

CITY COUNCIL PROCEEDINGS

January 12, 2011

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on January 6th, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council members Gary Kroesing, Bill Scribner, Mike Rogers, John Vandenberg, Ruddy Svoboda, and Gary Smith, City Administrator Jon Holmes, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar.

Also present were: Police Chief Anthony McPhillips, Ken Fairchild of Olsson Associates, Jodi Prochaska of Kruse, Schumacher, Smejkal, & Brockhaus, PC, Nick Hein, Janis Cameron, Carolyn Yates, Jeff Yates, Carol Brehm, Keith Marvin, Matt Hilger, Rick Schneider, Joy Fountain, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

Council member Kroesing noted that the minutes of the December 8th, 2010 meeting of the Mayor and City Council were not included in the agenda packets. City Clerk Kovar stated that the minutes were copied but were inadvertently not included in the council packets. Therefore, the minutes will need to be considered for approval at the February council meeting.

Mayor Zavodny asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims and Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Vandenberg, Svoboda, Rogers, and Kroesing. Voting NAY: None. Council member Smith was absent. The motion carried.

Mayor Trowbridge called for Committee and Officer Reports.

Council member Rogers commented on the police department. Rogers stated, "We received a call from Colfax County about a dangerous individual wanted on four drug charges. Both offices worked together. Marla (Police Officer Schnell) found the car right away and they sat on it all night long until they could find him and put him in jail, and I would like to thank Chief for that. It was a very good job. It was a half a million dollar bond on the gentleman."

Council member Kroesing thanked everyone involved with the snow removal process in David City; traffic control, snow removal, whatever it takes.

Council member Scribner made a motion to approve the Committee and Officer Reports as presented. Council member Svoboda seconded the motion. Voting AYE: Council members

Kroesing, Vandenberg, Rogers, Svoboda, and Scribner. Voting NAY: None. Council member Smith was absent. The motion carried.

The tank removal cost estimates on the City's property located at 315 So. 4th Street were discussed.

Estimate
 City of David City
 Coranco Great Plains, Inc.
 141 W. 10th, PO Box 23
 Wahoo, NE 68066

Project Name: Certified Tank Closure: 2 - 6,000 gallons tanks

	Rate	Unit	X Quantity	Cost
David City, NE Tank Removal				
Support Vehicle	\$.75	Mile	300	\$225.00
Travel Time	\$85.00	Hour	5.00	\$425.00
Certified Closure	\$85.00	Hour	16.00	\$1,360.00
Analytical Costs (8260 & OA2)	\$136.00	C+15/EA	9	\$1,224.00
Dry Ice	\$360.00	C+15	1	\$360.00
O2 Meter	\$65.00	Day	2	\$130.00
PID	\$95.00	Day	1	\$95.00
Reporting and Project Management	\$115.00	Hour	3.00	\$345.00
Drafter	\$40.00	Hour	1.00	\$40.00
			Estimated Total:	\$4,204.00

City Administrator Holmes presented the following tabulation of costs using estimates provided by Street Superintendent Jim McDonald:

Southern XV Tank Removal Cost Estimates – City Expenses

Project: Removal of two 6,000 gallon underground fuel tanks

City Projected Costs:

- 1) Approximately 200 yards of sand/dirt for back-fill - \$2,000
- 2) Approximately 40 yards of junk dirt (top soil) for top - \$250
- 3) Contingency – If help is needed in the form of
 Equipment, hauling or other unforeseen expenses - \$500

Coranco Great Plains, Inc. Proposal Estimated Costs

- 1) Tank removal oversight and management \$4,204
- Total Estimated Cost: \$6,954

Council member Smith arrived at 7:20 p.m.

Discussion followed. It was noted that the city would be responsible for the removal of the tanks. Coranco Great Plains Inc. only oversees the removal and files the necessary paperwork. City Administrator Holmes stated that the State Fire Marshall gave us sixty (60) days to do something with the tanks. Even if a similar business came in they would not want those tanks so, irregardless it seems that it would be a good move to get rid of the tanks.

