

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

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **12<sup>th</sup> day of December, 2018**, in the meeting room of the City Office, 557 North 4<sup>th</sup> Street, David City, Nebraska.

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

Dated this 4<sup>th</sup> day of December, 2018.

**AGENDA AS FOLLOWS:**

- |   |  |
|---|--|
| 1. Roll Call;   | <hr/> Mayor Alan Zavodny                   |
| 2. Pledge of Allegiance;  |  |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;  | <hr/> Council President Gary D. Smith      |
| 4. Minutes of the November 14 <sup>th</sup> , 2018 meeting of the Mayor and City Council;   |  |
| 5. Consideration of Progress Estimate #16 for Constructors, Inc. in the amount of \$324,336.98;   | <hr/> Council member Thomas J. Kobus       |
| 6. Consideration of Pay Estimate #2 to Eriksen Construction Co., in the amount of \$44,003.39 for the Wastewater Treatment Plant Project;   | <hr/> Council member Dana E. Trowbridge    |
| 7. Consideration of Invoice #H17017804 to MMC Contractors, in the amount of \$21,606.28 for the repair of the heated sidewalk at 1 <sup>st</sup> National Bank of Omaha;          | <hr/> Council member Kevin N. Hotovy       |
| 8. Consideration of Claims;   |  |
| 9. Committee and Officer Reports;   | <hr/> Council member Patrick J. Meysenburg |
| 10. Consideration of the bids received for the Sanitary Sewer Rehabilitation Project consisting of rehabilitation of existing sanitary sewer mains;                               | <hr/> Council member John P. Vandenberg    |
| 11. Consideration of Olsson, Inc., providing an evaluation of the existing water distribution system, including a distribution system hydraulic model, for a cost of \$22,800.00; | <hr/> City Clerk Joan E. Kovar             |
| 12. Presentation, by Joe Held of Schumacher, Smejkal, Brockhaus & Herley PC, of the Financial Statements for fiscal year ended September 30, 2018;                                |  |

13. Consideration of the Health Insurance quotes and options as presented by Ryan Ruth;
14. Consideration of approving David City Golf Club Inc., 899 Park Drive, as a lottery sales outlet for Keno;
15. Public Hearing to consider amending Ordinance No. 909 - Subdivision Regulations: Section 606 - Sidewalks, Section 606.02 Standards, by amending 606.02 A and 606.02 C, to coincide with the Municipal Code;
16. Consideration of Ordinance No. 1299 amending Ordinance No. 909 – Subdivision Regulations – Article 6: Subdivision Design Standards, Section 606 Sidewalks, 606.02 Standards, by amending Section 606.02 A. and 606.02 C, to coincide with the Municipal Code;
17. Consideration of Ordinance No. 1296, on the 3<sup>rd</sup> and final reading, to consider annexing an area of the Kozisek property located in the SW ¼ of the SW ¼ of Section 20 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Beginning at the southwest corner of Lot 4, Block 2, Kozi Addition to David City, Butler County, Nebraska, said Point being on the east line of Fourteenth Street in said David City; thence easterly, 140.11 feet to the southeast corner of said Lot 4; thence southerly, parallel with the east line of said Fourteenth Street, 379.3 feet; thence westerly, 140.11 feet, to a point on the east line of said Fourteenth Street, said point being 374.44 feet south of the southwest corner of said Lot 4; thence northerly, 374.44 feet, to the Point of Beginning, containing 1.21 acres, more or less;
18. Consideration of the request by the Employee Committee to be able to have the morning of Monday, December 24<sup>th</sup>, 2018, off. (The employee's manual states: Christmas Eve – Close at Noon)
19. Recess;

THANK YOU to:

Mayor Zavodny,  
Council members Thomas J. Kobus – 1<sup>st</sup> Ward  
Kevin Hotovy – 2<sup>nd</sup> Ward, and  
John Vandenberg – 3<sup>rd</sup> Ward,

for the last four (4) years of service as Mayor and Council members.

There will be a brief intermission followed by the Organizational Meeting.

Please see the City Council Organizational agenda.

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

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of an organizational meeting of said body and the agenda for such meeting to be held immediately following the regular council meeting

scheduled for 7:00 o'clock p.m. on the **12<sup>th</sup> day of December, 2018**, in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska.

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

Dated this 4<sup>th</sup> day of December, 2018.

