

## CITY COUNCIL PROCEEDINGS

June 24, 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 June 18<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection 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 employee Nathan Styskal, Interim Water Supervisor Aaron Gustin, and Craig Caples and Nicole Kobus of Sparq Data Solutions, Inc. Joining via Zoom were Molly Hunter of the Banner Press and Account Clerk Lori Matchett.

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 June 10<sup>th</sup> and 17<sup>th</sup>, 2020 meetings of the Mayor and City Council were approved upon a motion by Council member Kobus and seconded by Council member Pat Meysenburg. Voting AYE: Council members Kobus, Vandenberg, Bruce Meysenburg, Trowbridge, Hotovy and Pat Meysenburg. Voting NAY: None. The motion carried.

Craig Caples and Nicole Kobus of Sparq Data Solutions, Inc. were in attendance to give the Mayor and Council a presentation of the agenda packet services that are provided by the company. Sparq Data Solutions, Inc. was started in Lincoln, Nebraska for school board packets and has become available for municipalities also. They are in fifteen other states. The charges associated with the software are \$2,900 per year for Tier 1 and \$4,000 per year for Tier 2 with a \$500 set up fee the first year only. Sparq Data Solutions, Inc. bills years from April 1 through March 31 and the first year would be pro-rated. Tier 1 gets everything to build agendas and minutes, etc. The main difference between Tier 1 and Tier 2 is with Tier 2 the City would get the functionality to add in the City Ordinances, budget books, etc. and those would be searchable within the system.

Mayor Zavodny stated that the next agenda item was consideration of re-instating, or continuing the suspension of, the recycling program or requesting proposals for garbage hauling and recycling for the City, and discussion of statutory requirements for RFP's.

Mayor Zavodny asked City Administrator Clayton Keller to bring the Council up to date on the process for requesting RFP's from garbage haulers.

City Administrator Clayton Keller said, "I had a phone call today with Vanessa Silke from Omaha. She helps with the Nebraska Recycling Council. I told her we were interested in recycling with garbage hauling contracts. She said to kick start the process that we just have to say in an open meeting that we are interested in this process and that a year from now we will be concluding the bid process for a single hauler in town. So, we could make a formal motion where we formally say that or since I've now said it in an open meeting, we're okay.:

Mayor Zavodny said, "Do we know that we have that as an option? I hate that we haven't been able to have recycling. That's been a bad deal. If we're going to be fair and analyze these things, apparently, it's helpful to explain why we've come to some of the decisions that we have and we'll touch upon that in a second without really discussing them. I think that the public wants to know how we're coming to this decision. What I have as the three main things are: we have a machine that isn't really safe to operate and it needs some serious repair or replacement and putting the money into it would be highly questionable. I don't feel that anybody can prove to me that this market is stable. Everybody that I've talked to says if you're relying on the Chinese, especially for cardboard, says it's not stable. And finally, even if we wanted to start up again, finding staffing for that, over the years, has been next to impossible and we have no leads on who we'd get to run it."

Council member Pat Meysenburg said, "Is there anybody in town that even picks up recyclables anymore?"

Mayor Zavodny said, "That was my question. We can have great intentions in going to one hauler, but we need to find somebody who will take the garbage and take the recycling. Does that exist?"

Council member Pat Meysenburg said, "Some of the haulers won't pick up extra stuff either. If it's not in the barrel, they won't pick it up."

City Administrator Clayton Keller said, "So, one of the things that she talked to me about was having David City join what they typically call a hub and spoke process, where a garbage hauler would come here and we're one of the spokes and they pick up our garbage and recycling and they take it a hub and that's the center that deals with getting the recycling material out. So, we're just on the conveyor belt for the garbage hauler to take the material somewhere else and that's where they dispose of it."

Council member Pat Meysenburg said, "How about the people that don't use garbage service? These little old ladies that only have one bag a month. We're going to charge them how much?"

Mayor Zavodny said, "You know, that's going to come up."

Council member Trowbridge said, "Are we getting a tacit admission from the public that not all of them use a garbage service?"

Mayor Zavodny said, "Many don't."

Council member Trowbridge said, "That's what we're hearing because eight or ten years ago, it went the other direction and people said "we all use one". No, they don't."

Council member Pat Meysenburg said, "There's people that don't use one."

Council member Trowbridge said, "About forty percent of the public does not have a garbage service."

Council member Pat Meysenburg said, "Some of the little old ladies put it in their neighbor's trash can."

Council member Trowbridge said, "Will we allow them to share? That came up before."

Mayor Alan Zavodny said, "I think that once you start to do that, we complicate the system so much that it doesn't work. I think that's part of the problem. They only have one bag a month, but it has to go somewhere. So, somebody is dealing with it. Maybe the neighbor says that it's ok for them to throw it in theirs. But, we almost need to say that every meter creates garbage."

Council member Trowbridge made a motion to approve the Local Authority/Business Economic Opportunity Program Agreement. Council member Hotovy seconded the motion. Voting AYE: Council members

Mayor Zavodny gave an update on the COVID-19 Coronavirus.

The next agenda item was consideration of going into executive session

Council member Hotovy made a motion to go into executive session to discuss 1) personnel (Building Inspector), 2) litigation, and 3) the Law Enforcement Contract between the City of David City and Butler County. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Bruce Meysenburg, Hotovy, Trowbridge, Kobus, Vandenberg, and Pat Meysenburg. Voting NAY: None. The motion carried.

Mayor Zavodny stated, "Now at 8:07 p.m. we are going into executive session to discuss personnel matters (Building inspector); litigation; and the Law Enforcement Contract between the City of David City and Butler County." Mayor Zavodny, all of the Council members, City

Administrator Keller, City Attorney Egr, Interim Water Supervisor Aaron Gustin, and Deputy City Clerk Comte went into executive session at 8:07 p.m.

Interim Water Supervisor Aaron Gustin left executive session at 8:42 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 9:24 p.m.

There being no further business to come before the Council, Council member Kobus made a motion to adjourn. Council member Hotovy seconded the motion. Voting AYE: Council members Vandenberg, Bruce Meysenburg, Kobus, Pat Meysenburg, Trowbridge and Hotovy. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:25 p.m.



CERTIFICATION OF MINUTES  
June 24, 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 June 24<sup>th</sup>, 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.

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Tami Comte, Deputy City Clerk