

**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 **13th day of May, 2015**, 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 8th day of May, 2015.

AGENDA AS FOLLOWS:

1. Roll Call;
2. Pledge of Allegiance;
3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;
4. Minutes of the April 8th, and May 4th, 2015, meetings of the Mayor and City Council;
5. Consideration of Claims;
6. Committee and Officer Reports;
7. Public Hearing to consider the Final Plat of Matt Thomas, President of Dana Point Development Corporation for the "Larry J Sabata 3rd Addition" to the City of David City, Butler County, Nebraska, legally described as follows: A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, more particularly described as follows: Commencing at the northwest corner, N 1/2, NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, and assuming the north line of said N 1/2, NW 1/4 to have a bearing of N 90°00'00" E; thence N 90°00'00" E, and on said north line, 152.97 feet, to the point of beginning; thence N 90°00'00" E, on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1st and 2nd Additions, 1149.66 feet, to a point on the south line of L Street as extended east; thence S 89°57'16" W on said south line of L Street, 600.05 feet, to the east line of Larry J. Sabata, 1st Addition to the City of David City, Butler County, Nebraska; thence N 00°57'20" W on said east line, 599.09 feet, to the northeast corner of said Addition; thence N 00°57'20" W on the east line of Larry J. Sabata, 2nd Addition to the City of David City, Butler County, Nebraska, 551.05 feet, to the point of beginning, said tract containing 15.84 acres, more or less.

Mayor Alan Zavodny

Council President Gary L. Kroesing

Council member Michael E. Rogers

Council member Thomas J. Kobus

Council member Kevin N. Hotovy

Council member Gary D. Smith

Council member John P. Vandenberg

City Clerk Joan E. Kovar

8. Consideration of Ordinance No. 1225 accepting the Final Plat for the "Larry J. Sabata 3rd Addition" to the City of David City, Butler County, Nebraska;
9. Presentation / update by Eric Johnson, Vice President, Kirkham Michael, concerning the Airport Hangar Project;
10. Consideration of the property located at 897 North 5th Street (Milda Gray) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances; Consideration of Resolution No. 5 - 2015
11. Consideration of the property located at 1055 N 7th Street (Larry & Rebecca Parmer) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances; Consideration of Resolution No. 6 - 2015
12. Consideration of the property located at 186 N 8th Street (Pat Prothman) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances; Consideration of Resolution No. 7 - 2015
13. Consideration of the property located at 715 N 4th Street (Rodger & Kathy Treat) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances; Consideration of Resolution No. 8 - 2015
14. Consideration of the property located at 1070 N 8th Street (Barbara Palik) and 1080 North 8th Street (Barbara Vogl) that the Board of Health has declared public nuisances in violation of City Code Article 4 – Nuisances; Consideration of Resolution No. 9 - 2015
15. Consideration of appointing Virgil Vrbka to another 5 year term as a Commissioner on the David City Housing Authority Board;
16. Consideration of the bids received for the Tennis Court renovation;
17. Consideration of a Lease Agreement with Scott Steager d.b.a. Steager Storage concerning a secure storage area for towed vehicles;
18. Consideration of Resolution No. 10 – 2015 approving an Interlocal Agreement between the City of David City, Nebraska, and Butler County, Nebraska for the reconstruction of the "A" Street Bridge;
19. Consideration of adjusting the pay for City Clerk-Treasurer Joan Kovar;
20. Consideration of paying Jim Egr for the James & Genene Grange (Brenda Miller) property located at 446 So. 6th Street (north of the Auditorium's parking lot);
21. Adjourn.

CITY COUNCIL PROCEEDINGS

May 13, 2015

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 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on May 7th, 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, Council members Kevin Hotovy, Thomas Kobus, Mike Rogers, Gary Smith, and John Vandenberg. Also present were City Attorney Jim Egr, and City Clerk / Interim City Administrator Joan Kovar.

Also present for the meeting were: Sheriff Marcus Siebken, Craig Reinsch and Matt Rief of Olsson Associates, Eric Johnson of Kirkham Michael, Jared Storm and Shawn Kranda of Hershey Flying Service, Scott Steager d.b.a. Steager Storage. Butler County Highway Superintendent Jim Rerucha, Banner Press Editor Larry Peirce, Larry McPhillips, Kory Kuhlman, Janis Cameron, David McPhillips, Rex Rehmer, Street Foreman Rodney Rech, Electric Plant Supervisor Eric Betzen, Water Employee Kevin Betzen and wife Amy.

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 people to silence their cell phones.

The minutes of the April 8th, and May 4th, 2015 meetings of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Smith. Voting AYE: Council members Vandenberg, Kroesing, Hotovy, Rogers, Smith, and Kobus. Voting NAY: None. 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 Kobus seconded the motion. Voting AYE: Council members Hotovy, Kroesing, Vandenberg, Kobus, Rogers, and Smith. The motion carried.

