

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING
OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **14th day of November, 2018**, in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska.

This agenda is available for public inspection in the office of the City Clerk and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this 1st day of November, 2018.

AGENDA AS FOLLOWS:

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; _____
Mayor Alan Zavodny
4. Minutes of the October 10th, 2018 meeting of the Mayor and City Council;
5. Consideration of Progress Estimate #15 for Constructors, Inc. in the amount of \$484,598.33; _____
Council President Gary D. Smith
6. Consideration of Pay Estimate #1 to Eriksen Construction Co., in the amount of \$33,300.00 for the Wastewater Treatment Plant Project; _____
Council member Thomas J. Kobus
7. Consideration of Claims; _____
Council member Dana E. Trowbridge
8. Committee and Officer Reports;
9. Consideration of two (2) Change Orders concerning the Downtown Improvement Project as presented by Al Hottovy of Leo A. Daly; _____
Council member Kevin N. Hotovy
10. Consideration of Resolution No. 20-2018 concerning the request by Bergen & Cole Carraher, 1160 North 3rd Street, to subdivide their property from 104' x 140' to 78' x 140'; selling the south 26' of Lot 6 to Joe & JoAnn Pipal; _____
Council member Patrick J. Meysenburg
11. Consideration of Resolution No. 21-2018 concerning the request by Joe & JoAnn Pipal to add the south 26' of Lot 6 to their property (Lot 7 = 50' x 140') to form one lot 76' x 140'; _____
Council member John P. Vandenberg
12. Consideration of fencing off an area in the City park for a dog park as discussed previously at the October 10, 2018, Council Meeting; _____
City Clerk Joan E. Kovar

13. Consideration of the request by Randy Fendrich to install drain fields on his property located at the north east corner of 11th & "O" Street, which would drain a 12" pipe into the creek that travels along the east edge of David City and eventually into the Park Lakes;
14. Consideration / Discussion of Employee Health Benefits;
15. Consideration of a change order for converting the gas water heater, to an electric water heater, on the new Park restrooms;
16. Consideration of Ordinance No. 1296, on the 2nd reading only, to consider annexing an area of the Kozisek property located in the SW ¼ of the SW ¼ of Section 20 T15N R3E of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at the southwest corner of Lot 4, Block 2, Kozi Addition to David City, Butler County, Nebraska, said Point being on the east line of Fourteenth Street in said David City; thence easterly, 140.11 feet to the southeast corner of said Lot 4; thence southerly, parallel with the east line of said Fourteenth Street, 379.3 feet; thence westerly, 140.11 feet, to a point on the east line of said Fourteenth Street, said point being 374.44 feet south of the southwest corner of said Lot 4; thence northerly, 374.44 feet, to the Point of Beginning, containing 1.21 acres, more or less;
17. Consideration of Resolution No. 17 – 2018 determining a need to install "No Parking" signs on both sides of "A" Street from City limits to City limits;
18. Consideration of Resolution No. 18 – 2018 determining a need to install "No Parking" signs on both sides of "O" Street from 4th Street to the Burlington Northern/ Santa Fe Railroad;
19. Consideration of Resolution No. 19 – 2018 determining a need to install a "stop sign" on the Southeast corner of the intersection at 3rd & E Street for traffic heading north;
20. Consideration of selling the 85 International Dump Truck, as is, at the Kobza Auction Building;
21. Consideration of Ordinance No. 1298 setting the compensation for elected officials;
22. Consideration of hiring a City Administrator;
23. Adjourn.

CITY COUNCIL PROCEEDINGS

November 14, 2018

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on November 8th, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council President Gary Smith, and Council members Pat Meysenburg, John Vandenberg, Thomas Kobus, Dana Trowbridge, and Kevin Hotovy, Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Philip Lorenzen of D.A. Davidson, Al Hottovy of Leo A. Daly, Ryan Ruth of First State Insurance Agency, Darci Betzen, Dog Park members Sarah Styskal, Diane Kozisek, Adaela Dostal, and Diana McDonald, Joan Matulka, Beth Klosterman, Patrick Meysenburg, Planning Commission Members Pam Kabourek, Janis Cameron, & Keith Marvin, Park/Auditorium Supervisor Bill Buntgen, Street Supervisor Chris Kroesing, Water/Sewer Supervisor Travis Hays, and employees Tami Comte and Lori Matchett.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the October 10th, 2018 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Meysenburg. Voting AYE: Council members Kobus, Vandenberg, Smith, Hotovy, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Progress Estimate #15 for Constructors, Inc., in the amount of \$484,598.33. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Hotovy, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Pay Estimate #1 to Eriksen Construction Co., in the amount of \$33,300.00 for the Wastewater Treatment Plant Project. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

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

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

Council member Hotovy made a motion to accept the Committee and Officers Reports as presented. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Al Hottovy of Leo A. Daly was present to discuss a change order for the Downtown Improvement Project. Al stated: "I have one change order not two. This is basically due to extra work for Van Kirk that we ran into with the water system. He is done with the water system. A lot of this was at 5th & "C" and 6th & "C"; there are two storm sewer culverts running along the west side of 6th Street and we had to make some adjustments to get the utilities through there. Everything highlighted in blue is water, the buried tank is yellow, and the green is storm sewer. We just recently ran into issues at 6th & "D" and 6th & "E" with the storm sewer system. 6th & "E" we had to reconfigure that storm sewer there, we had an elliptical pipe running into a round pipe that had a plate on top of it and we did not have, whoever put it in and I'm not going to worry about that, didn't have enough room so they cut the top of the pipe off and then put a plate on it, so we reconfigured that whole thing so we would have enough cover to put the paving back in. So that's the items highlighted in green. At the time we did the

survey there were no manholes there so we could not get in there to see what was going on, right now there are manholes there, they are inlets in there, so we have an idea. So, \$22,469.70 is the add on."



