

**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 **29<sup>th</sup> day of December, 2014**, in the meeting room of the City Office, 557 N 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 12<sup>th</sup> day of December, 2014.

**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 3<sup>rd</sup> and final, 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 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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 2<sup>nd</sup> reading 12-17-14);
  5. Public Hearing to consider amending the future land use map by changing the Larry Sabata property, described above, from LDR (Low Density Residential) to MDR (Medium Density Residential);
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|  | <hr/> <b>Mayor Alan Zavodny</b>              |
|  | <hr/> <b>Council President Gary Kroesing</b> |
|  | <hr/> <b>Council member Mike Rogers</b>      |
|  | <hr/> <b>Council member Thomas J. Kobus</b>  |
|  | <hr/> <b>Council member Kevin N. Hotovy</b>  |
|  | <hr/> <b>Council member Gary Smith</b>       |
|  | <hr/> <b>Council member John Vandenberg</b>  |
|  | <hr/>  |

City Clerk Joan E. Kovar

6. Consideration of Ordinance No. 1220 amending the Future Land Use Map to change 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 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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, from LDR Low Density Residential to MDR Medium Density Residential;
7. Public Hearing to consider amending the Official Zoning Map by changing the zoning of the Larry Sabata property described above from R1 Single-Family Residential to R2 Two-Family Residential;
8. Consideration of Ordinance No. 1221 amending the Official Zoning Map by rezoning the Larry Sabata property legally described above from R1 Single-Family Residential to R2 Two-Family Residential;
9. Public Hearing to consider designating particular real estate within the corporate boundaries of the City of David City, Nebraska, as blight and substandard, pursuant to the Nebraska Community Development Law. The following is the description of the designated area within David City. *Study Area:* POINT OF BEGINNING IS THE NW CORNER N½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E THENCE EASTERLY ALONG THE NORTH LINE OF THE N ½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E FOR 752.97 FEET; THENCE SOUTHERLY S00° 57' 20" E FOR 1149.66 FEET; THENCE WESTERLY S89°57'16"W FOR 600.05'; THENCE CONTINUING WESTERLY ALONG THE SOUTH R.O.W LINE OF "L" STREET TO THE INTERSECTION WITH THE EAST R.O.W LINE OF 11<sup>TH</sup> STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W LINE OF "11" STREET TO THE INTERSECTION OF THE EXTENDED CENTERLINE OF "J" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "J" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, SOUTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "G" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "G" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 7<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 7<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "K" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "K" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "M" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "M" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 10<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 10<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "N" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "N" STREET TO THE EXTENDED CENTERLINE OF THE ALLEY (BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS); THENCE, NORTHERLY ALONG THE CENTERLINE OF SAID ALLEY TO THE INTERSECTION OF THE CENTERLINE OF "O" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "O" STREET TO THE POINT OF BEGINNING;
10. Consideration of Resolution No. 27 – 2014 DECLARING A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED; (See Legal Description Above);
11. Consideration of Resolution No. 28-2014 designating a historic district to enable the City of David City to be

- eligible for Historic Tax Credits;
12. Consideration of advertising for a Building Inspector for the City of David City;
  13. Update on the Airport Project;
  14. Adjourn.

## CITY COUNCIL PROCEEDINGS

December 29, 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 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 December 18<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 members Gary Smith, Tom Kobus, Kevin Hotovy, Gary Kroesing, and John Vandenberg. Council member Mike Rogers was absent. City Clerk-Treasurer Joan Kovar was also present.

Also present for the meeting were: Attorney Michael L. Bacon of Bacon & Vinton LLC, Rex Rehmer, Keith Marvin, Don Moravec, Larry McPhillips, Banner Press Editor Larry Peirce, and Electric Plant Supervisor Eric Betzen.

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.

Council member Smith made a motion to pass Ordinance No. 1219 on the third and final reading. Council member Kobus seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Smith, Hotovy, and Kobus. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1219 was passed on 3<sup>rd</sup> and Final reading as follows:

### **ORDINANCE NO. 1219**

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF THE LARRY SABATA PROPERTY LOCATED EAST OF 11<sup>TH</sup> 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 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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 29<sup>th</sup> day of December, 2014.

ATTEST:

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

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City Clerk Joan E. Kovar

At 6:31 p.m., Mayor Zavodny opened the Public Hearing to consider amending the Future Land Use Map by changing the Larry Sabata property (A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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) from LDR – Low Density Residential to MDR – Medium Density Residential.

Mayor Zavodny asked: "Does anyone wish to speak on that proposed change?"

Mayor Zavodny waited a while and stated: "Again I would ask, does anyone wish to enter into the record any comments on the Public Hearing to change the Future Land Use Map?"

Mayor Zavodny waited a little longer and stated: "I will ask one more time for any public input on the Public Hearing to change the zoning on that property on the Future Land Use Map."

Keith Marvin stated: "If the Council wants to know, this is so that they can build the duplexes that Matt Thomas has talked about."

There being no other comments, Mayor Zavodny closed the Public Hearing at 6:32 p.m.

Council member Kroesing introduced Ordinance No. 1220 amending the Future Land Use Map by changing the zoning of the Larry Sabata property from LDR (Low Density Residential) to MDR (Medium Density Residential). Mayor Zavodny read Ordinance No. 1220 by title. Council member Smith made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Kroesing seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Kobus, Hotovy, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1220 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Kroesing, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1220 was passed on third and final reading as follows:

**ORDINANCE NO. 1220**

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM LDR – LOW DENSITY

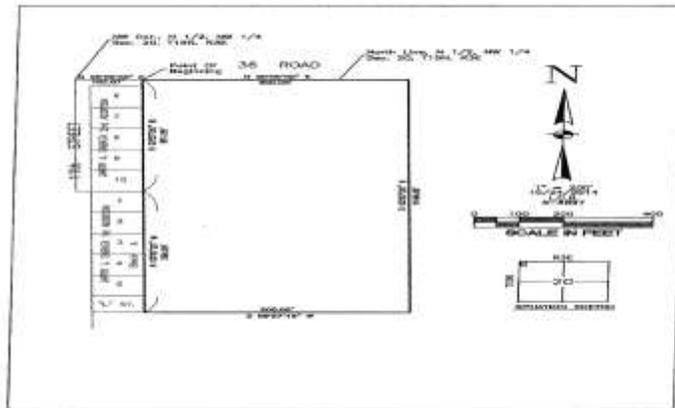
RESIDENTIAL TO MDR – MEDIUM DENSITY RESIDENTIAL, REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the land use plan be amended as follows:

- a. To amend the following property from LDR – Low Density Residential to MDR – Medium Density Residential:

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 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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.