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

Mayor Zavodny declared the Public Hearing open at 7:03 p.m. to consider the Final Plat of Matt Thomas, President of Dana Point Development Corporation for the "Larry J. Sabata 3rd Addition" to the City of David City, Butler County, Nebraska, legally described as follows: A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, more particularly described as follows: Commencing at the northwest corner,

N 1/2, NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, and assuming the north line of said N 1/2, NW 1/4 to have a bearing of N 90°00'00" E; thence N 90°00'00" E, and on said north line, 152.97 feet, to the point of beginning; thence N 90°00'00" E, on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1st and 2nd Additions, 1149.66 feet, to a point on the south line of L Street as extended east; thence S 89°57'16" W on said south line of L Street, 600.05 feet, to the east line of Larry J. Sabata, 1st Addition to the City of David City, Butler County, Nebraska; thence N 00°57'20" W on said east line, 599.09 feet, to the northeast corner of said Addition; thence N 00°57'20" W on the east line of Larry J. Sabata, 2nd Addition to the City of David City, Butler County, Nebraska, 551.05 feet, to the point of beginning, said tract containing 15.84 acres, more or less.

Council member Kroesing stated: "Kevin and Pat were invited because they haven't had the opportunity to sit down with this developer and talk about where the utilities are going. I see we have alleys but I don't know where the utilities are going to be."

Greg Lower of Gilmore & Associates stated: "I am working with Matt Thomas on this addition. The alleys were put in at the City's request so that utilities can go in the alleys. As far as the water and sewer, that would go in the road right of way, water on one side, sewer on the other instead of in the alleys so that you can maintain the separation between the water and the sanitary sewers."

Water Employee Kevin Betzen asked: "Why can't the sewer be in the alley like the rest of the town and the water in the road out front?"

Greg Lower stated: "I don't think that once the design starts on there that isn't something that could be worked out. That's definitely something that could be looked at in the design phase and worked out with the City."

Council member Kroesing stated that he wanted to make sure the alleys 20' width is maintained and people don't start encroaching on the alley.

Greg Lower stated: "Each one of those lots will be pinned and that alley way will be designated by being in between those pinned lots so it won't be hard for city personnel to be able to determine where those property lines are. Right now all I can show you is the plat. I haven't started any of the design work yet because until that plat is finalized Matt (Thomas) is not going to move forward.

Council member Kroesing asked: "How do we convert our 10' utility easement on the back side of Larry Sabata's 1st and 2nd Addition into a designated alley?"

We have a dedicated 10' alley on the west side of Sabata's 3rd Addition so that the two combined will give us a 20' alley. It was also noted that we have a 10' dedicated alley on the west side of Sabata's 3rd Addition and it was explained when any further developments are made, at that time, we will get an additional 10' alley.

City Attorney Egr stated that he would need to research this.

Gary & Deb Dinkelman were also present and questioned who would be absorbing the expense for the extension of "L" Street to be named the Larry J. Sabata Drive. Mayor Zavodny stated that it was normally the abutting property owners.

There being no further comments to be made, Mayor Zavodny closed the Public Hearing at 7:17 p.m.

Council member Kroesing introduced Ordinance No. 1225 accepting the Final Plat for the "Larry J. Sabata 3rd Addition" to the City of David City, Butler County, Nebraska. Mayor Zavodny read Ordinance No. 1225 by title. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Rogers, Kobus, Hotovy, Smith, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1225 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Hotovy, Kobus, Vandenberg, Rogers, Smith, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1225 was passed on third and final reading as follows:

ORDINANCE NO. 1225

AN ORDINANCE ACCEPTING AND APPROVING THE FINAL PLAT OF THE "LARRY J. SABATA 3RD ADDITION" TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA; REPEALING CONFLICTING ORDINANCES AND SECTIONS; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, Larry J. Sabata, owner of a tract of land legally described as follows:

A tract of land located in the N 1/2 of the NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, more particularly described as follows: Commencing at the northwest corner, N 1/2, NW 1/4 of Section 20, T15N, R3E of the 6th P.M., Butler County, Nebraska, and assuming the north line of said N 1/2, NW 1/4 to have a bearing of N 90°00'00" E; thence N 90°00'00" E, and on said north line, 152.97 feet, to the point of beginning; thence N 90°00'00" E, on said north line, 600.08 feet; thence S 00°57'20" E parallel with the east lines of Larry J. Sabata, 1st and 2nd Additions, 1149.66 feet, to a point on the south line of L Street as extended east; thence S 89°57'16" W on said south line of L Street, 600.05 feet, to the east line of Larry J. Sabata, 1st Addition to the City of David City, Butler County, Nebraska; thence N 00°57'20" W on said east line, 599.09 feet, to the northeast corner of said Addition; thence N 00°57'20" W on the east line of Larry J. Sabata, 2nd Addition to the City of David City, Butler County, Nebraska, 551.05 feet, to the point of beginning, said tract containing 15.84 acres, more or less.

has filed said Plat with the City of David City, Nebraska, and has requested that said Plat be approved and accepted, and

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

Section 1. That the Final Plat for the "Larry J. Sabata 3rd Addition", consisting of forty-eight (48) lots on the east side of 11th Street, south of 36 Road ("O" Street), is hereby accepted and approved, and said owner is hereby given the right to plat said Addition to the City of David City, Nebraska.

Section 2. The Sub-divider shall record the final plat with the Office of the County Assessor and County Clerk of Butler County Nebraska, pay all recording fees, and provide one (1) copy of such recorded final plat to the Interim City Administrator.

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

PASSED AND APPROVED this 13th day of May, 2015.

Mayor Alan Zavodny

City Clerk Joan E. Kovar

Vice President Eric Johnson, Kirkham Michael, presented an update concerning the Airport Hangar Project.



