

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING
OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **8th day of May, 2019**, in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska.

This agenda is available for public inspection in the office of the City Clerk and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this 2nd day of May, 2019.

AGENDA AS FOLLOWS:

- | | |
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| 1. Roll Call; | |
| 2. Pledge of Allegiance; | _____
Mayor Alan Zavodny |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | |
| 4. Minutes of the April 24 th , 2019 meeting of the Mayor and City Council; | _____
Council President Kevin N. Hotovy |
| 5. Consideration of Progress Estimate #18 for Constructors, Inc. in the amount of \$230,940.08; | _____
Council member Thomas J. Kobus |
| 6. Consideration of Pay Estimate #7 to Eriksen Construction Co., in the amount of \$64,611.12 for the Wastewater Treatment Plant Project; | _____
Council member Dana E. Trowbridge |
| 7. Consideration of Claims; | |
| 8. Committee and Officer Reports; | |
| 9. Consideration of Ordinance No. 1311 recodifying the General Ordinances of the City; repealing prior ordinances in conflict herewith; and providing an effective date; | _____
Council member Patrick J. Meysenburg |
| 10. Consideration of Resolution No. 6 – 2019 directing the City Clerk to cause Ordinance No. 1311 to be printed and published in book form by Municipal Code Services of Neligh, Nebraska; | _____
Council member John P. Vandenberg |
| 11. Consideration of an Encroachment Agreement with Northern Natural Gas Company at the Wastewater plant; | |
| 12. Public Hearing to consider adopting new Subdivision Regulations that would replace Subdivision Regulations Ordinance No. 909; | _____
City Clerk Joan E. Kovar |

13. Consideration of Ordinance No. 1312 to be referred to as "Subdivision Regulation Ordinance" of the City of David City, Nebraska;
14. Public Hearing to consider amending the Zoning Ordinance No. 1060, Article 5: Zoning Districts, by adding Section 5.10 R-4 High Density Residential and renumbering the remaining sections;
15. Consideration of Ordinance No. 1313 amending the Zoning Ordinance No. 1060, Article 5: Zoning Districts, by adding Section 5.10 R-4 High Density Residential and renumbering the remaining sections;
16. Public Hearing to consider amending the Future Land Use Plan Map by changing the zoning classification from C – Commercial to I – Industrial for the following real estate as requested by Samuel Stara dba Stara Machine, LLC: The NW¼ of Section 18, Township 15 N, Range 3E of the Sixth P.M. Butler County, Nebraska, described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less;
17. Consideration of Ordinance No. 1314 amending the Future Land Use Map as described above;
18. Public Hearing to consider amending the Official Zoning Map by changing the zoning classification from C-1 - Highway Commercial, to I-2 Heavy Industrial for the following real estate as requested by Samuel Stara dba Stara Machine, LLC: The NW¼ of Section 18, Township 15 N, Range 3E of the Sixth P.M. Butler County, Nebraska, described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less;
19. Consideration of Ordinance No. 1315 amending the Official Zoning Map as described above;
20. Public Hearing to consider a Substandard and Blight Study – Proposed CDA Area #5 – The purpose of the hearing is to obtain public comment on whether the real estate described in this notice (CDA Area #5) should be declared substandard and blighted pursuant to the Nebraska Community Development Law. A study (Study) has been compiled to determine if the proposed CDA Area #5 qualifies as substandard and blighted and to make said designation. Proposed CDA Area #5 – Block 5, Original Town, approximately 2.07 acres; (between 3rd - 4th Street and "G" – "H" Street)
21. Consideration of Resolution No. 7 – 2019 declaring a certain area of the City to be blighted and substandard and in need of redevelopment – (Area #5 described above);
22. Public Hearing to consider a Substandard and Blight Study - Proposed CDA Area #6 – The purpose of the hearing is to obtain public comment on whether the real estate described in this notice (CDA Area #6) should be declared substandard and blighted pursuant to the

- Nebraska Community Development Law. A study (Study) has been compiled to determine if the proposed CDA Area #6 qualifies as substandard and blighted and to make said designation. Proposed CDA Area #6 – The point of beginning is the intersection of Nebraska Highway 15 and County Road 37; thence westerly along said centerline of County Road 37 to the intersection with the centerline of County Road M; thence southerly along the centerline of County Road M to the intersection with the right-of-way of the Burlington Northern Santa Fe (BNSF) railroad; thence, southeasterly along said centerline to the intersection of the south line of a property described as 18-15N-3E PT NW1/4; thence, easterly along said southern property line and continuing along the southern property line of a tract described as David City 18-15N-3E PT SE1/4 SE1/4 NW1/4 and extending to the centerline of Nebraska Highway 15; thence northerly along said centerline to the point of beginning;
23. Consideration of Resolution No. 8 – 2019 declaring a certain area of the City to be blighted and substandard and in need of redevelopment – (Area #6 described above);
 24. Consideration of the demolition bids received concerning the Treat residence at 715 4th Street, David City, NE, legally described as Lots 7,8,9 & 10, Block 5, Original Town of David City;
 25. Consideration of Resolution No. 9 – 2019 authorizing the Mayor to sign a purchase agreement for the sale of Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1st Addition, David City, Nebraska;
 26. Consideration of the proposal from Obrist & Company in the amount of \$112,970.50 for furnishing all labor, materials, and equipment for a new Sanitary Sewer;
 27. Consideration of the proposal from Obrist & Company in the amount of \$88,370.00 for furnishing all labor, materials, and equipment for a new Water Main;
 28. Consideration of the request by Tom & Morgan VanWinkle to occupy the right-of-way;
 29. Consideration of increasing the pay line for the Park – Summer Time Help –(if the Council approves, this will actually require an ordinance at the next meeting);
 30. Consideration of approving the purchase of a new Rhino 2150 Batwing Mower for mowing ditches, which was included in the current budget request ½ Street and ½ Airport;
 31. Consideration of hiring an attorney who specializes in nuisance properties;
 32. Consideration of updating the D.A. Davidson Engagement Letter to include note or bond issuance;
 33. Consideration of adopting Procurement Procedures and Code of Conduct to adhere to Code of Federal Regulations (FEMA);
 34. Adjournment;

CITY COUNCIL PROCEEDINGS

May 8, 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 May 2nd, 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 Kevin Hotovy, Gary Smith, Tom Kobus, Pat Meysenburg, and John Vandenberg, City Attorney Jim Egr, and City Clerk Joan Kovar. Council member Dana Trowbridge was absent.

Also present for the meeting were: Jim McNally of Municipal Code Services, Phil Lorenzen & Cody Wickham of D. A. Davidson, Jeff Hilger, Morgan VanWinkle, David McPhillips, Sheriff Tom Dion, Planning Commission Members Janis Cameron, Pam Kabourek, and Keith Marvin, Deputy Clerk Tami Comte, Park/Auditorium Supervisor Bill Buntgen, and Building Inspector Ray Sueper.

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.

Mayor Zavodny asked the Council if they would consider moving up agenda items #28 (VanWinkle request) and #32 (Phil Lorenzen of D.A. Davidson, Engagement Letter). Therefore, Council member Hotovy made a motion to move up agenda items #28 and #32 right after agenda #4 (Consideration of the minutes). Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

The minutes of the April 24th, 2019 meeting of the Mayor and City Council were approved upon a motion by Council member Hotovy and seconded by Council member Vandenberg. Voting AYE: Council members Smith, Meysenburg, Kobus, Vandenberg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Phil Lorenzen of D.A. Davidson stated: "I appreciate you moving me up. Just a housekeeping item is all I have to update the D.A. Davidson Engagement Letter. Your notes will come due starting next year relative to the Downtown Improvement Project. We need to stay current under the rules of the SEC and the Municipal Securities Rulingmaking Board and be project specific and date specific, and those notes will need to be rolled into bonds at some point in time, and I anticipate you'll have potentially some other miscellaneous projects that go on it too. So that's item one. I would like to introduce my associate Cody Wickham. I am going to slow down a little bit, take some time off and so forth, someday I may retire because I am tired of carrying this cane and limping around at meetings, but Cody is going to be associated with me and my backup here."

Council member Kobus made a motion to authorize Mayor Zavodny to sign the updated D.A. Davidson Engagement Letter. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Smith, Kobus, and Meysenburg. Voting NAY: None. Council member Trowbridge was absent. The motion carried.



D|A|DAVIDSON

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D.A. Davidson & Co. member SIPC

May 3, 2019

Mayor and City Council
David City, Nebraska
557 4th Street
David City, NE 68632

Re: Underwriting Engagement Letter

Mayor Alan Zavodny & City Council

On behalf of D.A. Davidson & Co. ("we" or "Davidson"), thank you for the opportunity to serve as underwriter for City of David City, Nebraska (the "Issuer") on the Issuer's proposed offering and issuance of Street, Sewer and Electric System Revenue Bonds or Notes, Series 2019 or 2020 (the "Securities"). This letter will confirm the terms of our engagement; however, it is anticipated that this letter will be replaced and superseded by a bond purchase agreement to be entered into by the parties (the "Purchase Agreement") if and when the Securities are priced following successful completion of the offering process.

1. Services to be Provided by Davidson. The Issuer hereby engages Davidson to serve as managing underwriter of the proposed offering and issuance of the Securities, and in such capacity Davidson agrees to provide the following services:

- Review and evaluate the proposed terms of the offering and the Securities
- Develop a marketing plan for the offering, including identification of potential investors
- Assist in the preparation of the official statement and other offering documents
- Contact potential investors, provide them with offering-related information, respond to their inquiries and, if requested, coordinate their due diligence sessions
- If the Securities are to be rated, assist in preparing materials to be provided to securities ratings agencies and in developing strategies for meetings with the ratings agencies

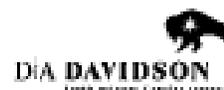


- Consult with counsel and other service providers with respect to the offering and the terms of the Securities
- Inform the Issuer of the marketing and offering process
- Negotiate the pricing, including the interest rate, and other terms of the Securities
- Obtain CUSIP number(s) for the Securities and arrange for their DTC book-entry eligibility
- Plan and arrange for the closing and settlement of the issuance and the delivery of the Securities
- Perform such other usual and customary underwriting services as may be requested by the Issuer

As underwriter, Davidson will not be required to purchase the Securities except pursuant to the terms of the Purchase Agreement, which will not be signed until successful completion of the pre-sale offering period. This letter does not obligate Davidson to purchase any of the Securities.

