

CITY COUNCIL PROCEEDINGS
March 26, 2025

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by posting in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). 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 Kevin Woita, Keith Marvin, Jim Angell, Rick Holland, City Administrator Intern Raiko Martinez, City Attorney Michael Sands and Interim City Administrator/City Clerk Tami Comte. City Council member Jeremy Abel was absent.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Alan Zavodny, Matt Kalin with JEO, Zach Hoppel with Murphy Equipment, Pat Kozisek, Chris & Nancy Kozisek, Amy & Kevin Slama and Marlene Hein. Jim Warrelman with SENDD attended via Zoom.

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. She also reminded the public that if they speak tonight in front of the Council, they must state their name and address for the record.

Council member Jim Angell made a motion to approve the minutes of the March 12, 2025 City Council meeting as presented. Council Member Kevin Woita seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to table the City Reimbursement of the Market Value adjustment to the Fixed Account of the Nationwide Retirement Plan. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to approve purchasing a motor grader from Murphy Equipment and selling the City's old motor grader at auction. Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1



Quote Id: 32451472

Prepared For:
CITY OF DAVID CITY



Prepared By: **ZACH HAPPEL**

Murphy Tractor & Equipment
6100 Arbor Road
Lincoln, NE 68517

Tel: 402-467-1300
Mobile Phone: 402-432-8314
Fax: 402-467-1927
Email: zhappel@murphytractor.com



Quote Summary

Prepared For:
 CITY OF DAVID CITY
 PO BOX 191
 DAVID CITY, NE 68632
 Home: 402-367-3135
 Business: 402-367-3135
 BBUNTGEN@DAVIDCITYNE.COM

Prepared By:
 ZACH HAPPEL
 Murphy Tractor & Equipment
 6100 Arbor Road
 Lincoln, NE 68517
 Phone: 402-467-1300
 Mobile: 402-432-8314
 zhappel@murphytractor.com

Quote Id: 32451472
 Created On: 10 March 2025
 Last Modified On: 10 March 2025
 Expiration Date: 24 March 2025

Equipment Summary	Qty	Extended
2018 JOHN DEERE 772G MOTOR GRADER with 6WD - 1DW772GXJHF684106	1	

Equipment Total **\$ 200,000.00**

Trade In Summary	Qty	Each	Extended
2003 JOHN DEERE 670CH II - DW670CH589221	1	\$ 25,000.00	\$ 25,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 25,000.00
Trade In Total			\$ 25,000.00

Quote Summary	
Equipment Total	\$ 200,000.00
Trade In	\$ (25,000.00)
SubTotal	\$ 175,000.00
Total	\$ 175,000.00
Balance Due	\$ 175,000.00

Salesperson : X _____

Accepted By : X _____



Selling Equipment



Quote Id: 32451472 Customer: CITY OF DAVID CITY

2018 JOHN DEERE 772G MOTOR GRADER with 6WD - 1DW772GXJHF684106		
Hours:	3401	
Stock Number:	Q17888	
Code	Description	Qty
8470T	2018 772G Motorgrader	1

