

**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 February, 2014**, 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 3<sup>rd</sup> day of February, 2014.

**AGENDA AS FOLLOWS:**

1. Roll Call;
  2. Pledge of Allegiance; \_\_\_\_\_  
Mayor Alan Zavodny
  3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; \_\_\_\_\_  
Council President Gary L. Kroesing
  4. Minutes of the January 8<sup>th</sup>, 2014 meeting of the Mayor and City Council;
  5. Consideration of Claims; \_\_\_\_\_  
Council member Michael E. Rogers
  6. Committee and Officer Reports;
  7. Consideration of a new position designated as a Water/Wastewater Treatment Chemist; \_\_\_\_\_  
Council member Ruddy L. Svoboda
  8. Consideration of hiring James Peterson as the Water/Wastewater Treatment Chemist; \_\_\_\_\_  
Council member William Scribner
  9. Consideration of hiring Micky Rutenbeck as an I.T. (information technology) person for the City; \_\_\_\_\_  
Council member Gary D. Smith
  10. Consideration of going into Executive Session to discuss a personnel matter;
  11. Adjourn; \_\_\_\_\_  
Council member John P. Vandenberg
- \_\_\_\_\_  
City Clerk Joan E. Kovar

## CITY COUNCIL PROCEEDINGS

February 12, 2014

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 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 February 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 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, Mike Rogers, Ruddy Svoboda, Bill Scribner, Gary Smith, and John Vandenberg. Also present were City Administrator Abbie Cornett, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Interim Park/Auditorium Supervisor Bill Buntgen, Electric Supervisor Pat Hoefft, Water/Sewer Supervisor Gary Janicek, Carolyn Yates, Janis Cameron, James Pedersen, and Micky Rutenbeck.

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.

The minutes of the January 8<sup>th</sup>, 2014 meeting of the Mayor and City Council were approved upon a motion by Council member Smith and seconded by Council member Rogers. Voting AYE: Council members Scribner, Kroesing, Vandenberg, Svoboda, Rogers, and Smith. 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 Vandenberg seconded the motion. Voting AYE: Council members Rogers, Svoboda, Scribner, Kroesing, Vandenberg, and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny called for Committee and Officer Reports.

Council member Kroesing made a motion to accept the committee and officers reports as presented. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Scribner, Smith, Vandenberg, Rogers, and Kroesing. Voting NAY: None. The motion carried.

City Administrator Cornett stated: "One of the things when I was hired that Alan had mentioned was concerns from the public and some of the city council members on water. I read the Kirkham Michael study; in that there is a recommendation for a chemist. Alan wanted me to advertise for maybe something less down grade from an actual chemist after having spoken with Kirkham Michael for someone who is able to do the testing at the Water Treatment Facility. We did the advertising. Mr. Pedersen came out and met with Alan one time and discussed some of the issues out there. We advertised additionally after that. We are looking at a position, and Alan described his ideas of how that position should be structured."

Mayor Alan Zavodny stated: "Again this goes back to, we have in the past paid for studies, and then we get told what we should do and then a lot of times we don't follow those recommendations. In this case, based on the discussions we have had as a council, it seemed to me that we should pursue this and then bring it to you and let you decide how you would like to proceed. So, we did advertise and my view of this is fairly forthright based on what I have heard from you over the past months and my view would be this, and this is the debate portion of it if you would care to engage in it. We hire that position to oversee the plant, the water treatment, and the wastewater. Do the testing, get the plant as ready as it can be and just focus on that, allowing Gary and his crews to work on main breaks, issues with our customers out in the community. I don't see us going to nine people like Falls City that has a similar thing, that's just way too cost prohibitive, but someone focusing on this would make sense. Kirkham Michael said you need somebody with a science background and that's why we looked for those kinds of qualifications. My thought also is this, we have Kirkham Michael train them and we have Kirkham Michael oversee their work. Let Gary focus on the transmission and the public service piece. That's how I see it. If you guys see it differently, now's the time to talk about it."