2. No Advisory or Fiduciary Role. The Issuer acknowledges and agrees: (i) the primary role of Davidson, as an underwriter, is to purchase securities, for resale to investors, in an arm's-length commercial transaction between the Issuer and Davidson and that Davidson has financial and other interests that may differ from those of the Issuer.; (ii) Davidson is not acting as a municipal advisor, financial advisor, or fiduciary to the Issuer and Davidson has not assumed any advisory or fiduciary responsibility to the Issuer with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether Davidson has provided other services or is currently providing other services to the Issuer on other matters or transactions); (iii) the only obligations Davidson has to the Issuer with respect to the transaction contemplated hereby expressly are set forth in this agreement; and (iv) the Issuer has consulted its own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate. If the Issuer desires to consult with and hire a municipal advisor for this transaction that has legal fiduciary duties to the Issuer the Issuer should separately engage a municipal advisor to serve in that capacity.

In addition, the Issuer acknowledges receipt of a letter outlining certain regulatory disclosures as required by the Municipal Securities Rulemaking Board and attached to this agreement as Exhibit A. The Issuer further acknowledges Davidson may be required to supplement or make additional disclosures as may be necessary as the specific terms of the transaction progress.



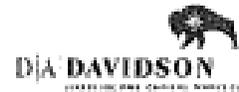
3. Fees and Expenses. Davidson's proposed underwriting fee/spread is 1.65% of the principal amount of the Securities issued. The underwriting fee/spread will represent the difference between the price that Davidson pays for the Securities and the public offering price stated on the cover of the final official statement. In addition to the underwriting fee/spread, the Issuer shall pay to Davidson a fee equal to \$0 as compensation for its services in assisting in the preparation of the official statement and providing various financial analyses, and for the use of Davidson's capital to advance certain costs prior to settlement, and to reimburse for Davidson's and all other expenses incident to the performance of the Issuer's obligations under the proposed Securities. The Issuer shall be responsible for paying or reimbursing Davidson for all other costs of issuance, including without limitation, bond counsel, rating agency fees and expenses, payment of CUSIP, DTC fees, and all other expenses incident to the performance of the Issuer's obligations under the proposed Securities.

4. Term and Termination. The term of this engagement shall extend from the date of this letter to the closing of the offering of the Securities except as may be superseded pursuant to a Purchase Agreement. Notwithstanding the forgoing, either party may terminate Davidson's engagement at any time without liability of penalty upon at least 30 days' prior written notice to the other party. If Davidson's engagement is terminated by the Issuer, the Issuer agrees to compensate Davidson for the services provided and to reimburse Davidson for its out-of-pocket fees and expenses incurred to the date of termination.

5. Limitation of Liability. The Issuer agrees neither Davidson nor its employees, officers, agents or affiliates shall have any liability to the Issuer for the services provided hereunder.

6. Miscellaneous. This letter shall be governed and construed in accordance with the laws of the State of Nebraska. This Agreement may not be amended or modified except by means of a written instrument executed by both parties hereto. This Agreement may not be assigned by either party without the prior written consent of the other party.

If there is any aspect of this Agreement that you believe requires further clarification, please do not hesitate to contact us. If the foregoing is consistent with your understanding of our engagement, please sign and return the enclosed copy of this letter.



Again, we thank you for the opportunity to assist you with your proposed financing and the confidence you have placed in Davidson.

Very truly yours,

D.A. DAVIDSON & CO.

By: _____

Title: Vice President

Accepted this ____ day of May, 2019

City of David City, Nebraska

By: _____

Title: _____



EXHIBIT A

May 6, 2019

Mayor and City Council
David City, Nebraska
557 4th Street
David City, NE 68632

Re: Disclosures by D.A. Davidson & Co. as Underwriter
Pursuant to MSRB Rule G-17 and G-23

Dear Mayor Alan Zavodny and City Council:

We are writing to provide the City of David City, Nebraska ("Issuer"), with certain disclosures required by the Municipal Securities Rulemaking Board (MSRB) Rule G-17 that relate to the proposed offering and issuance of Street, Sewer and Electric System Revenue Bonds or Notes, Series 2019 or 2020 (the "Securities").

The Issuer has engaged D.A. Davidson & Co. ("Davidson") to serve as an underwriter, and not as a Municipal Advisor, in connection with the issuance of the Securities. As part of our services as underwriter, Davidson may provide advice concerning the structure, timing, terms, and other similar matters concerning the issuance of the Securities. The specific terms of our engagement will be as set forth in a bond purchase agreement to be entered into by the parties if and when the Securities are priced following successful completion of the offering process.

1. Disclosures Concerning the Underwriter's Role, Compensation, Regulation and Educational Materials.

- (i) MSRB Rule G-17 requires an underwriter to deal fairly at all times with both municipal issuers and investors.
- (ii) An underwriter's primary role is to purchase the Securities with a view to distribution in an arm's-length commercial transaction with the Issuer. The underwriter has financial and other interests that differ from those of the Issuer.
- (iii) Unlike a municipal advisor, the underwriter does not have a fiduciary duty to the Issuer under the federal securities laws and is, therefore, not required by federal law to act in the best interests of the Issuer without regard to its own financial or other interests.
- (iv) The underwriter has a duty to purchase the Securities from the Issuer at a fair and reasonable price, but must balance that duty with its duty to sell the Securities to investors at prices that are fair and reasonable.

- (v) The underwriter will review the official statement for the Securities in accordance with, and as part of, its respective responsibilities to investors under the federal securities laws, as applied to the facts and circumstances of this transaction.¹
- (vi) The underwriter will be compensated by a fee and/or an underwriting discount that will be set forth in the bond purchase agreement to be negotiated and entered into in connection with the issuance of the Securities. Payment or receipt of the underwriting fee or discount will be contingent on the closing of the transaction and the amount of the fee or discount may be based, in whole or in part, on a percentage of the principal amount of the Securities. While this form of compensation is customary in the municipal securities market, it presents a conflict of interest since the underwriter may have an incentive to recommend to the Issuer a transaction that is unnecessary or to recommend that the size of the transaction be larger than is necessary.
- (vii) Davidson is registered as a broker-dealer with the U.S. Securities and Exchange Commission ("SEC") and the MSRB, and is subject to the regulations and rules on municipal securities activities established by the SEC and MSRB. The website address for the MSRB is www.msrb.org. The MSRB website includes educational material about the municipal securities market, as well as an investor brochure that describes the protections that may be provided by the MSRB rules and how to file a complaint with an appropriate regulatory authority.

2. Disclosures Concerning Additional Conflicts.

Davidson has not identified any additional potential or actual material conflicts that require disclosure.

3. Disclosures Concerning Complex Municipal Securities Financing

Since Davidson has not recommended a "complex municipal securities financing" to the Issuer, additional disclosures regarding the financing structure for the Securities are not required under MSRB Rule G-17. In accordance with the requirements of MSRB Rule G-17, if Davidson recommends a "complex municipal securities financing" to the Issuer, this letter will be supplemented to provide disclosure of the material financial characteristics of that financing structure as well as the material financial risks of the financing that are known to us and reasonably foreseeable at that time.

4. Questions and Acknowledgment.

If you or any other Issuer officials have any questions or concerns about these disclosures, please make those questions or concerns known immediately to the undersigned. In addition, you should

¹ Under federal securities law, an issuer of securities has the primary responsibility for disclosure to investors. The review of the official statement by the underwriter is solely for purposes of satisfying the underwriter's obligations under the federal securities laws and such review should not be construed by an issuer as a guarantee of the accuracy or completeness of the information in the official statement.

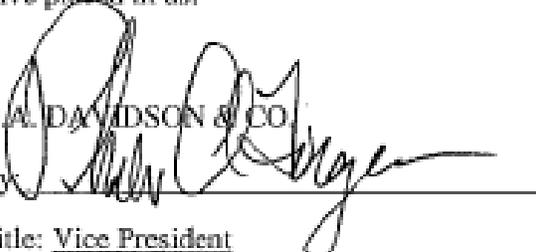
consult with the Issuer's own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent you deem appropriate.

It is our understanding that you have the authority to bind the Issuer by contract with us, and that you are not a party to any conflict of interest relating to the subject transaction. If our understanding is incorrect, please notify the undersigned immediately.

We are required to seek your acknowledgement that you have received this letter. Accordingly, please send me an email to that effect or sign and return the enclosed copy of this letter to me at the address set forth below. Depending on the structure of the transaction that the Issuer decides to pursue, or if additional potential or actual material conflicts are identified, we may be required to send you additional disclosures regarding the material financial characteristics and risks of such transaction and/or describing those conflicts. At that time, we also will seek your acknowledgement of receipt of any such additional disclosures.

Again, we thank you for the opportunity to assist you with your financing and the confidence you have placed in us.

D.A. DAVIDSON & CO.

By: 

Title: Vice President

Acknowledged this ___ day of May, 2019

City of David City, Nebraska

By: _____

Title: _____

The next agenda item was the request by Tom & Morgan VanWinkle to occupy the right-of-way. VanWinkle's are in the process of buying the home at 188 North 6th Street, and would like to install a fence for the safety of their children. This is a 50' corner lot which doesn't allow much room for a fence. Morgan said that when she went to look at the property with Building Inspector Ray Sueper, the setback would make the area look like a dog run. The right of way on "B" Street is 100'.

Morgan stated: "I think a chain link fence is really important, I have two 3-year-old children and I'll be completely honest, I had no idea that it even existed (the City's easements

and/or right-of-ways). It was a game changer and it was a lot of thinking whether we were even going to buy this house, and I can't believe I can't put up a fence to keep my children safe. I drive down that road and there is a fence on that road already and there are giant trees which are more of a significant issue than a chain link fence would be. It's a chain link fence, I do not understand how that is going to cause an issue in terms of what people are able to see on that road, I don't understand that."

