

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

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **10th 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 2nd day of December, 2014.

AGENDA AS FOLLOWS:

- | | |
|--|------------------------------------|
| 1. Roll Call; | Mayor Alan Zavodny |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | Council President Gary L. Kroesing |
| 4. Minutes of the November 12 th , 2014, meeting of the Mayor and City Council; | |
| 5. Consideration of Claims; | Council member Michael E. Rogers |
| 6. Committee and Officer Reports; | |
| 7. Consideration of a proclamation for Autism Awareness; | |
| 8. Public Hearing to consider modifying the requirements for the size of accessory buildings in Section 5.08.05 R-2 Two-Family Residential; and Section 5.09.05 R-3 Multi-Family Residential to a maximum lot coverage of 70% of buildable area; and Section 5.07.05 R-1 Single-Family Residential to a maximum lot coverage of 50% of the buildable area; | Council member Ruddy L. Svoboda |
| 9. Consideration of Ordinance No. 1217 amending Section 5.08.05 R-2 Two-Family Residential; and Section 5.09.05 R-3 Multi-Family Residential to a maximum lot coverage of 70% of buildable area; and Section 5.07.05 R-1 Single-Family Residential to a maximum lot coverage of 50% of the buildable area; | Council member William Scribner |
| 10. Public Hearing to consider amending the Comprehensive Plan to add an Energy Element as prescribed by Nebraska State Statutes; | Council member Gary D. Smith |
| | Council member John P. Vandenberg |
| | City Clerk Joan E. Kovar |

11. Consideration of Ordinance No. 1218 amending the Comprehensive Plan by adding an Energy Element;
12. Consideration of the sewer billing for Henningsen Foods, Inc.;
13. Consideration of accepting the Statement of Gross Proceeds Distribution for the fiscal year ended September 30, 2014, together with the Independent Accountant's Report; (Keno Review)
14. Thank You to Mayor Zavodny, Council members Ruddy Svoboda, Bill Scribner, and John Vandenberg for the last four (4) years of service as Mayor and Council members;
15. Continue to the Organizational Portion of the Agenda.

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

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a organizational meeting of said body and the agenda for such meeting to be held immediately following the regular council meeting scheduled for 7:00 o'clock p.m. on the **10th 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 2nd day of December, 2014.

CONTINUED AGENDA AS FOLLOWS:

16. Administration of Oath of Office to Mayor Alan Zavodny, Council members Thomas J. Kobus – 1st Ward; Kevin Hotovy – 2nd Ward; and John Vandenberg – 3rd Ward;

Mayor Alan Zavodny

17. Roll Call;

Council member Gary L. Kroesing

18. Election of City Council President for December 2014 – December 2015;

19. Appointment of two council members to serve on the Finance Committee;

Council member Michael E. Rogers

20. Public Hearing to consider 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.

Council member Thomas J. Kobus

Council member Kevin N. Hotovy

Council member Gary D. Smith

21. Consideration of Ordinance No. 1219 annexing the Larry Sabata property, legally described above, on the first reading only;

Council member John P. Vandenberg

City Clerk Joan E. Kovar

22. Consideration of Resolution No. 25 – 2014 appointing Council member Hotovy to a five year term on the Community Redevelopment Authority of the City of David City, and appointing Council member Kobus to fill the unexpired term of Bill Scribner on the Community Redevelopment Authority of David City which term will expire November 13, 2015;
23. Consideration of the request by the Employee Committee authorizing Friday, December 26, 2014, as a paid holiday so that the employees can spend more time with their families for the Christmas Holiday;
24. Presentation by Bluestem Energy Solutions, LLC concerning an update on the renewable energy generating facilities, including those using wind as a fuel source;
25. Consideration of Resolution No. 26 – 2014 increasing the amount allotted to employees for their annual recognition banquet;
26. Consideration of scheduling Special Council Meetings on December 17th at 6:30 p.m. and on December 29th at 6:30 p.m. in the meeting room of the City Office;
27. Adjourn;

CITY COUNCIL PROCEEDINGS

December 10, 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 10th, 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 Ruddy Svoboda, John Vandenberg, Gary Kroesing, Gary Smith, and Bill Scribner. Also present were City Attorney Jim Egr, and Interim City Administrator/City Clerk Joan Kovar. Council member Mike Rogers was absent.

Also present for the meeting were: Electric Plant Supervisor Eric Betzen, Electric Distribution Supervisor Pat Hoeft, Park/Auditorium Supervisor Bill Buntgen, Water Employee Kevin Betzen, Kevin Hotovy, Tom Kobus, Larry McPhillips, Larry Sabata, Don Moravec, Mike Draper, Rex Rehmer, Jim Vandenberg, Janis Cameron, Caroline Yates, Mrs. Bill Scribner and sons, Marilyn Hascall and three representatives from Henningsen Foods, Dan & Jan Sypal, Adam Herink of Bluestem Energy Solutions, and Banner Press Editor Larry Peirce,

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

The minutes of the November 12th, 2014 meeting of the Mayor and City Council were approved upon a motion by Council member Scribner and seconded by Council member Smith. Voting AYE: Council members Kroesing, Vandenberg, Svoboda, Smith, and Scribner. Voting NAY: None. Council member Rogers was absent. The motion carried.

Mayor Zavodny asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims and Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Svoboda, Scribner, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Vandenberg made a motion to accept the committee and officers reports as presented. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Svoboda, Smith, Scribner, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Scribner introduced a Proclamation for Autism Awareness. Mayor Zavodny read the proclamation as follows and stated that he duly planned to sign it and officially declare December, 2014 as NATIONAL AUTISM AWARENESS MONTH in the City of David City.

Autism Awareness Proclamation

Whereas, autism is a pervasive developmental disorder affecting the social, communication and behavioral skills of those affected by it, and,

Whereas, as more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 88 children nationally and,

Whereas, while there is no cure for autism, it is well-documented that if individuals with autism receive treatment early in their lives, it often is possible for those individuals to lead significantly improved lives, and,

Whereas, individuals with autism often require a lifetime of specialized and community support services to ensure their health and safety and to support families' resilience as they manage the psychological and financial burdens autism presents,

Whereas, the Autism Society of Nebraska, is spearheading an awareness effort in order to educate parents, professions and the general public about autism and its effects,

NOW, THEREFORE, BE IT RESOLVED that I, Alan Zavodny, Mayor of the City of David City, do hereby proclaim December, 2014 as NATIONAL AUTISM AWARENESS MONTH in the City of David City, and urge all employees and residents to become better educated on the subject of autism spectrum disorders.

Dated this 10th day of December, 2014.

Mayor Alan Zavodny

Mayor Zavodny opened the Public Hearing at 7:04 p.m. to consider modifying the requirements for the size of accessory buildings in Section 5.08.05 R-2 Two-Family Residential; and Section 5.09.05 R-3 Multi-Family Residential to a maximum lot coverage of 70% of buildable area; and Section 5.07.05 R-1 Single-Family Residential to a maximum lot coverage of 50% of the buildable area.

Council member Kroesing stated that he attended both Planning Commission meetings when this was discussed and he felt that this was the appropriate change to make.

Mayor Zavodny closed the Public Hearing at 7:08 p.m.

Council member Scribner introduced Ordinance No. 1217. Mayor Zavodny read Ordinance No. 1217 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 Svoboda, Smith, Scribner, Vandenberg, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1217 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Svoboda, Kroesing, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1217 was passed on third and final reading as follows:

ORDINANCE NO. 1217

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING SECTION 5.07 R-1 SINGLE-FAMILY RESIDENTIAL TO PROVIDE TOTAL LOT COVERAGE OF ALL BUILDINGS AND ATTACHED STRUCTURES DO NOT EXCEED 50% OF THE BUILDABLE AREA; AMENDING SECTION 5.08 R-2 TWO-FAMILY RESIDENTIAL AND SECTION 5.09 R-3 MULTI-FAMILY RESIDENTIAL TO PROVIDE TOTAL LOT COVERAGE OF ALL BUILDINGS DO NOT EXCEED 70% OF THE BUILDABLE AREA; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

SECTION 5.07 R-1 SINGLE-FAMILY RESIDENTIAL.

5.07.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ²	Side Yard	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	10,500	75'	(²)	12'	20'	35'	50%
Other Permitted and Conditional Uses	10,500	75'	(²)	12'	20'	45'	50%
Accessory Buildings	-	-	(²)	6'	6'	17'	1

¹ Provide total area of accessory structures for single family residential and the total lot coverage of all buildings and attached structures does not exceed 50% of the buildable area.

² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street line classified on the City's Major Street Plan as an arterial, 30 feet from a street classified as a collector, and 20 feet from a street classified as a local street or private street.

SECTION 5.08 R-2 TWO-FAMILY RESIDENTIAL.

5.08.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ²	Side Yard ³	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling (detached)	7,000	50'	(²)	6'	20'	35'	70%
Two-family Dwelling	7,000	100'	(²)	6'	20'	35'	70%
Single-family attached	4,000 per unit	50' per unit	(²)	6'	20'	35'	70%
<u>Townhouses/Condominiums</u> ⁴	<u>2,000</u> per unit	<u>20'</u> per unit	<u>(³)</u>	<u>6'</u>	<u>20'</u>	<u>35'</u>	<u>70%</u>
Cover crop	87,120	-	-	-	-	-	-
Other Permitted and Conditional Uses	7,000	50'	(²)	6'	20'	45'	70%
Accessory Buildings	-	-	(²)	6'	6'	17'	¹

¹ Provide total area of accessory structures for two-family residential and the total lot coverage of all buildings does not exceed 70% of the buildable area.

² There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street classified on the City's Major Street Plan as an arterial, and 20 feet from a street classified as a collector, local or private street. For corner lots, (including local and collector streets), for the front yard, which abuts a north-south street right-of-way, the setback requirements shall be 20 feet, and for the front yard, which abuts an east-west street right-of-way, the setback requirement shall be 12 feet.

³ The side yard along the common wall shall be 0 feet. The common wall shall be along the adjoining lot line.

⁴ This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls, otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.

⁵ End lots shall be a minimum of 50' in width.

SECTION 5.09 R-3 MULTI-FAMILY RESIDENTIAL.

5.09.05 Height and Lot Requirements:

The height and minimum lot requirements shall be as follows:

Uses	Lot Area (SF)	Lot Width	Front Yard ²	Side Yard ³	Rear Yard	Max. Height	Max. Lot Coverage
Single-family Dwelling	7,000	50'	(³)	6'	20'	35'	70%
Single-family Attached	4,000 per unit	50' per unit	(³)	6'	20'	35'	70%
Two-family Dwelling	7,000	100'	(³)	6'	20'	35'	70%
Townhouses/Condominiums ⁴	2,000 per unit	20' per unit ⁶	(³)	6' ⁵	20'	35'	70%
Multi-family Dwelling	1,500 per unit	100'	(³)	(¹)	20'	55' ¹	70%

Other Permitted and

Conditional Uses	7,000	50'	(3)	6'	20'	55'	70%
Accessory Buildings	-	-	(3)	6'	6'	17'	²

- 1 For Multi-Family units the side yard shall be 10 feet if it is a 3-story structure, and 5 feet additional side yard on each side shall be provided for each story in excess of 3 stories.
- 2 Provide total area of accessory structures for multi-family residential and the total lot coverage of all buildings does not exceed 70% of the buildable area.
- 3 There shall be a minimum front yard of not less than a depth of 50 feet from a county road right-of-way or property line on a street classified on the City's Major Street Plan as an arterial, and 20 feet from a street classified as a collector, local or private street. For corner lots, (including local and collector streets), for the front yard, which abuts a north-south street right-of-way, the setback requirements shall be 20 feet, and or the front yard, which abuts an east-west street right-of-way, the setback requirement shall be 12 feet.
- 4 This applies to Condominiums and Townhouses where there are three (3) more units connected and where there is a minimum of two (2) common walls; otherwise the criteria for single-family attached or two-family dwelling shall apply depending upon the appropriate condition.
- 5 Where there are units connected the side yard at the ends shall meet this criteria otherwise the side yard setback shall be zero (0) at common walls.
- 6 End lots shall be a minimum of 50' in width.

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 10th day of December, 2014.

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny opened the Public Hearing at 7:10 p.m. to consider amending the Comprehensive Plan to add an Energy Element as prescribed by Nebraska State Statutes.

Carolyn Yates asked what this was about. It was explained that it describes renewable energy sources such as wind, sun, water, even methane to reduce dependency on fossil fuels; talks about energy programs in Nebraska; Federal policy has set a goal of 20% of all electricity, by 2030, in the U.S. be from renewable energy sources; describes decreases due to more efficient heating and cooling equipment installed, the new fluorescent bulbs and ballast being more efficient. Heightens awareness on the need to conserve and reduce dependency of fossil fuels.

Mayor Zavodny declared the Public Hearing closed at 7:12 p.m.

Council member Smith introduced Ordinance No. 1218. Mayor Zavodny read Ordinance No. 1218 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 Scribner seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Smith Scribner, and Svoboda. Voting NAY: None. Council member Rogers was absent. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1218 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Svoboda, Vandenberg, Smith, Scribner, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1218 was passed on third and final reading as follows:

ORDINANCE NO. 1218

AN ORDINANCE TO INCLUDE AN ENERGY ELEMENT IN THE COMPREHENSIVE DEVELOPMENT PLANS THAT "ASSESSSES ENERGY INFRASTRUCTURE AND ENERGY USE BY SECTOR, INCLUDING RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL SECTORS; EVALUATES UTILIZATION OF RENEWABLE ENERGY SOURCES; AND PROMOTES ENERGY CONSERVATION MEASURES THAT BENEFIT THE CITY OF DAVID CITY, NEBRASKA; REPEALING ANY CONFLICTING ORDINANCES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. During the 2010 Legislative Session, LB 997 was enacted to require cities and counties to include an energy element in their comprehensive development plans that "Assesses energy infrastructure and energy use by sector, including residential, commercial, and industrial sectors; evaluates utilization of renewable energy sources; and promotes energy conservation measures that benefit the community.

SECTION 2. LB 997 provides that the energy element must be included as part of the David City Comprehensive Plan no later than January 1, 2015.

SECTION 3. The following David City, Nebraska, Energy Element 2014, Attachment "A", is hereby, adopted and incorporated as part of the David City Comprehensive Plan dated August 2005, as recommended by the Planning Commission.

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.

