

**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 **10<sup>th</sup> day of May, 2017**, 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 3<sup>rd</sup> day of May, 2017.

**AGENDA AS FOLLOWS:**

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| 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 April 12 <sup>th</sup> , 2017 meeting of the Mayor and City Council;  |  |
| 5. Consideration of Claims;   | <hr/> Council member Thomas J. Kobus       |
| 6. Committee and Officer Reports;   |  |
| 7. Consideration of a proposal by Ray Sueper concerning contract services on building inspections;  | <hr/> Council member Dana E. Trowbridge    |
| 8. Consideration of a presentation by Daniel Hilger concerning the Waste Water Treatment Plant;   |  |
| 9. Consideration of the Wastewater Treatment Facility (WWTF) Upgrade Project discussion and Consideration; (follow up from April 26, 2017 Committee of the Whole discussion/assignments, desired scope, financial options, and Henningsen's involvement); | <hr/> Council member Kevin N. Hotovy       |
| 10. Consideration of Olsson Associates - Amendment #3 for the WWTF design completion in the amount of \$39,950;   | <hr/> Council member Patrick J. Meysenburg |
| 11. Consideration of the bids received for the David City Municipal Airport Slurry Project concerning Crack Seal and Slurry Seal Runway 14/32, Taxiway and Apron; New Runway and Taxiway Markings;  | <hr/> City Clerk Joan E. Kovar             |

12. Consideration of closing the Power Plant;
13. Public Hearing to consider amending Section 4.14 Accessory Buildings and Uses to add Section 4.14.08 Accessory Building on Residential lots of 33,000 sq. ft. or more;
14. Consideration of Ordinance No. 1262 amending Section 4.14 Accessory Buildings and Uses by adding Section 4.14.08 Accessory Buildings on Residential Lots of 33,000 square feet or more;
15. Consideration of Ordinance No. 1263, on the first reading only, to annex property legally described as: 30 15 3 PT E1/25W1/4 24.6 AC – GDC Properties LLC (property located on the west side of Hwy. 15 across from Aquinas High School, 3420 MN Rd;
16. Consideration of the bids received for the Park Picnic Shelter and Restroom Project;
17. Consideration of appointing Terry Pachunka as a Commissioner on the Housing Authority Board for another 5 year term;
18. Consideration of Ordinance No. 1264 authorizing the issuance of Water Revenue Bonds, Series 2017 to fund water system costs associated with the Downtown Improvement Project;
19. Consideration of Ordinance No. 1265 authorizing the issuance of Bond Anticipation Notes, Series 2017A to provide a portion of the construction funding for Street Improvement District Nos. 2017-1 and 2017-2 (Downtown Improvement Project);
20. Consideration of Resolution No. 20 – 2017 concerning the property located at 1070 North 8<sup>th</sup> Street in which the property owner was given until May 3<sup>rd</sup>, 2017 to abate the nuisance(s) and get the property in compliance with City Codes; (Barbara Palik)
21. Adjournment;

## CITY COUNCIL PROCEEDINGS

May 10, 2017

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 May 4<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 John Vandenberg, Thomas Kobus, Kevin Hotovy, Dana Trowbridge, and Patrick Meysenburg, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Ray Sueper, Dan Hilger, Craig Reinsch of Olsson Associates, Michael Behrendt of Henningsen Foods, Philip Lorenzen Vice President /D.A. Davidson, Eric Johnson Vice President /Kirkham Michael, Planning Commission Members Jim Vandenberg and Janis Cameron, Sheriff Deputy Shawn Gray, citizens David McPhillips, Jeff Hilger, and Mike Draper, Banner Press Editor Larry Peirce, Water/Sewer Department Head Travis Hays, Water/Sewer Employee C.J. Novak, and Park/Auditorium Supervisor Bill Buntgen.

The meeting opened with the Pledge of Allegiance.

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

The minutes of the April 12<sup>th</sup>, 2017 meeting of the Mayor and City Council were approved upon a motion by Council member Trowbridge and seconded by Council member Smith. Voting AYE: Council members Vandenberg, Meysenburg, Hotovy, Kobus, Smith, and Trowbridge. 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 Kobus seconded the motion. Voting AYE: Council members Hotovy, Meysenburg, Vandenberg, Trowbridge, Kobus, and Smith. Voting NAY: None. The motion carried.

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports. There being none, Council member Kobus made a motion to accept the Committee and Officers Reports as presented. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Meysenburg, Vandenberg, Trowbridge, Smith, and Kobus. Voting NAY: None. The motion carried.

Ray Sueper, who is currently the building inspector for the City of Crete, presented a proposal for contract service for building inspector services as follows:



Ray Sueper  
CPSS  
624 2<sup>nd</sup> Street  
Friend, NE 68359

May 4, 2017

Re: Letter of Proposal for Building Inspector Services

Dear Ms. Kovar, Honorable Mayor Zavodny and Members of the City Council,

I respectfully submit this letter of proposal to you for your consideration. It is my understanding that David City does not currently have a building inspector, and there is an identified need for someone in that capacity. Further, I understand that the role would be one of a part time, contractual basis.

I have been the full time building inspector for the City of Crete for ten years. In that capacity I report to the City Administrator. My services include reviewing and revising regulations to the city code, performing building inspections and enforcing the ordinances that promote the health and safety of the buildings in the city. Property maintenance and compliant construction of outbuildings, plumbing and mechanical inspections, signage, demolition, relocation of buildings and fences all are included in the scope of work. Prior to the position, I was a custom residential home builder, owning and operating Sueper Construction for nearly twenty-five years.

In 2015 my wife and I incorporated Coordinated Professional Services & Sales. We consult for individuals who are exploring new home construction, remodeling of their existing home and renovations and provide a wide array of services including construction plan evaluation, coordination of professionals to complete the building process, review of covenants and ordinances and interior design. As Nebraska is experiencing a construction boom, CPSS business has picked up, allowing me to consider resignation of my position with the City of Crete. Individual consulting contracts, such as the opportunity David City is considering, are being pursued as we build CPSS in to a full time position.

I recommend that we discuss the specific needs David City is anticipating as well as my personal recommendations to assist the city with implementing and updating necessary ordinances and codes, enforcing building compliance and property maintenance. I respectfully request a fee of \$75.00 per hour for our respective services. In addition, I would add \$.67 per mile for mileage to and from David City. I would further recommend that you would consider the following three proposals and welcome our discussion during the meeting.

Option 1 - \$7340/month / half days (mileage included)  
Option 2 - \$5068 /month / two full days per week  
Option 3 - \$2668 /month / one full day per week  
One year contract with optional renewal

I encourage you to visit my experience and resume at <https://www.linkedin.com/in/ray-sueper-7b957657/> I look forward to the opportunity to join you at a city council meeting to discuss your needs and my experience. Thank you, in advance, for your consideration.

Regards,

Raymond S. Sueper  
[rsueper@gmail.com](mailto:rsueper@gmail.com) / 402-826-7518

Mayor Zavodny stated: "Can you talk about the scope because this is something that I'm really interested in. We range from: "can you help us with condemnations?" to, "we have some new projects going on", and making sure the rules are being followed and those kinds of things."

