

**ACKNOWLEDGMENT 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 special meeting of said body and the agenda for such meeting to be held at **6:30 p.m.** on the **17th day of December, 2014**, in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska.

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

Dated this 12th day of December, 2014.

Mayor Alan Zavodny

AGENDA AS FOLLOWS:

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act;
4. Consideration of Ordinance No. 1219, on the 2nd reading, concerning the annexation of the Larry Sabata property described as follows: Legal Description – (40 Lots) – A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, more particularly described as follows: Commencing at the northwest corner, N 1/2, NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, and assuming the north line of said N 1/2, NW 1/4 to have a bearing of N 90°00'00" E; thence N 90°00'00" E, and on said north line, 152.97 feet, to the point of beginning; thence N 90°00'00" E, on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1st and 2nd Additions, 1149.66 feet, to a point on the south line of L Street as extended east; thence S 89°57'16" W on said south line of L Street, 600.05 feet, to the east line of Larry J. Sabata, 1st Addition to the City of David City, Butler County, Nebraska; thence N 00°57'20" W on said east line, 599.09 feet, to the northeast corner of said Addition; thence N 00°57'20" W on the east line of Larry J. Sabata, 2nd Addition to the City of David City, Butler County, Nebraska, 551.05 feet, to the point of beginning, said tract containing 15.84 acres, more or less. (Passed on 1st reading 12-10-14);
5. Consideration of request by Jason Lavicky regarding the grant for the City to purchase the Ball Fields, and if the grant is denied, what the next step would be;
6. Adjourn.

Council President Gary Kroesing

Council member Mike Rogers

Council member Thomas J. Kobus

Council member Kevin N. Hotovy

Council member Gary Smith

Council member John Vandenberg

City Clerk Joan E. Kovar

CITY COUNCIL PROCEEDINGS

December 17, 2014

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 11th, 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 members Gary Smith, Tom Kobus, Kevin Hotovy, Gary Kroesing, and John Vandenberg. Council member Rogers was absent. City Clerk-Treasurer Joan E. Kovar was also present.

Also present for the meeting were: Park/Auditorium Supervisor Bill Buntgen, Jason Lavicky, Tom Jahde, Mark Sloup, Rex Rehmer, Don Moravec, Becky Junck, and Larry McPhillips.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" and the Citizen Participation rules posted on the east wall of the meeting room, and asked that cell phones be silenced or shut off.

Mayor Zavodny stated that Ordinance No. 1219 concerning the annexation of the Larry Sabata property was introduced and passed on first reading on December 10, 2014.

Council member Smith made a motion to pass Ordinance No. 1219 on the second reading. Council member Kroesing seconded the motion. Voting AYE: Council members Hotovy, Smith, Kobus, Kroesing, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1219 was passed on 2nd reading as follows:

ORDINANCE NO. 1219

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE LARRY SABATA PROPERTY LOCATED EAST OF 11TH STREET BETWEEN "L" STREET AND "O" STREET, LEGALLY DESCRIBED BELOW, REPEALING ANY ORDINANCES IN CONFLICT HERewith; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, a majority of the City Council of the City of David City, Nebraska, favors the annexation of the following described real property and the extension of the city limits to include said property, as follows:

A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, more particularly described as follows:

Commencing at the northwest corner, N 1/2, NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, and assuming the north line of said N 1/2, NW 1/4 to have a bearing of N 90°00'00" E; thence N 90°00'00" E, and on said north line, 152.97 feet, to the point of beginning; thence N 90°00'00" E, on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1st and 2nd Additions, 1149.66 feet, to a point on the south line of L Street as extended east; thence S 89°57'16" W on said south line of L Street, 600.05 feet, to the east line of Larry J. Sabata, 1st Addition to the City of David City, Butler County, Nebraska; thence N 00°57'20" W on said east line, 599.09 feet, to the northeast corner of said Addition; thence N 00°57'20" W on the east line of Larry J. Sabata, 2nd Addition to the City of David City, Butler County, Nebraska, 551.05 feet, to the point of beginning, said tract containing 15.84 acres, more or less.

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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property.

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate listed above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance be and the same is hereby repealed.

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

Passed and approved this _____ day of _____, 20_____.

ATTEST:
Passed on 2nd reading – Dec. 17, 2014
City Clerk Joan E. Kovar

Passed on 2nd reading – Dec. 17, 2014
Mayor Alan Zavodny

Mayor Zavodny stated that the next agenda item was consideration of the request by Jason Lavicky regarding the grant for the City to purchase the ball fields, and if the grant is denied, what the next step would be.

City Clerk Kovar reported that she visited with City Attorney Jim Egr who stated that on September 12th he called Great Plains Appraisal, 115 Cherry Hill Blvd, Lincoln, NE 68510 and visited with Tom Kubert about doing an appraisal on the ball field complex. Mr. Egr has provided them with aerial maps of the area and other requested information but has not heard anything yet on the appraisal. Mr. Egr did say that they were very busy.

