

## CITY COUNCIL PROCEEDINGS

September 9, 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, 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, Kevin Hotovy, Tom Kobus, Bruce Meysenburg, Pat Meysenburg, John Vandenberg, City Administrator Clayton Keller, Acting City Attorney Tim Wollmer and City Clerk Tami Comte.

Also present for the meeting were: Sheriff Tom Dion, City Council Advisor Dana Trowbridge, Park/Auditorium employee Nathan Styskal, Interim Water Supervisor Aaron Gustin, Building Inspector Michael Payne, Craig Reinsch with Olsson, Clifford and Kristine Roper, Michael Sands with Baird Holm and Roger Helgoth.

The meeting opened with the Pledge of Allegiance.

Council member Kevin Hotovy made a motion to approve the minutes as presented. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Tom Kobus made a motion to approve change order #4 to Eriksen Construction Co., in the amount of \$9,569 for the WWTP Project. Council Member Bruce Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Tom Kobus made a motion to approve Pay Estimate #20 to Eriksen Construction Co., in the amount of \$94,816.57 for the Wastewater Treatment Plant Project. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Tom Kobus made a motion to authorize the payment of claims. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Mayor Zavodny stated that there are currently 100 cases of COVID-19 in Butler County and of those 100 cases, 66 have recovered.

Mayor Zavodny asked City Administrator Clayton Keller how the house at 715 N. 4<sup>th</sup> Street was coming along.

City Administrator Clayton Keller stated that the house was empty and they are currently working on trying to clear out the garage.

Mayor Zavodny stated that there was a glitch with towing the cars and we are working through it. He stated that we will most likely run out of space to store the cars.

Mayor Zavodny asked Interim Water Supervisor Aaron Gustin if he had heard about the water department workers in McCook that were overcome by fumes and died and asked Gustin if we had the needed items to work safely.

Interim Water Supervisor Aaron Gustin said, "Emmalyn was at a training today and spoke with a gentleman that worked with the two that passed. He had worked with them for 15 years. He said that the media was not being one hundred percent forthcoming until the autopsies come back. What appeared to happen was pressure before a check valve exploded, overcoming the younger individual due to the damage that they saw to the body. The older gentleman heard the explosion, they assumed, because his muck boots were left outside the door, and he went to assist and they believe that it is a possibility that he drowned or was overcome by fumes. That's the update on that."

Council member Hotovy said, "What kind of fumes?"

Interim Water Supervisor Aaron Gustin said, "Hydrogen Sulfide. At non-toxic levels, it smells really bad, but at toxic levels you cannot detect it. It was in a similar setup to what we have out there at the pump house."

Mayor Zavodny said, "So, a contributing factor was that valve exploding. Do we have any type of equipment that would detect if we're getting to levels that are unsafe? I guess I just want to know, where are we, comparatively, to that?"

Interim Water Supervisor Aaron Gustin said, "We do not have a gas meter in that building. From my investigation today, they can range anywhere from \$500 to \$2500."

Mayor Zavodny said, "Are there portable ones?"

Interim Water Supervisor Aaron Gustin said, "There are portable ones that need to be calibrated. I would recommend, in that building, a wall unit, which, at times, depending on the unit that you choose, can be cheaper than the portable ones."

Council member Kobus said, "Didn't you say that the check valve blew up?"

Interim Water Supervisor Aaron Gustin said, "That is so far, preliminarily, one of the theories. You know, we placed all of those check valves, but we're dealing with strong mechanical equipment. It's a freak accident."

Mayor Zavodny said, "That helps because there weren't a lot of details about how that happened and, again, always, the safety has to come first."

Interim Water Supervisor Aaron Gustin said, "I spoke with Clayton today. There will be a minimum of two individuals accessing that building, no matter what, to spot or what. We're going to treat it as a confined space entry, and we have the proper equipment in place. So, you have your individual watching and you have your other individual making the entry."

Mayor Zavodny said, "I'm satisfied with that approach. That may have been unavoidable just because of what happened but I want to make certain that we learn something from that tragedy. One last thing, and I don't know if you have heard comments, but some of our LED lights, up and down the highway, seem to be turning purple. Some people have commented about that and are asking why that is happening. I know that Pat has been researching it. If there is an ambience setting on those things, I want it shut off. I would prefer to have white ones. We don't know exactly what is causing that, but it has been noted that people have brought that up."

City Administrator Clayton Keller introduced Mike Payne to the mayor and council members as the new building inspector for the City of David City.

