

CITY COUNCIL PROCEEDINGS

February 10, 2021

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 February 4, 2021, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting. The meeting was held at the City Auditorium due to the COVID-19 pandemic so as to incorporate social distancing strategies. [It is recommended that individuals be kept at least 6 feet apart.]

Present for the meeting were: Mayor Alan Zavodny, Council members John Vandenberg, Tom Kobus, Jessica Miller, Bruce Meysenburg, City Attorney Jim Egr, City Administrator Clayton Keller and City Clerk Tami Comte. Council member Hotovy arrived at 7:45 p.m. Council member Pat Meysenburg was absent.

Also present for the meeting were Recreation Coordinator Will Reiter, Interim Water Supervisor Aaron Gustin, Ethan Joy of JEO, Dave Ziska with Olsson, Mary Ann Long, Butler County Soccer Organization members Austin Witmer and Darci Betzen, Planning Commission members Keith Marvin, Jim Vandenberg and Janis Cameron, Special Projects Coordinator Dana Trowbridge, Mary Lou Hilger, Park/Auditorium employee Nathan Styskal, and Sheriff Tom Dion. Attending via Zoom were Deputy Clerk Lori Matchett, and Banner-Press reporter Molly Hunter.

The meeting opened with the Pledge of Allegiance.

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

Council member Jessica Miller made a motion to approve the minutes of the January 27, 2021 meeting as presented. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to approve the claims as presented. Council Member Kevin Hotovy seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that the next agenda item was committee and officer's reports.

Mayor Zavodny said, "I encourage you to really look at the financials. Some of it is timing, but I especially want you to note the tax supported entities versus our proprietary and how those have a symbiotic relationship. So, I encourage you to look at those more closely."

"I want to commend our Street Department and our other employees for their work on snow removal again. It's never easy and I thought they did a very nice job and they continue to do that. The new scoreboards are upstairs. I haven't been able to see those yet but I've seen the pictures and I think that is a great improvement."

"Some people have said that we have some lights out around town and it's mostly the ones on the tops of the buildings and we're aware of that. When it gets to the top of the list, we'll get to that, but a light out here or there is probably not a priority."

"Also, we are scheduled for mediation with the union in early March and we fully intend to comply with what the Commission of Industrial Relations tells us to do but the step before that is to use the federal arbitrator to try to do some mediation and so we'll see. It would appear that there will probably be some winners and losers in that thing."

"This is just a personal observation and it may be totally wrong, but it seems like our purple lights are getting worse on the highway and it might just be the snow reflecting them even more but we are aware of that and we are supposed to be getting replacements for that. I'm sure when the weather gets better than sixteen below zero, we'll start to tackle those. I didn't think that it was possible to get more purple but I think they are."

"The mask mandate will end at midnight on February 18th. Our numbers are significantly better. I will not be issuing anything further. Although, I personally believe that it has helped and some people that I've talked to think that we've probably saved some lives and if that's the case then it's worth it. Given the chance, a hundred times out of a hundred, I'd do it again. The positive comments have probably outnumbered the negative comments probably five or six to one. Some people said that they wouldn't shop if there is a mask mandate and I've had people tell me that they wouldn't shop unless there is a mask mandate. So, we did have good compliance and when we did it, I want to remind you that it was done when our hospitals were almost at the breaking point. They were at capacity and they were turning away patients and that's why I did what I did. Even knowing what I know now, I would do that again. So, if you want to do anything else, I saw that Lincoln and Omaha have extended their mask ordinance longer. We do have some variants out there, but if anything is going to happen, it's going to come from this Council. I'm just putting you on notice that I'm not going to do anything, certainly alone, if you decide to do it, you can, using the appropriate manner."

"There have been a couple of things that have been bothering me and so the last thing that has been bothering me is this Council took a lot of criticism for not doing more about the Chauncey Taylor house. I think that this Council did everything that it could do within the law. There were some limitations to what we can do and we took a ton of criticism for it and we continue to take criticism for it. I hear complaints that the old courthouse got taken down and the old hotel and questions on what's going to be the future of the Thorpe and those kinds of things. People had an opportunity to do something with the Chauncey Taylor house now and the people who were complaining and criticizing this Council – where are you? Where's the stepping up on that? So, before you are so eager to lay criticism on this governing body, that house probably wouldn't be standing if this body wouldn't have taken action. Where are the

people who were going to be part of the solution once it was saved by this City Council? I am a little angry about that. We got criticized for it. We're going through a process and we'll continue to do that and we've done the right thing every step of the way. So, those of you who have criticized this Council, for what it did or didn't do, shame on you, is what I have to say about that."