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PROJECT STATUS REPORT

Project Name: David City Municipal Airport 2014-2015 t-hangar and taxiway improvements

AIP Project No.: 3-31-0025-010

Client: David City NE City Council

KM Project No.: 1501220

Period of Report: April 2015-May 13th, 2015

Report No.: 4

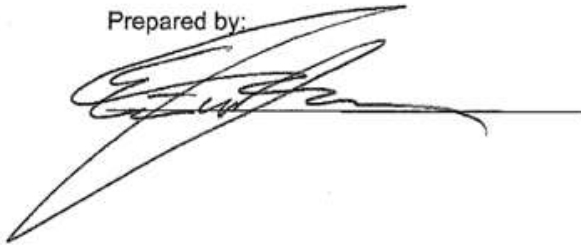
1) Tasks Completed During Period

- Received project comments from NDA on 4/6/15 incorporated into the project
- Received FAA comments on April 8th, 2015. Given Authority to Advertise for construction bids once comments were incorporated.
- We were concerned with the FAA comment to add underdrain system under the taxiways which would have caused us to raise the building substantially to make the pipes drain due to the ground water table.
 - Would have added a lot of expense to the project by raising the building with little benefit.
 - Alternative solution we purpose a granular base under the taxiway system with some surface drainage pipes.

- 2) **Tasks Scheduled for Next Period**
 - Update plans and contract documents to include base and surface drainage.
 - Set bid date anticipate bid opening around June 1, 2015
- 3) **Actions Needed to Maintain Project Schedule**
 - None
- 4) **Documentation of Changes/Modifications**
 - None
- 5) **Attachments**
 - None
- 6) **Comments**
 - Recently it appears that hangar prices have increased. We have investigated alternative funding sources in case the bids come in high. We will continue to monitor these prices during the bidding phase and make recommendations as required.

For clarifications or additional detail, please contact our office at your convenience.

Prepared by:



Form No. 1 to PM 4.01: Project Status Reporting Form
Page 1 of 1

Public Hearings were held on the following properties and the following action was taken: 897 N 5th Street, Milda Gray; 1055 N 7th Street, Larry Parmer; 186 N 8th Street, Pat Prothman; 715 N 4th Street, Rodger & Kathy Treat; 1070 N 8th and 1080 N 8th, Barbara Janak.

Council member Rogers introduced Resolution No. 5 – 2015 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Kroesing, Vandenberg, Rogers, and Smith. Voting NAY: None. The motion carried and Resolution No. 5 - 2015 was passed and adopted as follows:

RESOLUTION NO. 5 – 2015

WHEREAS, on April 6, 2015, the Board of Health held a meeting that had been advertised in The Banner Press on March 19, 2015, to discuss the Milda Gray property located at 897 N 5th Street, legally described as David City Lot 1 & N 10' of Lot 4, Block 8, Litty's 1st Addition to David City, Nebraska.

WHEREAS, at the April 6th Board of Health Meeting it was determined that the Milda Gray property was in non-compliance of City ordinance, the offense being a "Public Nuisance/Health Hazard" at her property located at 897 N 5th Street, legally described as David City Lot 1 & N 10' of Lot 4, Block 8, Litty's 1st Addition to David City, Nebraska.

WHEREAS, on April 7, 2015, a certified letter was mailed to Milda Gray informing her that at the meeting of the Board of Health of the City of David City, Nebraska, it was determined that she was in violation of the City of David City, Nebraska, Municipal Code Section No. 4-401 (B) (7c-grass, leaves, worthless vegetation) and (8-any unsightly building; a menace to the public health or safety; or are so unsightly as to depreciate the value of property in the vicinity

thereof), and she had until April 24, 2015 at 5:00 p.m. to abate the nuisance or the City may have to take appropriate action, and

WHEREAS, at the April 27, 2015, Board of Health meeting it was determined that the property at 897 N 5th Street was not in compliance with City ordinance and it would be referred to the City Council on May 4th, at 6:30 p.m., and

WHEREAS, at the meeting of the Mayor and City Council of the City of David City, Nebraska held on May 4, 2015, the findings of the Board of Health of the City of David City, Nebraska, were reported and accepted and the property above described was declared a Public Nuisance and Interim City Administrator Joan Kovar was authorized to prepare, send and mail proper notices for a hearing to be held on May 13, 2015 beginning at 7:00 p.m., and,

WHEREAS, said hearing was conducted and it was found that the conditions still exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that Milda Gray be given notice to get her property cleaned up and in compliance with the City of David City, Nebraska, Municipal Code Section No. 4-401 (B), (7c), and (8), by May 29, 2015, or the City will arrange for the cleanup and file the costs as a special assessment against the property above described.

Passed and adopted this 13th day of May, 2015.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Rogers introduced Resolution No. 6 – 2015 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Smith, Hotovy, Kobus, and Rogers. Voting NAY: None. The motion carried and Resolution No. 6 - 2015 was passed and adopted as follows:

RESOLUTION NO. 6 – 2015

WHEREAS, on April 6, 2015, the Board of Health held a meeting that had been advertised in The Banner Press on March 19, 2015, to discuss the Larry Parmer property located at 1055 N 7th Street, legally described as Lot 5, Block 2, Litty's 2nd Addition, David City, Nebraska.

