

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

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **12<sup>th</sup> day of September, 2018**, in the meeting room of the City Office, 557 North 4<sup>th</sup> Street, David City, Nebraska.

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

Dated this 5<sup>th</sup> day of September, 2018.

**AGENDA AS FOLLOWS:**

- |  |  |
|--|--|
| 1. Roll Call;  | <hr/> Mayor Alan Zavodny                   |
| 2. Pledge of Allegiance;   |  |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;   | <hr/> Council President Gary D. Smith      |
| 4. Minutes of the August 8 <sup>th</sup> , 2018 meeting of the Mayor and City Council;   |  |
| 5. Consideration of Progress Estimate #13 for Constructors, Inc. in the amount of \$561,985.85;  | <hr/> Council member Thomas J. Kobus       |
| 6. Consideration of an Electrical Change Order for Constructors, Inc. in the amount of \$13,946.90;  | <hr/> Council member Dana E. Trowbridge    |
| 7. Consideration of Claims;  |  |
| 8. Committee and Officer Reports;  | <hr/> Council member Kevin N. Hotovy       |
| 9. Discussion / Consideration of the mowing notice Bob Wright received concerning the property at 210 So. 8 <sup>th</sup> Street;  |  |
| 10. Discussion / Consideration of a house moving permit as requested by Nicholas Schneider, 507 Oak Street;  | <hr/> Council member Patrick J. Meysenburg |
| 11. Consideration of the request by the Butler County Ambassadors to install frisbee golf in the City Park area;   | <hr/> Council member John P. Vandenberg    |
| 12. Discussion concerning Henningsen Foods annual rate review;   |  |
| 13. 7:15 p.m. Public Hearing: Budget Hearing and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget Fiscal Year 2018 – 2019; | <hr/> City Clerk Joan E. Kovar             |

14. Consideration of Ordinance No. 1291 adopting the budget statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2018 – 2019 fiscal year;
15. 7:20 p.m. Public Hearing to consider setting the final tax request at a different amount than the prior year tax request;
16. Consideration of Resolution No. 9 - 2018 approving an additional one percent (1%) increase in restricted funds;
17. Consideration of Resolution No. 10 - 2018 setting the property tax request;
18. Consideration of Resolution No. 11 - 2018 carrying forward the unused budget authority;
19. Consideration of appointing Tina Kirby to the Library Board for a 4 year term September 2018 – August 2022;
20. Public Hearing to consider amending Zoning Ordinance No. 1060 Article 5: Section 5.05 TA Transitional Agriculture District, by amending Section 5.05.03 Conditional Uses by deleting 9. Agricultural storage facilities for equipment and grain, and amending Section 5.05.02 Permitted Uses by adding 11. Agricultural storage facilities for equipment and grain;
21. Consideration of Ordinance No. 1292 amending Section 5.05 TA Transitional Agriculture District, changing Agricultural storage facilities for equipment and grain to a Permitted Use rather than a Conditional Use, as described above;
22. Public Hearing to consider amending Zoning Ordinance No. 1060 Article 4: General Provisions Section 4.14 Accessory Buildings and Uses, by adding an Exception under A) that states:
  - Accessory Buildings 120 square feet or less shall be exempt from the design standards above and must be anchored to meet wind ratings, and amending #2 under A) to the following:
    - 2) Accessory structures with open sides must be professionally rated or engineered to resist a 110 MPH wind and shall have footings designed in accordance with the assigned weight and wind loading; (previously was a 90 MPH wind)
23. Consideration of Ordinance No. 1293 amending Section 4.14 Accessory Buildings by adding an exception under A) and amending the wind resistance from 90 MPH to 110 MPH, as described above;
24. Public Hearing to consider modifying Section 5.07 R-1 Single-Family Residential, Section 5.07.05 Height and Lot Requirements; Section 5.08 R-2 Two-Family Residential, Section 5.08.05 Height and Lot Requirements: 1) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot; and to modify Section 5.09 R-3 Multi-Family Residential, Section 5.09.05 Height and Lot Requirements: 2) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot;
25. Consideration of Ordinance No. 1294, as described above, amending R-1 Single-Family Residential; R-2 Two-Family Residential; and R-3 Multi-Family Residential; that Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot;
26. Hearing to consider protests or objections, concerning the statement of expense for the demolition of the house located at 897 No. 5<sup>th</sup> Street, owned by Milda Gray;
27. Consideration of Resolution No. 12 – 2018 setting a special assessment against the property legally described as Lot 1 & N. 10' of Lot 4, Block 8, Litty's 1<sup>st</sup> Addition to David City (897 No. 5<sup>th</sup> Street), owned by Milda Gray;
28. Consideration of Resolution No. 13 – 2018 League Association of Risk Management (LARM) insurance coverage beginning October 1, 2018;
29. Consideration of Resolution No. 14 – 2018 setting a weight limit, and/or prohibiting truck traffic, on "O" Street between 4<sup>th</sup> Street and 11<sup>th</sup> Street;
30. Consideration of Obrist Construction doing the storm sewer work by Timpte;

31. Consideration of closing the City's Checking and Payroll Accounts at U.S. Bank and opening these accounts at the Bank of the Valley;
32. Review and consideration of the draft study concerning the Timpte expansion traffic study;
33. Adjourn.

## CITY COUNCIL PROCEEDINGS

September 12, 2018

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 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on September 6<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council President Gary Smith, and Council members Pat Meysenburg, John Vandenberg, Thomas Kobus, Dana Trowbridge, and Kevin Hotovy, Attorney Tim Wollmer, and City Clerk Joan Kovar.

Also present for the meeting were: Craig Reinsch of Olsson Associates, Jeff Hilger, Deb Dinkelman, Jim Angell, Nicholas Schneider, David McPhillips, Planning Commission Members Pam Kabourek, and Janis Cameron, Sheriff Marcus Siebken, Building Inspector Ray Sueper, and Water/Sewer Supervisor Travis Hays.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the August 8<sup>th</sup>, 2018 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Meysenburg. Voting AYE: Council members Hotovy, Smith, Vandenberg, Kobus, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

Mayor Zavodny stated that Craig Reinsch of Olsson Associates had both agenda items #12 and #32, so asked that agenda item #32 be moved up after item #12. Council member Vandenberg made a motion to advance agenda item #32 up for consideration after agenda item #12. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Trowbridge, Hotovy, Meysenburg, Kobus, and Vandenberg. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Progress Estimate #13 for Constructors, Inc., in the amount of \$561,985.85. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve the change order for Constructors, Inc. in the amount of \$13,946.90 for additional electrical work on the traffic pole and LED sign, with the understanding that the City will bill the County for \$4,942.30 of this change order, for the installation of a light pole in the northeast corner of the south parking lot, which the Board of Supervisors approved at their August 20, 2018 meeting. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Smith, Meysenburg, Hotovy, Kobus, and Vandenberg. Voting NAY: None. The motion carried.

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

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

Council member Trowbridge stated that he would like a report from the Park Department, at the Committee of the Whole Meeting, as to how we are progressing on the restrooms and what is going on.

Building Inspector Ray Sueper stated that he has been working and working with Rodger & Kathy Treat concerning their house at 715 4<sup>th</sup> Street, however he really hasn't seen any success or proactiveness as far as improvements being made to the property. Ray just wanted to let the Council know that his next step is to elevate the actions he is able to take to get this property cleaned up. Discussion followed.

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

Bob Wright was not present to discuss the mowing notice, and the bill for mowing, that he received concerning the property located at 210 So. 8<sup>th</sup> Street.

Council member Trowbridge stated: "Bob doesn't believe he owns the property and I tend to side with him."

Council member Meysenburg stated: "So do I. I was in the Court House for a discussion on this. The County Attorney says that the County owns the property."

The City tore the house down at 210 So. 8<sup>th</sup> Street several years ago and have since been mowing it. The liens for such are filed at the court house. Bob Wright tried to buy the property at a County auction, however, the liens have not been paid.

Council members Meysenburg and Trowbridge attended a meeting with the County Board to discuss several properties that the City has filed liens on for demolition and/or mowing. Council member Trowbridge stated: "We talked about several situations that have come up in

town. Some have been explained, some haven't been explained, and some not very well. This one not very well; this one is a muddle. There has to be a resolution to it; the law has to have an end somewhere".

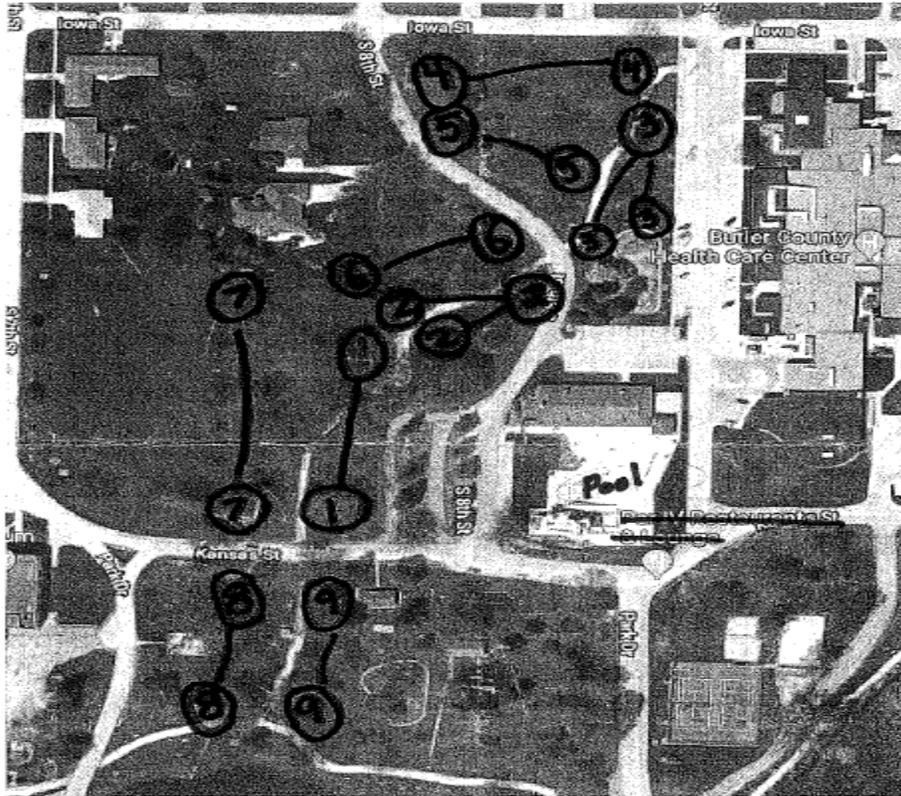
Council member Meysenburg stated: "It seems like it depends on how the liens were filed."