Mayor Zavodny stated: "I don't know that it's what people are able to see, that's maybe one component, but there are the utilities and the precedent it sets. You are trying to follow the rules and that I respect, it's just what do we do with it is the question. One of the issues that was brought to me since this, is the liability; where does the City lie with that if she puts a fence on the right-of-way?"

City Attorney Egr stated: "I think liability flows to VanWinkle's."

Morgan VanWinkle stated: "Which we are willing to take on that liability."

Mayor Zavodny stated: "That was a hurdle that had to be addressed. The utilities, I think we got a partial answer from our G.I.S. mapping on the City stuff, there is a water line on the right-of-way but we haven't really had time to make sure that there's not Cable, gas, or phone. The process goes to the Council and you've got to decide if you're going to allow them to do it."

Council member Kobus asked: "Is that something we have to put in writing and have them sign it?"

Building Inspector Ray Sueper stated: "Where I come from, we have this thing called a right-of-way occupation permit and one of the terms of getting that permit, for like placing a park bench in the right-of-way, sidewalk area downtown, that type of thing, one of the conditions is that the City is named as additional insured on the property owners insurance for that occupation of the right-of-way."

Mayor Zavodny stated: "We don't have any forms or process though here for that."

City Attorney Egr stated: "I would have to research that. First of all, if somebody was going to hit that fence, let's say somebody had an accident or lost control and they went onto the right-of-way in that process, first of all, I think they've got to issue a contributory negligence on their part because they're supposed to stay on the road. I think if that happened and someone got injured, they're going to do a kitchen sink approach and they're going to bring in VanWinkle, they're going to bring in the City; I don't care how many written documents you have releasing the City; it doesn't make any difference. I don't believe in any of those waivers, I don't think they hold water."

Mayor Zavodny stated: "The question that never really did get answered for me is why, and maybe it's just because of the timing of when the additions were put together and the streets were laid out, why do we have so many different widths of our right-of-way?"

City Clerk Kovar stated: "We really don't."

Mayor Zavodny stated: "But we do."

fore-fathers who created the City probably had images of perhaps tree lined streets, light poles, sidewalks, so they had this wide right-of-way to accommodate that; again, visions of grandeur. At that point in time they did not have automobiles and they probably had visions of parking carriages and horses.”

Council member Kobus questioned that if we allowed VanWinkle’s to install a fence on the City’s right-of-way, how many other people were going to request that. “She put hers in the right-of-way, why can’t we?”

Planning Commission member Janis Cameron stated: “How are people going to know that?”

Council member Kobus stated: “Oh, they will know it, they’ll find out.”

City Attorney Egr stated: “The question the Council has to decide is, and this is no disrespect Morgan, what you’re looking at is if the council grants you an easement to put your fence on the right-of-way, then you’re going to have everybody else coming in and asking for an easement to put a fence on the right-of-way, then the Councils going to have to decide are they going to grant easements for everybody who wants a fence on the right-of-way, and then that’s a policy the Council has to decide if they want to do.”

There are several 50’ properties located on a corner lot with a 100’ right-of-way. Discussion followed.

Morgan stated: “Building Inspector Sueper stated that no-one else has requested this, so it hasn’t been an issue. So, even if you would allow me an easement, maybe someone else may come in tomorrow and request a fence on the right-of-way, but maybe no-one else will come in for another ten or twenty years.”

Mayor Zavodny stated: “The only thing we really have right now are the rules that help guide what happens and what doesn’t happen, so what we are being asked is, are we willing to change the rules in this instance? That’s what it comes down to. You have the rules in place. You know what the rules tell you you have to do, so are you willing to say, there is no harm to the City in this happening, are you willing to do something different here? That’s what it comes down to, so, how do you wish to proceed?”

Council member Kobus stated: “I think we should stick to our rules.”

Mayor Zavodny stated: “Well, we can’t have a negative motion, so what I’m going to do is ask if anybody wishes to make a motion on this. Is there a motion to be made? (Silence) If we do not make a motion then Council is taking no action on it. (Silence) Alright, the Council takes no action on this item.”

Council member Hotovy made a motion to approve Progress Estimate #18 for Constructors, Inc., in the amount of \$230,940.08. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Hotovy, and Kobus. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Kobus made a motion to approve Pay Estimate #7 to Eriksen Construction Co., in the amount of \$64,611.12 for the Wastewater Treatment Plant Project.

Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

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

Mayor Zavodny asked for consideration of the Committee and Officer Reports.

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

James McNally of Municipal Code Services was present to discuss the changes made to the current Ordinance Book and to present the final draft.

Council member Hotovy introduced Ordinance No. 1311 re-codifying the General Ordinances of the City. Mayor Zavodny read Ordinance No. 1311 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 Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Meysenburg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1311 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Ordinance No. 1311 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1311

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, RECODIFYING THE GENERAL ORDINANCES OF THE CITY; REPEALING PRIOR ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 0-001: RECODIFICATION

The ordinances of the City of David City, Nebraska, are hereby compiled and classified into ten chapters and the sections thereunder, which are adopted and declared to be the ordinances of this city.

SECTION 0-002: REPEAL PRIOR ORDINANCES IN CONFLICT

All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance are hereby repealed; provided, in construing the provisions of this ordinance, the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets or alleys;
2. Ordinances authorizing or directing public improvements to be made;
3. Ordinances levying taxes or special assessments;
4. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations;
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
6. Any other ordinance which by nature would be considered special.

SECTION 0-003: EXCEPTIONS

The repeal of ordinances as provided in the preceding section hereof shall not affect any right acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication hereof for the purpose of all such rights, fines, penalties, forfeitures, and liabilities and actions therefor.

SECTION 0-004: CONSTRUCTION OF CHAPTERS

For purposes of construction, each chapter contained and arranged in this code shall be considered as a separate and distinct ordinance grouped for convenience under General Codification Ordinance No. 1311, and each section appearing in the several chapters of this code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is considered.

SECTION 0-005: DEFINING CHAPTERS AND SECTIONS; ORDINANCE NUMBERING

The chapters and sections as set forth herein shall be and hereby are declared to be the chapters and sections to designate said provisions, and all ordinances hereafter passed shall be numbered consecutively.

SECTION 0-006: GENERAL DEFINITIONS

1. *Person*. Whenever used in this code, "person" shall include persons, artificial persons such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. *Gender, number*. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender, and all words importing the plural may be applied to and mean a single person, firm or thing, or vice versa; and all words importing the singular number may be applied to and mean plural number.

3. *Code, ordinance, article.* "Municipal code" shall mean General Codification No. 1311. "Ordinance" and "article" are used synonymously, unless from the context the contrary clearly appears.

4. *City, municipal, municipality.* These terms, whenever used in this code, refer to the City of David City, Nebraska, a municipal corporation.

SECTION 0-007: VALIDITY

Each chapter, section, and subdivision of a section of each ordinance is hereby declared to be independent of each other chapter, section, or subdivision of a section so far as inducement of the passage of this ordinance is concerned; and the invalidity of any chapter, section, or subdivision of a section of this ordinance shall not invalidate any other chapter, section, or subdivision of a section thereof.

SECTION 0-008: NONSUBSTANTIVE CHANGES

Municipal Code Services, Inc., and the city clerk be and hereby are authorized to make nonsubstantive changes in this ordinance to correct the spelling of words, capitalize or uncapitalize words, and make other similar changes in accordance with accepted usage or for consistency with terminology used in other provisions of this code. Municipal Code Services, Inc., and the city clerk are further authorized to make other nonsubstantive changes necessary to incorporate ordinance material into this code while preserving the original meaning of the ordinance sections.

SECTION 0-009: EMPOWERMENT OF OTHER LAW ENFORCEMENT PERSONNEL

The terms "city police" or "city law enforcement" shall apply in all instances to all other law enforcement officials, including the county sheriff and deputies and Nebraska State Patrol troopers. Whenever this codifying ordinance empowers the city police to take any action, such empowerment shall extend to and apply equally to the county sheriff or deputies or any Nebraska State Patrol troopers.

SECTION 0-010: DOLLAR AMOUNTS NOT REQUIRED TO BE INCORPORATED

All compensation amounts for city officials and employees, fees and charges for providing municipal services to the customers of such services, occupation taxes, and minimum fines for violation of municipal ordinances may be established from time to time by ordinance or resolution as required or permitted by Nebraska law. Any such ordinance or resolution shall be on file with the city clerk and available for public inspection during normal office hours. Such ordinances containing compensation, fees, charges, taxes and fines shall be published as required by law but it shall not be required that they be incorporated as part of the general ordinances in book form.

SECTION 0-011: FINES, COSTS, COMMITMENTS

In any case where any person, including a partnership or corporation, shall have been found guilty of the violation of any ordinance of the City of David City, such person shall pay the costs of prosecution and court costs and shall stand committed until the same shall have been paid in full.

SECTION 0-012: BLANKET PENALTY

Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of the within municipal code of ordinances, chapters, sections, or subdivisions of sections included herein, unless specifically otherwise provided herein, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed \$500.00.

SECTION 0-013: PUBLICATION AND DISTRIBUTION

This code was printed in book form under the direction of the Mayor and City Council and shall be distributed as they may see fit.

SECTION 0-014: WHEN OPERATIVE

This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 8th day of May, 2019.

CITY OF DAVID CITY, NEBRASKA

Mayor Alan Zavodny

ATTEST:

City Clerk Joan Kovar

CERTIFICATION OF PASSAGE

STATE OF NEBRASKA)
) ss.
COUNTY OF BUTLER)

I, Joan Kovar, City Clerk in and for the City of David City, Nebraska, do hereby certify that Ordinance No. 1311, which is herein set out, was duly passed by the City Council and duly approved by the Mayor of said city on the 8th day of May, 2019.

In testimony whereof, I have hereunto set my hand and affixed my official seal this 8th day of May, 2019.

