mask and not share books, you're inviting disaster, in my mind, until we can get this a little further down the road. Can someone give me a compelling reason why we would take that risk? Because, I can't justify it myself."

Council member Trowbridge said, "I think that the fact that we meet every two weeks helps immensely, because we aren't thirty days out on a decision. We're fourteen days from looking at it again. Like Kevin said, it's fluid and it's changing daily and sometime by the hour."

Council member Hotovy said, "In the last 24 hours we didn't have a new case in Butler County. Now, tomorrow, we may have 60. We don't know."

Mayor Zavodny said, "It depends on the timing of the testing. We will have to decide at our next meeting what the next step is because we won't meet again until the June 1st date has passed so I think that the discussion here is helpful as far as, be thinking about...."

Council member Hotovy said, "At least they have a plan."

Mayor Zavodny said, "Yes. The other thing that I've said before, and maybe it got lost, in our Four Corners calls, we've tried, at least in the Four Corners area, to be consistent on the communities. Because, what they've found is that if one courthouse was open in one county and the other one was shut down, people were going there to do business, as far as driver's license tests and those kinds of things. I don't think that they were coming out either. But the salons were a great example, and part of the reason that it worked was that if everybody was doing the same thing, then people weren't trying to travel and that's another thing that you don't want is a lot of back and forth between communities. So, I think that with the library, by our next meeting we'll have to decide. They have a pretty good plan and we might have to modify it a bit. They need to

tell us specifically about the computer lab and specifically about the children's programs."

Council member Kobus said, "Don't they have guidelines?"

Mayor Zavodny said, "Yes. The same as everyone else. The guidelines for churches to reopen, no collection plates passed, no hand shaking, only households sit together – six feet apart, no communion – well, we had issues. People complained and it's just hard. Communion bothers me because you have a lot of vulnerable people that wanted to go back to church and it's a risk. So, that brings us to the ball association. There's a whole lot of information out there today. The newspaper talked about it. There's just a ton of questions and the logistics are complicated on this, disinfecting dugouts, disinfecting equipment, no handshakes after the games, only people in a household are allowed to go watch a game but they can't sit in the bleachers, they have to bring their own chairs. Then, the people for the next game have to wait in their vehicles until everybody clears out. This is a logistical nightmare. I'm just telling you. There are some people tonight who are going to argue that they are willing to undertake those things. We're willing to listen to that. But, that kind of frames the discussion that we're going to have."

Council member Kobus said, "If you have a bunch of kids playing baseball, the parents are all going to congregate. That doesn't make much sense to me. They aren't going to separate that much."

Mayor Zavodny said, "It's going to be a challenge."

Council member Trowbridge said, "Are the public restrooms all locked up now? My question is for the ballfield? If you get that number of people out there, and we have locked up restrooms and we have to have them locked up, can we go for a couple of hours? I don't know."

Mayor Zavodny said, "I know concession stands aren't allowed."

David City Ball Association President Kory Kuhlman said, "Yes. Concession stands are not allowed. The restrooms, from what I understand, are open to a little bit of interpretation. One thing that I read said that you have to have somebody on call, I suppose, to service and sanitize them hourly, regularly, while you have people there. I've also talked to other communities that said that they were not having public restrooms."

Council member Trowbridge said, "I've seen more restrooms closed in convenience stores and public buildings than ever before."

Mayor Zavodny said, "That makes some sense. Now, a part of the complicated thing on this is that our agreement is a lease back to the ball association, but putting the onus back on you – there are so many things that I want answers to...how many people have paid, are they going to have teams, are you going to be reimbursing money to people who don't want their kids to play? What is the logistics of all of that?"

