

CITY COUNCIL PROCEEDINGS

April 27, 2022

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 557 N. 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on April 21, 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.

Present for the meeting were: Mayor Alan Zavodny, Council members Pat Meysenburg, Tom Kobus, Bruce Meysenburg, Jessica Miller, Kevin Woita, City Attorney Pro-Tem Tim Wollmer, and City Clerk-Treasurer Tami Comte. Council member John Vandenberg was absent.

Also present for the meeting were: Water Supervisor/Interim Wastewater Supervisor Aaron Gustin, Water/Wastewater Department employees Dan Sobota, Anthony Kobus, William Fiala III, Maverick Williams, Cole Ratkovec of Ratkovec Construction, Joe Menichetti of Critel Buildings, Special Projects Coordinator Dana Trowbridge, Deputy Clerk Lori Matchett, and Sheriff Tom Dion.

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 and asked those present to please silence their cell phones. He 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.

Council member Pat Meysenburg made a motion to approve the minutes of the April 13, 2022 City Council meeting as presented. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Ethan Joy with JEO introduced himself and said, "I was fortunate to meet with several of you yesterday to go over this project and again this is an improvement project of the water plant. It will allow the City to stop using lime for softening and it will change the process to reverse osmosis to soften. So, it is a pretty comprehensive improvement. We're trying to fix and replace many things in a forty-year-old plant and get it up to like almost new condition. I went through all of that with you. If there are any questions, I would be happy to answer them. Overall, the scope stayed about the same as the study. What changed a little bit is the announced expansion and potentially another half million gallons of water use. We did increase some sizes of some equipment. When we got into the design, we found a couple of code and standard issues on the electrical side that we had to fix. Overall, it's pretty much the same comprehensive design. Cost wise, our opinion of costs, this is the tough part, it's up a lot with

inflationary costs. It's tough, as everyone is aware, we are estimating the cost to be about 6.4 million dollars as of today. I'm going to hedge my bets that we're going to be what it's like come bid day. Things are changing very quickly, and a quick example is the generator that we are going to put in that is going to supply the power to provide water to the City, it about doubled in price and is worth about a half a million dollars today and has about a one year lead time. That's the quote that we got a couple weeks ago. We'll see what happens at bid time but that's where we are at. The timeline is if the Council approves this tonight it will go to the NDEE within the next couple of weeks for review. Their review will take about forty-five to sixty days. Following their review and approval, we'll be ready to bid on a technical basis, but the State Revolving Loan Fund has indicated that with the new infrastructure money that came out from Congress, they are going to be delaying some of the awards probably until after July 1st. So, we may not get a formal offer here for David City until the July to October timeframe. We'll probably be looking at an early fall bid and then we have a six-hundred-day construction window to get it done. It is a renovation project. We have to keep providing water while we are doing this. It is a challenge to keep everything phased correctly, but we do have a plan for that. We're giving the contractor plenty of time for that and lead time for equipment. That's where we are at and then the last bit of good news is that because of the infrastructure bill David City is in line for some grant dollars that were not there before. We will not know the exact amount until they provide the offer, but I would hope that it will be about twenty to thirty percent. Questions?"

Mayor Alan Zavodny said, "How much cushion in capacity do we have with the known things that we have? So, we know that we have to up it with potential growth. My bigger concern would be having a cushion. We have the water line to Bruno so what happens if down the road Brainard wants it. The NRD decides that we have to go out even further."

Ethan Joy with JEO said, "So, staff can maybe correct me if I'm wrong, but about a half a million gallons to 600,000 gallons per day is your normal average use. AGP has indicated that they want 250,000 to start up to 500,000. So, if that is one point one million daily for demand, your plant is rated for 2.5 million. So, you have about a million gallons per day of cushion. Our design will provide really good softened water up to two million and that last half a million the water will get harder because the r.o. capacity isn't there. We did design in the system to add a third r.o. skid in the future, so if we need to add another third to the capacity, it's there."

Mayor Alan Zavodny said, "The time of treatment can handle the increased capacity because we are in the very early stages of the hydraulic study. This has a lot of moving parts."

Ethan Joy with JEO said, "Your plant is rated for two and a half million gallons per day. It would be a strain on the lime system because it's aged, and staff would have to work pretty hard at it. The way we are staging the system we should be able to keep pretty much full production."

Mayor Alan Zavodny said, "We are seeing some other communities around Nebraska at least consider this option of r.o. I hear about it more."

Ethan Joy with JEO said, "Yes. We actually just did a study in Superior, for one and then also Winnebago."

Mayor Alan Zavodny said, "Does Henderson have one?"