Attorney Tim Wollmer stated: "I talked to Jim (City Attorney Egr) briefly and he was aware of this. He said what was going to be presented here today was the whole issue of owning the tax certificate versus owning the property, and so I understand that if you own the tax certificate you don't have to pay for mowing, but I didn't do the legal search. I can search the property and make sure, and talk to Julie Reiter (County Attorney) I guess."

Mayor Zavodny stated: "Let's take that step. By the Committee of the Whole meeting which is in two weeks, do you think we'll be able to figure out who legally owns it, and work through the process? Do we have any idea what the total of the back taxes are? We talked about if we could get it for the amount of the back taxes, and that is only way that we could decide as a City how much of our liens to recoup, and just get it back on the tax rolls. This is going to keep going on forever, and ever if we don't just say "enough". The only way to fix this.....we can't forgive the lien. When Leo Meister owned it we didn't do it; they were asking. I think we have to get ownership of it and sell it through bids. I guess what I am asking the Council is, does it make sense to you to say, Ok, Bob had some expense with it, if we could negotiate with him and figure out exactly what the County would take, if we could get it for \$6,000 - \$8,000 and then we're the only other lien holder, then we're probably in an okay position. We are never going to get the costs that we've already spent on it, so we are going to have to write off some of that and just get it back on the tax rolls." Discussion followed. The Council decided there was no need to table this; if Bob Wright wants to talk about this he can simply request that in the future.

Nicholas Schneider, 507 Oak Street, had requested an agenda item to discuss a house moving permit. Nicholas Schneider was present and stated that he would like the item tabled. Therefore, Council member Trowbridge made a motion to table consideration of a house moving permit as requested by Nicholas Schneider. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Deb Dinkelman, representing the Butler County Ambassadors, presented the following potential layout as part of their request to install frisbee golf in the City Park area:



Deb Dinkelman stated that a lot of people have expressed interest in frisbee golf and that this area of the Park is not even being utilized. They would do fund raisers to support the project. Deb stated: "The disc catchers are permanent and they would be cemented into the ground. We are hoping, we're not totally sure on this yet, but we would like to create a 4 x 6 cement ground level launch pad that they tee off on at each of the nine holes. There will be signs erected by each of the tees as well as a little map of where the next hole is, and it shows the whole frisbee golf course on there, and obviously that will be mounted in the ground as well. My son plays frisbee golf a lot and he thought it would be neat to have it here in town, he has a friend that plays, and the more I'm talking to people the more I've heard that we need some recreational activity. You do see them in a lot of different Parks; Columbus has one, Lincoln has a really nice one. I am thinking each one of the holes is going to be in the \$550 - \$600 range. We need to plan our sponsorships and what we want to do, but we just need the okay so we can get started; I don't imagine we'll actually be working on it until Spring."

Mayor Zavodny stated: "Are there any major objections to the plan as presented?"

Council member Trowbridge stated: "I'm not particularly fond about planting 18 chunks of concrete in the Park and impeding the normal flow of the Park; putting little things for people to walk into. Are they going to be lighted? If I walk through the Park at night are they going to have lights on them so I can see them?"

Mayor Zavodny stated: "I'm wondering, is that the best location? Is there somewhere else, although I don't know where? I just would hate to have it be done and it just doesn't get used. I would like to learn more about it, is that college aged, or who is playing it? We won't do anything with this tonight but will discuss it further at the Committee of the Whole Meeting on September 26<sup>th</sup>."

Craig Reinsch of Olsson Associates was present and stated that he conducted the annual rate review with Henningsen Foods on August 30<sup>th</sup>. They had several questions that the Council will need to decide on. Craig presented the following:

This memorandum was prepared to summarize the discussion from the annual rate review with Henningsen Foods. This review was completed with representation of Henningsen Foods, the City of David City, and Olsson Associates on Thursday, August 30, 2018.

As a review, the proposed budget is used as a basis to allocate costs between the wastewater treatment facility (WWTF) and Sanitary Sewer system. This allocation then becomes part of the basis of the Sewer System Maintenance, Proportionate Fixed and Variable Costs included in the annual rate. Several questions were asked by Henningsen Foods regarding the budget, and the associated allocation, as follows:

1. 26-2112 – Salaries: Administrative: It was requested that this line item be removed from Henningsen's allocation, as they paid the \$15,000 amount last year, which was not used for actual salary of a City Administrator. The current budget request is similar to last year's.
2. 26-2211 – Attorney and Legal Fees: It was requested that this line item be reduced (i.e. to \$5,000) as it is anticipated that legal fees will not be as high as they were this fiscal year with an agreement review, etc. The current budget request is \$9,000.
3. 26-2510 – Capital Improvement: Land & Buildings: It was requested that this line item be removed from Henningsen's allocation as they paid \$30,750 for projects that were not completed this year. The current budget request is for \$5,000.
4. Another discussion item was in regards to potential budget credits due to budget underspending. The current agreement does not provide for a procedure for this request.

These modified changes decrease Henningsen's monthly allocation by \$638, or \$7,656 per year. The daily surcharge amounts were also reduced by \$0.01 to \$0.02 in each category.

In addition, the Capital Improvement Annual Cost allocation was discussed. With the current debt amount retiring in December 2018, it was discussed that the current monthly amount would be paid by Henningsen through their January 2019 wastewater invoice. However, Henningsen Foods requested a revised allocation to begin in February 2019, which includes a "proposal" of the amount. I have put together an initial calculation suggestion for your consideration, which includes both the WWTF Improvement and Sanitary Sewer Rehabilitation projects. Please note that only the WWTF Improvement project percentages are included in the revised (2018) agreement between the City and Henningsen Foods. A summary of this information is provided:

Current Capital Improvement Annual Costs (i.e., through December 2018):

Loan Amount =	<u>\$2,728,924</u>	Annual Debt Payment =	\$204,730	(Expires 12/2018)
Length of Loan =	<u>20 years</u>			
Interest Rate =	<u>4.22%</u>			
A/P =	0.07502	Henningsen Foods Debt Payment -	Annual =	\$110,554
			Monthly =	<b>\$9,213</b>
		City's Debt Payment -	Annual =	\$94,176
			Monthly =	<b>\$7,848</b>

Proposed Capital Improvement Annual Costs (i.e., starting February 2019):

Loan Amount =	\$4,339,500	USDA Conditions	
Length of Loan =	40	years	
Interest Rate =	2.00%		
A/P =	0.03656	40 years	
	0.06116	20 years	
Annual Anticipated Debt Payment (20 years) =	\$265,404		
<u>Henningsen's Portion of the new Loan (WWTP Only):</u>		<u>City's Portion of the new Loan:</u>	
(Per 2018 Agreement, Part 10b) =	\$1,520,350	Remaining Loan Amount (less Henningsen's portion) =	\$2,819,150
Annual =	\$92,985	Less Set-Aside from 2016 Agreement (contribution to sanitary sewer rehabilitation project) =	\$66,000
Monthly =	<b>\$7,749</b>		\$2,753,150
Difference from current =	-\$1,464		
		Annual =	\$168,383
		Monthly =	<b>\$14,032</b>
Starts in February 2019		Difference from current =	\$6,184
		*Pending additional City contributions	

Note: Current construction costs of \$2,554,800 (not including engineering or other project costs) exceed the 2018 Agreement (Part 10b) amount of \$2,339,000, so the maximum amount is included in the calculations below for Henningsen's share (\$1,520,350, or 65% of total amount).

One item in question is how to allocate the amount set-aside from the 2016 Agreement, which states, under Section 13 *INCIDENT CHARGES*: "For the first thirty (30) months of this agreement, all funds received by the City for COD incident charges shall be set aside by the City to be expended for capital improvements as contemplated by the parties pursuant to this agreement." This amount, as contained in the City's 23-1573 account, is \$66,000. This amount has been shown as being used to reduce the City's portion of the remaining loan, as part of Henningsen's contribution to the Sanitary Sewer Rehabilitation portion of the project.

Using the assumptions presented herein, the new Capital Improvement Annual Costs will be assessed per the summary table provided below:

	Henningsen Foods	City
Current Monthly Allocation (through January 2019)	\$9,213	\$7,848
Proposed Monthly Allocation (starting February 2019)	\$7,749	\$14,032
Difference	-\$1,464	\$6,184

It should be noted that the USDA loan has a life of 40 years. The agreement provides for repayment in 20 years. The calculations provided herein have been completed presuming a 20 year repayment. The actual annual payment required by USDA (approx. \$158,653) will be less than what is shown.

Prior to finalizing these improvement allocations, feedback from the City regarding support for these proposed amounts is needed. The information can then be submitted to Henningsen Foods for their review and consideration. Should additional discussion be desired by Henningsen after their review of the City's recommendations, additional meetings with the Council may be requested.

The amended budget information and select annual rate documents as provided to Henningsen Foods are enclosed for review and reference. I am available to attend the September City Council meeting to discuss these items, if needed.

Per the current agreement, the City Council will need to pass an ordinance or resolution that finalizes the annual rate between the City and Henningsen Foods. This will be an annual event, per the agreement. Feedback regarding the City's desired procedure for this would be appreciated. It is anticipated that this resolution or ordinance would be considered at the City's October council meeting, which would be passed in time to set the new rate for the billing cycle later the same month. We will provide information regarding the proposed charges to the City after each year's annual rate review meeting.

Please feel free to contact me with any questions that you may have at either 402.458.5671 or [creinsch@olssonassociates.com](mailto:creinsch@olssonassociates.com).