Original Factory Build Codes	
Code	Description
1010	STANDARD HYDRAULIC CONTROLS
1140	9.0L ENG,EPA FINAL TIER IV
1240	ALTERNATOR 200 AMP
1320	NO QUICK SERVICE
1410	STANDARD FUEL LINES
1610	HYDRAULIC PUMP DISCONNECT
170C	JDLINK ULT 5 YEAR SERVICE
1830	BLACK EXHAUST STACK
1920	NO BLADE IMPACT ABSORPTION
2070	14"X27"X1" MB (8" CEX5/8")
2575	NOT TOPCON READY
2605	ENGLISH LABELS & DECALS
2775	NO TOPCON RADIO INSTALLATION
2820	SNGL INPUT W/ SLIP CLUTCH
4617	17.5R25 G2/L2 1"BRID 3PC RIM
5025	LOW CAB W/FIXED FT***OPEN SD
5510	AUTOSHIFT TRANSMISSION
5710	TRANS VALVE SOLENOID GUARD
5815	HYDRAU-GREASE,OIL,FUEL,COOLN
6030	NO CAB PRECLEANER
6130	PREM POST/CONT FABRIC AIRSUS
6520	RH 5 FUNC CONTROL VALVE
6620	LH 5 FUNC CONTROL VALVE
6740	BALDERSON LIFT GROUP
6830	REAR HITCH AND PIN
7160	DLX LIGHTING PKG W/HAL +8XTR
7820	NO FRONT FENDERS
8120	CONVERTER, 25 AMP 24V TO 12V
8220	MIRRORS, EXTERNAL HEATED
8310	LOWER FRONT INT WIPER/WASHER
8410	RADIO AM/FM/WB



Selling Equipment



Quote Id: 32451472 Customer: CITY OF DAVID CITY

8510	A/C - CHARGE
8730	NO SOUND ABSORPTION PKG
8820	NO CAMERA
9120	SUNVISOR-FRONT WINDOW
9130	REAR RETRACTABLE SUNSHADE
9210	PEDAL DECELERATOR
9270	SNOWPLOW LIGHTS
9280	SMV SIGN WITH BRACKET
9298	BEACON STROBE RIGHT
9360	HEATER ENG COOLANT, 120V
9370	ETHER AID - LESS CANISTER
9460	MOLDBOARD EXTENSION, 2FT LH
9620	HYDRAULIC VALVE COVERS

Council member Bruce Meysenburg made a motion to appoint Council members Keith Marvin and Rick Holland and citizen Chris Kozisek to look into hiring an Economic Developer. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Jim Warrelman with SENDD was present via Zoom. Mr. Warrelman introduced himself and gave a brief synopsis of the grant that is available through the Nebraska Affordable Housing Trust Fund.

Council member Keith Marvin made a motion to approve a commitment for \$75,000 as a match for a grant through SENDD for the Nebraska Affordable Housing Trust Fund (NAHTF).

Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

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NDED - NEBRASKA AFFORDABLE HOUSING TRUST FUND (NAHTF)



Program Details

- SENAHC and the City of David City: \$625,000 application to the Nebraska Department of Economic Development for a NAHTF new construction program.
- The program will construct new single-family housing units (like those pictured here), which will include 2-3 bedrooms, 2 bathrooms, unfinished basements (roughed-in for the creation of 2 bedrooms and 1 bathroom), and will range from 1,000-1,400 square feet.
- The program will build at least 6 new homes in David City within the three-year grant period. Sales proceeds from the initial homes will be reinjected into the project pool to be utilized for construction of subsequent units. This model allows the program to ideally continue operating in perpetuity. SENAHC will continue to utilize the recaptured funds to build new affordable housing as long as is needed in David City.

Community Participation

- Competitive NAHTF applications supply at least 10% in cash match. Preliminary discussions indicated that the City of David City would be able to commit \$75,000 as cash match to this program.
- Communities can also "buy in" to the project through vacant lot donations, waived utility hookups, and/or by covering building permit fees. This shows further local investment and commitment to the program.
- Public participation is a critical aspect of application development- reviewers want to see local engagement/interest.

****Please note - any cash match contribution can be considered on next fiscal year for budgeting****

Contact SENAHC representatives via the contact information listed below for additional information.



SOUTHEAST NEBRASKA AFFORDABLE HOUSING COUNCIL (SENAHC)

7407 O Street, Lincoln, NE, 68510

402-475-2560 | Jim Warrelmann: jwarrelmann@senahc.org | <https://senahc.org/our-partners/senahc/>



NEBRASKA AFFORDABLE HOUSING TRUST FUND (NAHTF) PROGRAM

**AFFORDABLE HOUSING OPPORTUNITY FOR
DAVID CITY HOMEBUYERS**

****Mortgage loan amounts between \$200,000 & \$264,000**

****Purchase prices between \$250,000 & \$330,000**

The Southeast Nebraska Affordable Housing Council (SENAHC) is partnering with the City of David City to apply for a NAHTF program to build new affordable single-family homes for eligible homebuyers.



