

CITY COUNCIL PROCEEDINGS

March 14, 2012

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 March 8th, 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, John Vandenberg, Ruddy Svoboda, Mike Rogers, Gary Smith and City Attorney James Egr, Interim City Administrator Joan Kovar and Interim Clerk-Treasurer Tami Comte. Council member Bill Scribner arrived at 7:15 p.m.

Also present were: Street Superintendent James McDonald, Park/Auditorium Supervisor Scott Bales, Electric Plant Supervisor Eric Betzen, Water/Sewer Supervisor Gary Janicek, Matt Rief from Olsson Associates, Carolyn Yates, Joy Fountain, Greg Aschoff, Roger Helgoth and Rich Robinson of Kirkham, Michael & Associates, Inc. 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.

The minutes of the February 8th, 2012 meeting of the Mayor and City Council were approved upon a motion by Council member Kroesing and seconded by Council member Vandenberg. Voting AYE: Council members Svoboda, Rogers, Vandenberg, Kroesing and Smith. Voting NAY: None. The motion carried. Council members Scribner was absent.

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

Mayor Zavodny called for Committee and Officer Reports. Mayor Zavodny stated that there was a power outage and it was complicated given how windy it was. He stated that he appreciated the line crew restoring power as quickly as they could.

City Attorney Egr stated that Holoubek's have appealed the settlement for their easement to district court. District Court would have to increase his award more than 15% for the City to be responsible for his attorney fees.

Mayor Zavodny stated that the furnace at the auditorium is not working and Scott Bales is having someone come out to look at it.

Mayor Zavodny stated that Chief McPhillips is having a very difficult time finding a police officer to fill the vacancy in his department.

Council member Kroesing stated that we need to find members for the Board of Health so we can address the properties that need to be cleaned up and also members for the Airport Board. He asked Interim Administrator Kovar if she would advertise in the Banner-Press for anyone who would be willing to serve on those boards.

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

Council member Scribner arrived at 7:15 p.m.

Larry Pape of the Nebraska Game and Parks was present to discuss a Fish Renovation Action Proposal. He stated that they found a large presence of carp in the park lakes and they need to get rid of the carp in order for other fish to survive. He stated that the presence of carp in the lake will continue to degrade the fishery, aquatic habitat, water quality and aesthetics of the lake until they are removed.

Mr. Pape stated that they have a plan to eliminate the carp in the lakes by use of the fish toxicant, Rotenone. He stated that this will only affect gill breathing animals and most will be dead within a couple of hours. They will purchase the chemical from our local coop and it should cost approximately \$500. They will draw down the lakes and put in the chemical in late August or early September. In September or October they can begin to restock the lakes. He stated that the City will need to notify the public about this process. He also recommended posting "No Live Bait" signs at the lakes to prevent the infestation of carp again.

Council member Kroesing made a motion to approve the Fish Renovation Action Proposal by the Nebraska Game and Parks Commission for the David City Park Lakes up to \$500. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Scribner, Svoboda, Rogers, Smith and Vandenberg. Voting NAY: None. The motion carried.

David City Park Ponds
Fishery Renovation Proposal

Fish Renovation Action Proposal

- ❖ Renovate (eliminate) the current fishery due to the presence of carp.
 - Carp; once established in a small impoundment will forever be present without complete removal.
 - Cannot be removed effectively by any other method (all or nothing).
 - Will continue to degrade the fishery, aquatic habitat, water quality and aesthetics of the pond until removed.
- ❖ Renovation Activities and Timeline
 - Investigation of watershed to determine extent of carp infestation and renovation need. (April-)
 - Secure permission to trespass, if needed. (April-)
 - Request for cease of fish size and bag limit regulations to allow citizens to harvest existing fish. (May-July)
 - Determine the lowest pool level potential and rate of withdrawal allowed. Determine if any notice to landowners below the ponds is required. (ASAP)
 - Lower pool level. (prior to late August – early September)
 - Renovate fishery. (late August – early September)
- ❖ Re-establish fishery with bass, bluegill, channel catfish, and rainbow trout (seasonally).
 - Bass will be re-stocked within four weeks of renovation as six inch fingerlings in September-October, 2012.
 - Bluegill will be stocked as adult spawning capable fish in September-November, 2012, and as fingerlings in May 2013.
 - Catfish will be stocked as ten inch put-and-grow fish in September-October, 2012.
 - Rainbow trout will be stocked as ten to twelve inch catchable fish in October, 2012.
- ❖ Notes on the use of the fish toxicant, Rotenone.
 - Applied only by NDA certified applicators.
 - Derived from a South American derris tree root.
 - Applied as liquid by spraying and pouring into pond.
 - Non-toxic to all animals except gill breathing organisms.
 - Inactivates within about a week, depending on temperature.
 - Must ensure that rotenone is NOT allowed to flow downstream from the ponds.
 - Dead fish are consumable, but we do not recommend or promote. Would prefer all public access during and after renovation be limited to observation.
 - Dead fish will decay rapidly, but may temporarily cause odor issues. Removal to a landfill is permitted.

