

**ACKNOWLEDGMENT 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 special meeting of said body and the agenda for such meeting to be held at 6:30 o'clock p.m. on the **26th day of February, 2014**, in the meeting room of the **Hruska Memorial Public Library, 399 No. 5th 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 5th 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; | _____ |
| 4. 7:30 p.m. Public Hearing to consider the adoption of a One-Year and Six-Year Street Improvement Program for the City of David City; | Council President Gary Kroesing |
| 5. Consideration of Resolution No. 2 – 2014 accepting the One-Year and Six-Year Street Improvement Plans; | _____ |
| 6. Consideration of hiring Micky Rutenbeck as an I.T. (Information Technology) person for the City; | Council member Mike Rogers |
| 7. Adjourn. | _____ |
| | Council member Ruddy Svoboda |
| | _____ |
| | Council member Bill Scribner |
| | _____ |
| | Council member Gary Smith |
| | _____ |
| | Council member John Vandenberg |
| | _____ |
| | City Clerk Joan E. Kovar |

CITY COUNCIL PROCEEDINGS

February 26, 2014

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the Hruska Memorial Public Library, 399 North 5th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on February 20th, 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 Ruddy Svoboda, Mike Rogers, Gary Kroesing, Bill Scribner, Gary Smith, and John Vandenberg.

Also present were: City Administrator Abbie Cornett, City Clerk-Treasurer Joan E. Kovar, Street Foreman Rodney Rech, Street Superintendent Jerry Hain of Olsson Associates, Water/Sewer Employee James Pedersen, Kevin Hotovy, Tim Kovar, Carolyn Yates, and Steve Maguire.

The meeting opened with the Pledge of Allegiance.

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

Mayor Zavodny opened the Public Hearing at 6:33 p.m. to consider the adoption of a One-Year and Six-Year Street Improvement Program for the City of David City.

The Six Year Plan is required by law to be extended annually and kept on file with the Nebraska Board of Public Roads Classifications and Standards. Along with the Six Year plan, a One Year plan shall be annually prepared and filed with the Nebraska Board of Public Roads Classifications and Standards for specific highway, road and street improvements for the current year. The plans must first be approved and adopted by the Governing Body after a public hearing.

Jerry Hain of Olsson Associates stated: "The One and Six Year Plans are just updated from last year. Has anybody lately gone through where the money comes from as far as Motor Vehicle Registrations, Sales Tax, comes to the Highway Allocation and 50% of it goes to the City's based on population, motor vehicle registrations, and your lane miles, that's how you get your Highway Allocation money, or how it's allotted. The One Year Plan includes Project M-238-141: 11th Street Bridge at Kansas and Project M-238-162: Downtown Improvement Project to include the following streets: E Street from 3rd Street to 6th Street, "D" Street from 4th Street to 6th Street, 4th Street from "C" Street to NE Central RR, and 5th Street from "C" Street to NE Central Railroad. On the Project sheet M-238-141: 11th Street Bridge at Kansas, you will notice that it says it's subject to a drainage study basically. Butler County is going to do something on

the "A" Street Bridge. I talked to Jim Rerucha (County Highway Superintendent) today but they don't know what they are going to do for sure. There are some current concerns there also that they may just widen it because of downstream situations, and that's one of the things that we have talked about possibly just widening that to the west side and correcting the road because the road kind of jogs over there. So once we find out what the County is going to do, then we can come to the Council and make a decision of what we want to do; replace it, add on to it, or whatever. There's about 1500 acres that drains through that bridge. There's about 990 north of "A" Street and then an additional south of that. With a 4" rain there is a lot of water that could come through there and I know water has been up there pretty high at one time."

Council President Kroesing stated: "I've seen it over it. I've seen it level from D.C. Manufacturing across."

Jerry Hain of Olsson Associates stated: "The next project in the One Year Plan is the Downtown Area. I think on the project there it's probably 4 million that is carried over from the previous year, but with the increase and everything it is probably more than that total project cost. So those are the two projects in the one year plan."

Jerry Hain of Olsson Associates stated: "On the Six-Year Plan there is quite a bit of work to be done on 11th Street and then just here and there. We haven't prioritized any of these but depending on needs, if something changes as far as a subdivision or something else, or maintenance and repair, those priorities could change and that's not a problem, you change it from year to year. The other thing about the 6 year plan, we do have the "A" Street Bridge in the 6 year plan but if the County decides to do something we'll have to have a revision sheet and put it in the one year plan, but at this point it was kind of ridiculous to re-do it now because we don't know what we are going to do for sure with that. When the County decides what they are going to do then we can make a decision at that time and send a revision sheet into the State on the 1 + 6 Year Plan."

- 11th Street from Kansas Street to 470 feet south
- 11th Street from Hildy Drive to Cemetery
- 11th Street from "O" Street to "H" Street
- 11th Street from "H" Street to "A" Street
- "O" Street from 4th Street to 11th Street
- "A" Street culvert bridge near the East Corporate Limits
- Oak Street from "C" Street to "D" Street
- "H" Street from BNRR to County Road M
- Park Road from Kansas Street to 9th Street
- 5th Street from Kansas Street to Park Trail
- 10th Street from Kansas Street to Iowa Street
- "K" Street from 7th Street to 8th Street
- "B" Street from 9th Street to 10th Street
- "H" Street from 3rd Street to BNRR
- "A" Street from BNRR to County Road M
- "E" Street from 12th Street to 14th Street
- "J" Street from 6th Street to 8th Street
- "J" Street from 8th Street to 9th Street

Mayor Zavodny stated: "The Bridge concerns me, I think you can figure out a way to make the bridge piece work but it is that drainage. I don't think you can probably safely reduce any of that flow without increasing our risk of someone saying "you screwed this up."