Dated this 10th day of December, 2014

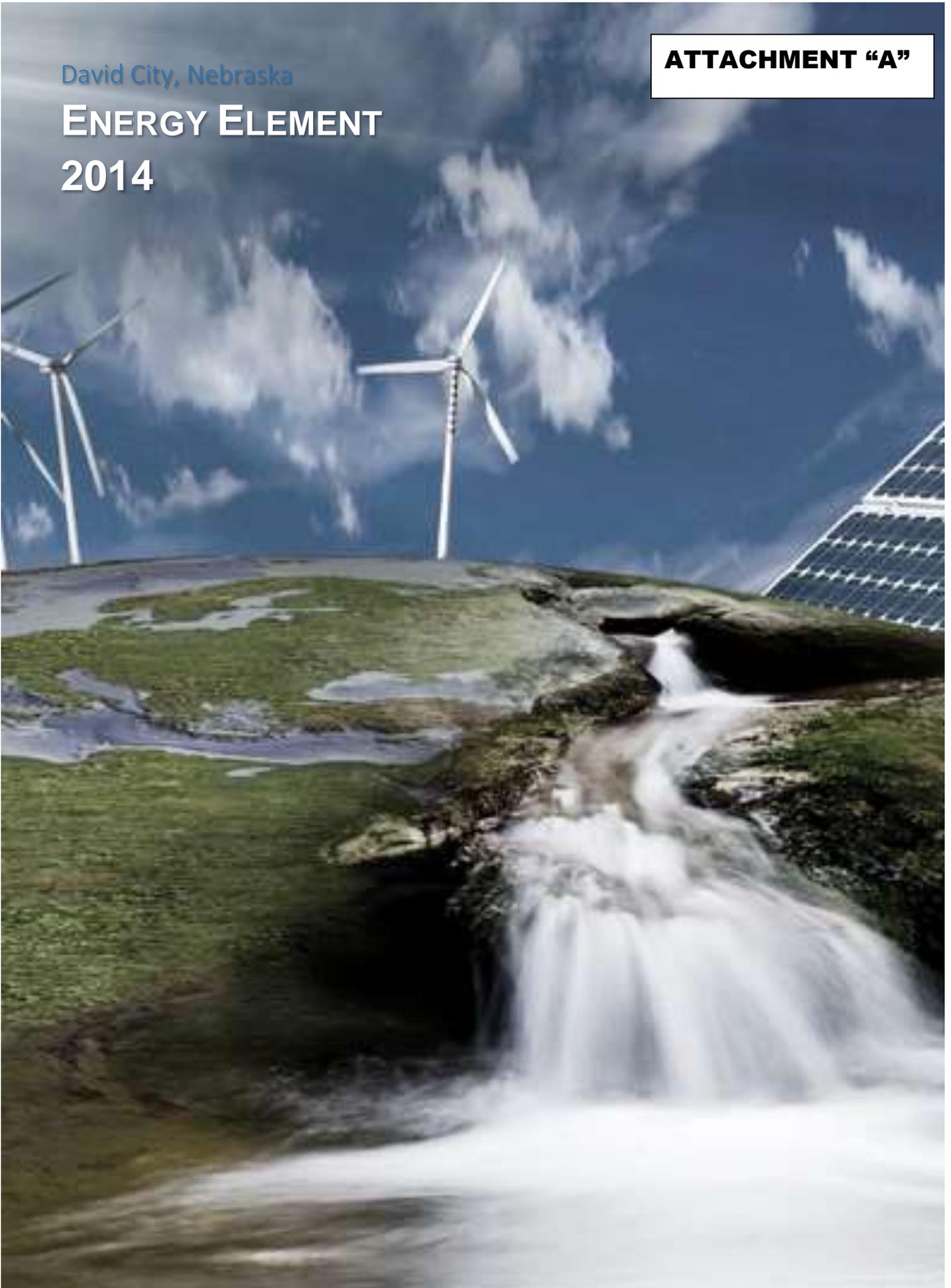
Mayor Alan Zavodny

City Clerk Joan E. Kovar

David City, Nebraska

ENERGY ELEMENT 2014

ATTACHMENT "A"



Energy Element

Energy usage in the early 21st Century is becoming a critical issue throughout Nebraska as well as the entire United States. Our dependency on energy sources not renewable has increased significantly over the past 100 years. Energy usage comes in several forms, such as:

- Lighting our homes, businesses, and industries
- Heating our homes, businesses, and industries
- Heating our water for homes, businesses, and industries
- Food preparation
- Transportation – both personal and business related
- Recreation and Entertainment – vehicular, computers, music, etc.

The 21st Century ushered in an increased concern for energy usage and its impacts on the environment. With the increased concern for the environment came an increased understanding of the carbon footprint generated by individuals as well as modifying our behavior patterns in order to lessen those effects. In addition, the phrase and concept of sustainability has become more widely used, even in the smaller communities of Nebraska and United States.

Energy and the issues connected to the different resources are becoming more critical every year. The need for the Energy Element in the David City Comprehensive Development Plan should be something desired as opposed to required. However, during the 2010 Legislative Session of the Nebraska Unicameral, the State Senators passed LB 997 which required this section become a part of all community and county comprehensive plans, except for villages. The passage of LB 997 appears to be a first step toward comprehensive plans addressing the entire issue of energy conservation and/or sustainability.

Sustainability

Sustainability, in today's discussions, has a number of meanings. According to Webster's Third International Dictionary, the verb "sustain" is defined as "to cause to continue...to keep up especially without interruption, diminution or flagging". However, the Brundtland Commission Report in 1987, described sustainability as "...development that meets the needs of the present without compromising the ability of future generations to meet their own needs". In addition, the phrase and concept of sustainability has become more widely used, even in Nebraska.

All of us living in today's world need to begin switching gradually to cleaner and more renewable resources. By doing so it will aid future generations with their quality of life. The more renewable energy sources become the norm for our generation, the more likely these sources will be second nature and common place in the future.

Americans have grown to rely heavily on electricity. However, state and federal policies have been increasingly more insistent on curbing this reliance; especially, those sources that are produced by non-renewable fossil fuels such as oil and coal. Federal policy has set a goal of 20% of all electricity, by 2030, in the United States be from renewable sources. Renewable sources would include solar, wind, water, geothermal and any number of other sources that have not yet been discovered or brought to production levels.

Energy infrastructure

Electrical Power

Electrical power in David City is supplied by the City of David City. The power is bought wholesale from Nebraska Public Power District.

The City of David City owns and operates its distribution system and generating equipment consisting of seven dual fuel powered generators. The electric load, including the industrial site, is supplied at 13.8 kV. A total substation capacity of 10/12.15 MVA presently serves the 13.8 kV ring bus, which has ample capacity for future expansion. The system is tied into the statewide grid system by means of high voltage transmission lines.

Source: <http://econdevttools.nppd.com/aedc/fastfacts.asp?city=David+City>

Natural Gas Service

Natural gas is supplied to David City by Black Hills Energy. The community is served by a four-inch line at 55 pounds of pressure. Northern Natural Gas is the pipeline company. Natural gas with an average value of 1,000 BTU per cubic foot is available for residential, commercial, and industrial customers for base and peak use on a firm basis.

Source: <http://econdevttools.nppd.com/aedc/fastfacts.asp?city=David+City>

Energy Use by Sector

This section analyzes the energy use by residential, commercial, and industrial and other users. This section will examine the different types of energy sources that are utilized by these different sectors.

Table 1 shows the overall electricity usage by all consumers in David City. The categories are reflective of the ones established by the City. The categories are defined as:

Residential = all connections and demand by households in David City

Commercial = all retail and office users within David City

Industrial = all industrial users within David City

**Table 1: Total Electrical Usage
 David City 2011 through 2013**

	2011	2012	2013	% change
Residential (kWh)	17,102,453	14,936,316	15,921,029	-6.9%
Per customer usage	12,242.27	10,630.83	11,259.57	-8.0%
Residential % of total	43.4%	41.5%	42.9%	-1.2%
Commercial (kWh)	3,795,631	3,548,161	3,754,672	-1.1%
Per customer usage	16,360.48	15,360.00	16,324.66	-0.2%
Commercial % of total	9.6%	9.9%	10.1%	5.0%
Industrial (kWh)	18,484,064	17,536,218	17,442,304	-5.6%
Per customer usage	543,648.94	449,646.62	459,008.00	-15.6%
Industrial % of total	46.9%	48.7%	47.0%	0.1%
Total Usage within corporate limits	39,382,148	36,020,695	37,118,005	-5.7%
Customer by Class				
Residential	1,397	1,405	1,414	1.2%
Commercial	232	231	230	-0.9%
Industrial	34	39	38	11.8%
Total	1,663	1,675	1,682	1.1%

Source: City of David City

Table 1 shows the usage of electricity throughout the David City corporate limits from 2011 through 2013. The data indicate the usage by residential, commercial, and industrial uses for the time period. In addition, the Table indicates the number of customers per sector. Overall, from 2011 to 2013, the total consumption decreased by 5.7% while the customer base increased by 1.1% with 19 new customers; the majority of which were residential users.

Residential Uses

The data in Table 1 indicate the percent of total used by sector. The Table shows the overall percentage for residential customers went from 43.4% in 2011 to 42.9% in 2013; while the overall number of residential customers increased by 17 connections. From 2011 to 2013, the

residential demand saw an overall change of -1.2%. Overall, the per customer usage also changed by -8.0% for the same time frame. Electric consumption by residential customers has been decreasing slightly on an annual basis.

Ascertaining where these conservation measures are occurring; Is the conservation occurring in changes in thermostats? Is it due to better light sources (CFL or LED vs incandescent)? Or have residential customers upgrading the energy efficiency of their homes? It is likely customers are doing some of all of these but what is critical is conservation measures seem to be occurring in the community.

The decreases in light of the overall increase in customers indicates the residential users in David City are likely conserving electricity in their day to day lives. This may become even more critical as stiffer Federal regulations go into place regarding the generation of electricity.

Commercial Uses

David City's commercial consumption from 2011 to 2013 changed by -1.1%; while the total number of consumers increased by only two customers. During this same time period, commercial uses went from 9.6% of total consumption in 2011 to 10.1% of consumption in 2013. The average consumption per customer went from 16,360.48 kWh in 2011 to 16,324.66 kWh in 2013 or a 0.2% decrease in the three years; most of this decrease came during 2012 and needs to be tracked to see if it continues in to the future.

The decrease in consumption appears to be similar to residential customers. However, commercial consumers are seeing more efficient heating and cooling equipment installed and as retrofits occur more insulation is being installed and the newer fluorescent bulbs and ballasts are more efficient.