Fish survey

A qualitative electroshocking survey was conducted on David City Park Ponds (Middle and West) on the morning of August 24th, 2011. This survey was to determine the species and approximate abundance of fish present. Below are the management notes from this survey.

Middle Pond

General observations: Water quality fair to good with slight turbidity, likely from algae. Submerged vegetation and algae in moderate amounts along most shoreline. Small areas of emergent vegetation along a few shorelines areas. Shorelines stable with little or no erosion. Surroundings are very well kept with park-like mowing and weed control. Aeration systems operating. Offers very good fishing access and opportunity.

Electrofishing observations: Species encountered and relative abundance – Bluegill, large numbers of 60-80 mm fish, small to moderate numbers of 170-230 mm fish. Largemouth bass, small numbers of 80-90 mm fish, small numbers of 280-320 mm fish. Common carp, one 470 mm specimen captured. Channel catfish, two fish captured (340 and 420 mm). Green sunfish and bluegill/green sunfish hybrids present in small numbers.

Management recommendations: Consult with David City Parks Department on current management. Write management plan for lake improvements, fish investigation and stocking protocols. Continue with current stocking strategy; annual fall stocking of 200 - 10" channel catfish. Investigate cost and logistics for renovation of fishery due to carp presence. Electroshock in summer 2012 to monitor carp.

West Pond

General observations: Water quality fair with turbidity, likely from algae and suspended sediments. Submerged vegetation and algae in moderate amounts along most shoreline. Small areas of emergent vegetation along a few shorelines areas. Shorelines stable with little or no erosion. Surroundings are very well kept with park-like mowing and weed control. South shore along golf course almost entirely cattail lined. Aeration systems operating. Offers very good fishing access and opportunity.

Electrofishing observations: Species encountered and relative abundance – Bluegill, large numbers of 60-80 mm fish, small to moderate numbers of 170-230 mm fish. Largemouth bass, small numbers of 80-90 mm fish, small numbers of 160 to 190 mm and 260-310 mm fish. Common carp, many 300-400 mm specimen captured and encountered. Green sunfish and bluegill/green sunfish hybrids present in small numbers.

Management recommendations: Consult with David City Parks Department on current management. Write management plan for lake improvements, fish investigation and stocking protocols. Continue with current stocking strategy; annual fall stocking of 330 - 10" channel catfish, and fall/winter stocking of 600 rainbow trout. Investigate cost and logistics for renovation of fishery due to carp presence. Electroshock in summer 2012 to monitor carp. Potential renovation of fishery due to carp abundance.

Mayor Zavodny stated that there are some members of the community that have asked him why there has not been more progress on the downtown redevelopment and he stated that he wants to make it understood that their primary focus is on the Northwest Drainage Project and the Street Improvement Districts.

Council member Smith made a motion to advance to agenda item #10 – Consideration of setting an authorized amount for the Northwest Drainage Project change orders that the Mayor would be authorized to approve. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Rogers, Svoboda, Kroesing and Scribner. Voting NAY: None. The motion carried.

Council member Smith made a motion to authorize Mayor Zavodny to approve Northwest Drainage Project change orders in an amount not to exceed 5% of the construction costs. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Scribner, Vandenberg, Rogers, Kroesing and Svoboda. Voting NAY: None. The motion carried.

The Mayor stated that in accordance with published notice, it was now time to conduct a hearing concerning objections to the creation of Street Improvement District Nos. 2012-1, 2012-2 and 2012-3. The Mayor declared the hearing open at 7:33 p.m. and asked the City Clerk if any written comments or other communications had been filed. The City Clerk advised that she received petitions for more than 60% for Street Improvement Districts 2012-1 and 2012-2. She had not received a petition for Street Improvement District No. 2012-3 and therefore it failed.

