

## CITY COUNCIL PROCEEDINGS

July 15, 2020

The City Council of the City of David City, Nebraska, met in open public session in the lower level of the City Auditorium, 699 Kansas Street, David City, Nebraska, so as to incorporate social distancing strategies. [It is recommended that individuals be kept at least 6 feet apart.] In lieu of publishing, the notice regarding the special meeting was posted at five locations in David City. 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 agenda 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.

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

Also present for the meeting were: Sheriff Tom Dion, Jeff & Cathy Klug, Banner-Press reporter Molly Hunter and Park/Auditorium employee Nathan Styskal.

The meeting opened with the Pledge of Allegiance.

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

Mayor Zavodny stated that the next item on the agenda was consideration/discussion of the next steps at 715 N. 4<sup>th</sup> Street and the agreement with the Klug's.

City Administrator Clayton Keller introduced Jeff and Cathy Klug as the winners of the salvage rights bid at 715 N. 4<sup>th</sup> Street. City Administrator Keller said, "They've been doing a really good job of getting it cleaned out. There's a lot of stuff in there and there's a lot of stuff to go. They've been making really good progress. They did have a yard sale, a few weeks back, to get rid of some of that stuff, at that property and last week the City Council asked them to stop doing yard sales, basically, until further notice. Now, we're trying to decide what to do, moving forward, because we do have a deadline for them of July 31<sup>st</sup> to get everything out of the house. If they are not going to be able to sell it off of the property, they are just going to take it to the dump. I would like to see them sell it and get some of the stuff back in the community, that way they can make some of their money back."

Cathy Klug said, "When I put the bid in for the house, I got to see right when you open the porch and the kitchen because there was no path. Every room was filled to the ceiling. There was no walk space. We had no idea that half of the house was mold and racoons had gotten into the second floor."

City Administrator Clayton Keller said, "I will rebut that. I was one of the people that went through the house with them before they placed their bid. We went through a couple different rooms and went up the stairs. It was during the day, so it's not like there was a lack of light. They saw as much as anybody else, as far as I know."

Cathy Klug said, "I didn't get to the third or fourth floor where all of the... You got to the landing on the top of the second floor and there's no way that you could have gone past that because the hallway wasn't open."

City Administrator Keller said, "Did anybody else make it to the third or fourth floor?"

Council member Trowbridge said, "I did not get to the second floor. I didn't try very hard either."

Council member Pat Meysenburg said, "Once you got to the top of the steps, you couldn't go any further. There's no way you could have gotten to the third floor. It was the same way with the garage. You couldn't get up to the attic in the garage."

Cathy Klug said, "When I called and asked for dumpsters, I had no idea that it was going to cost so much. We're already at \$1,400. We had them drop off the container and then we realized that we had stepped into a hellhole in that house. There's so much mold. Every bag is full. There are people that work for us that don't come back. We both picked up a bacterium and got sick from working in the house. I'm not exaggerating. I've done this for years. I've never dreamt that it was like it was. You can't go five feet without a bag. Sometimes you find something, like a piece of jewelry that you can resell. The garage sale that we had, we made \$2,300. We've already paid that lady \$3,400 for the dumpsters. I would like to give it back to you. We're doing well. We got upstairs and we have rooms that we're going through and we have to bring them down. It is not easy and I would love to take every one of you in there tonight and show you what we are doing. I can take you with me and show you what's going on. There's four or five of us at a time and it just keeps coming at you. We're farm wives, so we're strong women. You have to go up and down the steps. It's just continuous. You get tired and it's hot in there. It's not been my favorite place to be for the last two months."

Council member Kobus said, "Can't you throw stuff out the window?"

Cathy Klug said, "Some of it, we tried throwing it into the dumpster, but it got caught on the roof, so I can't do that anymore. The coons took over the top room where the air conditioner was. I can't save anything in there. There's a nice grandfather clock in there that's old. The upstairs in the garage, the odor was so bad, you could smell the urine from the coons. We did finally get that whole stairway cleaned out. We put that stuff in there to drive them out. We don't let the help do that. It's just Jeff and I that do that, where the racoons are."

Council member Hotovy said, "What are we wanting out of this?"

Jeff Klug said, "Can we have the yard sales?"

Council member Bruce Meysenburg said, "The only question that we had was the liability."

Cathy Klug said, "I'm carrying liability on the house. You had me do that when I got the bid."