Industrial Uses

David City's industrial sector also saw a decrease in consumption from 2011 to 2013. The overall industrial consumption changed by -5.6%; while the total number of consumers increased by four customers or 11.8%. During this same time period, industrial use went from 46.9% of total consumption in 2011 to 47.0% of consumption in 2013. The average consumption per customer went from 543,648.94 kWh in 2011 to 459,008 kWh in 2013 or a -15.6% change in three years. The largest decreases were seen in 2012.

Short-term and Long-term Strategies

As the need and even regulatory requirements for energy conservation increases, residents of David City will need to:

1. Become even more conservative with energy usage
2. Make use of existing and future programs for retrofitting houses, businesses, and manufacturing plants
3. Increase their use of renewable energy sources.

Residential Strategies

There are a number of different strategies that can be undertaken to improve energy efficiency and usage in residences. These strategies range from simple (less costly) to complex (costly). Unfortunately not all of the solution will have an immediate return on investment. As individual property owners, residents will need to find strategies that fit into their ability to pay for savings at the present time.



There are several ways to make a residence more energy efficient. Some of the easiest include:

- Converting all incandescent light bulbs to CFL's or LED's bulbs
- Changing air filters more regularly
- Installing additional insulation in the attic
- Keeping thermostats set at cooler levels in the winter and higher levels in the summer
- Converting standard thermostats to digital/programmable thermostats
- Changing out older less efficient Air Conditioners and Furnaces to newer high-efficiency units
- Changing out older appliances with new Energy Star appliances

Some of the more costly ways to make a residence more energy efficient include:

- New insulation in exterior walls
- Addition of solar panels for either electrical conversion and/or water heater systems in cooperation with the City of David City and NPPD while in compliance with the local zoning codes.
- Adding individual scale wind energy conversion systems in cooperation with City of David City and NPPD and in compliance with the local zoning codes.
- Installing a geothermal heating and cooling system in cooperation with City of David City and NPPD and in compliance with the local zoning codes.
- Installation of energy-efficient low-e windows

Commercial and Industrial Strategies

Strategies for energy efficiency within commercial and industrial facilities can be more difficult to achieve than those for residential uses. Typically, these improvements will require a greater amount of investment due to the size of most of these facilities.

There are a number of different strategies that can be undertaken to improve energy efficiency and usage in residences. Again, not all of the solutions will have an immediate return on investment. As individual property owners, property owners will need to find strategies that will fit into their ability to pay for savings at the present time.

There are several ways to make a commercial business more energy efficient. Some of the easiest include:

- Converting all incandescent light bulbs to efficient Florescent Lights, CFL's, or LED's on small fixtures
- Keeping thermostats set at cooler levels in the winter and higher levels in the summer
- Converting standard thermostats to digital/programmable thermostats
- Installing additional insulation in an attic space
- Changing out older less efficient Air Conditioners and Furnaces to newer high-efficiency units

Some of the more costly ways to make a business more energy efficient include:

- Installation of energy-efficient windows and/or storefronts

- New insulation in exterior walls, if possible
- Addition of solar panels for either electrical conversion and/or water heater systems in cooperation with NPPD and in compliance with the local zoning codes.
- Adding individual scale wind energy conversion systems in cooperation with City of David City and NPPD and in compliance with the local zoning codes.
- Installing a geothermal heating and cooling system in cooperation with City of David City and NPPD and in compliance with the local zoning codes.

Renewable Energy Sources

Renewable energy sources are those natural resources such as the wind, sun, water, the earth (geothermal), and even methane (from natural resources or man-made situations) that can be used with minimal or no depletion. The most common sources of renewable energy resources used in Nebraska is the wind, the sun, the water and/or the earth. The following are examples of how these renewable resources can be used to reduce dependency on fossil fuels.



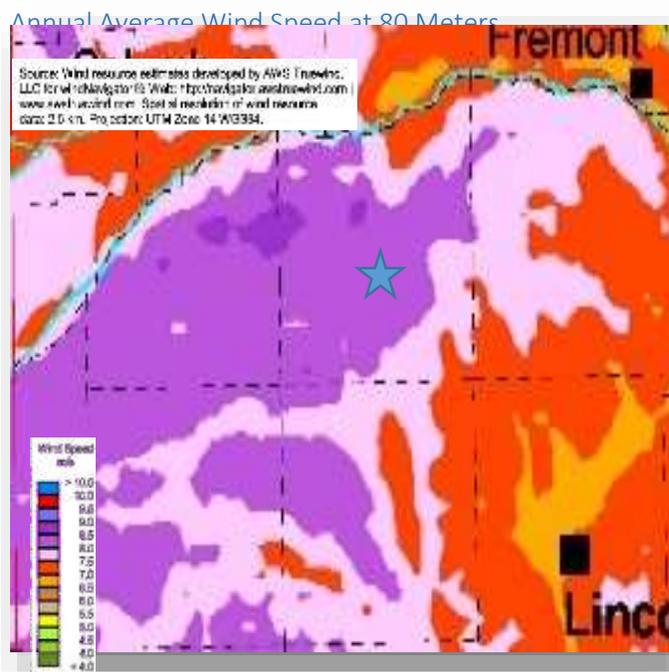
Wind

The wind is one of those resources seeming to be in abundance in Nebraska. Wind is not a new technology in Nebraska; the pioneers of early Nebraska used wind mills for power and to work the water wells on their farms and ranches.

Wind can be used to produce electricity through the construction of small-scale or utility/commercial grade wind conversion systems (wind turbines). However, not all areas of the state have the ideal levels needed to produce electricity on a utility or commercial level; but the use of small-scale wind turbines on homes and businesses will work in most parts of Nebraska.



Figure 1:



The wind quality in David City and Butler County is average to above average, especially in the northeast corner of the county. The David City area has great potential. The darker the purple areas are the more ideal locations for wind. However, any future wind development will be determined with the use of meteorological towers used to compile wind data for approximately a one year period prior to making any future decisions.

Solar

Solar energy has been around for decades and it last hit a high in popularity in the 1970's. However, today's solar energy design is much more efficient and are more aesthetically pleasing. Some of the aesthetic improvements have to do with the fact that today's systems are not as bulky as their ancestors. Today, solar is being used much like wind turbines, on a small-scale level (home or business) or a much grander level (solar farms).

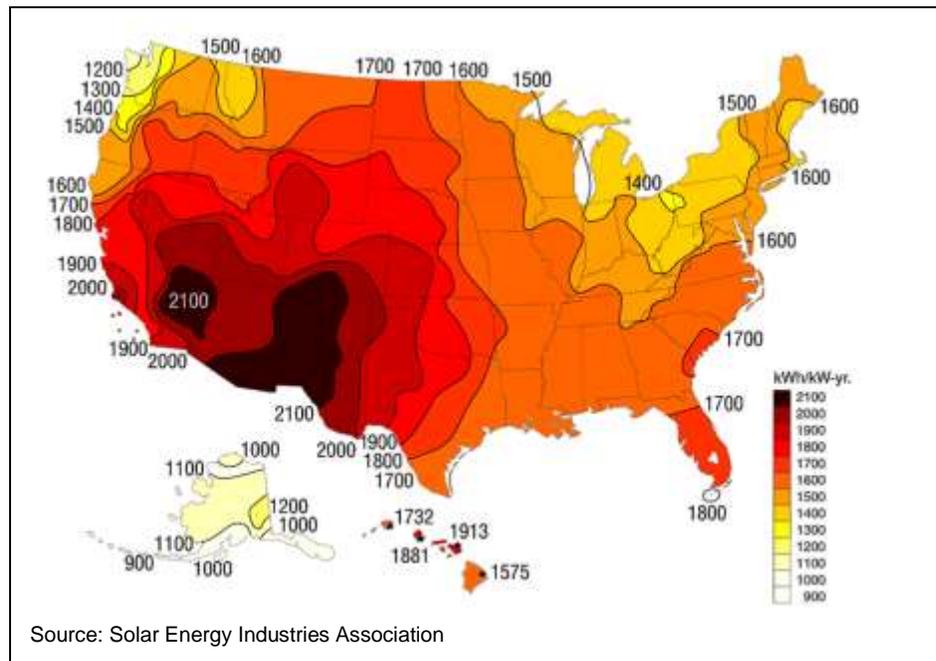


Solar energy includes solar water and space heating as well as taking solar photovoltaic panels to convert the sun's rays into electricity. Solar panels can typically produce between 100 and 200 watts per square meter at an installed cost of \$7 to \$9 per watt, but these costs are becoming less every year as more solar units are commissioned and new more cost effective technologies are developed.