Council President Kroesing stated: "Well what I remember the couple of times I've seen it, those were probably classified as a 50 year flood, because I think the one time we had a 15" rain and another time we had a 10" rain."

Mayor Zavodny stated: "Do you think we are protected because I think that is a valid concern? If we don't reduce or slow down the water coming through there, are we protected some by the natural flow?"

Council President Kroesing stated: "Well you couldn't slow it down with our bridge. The County's going to have to do that with the "A" Street Bridge because that's the water shed; that's where everything comes from."

Jerry Hain of Olsson Associates stated: "I think once you get into that, if you change the amount of flow going through there, and maybe either way, lessen it for sure, you'd incur some liability. Even if you increase it and you put in something new and you have a flood you still may have some liability because people would say well you've changed what's going on. It's a legal question and you know how those are. It will be very interesting to see what the County does on "A" Street because Jim Rerucha would not give me an answer either way but he said when their engineer drove by he said "Wow, we can't increase the flow here too much, if any".

Council member Scribner stated: "I think we'd be better off with a culvert under there myself, I mean with that bridge, it was built in the 30's?"

Council President Kroesing stated: "Somebody looked at that 11th Street Bridge already, we've had a structural engineer look at that bridge when we did the Park Restoration Project and they said that bridge was built for army tanks."

Jerry Hain of Olsson Associates stated: "I think the bridge could be added on, we've done quite a few like that. Putting in culverts; it would take quite a few to get the same end area, and the amount of water that goes through there that bridge space, that bridge is like 4' x 12' which is quite a bit of end area."

Mayor Zavodny stated: "Do you think that can be done without jeopardizing the integrity of that."

Jerry Hain of Olsson Associates stated: "I think so. It's one of those things, when you dig into something you might find something wrong with it. I think when we find out what the County does we can take a look at that, have a contractor look at it, see if we could take off the west wing-wall and the handrail and see if we could add on to it."

Mayor Zavodny stated: "Are there any questions from the Public considering we are in our Public Hearing portion of the One-Year and Six-Year Street Improvement Program for the

City of David City? Mayor Zavodny waited a while and then asked again: "Any questions at all from anyone?" "Seeing none, at 6:45 I will close the Public Hearing."

Council member Kroesing introduced Resolution No. 2 - 2014 and moved for its passage and adoption. Council member Rogers seconded the motion. Voting AYE: Council members Scribner, Smith, Svoboda, Vandenberg, Rogers, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 2 - 2014 was passed and approved as follows:

RESOLUTION NO. 2 - 2014

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on February 26, 2014, in accordance with the requirements of the Board of Public Roads Classifications and Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the One Year and Six Year Street Improvement Plans for Streets, as presented at the public hearing, are unanimously accepted and the City Clerk is hereby instructed to forward a certified copy of this resolution to the Board of Public Roads Classification and Standards of the State of Nebraska.

PASSED AND APPROVED this 26th day of February, 2014.

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny stated: "We are now ready to consider hiring Micky Rutenbeck as an I.T. (Information Technology) Person for the City. Since this has come up there have been some questions and I will address this as part of full disclosure. There has been information shared, a lot of it with minimal facts, some of it with partial truths, in social media and some other places about Micky. I am going to preface this by saying, you know I have known a lot of people in my life who have had issues, financial issues, maybe alcoholism, maybe gambling, any number of issues. None of us are perfect and Micky had an issue, he's been very forthright in sharing with me, and since it's a court record which is public, his wife had an addiction problem for quite some time and it is with marijuana and she was arrested on that. Micky was

charged because he lived there although he was judged by the Court eligible for their drug program which means he was charged but if he completes the program, which he has done everything they have asked him to do in x number of months, it's probably about 12 now, he will have his charge dismissed totally. I was fully aware of that, I knew of that, I didn't think it affected his ability to work for us because everybody could potentially have something, a D.U.I. in their past, something. If you are not comfortable with it, that's a different thing. I take the stand of "does it affect what he's asking to do for us?" I have determined I don't have a problem with it, but you need to know and that's the full story out front. You know the whole story now so you can vote on it knowing that. Let's discuss the "facts" as they are and then make a determination of what we want to do."

Council member Kroesing stated: "My concern was just about Kresha who has always worked on the computers in the past and done a great job."

Council member Rogers stated: "What ever happened with his wife is nobody's business. I don't even think it's the Councils business."

Council member Scribner stated: "I don't think we should even be talking about it."

Mayor Zavodny stated: "I've seen some things in social media that say "does this Council know what they are doing?" Yes, they do. I wanted to defend him (Micky) because I think it's only fair. He should have a right to tell his story and I'm telling it for him tonight, and it's only fair for you to know the truth and the facts."

Council member Scribner asked: "He was convicted then?"

Mayor Zavodny stated: "He was charged with conspiracy, he pled to that, but was found eligible by the Court for the drug diversion program because he just lived with her, and if he completes that the charges are fully dismissed."

Council member Rogers made a motion to hire Micky Rutenbeck as an I.T. (Information Technology) Person for the City. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Svoboda, Rogers, Vandenberg, and Kroesing. Voting NAY: Council member Scribner. The motion carried.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members Scribner, Svoboda, Smith, Rogers, Vandenberg, and Kroesing. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 6:53 p.m.



CERTIFICATION OF MINUTES
February 26, 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 26, 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.

Joan E. Kovar, City Clerk