Council member Kevin Hotovy made a motion to approve the committee and officers 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, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that the next agenda item was consideration of appointing a city engineer and street superintendent.

City Administrator Clayton Keller said, "In November of last year the City Council put out a request for proposals from engineering firms in an effort to make sure that we were with a firm that had not just our best interest at heart but also a firm that would walk forward with us as we continue to grow and develop the city. We went through that process. The selection committee reviewed the proposals and met with each firm that submitted and we had a really tough time making a decision. So, our recommendation is to remain with Olsson's and use Dave Ziska as our street superintendent. It is the Council's decision what you decide to do. The proposals came from Olsson's, JEO and Leo A. Daly. Those are the options on the table. I want to reiterate that our recommendation is to stick with Olsson's. The reasons being, they know David City, they've been here a long time. We have a really good relationship with their water/wastewater guy and likewise with JEO. We really like Ethan Joy, the guy that we would be working with there, as well. At the same time, it's hard to overcome the knowledge that Olsson's has about the city infrastructure and our systems and where we want to go with things. The recommendation is there, before you, in your agenda packet."

Mayor Zavodny said, "You've heard the recommendation of the committee and Clayton's explanation of it. How do you wish to proceed?"

Council member Kevin Hotovy made a motion to appoint Olsson Associates as the City Engineer and Dave Ziska as the Street Superintendent. Council Member Jessica Miller seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was consideration/discussion of the water treatment plant committee's recommendation and the authority to proceed.

City Administrator Clayton Keller said, "We've had this recommendation for the City Council before and we're just revisiting it now that we have selected our city engineer, we feel comfortable moving forward with this project. Our recommendation from the selection committee is to move forward with reverse osmosis treatment process at the water treatment plant. I would recommend that we use JEO's plans that they had in place and to use JEO since those are their plans. The selection committee feels that this would be the best step for the City moving forward."

Mayor Zavodny said, "Ok. Let me clarify. We just hired Olsson's but for this specific project, we are going to engage JEO for this?"

City Administrator Clayton Keller said, "Correct."

Mayor Zavodny said, "Ok. Just so everybody is clear on that."

City Administrator Clayton Keller said, "The reason for that is because JEO has done this before and they are the ones that drew up this project, so it would make sense to use them on this particular project."

Council member Kevin Hotovy said, "I was also on this selection committee. It's a very different process but the efficiency, labor-wise, could really end up paying dividends with being able to keep our guys out in the field doing improvements and repairs instead of babysitting the water plant. This should provide a very high-quality water for many years."

Council member Tom Kobus said, "It's also a much cleaner process. We're not fighting the lime. There's lime all over down there, in every crack and crevice. This is just much cleaner."

Council member Kevin Hotovy made a motion to approve the water treatment plant committee's recommendation of hiring JEO to change the treatment process to reverse osmosis. Council Member Tom Kobus seconded the motion. The motion carried.
Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny said, "Item number nine is pretty much a housekeeping thing. Anyone who wants to fly out of our airport for ag spraying needs to come before us."

City Administrator Clayton Keller said, "If you want Frontier here, we can table this until next time to ask them questions."

Mayor Zavodny said, "I don't know that we need to do that."

Council member Kevin Hotovy said, "The only reason that this is in front of us is because their hangar is based out of Wahoo and the Wahoo airport will be closed all summer long. They are going to be bound by all of the regulations that they have to follow, regardless. So, it's a no-brainer."

Mayor Zavodny said, "I just want to emphasize that's an important point to be made because there are rules as far as containment, chemical spills and those kinds of things that they will have to adhere to those kinds of considerations."

Council member Kevin Hotovy made a motion to approve an agreement for Municipal Airport Use with Frontier Cooperative. Council Member Bruce Meysenburg seconded the motion. The motion carried. Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea

Yea: 6, Nay: 0

**AGREEMENT FOR
MUNICIPAL AIRPORT USE**

This Agreement for Municipal Airport Use, hereinafter referenced as "Agreement", is made and entered into between the CITY OF DAVID CITY, NEBRASKA, a Nebraska Municipal Corporation, hereinafter referenced as "DAVID CITY" and the FRONTIER COOPERATIVE, A Nebraska Cooperative Association, hereinafter referenced as "COOP".