The Mayor then asked if there were persons present who wished to be heard concerning the proposed Street Improvement District Nos. 2012-1, 2012-2 and 2012-3. No persons appeared.

There being no persons wishing to be heard, the Mayor declared the public hearing closed at 7:38 p.m.

Council Member Kroesing then introduced Resolution #5 - 2012 and moved for its passage and adoption. Council Member Rogers seconded the motion. Voting AYE: Council members Kroesing, Rogers, Svoboda, Smith, Scribner, and Vandenberg. Voting NAY: None. The motion carried and Resolution No. 5 – 2012 was passed and adopted as follows:

RESOLUTION NO. 5 - 2012

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska as follows:

1. The Mayor and City Board heretofore adopted on February 8, 2012, Ordinance No. 1168 creating Street Improvement District Nos. 2012-1, and 2012-2 which ordinance was published as provided by law on February 16, 2012.
2. Notice of the filing of petitions and of Creation of Street Improvement District Nos. 2012-1, and 2012-2 was published in the Banner Press

newspaper on February 23, 2012, March 1, 2012 and March 8, 2012, as provided by law.

3. That signatures representing more than 60% of the front footage to be improved in Street Improvement Districts No. 2012-1, for the improvement of 10th Street from the south line of K Street south to the south line of J Street in the City of David City, including the intersection at J Street have been presented to the Mayor and City Council.
4. That the petitions for the creation of Street Improvement District No. 2012-1 are sufficient and the Mayor and City Council of the City of David City, Nebraska may proceed with the construction of improvements in said District as provided by law.
5. That signatures representing more than 60% of the front footage to be improved in Street Improvement Districts No. 2012-2, for the improvement of L Street from the east line of 10th Street west to the west line of 9th Street in the City of David City, including the intersections at 10th Street and at 9th Street have been presented to the Mayor and City Council.
6. That the petitions for the creation of Street Improvement District No. 2012-2 are sufficient and the Mayor and City Council of the City of David City, Nebraska may proceed with the construction of improvements in said District as provided by law.

Passed this 14th day of March 2012.

ATTEST:

Mayor Alan Zavodny

Interim City Clerk Tami Comte

[SEAL]

Olsson Associates, the City's Engineers, advised the Mayor and City Council that in accordance with published notice, bids had previously been received, opened and tabulated for construction of improvements in Street Improvement District Nos. 2011-4, 2011-5, 2011-6, 2011-8, 2011-9, 2012-1, and 2012-2. They further advised that they had reviewed and verified the accuracy of the bids received for construction of the improvements. A tabulation of the bids which had been received is attached hereto.

After the Mayor and Council had reviewed and considered the bids and the recommendations of the City's Engineers, the following resolution was presented by the City Clerk. Council member Kroesing introduced Resolution #6 – 2012 and moved for its passage and

adoption. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Vandenberg, Scribner, Svoboda and Rogers. Voting NAY: None. The motion carried and Resolution #6 – 2012 was passed and adopted as follows:

RESOLUTION NO. 6 - 2012

RESOLUTION ACCEPTING THE BID FOR THE CONSTRUCTION OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 2011-4, 2011-5, 2011-6, 2011-8, 2011-9, 2012-1, AND 2012-2 IN THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED that the Mayor and City Council of the City of David City, Nebraska, find and declare that the bid for the furnishing of labor, tools, materials and equipment required to construct improvements and such other work as may be incidental thereto in Street Improvement District Nos. 2011-4, 2011-5, 2011-6, 2011-8, 2011-9, 2012-1, and 2012-2, in the City of David City, Nebraska, as submitted by the following contractor is the lowest and best bid received as follows:

| <u>Name and Address of Bidder</u> | <u>Amount of Bid</u> |
|-----------------------------------|----------------------|
| Gehring Construction | \$1,104.946.05 |

AND BE IT FURTHER RESOLVED, that the bid as above set forth, filed with the City Clerk in accordance with the terms of published notice calling for the proposals for furnishing of labor, tools, materials and equipment required to construct said improvements and such other work as may be incidental thereto in Street Improvement District Nos. 2011-4, 2011-5, 2011-6, 2011-8, 2011-9, 2012-1, and 2012-2 in the City of David City, Nebraska, be and the same is hereby accepted, and the Mayor and City Clerk are authorized and instructed to execute the necessary construction contracts and agreements on behalf of the City.