City Clerk Joan Kovar

(S E A L)

Council member Hotovy made a motion to pass and approve Resolution No. 6 – 2019 directing the City Clerk to cause Ordinance No. 1311 to be printed and published in book form by Municipal Code Services of Neligh, Nebraska. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Resolution No. 6 – 2019 was passed and adopted as follows:

RESOLUTION NO. 6 - 2019

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, DIRECTING THE CITY CLERK TO CAUSE ORDINANCE NO. 1311 TO BE PRINTED AND PUBLISHED IN BOOK FORM BY MUNICIPAL CODE SERVICES OF NELIGH, NEBRASKA.

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska, that the City Clerk be and hereby is directed to cause Ordinance No. 1311, which was on this date duly passed by said council and approved by the Mayor, to be printed and published in book form by Municipal Code Services of Neligh, Nebraska, within 30 days after this date.

PASSED AND ADOPTED this 8th day of May, 2019.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

Mayor Alan Zavodny

City Clerk Joan E. Kovar

(S E A L)

James McNally of Municipal Code Services stated: “Ok, now, this is up to date now, as soon as the Legislature adjourns, we will provide ordinances, if necessary, for you to keep it up to date. From tonight on, you have a one-year guarantee that we will add any ordinances or change any ordinances. We do that to give you time to work with it to make sure it says what you want it to say. If there’s any problems, any questions at all, we will come back and answer those questions. If there’s any additions that need to be made, we’ll make those additions free of charge. So, that’s it. I would like to mention that Joan and Tami have been tremendous help in this process, they’re a real asset to this community.”

The next agenda item was the Encroachment Agreement with Northern Natural Gas Company. City Attorney Egr stated: “Craig Reinsch of Olsson and I got this “potholing” straightened out concerning the proposed Encroachment Agreement with Northern Natural Gas.”

Sent: Tuesday, April 30, 2019 2:14 PM

To: Craig Reinsch <creinsch@olsson.com>

Subject: RE: S25 T15N R2E in Butler County, NE - David City Water Treatment Plant - Encroachment Agreement

You are correct regarding the potholing, etc. If there were no changes and the City is ready to move forward with the encroachment agreement, they just need to sign in front of a notary and return the original back to me. If they want an original for themselves, they should print two copies and sign both and send them both to me. Once the agreement is signed at Northern, I'll record it with the County.

Thanks, Jeff Larson

I spoke with our field guy today. He mentioned that John Ryan had stated something different on the potholing. He said that his instructions were that if a joint were found that the City would have to fix it. This sounds different than what we have discussed.

Which condition is in the encroachment agreement that the City is to sign?

Thanks, Craig

To: Craig Reinsch <creinsch@olsson.com>

I talked to John Ryan with our Field Ops Team. He is up to speed on our agreement. You had it right. Thanks, Jeff Larson

OK, thanks for double checking and coordinating this. I'll share the information with our folks.

Thanks, Craig

Council member Hotovy made a motion to approve the Encroachment Agreement with Northern Natural Gas Company at the Wastewater plant. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Meysenburg, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Drafted by/Return to: Jeff Larson
Northern Natural Gas Company, 1111 South 103rd Street, Omaha, NE 68124-1000

NEB41701
(337-18)

ENCROACHMENT AGREEMENT

This instrument made and entered into this _____ day of _____, 2019, by and between NORTHERN NATURAL GAS COMPANY, a Delaware corporation, (hereinafter referred to as "Northern"), with principal offices at 1111 South 103rd Street, Omaha, Nebraska 68124-1000, and the CITY OF DAVID CITY, NEBRASKA, a Nebraska Municipal Corporation (hereinafter referred to as "Owner" whether one or more),

WITNESSETH THAT:

WHEREAS, Northern is the holder of an easement granted by Anna Meysenburg, et al. on the 13th Day of August, 1930, covering the following described premises in Butler County, Nebraska:

East Half (E½) of Section 25, Township 15 North, Range 2 East; and

which easement was recorded the 27th day of October, 1930, in Book 9 of Miscellaneous Records at Page 199 in the Office of the Recorder for Butler County, Nebraska (hereinafter referred to as "Easement"); and

WHEREAS, pursuant to the authority contained in said Easement, Northern has constructed and currently operates and maintains a 6-inch pipeline (NEB41701), along with the right to install additional facilities from time to time (hereinafter referred to as "Pipeline Facilities"), across and through the above described premises; and

WHEREAS, Owner is the present owner of the following described real property, with Pipeline Facilities situated upon the following described land in Butler County, Nebraska (hereinafter referred to as the "Owned Premises"):

See Exhibit "A"

WHEREAS, Owner plans to construct/install two buildings as well as a sidewalk, methane flame and sewer lines (hereinafter referred to as "Encroachment") upon and within a portion of the confines of Northern's Blanket Easement as depicted on Exhibit "B", with this written consent; and

WHEREAS, Owner has been advised by Northern that Northern is a natural gas transmission company and that Northern operates a high pressure underground natural gas pipeline through the Owned Premises; and

WHEREAS, Owner has requested permission from Northern to maintain, use, and enjoy the Encroachment upon a portion of Northern's Easement and in close proximity to Northern's Pipeline Facilities; and

WHEREAS, Northern is willing to grant such permission upon the terms and conditions set forth as follows.

NOW, THEREFORE, in consideration of the mutual covenants, terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. Northern hereby grants permission to Owner to maintain, operate and use upon the Owned Premises and in close proximity to Northern's Pipeline Facilities, the said Encroachment, subject to the following conditions:

A. That Owner assumes all risks for damages, injuries, or loss to either property or persons, which may be incurred by Owner or its respective agents, invitees, or licensees present on or in the vicinity of the Easement and in any way associated with said Encroachment.

B. That the permission granted herein is limited exclusively to the proposed Encroachment within Northern's Easement. Owner shall not alter the grade or permit such alteration anywhere on the land upon which Northern has reserved its easement rights, without the prior express written consent of Northern.

C. That Owner shall at all times conduct all its activities on said Easement in such a manner as not to interfere with or impede the operation of Northern's Pipeline Facilities and activities in any manner whatsoever.

D. That Owner shall not plant any trees or shrubs within the confines of Northern's Easement without the prior express written consent of Northern.

2. Owner agrees to indemnify, protect, and hold Northern, its parent, affiliates, subsidiaries, and their directors, officers, employees, representatives, and agents harmless from and against any and all actions or causes of action, claims, demands, liabilities, loss, damage, injury, suit, proceeding, judgment, cost, or expense of whatever kind or nature, including but not limited to reasonable attorneys' fees, arising from or as a result of any incident, act, action, cause of action, negligence, transaction or omission of Owner in connection with, or incidental to the construction, operation, maintenance, or use of the said Encroachment within, upon or in the vicinity of the Easement Area, or from the operation, maintenance, use or presence of Northern's Pipeline Facilities upon or in the vicinity of the Encroachment except where such loss, cost, liability, or expense was proximately caused by the negligence of Northern or its employees. It is understood and agreed by the parties that under this Agreement, Owner shall be jointly and severally liable.

3. Owner agrees that protection of Northern's Pipeline Facilities will be maintained at all times.

4. Should Northern need to remove any of Owner's said Encroachment within its Easement in order to construct, maintain, operate, repair, remove, or resize Northern's existing or additional Pipeline Facilities, Owner or its respective heirs, successors, and assigns shall pay the cost of removing and replacing or reinstalling said Encroachment. In addition, all repair and maintenance work performed by Northern on its existing or additional Pipeline Facilities located on the Owned Premises shall be performed in a reasonable workmanlike manner and Northern shall restore the surface and grade of the Owned Premises where the work is performed, but shall not be liable for loss, damage, or replacement to Owner's said Encroachment or any associated equipment and facilities that exist within the Easement, and in this regard, Owner hereby releases Northern, its employees, agents, officers, and directors from any and all liability for any such loss or damage.

5. The Parties hereto understand that this Agreement in no way constitutes a waiver by Northern of its rights to enjoy its Easement unencumbered by the construction of said Encroachment within Northern's Easement.

6. It is expressly agreed to by and between the parties hereto that if Owner is in violation of any terms or conditions set forth in this Agreement, Northern, at its option, may terminate this

Agreement upon ten (10) days' notice to the Owner. In the event of such termination, Owner shall immediately remove any and all of said Encroachment which may be situated on the Easement, or if Owner fails to remove any and all of said Encroachment, Northern may, at its option, remove said Encroachment at the expense of Owner and without any liability whatsoever. It is further agreed that the failure by Northern to exercise such option as to any such violation shall not constitute a waiver of Northern's future right to exercise such option as to the same or any future violation.

7. The provisions of the Easement, and all rights, powers, privileges, and duties, obligations, and liabilities created thereby, remain in full force and effect and are not affected hereby except to the extent and in the manner set forth above.

8. Owner agrees to indemnify, defend and hold Northern, its parent and affiliated companies, and the directors, officers and employees of any such corporate entities harmless from and against any liability, damage, claims, loss, cause of action, suit, proceeding, judgment, cost (including the cost or expense of environmental response, removal or remediation activities), fees or expense, including reasonable attorney's fees arising from: (1) non-compliance with any laws, regulations and orders applicable to the ownership or the operation and maintenance of the said Encroachment on the Owned Premises described herein, and (2) any incidents, acts, releases, negligence, transactions or omissions, or conditions on or affecting the Easement that would (i) contribute to or constitute a violation of any local, state or federal environmental rule, regulation, law or judicial order, (ii) result, in whole or in part, in any requirement to clean up or otherwise remedy or remediate a condition, (iii) give rise to any lien, liability, injunction, order, restriction, claim, expense, damage, fine or penalty, or (iv) adversely affect human health or the environment at or near the Easement.

9. TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS AGREEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED, AND AGREES ANY SUCH ACTIONS MAY NOT IN ANY EVENT BE CONSOLIDATED TOGETHER.

This instrument and the covenants and agreements herein contained shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the parties and the benefits of this Agreement shall run with the land.

IN WITNESS WHEREOF, the parties have executed this instrument the day and year first above written.