Ethan Joy with JEO said, "That's a little out of my area. Seward has one and they've had it for a long time for nitrate purposes."

Mayor Alan Zavodny said, "I had a super long nice chat with a person from Clarkson today and they are thinking about doing something will all of their wells. Other questions?"

Council member Jessica Miller said, "Just since we are redoing job descriptions and pay scales and stuff like that, what does a person need to be in charge of this grade wise?"

Ethan Joy with JEO said, "Water scales go from one to four. I think it's a grade two."

Council member Jessica Miller said, "They don't need a grade three?"

Ethan Joy with JEO said, "I'm going to have to check on that. That's a very good question."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin introduced himself and said, "Grade two will still need to be maintained. Grade three is a lower grade than grade two. They work backwards from wastewater. Grade two will still need to be maintained but we will discuss that later on."

Council member Jessica Miller said, "I'm just asking because it is a different system now."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "The requirement of that is based on size and demand and that's why we'll still need to have a grade two."

Council member Tom Kobus made a motion to approve and authorize sending the water treatment plant improvement plans and specifications to NDEE. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny stated that the next item on the agenda was consideration of the request of Carl Rosberg dba Subway to install outside seating with a black fence surrounding the tables on City parkay.

Council member Pat Meysenburg said, "I came in this morning and talked to Gary about it. He said that they've got plenty of room. They would have room between the fence and the city sidewalk to put this in. He recommends that we allow it."

Mayor Zavodny said, "I don't hate this idea. Are they going to put umbrellas when it's hot or anything? We talk about line of sight so much."

Council member Pat Meysenburg said, "It's not in the line of sight."

Interim City Administrator/City Clerk Tami Comte said, "I did talk to LARM, and they don't have any concerns about that. They just said that if the tables are not secured and they are stolen, they have to understand that is their problem and not the city's. The other thing was if they do secure them, they don't want chains or anything to be a tripping hazard."

Council member Jessica Miller said, "I'm trying to figure out why we're installing a CO2 tank outside the building."

Council member Tom Kobus made a motion to approve allowing Carl Rosberg dba Subway to install outside seating with a black fence surrounding the tables on city parkay. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg introduced Ordinance No. 1387. Mayor Zavodny read Ordinance No. 1387 by title. Council member Tom Kobus made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to Pass and adopt Ordinance 1387 changing the frequency of Tree Board Meetings from Quarterly to Semiannually. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, CHANGING THE FREQUENCY OF TREE BOARD MEETINGS FROM QUARTERLY TO SEMIANNUALLY, REPEALING ALL ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 2-501(C) of Chapter 2, Article 5, Tree Board, be and hereby is amended to read as follows:

C. The Tree Board, when requested by the City Council, shall research and make recommendations on any special matter within the scope of its duties. The board shall keep a journal of its proceedings. The board shall hold, at a minimum, semiannual meetings. The board shall not make decisions for the City Council but shall make suggestions and recommendations to the council.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

Dated this 27th day of April, 2022.

CITY OF DAVID CITY, NEBRASKA

By _____
Mayor Alan Zavodny

ATTEST:

City Clerk Tami L. Comte

Mayor Zavodny stated that the next item on the agenda was consideration of Resolution No. 4-2022 authorizing the mayor to sign the purchase agreement for the sale of 593 5th Street.

Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 4-2022 authorizing the Mayor to sign the purchase agreement for the sale of 593 5th Street. Council Member Bruce Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 4-2022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT FOR THE SALE OF REAL ESTATE OWNED BY THE CITY OF DAVID CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City of David City, Butler County, Nebraska owns the following-described real estate:

19 15 3 David City Lots 23, 24 & Pt of Lot 22 and the East ½ of Vac Alley Adj Lots 23 & 24 & Pt of Lot 22, Block 18, Original Town of David City, Nebraska, and



WHEREAS, the City of David City, Butler County, Nebraska desires to sell the above-described real estate.

NOW, THEREFORE, BE IT RESOLVED:

1. Two public auctions were held on August 31, 2021 and December 10, 2021 and the reserve was not met on either auction and the Council voted against selling the property for the bid offer.
2. The City set a sale price of \$50,000, which was agreed on by the purchaser.
3. Following passage of this Resolution, publishing the terms of such sale once each week for three consecutive weeks in a legal newspaper in or of general circulation in such city, and passing of the 30-days after the third publication of the notice (right-of-remonstrance period), the property shall then be sold by the passage of an ordinance (June 22, 2022) stating the name of the purchaser and terms of the sale.
4. The Purchase Agreement for Sale of Real Estate is hereby approved, ratified, and accepted, and the Mayor is hereby authorized, directed, and empowered to execute the same upon receipt of the executed Purchase Agreement by the buyer.