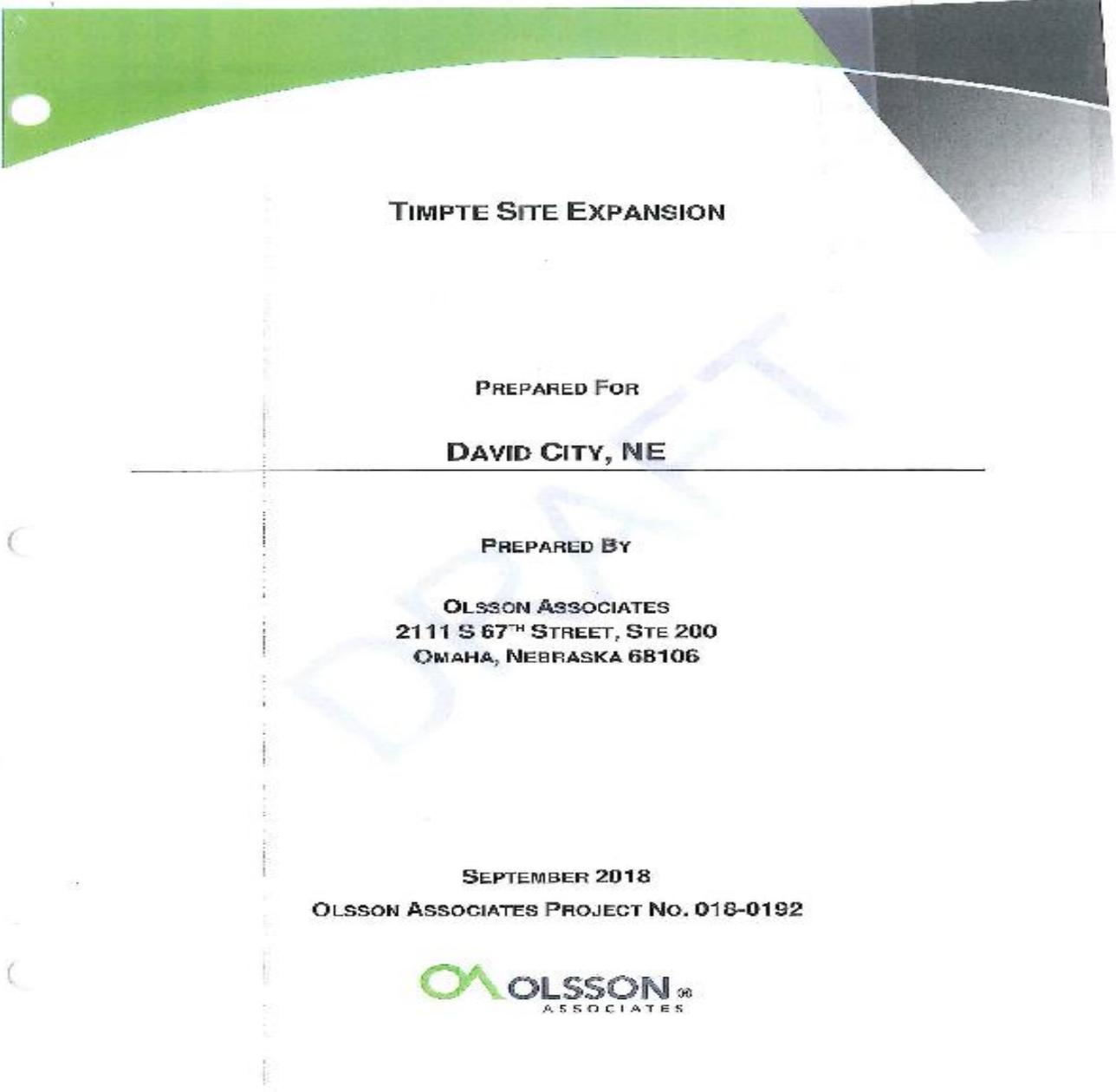
Respectfully submitted by: Craig Reinsch, PE

Discussion followed. Craig will make adjustments as requested by the City Council before submitting it back to Henningsen Foods for their review and consideration.

Craig Reinsch stated: "We are going to have a pre-construction meeting for the Waste Water Project next Thursday, September 20, 2018, and Joan has asked me to work on EPA's request requiring an update every six months, with the first one being October 1<sup>st</sup>, so I will be talking to Council about how we want that to look. Again, the first one set it up, and then every six months thereafter until the project is done."

Mayor Zavodny stated: "I just don't want to forget that piece because we have been going forward, working together, and we want to keep doing that."

Craig Reinsch also presented the Timpte Traffic Study, although he stated that he was not the one who actually worked on it.



**TIMPTE SITE EXPANSION**

**PREPARED FOR**

**DAVID CITY, NE**

**PREPARED BY**

**OLSSON ASSOCIATES  
2111 S 67<sup>TH</sup> STREET, STE 200  
OMAHA, NEBRASKA 68106**

**SEPTEMBER 2018**

**OLSSON ASSOCIATES PROJECT NO. 018-0192**





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Appendix C	Geometric Improvement Evaluation
Appendix D	2038 Background Capacity Analysis Reports
Appendix E	Plus Site Capacity Analysis Reports

David City, NE

## 1.0 INTRODUCTION AND PURPOSE

This report documents the results of traffic analyses conducted for the site expansion to an existing light industrial land use owned by Timpte, Inc. located west of the intersection of Highway 15 (N-15) & "S" Street in David City, Nebraska. A map showing the general location of the study area is illustrated in **Figure 1**.

The purpose of the analysis was to determine the impacts of site traffic on the surrounding roadway network and to identify any roadway improvements needed to mitigate those impacts. There were four scenarios analyzed as part of this study: Existing Conditions, Existing plus Site Conditions, 2038 Background Conditions, and 2038 Build Conditions. The year 2038 was chosen to represent the 20-year long-term horizon year. Specific recommendations are included at the end of this report.

## 2.0 DATA COLLECTION

Data collection was coordinated by Olsson Associates that included peak hour turning movement counts. A review of the existing roadway network including roadway type, general roadway geometrics, and traffic control device locations was completed as part of the data collection effort.

### 2.1 Peak Hour Turning Movement Counts

Twelve-hour turning movement counts were taken on Tuesday, July 31, 2018 at the intersections of N-15 & "S" Street & N-15 & "O" Street in David City, NE. Each count was taken at 15 minute intervals from 6:00am – 6:00pm. These counts included heavy vehicle documentation.

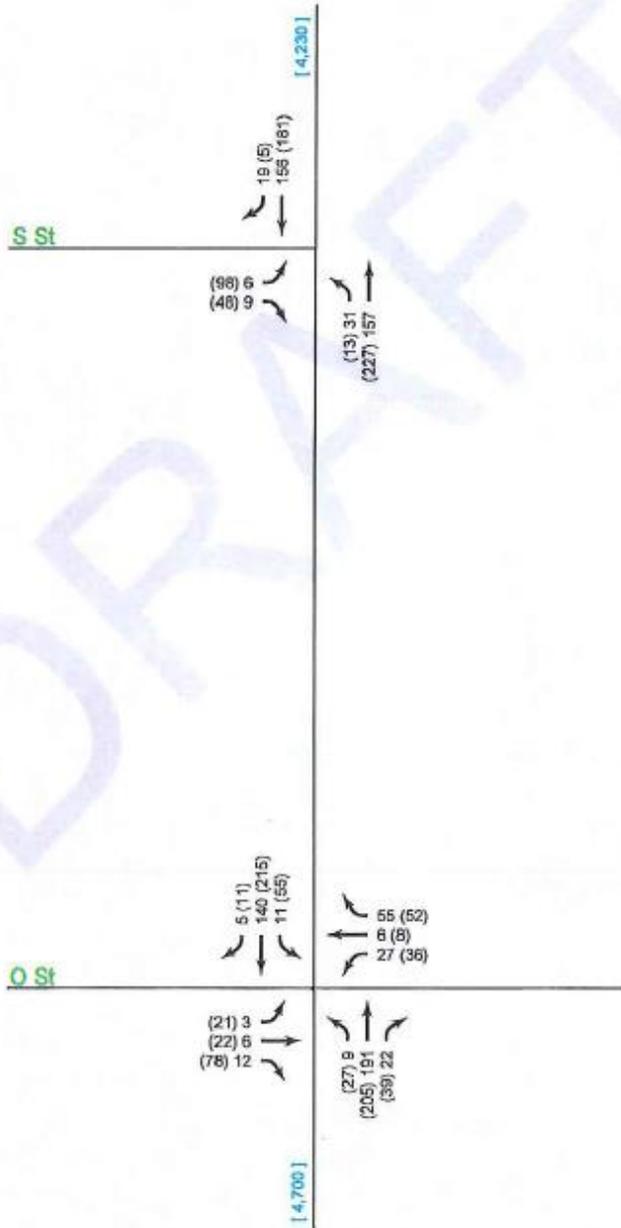
Existing peak hour traffic volumes can be seen in **Figure 2**. Count data can be seen in **Appendix A**.



**LEGEND**

AM (PM) Peak Hour Volume

[XX,XXX] Year 2016 ADTs



*David City, NE*

**3.0 EXISTING CONDITIONS**

Existing traffic conditions were evaluated to identify any existing deficiencies and to provide a baseline for comparison purposes.

**3.1 Network Characteristics**

There are three major roadways within the study area: Highway 15 (N-15), "O" Street, and "S" Street. Current roadway characteristics are summarized in **Table 1** below. Data for each roadway was acquired from aerial photography and the Nebraska Department of Transportation (NDOT) functional classification maps.

**Table 1. Existing Roadway Characteristics**

Roadway	Section	Median Type	Posted Speed	Functional Classification
Highway 15 (N-15)	2-Lane	Undivided	45 mph*	Major Arterial
"O" Street	2-Lane	Undivided	25 mph	Local
"S" Street	2-Lane	Undivided	25 mph	Local

\*N-15 has a posted speed of 60 mph just north of "S" Street.

The two study intersections, N-15 & "O" Street and N-15 & "S" Street, are two-way stop-controlled intersections. There is a two-way left-turn lane (TWLTL) striped for the northbound approach at N-15 & "O" Street.

Existing lane configurations and traffic control are illustrated in **Figure 3**.