Constructors, Inc.
 1815 Y Street, PO Box 80268
 Lincoln, NE 68501
 (402) 434-1764, Fax (402) 441-4176

Oct 24, 2018

Jon McCarville
 Leo A Daly
 8600 Indian Hills Drive
 Omaha, NE 68114-4039

RE: City of David City Improvements
 Van Kirk - Extra Work Misc. Items

Mr. McCarville,

Please see the prices below for the extra work that Leo A Daly has directed us to complete on the David City project. The items listed are miscellaneous items involving utility work that are not included in current contract prices. In addition, please add 4 work days to the contract for the work listed below

#	Description	Location	Quantity	Unit	Unit Price	Total
1	12" MJ 90 Degree Bend	5 th & C Street	1	EA	\$715.00	\$715.00
2	12" MJ 45 Degree Bend	6 th & C Street	1	EA	\$687.50	\$687.50
3	12" Retainer Glands	12" Water Main Fittings	12	EA	\$214.50	\$2,574.00
4	12" x 6" Tapping Sleeve and Valve	Day Care Fire Line	1	EA	\$3,300.00	\$3,300.00
5	10" x 4" Tapping Sleeve and Valve	Fire Dept. Water Service/US Bank Fire Line	2	EA	\$3,025.00	\$6,050.00
6	4" MJ 90 Degree Bend	Day Care Fire Line	2	EA	\$253.00	\$506.00
7	4" MJ 45 Degree Bend	US Bank Fire Line & Connection N of RR on 4th	4	EA	\$242.00	\$968.00
8	6" x 4" MJ Reducer	Day Care Fire Line	1	EA	\$220.00	\$220.00
9	4" Retainer Glands	4" Fittings for Fire Lines & Main Connect	16	EA	\$71.50	\$1,144.00
10	4" C-900 Water Main	Main Connect and Fire/Water Services	22	LF	\$60.50	\$1,331.00
11	Remove Buried Steel Tank	5 th and C Street NE Corner	1	EA	\$440.00	\$440.00
12	Tap Manhole for Added Grate Inlet	4 th and D Street added Grate Inlet & RCP	1	EA	\$605.00	\$605.00
13	36" Collar for Storm Sewer	6 th and D Street Storm Sewer Reconstruction	1	EA	\$963.60	\$963.60
14	24" Collar for Storm Sewer	6 th and D Street Storm Sewer Reconstruction	1	EA	\$677.60	\$677.60
15	12" RCP	6 th & E Street Storm Sewer Connection	40	LF	\$57.20	\$2,288.00
					TOTAL:	\$22,469.70

Please review and provide a change order for this work.

Respectfully,


 Christopher J. Woodward

WATER
MISCELLANEOUS
STORM

CC:
 Steve Samuelson
 Al Hottovy

Al Hottovy of Leo A. Daly stated: "The electric lights are almost done. We made a minor change in how we are getting the electric circuit to serve the lights along "E" Street because 5th Street will not be done north of "E" Street because of what's going on with Sue's Just a Buck, 502 5th Street, we didn't want to tear that up for the winter."

Mayor Zavodny stated: "I was going to bring that up, we should fill in the Council on what the plan is because in talking to Jason (Lavicky) they would like to get started on that within the next few weeks."

Al Hottovy stated: "December 10th, he told me, they are going to start pushing the building in, and what we've done is we told the contractor, "Don't pave the parking area along the south side and don't touch the west side", we'll do that after they're done because they are going to take that walkway that's in the right-of-way out. If we'd have known that was coming, we wouldn't have had to fill the coal chutes, we could have saved some money there, but the other thing is they are going to have a drive-thru coming in through the alley and exiting onto 5th Street north of the building. So, we are proposing to extend the contract to June 1, 2019 in

order for this to get done so we don't have to tear things up. The goal right now is to push to get "E" Street done from 4th to 6th, they brought in another crew today, we've got two concrete crews in here, we need about 2½ - 3 weeks of good weather, and we should get "E" Street done all the way."

Council member Kobus made a motion to approve Change Order No. 023 in the amount of \$22,469.70 and extending the project schedule to June 1, 2019. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Hotovy, Smith, Trowbridge, and Kobus. Voting NAY: None. The motion carried.

CHANGE ORDER NO. 023

PROJECT: City of David City Improvements
 David City, Nebraska
 DATE: 11/14/2018

OWNER: City of David City
 David City, Nebraska
 ENGINEER: Leo A Daly

CONTRACTOR: Constructors, Inc.
 CONTRACT FOR: Entire Work
 CONTRACT DATE: 05/01/2017

Description of the changes in the Contract Documents:
 SEE DESCRIPTION OF ADDITIONAL WORK BELOW.

Attachments:
 CITY OF DAVID CITY IMPROVEMENTS, VAN KIRK - EXTRA WORK MISC. ITEMS

CHANGE IN CONTRACT PRICE		CHANGE IN CONTRACT TIME	
Original Contract Price:	\$9,304,432.44	Original Contract Time:	DECEMBER 1, 2018
Net Change by Previous Change Orders	\$197,064.67	Net Change from Previous Change Orders:	+43
Contract Price prior to this Change Order:	\$9,501,497.11	Contract Time prior to this Change Order:	JANUARY 12, 2019
Net (in OR de)crease of this Change Order:	\$22,469.70	Net (in OR de)crease of this Change Order:	EXTENSION
Contract Price with approved Change Orders:	\$9,523,966.81	Contract Time with approved Change Orders:	JUNE 1, 2019

RECOMMENDED:
 Jon McCarville
 Engineer
 Date: 11/14/2018

APPROVED:

 Owner
 Date: 11-14-2018

ACCEPTED:

 Contractor
 Date: 11-15-18

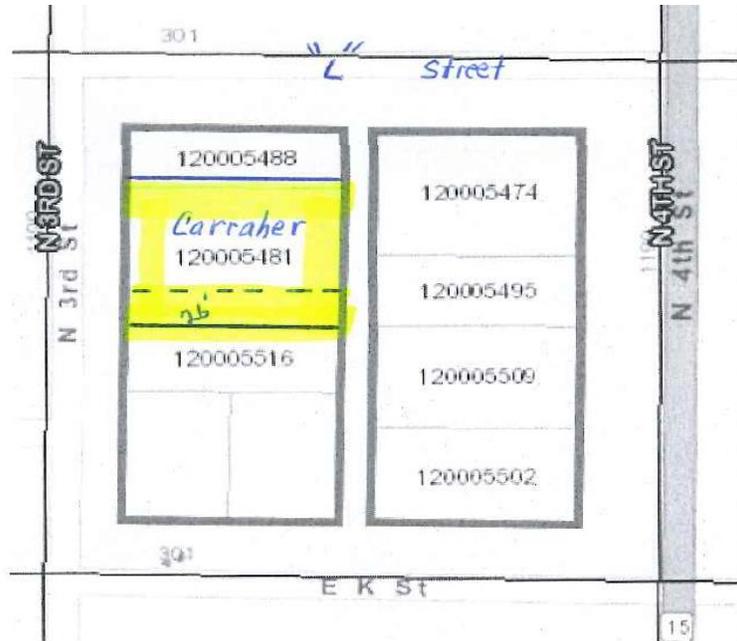
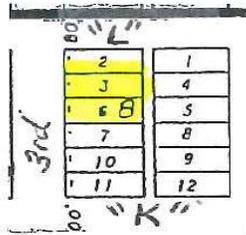
DESCRIPTION OF THE CHANGES IN THE CONTRACT DOCUMENTS:

THE MISCELLANEOUS ITEMS LISTED ON THE ATTACHED PROPOSAL ARE A RESULT OF ADDITIONAL UTILITY WORK THAT WAS NOT INCLUDED IN THE ORIGINAL CONTRACT DOCUMENTS. THE ITEMS CAN GENERALLY BE SPILT INTO TWO GROUPS: THE WATER DISTRIBUTION SYSTEM AND THE STORM SEWER SYSTEM. BOTH GROUPS OF WORK ARE A RESULT OF UNKNOWN STORM SEWER LOCATION, DEPTHS, AND CONDITIONS. ADDITIONALLY, DUE TO WEATHER CONDITIONS, WORK ADDED TO THE ORIGINAL CONTRACT DOCUMENTS, AND ONGOING COORDINATION WITH THE BANK OF THE VALLEY DOWNTOWN BRANCH CONSTRUCTION, THE PROJECT SCHEDULE NEEDS TO BE EXTENDED TO JUNE 1, 2019.

Council member Trowbridge introduced Resolution No. 20 – 2018, concerning the request by Bergen & Cole Carraher, 1160 North 3rd Street, to sub-divide their property (104' x 140') by selling the south 26' of Lot 6, Block 8, Will Thorpe & Perkins 1st Addition, to Joe and JoAnn Pipal. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Trowbridge, and Kobus. Voting NAY: None. The motion carried and Resolution No. 20 - 2018 was passed and adopted as follows:

RESOLUTION NO. 20 - 2018

WHEREAS, Bergen & Cole Carraher, 1160 No. 3rd Street, as the owners of property legally described as: Lots 3 and 6, and the South 4' of Lot 2, Block 8, Will Thorpe & Perkins 1st Addition, 104' x 140', have submitted a request to divide this property into two tracts as follows:



TRACT I DESCRIPTION

The South 4' of Lot 2, all of Lot 3, and the north 24' of Lot 6,
Block 8, Will Thorpe & Perkins Addition, 78' x 140'

TRACT II DESCRIPTION

The South 26' of Lot 6, Block 8, Will Thorpe & Perkins Addition, 26' x 140'
Which will be sold to Joe & JoAnn Pipal, 1140 North 3rd Street.

WHEREAS, there were no objections expressed concerning the request of
Bergen & Cole Carragher.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Bergen & Cole
Carragher to subdivide their property legally described above into Tract I and Tract II, as
legally described above, is hereby approved.

Passed and approved this 14th day of November, 2018.

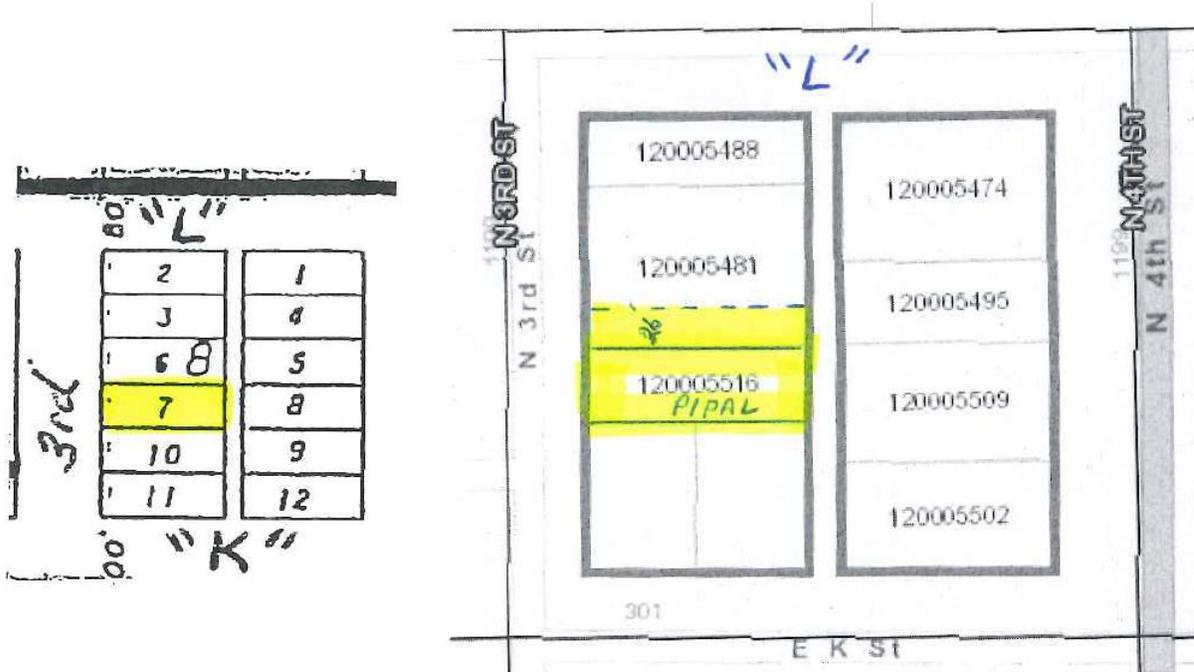
Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Hotovy introduced Resolution No. 21 – 2018, concerning the request by Joe & JoAnn Pipal, 1140 North 3rd Street, to add the south 26' of Lot 6, Block 8, Will Thorpe & Perkins 1st Addition, which they recently purchased from Bergen & Cole Carraher, to their property (50' x 140') to make their lot 76' x 140'. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Meysenburg, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 21 - 2018 was passed and adopted as follows:

RESOLUTION NO. 21 - 2018

WHEREAS, Joe & JoAnn Pipal, 1140 North 3rd Street, as the owners of property legally described as: Lot 7, Block 8, Will Thorpe & Perkins Addition, have submitted a request to combine their property with the South 26' of Lot 6, to form one 76' x 140' Lot as follows:



WHEREAS, there were no objections expressed concerning the request of Joe & JoAnn Pipal.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Joe & JoAnn Pipal to combine their property with the South 26' feet of Lot 6 to form one lot, 76' x 140', is hereby approved.

Passed and approved this 14th day of November, 2018.

Mayor Alan Zavodny

City Clerk Joan Kovar

At the October 10, 2018, Council Meeting, Sarah Styskal was present and asked permission to do fund raising for a fenced off dog park to be located on the north side of Kansas Street, between 7th and 8th Street, west of the camping facility. The Council appointed Council members Hotovy and Vandenberg to serve on the Committee and told Sarah that once she could raise the funds estimated at \$20,000.00, the Council could say "well you did your end". Council member Kobus asked that this request be placed back on the City Council agenda for discussion as a nearby neighbor has expressed concerns and objections regarding the location of the proposed dog park.

Council member Hotovy stated that flags have been set to get a real view of what the "Dog Park Committee" is proposing which is approximately 65' wide along Kansas Street x 200' long. Other alternative locations were discussed.

Council member Trowbridge asked: "The question I've asked, and continue to ask is, "Who is the responsible party?" Who tells the guy with the aggressive dog that he can't come in? A sign doesn't keep them away. A four-foot fence won't fly because everything I read says sixty inches (60") minimum, because it doesn't take a really big dog to jump over a 48" fence. That's just a suggested change I would make, is to go to sixty, and we find out grass doesn't work really well as a surface in a dog park because it eventually turns into mud; that concrete, granite chips, or probably the right sized gravel would work well in parts of it. There are lots of toys and things you can purchase; it could be quite an interesting place when you got all done with it. I don't have a problem with it, but I don't know where we are going to put it."

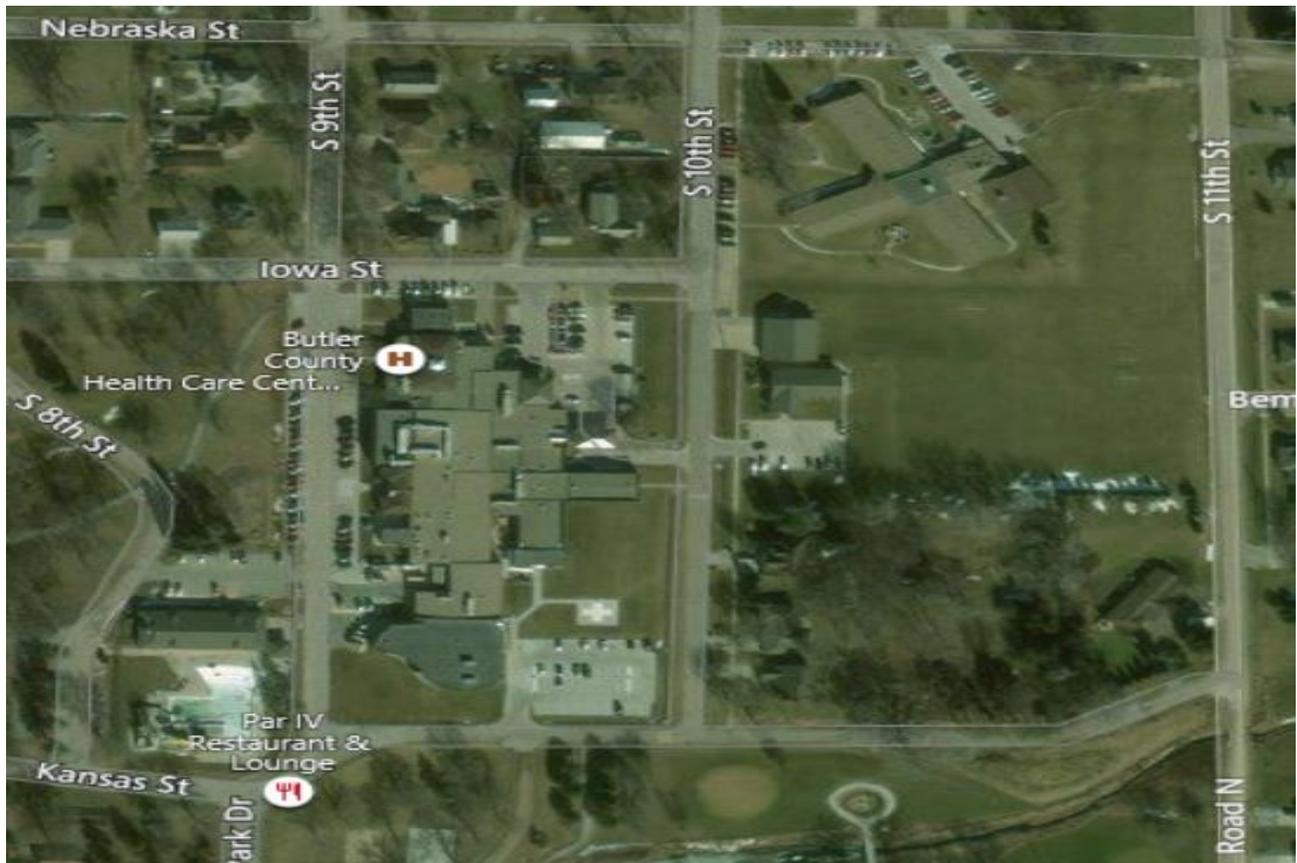
Diane Kozisek stated: "Any of the dog parks that we've been to, and we go camping all over Nebraska and Iowa, it's only been grass. We've never seen a dog park anything but grass."