Jason Lavicky stated: "The purpose of bringing this up again though, is the long term solution for these fields. To be fair to the city, to be fair to the association, to be fair to everybody, what is the long term fix? I am not pessimistic that the grant won't happen, that's not my point, I am just looking at an alternative of what if? What are the solutions if the grant doesn't get approved?"

Mayor Zavodny stated: "We knew when we allocated funds the first year that we were making a three year commitment to the conditioner. So we've done our first two years of that, we knew we had one more to go. We understand that there are some operating expenses to free up some cash flow; we are going to have to look at those hard. We'll have to agree as a governing entity on what that amount might be. The longer term, and I am just going to be really honest, I have had some blow back on "Why is the City even thinking about buying them?"

Jason Lavicky stated: "That's fair, but the other side of that, and it still blows my mind: "A municipality the size of David City doesn't own their ball program fields?"; that's a unique beast."

Mayor Zavodny stated: "It is important for us today to understand that there is at least, at this point I would categorize it as a smaller group of people just because I've only heard from a smaller group, that are saying they are working against us moving forward with buying that. So there is that other side out there. Long term, I don't know. Nobody wants the ball program to go away, I think the Council has been pretty clear on that, but it's "How to preserve it?" is the question. Do you think, that short of the City buying it, there is a solution in there if we continue to help with some of those operating expenses so you cash flow with the revenue you generate?"

Jason Lavicky stated: "I think that might be a possibility. What I would like at that point in time is some members of the ball association and some of this governing body get together and sit down and go through that; kind of how we presented that before."

Mayor Zavodny stated: "And we allocated an amount and then we went back a little later and upped it a fair amount, meaning a significant amount, making sure that you could cash flow and get by another year. Not arguing that we put a Band-Aid on the issue that's sitting there."

Jason Lavicky stated: "I know that you've probably only heard from a handful of constituents within the community, but I've talked to more than a handful that say they think this should be a City field."

Becky Junck stated: "I have a question. Does it make a difference on how many people you hear are supporting it or not supporting it?"

Mayor Zavodny stated: "One thing I am very clear on is that you could fill this room five times if you just asked people to come to support it. I don't think anyone dislikes the idea of the ball program, and I will count myself among those. The question comes "Is that a good use of the money the City has when we are facing other fairly significant challenges?" On a priority basis, it could get rough if we face some shortfalls. I don't think anybody's trying to be negative about it at all. We have two new members and the people that are continuing, have you had people talking to you about it? Where are we at on this today in your minds?"

Council member Hotovy stated: "I have, and the one individual brought up that we're looking at, tonight, passed on second reading for the annexation of the property to bring in 49 new homes and quite a few duplexes, and that we're trying to bring people into this town. If you don't have a ball association, that's in my opinion if I was moving into town, it would be a "ding" towards David City. I'd like to know what surrounding communities have. Do they own their ball fields? Are we on an island not owning our ball fields?"

Council member Kroesing stated: "We owned our ball fields as long as we had the American Legion Ball Field down by the Auditorium and the Park maintained it. This was a whole different entity when this got started. The people that were involved in that entity when it got started were self-sufficient. They were pretty individualistic about who did what out at that ball field and now all of a sudden it seems like there's problems and we're being asked to get involved. Well there's problems everywhere and if we don't get started with this Downtown Redevelopment and everything we're going to have bigger problems, and now we can't even pay for the Northwest Drainage Project because there isn't enough money for that, let alone park, recreation, and everything else. I'm just curious why all of a sudden the demand came to the City as versus people that wanted to be individualistic?"

Jason Lavicky stated: "I wasn't on the Association when that started but evidently these individuals felt there was a strong need at that time to fulfill an obligation that they needed for the youth of this town to get ball fields going out there. It wasn't a self-righteous thing in my opinion it was just a need that needed to be fulfilled."

Council member Kroesing stated: "There were a lot of people in this town that made sure that happened. I was part of it, and everybody else that I can think of in my age group for sure was a part of it. All the freebie stuff that took place out there; poles set, wires strung, lights put up, everything that was done out there. We had the material laying there; the work was free. No charges made. I'm speaking for the company I worked for and the City."

Jason Lavicky stated: "I can't argue that because I wasn't around at the time that happened, and thank you for working on it, but we're faced with the situation that we have."

Council member Hotovy stated: "I wasn't a part of it at all when it was developed but I'm here, in the here and now, and it's on the agenda and my opinion is the City needs to have a ball program. What better way for the youth to get out and do something."