PASSED this 14th day of March 2012.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

Mayor Alan Zavodny

Interim City Clerk Tami Comte

[SEAL]

Matt Rief, representing Olsson Associates, was present to discuss the construction engineering agreement for overseeing the Street Improvement Districts. He stated that the agreement states that there will be a construction person here full-time for the duration of the project (16 weeks).

Mayor Zavodny stated that the City is paying them to make sure that it is done right.

Council member Kroesing made a motion to enter into a construction engineering agreement with Olsson Associates in the amount of \$92,000 for overseeing the Street Improvement Districts. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Svoboda, Rogers, and Vandenberg. Voting NAY: None. The motion carried.

3rd AMENDMENT TO LETTER AGREEMENT FOR ENGINEERING SERVICES

THIS AMENDMENT, made as of November 14, 2011, by and between the City of David City, Nebraska, hereinafter called the "Client", and Olsson Associates, hereinafter called "Olsson", WITNESSETH, That whereas the Client intends to complete the Design for Industrial Drive Paving Improvements, David City, Nebraska, for which services were provided under the contract between the Client and Olsson dated April 8, 2011, and amended May 11, 2011, to include Design of West "O" Street, and amended November 14, 2011 to add Design of additional municipal blocks, and wishes to add Construction Phase Services for Industrial Drive, West "O" Street, and six municipal blocks in conjunction with the Project. Said Additional Services shall be provided as set forth hereafter.

SCOPE OF SERVICES

GENERAL

We propose to render professional construction phase services in connection with Industrial Drive, West "O" Street, and 10th Street from "I" Street to "N" Street and "J" Street from 9th Street to 10th Street in conjunction with the Project. Olsson shall perform for Client professional services in all phases of the Project to which this Amendment applies as hereinafter provided. These services will include serving as Client's professional representative for the Project, providing professional consultation and advice, and furnishing customary services incidental thereto.

1. Construction Phase Services

- a. OLSSON is to provide a Resident Project Representative (and any assistants). The duties and responsibilities of the Resident Project Representative (and assistants) are set forth in Exhibit C, Duties, Responsibilities and Limitation of Authority of Resident Project Representatives.
- b. Conduct a pre-construction conference to be attended by City representatives, the contractor, and utility companies.
- c. City and Utility coordination.
- d. Construction Phasing coordination with adjacent property owners.
- e. Complete Stormwater Pollution Prevention Plan inspections.
- f. Review shop drawings and submittals for conformance to construction documents.

- g. Conduct three (3) construction progress meetings.
- h. Issue such additional instructions to the Contractor as may be required in the Contractor's work. Change Orders shall be prepared when appropriate, and submitted to the Client for approval. Assume 2 change orders which includes the final change order.
- i. Provide construction observation including construction staking and testing as defined in the contract documents. Assuming 16 weeks of construction.
- j. Complete a daily log and submit a weekly report to the City.
- k. Provide contract administration relating to construction and reviewing contractor's partial payment requests. Assume 4 pay requests which includes the final pay request.
- l. Conduct final project inspection and project close out.
- m. Prepare final record drawing and testing package.
- n. When the Contractor completes the work in accordance with the terms of the contract documents, OLSSON shall issue an opinion recommending acceptance to the Client and certify his approval of the Contractor's request for final payment.
- o. Attend 2 Council Meetings.

2. **Assumptions**

Assume 16 weeks construction.

3. **Compensation**

Client shall pay to Olsson for the performance of the Basic Services the actual time of personnel performing such Services on the basis of Salary Costs times a factor of 2.5 for services rendered by our principals and employees engaged directly on the Project plus Reimbursable Expenses, unless otherwise agreed to by both parties. Reimbursable expenses will be invoiced in accordance with the Schedule contained in the General Provisions attached to this Letter Agreement. Olsson's Basic Services will be provided on a time and expense basis not to exceed **Ninety-Two Thousand and 00/100 Dollars (\$92,000.00)**. Olsson shall submit invoices on a monthly basis, are due upon presentation and shall be considered past due if not paid within 30 calendar days of the due date.

4. **Other Matters**

It is mutually understood and agreed:

- a. That all provisions of the original agreement not amended herein shall remain unchanged.
 - b. If this proposal satisfactorily sets forth your understanding of our agreement, please
-

sign in the space provided below.

- c. By signing below, you acknowledge that you have full authority to bind Client to the terms of the Agreement.

