

CITY COUNCIL PROCEEDINGS

(Edited for publication)

March 13, 2024

The City Council of the City of David City, Nebraska, met in a special open public session in the meeting room of the City Office, 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on February 1, 8, 15, 22 and 29, 2024 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 on the City's website. 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 Jessica Miller, Council President Bruce Meysenburg, Council members Tom Kobus, Jim Angell, Keith Marvin, Kevin Woita, and Pat Meysenburg, City Attorney David Levy and Interim Administrator/City Clerk Tami Comte.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Street Superintendent Chris Kroesing, Don Prochaska, Marcia Sabata, Norm Kasper, Tracy & John Hein, Alan Zavodny, Don & Michelle Clary, Mary Lou Smith, Jerry Oborny, Marlene & Nick Hein, Linda Vandenberg, Roger & Jane Dobesh, Dan & Jan Sypal, Mark Pleskac, Ron Pleskac, Devin & Libby Sprunk, Kevin Betzen, Devin Betzen, Randy Fendrich, Brenda & Greg Eller, Gerry & Jackie Hazen, Joan Prescott, Wayne Lukert, Ruth & Victor Thoendel, Randy Svoboda, Peter & Amber Fencl, David McPhillips, Alyssa Ledon and Chris Woolsey with Woolsey Electric.

The meeting opened with the Pledge of Allegiance.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. Mayor Miller read the speaking guidelines for the City Council meeting. She also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Mayor Jessica Miller declared that in accordance with published notice; it was now time to conduct a hearing relative to the levy of special assessments in Street Improvement District Nos. 2022-1 and 2023-1 with the Council sitting as the Board of Equalization. The mayor then declared the public hearing open at 6:03 p.m.

Alyssa Ledon, Jan Sypal, Michelle Clary, Joan Prescott, Linda Vandenberg, Alan Zavodny, Randy Fendrich and Gerry Hazen all introduced themselves and spoke in opposition to the special assessments and some spoke regarding items that had not been completed by the construction company.

Mayor Jessica Miller also read a letter from Matt Thomas regarding the Dana Point Development Corporation. The letter is attached.



March 12, 2024

Tami Comte, City Clerk
City of David City
P.O. Box 191
557 4th Street
David City, NE 68632

Sent via email: tcomte@davidcityne.gov

Re: Improvement Districts 2022-1 and 2023-1

Dear Ms. Comte,

I will not be able to attend the Board of Equalization for the Public Meeting on March 13, 2024, at 6:00pm, so I am requesting that this letter please be submitted and presented to the BOE prior and/or during the meeting.

I am the owner and developer of the Larry J. Sabata 3rd Addition subdivision located on N. 12th Street between 'O' and 'L' Street/Larry J. Sabata Drive. I completed the infrastructure/paving at the end of 2017 and began construction on multiple housing units immediately thereafter. The improvements to the subdivision included all utilities and paving of N. 12th and L Streets. As a part of those improvements, I was required to complete the following items solely at my cost:

1. Improve the entirety of L Street/Larry J. Sabata Drive from N. 11th Street to the furthest point east to the adjoining large vacant land. During the approval process I asked if I could stop the paving at the southeast point of the intersection of L Street & N. 12th Street since the additional paving to the east would not service any of my lots.
 - a. My above request was denied, and I was told I was required to pave and improve the additional approximately 125-feet of street to the eastern property line. Additionally, I was required to pave the parallel 125-foot sidewalk only to dead-end at the vacant field.
 - b. In addition to being required to extend the pavement and sidewalk to the eastern boundary as described above, I was also told that I would not be allowed to assess nor request payment from the adjoining homeowners/landowners including those whom directly benefited from the access as a result of the new street.
2. The approval of the subdivision required a portion of my new water main to be upsized to 8-inches for "any future expansions to the east." I was not reimbursed for the cost to upsize nor was I allowed to assess the adjoining property owners that would eventually and very directly benefit from this upsizing.
3. The subdivision regulations – Article 7, Section 709 – Street and Walkway Lighting – require that the City installed street lighting shall include the requirement of "lighting in new subdivisions shall utilize underground wiring..." Upon installation by the City, the wiring was not done in accordance with the subdivision regulations and instead installed with overhead wiring. Although this oversight by the City did not cost me any money, I did ask about it and was told it would be looked into. After a few follow ups, I never ended up getting a response.

With all the above said, my experience with the City has been positive. Through the collective effort of myself and the City there are currently twenty-three occupied units consisting of both rental and owner occupied housing. In addition, I am currently under construction on three single-family homes which will be completed and available for sale in May-June of this year. We plan to build on the remaining four lots and complete the subdivision early next year.

As outlined above, when I went through the approval process and ultimately the installation of a new subdivision, I was required to pay for improvements of paving, sidewalks and upsized utilities that did not directly benefit my subdivision AND I was not allowed to assess or request reimbursement of any kind from adjoining homeowners/landowners who directly benefited from those improvements. That included 280 feet of paving on L Street that directly touches (and is being used) by adjoining homeowners/landowners. I therefore respectfully request that the precedent that was set and the standard to which I was firmly held, be justly and rightfully reciprocated by not assessing my adjacent lots – again just I was not allowed to do myself with the multiple adjoining landowners adjacent to my subdivision.

Thank you for your consideration. Should you have any questions or wish to discuss, please call me at 209-613-9517 or email at matt@danapointdevelopment.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'MTHOMAS', with a long horizontal line extending to the right.

Matt Thomas
President

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 6:31 p.m.

Council member Keith Marvin made a motion to continue the meeting to April 24, 2024 at 6 p.m. Council Member Bruce Meysenburg seconded the motion. The motion carried.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES

March 13, 2024

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of March 13, 2024; 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.

Tami Comte, City Clerk