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

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

Passed and adopted this 29<sup>th</sup> day of December, 2014.

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Mayor Alan Zavodny

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City Clerk Joan E. Kovar

At 6:34 p.m., Mayor Zavodny opened the Public Hearing to consider amending the Official Zoning Map by changing the zoning of the Larry Sabata property (A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6<sup>th</sup> 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 6<sup>th</sup> 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, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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) from R1 Single-Family Residential to R2 Two-Family Residential.

Mayor Zavodny asked: "Does anyone wish to comment on this change?"

Mayor Zavodny waited a while and stated: "Again I would ask, does anyone wish to make public comment on changing the Official Zoning Map from R1 Single-Family Residential to R2 Two-Family Residential on the Larry Sabata property as described?"

Mayor Zavodny waited a little longer and stated: "One more time I will ask for public input on this."

There being no comments, Mayor Zavodny closed the Public Hearing at 6:35 p.m.

Council member Kroesing introduced Ordinance No. 1221 amending the Official Zoning Map by changing the Larry Sabata property from R1 Single-Family Residential to R2 Two-Family Residential. Mayor Zavodny read Ordinance No. 1221 by title. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Smith, Vandenberg, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1221 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Kobus, Kroesing, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1221 was passed on third and final reading as follows:

**ORDINANCE NO. 1221**

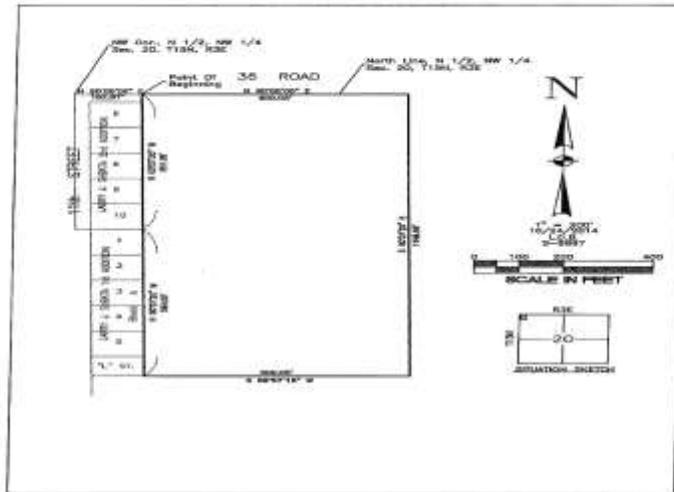
AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 TWO FAMILY RESIDENTIAL, REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

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

- a. To amend the following property from R-1 Single Family Residential to R-2 Two Family Residential:

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 6<sup>th</sup> 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 6<sup>th</sup> 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, and on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1<sup>st</sup> and 2<sup>nd</sup> 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, 1<sup>st</sup> 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, 2<sup>nd</sup> 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.

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

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

Passed and adopted this 29<sup>th</sup> day of December, 2014.

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Mayor Alan Zavodny

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City Clerk Joan E. Kovar

Mayor Zavodny opened the Public Hearing at 6:36 p.m. to consider designating particular real estate within the corporate boundaries of the City of David City, Nebraska, as blight and substandard, pursuant to the Nebraska Community Development Law. The following is the description of the designated area within David City. Study Area: POINT OF BEGINNING IS THE NW CORNER N½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E THENCE EASTERLY ALONG THE NORTH LINE OF THE N ½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E FOR 752.97 FEET; THENCE SOUTHERLY S00° 57' 20" E FOR 1149.66 FEET; THENCE WESTERLY S89°57'16"W FOR 600.05'; THENCE CONTINUING WESTERLY ALONG THE SOUTH R.O.W LINE OF "L" STREET TO THE INTERSECTION WITH THE EAST R.O.W LINE OF 11<sup>TH</sup> STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W LINE OF "11" STREET TO THE INTERSECTION OF THE EXTENDED CENTERLINE OF "J" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "J" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, SOUTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "G" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "G" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 7<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 7<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "K" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "K" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "M" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "M" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 10<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 10<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "N" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "N" STREET TO THE EXTENDED CENTERLINE OF THE ALLEY (BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS); THENCE, NORTHERLY ALONG THE CENTERLINE OF SAID ALLEY TO THE INTERSECTION OF THE

CENTERLINE OF "O" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "O" STREET TO THE POINT OF BEGINNING.

Keith Marvin, Marvin Planning Consultants, stated: "The area is bigger than the Sabata area only because we can't go in and blight an area unless it has some structures in it and the biggest thing that we need to have are structures that are 40 years of age or older. That is why you see a bigger area there. It has to be property within the City limits."

Mayor Zavodny asked: "Would anyone else care to comment on designating this particular real estate within the corporate boundaries of the City of David City, Nebraska, as blight and substandard, pursuant to the Nebraska Community Development Law?"

Mayor Zavodny waited for some time and then stated: "One more time I would offer anyone to make public comment on this item. Ok, I will close the Public Hearing at 6:39 p.m."

Council member Kroesing introduced Resolution No. 27 - 2014 declaring a certain area of the City to be Blighted and Substandard and in need of Redevelopment pursuant to the Community Development Law, Chapter 18, Article 21, reissue Revised Statutes of Nebraska, as amended, and moved for its passage and adoption. Council member Smith seconded the motion. Voting Aye: Council members Hotovy, Kobus, Vandenberg, Smith, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 27 - 2014 was passed and adopted as follows:

#### **RESOLUTION NO. 27 - 2014**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, DECLARING A CERTAIN AREA OF THE CITY TO BE BLIGHTED AND SUBSTANDARD AND IN NEED OF REDEVELOPMENT PURSUANT TO THE COMMUNITY DEVELOPMENT LAW, CHAPTER 18, ARTICLE 21, REISSUE REVISED STATUTES OF NEBRASKA, AS AMENDED.

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

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

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

WHEREAS, on Monday, December 29, 2014, at 6:30 o'clock p.m., a Special Meeting of the Mayor and City Council of the City was held at 557 North 4<sup>th</sup> Street, in the City, and a public hearing (the "Public Hearing") to determine whether that certain area more fully described on Attachment 1 (the "Redevelopment Area") should be declared blighted and substandard and in need of redevelopment as required by the Act; and

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

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

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

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

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

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

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

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

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

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

Passed and approved this 29<sup>th</sup> day of December, 2014.