David City Ball Association President Kory Kuhlman said, "I can say, as of two days ago, we were probably in the same percentage that we were under the assumption that there would be no season. I think that a majority of us thought that. Monday, of course, with the recent update of those, it threw a little curve at us. We had a meeting yesterday, and I asked Clayton to be a part of that. The thought there was to say that we hadn't done anything to prepare for the season and now let's try to prepare for what it might take to be able to do this. So, we have the guidelines that

the governor laid out. We went through all of our age groups, t-ball, 8 and under, 10's, 12's, 14's, so on and so forth, and assessed. The t-ballers stay in town. The 8-year olds and on up, travel. So, they are not just here locally. So, we had some issues with how are we going to oversee the 225+ kids signed up in the program. We broke it down. The practice guidelines are much more reasonable to attain. We're not, obviously, worried about fans and other outsiders, potentially, coming in. So, you can distance, and you can have some space there that you would feel a little bit more comfortable with. We've also talked about upping how many coaches we'd need to assign to a team. That would be a big ask. I'm not even sure assigned is the right word. Requested, maybe. So, that in the past we've maybe had one to two coaches for ten to fifteen players and now we'd need three to five coaches, potentially. We talked about making it a requirement, if these things were to be seen through to fruition. The practices, to me, were a little bit more attainable."

Mayor Zavodny said, "How are you going to disinfect the equipment, even in practices? You're going to have to wipe down bats and helmets."

David City Ball Association President Kory Kuhlman said, "Yes. We've had those same questions. So, where do we attain this sanitizing equipment? How do we uphold our coaches to do it? We'd have to have a lesson to say that helmets would be this way and bats would be this way and then there's the balls and the catcher's equipment. So, we have those questions that we talked about yesterday but don't have that answer, as of yet."

Mayor Zavodny said, "Go, try to find a Clorox wipe right now."

David City Ball Association President Kory Kuhlman said, "That was our question too. We can't buy it for our houses, how are we going to do it for the ballfield? That's a good question."

Mayor Zavodny said, "I'm not arguing against it. I'm just saying these are all things that you have to consider during this. How do you make it work? Who are you going to play? Have you talked to the other towns yet? Is there going to be a league? Milford's mayor, on our call last Friday, said that they haven't decided yet."

Council member Hotovy said, "A lot of communities haven't decided yet. Wahoo is going full steam ahead."

David City Ball Association President Kory Kuhlman said, "They are. We've also reached out to them (Wahoo) and their parks and rec director. Of course, they have a much bigger resource there, but they've almost gone so far as to say that they may only have one adult per player come to the facility. I don't know if that was in regard to practice or play. But, none the less, they were looking to limit it to, not just household, but to one parent. So, I have talked to others. We've reached out to York. York has an unbelievable facility. They have some club teams that have scratched. They're done. Dwight is done. I reached out to Shelby-Rising City and the Village of Shelby said that they could probably use the field but there won't be any public restrooms. But, in regard to their coaches, they had the same questions about guidelines that we do."

Mayor Zavodny said, "The amount of restrictions seems much heavier to try this than I would have thought. Now, Legion dropped. So, there will be no legion teams. Do you even consider having those teams?"

David City Ball Association President Kory Kuhlman said, "So, I have a little bit of

homework there to do yet.”

Mayor Zavodny said, “There’s no insurance.”

David City Ball Association President Kory Kuhlman said, “They are allowing some small localized teams that have their own insurance, but it’s still out there as to who they might be able to play. We had that discussion, as well. There’s really no assurance on that one right now, either.”

Mayor Zavodny said, “So, as you sit here tonight, not to put you on the spot, but have you polled the kids to see how many would go forward?”

David City Ball Association President Kory Kuhlman said, “I’m glad you asked that. So, as a part of the meeting yesterday, we laid out, as of right now we have 225+ kids signed up. I think that I’ve received a handful that said no. So, I visited with the group yesterday, and I wasn’t sure that we were going to talk about this tonight, so I was going to put it out there to let everybody know that if they would like to retract their registration and fees that we would return all of that. We haven’t drafted teams and we haven’t really even assigned coaches. We hadn’t done any of that, to this point. So, we did lay out a timeframe as to sometime next week if we proceed to try to walk this line, that we would have an opportunity for people to get their registration fees and forms back and then the next week following, we’ll have to look at drafting teams and seeing who else is even eligible or available to play.”

Mayor Zavodny said, “And hiring umpires and all of that.”

David City Ball Association President Kory Kuhlman said, “I did reach out to Will Reiter. He does a great job with all of that. He’s done that for us the last couple of years of lining up umpires. As of right now, he didn’t seem to have a reservation about having umpires but, certainly, they have a whole contingency of questions as well, as far as, what is their responsibility in these guidelines.”

