

CITY COUNCIL PROCEEDINGS

October 9, 2019

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on October 3rd, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agendas which are a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agendas, which were kept continuously current in the office of the City Clerk and were available for public inspection during regular office hours. No new items were added to the agendas during the twenty-four hours immediately prior to the opening of the Council meeting.

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

Also present for the meeting were: Craig Reinsch, Dan Bellizzi, and Eric Beiermann of Olsson, Superintendent of David City Public Schools Chad Denker, Ken Polacek, Marianne Long and son Frank, Sheriff Tom Dion, Jerry Kosch, Planning Commission members Keith Marvin and Janis Cameron, Building Inspector Ray Sueper, Interim Water Supervisor Aaron Gustin, Deputy Clerk Tami Comte, Park/Auditorium Supervisor Bill Buntgen, and Street Supervisor Chris Kroesing.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the September 25, 2019 meeting of the Mayor and City Council were approved upon a motion by Council member Kobus and seconded by Council member Pat Meysenburg. Voting AYE: Council members Hotovy, Bruce Meysenburg, Trowbridge, Kobus, Vandenberg, and Pat Meysenburg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve Pay Estimate #12 to Eriksen Construction Co., in the amount of \$278,024.40 for the Wastewater Treatment Plant Project. Council member Trowbridge seconded the motion. Voting AYE: Council members Bruce Meysenburg, Pat Meysenburg, Vandenberg, Trowbridge, Kobus, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve Change Order #2 to Eriksen Construction Co., in the amount of \$67,690.00 for the Wastewater Treatment Plant Project. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Pat Meysenburg, Vandenberg, Trowbridge, Kobus, Hotovy, and Bruce Meysenburg. Voting NAY: None. The motion carried.

Council member Kobus made a motion to approve Pay Estimate #4 to Midlands Contracting, Inc. in the amount of \$346,021.02 for the sanitary sewer rehabilitation project. Council member Trowbridge seconded the motion. Voting AYE: Council members Bruce

Meysenburg, Pat Meysenburg, Vandenberg, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Craig Reinsch, of Olsson, stated: "For the record, approximately \$84,000 of Change Order #1 to Midlands Contracting, Inc., is for the south part of the collection system camera work, that you had asked me to take out, and I said "would it be okay if I waited until more towards the end of the project when we did the first change order?", so that's a full 1/3 of that change order. There were obviously some quantities that we didn't use, we did a lot of horse trading as they say, working on different areas and making some recommendations, so we've added to the project but also taken some things away that they haven't used. We are going to have another change order because they're still doing a little bit of work up there by the REA (Butler Public Power), so there will be, what we hope are small quantity adjustments there, so that will probably eat into that a little bit. They're still maybe 80' – 100' away from getting done, so, probably within the next month, they will be able to finalize that project out and do the final change order for that portion of the project."

Council member Hotovy made a motion to approve Change Order #1, a decrease of \$236,154.40 to Midlands Contracting, Inc., for the sanitary sewer rehabilitation project. Council member Kobus seconded the motion. Voting AYE: Council members Pat Meysenburg, Vandenberg, Trowbridge, Kobus, Hotovy, and Bruce Meysenburg. Voting NAY: None. The motion carried.

Craig Reinsch, of Olsson, also commented on consideration of re-allocating funds to the Wastewater Treatment Plant Project, saying: "So, in the eyes of USDA, the sewer rehab project and the wastewater project are one project to them, one funding source, and so there is an option to move those funds. It doesn't have to be done now, this amount that's on here is just where we were, at the end of the fiscal year, it could be moved to help with some of these change orders that we know are going to increase at the Wastewater Plant because of some of the delays and other things."

Council member Trowbridge stated: "That, and I believe we have programmed about \$770,000.00 toward the slip lining portion of this coming out of reserves and borrowing a \$1,040,000.00 something like that, which we could use that as an application toward our investment of \$770,000.00 less whatever we might use from this Craig, that you don't use on overruns."

Mayor Zavodny stated: "Yes, because that would reduce our bonding need, and that seems like that would be a pretty good idea."

Craig Reinsch, of Olsson, continued: "So again, it's a little premature but this is where we were at the end of the fiscal year, so I just wanted to bring that to your attention. For example if the tests come in and we choose to remove some sludge from that modified Cell "E" area, that we moved out to build the anaerobic lagoon, and can be left in there, it would reduce capacity or we take advantage of having a contractor on sight, maybe some of these funds could be used to take care of that while we are there and it's disturbed, so we will be considering that. Once I get a better price, I'll be presenting that to the Council for consideration."

The next agenda item was consideration of Change Order #2 to Rogge General Contractors, Inc. for the Park Imp. Project, in the amount of \$2,033.73. In a report from Miller & Associates it stated:

1. Change Order No. 2 requests \$2,033.73 for providing additional labor and equipment to remove concrete rubble while excavating for the footings for the picnic shelter. Photos are included depicting the work. The total compensation requested includes labor, equipment rental, overhead and profit, and additional bonding costs. The Change Order also requests an increase in contract time by 2 days.

In considering the justification for Change Order No. 2, the Contract Document state in Section 31 2010 3.4.A. *"Unclassified Excavation: Excavate to subgrade elevations regardless of the character of surface and subsurface conditions encountered. Unclassified excavated materials may include rock, soil materials, and obstructions. No changes in the Contract Sum or the Contract Time will be authorized for rock excavation or removal of obstructions."* Therefore, Miller & Associates recommends Change Order No. 2 be denied.

It was noted that you cannot have a negative motion, therefore, Council member Trowbridge made a motion to approve Change Order #2, to Rogge General Contractors, Inc., for the Park Improvement Project, in the amount of \$2,033.73 for providing additional labor/equipment to remove concrete rubble while excavating for the picnic shelter footings, and granting two additional days in contract time. Mayor Zavodny asked for a second. Hearing none, Mayor Zavodny again asked for a second. Hearing none, Mayor Zavodny stated the motion died for lack of a second.

Miller & Associates also provided comment on Change Order No. 2 from Rogge General Contractors Inc. for the David City Park Improvement Project, which said:

2. Change Order No. 3 requests \$570.52 for additional labor and material to install fire caulk material in the mechanical room of the shower/restroom facility. The fire caulking material was required by the State Fire Marshal's representative on a field visit to the site. This directive was not included in review comments from the Fire Marshal's office during their initial review of the contract documents. The change order also requests contract time be increased by 1 day.

The justification for Change Order No. 3. Is the random requirement of the Fire Marshal to install fire caulking in the mechanical room. As previously stated, the review of the contract documents by the Fire Marshal's office did not produce this comment, therefore it was not included in the bidding documents. We recommend Change Order No. 3 be accepted and made a part of the contract.

Building Inspector Ray Sueper stated: "That's a given, they should have known that. It's a commercial job, it's a utility room subject to a Fire Marshal's inspection, they should have known that. If you're a commercial contractor you know that's part of the deal, period."