WHEREAS, at the April 6th Board of Health Meeting it was determined that the Larry Parmer property was in non-compliance of City ordinance, the offense being a "Public Nuisance/Health Hazard" at the property located at 1055 N 7th Street, legally described as Lot 5, Block 2, Litty's 2nd Addition to David City, Nebraska.

WHEREAS, on April 7, 2015, a certified letter was mailed to Larry Parmer informing him that at the meeting of the Board of Health of the City of David City, Nebraska, it was determined that he is in violation of the City of David City, Nebraska, Municipal Code Section No. 4-401 and he has until April 24, 2015 at 5:00 p.m. to abate the nuisance or the City may have to take appropriate action, and

WHEREAS, at the April 27, 2015, Board of Health meeting it was determined that the property at 1055 N 7th Street was not in compliance with City ordinance and it would be referred to the City Council on May 4th, at 6:30 p.m., and

WHEREAS, at the meeting of the Mayor and City Council of the City of David City, Nebraska held on May 4, 2015, the findings of the Board of Health of the City of David City, Nebraska, were reported and accepted and the property above described was declared a Public Nuisance and Interim City Administrator Joan Kovar was authorized to prepare, send and mail proper notices for a hearing to be held on May 13, 2015 beginning at 7:00 p.m., and,

WHEREAS, said hearing was conducted and it was found that the conditions still exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that Larry Parmer be given notice to get his property cleaned up and in compliance with the City of David City, Nebraska, Municipal Code Section No. 4-401, by May 29, 2015, or the City will arrange for the clean- up and file the costs as a special assessment against the property above described.

Passed and adopted this 13th day of May, 2015.

Mayor Alan Zavodny

City Clerk Joan Kovar

The Council members agreed that significant progress had been made on the property at 186 N 8th Street. As a negative motion cannot be made, Council member Hotovy introduced Resolution No. 7 – 2015 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council member Kobus. Voting NAY: Council members Kroesing, Vandenberg, Rogers, Smith, and Hotovy. The motion failed.

RESOLUTION NO. 7 – 2015

WHEREAS, on April 6, 2015, the Board of Health held a meeting that had been advertised in The Banner Press on March 19, 2015, to discuss the Pat Prothman property

located at 186 N 8th Street, legally described as Lot 2, Block 7, Miles 1st Addition, David City, Nebraska.

WHEREAS, at the April 6th Board of Health Meeting it was determined that the Patrick & Barbara Prothman property was in non-compliance of City ordinance, the offense being a "Public Nuisance" at the property located at 186 N 8th Street, legally described as Lot 2, Block 7, Miles 1st Addition, David City, Nebraska.

WHEREAS, on April 10, 2015, a certified letter was mailed to Patrick & Barbara Prothman informing them that at the meeting of the Board of Health of the City of David City, Nebraska, it was determined that they are in violation of the City of David City, Nebraska, Municipal Code Section No. 4-401 and they have until April 24, 2015 at 5:00 p.m. to abate the nuisance or the City may have to take appropriate action, and

WHEREAS, at the April 27, 2015, Board of Health meeting it was determined that the property at 186 N 8th Street was not in compliance with City ordinance and it would be referred to the City Council on May 4th, at 6:30 p.m., and

WHEREAS, at the meeting of the Mayor and City Council of the City of David City, Nebraska held on May 4, 2015, the findings of the Board of Health of the City of David City, Nebraska, were reported and accepted and the property above described was declared a Public Nuisance and Interim City Administrator Joan Kovar was authorized to prepare, send and mail proper notices for a hearing to be held on May 13, 2015 beginning at 7:00 p.m., and,

WHEREAS, said hearing was conducted and it was found that the conditions still exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that Patrick & Barbara Prothman be given notice to get their property cleaned up and in compliance with the City of David City, Nebraska, Municipal Code Section No. 4-401, by _____, or the City will arrange for the clean-up and file the costs as a special assessment against the property above described.

Passed and adopted this _____ day of _____, 2015.

FAILED

City Clerk Joan Kovar

FAILED

Mayor Alan Zavodny

Council member Rogers introduced Resolution No. 8 – 2015 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Hotovy, Kobus, Vandenberg, Rogers, and Smith. Voting NAY: None. The motion carried and Resolution No. 8 - 2015 was passed and adopted as follows:

RESOLUTION NO. 8 – 2015

WHEREAS, on April 6, 2015, the Board of Health held a meeting that had been advertised in The Banner Press on March 19, 2015, to discuss the Rodger & Kathy Treat property located at 715 N 4th Street, legally described as Lots 7, 8, 9, & 10, Block 5, Original Town, David City, Nebraska.

WHEREAS, at the April 6th Board of Health Meeting it was determined that the Rodger & Kathy Treat property was in non-compliance of City ordinance, the offense being a “Public Nuisance” at the property located at 715 N 4th Street, legally described as Lots 7, 8, 9, & 10, Block 5, Original Town, David City, Nebraska.