**AGENDA AS FOLLOWS:**

1. Oath of Office to Mayor Alan Zavodny, Council members Thomas J. Kobus – 1<sup>st</sup> Ward; Kevin Hotovy – 2<sup>nd</sup> Ward; and John Vandenberg – 3<sup>rd</sup> Ward;
2. Roll Call;
3. Election of City Council President for Calendar Years 2019 & 2020;
4. Appointment of two council members to serve on the Finance Committee;
5. Consideration of Ordinance No. 1300 establishing two council meetings per month;
6. Consideration of the engagement of Jerry L. Pigsley of Woods & Aitken LLP to represent the City regarding collective bargaining agreement negotiations with the International Brotherhood of Electrical Workers Local Union No. 1536;
7. Discussion concerning the request by R.J. Hein to have his property annexed; Consideration of Ordinance No. 1301 annexing property owned by R.J. Hein;
8. Consideration of accepting the resignation of Water/Wastewater Supervisor Travis Hays; Discussion of plans moving forward;
9. Consideration of accepting the resignation of Tom Dion;
10. Adjourn.

**CITY COUNCIL PROCEEDINGS**

December 12, 2018

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 6<sup>th</sup>, 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 Agendas which are a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agendas, which were kept continuously current in the office of the City Clerk and were available for public inspection during regular office hours. No new items

were added to the agendas during the twenty-four hours immediately prior to the opening of the Council meeting.

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

Also present for the meeting were: Joe Held of Kruse, Schumacher, Smejkal, & Brockhaus, P.C., Craig Reinsch of Olsson, Ryan Ruth of First State Insurance Agency, Planning Commission Member Janis Cameron, Darci Betzen, Matt Fleming, Pat Kozisek, Water/Sewer Supervisor Travis Hays, Building Inspector Ray Sueper, Employees Lori Matchett, C.J. Novak, Nathan Styskal, Mat Asche, and Aaron Gustin.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the November 14<sup>th</sup>, 2018 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Vandenberg. Voting AYE: Council members Hotovy, Smith, Meysenburg, Kobus, Trowbridge, and Vandenberg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve Progress Estimate #16 for Constructors, Inc., in the amount of \$324,336.98. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Vandenberg, Meysenburg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Pay Estimate #2 to Eriksen Construction Co., in the amount of \$44,003.39 for the Wastewater Treatment Plant Project. Council member Hotovy seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Meysenburg, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Invoice #H17017804 to MMC Contractors, in the amount of \$21,606.28 for the repair of the heated sidewalk at 1<sup>st</sup> National Bank of Omaha. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

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

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

Building Inspector Ray Sueper stated that Rodger & Kathy Treat have a U-Haul in their driveway so they may be starting to move things out of their house at 715 North 4<sup>th</sup> Street. Ray stated that he made it very clear to Kathy that the only exception to contents allowed to stay in the house would be functional appliances such as the stove, washer and dryer, etc.

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

On Tuesday, December 4, 2018 bids were opened concerning the Sanitary Sewer Rehabilitation Project as follows:

**SANITARY SEWER REHABILITATION**  
**DAVID CITY, NEBRASKA - 2018**



Item No.	CONTRACTOR	UNIT	QTY.	Midlands Contracting, Inc. Bloomington, Nebraska		Obst & Company, Inc. Columbus, Nebraska		Unit Price	Extension
				Unit Price	Extension	Unit Price	Extension		
<b>Base Bid: Consists of clearing and rehabilitating approximately</b>									
1	Mobilization/De-mobilization	LS	1	\$20,000.00	\$20,000.00	\$75,000.00	\$75,000.00		
2	8-inch CIPP Lining, Manhole to Manhole	LF	6,035	21.20	170,342.00	29.75	239,041.25		
3	10-inch CIPP Lining, Manhole to Manhole	LF	1,750	25.50	44,625.00	32.75	57,312.50		
4	12-inch CIPP Lining, Manhole to Manhole	LF	405	39.00	15,795.00	44.00	17,820.00		
5	8-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	35	1,700.00	59,700.00	4,000.00	140,000.00		
6	10-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	2	1,750.00	3,500.00	4,500.00	9,000.00		
7	12-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	2	1,750.00	3,500.00	4,500.00	9,000.00		
8	Excavate and Repair Existing 8-inch Sewer Pipe (6' min)	EA	327	55.00	18,000.00	225.00	73,575.00		
9	Excavate and Repair Existing 10-inch Sewer Pipe	LF	30	340.00	10,200.00	45.00	1,350.00		
10	Excavate and Repair Existing 12-inch Sewer Pipe	LF	30	340.00	10,200.00	45.00	1,350.00		
11	Remove and Replace Existing Sewer Lateral	EA	25	400.00	10,000.00	1,200.00	30,000.00		
12	Remove and Adjust Existing Manhole Ring & Cover	EA	1	870.00	870.00	950.00	950.00		
13	Raise Existing Manhole (1' maximum)	EA	1	330.00	330.00	350.00	350.00		
14	Manhole Inspection of Sewer Mains	LS	1	84,000.00	84,000.00	35,000.00	35,000.00		
15	Saw Cut, Remove, and Replace Block Roadway	SY	90	155.00	13,950.00	85.00	7,650.00		
16	Saw Cut, Remove, and Replace 4" Gravel	SY	100	7.00	700.00	15.00	1,500.00		
17	Saw Cut, Remove, and Replace 8" Asphalt or Concrete Pavement	SY	35	35.00	1,225.00	70.00	2,450.00		
18	Saw Cut, Remove, and Replace 8" Asphalt or Concrete Pavement	SY	346	102.00	35,292.00	80.00	27,680.00		
19	Aggregate Roadway Surfacing	TM	105	30.00	3,150.00	35.00	3,675.00		
20	Grading and Mulching	LS	1	3,300.00	3,300.00	10,000.00	30,000.00		
21	Saw Cut, Remove, and Replace Concrete Curb and Gutter	LF	50	40.00	2,000.00	150.00	7,500.00		
22	Manhole Demolition and Removal	EA	1	750.00	750.00	1,500.00	1,500.00		
23	Connect Existing Sewer Service to New Main	EA	5	850.00	4,250.00	950.00	4,750.00		
<b>TOTAL BASE BID (Items 1-24 Above):</b>					<b>\$1,974,446.00</b>		<b>\$1,987,039.75</b>		
<b>Alternate Bid Section 1A - Shall include all certain services identified in the Base Bid as CIPP Lining Point &amp; Repair and</b>									
1	Mobilization/De-mobilization	LS	1	\$20,000.00	\$20,000.00	\$75,000.00	\$75,000.00		
2	8-inch CIPP Lining, Manhole to Manhole	LF	6,035	21.20	170,342.00	29.75	239,041.25		
3	10-inch CIPP Lining, Manhole to Manhole	LF	1,750	25.50	44,625.00	32.75	57,312.50		
4	12-inch CIPP Lining, Manhole to Manhole	LF	405	39.00	15,795.00	44.00	17,820.00		
5	8-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	35	1,700.00	59,700.00	4,000.00	140,000.00		
6	10-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	2	1,750.00	3,500.00	4,500.00	9,000.00		
7	12-inch CIPP Lining, Point Repair (Up to 6 LF)	EA	2	1,750.00	3,500.00	4,500.00	9,000.00		
8	Excavate and Repair Existing 8-inch Sewer Pipe (6' min)	EA	327	55.00	18,000.00	225.00	73,575.00		
9	Excavate and Repair Existing 10-inch Sewer Pipe	LF	30	340.00	10,200.00	45.00	1,350.00		
10	Excavate and Repair Existing 12-inch Sewer Pipe	LF	30	340.00	10,200.00	45.00	1,350.00		
11	Remove and Replace Existing Sewer Lateral	EA	25	400.00	10,000.00	1,200.00	30,000.00		
12	Remove and Adjust Existing Manhole Ring & Cover	EA	1	870.00	870.00	950.00	950.00		
13	Raise Existing Manhole (1' maximum)	EA	1	330.00	330.00	350.00	350.00		
14	Manhole Inspection of Sewer Mains	LS	1	84,000.00	84,000.00	35,000.00	35,000.00		
15	Saw Cut, Remove, and Replace Block Roadway	SY	90	155.00	13,950.00	85.00	7,650.00		
16	Saw Cut, Remove, and Replace 4" Gravel	SY	100	7.00	700.00	15.00	1,500.00		
17	Saw Cut, Remove, and Replace 8" Asphalt or Concrete Pavement	SY	35	35.00	1,225.00	70.00	2,450.00		
18	Saw Cut, Remove, and Replace 8" Asphalt or Concrete Pavement	SY	346	102.00	35,292.00	80.00	27,680.00		
19	Aggregate Roadway Surfacing	TM	105	30.00	3,150.00	35.00	3,675.00		
20	Grading and Mulching	LS	1	3,300.00	3,300.00	10,000.00	30,000.00		
21	Saw Cut, Remove, and Replace Concrete Curb and Gutter	LF	50	40.00	2,000.00	150.00	7,500.00		
22	Manhole Demolition and Removal	EA	1	750.00	750.00	1,500.00	1,500.00		
23	Connect Existing Sewer Service to New Main	EA	5	850.00	4,250.00	950.00	4,750.00		
<b>TOTAL ALTERNATE BID SECTION 1A (Items 1-24 Above):</b>					<b>\$1,975,416.00</b>		<b>\$1,975,579.75</b>		
<b>Substantially Complete On or Before:</b>				October 4, 2019		October 4, 2019			
<b>Complete and Ready for Final Payment On or Before:</b>				November 15, 2019		November 15, 2019			
<b>Adendum #1:</b>				November 27, 2018		November 27, 2018			
<b>USDA Documents:</b>				Yes		Yes (partial)			
<b>Bid Guarantee:</b>				5% Bid Bond		5% Bid Bond			
<b>Remarks:</b>									