WHEREAS, DAVID CITY owns, maintains and operates the David City Municipal Airport; and,

WHEREAS, COOP desires to utilize the David City Municipal Airport for the 2021 crop dusting season to conduct a spraying operation, including tying down (parking) COOP-owned airplanes and flying in and out of the David City Municipal Airport as needed; and

WHEREAS, the purpose of this Agreement is to establish responsibilities, authorities, and constraints mutually agreeable to the parties hereto including, but not necessarily limited to the following:

- (A) Establish COOP to be responsible for any damage to the airport in the tie down area where they will set up their temporary spraying operation;
- (B) Establish COOP to be responsible for the damages and any clean-up associated with any chemical spills occurring as a result of COOP's temporary spraying operation;
- (C) Provide terms of fee setting and collection of fee;
- (D) Provide limitations for the said temporary spraying operation; and
- (E) Provide for other factors important to the parties hereto.

NOW, THEREFORE, IN CONSIDERATION OF THE TERMS AND CONDITIONS STATED HEREIN, which the parties agree to be valuable consideration, the parties agree as follows, to-wit:

I

DURATION

This Agreement shall commence on the date of execution of this Agreement and shall end on August 31, 2021.

II

FEE

COOP will pay a total usage fee of ONE THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$1,500.00) for the term of this Agreement. The total usage fee shall be paid by COOP to DAVID CITY in lump sum upon execution of this Agreement.

III

TYPE OF USE

COOP agrees that the David City Municipal Airport will be used for a temporary spraying operation throughout the 2021 crop dusting season.

IV

LAWS AND ORDINANCES

COOP agrees to execute and fulfill all State, County, Federal, and/or City Ordinances or acts applicable to the David City Municipal Airport for the purposes for which the David City Municipal Airport is being used, AND all requirements of any Federal, State, County or City Board of Health, sanitary and Sheriff's Department for the correction, prevention and abatement of nuisances in, upon and/or connected with COOP's use of said airport.

V

INDEMNIFICATION

COOP shall defend, indemnify, and hold DAVID CITY and its agents, officers, and employees harmless from and against any and all claims, suits, demands, actions, liabilities, losses, damages, judgments, or fines arising by reason of injury or death of any person, or damage to any property, including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs, investigator fees, and expert fees) of any nature whatsoever arising out of COOP's activities on the David City Municipal Airport grounds or in its use or occupancy of the David City Municipal Airport regardless of where the injury, death, or damage may occur, except to the extent that such injury, death, or damage is caused by the willful misconduct of DAVID CITY. DAVID CITY shall give COOP reasonable notice of, and an opportunity to defend against, any such claims or actions. Notwithstanding the above indemnification, COOP shall give DAVID CITY reasonable notice of any matter covered herein

and shall forward to DAVID CITY a copy of every demand, notice, summons, or other process received in any claim or legal proceeding covered hereby.

VI

RESPONSIBILITY FOR CHEMICAL SPILLS

In addition to the indemnification provided for in Paragraph V above, COOP hereby accepts full responsibility for any and all cleanup as a result of any hazardous and non-hazardous chemicals spilled in connection with COOP's use of the David City Municipal Airport. COOP agrees to provide emergency response, cleanup and disposal services of hazardous material and/or non-hazardous material spilled in connection with COOP's use of the David City Municipal Airport. COOP shall abide by all applicable Federal, State, County and/or City Ordinances or acts in the response, cleanup and disposal of hazardous and/or non-hazardous material spilled in connect with COOP's use of the David City Municipal Airport.

VII

COMMUNICATIONS WITH OTHER USERS

COOP agrees to utilize radio controls at all times and communicate with other users of the David City Municipal Airport, including, but not necessarily limited to, Roth Aerial and Storm Aeronautics, throughout the duration of this Agreement.

VIII

INSURANCE

COOP shall at all times carry the necessary insurance coverage to protect DAVID CITY or its assigns, from any claims for damages that might arise during COOP's use of the David City Municipal Airport in the following particulars, to-wit:

- (A) To protect DAVID CITY, its agents, officers and employees against liability or loss expense of whatever kind arising in any way out of, in connection with, or resulting from COOP's activities on or use of the David City Municipal Airport, COOP shall procure and maintain, at its sole expense and during the full term of the Agreement, insurance as hereinafter enumerated.
- (B) COOP shall submit to DAVID CITY at the time COOP executes this Agreement, a Certificate of Insurance, in form satisfactory to DAVID CITY, evidencing that satisfactory coverage of the type and limits set forth herein are in effect. Policies

providing such coverage shall contain provisions that no cancellation or material changes in the policies shall become effective except on 30 days advance written notice thereof to DAVID CITY.