Ray Sueper stated: "I'm kind of unique. In Lincoln they divide their inspections between individual inspectors for the trades, so the mechanical inspectors are one entity, the plumbing inspectors are another entity, etc., and I actually do all of that in Crete in addition to being the flood plain administrator, the zoning administrator, manage some of the custodial stuff, it's really all kind of lumped into my department. I do the Airport zoning administration also through my office, kind of a one man show in that respect. I appreciate the opportunity to discuss this, first off. A job description, what your expectations are, I would really like to see that in written format; maybe your City Attorney could do something of that nature so I can better address what your specific needs are going to be. I saw your last agenda and you have seven nuisance properties that you are dealing with currently I noticed. It seems like that is going to be a big part of what you want me to address."

Mayor Zavodny stated: "We have a development, maybe, that is going to be starting and that kind of thing. One is going to be residential and the other is a commercial."

Council member Trowbridge stated: "Most of the nuisance properties we've dealt with as of late are simply messes, to put it in a can, which we can probably handle without the professional help on the mess part of it, but the habitation of certain properties I believe is in question. There are some that either need significant renovation or they need to come down, from more than likely, the Universal Property Standards, and then those are the things when you get into messing with somebody else's property as far as telling them something they need to do, you need somebody who's experienced and certified to do those things."

Ray Sueper asked: "Would I be responsible to an individual, which I would like to take that approach if I did work for you, rather than being responsible to 8 different people all at once. I would be willing to make monthly reports to the Council."

Mayor Zavodny stated: "This is something we ought to do, with all the variety of things that have gone on here with construction of fences, putting up a pole shed before anyone figured out what was going on, we need to get a better handle on things, instead of "it's up now, now what do we do? What I would like to see, if the Council feels that it's a good idea, we work with you in the month or so to develop a very specific description, availability, and how all that would work, maybe some recommendations of how we should structure what we have on our books."

Council member Trowbridge stated: "Does the City have a fee schedule set up in Crete; charging for your services? I am looking ahead trying to figure out "can we get to the point of charging for your services?" which I believe we need to do versus just write checks. If we are going to use a gentleman like this, we are truly going to provide a service, and that service we haven't provided to our citizens for an awfully long time. We also have, I believe, the responsibility to provide some oversight as to what is a habitable house; one that can be lived in."

Mayor Zavodny stated: "Why don't we proceed in working with our legal counsel to structure something that we can present to the council saying this is what we are proposing."

Right now we are proposing a concept as opposed to what does it look like, what does it feel like, that kind of thing.”

Ray Sueper stated: “I realize you’d like to use my job description from Crete but I’d really like to get some feeling back from you folks on what your priorities are and your expectations for me for the City. So, if we could put something together from you as to what you would like to see come out of this, I would really like to see that.”

City Attorney Egr stated: “Really I think the Council needs to come up with what they expect, what I expect is a whole different situation.”

Mayor Zavodny stated: “What I would ask of the Council is if you have something specific if you could get that to me so we could incorporate that. I’ll be the collector of your ideas and we’ll try to figure out if we can put together a consensus of what that would look like, and if we have some parts that we want to discuss further we can do that; that would make sense.”

Dan Hilger presented information on Probiotic Solutions / Bio Energizer which is a formulation of complexing agents that balance the natural microbial ecosystem to increase bio-oxidation capacity. It reduces sludge build-up and handling costs by lowering BOD/COD and reducing FOG, as well as solving odor concerns. BIO ENERGIZER reduces odor and grease problems in sewer lines and lift stations. He requested being able to gather information on the Wastewater Treatment Plant, do an onsite visit to the facility, and put together a proposal.

Mayor Zavodny stated that he felt the best thing would be is for Dan Hilger to meet with Wastewater Supervisor Travis Hays and C.J. Novak to discuss this to see if they would be interested.

Craig Reinsch stated: “The goal for today’s agenda item is to define the scope of the wastewater treatment facility upgrade project and provide some guidance as to the funding mechanism that you would like us to do moving forward. I did touch base with Henningsen Foods about their participation in the project. We did have a conference call on May 4<sup>th</sup> to review that and the response from Henningsen Foods is that they are fully on board with the project, they are willing to pay their fair share, but they do want to confirm their share of the allocation. They are doing their own review of the information that we have provided to them and that is anticipated to be done in the next week or two. That is the information that I have received from Henningsen Foods and if you have any additional questions, Mike Behrendt is here representing Henningsen Foods. The October 1<sup>st</sup> deadline with DEQ is essentially for plans and specifications to be submitted to DEQ, so this is the engineering approach, not the construction approach, the construction has its own timeline. So, what would your anticipated deadline be for having everything wrapped up and agreed?”

Mike Behrendt stated: “We’re still gathering information for the board in Japan. We do have board members coming Monday, we’re having a meeting with them in Omaha. They will then go back and present our findings at that time to the Board in Japan to Yea or Nay on the funding. They understand it needs to be done, we just want to understand the whole scope of the project, longevity, and making sure we’re not going to be revisiting this in five, ten, years. I think we’re all on the same page with the lagoon so I look forward to be passed on but it’s just a process we have to follow.”

Craig Reinsch stated: "So would it be safe to say by the next board meeting in June we should be able to have something? Mike answered "Yes".

Mayor Zavodny stated: "We need to get in compliance with DEQ, there is too much at stake so we need to do something, we can't afford to be in non-compliance. Henningsen's has given me no indication that they want this to not work at all; I think they see the benefit to them. We need to get compliant; Henningsen or no Henningsen that's our bottom line, so are we sure that our steps are enough and we have enough time, and are leaving ourselves enough time, to do what we need to do to get this taken care of?"

Craig Reinsch stated: "October 1<sup>st</sup> is that first step in the compliance schedule and since we are 50% – 60% from the last go around as long as we continue moving forward, tonight being one of those key steps, we are planning on meeting that deadline."

Mayor Zavodny asked: "Our first agreement with Henningsen ends in 2018?"

Craig Reinsch stated: "The funding expires in December, 2018. The agreement that was just signed with Henningsen last fall was specifically, it was shorter with a 5 year time frame recognizing that in 5 years we would be further down the road, and so that gets into the funding mechanism that we will jump into in the second or third step. Once this project is done and we are moving towards that, we will want to revisit that agreement and make sure that that agreement matches the lifespan of the funding. The hard part is answering the question: "what will future regulations be?" This is meant to not only meet current regulations but what we can see. This is meant to give you that flexibility really to take care of the BOD's loading which will help take care of the ammonia.

Mayor Zavodny stated: "This is pointless if it doesn't meet Henningsen Foods needs because the City would be looking at a different option if Henningsen Foods wasn't in the equation, so this has to meet Henningsen Food's needs."

Mike Behrendt stated: "We understand that also. We understand the relationship that Henningsen Foods and David City has had, we understand that we wouldn't be going through this if it wasn't for us. Having that said, we are moving forward on our end as fast as we can."