Passed and approved this 27th day of April, 2022.

Mayor Alan Zavodny

City Clerk Tami Comte

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "This one is fairly simple. The options were overhead or underground. The engineer that is working on the wastewater treatment plant evaluation per the equipment and things moving and when the upgrade does take place for the basins out there, he said that our best option is underground. You have one quote for that and that is from Vandenberg Electric. There is room in the emergency contingency for that. The other quote was around nineteen but that was overhead with us setting the posts. I feel much better about the thirteen-thousand-dollar quote. I would recommend that to the Council, but it is up to you."

Council member Tom Kobus made a motion to approve the quote of Vandenberg Electric to replace the Wastewater Treatment Plant conduit and wiring from the junction box to the control panel. Council Member Pat Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

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VANDENBERG ELECTRIC & COMMUNICATIONS LLC
 595 N 4th St
 David City, NE 68632
 (402)3672022
 vandenberg_electric@yahoo.com

ADDRESS
 David City Water Dept
 1220 E St
 David City, NE 68632

Estimate 1378

DATE 04/22/2022

JOB NAME
 Lagoon repairs alternate

DATE	ACTIVITY	QTY	RATE	AMOUNT
	Electrical Sales/Service VEC to install PVC to refeed the 6 malfunctioning equipment on basin. Pipes to run underground from control building to a pull box. From pull box piping to continue to existing J box on east wall of basin. 16-4 pair wire to be installed from these 2 points. Startup and testing to be done by VEC and City employee. Clean up and removal of old wiring after new system functions. VEC to lay out excavation route with City employee. City employees have committed to all trenching (water vac where needed), back fill and compaction, and concrete removal.	1	13,314.00	13,314.00

SUBTOTAL	13,314.00
TAX	0.00
TOTAL	\$13,314.00

Accepted By

Accepted Date

Mayor Zavodny stated that the next item on the agenda was consideration of accepting the resignation of Water Supervisor/Interim Wastewater Supervisor Aaron Gustin effective April 29, 2022.

Council member Tom Kobus made a motion to accept the resignation of Water Supervisor/Interim Wastewater Supervisor Aaron Gustin effective April 29, 2022. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny thanked Aaron for his service to the community and wished him well in his future endeavors.

Mayor Zavodny stated that the next item on the agenda was consideration/discussion concerning water and wastewater operations.

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I don't know if very many individuals recall three years ago but the water and wastewater departments are far better set up to continue to succeed than when the Council and the Mayor had given me the opportunity to move forward. There are some staffing issues and I'll refer to the Kirkham Michael study from sometime ago and they were spot on. They said between seven and eleven employees but that was before any ideas of expansion. I would recommend to the Council actively look for eight or nine staff and two to three out at the wastewater and five, at a minimum, for all of the work that needs to be done in the city for water, such as valves, water main improvements, water main installations. Those items I strongly urge not to ignore. You hear things like that should have been done fifteen years ago, that should have been done ten years ago. I'm assuming there's a little bit of exaggeration in that because that's the way those conversations go, but I do recommend the continuing of the main improvements. The staff here, although as John would say, they are very green, they are very capable. They are a team. They have a team mentality. I did instruct them in this process that they do not single out one individual to shoulder the weight. There has been a trend and I would like to see them break it. I have one hundred percent faith in their ability to move forward. Yes, they'll ask questions. I asked Travis and Kevin questions for the first year. I live here. I still want to be able to turn on my water and flush my toilet and all those other things. So, I am not going to abandon them in their time of need. I will be there to assist them and give them whatever information that I can, just like random members of the community. Matt Fleming helped us on one water break, Travis on multiple occasions, and Kevin on multiple occasions. That's just what we do. So, I will not leave them in a lurch. I have done what I could to prepare them. There is one individual on my staff that for the past eight months and I won't name that individual directly because I don't want to put him on the spot. He's the newer better me. He's a little more organized, which I'm sure everyone would appreciate, and he talks a lot less, which I'm also sure everyone will appreciate. He's very intelligent. He has a bachelor's degree and he's the best option moving forward to facilitate a grade two water license. This individual is also on the agenda later because I feel his skill set is one hundred percent geared towards and ideal for what the city would want as a lead wastewater operator. Do you have any questions of me?"

Mayor Alan Zavodny said, "Clarify for me what you mean when you say we don't want to put all of the responsibility on one set of shoulders. So, our structure as it has been for quite some time, whether it's a combined water/wastewater supervisor or water supervisor, you're saying that structure is flawed?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I believe that the complexity of both systems here, it is."

