

## CITY COUNCIL PROCEEDINGS

November 12, 2008

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on November 6<sup>th</sup>, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Dana Trowbridge, Council members Gary Smith, Ted Lukassen, Nick Hein, and Bill Yindrick, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk-Treasurer Joan Kovar. Council members Bill Scribner and Bill Schatz were absent.

Also present were: Police Chief Stephen Sunday, Darlene McClure, Marge Grubaugh, Dr. Kaufmann, Jim Redler, Carolyn Yates, Mark Kovar, Joy Fountain, Joan Vandenberg, Council members elect Gary Kroesing and Mike Rogers, Fire Chief Matt Hilger, Kevin Hotovy, Rick Schneider, Scott Steager, County Sheriff Mark Hecker, Economic Development Director Willow Holoubek, Louise Sanders, and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Trowbridge informed the public of the "Open Meetings Act" posted on the east wall of the meeting room and Resolution No. 2-2008 establishing rules and procedures for public participation at city council meetings.

The minutes of the October 8<sup>th</sup>, 2008 meeting of the Mayor and City Council were approved upon a motion by Council member Hein and seconded by Council member Smith. Voting AYE: Council members Lukassen, Yindrick, Smith, and Hein. Voting NAY: None. Council members Scribner and Schatz were absent. The motion carried.

Mayor Trowbridge asked for Petitions, Communications, and Citizens' Concerns in addition to those contained in the Agenda packets. There were none.

Mayor Trowbridge asked for consideration of claims. Council member Hein made a motion to authorize the payment of claims. Council member Yindrick seconded the motion. Voting AYE: Council members Lukassen, Smith, Yindrick, and Hein. Voting NAY: None. Council members Scribner and Schatz were absent. The motion carried.

Mayor Trowbridge scheduled a Committee of the Whole meeting for Monday, November 24, 2008, at 6:00 p.m. in the City Office meeting room.

Mayor Trowbridge called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. Police Chief Sunday stated there will be a Board of Health Meeting on Thursday, January 8, 2009, at 5:30 p.m. in the City Office meeting room. There were no additional reports. Council member Yindrick made a motion to accept the Committee and Officer Reports as presented. Council member Hein seconded the motion.

Voting AYE: Council members Smith, Lukassen, Hein, and Yindrick. Voting NAY: None. Council members Scribner and Schatz were absent. The motion carried.

Joy Fountain was present and stated that the Cub Scouts would like to sell luminaries for Christmas Eve as a fundraiser. The activities would start at approximately 5 p.m. on December 24<sup>th</sup>. The Cub Scouts would deliver and pick up the luminaries. The price is \$15 for 6 bags and \$20 for 10 bags. The luminaries will go in front of the houses or wherever and will basically be a tea-cup light in a brown bag. The Cub Scouts would like to utilize City sidewalks for the fundraising activities. When Mayor Trowbridge asked the public if anyone had comments or concerns Fire Chief Matt Hilger stated that they should watch and avoid leaves when placing the luminaries. Council member Hein made a motion to approve the request of the David City Cub Scouts to utilize city sidewalks for fundraising activities on December 24, 2008. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Lukassen, Yindrick, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Mark Kovar, representing St. Joseph's Villa, was present to request the use of City owned property for a ramp remodel project. This would include permission to construct three (3) concrete steps, a section of sidewalk from the steps to the existing sidewalk, and to extend the proposed concrete patio to the sidewalk. They are also requesting approximately a one foot six inch (1'6") variance for a soffit overhang along the east side of the structure. Council member Yindrick made a motion to approve the request of St. Joseph's Villa, 927 7<sup>th</sup> Street, to allow the use of City owned property for their ramp remodel project. Council member Hein seconded the motion. Voting AYE: Council members Lukassen, Smith, Hein, and Yindrick. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Council member Hein introduced Resolution No. 32 - 2008 and moved for its passage and adoption. Council member Lukassen seconded the motion. Voting AYE: Council members Smith, Yindrick, Lukassen and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried and Resolution No. 32 - 2008 was passed and adopted as follows:

**RESOLUTION NO. 32 - 2008**

WHEREAS, law enforcement agencies within the following counties: Butler, Fillmore, Hamilton, Jefferson, Merrick, Polk, Saunders, Seward, Thayer, Webster, and York desire to enter into a cooperative law enforcement effort; and

WHEREAS, the above agencies have submitted a grant application known as the RURAL APPREHENSION PROGRAM (hereafter RAP 19 #08-MI-802); and

WHEREAS, the RAP project has been funded by the Nebraska Crime Commission; and,

WHEREAS, the various counties, communities, and agencies within those jurisdictions desire to make the most efficient use of the power by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors; and

WHEREAS, an interlocal agreement, consistent with Nebraska Revised Statutes 13-801 et. seq, would be in the best interest of all participating agencies; and

WHEREAS, the agencies desire to enter into a written interlocal agreement for the purposes of carrying out the RAP objectives and grant requirements of the Nebraska Crime Commission.

BE IT RESOLVED THAT:

The City of David City authorizes Stephen M. Sunday, Chief of Police, to enter the City of David City into an interlocal agreement for joint and cooperative action pursuant to the provisions of Section 13-801 through 13-807 of Nebraska Revised Statutes. The interlocal agreement shall be for the strict administration of the RAP project and all funds allocated by the Nebraska Crime Commission, and Match dollars allocated by the RAP members. Further, this interlocal agreement shall not establish a separate legal entity, rather as a joint and cooperative undertaking between public agencies i.e. state, county, city, and village. (Nebraska Revised Statute 13-801).

Amount of match dollars allocated by the City of David City for the 2008 -2009 grant period (RAP 19) will be \$1,298.00. (2000 census 2,597 population x \$0.50)

Dated this 12<sup>th</sup> day of November, 2008.

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Mayor Dana Trowbridge

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City Clerk Joan Kovar

Mayor Trowbridge declared the Public Hearing open at 7:12 p.m. to consider amending the Land Use Plan Map, as requested by Timpte Trailer Company, by changing the zoning classification on property located in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, from FS (Flex Space) to I-2 (Heavy Industrial). The Planning Commission met on September 27, 2008, and recommended that the rezoning request be approved and the Land Use Plan Map be amended. There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:13 p.m.

Council member Hein introduced Ordinance No. 1095 and made a motion to pass and adopt Ordinance No. 1095 on the first reading only. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Lukassen, Smith, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried and Ordinance No. 1095 was passed on first reading only as follows:

**ORDINANCE NO. 1095**

AN ORDINANCE TO AMEND THE LAND USE PLAN BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM FS (FLEX SPACE) TO I-2 (HEAVY INDUSTRIAL), REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE

TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

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

- a. To amend the following property from FS (Flex Space) to I-2 (Heavy Industrial):

Property located in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, owned by Timpote Trailer Company.

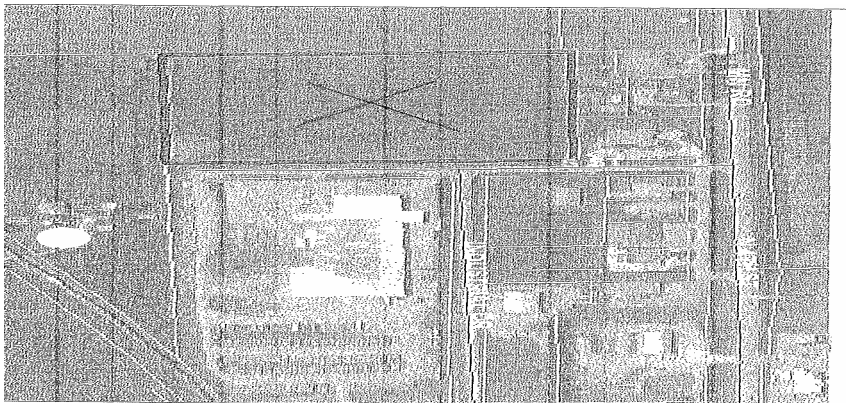
Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

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

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on 1<sup>st</sup> reading only 11/12/08  
Mayor Dana Trowbridge

Passed on 1<sup>st</sup> reading only 11/12/08  
City Clerk Joan E. Kovar



Legal Description: 18 15 3 PT NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  15.53 AC

The tract of land located in the N $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 18 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows:

Commencing at the southeast corner of said N $\frac{1}{2}$ ; thence westerly, 341.60 feet, on the south line of said N $\frac{1}{2}$ , to the Point of Beginning, said Point being the southwest corner of a parcel of land conveyed in Microfilm Book 81 page 521; thence continuing westerly, 977.83 feet, on the last described line, to the southwest corner of said N $\frac{1}{2}$ ; thence northerly, 658.98 feet, to the northwest corner of said N $\frac{1}{2}$ ; thence easterly, 979.92 feet, on the north line of said N $\frac{1}{2}$ ; thence southerly, 657.35 feet, to the Point of Beginning, containing 14.79 acres, more or less.

Mayor Trowbridge declared the Public Hearing open at 7:15 p.m. to consider amending the Official Zoning Map, as requested by Timpote Trailer Company, by changing the zoning classification on property located in the N½ of the NE¼ of the SW¼ of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, from FS (Flex Space) to I-2 (Heavy Industrial). The Planning Commission met on September 27, 2008, and recommended that the Official Zoning Map be amended. There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:16 p.m.

Council member Hein introduced Ordinance No. 1096 and made a motion to pass and adopt Ordinance No. 1096 on the first reading only. Council member Smith seconded the motion. Voting AYE: Council members Yindrick, Lukassen, Smith, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried and Ordinance No. 1096 was passed on first reading only as follows:

**ORDINANCE NO. 1096**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED FROM FS (FLEX SPACE) TO I-2 (HEAVY INDUSTRIAL), REPEAL ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

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

- a. To amend the following property from FS (Flex Space) to I-2 (Heavy Industrial):

Property located in the N½ of the NE¼ of the SW¼ of Section 18, T15N, R3E of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, containing approximately 14.79 acres, owned by Timpote Trailer Company.

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

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

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on 1<sup>st</sup> reading only 11/12/08  
Mayor Dana Trowbridge

Passed on 1<sup>st</sup> reading only 11/12/08  
City Clerk Joan E. Kovar

The following is a copy of a letter mailed to Louise Sanders which she signed for on October 10, 2008:

**NOTICE OF HEARING ON EXPENSE OF ABATEMENT OF NUISANCE**

TO: Louise Sanders  
 6331 Colfax Avenue  
 Lincoln, NE 68507

Pursuant to Section 4-402 (1) of the Municipal Code of the City of David City, Nebraska, you are hereby notified that the following is a statement showing the expense incurred by the City of David City, Nebraska, to date, in abating a nuisance upon the described real estate, to wit: 210 South 8<sup>th</sup> Street, David City, Butler County, Nebraska.