Based upon the diagram below, there is great solar potential in the state of Nebraska. A majority of the state lies within some of the better areas in the country for solar potential.

Figure 2:

Solar Potential Contours



Geothermal Energy

Geothermal energy includes a process where a series of pipes are lowered into vertical cores called heat-sink wells. The pipes carry a highly conductive fluid that either is heated or cooled by the constant temperature of the ground. The resulting heat exchange is then transferred back into the heating and cooling system of a home or other structure. This is called a geothermal heat exchange system or ground source heat pumps. The California Energy Commission estimates the costs of a geothermal system can earn net savings immediately when financed as part of a 30-year mortgage (*Source: American Planning Association, PAS Memo January/February 2009*).

Renewable Energy in David City and Butler County

Renewable energy in David City and the Butler County area has been increasing in the past several years. Some of the recent activity in the David City area include:

- The City of David is in the process of switching all street lamps from the older high pressure sodium and metal halide lamps to Low Emitting Diode (LED) lamps.
- The City Council recently signed an exclusivity contract with a wind developer to construct a wind turbine for use by the City.
- At the time of this report, there are two meteorological sites in Butler County testing wind availability.
- The City of David City has zoning provision allowing for geothermal heating/cooling systems in the corporate limits.

One issue presenting an obstacle to wind development in Butler County is the area along the Platte River valley. The flat bottomlands are likely habitat for water fowl and other birds. In addition, these areas have been subject to flooding in the past. Finally, the soils within these areas may be an issue when attempting to construct the footings for a wind turbine.

The City should provide for up to date wind regulations in their zoning code. This should aid directing future development of commercial turbines within their jurisdiction.

Solar panels throughout Nebraska, especially the Southwest region may be difficult due to the number of hail storms that track through the area. Any future solar development will need to be capable of sustaining impacts from future hail storms.

Geothermal systems need to continue to be an approach depending on the water table of the area. High water tables tend to create construction issues for this type of renewable energy.

Energy Programs in Nebraska

The following provides a basic history and description of some newer programs in Nebraska; interested parties should contact the State of Nebraska Energy Office or their local public power district.

The following information is an excerpt from the Database of State Incentives for Renewables & Efficiency.

C-BED Program

In May 2007, Nebraska established an exemption from the sales and use tax imposed on the gross receipts from the sale, lease, or rental of personal property for use in a community-based energy development (C-BED) project. The Tax Commissioner is required to establish filing requirements to claim the exemption. In April 2008 L.B. 916 made several amendments to this incentive, including: (1) clarified C-BED ownership criteria to recognize ownership by partnerships, cooperatives and other pass-through entities; (2) clarified that the restriction on power purchase agreement payments should be calculated according to gross* and not net receipts; (3) added language detailing the review authority of the Tax Commissioner and recovery of exempted taxes; and (4) defined local payments to include lease payments, easement payments, and real and personal property tax receipts from a C-BED project.

A C-BED project is defined as a new wind energy project that meets one of the following ownership conditions:

- For a C-BED project that consists of more than two turbines, the project is owned by qualified owners with no single qualified owner owning more than 15% of the project and with at least

33% of the power purchase agreement payments flowing to the qualified owner or owners or local community; or

- For a C-BED project that consists of one or two turbines, the project is owned by one or more qualified owners with at least 33% of the power purchase agreement payments flowing to a qualified owner or local community.

In addition, a resolution of support for the project must be adopted by the county board of each county in which the C-BED project is to be located or by the tribal council for a C-BED project located within the boundaries of an Indian reservation.

A qualified C-BED project owner means:

- a Nebraska resident;
- a limited liability company that is organized under the Limited Liability Company Act and that is entirely made up of members who are Nebraska residents;
- a Nebraska nonprofit corporation;
- an electric supplier(s), subject to certain limitations for a single C-BED project; or
- a tribal council.

In separate legislation ([LB 629](#)), also enacted in May 2007, Nebraska established the Rural Community-Based Energy Development Act to authorize and encourage electric utilities to enter into power purchase agreements with C-BED project developers.

** LB 561 of 2009 established that gross power purchase agreement payments do not include debt financing if the agreement is entered into on or before December 31, 2011, and the qualified owners have a combined total of at least 33% of the equity ownership in the C-BED project.*

Local Government and Renewable Energy Policies

Local governments need to take steps to encourage greater participation in wind generation. Cities and counties can pursue strategies to make these projects more attractive, including:

- Develop or amend existing zoning regulations to allow small-scale wind turbines as an accessory use in all districts
- Develop or amend existing zoning regulations to exempt small-scale turbines from maximum height requirements when attached to an existing or new structure.
- Work with the Nebraska Public Power District and/or local public power district on ways to use wind turbines on small-scale individual projects or as a source of power for the community.

Net Metering in Nebraska

[LB 436](#), signed in May 2009, established statewide net metering rules for all electric utilities in Nebraska. The rules apply to electricity generating facilities which use solar, methane, wind, biomass, hydropower or geothermal energy, and have a rated capacity at or below 25 kilowatts (kW). Electricity produced by a qualified renewable energy system during a month shall be used to offset any kilowatt-hours (kWh) consumed at the premises during the month.

Any excess generation produced by the system during the month will be credited at the utility's avoided cost rate for that month and carried forward to the next billing period. Any excess remaining at the end of an annualized period will be paid out to the customer. Customers retain all renewable energy credits (RECs) associated with the electricity their system generates. Utilities are required to offer net metering until the aggregate generating capacity of all customer-generators equals one percent of the utility's average monthly peak demand for that year.

State Law of Solar and Wind Easements

Nebraska's solar and wind easement provisions allow property owners to create binding solar and wind easements for the purpose of protecting and maintaining proper access to sunlight and wind. Originally designed only to apply to solar, the laws were revised in March 1997 (LB 140) to include wind. Counties and municipalities are permitted to develop regulations, or development plans protecting access to solar and wind energy resources if they choose to do so. Local governing bodies may also grant zoning variances to solar and wind energy systems that would be restricted under existing regulations, so long as the variance is not substantially detrimental to the public good.

LB 568, enacted in May 2009, made some revisions to the law and added additional provisions to govern the establishment and termination of wind agreements. Specifically, the bill provides that the initial term of a wind agreement may not exceed forty years. Additionally, a wind agreement will terminate if development has not commenced within ten years of the effective date of the wind agreement. If all parties involved agree to extend this period, however, the agreement may be extended.

Incentive Programs

Programs change from time to time and are typically offered locally and/or through NPPD.

Mayor Zavodny stated: "I met with representatives of Henningsen Foods and we had a really good dialogue about what some of our issues are. I also talked to Kirkham Michael and everyone is kind of looking at this. We know we have problems with our metering. We also know that the bill we presented was wrong so we need to adjust it down to this \$21,555.12. I did not want to do that without council approval because it was billed at \$68,993.73 which was way off. We need to work on our testing. We have two options: One, we give them credit until this is used up, and Two, we offer them a check back. I would prefer that we just give them credit until this is used up and we start billing them again."

Council member Smith made a motion to issue a credit of \$47,438.61 to Henningsen Foods towards their utility bills until the credit is used up. Council member Scribner seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Smith, Vandenberg, and Scribner. Voting NAY: None. Council members Rogers was absent. The motion carried.

Don Moravec of Moravec & Associates presented the Statement of Gross Proceeds Distribution for the fiscal year ended September 30, 2014 concerning the Keno operations. Don stated: "Any County, Village, or City that operates Keno must once a year have a compliance review done. It consists of eleven elements, the first four which are for manual draw Keno don't apply. The other ones are tracing the gross proceeds from the Keno system, making sure they are hitting the bank account, making sure they are the correct amounts, seeing what was won, checking for cash shortages or overages, and filing the Form 35K which is the annual report of income and expenses." Don continued to review the Statement of Gross Proceeds Distribution which is basically the accounting for the Keno proceeds. "When Thomas's was in business there was a little bit more traffic for Keno I think than there is today, It seems to me that Keno is

falling off a little bit these days. The proceeds available for distribution is \$7,300 for Community Development.”

Council member Smith made a motion to accept the Statement of Gross Proceeds Distribution for the fiscal year ended September 30, 2014 together with the Independent Accountant’s Report. Council member Scribner seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Smith, Svoboda, and Scribner. Voting Nay: None. Council member Rogers was absent. The motion carried.