Council member Tom Kobus made a motion to accept the committee and officer's reports as presented. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Mayor Zavodny opened the public hearing at 7:13 p.m. for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget for fiscal year 2020-2021.

City Administrator Clayton Keller said, "To summarize the budget, and what we've done with it and what I've placed in here for us, this is the budget that will allow the City to continue operating for the next fiscal year as well as providing the funds that we need for projects that are coming."

Mayor Zavodny asked if anyone had any further comments. Hearing no comments, Mayor Zavodny declared the public hearing closed at 7:15 p.m.

Council member Kevin Hotovy introduced Ordinance No. 1356 adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2020 – 2021 Fiscal Year. Mayor Zavodny read Ordinance No. 1356 by title. Council member Kevin Hotovy made a motion to suspend the statutory rule that requires an Ordinance to be read on three separate days. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Kevin Hotovy made a motion to pass Ordinance No. 1356 on third and final reading. Council Member Bruce Meysenburg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Ordinance No. 1356 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1356**  
**THE ANNUAL APPROPRIATION BILL**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statute 17-706 provides that a city council of the second class shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2020, through September 30, 2021. All sums of money contained in the budget statement are hereby appropriate for the necessary expenses and liabilities of the City of David City, Nebraska. A copy of all completed State of Nebraska Budget Forms shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Butler County, Nebraska, for use by the levying authority.

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

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

PASSED AND APPROVED this 9<sup>th</sup> day of September, 2020.

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

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

Mayor Zavodny opened the Public Hearing at 7:16 p.m. to consider setting the final tax request at a different amount than the prior year tax request.

Mayor Zavodny asked if anyone would like to comment on that process. As there were no comments, Mayor Zavodny closed the Public Hearing at 7:18 p.m.

Council member Hotovy introduced Resolution No. 22 – 2020 approving an additional one percent (1%) increase in restricted funds and moved for its passage and adoption. Council member John Vandenberg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Resolution No. 22 - 2020 was passed and adopted as follows:

**RESOLUTION NO. 22-2020**

A RESOLUTION OF THE CITY OF DAVID CITY TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. An additional one percent (1%) increase in restricted funds for the 2020 - 2021 budget is approved.

PASSED AND APPROVED this 9<sup>th</sup> day of September, 2020.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Tami Comte

Council member Kevin Hotovy introduced Resolution No. 23-2020 setting the property tax request and moved for its passage and adoption. Council Member John Vandenberg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Resolution No. 23-2020 was passed and adopted as follows:

**RESOLUTION NO. 23 - 2020**

RESOLUTION OF THE CITY OF DAVID CITY  
SETTING THE PROPERTY TAX REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of David City passes by a majority vote, resolution of ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the City of David City that the property tax request for the current year be a different amount that the property tax request for the prior year.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. The 2020 - 2021 property tax request be set at \$805,818.14.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2020.

PASSED AND APPROVED this 9th day of September, 2020.

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

ATTEST:

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

Council member Kevin Hotovy introduced Resolution No. 24-2020 carrying forward the unused budget authority and moved for its passage and adoption. Council Member John Vandenberg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea  
Yea: 6, Nay: 0 The motion carried and Resolution No. 24-2020 was passed and adopted as follows:

**RESOLUTION NO. 24 – 2020**

A RESOLUTION OF THE CITY OF DAVID CITY  
TO CARRY FORWARD THE UNUSED BUDGET AUTHORITY

WHEREAS, Nebraska Revised Statute 13-521 provides that a governmental unit may choose not to increase its total of restricted funds by the full amount by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that:

1. The unused budget authority of \$941,887.40 from the 2019 - 2020 budget shall be carried forward to the 2020 - 2021 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 9<sup>th</sup> day of September, 2020.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Tami Comte

Mayor Zavodny opened the public hearing at 7:20 p.m. to consider the application of Salt Mine City LLC Inc. dba Roper's Bar and Grill, 470 E Street, David City, Butler County, Nebraska for a Class C Liquor License (Beer, Wine, Distilled Spirits On and Off Sale).

Clifford Roper was present and stated that they would ask for the application to be approved. He stated that this has always been his dream. They would like to be able to grow and possibly have a meeting room at some point. He stated that they would like to try to open sometime in December.

Hearing no opposition, Mayor Zavodny declared the public hearing closed at 7:23 p.m.