CITY OF DAVID CITY, NEBRASKA

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

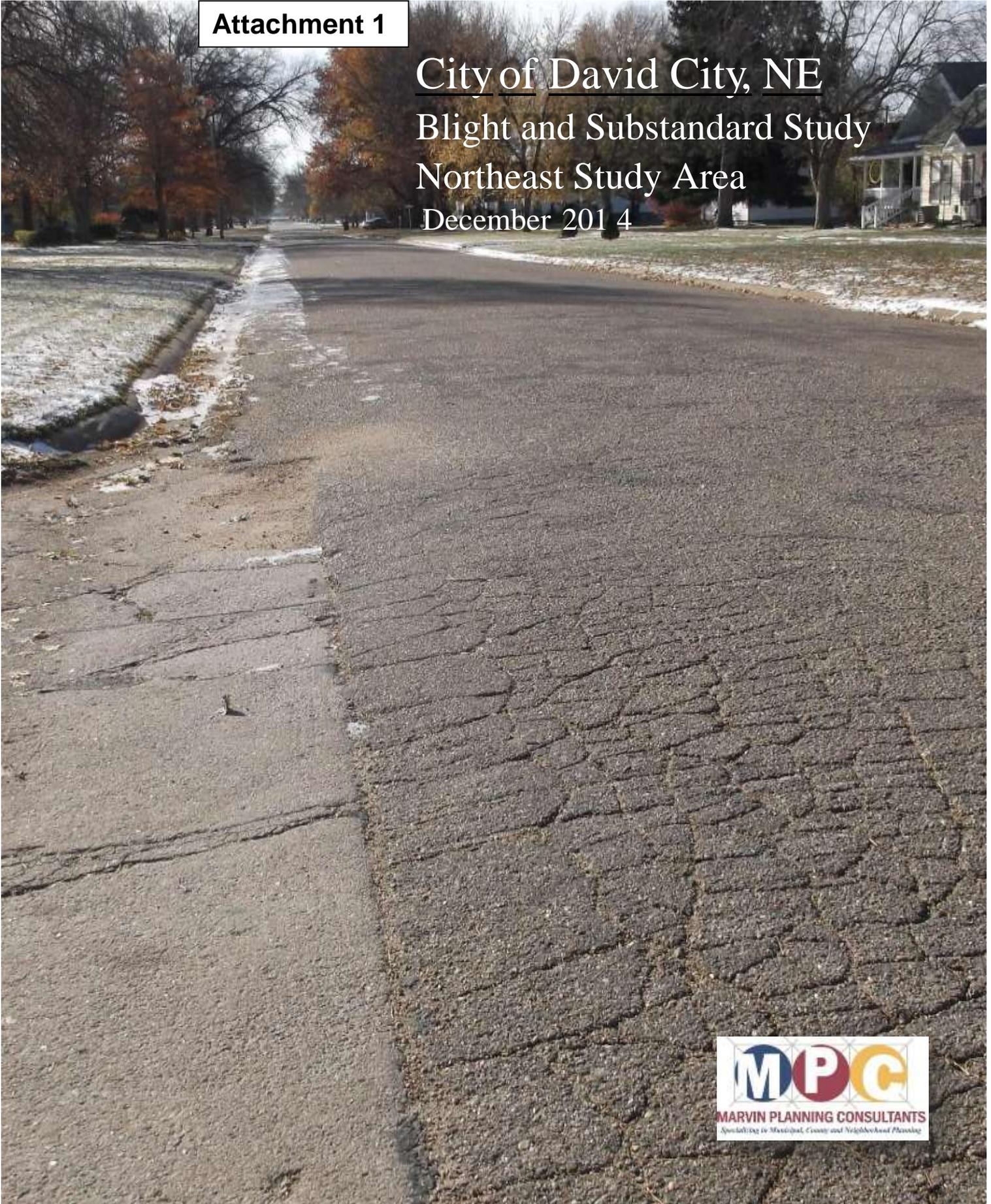
ATTEST:

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City Clerk Joan E. Kovar

**Attachment 1**

City of David City, NE  
Blight and Substandard Study  
Northeast Study Area  
December 2014



#### PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within a specific area of David City. This study has been commissioned by Butler County Development in order to analyze the possibility of declaring the area as blighted and substandard.

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 Sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with 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 sections 18-2101 to 18-2144, 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 and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements".*

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program. 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."*

Blight and Substandard are defined as the following:

*"Substandard areas 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;"*

*"Blighted area means an area, which (a) 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 shall not designate an area larger than one hundred percent of the as blighted;"*

This Blight and Substandard Study is intended to give Butler County Development, David City Planning Commission and the David City City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the City's jurisdiction. 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. The Redevelopment Plan portion of this report will contain, 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 area include agricultural uses, residential uses, as well as some vacant properties.

Through the redevelopment process the City of David City can guide future development and redevelopment throughout the area. The City of David City intends to encourage redevelopment as well as new development within the area. Using this study, the City of David City can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The proposed Blighted and Substandard area covers a total of 79 acres which is approximately 7.2% of the corporate limits. When this area is added to previously blighted and substandard areas

it will bring the total area in David City to 443 acres or 40.5% of the corporate limits, which is less than the maximum area allowed of 50%.

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

*Study Area*

POINT OF BEGINNING IS THE NW CORNER N½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E THENCE EASTERLY ALONG THE NORTH LINE OF THE N ½, NW ¼ SECTION 20, TOWNSHIP 15 N, RANGE 3 E FOR 752.97 FEET; THENCE SOUTHERLY S00° 57' 20" E FOR 1149.66 FEET; THENCE WESTERLY S89°57'16"W FOR 600.05'; THENCE CONTINUING WESTERLY ALONG THE SOUTH R.O.W LINE OF "L" STREET TO THE INTERSECTION WITH THE EAST R.O.W LINE OF 11<sup>TH</sup> STREET; THENCE SOUTHERLY ALONG THE EAST R.O.W LINE OF "11" STREET TO THE INTERSECTION OF THE EXTENDED CENTERLINE OF "J" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "J" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, SOUTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "G" STREET; THENCE WESTERLY ALONG THE CENTERLINE OF "G" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 7<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 7<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "K" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "K" STREET OT THE INTERSECTION WITH THE CENTERLINE OF 9<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 9<sup>TH</sup> STREET TO INTERSECTION WITH THE CENTERLINE OF "M" STREET; THENCE EASTERLY ALONG THE CENTERLINE OF "M" STREET TO THE INTERSECTION WITH THE CENTERLINE OF 10<sup>TH</sup> STREET; THENCE, NORTHERLY ALONG THE CENTERLINE OF 10<sup>TH</sup> STREET TO THE INTERSECTION WITH THE CENTERLINE OF "N" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "N" STREET TO THE EXTENDED CENTERLINE OF THE ALLEY (BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS); THENCE, NORTHERLY ALONG THE CENTERLINE OF SAID ALLEY TO THE INTERSECTION OF THE CENTERLINE OF "O" STREET; THENCE, EASTERLY ALONG THE CENTERLINE OF "O" STREET TO THE POINT OF BEGINNING.