Craig Reinsch of Olsson stated: "USDA has concurred in the recommendation to award the contract to Midlands Construction; just so you know, they also do work as Johnson Services; they are the ones that did the original camera work. This does include the camera work on the south half of town as well."



December 5, 2018

City of David City  
Attn: Ms. Joan Kovar, Acting City Administrator  
P.O. Box 191  
David City, Nebraska 68632-0191

RE: Sanitary Sewer Rehabilitation  
David City, Nebraska - 2018  
Olsson Project No. 009-1925

Dear Mayor and Members of the Council:

On Tuesday, December 4, 2018, bids were received for the above referenced project. The purpose of this letter is to summarize the bids received and provide the City with our recommendations for making an award on the project. A bid tabulation showing the results received has been prepared for the project and is enclosed for your reference.

The bid covers the sanitary sewer collection system rehabilitation, including slip-lining with cured in place pipe (CIPP), open cut sanitary sewer repair or replacement, manhole lining, and other methods, for the north half of the collection system. The bid also includes camera work for the south half of the collection system (i.e. beginning at F Street), as requested. An alternate bid was included to compare costs between open cutting of several existing sewer services, in lieu of trenchless methods, as recommended by one of the bidders during bid advertisement.

A total of two (2) bids were received for the project from Obrist and Company (Columbus, NE) and Midlands Construction (Kearney, NE), who also does work as Johnson Services. Johnson Services was the company that completed the previous video inspection of the north half of the collection system. The base bids ranged from \$1,074,540.00 to \$1,367,098.75. The lowest bid was provided by Midlands Construction. The deduct of \$3,125.00 for the alternate bid was small enough that it is recommended to proceed with trenchless installation methods for selected services, per the base bid.

All bids received were above the engineer's opinion of costs of \$1,070,000 for the project, but were within 0.5-percent of the low bidder. This Contractor is considered to be a responsive bidder, so it is our recommendation that an award should be made to Midlands Construction in the amount of \$1,074,540.00 for the Base Bid. This option will minimize additional surface disruption. As this project is to be funding by USDA-RD, it is recommended that the bids be accepted contingent upon approval by the funding agency.

Please feel free to contact us with any additional questions that you may have.

Sincerely,

A handwritten signature in black ink that reads "Craig Reinsch". The signature is written in a cursive, flowing style.

Craig Reinsch, PE

Council member Hotovy made a motion to accept the bid of Midlands Construction in the amount of \$1,074,540.00 for the Base Bid. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Trowbridge, Hotovy, and Kobus. Voting NAY: None. The motion carried.

Craig Reinsch of Olsson stated: "The proposed distribution system hydraulic model will better enable the city to answer questions of contractors and developers regarding existing system capabilities throughout the system."

Council member Hotovy made a motion to table consideration of a letter of agreement with Olsson for the performance of an evaluation of the existing water distribution system, including recently designed or construction system improvements, prior to recommending improvements, for a cost of \$22,800.00. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Joe Held of Kruse, Schumacher, Smejkal, Brockhaus & Herley PC presented the financial statements for fiscal year October 1, 2017 to September 30, 2018. They basically presented an unmodified opinion which is a clean opinion.

Council member Trowbridge made a motion to accept the Financial Statements for the year ended September 30, 2018 together with the Independent Auditors' Report. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Trowbridge, Meysenburg, and Hotovy. Voting NAY: None. The motion carried.