WHEREAS, on April 10, 2015, a certified letter was mailed to Rodger & Kathy Treat informing them that at the meeting of the Board of Health of the City of David City, Nebraska, it was determined that they are in violation of the City of David City, Nebraska, Municipal Code Section No. 4-401 and they have until April 24, 2015 at 5:00 p.m. to abate the nuisance or the City may have to take appropriate action, and

WHEREAS, at the April 27, 2015, Board of Health meeting it was determined that the property at 715 N 4th Street was not in compliance with City ordinance and it would be referred to the City Council on May 4th, at 6:30 p.m., and

WHEREAS, at the meeting of the Mayor and City Council of the City of David City, Nebraska held on May 4, 2015, the findings of the Board of Health of the City of David City, Nebraska, were reported and accepted and the property above described was declared a Public Nuisance. Interim City Administrator Joan Kovar prepared and mailed proper notice for a hearing to be held on May 13, 2015 beginning at 7:00 p.m., and,

WHEREAS, said hearing was conducted and it was found that the conditions still exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that Rodger & Kathy Treat be given notice to get their property cleaned up and in compliance with the City of David City, Nebraska, Municipal Code Section No. 4-401, by May 29, 2015, or the City will arrange for the clean- up and file the costs as a special assessment against the property above described.

Passed and adopted this 13th day of May, 2015.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Rogers introduced Resolution No. 9 – 2015 and moved for its passage and adoption. Rogers stated he would like them to continue working on the front yard and get more progress done on the back yard; move the motorcycles, etc. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Hotovy, Kobus,

Rogers, and Smith. Voting NAY: None. The motion carried and Resolution No. 9 - 2015 was passed and adopted as follows:

RESOLUTION NO. 9 – 2015

WHEREAS, on April 6, 2015, the Board of Health held a meeting that had been advertised in The Banner Press on March 19, 2015, to discuss the Barbara A. Vogl / Barbara Palik property located at 1070 N 8th Street, legally described as Lots 3 & 6, Block 10, Will Thorpe & Perkins Addition, and 1080 N 8th Street, legally described as Lot 2, Block 10, Will Thorpe & Perkins Addition, David City, Nebraska.

WHEREAS, at the April 6th Board of Health Meeting it was determined that the Barbara A. Vogl / Barbara Palik property was in non-compliance of City ordinance, the offense being a "Public Nuisance" at the property located at 1070 N 8th Street & 1080 N 8th Street, David City, Nebraska.

WHEREAS, on April 9, 2015, a certified letter was mailed to Barbara Vogl & Randy Janak, informing them that at the meeting of the Board of Health of the City of David City, Nebraska, it was determined that they are in violation of the City of David City, Nebraska, Municipal Code Section No. 4-401 and they have until April 24, 2015 at 5:00 p.m. to abate the nuisance or the City may have to take appropriate action, and

WHEREAS, at the April 27, 2015, Board of Health meeting it was determined that the property at 1070 N 8th Street & 1080 N 8th Street was not in compliance with City ordinance and it would be referred to the City Council on May 4th, at 6:30 p.m., and

WHEREAS, at the meeting of the Mayor and City Council of the City of David City, Nebraska held on May 4, 2015, the findings of the Board of Health of the City of David City, Nebraska, were reported and accepted and the property above described was declared a Public Nuisance. Interim City Administrator Joan Kovar prepared and mailed proper notice for a hearing to be held on May 13, 2015 beginning at 7:00 p.m., and,

WHEREAS, said hearing was conducted and it was found that the conditions still exist.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that Barbara A. Vogl / Barbara Palik be given notice to get her property cleaned up and in compliance with the City of David City, Nebraska, Municipal Code Section No. 4-401, by June 10, 2015, or the City will arrange for the clean- up and file the costs as a special assessment against the property above described.

Passed and adopted this 13th day of May, 2015.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Kroesing made a motion to appoint Virgil Vrbka to another five (5) year term as a Commissioner on the David City Housing Authority Board. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Kroesing, Smith, Hotovy, Vandenberg, and Rogers. Voting NAY: None. The motion carried.

Park Supervisor Bill Buntgen presented the following bids received for repairs of cracks on the tennis courts:

Tennis Courts Unlimited Inc.	\$11,400.00
Option 1: install armor crack repair system to all cracks, approx. 200'; paint over repaired areas.	\$ 4,350.00
Protrack & Tennis, Inc.	
Color cost two (2) courts	\$ 7,850.00
Option #1: Armor Crack Repair	\$ 5,960.00
Option #2: Net Post Replacement	\$ 3,600.00

Council member Kobus made a motion to accept the bid of Tennis Courts Unlimited Inc. for Option 1: install armor crack repair system to all cracks, approximately 200'; paint over repaired areas for a cost of \$4,350.00 to be paid for out of the Sales Tax recreation funds. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Smith, Hotovy, and Kobus. Voting NAY: None. The motion carried.

The lease agreement options with Scott Steager d.b.a. Steager Storage concerning a secure storage area for towed vehicles was discussed. Council member Rogers thanked Scott for bringing this property forward as an option for the City to lease. City Attorney Egr noted that the agreement stated that the use of the leased property was solely for the storage of motor vehicles. The City may also need to utilize the storage area for unlicensed trailers, etc. Scott stated that he would be okay with a modification that states "storage of motor vehicles, ordinance violations, personal property, etc." The City should also have an auction every 45 days to get rid of the stored vehicles, etc.

Council member Hotovy made a motion to approve the fifteen (15) year lease between Steager Storage, LLC and the City of David City for an initial annual sum of \$2,500 per year contingent upon the modification to Section 3. Tenant's Use of the Leased Property to read: Tenant shall use the leased property for the storage of motor vehicles, ordinance violation, personal property, etc. and shall do so in a careful and proper manner and shall comply with and conform to all laws, ordinances, and regulations which relate in any manner to the possession, use, or maintenance of the leased property. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Rogers, Kroesing, Kobus, Smith, and Hotovy. Voting NAY: None. The motion carried.