Council member Scribner made a motion to accept the bid of Coranco Great Plains Inc. in the amount of \$4,204.00 and get the tanks removed. Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Smith, Vandenberg, Rogers, and Scribner. Voting NAY: Council member Kroesing who stated he would have liked to have seen another bid. The motion carried.

City Administrator Jon Holmes stated that the Economic Development Board met on December 20, 2010 and reviewed Loan Application #2-2010 in the amount of \$20,000.00 and is recommending approval.

Council member Scribner made a motion to approve Economic Development Loan Application #3 – 2010 in the amount of \$20,000. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Rogers, Svoboda, Smith, and Scribner. Voting NAY: None. The motion carried.

Ken Fairchild, Electrical Engineer with Olsson Associates, stated, "In 2007 the city commissioned Olsson Associates to do a rate study for the City and we made some recommendations and a rate increase went into effect as of April 1, 2008. David City has not taken a rate increase since then and tonight I would like to share with you some indication of where that has put you. Ken distributed papers which showed the rate study they had done for us and what they had proposed:

2008	2009	2010	2011
8.74%	5.50%	3.00%	3.00%

"You took the 2008 rate increase or something right at it. David City had had an increase in your wholesale power costs from NPPD and I believe there were also increases from WAPA. NPPD had a rate increase in 2010 and have recommended a 9.8% increase that went into effect January 1 of this year for wholesale rates. WAPA is in the process of talking about a possible rate increase this year, but we have to wait and see. During the process of doing this rate increase, we set down with staff, Mayor, and the city administrator and talked about the goals and financial aspects that we wanted to do. Two significant things were the capital improvements for the system, in other words reinvesting some money in the system, instead of just taking money out of it and letting it depreciate out. It was basically targeted to be about \$85,000 a year to invest in the system. We also tried to establish an amount of money to put back into the reserve fund. The reserve fund is our catastrophic loss fund; it is how we handle problems that come up. There are differences of opinions on what a reserve fund should be. Coming at it from a purely business point of view, it is so many months of your costs. If you talk to your engineer, it's the tornado that comes through town, and yes, FEMA might declare it a natural disaster but it is pay and get reimbursed; you need a pocket book of money to handle

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those situations; that's prudent business when you are running a utility. That's what we wanted to do and that's the history." Ken then distributed another sheet and stated: "We basically took the same kinds of costs, looked at some increases that were consistent with the kind of forecasting we did in the other rate study that was completed, and again it kind of does some forecasting for you."

FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
0	0	12.50%	8.00%	6.00%

"David City did not take any rate increases in 08-09 and 09-10. We have taken a guess at what we would need to have to just break even this year. That is shown on FY 10-11. Then we have taken another guess based purely on hoping we have some idea of what NPPD and WAPA might do for 11-12 and 12-13. Then at the bottom of the page we show the cash available for reserves:"

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Cash available for reserves	(43,933.)	(295,511.)	509.	(294,036.)	125,939.

"The 08-09 and 09-10 are audit figures. If you take the rate increase that we are suggesting for 10-11 you may have \$509.00 left over at the end of the year. That's the impact of what we haven't done. We show some fairly decent raises in 11-12 and 12-13 and we are way short in 11-12 and we make a little bit of a comeback in 12-13, but that's if all those other increases are equal to what we are saying the proposed increases are."

	FY 08-09	FY 09-10	FY 10-11	FY 11-12	FY 12-13
Rate Increase			8.35%	8.00%	8.00%

"This sheet is identical to the one you have but we made the rate increase appropriate to reestablish the target goals that we had in 08 and 09. There is more to a rate study than this, this is really just looking at the revenue stream we need and trying to achieve the target goals that we set out to achieve for the electric utilities. If you look at FY 10 – 11 you can see what it needs to be to get back where we were. Now I'd like to make a point here, that we are not recovering the losses we had in 08 and 09 before; this is just getting back to that bottom line that we had as a target from the study done in December 2007. And again, we kept the same proposed rates in FY 11-12 and FY 12-13 and you can see we've only softened the impact of the deficit that we see happen. There has been a capital improvement plan put in place for the electric department. We were given that information and that information has substituted the original \$85,000 a year, that's why 11-12 looks as bad as it does. This is just the tail of the tape; I think you need to seriously do something about your rates as quickly as possible."