Craig Reinsch stated: "In the report we have looked at several different options. The goal of the report was to put together previous recommendations to see what package, what scope, the Council wants to include in any potential project discussions. We know what we have to get done by October 1<sup>st</sup>, the lagoon cleaning, addressing the collection system, we're recommending that it should all be done, but they will be separate projects. We are not going to push to get these things through for the October 1<sup>st</sup> deadline, but I would like to know from the Council as far as funding considerations goes, what kind of scope or what kind of items would you like to include in the project for our consideration?"

Mayor Zavodny stated: "The other piece of this I think we need to consider, and it happens every spring, is our infiltration. Now we are looking at, "What can we afford to do?" "What do we need to do?" and obviously we have a huge problem there. So priority wise, of course this, because we are in non-compliance, but we're also not in a great spot with infiltration so how do these things fit together?"

Craig Reinsch stated: "So, what I presented at the April 26<sup>th</sup> meeting was that with the debt retiring on the 1997/98 upgrades at the wastewater plant looks like we'll be able to address

all three of those components: the wastewater plant, the north half of the collection system, and lagoon cleaning with a less than \$3.00/month/user increase, and so we can address all of these items once that debt is retired. By the time we go through design, again depending on the funding mechanism chosen, I'll use SRF (State Revolving Fund) as an example through DEQ, they normally don't, you don't have to start paying on that until after the project is complete, you can have multiple phases to the project, over a five year period or what not, as long as you do something each year, and so that could effectively push the start of the amortization payments past the time that the debt is retired on the original wastewater plant. So that would be a way to really cover the lion's share of that. Again, this is based on the percentages that we have that are in the report, the percentages are different based on the project, but we had to draw a line in the sand and pick one and those are our recommendations currently. So we can address them and the impact to the users that is based on our projections and we'll need to talk about funding once you guys discuss what you would like to include in the current project scope."

Mayor Zavodny asked: "Have we identified the area of sewer that lining isn't going to work and we're actually going to have to go in and replace?"

Craig Reinsch stated: "Yes, so the study that you asked me to do last fall went and identified those areas for more funding so we at least get something on the board as to "what is it going to cost?, and then we'll go through and start addressing those issues. Obviously we will probably find other things as we dig into it, but that is our recommendation based on the information that we have."

Mayor Zavodny stated: "From what I understand from our past discussions there really isn't a lot of help out there for us because we didn't qualify?"

Craig Reinsch stated: "Well you are talking about grants versus loans, so I guess we're going to talk about financing. I went ahead and contacted Phil and shared some information, I did some contacting as well. Right now, we looked at USDA funding, CWSRF funding which is State Revolving Fund, and then also bonds, so I'll do a little introductory for you and then I'll turn it over to Phil, and off we go. So USDA they offer terms up to 40 years, again but then we would recommend a 40 year agreement with Henningsen's; their interest rate is currently 3.375% and I haven't gotten, last time I talked to you about their procedure for calculating what the loan is, I haven't gotten anything back from them yet. CWSRF they are currently at 2.5% for a 20 or 30 year loan but because of the anaerobic lagoon and because of the collection system, we may qualify for a 2.25% because of their green project reserve, so there won't be any loan forgiveness associated with that but there will be lower interest loans than what the general bonds are able to provide. Of course each funding provides its own strings that do affect the costs and so one of the things that we could do is once you have the scope defined, if we are going to do one of the three, or two of the three, or all three, I can submit that again to WWAC, the Water/Wastewater Advisory Committee, and they can look at what the best combined funding package would be and then they could make that recommendation. If you recall when I submitted the collection system they said "you know, USDA is probably your best option, you can work with us, we will give you a loan at this percentage rate, so we'll at least have something a little more formal from them, but what that would require, and we could do this concurrently with design again working towards that October 1<sup>st</sup> date, we would have to go through a public hearing to discuss the impact to rates, we would also have to do the 30 day environmental review process, that's us sending letters out and waiting and going through that procedure; that's fairly minor but it takes time that can occur while we are going through design."

Phil Lorenzen stated: "Craig and I had a couple of conversations and I've made some contacts as well, most of my contact was with USDA and I've worked cooperatively with them on a number of projects. As Craig has indicated there are really three ways to finance: bonds issued by the City through Phil; that's probably your worst choice because you want to do this project on a revenue based transaction because of what we are taking on relative to the Downtown Project, and so forth so we want to keep it off the general obligation side. The earnings of the sewer system and by design we have separated each of the utility enterprise activities; electric is separate, water is separate, sewer is separate, they're not wrapped together, that gives you a lot of flexibility and it's very positive. The earnings of the sanitary sewer system are somewhere around \$350,000/\$360,000 adjusted. In order to finance a project of the scope you are talking about here relative to this, you would need to have earnings of close to \$600,000 in order for me to fund it because you have to have at least 150% of available revenues for debt service versus your debt service. I'm not a good choice; it's too costly, you have expenses for me to underwrite, you have higher legal fees, and so forth, so I would recommend that we put that thought aside, it's not your best option. The best options are the State Revolving Loan Fund through DEQ. As Craig has indicated that around 2.25% or 2.50% and that would be a 20 year financing. During the construction period you take and pay only 1% interest on the draw as you go so you don't start making payments until you start to amortize that; that helps like everything; that's an outstanding choice. You and I, Mayor, talked a little bit about the water infiltration, you're addressing that as well. USDA would be willing to do the project, I've had very good vibes from them with my conversations with them and I've worked with them on any number of projects. I think USDA, a 40 year loan which you could do, would be far beyond the useful life of the facility. USDA indicated to me that they would look at the useful life of mechanical components, and so forth of that lagoon facility, pumps and all the things you need mechanically and do a replacement accumulation so you accrete money as you go through time to replace those expendable items that need to be replaced over the course of time. In order to qualify for USDA you have to be denied credit so I gave you a draft of the kind of a letter that it would take; it would be workable to do that. I would recommend that you do pursue both of those courses. The only negative I see with USDA is you need to provide interim financing, but interim financing is not a complication. In today's market we would do 1.50% or 1.75% for interim financing and that financing is readily marketable because it's taken out by the loan from USDA, so that would be a small item, so those are your two best choices, the advantage of USDA, it seems to me, you've got a longer amortization."

Discussion followed.

Council member Hotovy made a motion to authorize Craig Reinsch of Olsson Associates to consult with the Water/Wastewater Advisory Committee (WWAC) for funding options to address all of the components: the wastewater plant, the north half of the collection system, lagoon cleaning, and infiltration. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Trowbridge, Kobus, and Hotovy. Voting NAY: None. The motion carried.

Craig Reinsch stated: "This contract amendment is to get us to the point where we can submit the plans and specifications to NDEQ on or before October 1, 2017 and go through the bidding process. There will be contract amendments for construction phase services later down the road and then for the lagoon cleaning design and for the collection system; that will be a separate contract amendment or a separate project altogether. So this, what's proposed to you now, is really just to get us to submitting plans and specs to DEQ and going through the bidding process.