"NORTHERN"
NORTHERN NATURAL GAS COMPANY

"OWNER"
THE CITY OF DAVID CITY, NEBRASKA
A Nebraska Municipal Corporation

By: _____

Bryan P. Kruger
Attorney-in-Fact

By: _____

Name: Alan Zavodny

Title: Mayor

STATE OF NEBRASKA)
)SS
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, a Notary Public, this _____ day of _____, 2019, by *Bryan P. Kruger, Attorney-in-Fact*, for Northern Natural Gas Company, a Delaware corporation, on behalf of the corporation.

(S E A L)

Notary Public
My Commission Expires _____

STATE OF NEBRASKA)
)SS
COUNTY OF BUTLER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2019, by Mayor Alan Zavodny, on behalf of The City of David City, Nebraska, a Nebraska Municipal Corporation.

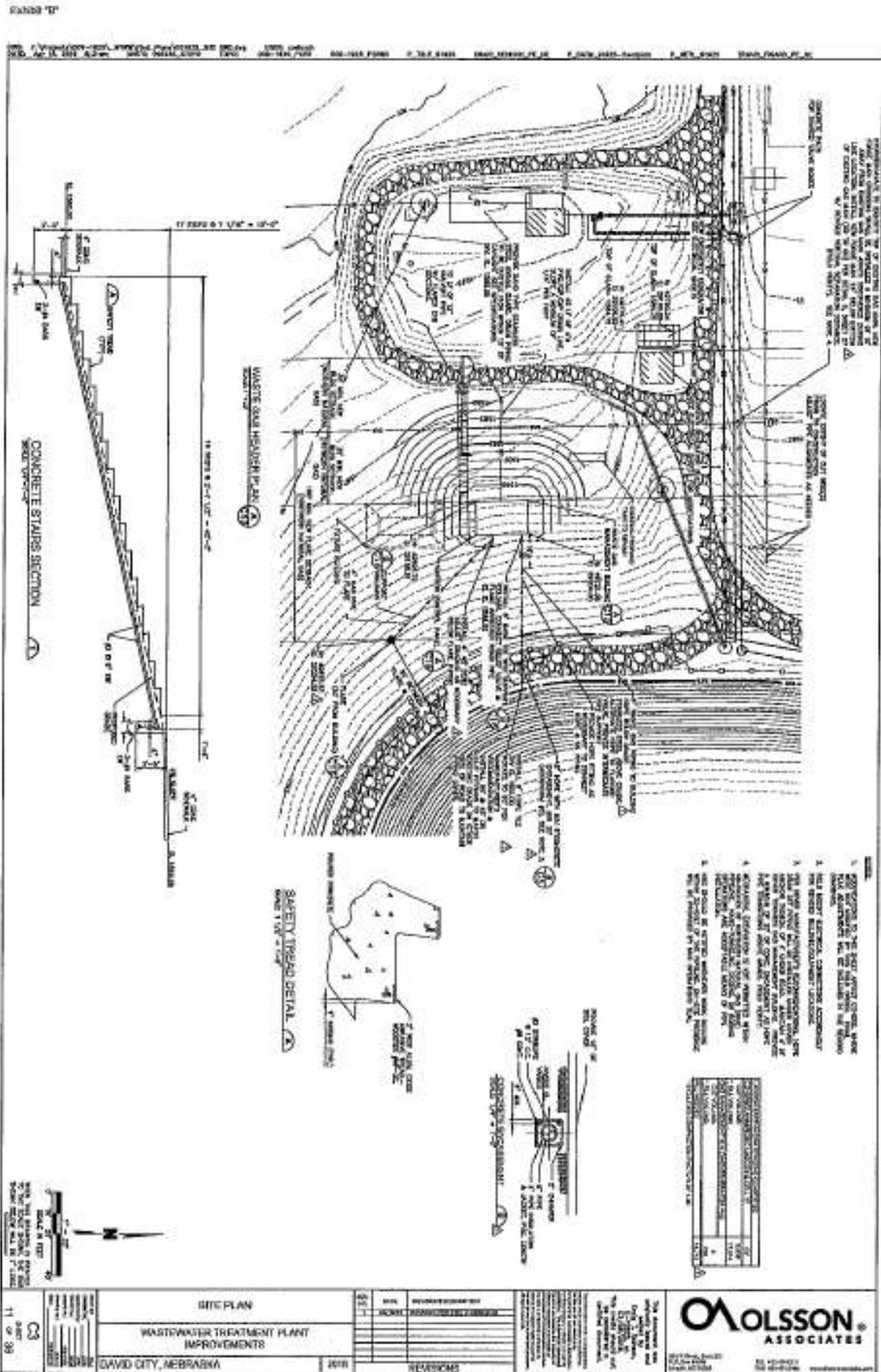
(S E A L)

Notary Public

Exhibit "A"

A tract of land located in Section 25 T15N R2E, and in the W½ of Section 30 T15N R3E, of the 6th P.M., Butler County, Nebraska, described as follows:

Beginning at a Point on the east line of the SE¼ of said Section 25, said Point being 217.80 feet south of the northeast corner of said SE¼; thence southerly, 273.51 feet, to the southeast corner of the N½ of the S½ of the N½ of the NE¼ of said SE¼; thence westerly, 1322.52 feet, to the southwest corner of the N½ of the S½ of the N½ of the NE¼ of said SE¼; thence southerly, 164.09 feet, to the southeast corner of the N½ of the NW¼ of said SE¼; thence westerly, 330.60 feet, to the northeast corner of the NW¼ of the SE¼ of the NW¼ of said SE¼; thence southerly, 328.34 feet, to the southeast corner of the NW¼ of the SE¼ of the NW¼ of said SE¼; thence westerly, 991.66 feet, to the southwest corner of the N½ of the SW¼ of the NW¼ of said SE¼; thence southerly, 328.82 feet, to the southeast corner of the NE¼ of the SW¼ of said Section 25; thence westerly, 990.06 feet, to the southwest corner of the E½ of the W½ of the NE¼ of the SW¼ of said Section 25; thence northerly, 1317.68 feet, to the northwest corner of the E½ of the W½ of the NE¼ of the SW¼ of said Section 25; thence easterly, on the south line of the NW¼ of said Section 25, 53.46 feet; thence northerly, at a deflection angle to the left of 75°30', 312.0 feet; thence northeasterly, at a deflection angle to the right of 16°00', 345.00 feet; thence easterly, at a deflection angle to the right of 59°30', 481 feet; thence continuing easterly, parallel with the south line of the NW¼ of said Section 25, 202 feet, more or less, to a point on the east line of the NW¼ of said Section 25; thence southerly, on the east line of the NW¼ of said Section 25, 457.90 feet; thence southeasterly, 201.75 feet, to a point on the south line of the NE¼ of said Section 25, said point being 141.42 feet east of the southwest corner of the NE¼ of said Section 25; thence easterly, on the south line of the NE¼ of said Section 25, 1579.24 feet; thence northerly, parallel with the east line of the NE¼ of said Section 25, 235.5 feet; thence easterly, parallel with the south line of the NE¼ of said Section 25, 925 feet, to a point on the east line of the NE¼ of said Section 25; thence southerly, on the east line of the NE¼ of said Section 25, 185.5 feet, to a point 50 feet north of the southeast corner of the NE¼ of said Section 25; thence easterly, parallel with the south line of the NW¼ of said Section 30, 200 feet; thence southerly, parallel with the west line of the NW¼ of said Section 30, 50 feet; thence continuing southerly, parallel with the west line of the SW¼ of said Section 30, 217.80 feet; thence westerly, parallel with the north line of the SW¼ of said Section 30, 200 feet, to the Point Of Beginning, containing 90 acres, more or less.



Mayor Zavodny declared the Public Hearing open at 7:35 p.m. to consider adopting new Subdivision Regulations that would replace Subdivision Regulations Ordinance No. 909.

Planning Commission Member Keith Marvin stated: "Two of the main things I think Council needs to be aware of that changes from the current one to this is: they would no longer have to deal with all of these administrative plats. That would go directly to Ray as the Building Inspector but it has to be backed up and then double signed by the Mayor. There are a list of criteria that have to be met in order to approve an administrative plat, and one of those is the other key item that I've heard grumblings about is that, unlike what we've been doing on the east end of town by Kozisek's, once one piece of ground is split off by an administrative plat process from a larger piece, the next time somebody wants to do it, it has to go through a complete platting process so that the whole thing gets looked at as opposed to a little piece here, a little piece there, and everything else. The idea behind the administrative plat process is to speed it up for the applicant."

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:38 p.m.

Council member Hotovy introduced Ordinance No. 1312 to be referred to as "Subdivision Regulation Ordinance" of the City of David City, Nebraska. Mayor Zavodny read Ordinance No. 1312 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 Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Meysenburg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1312 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Meysenburg, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Ordinance No. 1312 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1312

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE, "SUBDIVISION REGULATIONS" OF THE CITY OF DAVID CITY, NEBRASKA, REPEALING ANY CONFLICTING ORDINANCES, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. Adopting and incorporating by reference "Subdivision Regulations". There is, hereby, adopted and incorporated by reference for the City of David City, Nebraska, subdivision regulations to be known as "Subdivision Regulations" of the City of David City, Nebraska, as prepared by Keith Marvin of Marvin Planning, and published in book form, marked "Official Copy as adopted by Ordinance No. 1312".

SECTION 2. Jurisdiction. These regulations shall apply to all land located within the corporate limits of the City of David City, Nebraska and within one (1) mile of said corporate

limits as indicated on the Official Zoning Map of the City of David City, Nebraska, as same may be amended from time to time.

SECTION 3. Repeal. All other ordinances or parts of ordinances in conflict with the subdivision regulations as herein adopted and incorporated by reference, are hereby repealed.

SECTION 4. Effective Date. This ordinance shall be published in pamphlet form and shall be in force and effect from and after its passage as provided by law.

Dated this 8th day of May, 2019.

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny declared the Public Hearing open at 7:39 p.m. to consider Zoning Ordinance No. 1060, Article 5: Zoning Districts, by adding Section 5.10 R-4 High Density Residential and renumbering the remaining sections.