Council member Trowbridge stated: "I think it's a failure of the Contractor to meet his responsibility and I don't think we should pay it."

Discussion followed.

Council member Trowbridge made a motion to approve Change Order #3, to Rogge General Contractors, Inc., for the Park Improvement Project, in the amount of \$570.52 for additional labor and materials to install fire caulk material in the mechanical room of the shower/restroom facility and increasing the contract time by 1 day. Mayor Zavodny asked for a

second for Change Order #3. Hearing none, Mayor Zavodny again asked for a second. Hearing none, Mayor Zavodny declared the motion died for lack of a second.

Dan Bellizzi of Olsson, presented a traffic study conducted for the site expansion by Timpfe, Inc., located west of the intersection of Highway 15 & "S" Street, and he stated: "The last draft was submitted September, 2018, and that was the last time we worked on this. The City was asking for three things:

- 1) Updating the costs of the recommended improvements that we identified in the study;
- 2) Getting a draft ready for submittal to NDOT (Nebraska Department of Transportation); and
- 3) There was some sort of discussion or exploration of a potential north access road to the site.

Mayor Zavodny stated: "And we've moved away from that. We are just looking at getting this turn lane. Just from looking at that whole intersection, and the money we've been granted, how do we go about doing that? I've had people ask that question, some of the neighbors have certainly raised some concerns too."

Dan Bellizzi stated: "Okay, because we were kind of waiting on that decision, before we turned anything into the NDOT. Yes, the south bound right turning lane on the west side of 4th Street, turning onto "S" Street because there is a private driveway there. We will be sending the draft to NDOT for approval and then working on a design."

Eric Beiermann of Olsson, presented an update on the Timpfe site utilities project stating: "We were hired to do the civil engineering on the Timpfe facility and in addition to that we also worked on the public sanitary, water, and storm sewer realignment to accommodate the building out there. Of those public facilities, the storm sewer is in, it's functioning, it's working; same with the water. The trouble that we've had is with the sanitary sewer. The initial contractor who was hired to install that, did not adequately get it installed correctly, therefore we ran into some issues. Since that has happened, Skip (Council member Trowbridge) and I have been working together here this last month to come up with a solution, so we worked with Horizontal Boring, and Tony out of Exeter, to come up with a solution, and they were great. They came out, worked on the project to get the sanitary sewer in line and up to design criteria. An update from Horizontal, as of yesterday, they have the north-south portion in, the casings in, the carrier pipe is in, the annular grout is in; they are now working on the east-west run. They've got the pilot tube in, and they are continually putting the casing in and getting that on grade, and we will follow that up with carrier pipe and they hope to be finished by October 14th, if not sooner, depending on mother nature. So that's kind of where things are at right now, they've been working with the first contractor who was Obrist. Obrist has been very good as far as working with Horizontal and I think they realize that what they did was probably not the best choice as far as construction method. They have buttoned up a lot of the manholes, connected them, and it has been satisfactory. So, that's kind of where things are right now with the sanitary sewer, they are going well with Horizontal."

Council member Trowbridge stated: "Our Wastewater Department of the City has been very good to work with on getting the research and development building open, so, Thank You to Aaron and his wastewater crew and also to Eric of Olsson".

Mayor Zavodny stated: "Thank You to Council member Trowbridge for a lot of the extra work you have done there. I've had a few conversations with Council member Trowbridge that

have been in the evening, and he's still out there trying to figure things out with everybody, so I appreciate the extra work you've done for us. I'm really happy that we have gotten to this point."

Eric Beiermann of Olsson stated: "I'll end on this note, that we did get a hold of the State DEQ as far as that construction permit. We were a little bit below what the design standard was on there, but we did coordinate with them, and they're ok with what has transpired with less slope on there, will require a little bit more maintenance, but we have documentation here so they're good with that, so you guys are good to go on that."

Mayor Zavodny stated: "The next agenda item is consideration of "O" Street between 4th and 11th Streets and "No Trucks Allowed". I've been talking with Chris (Street Supervisor Kroesing) for a while on this. The reason we haven't, I kind of told him to hold off for a second because there's more information that we as a Council didn't have, when we made this decision. My recommendation to you tonight will be, we are going to need to leave this thing alone because the State Patrol has contacted us and said, if they are coming through town and they see a garbage truck, Fed X Trucks, UPS, anything else on there, they are going to write them a ticket. By trying to limit the traffic on there, we are going to create more problems than we solve. So, we are just going to have to maintain it the best we can until years from now somebody finds money to do this project and it gets done. I'm very happy with the efforts the street department has made in trying to put the millings down as suggested, it's not perfect, but honestly I think it's the best we can do right now."

Council member Bruce Meysenburg stated: "I asked that consideration of "H" Street, as to whether truck traffic is allowed, be added to the agenda. A few days ago, I was driving down "H" Street empty, and the Sheriff stopped me and told me that it was a "No Truck Route". I had no idea, because way back when, I came to a meeting and "A" Street, "H" Street, and "O" Street were designated truck routes at that point in time. So, I don't know, did "H" Street get put down as a "no truck route" at one point in time?"

Mayor Zavodny and Council member Trowbridge both stated: "Not that I know of."

Discussion followed.

It was determined that the signs restricting truck traffic on "O" Street between 4th & 11th Street should be taken down. We will maintain it the best we can.

Mayor Zavodny stated: "The next agenda item is consideration of renewing the updated contract between the City and Raymond Sueper as the Building Inspector. The one adjustment that I was wondering about was, what if we made it one day a week, from October to March, because you are a lot busier in the summer and just make that simple modification. That is one thing I would suggest, because two days a week does add expense."

PROPOSAL

(Includes mileage estimate)

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- **\$2400.00 per two week period for a time commitment consisting of two eight hour days for a Tuesday-Wednesday workweek; each day to consist of an eight hour workday. After hours meetings and any required or requested Continuing Education shall be billed at the standard hourly rate.**
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CURRENT AGREEMENT:

- \$1865.00 per two week period for an alternating time commitment consisting of two eight hour days for a Tuesday-Wednesday commitment for the first week and an eight hour Wednesday commitment for the second week; each day to consist of an eight hour workday. After hours meetings and any required or requested Continuing Education shall be billed at the standard hourly rate.

Council member Trowbridge stated: "My thought would be, we have not developed this committee that we were talking about earlier, to work with Ray in his department. Without a City Administrator, he doesn't have a lot of back-up. I suggest that we develop this committee, very soon, and let it work with him for a while to better determine what we need to do in days to come. Do we need more hours? We don't know what we need. But I think if we had a couple of council people on a committee working with him, we would quickly learn what would work best for all of us and be efficient."

Mayor Zavodny asked: "Who has interest in doing that and who has the time to devote to it? I think we should have two. Who would like to serve on that committee to work with Ray to develop this?"

Planning Commission member Keith Marvin stated: "How about adding somebody from the Planning Commission since Ray has to work with us as well, as part of that committee?"