Mayor Zavodny said, “Yea. That’s another thought that I had and you raise a good point. Who’s going to police this and can you really enforce the violations? It’s just really complicated. The first games can’t happen before June 18th. What kind of season would you look at?”

David City Ball Association President Kory Kuhlman said, “So, we’ve heard nothing in regard to softball leagues. With the baseball, we’ve had requests as to which towns are even available by next week. In visiting with some of the guys that I have, the league thoughts are probably out. We would opt out of playing in a league. Potentially, the thought would be, somewhere down the road, do some pick-up games. Like, we contact Shelby and have a Friday night thing. With the league, I think we all thought that a league is going to be a stretch, so I don’t know that I could answer that right now.”

Mayor Zavodny said, “Can you talk me through the logistics of this? There are nights, especially with t-ball that you have games on every field and they are back to back to back. You can’t do that. How does that work.”

David City Ball Association President Kory Kuhlman said, “There’s a lot here. So, we talked about that, in the terms of, maybe we should rule out t-ball completely. Five through seven-year old’s are a lot to deal with and to try to keep them from potentially being on top of each other is a tall order. So, we talked about that, but then, the issue becomes, where do you draw the line?”

Eight-year old boys aren't great either. So, we addressed some of that. Then, that kind of gets into our game nights, because then we talked about having the next team coming, they have to have a designated area to warm up. The American Legion field might be available. If we didn't have t-ball, maybe you could have a warm up there, but conceivably, we thought that maybe we'd have two fields running, at best and have two fields open. But, again, that goes back to how we're going to monitor this. We probably need ten volunteers out there every night to manage where people are sitting and who is coming into our ball park, which team is going where to warm up and I don't know how you enforce things."

Council member Pat Meysenburg said, "I think there's too many unanswered questions. We ought to just scrap it."

Mayor Zavodny said, "There are people who came tonight and they should have an opportunity to be heard."

David City Ball Association President Kory Kuhlman said, "As of yesterday, I would have 100% agreed with you, because it's tough, but it's not impossible, everything is laid out. I would say there are potential things that we would have to do. We would have to ask our parents for a lot more than they've ever done. That would be the only basis for this to happen would be that the parents help – you can't have 20% of the parents, you'd have to have 50% of the parents. So, I agree with you, there's a lot of questions but it's not impossible but it's a really, really tall task. So, that's where I left it – it's not impossible, it's just a really tough one and I don't think that we can get through it without a lot of volunteers. That would be the only way."

Jeff Wisnieski and Nathan Wall were present to express their wishes to have a baseball season, whether it be just tournaments or some games. Jeff Wisnieski asked if they could at least practice here so that they could go to tournaments. They asked for two weeks to "get their ducks in a row".

P.A. Jim Witter said, "I don't know where to start. There's a lot. The chances of everyone in this room getting COVID-19 is very high. So, those two curves that you see all the time, include everyone. So, to think that you're going to dodge the COVID-19 bullet for the next year or two, is not very practical. It's very unlikely. The idea behind those two curves is to allow enough hospital bed and enough ventilators, if you need them, if you're sick enough. There's three ways that we're going to get over this or through this – one, develop a vaccine, two, develop a medication or the third way is a herd immunity. To me, a herd immunity is probably the most logical solution right now. The people that are doing the best through this COVID illness is young people. Not that you want to get everyone sick at the same time, but, the young people seem to be, for the most part, seem to be very mild symptoms. So, the thought that this is going to kind of raise its ugly head even worse this fall and winter time, to me, this is an opportunity to kind of slowly open up the gates a little bit, and possibly getting some young people, I hate to say that, and it sounds weird coming from me, but possibly get exposed to this and maybe sick, and to start developing that herd immunity, which needs to be probably 70% to 90% of the population. In doing so, we're going to protect our elderly and people with comorbid conditions. So, I appreciate the fact that we want to try to protect everyone, but the reality of it is not there. It's going to be a brush fire and not a forest fire, is probably the analogy that I can come up with, and not get everyone sick at the same time. I was asked to come here by some people with the ball association, and that is young people, for the most part. You use the precautionary measures. Is it going to be 100% perfect? I don't know. You try to do the best that you can. If you get one kid that sick, do you close down the whole season then? Like I said, you need to get a few people slowly exposed to this. With those two

curves, they include everyone, in order to get through this. So far, what I've seen, there's not a lot of good data out there as far as medications. The majority of the people are getting better after they get sick."