Mayor Zavodny stated that Council member Vandenberg and himself were re-elected to another four year term.

Mayor Zavodny stated: “I would like to acknowledge Council member Ruddy Svoboda; I’ve appreciated serving with you for the past four years and the commitment you’ve brought to the job. Listening to the constituents of your ward has clearly been a priority for you and I think you’ve done a very nice job representing them. We thank you for everything you’ve done. Thank You for what you’ve done for the City.”

Mayor Zavodny stated: “The other person joining us for his last meeting is Councilman Bill Scribner, and I would echo the same things as far as your service over the past 8 years to the people of the 2nd Ward, and your contributions to the City, and on behalf of the citizens of David City we appreciate your service. Thank You for what you’ve done.”

Both Council members, Svoboda and Scribner, received a round of applause. Both council members then left their place at the Council table.

The meeting continued with the Organizational portion.

City Attorney Egr presented the Oath of Office to Mayor Alan Zavodny; Council Member Thomas J. Kobus – 1st Ward; Council Member Kevin N. Hotovy – 2nd Ward; and Council Member John Vandenberg – 3rd Ward, and they were seated.

Present for the meeting were: Mayor Alan Zavodny, Council members Thomas J. Kobus, John Vandenberg, Gary Kroesing, Gary Smith, and Kevin N. Hotovy. Also present were City Attorney Jim Egr, and Interim City Administrator/City Clerk Joan Kovar. Council member Mike Rogers was absent.

It was time to elect a new City Council President. Council member Gary Kroesing nominated Council member Gary Smith. Council member Gary Smith nominated Council member Gary Kroesing. There being no other nominations from the floor and the Council selecting to do an open/public vote, Mayor Zavodny asked for those in favor of Council member Gary Smith – 1: Gary Kroesing. Voting for Council member Gary Kroesing – 4: Vandenberg, Kobus, Smith, & Hotovy. The result being 4 to 1, Council member Kroesing was named the Council President for December 2014 to December 2015.

Mayor Zavodny asked for two council members to serve on the Finance Committee. Council member Gary Smith volunteered. Council member Kroesing stated that it wasn’t fair to nominate Mike Rogers when he was absent. Mayor Zavodny agreed and stated “Well how about appointing John Vandenberg?” With that, Mayor Zavodny stated: “Gary Smith and John Vandenberg are appointed to the Finance Committee.”

(No.....)

OFFICIAL OATH

L. B. No. 257, Session Laws 1951.

All persons in Nebraska with the exception of executive and judicial officers and members of the Legislature who are required to take the oath prescribed by Article XV, Section 1, of the Constitution of Nebraska, who are paid from public funds for their services, including teachers and all other employees paid from public school funds, shall be required to take and subscribe an oath in writing, before a person authorized to administer oaths in this state, and file same with the Secretary of State, or the county clerk of the county where such services are performed, which oath shall be as follows:

THE OATH

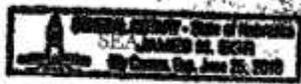
STATE OF NEBRASKA, } ss.
Butler County

WITNESSETH: I, ALAN ZAVODNY, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without any mental reservation for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of MAYOR OF DAVID CITY, NEBRASKA according to law and to the best of my ability.

And, I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Dated December 10, 2014. Signature [Signature] 798 Sunset Drive David City NE 68632

SUBSCRIBED in my presence and sworn to before me this 10th day of December, A. D. 2014



Notary My commission expires June 25, 2018

NOTE: The affirmation of a person conscientiously scrupulous of taking an oath, shall have the same effect. (See Sections 11-101.01 and 11-101.03)

(No.....)

OFFICIAL OATH

L. B. No. 257, Session Laws 1951.

All persons in Nebraska with the exception of executive and judicial officers and members of the Legislature who are required to take the oath prescribed by Article XV, Section 1, of the Constitution of Nebraska, who are paid from public funds for their services, including teachers and all other employees paid from public school funds, shall be required to take and subscribe an oath in writing, before a person authorized to administer oaths in this state, and file same with the Secretary of State, or the county clerk of the county where such services are performed, which oath shall be as follows:

THE OATH

STATE OF NEBRASKA, } ss.
Butler County

WITNESSETH: I, Thomas J. Kobus, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without any mental reservation for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of Council member - 1st Ward according to law and to the best of my ability.

And, I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Dated December 10, 2014 Signature [Signature] 448 N 1st St. DC Neb.

SUBSCRIBED in my presence and sworn to before me this 10th day of December, A. D. 2014



Notary My commission expires June 25, 2018

NOTE: The affirmation of a person conscientiously scrupulous of taking an oath, shall have the same effect. (See Sections 11-101.01 and 11-101.03)

(No.....)

OFFICIAL OATH
L. B. No. 257, Session Laws 1951.

All persons in Nebraska with the exception of executive and judicial officers and members of the Legislature who are required to take the oath prescribed by Article XV, Section 1, of the Constitution of Nebraska, who are paid from public funds for their services, including teachers and all other employees paid from public school funds, shall be required to take and subscribe an oath in writing, before a person authorized to administer oaths in this state, and file same with the Secretary of State, or the county clerk of the county where such services are performed, which oath shall be as follows:

THE OATH

STATE OF NEBRASKA, }
Butler County } ss.

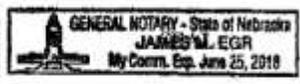
WITNESSETH: I, KEVIN N. ROTOVY, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without any mental reservation for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of COUNCIL MEMBER - 2ND WARD

according to law and to the best of my ability.
And, I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Dated December 10, 2014. Signature *Kevin N. Roto*
(Write name in full)

478 S. 10th St
Omaha City, NE 68132

SUBSCRIBED in my presence and sworn to before me this 10th day of December, A. D. 2014



James M. Egr Notary
My commission expires June 25, 2018

NOTE: The affirmation of a person conscientiously scrupulous of taking an oath, shall have the same effect. (See Sections 11-101.01 and 11-101.02)

(No.....)

OFFICIAL OATH
L. B. No. 257, Session Laws 1951.

All persons in Nebraska with the exception of executive and judicial officers and members of the Legislature who are required to take the oath prescribed by Article XV, Section 1, of the Constitution of Nebraska, who are paid from public funds for their services, including teachers and all other employees paid from public school funds, shall be required to take and subscribe an oath in writing, before a person authorized to administer oaths in this state, and file same with the Secretary of State, or the county clerk of the county where such services are performed, which oath shall be as follows:

THE OATH

STATE OF NEBRASKA, }
Butler County } ss.

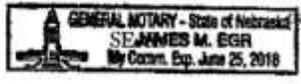
WITNESSETH: I, JOHN VANDENBERG, do solemnly swear that I will support and defend the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without any mental reservation for purpose of evasion; and that I will faithfully and impartially perform the duties of the office of COUNCIL MEMBER - 3RD WARD

according to law and to the best of my ability.
And, I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God.

Dated December 10, 2014. Signature *John Vandenberg*
(Write name in full)

632051st + David City, NE 68632
(Address - P. O.)

SUBSCRIBED in my presence and sworn to before me this 10th day of December, A. D. 2014



James M. Egr Notary
My commission expires June 25, 2018

NOTE: The affirmation of a person conscientiously scrupulous of taking an oath, shall have the same effect. (See Sections 11-101.01 and 11-101.02)

Mayor Zavodny opened the Public Hearing at 7:37 p.m. to consider 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.

Larry Sabata stated: "As we discussed before, with the Planning Commission and special meetings that we had before we brought this to the City Council, it seems to me that there is a big need for housing in David City that came from talks and discussions with Timptre and a few other people. Like I said, I don't have the expertise or the know-how to properly proceed on such a large scale development and Dana Point came in and we discussed it a little bit and I gave them a very reasonable proposal per acre for converting it back into lots, the cost of lots, and he shot me a figure and I shot him a figure, and I said the figure that we agreed on, I told him, I said, I'm going to do one better, I'm going to drop that figure again because I want to do something for the City of David City, also. We need the housing here and I think that was clearly discussed but it's up to you people."

Mayor Zavodny stated: "Also as part of this I guess we have the special meeting on December 17th and December 29th in order to meet some of the deadlines required to do everything within our power to make this happen. Do you have any updates on how things are progressing on that?"