Council member Hotovy made a motion to approve Letter Agreement Amendment #3 between the City and Olsson Associates. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Smith, Meysenburg, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

## LETTER AGREEMENT AMENDMENT #3

This AMENDMENT ("Amendment") shall amend and become a part of the Letter Agreement for Professional Services dated August 31, 2009 between the City of David City ("Client") and Olsson Associates, Inc. ("Olsson") providing for professional services for the following Project (the "Agreement"):

### PROJECT DESCRIPTION AND LOCATION

Project is located at: David City, Nebraska

Project Description: Additional engineering services necessary to complete the original design begun in 2011. Additional services include project management and administration, revising existing design drawings for the wastewater treatment facilities improvements, additional wetlands and Army Corps of Engineers permitting, confirmations and revision of original design, and other services requiring amendment from the original contract and Amendment #1. This amendment does not include design work for lagoon cleaning or collection system improvements, as these have yet to be authorized by the City.

### SCOPE OF SERVICES

Client and Olsson hereby agree that Olsson's Scope of Services under the Agreement is amended by adding or authorizing the services specifically described below for the additional compensation set forth below:

### PROJECT ADMINISTRATIVE AND MANAGEMENT

- Project management is responsible for coordination of the various disciplines that have involvement in the project, tracking of work completion, maintenance of project schedule, and project management updates. Specific activities include coordination and meetings with the City, coordination and meetings with NDEQ, USDA-RD, or Henningsen Foods, as applicable, internal project meetings, billings, collections, and project documentation.

### WETLAND DELINEATION AND PRELIMINARY JURISDICTIONAL EVALUATION

- Olsson will complete a Wetland Delineation of the City of David City's wastewater lagoons site, an approximately 20-acre parcel southwest of David City, Butler County, Nebraska. The project proposes improvements to the City's wastewater lagoon centered around Cells A, C, and E. (See attached Figure). Olsson will follow the methods described in the U.S. Army Corps of Engineers (Corps) Wetland Delineation Manual (January, 1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0) (March, 2010).

**Desktop Review.** The first step of the Wetland Delineation consists of a desktop review of available databases to determine areas within the project study area that may have potential wetlands or other waters. This review will include accessing information from the National Hydrography Dataset (NHD), National Wetland Inventory (NWI), U.S. Geological Survey (USGS) 7.5 minute topographic maps, Natural Resources Conservation Service (NRCS) soil data, and current and historical aerial imagery.

**Site Visit.** Following the desktop review, a site visit will be conducted to field verify the presence or absence of wetlands and other waters identified during the desktop review. The site visit must be conducted during the Corps specified growing season (May 1 – October 31). The site visit will be conducted by traversing the project study area to identify wetland characteristics including; hydrophytic vegetation, hydric soils, and wetland hydrology. Wetland and/or other waters boundaries will be delineated using sub-meter accuracy global positioning system (GPS) units. Great Plains Region Data Forms will be filled out. Photographs documenting site conditions, including wetlands and other waters, will be taken.

**Report.** Upon completion of the site visit, a report documenting the findings of the Wetland Delineation will be prepared detailing the presence or absence of wetlands and other waters within the project study area. The Wetland Delineation Report will include a narrative of how the Wetland Delineation was conducted and a summary of the results of the Wetland Delineation. Figures documenting information gathered during the desktop review and figures showing wetland and other waters boundaries, sample point locations, and photo point locations will be included along with a photo log documenting conditions at the time of the site visit. The report will also include a description of Olsson's opinion of whether the wetlands and other waters are jurisdictional and, therefore, waters of the U.S.

During the site visit a survey for state and federally listed threatened and endangered species that could potentially exist within the project study area and their habitat will occur.

➤ Section 404 Nationwide Permit Application and Coordination.

Olsson will calculate impacts to wetlands and other waters based on electronic design files from plan sets.

Olsson assumes the project will be eligible for a Nationwide Permit (NWP) from the Corps because it is believed this project will include impacts to jurisdictional waters of the United States (WOTUS) of less than 0.5 acre and there will be less than 100 linear feet of stream channel length loss, and/or 300 linear feet of stream bed loss due to the placement of culverts or similar structures. If there are impacts to Waters of the U.S. and thus a NWP is necessary for the project, Olsson will prepare a Pre-Construction Notification (PCN) letter as part of the NWP application. As part of the NWP process, Olsson will also coordinate with the U.S. Fish and Wildlife Service (USFWS), the Nebraska Game and Parks Commission (NGPC), and the Nebraska State Historical Preservation Office (NeSHPO) as required by the Corps.

Following the submittal of the NWP application, Olsson will coordinate with the Corps to verify that they have all the required information needed to process the application. Olsson will also coordinate with the Nebraska Department of Environmental Quality (NDEQ) for circumstances where Water Quality Certification (Title 117, Nebraska Administrative Code) is required.

If project changes increase impacts after the PCN submittal and a modification of the NWP application is needed, or if an Individual Permit is determined to be required after impacts have been calculated, additional fees and scope will be required.

After the permit is obtained, a summary sheet detailing permit conditions will be prepared to assist in compliance during construction.

➤ Exclusions

1. Individual Section 404 Permit Application
2. Additional Site Visits with the Corps
3. Database Review of State and Federally listed Threatened and Endangered Species
4. Migratory Bird Treaty Act Nesting Surveys
5. Bald and Golden Eagle Nest Surveys
6. Agency Requested Threatened and Endangered Species Specific Survey
7. Agency Requested Historic or Cultural Resource Surveys
8. Floodplain Permitting
9. Wetland Mitigation Services

If additional services are necessary in the future, Olsson will provide a revised scope and fee for these services.

**FINAL DESIGN SERVICES**

- The Final Design Services scope, as outlined in Contract Amendment #1, Task 205, shall be amended to provide additional budget for review and revision of the plans and specifications completed to date, as necessary due to the amount of time that has elapsed since the last design review meetings held in 2011 and 2012. The plans and specifications will be prepared for submission to the Nebraska Department of Environmental Quality (NDEQ) for review and granting of a construction permit, as required by October 1, 2017.

**BIDDING PHASE SERVICES**

- The Bidding Phase Services scope, as outlined in Contract Amendment #1, Tasks 301 to 305, would be authorized for the wastewater treatment facility improvements portion only. This budget amount has already been established.

**CONSTRUCTION PHASE SERVICES**

- An amendment for Construction Phase Services will be drafted if desired by the City.

**COMPENSATION**

For the additional Scope of Services specifically set forth in this Amendment, Client shall pay Olsson the following fee in addition to the fee(s) set forth in the Agreement:

Client shall pay to Olsson for the performance of the Scope of Services a fixed fee of Thirty Seven Thousand Nine Hundred and Fifty Dollars (\$39,950.00).

Olsson's reimbursable expenses for this Project are included in the fixed fee. Olsson shall submit invoices on a monthly basis and payment is due within 30 calendar days of invoice date.

The budget amounts for the 'Relocate Primary Lift Station' and 'Relocate Primary Lift Station Bidding Services' from Amendment #1 are hereby removed from the total contract amount. The current contract amount, including the deductions and the cost of this amendment authorized through Bidding Phase Services is \$224,434. The contract times shall be extended from April 15, 2017 to an anticipated completion date of February 16, 2018.