LEASE

This Lease is entered into by and between **STEAGER STORAGE, LLC** (Landlord) and the **CITY OF DAVID CITY, NEBRASKA** (Tenant).

For good and valuable consideration, the parties hereby agree as follows:

1. **Lease.** Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the real estate legally described as:

A tract of undeveloped land, being approximately 75 feet x 69 feet, located between yet-to-be-constructed storage Building 5 and Building 6, situated upon Steager Storage, LLC, 1942 Industrial Drive, David City, Nebraska, being part of Lot Five (5) and part of the South 103 feet of Lot Six (6), Block Two (2), Schmid's Addition to David City, Butler County, Nebraska, visually depicted in the driveway, marked as Exhibit A, attached hereto, together with an indoor storage area in Building 6 adequate for storage for three (3) vehicles of approximately 15 feet x 66 feet, with a 12 feet x 12 feet overhead door and gravel floor.

2. **Improvements By Landlord.** Prior to commencement of this Lease, Landlord shall erect two (2) storage unit buildings (depicted in Exhibit A as Building 5 and Building 6) and erect fences between said Building 5 and Building 6 which will include two (2) 24 feet wide gates for ingress and egress (as depicted in Exhibit A). Such improvements shall be completed at the sole expense of Landlord

3. **Tenant's Use Of The Leased Property.**

A. Tenant shall use the leased property solely for the storage of ordinance violation personal property and shall do so in a careful and proper manner and shall comply with and conform to all laws, ordinances, and regulations which relate in any manner to the possession, use, or maintenance of the leased property.

B. Tenant shall have 24 hour access to the leased property, including ingress and egress from Industrial Drive, such ingress and egress drive shall be at all times maintained by Landlord, solely at Landlord's expense. Tenant shall provide its own locking device for doors and gates.

4. **Alterations Prohibited.** Tenant shall not make any alterations, additions or improvements to the leased property, without the prior written consent of the Landlord. All additions and improvements made to the leased property shall belong to and become the property of the Landlord upon the expiration of the Lease.

5. **Term.**

A. For the use and rent of the real estate Tenant shall pay to Landlord the initial annual sum of \$2,500.00 per year and be paid in advance.

The Lease shall commence on the 1st day of the month following completion of the improvements, set forth in paragraph 2 above and shall continue for a period of fifteen (15) years under the same terms and conditions, except as provided in paragraph B immediately hereinafter.

B. The annual rent to be paid by Tenant to Landlord shall be adjusted on the annual anniversary date of this Lease and shall increase or decrease in accordance with the average Consumer's Price Index for the preceding twelve (12) months.

6. **Utilities.** Tenant shall pay for all water, sanitation, sewer, electricity, light, heat, gas, power, fuel, janitorial, snow removal, and other services incident to Tenant's use of the lease premises.

7. **Surrender Of Leased Property.** Upon the expiration of the Lease, with respect to any item of the leased property, the Tenant shall return the same to Landlord in good repair, condition and working order, ordinary wear and tear excepted.

8. **Maintenance And Repairs.** Tenant shall repair and maintain the lease premises in the same condition as originally leased, except for reasonable wear and tear. This shall include the obligation to repair and maintain the premises as the result of the act or omission or negligence of Tenant, its agent or employees.

9. **Indemnification.** Tenant shall defend, indemnify, and hold Landlord and its agents, officer, and employees harmless from and against any and all claims, suits, demands, actions, liabilities, losses, damages, judgments, or fines arising by reason of injury or death of any person, or damage to any property, including all reasonable costs for investigation and defense thereof (including, but not limited to, attorney fees, court costs, investigator fees, and expert fees) of any nature whatsoever arising out of Tenant's activities on the real estate or in its use or occupancy of the real estate regardless of where the injury, death, or damage may occur, except to the extent that such injury, death, or damage is caused by the willful misconduct of the Landlord. Landlord shall give Tenant reasonable notice of, and an opportunity to defend against, any such claims or actions. Notwithstanding the above indemnification, Tenant shall give Landlord reasonable notice of any matter covered herein and shall forward to Landlord a copy of every demand, notice, summons, or other process received in any claim or legal proceeding covered hereby.

10. **Insurance.** Tenant shall at all times carry the necessary insurance coverage to protect Landlord or its assigns, from any claims for damages that might arise during Tenant's occupancy of the real estate in the following particulars, to-wit:

A. To protect Landlord, its agents, officers, and employees against liability or loss expense of whatever kind arising in any way out of, in

connection with, or resulting from Tenant's activities on or use of the real estate, Tenant shall procure and maintain, at its sole expense and during the full term of the lease, a commercial insurance package which includes a special cause of loss property form with a building limit equal or greater than \$35,000.00 and commercial general liability with limits equal or greater than \$2,000,000.00 general aggregate/\$1,000,000.00 occurrence and medical expenses (any one person) of \$5,000.00.

B. Tenant shall submit to Landlord at the time Tenant executes this Lease, a Certificate Of Insurance, in form satisfactory to Landlord, evidencing that satisfactory coverage of the type and limits set forth herein are in effect. Policies providing such coverage shall contain provisions that no cancellation or material changes in the policies shall become effective except on thirty (30) days advance written notice thereof to Landlord.