Ryan Ruth of First State Insurance Agency presented the following proposal for the upcoming year:

## CITY OF DAVID CITY MEDICAL SUMMARY Effective: 1/1/2019

Proposal Type	PROPOSED		PROPOSED	
Carrier	UHC		NHIC	
Note	HSA - Embedded		HSA - Embedded	
Plan Name	HSA \$6,000 80% - BI-5A w/941		HSA \$5,000 80%	
Option Type	Bronze		*Self-Funded*	
Network	In Network		In Network	
Deductible - EE	\$6,000		\$5,000	
Deductible - Family	\$12,000		\$10,000	
Coinsurance	80%		80%	
Out of Pocket Max	\$6,550		\$6,750	
Out of Pocket Max - Family	\$13,100		\$13,500	
Physician/Specialist Copay	Ded then 20%		Ded then 20%	
Copay Note				
X-Ray/Lab	Ded then 20%		Ded then 20%	
Standard Telehealth Copay	\$49 applied to Ded then 20%		Upon Request	
Urgent Care Copay	Ded then 20%		Ded then 20%	
Emergency Room Copay	Ded then 20%		Ded then 20%	
Major Diagnostic (MRI, CT, etc.)	Ded then 20%		Ded then 20%	
Prescriptions (Rx)	Ded then \$10/\$35/\$70/\$200		Ded then 20%	
Specialty Rx	Refer to Formulary		Ded then 20%	
Rx Notes	Preferred Rx, SBC has add'l info		Ded then 40% for non-preferred brand	
Provider Network	Choice Plus		AETNA	
Employee	6	\$497.72	6	\$325.39
Employee + Spouse	2	\$995.45	2	\$976.12
Employee + Child(ren)	2	\$920.79	2	\$813.44
Employee + Family	4	\$1,418.51	4	\$1,236.42
Employee Total		\$6,968.12		\$4,555.46
Dependent Total		\$5,524.73		\$5,921.68
Admin Fee				
<b>Combined Monthly Total</b>		<b>\$12,492.85</b>		<b>\$10,477.14</b>
% Variance		6.67%		-10.54%

**From:** Michel, Richard [[mailto:Richard\\_Michel@IBEW.org](mailto:Richard_Michel@IBEW.org)]  
**Sent:** Thursday, November 29, 2018 2:40 PM  
**To:** James Egr  
**Subject:** David City Health Care

Good Afternoon Jim,

The employees are ok with the health care plan that we spoke about last night.(NHIC 5000/10,000).

Thanks

Richard K Michel  
IR, 11<sup>th</sup> District  
IBEW

C. 402-670-8603

Council member Hotovy made a motion to accept the NHIC Health Insurance Plan, as presented by Ryan Ruth of First State Insurance Agency, for the employees for the upcoming year. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Smith, Kobus, Meysenburg, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve the David City Golf Club Inc., 899 Park Drive, as a lottery sales outlet for KENO. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Mayor Zavodny declared the Public Hearing open at 7:58 p.m. to consider amending Ordinance No. 909 – Subdivision Regulations – Article 6: Subdivision Design Standards, Section 606 – Sidewalks, Section 606.02 Standards, by amending 606.02A and 606.02C, to coincide with the Municipal Code.

Building Inspector Ray Sueper stated that the Planning Commission proposed these changes and it will help to clarify the language concerning the placement of fire hydrants.

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:59 p.m.

Council member Hotovy introduced Ordinance No. 1299 amending Ordinance No. 909 – Subdivision Regulations – Article 6: Subdivision Design Standards, Section 606 – Sidewalks, Section 606.02 Standards, by amending 606.02 A and 606.02 C, to coincide with the Municipal Code. Mayor Zavodny read Ordinance No. 1299 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1299 on the third and final reading. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Smith, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1299 was passed on 3<sup>rd</sup> and final reading as follows:



**ORDINANCE NO. 1299**

AN ORDINANCE TO AMEND ORDINANCE NO. 909 – SUBDIVISION REGULATIONS, ARTICLE 6: SUBDIVISION DESIGN STANDARDS, SECTION 606 SIDEWALKS, 606.02 STANDARDS, BY AMENDING SECTION 606.02 A AND 606.02 C, TO COINCIDE WITH THE MUNICIPAL CODE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF SUBDIVISION REGULATIONS ORDINANCE NO. 909 BE AMENDED AS FOLLOWS:

ARTICLE 6: SUBDIVISION DESIGN STANDARDS

SECTION 606 SIDEWALKS

606.01 GENERAL

Sidewalks shall be labeled upon the improvement plans and installed by the property owner (or City in the event of an assessment district) upon completion of construction on a lot by lot basis in every subdivision, except, where unusual conditions exist which eliminate the need for sidewalks, and an exception to eliminate all or a portion of the sidewalk construction requirement is recommended by the Planning Commission and approved by the City Council as part of the final plat approval process.