**Figure 1 Study Area Map**



Source: Marvin Planning Consultants and Olsson Associates 2014

#### 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 that either benefit or detract from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of the planning period. 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.

Table 1 includes the existing land uses for the entire study area. The table contains the total acres determined per land use from the survey; next is the percentage of those areas compared to the total developed land; and finally, the third set of data compare the all land uses to the total area within the Study Area.

The Study Area is predominately residential and undeveloped areas, including an area of agricultural ground. Residential ground made up 53.8% of the developed area and 38.2% of the total study area. However, vacant/agricultural land made up 29.0% of the total study area. Transportation related uses were 46.2% of the developed area and 32.8% of the total study area.

TABLE 1: EXISTING LAND USE, DAVID CITY - 2014

Type of Use	Acres	Percent of Developed land within the Study Area	Percent of Study Area
Residential	30.19	53.8%	38.2%
Single-family	30.19	53.8%	38.2%
Multi-family	0	0.0%	0.0%
Manufactured Housing	0	0.0%	0.0%
Commercial	0	0.0%	0.0%
Industrial	0.00	0.0%	0.0%
Quasi-Public/Public	0	0.0%	0.0%
Parks/Recreation	0	0.0%	0.0%
Transportation	25.93	46.2%	32.8%
Total Developed Land	56.12	100.0%	
Vacant/Agriculture	22.88		29.0%
<b>Total Area</b>	<b>79</b>		<b>100.0%</b>

Source: 2014 David City Blight Study Northeast Area, Marvin Planning Consultants

Figure 2 Existing Land Use Map



Source: Marvin Planning Consultants and Olsson Associates 2014

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

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

#### CONTRIBUTING FACTORS

A number of conditions were 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 present, others are not.

##### **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 that are 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 that the age of structure was determined from data within the Butler County Assessor's website data.

Within the study area there is a total of 115 primary structures. After researching the structural age on the Butler County Assessor's website, the following breakdown was determined:

- 71 (61.7%) units were determined to be 40 years of age or older
- 44 (38.3%) units were determined to be less than 40 years in age

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

**Figure 3 Unit Age Map**



Source: Marvin Planning Consultants and Olsson Associates 2014

### **Structural Conditions**

Where structural conditions were evaluated, data from the Butler County Assessor's website was utilized. From the data the following assumptions were made:

- Any primary structure determined by the Assessor to have a rating of 20 or below was considered to be deteriorating.
- The area was evaluated on the ½ block level.
- Any ½ block containing a structure rated as 20 or below was considered to be in a deteriorated state. This is due to the structures pulling down the appearance and value of nearby structures.

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

- There are 34 ½ blocks in the study area with structures
- There are 19 (55.9%) ½ blocks negatively impacted by these deteriorated structures.

It is common that the older a structure gets the more maintenance and upkeep are required 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.

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

**Figure 4 Structural Conditions**



Source: Marvin Planning Consultants and Olsson Associates 2014

**Sidewalk Conditions**

The sidewalk conditions were analyzed in the Study Area. The sidewalks were rated on three categories; good, deteriorating, and missing completely.

Within the study area there is approximately 21,250 lineal feet of sidewalk possible. See Figure 5 for the locations of these sidewalk conditions. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- 6,985 (32.9%) lineal feet of sidewalk
- 6,415 (30.2%) lineal feet of deteriorating sidewalk □
- 7,850 (36.9%) lineal feet of no sidewalk.

Overall, 67.1% of the sidewalks are in either a deteriorating state or completely missing. Missing sidewalk can be as bad as deteriorating sidewalk since there is no safe place to walk other than across someone else's property or in the street. The safest sidewalks appeared to be along the east side of 11<sup>th</sup> Street, where the newest residential structures are located.

Due to the large amount of deteriorating and missing sidewalk, the sidewalk conditions would be a direct contributing factor.

**Street Conditions**

The street conditions were analyzed in the Study Area. The streets were also rated on four categories; good, deteriorating, unimproved and missing completely. The following is the breakdown for the area.

Within the study area there is approximately 23,720 lineal feet of street. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- 4,835 (20.4%) lineal feet of adequate street
- 11,605 (49.0%) lineal feet of deteriorating street
- 7,880 (30.6%) lineal feet of dirt/gravel/unimproved streets.

Overall, 79.6% of the streets are in either a deteriorating state or were paved with dirt/gravel, thus an obsolete material for an urban area. See Figure 6 and 7 for the locations of these streets.

Due to the large amount of deteriorating and missing street, the street conditions would be a direct contributing factor.