**TERMS AND CONDITIONS OF SERVICE**

All provisions of the original Agreement not specifically amended herein shall remain unchanged. If this Contract Amendment satisfactorily sets forth your understanding of our agreement, please sign in the space provided below. Retain a copy for your files and return an executed original to Olsson, 601 P Street, Lincoln, Nebraska 68508. This proposal will be open for acceptance for a period of 30 days from the date set forth above, unless changed by us in writing.

**OLSSON ASSOCIATES, INC.**

By  By 

By signing below, you acknowledge that you have full authority to bind Client to the terms of this Amendment. If you accept this Amendment, please sign:

**CITY OF DAVID CITY**

By   
Signature

Printed Name Alan Zavodny

Title Mayor

Dated: May 10, 2017

Council member Vandenberg made a motion to advance to agenda items #18 and #19 - Consideration of Ordinance No. 1264 authorizing the issuance of Water Revenue Bonds, Series 2017 to fund water system costs associated with the Downtown Improvement Project; and Consideration of Ordinance No. 1265 authorizing the issuance of Bond Anticipation Notes, Series 2017A to provide a portion of the construction funding for Street Improvement District Nos. 2017-1 and 2017-2 (Downtown Improvement Project); and Council member Hotovy seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Smith, Kobus, Hotovy, and Vandenberg. Voting NAY: None. The motion carried.

Philip Lorenzen of D.A. Davidson & Co. stated: "Our recommendation is that we move forward with some financing. The market has come your way, interest rates are a little lower recently, so I think it's an opportune time. I think this topic is generally known, that I call your attention to a conversation that I had with your city engineer that indicates that there's a pre-construction conference on the 18<sup>th</sup>, and it appears as though the determination is universally made and public view now, that the State, the Contractor would like to go ahead and do Highway 15, work 4<sup>th</sup> Street this year, and defer the rest of the Downtown Project until 2018 so you don't go into the end of the construction season and have drainage issues and so forth. Is that new news or old news?"

Council member Trowbridge asked: "Why do we hear that from you?"

Phil Lorenzen stated: "I don't know."

Mayor Zavodny stated: "That's new news to me."

Council member Trowbridge stated: "This is a continuum of the communication problems we've had."

Mayor Zavodny stated: "Irregardless that this is beyond annoying, the same question then applies on our financing, we don't want to start incurring the costs before we start."

Phil Lorenzen stated: "That's correct. Here's the big picture as I see it, based on that information we may want to defer. I'm not sure when the first draw that you're requested to make, is going to be, I'm assuming not before June most likely, so we could defer this action until the June meeting and still deliver funds in July about the time you are meeting so if you have a claim we could honor that claim. I like the market where it's at right now; I don't know where it is going to go. I'd like to do a million and a quarter in financing and lob it out about ten years with a final maturity as General Obligation Water Bonds. That will lock in an interest rate of somewhere around 2.50% on that piece of financing."

Council member Trowbridge asked: "What is this for?"

Phil Lorenzen stated: "The water portion of the replacement of the mains, and so forth, which is approximately one million dollars; Downtown."

Council member Trowbridge stated: "But we've never sold it to the public under that premise."

Phil Lorenzen stated: "It's paid from the sales tax but the mechanism would be the issuance of bonds."

Council member Trowbridge stated: "This just doesn't say that, it says *"providing for the levy of taxes to pay the same after the application of other funds available"*. I am thinking something more germane to what we are planning on doing might be a better language."

Phil Lorenzen stated: "*After the application of other funds*", is the sales tax revenue. You don't levy a tax until the sales tax; you use the sales tax."

Council member Trowbridge stated: "You don't have any way to levy a tax anyway."

Phil Lorenzen stated: "Yes you do, if you pass this ordinance you do, but you're not going to levy a tax you're going to use sales tax. This affords the market ability. Sales tax bonds are not marketable. You will use the sales tax revenue to make that payment. What I am proposing is we would have the bonds due in the 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 10<sup>th</sup> year, an interest rate of approximately an average rate of approximately 2.50%, the annual carrying charge on that would be about \$30,000, but those bonds would be callable so as the sales tax comes in you would go ahead and use the sales tax to pay down those bonds. We would use the same technique on the issuance of Bond Anticipation Notes which is the next agenda item. We would authorize the issuance of Bond Anticipation Notes and I would propose you would issue two and a half million (\$2,500,000) of Bond Anticipation Notes, a bit more than what the \$1.8 million is that would come back from the State and from the County, that way, and I've left a call option on those of January 2018, assuming that piece of the project will be done this fall, you can go ahead and pay those notes off early, the interest rate on those I expect will be 1.50%. So what I'm looking to do is try to do low cost bonding, which lets you accumulate the sales tax and go ahead and pay that down rapidly so we're not paying excessive amounts of interest."

Mayor Zavodny stated: "I think that makes sense on the highway part, but the County, if we're not doing the Downtown, will the County part get done?"

Phil Lorenzen stated: "I have no knowledge of that whatever."

Discussion followed. It was noted that the State pays us two years in arrears; so the City is floating it for two years. Phil Lorenzen stated that he didn't realize it was two years in arrears so we may want to have a longer maturity than September of next year, maybe September 2019.

Phil Lorenzen stated: "My strong thought is that we're probably well advised to come back and revisit this at your June 14<sup>th</sup> meeting and plan to deliver proceeds in July. I don't anticipate you're going to have a draw before that, but I think we'd be premature, with the discussion we're just having right now, to go ahead and move this forward. It would be my recommendation to table these."

Therefore, Council member Hotovy made a motion to table consideration of Agenda Items 18 and 19, Consideration of Ordinance No. 1264 authorizing the issuance of Water Revenue Bonds, Series 2017 to fund water system costs associated with the Downtown Improvement Project; and Consideration of Ordinance No. 1265 authorizing the issuance of Bond Anticipation Notes, Series 2017A to provide a portion of the construction funding for Street Improvement District Nos. 2017-1 and 2017-2 (Downtown Improvement Project), and Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Smith, Kobus, Vandenberg, and Hotovy. Voting NAY: None. The motion carried.

Project Manager Eric Johnson of Kirkham, Michael & Associates, Inc. presented the following recommendation of award for the Airport Project: Crack Seal and Slurry Seal Runway 14/32, Taxiway and Apron; New Runway and Taxiway Markings:

May 10, 2017

Ms. Joan Kover  
City Clerk  
557 North 4<sup>th</sup> Street  
David City, Nebraska 68632

RE: Recommendation of Award  
Crack Seal and Slurry Seal Runway 14/32, Taxiway and Apron;  
New Runway and Taxiway Markings  
AIP Project No. 3-31-0025-011  
KM-1611226

Dear Mr. Kover:

On May 8th, 2017, two bids were received for the Bidding of the referenced project at David City Municipal Airport. All bidders were qualified to submit a bid proposal within the requirements of the project specification and bid documents. All proposals were reviewed and evaluated including unit price extensions. The bid tabulation is attached. A summary of the Bid Results and other required information have been provided below:

Bid Results

<b>Bidder</b>	<b>Base Bid</b>
Engineers Estimate	\$222,009.70
Struck & Irwin Paving INC	\$153,652.24
Maxwell Asphalt Sealing	\$178,290.15

Bidders submitted a 5% bid bond guarantee.

All proposals were executed by an officer of the Company and an attest to their signatures were included.