606.02 STANDARDS

Sidewalks shall be installed in all subdivisions regardless of the use of land in the subdivision and such sidewalks shall be installed according to the following standards:

- A. Along both sides of all streets within the subdivision, in which case the edge of the sidewalk farthest from the street shall be placed at 12 inches from the property line with the sidewalk being within said right-of-way. In no case shall new placements of fire hydrants, or any associated gate valves, be located where sidewalks are required.
- B. All sidewalks shall extend to the street pavement at all intersections and at mid-block crossing where appropriate and shall be equipped with handicap access ramps.
- C. In neighborhoods planned as cluster developments, adjusted sidewalk locations may be submitted for consideration by the Planning Commission. The purpose of which is to achieve the most efficient pedestrian circulation through, and to and from, the development.
- D. The Planning Commission may recommend modifications to and the City Council may modify the requirements of this Section, but only in instances where park, railroads, extreme topographical conditions or other unusual conditions, excluding use of the property, make sidewalk installation non-essential or unnecessary on both sides of the street. In any subdivisions under the jurisdiction of the City where lot sizes equal or exceed one acre and average lot frontages exceed two hundred (200) feet, the Planning Commission may recommend and the City Council may grant an exception to all or some of this sidewalk installation requirement.
- E. The minimum sidewalk width shall be four (4) feet on local, collector and minor arterial streets and five (5) feet on major arterial streets, provided however, that in multiple family residential developments and non-residential subdivisions said sidewalks shall

be of a width suitable for the anticipated pedestrian traffic, but not less than four (4) feet, as determined by the City Council.

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 12<sup>th</sup> day of December, 2018.

---

Mayor Alan Zavodny

---

City Clerk Joan Kovar

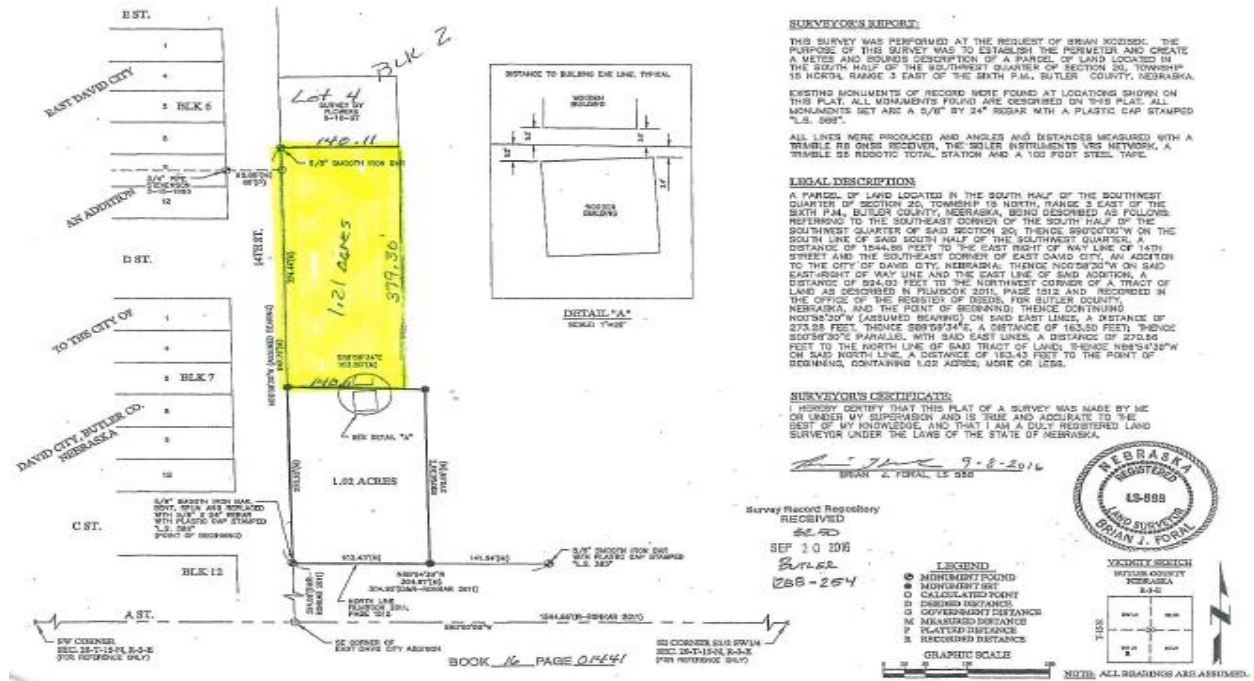
Ordinance No. 1296 was introduced and passed on first reading at the October 10, 2018, council meeting, and passed on second reading at the November 14, 2018, council meeting. Council member Trowbridge made a motion to pass Ordinance No. 1296 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Hotovy, Kobus, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1296 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1296**

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, A TRACT OF LAND LOCATED IN THE SW ¼ OF THE SW ¼ OF SECTION 20 T15N R3E OF THE 6<sup>TH</sup> P.M., BUTLER COUNTY, NEBRASKA, LEGALLY DESCRIBED BELOW, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

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



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

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

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

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

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

Passed and approved this 12<sup>th</sup> day of December, 2018.