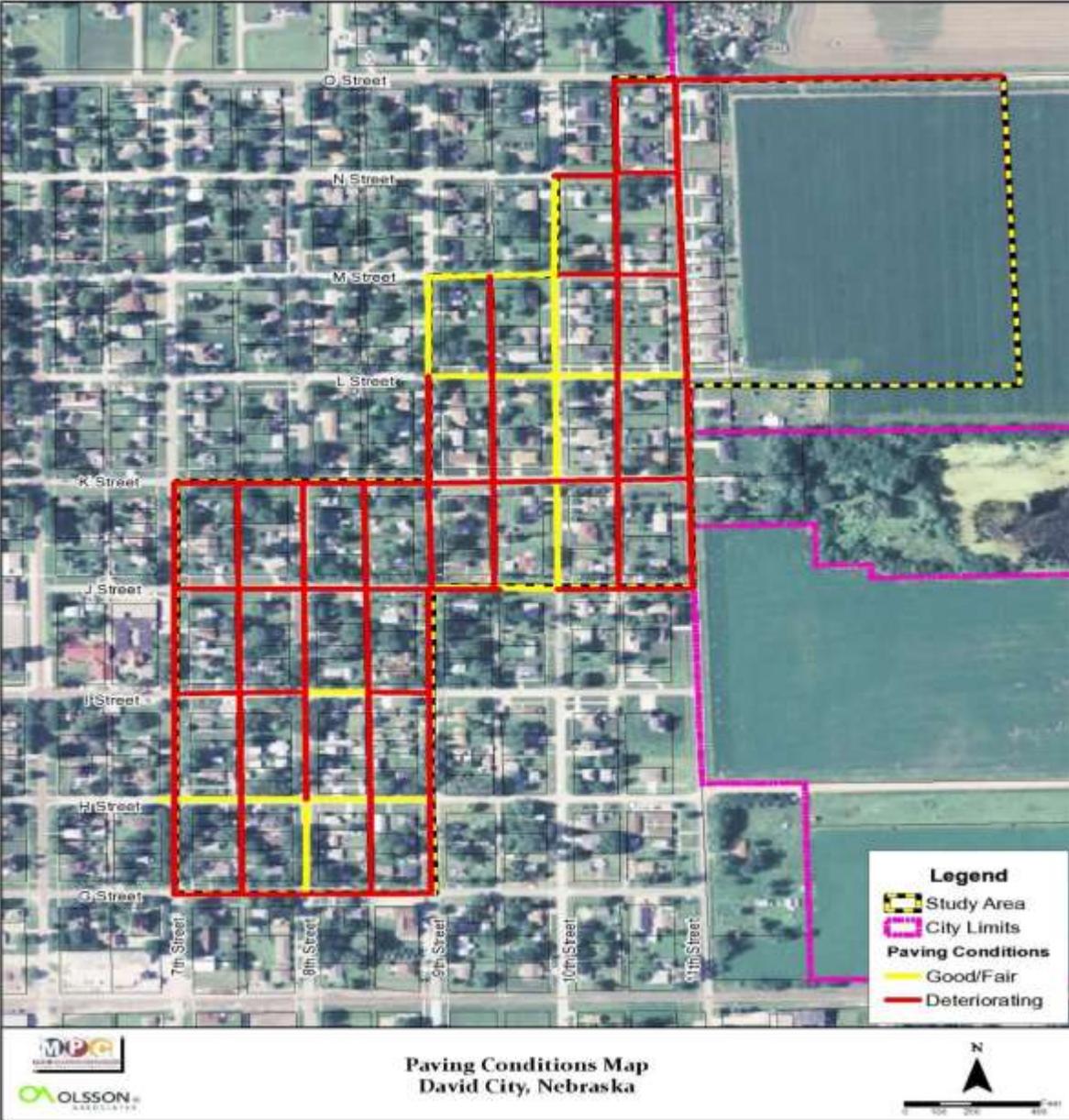
Figure 5 Sidewalk Conditions



Marvin Planning Consultants and Olsson Associates 2014

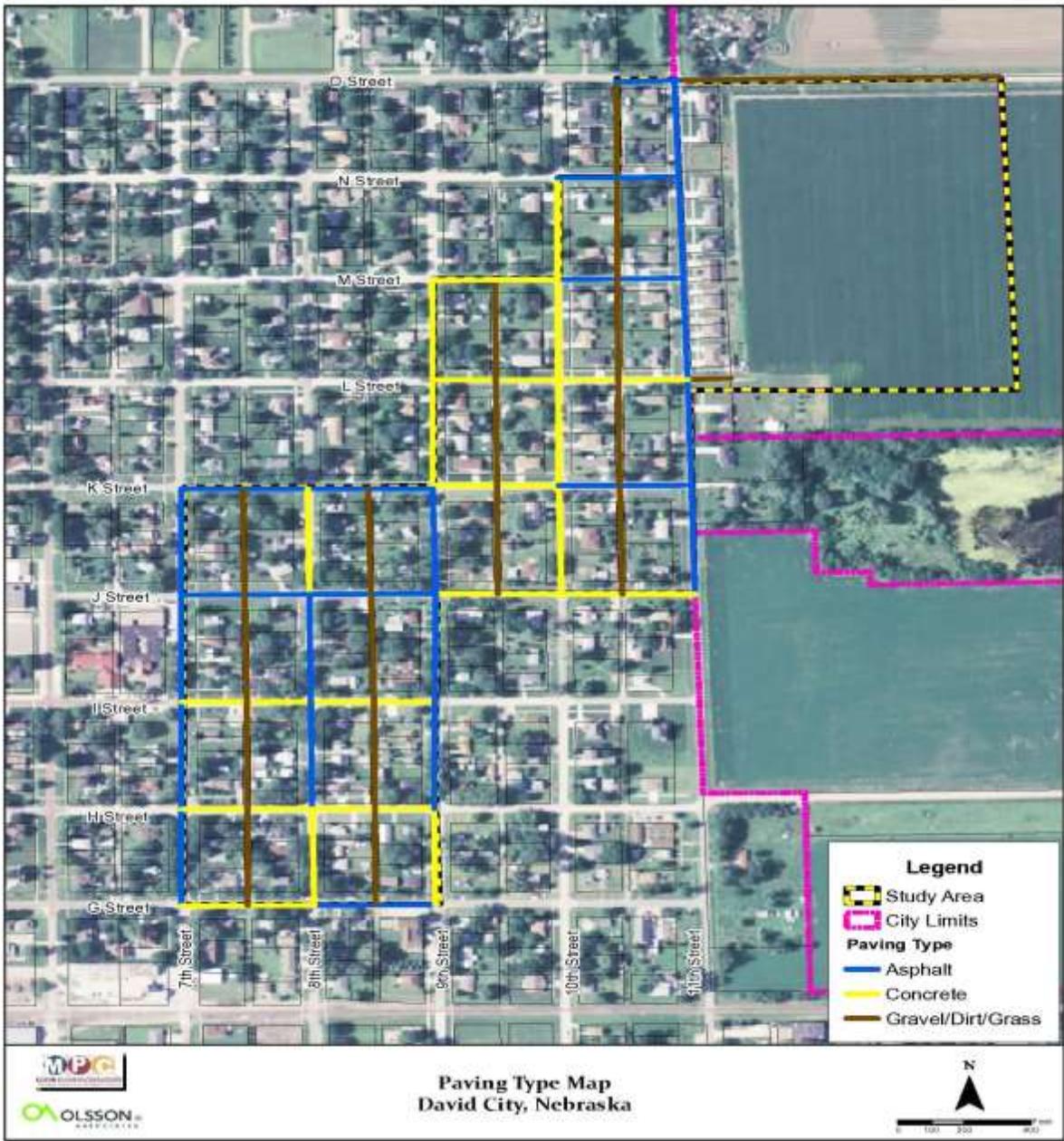
Source:

Figure 6 Street Conditions



Source: Marvin Planning Consultants, 2014

Figure 7 Paving Type



Marvin Planning Consultants and Olsson Associates 2014

**Curb and Gutter**

Curb and Gutters have a number of direct and indirect roles in neighborhoods. Their primary functions are to be a barrier that collects and directs water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to streets and sidewalks. The curb and gutter will be graded as either good, deteriorating, or missing. In addition, curb and gutter will be examined based upon their location.