All proposals indicated that the cost to add the Sponsor and Engineer to their policy as Additional Insured will be \$0.

A pre-bid meeting was not held for this project.

All bidders are pre-qualified.

The bidders are not on the debarment list through the SAM registrar.

Disadvantaged Business Enterprise (DBE) Participation:

The DBE goal established for this project by the sponsor is 5.41%. Each bidder is committed to the goal as a minimum.

Buy American:

Struck & Irwin Paving indicated in the buy American Certification form that they will comply with Title 49 U.S.C. Section 50101 for this project. A waiver was not requested.

Recommendation for Award:

In accordance with the project specifications and contract documents, it is Kirkham Michael's recommendation to award the contract to Struck & Irwin Paving of 7219 Gene Street, Deforest, WI 53532 on their bid proposal for the base bid of \$153,652.24 as the lowest responsive bidder.



Ms. Joan Kover  
May 10, 2017  
Page 2

**Please note that NDA/FAA must concur in the award to Struck & Irwin Paving before notification of award can be issued. The Sponsor shall not enter into a contract with Struck & Irwin Paving INC until Federal authorization is received.**

If you have any questions or need any additional information, please contact us at 402.858.8852.

Sincerely

KIRKHAM, MICHAEL & ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read 'Eric Johnson', written over the company name.

Eric Johnson  
Project Manager

EWJ/sjt

Copy to: S. Thomas – Kirkham Michael

P:\1611226\specs\_Bid File\Recommendation of Award Letter.docx

Council member Trowbridge made a motion to accept the bid of Struck & Irwin Paving Inc. in the amount of \$153,652.24 for the Airport Project that includes crack seal and slurry seal Runway 14/32, Taxiway and Apron, and new runway and taxiway markings, contingent upon the approval of the NDA/FAA. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Meysenburg, Hotovy, Vandenberg, Smith, and Trowbridge. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "I, probably 8 months ago, had talked to Eric about, you know we ran into the problem when he was out with his back and we couldn't produce for NPPD and we had all the other issues there, that he is pretty much the franchise so if we don't have him we can't operate the stupid thing, and we do know that we have some older, even though they say they are the most reliable ones we have, we know that our 1947, roughly circuit 1947 engines, we can't get parts for anymore, they don't even make them, so I asked him about 8 months ago: "look into what would it take to decommission it?, Is there value there?, those kinds of things. He understood and he did start looking at that. What I'm going to ask you to do tonight is table this. I got a call from Pat, because they've got some skin in this game with their switch gear, and he's not going to be able to make it tonight, and Eric, they have awards night at the High School and I said "yes, you should go to that, it's your kids thing and family should always come first". So I am going to ask you to table this."

Council member Trowbridge made a motion to table consideration of closing the power plant to the June 14, 2017 meeting. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Meysenburg, Vandenberg, Kobus, and Trowbridge. Voting NAY: None. The motion carried.

At 8:18 p.m. Mayor Zavodny opened the Public Hearing to consider amending Section 4.14 Accessory Buildings and Uses to add Section 4.14.08 Accessory Building on Residential Lots of 33,000 Sq. Ft. or more.

Council member Meysenburg stated: "Why do we need to change an ordinance just because somebody wants to put a certain type of building up?"

Mayor Zavodny stated: "The Council indicated that they had some interest in seeing if we could do that, and that's why it got this far. We kind of said "what could we do to make it work?" so we asked for this."

Council member Meysenburg asked: "Are there really that many lots?"

Council member Trowbridge stated: "It's amazing. It is way beyond what I thought it was. I think I may have been the one that when Wayne Lukert was here that evening, suggested that we try to find a way to help him put up a building, but at that point I had no idea how many lots that affected that may be over the 33,000 sq. ft.."

City Clerk Kovar had obtained the following information from the Butler County Assessor Vickie Donoghue that stated: "When I indexed this information, the data below was compiled. I will note, that there may be other properties that may have multiple parcels attached to each other that are not combined due to the fact that the deed work for the parcel(s) were filed on an individual basis and are not combined. If the multiple parcels were combined their total property may be over the 33,000 sq. ft. This is the best list that I can give you for the information that you are requesting."

PARCEL #	CURRENT OWNER	METHOD	UNITS
120000287	THEGE/JAMES D (ETAL	SF	102000
120000294	THEGE/JAMES D (ETAL	SF	38000
120003920	DAVIS/LONNIE L & JUDITH	SF	45108
120004004	PICKETT/KENNETH A & TRACEY E	SF	35002
120005089	ARNOLD/WAYNE D & MARILYN KAY	SF	41467.6
120006370	SVOBODA/CYRIL C (& WIFE	SF	42000
120006377	STUTZMAN/JEREMY S & AMANDA L	SF	42000
120006643	DEWISPELARE/LADONNA E(& MARY ANN~RATKOVEC	SF	49666
120006790	GRATZ/DAVID P & YVONNE K	SF	45000
120006986	WOLLMER/TIMOTHY J & LORI A	SF	36411
120007707	BURESH/BERNARD (ETAL	SF	42448
120007840	NINE STORIES LLC	SF	93819
120007861	SYPAL/DANIEL J & JANET M	SF	90629
120007917	BAILEY/TIMOTHY E	SF	60000
120008323	DARO/ANDREW & MELISSA	SF	38000
120008350	HAZEN/GARRY L & JACQUELINE K	SF	90000
120008351	SYPAL/DANIEL J & JANET M	SF	157687
120008353	VANDENBERG/JOHN P & LINDA K	SF	89964
120008358	SYPAL/DANIEL J & JANET M	SF	106270
120008365	CLARY/DONALD E	SF	52312
120008372	THOENDEL/VICTOR & RUTH	SF	55757
120008379	BETZEN/AMY & ALLEN LUKERT	SF	35925
120008393	RERUCHA/JAMES A & ANNA M	SF	170500
120008414	SCHMID/RONALD & KAY	SF	58806
120008423	HAVLENA/VONDA	SF	33825
120008428	SYPAL/DANIEL J & JANET M	SF	57935
120008435	SYPAL/DANIEL J & JANET M	SF	79280
120008442	KOUBA/DANIEL T	SF	131267.5
120008456	RONKAR/RICHARD L & LINDA L	SF	75185
120008484	YATES/JEFFREY A (& BRENDA A LENZ	SF	321908
120008491	METZNER FAMILY PARTNERSHIP LTD	SF	349350
120008526	WOLLMER/JAMES A & KATHLEEN A	SF	48787

120008533	WOLLMER/JAMES L & KATHLEEN A	SF	60548
120008540	COUCH/CORTNEY & HEATHER	SF	35514
120008574	NIEMANN/GARY D(SR & LOUISE A	SF	48487
120008576	NIEMANN/GARY D(SR & LOUISE A	SF	44288
120008578	BURWELL/MICHAEL B & SANDRA M	SF	104416
120008586	ZAVODNY/ALAN D & RHONDA M	SF	110873
120008587	DUBS/WILLIAM F & JUDITH L	SF	46447
120008595	HEIN/EDWARD A & GWENDOLYNNE	SF	130900
120008596	MEYSENBERG/BRUCE L & PATRICK J	SF	48352
120008597	MCPHILLIPS/LAWRENCE E & REBECCA A	SF	44431
120008599	LONGENECKER/KENT & MICHELLE	SF	48352
120008600	CARLSON/MARK V & LINDA L	SF	56250
120008603	ROGERS/MICHAEL E & SHARON G	SF	50965
120008604	THEGE/JAMES DEAN & NANCY ANN	SF	246985
120008606	RICHARDS/TERRY (JR	SF	87120
120008609	HERITAGE OF DAVID CITY INC	SF	35349
120008637	STARA/CRYSTAL S (ETAL	SF	39379
120008724	SABATA/LARRY J	LT	5.24 ac
120008725	DANA POINT DEVELOPMENT CORPORATION	LT	3.72 ac
120008726	SABATA ESTATES LP	LT	1.52 ac

Thank you.

