

CITY COUNCIL PROCEEDINGS

December 14, 2022

The City Council of the City of David City, Nebraska, met in open public session at 8:01 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 8, 2022, 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.

City Attorney David Levy administered the oaths of office to Mayor Jessica Miller, Ward One City Council member Thomas J. Kobus, Ward Two City Council member Kevin E. Woita and Ward Three City Council member Keith A. Marvin.

Present for the meeting were: Mayor Jessica Miller, Council members Pat Meysenburg, Tom Kobus, Bruce Meysenburg, Kevin Woita, and Keith Marvin. City Attorney David Levy, and Interim City Administrator/City Clerk-Treasurer Tami Comte. A vacancy exists in Ward number one.

Also present for the meeting were: Deputy Clerk Lori Matchett, Special Projects Coordinator Dana Trowbridge, Banner-Press Correspondent Hannah Schrodt, and Sheriff Tom Dion.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. She also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Mayor Jessica Miller gave gifts to Former Mayor Alan Zavodny and Former Third Ward Council member John Vandenberg in appreciation of their twelve years of service to David City.

Mayor Jessica Miller formally announced that a vacancy exists in the Second Ward for a council member. That vacancy will be advertised, and an appointment will be made in January.

Mayor Miller stated that the Council needed to elect a Council President for the 2023 & 2024 calendar years.

Council member Pat Meysenburg nominated Council member Thomas Kobus for Council President. Council member Keith Marvin nominated Bruce Meysenburg for Council President.

The votes were cast by secret ballot: Tom Kobus – two votes, Bruce Meysenburg – three votes.

Mayor Jessica Miller announced that Bruce Meysenburg was the new Council President for 2023 and 2024.

Council member Bruce Meysenburg made a motion to approve the appointment of appointed officials. Council Member Pat Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0

**APPOINTED OFFICIALS
DECEMBER 14, 2022**

CODE SECTION	OFFICIAL TITLE	APPOINTEE
1-503	Interim City Administrator	Tami Comte
1-505 1-504	City Clerk +) City Treasurer)	Tami Comte *
1-506	Deputy Clerk	Lori Matchett
1-508	City Attorney	David Levy, BairdHolm
1-517	Street Supervisor	Christopher Kroesing *
1-515	Electric Supervisor	Patrick Hoefft *
1-516	Power Plant Supervisor	John Smaus *
1-513	Sewer Supervisor	Daniel Sobota *
1-514	Water/Wastewater Field Supervisor	John Kobus
1-518	Building Inspector	Gary Meister
1-521	Park & Recreation Superintendent	Bill Buntgen *

* Denotes Department Head

Council member Keith Marvin made a motion to approve the appointment of Bruce Meysenburg and Pat Meysenburg to serve on the finance committee. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0

Council member Pat Meysenburg made a motion to approve the appointment of Bruce Meysenburg and Kevin Woita to serve on the law enforcement committee. Council Member Keith Marvin seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0

Council member Bruce Meysenburg made a motion to approve the appointment of Keith Marvin and Pat Meysenburg to serve on the Butler County Development Board. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0

Council member Bruce Meysenburg made a motion to approve the appointment of Keith Marvin as the liaison between the City Council and the Planning Commission. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0

Council member Keith Marvin made a motion to approve the appointment of Robert Hilger to the Planning Commission to fill the unexpired term of Keith Marvin until April, 2025 (December, 2022 - April, 2025). Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0

Council member Pat Meysenburg made a motion to approve the Maintenance Agreement with the Nebraska Department of Transportation and authorize the mayor to sign and renew the agreement annually. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0



CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 27 QE 2218 Supp _____
Maintenance Agreement between the Nebraska Department of Transportation and the
Municipality of David City
Municipal Extensions in David City

We hereby certify that all roadway surface maintenance has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Thomas Goodbarn, Department of Transportation, Lincoln, Nebraska.

ATTEST: _____ day of _____, 2022.

City Clerk

Mayor/Designee

I hereby certify that all roadway surface maintenance was performed as per the above listed agreement and payment for the same should be made.