*David City, NE*

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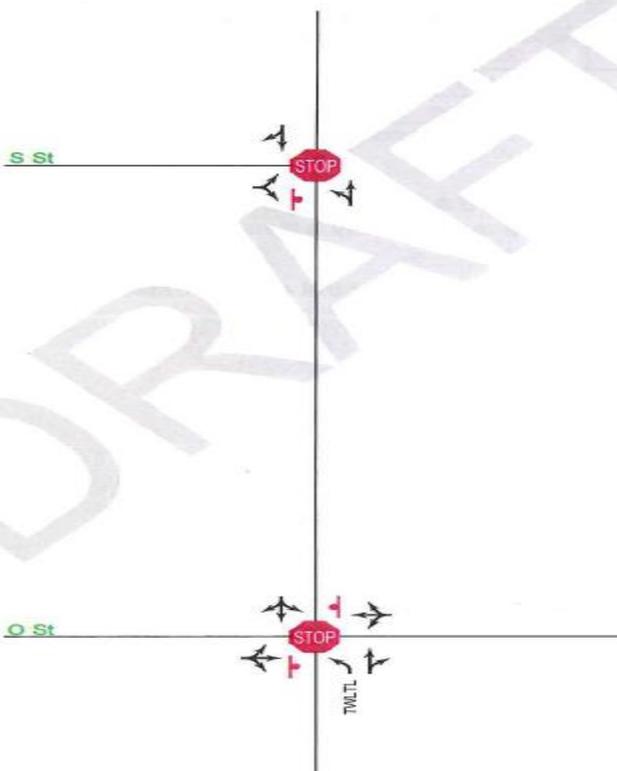
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Existing lane configurations and traffic control are illustrated in **Figure 3**.

#### LEGEND

- XX' → Lane Configuration & Storage Length
-  Stop Controlled Intersection
-  Stop Sign



David City, NE

Timpte Expansion  
018-0192

### 3.2 Geometric Improvement Evaluation

The National Cooperative Highway Research Program (NCHRP) has developed guidelines for determining when to provide a right-turn or a left-turn bay on the major road of a two-way stop-controlled intersection. These guidelines are based on an evaluation of the operating and collision costs associated with the turning maneuver relative to the cost of constructing a turn bay. These guidelines are published in NCHRP Report 457 and NCHRP Report 745. NCHRP Report 457 also provides guidance on when to provide an additional lane to the approach to the minor leg of a two-way stop-controlled intersection. It is based on the need to provide the side street with an acceptable level of service.

The need for a northbound left-turn lane, southbound right-turn lane, and a two-lane minor street approach were evaluated at N-15 & "S" Street under existing conditions. In addition, the need for a southbound left-turn lane at N-15 & "O" Street was examined. Both AM and PM peak hour volumes were examined.

A northbound left-turn lane at "S" Street and a southbound left-turn lane at "O" Street met NCHRP guidance in both peak hours. Both left-turn lanes were excluded from the existing capacity analysis and are analyzed in subsequent analyses.

### 3.3 Capacity Analysis Summary

Capacity analyses were performed for the existing study intersections utilizing the existing lane configurations and traffic control. Analyses were conducted using Synchro, Version 10.0 which is based on the Highway Capacity Manual, 6<sup>th</sup> Edition methodologies. For simplicity, the amount of control delay is equated to a grade or Level of Service (LOS) based on thresholds of driver acceptance. The amount of delay is assigned a letter grade A through F, LOS A representing little or no delay and LOS F representing very high delay. **Table 2** shows the delays associated with each LOS grade for signalized and unsignalized intersections, respectively.

**Table 2. Intersection LOS Criteria**

Level-of-Service	Average Control Delay (seconds)
	Unsignalized
A	≤ 10
B	> 10-15
C	> 15-25
D	> 25-35
E	> 35-50
F	> 50

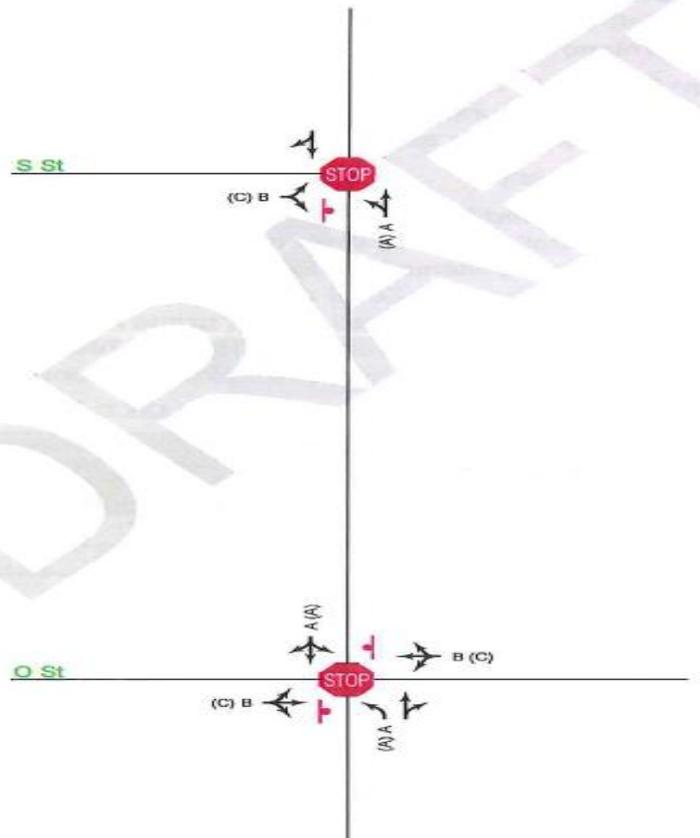
Highway Capacity Manual (HCM 6<sup>th</sup> Ed.)

Results of the analysis indicate that operations for movements at both study intersections operate at LOS C or better in both peak hours. The 95<sup>th</sup> percentile queue length does not exceed four vehicles for any movement in both peak hours. At "S" Street, eastbound vehicles queue through the adjacent driveway located approximately 50 feet west of N-15.

The Existing Conditions Capacity Analysis Summary is illustrated in **Figure 4**. Detailed results may be found in **Appendix B**.

**LEGEND**

- AM (PM) Movement LOS
-  Stop Controlled Intersection
-  Stop Sign
-  Lane Geometry



David City, NE

**4.0 2038 BACKGROUND TRAFFIC VOLUMES AND ANALYSIS**

Peak hour volumes were established for 2038 conditions, the long-term horizon year. Current traffic volumes and NDOT historic average daily traffic (ADT) volumes were used as a basis for peak hour volume projections.

Historic ADT volumes were used to develop an annual growth rate along N-15. Based on the historic ADTs obtained from NDOT volume maps, the surrounding area has seen less than 0.5% growth since 2010. As a conservative estimate, a 0.5% annual growth rate was applied to existing traffic volumes to develop 2038 peak hour volumes. Year 2038 volumes were applied to the network and were used to analyze multiple roadway alternatives.

The 2038 Background peak hour volumes and ADTs are shown in **Figure 5**.

**4.1 Geometric Improvement Evaluation**

Because a northbound left-turn lane at "S" Street and a southbound left-turn lane at "O Street met guidance in existing conditions, the need for these turn lanes were not evaluated in 2038 Background conditions. The need for a southbound right-turn lane and a two-lane minor street approach were reevaluated at N-15 & "S" Street. Both AM and PM peak hour volumes were examined.

Neither a two-lane minor street approach, nor a southbound right-turn lane met NCHRP guidance in both peak hours. Therefore, these were not included in the capacity analysis and are not recommended for construction in 2038 Background conditions.

Detailed results can be found in **Appendix C**.

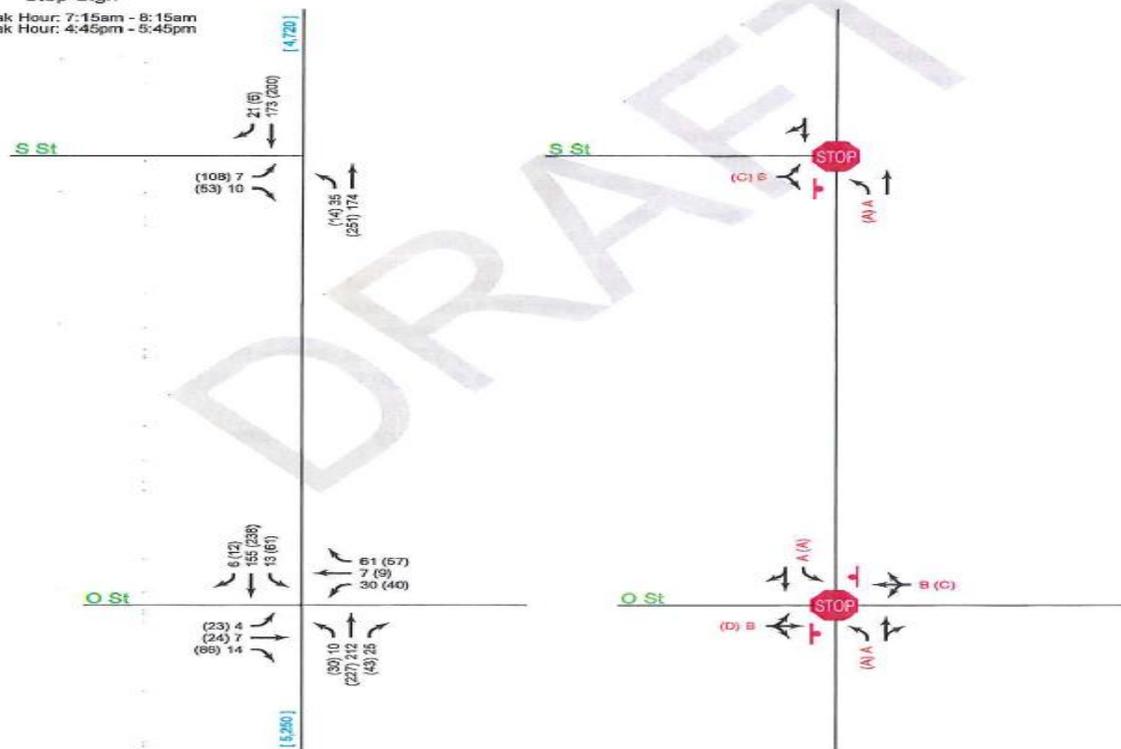
**4.2 Capacity Analysis Summary**

Results of the analysis indicate that operations for movements at both study intersections are expected to operate similar to existing conditions. All turning movements are expected to operate at LOS C or better in both peak hours. The 95<sup>th</sup> percentile queue length is expected to increase to no more than five vehicles, or approximately 125 feet, in the PM peak hour at "S" Street. Again, at this queue length, vehicles will queue through the adjacent driveway located approximately 50 feet west of N-15.