Mayor Alan Zavodny said, "Ok. Separating them, I fully agree with. Where I'm at is do we name a water supervisor, and do we name a wastewater supervisor?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I would recommend that you name an interim water for now and that individual would be the same for the wastewater. That is my recommendation and as training proceeds, we have multiple individuals attending class, but these individuals can walk into the water plant today and run it on their own."

Mayor Alan Zavodny said, "I just want to point out..."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I understand. It needs to be deviated from when the licensure occurs. Anybody with a grade four water license can be the operator in charge. We have our grade two water operator on staff which is Gil who has volunteered more hours. He said that he would come to work far more than he does now. He's extremely smart. He's a little less physically capable but that's by his own admission, so I don't think I'm insulting him in any way. He's more than willing to give his time because he knows my team and he knows what they are capable of and he wants to see them succeed, as well."

Mayor Alan Zavodny said, "So, what we have to consider just imminently on this agenda is different than what you're recommending that we do."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "It's your only option in the meantime. I'm not thinking two to three months from now, I'm thinking about getting us to a point that in two to two and a half months from now you may be able to appoint an individual as water supervisor."

Mayor Alan Zavodny said, "He is comfortable with this?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "They know what needs to be done. Are you guys comfortable? (Aaron Gustin addressing his staff)"

Wastewater operator Dan Sobota said, "As you reiterated, this will be a team effort."

Mayor Alan Zavodny said, "First of all, your initial reaction, I think, was a really honest one. If it doesn't scare the crap out of you, there's something wrong with you. We're not questioning your capabilities because we do have confidence in you. We just want to make sure that you guys get what you need and that you're on board with going forward this way."

Wastewater operator Dan Sobota introduced himself and said, "It's all just going to take time. Aaron is the only one with knowledge of both systems. He's been here for almost five years. We're still going to call him."

Mayor Alan Zavodny said, "I just don't want to set you guys up for failure. Let's say that we didn't have anything else going on, but we have this eight-hundred-pound gorilla in the room, which is AGP, and we have the development picture that you've got there. We've got a hydraulic study going on right now. I just want to make sure that you guys are comfortable, and you've got to tell us if you need something so we can get that taken care of. The worst thing that you can do is try to handle things and not ask for help. We're here to support you but you have to let us know. You guys are the boots on the ground and you're doing it every day. I just want to be clear that's going to be a big part of that working."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I think focusing on the addition of talented staff skill sets that are in tune with what is necessary – they know what is needed. The other individual that is absent tonight knows what is needed."

Mayor Alan Zavodny said, "We're a few people short of what we're probably going to need irregardless, moving forward."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "We have an individual who will be starting May 9th and that brings you to six. I would recommend that you actively look for three more capable individuals. I want to point out that it was John, Brody and Anthony who did the majority of the 3rd Street water main on the Iowa Street stretch. Anthony was on his job two or three days before he was pulled to help on that project. I would like to see where nobody is pulled from their job, and they are allowed to focus on their job because that's part of what became overwhelming."

Council member Tom Kobus said, "I disagree with you a little bit because if one department is caught up and not doing much and the other one is flooded, they ought to help."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "If you have adequate staff numbers the less that people need to be pulled off. If you have four or five working on a water main installation you don't need the two operators from the wastewater treatment plant into assist."

Mayor Alan Zavodny said, "I can tell you from my twelve years of experience with sitting in this chair that we've never been able to accomplish that. Maybe that will change."

Council member Tom Kobus said, "You need four people on water main installations."

Discussion on projects followed.

Mayor Alan Zavodny said, "Ok. I think we're going to have to continue working on this and make some decisions on how many people we're going to need and what our priorities are because they need to be given the chance of knowing what the priorities are so there isn't a disconnect."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "I want to thank everyone for the opportunity that was presented to me three years ago. I feel like I've done a lot. I want to see these guys succeed."

Mayor Alan Zavodny said, "That concludes that discussion for this evening, at least."

Mayor Zavodny stated that the next item on the agenda was consideration/discussion of appointing Dan Sobota as Water Operator in Charge.

Mayor Zavodny said, "As far as a technicality, is that an interim appointment or how have we handled that in the past? What is a Water Operator in Charge?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "A Water Operator in Charge is needed until more individuals on staff have their Grade 3 license and then the Council can deliberate and see who is willing to take on the responsibilities of the supervisor."

Operator in Charge is just that. This is a formality with the state. I need to fill out the water quality paperwork and I need a name to fill in there.”

Mayor Alan Zavodny said, “So he’s the designee to represent us on all of the paperwork and stuff?”