- (C) All insurance coverage shall be placed with insurers authorized to do business in the State of Nebraska and must be placed with an insurer that has an AM Best's rating of no less than A: VII, unless specific approval has otherwise been granted by DAVID CITY.

IX

AMENDMENTS TO AGREEMENT

Amendments to the original Agreement may be made and modifications made upon mutual agreement and consent by the parties hereto.

X

BINDING EFFECT

This Agreement shall be binding upon the heirs, successors, assigns, and personal representatives of the parties hereto.

XI

EFFECTIVE DATE

This Agreement shall become effective upon execution by all parties.

XII

TERMINATION

Upon termination of this Agreement, improvements of any permanent nature, such as buildings, shrubbery, trees, etcetera, shall remain upon said David City Municipal Airport and become the property of DAVID CITY.

IN WITNESS WHEREOF, DAVID CITY and COOP have hereunto set their hands the date and year hereinafter written by each.

DAVID CITY:

COOP:

By: _____
ALAN ZAVODNY,
Mayor

By: _____

By: _____
TAMI COMTE,
City Clerk
(Seal)

State of Nebraska)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2021 by ALAN ZAVODNY, Mayor, and TAMI COMTE, City Clerk, of the City of David City Nebraska, a Nebraska Municipal Corporation, on behalf of DAVID CITY.

Notary Public

State of Nebraska)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2021 by _____, as _____ of Frontier Coop, a Nebraska Cooperative Association, on behalf of the COOP.

Notary Public

Mayor Zavodny said, "That takes us to item ten. I want to say a couple of things. This is an excellent example of a public-private partnership. It's also what this entity, meaning the Council, had in mind when we hired our Rec. Coordinator and tried to strengthen our rec programs, especially with youth. This is the idea. Part of it is to slowly build it to where it can pay for itself, which I think is really important. I'm pleased that we are discussing this tonight

and we're getting to this point. I see that we have a couple of people who are with the soccer program that are here. Austin, did you want to say anything?"

Austin Witmer said, "My name is Austin Witmer and I've taken over the soccer program in the past few years and we've really been, I don't want to say struggling too much, but our whole organization is based on volunteers. If I counted it last year, I think I probably put in at least a thousand hours of unpaid hours and I've put my own money into this program, so being able to have Will here to help is great. He's been a tremendous help this year. As my family grows, it just wouldn't work to keep doing all of the work. We're not just giving the soccer program away; our board is still very much involved. Will is just acting as a director and getting things going and being a good contact. As far as big decisions and that kind of stuff, it still comes as a collaborative effort. I'm really excited about this. I think it's great for our community and I hope that other sports and activities in the community will come along."

Mayor Zavodny said, "Are there any questions of Austin while he's kind enough to come up to the mic?"

Council member Jessica Miller said, "We're past board members of the soccer association, as well. Can the soccer organization really afford this \$3,000?"

Austin Witmer said, "So, we went through a whole process with Clayton and Will. Two years ago, our fees to sign up were tiered for multi-families. Two years ago, the fees were \$45 per player. This year they are \$70 per player. Last year they went up like \$10, this year they went up another \$15 per player to help support this. I don't like increasing fees. I hope we never have to do it again, but it's just a necessary action. We also looked at some other things. The program got in debt a little bit. We're really close to paying that off. Once that is over, there will be more funds available. Also, as part of this agreement, we've worked out a mowing agreement which will, hopefully, save us a thousand dollars for the year. So, yes, I think that the three thousand dollars this year is sustainable. I do kind of worry sometimes with Covid-19 because last year we canceled the season and then during the summer we kind of put together a pick-up game type of season. It was five weeks of show up and play if you want to. We've had two registration nights already. The registrations look pretty promising. We usually run around 175 players and we have 130 signed up already. The high school group usually signs up the day before the season starts, it seems like. If we can keep that same 175 player level, we can afford the three thousand dollars with the other adjustments that we've made."

Council member Jessica Miller said, "My other concern, too, is – we appreciate your blood, sweat and tears. Being a volunteer myself, I know that painting those lines is not fun. Being the only one out there painting lines is not fun. I wish Will had been around when I was doing softball and soccer, so I appreciate your time for doing it. My concern is that even if a child cannot afford to play, are you going to work it out and allow them to play?"