It is important to that wherever there are minor amounts sprawling on the finished surface, or missing pieces at joints and elsewhere, it has been deemed to be a deteriorating condition. In a number of cases, basic maintenance and repair could bring the condition up to good.

Within the study area there is approximately 23,540 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions breakdown within the corporate limits:

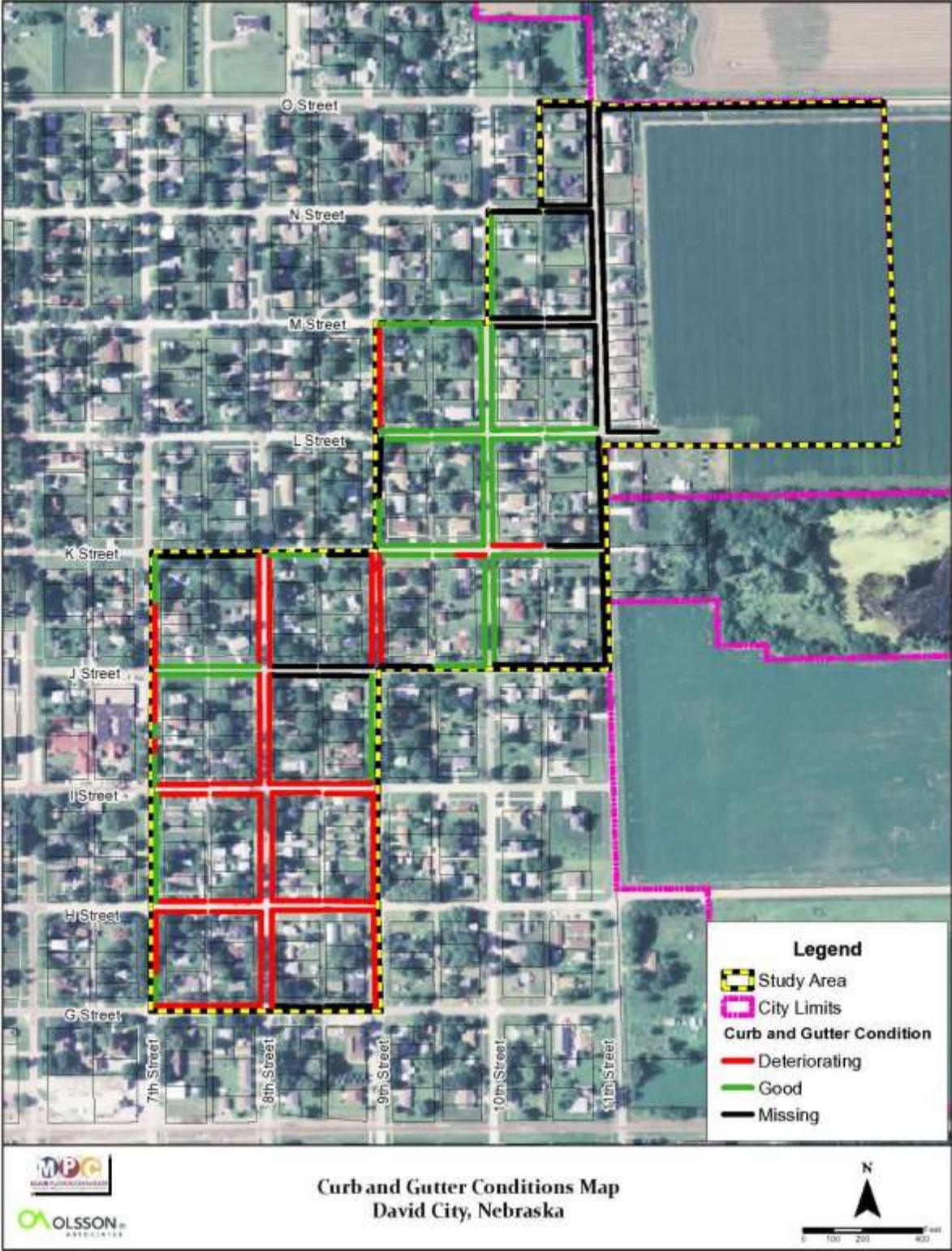
- 7,410 (31.5%) lineal feet of good curb and gutter
- 8,480 (36.0%) lineal feet of deteriorating curb and gutter □
  - 7,615 (32.3%) lineal feet of no curb and gutter or rural section.

In total, 68.3% of the curb and gutters are in either a deteriorating state or are missing. See Figure 8 for the locations of these curb and gutter.

Due to the large amount of deteriorating and missing curb and gutter, the curb and gutter conditions would be a direct contributing factor.



Figure 8 Curb and Gutter Conditions



Marvin Planning Consultants and Olsson Associates 2014

**Dangerous conditions to life or property due to fire or other causes**

The conditions within this study area are not the typical "Dangerous conditions to and property due to fire or other causes" but they are being deemed relevant in this study. Within the study

area there are two major power supply lines. These are not a typical residential supply line. These create potentially dangerous conditions:

- Major hazard if knocked down by either a summer or winter storm or weather event. □
  - Major hazard if someone were to drive off the streets (these areas also lack curb and gutter) □
- In addition, there is also the potential for high voltage exposure.

Based upon the field analysis, there are sufficient elements present to meet the definition of dangerous conditions within the Study Area.

**Figure 9**  
**Dangerous conditions to life or property due to fire or other causes**



Source: Marvin Planning Consultants and Olsson Associates 2014



### **Diversity of Ownership**

After reviewing the information on the Butler County Assessor's website, the study area was found to have 100's of different property owners. In order for future redevelopment to occur it may require some of these tracts to get into common ownership.