The 2038 Background Conditions Capacity Analysis Summary is illustrated in **Figure 5**. Detailed results may be found in **Appendix D**.

**LEGEND**

- AM (PM) Peak Hour Volume
- [XX,XXX] Projected ADTs
- AM (PM) Movement LOS
- STOP Stop Controlled Intersection
- Stop Sign
- AM Peak Hour: 7:15am - 8:15am  
 PM Peak Hour: 4:45pm - 5:45pm



David City, NE

## 5.0 SITE CHARACTERISTICS

Site trips expected to be associated with the Timpte expansion were generated and applied to the study network to determine street network operations and development impacts. The expansion includes new office, research and development, and branch facility buildings. This study assumes access to the site will be at "S" Street and "O" Street along N-15.

The site plan used for this study is provided in **Figure 6**.

### 5.1 Trip Generation and Distribution

Generally, site trips are estimated using the ITE *Trip Generation Manual* based on the land use of a development. Because of the unique nature of the site, the client provided a detailed estimate of site trips and number of employees for each proposed building. Based on the information provided by Timpte, the expected number of daily, AM peak hour, and PM peak hour site trips were estimated and are shown in **Table 3** below.

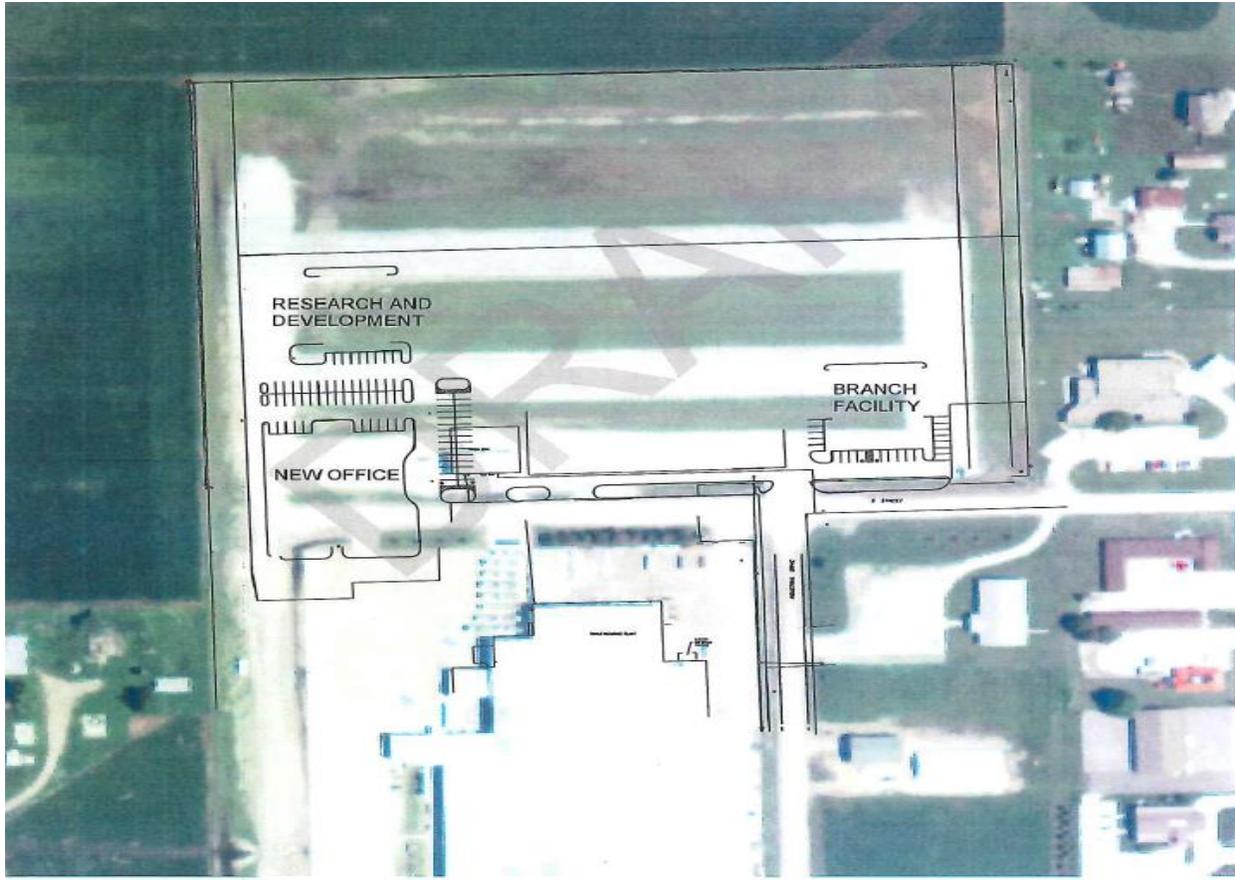
The trip distribution was developed based on existing and future traffic volumes, trip patterns, and location of proposed buildings on site. Site trips are illustrated in **Figure 7**.

**Table 3. Trip Generation**

Proposed Building	Number of Staff	Daily Trips		AM Peak Trips*		PM Peak Trips*	
		Enter	Exit	Enter	Exit	Enter	Exit
Office	12	14	14	12	2	2	12
Research and Development	5	7	7	5	2	2	5
Branch Facility	N/A	20-40**	20-40**	8	8	8	8
Total	-	41-61	41-61	25	12	12	25

\*Peak hour site trips based on maximum daily site trips

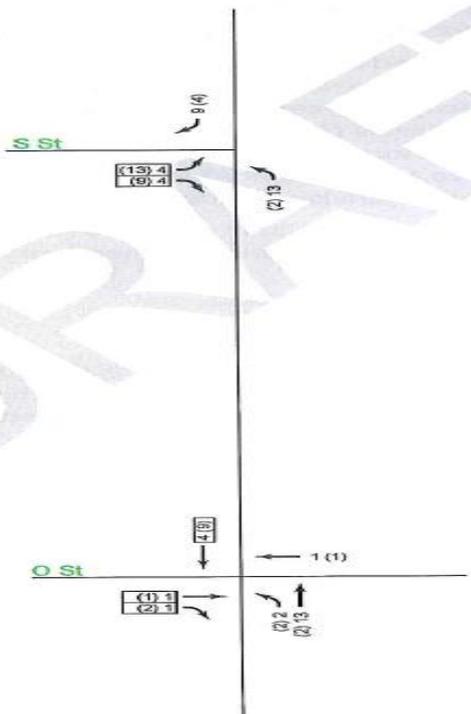
\*\*Site trips expected to be semi-trailers



**LEGEND**

- AM (PM) Entering Trips
- AM (PM) Exiting Trips

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*David City, NE*

## 6.0 PLUS SITE ANALYSIS

The Existing and 2038 Background traffic volumes were combined with the proposed site trips to develop Opening Day and 2038 plus Site volumes for geometric improvement evaluation and capacity analysis purposes. Note, a northbound left-turn lane at "S" Street met NCHRP guidance in existing traffic conditions and was included in Opening Day and 2038 plus Site capacity analyses.

The Opening Day peak hour volumes are shown in **Figure 8**. The 2040 plus Site peak hour volumes for are shown in **Figure 9**.

### 6.1 Geometric Improvement Evaluation

The need for a southbound right-turn lane and two-lane minor leg approach were evaluated at "S" Street using NCHRP methodologies. Both Opening Day and 2038 plus Site volumes in both AM and PM peak hours were evaluated. Note, a northbound left-turn lane meets guidance in existing conditions and was not reevaluated in plus site conditions.

Results of the evaluations indicated that a southbound right-turn lane at N-15 & "S" Street meets NCHRP guidance in Opening Day conditions. This southbound right-turn lane was included in both plus site conditions capacity analyses. Based on the American Association of State Highway and Transportation Officials (AASHTO) *Green Book* guidance for deceleration lane length, the desirable length for a turn lane with a posted speed of 60 mph is 605 feet. It should be noted there is a private drive to a residence located approximately 350 feet north of "S" Street on N-15 and a southbound turn lane would extend through this private drive.

A two-lane minor street approach at "S" Street did not meet NCHRP guidance in neither Opening Day or 2038 plus Site conditions and was therefore not included in the capacity analyses.

Detailed results can be found in **Appendix C**.

### 6.2 Capacity Analysis

Results of the Opening Day capacity analysis indicates that turning movements are expected to operate at LOS C or better at both study intersections in both peak hours. The 95<sup>th</sup> percentile queue length for eastbound movements at "S" Street is expected to increase to approximately five vehicles in the PM peak hour with a delay of approximately 20 seconds per vehicle. This will queue through the adjacent driveways located approximately 50 feet west of N-15 along "S" Street.