Council member Kevin Hotovy made a motion to approve the application of Salt Mine City LLC Inc. dba Roper's Bar and Grill, 470 E Street, David City, Butler County, Nebraska, for a Class C Liquor License (Beer, Wine, Distilled Spirits On and Off sale). Council Member Pat Meysenburg seconded the motion. The Motion Carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Bruce Meysenburg introduced Resolution No. 25-2020 and moved to authorize Mayor Zavodny to sign the Certification of City Street Superintendent and Resolution No. 25-2020 signing of the Year-End Certification of City Street Form 2020. Council Member Kevin Hotovy seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Resolution No. 25-2020 was passed and adopted as follows:



**Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted. Failure to return both pages of the original document by the filing deadline (October 31) may result in the suspension of Highway Allocation funds until the documents are filed.**

**MUNICIPAL  
ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
TO  
NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
AND STANDARDS  
2020**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City  Village  of \_\_\_\_\_  
*(Check one box) (Print name of municipality)*

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ **has attached to this certification, a copy of the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.**



\_\_\_\_\_  
*Signature of Mayor  Village Board Chairperson  (Required) (Date)*

\_\_\_\_\_  
*Signature of City Street Superintendent (Optional) (Date)*

**Return the completed original certification and resolution by October 31, 2020 to:**

Nebraska Board of Public Roads Classifications and Standards  
PO Box 94759  
Lincoln NE 68509

Do not recreate or revise the pages of this document, as revisions and recreations will not be accepted.  
Failure to return both pages of the original document by the filing deadline (October 31) may result in the suspension of  
Highway Allocation funds until the documents are filed.

**RESOLUTION**  
**SIGNING OF THE**  
**MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM**  
**2020**

Resolution No. #25-2020

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

**Be it resolved** that the Mayor  Village Board Chairperson  of \_\_\_\_\_  
(Check one box) (Print name of municipality)  
is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ Nebraska.  
(Month)

City Council/Village Board Members

_____	_____
_____	_____
_____	_____
_____	_____

City Council/Village Board Member \_\_\_\_\_  
Moved the adoption of said resolution  
Member \_\_\_\_\_ Seconded the Motion  
Roll Call: \_\_\_\_ Yes \_\_\_\_ No \_\_\_\_ Abstained \_\_\_\_ Absent  
Resolution adopted, signed and billed as adopted.

Attest:

\_\_\_\_\_  
(Signature of Clerk)

Council member Kevin Hotovy introduced Ordinance No. 1357 adding the building inspector position to the pay scale. Mayor Zavodny read Ordinance No. 1357 by title. Council member Kevin Hotovy made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Kevin Hotovy made a motion to pass Ordinance No. 1357 on third and final reading. Council Member Pat Meysenburg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Ordinance 1357 was passed and adopted as follows:

**ORDINANCE NO. 1357**

AN ORDINANCE ADOPTING A NEW PAY SCALE / SALARY FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

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

SECTION 2. Any Cost-of-Living Adjustments (COLA) shall be given as approved by the City Council.

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

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on August 24, 2020 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 9<sup>th</sup> day of September, 2020.