OLSSON ASSOCIATES

By _____
Matthew R. Rief, Project Manager

By _____
Jeff Palik, Construction Manager

Accepted this _____ day of
_____, 2011.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

By _____
Alan Zavodny

By _____
Joan E. Kovar

Title _____
Mayor

Title _____
City Clerk

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Council member Kroesing made a motion to enter into an agreement with Watts Electric to move "S" Street underground primary electric service. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Smith, Svoboda, Rogers and Scribner. Voting NAY: None. The motion carried.

WATTS ELECTRIC COMPANY

13351 Dovers St
 Waverly, Nebraska 68462
 Phn. 402-786-2270
 Fax. 402-786-3267

"S" St Underground Primary
 "S" St, Industrial Dr to Hwy 15, David City, Ne

| ITEM | DESCRIPTION | UOM | QUANTITY | UNIT PRICE | EXTENDED |
|------|---|-----|------------|-------------|-------------|
| 001 | Mobilization, Traffic Control, Misc Removals, & Incidentals | LS | 1.00 | \$4,531.00 | \$4,531.00 |
| | Material | | | | |
| | Tax | | | | |
| | Labor & Equipment | | \$4,531.00 | \$4,531.00 | ok |
| 002 | 1 Way 2" HDPE Bored | FT | 125.00 | \$11.32 | \$1,414.50 |
| | Material | | \$0.75 | \$93.75 | |
| | Tax | | \$0.05 | \$6.25 | |
| | Labor & Equipment | | \$10.52 | \$1,314.50 | ok |
| 003 | 1 Way 4" HDPE Bored | FT | 585.00 | \$21.31 | \$12,467.20 |
| | Material | | \$2.85 | \$1,667.25 | |
| | Tax | | \$0.19 | \$111.15 | |
| | Labor & Equipment | | \$18.27 | \$10,688.80 | ok |
| 004 | 2 Way 4" PVC 80 In Back Hoe Trench | FT | 95.00 | \$15.49 | \$1,471.55 |
| | Material | | \$2.05 | \$194.75 | |
| | Tax | | \$0.14 | \$13.30 | |
| | Labor & Equipment | | \$13.30 | \$1,263.50 | ok |
| 005 | 1/0 15kV 1/3rd Concentric AL Cable in Conduit | FT | 2,225.00 | \$6.22 | \$13,839.50 |
| | Material | | \$3.80 | \$8,455.00 | |
| | Tax | | \$0.25 | \$556.25 | |
| | Labor & Equipment | | \$2.17 | \$4,828.25 | ok |
| 006 | 1/0 15kV Full Concentric AL Cable in Conduit | FT | 125.00 | \$6.22 | \$777.50 |
| | Material | | \$3.80 | \$475.00 | |
| | Tax | | \$0.25 | \$31.25 | |
| | Labor & Equipment | | \$2.17 | \$271.25 | ok |
| 007 | Splice Pit & 4" FG Elbow For Change Of Direction | EA | 1.00 | \$357.18 | \$357.18 |
| | Material | | \$95.00 | \$95.00 | |
| | Tax | | \$6.18 | \$6.18 | |
| | Labor & Equipment | | \$256.00 | \$256.00 | ok |
| 008 | Connect To Existing Equipment | EA | 2.00 | \$426.18 | \$852.36 |
| | Material | | \$95.00 | \$190.00 | |
| | Tax | | \$6.18 | \$12.36 | |
| | Labor & Equipment | | \$325.00 | \$650.00 | ok |
| 009 | 4" 3 Ph. Primary Riser w/ Cut Outs & Arrestors On Ex Pole | EA | 1.00 | \$2,741.07 | \$2,741.07 |
| | Material | | \$1,001.00 | \$1,001.00 | |
| | Tax | | \$65.07 | \$65.07 | |
| | Labor & Equipment | | \$1,675.00 | \$1,675.00 | ok |
| 010 | 200 Amp Load Break Elbow | EA | 16.00 | \$208.55 | \$3,336.80 |
| | Material | | \$70.00 | \$1,120.00 | |
| | Tax | | \$4.55 | \$72.80 | |
| | Labor & Equipment | | \$134.00 | \$2,144.00 | ok |