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, “Typically, we do have Gil as a Grade 2 operator but if Eric Cox needs to give somebody a call, he needs to know who that is.”

Mayor Alan Zavodny said, “So, the Operator in charge is our point person for all communication between us and regulatory agencies and governmental entities?”

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, “Yes.”

Mayor Alan Zavodny said, “That sounds like a reasonable approach of what we’ve defined that it’s going to look like.”

Council member Tom Kobus made a motion to appoint Dan Sobota as Water Operator in Charge. Council Member Bruce Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny stated that the next agenda item was consideration/discussion of appointing Dan Sobota as Wastewater Supervisor.

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, “So this is the same thing and I verified that is still in place with Mike McBride at the beginning of the week. If you designate him as a wastewater supervisor to be in charge of the system, that gives him authorized signatory abilities which means that you don’t have to sign the DMR’s. He’ll be able to, and the city doesn’t have to contract with a licensed wastewater operator.”

Mayor Zavodny said, “Testing and everything?”

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, “That’s fine. Both Anthony and Dan were out pulling effluent samples. That’s our regulatory. They’ve had far more training than I did, and they will have a video training series done by yours truly to refer to anything and everything that I know.”

Mayor Zavodny said, “All of that makes a lot of sense. Tonight, we’re not in a position to adjust the salary. We’ll have to figure out and talk to him about what that should look like and where that should be. The timing is also good and bad in that we’re looking at our whole compensation package and we have a committee that is going to be meeting and will be making recommendations down the road to the full Council to consider some changes.”

Council member Tom Kobus made a motion to appoint Dan Sobota as Wastewater Supervisor. Council Member Pat Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny stated that the next item on the agenda was consideration of the quotes received for a pre-engineered building for the water/wastewater departments.

Mayor Alan Zavodny said, "You see what has been submitted. Does anyone want some discussion before I give you my two cents worth?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "Also, just for Council's information, there are two individuals representing two companies are here that submitted those quotes. We have Joe with Critel and we have Cole with Ratkovec Construction. If you have any questions, please feel free to ask."

Council member Tom Kobus said, "They're all high but I'd definitely go with Cole. The only thing that I would change on his system is the heating system. I would go with infrared heat or a heated floor, but I don't know what that would cost."

Mayor Alan Zavodny said, "They were all very high, but I don't think that any of them are out of line. Here's what I want to say about it. Even from the time that we started considering this I think that an argument can be made that this, as far as timing, might be among the worst time to consider building something. Concrete has gone up. A stud has gone from two bucks to eight bucks. Sheets of plywood have gone from twenty-five or thirty to ninety. It's not their fault. The timing of any new construction is awful. It's like buying a car – like for my agency, we need to buy five or six and we just haven't done it because we're not going to pay a premium whether it's used or new. Also, finding them is hard. That being said we have an awfully expensive piece of equipment that is going to have to sit outside and that's not a good scenario either. I just wanted to point out that as far as timing, us doing this now is bad."

Council member Kevin Woita said, "I'd like to ask staff what the urgency is on this?"

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "The urgency on this is based on the water treatment plant upgrade timeline. We need to move all of our stuff out and we need a place to put it."

Council member Jessica Miller said, "Also, the nice new Vac truck."

Water Supervisor/Interim Wastewater Supervisor Aaron Gustin said, "With the added employees that the city will bring on, they will need some vehicles."

Discussion followed.

It was determined that the committee will meet to discuss the specifications of the building.

Council member Tom Kobus made a motion to approve the quote of Ratkovec Construction for a pre-engineered building for the Water/Wastewater departments. Council Member Pat Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny stated that the next item on the agenda was consideration of Resolution No. 5-2022 authorizing the City of David City to purchase the Helgoth ground for the expansion of the Municipal Airport.

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 5-2022 authorizing the City of David City to purchase the Helgoth ground for the expansion of the Municipal Airport. Council Member Jessica Miller seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 5-2022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY NECESSARY AND ESSENTIAL TO PROTECT, OPERATE AND EXPAND THE DAVID CITY MUNICIPAL AIRPORT, CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY, AND AUTHORIZING THE CITY OF DAVID CITY, NEBRASKA, TO PURCHASE SUCH REAL PROPERTY.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), determined it desirable to undertake projects to enlarge and protect the David City Municipal Airport ("Airport") and to secure real property adjoining the Airport to widen and extend runways, add approach surfaces, add additional runway protection zones, build restriction lines, enhance protection of aircraft from hazards during takeoff and landing and for other Airport purposes; and