Jason Lavicky stated: "I agree with Kevin's philosophy. This town has a lot going for it. We can talk about the water and the infrastructure and how the Northwest Drainage went a little bit over budget, but the schools, the hospital, the parks, those are all marketing tools. Now we have a housing development going up. Us as a whole, businesses and the City, are competing against Seward's, Wahoo's, Columbus'."

Don Moravec stated: "I would just add, that young people my age that are looking to move to somewhere and they have kids, you'd better believe that that is one of the top priorities if they have kids that the town they are moving to has opportunities for them because, ask anybody my age, their kids are in nine different things. I'm kind of the minority because my kids do one thing a year, but they are constantly looking for activities for their kids and I think desperately this should be something that we have. We have these other good things about our city; great hospital, great school systems, and new housing, so I think this is a pretty important draw for the town. We can talk forever, until you're blue in the face, about what happened 25 years ago but I think you just have to look at what's going on now, and I fully understand the money issue, we have a ton of other things to do. It is a tough decision on how you proceed I guess.

Mayor Zavodny stated: "Is the major consideration the debt service?"

Jason Lavicky stated: "It's the servicing of the principal and the term. The consensus of the Association is, if the term debt wasn't there, we'd be able to function as the Association and provide that service, which we've talked about leasing the property back and maintaining it and running the Association."

Mayor Zavodny stated: "Memory might be a little shaky.... \$160,000?"

Jason Lavicky stated: "It's that \$160,000 to \$180,000 number that everybody is splitting hairs about.

Mayor Zavodny stated: "Well the \$160,000's the actual debt, the \$180,000's for some of the operating; I'm not as happy about that one. Who actually owns it?"

Jason Lavicky stated: "The Association."

Mayor Zavodny stated: "Ok, so we would be buying it from the Association. Since we've been meeting that's been muddled to me too. I've had people say "Well you don't know who really owns it". There were theories thrown out that it was the banks at this point, and I did not have that answer."

Becky Junck stated: "I actually live in Bellwood. I do everything here in David City just because when I started having kids what I needed to be available to me was not available in Bellwood, a ball program being one of them. It was on again, off again, and the fields weren't being maintained. When I was in high school those fields were busy every weekend of the

summer, every night of the week. They were a huge success for the town of Bellwood. Obviously kids grow up, not as many people want to play, people move out of town, things like that. So, when my son was old enough to start playing, we signed up and he played the first year, and for lack of people to run their association and people and parents to be involved, it was questionable if we were even going to have a ball program there anymore. They are currently having one. The first year I brought Nathan here to play ball was the first year they decided not to. The next year they did it and had to intermingle every single age group and so on, and it is still that way ten years later. I was very thankful for the fact that I was able to come to David City and do it. He was young, he wanted to play, he loved to hit the ball, things like that, but not so much for giving your kid what they want, but I do feel very much that's important on their upbringing for them to be involved in things that your communities can provide. Keeps them out of trouble, teaches them a lot of good things about life, so I really don't know how I would explain to one of my kids "well you got to play but you don't." I cannot, with my other obligations to my other kids and their sporting events, take them to Columbus or Schuyler or somewhere else for that. David City was as far as I was willing to go and it wasn't an issue back then, now it is. I know there is a lot more involved but I just really think that opportunities being able for my kids to join in on things like that, if they can't it's a downfall for them, not so much to us. I really do agree with Donnie when he says people our age who have kids that are growing up, their lives any more are school and sports. This is a great benefit to our community."

Mayor Zavodny stated: "We have had a good relationship with the County and I think maybe we could talk to them too about maybe participating a little bit; what can they do to help? This is good for them too when a tournament comes, and I've shared the stories before about people asking "Where's your grocery store?" "We want to look at your nursing home while we are here to see if it would be a good place for my parent" and that type of thing. I know good comes out of it, it's just \$160,000 is a chunk."

Jason Lavicky stated: "It is and we've had discussion if this grant would not happen and with the last administrator I supplied an interest rate and an amortization schedule on that field out there, that if the City would basically take over the loan or take a loan out against the fields, and I think that was a 2.5% rate over 10 to 15 years or so, so that made the payment a lot cheaper than what is currently being obligated towards those fields right now."

Mayor Zavodny stated: "Would the sales tax approved qualify for that? We might have to do some private raising of funds, what about Keno, it might take a bunch of different sources to get something like this accomplished, but we have to make sure we follow the rules. We have to look at anything. Is someone willing to.....? if they know there's a need out there, maybe someone whose kids were done years ago and they're now grown and they say "I know the ball program was important to me and I'll give "x" amount of dollars" or whatever. We have some options."

There being no further business to come before the Council, Council member Vandenberg made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Kroesing, Vandenberg, Smith, and Hotovy. Voting NAY: None. Council member Rogers was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 6:58 p.m.



CERTIFICATION OF MINUTES
December 17, 2014

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of December 17, 2014, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Joan E. Kovar, City Clerk