City Administrator Holmes stated: "That \$494,400 (Capital Additions FY 11-12) \$300,000 there, the big thing, is to meet EPA regulations on the power plant; the RICE."

Ken Fairchild stated: "I can talk a little bit about that, that only happened in February of this year but they've only given us till May of 2013 to comply or they start penalizing us. The other thing is I haven't had a chance to talk to staff and talk about the things we can do; do we bond that and soften that blow and some of the other things. This is just putting the numbers in and showing you what the numbers are. I think you have some options here, you can just say "Oh

fine, we'll put in that rate increase you're showing here and we're off and running, we'll do what we need to do next year and the year after that", or you can do a revenue sufficiency rate study, let us talk with staff and take a look at some of the things on plan, but that's going to cost you money."

Mayor Zavodny stated: "For purposes of our discussion here, thinking at least for FY 10-11 our option is an 8.35% rate increase or a 12.5% to get us any money that will start building back up for our catastrophic events."

Ken Fairchild stated: "In February of this year a rule that the EPA had been considering for ten years became final. Basically what it does is instead of looking at new engines and pollution control on new engines they now went back and looked at existing stationary diesel engines; actually they looked at a whole gamut of engines, but for the power plant it's the stationary diesel engines. If you are going to comply with the new rules you will put catalytic converters on your existing engines; but you don't have to. You can choose to say we're emergency only but any lease, any revenue income that you have from that plant now, and you do have a fairly good lease with NPPD which has ten or fifteen years left on it which is a revenue income. If you want to look at that revenue coming in off the plant, it could be considered rate stabilization but it goes into the pot and some of it has to come out for plant maintenance and upkeep because we have an agreement that we are going to keep that up. The real kicker here is that when EPA made that rule final they only gave us to May 3, 2013 to comply and they have been fairly clear about the fact that they are going to be serious about fining people. So, it becomes a matter of yes, it's an investment for the conversion but if you look at the revenue stream that has eight, nine, more years left on it, it is a worthwhile investment."

Ken Fairchild stated: "There hasn't been a rate increase in three years, the city has absorbed that and it's my job to tell you that it's not a prudent path to continue walking down. We have a life that depends on electricity, we can't pump water, we can't treat sewage; we can't do anything without electricity, much less our entertainment and everything else."

After much discussion, Council member Scribner made a motion for City Clerk Kovar to draft an ordinance for consideration at the February council meeting, increasing the electric rates by nine percent (9%). Council member Rogers seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Smith, Svoboda, Rogers, and Scribner. Voting NAY: None. The motion carried.

Mayor Zavodny asked Ken Fairchild of Olsson Associates to prepare a proposal for a complete electric rate study.

Jodi Prochaska of Kruse, Schumacher, Smejkal, & Brockhaus, PC presented the City/Utility Financial Statements for the year ended September 30, 2010.

Council member Kroesing made a motion to accept the City/Utility Financial Statements for the year ended September 30, 2010 as presented. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Svoboda, Scribner, Vandenberg, Smith, and Kroesing. Voting NAY: None. The motion carried.

Mayor Zavodny stated that he has reviewed the board/committee appointments and he would sum it up by saying it will take a little bit of work; some terms have expired years ago and some terms are unknown; so he will spend a little more time working on that. Mayor Zavodny stated: "I am prepared to appoint the advisory board for the park and recreation, which in going through the rules and trying to do my due diligence says that I have to appoint four citizens. We had more applications that we had slots to fill so I gave that a lot of consideration." Mayor Zavodny made the following recommendations:

Park & Recreation Committee:

Liaison for the City Council: Gary Kroesing

Park/Auditorium Supervisor: Scott Bales

Milt Bemis – 1 year term (Feb 1, 2011 – Jan 31, 2012)

Jim Witter – 1 year term (Feb 1, 2011 – Jan 31, 2012)

Dennis Kirby – 3 year term (Feb 1, 2011 – Jan 31, 2014)

Deb Dinkelman – 3 year term (Feb 1, 2011 – Jan 31, 2014)

Council member Scribner made a motion to approve the Park & Recreation Committee appointments as presented by Mayor Zavodny. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Rogers, Svoboda, Smith, and Scribner. Voting NAY: None. Council member Kroesing abstained. The motion carried.