Mayor Zavodny stated: "I think we have several issues here, 1) What is the "ideal location" and as far as the homeowner that would be close to it, I understand that concern, but the other thing is, that I want to avoid at all cost, is I don't want this to turn into then the City's stuck having to take care of it. When I read there were groups of people who put the little pick up your poop sacks, and there's maintenance, and taking care of it, and what I don't want it to morph into is, we start with 15 people really gung ho, then it becomes 10, then it becomes people don't have time and it's 8, and then it's "How come the City isn't taking care of its dog park?"

Council member Meysenburg stated: "Like the Jaycee Park." The Jaycee's put up two parks in town that they were going to maintain. The Jaycee's don't exist now in David City so the City has to maintain those, mowing, checking safety of equipment, etc.

Sarah Styskal stated: "You are always going to have dog owners in this City. This group of five women have committed to maintaining and making sure that it doesn't just turn into some rampant, loose, people just let their dogs run, fence falls over, etc., this is going to be a nice place." The "dog park members" stated that there will always be responsible dog owners who will maintain the area, pick up the droppings from their pets, etc.

Discussion followed in which it was stated that the main concern is the proposed location. Sarah stated that they did consider the old soccer field that the County owns located between 10th & 11th and north of Kansas Street, but there was nowhere to park except for on 11th Street. A culvert off of 11th Street and water would both be needed for this location.



The proposed dog park discussion continued including legal issues such as "Can the City be sued?" "What liability does the City have?", etc.?

Mayor Zavodny stated that he would like to see different locations explored for the dog park.

Randy Fendrich filed a utility permit with the County to install drainage tile on his property located Northeast of the intersection of 11th & "O" Street. Butler County tabled consideration of the request contingent upon receiving additional information and notifying the City of the request.



It was noted that Randy Fendrich is not adding any additional capacity to the current drainage, and he is not changing the natural direction of the water flow / drainage.

Building Inspector Ray Sueper presented the following to the Mayor and Council:

After reviewing the data and plans submitted it appears that Mr. Fendrich is not adding any capacity to the current drainage located on his property. The water appears to drain in that direction currently, based on the County map. My Office would consider this an Agricultural improvement to the farmground, and would not require a permit. However, we do appreciate the notice Mr. Fendrich gave us for advanced review of his proposed activity.

Ray Sueper
City of David City
Building Inspector

Therefore, Council member Hotovy made a motion to approve the request by Randy Fendrich to install drain fields on his property located at the Northeast corner of 11th & "O" Street. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "We are up against a deadline to decide on the employee's health coverage. We've had two meetings so far with the employee's union representative."

Council member Trowbridge asked: "How many of our employees are unionized; what percentage?"

Mayor Zavodny stated: "I think the vote was eleven to two, as I recall."

Council member Trowbridge asked: "But how many have joined, how many are carrying cards?"

Mayor Zavodny stated: "I don't have that number, I have no idea. Legal Counsel Mr. Egr was also there, and can also say that the comment made to us was: "You cannot change anything since we've started this, and if you do, we would file a complaint." So, the only option they gave us was to leave things as they are."

Ryan Ruth, First State Insurance, stated: "I have a question. So technically, to renew as is, Blue Cross Blue Shield is not offering the same plan that they had last year, so what they're proposing is they renew them into a plan that's a higher deductible than they were last year. It's a \$6,000 individual; \$12,000 family. We have final rates of a \$5,000 deductible, \$10,000 family, so we save them \$1,000 on the individual, \$2,000 on the family, and they're 22% cheaper than what Blue Cross Blue Shield is proposing. So, I guess my question is, to me it's a win/win for both. (National General) It's going to lower the employee's portion, it's going to lower the employer's portion, they get better benefits. I mean, are they really just going to, we have to renew as is, or can they..."

Mayor Zavodny stated: "Here's what he said, and very point clearly, is: "We can say, "Here's what we're offering", and he's got to take it to them, to see if they say that's okay."

Ryan Ruth stated: "Ok. I just, I'm running out of time..."

Mayor Zavodny stated: "We went into that meeting, and in fairness saying: "You know what, we've got to decide on health insurance." This Union piece isn't going to work now because we have such a short time line. We can't even offer the same thing so now that puts us in a bind."

Ryan Ruth stated: "I just wanted some direction as to what I should do."

