

CITY COUNCIL PROCEEDINGS

August 30, 2004

The Mayor and City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. Notice of the meeting was published in the August 19, 2004 issue of the Banner-Press. 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 Agenda 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 Stephen Smith, Council members Gary Kroesing, Ted Lukassen, Bill Schatz, Gary Smith, and Nick Hein, City Administrator Jeff Fiegenschuh, Water/Sewer Supervisor Jim Kruse, Police Chief Stephen Sunday, Street Superintendent Jim McDonald, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, Electric Plant Supervisor John Kabourek, Zoning Administrator Roger Kotil, Virginia Rerucha and daughter Joanie, Michael Novotny of Marquis Body Shop, and City Clerk Joan E. Kovar. Council member Kirby was absent.

The meeting opened at 6:00 p.m. with roll call and the Pledge of Allegiance

Mayor Smith opened the Public Hearing at 6:03 p.m. to consider amending the minimum lot area in Highway Commercial zoned areas from twenty thousand (20,000) square feet to fifteen thousand (15,000) square feet. Mayor Smith asked three separate times for any comments or concerns regarding amending the minimum lot area in Highway Commercial. There were no comments or discussions, and Mayor Smith declared the Public Hearing closed at 6:05 p.m..

Council member Hein introduced Ordinance No. 983. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Lukassen seconded the motion. Voting YEA: Council members Smith, Hein, Schatz, Kroesing, and Lukassen. Voting NAY: None. Council member Kirby was absent. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 983 on the third and final reading. Council member Hein seconded the motion. Council member Schatz stated that he was in favor of this because it is consistent with a majority of communities the size of David City. Voting YEA: Council members Lukassen, Schatz, Smith, Hein, and Kroesing. Voting NAY: None. Council member Kirby was absent. The motion carried and Ordinance No. 983 was passed and adopted as follows:

ORDINANCE NO. 983

AN ORDINANCE TO AMEND SECTION 414.6 - MINIMUM LOT AREA - OF THE MUNICIPAL CODE OF THE CITY OF DAVID CITY, NEBRASKA, PROVIDE AN EFFECTIVE DATE; AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That Section 414 (HC) Highway Commercial District - Section 414.6 entitled

Minimum Lot Area of the Municipal Code of the City of David City, Nebraska shall be amended to read as follows:

414.6 Minimum Lot Area:

The minimum lot area shall be fifteen thousand (15,000) square feet.

Section 2. That any other ordinance or section passed and approved prior to 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 from and after its passage as provided by law.

Passed and approved this 30th day of August, 2004.

Mayor Stephen Smith

City Clerk Joan Kovar

Mayor Smith opened the Public Hearing at 6:08 p.m. to consider the request of Michael L. Novotny, as the owner of all of Block Eight (8), Miles 6th Addition to the City of David City, Butler County, Nebraska, and the South Half (So. ½) of the vacated street adjoining the north line of said Block Eight (8), and the East Half (E ½) of the vacated street adjoining the west line of said Block Eight (8), except Highway #15 right-of-way in the southeast corner of said tract, to subdivide this property to form two lots by selling approximately the north 130' to David Scribner. Mayor Smith asked three separate times for any comments or concerns regarding the request of Michael L. Novotny. Michael Novotny asked Mayor Smith to re-read the legal description for the lots. Mayor Smith read the legal description contained in the proposed resolution. There being no comments or discussion, Mayor Smith declared the Public Hearing closed at 6:13 p.m..

Council member Kroesing introduced Resolution No. 20 - 2004 and moved for its passage and adoption. Council member Hein seconded the motion. Voting YEA: Council members Smith, Lukassen, Schatz, Kroesing, and Hein. Voting NAY: None. Council member Kirby was absent. The motion carried and Resolution No. 20 - 2004 was passed and adopted as follows:

RESOLUTION NO. 20 - 2004

WHEREAS, Ordinance No. 909, adopted June 25, 2001, Section 803, Administrative Subdivisions 803.01: City Council Authority, states "The City Council is hereby authorized to

approve further subdivisions of, and combinations of, existing platted lots, whenever all required improvements have been installed, no new dedication of public rights-of-way or easements are involved and such subdivisions comply with Comprehensive Plan, the Major Street Plan and all applicable zoning regulations" and,

WHEREAS, Michael L. Novotny, as the owner of all of Block Eight (8), Miles 6th Addition to the City of David City, Butler County, Nebraska, and the South Half (So. ½) of the vacated street adjoining the North line of said Block Eight (8), and the East Half (E ½) of the vacated street adjoining the West line of said Block Eight (8), except Highway #15 right-of-way in the Southeast corner of said tract, has filed an application to subdivide this property to form two lots by selling the following to David Scribner:

The North 130.00 feet of Block Eight (8), Miles Sixth Addition to the City of David City, Butler County, Nebraska, together with the South Half of Vacated Ohio Street adjoining the North line of said Block 8 and the East half of the vacated street adjoining the West line of said Block 8, being more particularly described as follows: commencing at the Southeast corner of said Block 8, and assuming the Centerline of Ohio Street as platted in said City of David City to have a bearing of S90°00'00" E; thence N00°11'48"W, on the East line of said Block 8, a distance of 169.87 feet to the point of beginning; thence N90°00'00"W parallel with said centerline, a distance of 103.81 feet to a point of intersection with the West line of said East Half vacated street adjoining said West line Block 8; thence N 01°56'51" W on said West line, a distance of 170.10 feet to a point of intersection with the Westerly extension of said centerline vacated Ohio Street thence S90°00'00" E on said westerly extension and said centerline vacated Ohio Street, a distance of 109.01 feet to a point of intersection with the Northerly extension of said East line said Block 8; thence S00°11'48" E on said Northerly extension and said East line, a distance of 170.00 feet to the point of beginning containing 0.41 acres more or less.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the request of Michael L. Novotny to subdivide his property and sell approximately 0.41 acres to David Scribner, is hereby approved.

Dated this 30th day of August, 2004.

Mayor Stephen Smith

Clerk Joan E. Kovar

There being no further business to come before the Council, Council member Hein made a motion to adjourn. Council member Kroesing seconded the motion. Voting YEA: Council members Schatz, Lukassen, Smith, Kroesing, and Hein. Voting NAY: None. Council member Kirby was absent. The motion carried and Mayor Smith declared the meeting adjourned at 6:15

p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar



CERTIFICATION OF MINUTES
August 30, 2004

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 August 30, 2004; 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.

City Clerk Joan E. Kovar