Mayor Zavodny said, "Do you have any idea on the Remdesivir, how many doses there are in Nebraska? It's difficult to get a hold of."

P.A. Jim Witter said, "I have a patient at Bryan and he can't get it. It's very, very low."

Mayor Zavodny said, "That seems to have the best result for people who are really, really sick."

P.A. Jim Witter said, "It may be the best right now but it's not even close to being perfect. There are probably five to seven different other things that are coming down the pike. This isn't easy. But, in my opinion, exposing some young, healthy kids to this is not all that bad. That's my take on it. My opinion through all of this has always been kind of waxing and waning. As I'm seeing patients with it, and as we're seeing nationally how things are going, and as I see other physician's recommendations, that's what the thought is."

Mayor Zavodny said, "I'm not sure that you'd be in the same camp as Dr. Fauci right now. I think your argument was well presented."

P.A. Jim Witter said, "I think that the governor has it right, in the sense that, let our hospitals dictate how we open up. Hospitals aren't even close to being at capacity."

Mayor Zavodny said, "That was announced on our Friday call, too. We are not treating any COVID-19 patients in our Four Corners area. Everybody has been transferred. It seems like Bryan feels like they are in good shape with capacity. So, here's where I think that we are – are we comfortable making the decision in two weeks? I am kind of leaning toward opening for practices but I'd just as soon not have any games. I think that with having the games, there are a lot of things that you have to worry about and bringing other teams here is going a little too far."

David City Ball Association President Kory Kuhlman said, "I would ask that too, then. We will be looking for guidance too. Are we going to draft teams and allow them to practice? If it's a group of kids that are twelve year old's that want to go and play ball but the 10 year old's don't, realistically, I don't want to be the person, or any of us, that have a say as to who is going to do that and who's not. Part of me would say, as the ball association, I would almost be inclined to say that there won't be any ball. We can support you, but I'm not going to be a part of choosing or saying who will or who won't."

Mayor Zavodny said, "So, are you guys ok with us making the designation that we will have no organized ball association program this year or do you need that piece to make it work?"

David City Ball Association President Kory Kuhlman said, "So, let's say with the 12-year old's that we have 10 parents that are all on board, but the eight-year old's only have two parents, do I say eight-year old's, you're out? 12-year old's – go for it. That's the dilemma. I find it really difficult as a ball association to say who is going to play and who isn't. It's not necessarily fair to that age group of kids, just based on the set of parents that volunteer. I have a little bit of reservation about that. Hopefully, that makes sense because I'm not trying to wash my hands of it, but I also know that we visited about that and we said what happens if we don't get this age group."

Council member Trowbridge said, "My question is, if you go ahead with this, and you start seeing that it doesn't work, can you pull the plug?"

David City Ball Association President Kory Kuhlman said, "I would absolutely be inclined to pull the plug."

Council member Trowbridge said, "I think it would have to be done and I want to make sure that your people would be ready to pull that plug, if it doesn't work."

David City Ball Association President Kory Kuhlman said, "I, at least for myself, as a board member, if we don't get that commitment, prior to June 1st, it can't happen. I'm not going to police it. There were questions about that, too. If Nathan's dad shows up, am I going to be the one to tell him no?"

Mayor Zavodny said, "I will tell you this. We've had a lot of discussions on that. The enforcement part doesn't have much teeth. Some jurisdictions have put fines in place but we don't have that here. That's part of the debate, if you want to get really deep, free society versus how much you protect the public interest. Let's do this. You do what you need to do between tonight and our next meeting in two weeks. See what you are able to gather of how many people could be interested and plan for, maybe, no games here. That's a real possibility. I'm not saying that's the decision, but, be prepared for a couple of different ways that this could go. Then, we decide in two weeks. Is that fair? I know it took a long time. This is an important debate and we want to try to do the right thing. We need to collect as much information as we can and try to work through the logistics. When I read those restriction, I thought, you're saying "go ahead" but you've made it awfully hard to do it."

David City Ball Association President Kory Kuhlman said, "I appreciate the communication."

Mayor Zavodny said, "I appreciate all of you for coming to the meeting. I think it was a good discussion. Alright, in two weeks, we'll see where we're at."