A council member asked if this position would eventually need to be an operator and Mayor Zavodny answered: "That is the intention; to get them through the certification processes to be the operators. We will probably have to work under Kirkham Michael's operator for a time being since they're the ones. You also have the option, "Do you want to put that out for a proposal, someone else doing it?", but to me, Kirkham Michael's been doing this, it seems to me it's an extension of what we did hire them for initially."

City Administrator Cornett stated: "I did speak with Kirkham Michael and if you do make the decision to hire Mr. Pedersen this evening, and decide to the course that Alan has laid out, Kirkham Michael sometime in the first couple of weeks of March can start the training process and go through the findings of their studies and everything that they feel needs to be done plus the upcoming Federal regulations in regards to the wastewater, which I do not know, they just keep saying that there's new EPA regulations coming down on nitrate levels and emissions."

Mayor Zavodny stated: "As far as accountability, and Gary and I have talked about this a while back, one of my concerns with him is every time he goes out he gets jumped by people. I've talked to him about it. Maybe it's time that we take some of the bullets that always go his way away from him, and if we keep doing what we've always done the problem is we're not getting the different approaches and new ideas and the time; they're not going to be in that plant every day, they've got main breaks; when people don't have water you have to go get them water; and have a person that is there, kind of overseeing those two physical plants. That's my thought. I also would strongly recommend that that person report to Abbie, that way it takes the responsibility of Gary taking the bullets away from him."

Water/Sewer Supervisor Gary Janicek stated: "Our State rep stopped out yesterday, our circuit writer Bob Byrkit. He said whatever comes down, my name is still on everything at the Water Plant, reports, everything, sampling. My name is on everything at the Wastewater plant. It doesn't make a difference what he does, this person can't make any adjustments on the plant, nobody from Kirkham Michael can make any adjustments on the plant, it comes down to me because my name is on everything. Until he can get certified, up to the same grade I am which is going to be three (3) years, I still have to have the say on what can be adjusted at the plant because it's my license and my certification. If it comes down to it, it's my certification on the line not anybody else's."

Mayor Zavodny stated: "My understanding, from the talks with Kirkham Michael though is they could handle that piece of it working under somebody else's license."

Water/Sewer Supervisor Janicek stated: "Not according to the circuit writer yesterday. They would have to change the name of the operator in charge, which is myself, to have somebody else be responsible for everything there."

City Administrator Cornett stated: "That is what Bob Behrens of Kirkham Michael said, that he could be the operator but James would have to be brought up to certifications and things like that."

Mayor Zavodny stated: "But Bob could be the operator?"

City Administrator Cornett stated: "I believe so, yes. That was the discussion we had, he said he could be under contract for us like that of the street department."

Mayor Zavodny stated: "That was my understanding but we need to be absolutely positive. What position would we be in Gary if you got sick? How would that work?"

Water/Sewer Supervisor Janicek stated: "Gary Hascall is a Grade II Operator too. He is named as the second one in charge."

Mayor Zavodny stated: "So it's on our paperwork of how it is now. That can be adjusted."

Water/Sewer Supervisor Janicek stated: "Yes, but it has to be approved by the State too, you just can't put somebody else's name on there even if they are a Grade II Operator they would have to be in charge of a specific water system for a certain number of years before you can be named in charge, or worked under somebody in that system. According to what their regulations are, they had to have worked under me for a certain number of years. It all has to be Ok'd by them."

Mayor Zavodny stated: "There has to be some contingency's for that. There has to be a way it can be done, I'm just convinced of that."

City Administrator Abbie Cornett asked James Pedersen to tell a little bit about his background and what his future intentions are.

James Pedersen introduced himself and stated: "I grew up in Omaha. I have a Bachelor's of Science Degree in Biology from the University of Nebraska at Omaha, served four years in the United States Army doing chemical and biological testing the whole time, then spent the next fifteen years doing everything, chemical, biological testing for a research laboratory and for a pharmaceutical company and water testing for Schering-Plough Animal Health in Elkhorn, Nebraska. I spent a few years living in Cambridge, Nebraska recently and moved back here to this area and the one thing about spending time in a small town is you kind of get hooked on it. I am looking forward to getting back to a small town. There is a certain sense of community that I never quite experienced until I lived in a small town. It's unique and it's special. It's part of the great tapestry that makes America the great country that it is. It was a wonderful experience and my intensions would be to be moving to the job if I was given the opportunity."