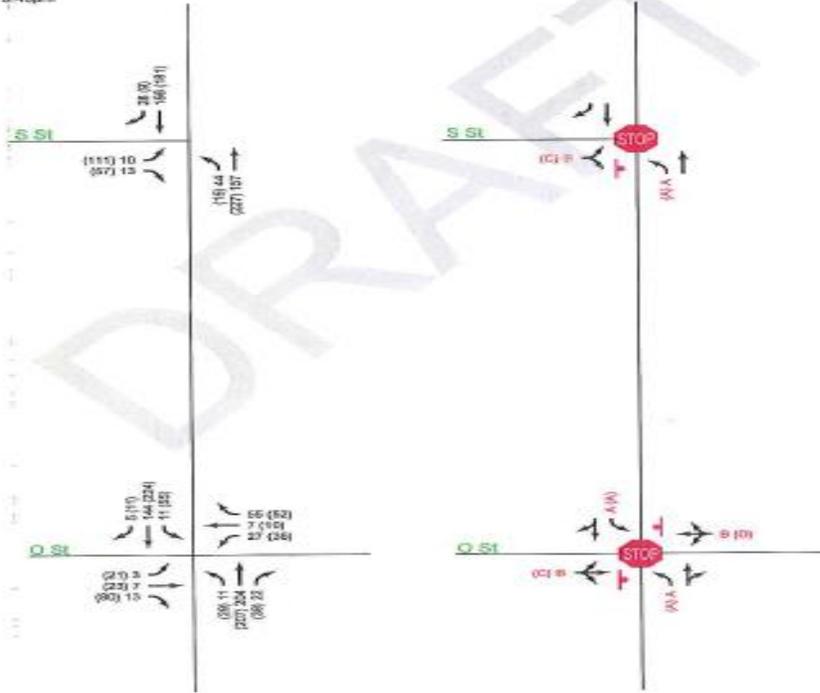
In 2038 plus Site conditions, the capacity analysis indicates that turning movements are expected to operate at LOS D or better at both study intersections in both peak hours. The 95<sup>th</sup> percentile queue length at "S" Street is expected to increase to approximately six vehicles in the PM peak hour with a delay of approximately 25 seconds per vehicle.

The Opening Day capacity analysis summary is illustrated in **Figure 8**. The 2038 plus Site capacity analysis summary is illustrate din **Figure 9**.

Detailed results may be found in **Appendix E**.

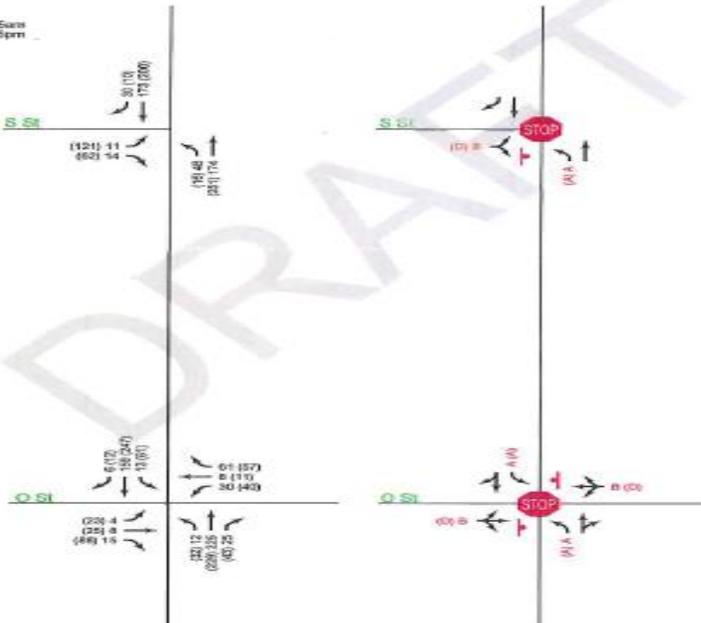
**LEGEND**

- AM (PM) Peak Hour Volume
- AM (PM) Movement LOS
-  Stop Controlled Intersection
-  Stop Sign
- AM Peak Hour: 7:15am - 8:15am
- PM Peak Hour: 4:45pm - 5:45pm



**LEGEND**

- AM (PM) Peak Hour Volume
- AM (PM) Movement LOS
-  Stop Controlled Intersection
-  Stop Sign
- AM Peak Hour: 7:15am - 8:15am
- PM Peak Hour: 4:45pm - 5:45pm



## 7.0 CONCLUSIONS

The purpose of this study was to document the impacts of a proposed expansion of the Timpte site located west of the intersection of N-15 & "S" Street in David City, Nebraska. Existing and future conditions were analyzed, and recommended improvements were compiled as a result of background traffic growth and site-specific traffic added to the roadway network. Four scenarios were analyzed as part of this study: Existing conditions, Existing plus Site conditions, 2038 Background conditions, and 2038 plus Site conditions. The year 2038 was chosen to represent as the 20-year long-term horizon year.

The proposed site expansion is expected to include new office, research and development, and branch facility buildings. Based on conversations with Timpte, site traffic was generated for these land uses and distributed on the roadway network. The additional site traffic is expected to include approximately 120 daily trips, 37 AM peak hour trips, and 37 PM peak hour trips. Based on the layout of the site, the main access to the expansion buildings was determined to be from "S" Street and "O" Street is assumed to provide relief during peak hours.

A geometric improvement evaluation at "S" street was performed to determine the need for auxiliary lanes using NCHRP methodology. Based on the results of the evaluation, a northbound left-turn lane at "S" Street and a southbound left-turn lane at "O" Street met guidance thresholds in background conditions, and a southbound right-turn lane met guidance thresholds in existing plus site conditions. These turn lanes were included in plus site capacity analyses. It is not anticipated that the turn lanes will significantly improve traffic operations and are considered safety improvements along N-15.

A capacity analysis was performed for all four traffic scenarios. Generally, all movements at both study intersections are expected to operate with acceptable levels of service and delay in all volume scenarios. In plus site conditions, the eastbound queue length at "S" Street is expected to reach approximately six vehicles, which will queue back past the adjacent driveway located about 50 feet west of N-15. Vehicle delay is expected to be no more than 25 seconds per vehicle in 2038 plus Site conditions. This is an increase of approximately one vehicle and four seconds of delay per vehicle over 2038 Background conditions.

Based on communication with the client, The City of David City is considering providing an additional access to Timpte located north of the site and residential properties adjacent to N-15. Based on the capacity analysis, the current intersections at "S" Street and "O" Street that provide access to Timpte are expected to have adequate capacity in the future and there is no current or anticipated need for additional access points to the site. If this additional access were added in the future, a southbound right-turn lane nor a northbound left-turn lane are expected to meet NCHRP guidelines.

Based on the results of the analyses, recommended off-site improvements include the following:

- Construct northbound left-turn lane at N-15 & "S" Street with 350 feet of total deceleration length. (\$225,000)
  - This cost includes widening and tapering the current cross-section to construct the left-turn lane. Because this turn lane meets guidance in existing conditions, a cost sharing effort should be considered.
- Construct southbound right-turn lane at N-15 & "S" Street with 605 feet of total deceleration length in conjunction with the completion of site expansion. (\$180,000)
- Restripe a southbound left-turn lane at N-15 & "O" Street with 140 feet of total length, including storage and taper. (\$1,000)
  - It is assumed the restriping work would be included with other roadway improvements.

Recommended improvements are illustrated in **Figure 10**.

N-15 & "S" Street Improvements (NTS)



N-15 & "O" Street Improvements (NTS)



Craig Reinsch stated: "I will tell you this, they pushed to get this out on Friday so you could at least look at it prior to the meeting. When I started prepping for the meeting I asked questions about the costs, and I said, "Does that include engineering?", "Does that include contingency?", because there wasn't a whole lot of detail, and they said, "Well, let us look into that". So, those numbers are actually incorrect; they are still working on those because they did not include engineering, contingency, and things of that nature."

Mayor Zavodny stated: "For us to pay for any of this we really need the Tax Increment Financing in place."

Council member Kobus stated: "So what did we gain by this study?"

Craig Reinsch stated: "You have quantified the need, you have done the traffic study, you've gone through the motions. It's like any other funding application, it's just the process. You study it, you have a plan, you look at the details and you say, based on these assumptions this is what we are recommending. Then the State then can take that and say "ok" or "not". So, please let me know by e-mail, or now, what comments you have, we'll update the costs, they are going to be higher, and then we can finalize that and then get it to the place where you can present it to the Department of Transportation, the Department of Economic Development; it becomes a document that you can use for whatever applications are needed."

Mayor Zavodny asked: "Do you have any idea how soon you can get us to what the real numbers might be? How much more over this we are looking at? I think Mike Bacon (Attorney Bacon & Vinton) is going to need to know that."

Craig Reinsch stated: "Well a lot of it depends on, so if you say "well we don't want this" so I have a number, but if you change anything or want us to look at anything different, then that number can change even yet. So, based on what is proposed it looks like it's about double what's in there; so maybe looking at \$800,000 - \$850,000".

Council member Kobus stated: "For what?"

Craig Reinsch stated: "For those modifications, but that doesn't include the potential cost share with the Department of Transportation."

Mayor Zavodny stated: "They haven't seen this yet, they've just requested it. They said they would give us cost estimates on it too."

Craig Reinsch stated: "I can check with the Department of Transportation to see if we provide them a draft copy for comment, if you would like me to do that."

Mayor Zavodny stated: "I think that would be a good idea."

An additional road to the north was discussed. Craig stated: "That then, that again gets in the realm of needs versus wants. The study says these are the needs based on what's here; if you choose to do that north road then that kind of impacts that." Discussion followed.

Craig Reinsch stated: "So on these two items (Henningsen's Annual Rate Review & the Timpte Traffic Study) I will wait to hear feed back from you and then I'll pass that feedback around and in the mean time I'll adjust my numbers for the debt portion. Thank you for your patience."

At 8:23 p.m. Mayor Zavodny opened the Public Hearing concerning the Budget Hearing and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions, or observations of taxpayers relating to the proposed budget for Fiscal Year 2018 – 2019.

Mayor Zavodny asked three different times for any comments from the Public. There being none, Mayor Zavodny declared the Public Hearing closed at 8:24 p.m.

Council member Hotovy introduced Ordinance No. 1291 adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2018 – 2019 Fiscal Year. Mayor Zavodny read Ordinance No. 1291 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 Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1291 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Meysenburg, Smith, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1291 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1291**

**THE ANNUAL APPROPRIATION BILL**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; 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.

WHEREAS, Nebraska Revised Statute 17-706 provides that a city council of the second class shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.

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

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2018, through September 30, 2019. All sums of money contained in the budget statement are hereby appropriate for the necessary expenses and liabilities of the City of David City, Nebraska. A copy of all completed State of Nebraska Budget Forms shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Butler County, Nebraska, for use by the levying authority.

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

SECTION 3. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 12<sup>th</sup> day of September, 2018.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny opened the Public Hearing at 8:26 p.m. to consider setting the final tax request at a different amount than the prior year tax request.

Mayor Zavodny asked if anyone would like to comment on that process. As there were no comments Mayor Zavodny closed the Public Hearing at 8:26 p.m.