Council member Rogers stated: "I know there are a lot of objections with blowing the sirens at night but I work for the 911 center and to me it's not objectionable it's just another tool to notify the fireman that something is going on. This is a tool that I believe should be reinstated so we can blow the sirens 24 hours."

Fire Chief Matt Hilger stated: "I told Mike that if this was going to turn into another world war over this, I wasn't going to show up."

Mayor Zavodny stated: "Granted if I lived right under one I might feel a little differently, but if I was in trouble I'd certainly want to make certain that someone was coming and hearing that might make me feel better."

Council member Scribner stated: "I went door to door when we did this the first time. I wasn't able to attend the actual meeting for the vote because I was out of the country. I attended the next meeting and gave them my results. I went door to door, I hit fifty houses just in my ward and it was a majority of the people that said "leave it alone, let it be", very few people were in favor of taking the sirens away. Probably 90% said leave it alone and 10% said to get rid of the sirens."

Mayor Zavodny stated: "I've listened to people about this in the interim and some of the people say that one of the advantages is that when the whistle blows you are watching for

fireman as they are going to the station to get in the ambulance, rescue squad, or fire truck, so you've got that alert system for the public. It's good for someone to know that there is an emergency; they are watching the highway; you guys come up fast. There are also people who say they start looking around their neighborhood. Is there smoke? Is there something that I can maybe get to fast and be the difference between saving someone who is unconscious in their kitchen in a fire or something? Not that you would advocate going in and doing that, but those arguments make sense to me."

Fire Chief Matt Hilger stated: "The fire department, even though we were coming at this from what I felt to be an intelligent, responsible stand point, everybody, everybody was starting to look bad that last time, and so we got out of it and I said I don't want to get anywhere close to doing that again. If the city council thinks that it's something in their opinion and the constituent's opinion that people don't mind it, I am of course "for" reinstatement. If it's going to turn into a fight, if they think there's going to be a huge problem with it, I don't want to get people into that either."

Police Chief McPhillips stated: "I have to let the council know that the police department does not have the fire department pagers; we don't carry one of their pagers. We don't know every time they get dispatched to either an ambulance or a fire call. The sirens let us know that. Most of the time we are on a portable so we can flip the portable on scan and get the location and stuff like that. It also lets us know, that even if we don't do that and we're out running traffic, to expect fireman coming in to the fire calls at a higher rate of speed and we're not going to be bothering those people. So, as far as the police departments concerned, utilization of the sirens is a good idea."

Council member Smith made a motion to draft a resolution releasing the time restrictions on the usage of the sirens for consideration at the February council meeting. Council member Svoboda seconded the motion. Voting AYE: Council members Scribner, Kroesing, Vandenberg, Rogers, Svoboda, and Smith. Voting NAY: None. The motion carried.

Council member Scribner stated that the last time the police offices were discussed he was told that we were waiting for the weather to get worse to get anything done on the police building. The contractors were all very busy with outside projects because the weather had been so nice. Scribner stated he didn't know how much worse the weather had to be; he wants a deadline.

Council member Rogers stated: "You all know where the old sheriff's office is. There are three offices there and I think it would be big enough to support the police offices. The chief would have his own office, the lieutenant if he wants, but I believe we could get that space even though it is occupied by Tom Hayes right now. Tom belongs to RAP (Rural Apprehension Program). No department around furnishes RAP an office. David City/Butler County belongs to the drug group SNARE; they pay for their own offices. I believe the county board would look favorably upon giving us at least those three offices for a fair rate. I'd also like to say that I have never seen the Sheriff's office and the police department get along so well. This is a save, save, situation."

Council member Kroesing stated that if the police were to be located in the rear of the City Office he didn't like the alley entrance with no visibility to the highway. He stated that the old garden center building located at 216 N 4th Street may be an option.

