

**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 **12th day of October, 2016**, 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 6th day of October, 2016.

AGENDA AS FOLLOWS:

- | | |
|--|--|
| 1. Roll Call; | <hr/> Mayor Alan Zavodny |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | <hr/> Council President Gary L. Kroesing |
| 4. Minutes of the September 14 th , 2016 meeting of the Mayor and City Council; | <hr/> Council member Michael E. Rogers |
| 5. Consideration of Claims; | |
| 6. Committee and Officer Reports; | |
| 7. Consideration of Resolution #15 – 2016 concerning the request by Bob Wright to divide Lot 5 (75' x 140') of Block 5, Miles 5 th Addition making it 70' x 140' and adding the North 5' to the lot just to the north of it described as the So. 36' of Lot 4 and the No. 25' of Lot 5, making it a 66' x 140' lot; | <hr/> Council member Thomas J. Kobus

<hr/> Council member Kevin N. Hotovy |
| 8. Consideration of designating First National Bank of Omaha, U.S. Bank, Union Bank, and Bank of the Valley, as the depository banks for City of David City and David City Utilities; | <hr/> Council member Gary D. Smith |
| 9. Consideration of waiving the electric charge from now to the end of 2016 for irrigation use of effluent water from the lagoons; | <hr/> Council member John P. Vandenberg |
| 10. Consideration of the bids received for the replacement of the City Maintenance Building / Electric Department roof; | |
| 11. Consideration of addressing properties that the City has liens filed against; | <hr/> City Clerk Joan E. Kovar |

12. Consideration of updating the telephone system in the City Office;
13. Consideration of Ordinance No. 1248 amending Article 4. Nuisances Section 4-401B Subsection (C) that addresses moving nuisances to another location; (passed 2nd reading 9/14/16)
14. Consideration of Ordinance No. 1249 amending Article 6, Section 6-431 of the Municipal Code concerning inoperable vehicles, licensed or unlicensed, insured or uninsured; (passed on 2nd reading only 9/14/16)
15. Consideration of Ordinance No. 1250 to amend the following Sections of the Municipal Code Article 4: Section 4-402 (C), Section 4-402 (D); *Section 4-402 (E)*; Section 4-402 (F); Section 4-402 (G); and Section 4-402 (H) dealing with nuisance abatement, notifications, etc. (passed on 2nd reading 9/14/16)
16. Consideration of authorizing Mayor Zavodny to sign the Environmental Assessment Review Form concerning the David City Park Improvement Project;
17. Consideration of the updated City maps;
18. Adjourn.

CITY COUNCIL PROCEEDINGS

October 12, 2016

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on October 6th, 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 President Gary Kroesing and Council members John Vandenberg, Tom Kobus, Gary Smith, Mike Rogers, and Kevin Hotovy, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Electric Plant Supervisor Eric Betzen, Columbus News Team Reporter Yani Torres, and Butler County Deputy Sheriff Whitmore.

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 and asked those present to please silence their cell phones.

The minutes of the September 14th, 2016 meeting of the Mayor and City Council were approved upon a motion by Council member Rogers and seconded by Council member

Vandenberg. Voting AYE: Council members Smith, Kroesing, Kobus, Rogers, and Vandenberg. Voting NAY: None. Council member Hotovy 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 Rogers seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Kobus, Rogers, and Smith. Voting NAY: None. Council member Hotovy was absent. The motion carried.

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports.

It was noted that in Kevin Betzen's Wastewater report it stated: *"I did not get the chance to add an agenda item for purchasing the snow blade for the pickup that we budgeted for since winter will probably be here in no time. We gave the 2007 Dodge and the other blade to the park. I was wondering if I could have the council's approval to do that."* Mayor Zavodny stated that request will have to be put on the next month's agenda.