*Vickie Donoghue*  
*Jutler County Assessor*

It was noted, that due to the information received, Wayne Lukert does not have a unique situation. There are several property owners that this ordinance could effect. There being no further comments, Mayor Zavodny closed the Public Hearing at 8:25 p.m.

Council member Trowbridge introduced Ordinance No. 1262 amending Section 4.14 Accessory Buildings and Uses to add Section 4.14.08 Accessory Building on Residential Lots of 33,000 Sq. Ft. or more, and made a motion to pass Ordinance No. 1262 on the first reading only.

Mayor Zavodny stated: "There is a motion on the floor, is there a second?" "Again, is there a second to the motion?" "Hearing none, again for the 3<sup>rd</sup> and last time, is there a second to the motion?" "Hearing none, the motion dies for lack of a second."

**ORDINANCE NO. 1262 - Died for lack of a Second**

*AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING SECTION 4.14 ACCESSORY BUILDINGS AND USES BY ADDING SECTION 4.14.08 ACCESSORY BUILDINGS ON RESIDENTIAL LOTS OF 33,000 SQUARE FEET OR MORE; 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.**

4.14.08 Accessory Buildings on Residential lots of 33,000 sq. ft. or more, the following design criteria are allowed with following guidelines:

1. The maximum width of an accessory building shall be 40 feet.
2. The maximum side wall height of an accessory building shall be 12 feet.
3. The accessory building shall not have a dirt floor.
4. The accessory building may be constructed of non-reflective metal siding.
5. The maximum square feet shall be limited to the total coverage requirements of the city.
6. The accessory use, under these criteria shall require a **conditional use** permit.
7. All rear and side yard setbacks shall be a minimum of 15'.
8. The accessory building shall not be used for commercial use.
9. No accessory building shall be placed in front of the principal structure.
10. Screening shall be in place per the rules in this regulation.

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 \_\_\_\_\_, 2017.

\_\_\_\_\_  
(Died for lack of a 2<sup>nd</sup>)  
Mayor Alan Zavodny

\_\_\_\_\_  
(Died for lack of a 2<sup>nd</sup>)  
City Clerk Joan Kovar

Council member Trowbridge introduced Ordinance No. 1263. Mayor Zavodny read Ordinance No. 1263 by title. Council member Meysenburg made a motion to pass and adopt Ordinance No. 1263 on the first reading only. Council member Hotovy seconded the motion. Voting AYE: Council members Trowbridge, Hotovy, Vandenberg, Kobus, Smith, and Meysenburg. Voting NAY: None. The motion carried and Ordinance No. 1263 was passed on 1<sup>st</sup> reading only as follows:

**ORDINANCE NO. 1263**

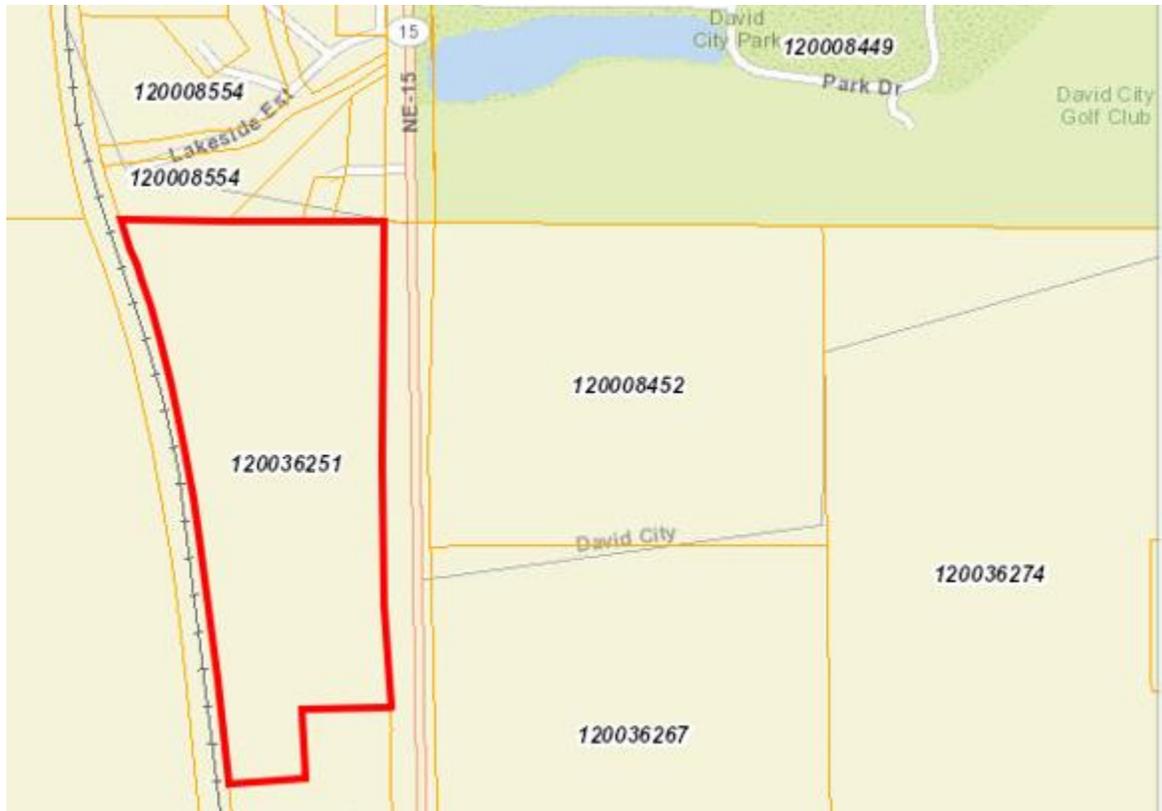
AN ORDINANCE TO EXTEND THE BOUNDARIES AND INCLUDE WITHIN THE CORPORATE LIMITS OF, AND TO ANNEX TO, THE CITY OF DAVID CITY, NEBRASKA, A tract of land located in the East Half of the Southwest Quarter (E½ SW¼) of Section Thirty (30), Township Fifteen (15), North, Range Three (3), East of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Commencing at the Northeast corner of said Southwest Quarter (SW¼), and assuming the East line of said Southwest Quarter (SW¼), to have a bearing of S1°08'18"E; thence N89°45'10"W, 75.71 feet, on the North line of said Southwest Quarter (SW¼), to the Point Of Beginning, said Point being on the Westerly right-of-way line of Nebraska Highway No. 15; thence S0°55'30"E, 1,334.83 feet, on said Westerly Highway right-of-way line;; thence N89°45'10"W, 75.71 feet, on the North line of said Southwest Quarter (SW¼), to the Point Of Beginning, said Point being on the Westerly right-of-way line; thence S9°51'02"E, 202.41 feet, on said Westerly Highway right-of-way line; thence N89°04'30"E, 5.00 feet, on said Westerly Highway right-of-way line; thence S1°08'18"E, 12.90 feet, on said Westerly Highway right-of-way line, to the Northeast corner of a parcel of land conveyed in Microfilm Book 03, page 2039; thence S89°20'30"W, 301.32 feet, on the North line of said parcel; thence S0°16'30"W, 213.14 feet, on the North line of said parcel; thence S89°51'20"W,