Said Expenses are attached hereto and are incorporated in full.

You are further notified that said Statement of Expenses shall be submitted to the City Council for consideration on the **12<sup>th</sup> day of November, 2008, at 7:00 o'clock P.M., 557 North 4<sup>th</sup> Street, David City, Nebraska**, at which time you may appear to object or protest the expenses incurred in the abatement of said nuisance.

CITY OF DAVID CITY, NEBRASKA  
 Joan E. Kovar, City Clerk

**STATEMENT OF EXPENSES**

**DATE:** October 7, 2008

557 4th Street  
 P.O. Box 191  
 David City, NE  
 Phone (402) 367-3135 Fax (402) 367-3126

**INVOICE #:** Sanders1

**PROPERTY ADDRESS:**

Louise Sanders  
 210 South 8th Street  
 David City, NE 68632

**BILLING ADDRESS:**

Louise Sanders  
 6331 Colfax Avenue  
 Lincoln, NE 68507

**FOR:**

City of David City, Nebraska's abatement of a nuisance as detail in Resolution No. 23-2008 and the abating such nuisance.

Description:	Date	Quantity	Unit	Unit Cost	Amount		
Labor (4 Employees)	9-22-08	4	HOUR	\$28.00	\$336.00		
Chain Saw Rental	9-22-08	2	DAILY	\$15.00	\$30.00		
Loader	9-22-08	3	HOUR	\$100.00	\$300.00		
Twin Axle Dump Truck	9-22-08	3	HOUR	\$50.00	\$150.00		
Labor (5 Employees)	9-23-08	5	HOUR	\$28.00	\$700.00		
Chain Saw Rental	9-23-08	1	DAILY	\$15.00	\$15.00		
Loader	9-23-08	5	HOUR	\$100.00	\$500.00		
Twin Axle Dump Truck	9-23-08	5	HOUR	\$50.00	\$250.00		
Labor (5 Employees)	9-24-08	7	HOUR	\$28.00	\$980.00		
Chain Saw Rental	9-24-08	2	DAILY	\$15.00	\$30.00		
Loader	9-24-08	6	HOUR	\$100.00	\$600.00		
Twin Axle Dump Truck	9-24-08	6	HOUR	\$50.00	\$300.00		
Labor (4 Employees)	9-25-08	7	HOUR	\$28.00	\$784.00		
Labor (1 Employee)	9-25-08	3	HOUR	\$28.00	\$84.00		
Chain Saw Rental	9-25-08	2	DAILY	\$15.00	\$30.00		
Loader	9-25-08	7	HOUR	\$100.00	\$700.00		
Twin Axle Dump Trucks (2)	9-25-08	6	HOUR	\$50.00	\$600.00		

SUBTOTAL \$6,389.00  
 6.50% SALES TAX 415.29  
 OTHER \$155.49  
 TOTAL \$6,959.78

Butler County Landfill Charges (2 Tickets)

Make all checks payable to the City of David City, Nebraska.

If the property owner does not pay the expenses of abating the nuisance within five (5) days after the City Council confirms the cost of abatement at the November 12, 2008 Hearing, the cost shall become a special assessment against the real estate upon which the nuisance was abated. The assessment shall continue until it is paid, together with interest applicable per statutes of the State of Nebraska

Mayor Trowbridge declared the Public Hearing open at 7:17 p.m. to consider a "Statement of Expenses" incurred by the City of David City in abating a nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, owned by Louise Sanders. Mayor Trowbridge asked if anyone from the public was representing Louise Sanders as she was not present. No-one was present to represent her. There being no further comments, Mayor Trowbridge declared the

Public Hearing closed at 7:18 p.m. [Please Note: Louise Sanders arrived at 7:25 p.m. so the Mayor re-opened this Public Hearing. This is documented later in these minutes.]

Council member Hein made a motion to approve the "Statement of Expenses" incurred by the City of David City in abating a nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, owned by Louise Sanders, in the amount of \$6,959.78. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Yindrick, Smith, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Council member Yindrick introduced Ordinance No. 1097. Council member Hein made a motion to pass and adopt Ordinance No. 1097 on the first reading only. Council member Yindrick seconded the motion. Voting AYE: Council members Lukassen, Smith, Yindrick, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried and Ordinance No. 1097 was passed on first reading only as follows:

**ORDINANCE NO. 1097**

AN ORDINANCE RELATING TO FLUORIDATION; TO PROHIBIT THE ADDITION OF FLUORIDE TO THE CITY'S WATER SYSTEM; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM.

WHEREAS, Section 71-3305 of the Nebraska Statutes requires any city with a population of one thousand or more to add fluoride to the city's water system, unless the voters of the City adopt an Ordinance to prohibit fluoridation;

BE IT ORDAINED BY THE VOTERS OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. That after complying with all procedures required by law, the addition of fluoride to the water supply of the City of David City, Nebraska is hereby prohibited.

SECTION 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent 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 take effect immediately upon adoption by a majority of the persons voting on said issue at the general election of November 4, 2008.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Passed on 1<sup>st</sup> reading only 11/12/08  
Mayor Dana Trowbridge

Passed on 1<sup>st</sup> reading only 11/12/08  
City Clerk Joan E. Kovar

Council member Smith made a motion to recess the city council meeting and convene as the Community Development Agency of the City. Council member Yindrick seconded the motion. Voting AYE: Council members Hein, Lukassen, Yindrick, and Smith. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Mayor Trowbridge declared the City Council meeting in recess at 7:20 p.m.

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Chairman Dana Trowbridge declared the Community Development Agency of the City of David City, Nebraska in session at 7:20 p.m.

Present for the meeting were: Chairman Dana Trowbridge, Committee members Gary Smith, Ted Lukassen, Nick Hein, and Bill Yindrick. Committee members Bill Scribner and Bill Schatz were absent.

Chairman Dana Trowbridge declared that the Community Development Agency of the City of David City, Nebraska, was considering forwarding the proposed redevelopment plan to the Planning Commission and asked if there were any concerns or comments from the public. Trowbridge stated that it was initially referred to as the Northwest Drainage Project. Scott Steager stated that he had recently purchased property in Schmid's Addition, which is located in this area, and questioned if this would have any effect on his property. Chairman Trowbridge stated that there would be no financial burdens and it would be a positive effect if anything by controlling drainage with a goal of paving Industrial Drive. Carolyn Yates asked how soon the project would be completed. Trowbridge stated that the engineering and funding should be completed by the time the snow flies, with the project starting in the spring, so hopefully in about a year from now.

Committee member Yindrick noted a correction on the Redevelopment Plan - #7: "S" Street was incorrectly listed at "S" Road.

Committee member Hein made a motion to forward the proposed redevelopment plan to the Planning Commission for consideration with the correction on #7 making reference to "S" Street. Committee member Yindrick seconded the motion. Voting AYE: Committee members Smith, Lukassen, Yindrick, and Hein. Voting NAY: None. Committee members Schatz and Scribner were absent. The motion carried.

## **REDEVELOPMENT PLAN**

### **DESCRIPTION OF PROJECT AND REDEVELOPMENT PLAN FOR THE NORTHEAST INDUSTRIAL AREA**

#### **OVERVIEW:**

This plan is intended to improve, through redevelopment, the north east portion of David City, described on Exhibit "A", (the "Redevelopment Area") that lacks adequate drainage, paving and other utilities. This area in City of David City has been declared blighted and substandard within the meaning of the Community Development Law of the State of Nebraska.

This plan is intended to accomplish the following redevelopment projects: (1) provide storm water drainage in the area by the installation of storm water drains and mains through one or more routes; (2) provide for acquisition of property for future industrial and commercial development by the Community Development Agency or developers; (3) provide for consolidation of industrial tracts through public right-of-way abandonment; (4) provide for the



paving, curbing and guttering of streets in the redevelopment area by the creation of improvement and assessment districts; (5) provide for the extension water, sewer and other utility lines in the redevelopment area; and (6) provide grants to the City and Developers for the project acquisition, costs of preparation for redevelopment and infrastructure and other costs allowable under the Community Development Law.

This plan is intended to be amended from time to time by separate redevelopment contracts, to provide for specific commercial projects in the redevelopment area, including but not limited to industrial and commercial buildings and expansion of existing structures.

### **THE REDEVELOPMENT PLAN:**

1. Relationship of the Plan to Local Objectives: The projects will eliminate surface water flooding that is a continuing issue, causing serious public safety and health problems in the area. Additionally, installation of public infrastructure will assist development of the area creating jobs and adding value to the community.
2. Statement as to the Kind and Number of Additional Public Facilities or Utilities Required to Support Land Use After Redevelopment:
  - a. The following utilities will required to implement these redevelopment projects:
    - i. Storm water drainage and retention. Three possible routes for a storm drain are shown on attached Exhibit "B"
    - ii. Paving and curb and guttering the following streets, as funding becomes available is contemplated as a part of this redevelopment plan:
  - b. Land acquisition and development for industrial and commercial purposes is contemplated by this plan. This acquisition may be accomplished by either the Agency or private developers.
3. Boundaries And Site Plan Of Redevelopment Project Area: Exhibit "C" shows the boundaries and site plan, of the Redevelopment Project Area.
4. Land Use Land use for the project area is currently comprised of a mixed use common to communities of this size. Single family structures, industrial and commercial facilities and
5. Information On Population Densities, Land Coverage And Building Intensities: Population estimate is 2.3 persons per single family dwelling. Land coverage is limited by City of David City Zoning Regulations which are incorporated herein. Building intensity is limited by said regulations.
6. Zoning and Ordinance Changes: No zoning or ordinance changes are required for the project.
7. Proposed Changes to Streets: This plan proposes that "S" Street be vacated west of the intersection of Industrial Drive and "S" Street. This will allow the expansion of the current Timpfe manufacturing plant to the north. Paving of the following streets will be done as and when money becomes available: Industrial Drive between "O" Street and "S" Street. These streets will be paved in the future.
8. Statement of Public Cost/Benefit Analysis: This plan requires that the Agency will issue its Tax Increment Revenue Bonds and deliver the same to the City. Funds received by the City will be used to pay for a portion of the installation of the infrastructure, land acquisition and grants contemplated by this Plan. The first priority is the storm sewer drainage. The City will finance the installation of infrastructure through the use of: (a) Tax Increment Revenue (TIF) Bonds for the project which will be repaid from the increased ad valorem tax stream created by the construction of new structures on the property shown on attached Exhibit "D"; (b) general obligation bonds; (c) grants; and (d) other sources of revenue of the City and Agency, including special assessments.
  - a. Tax Benefits: eliminating flooding in this area will increase property values and assessments. Construction in the future will create additional sources of revenue for the City.

- b. School District: No significant additional burden is contemplated on the School District as a result of the activities in this plan.
  - c. No tax shifts appear to result from the project.
  - d. No observable impacts on employers and employees within the area are noted.
  - e. Labor Supply for Existing Industries: the plan does not have an impact on local industries
  - f. Community Housing Inventory: Housing is deemed adequate for all issues related to the plan..
  - g. No other impacts have been identified of a negative nature.
9. Issuance of Tax Increment Revenue Bonds.  
The Plan initially projects the use of approximately \$300,000 in net Bond proceeds to finance public improvements. The Agency shall issue additional bonds from time to time to pay for or reimburse infrastructure development and to make grants for development pursuant to separate redevelopment contracts.
10. Pledge of Incremental Taxes. Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in described in attached Exhibit "D" shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2009, as follows:
- a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and
  - b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

#### **FUTURE PLAN AMENDMENTS**

11. Plan Amendments. The Redevelopment Plan will be amended from time to time. Additional property may be pledged for payment of the bonds described in Paragraph 9 hereof in the same manner as set forth in paragraph 10.

#### **OBLIGATIONS OF THE DAVID CITY COMMUNITY DEVELOPMENT AGENCY:**

12. Issuance of Bonds. Agency on or about December 1, 2008, will issue Series 2008 A Bonds in the aggregate principal amount of approximately \$300,000.00, and bearing interest from and after the date of issue, bearing interest at Four Percent (4%) per Series 2008A Bonds). The Series 2008 Bonds shall be limited obligations of the Agency, and shall be solely payable from and secured by TIF Revenues and other security specifically pledged therefore, which includes all real estate in the Redevelopment Project, pledged pursuant to this Redevelopment Plan and future Plan amendments as set forth herein. Thereafter the Agency shall issues additional bonds to the extent that development supports amortization of such bonded debt.

13. Pledge of TIF Revenues. Pursuant to the Resolution, the Agency will pledge the TIF Revenues as Security for the Bonds. The TIF Revenues pledged hereby specifically include the TIF revenues generated from the division of ad valorem real property taxes pursuant to section 18-2147 of the act on property described on Exhibit "D" and the plan amendments contemplated herein.
14. Grant of Proceeds of Bonds. Agency will deliver the Series 2008 A Bonds issued pursuant to this Plan to the City for the purpose of paying Project Costs, which shall include engineering and special counsel costs..
15. Creation of Fund. Agency will create a special fund to collect and hold the TIF Revenues. Such special fund shall be used for no purpose other than to pay Bonds.

**OBLIGATIONS OF THE CITY OF DAVID CITY:**

16. Installation of Infrastructure. The City of David City will provide for the installation of the infrastructure described in this plan, from time to time from such sources of funds as it may have.
17. Agency Determinations: The proposed land uses and building requirements in the Project are designed with the general purpose of accomplishing, in conformance with the general plan of development of the City, a coordinated, adjusted, and harmonious development of the City and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of unsanitary or unsafe dwelling accommodations, or conditions of blight;
  - (a) The Redevelopment Contract is feasible and in conformity with the general plan for the development of the City as a whole and the plan is in conformity with the legislative declarations and determinations set forth in the Act;
  - (b) Based on the representations of Developer and other information provided to the Agency,
    - (i) the Project would not be economically feasible without the use of tax-increment financing;
    - (ii) the Project would not occur in the Redevelopment Area without the use of tax-increment financing; and
    - (iii) the costs and benefits of the Project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and the Agency and have been found to be in the long-term best interest of the community impacted by the Project;

Exhibit "A"  
Redevelopment Project Area

The Project Area includes the following properties:

- DAVID CITY 18 15 3 PT OF LOT 8 ANNEX
- DAVID CITY PT OF LOT 8 IN S1/2SE14 .40 AC LAND & LOT SUB DIV ADD (ANNEX)
- DAVID CITY 18 15 3 PT OF LOT 8 IN S1/2SE1/4 4.65 AC ANNEX
- DAVID CITY 18 15 3 PT OF LOT 8 (IN S1/2SE1/4) 1.18 AC
- DAVID CITY 18 15 3 PT NE1/4SW1/4 ANNEXED 1.75 AC
- DAVID CITY LOT 1 BLK 2 SCHMIDS ADD
- DAVID CITY LOTS 7 & 8 & N 22.6' OF LOT 6 BLK 2 SCHMIDS ADD
- DAVID CITY LOT 2 BLK 2 SCHMIDS ADD
- DAVID CITY LOT 3 BLK 2 SCHMIDS ADD
- DAVID CITY S 103' OF LOT 6 BLK 2 SCHMIDS ADD
- DAVID CITY LOT 4 (137.86' X 200'), N 20' OF E 200' OF OL A & LOT 5 BLK 2 SCHMIDS ADD
- DAVID CITY OL A OF 1993 REPLAT OF LOTS 1-5 (LESS N 20' OF THE E 200') BLK 3 SCHMIDS ADD
- DAVID CITY 18 15 3 LOT 7 BLK 3 SCHMIDS ADD
- DAVID CITY LOT 8 IN 1993 REPLAT OF LOTS 1-5 BLK 3 SCHMIDS ADD
- DAVID CITY LOTS 3-6 IN 1993 REPLAT OF LOTS 1-5 BLK 3 SCHMIDS ADD
- DAVID CITY LOTS 2 & 3 SYPALS SUBDIV
- DAVID CITY PT LOT 4 SYPALS SUBDIV
- DAVID CITY PT OF LOT 4 SYPALS SUBDIV
- DAVID CITY LOT 1 IN 1993 REPLAT OF LOTS 1-5 BLK 3 SCHMIDS ADD AND TRACT IN PT SE1/2SW1/4
- DAVID CITY LOT 1 SYPALS SUBDIV
- DAVID CITY 18 15 3 PT SE1/4SW1/4 SCHMIDS ADD
- DAVID CITY 18 15 3 PT LOT 2 BLK 1 PT SE1/4SW1/4 SCHMIDS ADD
- DAVID CITY 18 15 3 PT SE1/4SW1/4 SCHIMIDS ADD
- A tract of land located in the E ½ of the SW ¼ of Section 18 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Beginning at the northwest corner of the E ½ of said SW ¼ ; thence easterly, 979.92 feet, on the north line of said SW ¼ ; thence southerly, 657.35 feet, parallel with the westerly right-of-way line of Nebraska Highway No. 15, to a point on the north line of Schmid's Addition of David City; thence westerly, 330 feet, more or less, on the north line of said Schmid's Addition, to a point on the northerly extension of the east line of Block 1 of said Schmid's Addition; thence southerly, 866.27 feet, to the southeast corner of the north 70 of Lot 8 of said Block 1; thence westerly, 393.54 feet, parallel with the west line of said Block 1, to a point on the north line of said Schmid's Addition; thence westerly, 254 feet, to the southwest corner of the N ½ of the NE ¼ of said SW ¼ ; thence northerly, 658.98 feet, to the Point of Beginning, containing 22.64 acres, more or less.
- All of Lots 1, 3, 4, 5, 6, and 7; the south 73 feet of Lot 8; the west 254 feet of the north 70 feet of Lot 8; the west 254 feet of Lots 9, 10, 11, 12, and 13; and that portion of vacated S Street lying north of and adjacent to Lot 13; all in Block 1, Schmid's Addition to David City, Butler County, Nebraska, containing 16.70 acres, more or less.

Exhibit "D"

The properties that TIF will be captured on are:

- A tract of land located in the E ½ of the SW ¼ of Section 18 T15N R3E of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Beginning at the northwest corner of the E ½ of said SW ¼ ; thence easterly, 979.92 feet, on the north line of said SW ¼ ; thence southerly, 657.35 feet, parallel with the westerly right-of-way line of Nebraska Highway No. 15, to a point on the north line of Schmid's Addition of David City; thence westerly, 330 feet, more or less, on the north line of said Schmid's Addition, to a point on the northerly extension of the east line of Block 1 of said Schmid's Addition; thence southerly, 866.27 feet, to the southeast corner of the north 70 of Lot 8 of said Block 1; thence westerly, 393.54 feet, parallel with the west line of said Block 1, to a point on the north line of said Schmid's Addition; thence westerly, 254 feet, to the southwest corner of the N ½ of the NE ¼ of said SW ¼ ; thence northerly, 658.98 feet, to the Point of Beginning, containing 22.64 acres, more or less.
- All of Lots 1, 3, 4, 5, 6, and 7; the south 73 feet of Lot 8; the west 254 feet of the north 70 feet of Lot 8; the west 254 feet of Lots 9, 10, 11, 12, and 13; and that portion of vacated S Street lying north of and adjacent to Lot 13; all in Block 1, Schmid's Addition to David City, Butler County, Nebraska, containing 16.70 acres, more or less.
- DAVID CITY S 103' OF LOT 6 BLK 2 SCHMIDS ADD
- DAVID CITY LOT 8 IN 1993 REPLAT OF LOTS 1-5 BLK 3 SCHMIDS ADD
- DAVID CITY LOTS 3-6 IN 1993 REPLAT OF LOTS 1-5 BLK 3 SCHMIDS ADD
- DAVID CITY 18 15 3 PT OF LOT 8 IN S1/2SE1/4 4.65 AC ANNEX
- DAVID CITY 18 15 3 PT OF LOT 8 ANNEX

Committee member Hein made a motion to adjourn as the Community Development Agency of the City of David City, Nebraska. Committee member Smith seconded the motion. Voting AYE: Committee members Lukassen, Yindrick, Smith, and Hein. Voting NAY: None. Committee members Schatz and Scribner were absent. The motion carried. Chairman Dana Trowbridge declared the Community Development Agency meeting adjourned at 7:25 p.m..

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Mayor Trowbridge declared the recessed council meeting back in session at 7:25 p.m.

Council member Hein made a motion to approve the following list of City owned items to be sold at auction. Council member Yindrick seconded the motion. Voting AYE: Council members Smith, Lukassen, Yindrick, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

<u>DEPARTMENT</u>	<u>ITEM DESCRIPTION</u>	<u>NUMBER</u>
Power Plant	9x7 Wood Garage Doors with required hardware	4
Water/Sewer	1996 Ford 250 2 Wheel Drive Fiber Glass Utility Box	1
Street	Monarch Plow Pump Lifts	2
Street	Pickup Box	1
Street	Model 1-10 M/B Paint Striper 3.5 HP Industrial	1
Street	Pull Type Steel Roller	1
Street	Shop Air Compressor (Compressor Knocks)	1
Street	Traget Concrete Saw 8 HP Kahler	1

Street	P22 Compaction Plate sand packer 4HP P-22	1
Street	Black Snow Plow	1
Street	Orange Snow Plow	1
Street	Truck Wings Snow Plow with Mounts	2
Street	Tailgate Salt Spreaders	3
Street	Semi Trailer Tires Wheels Suspension	1
Street	Semi Trailer Jack	1
Street	Miscellaneous Used Culverts	Unknown
Street	¾ Ton Rear Axle	1
Street	Pallet Red Bricks Blocks	1
Street	Bag of Mortar	12
Street	Tailgate Gravel Spreader	1
Street	Miscellaneous Truck Tires	Unknown
Street	Oil Tanks at Airport	2
Electric	1977 Dodge Cube Van	1

The Auction will be conducted November 21, 2008, at the Butler County Fair Grounds.

Butler County Development Executive Director Willow Holoubek was present to request the \$20,000 that was committed to Butler County Development during the last budget process. Willow stated that they are continuing to create a comprehensive, effective and accountable community economic development program that will facilitate the economic vitality of the communities of Butler County. Willow thanked the Mayor and Council members for their commitment to this organization. This is the third year of a three year agreement. The Butler County Development completed a business expansion survey and Willow visited 45 businesses all across the county. Willow stated: "It's been twenty years since we've had a site visit but Butler County has now become a player in the competition."

Council member Yindrick made a motion to approve the funding request of the Butler County Development in the amount of \$20,000. Council member Smith seconded the motion. Voting AYE: Council members Hein, Lukassen, Smith, and Yindrick. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Mayor Trowbridge acknowledged the fact that Louise Sanders arrived at approximately 7:25 p.m. As the Public Hearing had already been held, Council member Smith made a motion to re-open the Public Hearing to consider a "Statement of Expenses" incurred by the City of David City in abating a nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, owned by Louise Sanders. Council member Yindrick seconded the motion. Voting AYE: Council members Hein, Lukassen, Yindrick, and Smith. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Mayor Trowbridge declared the Public Hearing re-opened at 7:26 p.m. to consider a "Statement of Expenses" incurred by the City of David City in abating a nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, owned by Louise Sanders. Louise Sanders stated that she did not receive notices concerning the clean-up of her property, but did state that she had attended two Board of Health meetings concerning her property. City Attorney Egr stated that records show that Ms. Sanders was properly notified but stated since Ms. Sanders has filed a complaint with Equal Opportunity that no further comments should be made due to a pending legal matter. Ms. Sanders again stated that she was never notified; she only received notice from her neighbors that something was going on. She said that trees were knocked down; sidewalk lifted; there was a perfectly good fence; there is a hole in the front her house; and a building was destroyed. Once again, City Attorney Egr stated that this is not what this Public Hearing is about. City Attorney Egr stated that Ms. Sanders would have to seek legal counsel concerning notifications, etc., but that this Public Hearing was concerning the "Statement of

Expenses” incurred by the City in abating the nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, that includes the labor charges for the work performed and the use of equipment such as trucks, chain saws, loaders, landfill charges, etc. Ms. Sanders stated she should not be charged this for what the City did to her property. There being no further comments, Mayor Trowbridge declared the Public Hearing closed at 7:43 p.m.

Following the re-opened Public Hearing, the Council reconsidered the Statement of Expenses. Council member Hein made a motion, after reconsideration and input from Louise Sanders, to re-approve the “Statement of Expenses” incurred by the City of David City in abating a nuisance upon the real estate located at 210 South 8<sup>th</sup> Street, owned by Louise Sanders, in the amount of \$6,959.78. Council member Yindrick seconded the motion. Voting AYE: Council members Lukassen, Smith, Yindrick, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

City Administrator Johnson reported that the Housing Committee met on November 10, 2008 and accepted applicant #47 for a \$4,000 Down Payment Assistance and a \$1,000 Owner-Occupied Housing Rehabilitation loan. Council member Smith made a motion to approve the owner-occupied rehabilitation and down-payment assistance loans for applicant #47. Council member Lukassen seconded the motion. Voting AYE: Council members Hein, Yindrick, Lukassen, and Smith. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried. [Note: the applicants name is not disclosed to avoid discrimination].

Engineering bids for the “D” Street Reconstruction Project were received from Miller & Associates Engineering, P.C., and Olsson Associates. The scoring sheet was as follows:

	Miller & Associates Engineering, P.C.	Olsson Associates
Technical Expertise	28.33	30.00
Past Record of Performance	30.00	30.00
Capacity of Firms to perform Work within time limitations Of the grant	10.00	10.00
Familiarity of Firm with Type Of Project	<u>.00</u>	<u>30.00</u>
Total:	68.33	100.00

Council member Yindrick made a motion to approve Olsson Associates as the engineering firm for the “D” Street Reconstruction Project. Council member Smith seconded the motion. Voting AYE: Council members Hein, Lukassen, Smith, and Yindrick. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Engineering bids for two (2) new water system wells were received from Miller & Associates Engineering, P.C., JEO Consulting Group, Inc., WLA Consulting, Inc., and Olsson Associates. The scoring sheet was as follows:

	JEO Consulting Group, Inc	WLA Consulting Inc.	Miller & Associates Engineering	Olsson Associates
Technical Expertise	30.00	23.33	30.00	30.00
Past Record of Performance	30.00	5.00	26.66	30.00
Capacity of Firms to perform Work within time limitations Of the grant	10.00	4.33	8.00	10.00
Familiarity of Firm with Type Of Project	<u>23.33</u>	<u>5.00</u>	<u>6.66</u>	<u>30.00</u>
Total:	93.33	37.66	71.32	100.00

Council member Yindrick made a motion to approve Olsson Associates as the engineering firm for two (2) new water system wells. Council member Hein seconded the

motion. Voting AYE: Council members Lukassen, Smith, Hein, and Yindrick. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

City Administrator Joe Johnson presented a Power Point presentation concerning 911 / Dispatching Services.

Following is a very brief recap of the presentation:

Do Cities pay for 911/Dispatching Services?

No: Fullerton, Central City, York, Osceola, Stromsburg, Bellwood, Rising City, Surprise, Garrison, Ulysses, Dwight, Brainard, Bruno, Abie, Octavia, Linwood, Schuyler, Garland, Seward, North Bend, Wahoo, Yutan, Ashland, and Waverly. For Columbus and Fremont it is a city function. David City does pay for 911/Dispatching Services.

The Citizens of David City paid \$68,603.75 in City property taxes for 911/Dispatching.

The Citizens of David City also paid for 911/Dispatching by paying \$287,584.80 in Butler County Property taxes.

All other cities and villages in Butler County pay NO city property taxes for 911/Dispatching.

1997 - Butler County increased the phone surcharge from \$0.50 to \$1.00 by means of an interlocal agreement with David City - Nebraska Revised Statute 86-435

Since 1997, Butler County Communication Center's annual Expenditures increased approximately \$100,000. Proportionately, Butler County's costs decreased because of the surcharge and David City's costs increased due to added personnel costs.

Butler County's View:

David City's Costs:	\$68,603.75	40%
<u>Butler County's Costs:</u>	<u>\$97,678.49</u>	60%
Total Personnel Expenditures:	\$166,282.24	

David City's View:

David City's Costs:	\$68,603.75	41%
Butler County's Costs:	\$60,427.02	36%
<u>Surcharge:</u>	<u>\$37,251.47</u>	23%
Total Personnel Expenditures:	\$166,282.24	



Taxing Unfairness

- Citizens of David City
1. City Property Taxes
  2. County Property Taxes
  3. Phone Surcharge

- Everyone Else in Butler County
1. County Property Taxes
  2. Phone Surcharge

Is David City's Cost fair, based on use?

2005: David City Police Department 1,166; Butler County Sheriff 3,142; Other 782  
2006: David City Police Department 1,187; Butler County Sheriff 3,435; Other 766  
2007: David City Police Department 1,076; Butler County Sheriff 3,439; Other 668

David City was overcharged \$43,368.15

Options:

1. Renegotiate an Agreement with Butler County to provide 911/Dispatch Services.
  - To date, those negotiations have gone well.
  - To date, Butler County has made an offer of \$50,000 + phone surcharge to David City.
2. Own and operate a City 911 / Dispatch Center.
  - Extremely costly
3. Regionalization - Obtain 911 / Dispatch Service from City of Columbus, Saunders County, or City of Lincoln.
  - Pay a per cost charge
  - The future of 911 / Dispatching in America

"All we are requesting of Butler County is to treat the citizens of David City equitably and fairly." - Mayor Trowbridge

This will be discussed further at the next Committee of the Whole meeting scheduled for Monday, November 24, 2008.

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Council member Hein made a motion to go into executive session to discuss 1) negotiations concerning 911 and dispatching services and 2) pending litigation. Council member Smith seconded the motion. Voting AYE: Council members Lukassen, Yindrick, Smith, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

Mayor Trowbridge stated that the City Council was going into executive session to discuss two issues: 1) negotiations concerning 911 and dispatching services and 2) pending litigation.

The City Council, Mayor Trowbridge, City Administrator Joe Johnson, City Attorney Jim Egr, and City Clerk Joan Kovar went into executive session at 8:37 p.m.

Council member Yindrick made a motion to come out of executive session at 9:03 p.m. Council member Hein seconded the motion. Voting AYE: Council members Smith, Lukassen, Hein, and Yindrick. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried.

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Yindrick seconded the motion. Voting AYE: Council members Lukassen, Smith, Yindrick, and Hein. Voting NAY: None. Council members Schatz and Scribner were absent. The motion carried and Mayor Trowbridge declared the meeting adjourned at 9:04 p.m.

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Mayor Dana Trowbridge

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City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES  
November 12, 2008

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 November 12, 2008; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Joan E. Kovar, City Clerk