WHEREAS, Nebraska Revised Statutes section 3-203 authorizes the City to purchase real property it deems necessary to enlarge the Airport or further Airport purposes; and

WHEREAS, on May 26, 2021, the City approved a contract with Kirkham Michael to manage the project and coordinate with the Federal Aviation Administration ("FAA") to acquire real property for the above-stated purposes related to the Airport; and

WHEREAS, on March 16, 2022, the City and property owner R.F.H., LLC, a Nebraska limited liability company, entered into that certain Purchase Agreement – Real Estate ("Purchase Agreement") whereby the City would purchase the Property (defined herein) for \$449,470 ("Acquisition"); and

WHEREAS, the City finds the Acquisition is in its best interests.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. The following undeveloped vacant real property ("Property") is adjacent to the Airport, adjacent to the City, within one mile of the territorial boundary of the City and legally described as:

South Half of the Southwest Quarter (S 1/2 SW 1/4) of Section Thirty-Two (32), Township Fifteen (15) North, Range Three (3) East of the 6th P.M., Butler County, Nebraska, LESS the

real estate conveyed to the City of David City, Nebraska, by Warranty Deed recorded in Book 08, Page 870, in Film Book #08-870; records of Butler County, Nebraska.

Section 2. The Acquisition furthers the public interest and fulfills public purposes to enlarge and protect the Airport and is consistent with the Comprehensive Plan of the City.

Section 3. The Acquisition is necessary to widen and extend runways, add approach surfaces, add additional runway protection zones, build restriction lines, protect aircraft from hazards during takeoff and landing and for other Airport purposes.

Section 4. The City previously authorized and directed the City Manager, or his or her designee, to acquire the Property, on behalf of the City, through good faith negotiation with the property owner. Such good faith negotiation resulted in the Purchase Agreement.

Section 5. The City hereby authorizes the Acquisition and authorizes the City Manager, or his or her designee, to take all steps and execute all documents necessary to do so, and resolves to use the Property for the purposes set forth herein.

Section 6. This Resolution shall supersede all resolutions, orders or parts thereof in conflict herewith to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution shall not affect the validity or effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 27th day of April, 2022.

THE CITY OF DAVID CITY

Mayor Alan Zavodny

ATTEST:

City Clerk Tami Comte

(S E A L)

Mayor Zavodny stated that the next item on the agenda was consideration of local match for the workforce housing grant.

Special Projects Coordinator Dana Trowbridge introduced himself and said, "This one might be a bit early. Deb Eggleston, who was our former contact with DED, and she is the lady that found two hundred thousand dollars for our project that we are just finishing up now on the turn-lane. I had a conversation with Deb and her name is now Deb Poling. She is still our representative and she lives in Fremont. I visited with her last week, and she said that there are lots of things coming. LB 977 started out as a north Omaha revitalization project and by the time it got done there was more money going to rural Nebraska than there is to north Omaha.

Most of it is not ear tagged. So, I visited with Deb about that particular issue and she said that they have fifteen projects that they have yet to design to help the legislature distribute the funds that they want to get rid of. So, she said thank you for sending me everything that is going on in David City and keep watching our website for the postings. I don't think that we're going to see a Rural Workforce Housing until June or July would be my guess. It's going to be a different match ratio that it was last time, and our money is going to go a lot further than before. Last time it was one for one, so if you match three hundred then you have six hundred and then we could go talk to NIFA and get some more but six was our minimum that we had to spend on the project. This time it is two to one, so if we do three hundred, we would get six hundred in return and then we would have nine hundred in the kitty and NIFA would throw some more in and we would have over a million dollars, which would give us a really good start on Workforce Housing. I don't know if you want to know early for your budget process."

Mayor Alan Zavodny said, "This is money that, I think, should early on in the process, be ear marked to do. The north Omaha money was amended to include south Omaha and then they threw a whole bunch of rural into it."

Interim City Administrator/City Clerk Tami Comte said, "This is for the SENDD match, right?"

Special Projects Coordinator Dana Trowbridge said, "No. I don't think that I communicated clearly with Tami. My intent was to talk about the SENDD project, which is owner-occupied housing rehabilitation, which is Nebraska Housing Trust Fund money which is being distributed. We had all of the printed documents which the community responded very nicely and sent back in fifteen or better pre-applications. We were hoping for twelve. We've got a really good shot at getting some money for our project. That application will be turned in for us the 5th of May."

Mayor Alan Zavodny said, "I don't think that we're going to see much before July. Tonight, we could go ahead and table this and I think that we should talk because we need to do this. We need to figure out what are our sources and what dollar amount should we land on."