Police Chief McPhillips stated: "If you're asking me, this option here (the rear of the City Office), the real limitation to it is it's in the back, it's out of the public access, there is no parking available. I have two officers that come in from another community in their private car; they need a place to park while they pick up the patrol car and utilize it. This facility just doesn't lend itself to that at all. The area that Mike is talking about over in the courthouse, the old sheriff's office, right now Tom Hayes is in there, the Veteran Service Office is in there, and their break room is in there. They would have quite a bit of shuffling around to do. One of the things that would be a drawback there again would be the parking, leaving the vehicles on the street, no garage for maintenance or to load and unload evidence, no evidence storage facility in there. The flower shop, I've never been in the flower shop, I don't know what it's like in there. I do know that it's located in the public view, it does have a garage facility and does have off-street parking."

Mayor Zavodny asked if a couple of council members would like to work with the Chief to explore pros and cons. City Administrator Holmes stated that it was suggested forming a task force and so he talked to Sheriff Hecker, who volunteered Rick Schneider, and he talked to the County Attorney. He stated also to possibly look at Dee Pohl as part of the Chamber of Commerce and form a community group to look at all of the options and present their findings to the city council. Council member Svoboda asked if the committee was just to be citizens or if he could volunteer to serve on the committee, because he would like to be on it.

Council member Rogers made a motion to put together a citizen committee to study the possible locations for the police department offices and report back with a recommendation at the February council meeting. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Vandenberg, Scribner, Smith, and Rogers. Voting NAY: None. The motion carried.

Council member Scribner made a motion to prepare a resolution, for Committee of the Whole meetings instead of the current subcommittee meetings, for consideration at the February council meeting. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Smith, Svoboda, Rogers, and Scribner. Voting NAY: None. The motion carried.

Police Chief McPhillips stated: "We need to replace the 98 Ford Expedition. What I am recommending for is a Chevy Colorado Pickup with the five cylinder engine. The base price for the vehicle is \$27,195. State bid price is \$20,662. I have recommended a few options be placed on it to enhance its ability as a police vehicle; those options come to 926.00 for a total price of \$21,588.00."

The 98 Ford Expedition has 161,000 miles on it so it was decided that it should be sold and not insured any more. The police department also has a 77 Dodge Pickup that they no longer use. Mayor Zavodny asked that it be placed on the February agenda to find out where the 77 Dodge Pickup came from and to decide its fate.

Mayor Zavodny asked if the City would have expenses in outfitting it for the police department's needs. Police Chief McPhillips stated that the light bar alone would be \$1,500.00.

Council member Smith made a motion to authorize Police Chief McPhillips to buy a truck and equipment for up to \$25,000. Council member Svoboda seconded the motion. Voting AYE: Council members Rogers, Scribner, Kroesing, Vandenberg, Svoboda, and Smith. Voting NAY: None. The motion carried.

City Administrator Holmes stated that a council retreat was suggested. He checked with Camp Moses Merrill which rents for \$75.00 for ½ day. They could also provide a lunch. This would be for goal setting and listing out priorities for the Council. Holmes is still looking for someone, a neutral party, to facilitate the retreat. This would be a one day event lasting approximately 4 – 6 hours. The open meetings act allows this sort of activity.

Mayor Zavodny stated that the Library is a nice facility, it's right here, and wouldn't cost us anything. Council member Scribner stated that he was in the middle of a big project so it would have to be a weekend. Council member Svoboda stated that he would like to do it and would be available at any time. The other Council members all showed interest in a retreat. Mayor Zavodny asked each Council member to see what would work for them, give him a few dates, and he will see what works.

Council member Vandenberg made a motion to authorize Ryan Nelson d.b.a. Ryan's Roadhouse to conduct KENO at 412 E Street, utilizing Zeilinger Keno. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Kroesing, Scribner, Svoboda, Smith, and Vandenberg. Voting NAY: None. The motion carried.

Fire Chief Matt Hilger presented a report of the David City Volunteer Fire Department and a hand-out. The hand-out showed that the fire department conducted 2,092 hours of training in 2010. They answered 242 calls last year and their equipment is checked monthly. The ISO rating is 4. David City is known all over for their training, equipment, and currently 42 active members. They meet the 1st Monday of every month; eat at 7:30 p.m., and the meeting begins at 8:00 p.m. The Mayor and Council are invited to stop at any time.