Council member Trowbridge stated: "My thought, again representing the taxpayer and the ratepayer, would be that we offer the plan that you described just recently that you called a

win/win for the employee and for the employer, and that's our offer at this point in time, knowing the clock is ticking and it doesn't have many ticks left, and if these folks want to react within the time of the ticking clock, that's fine, and if they want to take it into an area that gets all of this messed up, that's their choice too. So, I would suggest that we offer what Mr. Ruth brought to us. "

City Attorney Egr stated that they have a meeting scheduled with the Union representative for November 26, 2018, at 4:00 p.m. The City representatives are Eric Betzen and Travis Hays. The insurance will need to be discussed at that time. It was noted that we should contact Woods & Aitken Attorneys and keep track of all of the expenses associated with the Union negotiations. The Health Insurance will have to be decided at the December 12, 2018 council meeting.

Park Supervisor Bill Buntgen stated: "There was an old plan that the engineer took that had a gas line right next to the park restrooms that ran to the Schweser House, and he thought that there was a gas line there, but that's been abandoned for nineteen years."

Council member Trowbridge made a motion to approve Change Order #1 in the amount of \$1,186.13 for converting the gas water heater, to an electric water heater, on the new park restrooms. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

PROJECT:	David City Park Improvements	ORDER NO:	1
TO (Contractor):	Rogge General Contractors 6101 South 58 th Street, Ste A Lincoln, NE 68516	INITIATION DATE:	11/14/18
		ARCHITECT'S PROJECT NO.:	339-E1-001
		CONTRACT FOR:	\$178,000.00
		CONTRACT DATE:	6/13/18

You are directed to make the following change(s) in this Contract:

Item No.	Description	Add/Deduct	Amount
A.	Additional wiring for electric water heater, upsize wire and raceway for electrical service (3-wire in lieu of 4-wire), grounding electrode, panel size and breaker, including overhead and profit	ADD	\$1,786.13
B.	Elimination of piping gas from meter to the water heater	DEDUCT	-\$600.00
TOTAL		ADD	\$1,186.13

Not valid until signed by both the Owner and Architect.
 Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original Contract Sum was.....	\$	178,000.00
Net change by previously authorized Change Orders.....	\$	0.00
The Contract Sum prior to this Change Order was.....	\$	178,000.00
The Contract Sum will be increased/decreased by this Change Order.....	\$	1,186.13
The new Contract Sum including this Change Order will be.....	\$	179,186.13
The Contract Time will be increased/decreased.....		1 Day
The Date of Substantial Completion as of the date of this Change Order therefore is		November 13, 2018

Ordinance No. 1296 was introduced and passed on first reading at the October 10, 2018, council meeting. Council member Hotovy made a motion to pass Ordinance No. 1296 on the **second reading**. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Meysenburg, Kobus, Trowbridge, Vandenberg, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1296 was passed on 2nd reading as follows:

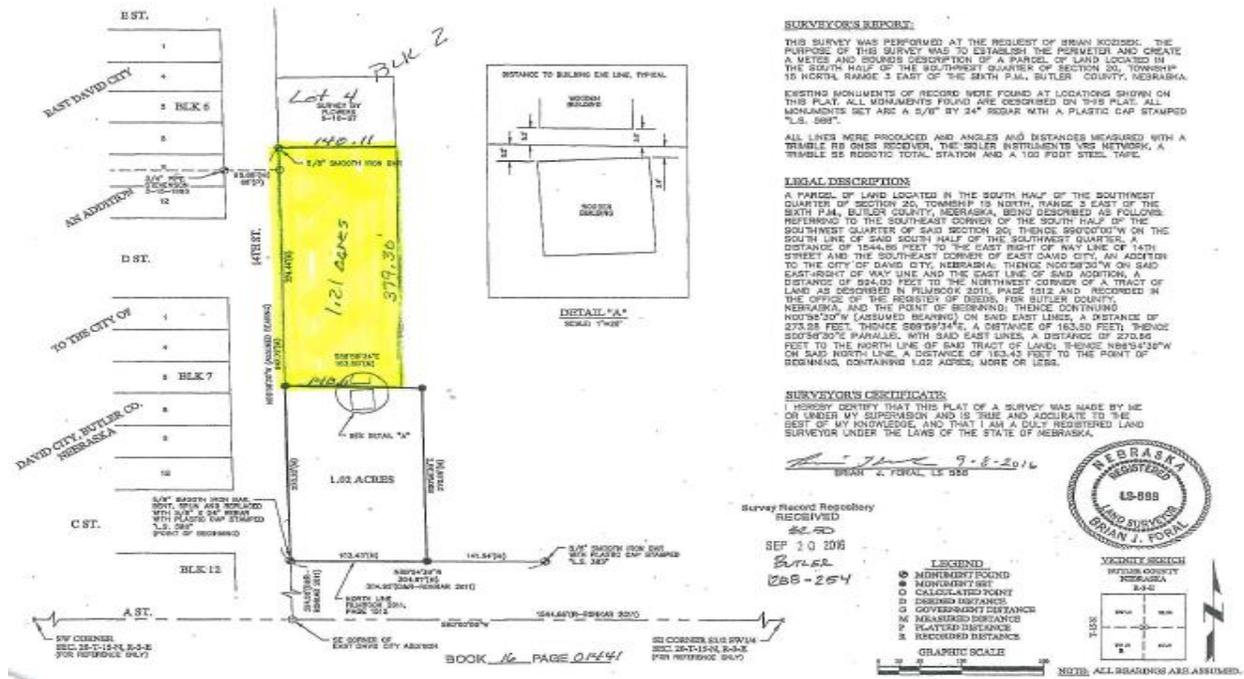
ORDINANCE NO. 1296

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA,

A TRACT OF LAND LOCATED IN THE SW ¼ OF THE SW ¼ OF SECTION 20 T15N R3E OF THE 6TH P.M., BUTLER COUNTY, NEBRASKA, LEGALLY DESCRIBED BELOW, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of the City of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

Beginning at the southwest corner of Lot 4, Block 2, Kozi Addition to David City, Butler County, Nebraska, said Point being on the east line of Fourteenth Street in said David City; thence easterly, 140.11 feet to the southeast corner of said Lot 4; thence southerly, parallel with the east line of said Fourteenth Street, 379.3 feet; thence westerly, 140.11 feet, to a point on the east line of said Fourteenth Street, said point being 374.44 feet south of the southwest corner of said Lot 4; thence northerly, 374.44 feet, to the Point of Beginning, containing 1.21 acres, more or less;



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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same is hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

Passed and approved this _____ day of _____, 20_____.