Based upon the fact, so many individuals, corporations, etc. own property in this area, it is determined the high diversity of property ownership could easily be a barrier to redevelopment.

### **Blighting Summary**

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

**Average age of structures is over 40 years of age** o Within the Study Area 61.7% of the structures meet the criteria of 40 years of age or older.

**Substantial number of deteriorating structures** o 55.9% of developed area is impacted by structures considered to be deteriorating. The structures were deemed to be in a state less than good as defined by the Butler County Assessor's Office.

**Deterioration of site or other improvements** o 67.1% of sidewalk was either in a deteriorated state or missing from properties in the area. o 30.6% of the public streets and alleys were gravel or dirt. o 49.0% of the streets in the area were showing signs of deterioration. o 32.3% of the area had rural section (drainage ditches and no curb and gutter) o 36.0% of the curb and gutter areas were showing signs of deterioration.

**Dangerous conditions to life or property due to fire or other causes** o Major electrical supply lines running through the study area

Source:

### **Diversity of ownership**

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

- Improper Subdivision or obsolete platting
- Unsanitary / Unsafe conditions
- Defective/Inadequate street layouts,
- Faulty lot layout,
- Combination of factors which are impairing and/or arresting sound growth
- Defective or unusual condition of title,
- Economic or social liability detrimental to health, safety and welfare,
- Conditions provision of housing accommodations,
- One-half of unimproved property is over 40 years old,
- Inadequate provisions for ventilation, light, air, open spaces or sanitation, and

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**

#### **Average age of the residential or commercial units in the area is at least forty years**

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

Within the study area there is a total of 115 structures. After researching the structural age on the Butler County Assessor's and Treasurer's websites, the following breakdown was determined:

- 71 (61.7%) units were determined to be less than 40 years of age
- 44 (38.3%) units were determined to be 40 years of age or older

There is a predominance of units 40 years of age or older.

### **Substandard Summary**

Nebraska State Statute requires "...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 with the average age of the structures being more than 40 years of age.

FINDINGS FOR DAVID CITY BLIGHT STUDY NORTHEAST AREA

David City Blight Study - Northeast Area 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 deteriorating structures
- Deterioration of site or other improvements
- Dangerous conditions to life or property due to fire or other causes  Diversity of ownership

Substandard Conditions

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

It is the opinion of this study that the area meets the definition of Blighted and Substandard and is eligible to be designated as such.

Council member Kroesing introduced Resolution No. 28 – 2014 designating the area within the geographical boundaries of David City, Butler County, Nebraska as a Historic District for the purpose of enabling real estate, expenditures, and projects to qualify for state tax incentives under the Nebraska Job Creation and Mainstreet Revitalization Act, and moved for its passage and adoption. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Smith, Vandenberg, Kroesing, and Kobus. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 28 – 2014 was passed and approved as follows:

RESOLUTION NO. 28 - 2014

CITY COUNCIL  
DAVID CITY, NEBRASKA

BE IT ORDAINED AND RESOLVED BY THE CITY COUNCIL OF DAVID CITY THAT:

**SECTION 1.** Nebraska Legislative Bill 191 creates the Nebraska Job Creation and Mainstreet Revitalization Act (herein referred to as the “Act”) which serves the purpose of providing an incentive for redevelopment and preservation of historic properties, creating jobs, and driving economic development in both rural and urban communities across the State of Nebraska.

**SECTION 2.** The area within the geographical boundaries of David City, Butler County, Nebraska is hereby declared to be a historic district within the meaning and for the limited purpose of Section 2(3)(d) of the Act.

**SECTION 3.** Historical Districts serve to strengthen local economies, stabilize and improve property values, foster civic beauty, safeguard heritage, and promote the education, pleasure, and welfare of the historical significance of David City and the State of Nebraska.

**SECTION 4.** Any building to be rehabilitated, preserved or restored shall have been constructed at least fifty years prior to the proposed rehabilitation, preservation, or restoration and the façade of such building shall not have undergone material structural alteration since its original construction unless the rehabilitation, preservation, or restoration to be performed proposes to restore the façade to substantially its original appearance.

**SECTION 5.** For the purposes of this resolution, historically significant real property means a building or structure which is located within the area declared to be a historic district under the provisions of this resolution; which, as determined by law, contributes to the historical significance or the economic viability of the historic district; and which is used for any purpose except as a single family detached residence.

**SECTION 6.** Unless otherwise provided by law, eligible expenditure includes the cost incurred for the acquisition of historically significant real property by the county, which results in the rehabilitation, preservation, or restoration of such property or in a contribution to its basis, functionality, or value.

**SECTION 7.** In addition to meeting the requirements otherwise specifically set forth in the Act and this Resolution, at least one of the following standards and requirements for the rehabilitation, preservation, and restoration of historically significant real property that reflect the heritage,

values, and character of David City (as they may from time to time be amended by the City Council) must be satisfied:

- (a) Reflecting the heritage, values, and character of self-reliance, the rehabilitation preservation or restoration undertaken should employ local talent, businesses, and craftsmen to accomplish any rehabilitation, preservation, or restoration which the person making the expenditure is unable to do in house;
- (b) Reflecting the heritage, values, and character of adaptability to change, the rehabilitation preservation or restoration undertaken should result in a reasonable probability of such real estate being sustainable under present or anticipated economic conditions for at least a period of five years in its rehabilitated, preserved, or restored configuration;
- (c) Reflecting the heritage, values, and character of prudence, the rehabilitation preservation or restoration undertaken should result in any building improvements being insurable for at least 80% of the eligible expenditures for which credits are to be received under the Act;
- (d) Reflecting the heritage, values, and character of respect for the past, the rehabilitation preservation or restoration undertaken on any building should result, for the duration of the recapture period specified in the Act, in a suitable place for the prominent posting of the past owners of the real estate from the time of the issuance of the United State Patent to the year 2014, and if any such owners are known to be military veterans a designation on such posting, if known, of the veteran status, rank and dates of service;
- (e) Reflecting the heritage, values, and character of commerce, culture, health, government, education, public utilities, or agriculture, any building qualified under Section 4 of this resolution shall have been used for the furtherance of commerce, culture, health, government, education, public utilities, or agriculture at some point in its history;
- (f) Reflecting the heritage, values, and character of resilience, for a vacant lot upon which improvements in the exterior likeness of past improvements are to be constructed there must be photographic evidence of the past improvements that have now been destroyed or diminished by storm, fire, or the ravages of time;
- (g) Reflecting the heritage, values, and character of leveraging community resources for public good, structures, which are not buildings, should, where possible, be designed with sufficient capacity to not only increase the economic viability of a historic building but also contribute to the economic viability of the community or a portion there of in symbiotic relationship with non-historically significant real estate; or

- (h) Reflecting the heritage, values, and character of the government closest to the people, any application for credits under the Act made by a local political subdivision within the county that is accompanied by a recital, duly adopted by the governing board of the subdivision, that the building or improvement for which credits are sought reflects the heritage, values, and character of the community, shall constitute sufficient satisfaction of the standards set forth herein or required by the Act.