Council member Trowbridge stated: "I would prefer to have people that have the ability to work with Ray's future, working with him, and a person from the Planning Commission doesn't have anything to do with his continued employment."

Mayor Zavodny asked again who would be interested in serving on the committee. Council member Trowbridge and Pat Meysenburg volunteered.

Therefore, Council member Trowbridge made a motion to table consideration of renewing the updated contract between the City and Rayment S. Sueper as the building inspector. Council member Pat Meysenburg seconded the motion.

City Attorney Egr stated: "Keep in mind that Ray may have to testify in Court because we filed three court criminal cases under our new ordinance. Mr. Mendoza called and he doesn't want to go to court, so he is working with his renters to get the property cleaned up, but I'm not going to dismiss anything until it gets cleaned up. Randy Janak & Larry Parmer are the other two that we filed and those should be coming up on October 24th."

Mayor Zavodny stated: "Now, it really isn't with Randy Janak; the property owner is Barb."

City Attorney Egr stated: "It's with Randy; it's his stuff."

Building Inspector Ray Sueper asked: "Since I don't have an official contract signed with the City, am I still covered by the City as an appointed acting official?"

City Attorney Egr stated: "Yes; the City Council extended the current agreement."

Roll Call for "tabling consideration of renewing the updated contract between the City and Rayment S. Sueper as the building inspector": Voting AYE: Council members Hotovy, Vandenberg, Bruce Meysenburg, Kobus, Trowbridge, and Pat Meysenburg. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve the request by Martina Venegas to install a 19' x 22' parking space on the City parkay at 969 No. 8th Street, noting the fact that this will be "public parking", not private, even if Martina pays for it since it is on City property. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Bruce Meysenburg, Pat Meysenburg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve selling the Street Departments loader mount Snow Blower, as is, at the Kobza Auction. Council member Kobus seconded the motion. Voting AYE: Council members Pat Meysenburg, Bruce Meysenburg, Hotovy, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "The next agenda item is consideration of closing "D" Street from 4th to 5th from noon on Tuesday, October 29th until 9:00 p.m. on Wednesday, October 30th; this is turning into quite a deal, is all I am going to say. I didn't know it was...I told you what I knew. I did go the County on Monday and they are going to let us use that parking lot from Monday on. Someone for Hallmark is going to be putting up tin soldiers and their construction stuff there, so we will need to close "D" Street so no-one sneaks through there. Our employees will have to take pictures of the barricades closing the street and submit them to LARM, our insurance carrier, so it's acceptable to them that had we had it closed appropriately, in case someone goes and moves something. I'm hoping we have enough room because apparently the Hallmark Channel is a much bigger deal than I was aware of; people are saying they're going to be coming from everywhere, so closing that street might not be large enough to accommodate everyone."

Council member Hotovy made a motion to close "D" Street from 4th to 5th from noon on Tuesday, October 29th until 9:00 p.m. on Wednesday, October 30th, 2019, for the Hallmark "Christmas in October" event. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Kobus, Vandenberg, Bruce Meysenburg, Pat Meysenburg, and Hotovy. Voting NAY: None. The motion carried.

Council member Trowbridge introduced Resolution No. 22 - 2019 and moved for its passage and adoption. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, P. Meysenburg, B. Meysenburg, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 22 - 2019 was passed and approved as follows:

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE REDEVELOPMENT OF SUBSTANDARD AND BLIGHTED AREAS, NECESSARY FOR A REDEVELOPMENT PROJECT, AND CONSISTENT WITH THE MASTER PLAN OF THE CITY AND APPROVING LEGAL ACTION BY THE CITY OF DAVID CITY, NEBRASKA TO ACQUIRE SUCH PROPERTY THROUGH CONDEMNATION.

RESOLUTION NO. 22 – 2019

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class (“City”), determined it to be desirable to undertake and carry out development projects in areas of the City determined by the City to be substandard and blighted and in need of redevelopment; and

WHEREAS, the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended (“Community Development Law”), prescribes the requirements and procedures for the planning and implementation of redevelopment pursuant to the Community Development Law; and

WHEREAS, the City previously adopted Resolution No. 7-2019, which determined that the Redevelopment Area was substandard and blighted as defined by Nebraska Revised Statutes section 18-2103, subsections (10) and (11), in that such area meets the criteria described in subsection (10) and meets one or more of the factors set forth in subsections (i) through (iv) of subsection (11)(b); and

WHEREAS, Nebraska Revised Statutes section 18-2122 provides that the City may acquire any real property which it may deem necessary for a redevelopment project, as defined under Nebraska Revised Statutes section 18-2103; and

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to utilize the power of eminent domain; and

WHEREAS, Nebraska Revised Statutes section 76-710.04 allows condemnation for economic development purposes where the acquired property has been designated as blighted and substandard; and

WHEREAS, the City deems the acquisition of the real property described herein necessary for the redevelopment of the Redevelopment Area and essential to the removal of blight and substandard conditions, consistent with the City of David City’s Master Plan (“Master Plan”), and in the best interests of the City to acquire said real property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the City finds that the following described undeveloped vacant real property is located within the limits of the City; that said lands are a necessary part of the Redevelopment Project; are substandard and blighted as defined by Nebraska Revised Statute section 18-2103, subsection (3); are in need of redevelopment; and that such redevelopment is consistent with the Master Plan:

Lots 7, 8, 9, and 10, in Block 5, Original Town, David City,
Butler County, Nebraska

Section 2. That such substandard and blighted condition is beyond the remedy and control solely by regulatory process and the exercise of police power and cannot be dealt with effectively by ordinary operations of private enterprise without the aids of the Community

Development Law. The elimination of said substandard and blighted condition under the authority of the Community Development Law is a public purpose and in the public interest.

Section 3. The City has previously authorized and directed the City Manager of the City, or his or her designee, to acquire said real property, on behalf of the City, through good faith negotiation with the property owner and that such good faith negotiations have failed due to a lack of response from the property owner within the time given.

Section 4. The City hereby resolves to acquire said real property through eminent domain proceedings because, after a reasonable period of time, said good faith negotiations to acquire the real property have been unsuccessful.

Section 5. The City hereby resolves to pursue the development and redevelopment of said real property according to the Community Development Law upon acquisition of said real property.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not effect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 9th day of October, 2019.

THE CITY OF DAVID CITY

Mayor Alan Zavodny

ATTEST:

City Clerk Joan Kovar

(SEAL)

City Attorney Egr stated: "I would suggest to the Council that you "not" adopt this proposed Ordinance No. 1327 (amending Chapter 3 Misdemeanors; Article 3 – Animals Generally – banning chickens) for the following reasons: #1 – If you add that the animals be considered not allowed in the City includes chickens, and you then eliminate Section 3-302, then you are going to have people coming to you as a Council asking for a permit for chickens, and I don't think you want to get into, as a City Council, discussions that may go an hour about why you are denying somebody a permit for chickens. I think you leave that well enough alone.