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

ATTEST:

\_\_\_\_\_  
 City Clerk Joan E. Kovar

Mat Asche, representing the employee committee, asked if the Council would consider granting the morning of Monday, December 24<sup>th</sup>, 2018, as Holiday time off. The employee's manual states that on Christmas Eve – City Departments will close at noon. Mat stated that the employees would really appreciate the morning off also. He stated that those who wanted to go visit family would probably like to take off on the week-end and it hardly seemed worth it to come to work for four hours.

It was noted that did make a lot of sense, but now that the Union is involved, it is a different ballgame. The Mayor and Council hate the position this has put them in.

Council member Meysenburg stated that he felt that the Union would be fine with this as it is a benefit to the employees.

Council member Hotovy made a motion to approve the employees having off the morning of Monday, December 24<sup>th</sup>, 2018; saying it just makes sense. Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, and Hotovy. Voting NAY: Council member Trowbridge. The motion carried.

Mayor Zavodny declared a short three-minute recess at 8:10 p.m.

At 8:13 p.m. Mayor Zavodny reconvened the meeting stating the first order of business was to administer the Oath of Office to the newly elected Council members.

City Attorney Jim Egr gave the Oath of Office to re-elected Mayor Alan Zavodny and Council members: Thomas J. Kobus – 1<sup>st</sup> Ward; Kevin N. Hotovy – 2<sup>nd</sup> Ward; and John Vandenberg – 3<sup>rd</sup> Ward, and they were seated.

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

Mayor Zavodny stated the first order of business was to elect a council president for calendar years 2019 and 2020.

Council member Vandenberg nominated Council member Hotovy, Council member Trowbridge nominated Council member Smith, and Council member Kobus nominated Council member Trowbridge.

Council member Trowbridge made a motion that nominations cease. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

Ballots were distributed to the Council members for the election of a council president. Mayor Zavodny appointed Council members Vandenberg and Meysenburg, and City Clerk Kovar to tally the votes. The result of the vote was given to Mayor Zavodny who announced that Council member Hotovy was elected as the Council President for calendar years 2019 and 2020.

Council members Smith and Trowbridge volunteered to serve on the Finance Committee.

Council member Hotovy introduced Ordinance No. 1300. Mayor Zavodny read Ordinance No. 1300 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1300 on the third and final reading. Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Trowbridge, Hotovy, and Vandenberg. Voting NAY: None. The motion carried and Ordinance No. 1300 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1300**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, TO AMEND CHAPTER 1 – ADMINISTRATIVE, ARTICLE 5 – MEETINGS, SECTION NO. 1 – 508 OF THE MUNICIPAL CODE REGARDING REGULAR MEETINGS OF THE MAYOR AND CITY COUNCIL MEMBERS; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. THAT THE FOLLOWING SECTION OF THE MUNICIPAL CODE BE AMENDED AS FOLLOWS:

Chapter 1 – Administrative

Article 5 – Meetings

§1 – 508     MEETINGS; REGULAR MEETINGS. The meetings of the Governing Body shall be held in the City Council meeting room of the City Office Building, 557 North 4<sup>th</sup> Street, David City, Nebraska. Regular meetings shall be held on the second (2<sup>nd</sup>) Wednesday and the fourth (4<sup>th</sup>) Wednesday of each month at the hour of seven (7:00) o'clock P.M.

At all meetings of the Council, a majority of the Council members shall constitute a quorum to do business.

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

SECTION 3. This ordinance shall be published in pamphlet form, shall be effective as of January 1, 2019, and shall be in full force and effect from and after its passage, approval, and publication as required by law.

Passed and adopted this 12<sup>th</sup> day of December, 2018.

---

Mayor Alan Zavodny

---

City Clerk Joan Kovar

Mayor Zavodny stated that due to employees joining a Union he felt it in the best interest of the City to engage Jerry L. Pigsley of Woods & Aitken LLP, to represent the City regarding collective bargaining agreement negotiations, with the International Brotherhood of Electrical Workers Local Union No. 1536.