Planning Commission member Keith Marvin stated: "The Planning Commission brought forward the idea of creating a Residential District that would allow for smaller lots. When we started talking about affordable housing, a couple of things that are key are land prices, so if you can increase density with narrower lots and such, you can get the cost of acre down per lot so the idea is that this would be a district that would be able to be used throughout the community. It has to be a minimum of a city block, that had to be rezoned, so that you couldn't go in and just rezone a couple of lots."

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:41 p.m.

Council member Hotovy introduced Ordinance No. 1313 amending the Zoning Ordinance No. 1060, Article 5: Zoning Districts, by adding Section 5.10 R-4 High Density Residential and renumbering the remaining sections. Mayor Zavodny read Ordinance No. 1313 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 Kobus seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1313 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council

members Vandenberg, Meysenburg, Smith, Hotovy, and Kobus. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Ordinance No. 1313 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1313

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING ARTICLE 5: ZONING DISTRICTS BY ADDING SECTION 5.10 R-4 HIGH DENSITY RESIDENTIAL AND RENUMBERING THE REMAINING SECTIONS; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTION OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

ARTICLE 5 ZONING DISTRICTS

Section 5.10 R-4 High Density Residential

5.10.01 Intent: The purpose of this district is to permit high density residential, including single-family dwellings, two-family dwellings, and multi-family dwelling development in areas providing all public facilities and supporting facilities to maintain a sound and pleasant environment for the inhabitants. A rezoning to this district shall require a minimum of a one city block area.

5.10.02 Permitted Uses:

The following principal uses are permitted in the R-4 District:

1. Single family detached dwellings.
2. Two-family, duplex, dwellings.
3. Single family attached dwellings.
4. Publicly owned and operated facilities.
5. Public utility substations, distribution centers, regulator stations, pumping, treatment facilities, storage, equipment buildings, garages, towers, or similar uses.
6. Family Child Care Home.

5.10.03 Conditional Uses.

The following uses are subject to any conditions listed in this ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as recommended and approved by the Planning Commission:

1. Multiple family dwellings.
2. Townhouses and Condominiums.
 - a. Each unit is separated by a two-hour fire rated wall from the lowest level and continuing through the roof structure.
 - b. Each unit shall be serviced by separate facilities.
 - c. When each unit is in separate ownership, the accompanying lot shall not be in common ownership with any other unit.
 - d. No more than six units shall be connected in this district.
3. Churches, temples, seminaries, and convents including residences for teachers and pastors.

4. Home Occupations (Home Occ. I).
5. Child Care Center.
6. Charitable clubs and organizations.

5.10.04 Permitted Accessory Uses:

1. Buildings and uses customarily incidental to the permitted uses.
2. Home Occupations (Home Occ. II).
3. Decks, elevated patios either attached or detached.
4. Fences, pursuant to Section 8.03.
5. Temporary buildings incidental to construction work where such buildings or structures are removed upon completion of work.
6. Signs as provided for in Article 7.
7. Parking as provided for in Article 6.
8. Private swimming pool, tennis court, and other recreational facilities in conjunction with a residence.
9. Landscaping as required by Section 8.09.
10. Fireworks stands provided the criteria are met as established by the city through separate ordinances.

5.10.05 Height and Lot Requirements:

The height and minimum lot requirements shall be follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ³	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	3,200	40'	20'	6'	20'	35'	80%
Single-family Attached	3,200	40' per unit	(³)	6'	20'	35'	80%
Two-family Dwelling	6,400	80'	20'	6'	20'	35'	80%
Townhouses/Condominiums ⁴	<u>1,100</u> per unit	<u>14' per unit</u> ⁶	(³)	6' ⁵	20'	40'	80%
Multi-family Dwelling	1,500	100'	20'	(¹)	20'	55' ¹	70%
Other Permitted and Conditional Uses	7,000	50'	20'	6'	20'	55'	70%
Accessory Buildings	-	-	20'	6'	6'	17'	²

- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.
- 3 When townhouses and condominiums have garages loaded from an alley/private street and have a front porch may reduce the front yard setback to zero.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 7 Where there are three (3) or more units connected, the side yard at the ends shall meet this criteria, otherwise the side yard setback shall be zero (0) at common walls.
- 8 End lots shall be a minimum of 50' in width.

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 8th day of May, 2019.

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny declared the Public Hearings, Agenda #16 and Agenda #18, open at 7:43 p.m., simultaneously, to consider amending the Future Land Use Plan Map by changing the zoning classification from C – Commercial to I – Industrial; and the Official Zoning Map by changing the zoning classification from C-1 - Highway Commercial, to I-2 Heavy Industrial for the following real estate as requested by Samuel Stara dba Stara Machine, LLC: The NW¼ of Section 18, Township 15 N, Range 3E of the Sixth P.M. Butler County, Nebraska, described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less.

The Planning Commission had discussed this and the Industrial Zoning actually fits better with how Samuel Stara is utilizing this property.

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:45 p.m.

Council member Hotovy introduced Ordinance No. 1314 amending the Future Land Use Map as described above. Mayor Zavodny read Ordinance No. 1314 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 Meysenburg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Kobus, Hotovy, and Meysenburg. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1314 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Hotovy, and Meysenburg. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Ordinance No. 1314 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1314

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE ZONING CLASSIFICATION FROM C – COMMERCIAL, TO I – INDUSTRIAL FOR THE FOLLOWING REAL ESTATE: THE NW ¼ OF SECTION 18, TOWNSHIP 15 N, RANGE 3 E OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N90°00'00"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 89.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 15, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S06°11'15"E ON SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 221.29 FEET; THENCE N90°00'00"W PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 253.85 FEET; THENCE N00°00'00"E PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 220.00 FEET TO A POINT ON SAID NORTH LINE; THENCE S90°00'00"E ON SAID NORTH LINE, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.22 ACRES, MORE OR LESS; REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Land Use Plan be amended as follows:

- a. To amend the following property from C – Commercial, to I - Industrial for the following real estate: The NW ¼ of Section 18, Township 15 N, Range 3 E of the Sixth P.M., Butler County, Nebraska, described as follows:

Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less;

▲PID	OwnerName	PropertyAddress	OwnerAddress	LegalDesc
120008566	STARA, SAMUEL J	1351 RD 37	2550 J RD ULYSSES NE 68669-	DAVID CITY 18 15 3 PT NW1/4 1.22 AC ANNEXED

Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 3. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and adopted this 8th day of May, 2019.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Council member Vandenberg introduced Ordinance No. 1315 amending the Official Zoning Map as described above. Mayor Zavodny read Ordinance No. 1315 by title. Council member Vandenberg made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Hotovy, Smith, Kobus, and Vandenberg. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Vandenberg made a motion to pass and adopt Ordinance No. 1315 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Ordinance No. 1315 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1315

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED BELOW FROM C-1 HIGHWAY COMMERCIAL, TO I-2 HEAVY INDUSTRIAL, FOR THE FOLLOWING REAL ESTATE DESCRIBED: THE NW ¼ OF SECTION 18, TOWNSHIP 15 N, RANGE 3 E OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE N90°00'00"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 89.01 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 15, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE S06°11'15"E ON SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 221.29 FEET; THENCE N90°00'00"W PARALLEL WITH SAID NORTH LINE, A DISTANCE OF 253.85 FEET; THENCE N00°00'00"E PERPENDICULAR TO SAID NORTH LINE, A DISTANCE OF 220.00 FEET TO A POINT ON SAID NORTH LINE; THENCE S90°00'00"E ON SAID NORTH LINE, A DISTANCE OF 230.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.22 ACRES, MORE OR LESS; REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE

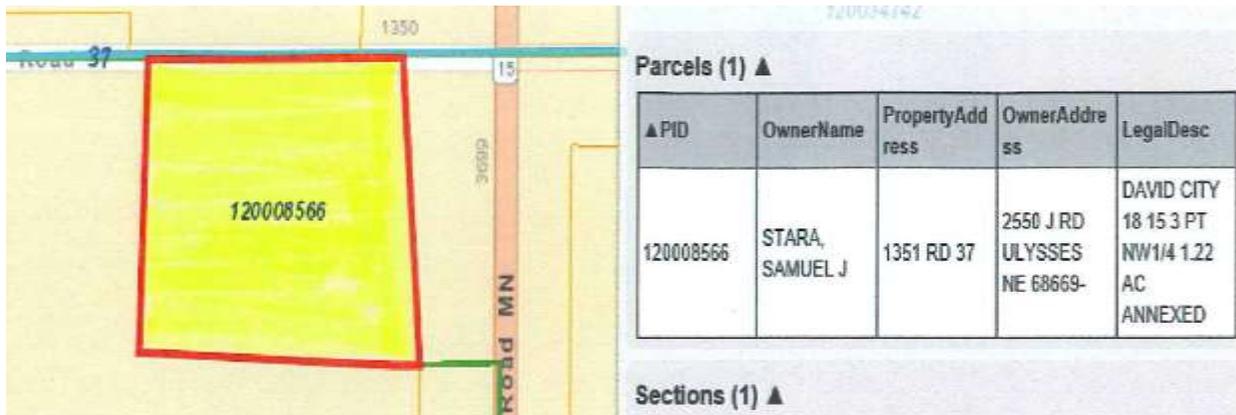
TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Official Zoning Map be amended as follows:

- a. To amend the zoning classification of real estate from C-1 Highway Commercial, to I-2 – Heavy Industrial for the following real estate:

The NW ¼ of Section 18, Township 15 N, Range 3 E of the Sixth P.M., Butler County, Nebraska, described as follows: Commencing at the Northeast Corner of said Northwest Quarter; thence N90°00'00"W (assumed bearing) on the North Line of said Northwest Quarter, a distance of 89.01 feet to a point on the westerly right-of-way line of State Highway No. 15, said point also being the point of beginning; thence S06°11'15"E on said westerly right-of-way line, a distance of 221.29 feet; thence N90°00'00"W parallel with said North Line, a distance of 253.85 feet; thence N00°00'00"E perpendicular to said North Line, a distance of 220.00 feet to a point on said North Line; thence S90°00'00"E on said North Line, a distance of 230.00 feet to the point of beginning, containing 1.22 acres, more or less;



Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

Section 3. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage, approval, and publication as provided by law.