Council member Hotovy said, "I'm not opposed to it. I just don't want them to be in the home."

Cathy Klug said, "We have it outside, in the yard."

Council member Hotovy said, "As long as the stuff that will be sold is outside, I have no problem with it. I'm not going to speak for the entire Council, but I, myself, don't have a problem with it."

Council member Pat Meysenburg said, "They haven't allowed anyone inside the house."

Jeff Klug said, "That was an idea that I had, so that I didn't have to move stuff out, but if that's what we have to do, then that's fine."

Cathy Klug said, "Is there any chance that you could lower that bid? It's getting really expensive for me. I don't think that we're going to make that money back. I know that we're going to lose three-fourths of what we picked so far."

Mayor Zavodny said, "I have a few questions. If you were to estimate, what percentage of completion you're at, what do you think you're at?"

Jeff Klug said, "Maybe half."

Mayor Zavodny said, "That's just the materials that you have to go through yet?"

Jeff Klug said, "They are further than that in the house."

Mayor Zavodny said, "Ok. But then the garage part?"

Cathy Klug said, "We got to the top of the landing. Everything that's in the house now, either goes to garage sale or.... We were hoping that there was a thrift store that would take it. Whatever doesn't go after Sunday, we don't want to worry about, but there is no thrift store. We'll put it in the containers and move it. Every room is down to the floor except for two. Two of them are still really full."

Mayor Zavodny said, "So, if you're fifty percent full, then...."

Cathy Klug said, "We're more than that."

Mayor Zavodny said, "Ok. So, let's say that you're at sixty percent. So, we have forty percent that we don't even know what's there yet. Is that fair?"

Jeff Klug said, "The big deal is, if we can have the yard sale."

Mayor Zavodny said, "That is why, I think, that we're here. The issue becomes, that is City-owned property right now, and I think that we can work it out. But we have to make an agreement. I'm going to let our legal counsel speak here quickly. We're going to have to do a quick lease or something that says that you're allowed to have that. I don't know that it's going to be a big deal with anybody here. I think it's just the process of, you can't just do whatever on City property. We don't let anybody else do that. So, we just have to work that out."

City Attorney Jim Egr said, "We had a conference with LARM (League Association of Risk Management) and they said as long as you folks had insurance and we had an agreement, in case there would be some liability, that we would be protected by LARM."

Cathy Klug said, "We had our insurance company tell us that right from the very beginning."

Mayor Zavodny said, "What I think we are missing is a formal agreement of this governing body saying that on this day we are allowing you to have yard sales on the premises. My non-negotiable is that nobody goes in the house. When I came tonight, that was my non-negotiable. It's like anything else, once we hear about conditions that aren't necessarily the best..."

Cathy Klug said, "You have two rooms that you're going to have to do the ceiling. Other than that, the house is solid. The basement is solid. The upstairs at the very top, you'll have to do that ceiling."

Mayor Zavodny said, "The bones are good but it's going to need stripping down. Let's address their first concern, which, I think, is an important one. Are there any comments or objections about them having a sale on the premises?"

Cathy Klug said, "I'm so sorry. We didn't know."

Mayor Zavodny said, "That's water under the bridge now. We can't fix that. Let's focus on what we want to do moving forward."

Council member Trowbridge said, "Did Council member Hotovy suggest that the sales be held outside of the buildings?"

Council member Hotovy said, "That was what I said."

Jeff Klug said, "Can we stay in the garage, though?"

Council member Pat Meysenburg said, "Why couldn't they have it in the garage, just on the bottom level? We rent the Schweser House out all the time for garage sales."

Council member Trowbridge said, "People haven't been getting sick in the Schweser House, but they have been getting sick in that house and we know it."

Council member Pat Meysenburg said, "But we're not letting them in the house."

Mayor Zavodny said, "Help us to understand, because I haven't been in there and I'm sure that many of you haven't. What is the condition of the garage?"

Jeff Klug said, "When we started in the garage, the water runs into the garage, so there was a lot of mold. We got everything out of there and off the floors, and we swept the floors and now we keep it clean. During the day, when we'd get there, we'd open the doors and I've got a fan in there. Thanks for having the power turned on in there so I didn't have to run an extension cord to have lights. It's not as bad as it was when we first walked in there."

Council member Hotovy said, "That would be the difference between the Schweser House and that garage. To my knowledge, there's not mold in the Schweser House."