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

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

City Council Proceedings  
September 9, 2020  
Page #12

Department															
Position	Probation	1	2	3	4	5	6	7	8	9	10	11	12	13	
<b>City Hall</b>															
Clerical I	11.77	11.52	11.78	12.05	12.30	12.60	12.87	13.16	13.48	13.77	14.08	14.39	14.74	15.04	
Acct Clerk I	16.13	16.44	16.75	17.05	17.36	17.67	17.98	18.28	18.59	18.90	19.21	19.51	19.82	20.13	
Acct Clerk II	19.24	19.69	20.14	20.58	21.03	21.48	21.93	22.37	22.82	23.27	23.72	24.16	24.61	25.06	
(incl .50/hr CMC (Ord. 1192))	19.74	20.19	20.64	21.08	21.53	21.98	22.43	22.87	23.32	23.77	24.22	24.66	25.11	25.56	
<b>STEP</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
<b>Power Plant</b>															
Power Plant Op I	22.61	23.16	23.70	24.25	24.80	25.34	25.89	26.44	26.99	27.53	28.08	28.63	29.17	29.72	
Power Plant Supervisor	25.69	26.29	26.88	27.48	28.07	28.67	29.26	29.86	30.45	31.05	31.64	32.24	32.83	33.43	
<b>Electric</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
Apprentice Lineman	18.77	19.19	19.61	20.03	20.45	20.87	21.29	21.72	22.14	22.56	22.98	23.40	23.82	24.24	
Lineman 2nd Class	22.89	23.34	23.79	24.24	24.69	25.14	25.59	26.03	26.48	26.93	27.38	27.83	28.28	28.73	
Lineman 1st Class	24.99	25.53	26.06	26.60	27.13	27.67	28.21	28.74	29.28	29.82	30.35	30.89	31.42	31.96	
Line Foreman	27.96	28.46	28.96	29.46	29.96	30.46	30.96	31.46	31.96	32.46	32.96	33.46	33.96	34.46	
Electric Supervisor	30.87	31.44	32.02	32.59	33.17	33.74	34.32	34.89	35.47	36.04	36.62	37.19	37.77	38.34	
<b>Water/Wastewater</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
Water/Wastewater Operator I	16.90	17.33	17.77	18.20	18.64	19.07	19.51	19.94	20.38	20.81	21.25	21.68	22.12	22.55	
Water/Wastewater Operator II	19.96	20.45	20.94	21.43	21.92	22.41	22.90	23.38	23.87	24.36	24.85	25.34	25.83	26.32	
Water Field Supervisor	21.35	21.81	22.27	22.73	23.18	23.64	24.10	24.56	25.02	25.48	25.93	26.39	26.85	27.31	
Water Supervisor	26.12	26.83	27.55	28.26	28.98	29.69	30.41	31.12	31.84	32.55	33.27	33.98	34.70	35.41	
Wastewater Supervisor	26.12	26.83	27.55	28.26	28.98	29.69	30.41	31.12	31.84	32.55	33.27	33.98	34.70	35.41	
<b>STEP</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
<b>Street</b>															
Maintenance Worker I	15.33	15.73	16.14	16.54	16.95	17.35	17.76	18.16	18.57	18.97	19.38	19.78	20.19	20.59	
Maintenance Worker II	16.32	16.69	17.06	17.45	17.84	18.24	18.65	19.07	19.50	19.94	20.39	20.85	21.31	21.79	
Street Foreman	17.31	17.71	18.11	18.51	18.90	19.30	19.70	20.10	20.50	20.90	21.29	21.69	22.09	22.49	
Street Supervisor	22.74	23.28	23.82	24.36	24.91	25.45	25.99	26.53	27.07	27.61	28.16	28.70	29.24	29.78	
<b>Park/Auditorium</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
Park Laborer	11.52	11.82	12.13	12.43	12.74	13.04	13.34	13.65	13.95	14.25	14.56	14.86	15.17	15.47	
Park/Auditorium Supervisor	21.04	21.44	21.84	22.24	22.65	23.05	23.45	23.85	24.25	24.65	25.06	25.46	25.86	26.26	
<b>Recreation</b>	<b>Probation</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
Recreation Coordinator	19.12	19.54	19.97	20.39	20.82	21.24	21.66	22.09	22.51	22.93	23.36	23.78	24.21	24.63	
Recreation Director	21.86	22.26	22.66	23.06	23.46	23.86	24.26	24.66	25.06	25.46	25.86	26.26	26.66	27.06	

Part-Time	Probation	1	2	3	4	5	6	7	8	9	10	11	12	13
Building Inspector			16.54	17.87	19.20	20.54	21.87	23.20	24.53	25.86	27.19	28.52		
Part-Time Workers	9.99	10.21	10.43	10.68	10.9	11.15	11.42	11.65	11.94	12.20	12.48	12.76	13.06	13.34
Summer Help			9.00	9.20	9.41	9.62	(No probationary period; no more than 4 steps)							
Recycling Workers			9.00	(No probationary period; no more than 1 step)										
Bartenders			9.00	Min Wage										
Swimming Pool			1	2	3	4	5	6	7	8	9	10		
Concession/Games/Cleaning			8.16	8.27	8.38	8.50	8.62	8.72	8.84	8.95	9.06	9.18		
Swimming Lesson Aid			8.16	8.27	8.38	8.50	8.62	8.72	8.84	8.95	9.06	9.18		
Aerobics Instructor			10.31	10.41	10.52	10.65	10.76	10.86	10.98	11.09	11.20	11.32		
Lifeguard			8.71	8.83	8.94	9.04	9.17	9.29	9.39	9.49	9.62	9.73		
WSI Lifeguard			9.50	9.79	10.07	10.36	10.65	10.91	11.20	11.49	11.76	12.06		
Head Lifeguard			11.09	11.38	11.64	11.94	12.21	12.50	12.78	13.05	13.35	13.61		
Asst. Manager			12.04	12.28	12.58	12.86	13.14	13.44	13.74	14.05	14.36	14.70		
Manager			12.50	12.78	13.05	13.36	13.65	13.97	14.30	14.61	14.93	15.28		
Salaried Staff Pay Plan (Annual Rate of Pay)														
Position		Minimum			Mid-Point			Maximum						
Clerk/Treasurer		\$57,700			\$68,378			\$79,055						