Larry McPhillips stated: "No, I really don't. We continue to meet weekly and discuss everything with Matt Thomas, President of Dana Point Development Corporation, and everything is progressing fine with him. He is ready to work through this next spring as soon as everything is approved.

Mayor Zavodny stated: "We were able to get the blight study done and now we are working on the other parts of the Tax Increment Financing requirements."

Larry McPhillips stated: "Matt appreciates everything; rescheduling the meetings and everything. It is very much appreciated."

Rex Rehmer stated: "I would like to share that same sentiment. We appreciate your extra work that you are going to have to do to get this accomplished. We've opened up a new chapter in David City because I think you are going to see this thing start to really take off. There is already interest being generated from it; it's going to do a lot of things around town besides just that."

Don Moravec stated: "I would echo that as well. We really appreciate the effort to get it done and so I hope that we can continue to move forward with this project."

There being no further comments to be made, Mayor Zavodny closed the Public Hearing at 7:41 p.m.

Council member Smith introduced Ordinance No. 1219.

Mayor Zavodny read Ordinance No. 1219 by title: 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. (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).

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

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 1st reading – Dec. 10, 2014
City Clerk Joan E. Kovar

Passed on 1st reading – Dec. 10, 2014
Mayor Alan Zavodny

Council member Kroesing introduced Resolution No. 25 - 2014 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Kobus, Smith, Kroesing, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 25 – 2014 was passed and approved as follows:

RESOLUTION NO. 25 - 2014

A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA TO APPOINT MEMBERS TO THE COMMUNITY REDEVELOPMENT AUTHORITY OF THE CITY OF DAVID CITY

WHEREAS, by Ordinance No. 1200, the City of David City, Nebraska created the Community Redevelopment Authority of the City of David City, Nebraska ("Authority") pursuant to the Nebraska Community Development Law, Nebraska Revised Statutes sections 18-2101 through 18-2154, as amended ("Development Law"); and

WHEREAS, pursuant to Nebraska Revised Statutes section 18-2102.01(2) and Ordinance 1200, the Mayor, with approval of the City Council, shall select and appoint seven members to the Authority; and

WHEREAS, the Mayor desires to appoint the seven members of the Authority and to designate the terms for said members in accordance with the appointment procedures provided by Ordinance No. 1200 and the Development Law.

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

Section 1. The Mayor is hereby authorized to appoint, and does so appoint, Thomas Kobus, to fill the unexpired term of Bill Scribner to November 13, 2015.

Section 2. The Mayor is hereby authorized to appoint, and does so appoint, John Vandenberg and Alan Zavodny to serve on the Authority each for a term that expires on November 13, 2016.

Section 3. The Mayor is hereby authorized to appoint, and does so appoint, Gary Smith and Michael Rogers to serve on the Authority each for a term that expires on November 13, 2017.

Section 4. The Mayor is hereby authorized to appoint, and does so appoint, Gary Kroesing to serve on the Authority for a term that expires on November 13, 2018.

Section 5. The Mayor is hereby authorized to appoint, and does so appoint, Kevin Hotovy to serve on the Authority for a term of five (5) consecutive years that expires on November 13, 2019.

Section 6. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. These resolutions shall take effect as provided by law. The provisions of these resolutions are separable, and invalidity of any phrase, clause or part of these resolutions, shall not affect the validity of effectiveness of the remainder of these resolutions.

PASSED AND APPROVED this 10th day of December, 2014.