Austin Witmer said, "We will work with the parents, yes."

Council member Jessica Miller said, "I would like to see no one turned away."

Austin Witmer said, "We had that quite a bit last year. So, last year we sent out a message that we couldn't give refunds because of Covid-19, which is why we had our later season. We had parents fill out forms, it wasn't that difficult to do, if they needed to get their refund, we refunded them. This year we've had a few parents that said that they don't get paid until two weeks from now, can I pay you then, type of thing. Yeah, we'll figure it out later. If they need to pay over a series of time, that's fine, otherwise we do have our cookie dough

fundraiser. So, I've had one of the parents say that they couldn't afford it right now but if they could sell their cookie dough to cover the cost, does that count? Absolutely. We'll work with people. I don't want to turn anybody away, either. Our community is generous, though, and that's been really nice."

Mayor Zavodny said, "Those are good questions. For fundraising, it's cookie dough selling?"

Austin Witmer said, "It's non-mandatory. There are so many fundraisers that I didn't want to make it mandatory. But we do sell Eileen's cookie dough, so if they sell cookie dough, it's \$15 per tub and roughly a third of that comes back to the soccer program so it's a pretty good fundraiser. I think the cookie dough netted us a little over a thousand dollars last year."

Council member Bruce Meysenburg made a motion to execute the Memorandum of Understanding with the Butler County Soccer Organization. Council Member Tom Kobus seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

MEMO OF UNDERSTANDING

This Memo of Understanding, hereafter referenced as "Understanding" is made by and between THE CITY OF DAVID CITY, NEBRASKA, a Nebraska Municipal Corporation, hereafter referenced as "City" and BUTLER COUNTY SOCCER ORGANIZATION, INC., a Nebraska Non-Profit Corporation, hereafter referenced as "Soccer Organization".

WHEREAS, Soccer Organization runs a youth soccer program within the City's corporate limits, and,

WHEREAS, Soccer Organization leases soccer fields from Butler County Ag Society on which Soccer Organization hosts youth soccer games and practices; and,

WHEREAS, Soccer Organization desires to contract with the City for the provision of administrative services to assist in running said youth soccer program and for the mowing services for said soccer fields; and,

WHEREAS, the City has a Recreation Department which employs a full-time staff; and,

WHEREAS, the City desires to provide administrative services to assist in running said youth soccer program and mowing services to Soccer Organization through the Recreation Department; and,

WHEREAS, the City and Soccer Organization agree that this Memo shall be effective for one (1) year from the date of execution; and,

WHEREAS, the City desires to charge and Soccer Organization agrees to pay fees for said administrative services and mowing services; and,

WHEREAS, it is in the best interests of both parties herein to reduce to writing their mutual agreements and understandings as relates to the provision of administrative services, the mowing of soccer fields and the payment of fees for said administrative services and mowing.

NOW, THEREFORE, IN CONSIDERATION OF the terms and conditions of this Memo, which the parties hereto AGREE TO BE VALUABLE CONSIDERATION, the City and Soccer Organization agree as follows:

1. Soccer Organization agrees as follows:
 - (A) Soccer Organization will pay a Board Director Fee of \$3,000.00 to City in lumpsum by March 31, 2021 for administrative services provided by the City to Soccer Organization pursuant to this Memo.
 - (B) Soccer Organization shall pay \$100.00 to the City for each occurrence of mowing of the soccer fields by the City. Soccer Organization shall remit payment to the City within ____ days of receipt of each invoice for mowing services.
2. The City agrees as follows:
 - (A) The City will provide Soccer Organization with administrative services through the Recreation Department, to include:
 - a. Maintaining and responding to Facebook messages
 - b. Responding to email
 - c. Running the RemindMe App
 - d. Creating the youth soccer teams (with Soccer Organization board review)
 - e. Creating the youth soccer game schedule
 - f. Organizing Soccer Organization's cookie dough fundraiser
 - g. Preparing and maintaining the soccer fields
 - h. Accept registrations for participants that are unable to attend registration night
 - i. Ordering uniforms
 - j. Any other administrative duties
 - (B) The City agrees to provide mowing services for the soccer fields.

- (C) The City agrees to provide Soccer Organization with an invoice for each soccer field mowing occurrence within _____ days of each mowing occurrence.
- 3. This Memo SHALL BE BINDING on the City and Soccer Organization, their heirs, successors, assigns, and personal representatives.