| | | | | | |
|--------------|---|----|------|------------|--------------------|
| 011 | Outdoor Rated Terminator | EA | 4.00 | \$272.20 | \$1,088.80 |
| | Material | | | \$80.00 | \$320.00 |
| | Tax | | | \$5.20 | \$20.80 |
| | Labor & Equipment | | | \$187.00 | \$748.00 |
| 012 | Remove Transclosure & Build Sectionalizing Cabinet - 1 | EA | 1.00 | \$4,547.88 | \$4,547.88 |
| | Material | | | \$2,075.00 | \$2,075.00 |
| | Tax | | | \$134.88 | \$134.88 |
| | Labor & Equipment | | | \$2,338.00 | \$2,338.00 |
| 013 | Sectionalizing Cabinet - 2 | EA | 1.00 | \$3,662.75 | \$3,662.75 |
| | Material | | | \$2,150.00 | \$2,150.00 |
| | Tax | | | \$139.75 | \$139.75 |
| | Labor & Equipment | | | \$1,373.00 | \$1,373.00 |
| Total | | | | | \$51,088.09 |

Notes

Bond is not included. If required add 1% to total project.
 Survey is included.
 Traffic control is included.
 Removal of concrete foundations are included.
 Removal of any sidewalk is not included.
 Repairs of incidental items such as sprinklers, seeding, etc are included.



Aaron Watts
 Watts Electric
 Cell 402.499.7441

Council member Scribner made a motion to approve the Doug Johnson Lease (D & B Aero Leasing) to be assigned to Roth Aerial Spraying, Inc. of Milford, Nebraska contingent upon the completion of the sale. Council member Vandenberg seconded the motion. Voting AYE: Council members Scribner, Vandenberg, Smith, Svoboda, Rogers and Kroesing. Voting NAY: None. The motion carried.

Electric Plant Supervisor Eric Betzen was present to discuss his request to extend the power plants call-out response time from a half-hour to two hours. Once Bob Palik retires Eric Betzen and Dan Robinson will be on-call every other week until someone from another department can be cross-trained.

Council member Kroesing stated that we have an obligation to get to people to help them out. He stated that there are three employees at the plant right now and yet only one employee can actually start the plant.

Council member Scribner stated that perhaps as a compromise we could maybe go to an hour instead of a half-hour until we can get someone trained.

Council member Scribner made a motion to table the discussion concerning extending the power plants call-out response time from a half-hour to two hours to the March committee of the whole meeting. Council member Rogers seconded the motion. Voting AYE: Council

members Scribner, Rogers, Kroesing, Svoboda, Vandenberg and Smith. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to accept and approve the annual library report regarding the state of the library. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Scribner, Svoboda, Vandenberg, Smith and Rogers. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass Ordinance No. 1166 on the third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Smith, Scribner, Rogers and Kroesing. Voting NAY: Council members Vandenberg and Svoboda. The motion carried and Ordinance No. 1166 was passed and adopted as follows:

ORDINANCE NO. 1166

AN ORDINANCE STATING THAT THE EMPLOYEES OF THE CITY OF DAVID CITY / DAVID CITY UTILITIES, ARE NOT FROZEN IN THEIR CURRENT PAY STEPS FOR THE FISCAL YEAR OCTOBER 1, 2011 TO SEPTEMBER 30, 2012; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1. The City Council of David City, Nebraska, passed and adopted Ordinance No. 1166 stating that all employees of the City of David City / David City Utilities shall be frozen in their current pay steps, salaries, rate of pay, etc., for fiscal year October 1, 2011 thru September 30, 2012, and that any advancements to a different pay step, or a different pay line, must be authorized by the Mayor and City Council.

SECTION 3. After further consideration it has been decided that all employees of the City of David City / David City Utilities shall not be frozen in their current pay steps, salaries, rate of pay, etc., for fiscal year October 1, 2011 thru September 30, 2012.

SECTION 4. Any and all ordinances or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 5. This ordinance shall be published in pamphlet form and shall be in full force and effect retro active to September 24, 2011 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 14th day of March, 2012.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Council member Scribner made a motion to pass Ordinance No. 1170 on 2nd reading only. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Vandenberg, Svoboda, Kroesing and Rogers. Voting NAY: None. The motion carried and Ordinance No. 1170 was passed on 2nd reading only as follows:

ORDINANCE NO. 1170

AN ORDINANCE AMENDING THE PAY STEPS FOR THE SEASONAL AQUATIC CENTER STAFF OF THE CITY OF DAVID CITY, NEBRASKA; TO REPEAL ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay scales for the Seasonal Aquatic Center Staff:

| Years in Position | A 1 | B 2 | C 3 | D 4 | E 5 | F 6 | G 7 | H 8 | I 9 | J 10 |
|---------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|---------|
| Manager | 11.10 | 11.35 | 11.61 | 11.87 | 12.13 | 12.41 | 12.69 | 12.97 | 13.26 | 13.56 |
| Asst. Manager | 10.68 | 10.92 | 11.17 | 11.42 | 11.67 | 11.94 | 12.21 | 12.48 | 12.76 | 13.05 |
| Head Lifeguard | 9.85 | 10.10 | 10.35 | 10.60 | 10.85 | 11.10 | 11.35 | 11.60 | 11.85 | 12.10 |
| WSI Lifeguard | 8.45 | 8.70 | 8.95 | 9.20 | 9.45 | 9.70 | 9.95 | 10.20 | 10.45 | 10.70 |
| Lifeguard | 7.74 | 7.84 | 7.94 | 8.04 | 8.14 | 8.24 | 8.34 | 8.44 | 8.54 | 8.64 |
| Sw Lesson Aid | 7.25 | 7.35 | 7.45 | 7.55 | 7.65 | 7.75 | 7.85 | 7.95 | 8.05 | 8.15 |
| Aerobics Instructor | 9.15 | 9.25 | 9.35 | 9.45 | 9.55 | 9.65 | 9.75 | 9.85 | 9.95 | 10.05 |
| Concession | 7.25 | 7.35 | 7.45 | 7.55 | 7.65 | 7.75 | 7.85 | 7.95 | 8.05 | 8.15 |
| Games/Cleaning | 7.25 | 7.35 | 7.45 | 7.55 | 7.65 | 7.75 | 7.85 | 7.95 | 8.05 | 8.15 |

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall be in full force and effect on March 1, 2012 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this _____ day of _____, 2012.

Passed on 2nd reading only on 3-14-12
 Mayor Alan Zavodny

Passed on 2nd reading only on 3-14-12
 Interim City Clerk Tami Comte

Council member Smith stated that if we are requiring the lifeguards and managers to wear a specific kind of swimsuit that we should pay for one.

Council member Kroesing made a motion to table consideration of allowing for the reimbursement of one (1), one piece swimming suit, per lifeguard/manager, and determining a not to exceed amount per suit to the March committee of the whole meeting. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Rogers, Vandenberg, Smith, Svoboda and Scribner. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass Ordinance No. 1167 on the third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Scribner, Smith, Vandenberg, Rogers and Svoboda. Voting NAY: None. The motion carried and Ordinance No. 1167 was passed and adopted as follows:

ORDINANCE NO. 1167

AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, HILDY ADDITION, A TRACT OF LAND LOCATED in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29 T15N R3E of the 6th P.M., Butler County, Nebraska described as follows: Beginning at a Point on the west line of said NW $\frac{1}{4}$, said Point being 201.86 feet south of the southwest corner of East Park Meadows Addition to David City, and assuming the west line of said NW $\frac{1}{4}$ to have a bearing of N 0° 00' 00" W; thence S 88° 46' 34" E, 173.00 feet; thence S 56° 34' 10" E, 164.12 feet; thence S 52° 39' 20" E, 75.47 feet; thence S 64° 03' 10" E, 151.00 feet; thence S 3° 03' 20" W, 294.92 feet; thence N 88° 46' 34" W, 490.11 feet, to a point on the west line of said NW $\frac{1}{4}$; thence N 0° 00' 00" W, 490.00 feet, to the Point of Beginning, containing 4.84 acres, more or less; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; 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 land located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 29 T15N R3E of the 6th P.M., Butler County, Nebraska described as follows: Beginning at a Point on the west line of said NW $\frac{1}{4}$, said Point being 201.86 feet south of the southwest corner of East Park Meadows Addition to David City, and assuming the west line of said NW $\frac{1}{4}$ to have a bearing of N 0° 00' 00" W; thence S 88° 46' 34" E, 173.00 feet; thence S 56° 34' 10" E, 164.12 feet; thence S 52° 39' 20" E, 75.47 feet; thence S 64° 03' 10" E, 151.00 feet; thence S 3° 03' 20" W, 294.92 feet; thence N 88° 46' 34" W, 490.11 feet, to a point on the west line of said NW $\frac{1}{4}$; thence N 0° 00' 00" W, 490.00 feet, to the Point of Beginning, containing 4.84 acres, more or less, is urban and suburban in character and contiguous and adjacent to the corporate limits of said city;

- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City electricity, water, and sewer 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 Section 1 (a) above.