Council member Scribner made a motion to pass and approve Resolution No. 1 – 2011 approving the execution of an agency agreement with the Department of Aeronautics for Project No. 3-31-0025-08 (B01) to be submitted to the Federal Aviation Administration to obtain federal assistance for the development of the Airport. This would be for a snow removal equipment building. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Vandenberg, Kroesing, Rogers, Smith, and Scribner. Voting NAY: None. The motion carried and Resolution No. 1 – 2011 was passed and approved as follows:

RESOLUTION NO. 1 – 2011

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. 3-31-0025-08 (B01) TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT:

Be it resolved by the Mayor and members of the City Council of David City, Nebraska, that:

1. The City of David City, NE shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0025-08 (B01) for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth herein below.
2. The Mayor of the City of David City, NE is hereby authorized and directed to execute said Agency Agreement on behalf of the City of David City, NE, and the City Clerk is hereby authorized to attest said execution.
3. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

Passed and approved this 12th day of January, 2011.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Resolution No. 2 – 2011 approving the execution of an agency agreement with the Department of Aeronautics for Project No. 3-31-0025-09 (E01) to be submitted to the Federal Aviation Administration to obtain Federal Assistance for the development of the Airport which would include snow removal equipment. Council member Smith asked if anyone knew how much this was going to cost the City. Council member Kroesing stated that when this was discussed previously there were some questions left unanswered. Can the snow removal equipment be used anywhere in David City or is it exclusively for the Airport? How much is the match? Council member Kroesing stated that this equipment wasn't going to just sit at the Airport in case it is needed in town. Council member Smith stated it was his understanding it could only be used at the Airport.

Council member Scribner made a motion to table consideration of Resolution No. 2 – 2011 until the next meeting until we get additional information. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Svoboda, Vandenberg, Rogers, Kroesing, and Scribner. Voting NAY: None. The motion carried and Resolution No. 2 – 2011 was tabled.

RESOLUTION NO. 2 – 2011

A RESOLUTION ADOPTING AND APPROVING THE EXECUTION OF AN AGENCY AGREEMENT WITH THE DEPARTMENT OF AERONAUTICS OF THE STATE OF NEBRASKA FOR PROJECT NO. 3-31-0025-09 (E01) TO BE SUBMITTED BY THE DEPARTMENT TO THE FEDERAL AVIATION ADMINISTRATION TO OBTAIN FEDERAL ASSISTANCE FOR THE DEVELOPMENT OF THE AIRPORT:

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Be it resolved by the Mayor and members of the City Council of David City, Nebraska, that:

4. The City of David City, NE shall enter into an Agency Agreement with the Department of Aeronautics for Project No. 3-31-0025-09 (E01) for the purpose of obtaining Federal assistance in the development of the Airport and that such agreement shall be set forth hereinbelow.
5. The Mayor of the City of David City, NE is hereby authorized and directed to execute said Agency Agreement on behalf of the City of David City, NE, and the City Clerk is hereby authorized to attest said execution.
6. The said agreement, referred to hereinabove, is inserted in full and attached herewith, and made a part hereof as Exhibit "O".

Passed and approved this _____ day of _____, 2011.

(tabled)

Mayor Alan Zavodny

(tabled)

City Clerk Joan E. Kovar

Council member Rogers made a motion to go into executive session to discuss a personnel matter. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Svoboda, Smith, Scribner, and Rogers. Voting NAY: None. The motion carried.

Mayor Zavodny stated, "Now at 9:47 p.m. we are going into executive session to discuss a personnel matter." Mayor Zavodny, all of the Council members, and City Attorney Egr went into executive session at 9:47 p.m.

City Attorney Jim Egr stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Zavodny declared the City Council out of executive session at 10:52 p.m.

There being no further business to come before the Council, Council member Smith made a motion to adjourn. Council member Svoboda seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Scribner, Svoboda, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 10:53 p.m.

Mayor Alan Zavodny

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
January 12, 2011

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of January 12, 2011; 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 E. Kovar, City Clerk