Mayor Zavodny stated that the next Ordinance was an amendment to the Ordinance that was passed a few months ago that set the water rates at the fill stations. He stated that the citizens/rate payers of David City, are already contributing to the infrastructure, and to charge them above and beyond for getting more water doesn't seem right. He stated that it made perfect sense to charge people that are not rate payers a fee and a deposit for that because they are not contributing to the infrastructure that it takes to deliver that commodity."

Council member Bruce Meysenburg said, "The question that I have, is this going to be retroactive to the people that have paid for this? Will we give them a refund, if they are paying customers in David City?"

Mayor Zavodny said, "I feel that we should."

City Administrator Clayton Keller said, "If I'm instructed to do that, then that is what I'll do."

Mayor Zavodny said, "How many are there?"

City Clerk Comte said, "Two or three."

Mayor Zavodny said, "Ok. I'll handle that administratively. I believe that would be my intent."

Council member Kevin Hotovy introduced Ordinance No. 1358 setting the water rates at fill stations. Mayor Zavodny read Ordinance No. 1358 by title. Council member Kevin Hotovy made a motion to suspend the statutory rule that requires an Ordinance to be read on three

separate days. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Kevin Hotovy made a motion to pass Ordinance No. 1358 on third and final reading. Council Member Bruce Meysenburg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Ordinance No. 1358 was passed and approved as follows:

### **ORDINANCE NO. 1358**

AN ORDINANCE SETTING THE RATES TO BE CHARGED FOR WATER SOLD FROM FILL STATIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, Section 7-211 of the Municipal Code provides that all water consumers shall be liable for the water rate provided by ordinance.

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

Section 1. The following rates shall be charged for water sold from fill stations:

**All customers that do not have a current account with David City Utilities** shall be required to make a deposit in the amount of Two Hundred Sixty-Five Dollars (\$265.00) with the City, before receiving any water, to secure payment. The deposit will be refunded after two (2) years if the account is current.

**Customers that do not have a current account with David City Utilities** shall pay the 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, the Customer shall pay the 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.

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

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

PASSED AND APPROVED this 9<sup>th</sup> day of September, 2020.

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Mayor Alan Zavodny

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City Clerk Tami Comte

Council member Bruce Meysenburg made a motion to table Resolution No. 26-2020 setting the annual monthly industrial wastewater billing amounts for Henningsen Foods. Council Member Tom Kobus seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 Resolution No. 26-2020 was tabled as follows:

**RESOLUTION NO. 26 - 2020**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, BUTLER COUNTY NEBRASKA, to modify the monthly industrial wastewater billing amounts based on the current agreement between Michael Foods (formerly known as Henningsen Foods) and the City regarding accepting and treating wastewater.**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

Section 1: The allocation of sewer system maintenance, proportionate fixed costs, proportionate variable costs, and construction costs on a monthly basis for the Fiscal Year 2020-2021 for Henningsen Foods shall be as follows, per the current agreement:

Sewer System Maintenance	\$1,638
Capital Construction Cost	\$6,489
Proportionate Fixed Cost	\$10,271
Variable Cost	<u>\$4,270</u>
Total	\$22,669

Section 2: Should the wastewater flow and loading characteristics exceed the current agreement limits, daily surcharges shall be added to the monthly costs per the following daily surcharge amounts, per the current agreement:

Daily Surcharges:

<u>BOD</u> (lbs/day)	<u>TSS</u> (lbs/day)	<u>TKN</u> (lbs/day)	<u>Flow (per</u> <u>1,000 gpd)</u>
\$0.45	\$0.06	\$0.37	\$0.70

Section 3: These amounts are revised annually.

PASSED AND APPROVED this 9th day of September, 2020.

Tabled

Alan Zavodny, Mayor  
City of David City, Nebraska

ATTEST:

Tabled

Tami Comte, City Clerk

City Administrator Clayton Keller said, "So way before Covid-19 started, Tami and I attended meetings with Lower Platte North NRD and they were putting together the Hazard Mitigation Plan using JEO as a consultant and this is a multi-governmental effort, so we are not the only entity involved. This is the entire county/region participating in this Hazard Mitigation Plan."

Council member Hotovy introduced Resolution No. 27-2020 and moved for its passage and adoption. Council member Pat Meysenburg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Resolution No. 27-2020 was passed and adopted as follows:

#### RESOLUTION NUMBER 27-2020

**WHEREAS**, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

**WHEREAS**, a Multi-Jurisdictional Hazard Mitigation Plan was prepared by the Lower Platte North Natural Resources District, with assistance from JEO Consulting Group, Inc. of Lincoln, NE.



**WHEREAS**, the purpose of the mitigation plan was to lessen the effects of disasters by increasing the disaster resistance of the Natural Resources District and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City of David City and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

**WHEREAS**, FEMA regulations require documentation that the plan has been formally adopted by the governing body of the City of David City in the form of a resolution and further requesting approval of the plan at the Federal Level; and

**NOW, THEREFORE**, the governing body of the City of David City does herewith adopt the Lower Platte North Natural Resources District Multi-Jurisdictional Hazard Mitigation Plan Update in its entirety; and

PASSED AND APPROVED this 9th day of September, 2020.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Tami Comte

Mayor Zavodny stated that the next agenda item was consideration of an estimate from Bierman Contracting install downtown cable system and lighting.

City Administrator Clayton Keller said, "This is an initial estimate and the word estimate is used loosely. This is for Bierman Contracting, out of Columbus, to install the cable system and the lights in the downtown area. He and I did a walk through with Vinny Bittinger, of Magical Lights, and Cory Vandenberg of Vandenberg Electric, talking about how that could be done. Matt, the individual from Bierman, said that he would go ahead and do it at a dollar per hour rate for us. He thought that was most fair for them and for the City, and I agreed. So, this is the number he came up with in a worst-case scenario. He said that he expects it to come in well under and he said that we can adjust it as time moves forward."

Mayor Zavodny said, "Well, I'd be lying if I said that it didn't knock me off my chair when I saw this. Well, we talked about this is totality. One of my things is that this is just for the cable

and the lights. What about the wiring that still needs to be done, to eliminate the need for the extension cords, which the State was, obviously, frowning about, getting it so it's totally ready, is that additional charges? The last question, which is going to affect how I feel about it, and it depends on the Council, is this something that you could fund as part of the downtown project, because it's kind of like the final touch on that thing. I agree with all of the comments that have been made in previous meetings, downtown never looked this good! I think that it could be a draw. It could help sales tax down the road. There are a lot of pluses for it, but I'm not going to start now, in my tenth year, if we don't have money to pay for something, I'm probably not that interested."

Council member Bruce Meysenburg said, "Are all of the businesses downtown on board with doing the cable system?"

City Administrator Clayton Keller said, "We've had a couple business owners that are hesitant or have told us no. The Light Up Committee has taken charge of going to those businesses to help them decide to let us put the cable system and the lights up, at least put the lights up. I think there's just a couple more that we have to work on."

Mayor Zavodny said, "How does the wiring get done?"

City Administrator Clayton Keller said, "The wiring - the State did not like the extension cord idea."

Mayor Zavodny said, "They won't accept it. It's a non-starter."

City Administrator Clayton Keller said, "Getting everybody tied into the City electricity just isn't an option because we can't do that, essentially. So, the idea that Cory Vandenberg and I had was to have one person on each block to volunteer to be the person to pay for the electricity on each side of the street and it would be minimal charges. Vinny told us that it wouldn't be more than eighty dollars for the year to light up the downtown area, year-round. The idea that we had with that was the person who volunteered to pay for that bill, we could give them, like, a two-dollar credit on their electricity bill each month, something simple, as if we are reimbursing them for those charges."

Mayor Zavodny said, "We'll have to explore that a little more. If the people on that block could make it work, that would be the way to go with that. I do think that because of the size of the gift that we got and just to make it right, we should take care of the asset and the fact that they were blowing off the roof, granted we had terrible winds, it was a short-term thing and they had to go up quickly and the adhesive didn't really set. I guess I'd want to do some checking on if we can figure out a way to incorporate this into a way that it could be paid for, and we need to research that to be sure that we are following the rules to the letter, because I don't want any trouble over that. While it is a great thing, that is a big dollar amount."

City Administrator Clayton Keller said, "It's well above what I was expecting. When Matt sent it to me, he agreed, this was a lot higher than I expected."

Council member Kobus said, "This wasn't bid out, was it?"

City Administrator Clayton Keller said, "I did try bidding this out back in July but nobody bid."

Council member Kobus said, "I think if we tried it again, somebody would do it."

City Administrator Clayton Keller said, "So, kind of where we are right now is that I bid it out in July and nobody bid, and so I set it to the side because I had to work on the budget, my hands were full with things to do and then the Light It Up committee came back to me and said, "we really want this to happen" and so they started doing some footwork and got a couple people involved. We almost had a guy in town willing to do it. He came to see me in the office and he said, "I just can't. With school starting and sports starting, I don't have the time to do it unless we do it next spring." We don't want to wait until next spring. We want get it in before the holiday season and so that's when I reached out, through this whole effort, the company Bierman Contracting came up and they were willing to give us the offer."

Mayor Zavodny said, "Here's what I'm going to suggest as a course of action. Obviously, it's pointless to even consider this, at this juncture. One, if we don't have the mechanism to pay for it and two, without knowing if the plan to get power to it is a doable thing. So, to me, the right thing to do with this is to table it for tonight and start to answer some of those questions. If we can figure out how to get it hard-wired, which is a requirement, if we can figure out an absolutely legal way to pay for this type of thing, then I think that we can consider it and then we can argue about whether it's worth whatever the number is. Can you give me any idea why he cushioned the it? If he thinks its going to be significantly less, I know that they like to put some cushion in there, but what's he worried about? If he says that it could be significantly less, why is he giving us a heart attack with ninety-four thousand?"

Council member Kobus said, "I think it ought to be one solid bid and that's it. Why even bid it if you're just going to have a guess?"

City Administrator Clayton Keller said, "The reason that they bid so high is because they've never done a project like this before and as we were walking around, he was trying to figure out how they would do it. Unless he's actually up there doing it, it's hard to tell exactly what they are going to need and what it's going to take."

Mayor Zavodny said, "I think that Tom has a valid point. If we approve ninety-four thousand, guess what it's going to be?"

Council member Kobus said, "We didn't get any other bids?"

Mayor Zavodny said, "Didn't we do the bid process in July and we didn't get any bids?"

City Administrator Clayton Keller said, "Honestly, I think that the reason that we didn't have anyone bid it was because we did it in the middle of summer and everyone was already busy doing construction. So, the fact that Bierman Contracting was willing to take a look at this in August, I was really surprised. I don't think that Matt from Bierman Contracting expects us to go with this number. This was his conversation starter to get us talking about what adjustments we need and what we want to look at. This is us asking you guys."

Mayor Zavodny said, "Ok. That raises a good point. To me, what would be the harm in, because they didn't bid it originally, to reopen the bid and maybe they will be the only bidder. You know, we have the other guy, I think it was Tanner, looking at it. It doesn't have to be a long time, but, that way, we've gone through the process and we may have one bid. Then, we need a number that they feel that they can do it for. It's the integrity of the bid. It's no different than what we talked about with the Klug's or anything else, you bid and you're going to do it for that price."

Council member Bruce Meysenburg said, "The only problem that you've got is that you're up against a timeframe, because this has all got to be done before the middle of November for December?"

City Administrator Clayton Keller said, "I will say that if we do the bid process, we're going to run into the same problem that we had last year, trying to get someone to do it in two weeks before we have our event, or if we want to wait until next year."

Mayor Zavodny said, "Well, I was entertaining that thought in my head, too, as we're sitting here, but we have a bunch of lights that are hanging there just off of the edge of buildings. We're just in the middle of nowhere on this thing. Can we safely take those down so they are not destroyed? Where are we going to put them? So, we have a year when we're not going to have them."

City Administrator Clayton Keller said, "The businesses that had lights hanging down, a lot of them have taken them down and stored them in their businesses. Everyone that I've talked to that has taken them down has said that they stored them in their office. We still have some that need to come down and we can either store them at the City Office or have that business store them in a closet."

Council member Kobus said, "Well, I'm sure the public would understand."

Mayor Zavodny said, "Mr. Trowbridge, do you have something to add to this conversation?"

City Council Advisor Dana Trowbridge said, "I think so. What does the City need to do to approve a community fundraising effort through the City Office because, therefore, those donations would be tax exempt? It would surprise me if this community would not wrap their arms around becoming something special during the Christmas season after last year. We have an opportunity for ninety-four thousand dollars or thereabouts, to become something special and I think that even in today's world, we would find a lot of interest in the community to push this forward. I would be more than happy to work on that."