**Newly constructed
single-family homes
ranging from
1,000-1,400 sq. ft.**

**2-3 bedrooms
2 bathrooms
unfinished basement
(roughed in for 2
bedrooms and 1
bathroom)**

**Down-payment
assistance options
available.**

**Buyers must be
verified at or below
120% of the AMI for
Butler County.**

**Contact us below for
more information!**



**SOUTHEAST NEBRASKA
AFFORDABLE HOUSING
COUNCIL (SENAHC)**

**7407 O Street
Lincoln, NE 68510
402-475-2560**

**[https://sendd.org/our-
partners/senahc/](https://sendd.org/our-partners/senahc/)**

**Email:
jwarrelmann@sendd.org**

Council member Keith Marvin made a motion to pass Ordinance No. 1509 on third and final reading annexing the Kozisek properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska adjacent to said Kozisek properties. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1509

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska ("City") is a municipal corporation and a city of the second class under the laws of Nebraska; and

WHEREAS, section 18-3301 of the Nebraska Revised Statutes allows the owner of any territory laying contiguous to the corporate limits of any city to request that the city annex their property into the corporate limits of the city; and

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of City to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein ("Property"), is urban or suburban in character and contiguous and adjacent to City's corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of a several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City's planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City's population and tax base, and preserve City's future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City's population and tax base, as stated above; and

WHEREAS, City's Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City's corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of March, 2025.

Mayor Jessica Miller

ATTEST

City Clerk Tami L. Comte

EXHIBIT A

DESCRIPTION OF PROPERTY

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, AND IN THE NORTHWEST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20 AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO BEAR N89°45'16"W; THENCE S00°55'01"E ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 33.01 FEET; THENCE N89°45'16"W PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 1240.11 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2012-00487; THENCE N00°43'48"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE CONTINUING N00°43'48"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 267.54 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2011-01521; THENCE N00°44'24"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 326.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N89°43'28"W ON THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 141.40 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2016-01446 AND THE EXISTING CORPORATE LIMITS; THENCE N00°45'55"W ON THE EAST LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 270.71 FEET; THENCE N88°48'23"W ON THE NORTH LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 23.36 FEET TO AN ANGLE POINT IN SAID CORPORATE LIMITS ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND AS PREVIOUSLY DESCRIBED IN ORDINANCE NUMBER 1296 AND RECORDED IN INSTRUMENT NUMBER 2018-01623; THENCE N00°43'16"W ON THE EAST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 379.05 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 2 OF KOZI ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA; THENCE N89°09'24"E, ON THE SOUTH LINE OF LOT 3 OF SAID BLOCK 2, A DISTANCE OF 139.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°21'47"E, A DISTANCE OF 60.19 FEET TO THE SOUTHEAST CORNER OF SAID KOZI ADDITION; THENCE S00°48'58"E ON THE WEST LINE OF LOT 1, BLOCK 2, KOZI SECOND ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, A DISTANCE OF 25.06 FEET TO THE SOUTHWEST CORNER OF SAID KOZI SECOND ADDITION; THENCE N89°09'19"E ON THE SOUTH LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 139.72 FEET; THENCE N89°16'43"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 60.21 FEET; THENCE N89°16'40"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 140.05 FEET TO THE SOUTHEAST CORNER OF SAID KOZI SECOND ADDITION; THENCE N13°43'09"E ON THE EAST LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 241.35 FEET; THENCE N03°43'08"E CONTINUING ON SAID EAST LINE, A DISTANCE OF 336.79 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S88°59'29"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 790.07 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°22'05"E ON SAID EAST LINE,