Cathy Klug said, "All the mold in the bottom is gone, all the way up the steps, we disinfected constantly and the last time that people came, nobody said anything to us. I haven't had a complaint. The reason why the garage is full is that we needed to get it out of the house. Our original thought was that it was all going to go into a container and we were going to move the container to our house. Then when we found out that it was all moldy, I was not going to move that stuff home to the farm."

Mayor Zavodny said, "What have you done to mitigate the mold? Have you used bleach to try to kill it?"

Cathy Klug said, "Yes."

Mayor Zavodny said, "Ok. But it's probably not totally gone?"

Jeff Klug said, "Probably not. But, with the garage doors and the windows open, I don't notice it."

Mayor Zavodny said, "Can you use it as a staging area to put things, but can the sale occur outside? I'd feel more comfortable with that."

Council member Pat Meysenburg said, "I went over there a dozen times and I see no problem with people walking through there and getting stuff, in the garage. They haven't let anybody in the house, I'll vouch for them, for that."

Jeff Klug said, "We don't let anybody in the house."

Mayor Zavodny said, "We can't let anybody do that until we have it evaluated. We're probably going to have to hire someone before we start working on it to mitigate any environmental concerns."

Jeff Klug said, "The garage floor is clean."

Council member Pat Meysenburg said, "They put cleaning stuff on the garage floor."

Mayor Zavodny said, "Alright, how does everybody feel about the garage?"

Jeff Klug said, "Most people that are coming to the sales have their masks on anyway."

Mayor Zavodny said, "Is that a deal breaker for anyone? The garage?"

Council member Hotovy said, "As long as they are not in the house."

Mayor Zavodny said, "Yes. We draw the line at that."

Council member Trowbridge said, "Draw the line at what?"

Mayor Zavodny said, "Is the garage non-negotiable for us? I agree that the house is a non-negotiable. You're not even asking us about that. I'll be honest, I'm not a hundred percent loving the garage idea, but again, I'm not going to say anything against it."

Jeff Klug said, "If you don't let us have the garage sales, we're going to load it all up and take it somewhere else. We bring a lot of people to this town."

Mayor Zavodny said, "I don't think that's what we're saying at all. I haven't heard a single person say that you shouldn't be able to have a sale. I think we're just trying to figure out if we're going to let you use the garage or not. Any opinions on the garage?"

Council member Trowbridge said, "I want it done safely. I want to protect the public."

Mayor Zavodny said, "What's your opinion on the garage?"

Council member Trowbridge said, "To display and sell out of the garage?"

Jeff Klug said, "Yes."

Council member Trowbridge said, "Does that make a big difference with you guys?"

Jeff Klug said, "Yes. The door that they walk into, when it's open, is covering the door that goes upstairs."

Council member Trowbridge said, "As long as nobody can go upstairs in the garage, I can live with the first floor."

Mayor Zavodny said, "When are you looking at having this, then?"

Jeff Klug said, "We were planning on doing it last weekend, but we couldn't."

Cathy Klug said, "Aren't the citywide garage sales this weekend?"

Mayor Zavodny said, "Yes."

Council member Pat Meysenburg said, "The community garage sales start tomorrow."

Mayor Zavodny said, "Are you going to do Saturday and Sunday?"

Cathy Klug said, "Yes, both Saturday and Sunday. I hope we can get some money."

Mayor Zavodny said, "So, between now and Saturday, you're going to get through forty percent of it, when it's taken you this long to get through sixty percent of it? It's not your fault, at all, but you probably won't get it all sold. I'm not trying to put you on the spot; I'm just trying to understand. So, you're going to sell what you have ready and then get more ready?"

Jeff Klug said, "That's what we did that first one that we had. It gave us more room and then we got into the house and we put more stuff out in the driveway. It will take, at least, more than one more yard sale."

Mayor Zavodny said, "You're asking to be able to have a sale on Saturday and Sunday, this week and you're going to need at least one more?"

Jeff Klug said, "Probably, at least."

Council member Meysenburg said, "Probably the following weekend."

Mayor Zavodny said, "Do we have any issues with this thing going through the same process until they get it done? Do you think you'll have it wrapped up by July 31<sup>st</sup>?"

Jeff Klug said, "I don't think so."