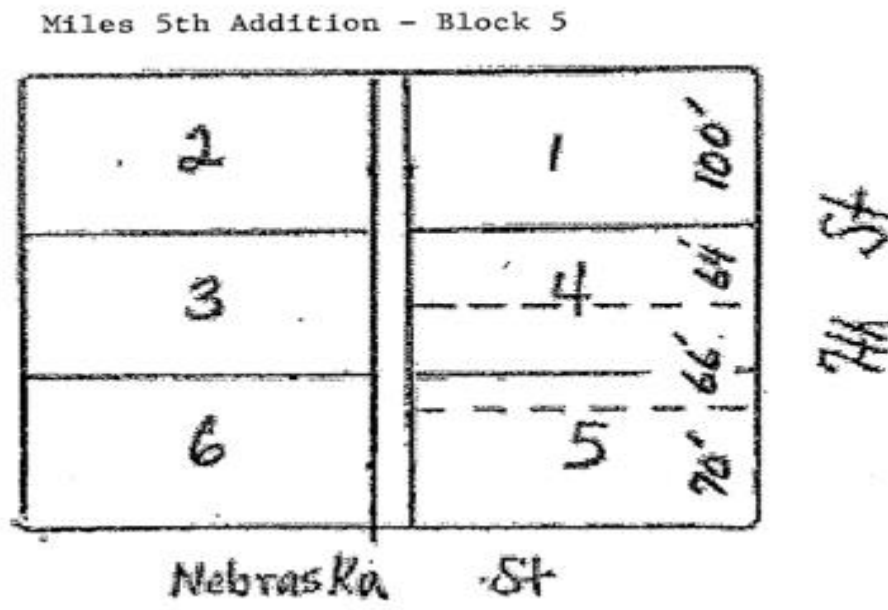
Council member Hotovy arrived at 7:05 p.m.

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

Council member Hotovy introduced Resolution No. 15 – 2016, concerning the request by Bob Wright to divide Lot 5 (75' x 140') of Block 5, Miles 5th Addition, making it 70' x 140' and adding the north five feet (5') to the lot just to the north of it described as the South 36' of Lot 4 and the No. 25' of Lot 5, making it a 66' x 140' Lot, and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Rogers, Kroesing, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 15 - 2016 was passed and adopted as follows:

RESOLUTION NO. 15 – 2016

WHEREAS, Bob Wright, has submitted a request to subdivide his property described as Lot 5 (75' x 140') of Block 5, Miles 5th Addition making it a 70' x 140' Lot and adding the North 5' to the lot just to the north of it described as the So. 36' of Lot 4 and the No. 25' of Lot 5, making it a 66' x 140' lot as shown below:



WHEREAS, there were no objections expressed concerning the request of Bob Wright.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Bob Wright to divide Lot 5 (75' x 140') of Block 5, Miles 5th Addition, making it a 70' x 140' lot, and combining the North 5' to the lot just to the north of it described as the So. 36' of Lot 4 and the No. 25' of Lot 5, making it a 66' x 140' Lot, is hereby approved.

Passed and adopted this 12th day of October, 2016.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Council member Kroesing made a motion designating First National Bank of Omaha, U.S. Bank, Union Bank, and Bank of the Valley, as the depository banks for the City of David City and David City Utilities. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Rogers, Smith, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to waive the electric charge from now to the end of 2016 for customers using effluent water from the sewer lagoons for irrigation. Council member Hotovy seconded the motion. (It was noted that the Sewer Department will have to pay for the electricity use only; no customer charges.) Voting AYE: Council members Vandenberg, Rogers, Kobus, Smith, Hotovy, and Kroesing. Voting NAY: None. The motion carried.

City Clerk Kovar stated that the advertisement for bids for the replacement of the City Maintenance Building / Electric Department Roof was scheduled for publication in the Banner

Press on October 6th and October 13th and stated: Bids must be received by November 4, 2016 at 2:00 p.m. Therefore, Council member Vandenberg made a motion to table consideration of the bids received for the replacement of the City Maintenance Building / Electric Department Roof. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Rogers, Smith, Kroesing, Hotovy, and Vandenberg. Voting NAY: None. The motion carried.

Mayor Zavodny stated: "The next agenda item is consideration of addressing properties that the City has liens filed against. I think what our goal is here, and this is going to get thrown to you fairly quickly Counsel, is how can we say "we've been waiting a while, we have some fairly good sized bills up against some of these properties", and is the next move to foreclose? I think we need to discuss a process here because to me the only way for this to work effectively is for us to demand our liens be paid. However, if that ends up being then we foreclose and we own them, then we could forgive liens and "then" we put the properties out for bids and whatever we get for those bids, and then we get them back on the tax rolls. (This way everyone bidding on the property will know that the City has already waived the liens.) I think what we want to avoid is somebody who already has one of the properties with a bunch of liens, we can't forgive it or that's not fair to everybody else who probably would have bid on it if they knew the City would waive the liens."