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

SECTION 6: This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this _____ day of _____, 2012.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Mayor Zavodny received a letter and an invoice from Renee Williams, Executive Director of the Housing Authority, in which she stated that she had to hire Scott Steager to help her remove the snow from the circle drive area. She asked for reimbursement for her time and for reimbursement of the Steager Lawn bill.

Street Superintendent Jim McDonald stated that the street department crew plowed both of the circles, however, there were so many cars in the way that they couldn't get it fully cleared. He stated that they have always helped them out, however, their maintenance man was gone during this particular snow.

Mayor Zavodny stated that he recommends not approving this claim.

City Attorney Egr stated that he wondered if the circles were not private drives and should be treated the same as Pinnacle Apts. driveways. He stated that he would not pay the bill.

Council member Scribner made a motion to approve the claim to the Housing Authority concerning snow removal. The motion died for lack of a second.

Mayor Zavodny stated that the water treatment plant was either at or exceeding its life expectancy and so he asked Roger Helgoth if they would be able to determine what needs to be done with the water plant.

Roger Helgoth and Rich Robinson of Kirkham, Michael & Associates, Inc. were present to discuss entering into a master agreement for professional engineering services concerning the water treatment plant.

Roger Helgoth stated that Rich Robinson would be the project manager. He has 35 years of experience with a strong water background.

Rich Robinson stated that we should take a look at the last time anything was done with the water plant. This will be a comprehensive review. They will have water process engineers, structural engineers and mechanical engineers and they will provide a comprehensive report. It will take approximately three months.

They will look at ways to keep it simple and automate controls. There have been jumps in technology. They will look at ways to integrate monitoring with other City departments.

Council member Scribner made a motion to enter into an agreement for professional engineering, surveying, and related services with Kirkham, Michael & Associates, Inc. concerning the Water Treatment Plant. Council member Svoboda seconded the motion. Voting AYE: Council members Scribner, Svoboda, Kroesing, Vandenberg, Smith and Rogers. Voting NAY: None. The motion carried.

Council member Scribner made a motion to approve Task Order No. 1 concerning the Master Agreement with Kirkham, Michael & Associates, Inc. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Vandenberg, Rogers, Svoboda and Kroesing. Voting NAY: None. The motion carried.

Council member Scribner made a motion to approve the application of Ka-Boomer's Enterprises, Inc. to sell permissible fireworks at retail at 1510 4th Street (Dan & Jan Sypal's property). Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Svoboda, Smith, Scribner, Rogers and Vandenberg. Voting NAY: None. The motion carried.

Mayor Zavodny stated that he and Council member Svoboda attended the Butler County Disaster meeting on February 22, 2012. He stated that they are having a tabletop exercise on April 25, 2012 at 7:30 p.m. They are having a drill that involves David City getting hit by a tornado. Officer Schneider and Fire Chief Hilger want to make sure that everyone is on the same page. The Fire Hall will be the command center. The next meeting will be March 21, 2012 at 3:00 p.m. at the courthouse.

Council member Smith made a motion to advance to agenda item #31 – Consideration of entering into an agreement with the Nebraska Municipal Power Pool for a Cost Service Analysis. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Svoboda, Rogers, Kroesing and Scribner. Voting NAY: None. The motion carried.

Mayor Zavodny stated that we need to do a rate study to make sure that we are treating all of the rate payers fairly. This will be a four-year service agreement.

Council member Vandenberg made a motion to enter into an agreement with the Nebraska Municipal Power Pool for a Cost Service Analysis. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Smith, Svoboda, Rogers, Kroesing and Scribner. Voting NAY: None. The motion carried.

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

Mayor Zavodny stated, "Now at 8:53 p.m. we are going into executive session to discuss a personnel issue." Mayor Zavodny, all of the Council members, City Attorney Egr, Interim City Administrator Kovar, and Interim City Clerk Comte went into executive session at 8:53 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 9:40 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, Vandenberg, Rogers, Svoboda, Scribner, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:40 p.m.



CERTIFICATION OF MINUTES
March 14, 2012

I, Tami L. Comte, duly qualified and acting Interim City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of March 14, 2012; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami L. Comte, Interim City Clerk