ATTEST:

Passed on 2nd reading only 11/14/18
City Clerk Joan E. Kovar

Passed on 2nd reading only 11/14/18
Mayor Alan Zavodny

Council member Trowbridge introduced Resolution No. 17 – 2018 placing “No Parking” signs along both sides of “A” Street from City limits to City limits, and moved for its passage and adoption. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Hotovy, Meysenburg, Kobus, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 17 - 2018 was passed and approved as follows:

RESOLUTION NO. 17 – 2018

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

WHEREAS, the City of David City, Nebraska, has determined that there is a need for the placement of “No Parking” signs along both sides of “A” Street, from City limits to City limits, to allow large vehicles, farm equipment, etc. adequate space for safely traveling along “A” Street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that “No Parking” signs shall be installed on both sides of “A” Street from City limits to City limits.

Dated this 14th day of November, 2018.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Kobus introduced Resolution No. 18 – 2018 placing “No Parking” signs along both sides of “O” Street, from 4th Street west to the Burlington Northern /Santa Fe Railroad Tracks, and moved for its passage and adoption. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Hotovy, Smith, Kobus, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 18 - 2018 was passed and approved as follows:

RESOLUTION NO. 18 – 2018

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

WHEREAS, the City of David City, Nebraska, has determined that there is a need for the placement of "No Parking" signs along both sides of "O" Street, from 4th Street west to the Burlington Northern/ Santa Fe Railroad Tracks, to allow large vehicles, farm equipment, etc. adequate space for safely traveling along "O" Street.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that "No Parking" signs shall be installed on both sides of "O" Street from 4th Street to the Burlington Northern/ Santa Fe Railroad Tracks.

Dated this 14th day of November, 2018.

Mayor Alan Zavodny

City Clerk Joan Kovar

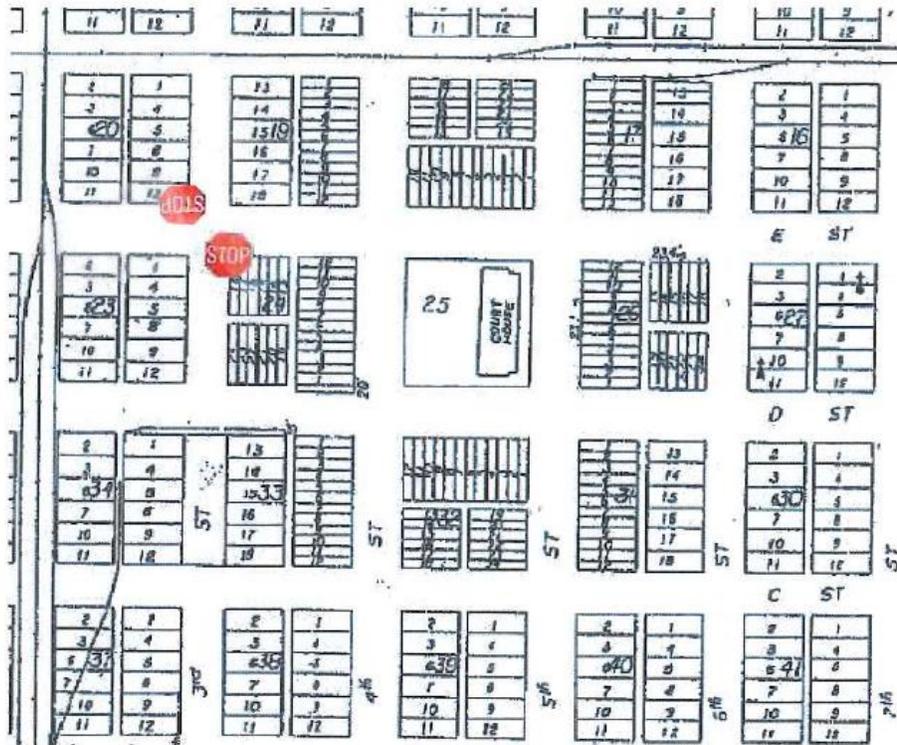
Council member Tom Kobus had suggested a resolution calling for the installation of a stop sign on the southeast corner of the intersection at 3rd & "E" Street for traffic heading north. He stated that cars are traveling pretty fast down 3rd Street and it is sometimes hard to see oncoming traffic from the west. Discussion followed in which it was suggested that stop signs be installed on both sides of "E" Street on 3rd.

Therefore, Council member Trowbridge introduced Resolution No. 19 – 2018 placing "Stop Signs" on the southeast and the northwest corner of the intersection at 3rd & "E" Street for traffic heading north and south, and moved for its passage and adoption. Council member Hotovy seconded the motion. Voting AYE: Council members Vandenberg, Smith, Meysenburg, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 19 - 2018 was passed and approved as follows:

RESOLUTION NO. 19 – 2018

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

WHEREAS, the City of David City, Nebraska, has determined that there is a need for the placement of "Stop Signs" on the southeast and the northwest corners of the intersection at 3rd & "E" Street for traffic heading north and south.



NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that "Stop Signs" be installed on the southeast and northwest corners of the intersection at 3rd & "E" Street for traffic heading north and south.

Dated this 14th day of November, 2018.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Kobus stated: "If you take equipment to the Kobza Auction you can get a really good price and it doesn't have to be road ready. You mention it has a rusty frame, or the motors bad, that's what they put. It's a pretty good place to take stuff to get rid of it."

Council member Hotovy agreed saying: "It has to be represented correctly; fairly and accurately. I've sold a truck there that had no brakes and it was advertised as such."