City Administrator Clayton Keller said, "Essentially, through the stimulus package or the CARES act, the federal government is willing to give our municipal government \$20,000 and this is an agreement that says "Yes, we will allow you to give us the money."

Mayor Zavodny said, "When you present it that way it's pretty hard to say no to that. You think that the card reader is the way to go? That could be a revenue maker for us."

City Administrator Clayton Keller said, "No earmarks. This money is for us to use for the stimulus effort. I think the card reader is absolutely what I want to use it for."

Mayor Zavodny said, "Does anyone remember what our share of that was?"

Council member Hotovy said, "Wasn't it \$30,000 to \$40,000 for our share?"

City Administrator Clayton Keller said, "We're only responsible for 10% and the \$20,000 will help pay for a large portion of that."

Council member Hotovy said, "I do think that there would be more pilots stop if they could

use the card reader.”

Mayor Zavodny said, “They have a really good network.”

Council member Hotovy introduced Resolution No. 14 – 2020 adopting and approving the execution of an Agency Agreement with Nebraska Department of Transportation, Aeronautics Division, for Grant No. 3-31-0025-012-2020 to be submitted to the Federal Aviation Administration. Council member Vandenberg seconded the motion. Voting AYE: Council members Hotovy, Trowbridge, Bruce Meysenburg, Pat Meysenburg, Vandenberg and Kobus. Voting NAY: None. The motion carried.

RESOLUTION NO. 14 - 2020

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH NEBRASKA DEPARTMENT OF TRANSPORTATION, AERONAUTICS DIVISION FOR GRANT NO. 3-31-0025-012-2020 TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL NON-DEVELOPMENT ECONOMIC ASSISTANCE FOR THE AIRPORT UNDER THE PROVISIONS OF THE FEDERAL CARES ACT;

Be it hereby resolved by the Mayor and members of the City Council of David City, Nebraska that:

1. The City of David City shall enter into an Agency Agreement with the Department of Transportation, Aeronautics Division for Grant No. 3-31-0025-012-2020 for the purpose of obtaining Federal non-development economic assistance for the Airport and that such agreement shall be set forth hereinbelow.
2. The Mayor of the City of David City is hereby authorized and directed to execute said Agency Agreement on behalf of the City of David City, and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit “O”.

Passed and approved this 13th day of May, 2020.

Mayor Alan Zavodny

Deputy City Clerk Tami Comte

(SEAL)

EXHIBIT "0"

AGENCY AGREEMENT CARES Act-Only Funded Non-Development Grant

Grant No. 3-31-0025-012-2020

This is an agreement between the City of David City of David City, Nebraska, hereinafter referred to as the "Airport Sponsor" and the Nebraska Department of Transportation, Aeronautics Division, hereinafter referred to as the "Department," made and entered into in accordance with, and for the purpose of, complying with the laws of the State of Nebraska.

WHEREAS, the Coronavirus Disease 2019 (COVID-19), has resulted in significant damage to the economy of the United States. In response, the US Congress has passed an economic rescue package called The Coronavirus Aid, Relief, and Economic Security Act; known as the CARES Act; and

WHEREAS, the Federal Aviation Administration (FAA) has received funding from the United States general fund, pursuant to the CARES Act, to assist airports in defraying a portion of that economic damage in the form of 100% grants to be used for any lawful purpose for which airports are currently able to use their funds; and

WHEREAS, the Airport Sponsor desires to utilize CARES Act funding for lawful purposes other than airport planning, development, construction, or maintenance.

THEREFORE, the Airport Sponsor hereby designates the Department as its agent in accordance with §3124 and §3-239, Neb. Rev. Stat. (Reissue 2012, Cumulative Supp. 2018, and Supp. 2019), and the Department hereby accepts such designation and agrees to act as the agent of the Airport Sponsor.

The Airport Sponsor hereby warrants, undertakes and agrees that if the Federal Aviation Administration makes a grant offer, and the Airport Sponsor executes a Grant Agreement, it will manage said airport in the manner set forth in the Grant Agreement and abide by the conditions, rules and regulations of the Federal Aviation Administration.

The terms and conditions of this Agency Agreement and the respective duties, undertakings and agreements of the parties with respect to this Agency Agreement, and with respect to the CARES Act grant, are as follows:

- A. The Department shall accept, receive, receipt for, and disburse all funds granted by the United States for airport aid in accordance with federal laws, rules and regulations and in accordance with §3-101 to §3-154 and §3-239, Neb. Rev. Stat. (Reissue 2012, Cumulative Supp. 2018, and Supp. 2019), as the agent of the Airport Sponsor.

B. Upon receipt of such federal funds, the Department shall deposit them in the State Treasury, according to law, and shall cause disbursement to be made therefrom as follows:

FIRST: If the Department advances funds to the Airport Sponsor as the equivalent of the United States' share of allowable grant costs, the Department shall reimburse itself for any such advancement out of such federal funds thereafter received.

SECOND: The Department shall cause the balance of such federal funds due the Airport Sponsor to be paid promptly to the Airport Sponsor.

C. The Department shall maintain accurate records of all the funds received and expended by it in connection with the grant. These records shall be open to inspection by the Airport Sponsor, the Federal Aviation Administration and their authorized representatives in the offices of the Department at all reasonable times.

D. The Airport Sponsor reserves the right, power and authority to execute the Application for Federal Assistance, the federal Grant Agreement, all contracts and agreements arising from the Airport Sponsor's use of CARES Act funds, and all amendments to these items. Aside from the matters so reserved, the Department shall, as agent for the Airport Sponsor, process, execute and submit to the Federal Aviation Administration all papers, forms and documents required by that agency for the approval, carrying out and completion of the grant.

E. The Department agrees to furnish all services performed by it as agent of the Airport Sponsor, including, but not limited to, the services set forth in the attached Exhibit A, "Administrative Services", free of charge.

As used herein, the following words, terms and phrases shall have the meanings herein given:

"Application for Federal Assistance" means the document prepared as the formal application submitted to the Federal Aviation Administration for a grant of federal funds.

"Develop" means to plan, construct or improve the airport as defined in the Application for Federal Assistance.

"Grant Agreement" means the contract between the United States of America and the Airport Sponsor in which the Federal Aviation Administration, on behalf of the United States, agrees to pay a portion of the allowable costs of the grant.

Executed by the

Department of Transportation, Aeronautics Division this 7th day of

May, 2020.

Executed by the Air _____ on this _____ day of _____, 20 ____.

RESOLUTION
(SEAL) **DO NOT SIGN**
Secretary



RESOLUTION
~~111-01441~~
DO NOT SIGN

ZS" Director
Chairman

**EXHIBIT A
AGENCY AGREEMENT
ADMINISTRATIVE SERVICES**

1. Prepare and secure execution of Applications for Federal Assistance and associated documents.
2. Prepare and process program changes.
3. Process Grant Agreements and amendments.
4. Review periodic pay estimates and forward federal funds to the Airport Sponsor.
5. Prepare applications, requests, transfers or letters of credit for Grant Agreement payments.
6. Prepare and/or process other federal documents not otherwise specifically covered above

Mayor Zavodny stated that the next agenda item was consideration of authorizing Nebraska Rural Water Association to exercise the water valves throughout David City, and consideration of donating \$10 per valve for their service.

Mayor Zavodny said, "How many valves do we have?"

Interim Water Supervisor Gustin said, "About 236."

Mayor Zavodny said, "It seems like we can get more done if we're not dedicating staff to doing that."

City Administrator Clayton Keller said, "So, it will be cheaper for us to do this because our staff can spend their time doing other things. These guys do it all the time and they have a machine that does it so we're not breaking our backs doing it so we won't have a work comp issue afterwards. They are more accurate when doing it with the machine and they can tell us exactly the torque and the turn."

Council member Hotovy made a motion to authorize Nebraska Rural Water Association to exercise the water valves throughout David City, and approved donating \$10/valve in appreciation for their service. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Bruce Meysenburg, Kobus, Vandenberg, Pat Meysenburg and Trowbridge. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Kobus made a motion to adjourn. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Kobus, Pat Meysenburg, Vandenberg, Hotovy and Bruce Meysenburg. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:35 p.m.



CERTIFICATION OF MINUTES
May 13, 2020

I, Tami Comte, duly qualified and acting Deputy City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of May 13th, 2020; 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 Comte, Deputy City Clerk