Council member Hotovy introduced Resolution No. 9 – 2018 approving an additional one percent (1%) increase in restricted funds and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Meysenburg, Kobus, Smith, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 9 - 2018 was passed and adopted as follows:

**RESOLUTION NO. 9 – 2018**

A RESOLUTION OF THE CITY OF DAVID CITY TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

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

1. An additional one percent (1%) increase in restricted funds for the 2018 - 2019 budget is approved.

PASSED AND APPROVED this 12<sup>th</sup> day of September, 2018.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Hotovy introduced Resolution No. 10 – 2018 setting the Property Tax Request. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Smith, Kobus, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 10 - 2018 was passed and adopted as follows:

**RESOLUTION NO. 10 - 2018**

RESOLUTION OF THE CITY OF DAVID CITY  
SETTING THE PROPERTY TAX REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of David City passes by a majority vote, resolution of ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the City of David City that the property tax request for the current year be a different amount than the property tax request for the prior year.

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

1. The 2018 - 2019 property tax request be set at \$700,218.06.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2018.

PASSED AND APPROVED this 12th day of September, 2018.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Trowbridge introduced Resolution No. 11 – 2018 carrying forward the unused budget authority. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Vandenberg, Hotovy, Meysenburg, Kobus, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 11 - 2018 was passed and adopted as follows:

**RESOLUTION NO. 11 – 2018**

A RESOLUTION OF THE CITY OF DAVID CITY  
TO CARRY FORWARD THE UNUSED BUDGET AUTHORITY

WHEREAS, Nebraska Revised Statute 13-521 provides that a governmental unit may choose not to increase its total of restricted funds by the full amount by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority.

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

1. The unused budget authority of \$806,983.11 from the 2017 - 2018 budget shall be carried forward to the 2018 - 2019 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 12th day of September, 2018.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Joan Kovar

Council member Smith made a motion to appoint Tina Kirby to a 4-year term on the Library Board effective September 2018 – August 2022. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Trowbridge, Meysenburg, Smith, and Kobus. Voting NAY: None. The motion carried.

Mayor Zavodny declared the Public Hearing open at 8:28 p.m. to consider amending Zoning Ordinance No. 1060 Article 5: Section 5.05 TA Transitional Agriculture District, by amending Section 5.05.03 Conditional Uses by deleting 9. Agricultural storage facilities for equipment and grain, and amending Section 5.05.02 Permitted Uses by adding 11. Agricultural storage facilities for equipment and grain.

Zoning Inspector Ray Sueper stated: "This came up as a result of one of the Planning Commission members wanting to build a grain bin / storage facility on some of his property in a Transitional Ag District. We thought it would be a more appropriate use to allow Agricultural storage facilities for equipment and grain in the Transitional Agriculture District as an outright permitted use rather than go through and bother the Planning Commission each time." (Note:

*currently an Agricultural storage facility is a conditional use; not a permitted use.*) “Council member Trowbridge brought up a good point earlier today, that maybe we should consider adding some language on the end of this. If someone owns an 80 on the north end of town and has their home place on the south end of town in the AG District, could they potentially build a standalone storage facility on the north property without a primary residence there? That would be possible. Do we need to consider that, or do we need to add language to prevent that, is that something you want to allow?”

It was questioned if a primary facility is required before you can have a secondary facility. Discussion followed.

There being no further comments, Mayor Zavodny declared the Public Hearing closed at 8:33 p.m.

Council member Hotovy made a motion to table consideration of Ordinance No. 1292 amending Zoning Ordinance No. 1060 Article 5: Section 5.05 TA Transitional Agriculture District, by amending Section 5.05.03 Conditional Uses by deleting 9. Agricultural storage facilities for equipment and grain, and amending Section 5.05.02 Permitted Uses by adding 11. Agricultural storage facilities for equipment and grain. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Smith, Vandenberg, Meysenburg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried and Ordinance No. 1292 was tabled.

**ORDINANCE NO. 1292 - TABLED**

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING ARTICLE 5: SECTION 5.05 TA TRANSITIONAL AGRICULTURE DISTRICT, BY AMENDING SECTION 5.05.03 CONDITIONAL USES, BY DELETING 9. AGRICULTURAL STORAGE FACILITIES FOR EQUIPMENT AND GRAIN; AMENDING SECTION 5.05.02 PERMITTED USES, BY ADDING 11. AGRICULTURAL STORAGE FACILITIES FOR EQUIPMENT AND GRAIN; REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND AUTHORIZING PUBLICATION OF THE ORDINANCE 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 5.05 TA TRANSITIONAL AGRICULTURE DISTRICT**

**5.05.02 Permitted Uses.**

11. **Agricultural storage facilities for equipment and grain.**

**SECTION 5.05 TA TRANSITIONAL AGRICULTURE DISTRICT**

**5.05.03 Conditional Uses.**

**Deleting - 9. Agricultural storage facilities for equipment and grain.**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**TABLED**  
Mayor Alan Zavodny

**TABLED**  
City Clerk Joan Kovar

Mayor Zavodny declared the Public Hearing open at 8:34 p.m. to consider amending Zoning Ordinance No. 1060 Article 4: General Provisions Section 4.14 Accessory Buildings and Uses, by adding an Exception under A) that states:

- Accessory Buildings 120 square feet or less shall be exempt from the design standards above and must be anchored to meet wind ratings, and amending #2 under A) to the following:
- 2) Accessory structures with open sides must be professionally rated or engineered to resist a 110 MPH wind and shall have footings designed in accordance with the assigned weight and wind loading; (previously was a 90 MPH wind)

Following comments, Mayor Zavodny declared the Public Hearing closed at 8:41 p.m.

Council member Hotovy introduced Ordinance No. 1293 amending Section 4.14 Accessory Buildings by adding an exception under A) and amending the wind resistance from 90 mph to 110 mph, as described above.

Mayor Zavodny read Ordinance No. 1293 by title. Council member Trowbridge 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, Smith, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1293 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Smith, Hotovy, and Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1293 was passed on 3<sup>rd</sup> and final reading as follows:

### **ORDINANCE NO. 1293**

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING SECTION 4.14 ACCESSORY BUILDINGS; 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 SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

#### **ARTICLE 4: GENERAL PROVISIONS**

#### **SECTION 4.14 ACCESSORY BUILDINGS AND USES**

\*Accessory buildings located within the corporate limits of the City of David City, and are located within the R-1, R-2, R-3 or RM Districts, that are not attached to a primary structure must comply with the following regulations:

- A) The design and construction of an accessory building shall be consistent with that customarily used in residential construction, similar in color and style to the primary structure on the same lot.

- Exception: Accessory buildings 120 square feet or less shall be exempt from the design standards above, however, they must be anchored to meet the wind ratings.

- 1) It shall be constructed of new, grade stamped materials, unless approved in advance by the Building Inspector.
  - 2) Accessory structures with open sides must be professionally rated or engineered to resist a 110 MPH wind and shall have footings designed in accordance with the assigned weight and wind loading.
  - 3) The sidewalls of the building shall not exceed 10 feet from the lower of the exterior grade or the interior floor and the overall height shall not exceed 17 feet.
  - 4) It shall have a maximum width of 40 feet on its widest side.
  - 5) It shall not occupy more than 40% of the remaining, buildable area on the lot.
  - 6) It must be separated from other flammable structures by at least ten feet.
  - 7) It shall be set back a minimum of 20 feet from any street side property line or flush with the primary structure.
  - 8) If the square footage is greater than 500 square feet; 3 feet by 6 inch continuous footings are required.
  - 9) If the square footage is between 400 and 500 square feet, a monolithic slab footing may be used.
  - 10) Accessory buildings less than 400 square feet may be anchored to a slab of poured concrete no less than 4 inches in thickness.
  - 11) Detached accessory buildings or structures shall be located no closer to any other accessory or principal building than ten feet.
- B) No accessory building shall be constructed prior to construction of the principal building.
- C) No accessory building shall be constructed on a separate lot from the principal structure.
- D) No accessory building shall be constructed or placed on an easement.
- E) Standard wood building material shall maintain at least 6 inches of clearance to the exterior grade. Wood which contacts the concrete or masonry directly shall be Pressure Treated.
- F) Rear and side yard setbacks shall be 6 foot from property lines.
- G) The rear setback shall increase to 10 feet if a garage door is placed on the rear alley side.
- H) Storage of any boat, camper, trailer or other vehicle shall not be permitted in any required yard; except that a boat, boat trailer, or camp trailer may be placed in a rear or side yard on an approved rock or concrete driveway.
- I) If a primary structure is removed or demolished from a parcel, the detached accessory building must be removed or demolished within six months of such removal or demolition; unless new construction is begun on a new primary structure within the immediately following six-month period.
- J) Carports
- 1) All carports shall be constructed of materials similar to those in the primary structure.
  - 2) All carports shall be anchored to a permanent footing, as discussed previously in this section.
  - 3) All carports shall meet all required wind loading standards set forth herein.
  - 4) Carports shall be anchored to the primary structure on one end.
  - 5) Maximum square footage shall be 400 sq. ft.
  - 6) No metal roofs shall be allowed.

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 12<sup>th</sup> day of September, 2018.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny declared the Public Hearing open at 8:42 p.m. to consider modifying Section 5.07 R-1 Single-Family Residential, Section 5.07.05 Height and Lot Requirements; Section 5.08 R-2 Two-Family Residential, Section 5.08.05 Height and Lot Requirements: 1) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot; and to modify Section 5.09 R-3 Multi-Family Residential, Section 5.09.05 Height and Lot Requirements: 2) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.

Following comments, Mayor Zavodny declared the Public Hearing closed at 8:46 p.m.

Council member Hotovy introduced Ordinance No. 1294 amending Section 5.07 R-1 Single-Family Residential, Section 5.07.05 Height and Lot Requirements; Section 5.08 R-2 Two-Family Residential, Section 5.08.05 Height and Lot Requirements: 1) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot; and to modify Section 5.09 R-3 Multi-Family Residential, Section 5.09.05 Height and Lot Requirements: 2) Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.