CITY:

SOCCER ORGANIZATION:

By: _____
 Alan Zavodny, Mayor Date

By: _____
 , Date

Attest: _____
 Tami Comte, City Clerk Date

By: _____
 , Date

STATE OF NEBRASKA)
) ss.
 COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me _____, 2021 by ALAN ZAVODNY, Mayor and TAMI COMTE, City Clerk, both of the City of David City, Nebraska, a Nebraska Municipal Corporation, on behalf of the corporation.

 Notary Public

STATE OF NEBRASKA)
) ss.
 COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me _____, 2021 by _____, _____ and _____, _____, both of the Butler County Soccer Organization, Inc., a Nebraska Non-Profit Corporation, on behalf of the corporation.

 Notary Public

Mayor Zavodny stated that item number eleven was consideration of selecting a firm to complete the airport layout plan.

City Administrator Clayton Keller said, "This was another really difficult decision. This Council, again, back in November, issued a request for qualifications from firms that were interested and qualified in doing our airport layout plan update, which is essentially our comprehensive plan for the airport. We had three firms submit: Coffman Associates, Garver and Kirkham Michael. The selection committee was able to narrow it down to two firms, Kirkham Michael and Garver. We had a tough time deciding between the two, but after the informal interviews via phone call with those two and some phone calls to references and a phone call to the State as to what their experience has been with them, we decided that Garver was the most qualified to tackle the issues that we have before us at our airport, mainly because of the wetlands and the wildlife habitat situation. Garver has those wildlife biologists on staff and they have certified wetland delineators, and that really helps us with our plan. For that reason, we recommend moving forward with Garver."

Council member Kevin Hotovy said, "This was another one that I got to be involved in. This layout plan is very important. It's something that we absolutely have to do. All of the companies were worthy. Garver has the most experience. They also have engineers on staff, as well, where Coffman and Associates just do layout plans. They don't do any engineering. To have the engineering side, as well, could be beneficial to constructing the layout plan.

Mayor Zavodny said, "I actually received copies of the three proposals and I was dumb enough to read all three of them. It took a while. It was evident, to me at least, that Kirkham Michael, because they've done work for us, had the most intimate knowledge of how our airport works. The other two are big and do a lot of bigger airports. One of them hadn't really done that much in Nebraska. They were more in Kansas and Oklahoma. So, there were some strengths and weaknesses, I think, probably of all of them. I appreciate the work that the committee does because when I read them, I don't know that one jumped out at me, so it was pretty close from my analysis. So, I'm going to lean heavily on your recommendation."

Council member Tom Kobus made a motion to approve appointing Garver to complete the Airport Layout Plan (ALP). Council Member Kevin Hotovy seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that takes us to item twelve, consideration and discussion concerning plans for the 2021 swimming pool season.

Mayor Zavodny said, "Swimming season will be upon us sooner than we can imagine. So, last year we were dealing with a lot of unknowns with Covid-19. Our Butler County numbers have been really good. There's been a relaxation of a lot of directed health measures. NSAA is actually going for districts and playoffs for seventy-five percent of those indoor capacities, with still masks required. The governor has been chomping at the bit to lessen restrictions all along. I guess it's time to decide what we're going to do as far as the swimming season this year."

City Administrator Clayton Keller said, "There was an email chain among the city administrators across the state of Nebraska a couple of weeks ago about this very topic and a majority of towns that responded, actually I think all of the towns that responded to the email chain, indicated that they were opening their pools this summer as if it were a regular year. That doesn't mean that we have to follow suit. It means that there is a way to do it, if we want to do it this year."

Mayor Zavodny said, "That being said, I'll make a few comments. Before terribly long, we are going to have to start looking at hiring, because what happens is that people who planned on being a lifeguard for us will go to another job, if this is not available. I'm going to recommend opening with a little bit of 'you've got to be willing to make an adjustment if, say, one of those variants becomes a problem and we have to backtrack. We may intend to move forward but we've got to be prepared to make different decisions based on the change in the current pandemic.' As it looks now, it looks like it might be positive but we've got to be able to adjust on short notice. But if we're going to hire anybody, we need to do that because they also, especially since we weren't open last year, here's what happens, your water safety instructors didn't renew their certifications. We didn't graduate any kids. Usually, the lifeguards are the younger ones. When they get older, they go and become CNA's or get a little better paying job and leave us. So, we lost a whole crop of potential lifeguards by not having a season last year. That's just the nature of it. With the pandemic, you've all made up your minds by now of how seriously you're going to take it and nothing that anyone's going to say is going to change your mind. Either you're going to agree with the articles that you've read that tell you what you want to believe your core value is on it. I think that we can say that 80% is what we need to get to for the herd immunity and that's going to take a while yet. We're just starting vaccinations and we may have to be vaccinated annually. So, we're probably not going to be by the start of swimming season at 80% herd immunity. Let's be realistic about that. So, we are taking some risks. That's what I have to say based on information that I've been privy to."