When asked if he was over qualified James stated: "There is no such thing as having too much knowledge. I have enough of the right knowledge to be able to do the job and I think that is what's most important. I have the ability to expand into increasing my knowledge base from here to being able to progress with the job over the years. If given the opportunity I could be ready in ten days."

Mayor Zavodny stated that James would be willing to come to work for \$45,000 a year (\$21.63 / hr.) which sounds like a reasonable amount for what we expect him to do

Council member Rogers stated: "I need to say this. I am sure Gary feels put upon but I want you to know that Gary has worked hard with the Wastewater Treatment Plant and with the Water Treatment Plant and we respect what he has done. I would expect you to work hand-in-hand with Gary because he knows what he is doing. He's just overworked, I want you to know that, and this in no way reflects his employment with us. He's a good man."

James Pedersen stated: "At no point In any discussion that I have heard has that ever been an issue. Competence has not been an issue, it's just that needs have changed and one person cannot do everything. I see no issue nor anticipate an issue in cooperating and working hand-in-hand with who's there."

Water/Sewer Supervisor Gary Janicek stated: "Am I going to be involved in working out these details (like working with Kirkham Michael) because I was never invited to sit in on any interviews with Mr. Pedersen at all? I felt if I was going to work hand-in-hand with him, be his supervisor or not be his supervisor, I feel that I should have been involved in this. This is the first time I've ever even met the guy, well I haven't even officially met him. If I have to work directly with him, side by side, I felt that I should have been involved in this process."

Mayor Zavodny stated: "Well your concern is duly noted. I think we have talked about these processes for a long time; we worked at them. The same could be said; I suppose department heads could say: "We have to work with Abbie and we didn't get a chance to grill her", well that wouldn't necessarily be appropriate. The question is: "Do we trust the decisions made by this governing entity which would include this council? If he turns out to be a raving lunatic you need to rest assured that we will deal with that." (The Mayor stated he was glad that James smiled when he made that comment.)

Water/Sewer Supervisor Gary Janicek stated: "Well that's just the way I feel. Will he help out with being on call? I was promised I would have five people, I'm back down to four now, it depends on what happens with Bill Buntgen, if he stays down at the Auditorium. I've got another guy just hanging there that I had interviewed and I don't know what to tell him."

Mayor Zavodny stated: "We have to wait and see what is going to happen to Bill; that is an interim position right now. What we are looking at is we are going to hire that additional position on the Kirkham Michael report which didn't affect your staffing. We understood that they said "you need this position" and that is what we are looking to address. As far as your full staff, again, until we deal with whether or not Bill will be selected to fill the opening at the Auditorium, we need to leave that position open for him so he can return to the Water Department if that's what ends up happening."

Water/Sewer Supervisor Gary Janicek stated: "We hired Matt Fleming who started on Monday, he doesn't have training in this area so he needs to go through everything. He is very good when it comes to pumps, motors, he was a maintenance man at Cargill in Schuyler. Every day we are taking him on rounds, checking on week-ends, but it's going to take a while before we can even think of putting him on call. I hate to let the other guy just hang there because he is looking for something else."

Mayor Zavodny stated: "We need to look at the candidates that we have for the Park/Auditorium Supervisor position and consider those. The Council could review the resumes that we have received, rate them, and then we could handle that administratively."

Council member Rogers made a motion to approve a new position designated as a Water/Wastewater Treatment Chemist. Council member Svoboda seconded the motion. Voting AYE: Council members Smith, Kroesing, Vandenberg, Rogers, Svoboda, and Scribner. Voting NAY: None. The motion carried.

Council member Scribner stated that he would like to see an actual job description by the next city council meeting.