Mayor Alan Zavodny

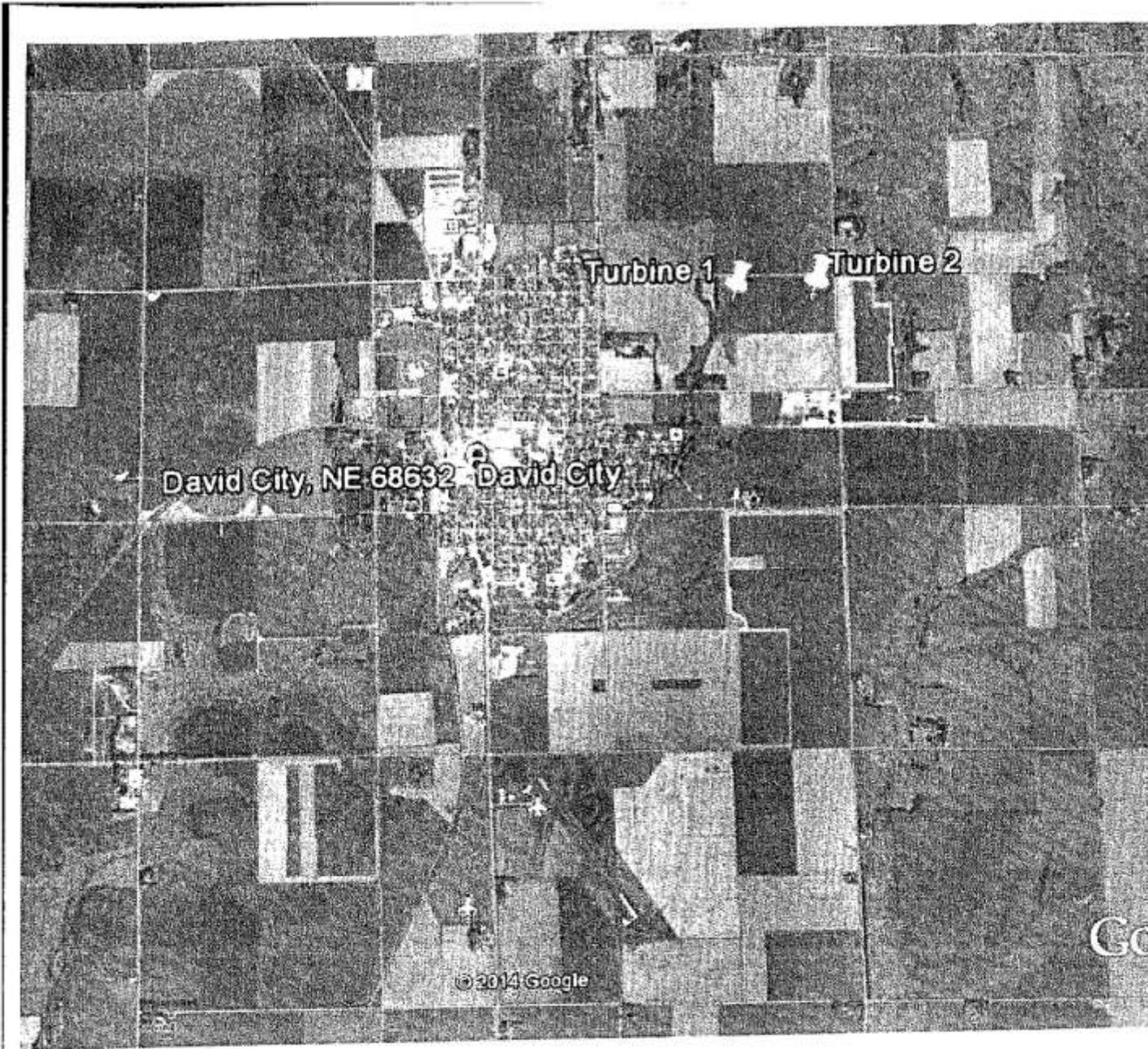
City Clerk Joan Kovar

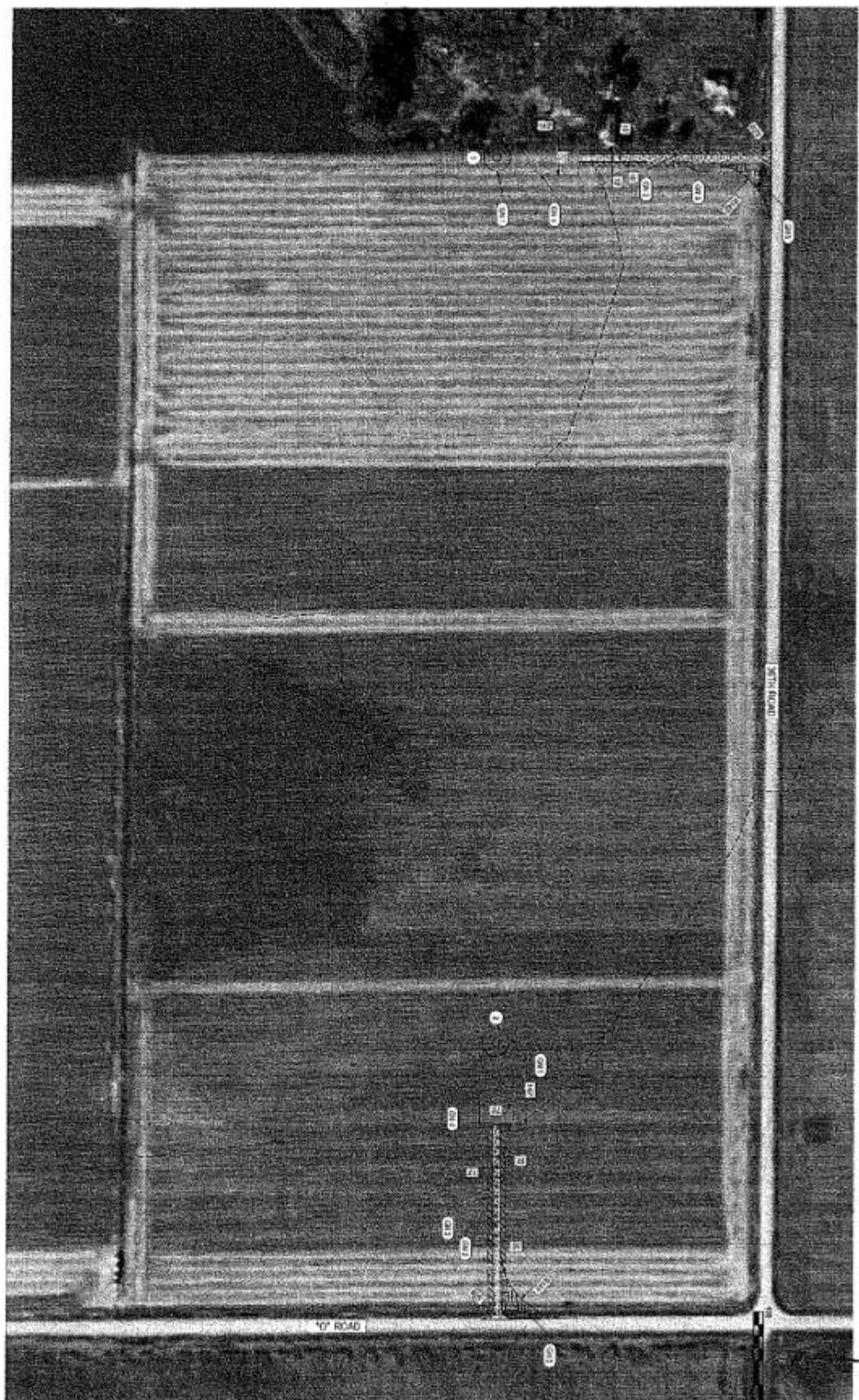
Power Plant Supervisor Eric Betzen, speaking on behalf of the Employee Committee, requested Friday, December 26, 2014, as a paid holiday so that the employees can spend more time with their families for the Christmas Holiday. Eric stated: "We just thought we would bring this up because in the past, councils have sometimes granted this and sometimes they haven't. In the case where it hasn't, there have been a lot of people taking vacation anyway so we've been down to bare bones, so we just thought we'd bring this up and see what your thoughts were."

Mayor Zavodny stated: "Well, just to clarify, any emergency things will get handled by on-call people. I am just going to share my feelings. You know, we've asked all of our employees to do a lot more because we've reduced the size of government and they've had to be on-call rotations a lot more frequently, for you (Eric) constantly, so that is something I think we've asked them to do, so this to me does not seem like an unreasonable thing to do. Frankly, not to really short sell it, but our productivity on that day will probably be next to nothing anyway, so I think we ought to just take the move and do this. That's one person's opinion."

Council member Smith made a motion to authorize Friday, December 26, 2014, as a paid Holiday. Council member Kroesing seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Kroesing, Kobus, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried.

Adam Herink of Bluestem Energy Solutions was present and stated: "Early last summer the City Council engaged our company to look at a development of a wind turbine for the use of David City. I've just come back tonight, I don't want to take up a lot of your time, but we get to a certain part in the development and I just like to update you with the site we are looking at, what we've done to date. There is still some work to be done before we get our final pricing, but I want to show this to you so you can kind of see where we're at. Community feedback is obviously very important at this stage. So this is just an informative update and if you think of something afterwards you can definitely call me. You will see two turbine pads here, because Butler Power engaged with the development study and it makes sense if we can do the projects together so both groups can pick up some economy of scale. We did do an interconnection study for both groups. Butler Power will be interconnected onto their 34.5, David City's would come back into the community and underground collections and get hooked into the system. So far everything looks good. We fill out an NPPD interconnections study report that will get submitted this week, so NPPD will look at that and give us the A -Ok. We will start reaching out to some local contractors and such to put our pricing together and we're currently finishing up the wind study as we speak. My plan is to be back in about, probably reaching back out to Mayor Zavodny, in the next 45 days saying we have some pricing we need to talk about. At that point we come back with the pricing and you guys can see if it's fine with you or not. We are looking at 80 meter towers, so about 240'. This will be anywhere from an eight, ten to eleven million dollar project. A lot of those funds come right back into the community. There will be ongoing maintenance crews coming up throughout the year, eating at the restaurants, things like that, so there is an economic development component that comes with it. We are going through the FAA permitting process right now. Once we get the FAA permits we will present those to you; we should have those back by the end of the month."





LEGEND

Surveyed Area
 Proposed Wind Turbine
 Proposed Access Road
 Proposed Roadway
 Proposed Construction Area

GENERAL REFERENCE NOTES

01.1. General Notes, 11/14/11
 01.2. Site Survey Report, 11/14/11
 01.3. 10' Wide Proposed Access Road, 11/14/11
 01.4. 10' Wide Proposed Construction Area, 11/14/11
 01.5. 10' Wide Proposed Roadway, 11/14/11
 01.6. Proposed Access Road, 11/14/11

DATE: 11/14/11 DRAWN BY: JLS CHECKED BY: JLS SCALE: 1" = 100'	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/14/11</td> <td>PRELIMINARY SITE LAYOUT</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	11/14/11	PRELIMINARY SITE LAYOUT	BLURSTON ENERGY SOLUTIONS BUTLER PUBLIC POWER WIND PROJECT BLURSTON, COLORADO		E & A CONSULTING GROUP, INC. Engineering • Planning • Environmental & Field Services 333 West 15th Street Omaha, NE 68102 Phone: 402.552.4300 Fax: 402.552.4301 www.eagroup.com
NO.	DATE	DESCRIPTION								
1	11/14/11	PRELIMINARY SITE LAYOUT								

Mayor Zavodny stated that the next agenda item was consideration of Resolution No. 26 – 2014 increasing the amount allotted to employees for their annual recognition banquet. City Attorney Egr stated that this is set by State Statute and at the present time the maximum allowed is \$25. Therefore, this cannot be increased.

Council member Kroesing introduced Resolution No. 26 - 2014 and moved for its passage and adoption. Council member Kobus seconded the motion. Voting AYE: Council member Kobus. Voting NAY: Council members Smith, Vandenberg, Hotovy, and Kroesing. Council member Rogers was absent. The motion failed.

RESOLUTION NO. 26 – 2014

WHEREAS, L.B. 344, passed and adopted by the Nebraska Legislature provides for the I.R.S. limitations for Nebraska for reimbursement for mileage, lodging, and meals for employees when said employees are attending schools, seminars, conferences, etc. on behalf of the City; and, also provides for expenditure of City funds to provide a recognition dinner for City Employees one time per year.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the cost limit for a recognition dinner for all City Employees one time per year not to exceed \$50 per employee be and is hereby established, and,

Passed and approved this 10th day of December, 2014.

FAILED –STATE STATUTE MAXIMUM IS \$25
Mayor

FAILED SET AT \$25 BY STATE STATUTE!
City Clerk

Council member Smith made a motion to cancel the Committee of the Whole meeting normally scheduled for the 4th Wednesday of the month which would be December 24th, Christmas Eve, and to schedule Special Council meetings for Wednesday, December 17th and Monday, December 29th both beginning at 6:30 p.m. at the City Office. Council member Kroesing seconded the motion. Voting AYE: Council members Vandenberg, Hotovy, Kobus, Smith, and Kroesing. Voting NAY: None. Council member Rogers was absent. The motion carried.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Hotovy, Kroesing, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:55 p.m.



CERTIFICATION OF MINUTES
December 10, 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 10th, 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