**SECTION 8:** Streets, water and sewer systems, drainage ditches, byways, public utilities, and other such structures which contribute to the historical significance or the economic viability of the historic district shall not be disqualified by this resolution from being an eligible expenditure because they also serve non-qualifying real estate.

**SECTION 9:** The Board specifically finds that a building or structure satisfying one or more of the foregoing standards by virtue of such satisfaction contributes to the historical significance of David City or to David City's economic viability.

**SECTION 10.** To the extent necessary this resolution authorizes any natural person, political subdivision, limited liability company, partnership, private domestic or private foreign corporation, or domestic or foreign nonprofit corporation certified pursuant to section 501(C)(3) of the Internal Revenue Code of 1986, as amended, is authorized to apply for the tax credits made possible by virtue of this resolution and under the Act.

**SECTION 11.** This resolution is subject to the provisions of the Act. Any section or part hereof that may be found in contravention of such Act, the Constitution of the United States or the State of Nebraska or the laws there under shall be deemed stricken and shall not affect the legality of the remaining provisions.

**SECTION 12.** This resolution is for the purpose of enabling real estate, expenditures, and projects to qualify for state tax incentives under the Act. It should not be construed to, in any way, restrict the construction, modification, or demolition of buildings or structures within the district established in Section 1 hereof or to regulate, inhibit, or impinge land use or the development and maintenance of parcels in such district which are not the direct subject of improvements for which credits have been applied for and granted under the Act and then not to exceed the recapture period specified in the Act.

**SECTION 13.** This resolution should not be construed so as to supersede requirements as contained in any city zoning ordinances as they may exist within the confines of David City, Nebraska.

**SECTION 14.** This resolution shall take effect immediately after its publication as required by law.

Dated this 29<sup>th</sup> day of December, 2014

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Mayor Alan Zavodny

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City Clerk Joan Kovar

Mayor Zavodny stated: "The next agenda item is consideration of advertising for a building inspector for the City of David City. Have we done that?"

City Clerk Kovar stated: "We haven't because we didn't know what you wanted to put in the paper as far as what we are actually looking for. Are we looking for somebody to fill the vacancy of Zoning Administrator Roger Kotil? Do we actually want someone who is licensed and able to approve and inspect building permits /construction? How many hours do you think they would be working per week?"

Mayor Zavodny stated: "No we aren't looking for a zoning administrator. We want someone licensed / certified. I think for a while it's going to be pretty steady."

Council member Kroesing stated: "This housing development goes through and it's probably going to be real steady."

Mayor Zavodny stated: "I think honestly we are probably at a point where, at least for the short term, we advertise for up to 40 hours a week. We have new homes going up right now and we have some of the others that we need, we're in the process of, and without that position we can't condemn, do inspections, or anything, and some of them need that, there's some safety hazards. I would say we're going to keep a person busy. You know, we'll see if all this funding falls in place, but just with the amount of building and projects going on around town all the time I think we are going to be able to keep somebody busy and it will be worth it. We are going to have to revisit here pretty soon what we are charging for those permits and those kinds of things. Serving on the Board of Health and those kind of things I think our commitment is very strong to make sure that 1) we have adequate structures going up. Some things, from time to time have fallen through the cracks, like metal roofs and those kinds of things. If you have a person dedicated to doing that, who really knows the rules and is certified, I just think that's the way to go. We want licensed with the ability to inspect properties, and they're hard to find because you need to know a little bit about a lot of things; plumbing, electrical, those kinds of things. Let's see if we can get one, and if not we're going to probably need to take the next step and go to the League and say "We need this, how do we go get one? Can we share one with somebody?" "We need to get one. We don't need to reinvent the wheel; maybe there's some cities, our size or bigger, that have a good job description."

Council member Kroesing made a motion to advertise for a building inspector for the City of David City. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Smith, Hotovy, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried.

Mayor Zavodny stated: "Update of the Airport Project. That is moving along. I think Jared (Storm) is really close to signing his deal with Chief Buildings. One thing that I think we're going to end up doing, it's not for sure yet and I'm going to want to talk to our employees, but they did the percolation test, and as anybody who's lived here any amount of time and if you look just a little south, that water table is super high; they hit water about 5 feet. Using a septic system is probably not a good idea. I think the good news in that is I think we can run it probably, we'll need it engineered by someone, but run it from Aquinas, tap onto that, and actually have a sewer line going out there. We would probably need a lift station, which we wanted to avoid if we could; probably can't in this instance. The other good news is we could add our administration building, we can get Forney's on it, and actually probably have a better deal out there all the way around. It would be a lot more sanitary. It's going to cost us a little

more in the long run but to get that business here and probably get our whole issue out there really fixed the right way is probably the way we're going to need to go. So Jared, I think, is really close to getting that trigger pulled. The one hang up he has had a little bit on and I think he's working with some local guys, but getting, because of the type of project it is, there are OSHA requirements and a lot of things, finding dirt moving and that kind of work has provided to be a little challenging for him but he has been working through that so I think he's made progress. I just wanted to bring that to you. We have been continually updating you on what's been happening at the airport, so that's where we are at. The other thing I do want to do for the Airport is I have five names that I am going to bring to you shortly, after the first of the year, to be an Airport Advisory Board. All they can do is make recommendations. They have no taxing authority; they are not elected; we're not going that route. We are just going to appoint people that have an interest there that can help us as we develop it. Maybe they are going to make suggestions on the card reader, those kinds of things. So, I will be bringing that to you to consider sometime after the first of the year."

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 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 6:51 p.m.



CERTIFICATION OF MINUTES  
December 29, 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 29, 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.

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Joan E. Kovar, City Clerk