A DISTANCE OF 1789.13 FEET TO THE POINT OF BEGINNING, CONTAINING 48.97
ACRES, MORE OR LESS.
PARCEL NUMBER: 120035679

Council member Keith Marvin made a motion to pass Ordinance No. 1510 on third and final reading annexing the Tim & Lori Wollmer property located in the South half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel #120035672). Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1510

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein ("Property"), is urban or suburban in character and contiguous and adjacent to City's corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of a several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City's planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City's population and tax base, and preserve City's future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such

territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City's population and tax base, as stated above; and

WHEREAS, City's Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City's corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of March, 2025.

Mayor Jessica Miller

ATTEST

City Clerk Tami L. Comte

EXHIBIT A

DESCRIPTION OF PROPERTY

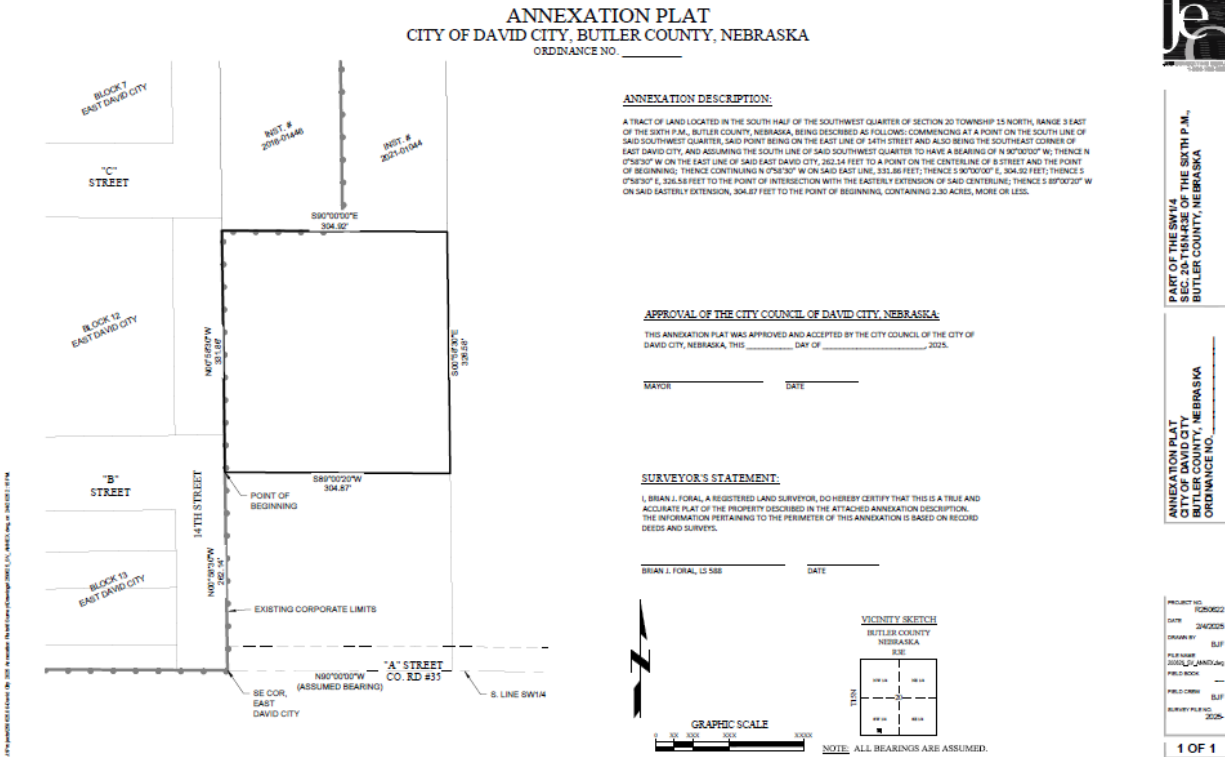
A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W; THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET AND THE POINT OF BEGINNING; THENCE CONTINUING N 0°58'30" W ON SAID EAST LINE, 331.86 FEET; THENCE S 90°00'00" E, 304.92 FEET; THENCE S 0°58'30" E, 326.58 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF SAID CENTERLINE; THENCE S 89°00'20" W ON SAID EASTERLY EXTENSION, 304.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.30 ACRES, MORE OR LESS.