If you look at Section 3-302, you have a process to deal with chickens, and it's a permit process that goes through the City Clerk Joan Kovar. So, what you do is, you take the burden off of you, and keep it with Joan, poor Joan, to deal with denying a permit or not giving a permit. Section 3-302, as you have it already, is a permit process for chickens plus it's a process that has all sorts of rules and regulations to deal with chickens."

SECTION 3-302: CHICKENS

A. The keeping and raising of chickens shall be allowed in the city subject to the following:

1. Prior to maintaining and raising any chickens within the city, the property owner or renter shall make application to the city clerk on a form provided by him or her. If the application conforms to the following regulations, the clerk shall be authorized to issue the permit. A permit fee shall be submitted with the application, which said fee shall be set by the City Council by resolution and kept on file in the office of the city clerk.
2. No more than six chickens will be permitted on any property within the city. The minimum number of chickens is two for their social wellbeing.
3. Roosters, ducks, geese, hawks, and/or any other fowl, including crowing hen chickens over the age of four months, are prohibited within the city.
4. A predator-proof coop with a minimum of 2 square feet per chicken shall be provided. In order to be "predator proof" there shall be a secure covering over the top to prohibit racoons or other varmints from getting inside. The coop shall not be larger than 100 square feet and shall be located in the backyard of the owner's/renter's property. There shall also be a predator-proof enclosed run with a minimum of 5 square feet per chicken. Chickens shall not be allowed to roam free outside of the coop or enclosed run. Chickens shall not be kept in a residence, on a porch, or in an attached garage.
5. All coops and runs shall be kept clean and free from objectionable odors. Waste (feed, manure, litter) must be disposed of promptly in an environmentally responsible manner; piling of waste materials on the owner's or renter's property is not permitted. All waste must be housed in an insect- and vermin-proof container.
6. All chicken food must be kept in an animal- and rodent-proof container.
7. The keeping of residential chickens is for the benefit of the owner or renter and cannot be used for a business or monetary gain, including the sale of eggs. No slaughtering of chickens shall take place within city limits at any time. Dead chickens shall be removed and disposed of within 24 hours.
8. If a resident currently has more than the allowed six chickens, any grandfathered chickens terminate at death and they cannot be replaced.

B. If a complaint is made to the city about noise, odor, or other violation(s) of this section, the Butler County Sheriff's Department shall promptly investigate the complaint and contact the owner or renter to give him or her the opportunity to correct such complaint. If the complaint is not corrected within 24 hours of contact by the Sheriff's Office, the said office may issue a citation to be filed with the Butler County Court for violation of this ordinance.

C. The keeping of chickens within the city without a permit, the failure to promptly dispose of chicken waste or maintain the chicken coop or run in an odor-free condition, or to fail to promptly dispose of dead chickens, as set forth above, shall be a violation of this section and be punishable by as provided in Article 6 herein.

City Attorney Jim Egr stated: "You've already dealt with chickens as you recently set an annual permit fee of \$200.00 for chickens. What you propose here, Ordinance No. 1327, would eliminate the process that you currently have under Section 3-302, which is a great process, it takes the onus off of you and puts it on Joan, and you have a whole nice section there that covers everything required to have chickens and you don't then have to have a council meeting where you might spend an hour dealing with a permit for chickens. Just leave well enough alone, keep your permit fee up there, and you'll be okay."

Council member Trowbridge stated: "What we need to do is enforce what we have, because if we don't, and we're not doing it now, we've got problems, and we have them. So, if we enforce what we have, we don't really have a problem."

City Attorney Egr stated: "You've got the mechanism in Section 3-302; you've got a terrific ordinance here."

Council member Trowbridge stated: "Then the question I have is, if you have someone who has a permit at the old price, whatever that was..."

City Clerk Kovar stated: "No-one currently has a permit for chickens. This was incorporated in the newly adopted Code Book, and we just set the \$200 annual permit fee with Resolution #21-2019 passed and adopted on September 11, 2019."

Council member Trowbridge stated: "I'm willing to change the price of the annual permit fee, I don't care, but if we have someone that doesn't follow these guidelines, can you revoke their permit forever, because that puts an end to that mess? That's what we've got to get to Jim, is that people that abuse the system have to come to an end."

City Attorney Egr stated: "Yes, if they get a permit, but don't follow the guidelines, then you revoke the permit."

Mayor Zavodny stated: "Since the permitting is kind of new, how do we address that?"

City Clerk Kovar stated: "I was thinking that we are going to have to send everyone who currently has chickens a copy of the Ordinance stating that if you want to continue to have chickens, and I would have the permit start in January of 2020, you will have to pay this annual fee and these are the rules and regulations that you have to follow for the chickens, otherwise the chickens need to be gone."

City Attorney Egr stated: "Yes, and if you violate the rules, your permit can be revoked and your chickens eliminated. You've got a well written ordinance here as it exists in Section 3-302, don't mess with it anymore."

Council member Trowbridge made a motion to indefinitely table consideration of Ordinance No. 1327 amending Chapter 3 Misdemeanors; Article 3 – Animals Generally; banning chickens within the city limits. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Kobus, Bruce Meysenburg, Trowbridge, and Pat Meysenburg. Voting NAY: None. The motion carried.

Several people were asked to serve on the Library Board, but at this time, no-one has volunteered to do so. Therefore, Council member Hotovy made a motion to table consideration of an appointment to serve a four-year term on the Hruska Memorial Public Library Board of

Trustees. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Pat Meysenburg, Bruce Meysenburg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

At the September 25th Council meeting, the City Office Staff had asked that their regular year-round working hours be 7:30 a.m. — 4:00 p.m., staying open till 5:00 p.m. on the 10th. Mayor Zavodny asked the Council to table that as he would like the whole City to be 8:00 p.m. to 5:00 p.m., Monday thru Friday.”

Council member Hotovy, Kobus, and Meysenburg all stated that they thought all departments working 8:00 – 5:00 was a terrible idea. They would have to work outside in the heat of the day and deal with traffic issues.

Council member Hotovy stated: “I don’t see why the department head couldn’t decide that; this is almost micro-managing, in my opinion.”

Council member Trowbridge stated: “But I think we should micro-manage the front office.”

Council member Hotovy stated: “I’m not necessarily against that, it’s the guys working outside in the heat. I’d rather be in it at 6:30 in the morning than at 4:30 in the afternoon.”

City Clerk Kovar stated: “We totally agree with the guys. We never thought when we brought this request up that it would affect the other departments.”

Council member Trowbridge stated: “We have enough people, with four people working the City Office, that that Office can be opened from 8:00 a.m. to 5:00 p.m. twelve months out of the year. If somebody wants to get off at 4:00 p.m., let them come in at 7:30 and only take a half hour at lunch, I don’t care, it’s flexible, I don’t think we need to carve them in stone as to when they come and go individually. Just make sure the door is open from 8:00 a.m. until 5:00 p.m.”