Special Projects Coordinator Dana Trowbridge said, "The SENDD program is a completely different program number wise. We're asking for five to six hundred thousand dollars for rehab. There's a forty thousand dollar maximum per unit on owner-occupied. Most of them average twenty to twenty-five."

Mayor Alan Zavodny said, "That's windows and insulation a lot of times."

Special Projects Coordinator Dana Trowbridge said, "Windows, insulation, roofs, paint, things that keep the house livable for maybe another twenty years is the goal. At that point in time, it is a six hundred thousand dollar maximum ask and it's a ten percent match locally and to be honest with you, you don't have to match a nickel of it, but you will score much more highly for the six hundred if you match ten percent."

Mayor Alan Zavodny said, "Sixty thousand is a drop in the bucket when you look at the overall investment coming back."

Special Projects Coordinator Dana Trowbridge said, "When you are done, there is six sixty that goes toward the project. There's no administration that pulls our sixty apart."

Council member Bruce Meysenburg made a motion to table consideration of a local match of \$60,000 for the workforce housing grant. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Zavodny stated that the next item on the agenda was discussion concerning Highway 15 access points.

Mayor Zavodny apologized for missing the last meeting.

Special Projects Coordinator Dana Trowbridge said, "Tami and some other people from the City made it to that meeting. It went well. It's a nice group of people that have skin in the game on this north industrial area. It's a neat project up there. Akrs needs and the west industrial off of Highway 15 needs an access off of Highway 15, if at all possible. The State does not like to give access off of their highways. They will give access to a City if it is a City street much more easily than they will to a business that wants access to the highway. It will be a city street coming south of Akrs to the highway. They then have a process that they want all of the measurements taken and the drawings done for that. Our proposal is to open it up on the other side of the highway also which would give the H-KO properties an access point that they don't have at this point in time, and they wouldn't have to go through the battle to get one. All we would have to do is to take the numbers from the west side and mirror image them to the east side and make two applications. The group being led by Timpote is putting together an overview of everything that is going on and proposed north of "O" Street and there's a lot of things happening because the state wants to know why you are asking for this, is it a safety issue or traffic flow changes and it is all of the above in this particular case. Timpote is putting together all of the verbiage and the feel-good part of this and why we're doing it. We need to also work on an access point to the Bruno spur, one about six hundred feet back from the intersection to the east as a north access point for the H-KO properties and we need to get that done tomorrow and Friday which is doable. We will get those three with the City committed to doing the drawing and measuring for those."

Mayor Alan Zavodny said, "Now, I know that it is very early discussion, and I will say, at least what I heard, is that this doesn't happen unless the City makes these streets. They are not going to provide access to a business that wants them so either we are in, or it doesn't happen. That's how it is."

Special Projects Coordinator Dana Trowbridge said, "We'll have to revise our one- and six-year street plan and recognize the north road and this one as priorities as potential of continuing the highway to the east when that day comes and that is platted."

Mayor Alan Zavodny said, "So, here comes my question. I thought I'd heard that maybe Akrs and certainly Timpote and I know we have some TIF but how are we going to pay for it? This I hadn't planned on."

Special Projects Coordinator Dana Trowbridge said, "Ok. This east/west street has never been planned on. The north/south street we had paid for. We're probably looking at about \$500,000 to \$600,000 would be my guess which includes the turning in part of it and the street over to the Timpote road going north. We have un-Tiffed Timpote putting a

manufacturing facility on fifteen acres that they bought this past year. Their timeline is 2023 for the beginning of that project. It appears to me that it's going to be a sizeable facility which will probably sit on the tax rolls at one to two million dollars which would make it a three to three and a half million-dollar build. Then we have Akrs and they tell me that their property build is five million so at that point in time if they get two million on the tax rolls then we have three million to collect TIF on, which will give us a million plus. But what we have to do with Akrs and it's difficult, is to sit down and go through what their expectations are for TIF. My recommendation to them is to listen to us that this is the street that they can't live without. It will help that north quadrant tremendously."

Mayor Alan Zavodny said, "Is that a question of that?"

Special Projects Coordinator Dana Trowbridge said, "Well, I think the questions will come when we sit down at the table and start discussing it which no one has done yet."

Mayor Alan Zavodny said, "Because I thought Akrs also wanted it and the other piece of information is that it has to go here. They will not allow it to slide any further north."

Council member Pat Meysenburg said, "No. You've got to be so far away from that intersection."

Special Projects Coordinator Dana Trowbridge said, "They've sited their building and they can't move it now with five feet of fill in there."

Council member Tom Kobus said, "They asked what other businesses were going to have going on that street and to get it all in one unit."