Council member Rogers stated: "I just want to get them back on the tax rolls."

Mayor Zavodny stated: "So do I, so what can we do?"

City Attorney Egr stated: "We've got the one piece of property, that's this Husker Partners, that's a group that gets together and buys these tax sale certificates, and that's on the Rick Mayhew property and that is Lot 1, Block 11, Original Town of David City; 689 5th Street, does that ring a bell?"

City Clerk Kovar stated that it was the old Merle Morgan property on the south west corner of 5th & "G" Street.

City Attorney Egr stated: "Yea, Merle Morgan's house, OK. What that tax sale certificate has on there is for real estate taxes 2011 - \$486.90 + 14% interest; 2012 - \$411.08 + 14% interest, 2013 - \$421.56 + 14% interest. So if we went in there and we.....they're going to probably go in there and depending if they.....they'll probably bid it in for what they have on it, if they bid it in for they have on it that's going to foreclose us and we're not going to....we have, our mowing is \$522.69 in May 2014, 587.50 for Feb 2015 and \$444.50 for Nov 2015, so that's about \$1,600 which is just a little bit, \$100 or so, more than what they have on there. Question comes in, do we want to bid it in, we'll pay them out, we would own the property and then we could turn around and try to sell it. They've started their process, we've been served with the papers on that property already. We got served with two others brought on by the County of Butler: the Bob Wright property (Sanders / 210 So. 8th Street) and Walter Goesch at 465 1st Street."

The City also has liens on the following properties for the demolition of the homes and mowing:

- Nick Svoboda property at 1115 C Street
- Adam Heaton property at 310 "E" Street

City Attorney Egr was asked to keep track of the following four properties to see if the City could buy these, sell them, and get them back on the tax rolls:

- 210 So. 8th Street
- 465 1st Street
- 1115 C Street, and
- 310 E Street

City Attorney Jim Egr said that he will keep these on his radar and notify the City when it is time to take appropriate action.

City Clerk Kovar reported that Willie Dove of Frontier Business Edge, who is working on telephone updates at the Court House, presented the following MiVoice Office proposal for the City Office:

• Purchase 7 – 5340EIP Digital Phones w/ 4 headsets Including installation and one year warranty and maintenance 4 years of maintenance 2017-18, 18-19, 19-20, 20-21 @ \$1,024.62 per year	\$8,675.61 <u>\$4,098.46</u>
Grand Total – 5 years	\$12,774.07
• Lease purchase 7 – 5340EIP Digital Phones w/ 4 headsets Including installation and one year warranty and maintenance \$279/mo. = \$3,348.00 x 5 years	
Grand Total – 5 years	\$16,750.00

City Clerk Kovar stated that the current telephone data screens no longer work so you can't tell who is calling. However, since the phone system works she did not budget for new phones. After being approached by Willie she visited with Electric Supervisor Pat Hoefft, since the Electric Department owns the building, however Pat also stated that with possible unforeseen projects in the future he wasn't sure he could spend any of his budget on this either.

Council member Smith made a motion to table consideration of updating the telephone system in the City Office. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Kobus, Hotovy, Smith, and Rogers. Voting NAY: None. The motion carried.

Ordinance No. 1248 passed on first reading August 10, 2016, and on second reading September 14, 2016. Mayor Zavodny read Ordinance No. 1248 by title. Council member Kroesing made a motion to pass Ordinance No. 1248 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Rogers, Kroesing, and Smith. Voting NAY: None. The motion carried and Ordinance No. 1248 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1248

AN ORDINANCE TO AMEND ARTICLE 4. NUISANCES SECTION 4-401B
SUBSECTION (16) OF THE MUNICIPAL CODE; TO ADD TO SAID SECTION 4-401

SUBSECTION (C) THAT ADDRESSES MOVING NUISANCES TO ANOTHER LOCATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE, AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 4-401B (16) of the Ordinances of City of David City, Nebraska shall be amended to read as follows:

“(16) The abandoning, on public property, of personal property. For purposes of this subsection, “public property” shall mean any public right of way, street, highway, alley, park, or other state, county, or city owned property. For purposes of this subsection, “abandon” shall mean any personal property left on public property for more than 24 hours, except when the leaving of said personal property on said portion of public property, at that location is legally permitted. For purposes of this subsection, “personal property” shall not include any motor vehicle addressed in Section 6-430 of the Municipal Code of the City of David City, Nebraska, but shall include those motor vehicles addressed in Section 6-431 of the Municipal Code of the City of David City, Nebraska”

SECTION 2. Section 4-401 of the Ordinances of the City of David City, Nebraska shall be amended to have added the following subsection, to-wit:

“(C) Moving of Nuisance. A nuisance act, duty, condition, omission, and/or things for which notification of abatement has been given pursuant to Section 4-402 of the Municipal Code of the City of David City, Nebraska shall attach to and follow the act, duty, condition, omission and/or things for which notification of abatement has been given pursuant to Section 4-402 of the Municipal Code of the City of David City, Nebraska if moved to a different location from the initial starting location of the notification of nuisance within the City limits of the City of David City, Nebraska or within its zoning jurisdiction as if the said new location was the initial starting location so that abatement procedures would not need to be reinstated.”

SECTION 3. If any Section, Subsection, sentence, clause, or phase of this Ordinance, is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining parts of this Ordinance, since it is the express intent of the Mayor and City Council of the City of David City, Nebraska to enact each Section, Subsection, sentence, clause or phrase separately and the enact the parts of this Ordinance separately.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 12th day of October, 2016.

MAYOR ALAN ZAVODNY

ATTEST:

CITY CLERK JOAN KOVAR

Ordinance No. 1249 passed on first reading August 10, 2016, and on second reading September 14, 2016. Mayor Zavodny read Ordinance No. 1249 by title. Council member Kroesing made a motion to pass Ordinance No. 1249 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Rogers, Vandenberg, Hotovy, Kobus, Smith, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1249 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1249

AN ORDINANCE TO AMEND ARTICLE 6 SECTION 6-431 OF THE MUNICIPAL CODE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE, AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Article 6 Section 6-431 of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

“Section 6-431; INOPERABLE VEHICLES, LICENSED OR UNLICENSED, INSURED OR UNINSURED. It shall be unlawful for any person in charge or control of any property within the Municipality, other than Municipal property whether as owner, tenant, occupant, lessee or otherwise, to allow any partially dismantled, wrecked, junked, inoperable or discarded vehicle, be it licensed or unlicensed, insured or uninsured, to remain on property longer than seven (7) days; sixty (60) days for businesses; provided this section shall not apply to a vehicle in an enclosed building; a vehicle legally in transit; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Municipality. Licensed car dealers are exempt for vehicles being held for resale. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of a misdemeanor.”

SECTION 2. If any Section, Subsection, sentence, clause, or phase of this Ordinance, is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining parts of this Ordinance, since it is the express intent of the Mayor and City Council of the City of David City, Nebraska to enact each Section, Subsection, sentence, clause or phrase separately and the enact the parts of this Ordinance separately.

SECTION 3. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 12th day of October, 2016.

MAYOR ALAN ZAVODNY

ATTEST:

CITY CLERK JOAN KOVAR

(SEAL)

Ordinance No. 1250 passed on first reading August 10, 2016, and on second reading September 14, 2016. Mayor Zavodny read Ordinance No. 1250 by title. Council member Kroesing made a motion to pass Ordinance No. 1250 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Hotovy, Rogers, Smith, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1250 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1250

AN ORDINANCE TO AMEND THE FOLLOWING SECTIONS OF THE MUNICIPAL CODE ARTICLE 4: SECTION 4-402 (C); SECTION 4-402 (D); SECTION 4-402 (E); SECTION 4-402 (F); SECTION 4-402 (G); AND SECTION 4-402 (H); TO PROVIDE SEVERABILITY, TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

SECTION 1. Section 4-402 (C) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

"Enforcement. When the City Council of the City of David City, Nebraska declares or finds that any premises within the jurisdiction for nuisances contained in Section 4-403 of this Code may be maintained contrary to one or more of the provisions of Section 4-401 of the Code, the City Clerk or the City Clerk's designate shall mail a Notice to the owner, occupant, lessee, mortgagee, and/or trustee of the premises. The Notice shall state the conditions which constitute the public nuisance and shall order the abatement of the nuisance within the time period set forth in the Notice, and shall be substantially in the following form:

NOTICE OF NUISANCE

- TO: (Owner, Occupant, Lessee, Mortgagee, Trustee)
(Addresses)
- (1) Conditions Which Constitute the Public Nuisance:
(State all applicable conditions from Section 4-401)
- (2) Abatement of the Nuisance Outlined above SHALL be completed on or before: (State day, date and time)

City Clerk /City Clerk Designate
City of David City, Nebraska

SECTION 2. Section 4-402 (D) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

"(D) Form of Proper Service of Notice. Service of said Notice shall be by depositing a copy of said Notice in the United States Postal Service enclosed in a sealed envelope and with postage thereon fully prepaid. Said mail shall be registered or certified and addressed to said owner, occupant, lessee, mortgagee, and or Trustee at the last known address of said parties as disclosed by the current tax rolls, and if there is no known address, then in care of the property address. Service is complete at the time of such deposit. "Owner" as used herein shall mean any person in possession and also any person having or claiming to have any legal or equitable interest in said premises and/or the nuisances involved. The failure of any person to receive such Notice shall not affect the validity of the proceedings hereunder."

SECTION 3. Section 4-402 (E) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

“(E) Effect of Failure to Abate. If the nuisance is not abated within the period given in the Notice, the City Council of the City may determine to proceed to abate the nuisance pursuant to the provision of this Code.”

SECTION 4. Section 4-402 (F) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

“(F) Procedure to Abate Nuisance. If the owner of the premises and/or the nuisance involved fails within the time period given to the said owner by the City Clerk or the City Clerk’s designate for the abatement of said nuisance, the City Clerk or City Clerk’s designate shall fix a date and time to hear the matter. The written Notice shall include the name and address, including mailing address, of the said owner. The City Clerk or the City Clerk’s designate shall then issue a Notice of the hearing date and time by mailing a copy to the said owner’s address no later ten (10) days prior to the date of the hearing.

At the time fixed in the Notice, the City Council, shall hear the testimony of all competent persons desiring to testify respecting the condition constituting the nuisance, including the estimated cost of abatement and other matters which may be pertinent. At the conclusion of the hearing, the City Council shall, by Resolution, declare its findings. If the City Council so concludes, it may declare the condition existing to be a nuisance and direct the City Clerk or the City Clerk’s designate to proceed to abate the nuisance pursuant to the provisions of this Code. Such final determination shall be considered a final order of the City. Said Notice shall be substantially in the following form:

NOTICE OF ADOPTION OF RESOLUTION NO. _____

TO: _____

YOU ARE HEREBY NOTIFIED THAT ON _____, 20 _____, the City of David City, Nebraska, by Resolution No. _____, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit: _____

You are granted _____ days from the date of this Notice to abate said nuisance. Failure to abate said nuisance shall result in said nuisance being abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: _____

CITY OF DAVID CITY, NEBRASKA

By: _____
City Clerk /City Clerk’s Designate”

SECTION 5. Section 4-402 (G) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

“(G) Extension of Time. The City Council may grant an extension of time to abate the nuisance if, in the City Council’s opinion, good cause for an extension exists.”

SECTION 6. Section 402 (H) of the Ordinances of the City of David City, Nebraska shall be amended to read as follows:

“(H) Abatement by City. If the person fails to abate the nuisance within the time set forth, the City Clerk or the City Clerk’s Designate may order the abatement of the nuisance.”

SECTION 7. If any Section, Subsection, sentence, clause, or phase of this Ordinance, is for any reason, held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining parts of this Ordinance, since it is the express intent of the Mayor and City Council of the City of David City, Nebraska to enact each Section, Subsection, sentence, clause or phrase separately and the enact the parts of this Ordinance separately.

SECTION 8. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 9. This Ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication according to law.

PASSED AND APPROVED this 12th day of October, 2016.

MAYOR ALAN ZAVODNY

ATTEST:

CITY CLERK JOAN KOVAR

(SEAL)

Last month the City Council passed Resolution No. 14 – 2016 that stated the City was going to apply for federal assistance from the Land and Water Conservation Fund program for the purpose of a picnic shelter and a new restroom facility. Mayor Zavodny credited City Clerk Kovar for suggesting that \$45,000 of the KENO money be designated for this project when submitting the budgets for the current year October 1, 2016 – Sept 30, 2017.

Council member Hotovy made a motion to authorize Mayor Zavodny to sign the Environmental Assessment Review Form concerning the David City Park Improvement Project. Council member Vandenberg seconded the motion. Voting AYE: Council members Kobus, Rogers, Smith, Vandenberg, Kroesing, and Hotovy. Voting NAY: None. The motion carried.

Environmental Assessment Review Form

Project Title: David City Park Improvement Project Project Sponsor: City of David City, Nebraska

Mandatory Criteria If your LWCF proposal is approved, would it...	Yes	No	To Be Determined
1. Have significant impacts on public health or safety?		✓	
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, refuge lands, or wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (E.O. 11990); floodplains (E.O. 11988); and other ecologically significant or critical areas.		✓	
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA section 102 (2)(E)]?		✓	
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		✓	
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		✓	
6. Have a direct relationship to other actions with individually significant, but cumulatively significant, environmental effects?		✓	
7. Have significant impacts on properties listed or eligible for listing on the National Register of Historic Places?		✓	
8. Have significant impacts on species listed or proposed to be listed on the Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?		✓	
9. Violate a federal law, or a state, local, or tribal law or requirement imposed for the protection of the environment?		✓	
10. Have a disproportionately high and adverse effect on low income or minority populations (E.O. 12898)?		✓	
11. Limit access to and ceremonial use of Indian sacred sites on federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (E.O. 13007)?		✓	
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area, or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and E.O. 13112)?		✓	

Provide a narrative on questions that are answered 'Yes' or 'To Be Determined' on an attached sheet.


Mayor
10/13/2016

Signature
Title
Date

(Signature must be from Mayor, Chairperson of the Board, or designated Project Official)

**LAND AND WATER CONSERVATION FUND
PROJECT APPLICATION SUMMARY**

Project Sponsor Information

Project Sponsor: City of David City
 Federal ID #: 47-6006162
 County: Butler
 Project Contact: Bill Buntgen
 Title: Park Supervisor
 Address: P.O. Box 191
 City/Zip Code: David City / 68632
 Phone: (402) 367-3914
 Fax: (402) 367-3126
 Email: bbuntgen@davidcityne.com

Project/Site Information

Project Title: David City Park Improvement Project
 Type of Project: Acquisition
 Development
 Combination
 Park Name: David City Park
 Acreage of Property: 67.02 Acres
 Township 30; Range 15; Section 3
 Previous LWCF Funding at Site: Yes* No
 *If Yes, Provide LWCF Project Number(s):
315-XXX and 900-XXX

Brief Description of the Proposed Project: The proposed project involves construction of a new 24' x 44' picnic shelter and ADA accessible, two-stall restrooms with showers in David City Park.

Project Cost

Total Estimated Project Cost: \$ \$ 175,455.00
 Federal LWCF Assistance Request: \$ \$ 85,455.00
 Sponsor Match: \$ \$ 90,000.00


Source of Sponsor Match

Source: Sales Tax Revenue Amount: \$ \$ 40,000.00
 Source: Keno Revenue Amount: \$ \$ 45,000.00
 Source: Force Account Labor Amount: \$ \$ 5,000.00

Does the Sponsor Currently Have the 50% Match on Hand? Yes No

Certification

I hereby certify that the information contained in this application and all supporting project documents are, to the best of my knowledge, both true and accurate; and that this application is being submitted pursuant to official action of the governing body of the project sponsor.

 Mayor 10/13/2016
 Signature Title Date
 (Signature must be from Mayor, Chairperson of the Board, or designated Project Official)

The penalty for knowingly and willfully providing inaccurate or insufficient information is automatic withdrawal of this project from consideration by the Nebraska Game and Parks Commission.

City Clerk Kovar provided copies of the updated City map. Kovar stated that she has made many changes to the map but wanted the Mayor and Council to review it before she has Olsson Associates finalize the updated map. As no-one present noted any changes to the proposed map, Council member Hotovy made a motion to approve the updated City map as presented. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Kobus, Smith, and Hotovy. Voting NAY: None. 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 Hotovy, Kobus, Rogers, Vandenberg, Smith, and Kroesing. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:35 p.m.



CERTIFICATION OF MINUTES
October 12, 2016

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of October 12, 2016; 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 Kovar, City Clerk