Council member Tom Kobus said, "Is this something that our Rec. Director could be involved in to make it run smoother? Maybe he's got some ideas that we don't know about."

Mayor Zavodny said, "Will, are you willing to come up and entertain some questions from Councilman Kobus?"

Recreation Coordinator Will Reiter came up to the front to the microphone.

Council member Tom Kobus said, "I was just wondering if you'd be interested in helping to get the swimming program going, hiring some people? We always have trouble making this thing run."

Recreation Coordinator Will Reiter said, "I could approach the high schools and probably talk to the high school students and see who would be willing to work as a lifeguard. That's generally who you get to work in these kinds of environments. I do have some background in that and some aquatics training so I can help set up having them certified and things like that. John Svec is one of my contacts and he's the pool manager. I can work together with him. I would be happy to do that for you, if you'd like me to."

Mayor Zavodny said, "I guess that leads me to my question. Have we had discussions with John? Is he willing to return?"

City Administrator Clayton Keller and City Clerk Tami Comte both stated that they had not spoken to Pool Manager John Svec at this point.

Mayor Zavodny said, "I'm hopeful that that is the case because he understands that pool very well and can get it running. I'll tell you what, after sitting for a year, we may encounter some unforeseen maintenance issues, just due to that fact. We went with the liquid chlorine now. It's not as easy as turning on tap and filling the thing and saying 'go'. There's a lot more to it. I think we need to firm up a commitment with John, if he's willing to. I certainly hope so. Also, Yvonne, if she's willing to. We need to see who is willing to move forward with us on this and I think it's time to do that."

Council member Tom Kobus said, "I think the biggest thing is trying to nail down some people who would do it by the hour, so they know ahead of time, so we can get them and keep them."

Mayor Zavodny said, "We have to have the staff."

Council member Tom Kobus said, "You have to give them a decent wage so they want to stay."

Mayor Zavodny said, "I do think that we need to look at that a little bit because we pay seasonally and we're actually under minimum wage. The other thing that we run into, and it's every year, and this has been a little bit of a concern of mine, we sell those family passes and you basically shut down by the end of July. I understand why we do it. This has been a problem forever. You've got high school kids who are getting ready for football camp and football practice and volleyball players, college students who are starting back to college. We run into all those kinds of problems. I understand that the people that we're hiring are hard to get to work. I know, growing up, I thought it was a great thing, the pool stayed open until Labor Day."

Council member Jessica Miller said, "They also stayed open until 10 o'clock at night."

Mayor Zavodny said, "I think some of those things actually could help our bottom line if we could figure out how to do them. I think we do need to figure out if we could stay open longer because I think that the season is way too short and try some extended hours. I think that we should market, also, the fact that you can rent the pool for a pretty reasonable price to have those private birthday parties or after-hours swims or those types of things."

Council member Jessica Miller said, "I have a question. Why isn't the swimming pool under the Recreation Coordinator?"

Mayor Zavodny said, "The first point, I'd say, is that he's been here about fifteen minutes."

Council member Jessica Miller said, "Well, I'm just questioning. It's a recreation activity. Why wouldn't that fall under his job description, as well, to help with the swimming pool? I'm not saying that he has to run it. I'm just asking why isn't it part of his job description to be helping with the aquatics?"

City Clerk Tami Comte said, "The swimming pool has always been under the Park Supervisor's purview."

Council member Jessica Miller said, "Can that be crossed over since we have a Recreation Coordinator?"

Council member Tom Kobus said, "Well, no, because they have to do the maintenance on it and everything. They have to get it going."

City Clerk Tami Comte said, "Bill knows the maintenance of the pool."

Council member Jessica Miller said, "So Bill does the maintenance to keep it parks. Why can't it be parks and rec?"

Mayor Zavodny said, "Actually, you have the power to change that, if you would like."

Council member Jessica Miller said, "Great. I'd like it changed."