PARCEL NUMBER: 120035672

EXHIBIT B

COPY OF ANNEXATION PLAT

[SEE ATTACHED]



Council member Keith Marvin made a motion to pass Ordinance No. 1511 on third and final reading annexing the Amy Dayhoff property located in the south half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel #120035673). Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce

Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1511

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein ("Property"), is urban or suburban in character and contiguous and adjacent to City's corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City's planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City's population and tax base, and preserve City's future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City's population and tax base, as stated above; and

WHEREAS, City's Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City's corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of March, 2025.

Mayor Jessica Miller

ATTEST

City Clerk Tami L. Comte

EXHIBIT A

DESCRIPTION OF PROPERTY

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W; THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET; THENCE N 89°00'20" E ON THE EASTERLY EXTENSION OF SAID CENTERLINE, 304.87 FEET, THENCE S 0°58'30" E, 267.42 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N 90°00'00" W ON SAID SOUTH LINE, 304.92 FEET TO THE POINT OF BEGINNING, CONTAINING 1.85 ACRES, MORE OR LESS.

PARCEL NUMBER: 120035673

Yea: 5, Nay: 0, Absent: 1

Matt Kalin, with JEO, explained why Change Order No. 9 for IES Commercial, Inc. was necessary to complete the '2023 AGP Substation' project.

Council member Kevin Woita made a motion to approve Change Order No. 9 for IES Commercial, Inc. in the amount of \$42,416.52 for the '2023 AGP Substation' project. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to approve the appointment of Gary Meister as the Floodplain Administrator. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller explained that she asked Alan Zavodny to fill in as a part-time City Administrator. She explained that it is not a permanent position. Zavodny would hold the position for a term of six months to two years.

Council member Bruce Meysenburg made a motion to approve the appointment of Alan Zavodny as a part-time City Administrator. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Rick Holland introduced Ordinance No. 1512 setting the part-time City Administrator pay. Mayor Jessica Miller read Ordinance No. 1512 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring an Ordinance to be read on three separate days. Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1512 setting the part-time City Administrator pay on third and final reading. Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1512

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO SET THE PAY FOR THE PART-TIME CITY ADMINISTRATOR; REPEAL ALL ORDINANCES OR PORTIONS OF ANY ORDINANCE IN CONFLICT THEREWITH; PROVIDE AN EFFECTIVE DATE; 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. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for Part-time City Administrator at **\$30,000 per year** after the passage of this ordinance.

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall be in full force and effect beginning on March 24, 2025.

PASSED AND APPROVED this 26th day of March, 2025.

Mayor Jessica J. Miller

City Clerk Tami L. Comte

Council member Bruce Meysenburg made a motion to enter into closed session to discuss personnel and pending litigation. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller stated, "Now, at 7:36 p.m., we are going into closed session to discuss litigation and personnel. Mayor Jessica Miller, all of the Council members present, City Attorney Michael Sands, part-time City Administrator Alan Zavodny, City Administrator Intern

Raiko Martinez, City Clerk Tami Comte and Deputy City Clerk Lori Matchett went into closed session at 7:36 p.m.

Council member Kevin Woita made a motion to reconvene in open session at 8:28 p.m. Council Member Bruce Meysenburg seconded the motion. The motion carried.
Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to adjourn. Council Member Bruce Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:29 p.m.
Jeremy Abel: Absent, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES
March 26, 2025

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 26, 2025; 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