Council member Trowbridge made a motion to approve the engagement of Jerry L. Pigsley of Woods & Aitken LLP to represent the City. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Smith, Meysenburg, Hotovy, Trowbridge, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny stated that R. J. Hein has requested that his property be annexed.

Council member Trowbridge introduced Ordinance No. 1301 annexing property owned by R.J. Hein Mayor Zavodny read Ordinance No. 1301 by title. Council member Hotovy made a motion to pass Ordinance No. 1301 on the **first reading only**. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Smith, Kobus, Meysenburg, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1301 was passed on 1<sup>st</sup> reading as follows:

**ORDINANCE NO. 1301**

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, PART OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$ ) OF SECTION EIGHTEEN (18), TOWNSHIP FIFTEEN (15), NORTH, RANGE THREE (3), EAST OF THE 6<sup>th</sup> P.M., BUTLER COUNTY, NEBRASKA; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City;
- (b) Police, fire, mad snow removal benefits will be immediately available thereto, and

- City water service will be available as provided by law;
- (c) The Zoning classification of such territory as shown on the official zoning map of the City of David City, Nebraska, is hereby confirmed;
  - (d) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska.

SECTION 5: Upon the taking effect of this Ordinance, the police, fire and snow removal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

1<sup>st</sup> reading only 12-12-18  
Mayor Alan Zavodny

1<sup>st</sup> reading only 12-12-18  
City Clerk Joan E. Kovar

#### EXHIBIT "A"

Northwest Quarter (NW $\frac{1}{4}$ ) of Section Eighteen (18), Township Fifteen (15), North, Range Three (3), East of the 6<sup>th</sup> P.M., Butler County, Nebraska, LESS all real estate conveyed for road purposes, (120035344 – R.J. Hein)

AND LESS THE FOLLOWING THREE (3) TRACTS OF REAL ESTATE:

TRACT I: A tract of land located in the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Eighteen (18), Township Fifteen (15) North, Range Three (3),

East of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows:  
Commencing at the SE corner of said NW¼, thence westerly, 41.0 feet, on the South line of said NW¼, to the Point of Beginning, said point being on the westerly right-of-way line of Nebraska Highway No. 15; thence northerly, 321.00 feet, on said westerly Highway right-of-way line; thence westerly 325.00 feet, at a right angle to the last described line; thence southerly, 321.57 feet, parallel with said westerly Highway right-of-way line, to a point on the South line of said NW¼, thence easterly, 325.00 feet, on the South line of said NW¼, to the point of beginning, containing 2.40 acres, (120008578 – Michael & Sandra Burwell)

AND

TRACT II: A tract of land located in the Northwest Quarter (NW¼) of Section Eighteen (18), Township Fifteen (15) North, Range Three (3), East of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast Corner of said Northwest Quarter; thence westerly, 41.0 feet, on the south line of said Northwest Quarter, to a point on the westerly right-of-way line of Nebraska Highway No. 15; thence northerly, 321.00 feet, on said westerly highway right-of-way line, to the point of beginning, said point being 40.08 feet west of the east line of said Northwest Quarter; thence westerly, 340.00 feet, at a right angle to the last described line; thence northerly, 385.00 feet, parallel with the westerly right-of-way line of Nebraska Highway No. 15; thence easterly, 340.00 feet, at a right angle to the last described line, to a point on the westerly right-of-way line of Nebraska Highway Nebraska 15; thence southerly, 385.00 feet, on said westerly right-of-way line to the point of beginning, containing 3.00 acres, more or less. (120008595 – Edward & Gwendolynne Hein)

AND

TRACT III: A parcel of land located in a part of the East Half of the Northwest Quarter of Section 18, Township 15 North, Range 3, East of the 6<sup>th</sup> P.M., Butler County, Nebraska, being more particularly described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less. (120035346 – Samuel J. Stara)

AND

ALSO, EXCEPT THE RAILROAD RIGHT-OF-WAY.

-----





Council member Trowbridge made a motion to accept the resignation of Water/Wastewater Supervisor Travis Hays effective December 28, 2018. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Kobus made a motion to accept the resignation of Power Plant employee Tom Dion effective December 28, 2018. Council member Smith seconded the motion. Voting NAY: Council members Meysenburg, Hotovy, Vandenberg, Trowbridge, Smith, and Kobus. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Trowbridge made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:38 p.m.



CERTIFICATION OF MINUTES  
December 12<sup>th</sup>, 2018

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of December 12<sup>th</sup>, 2018; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Joan Kovar, City Clerk