Mayor Zavodny stated: “So here is what I think we are telling you; we don’t need the Resolution but to be accessible to the rate payer from 8:00 a.m. to 5:00 p.m. at a minimum and figure out how to staff it to make that happen.”

City Clerk Kovar stated that the Resolution would still be needed because it currently says: Hours of Work: All Departments shall work a 40-hour workweek as the standard workweek unless otherwise provided. The City Office standard workweek is: 8:00 a.m. to 5:00 p.m. Monday thru Friday from Labor Day to Memorial Day and, 7:30 a.m. to 4:00 p.m. Monday through Friday from Memorial Day to Labor Day, so if you want us open 8:00 a.m. to 5:00 p.m. year-round...”

Mayor Zavodny questioned: “Why do we even have it there in the Personnel Manual? You usually don’t set your hours in a personnel policy.”

City Attorney Egr stated: “Maybe you would be better off just taking it out of the personnel manual.”

City Clerk Kovar stated: “We could just leave the first line that says “all departments shall work a 40-hour workweek”, and scratch everything else.

The Council agreed that would be relatively simple and asked City Attorney Egr if they could make that change based on how the agenda item was worded on the agenda.

City Attorney Egr stated: "It says amending Chapter 5 of the Personnel Manual and we are amending Chapter 5, to take that out; let's do it."

Council member Hotovy made a motion to pass Resolution No. 24 – 2019 amending Chapter 5 of the Personnel Manual. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Bruce Meysenburg, Pat Meysenburg, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

RESOLUTION NO. 24 - 2019

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA UPDATING AND AMENDING THE DAVID CITY PERSONNEL MANUAL, AND REPEALING ALL POLICIES IN CONFLICT HEREWITH.

WHEREAS, the City of David City, Nebraska maintains a Personnel Manual to provide clear policies and administration of policies as related to employees and employment conditions; and

WHEREAS, the Personnel Manual is amended from time to time to promote a positive working environment for all employees, to provide for meaningful benefits and to provide clear expectations for employees of the City of David City, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the David City Personnel Manual is hereby updated by amending Chapter 5; Hours of Work and Overtime. All other Chapters remain unchanged.

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CHAPTER 5 – HOURS OF WORK AND OVERTIME

5.01 Hours of Work

All Departments shall work a 40-hour workweek as the standard workweek.

5.02 Time Sheets

Timesheets serve as the legal authority to pay an employee. They also serve as a verification of time off, and provide the legal basis to grant an employee benefits, including workers' compensation as appropriate. Employees are to provide an accurate accounting of all hours worked and leave used during a pay period on a timesheet.

All absences from an employee's regular work schedule must be reported and accounted for. An employee's timesheet accounts for all hours in the pay period and must be verified and approved by the employee's supervisor.

Completed timesheets require the signatures of the employee and the supervisor. These signatures certify that, to the best of their knowledge, the information provided on the documents is true and correct. An intentional misrepresentation of hours worked constitutes fraud and will result in disciplinary action or possibly termination of employment.

5.03 Flextime

Flextime is an alternate 40-hour workweek schedule by which an employee's workweek is determined by the needs of the job and is subject to Department Head or City Administrator approval.

Department Heads shall establish work periods and hours of work, which may differ from the hours of work to meet special department needs, projects or workloads. Special department needs and projects shall include, but not limited to, infrastructure construction, standard workweek snow removal, street painting, recycling, football events, track events, auditorium events, official committee and board meetings of the city, and any other known work that occurs before 7:30 a.m. or after 5:00 p.m. Monday thru Friday or on weekends.

Department Heads are encouraged to use flex-time whenever feasible to minimize overtime or the accumulation of compensatory time.

5.04 Overtime & Compensatory Time

Overview: All compensatory/overtime work should be held to a minimum and should be authorized in advance in writing by the appropriate supervisor. Each supervisor is responsible for and expected to use good judgment in determining what constitutes legitimate and necessary compensatory/overtime work.

In unusual situations in which prior approval may not have been practical or possible and the required completion of a specific project, assignment, or official travel results in overtime or compensatory time worked, the appropriate supervisor may verbally approve the unauthorized time based on the circumstances involved, but it should be reported to the City Administrator in a reasonable timeframe.

Due to the specialized nature of work involved, and the hours required, the Police Department is not subject to these general policies.

Definitions:

- A. **Overtime** - is the amount of time someone works beyond normal working hours, i.e.- the standard 40-hour workweek.
- B. **Compensatory Time** - refers to a type of work schedule arrangement that allows (or requires) workers to accumulate leave time and take time off instead of receiving overtime pay.

5.05 Nonexempt Employees Overtime & Compensatory Time

Overtime

According to the Fair Labor Standards Act (FLSA) time worked in excess of forty (40) hours in one week will be paid at the rate of time and one-half the regular rate of pay.

Compensatory Time

Compensatory time may be accumulated in lieu of time and half pay for overtime worked at the discretion of the City Administrator. These hours shall be recorded in the payroll system at the time of accrual and use. Hours worked in excess of eight hours in one day may not necessarily be counted as overtime.

When Compensatory time is allowed by the Department Head or City Administrator, an employee may accrue no more than twenty-four (24) hours of compensatory time at any given time. Any exceptions to this provision must be authorized by the City Administrator. Compensatory time shall be used within the same pay period from when it was earned. If compensatory hours are earned during the last week of the pay period, those hours may be carried over to be used during the next week following the pay period in which they were earned.

Designated holidays, vacation time, individual selectable days, and sick leave time are included as hours of work for the purpose of calculating overtime during the week in which they fall.

5.06 Exempt Overtime/Compensatory Time

All exempt (Salary) employees shall not receive overtime compensation. All exempt employees may use compensatory time off on an hour-for-hour basis for hours worked in excess of 40 hours per week. Employees may accrue no more than twenty-four (24) hours of compensatory time. Compensatory time must be taken, if at all possible, in the same or the immediately following pay period in which it is accrued.

5.07 Work on Holidays

If an employee is required to work on a holiday, he/she shall receive eight hours of work credited to the total work week hours plus the number of hours actually worked on the holiday to be credited to the total week hours. All hours of said hours shall be included in time worked in calculating overtime for the week.

5.08 Call Out Time

If after an employee has left his/her place of work and he/she is called back for duty, he/she shall be paid for at least one hour of work, which shall be included in time worked in calculating overtime for that week. For purposes of calculating Call-Out Time, hours worked shall include one hour plus actual time worked after one hour.

5.09 On Call Time

An employee, who carried a pager for a week, will be credited with two hours of compensatory time if the hours worked for that week total less than forty (40) hours. If the hours total forty (40) or more, a maximum of three hours will be credited toward compensatory time. Overtime pay is not permitted in place of compensatory time off. While an employee is On-Call Time, he/she shall be in a place and situation that allows for a response to any situation or need within thirty (30) minutes.