Mayor Alan Zavodny said, "Here's the deal and I can say from contacts that I've had that there could be significant more development, but you don't own the land. To guarantee what could and couldn't go there is at the whim of the landowner to say that he's willing to sell this much to this entity. There is demand. I've had other people asking and I tell everyone of them to go talk to the landowner. We're working on the platting."

Special Projects Coordinator Dana Trowbridge said, "This north road that we're doing with TIF funds if going to build a lot of incremental value in the property just to the west of the road. My suggestion is the city will behoove itself if we own that property before we build the value by putting in a road."

Mayor Alan Zavodny said, "I had that same thought. I just couldn't figure out how to come up with the money for it."

Special Projects Coordinator Dana Trowbridge said, "Give some thought to Tiffing itself. It's really thirteen point twenty-two acres. We bought one hundred and eighty feet. We don't need a hundred and eighty feet. We could give thirty feet of that to ourselves as a gift and buy three hundred and twenty more and now we've got a full block from the street to the west."

Mayor Alan Zavodny said, "I went with a hundred and eighty feet because I thought if we had to put in a storm sewer, we're going to need some room. The drainage there is still kind of up in the air on how it's going to work. I think that is exactly right. I tried. I worked that

a dozen different ways and I just couldn't come up with the money to buy what I thought we should do to really make our road more valuable and have places ready for people to build."

Special Projects Coordinator Dana Trowbridge said, "It also opens up seven point thirty acres of ground south of Stara and north of Akrs from the highway to the proposed road and that wraps that up nicely."

Mayor Alan Zavodny said, "The landowner wanted to retain that ground."

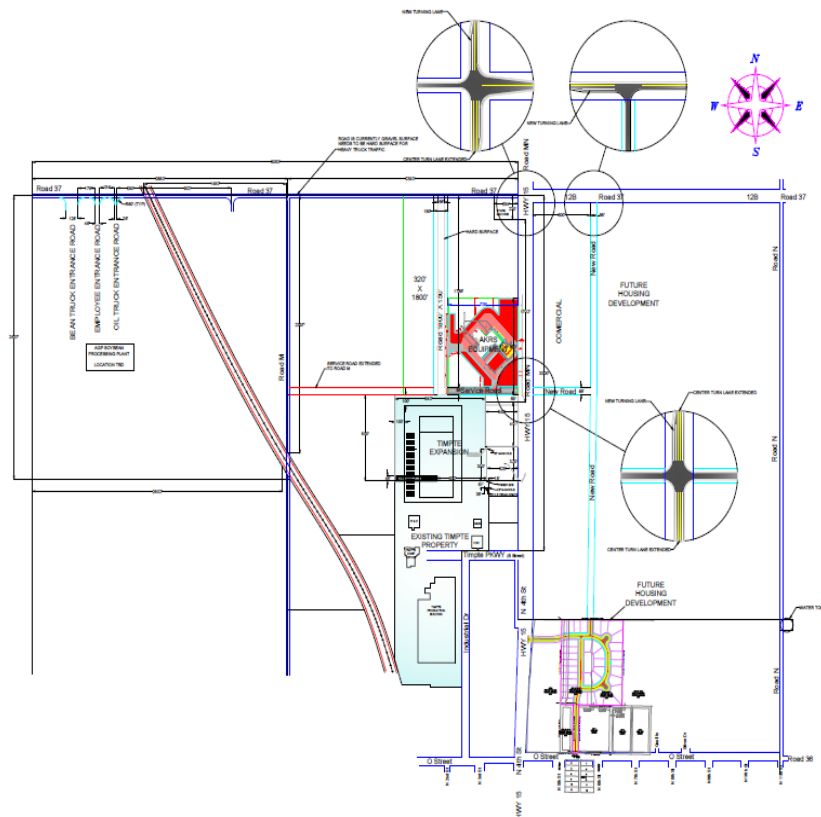
Special Projects Coordinator Dana Trowbridge said, "Because we're building up value on that ground for him. I would like to at least have a conversation with the landowner reminding him of some earlier conversations that I had and some commitments that were made and maybe not kept."

Mayor Alan Zavodny said, "I would love to see your financial plan for that because you have one and I don't. I look forward to that."

Special Projects Coordinator Dana Trowbridge said, "I'll put that together."

Council member Tom Kobus said, "I'd like to work with him on that, too."

Mayor Alan Zavodny said, "We will continue to work with all of the interested parties and the Department of Transportation on all of the stuff that we're doing."



Council member Tom Kobus made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. The motion carried.
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Absent, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

CERTIFICATION OF MINUTES

April 27, 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 April 27, 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