Mayor Zavodny read Ordinance No. 1294 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 Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Hotovy, Vandenberg, Kobus, Smith, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1294 on the third and final reading. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Smith, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1294 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1294**

AN ORDINANCE, TO AMEND ZONING ORDINANCE NO. 1060, BY AMENDING: ARTICLE 5: SECTION 5.07 R-1 SINGLE-FAMILY RESIDENTIAL BY AMENDING 5.07.05 HEIGHT AND LOT REQUIREMENTS; SECTION 5.08 R-2 TWO-FAMILY RESIDENTIAL BY AMENDING 5.08.05 HEIGHT AND LOT REQUIREMENTS; AND SECTION 5.09 R-3 MULTI-FAMILY RESIDENTIAL BY AMENDING 5.09.05 HEIGHT AND LOT REQUIREMENTS; REPEALING ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; PROVIDING AN EFFECTIVE DATE THEREOF; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE 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 5.07 R-1 SINGLE-FAMILY RESIDENTIAL**

**5.07.05 Height and Lot Requirements.**

- 1. Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.**

**SECTION 5.08 R-2 TWO-FAMILY RESIDENTIAL**

**5.08.05 Height and Lot Requirements.**

- 1. Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.**

**SECTION 5.09 R-3 MULTI-FAMILY RESIDENTIAL**

**5.09.05 Height and Lot Requirements.**

- 2. Accessory buildings shall not occupy more than 40% of the remaining, buildable area on the lot.**

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 12<sup>th</sup> day of September, 2018.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny opened the hearing at 8:48 p.m. to consider protests or objections concerning the statement of expense for the demolition of the house located at 897 No. 5<sup>th</sup> Street, owned by Milda Gray.

Mayor Zavodny asked if anyone would like to comment on that process. As there were no comments Mayor Zavodny closed the hearing at 8:49 p.m.

Council member Trowbridge introduced Resolution No. 12 - 2018 and moved for its passage and adoption. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Hotovy, Smith, Vandenberg, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 12 - 2018 was passed and approved as follows:

**RESOLUTION NO. 12 - 2018**

**WHEREAS**, the Mayor and City Council of David City, Nebraska determined that the property owned by Milda Gray at 897 N. 5<sup>th</sup> Street, David City, Nebraska and legally described as follows, to-wit:

Lot 1 and the North 10' of Lot 4, Block 8, Litty's 1<sup>st</sup> Addition, David City, Butler County, Nebraska

was in violation of Section 304.2 of the 2015 International Property Maintenance Code that was adopted by the City of David City, Nebraska; and,

**WHEREAS**, Milda Gray (owner) was provided notice of violation of Section 304.2 of the 2015 International Property Maintenance Code that was adopted by the City of David City, Nebraska; that the above described real estate would be cleaned up; that the City would begin cleaning up said property on, or after, March 23, 2018, unless a notice of appeal was made with the District Court of Butler County, Nebraska, and that the real estate above described would be assessed as a special assessment for the cost of said clean-up; and,

**WHEREAS**, all due process requirements of the above referenced City Ordinances of David City, Nebraska were followed; and,

**WHEREAS**, Milda Gray failed to clean-up the above referenced real estate on or before March 23, 2018; and,

**WHEREAS**, the City of David City, Nebraska did incur \$22,325.00 to clean up the above described real estate.

**NOW, THEREFORE, BE IT RESOLVED** that a Special Assessment in the sum of TWENTY TWO THOUSAND THREE HUNDRED TWENTY FIVE DOLLARS AND NO CENTS (\$22,325.00) be assessed against the above described real estate; that the Special Assessment be and hereby is levied effective September 12, 2018; that Milda Gray be given fifty (50) days to pay this Special Assessment without interest; and after said fifty (50) days the Special Assessment remaining unpaid will be delinquent and will bear interest at the rate of FOURTEEN PER CENT (14%) per annum from said date; this Special Assessment will be a lien against the above described real estate until paid; this Special Assessment will be filed with the Butler County Treasurer and will be collected in the manner provided for Special Assessments by law.

Dated: September 12, 2018

ATTEST:

CITY OF DAVID CITY, NEBRASKA

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Alan Zavodny, Mayor

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Joan E. Kovar, City Clerk

(Seal)

Council member Hotovy introduced Resolution No. 13 - 2018 and moved for its passage and adoption. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Kobus, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 13 - 2018 was passed and approved as follows:

League Association of Risk Management  
2018 - 19 Renewal Resolution

**RESOLUTION NO. 13 – 2018**

WHEREAS, The City of David City is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of the City of David City, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (180 days and 3 year commitment; 5% discount)
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2020. (180 days and 2 year commitment; 4% discount)

- **Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. (180 day notice only; 2% discount)**
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (90 day notice and 3 year commitment only; 2% discount)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2021. (180 days and 3 year commitment; 5% discount)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2020. (2 year commitment only; 1% discount)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2019. (90 day Notice only)

Adopted this 12<sup>th</sup> day of September, 2018.

Signature: \_\_\_\_\_  
Title: Mayor Alan Zavodny  
Attest: \_\_\_\_\_  
Title: City Clerk Joan Kovar

Council member Meysenburg introduced Resolution No. 14 - 2018 and moved for its passage and adoption. Council member Trowbridge seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 14 - 2018 was passed and approved as follows:

#### **RESOLUTION NO. 14 – 2018**

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, SETTING A WEIGHT LIMIT FOR TRUCK TRAFFIC ON "O" STREET FROM 4<sup>TH</sup> TO 11<sup>TH</sup> STREET.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that it shall be unlawful for any person, partnership, firm or corporation to drive trucks, or tractors pulling trailers, on "O" Street from 4<sup>th</sup> Street east to 11<sup>th</sup> Street, that exceed a weight limit of 16,000 GCW (Gross Combined Weight). Said streets shall be posted by the Street Supervisor and this shall constitute notice to the public.

Any person, partnership, firm or corporation violating any of the provisions of this resolution, shall be deemed guilty of a misdemeanor and upon conviction shall be fined pursuant to Chapter 8, Article 6 – Penal Provision, Section 8-601 Violation Penalty of the David City Municipal Code.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Passed and approved this 12<sup>th</sup> day of September, 2018.

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny stated: “Obrist Construction moved the storm sewer by Timpte, tied it into our Northwest Drainage, and are going to help us as we continue to move forward. I think that probably locked in the Timpte expansion for us, so I think that was a good thing to do.”

The City currently has it’s checking account and payroll account at U.S. Bank. It is now time to re-order checks, so the Office Staff asked for a comparison on rates, charges, pledging, etc. from U.S. Bank and Bank of the Valley. (The Utility accounts are at First National Bank of Omaha). The following shows, that over the last eleven months – October 2017 – August 2018, the City was charged \$675.45 in various analysis service charges at U.S. Bank. U.S. Bank did not offer a proposal and did not offer to waive any charges. Bank of the Valley presented a proposal that offers no minimum balance, all service charges waived, free online banking, and will pledge bonds for balances above \$250,000.

usbank		CITY OF DAVID CITY PO BOX 191 DAVID CITY NE 68632-0191	Business Statement	
			Account Number: 1 504 0100 6039	
			Statement Period: Aug 1, 2018 through Aug 31, 2018	
			Page 3 of 13	
<b>ANALYSIS SERVICE CHARGE DETAIL</b>				
Account Analysis Activity for July 2018				
	Account Number:	1-504-0100-6039	\$	42.45
	Account Number:	1-504-0253-2504	\$	27.75
	Analysis Service Charge assessed to	1-504-0100-6039	\$	70.20
<b>Service Activity Detail for Account Number 1-504-0100-6039</b>				
Service	Volume	Avg Unit Price	Total Charge	
<b>Depository Services</b>				
Depository Services	186		No Charge	
			0.00	
0-000	2	7.47500	14.95	
70-20	107		No Charge	
64-65	3	3.00000	9.00	
55-75	1	10.00000	10.00	
94-35			33.95	
<b>Image Services</b>				
Image Services	3		No Charge	
			0.00	
54-00	100		8.50	
67-30	34	0.25000	8.50	
53-65	134		8.50	
<b>Branch Coin/Currency Services</b>				
Branch Coin/Currency Services			\$ 42.45	
<b>Service Activity Detail for Account Number 1-504-0253-2504</b>				
Service	Volume	Avg Unit Price	Total Charge	
<b>Depository Services</b>				
Depository Services	24		No Charge	
	1	5.00000	5.00	
			5.00	
ACH Services	65	0.35000	22.75	
ACH Services			22.75	
<b>Service Charges for Account Number 1-504-0253-2504</b>				
Service Charges for Account Number 1-504-0253-2504			\$ 27.75	

US Bank charges 17-18 fiscal year to date



September 4, 2018

City of David City  
557 N 4<sup>th</sup> Street  
David City, NE 68632

### Account Proposals

Current Account: Money Market

#### Proposed Account: Public Funds NOW Account

##### Account Features:

- Earn Interest-The interest rate on this account would be the Federal Reserve Overnight less a 1.05% rate adjustor. The rate on this account today would be .85% and would adjust daily to any rate change to the Federal Reserve Overnight.
- No Minimum Balance
- **No Service Charge**
- Free Online Business Banking

Current Account: City Checking

#### Proposed Account: Public Funds NOW Account

##### Account Features:

- Earn Interest-The interest rate on this account would be the Federal Reserve Overnight less a 1.40% rate adjustor. The rate on this account today would be .50% and would adjust daily to any rate change to the Federal Reserve Overnight.
- No Minimum Balance
- **No Service Charge**
- Free Online Business Banking

Current Account: Clearing (Payroll)

#### Proposed Account: Corporate Checking

##### Account Features:

- **No Minimum Balance**
- **All Service Charges Waived**
- **Free Online Business Banking**
- **Free Online ACH**

PO Box 71 David City, NE 68632

Council member Hotovy made a motion to close the City's Checking and Payroll Accounts at U.S. Bank and opening these accounts at the Bank of the Valley. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Smith, Kobus, Vandenberg, Hotovy, and Meysenburg. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Council member Vandenberg made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Meysenburg, Smith, Hotovy, Vandenberg, and Kobus. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:08 p.m.



CERTIFICATION OF MINUTES  
September 12, 2018

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 September 12<sup>th</sup>, 2018; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Joan Kovar, City Clerk