5.10 Standby Time

City Power Plant employees, who are not On-Call, will be credited with two hours of compensatory time during such times as Nebraska Public Power District mandates the David City Power Plant standby for possible electric energy production. An employee who is On-Call shall not receive any compensation for Standby Time. While an employee is on Standby Time, he/she shall be in a place and situation that allows for a response to any situation or need within thirty (30) minutes.

5.11 Breaks

A fifteen (15) minute break shall be allowed for each four (4) hours of work. If work conditions are such that travel, cleanup, etc., plus the break require more than fifteen (15) minutes, the break shall be taken on the site.

PASSED AND APPROVED this 9th day of October, 2019.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Progress Estimate #22 for Constructors, Inc. in the amount of \$505,901.49 was discussed. The Council questioned where Al Hottovy or Jon McCarville were. Mayor Zavodny said no-one has talked to him, he didn't know where we were on the punch list, etc.

Council member Trowbridge asked: "When was the last time Al Hottovy was here in this room?"

Street Supervisor Chris Kroesing stated: "There are some major spots that definitely need attention yet. The south bound lane on "5" Street from "C" to "D" there is still a 2" drop between the brick and pavement, and there are a lot of other concrete areas that are busted up, and business owners that are concerned about it yet. They were supposed to do a walk through with part of the Council, the whole street department, and go through with the business owners to make sure they were satisfied, and I have business owners contacting me that are very unsatisfied yet."

Mayor Zavodny stated: "This job isn't done and it's irresponsible of us to consider this at this time."

Council member Hotovy made a motion to table consideration of Progress Estimate #22 for Constructors, Inc. in the amount of \$505,901.49, until a representative provides a walk-thru of the punch list and attends a Council meeting. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Bruce Meysenburg, Trowbridge, Hotovy, Kobus, Vandenberg, and Pat Meysenburg. Voting NAY: None. The motion carried.

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

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

Interim Water Supervisor Aaron Gustin thanked Street Supervisor Chris Kroesing and Water Operator John Kobus for their work at the sewer lagoon, saying that they saved the City \$65,000 or better by doing a collaborated effort.

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

Council member Trowbridge made a motion to pass Resolution No. 23 – 2019 setting the monthly Industrial Wastewater billing amounts for Henningsen Foods. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Bruce Meysenburg, Pat Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

RESOLUTION NO. 23 - 2019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, BUTLER COUNTY NEBRASKA, to modify the monthly industrial wastewater billing amounts based on the current agreement between Henningsen Foods and the City regarding accepting and treating wastewater.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

Section 1: The allocation of sewer system, proportionate fixed costs, proportionate variable costs, and construction costs on a monthly basis for the Fiscal Year 2019-2020 for Henningsen Foods shall be as follows, per the current agreement:

Sewer System Maintenance	\$1,223
Capital Construction Cost	\$6,487
Proportionate Fixed Cost	\$8,447
Variable Cost	\$5,514
Total	<u>\$21,671</u>

Section 2: Should the wastewater flow and loading characteristics exceed the current agreement limits, daily surcharges shall be added to the monthly costs per the following daily surcharge amounts, per the current agreement:

Daily Surcharges:

<u>BOD</u> <u>(lbs/day)</u>	<u>TSS</u> <u>(lbs/day)</u>	<u>TKN</u> <u>(lbs/day)</u>	<u>Flow (per</u> <u>1,000 gpd)</u>
\$0.35	\$0.00	\$0.70	\$0.57

Section 3: These amounts are revised annually.

PASSED AND APPROVED this 9th day of October, 2019.

Alan Zavodny, Mayor
City of David City, Nebraska

ATTEST:

Joan Kovar, City Clerk

Ken Polacek, representing St. Mary's Catholic Schools was present and stated: "The basement is so deep that we have water coming up almost always; it sometimes ends in December, however then it rains in the Spring and the water comes back up. We've been in violation putting it into the sewer, but when we discharge it outside so it can go in the storm sewer, in the winter time it freezes on the street and causes a hazard, and in the summertime, we have green slime along the curb line."

Interim Water Supervisor Aaron Gustin stated: "We would have to have Midlands come and cut that sanitary sewer line open. When they did the sewer slip-lining they didn't cut that service open because they thought it was a dry dead service."

Much discussion followed.

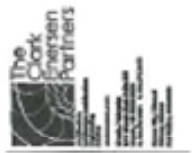
Council member Pat Meysenburg made a motion to allow St. Mary's Catholic School to discharge the ground water into the Sanitary Sewer year-round. Council member Trowbridge seconded the motion. Voting AYE: Council members Bruce Meysenburg, Trowbridge, Hotovy, Kobus, Vandenberg, and Pat Meysenburg. Voting NAY: None. The motion carried.

Superintendent of David City Public Schools Chad Denker presented the following:

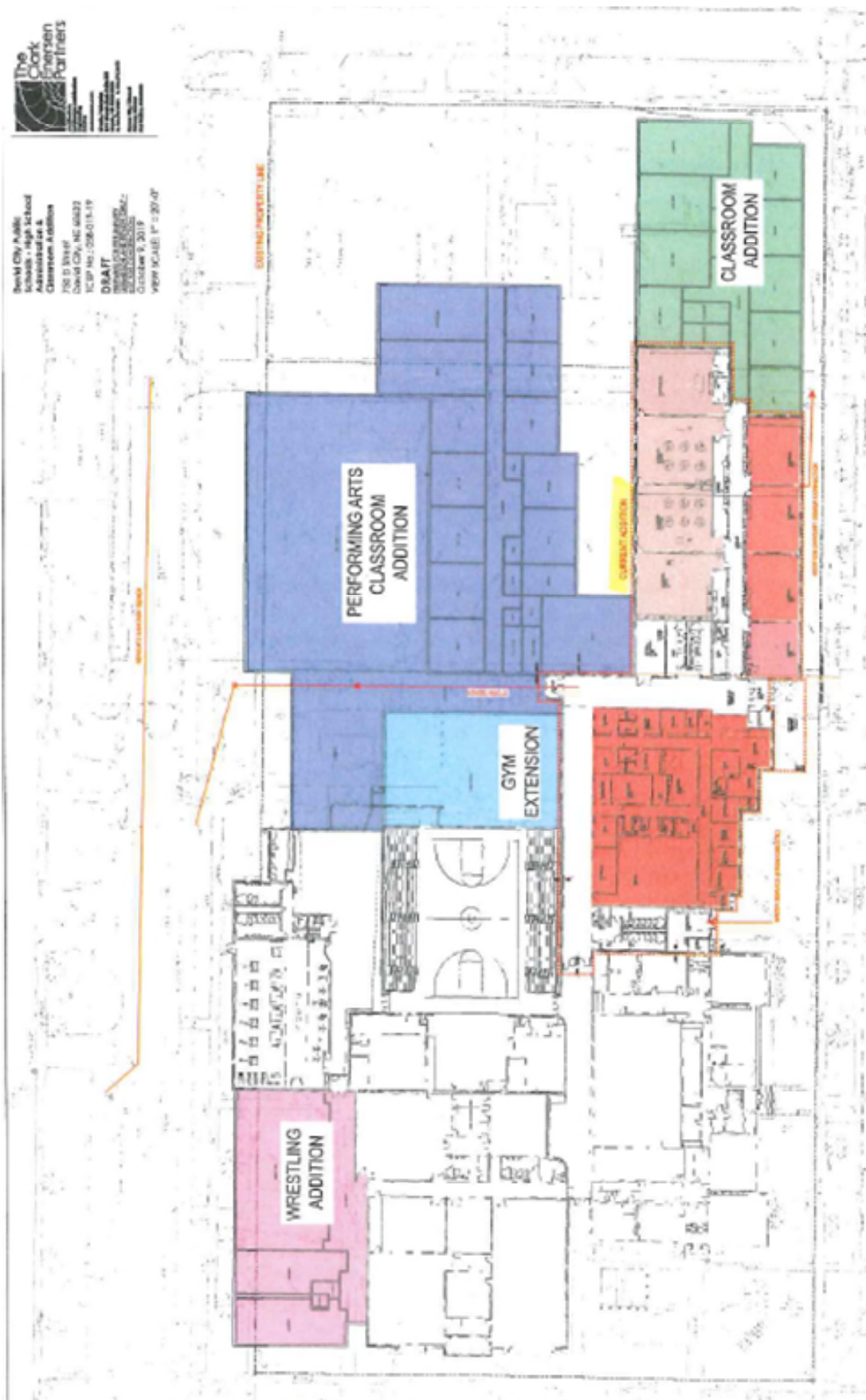


2019 ADDITION = 25,651 SF

1 FIRST FLOOR PLAN - ADDITION
SCALE: 1" = 20'-0"



Berkley City Public Schools
Administration Building
Classroom Addition
198 S 19th St
Oak Bluffs, MA 01922
Tel: 508-548-1119
DRAFT
October 9, 2019
VIEW SCALE 1" = 20'-0"



DCPS Superintendent Chad Denker stated: "The first picture shows Phase 3 of our long-range facility plan. So, we are looking at doing an addition to the High School; it would attach to the east side. It's actually gotten a little bit bigger than the drawing shows, as we've actually expanded the size of the Science Class Rooms for example, so the addition is probably closer to 28,000 Square Feet than the 25,651SF as shown on the diagram. But this addition, if you are familiar with the High School right now, there is asphalt on the east side of the High School, so this addition would attach to the east side of the High School and it would run all the way across the alley where we park our buses. So, the first picture is kind of what we are currently doing, and then I had our architect provide the 2nd picture which shows our 15 or 20-year plan. You can kind of see where everything will go eventually. The 2nd picture also shows how the size of the Science Class Rooms (right side – light pink) were expanded. So, you can see that we are trying to think past just this next project, actually through Phase 8, which would be everything in the next 15 or 20 years. So hopefully, that gives you a little bit of a perspective of what we are trying to do now and in the future. So, with that, we kind of have three requests. With the addition, we won't have the proper set-back from the property line. There will still be a sidewalk running east and west but we wouldn't have the proper set-back from the south property line. The south side would actually become our new main entrance; so, if you can visualize 8th Street that you guys closed down for us, that's about right where the main entrance of the High School would be. The 2nd piece to this is, you guys abandoned 8th Street but at the time I think you guys kept the rights to all utilities; there aren't any utilities there anymore because we paid Obrist this summer to move that water line that was running up and down 8th Street but you guys still have the rights to that so we'd be asking you to abandon all rights to that. Then the 3rd part of this, because I asked the architect to expand those classrooms 24' to the east, the 3 Science and the Art room, instead of being 30' classrooms they are going to be 36', it ends up going across the alley. There are utility poles running north and south down that alley. I did talk to Pat (Electric Supervisor Hoeft) yesterday, and he didn't think it would be much of a problem to move those. I also talked to Spectrum and they said in the next two weeks they will have their cable lines moved off of your utility poles; I also talked to Windstream today, and likewise I asked them if Spectrum can do it in the next two weeks can you also move yours off of there, so the guy was there today looking at it and he thought it would be pretty simple as well. So, we are hoping we can abandon those utility poles, and we are willing to incur the costs of the City to take those poles out and get rid of them; we are willing to pay for that, we're not asking the City to incur any costs as part of this. We would like to bid this project out at the end of the month, the architects are getting pretty close to having all the paperwork done and ready to go to bid out. Our hope was to bid this out the end of October."

Discussion followed.

DCPS Superintendent Denker provided an e-mail he received from the architect:

William Pokojski <William.Pokojski@clarkenersen.com>
To: Chad Denker <Denker@dcscouts.org>
Cc: Tim Ripp <tim.ripp@clarkenersen.com>

Wed, Oct 9, 2019 at 2:35 PM

I placed the entire model over the site plan. I think this will help best illustrate the conditions and aid in your presentation. Also, I adjusted/limited the color palette slightly to help more clearly define the various additions planned and the current addition while not adding so many colors as to overwhelm the drawing which has a lot of information imbedded within it already.

Notes:

- High School 10'-6" away from property line on west side
- High School over property line 13'-6" on north side
- New Addition
 - 7'-4" back from property line at overhang
 - 9'-4" back from property line at closest south wall
- Property line is bolded/called out along with general callouts shown for the proposed sanitary reroute to the north, sanitary connection on the south, and storm sewer connection on north side of site.

City Attorney Egr stated: "I reviewed the proposed ordinance that Joan provided and we don't have to get down to the exact measurements. I think this ordinance will cover everything that you need to have with the variances in there. It takes care of vacating the whole alley and vacating the utility easements on 8th Street; I think we are fine."

Council member Hotovy introduced Ordinance No. 1328 concerning the requests by David City Public School District #56. Mayor Zavodny read Ordinance No. 1328 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Bruce Meysenburg, Kobus, Trowbridge, Hotovy, and Pat Meysenburg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1328 on the third and final reading. Council member Pat Meysenburg seconded the motion. Voting AYE: Council members Bruce Meysenburg, Trowbridge, Vandenberg, Kobus, Hotovy, and Pat Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1328 was passed on 3rd and final reading as follows:

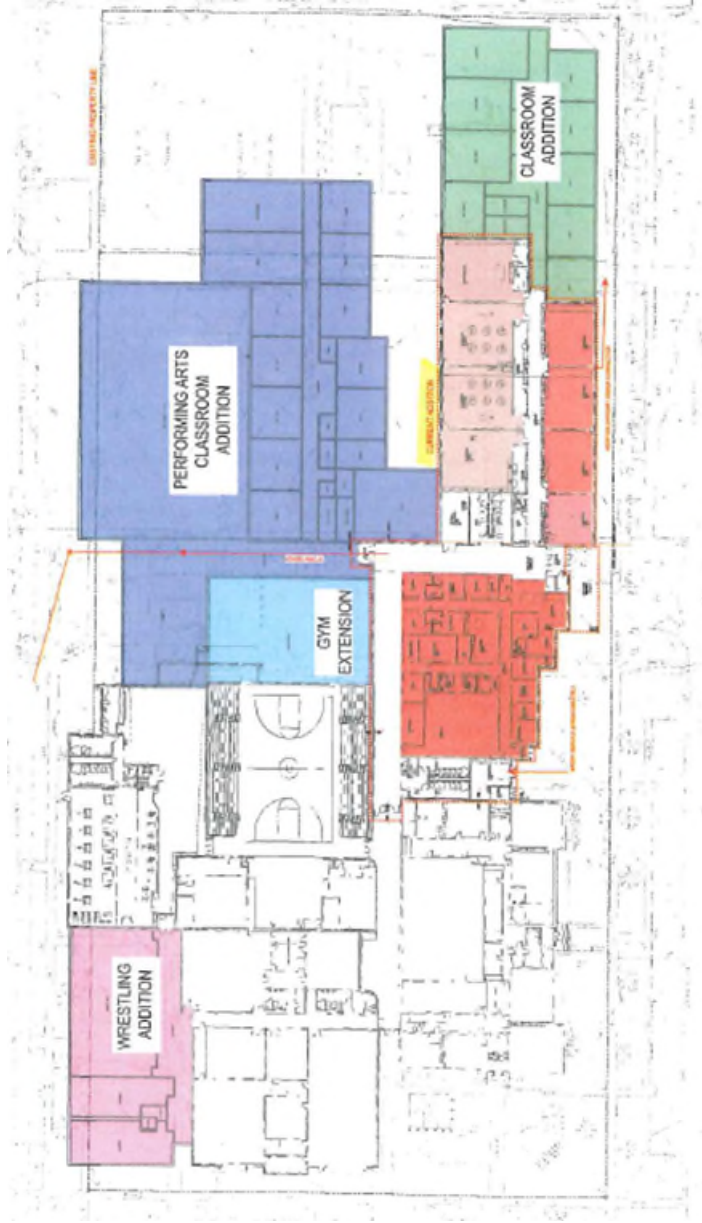
ORDINANCE NO. 1328

AN ORDINANCE GRANTING DAVID CITY PUBLIC SCHOOL DISTRICT #56 A 12' VARIANCE ON THE BUILDING SETBACKS ON THE SOUTH SIDE OF THE HIGH SCHOOL BUILDING BETWEEN 7TH & 9TH STREET; VACATING UTILITY EASEMENTS ON 8TH STREET FROM THE NORTH SIDE OF "D" STREET TO THE SOUTH SIDE OF "E" STREET; AND VACATING THE ALLEY LOCATED BETWEEN 8TH AND 9TH STREETS AND "D" TO "E" STREET AND RELOCATING THE ELECTRIC POLES IN THIS AREA, ALL IN DAVID CITY, NEBRASKA; 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 CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. That David City Public School District #56 plans to add on to the School and has requested the following:

- Granting a variance/easement onto the south side of the High School Building along "D" Street between 7th & 9th Streets;

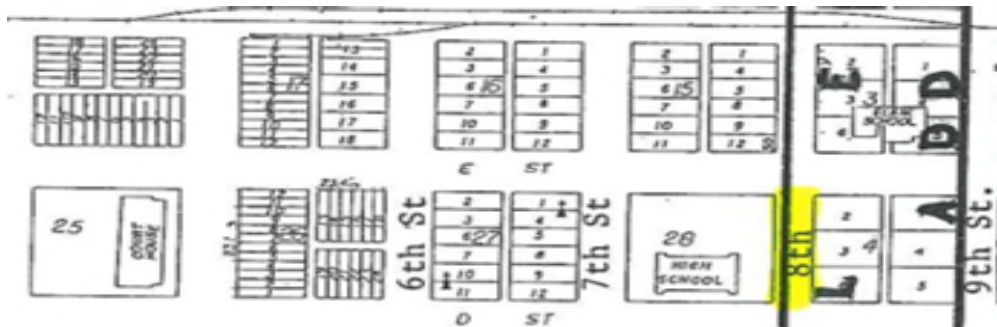


South
➔

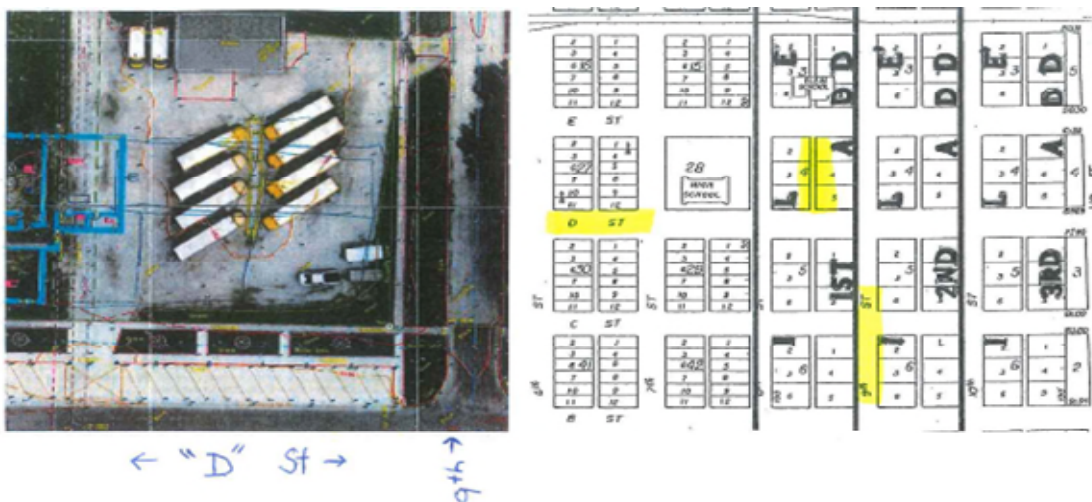
Notes:

- High School 10'-6" away from property line on west side
- High School over property line 13'-6" on north side
- New Addition
 - 7'-4" back from property line at overhang
 - 9'-4" back from property line at closest south wall
- Property line is bolded/called out along with general callouts shown for the proposed sanitary reroute to the north, sanitary connection on the south, and storm sewer connection on north side of site.

- Vacating all utility easements on vacated 8th Street between "D" and "E" Streets
 David City Public School District #56 owns the property on both sides of 8th Street between "D" and "E" Street;



- Vacating the alley located between 8th & 9th Streets and "D" and "E" Streets, and relocating the electric poles in this area;



SECTION 2. That the vacated alley located in Block 4, Miles 1st Addition, shall revert to the abutting property owners; that being David City Public School District #56.

SECTION 3. This ordinance 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 9th day of October, 2019.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Bruce Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Pat Meysenburg, Trowbridge, Kobus, Bruce Meysenburg, and Hotovy. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:56 p.m.



CERTIFICATION OF MINUTES
October 9th, 2019

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of October 9th, 2019; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan Kovar, City Clerk