District Engineer, Department of Transportation

For Office Use Only

Agreement No.:	_____
Pay/Bill Code:	_____
Contractor No.:	_____
Amount:	\$ _____



Attachment "A"

MAINTENANCE OPERATION AND RESPONSIBILITY
 Municipal extensions and connecting links
(Streets Designated Part of the State Highway System excluding Freeways)

Maintenance Responsibility
 Neb. Rev. Stat. § 39-2105

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities	2 nd Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances <i>(including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)</i>	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

Maintenance Responsibility
 Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities > 40,000	1 st Class Cities < 40,000	2 nd Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



City Maintenance Agreement

Attachment B

City of: David City
Date: 12/1/21

Surface Maintenance

From Attachment "C", it is determined that the State's responsibility for surface maintenance within the City limits is 5.40 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$1,545.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:

$$5.40 \text{ lane miles} \times \$1,545.00 \text{ per lane mile} = \$8,343.00.$$

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ _____ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:

$$\text{lane miles} \times \$ \text{ per lane mile} = \$$$

Other (Explain)

ATTACHMENT "C"
 CITY OF DAVID CITY

STATE OF NEBRASKA
 DEPARTMENT OF TRANSPORTATION
 RESPONSIBILITY FOR SURFACE MAINTENANCE
 OF MUNICIPAL EXTENSIONS
 NEBRASKA REVISED STATUTE 39-1339
 AND NEBRASKA REVISED STATUE 39-2105

Description	Hwy No.	Beginning R.P.	End R.P.	Length (MI)	Driving Lanes Total	Lane Miles Total	State	City
South City Limits to Kansas Street	15	90.97	91.38	0.41	4	1.64	0.82	0.82
Kansas Street to Nebraska Street	15	91.38	91.61	0.23	4	0.92	0.46	0.46
Nebraska Street to UPRR	15	91.61	92.03	0.42	4	1.68	0.84	0.84
UPRR to O Street	15	92.03	92.68	0.65	4	2.6	1.3	1.3
Jct O street to North City Limit	15	92.68	93.63	0.99	2	1.98	1.98	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				2.7		8.82	5.4	3.42



AGREEMENT RENEWAL

Maintenance Agreement No. 27
Maintenance Agreement between the Nebraska Department of Transportation and the
Municipality of David City
Municipal Extensions in David City

We hereby agree that Maintenance Agreement No. 27 described above be renewed for
the period January 1, 2023 to December 31, 2023.

All terms and attachments to remain in effect as per the original agreement with revised
rates per Attachment B attached hereto.

In witness whereof, the parties hereto have caused these presents to be executed by
their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this _____ day of _____, 2022.

ATTEST: City of David City

City Clerk/Witness

Mayor/Designee

Executed by the State this _____ day of _____, 2022.

ATTEST: State of Nebraska

District Engineer, Department of Transportation



Attachment "A"

MAINTENANCE OPERATION AND RESPONSIBILITY
 Municipal extensions and connecting links
(Streets Designated Part of the State Highway System excluding Freeways)

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Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances <i>(including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)</i>	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

Maintenance Responsibility
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Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
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Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



City Maintenance Agreement
Attachment B

City of: David City

Date: 12/6/22

Surface Maintenance

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Amount due the City for surface maintenance:

$$5.40 \text{ lane miles} \times \$1,545.00 \text{ per lane mile} = \$8,343.00.$$

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Amount due the State for snow removal:

$$\text{lane miles} \times \$ \text{ per lane mile} = \$$$

Other (Explain)

ATTACHMENT "C"
 CITY OF DAVID CITY

**STATE OF NEBRASKA
 DEPARTMENT OF TRANSPORTATION
 RESPONSIBILITY FOR SURFACE MAINTENANCE
 OF MUNICIPAL EXTENSIONS
 NEBRASKA REVISED STATUTE 39-1339
 AND NEBRASKA REVISED STATUE 39-2105**

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UPRR to O Street	15	92.03	92.68	0.65	4	2.6	1.3	1.3
Jct O street to North City Limit	15	92.68	93.63	0.99	2	1.98	1.98	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				2.7		8.82	5.4	3.42

Council member Pat Meysenburg made a motion to adjourn. Council Member Kevin Woita seconded the motion. The motion carried.
Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0



CERTIFICATION OF MINUTES
December 14, 2022

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 December 14, 2022; 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