245.25 feet, to the Northwest corner of said parcel, said Point also being on the Easterly right-of-way line of the Burlington Northern Railroad; thence Northerly, 1,804 feet, more or less, on said Easterly Railroad right-of-way line, to a point on the North line of said Southwest Quarter (SW $\frac{1}{4}$ ); thence N89°45'10"E, 841.08 feet, to the Point Of Beginning, containing 24.6 acres, more or less; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1: It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of land located in the in the East Half of the Southwest Quarter (E $\frac{1}{2}$  SW $\frac{1}{4}$ ) of Section Thirty (30), Township Fifteen (15), North, Range Three (3), East of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Commencing at the Northeast corner of said Southwest Quarter (SW $\frac{1}{4}$ ), and assuming the East line of said Southwest Quarter (SW $\frac{1}{4}$ ), to have a bearing of S1°08'18"E; thence N89°45'10"W, 75.71 feet, on the North line of said Southwest Quarter (SW $\frac{1}{4}$ ), to the Point Of Beginning, said Point being on the Westerly right-of-way line of Nebraska Highway No. 15; thence S0°55'30"E, 1,334.83 feet, on said Westerly Highway right-of-way line;; thence N89°45'10"W, 75.71 feet, on the North line of said Southwest Quarter (SW $\frac{1}{4}$ ), to the Point Of Beginning, said Point being on the Westerly right-of-way line; thence S9°51'02"E, 202.41 feet, on said Westerly Highway right-of-way line; thence N89°04'30"E, 5.00 feet, on said Westerly Highway right-of-way line; thence S1°08'18"E, 12.90 feet, on said Westerly Highway right-of-way line, to the Northeast corner of a parcel of land conveyed in Microfilm Book 03, page 2039; thence S89°20'30"W, 301.32 feet, on the North line of said parcel; thence S0°16'30"W, 213.14 feet, on the North line of said parcel; thence S89°51'20"W, 245.25 feet, to the Northwest corner of said parcel, said Point also being on the Easterly right-of-way line of the Burlington Northern Railroad; thence Northerly, 1,804 feet, more or less, is urban and suburban in character and contiguous and adjacent to the corporate limits of said city;



- (b) Sheriff, fire, and snow removal benefits will be immediately available thereto, and City electricity, water, and sewer will be available as provided by law;
- (c) The Zoning classification of such territory as shown on the official zoning map of the City of David City, Nebraska, is hereby confirmed;
- (d) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Section 1 (a) above.

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska.

SECTION 5: That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

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

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

(Passed 1<sup>st</sup> reading only 5-10-17)  
Mayor Alan Zavodny

(Passed 1<sup>st</sup> reading only 5-10-17)  
City Clerk Joan Kovar

The City had advertised for bids for engineering a new 24' x 44' picnic shelter and an ADA accessible, two-stall restroom with showers in the David City Park. Packets were received from Miller & Associates Consulting Engineers, P.C., and Granger Architecture. When City Clerk Kovar opened the bids, however, they only contained the engineer's pamphlets that explained their architectural and project management experience. City Clerk Kovar will contact them to see about receiving actual bids for engineering the projects.

The following was received from Renee Williams, Executive Director of the David City Housing Authority: *"Terry Pachunka's term on the Board of Commissioners here at the Sunshine Court expires in June 2017. We are asking you to please reappoint him as a Housing Authority Board of Commissioner for another 5 year term. All our Commissioners serve without pay, and attend approximately twelve (12) meetings per year."*

Council member Hotovy made a motion to reappoint Terry Pachunka as a Commissioner on the Housing Authority Board for another 5 year term. Council member Trowbridge seconded the motion. Voting AYE: Council members Kobus, Smith, Meysenburg, Vandenberg, Trowbridge, and Hotovy. Voting NAY: None. The motion carried.

Resolution No. 18 – 2017 was passed on April 12, 2017, giving Barbara Palik Janak a 3 week extension, until May 3, 2017, to get her property at 1070 North 8<sup>th</sup> Street in compliance with City Codes. The following pictures of the property located at 1070 North 8<sup>th</sup> Street were viewed and considered.



The Council stated that they still did not consider the property in compliance as they had hoped to see more improvements. They were hoping that the entire driveway would be cleaned off and the garage doors would be shut. Randy had stated at the April council meeting that the slide was going to be removed and it is still there. It was noted that the wood pile is neatly stacked so that could probably be overlooked. The council members questioned why such a large compost pile was needed. Discussion followed in which the Council members all agreed that the following improvements needed to be made:

- 1) The trailers that are loaded up with various items need to be removed from the premise as well as the lockers, cages, etc.
- 2) The compost pile needs to be reduced in size
- 3) There should be a reasonable prudent driveway; all items on the driveway must go so that it is totally cleaned off except for operable vehicles and the garage doors should be shut.

Council member Trowbridge introduced Resolution No. 20 – 2017 and moved for its passage and adoption. Council member Meysenburg seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Trowbridge, Meysenburg, Smith, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 20 - 2017 was passed and approved as follows:

**RESOLUTION NO. 20 – 2017**

TO: Barbara Palik

YOU ARE HEREBY NOTIFIED THAT ON May 10<sup>th</sup>, 20 17, the City of David City, Nebraska, by Resolution No. 20 - 2017, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:  
1070 North 8<sup>th</sup> Street

You are granted until noon tomorrow – May 11<sup>th</sup>, 2017, to abate said nuisance. Failure to abate said nuisance shall result in said nuisance being abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: May 10, 2017

CITY OF DAVID CITY, NEBRASKA

By: \_\_\_\_\_  
Mayor Alan Zavodny

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

The Council instructed City Clerk Kovar to call Barbara Palik after the meeting this evening to tell her that she has until noon tomorrow, May 11<sup>th</sup>, to be in compliance or the City will be sent to her property to abate the nuisance.

There being no further business to come before the Council, Council member Vandenberg made a motion to adjourn. Council member Kobus seconded the motion. Voting

AYE: Council members Smith, Meysenburg, Trowbridge, Vandenberg, Hotovy, and Kobus.  
Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:55 p.m.



CERTIFICATION OF MINUTES  
May 10, 2017

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of May 10<sup>th</sup>, 2017; 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