Council member Rogers made a motion to hire James Pedersen as the Water/Wastewater Treatment Chemist at a salary of \$45,000. (As Pedersen does not meet the requirements for a salaried employee, the pay will actually be \$21.63/hr.) Council member Svoboda seconded the motion. Voting AYE: Council members Scribner, Kroesing, Vandenberg, Smith, Svoboda, and Rogers. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "On behalf of the council and the citizens of David City we welcome you aboard, we appreciate your interest in us, and we look forward to a long career with you helping our city, and we encourage you to get to know Gary (Janicek) more and I'm sure you guys will do well together."

Mayor Zavodny started: "I would like to introduce Micky Rutenbeck who is a gentleman that I have known for a while. My conversations with Micky have been such that he is very generous in knowing the he knows what he is doing and I do not, and he is not condescending which I appreciate. He can make a computer do anything you would want it to do which is what we are looking for. We have realized that we need to start looking at security. We recognize that we aren't going to have 24 hr. armed guards at our Water wells around town but we certainly do need to do some things with security. We can't go and spend a whole ton of money on a whole lot of things at once, we are going to have to phase some things in, but we do have the capability of putting some things in like secure locks, cameras, we talked about a system out front here to provide a secure area for our employees. We need to consider and discuss this but it may include bullet proof glass; we need to discuss that yet. It's sad we've come to that point but that's the reality we are in with government. He has looked at some of our computer systems and has made some recommendations that would make a lot of sense and save us some money. He has done a lot of work without ever having been hired. He will work on things until he fixes them. He's got a lot of experience with school systems, he works really closely with the Wayne State College people, and he's good at what he does. We bring him to you, and that's no slight to anyone we have ever had working here, but he knows how to integrate a whole system. He has ideas for fiber optic lines, those kinds of things. We know we need to do something with our security."

Micky Rutenbeck stated: "My background is mainly in education. I worked for the college for about four years in the networking department. I entered the corporate world for IBM for a few years. I worked for the school districts in Wayne and Emerson for about ten years and then I decided to go out on my own, so I've been doing that for about the last 1½ yrs. Running a business on the side for about ten years and I just decided to move forward with that, try to be my own boss instead of reporting to people so much. Micky went on to explain changes and improvements that could be made concerning the computer system, computers and modems, technical issues, security, data backups, fixing the infrastructure, fiber optic lines, etc."

Mayor Zavodny asked: "So would you be willing to put together what the baby steps would be to the more sophisticated things you described?"

Micky Rutenbeck stated: "You have a server now, but changing the things that I need to change to make it work correctly can be problematic. Yes, you may need newer and bigger and then you should size that based on where your future plans are going to go. To do the entire project as a whole, everything, security, fiber optic, we could be looking at \$500,000 or more. That's talking a Cadillac number. Security cameras in every single building, door entry systems, climate monitoring systems where we need them."

Mayor Zavodny asked: "Where's the Chevy Impala?"

Micky Rutenbeck stated: "A server you can grow into, government pricing, I would say maybe \$7,000 to \$10,000. I could get a quote to see what fiber infrastructure is going to cost, and if you do your open trench work yourself you could save a lot of money."

Mayor Zavodny asked Micky to put together some costs, an hourly rate, an option for a maintenance contract, something that the Council could review as far as services provided and costs.

Council member Vandenberg made a motion to table consideration of hiring Micky Rutenbeck as an I.T. (information technology) person for the City to the Special Council Meeting scheduled for Wednesday, February 26, 2014 at 6:30 p.m. at the Hruska Memorial Public Library. Council member Svoboda seconded the motion. Voting AYE: Council members Scribner, Smith, Kroesing, Vandenberg, Rogers, and Svoboda. Voting NAY: None. The motion carried.

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

Mayor Zavodny stated, "At 8:05 p.m. we are going into executive session to discuss a personnel matter." Mayor Zavodny, all of the Council members, City Attorney Egr, City Administrator Cornett, and City Clerk Kovar went into executive session at 8:05 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 8:26 p.m.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Svoboda, Rogers, Smith, Vandenberg, and Scribner. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:27 p.m.



CERTIFICATION OF MINUTES  
February 12, 2014

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 February 12, 2014; 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.

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Joan E. Kovar, City Clerk