Council member Hotovy made a motion to sell the 85 International Dump Truck, as is, at the Kobza Auction Building. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Smith, Meysenburg, Trowbridge, Hotovy, and Kobus. Voting NAY: None. The motion carried.

The next agenda item was consideration of Ordinance No. 1298 setting the compensation for elected officials and Mayor Zavodny stated: "You know, I listened to KFAB today and the whole day was almost spent on what Bellevue did last night, so this is poor timing."

Council member Trowbridge stated: "I think that lower left-hand article of the Omaha World Herald this morning, probably should keep us from doing this, because it doesn't look good."

[Note: This is part of the article: Bellevue City Council members showed little appetite Tuesday evening for voting themselves an eleventh-hour pay raise. The Council voted 4-2 against the \$6,000 raise that had been proposed by Councilman Pat Shannon. "I don't look at this as a job, I look at it as volunteering," Councilman John Hansen said before voting against the measure. Bellevue City Council members are paid \$11,000 a year, and the mayor receives \$17,000 a year. The pay hike would have increased that to \$17,000 for council members and \$23,000 for the mayor. In recent years, several metro area governing bodies have approved pay raises for their councils, including Omaha, Ralston, LaVista, Council Bluffs, and Douglas County. But what made Bellevue's proposal different from the path taken by Omaha and the Bluffs, for example, was Shannon's suggestion that the council waive the customary deliberation period between an initial proposal and final vote. Typically, six weeks or more can elapse between the two, which allows time for research and public comment. Instead, Shannon asked his colleagues to dispense with the waiting period, hold the public hearing Tuesday night and then vote.]

Council member Trowbridge continued: "We make a motion tonight, and we have to act on it tonight, pass it on third and final, and I'm not sure the public forgives us for those things; they generally don't. I'm torn with how much we get done here, how efficient we are, and there are a lot of things that need to be done in our community and we could stay here till midnight working on them one night a month, and then we go two weeks from now to the Committee of the Whole Meeting where we can't take any action but we can talk about things. So then if we decide we want to do something, two weeks later we then bring it to the Council meeting and we talk about it again, and we don't get anything done. I would bring to the council an ordinance for the December meeting, with the help of Mr. Egr, that would change Code 1-508 [Chapter §1-508 of the Municipal Code] to read "the City Council meetings are the 2nd Wednesday and the 4th Wednesday of every month and we don't mess with Committee of the Whole Meetings any longer. We have two Council meetings a month, we get done what we need to get done, and we move on with it. We don't need to change our salary situation."

Mayor Zavodny stated: "That's what Wayne does."

Council member Trowbridge stated: "I don't see a loser in the whole thing."

Council member Trowbridge introduced Ordinance No. 1298.

Mayor Zavodny read Ordinance No. 1298 by title: AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, SETTING THE COMPENSATION FOR ELECTED OFFICIALS;

REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Council member Trowbridge made a motion to pass Ordinance No. 1298 on the first reading only. Mayor Zavodny asked for a second to the motion. Not hearing any, Mayor Zavodny asked again for a second to the motion. Still not hearing any, Mayor Zavodny asked for the 3rd and final time for a second to the motion. Hearing none, Mayor Zavodny stated the motion died for lack of a second.

ORDINANCE NO. 1298 - Died for lack of a second

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, SETTING THE COMPENSATION FOR ELECTED OFFICIALS; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Mayor Zavodny stated: "Agenda item #22 – Consideration of hiring a City Administrator. I am going to go on record as saying, you know, with as much as has been going on the last couple years, with Timpte, the Downtown and everything, if we ever would have had one that would have been a really, really, really, good time to have one just because of the amount of work there is."

Council member Trowbridge stated: "But, looking ahead we have a lot of good things coming at us. A lot of conclusions of things that have been a struggle and that's a good thing that they're coming to conclusion. We will get to enjoy the benefits of them. We've got a project in the north end of town, which is going to be a wonderful project, and hopefully we can build off of that, we can have some vision, we can be a strong council, we can get busy with the tax increment financing issue, and we can do some really good things for the community."

Mayor Zavodny stated: "I will also say, and I'm not at liberty to discuss, but there are also some other things in the works that I'm not able to make you aware of yet, of inquiries and interests that would grow our community, so there is a lot out there. Once downtown is done, the revitalization of that's going to be really important. The one comment I would make on this, and this is probably where we can debate it, is I think we are going to have to go out and recruit, and/or we could go to UNO, they have the program for public administration, the master's program, but then you're getting somebody without experience. I believe that we have enough, that it would be nice to be able to get someone with some experience, and I'm telling you, you are going to have to pay them to get a good one. You will get what you pay for when it comes to this type of a position."

Much discussion followed.

Council member Trowbridge stated: "I think we need to look at the Master's part of this differently than just further college because people that haven't been through a master's program probably don't understand how difficult it really is. It's a commitment that this person has made, and they've paid for both in time and in cash, and they've stuck it out and they've probably learned a heck of a lot in the two years they are doing that. So, therefore it's more than a further college education, I think it's a definition of the individual, that they'll make a

commitment to do what it takes for them to get ahead in life which is a great start for their employer.

Mayor Zavodny stated: "As far as recruiters and a multi-pronged approach, which might be pretty effective, let's talk to some of those bigger cities that have an assistant and say "Do you know of anybody who would be interested?"; we might stumble across one. There are other people who work in the field with cities all the time, maybe it's in planning, maybe it's somewhere else, and say "you know I know about an opening...". For the record, we will not discriminate against any age, if a ninety-eight-year-old guy wants to come and he's really good and will be here for ten years, great. Let's go out and find somebody."

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 Meysenburg, Smith, Kobus, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:38 p.m.



CERTIFICATION OF MINUTES
November 14, 2018

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of November 14th, 2018; 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.

Joan Kovar, City Clerk