C. (1) Tenant agrees to require any policies of liability insurance, which are in any way related to Tenant's occupancy and use of the real estate and that are secured and maintained by Tenant to include Landlord, its agents, officers, and employees as additional insureds. Fire and casualty insurance as hereinafter provided shall name Landlord as an insured as its interest may appear.

(2) Furthermore, Tenant shall waive all rights of recovery against Landlord, its agents, officer, and employees, that Tenant may have or acquire because of deductible clauses in or inadequacy of limits of any policies of insurance maintained by Tenant.

D. Tenant agrees to require all such policies of insurance that are in any way related to Tenant's occupancy and use of the real estate and that are secured and maintained by Tenant to include clauses providing that each underwriter shall waive its rights to recovery, under subrogation or otherwise, against Landlord, its agents, officer, and employees.

11. **Taxes.** Landlord shall pay all assessments, charges, and taxes (municipal, state, and federal) which may now or hereafter be imposed upon the ownership, leasing, renting, sale, possession, or use of the leased property.

12. **Warranties.** Landlord makes no warranties, either express or implied, as to any matter whatsoever, including, without limitation, the condition of the leased property, its merchantability or its fitness for any particular purpose.

13. **Prohibition Upon Assignment.** Without the prior written consent of Landlord, Tenant shall not (a) assign, transfer, pledge or hypothecate this lease, the leased property or any part thereof, or any interest therein, or (b) sublet or lend the leased property or any part thereof, or permit the leased property or any part thereof to be used by anyone other than Tenant or Tenant's employees.

Subject always to the foregoing, this Lease inures to the benefit of and is binding upon the heirs, legatees, personal representatives, successors and assigns of the parties hereto.

14. Time. Time is of the essence of this Lease and each and all of its provisions.

In witness whereof, the parties hereto have executed this Lease Agreement as of the date written below.

STEAGER STORAGE, LLC
Landlord

CITY OF DAVID CITY, NEBRASKA
Tenant

By: Chelsea Steager, Member

By: Alan D. Zavodny, Mayor

By: Joan E. Kovar, City Clerk

STATE OF NEBRASKA)
) ss.
COUNTY OF BUTLER)

The foregoing Lease was acknowledged before me this _____ day of May, 2015, by Chelsea Steager, being all the members of Steager Storage, LLC, a Nebraska Limited Liability Company, Landlord.

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF BUTLER)

The foregoing Lease was acknowledged before me this _____ day of May, 2015, by Alan D. Zavodny, Mayor, and Joan E. Kovar, City Clerk, for the City of David City, a Nebraska Municipal Corporation, on behalf of the City of David City, Nebraska, Tenant.

Notary Public

Prepared by:
Robert J. Bierbower #16130
Attorney at Law
PO Box 408
David City NE 68632-0408
402-367-3051

Council member Kobus introduced Resolution No. 10 – 2015 and moved for its passage and approval. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Rogers, Hotovy, Vandenberg, Smith, and Kobus. Voting NAY: None. The motion carried and Resolution No. 10 – 2015 was passed and approved as follows:

RESOLUTION NO. 10 - 2015

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY,
APPROVING AN INTERLOCAL AGREEMENT BETWEEN
THE CITY OF DAVID CITY, NEBRASKA, AND BUTLER COUNTY, NEBRASKA,
FOR THE RECONSTRUCTION OF THE “A” STREET BRIDGE.

WHEREAS, Neb. Rev. Stat. §13-802, et seq., provides that any two or more public agencies may enter into agreements with one another to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and other factors influencing the needs and development of local communities; and

WHEREAS, the City and County are both public agencies as defined by Neb. Rev. Stat. §13-803; and

WHEREAS, the “A” Street Bridge is in need of replacement and the City and County will share in the costs and labor necessary to replace the “A” Street Bridge.

NOW, THEREFORE, be it resolved by the Mayor and City Council of the City of David City, Nebraska, that the following Interlocal Agreement is hereby approved.

Passed and approved this 13th day of May, 2015.

CITY OF DAVID CITY, NEBRASKA

Mayor Alan Zavodny

ATTEST:

City Clerk Joan Kovar

INTERLOCAL AGREEMENT
Between
The City of David City, Nebraska
And
Butler County, Nebraska
for
Reconstruction of the “A” Street Bridge

THIS INTERLOCAL AGREEMENT is made and entered into by and between the City of David City, Nebraska, a Second Class City of the State of Nebraska, hereinafter referred to as the “City”, and the County of Butler, Nebraska, a political subdivision of the State of Nebraska, hereinafter referred to as the “County”.

WHEREAS, Neb. Rev. Stat. §13-802, et seq., provides that any two or more public agencies may enter into agreements with one another to make the most efficient use of their taxing authority and other powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and other factors influencing the needs and development of local communities; and

WHEREAS, the City and County are both public agencies as defined by Neb. Rev. Stat. §13-803; and

WHEREAS, the “A” Street Bridge is in need of replacement.

NOW, THEREFORE, the City of David City, Nebraska, and Butler County, Nebraska, mutually covenant and agree as follows:

1. **Term.** The term of this Agreement shall run for approximately 18 months commencing on May 18, 2015 and terminating on November 18, 2016.