Passed and adopted this 8th day of May, 2019.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Mayor Zavodny declared the Public Hearing open at 7:47 p.m. to consider a Substandard and Blight Study – Proposed CDA Area #5 – The purpose of the hearing is to obtain public comment on whether the real estate described in this notice (CDA Area #5) should be declared substandard and blighted pursuant to the Nebraska Community Development Law. A study (Study) has been compiled to determine if the proposed CDA Area #5 qualifies as substandard and blighted and to make said designation. Proposed CDA Area #5 – Block 5, Original Town, approximately 2.07 acres. (between 3rd - 4th Street and “G” – “H” Street)

Planning Commission member Keith Marvin stated: “This is what we kind of started referring to in my business as a “micro blight”; it is essentially a square block. This area goes around the block that consists of the Treat House. This gives the Council some other alternatives to demolishing the house at some point in the future. By declaring this block as blighted, this gives the C.D.A., which is the group that does the Tax Increment Financing work, the ability to potentially take possession of the house through eminent domain and then send out proposals for redevelopment of the property. So, what this is doing, is declaring it blighted so that you guys have the ability to work in that area as the C.D.A. and gives you other options down the road as you move forward.”

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:50 p.m.

Council member Vandenberg introduced Resolution No. 7 – 2019, declaring a certain area (CDA Area #5 – described above) of the City to be blighted and substandard and in need of redevelopment, and moved for its passage and adoption. Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

RESOLUTION NO. 7 - 2019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, DECLARING A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, SECTION 2104, OF THE REVISED NEBRASKA STATE STATUTES.

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the City of David City, Nebraska, (the “City”), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “Act”), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

WHEREAS, on Wednesday, May 8, 2019, at 7:00 o’clock p.m., a Meeting of the Mayor and City Council of the City was held at 557 North 4th Street, in the City, and a public hearing (the “Public

Hearing”) to determine whether that certain area more fully described on Attachment 1 (the “Redevelopment Area”) should be declared blighted and substandard and in need of redevelopment as required by the Act; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to declare the Redevelopment Area as blighted and substandard, pursuant to the Act; and

WHEREAS, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis (the “Blight Study”) prepared by Marvin Planning Consultants; and

WHEREAS, the Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed and discussed the recommendations received from the Planning Commission; and

WHEREAS, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

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

Section 1. The Redevelopment Area is hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.

ATTACHMENT 1.

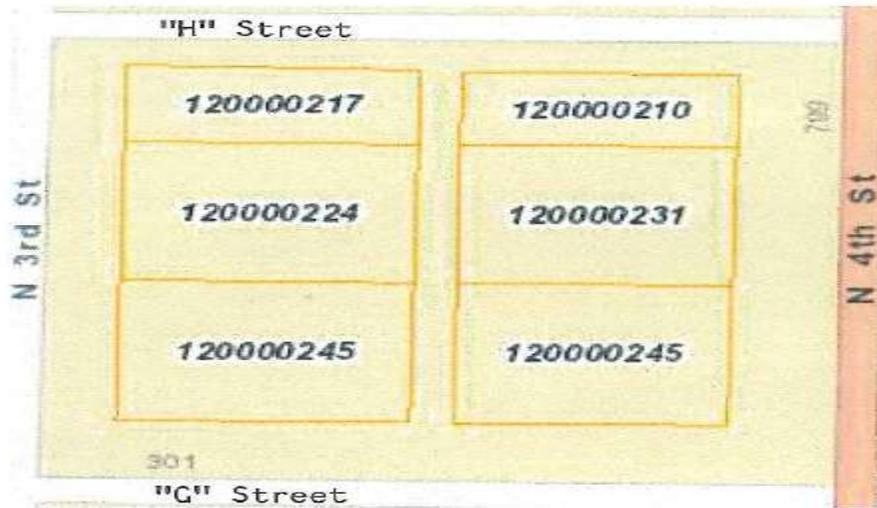
The following is the description of the designated area within David City.

Study Area

Block 5, Original Town of David City, Nebraska

Point of beginning (POB) is the intersection of 4th Street and “G” Street; thence westerly along the centerline of “G” Street to the centerline of 3rd Street; thence, northerly along 3rd Street to the intersection of 3rd & “H” Street; thence, easterly along the centerline of “H” Street to the centerline of 4th Street; thence southerly along said centerline of 4th Street to the POB.

Figure 1 Study Area Map



Section 2. The Redevelopment Area is hereby further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Section 5. This Resolution shall be published and shall take effect as provided by law.

Passed and approved this 8th day of May, 2019.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

BY _____
Mayor Alan Zavodny

City Clerk Joan E. Kovar

Mayor Zavodny declared the Public Hearing open at 7:50 p.m. to consider a Substandard and Blight Study - Proposed CDA Area #6 – The purpose of the hearing is to obtain public comment on whether the real estate described in this notice (CDA Area #6) should be declared substandard and blighted pursuant to the Nebraska Community Development Law. A study (Study) has been compiled to determine if the proposed CDA Area #6 qualifies as substandard and blighted and to make said designation. Proposed CDA Area #6 – The point of beginning is the intersection of Nebraska Highway 15 and County Road 37; thence westerly along said centerline of County Road 37 to the intersection with the centerline of County Road M; thence southerly along the centerline of County Road M to the intersection with the right-of-way of the Burlington Northern Santa Fe (BNSF) railroad; thence, southeasterly along said centerline to the intersection of the south line of a property described as 18-15N-3E PT NW1/4; thence, easterly along said southern property line and continuing along the southern property line of a tract described as David City 18-15N-3E PT SE1/4 SE1/4 NW1/4 and extending to the centerline of Nebraska Highway 15; thence northerly along said centerline to the point of beginning.

Keith Marvin stated: "This is the study you hired me to do some months ago, it was actually completed prior to the finishing of the annexation of the R.J. Hein property, Stara property, and Aurora Coop. I find no problems with declaring this area blighted and substandard due to the gravel roads, the age of structures which on average are over 40 years of age."

Mayor Zavodny asked for any additional comments from the public. There being none, Mayor Zavodny closed the Public Hearing at 7:52 p.m.

Council member Hotovy made a motion to pass and approve Resolution No. 8 - 2019, declaring a certain area of the City (Area #6 described above) to be blighted and substandard and in need of redevelopment. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Meysenburg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

RESOLUTION NO. 8 - 2019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, DECLARING A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, SECTION 2104, OF THE REVISED NEBRASKA STATE STATUTES.

WHEREAS, it is necessary, desirable, advisable, and in the best interests of the City of David City, Nebraska, (the "City"), for the City to undertake and carry out redevelopment projects in certain areas of the City that are determined to be blighted and substandard and in need of redevelopment; and

WHEREAS, the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the "Act"), prescribes the requirements and procedures for the planning and implementation of redevelopment projects; and

WHEREAS, Section 18-2109 of the Act requires that, prior to the preparation of a redevelopment plan for a redevelopment project, the Mayor and City Council shall, by resolution, declare the area to be blighted and substandard; and

WHEREAS, on Wednesday, May 8, 2019, at 7:00 o'clock p.m., a Meeting of the Mayor and City Council of the City was held at 557 North 4th Street, in the City, and a public hearing (the "Public Hearing") to determine whether that certain area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard and in need of redevelopment as required by the Act; and

WHEREAS, the City published and mailed notices of a public hearing regarding the consideration of declaring property to be blighted and substandard pursuant to Section 18-2115 of the Act, and has on the date of this Resolution held a public hearing on the proposal to declare the Redevelopment Area as blighted and substandard, pursuant to the Act; and

WHEREAS, the Public Hearing was conducted and all interested parties were afforded a reasonable opportunity to express their views respecting the declaration of the Redevelopment Area as blighted and substandard and in need of redevelopment, and the Mayor and City Council reviewed and discussed a blight and substandard determination analysis (the "Blight Study") prepared by Marvin Planning Consultants; and

WHEREAS, the Blight Study was forwarded to the Planning Commission of the City for its review and recommendation and the Mayor and City Council reviewed and discussed the recommendations received from the Planning Commission; and

WHEREAS, the Mayor and City Council desire to determine whether the Redevelopment Area is blighted and substandard and in need of redevelopment in accordance with the Act.

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

Section 1. The Redevelopment Area is hereby declared to be substandard and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(10) of the Act, as described and set forth in the Blight Study. The Redevelopment Area is more particularly described on Attachment 1.

ATTACHMENT 1.

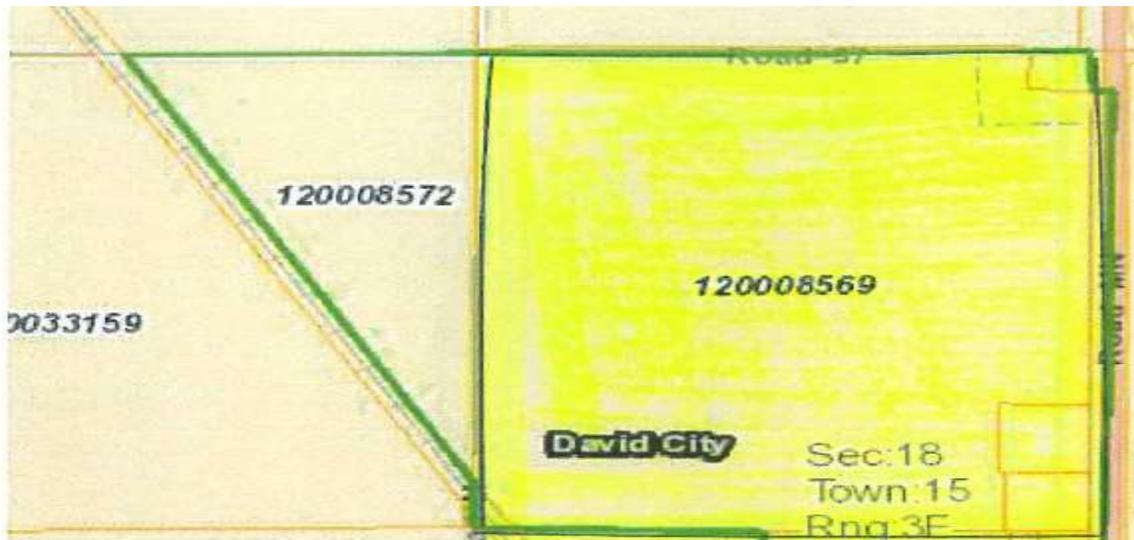
The following is the description of the designated area within David City.