Mayor Zavodny said, "If we can look at that, I'd almost be willing to say...let's say the final number is eighty thousand, if we find that we can legally fund this through a mechanism that we have, if the community can come up with forty thousand, then we can come up with forty thousand. How about something like that? It's a public/private partnership, which I'd like to see us do a little more."

Council member Bruce Meysenburg said, "I'd really hate to see it go down the tubes, I mean, if we miss a year, I honestly don't think that would be good, we need to keep it going, year after year."

Mayor Zavodny said, "Yea. I don't think that's an unreasonable argument, but given the time constraints we have, I don't know how to do it right."

Council member Bruce Meysenburg said, "I understand."

City Council Advisor Dana Trowbridge said, "My question is, how do we get the blessing of the City to do this? Is there a formal process? I don't know."

Mayor Zavodny said, "Well, going back to what you're saying, we could raise money that way, or we could find out if sales tax is a legitimate use for it. That solves the question. We earmarked money for downtown renovation and that is certainly downtown. It's an enhancement there, just a last-minute final touch to our downtown renovation."

Council member Kobus said, "I have no problem as long as you nail it down to a solid bid."

Mayor Zavodny said, "Less than ninety-four would make me happy. Why don't we do this - check if we can finance it, and I'm going to ask you to table it for this evening for just two weeks and if they can say that they'll do it for an amount, then I think I'm fine. The question being, since we had bids and didn't get any and this dollar amount is significant enough to require bids, I think that we need to make sure that we're totally cool there, as well."

City Administrator Clayton Keller said, "So, is that a question for counsel?"

Mayor Zavodny said, "To award something without the bidding process..."

City Administrator Clayton Keller said, "We went through the bid process and didn't get anything."

Acting City Attorney Tim Wollmer said, "I just don't know if you can do that or not now, based on timing. I'll have to look at that."

Mayor Zavodny said, "Can you look at Statute for that for us? Ok. Let's revisit this in two weeks. I would entertain a motion to table it."

Council member Bruce Meysenburg made a motion to table the estimate submitted by Bierman Contracting to install the downtown cable system and lighting to the September 23, 2020 City Council meeting. Council Member Tom Kobus seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was moving forward with Crexendo for telephone service.

City Administrator Clayton Keller said, "Yes. The library switched over to Crexendo back in June and their phones have been working very well. They really like them. It was a great update from their older phones that they were using. We ran into a few hiccups with their fax machine but they are getting that worked through. At that time, Council told us to go ahead and start the library first and see how it worked and then come back and ask for permission to roll out the other departments. I was going to wait until the next Council meeting to ask, but yesterday we started having some serious issues with our phones at the offices and I'd like to roll this out sooner than later for our part."

Council member Hotovy said, "I can vouch for the problem. I called at 4:30 and the connection was an absolutely terrible connection. I hung up. It was horrible."

City Clerk Comte said, "We make a call and they can't hear us. We can hear them but they can't hear us at all. You can ask anybody that has called. It's just been awful."

Mayor Zavodny said, "We had budgeted an amount for this?"

City Administrator Clayton Keller said, "Yes."

Council member Kobus said, "We definitely need to take care of that."

Mayor Zavodny said, "As a public entity, you've got to be able to have that work."

Council member Kevin Hotovy made a motion to approve moving forward with Crexendo for telephone service. Council Member Bruce Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Tom Kobus made a motion to table entering into an agreement with Olsson for engineering services to the September 23, 2020 City Council meeting. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Kevin Hotovy made a motion to table consideration/discussion concerning the law enforcement contract with Butler County until the September 23, 2020 City Council meeting. Council Member Pat Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Council member Tom Kobus made a motion to go into executive session to discuss litigation dealing with land use issues. Council Member Bruce Meysenburg seconded the motion. The Motion Carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0

Mayor Zavodny stated, "Now, at 7:54 p.m., we are going into executive session to discuss a legal issue dealing with land use issues." Mayor Zavodny, all of the Council members, Baird Holm legal counsel Michael Sands, City Administrator Keller, Building Inspector Michael Payne and City Clerk Comte went into executive session at 7:54 p.m.

City Attorney Jim Egr had previously stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Zavodny declared the City Council out of executive session at 8:35 p.m.

There being nothing further to come before the Council, Council member Tom Kobus made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, John Vandenberg: Yea, Alan Zavodny (Mayor): Yea. Yea: 6, Nay: 0 The motion carried and Mayor Zavodny declared the meeting adjourned at 8:35 p.m.

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CERTIFICATION OF MINUTES

September 9, 2020

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of September 9, 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, City Clerk