Mayor Zavodny said, "We're having the discussion so that we can learn too. If the job is too big to be done by then, we're pretty accommodating, we certainly want to get moving on getting the house ready to go. The City owning property is not a great deal. It never has been. Ok. Where we're at is having a sale this Saturday and Sunday and utilizing the garage and knowing that this will repeat at least one more weekend and maybe two. Does that summarize what you're asking?"

Jeff Klug said, "Yes."

Mayor Zavodny said, "If the Council is comfortable with that, I would entertain a motion to allow them to have up to three weekends of sales."

Council member Kobus made a motion to allow Klug's to have up to three weekends of yard sales and to utilize the first floor of the garage only for the yard sales. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Kobus, Pat Meysenburg, Vandenberg, Hotovy, Trowbridge and Bruce Meysenburg. Voting NAY: None. The motion carried.

Mayor Zavodny said, "Let's wait and see where you are at after July 31<sup>st</sup> and if you need to, you can ask for an extension."

Mayor Zavodny stated that the next item on the agenda was consideration of the bids received to install the cable system for downtown lighting.

City Administrator Clayton Keller said, "So, I met with Vinny Bittinger of Magical Lights of Malcolm a couple of weeks ago. He came into the office because we were going to do a walk through of downtown with any potential bidders, like a preconstruction meeting of sorts. Nobody showed up and that was my first indication that we may not get any bids. We sat down and had a chat about what road we should take in case no one did bid. He said that he would rather do the project all at once than in pieces, meaning that he would come and do the adhesives and install the lights on the cable system, once the cable system was installed. That means that we will have to wait until at least next year."

Mayor Zavodny said, "Do we even have any leads on who installs these? Who did Seward's cable system?"

City Administrator Clayton Keller said, "I asked Vinny for some references on who did Seward's and he wasn't able to give me any."

Mayor Zavodny said, "So that leads me to my next question. If we have to leave this go for a year, are we going to have the winds from here until it gets addressed wreaking havoc with those lights? What are we going to do in the interim?"

City Administrator Clayton Keller said, "He recommended that if the lights do start coming down, to go ahead and tear them down and store them somewhere safe so we know where they are at so that when he goes to put them back up, we have them for him. He's going to come back and check the ones that are still up to make sure that they are good. I think at the County Courthouse he has to fix a corner. There's a couple of other buildings that he's going to take a look at. He also still has the City's decorations, like the tree that was lit up, he still has that and a few other decorations to go with it. He would entertain the idea to come into town for a day in October and train people to set up the tree and the decorations, whether it is city employees or the light committee, whoever was in charge last year. He said it's super simple, it just takes training them for a little bit."

Mayor Zavodny said, "Is it incumbent upon us to have our city employees to go take down lights that are hanging?"

City Administrator Keller said, "I think so, or the property owners."

Mayor Zavodny said, "Maybe I don't understand this totally, but the tree was put up on the courthouse property. The tree was gifted to the City. So, where are we going to put the tree? If we're putting it on the courthouse property, that seems unusual. Jill Mefford called me on the way to Wayne today and we went over some of these things, since she was part of that committee. We don't have a Chamber director right now, so they are out of the equation for this. What is our plan here?"

City Attorney Jim Egr said, "May I make a suggestion for storage? The County has a building. It's awfully large and it has a lot of space in there. I would hope that the County would be cooperative and not charge anything. I would approach the County board and see if the tree could be stored there."

Mayor Zavodny said, "The Hallmark stuff is in the Goodyear building. So, we do have stuff spread out a bit. I guess that's the best that we can do. It makes sense to me to have City employees learn how to do it, because moving on, that committee may not exist and people come and go. That Chamber director position in the ten years that I've been Mayor is in the double digits for the people that have done it. That's probably what we should do. I don't think that it requires any action on our part. There's nothing that we can do. So, we get it stored and we wait and hope that we can find someone to maybe do the cabling for us. There's got to be somebody. I think that will be a great addition to the downtown. It will really set us apart when people drive through. How many of us have driven through Seward and you just notice it? It's a calling card."

Council member Kobus said, "Put it on the next County board agenda and I'll go there and talk to them."

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Trowbridge seconded the motion. Voting AYE: Council members Hotovy, Trowbridge, Bruce Meysenburg, Kobus, Pat Meysenburg and

Vandenberg. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 6:44 p.m.



CERTIFICATION OF MINUTES  
July 15, 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 July 15<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