Study Area

The point of beginning is the intersection of Nebraska Highway 15 and County Road 37; thence westerly along said centerline of County Road 37 to the intersection with the centerline of County Road M; thence southerly along the centerline of County Road M to the intersection with the right-of-way of the Burlington Northern Santa Fe (BNSF) railroad; thence, southeasterly along said centerline to the intersection of the south line of a property described as 18-15N-3E PT NW1/4; thence, easterly along said southern property line and continuing along the southern property line of a tract described as David City 18-15N-3E PT SE1/4 SE1/4 NW1/4 and extending to the

centerline of Nebraska Highway 15; thence northerly along said centerline to the point of beginning.

Figure 1 Study Area Map



Section 2. The Redevelopment Area is hereby further declared to be blighted and in need of redevelopment pursuant to the Act, in that conditions now exist in the Redevelopment Area meeting the criteria set forth in Section 18-2103(11) of the Act, as described and set forth in the Blight Study.

Section 3. The blighted and substandard conditions existing in the Redevelopment Area are beyond remedy and control solely through the regulatory process and the exercise of police power and cannot be dealt with effectively by the ordinary operations of private enterprise without the aids provided by the Act, and the elimination of the blighted and substandard conditions under the authority of the Act is hereby found to be a public purpose and declared to be in the public interest.

Section 4. The Redevelopment Area is in need of redevelopment and is or will be an eligible site for a redevelopment project under the provisions of the Act at the time of the adoption of any redevelopment plan with respect thereto.

Section 5. This Resolution shall be published and shall take effect as provided by law.

Passed and approved this 8th day of May, 2019.

CITY OF DAVID CITY, NEBRASKA

BY _____
Mayor Alan Zavodny

ATTEST:

City Clerk Joan E. Kovar

The next agenda item was consideration of the demolition bids received concerning the Treat House at 715 4th Street. Mayor Zavodny stated: "I am going to ask for a legal opinion on this. Some issues have come up since we agreed to move forward on this. I had one of the bidders call me today and raise some concerns about not being able to put together an accurate bid because they did not have access to the property. Are we obligated to open the bids or can we table this item?"

City Attorney Egr stated: "I think you can table the item."

Therefore, Council member Hotovy made a motion to table consideration of the demolition bids received concerning the Kathryn Treat residence at 715 4th Street, David City, NE, legally described as Lots 7, 8, 9, & 10, Block 5, Original Town of David City. Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Smith, Vandenberg, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Kobus made a motion to pass and adopt Resolution No. 9 – 2019 authorizing the Mayor to sign a purchase agreement for the sale of Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1st Addition, David City, Nebraska. Council member Hotovy seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Hotovy, and Kobus. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Resolution No. 9 – 2019 was passed and approved as follows:

RESOLUTION NO. 9 - 2019

A RESOLUTION OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT FOR THE SALE OF REAL ESTATE OWNED BY THE CITY OF DAVID CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, the City of David City, Butler County, Nebraska owns the following-described real estate:

Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1st Addition, David City, NE

WHEREAS, the City of David City, Butler County, Nebraska desires to sell the above-described real estate.

NOW, THEREFORE, BE IT RESOLVED:

1. Bids were opened on April 24, 2019 for the above-described parcel of real estate. The best bidder was Gary Meister Construction with a bid of \$20,100. The above-described parcel of real estate owned by the City of David City, Butler County, Nebraska shall be sold to Gary Meister Construction for \$20,100, and the closing shall be extended to June 26, 2019 after passing the 30-day right-of-remonstrance period.
2. The Purchase Agreement for Sale of Real Estate is hereby approved, ratified, and accepted, and the Mayor is hereby authorized, directed, and empowered to execute the same upon receipt of the executed Purchase Agreement by the buyer.

Passed and approved this 8th day of May, 2019.

 Mayor Alan Zavodny

 City Clerk Joan Kovar

Council member Kobus made a motion to accept the proposal by Obrist & Company, Inc., in the amount of \$112,970.50 to furnish all labor, materials, and equipment to provide Sanitary Sewer Improvements in the north end of town. Council member Meysenburg seconded the motion. Voting NAY: Council members Smith, Hotovy, Vandenberg, Meysenburg, and Kobus. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

PROPOSAL FORM

David City Sanitary Sewer Improvements to Serve Timple Manufacturing

TO: City of David City
 Attn: Ms. Joan Kovar
 657 North 4th Street
 David City, NE 68832

Date: April 15th, 2019

Furnishing all labor, materials, and equipment all in accordance with the attached specifications & drawings for the unit prices and extensions as follows:

Item	Bid Item	Unit	Quantity to Bid	Unit Price	Total
1	Mobilization/Demolition	LS	1	7,500.00	7,500.00
2	Traffic Control	LS	1	4,800.00	4,800.00
3	Construction Staking	LS	1	3,500.00	3,500.00
4	Removes and Replace Concrete	SY	100	83.00	8,300.00
5	48-inch Manhole	EA	3	4,250.00	12,750.00
6	Connect to existing sewer & reconstruct Invert	LS	1	5,500.00	5,500.00
7	8" PVC Pipe	LF	900	No Bid	0.00
8	Seeding	LS	1	3,500.00	3,500.00
9	Sewer line bored with castlock pipe, 3% minimum slope	LF	900	74.50	67,725.00
Total of All Unit Price Bid Items					112,970.50

Bidder agrees that the work will be substantially complete on or before _____ and will be completed and ready for final payment on or before _____

Obrist & Company, Inc.
 PO Box 681 Columbus, NE 68602

Name and Address of Firm

John S. Obrist President
 Signature and Title of Responsible Official

Council member Meysenburg made a motion to accept the proposal by Obrist & Company, Inc., in the amount of \$88,370.00 to furnish all labor, materials, and equipment to provide Water Main Improvements in the north end of town. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Vandenberg, Meysenburg, and Kobus. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

PROPOSAL FORM

David City Water Main Improvements to Serve Timplt Manufacturing

TO: City of David City
 Attn: Ms. Joan Kovar
 557 North 4th Street
 David City, NE 68832

Date April 16th, 2019

Furnishing all labor, materials, and equipment all in accordance with the attached specifications & drawings for the unit prices and extensions as follows:

Item No.	Description	Unit	Estimated Quantity	Bid Unit Price	Bid Price
1	Mobilization/Demolition	LS	1	7,500.00	7,500.00
2	Traffic Control	LS	1	4,000.00	4,000.00
3	Construction Staking	LS	1	3,500.00	3,500.00
4	Tap Existing 8-inch main with 8-inch tee & valve	EA	1	2,500.00	2,500.00
5	8-inch C900 PVC Water Main (Open Cut)	LF	860	No Bid	0.00
6	8-inch PVC C900 RJ Water Main Directional Drill or Horizontal Bore W/No Casing	LF	860	61.50	52,890.00
7	Ductile Iron Fittings	LS	1	3,500.00	3,500.00
8	8-inch Gate Valve w/ Box	EA	2	1,250.00	2,500.00
9	Fire Hydrant Assembly	EA	1	3,250.00	3,250.00
10	Remove & Replace Concrete	SY	38	85.00	3,230.00
11	General Clearing and Removal	LS	1	2,500.00	2,500.00
12	Seeding	LS	1	3,000.00	3,000.00
Total of All Unit Price Bid Items					88,370.00

Bidder agrees that the work will be substantially complete on or before _____ and will be completed and ready for final payment on or before _____.

Obrist & Company, Inc.
 PO Box 551 Columbus, NE 68602
 Name and Address of Firm

John D. Obrist President
 Signature and Title of Responsible Official

Over the past several years, Park/Auditorium Supervisor Bill Buntgen has hired John Paul Svec for his summer-time help. Bill would like to see him get a raise (21¢ /hr.) and so is requesting that the pay line be extended as follows:

Summer Time Help 9.00 9.20 9.41 9.62 9.83 10.04 10.25

Mayor Zavodny stated: "I am going on record as saying, probably 99 times out of 100 I'd think this was a good idea, I'm going to tell you tonight, I would prefer we "not" do this. I think it just creates a whole lot of problems that we're not prepared to deal with in how we are paying everybody else, with another issue that is looming that's certainly not resolved at this point, so I am recommending we do not take this action."

Council member Hotovy made a motion to indefinitely postpone consideration of increasing the pay line for the Park summer time help. Council member Kobus seconded the motion. Voting AYE: Council members Meysenburg, Smith, Vandenberg, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Street Supervisor Chris Kroesing would like to purchase a new Rhino 2150 Batwing Mower for mowing ditches, which was included in his proposed budget request: ½ Street and ½ Airport. Chris presented the following bids:

John Deere, Plains Equipment Group: 2019 RHINO 2150:	\$13,300.00
West Point Implement of Columbus, Inc.: RHINO 2150 Batwing:	\$13,100.00

Council member Kobus made a motion to accept the low bid of West Point Implement of Columbus, Inc. in the amount of \$13,100.00 (free delivery to David City) for a RHINO 2150 Batwing Mower, and to sell the current mower at Kobza's Auction. Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Smith, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to table consideration of hiring an attorney who specializes in nuisance properties. Council member Kobus seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Smith, Kobus, and Hotovy. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

Council member Hotovy made a motion to approve adopting Procurement Procedures and Code of Conduct to adhere to Code of Federal Regulations (FEMA). Council member Meysenburg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, and Meysenburg. Voting NAY: None. Council member Trowbridge was absent. The motion carried.

There being no further business to come before the Council, Council member Kobus made a motion to adjourn. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Kobus, Smith, and Meysenburg. Voting NAY: None. Council member Trowbridge was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:06 p.m.



CERTIFICATION OF MINUTES
May 8th, 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 May 8th, 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