2. **Obligations.** The City and the County will share in the costs and labor necessary to replace the “A” Street Bridge in the following manner:

- Engineering Fees ½ County - ½ City
- Culvert Metal Pipe - 60” round; County has in inventory. County will bill ½ cost out to the City and City will pay the same
- County will do heavy demolition – tear out old structure - 100%
- County will do prep work including rock for base if needed – 100%
- City Engineer will be on sight to verify elevation
- County / City will band – Tamp culverts – ½ County - ½ City
- County / City will backfill, finish project – ½ County – ½ City
- County will do riprap 100% as per Engineer design
- City will do any erosion control and seeding – 100% (negotiable)
- County will provide aggregate on road top till concrete 100%

- City will do finish concrete road top 100% (negotiable)
- County shall provide traffic control signage on east end of project area controlling traffic approaching the eastern end of said project (i.e. road closed ahead, tri barricades, bridge out, etc.)
- City shall provide traffic control signage on west end of project area controlling traffic approaching the western end of said project (i.e. road closed ahead, tri barricades, bridge out, etc.)
- Permanent signage after project completion will be shared equally by the City and County.


The City and County each agree to keep log sheets of their time, labor, and expenses. At the end of the project, all expenses, including but not limited to, labor, equipment, material, etc., shall be divided evenly between the City and County so that the entire cost of the east "A" Street Bridge project is divided evenly between the two entities.

The City and County also agree that the finish concrete road top will not be completed until after a year to allow for settling of the dirt road top.

This Interlocal Cooperative Agreement shall not become effective until the same has been approved by Resolution of the Butler County Board of Supervisors and a Resolution of the Mayor and City Council of the City of David City, Butler County, Nebraska.

Executed this 13th day of May, 2015,

CITY OF DAVID CITY

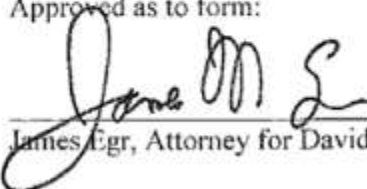
By: 
Mayor Alan Zavadny

(Attest)




Joan Kovar, City Clerk

Approved as to form:


James Egr, Attorney for David City, Nebraska

Executed this 4th day of May, 2015,

COUNTY OF BUTLER, NEBRASKA

By: David W. Mach
Chairman David Mach
Butler County Board of Supervisors

(Attest)



Vicki L. Truksa
Vicki Truksa, Butler County Clerk

Approved as to form:

Julie L. Reiter
Julie L. Reiter, Butler County Attorney

Mayor Zavodny stated: "Finally, we are all here so we are able to discuss this; Consideration of adjusting the pay for City Clerk – Treasurer Joan Kovar, and apparently you had a revelation since the first time we started considering this."

City Clerk Kovar stated: "Yes, I originally thought we needed an ordinance, however, in reviewing this I realized that my pay (salary) schedule is already set by Ordinance #1214. My current salary is \$65,686.17 and my salary scale is: Minimum: \$47,048; Mid-Point: \$60,231; Maximum: \$73,416 and salaried employees are subject to the same 2.25% annual step increase as non-exempt employees as well as any Cost-of-Living Adjustments as approved by the City Council."

Mayor Zavodny stated: "So that actually simplified it. So, I'd open up the floor for discussion and I think it only appropriate that you (Council member Rogers) start it."

Council member Rogers stated: "Well Joan's been doing the work of two people for a long time and even when we have an administrator she's still doing the work of two people, and what I propose for Joan was like a \$5,000 raise, but give it to her over the next five years at \$1,000 a year. I think she's earned it, I think we are all pretty proud of her."

Mayor Zavodny stated: "Ok, there's the proposal before you. Does anyone else have other opinions or wish to comment on that? How do we structure this?"

Council member Rogers made a motion to pay City Clerk Joan Kovar an additional \$1,000 per year for the next five years starting with the new budget year (October 1, 2015). Council member Kroesing seconded the motion.

Electric Supervisor Pat Hoeft stated: "I've got money budgeted for a city administrator; you can take it out of my current budget if you want. She's doing the job anyway."

Mayor Zavodny stated: "Joan, roll call please."

Voting AYE: Council members Vandenberg, Smith, Kobus, Hotovy, Rogers, and Kroesing. Voting NAY: None. The motion carried.

City Clerk Kovar stated: "Well Thank You very much."

The Council members stated: "Well thank you; you deserve it."

Mayor Zavodny stated: "Mr. Egr did business for the City and went to the Sheriff's auction."

Jim Egr stated: "I purchased the James & Genene Grange property, where Brenda Miller was living, at 446 So. 6th Street north of the Auditorium's parking lot, for \$100 on behalf of the City, and I wrote a personal check. There are some back taxes yet associated with this estimated at \$450.00."

Council member Hotovy made a motion to reimburse Jim Egr for \$100 for the property located at 446 So. 6th Street. Council member Rogers seconded the motion. Voting AYE: Council members Vandenberg, Kobus, Smith, Kroesing, Rogers, 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 Vandenberg seconded the motion. Voting AYE: Council members Rogers, Hotovy, Kobus, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:25 p.m.



CERTIFICATION OF MINUTES
May 13, 2015

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 May 13th, 2015; 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 E. Kovar, City Clerk