Mayor Zavodny said, "Ok. So, the next move would be to have that be a future agenda item to make that change. So, we're adding to your plate. I can see some benefit to trying to emphasize them."

Recreation Coordinator Will Reiter said, "It's not foreign to me. I did study it, as well."

Council member Kevin Hotovy made a motion to approve moving forward with opening the swimming pool for the 2021 season. Council Member Jessica Miller seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item was consideration of an offer to purchase the former U.S. Bank building located at 490 "E" Street.

Mayor Zavodny said, "I'm going to tell you that we do need to table this item because until we get the appraisals that are crucial to any consideration of this, we're going to need that. So, ultimately what we're going to do tonight is table this item, however, I think that it would be worthwhile taking a little bit of time to discuss where we're at currently."

City Administrator Clayton Keller said, "The appraiser was actually in today so I'm hoping that we are two to three weeks out before he gets us the appraisal. I also had an electrician take a look at it and a plumber take a look at it. Our contractor gave us a quote, which I passed out to the Council, for some remodeling work that we think that we would like to do before we moved in. The electrician said that for our use at the City it wouldn't take a whole lot of work, so that would be minimal cost. The plumber said that we just need to switch out some fixtures which are actually in the contractor's quote so that's not an added cost, it's already in there. I haven't gotten a roofer up there yet because there's still snow. It's February. As soon as that snow is melted, I've got the guy on call and he'll be right up here from Lincoln to take a look at the roof. I also handed out to the Council a map of the rooftop. The two red

rectangles or squares, those portions of the roof were replaced in 2017 by the roofer that I have on call. He's the guy that did the project. The rest of the roof was not done at that time and so he can't speak to the quality of it. But he's willing to come out and take a look at it for us. So, we have half of the roof that is four years old and the other part of the roof we aren't sure what condition it's in. I was in the bank building again today with the appraiser, the realtor and the building inspector and we took a look at the boiler that's downstairs. It is, I believe, twenty-three years old. So, I called the company that installed the boiler and maintains it and they are going to get back to me tomorrow with more information. I also called the boiler inspector at the State and I'm waiting to hear back from him. So, that's where I'm at with all of those updates."



Mayor Zavodny said, "A couple more things that we could touch upon – most of the work that is being presented tonight are questions that were raised when we initially talked about this. So, we found out the roof age. Do you want to talk about the tenant briefly?"

City Administrator Clayton Keller said, "There is a tenant in the northeast portion of the building. The utilities are not separated, so the lease amount includes utilities. I talked to them and offered them the option to stay, if they wanted to stay. They didn't give me any indication one way or the other."

Mayor Zavodny said, "I just wanted to talk about that because that's part of the picture that we'd have the tenant and where that stands. Also, I will say, at this point I won't share anyone that is interested, but in the building that we are currently in and should it appraise at an amount that would seem reasonable, there has been, I'm confident in saying a minimum of three people very interested in that building. It's right on the highway which is some of the best advertising that you could have and its layout is conducive to several different types of uses, because the people that have expressed interest at some level, at least up until now, are very diverse in the type of businesses that they are in. Being on the highway is appealing to them. I do think that the building that we currently have is very marketable, at this point. Interest and actually signing a check are two different things. I think that until we get our appraisals we're not going to know what we have in the building we have. I will say, I'm going to reiterate, when they first came to me and they will tell you that the first word out of my mouth was "why"? Why are we even considering this? The price per square foot and the more you study it, the idea grew on me. I know Skip was the one that raised the issue, but I think that in looking at it even

further and thinking about it longer, it doesn't make sense for us to keep as part of it, if we were to buy the building, the drive-through area that is separate from the building. I think you use your deposit in the front and, as part of the purchase price, you market that as separate. We may need an appraisal that considers that, the building that we are in and certainly see what the appraisal is on this main building that is part of the discussion. Does that make sense as the process? That's a lot of talking for taking no action. I understand that but that's where we're at tonight. Other comments?"

Council member Kevin Hotovy made a motion to table an offer to purchase the former U.S. Bank building located at 490 "E" Street. Council Member Pat Meysenburg seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

There being no further business to come before the Council, Council member Kevin Hotovy made a motion to adjourn at 7:46 p.m. Council Member Tom Kobus seconded the motion. The motion carried.

Kevin Hotovy: Yea, Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea
Yea: 6, Nay: 0

CERTIFICATION OF MINUTES

February 10, 2021

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 February 10, 2021; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk