

**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 **11<sup>th</sup> day of September, 2019**, 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, 2019.

**AGENDA AS FOLLOWS:**

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;  

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Mayor Alan Zavodny
4. Minutes of the August 28<sup>th</sup>, 2019 meeting of the Mayor and City Council;  

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Council President Kevin N. Hotovy
5. ~~Consideration of Progress Estimate #22 for Constructors, Inc. in the amount of \$; Nothing submitted for August.~~  

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Council member Thomas J. Kobus
6. Consideration of Pay Estimate #11 to Eriksen Construction Co., in the amount of \$322,115.93 for the Wastewater Treatment Plant Project;  

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Council member Dana E. Trowbridge
7. Consideration of Pay Estimate #3 to Midlands Contracting, Inc. in the amount of \$185,543.83 for Sanitary Sewer Rehabilitation;  

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Council member Patrick J. Meysenburg
8. Consideration of Claims;
9. Committee and Officer Reports;
10. Consideration of replacing a section of 9<sup>th</sup> Street by David City High School – Chuck Oborny request;  

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Council member John P. Vandenberg
11. Consideration of Resolution No. 15 – 2019 League Association of Risk management (LARM) insurance coverage beginning October 1, 2019;  

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Council member Gary D. Smith - deceased
12. 7:15 p.m. Public Hearing and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget Fiscal Year 2019 – 2020;  

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City Clerk Joan E. Kovar

13. Consideration of Ordinance No. 1322 adopting the budget statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2019 – 2020 fiscal year;
14. 7:20 p.m. Public Hearing to consider setting the final tax request at a different amount than the prior year tax request;
15. Consideration of Resolution No. 16 – 2019 approving an additional one percent (1%) increase in restricted funds;
16. Consideration of Resolution No. 17 – 2019 setting the property tax request;
17. Consideration of Resolution No. 18 – 2019 carrying forward the unused budget authority;
18. Public Hearing to receive public comment on the General Redevelopment Plan for the Micro-Blight Area Redevelopment Plan consisting of Block 5, Original Town, City of David City, Butler County, Nebraska;
19. Consideration of adopting the General Redevelopment Plan;
20. Consideration of Ordinance No. 1321 entitled: An Ordinance of the City of David City, Nebraska, Amending Chapter 9 – Building Regulations; Article 4 – Codes Adopted; Sections 9-401 through 9-404; repealing conflicting ordinances; providing an effective date; and providing for publication in pamphlet form;
21. Consideration of Ordinance No. 1323, amending the Schneider Plat, to incorporate a jog in the road narrowing it to a 60' wide right-of-way road;
22. Consideration of Resolution No. 19 – 2019 authorizing the Mayor to sign the Annual Certification of Program Compliance Form for the Nebraska Board of Public Road Classifications and Standards 2019;
23. Consideration of Resolution No. 20 - 2019 amending the legal descriptions for the triplex located to the Northwest of "Oak" and "E" Streets;
24. Consideration of appointing someone to fill the Council member vacancy in the 3<sup>rd</sup> Ward;
25. Consideration of Resolution No. 21 – 2019 setting the permit fee for anyone keeping and raising chickens in the City;
26. Consideration of our impounded vehicle contract;
27. Discussion / Consideration of the fines accrued by Nick Schneider for his failure to move his house by the prescribed date;
28. Discussion / Consideration of the continuing decline of health / public welfare conditions in the City due to the failure of current processes to regulate nuisances;
29. Consideration of a quote in the amount of \$4,800.00 from Aqua-Aerobic Systems for two days of SBR process training at the David City WWTP;
30. Adjourn.

## CITY COUNCIL PROCEEDINGS

September 11, 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 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 5<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 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 John Vandenberg, Pat Meysenburg, Kevin Hotovy, Dana Trowbridge, Tom Kobus, and Bruce Meysenburg, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Marianne Long and son Frank, Nick Schneider, Sheriff Tom Dion, Roger and Tami Comte, Planning Commission members Keith Marvin and Janis Cameron, Building Inspector Ray Sueper, and Interim Water Supervisor Aaron Gustin.

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 28, 2019 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Hotovy. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to approve Pay Estimate #11 to Eriksen Construction Co., in the amount of \$322,115.93 for the Wastewater Treatment Plant Project. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Council member Trowbridge made a motion to approve Pay Estimate #3 to Midlands Contracting, Inc. in the amount of \$185,543.83 for the sanitary sewer rehabilitation project. Council member Meysenburg seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Kobus, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

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

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

Building Inspector Ray Sueper stated: "The only thing I have is that issue with Gary Meister (August 14<sup>th</sup> Council meeting) concerning the plans submitted for St. Mary's Daycare (6<sup>th</sup> & "J" Street). If the Council wants to see what was on his blueprint, that he was required to put the expansion joint in at the curb on his parking lot. He submitted these plans to us; it isn't like I'm making him do something arbitrary and facetious. These are the architectural plans that were stamped by an architect, that he gave us, that clearly shows an expansion joint between

the curb and the street and you have a City ordinance that requires it. He lied to you, basically, that he's never heard of it, it's not on any of the blueprints, so I just wanted to clear that up."

Mayor Zavodny stated: "I want to talk to him about that because I did see that. The other thing I want to bring up, and she just sent the e-mail about an hour ago so I will make it official tonight, the Hallmark Channel will be coming to David City to commemorate Joyce Hall being from here and they want to have a Santa Claus, hand out gifts to children, some food to families, and stuff like that, and they're looking at October 30<sup>th</sup> so they are wondering if we can put up our Christmas lights earlier this year and they want some shots from around town, and that kind of thing, maybe some families, etc., and I'm sure that's for their Hallmark Countdown to Christmas. They've been in contact with a production company out of California and they asked if we had a local Santa Claus or if they should bring their own, and I'm inclined to say "bring your own", so we don't have to mess with that. They want to put up some super big presents and big Christmas decorations and stuff, so I'll go ask the Courthouse too if we can use that corner there for them to set up their winter wonderland display."

*Joyce C. Hall, in full Joyce Clyde Hall, (born August 29, 1891, David City, Nebraska, U.S.—died October 29, 1982, Leawood, Kansas), American businessman, cofounder and chief executive (1910–66) of Hallmark Cards, Inc., the largest greeting-card manufacturer in the world.*

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

Mayor Zavodny stated that he didn't think we could act on Agenda #10 because we tried to contact Chuck Oborny concerning an estimated cost for replacing a section of broken up concreted 9<sup>th</sup> Street between "D" and "E" Street by David City High School, and Chuck did not return the phone call. Therefore, Council member Trowbridge made a motion to table consideration of replacing a section of 9<sup>th</sup> Street, between "D" and "E" Street by the David City High School. Council member Meysenburg seconded the motion. Voting AYE: Council members Hotovy, Vandenberg, Meysenburg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy introduced Resolution No. 15 - 2019 and moved for its passage and adoption. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Meysenburg, Hotovy, Kobus, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 15 - 2019 was passed and approved as follows:

League Association of Risk Management  
2019 - 20 Renewal Resolution

### **RESOLUTION NO. 15 – 2019**

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, 2022. (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, 2021. (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, 2020. (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, 2022. (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. (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, 2020. (90 day Notice only)

Adopted this 11<sup>th</sup> day of September, 2019.

Signature: \_\_\_\_\_

Title: Mayor Alan Zavodny

Attest: \_\_\_\_\_

Title: City Clerk Joan Kovar

Council member Hotovy made a motion to advance to Agenda Item #18 and Council member Trowbridge seconded the motion. Voting AYE: Councilmembers Meysenburg, Vandenberg, Kobus, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Mayor Zavodny opened the Public Hearing at 7:12 p.m. to receive public comment on the General Redevelopment Plan for the Micro-Blight Area Redevelopment Plan consisting of Block 5, Original Town, City of David City, Butler County, Nebraska.

Keith Marvin, President of Marvin Planning, stated: "After you passed the blight study for the block between 4<sup>th</sup> & 5<sup>th</sup> and "G" and "H", I brought on David Levy and it was discussed about having what's referred to as a "general redevelopment plan". This is not like what you've done when you've authorized TIF (Tax Increment Financing) or anything like that, this just talks about concepts and the big picture for that block. The one thing that we can't talk about generally is the idea of long term, doing condemnation for purposes of economic development because State Law prohibits that, but we can talk about it from the stand point of that block being residential, doing this for the purposes of historic preservation, and all those wonderful buzz words that we need to have in order to move forward eventually with that property and this community. I put this together, I ran it through David Levy, he made his notations and that's what you have in front of you right now, and the Planning Commission passed it 4 - 0."

Mayor Zavodny asked: "Does anyone from the public wish to comment on this, or from the Council?"

Council Member Trowbridge stated: "The historic preservation part of this probably carries the most weight, because I think that's where all the comments came from, from the general public on an unsolicited basis, when we talked about our options and one was to destroy the house. That's what we heard from the people we serve is, we don't want that house torn down because of the historical value of it."

Mayor Zavodny asked: "Any other comments pertaining to this item? Hearing none, I will close the Public Hearing at 7:14 p.m."

Council member Hotovy made a motion to advance to Agenda Item #19 and Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Hotovy, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to adopt the General Redevelopment Plan for the Micro-Blight Area Redevelopment Plan, consisting of Block 5, Original Town, David City, Nebraska. Council member Trowbridge seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

#### **PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY**

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific part of David City.

The City of David City, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

*"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its*

*zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements."*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for the formulation of a workable program; disaster assistance; effect. The statute reads,

*"The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof."*

*"Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth."*

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

**"Blighted area** means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area

is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

**"Extremely blighted area** means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

**"Substandard area** means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"

**"Workforce housing** means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and (e) Upper-story housing."

This Blight and Substandard Study is being considered a "micro-blight" area under the definition established by the City of David City. The Study is intended to give the David City Community Redevelopment Agency, David City Planning Commission and David City City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction and as allowed under Chapter 18, Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future containing, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and
- A list of the conditions present which qualify the area as blighted and substandard.

#### BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

This study targets a specific area within an established part of the community for evaluation. The area is indicated in Figure 1 of this report. The existing uses in this Micro-blight include residential uses including accessory uses within the corporate limits of David City.

Through the redevelopment process the City of David City can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City of David City is intended to redevelop and improve the area. Using the Community Redevelopment Act, the City of David City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

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

Block 5, Original Town *Study Area*

**Figure 1: Study Area Map**



Source: Butler County GIS and Marvin Planning Consultants 2019 Note:  
Lines and Aerial may not match.

#### EXISTING LAND USES

The term "Land Use" refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community, and produce a number of impacts either benefitting or detracting from the community. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

### Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Butler County Assessors website. This survey noted the use of each parcel of land within the study area. These data from the survey are analyzed in the following paragraphs.

**Figure 2**  
**Existing Land Use Map**



Source: Marvin Planning Consultants, 2019 Note:  
Lines and Aerial may not match.

Figure 2 includes the existing land uses for the entire study area. The entire block is single-family residential and related accessory structures.

### **FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY**

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

#### CONTRIBUTING FACTORS

There were a number of conditions examined and evaluated in the field and online. There are a number of conditions that will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

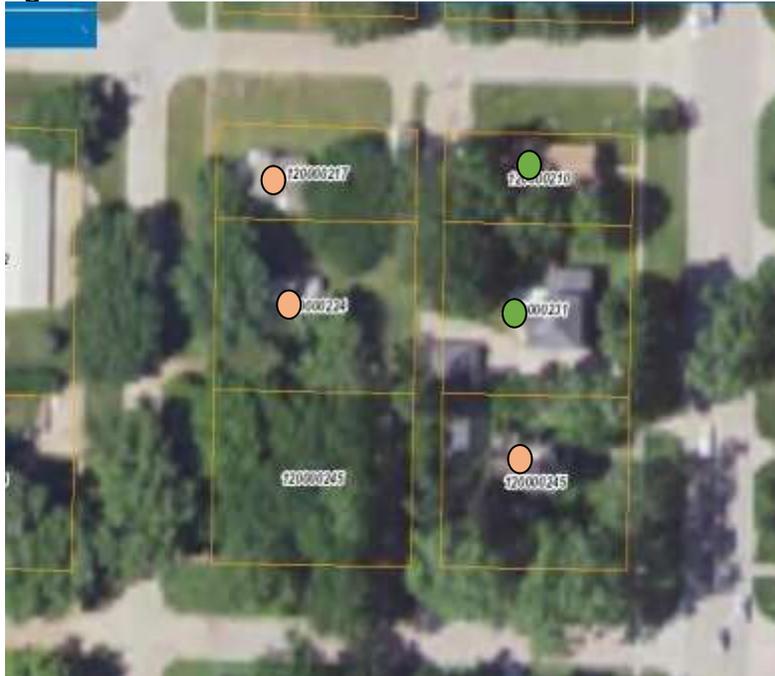
#### *Structural Conditions*

Structural conditions were evaluated, structures were either rated as: Very Good, Good, Fair, Average, or badly worn. The data and rating system comes from the Butler County Assessor's database and is the same database used to value properties in the area.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- 0 ( 0.0%) structures rated as very good
- 0 ( 0.0%) structures rated as good
- 2 (40.0%) structures rated as average
- 3 (60.0%) structure rated as fair
- 0 ( 0.0%) structure rated as badly worn

**Figure 3: Structural Conditions**



Source: Marvin Planning Consultants, 2019  
Note: Lines and Aerial may not match.

Based upon these data, an assumption has been made that average condition and less would constitute less than desirable conditions due to age and conditions. It is common for older structures to get more maintenance and upkeep in order to maintain a good or higher condition. Even an average structure will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 100.0% of the structures in this study area are average condition or worse.

Due to the stated conditions found in the Butler County Assessor's data, the condition of the structure is a contributing factor.

### Deterioration of Site or Other Improvements

#### Site Improvements Conditions

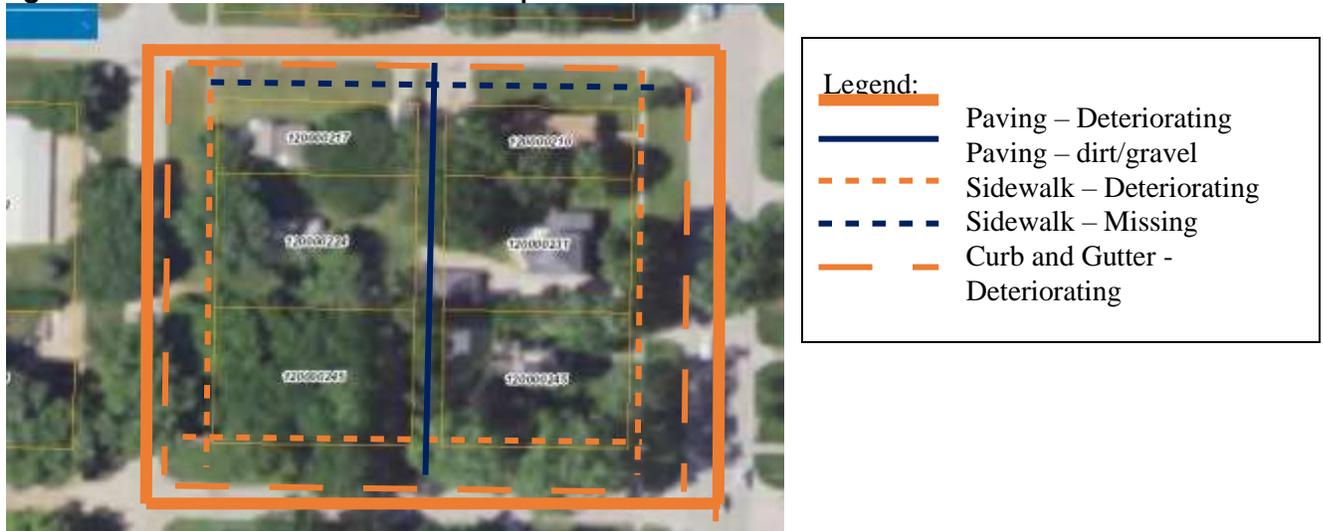
The properties within the study area are accessed via Howard Avenue and an alley in the rear. In addition, the study area is served by a sidewalk located immediately behind the curb along Howard Avenue.

Based upon review of images of the study area, Figure 4 was created. The Figure indicates:

- 100% of the road surfaces serving this study area are deteriorating
- 100% of alley way is dirt/gravel
- 100% of the curb and gutter are in a deteriorating state
- 100% of the sidewalk is in a deteriorating state or missing

Based upon the field analysis, there are sufficient elements present to meet the definition of deterioration of site and other improvements in the Study Area.

**Figure 4: Deterioration of Site or Other Improvements**



### Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Butler County Assessor's website data.

**TABLE 1: AVERAGE STRUCTURAL AGE - 2019**

	Number of Structures	Construction date	Age	Cumulative Age
	2	1880	137	274
	1	1910	107	107
	1	1920	97	97
	1	1925	92	92
<b>Total Cumulative</b>	<b>5</b>			<b>570</b>
<b>Average Age</b>				<b>114.0</b>

Source: Butler County Assessor's and Marvin Planning Consultants 2019

Within the study area there are two primary structures. After researching the structural age on the Butler County Assessor's and Treasurer's websites, the following breakdown was determined:

- 5 (100.0%) unit was determined to be 40 years of age or older

- 0 ( 0.0%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 1, the average age of the primary structures is equal to 114.0 years; thus, meeting the requirements of the statutes.

The age of the structures would be a direct contributing factor.

**Figure 5: Unit Age Map**



Source: Butler County GIS, Butler County Assessor and Marvin Planning Consultants 2019 Note:  
Lines and Aerial may not match.

### Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

#### Criteria under Part A of the Blight Definition

- **Substantial number of deteriorating structures** ○ Within the study are 100.0% of the structures were deemed to be in either average or badly worn condition.
- **Deterioration of site or other improvements** ○ 100% of sidewalks are in fair or worse condition or missing ○ 100% of the curb and gutter is in a deteriorating condition ○ 100% of the streets are in a deteriorating condition ○ 100% of the alley is unpaved and is dirt/gravel

#### Criteria under Part B of the Blight Definition

- **The average age of the residential or commercial units in the area is at least forty years** ○ 5 (100.0%) buildings or improvements were determined to be 40 years of age or older ○

0 ( 0.0%) buildings or improvements were determined to be less than 40 years of age o  
 The average age based upon a cumulative age calculation is 114.0 years.

**The other criteria for Blight were not present in the area, these included:**

- Combination of factors which are impairing and/or arresting sound growth
- Stable or decreasing population based upon the last two decennial census
- Insanitary and Unsafe Conditions
- Dangerous conditions to life or property due to fire or other causes
- Faulty Lot Layout
- Improper Subdivision or Obsolete Platting
- Defective/Inadequate street layouts
- Diversity of Ownership
- Tax or special assessment delinquency exceeding fair value of the land.
- Defective or unusual condition of title,
- Unemployment in the designated area is at least 120% of the state or national average.
- One-half of the property has been unimproved for 40 years or more
- The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

**Substandard Conditions**

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from the Appraisal data within the Butler County Assessor’s website data.

**TABLE 2: AVERAGE STRUCTURAL AGE - 2019**

	Number of Structures	Construction date	Age	Cumulative Age
	2	1880	137	274
	1	1910	107	107
	1	1920	97	97
	1	1925	92	92
<b>Total Cumulative</b>	<b>5</b>			<b>570</b>
<b>Average Age</b>				<b>114.0</b>

Source: Butler County Assessor’s and Marvin Planning Consultants 2019

Within the study area there are two primary structures. After researching the structural age on the Butler County Assessor’s and Treasurer’s websites, the following breakdown was determined:

- 5 (100.0%) unit was determined to be 40 years of age or older
- 0 ( 0.0%) unit was determined to be less than 40 years of age

However, when examining the age based upon a cumulative approach, as in Table 2, the average age of the primary structures is equal to 114.0 years; thus, meeting the requirements of the statutes.

The age of the structures would be a direct contributing factor.

### Substandard Summary

Nebraska State Statute requires that “...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, **age** or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or **the existence of conditions which endanger life or property by fire and other causes**, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;”

This Study Area in David City meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

#### FINDINGS FOR DAVID CITY MICRO-BLIGHT STUDY AREA #1

Micro-Blight Study Area #1 has several items contributing to the Blight and Substandard Conditions. These conditions include:

##### Blighted Conditions

- **Average age of structures is over 40 years of age**
- **Substantial number of deteriorated or deteriorating structures**
- **Deterioration of site or other improvements**

##### Substandard Conditions

- **Average age of the structures in the area is at least forty years**

- - - - -

At 7:15 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 2019 – 2020.

Council member Trowbridge stated: “I have a comment on our budget. Our process, everyone has a different definition of budget in their mind. Some, it is a very strict item that we don’t spend past this, and our revenues are programmed at what we think, which is what we do on the revenue side of it. The one thing that we do, is we use our budgets to put together the pricing for Henningsen’s next twelve months. We give them an operating budget that may or may not be very accurate as far as the expense side of it. If anything, we program our expenses high and it has a negative impact on that negotiation, and I don’t know how we move around that or make it more fair. I fielded a comment from them today, that our budget is up significantly in the operating expense side for next year and they understand that maybe we are looking at an increased expense due to the project. My comment is, we probably have just as much downside, that it could be less due to the project, because we don’t know what it’s going

to do to energy costs, we think we know what it's going to do to efficiency, it's going to go straight up."

Mayor Zavodny stated: "I'm going to make my same comment I make on budgets a lot of times. I think there's a lot of misunderstanding of how a budget is approached, because a budget...when people say it's in the budget, we have the money for it because it's in the budget, just because you don't expend certain amounts that may have been budgeted, doesn't mean you "saved" that amount; just means you didn't expend it, and that's where people get so confused; well, we budgeted. You don't have to spend the budget. It is a moral document saying these are our priorities, now we're comfortable with them; the expenditure side. We try to project the revenue the best we can and bring balance to our financial situation, and I'll tell you this, I've never seen...it is impossible to have a budget that is exactly what you think you know in June or July, and you are in next April, because things come up that you don't expect. You say, we might have to replace this, and maybe you don't; it is a continual moving target with that. I think your point's well taken, if I was in Henningsen's shoes I'd be a little uncomfortable because you just...., they need to understand what we are thinking too, I think."

Council member Trowbridge stated: "And I think Alan, what serves as testament to what you just said, is that during the last two months of the budget cycle we don't have a flurry of activity to make sure that we spend it so we get it again next year. A lot of people talk about government doing it that way, and we don't, and haven't for the last ten years."

Mayor Zavodny stated: "And that's a credit to this Council for not doing that, and to our department heads for not trying to jam in a bunch of stuff at the end of the fiscal year. They have been responsible people and that's good. Public, what do you like, what do you not like? Anything in this you want to talk about? Hearing no comments, I will close the Public Hearing at 7:19 p.m."

Council member Hotovy introduced Ordinance No. 1322 adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2019 – 2020 Fiscal Year. Mayor Zavodny read Ordinance No. 1322 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, Trowbridge, Hotovy, Kobus, and Vandenberg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1322 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Hotovy, and Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1322 was passed on 3<sup>rd</sup> and final reading as follows:

### **ORDINANCE NO. 1322**

#### **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, 2019, through September 30, 2020. 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 appealed.

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 11<sup>th</sup> day of September, 2019.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny opened the Public Hearing at 7:21 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 7:21 p.m.

Council member Hotovy introduced Resolution No. 16 – 2019 approving an additional one percent (1%) increase in restricted funds and moved for its passage and adoption. Council

member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 16 - 2019 was passed and adopted as follows:

**RESOLUTION NO. 16 – 2019**

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 2019 - 2020 budget is approved.

PASSED AND APPROVED this 11<sup>th</sup> day of September, 2019.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Hotovy introduced Resolution No. 17 – 2019 setting the Property Tax Request. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Hotovy, and Meysenburg. Voting NAY: None. The motion carried and Resolution No. 17 - 2019 was passed and adopted as follows:

**RESOLUTION NO. 17 - 2019**

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 2019 - 2020 property tax request be set at \$743,398.49.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2019.

PASSED AND APPROVED this 11th day of September, 2019.

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Council member Trowbridge introduced Resolution No. 18 – 2019 carrying forward the unused budget authority. Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Resolution No. 18 - 2019 was passed and adopted as follows:

### **RESOLUTION NO. 18 – 2019**

#### **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 \$821,931.90 from the 2018 - 2019 budget shall be carried forward to the 2019 - 2020 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 11<sup>th</sup> day of September, 2019.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Joan Kovar

Council member Hotovy introduced Ordinance No. 1321 amending Chapter 9 – Building Regulations; Article 4 – Codes Adopted; Sections 8-401 thru 9-404. Mayor Zavodny read Ordinance No. 1321 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 Kobus, Meysenburg, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1321 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, Kobus, Hotovy, and Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1321 was passed on 3<sup>rd</sup> and final reading as follows:

#### **ORDINANCE NO. 1321**

**AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING CHAPTER 9 – BUILDING REGULATIONS; ARTICLE 4 – CODES ADOPTED; SECTIONS 9-401 THROUGH 9-404; REPEALING CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE; 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, NEBRASKA:**

**SECTION 1.** Chapter 9 – Building Regulations, Article 4 – Codes Adopted, Sections 9-401, 9-402, 9-403, and 9-404 of the Revised Municipal Code be and hereby are amended to read as follows:

#### **CHAPTER 9 – BUILDING REGULATION**

##### **Article 4 – Codes Adopted**

##### **SECTION 9-401: BUILDING CODE; ADOPTED BY REFERENCE**

A. The 2012 International Building Code (IBC), published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the International Building Code shall be controlling throughout the city and throughout its zoning jurisdiction. This code shall apply to all remodeling, new construction, and changes of use; of a

commercial or industrial nature. The normal necessities of usual maintenance shall be excluded from permitting requirements - (Re-roofing, siding, painting, repairing, or changing fixtures or outlets, for example).

B. The 2012 International Residential Code (IRC), Published by the International Code Council, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the International Residential Code shall be controlling throughout the city and throughout its zoning jurisdiction. This code shall apply to all remodeling or new construction; of a one and/or two-family residential nature. The normal necessities of usual maintenance shall be excluded from permitting requirements - (Re-roofing, siding, painting, repairing, or changing of fixtures or outlets, for example).

One copy of each is on file at the office of the Zoning/Building Administrator and is available for public inspection at the city office during their regular business hours.

**SECTION 9-402: PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE;  
HISTORIC BUILDINGS; NUISANCE**

A. To provide certain minimum standards, provisions and requirements for: the control of existing buildings and structures and other physical things and conditions on premises, which are essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such structures, the 2015 edition of the International Property Maintenance Code is hereby incorporated by reference in addition to all amendments, as though printed in full herein insofar as the code does not conflict with the statutes of the state. The provisions of the Property Maintenance Code shall be controlling throughout the city and throughout its zoning jurisdiction.

B. The provisions of the Property Maintenance code shall not be mandatory for structures designated by the state or city as historic buildings or structures when such buildings or structures are judged by a code official to be safe and not dangerous to the public health, safety, and welfare.

C. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the Property Maintenance Code and such conflict with or violation of the provisions of the code are hereby declared to be a nuisance.

D. The imposition of penalties prescribed by Resolution Number 12-2019 shall not preclude the city from instituting appropriate actions to abate such conflict with or violation of the provisions of the code as prescribed in Section 3-404 of the Municipal Ordinance – Nuisances; Notice procedure; Abatement.

**SECTION 9-403: PLUMBING CODE; ADOPTED BY REFERENCE**

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing and heating, the 2012 edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials (IAPMO), is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict

with state statutes. The provisions of the Plumbing Code shall be controlling throughout the city and throughout its zoning jurisdiction.

**SECTION 9-404: ELECTRICAL CODE; ADOPTED BY REFERENCE**

The 2014 National Electric Code, as adopted by the State of Nebraska, is hereby adopted and incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. The provisions of the electrical code shall be controlling throughout the city and throughout its zoning jurisdiction.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect and be in full force on after its passage, approval, and publication as required by law.

Passed and approved this 11th day of September, 2019.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

\_\_\_\_\_  
Mayor Alan Zavodny

\_\_\_\_\_  
City Clerk Joan Kovar

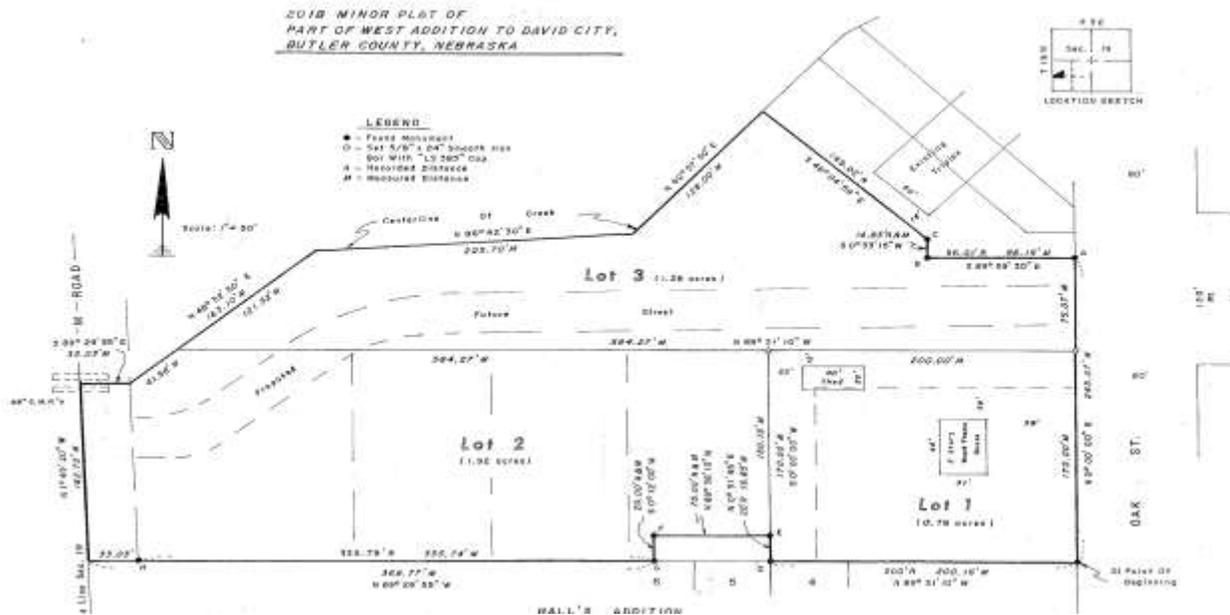
Council member Hotovy introduced Ordinance No. 1323 amending the Schneider Plat, to incorporate a jog in the road narrowing it to a 60' wide right-of-way road. Mayor Zavodny read Ordinance No. 1323 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1323 on the third and final reading. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Hotovy, Vandenberg, Meysenburg, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1323 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1323**

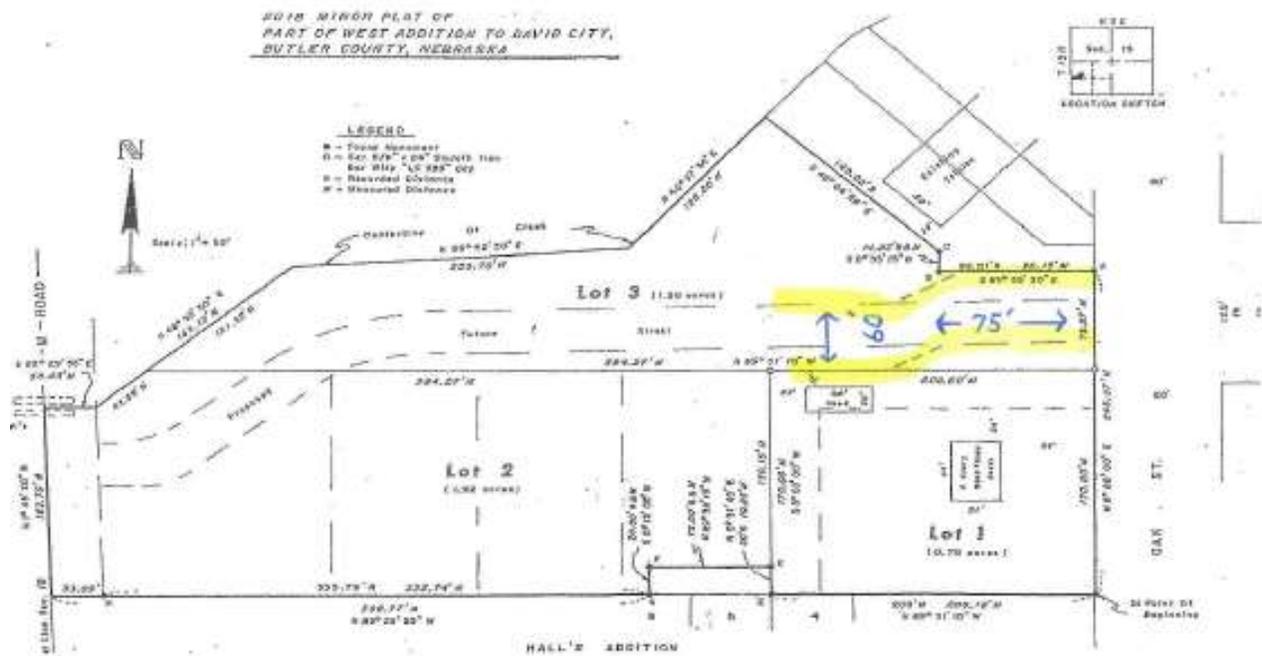
**AN ORDINANCE ACCEPTING AND APPROVING A JOG IN THE EXTENSION OF "E" STREET IN THE MINOR SUBDIVISION PLAT DESIGNATED AS "SCHNEIDER'S ADDITION" LOCATED IN THE WEST ADDITION TO DAVID CITY, AND IN THE SW¼ OF SECTION 19, T15N, R3E OF THE 6<sup>TH</sup> P.M., BUTLER COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES AND SECTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.**

WHEREAS, Nicholas and Gretchen Schneider, owners of a tract of land located in the West Addition to David City, and in the SW ¼ of Section 19, T15N, R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, legally described as follows: Beginning at the southeast corner of Outlot 3 of said West Addition, said Point also being the northeast corner of Hall's Addition to David City; thence N 89°31'10" W, on an assumed bearing on the north line of said Hall's Addition, 200.16 feet, to the northeast corner of Lot 5 of said Hall's Addition; thence N 0°31'45" E, 19.85 feet; thence N 89°38'10" W, 75.00 feet; thence S 0°12'00" W, 20.00 feet, to a point on the north line of said Hall's Addition; thence N 89°29'55" W, on the north line of said Hall's Addition, 368.77 feet, to a point on the west line of said Section 19; thence N 1°45'20" W, on the west line of said Section 19, 142.70 feet; thence S 89°29'55" E 33.03 feet; thence N 48°52'50" E, 163.10 feet; thence N 86°42'30" E, 205.70 feet; thence N 40°57'50" E, 128.00 feet; thence S 46°04'59" E, 149.02 feet; thence S 0°33'15" W, 14.83 feet; thence S 89°59'30" E, 96.15 feet, to a point on the west line of Oak Street in David City; thence S 0°00'00" W, 245.07 feet, to the Point of Beginning, containing 3.98 acres, more or less; filed said Plat with the City of David City, Nebraska, and said Plat was approved and accepted by Ordinance No. 1303, dated February 13, 2019.





WHEREAS, Nicholas and Gretchen Schneider are now requesting a jog in the road, so that they can move in a home on the north side of the road and meet setback requirements.



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

Section 1. That the Minor Subdivision Plat for Schneider's Addition, described above and located between Oak Street and Road "M" and "D" and "E" Streets, is hereby amended and approved, and said owners are hereby given the right to narrow the road to a 60' width.

Section 2. This Ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage and approval as provided by law and city ordinance.

PASSED AND APPROVED this 11<sup>th</sup> day of September, 2019.

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Mayor Alan Zavodny

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City Clerk Joan E. Kovar

Council member Hotovy made a motion to pass Resolution No. 19 – 2019 authorizing the Mayor to sign the Annual Certification of Program Compliance Form for the Nebraska Board of Public Road Classifications and Standards 2019. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Vandenberg, Trowbridge, Hotovy, and Kobus. Voting NAY: None. The motion carried.

**RESOLUTION**  
**SIGNING OF THE**  
**MUNICIPAL ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE FORM**  
**2019**

Resolution No. 19 - 2019

**Whereas:** State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requires an annual certification of program compliance to the Nebraska Board of Public Roads Classifications and Standards; and

**Whereas:** State of Nebraska Statute, section 39-2120 also requires that the annual certification of program compliance by each municipality shall be signed by the Mayor or Village Board Chairperson and shall include a copy of a resolution of the governing body of the municipality authorizing the signing of the certification form.

Be it resolved that the Mayor  Village Board Chairperson  of David City  
(Check one box) (Print name of jurisdiction)  
is hereby authorized to sign the attached Municipal Annual Certification of Program Compliance form.

Adopted this 11th day of September, 2019 at David City Nebraska.  
(Month)

City Council/Village Board Members

John Vandenberg  
Tom Kobus  
Bruce Neysenburg  
 \_\_\_\_\_  
 \_\_\_\_\_

Kevin Hotovy  
Dana Trowbridge  
Pat Neysenburg  
 \_\_\_\_\_  
 \_\_\_\_\_

City Council/Village Board Member Kevin Hotovy  
 Moved the adoption of said resolution  
 Member Dana Trowbridge Seconded the Motion  
 Roll Call: 5 Yes        No        Abstained 1 Absent  
 Resolution adopted, signed and billed as adopted.



Attest:

Jean Kovan  
 (Signature of Clerk)

**MUNICIPAL  
 ANNUAL CERTIFICATION OF PROGRAM COMPLIANCE  
 TO  
 NEBRASKA BOARD OF PUBLIC ROADS CLASSIFICATIONS  
 AND STANDARDS  
 2019**

In compliance with the provisions of the State of Nebraska Statutes, sections 39-2115, 39-2119, 39-2120, 39-2121, and 39-2520(2), requiring annual certification of program compliance to the Board of Public Roads

Classifications and Standards, the City  Village  of Davis City  
(Check one box) (Print name of jurisdiction)

hereby certifies that it:

- ✓ has developed, adopted, and included in its public records the plans, programs, or standards required by sections 39-2115 and 39-2119;
- ✓ meets the plans, programs, or standards of design, construction, and maintenance for its highways, roads, or streets;
- ✓ expends all tax revenue for highway, road, or street purposes in accordance with approved plans, programs, or standards, including county and municipal tax revenue as well as highway-user revenue allocations;
- ✓ uses a system of revenue and costs accounting which clearly includes a comparison of receipts and expenditures for approved budgets, plans, programs, and standards;
- ✓ uses a system of budgeting which reflects uses and sources of funds in terms of plans, programs, or standards and accomplishments;
- ✓ uses an accounting system including an inventory of machinery, equipment, and supplies;
- ✓ uses an accounting system that tracks equipment operation costs;
- ✓ has included in its public records the information required under subsection (2) of section 39-2520; and
- ✓ has attached to this certification, a copy of the resolution of the governing body authorizing the signing of this certification by the Mayor or Village Board Chairperson.



D. Zavadny  
 Signature of Mayor  Village Board Chairperson  (Required)

Michelle Fitch  
 Signature of City Street Superintendent (Optional)

9-17-2019  
 (Date)

8/8/19  
 (Date)

**Return the completed original certification and resolution by  
 October 31, 2019 to:**  
 Nebraska Board of Public Roads Classifications and Standards  
 PO Box 94759  
 Lincoln NE 68509

City Attorney Egr stated: "When Mr. Steve Maguire, who set up this plat in the first place, all the pins are in the right place from the stand point of where they are supposed to be in the dirt, but when the surveyor he hired put the legal descriptions together, there was an error in the paper. Fortunately, we have a very meticulous surveyor in Dick Ronkar, and in order to satisfy the loan company and the Title Insurance Company who discovered the error in there, in the legal description, because the legal description has a starting place of one place when it should have been a different place, makes the legal description wrong in there, right from the get-go. The pins are in the right place and everything follows, it is just wrong in the paper, not in the physical part but in the paper, and this is to correct that."

Council member Hotovy made a motion to pass Resolution No. 20 – 2019 amending the legal descriptions for the triplex located to the Northwest of "Oak" and "E" Streets. Council member Trowbridge seconded the motion. Voting AYE: Council members Meysenburg, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried.

### **RESOLUTION NO. 20 - 2019**

WHEREAS, Resolution No. 13 – 2015 was passed and approved on July 8, 2015, that provided the legal descriptions for the Steve Maguire Tri-Plex on previously undeveloped property;

WHEREAS, Resolution No. 13 – 2015 stated the Tri-Plex property has three separate units with the following legal descriptions:

Unit 1:

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> PM, David City, Butler County, Nebraska, more particularly described as follows:

Commencing at a 5/8" rebar being the Northeast corner of the vacated F.E. and M.V.R.R. right of way as described in Instrument No. 12-00925, recorded in the Butler County Clerks Office; Thence: S 00°00'00" E, along and with the West line of said Oak Street, a distance of 119.64 feet to the Point of Beginning; Thence: continuing, S 00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet;

Thence: N 43°38'08" W, a distance of 202.37 feet; Thence: N 59°33'44" E, a distance of 58.68 feet; Thence: S 90°00'00" E, a distance of 89.05 to the Point of Beginning and containing 13626.2 Square feet of land, more or less.

Unit 2:

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> PM, David City, Butler County, Nebraska, more particularly described as follows:

Commencing at a 5/8" rebar being the Northeast corner of the vacated F.E. and M.V.R.R. right of way as described in Instrument No. 12-00925, recorded in the Butler County Clerks Office; Thence: S 00°00'00" E, along and with the West line of said Oak Street, a distance of 295.83 feet, to the Point of Beginning;

Thence: continuing, S 00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; Thence: N 90°00'00" W, a distance of 30.98 feet; Thence: N 43°38'08" W, a distance of 195.52 feet; Thence: N 40°48'34" E, a distance 25.56 feet; Thence: N 59°33'44" E, a distance 11.08 feet; Thence: S 43°38'08" E, a distance of 202.37 feet to the Point of Beginning and containing 7561.7 Square Feet of land more or less.

And

Unit 3:

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> PM, David City, Butler County, Nebraska, more particularly described as follows:

Commencing at a 5/8" rebar being the Northeast corner of the vacated F.E. and M.V.R.R. right of way as described in Instrument No. 12-00925, recorded in the Butler County Clerks Office; Thence: S 00°00'00" E, along and with the West line of said Oak Street, a distance of 315.83 to the Point of Beginning;

Thence: continuing, S 00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; Thence: N 90°00'00" W, a distance of 96.01 feet; Thence: N 00°12'15" E, a distance of 14.83 feet; Thence: N 46°04'59" W, a distance of 149.02 feet; Thence: N 40°48'34" E, a distance of 57.23 feet; Thence: S 43°38'08" E, a distance of 195.52 feet; Thence: S 90°00'00" E, a distance of 30.98 feet to the Point of Beginning and containing 10995.7 Square Feet of land more or less;

WHEREAS, Richard Ronkar, previous County Surveyor, has found errors in the previous survey plat as described below:

PARCEL DESCRIPTIONS IN OUTLOT 2, WEST  
ADDITION TO DAVID CITY, BUTLER CO., NE

At the request of Bob Kobza, Kobza Ag and Home, David City, Nebraska, I reviewed a previous survey plat completed by Karen Brightenburg, dated Sept. 10, 2014, and filed in Microfilm Book 15 page 224 in the office of the Butler County Clerk. Said plat delineates three parcels of land and provides a description of each parcel.

During the last several years, I have found Brightenburg's monuments on the north, east, and south lines of said parcels. I have found said monuments to be at the locations depicted on the plat. My measurements between the monuments on these parcel lines nearly correspond to the distances shown on the plat.

In reviewing the parcel descriptions, I find errors which I detail as follows:

- 1) The point of commencement - the plat shows a point labeled as "Found 5/8" Rebar" at the northern most corner. This Rebar is designated as the "Northeast corner of Outlot 2" in the parcel descriptions, but Outlot 2 does not extend northerly to this Rebar - see previous survey by myself, dated June 1, 2005. The 5/8" Rebar referred to by Brightenburg is designated as point "A" on my plat
- 2) The parcel descriptions have an erroneous bearing along their common boundary lines, or are missing a line segment
- 3) The area of Parcel 3

As requested by Mr. Kobza, I rewrite the correct parcel descriptions, based on the Brightenburg plat, as follows:

PARCEL 1 DESCRIPTION

A tract of land located in Outlot 2, West Addition to David City, Butler County, Nebraska, described as follows:

Commencing at a point on the south right-of-way line of the Union Pacific Railroad, said point also being on the west line of Oak Street in David City, Butler County, Nebraska; thence S 0°00'00" E on an assumed bearing on the west line of said Oak Street, 119.64 feet, to the Point of Beginning; thence continuing S 0°00'00" E, on the west line of said Oak Street, 176.19 feet; thence N 43°38'08" W, 202.37 feet; thence N 59°33'44" E, 58.68 feet; thence S 90°00'00" E, 89.05 feet, to the Point of Beginning, containing 13,626 square feet, more or less

PARCEL 2 DESCRIPTION

A tract of land located in Outlot 2, West Addition to David City, Butler County, Nebraska, described as follows:

Commencing at a point on the south right-of-way line of the Union Pacific Railroad, said point also being on the west line of Oak Street in David City, Butler County, Nebraska; thence S 0°00'00" E on an assumed bearing on the west line of said Oak Street, 295.83 feet, to the Point of Beginning; thence continuing S 0°00'00" E, on the west line of said Oak Street, 20.00 feet; thence N 90°00'00" W, 30.98 feet; thence N 43°38'08" W, 195.52 feet; thence N 40°48'34" E, 25.56 feet; thence N 59°33'44" E, 11.08 feet; thence S 43°38'08" E, 202.37 feet, to the Point of Beginning, containing 7,561 square feet, more or less

PARCEL 3 DESCRIPTION

A tract of land located in Outlot 2, West Addition to David City, Butler County, Nebraska, described as follows:

Commencing at a point on the south right-of-way line of the Union Pacific Railroad, said point also being on the west line of Oak Street in David City, Butler County, Nebraska; thence S 0°00'00" E on an assumed bearing on the west line of said Oak Street, 315.83 feet, to the Point of Beginning; thence continuing S 0°00'00" E, on the west line of said Oak Street, 20.00 feet; thence N 90°00'00" W, 96.01 feet; thence N 0°12'15" E, 14.83 feet; thence N 46°04'59" W, 149.02 feet; thence N 40°48'34" E, 57.23 feet; thence S 43°38'08" E, 195.52 feet; thence S 90°00'00" E, 30.98 feet, to the Point of Beginning, containing 10,956 square feet, more or less

Dated this 30th day of August, 2019

*Richard L. Ronkar*

Richard L. Ronkar  
Nebraska L.S. No. 383



NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the parcel descriptions for the above-mentioned Tri-Plex property units are amended as presented by Richard L. Ronkar.

Passed and approved this 11<sup>th</sup> day of September, 2019

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny stated: "There were a few people who said they were going to be interested in filling the vacancy in the 3<sup>rd</sup> Ward, due to the passing of Council member Smith, (2/6/43 – 7/31/19) and in the end, we had two. I appreciate both of them for submitting their names for consideration, and I would say with a totally clear conscience that two very, very good submissions and candidates for that and the willingness to serve on the Council, I appreciate tremendously. I have given this a lot of thought and I don't think we can make a bad decision here. The two names we have are Bruce Meysenburg and Roger Comte. Obviously, there are some complicating factors with Roger's submission, just family ones; it's a fact and we need to acknowledge that. With Mr. Meysenburg, it's going to make calling the roll complicated, we'd have two Meysenburg's. After consideration, what I am going to recommend, but it will up to the Council to ratify, is the appointment to fill the unexpired term, I would submit Bruce Meysenburg."

City Attorney Egr stated that the Council could do a secret ballot if they wished, so ballots were distributed. Mayor Zavodny read the ballots and announced that the Council ratified the appointment of Bruce Meysenburg to fill the vacancy.

City Attorney Jim Egr gave the Oath of Office to newly appointed Council member Bruce Meysenburg – 3<sup>rd</sup> Ward, for the balance of the unexpired term which will run until December 2020, and he was seated.

The permit fee for anyone keeping and raising chickens in the City was discussed.

Janis Cameron stated: "We wouldn't need a permit fee if we didn't allow them."

Mayor Zavodny asked: "What is the benefit of having chickens within the City limits? I understand personal rights, and those kinds of things, but if they start to effect neighbors...and we have issues with chickens tearing up new seeded grass, I've had complaints; pooping, making noise, molting, etc. What are we gaining from allowing it? I understand some people are very responsible chicken owners, but we also have a whole lot of headaches."

City Attorney Egr stated: "Our office represents a lot of villages, and we represent the Village of Malmo and we are in a mess involving chickens. They have permits, and they denied a permit to a lady, and we are now in a Court Action mess that has generated into something that you can't believe. We are now in a discrimination suite, we have the Feds out of Kansas City involved, the NE Equal Opportunity Commission; this thing has mushroomed into a major

legal battle. I'm going to walk around here, and go sit over here with the general public, and say "you should not have chickens."

Mayor Zavodny stated: "Let me ask this, if we were to say "no chickens", would we have to give an effective date of, you have that much time to remove them?"

City Attorney Egr stated: "Well, those that have chickens are grandfathered, but as those chickens die off you cannot replace them, pure and simple. You can say, if you're grandfathered in with those chickens, you still have to have a permit for them."

Council member Trowbridge made a motion to pass Resolution No. 21 – 2019 setting the permit fee for anyone keeping and raising chickens in the City at \$200.00 per year. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Kobus, Trowbridge, and Bruce Meysenburg. Voting NAY: Council members Vandenberg and Pat Meysenburg. The motion carried.

**RESOLUTION NO. 21 - 2019**

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska, that the following fees and charges be and hereby are established and shall be effective upon passage:

1-505(I)	Certified copies; fee.....	<u>.25 per copy</u>
2-514	Arborist; license fee.....	<u>\$25.00</u>
3-203	Dogs; license fee	<u>\$10.00 if dog is spayed or neutered</u> <u>\$20.00 if dog is not spayed or neutered</u>
3-221(C)	Dogs; impoundment;	1 <sup>st</sup> - \$5.00, 2 <sup>nd</sup> - \$10.00, 3 <sup>rd</sup> - \$15.00
3-302	Chickens; keeping and raising permit fee.....	<u>\$200.00 per year</u>
3-309	Exotic animal; first violation	\$25 fine; forfeiture of animal
3-309	Exotic animal; second violation	\$50 fine; forfeiture of animal
3-309	Exotic animal; third violation	\$75 fine; forfeiture of animal
3-309	Exotic animal; fourth violation	\$100 fine; forfeiture of animal
4-217(B)	Illegally parked; towing	<u>\$75.00 min. charge plus sales tax</u>
4-217(B)	Illegally parked; storage fee	<u>\$25.00 minimum charge plus</u> <u>\$25.00 for each additional day</u>
4-506(B)	ATV and UTV application fee	<u>\$50.00</u>
4-512(A)	Golf car application fee	<u>\$10.00</u>
5-201	Itinerant sales; permit fee	<u>\$25.00 per 7 days</u>
5-402(B)	Bingo; permit fee	<u>\$10.00</u>
5-402(C)	Bingo; permit renewal	<u>\$10.00</u>
6-204	Street closing; permit fee	<u>\$10.00</u>
7-503(F)	Utilities; solid waste; collector's license fee:	<u>\$25.00 annual fee</u>
8-207	Burn barrel permit; fee	<u>\$20.00</u>

DATED this 11<sup>th</sup> day of September, 2019.

CITY OF DAVID CITY, NEBRASKA

\_\_\_\_\_  
 Mayor Alan Zavodny

\_\_\_\_\_  
 City Clerk Joan Kovar

Council member Trowbridge stated that he wanted the impounded vehicle contract considered because he said the City pays Steager Storage LLC \$2,652.98 per year and we hardly ever impound any vehicles there; and we hardly ever utilize the space. The contract comes up for renewal on November 1, 2019. Trowbridge suggested we get rid of it. Discussion followed.

Council member Trowbridge made a motion to table consideration of our impounded vehicle contract and Pat Meysenburg seconded the motion. Voting AYE: Council members Trowbridge, Vandenberg, P. Meysenburg, B. Meysenburg, Hotovy, and Kobus. Voting NAY: None. The motion carried.

The fines accrued by Nick Schneider for his failure to move his house by the prescribed date was discussed. The following letter had been mailed to Nick Schneider:

July 31, 2019

Mr. Nicholas Schneider  
507 Oak Street  
David City, NE 68632

RE: Changes to Original Plat.

Mr. Schneider,

Upon advisement by the City Attorney, I am requiring you to resubmit your desired plat changes to your Minor Subdivision for review by the City's Planning Commission. Please make arrangements with Tami Comte for a place on the next available Agenda slot. The next Planning Commission meeting would be September 3<sup>rd</sup>, 2019 at 5:00 PM, with a deadline for submittals of August 15<sup>th</sup>, 2019.

This is in regard to Section 4.10 of the City's Subdivision regulations which govern street jogs and offsets. Offsets in the street alignment across the intersection, as you have revised, are not allowed without a Waiver from the City Council. My office does not have the Authority to approve the plans which you submitted last week as an amendment to your building permit. Only the City Council can approve your proposal, after consideration by the Planning Commission.

This action is required due to a revised plat proposal submitted to my office last week.

Please have your surveyor provide you with the appropriate re-plat proposal to submit with your Agenda request. The new plat/site plan proposal should show all variations from the plat that was originally given to the Planning Commission and City Council for consideration.

On an additional note the house which you have bought from the DC Public Schools must be removed from the school property within the next 15 days. It has been determined to be a Dangerous Building due to its current location and status, as per Ordinance 3-501.

Respectfully,

Ray Sueper, City of David City Zoning Administrator

Council member Trowbridge stated: "Well, when we discussed this at the prior meeting, we indicated to Mr. Schneider that we were not going to roll back the "fine part" of the decision on moving that house, and we would reference his total fine when and if it finally got done, and it did finally get done. The fine was \$200/day, if I remember correctly, and it was approximately 14 days late; \$2,800.00. So, the question is, what do we want to do with that? Do we want to assess that fee, or do we want to mitigate it, or do we want to wipe it out? But Mr. Schneider

brought up a good point on the chickens, is, if you don't enforce your rules, what good are they?"

Nick Schneider stated: "In my defense, I had the house moved two days after I got everybody lined up to do it. I can't move a house myself."

Discussion followed.

Council member Hotovy made a motion to waive the fines concerning Nick Schneider moving the house from the David City Public Schools property to his property. Council member Trowbridge seconded the motion.

Discussion followed. Building Inspector Ray Sueper stated that the fine could go up to \$200 a day, but it didn't have to be \$200, the Council can set the fine.

Mayor Zavodny asked: "From my perspective, what are we gaining outside of, we can prove we can do it? The money isn't going to make a big difference to the City. We "got" the house moved, it's where it needs to be, we can be done with this. To me, the only thing we would be gaining, you could argue two things, one, City kept it's word in saying we were going to do that, but the reality is what we are doing is punishing him, for not having the house moved, and I would say in this case there were some extenuating circumstances which didn't allow it to...we wouldn't let him move it until he went through Planning Commission and all that stuff; took a risk there too. But you know what, it's your vote."

Discussion followed.

Voting AYE to waive the fines for Nick Schneider: Council members Vandenberg, Kobus, Hotovy, B. Meysenburg, and P. Meysenburg. Voting NAY: Council member Trowbridge. The motion carried.

Discussion/Consideration of the continuing decline of health / public welfare conditions in the City due to the failure of current processes to regulate nuisances, was placed on the agenda by Council member Trowbridge.

Council member Trowbridge stated: "If we aren't going to have consequences for any of these activities, we are going to keep looking like we've been looking and that is worse, and worse, and worse. This town looks worse today than it did two years ago, as far as abandoned cars, as far as houses in total disrepair, as far as junky, junky, junky, looking places, trash in the wrong place, and this isn't something to be proud of, and we get there by not having a consequence. So, where do we start? We point the finger at the Sheriff a lot."

City Attorney Jim Egr stated: "We have prepared the paperwork on three pieces of property under the new ordinance on dangerous buildings, and the new ordinance one, about taking the pictures and submitting them with a complaint letter to the property owners, and then when they haven't corrected them, taking the pictures again a second time to compare that they didn't do anything, and I wasn't going to file them two days before I was leaving for vacation, because it's kind of stinky to file them and then skip out of town for two weeks, but we've got the paperwork prepared to file when I get back. It will go to County Court."

Mayor Zavodny asked: "Do we have the right process in place? How are we enforcing it, are we too slow, where is it falling short?"

Council member Trowbridge stated: "It's falling short in cooperation of the violators in my view, and I have heard a couple of comments from people who violate, and that is, "you're not going to do anything to me anyway". That's the attitude that has developed, and we don't. There has to be a consequence Mr. Mayor, otherwise you go nowhere."

Mayor Zavodny asked: "Do you believe we have the rules in place?"

City Attorney Egr stated: "We're following them; we are going to try them on the criminal prosecution standpoint. It takes time, but it's been successful."

Citizen Mary Ann Long stated: "I was living in Missouri and my nephew was supposed to mow the yard because they were renting my house. He did not mow, the City came in, mowed it, cleaned it up, and sent me the bill, and you could do the same here maybe."

Council member Trowbridge stated: "The trouble is they don't pay it. That leads me to something I would like to see us do. I would like to see the City establish a customer account for each one of the households in the community, and to that account we would bill electric, water, and sewer, like we do now for utilities. We would bill rocks, brought into the alley at the home owners request, by the Street Department. We would bill renting a Bobcat and a man to do it, and we would bill fines to that account, and when that account isn't paid, we click off your electricity and your water, and I tell you what, we'd start getting paid."

Citizen Mary Ann Long stated: "And I paid the bill because they were going to put a lien on my property."

Mayor Zavodny stated: "I guess I would like to see how this works now when we go to County Court; and I don't hate that idea, because really the only way you are going to get compliance is, if they don't pay their bill by the 10<sup>th</sup>, they face shut-off. Now, how complicated that would be to change our policy and how that would work."

Interim Water Supervisor Aaron Gustin stated: "I suggested this next agenda item; because of the amount of turnover in the water and sewer departments there is no one on staff who has attended an Aqua-Aerobics training in regard to the SBR's. Wendy Ferguson was here prior, a few years back, she has experience with our system, she will be able to prep us in terms of the adjustments on the cycles and things that we do need to make after the anaerobic lagoon is completed, and then she will also be able to guide us in....we have two new decanters that are sitting out there that were ordered some time ago, that have yet to be installed, and Eriksen, because they have a crane on sight, had brought up the idea of assisting us to place those, and Wendy would most likely be able to assist us in the best process for that, because in order to do that we have to drain them, and that's going to take coordination with DEQ and she would be the best to give counsel on that. Everybody would attend this or it wouldn't be cost effective."



**Aftermarket Proposal # 54429**

**TO:** David City WWTP  
 3461 M Road  
 David City, Nebraska 68832  
 USA

**PROJECT:** DAVID CITY WWTP  
 David City, NE  
 USA-MUN

**ATN:** Aaron Gustin

**PROPOSAL DATE:** August 27, 2019

If billing and/or shipping address is different, please advise.

Qty	Description	Unit Price	Total Price
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We are pleased to quote, for acceptance within 60 days of this date, prices and terms listed below. Service will be scheduled after receipt of purchase order with mutually acceptable terms and conditions, subject to credit approval.

1	Field Service Specialist onsite for two (2) days of SBR process training at the David City WWTP. All travel expenses are included as well. Any additional parts and labor identified during the assessment visit are not included in this proposal.	\$4,800.00	\$4,800.00
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**Notes:**

1. Payable net 30 days from date of shipment subject to credit review, no retainage allowed.
2. State and/or local taxes will be charged unless we receive a valid resale/exemption certificate.

**Pricing Summary**

<b>Equipment and/or Accessories:</b>	\$4,800.00
<b>Total Job Price:</b>	\$4,800.00

Material and/or services not specifically listed in this proposal are not included in the quoted TOTAL JOB PRICE and are to be supplied by others.

Goods quoted above will be sold subject to the terms and conditions of sale set forth on the face hereof and the following pages entitled "Terms and Conditions of Aqua-Aerobic Systems, Inc. (A MetaWater Company)": Any different or additional terms are hereby objected to.

Council member Trowbridge made a motion to authorize hiring Aqua-Aerobic Systems to provide SBR process training at the Wastewater Treatment Plant for a cost of \$4,800.00. Council member Kobus seconded the motion. Voting AYE: Council members P. Meysenburg, Hotovy, Vandenberg, Kobus, B. Meysenburg, and Trowbridge. Voting NAY: None. The motion carried.

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members P. Meysenburg, B. Meysenburg, Kobus, Vandenberg, Hotovy, and Trowbridge. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:20 p.m.



CERTIFICATION OF MINUTES  
September 11<sup>th</sup>, 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 September 11<sup>th</sup>, 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.

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Joan Kovar, City Clerk