

**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 special meeting of said body and the agenda for such meeting to be held at 6:30 o'clock p.m. on the **4<sup>th</sup> day of May, 2015**, in the meeting room of the Hruska Memorial Public Library, 399 N 5<sup>th</sup> 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 30<sup>th</sup> day of April, 2015.

**AGENDA AS FOLLOWS:**

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| 1. Roll Call;   | <hr/> Mayor Alan Zavodny                 |
| 2. Pledge of Allegiance;  |  |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;  | <hr/> Council President Gary L. Kroesing |
| 4. Consideration of the property located at 897 North 5 <sup>th</sup> Street (Milda Gray) that the Board of Health has declared a public nuisance in violation of City Code Article 4 - Nuisances;  | <hr/> Council member Michael E. Rogers   |
| 5. Consideration of the property located at 1055 N 7 <sup>th</sup> Street (Larry & Rebecca Parmer) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances;   | <hr/> Council member Thomas J. Kobus     |
| 6. Consideration of the property located at 186 N 8 <sup>th</sup> Street (Pat Prothman) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances;  | <hr/> Council member Kevin N. Hotovy     |
| 7. Consideration of the property located at 715 4 <sup>th</sup> Street (Rodger & Kathy Treat) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances;  | <hr/> Council member Gary D. Smith       |
| 8. Consideration of the property located at 1070 N 8 <sup>th</sup> Street (Barbara Palik) and 1080 N 8 <sup>th</sup> Street (Barbara Vogl) that the Board of Health has declared a public nuisance in violation of City Code Article 4 – Nuisances; | <hr/> Council member John P. Vandenberg  |
| 9. Adjourn;   | <hr/> City Clerk Joan E. Kovar           |

## CITY COUNCIL PROCEEDINGS

May 4, 2015

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the Roman L. Hruska Memorial Public Library, 399 N. 5<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on April 23<sup>rd</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 Alan Zavodny, Council members Tom Kobus, Gary Smith, Mike Rogers, Kevin Hotovy, Gary Kroesing, and John Vandenberg. City Attorney Jim Egr and Interim City Administrator Joan Kovar were also present.

Also present for the meeting were: Rodger & Kathy Treat, Randy & Barb Janak, Dan & Jan Sypal, Banner-Press Editor Larry Peirce, and Deputy Sheriff Andy Yost.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" and the Citizen Participation rules posted on the entrance wall of the meeting room.

Milda Gray was present to discuss her property located at 897 North 5<sup>th</sup> Street. She stated that she has not had any success getting a plumber to come to repair her broken water pipe. A plumber from Columbus came, charged her \$75 and did nothing. There is still no water in the house. Milda stated at an earlier meeting that Don Hilger had expressed an interest in the house, however, she hasn't been able to get in touch with him recently. Milda called Joe Kobus of Mid-Nebraska Grading & Demo, Inc., to see about getting the garage demolished but she has not received a call back. Milda questioned what was actually wrong with the property, stating that we used words that she couldn't understand. She stated that we needed to be more specific and that even her son questioned what was wrong with house; the siding is good.

Mayor Zavodny explained that definitely the garage needs to be demolished as it has a huge hole in the roof. The back porch on the house is about ready to fall off. [Adult Protective Services had viewed the inside of the house and declared it a health issue with no running water, hoarding conditions, sagging ceilings, and basement steps that are about ready to collapse.]

City Attorney Egr stated that there is a procedure in place so that if there is an immediate threat it can be declared an emergency and the nuisance be abated immediately.

Mrs. Milda Gray was advised that the actual hearing on her property located at 897 North 5<sup>th</sup> Street will be on the May 13<sup>th</sup> agenda. They advised her to continue to work on the clean-up of her property.

The next property for discussion was the Larry & Rebecca Parmer property located at 1055 N 7<sup>th</sup> Street. No-one has had any correspondence from them. It was noted that on May 1, 2015 a "Notice of Hearing Date" was mailed, notifying them that on Wednesday, May 13, 2015, in the meeting room of the City Office, 557 No. 4<sup>th</sup> Street, David City, Nebraska, beginning at 7:00 p.m., the City Council will formally hear testimony of all competent persons desiring to testify respecting the condition constituting the nuisance. At the conclusion of the hearing, the City Council shall, by resolution, declare its findings.

The Pat Prothman rental property at 186 N 8<sup>th</sup> Street was discussed. No-one has had any correspondence from him. City Clerk Kovar stated that she also called him because previously when the property was an issue he had addressed the Council and said that the next time there was a problem just to call him and he would address it. This will be on the May 13<sup>th</sup> Council agenda for a formal hearing.

Rodger & Kathy Treat were present to discuss their property located at 715 4<sup>th</sup> Street. Rodger & Kathy stated that they have been working on the house, even working out in the rain today. They stated that the sink laying out in the yard is to be incorporated into the house. The spiral staircase, also laying out in the yard, will be the hand railings for the back steps. Mayor Zavodny asked them to relocate these items inside the house or inside a garage by May 13<sup>th</sup>. The bath tub laying out in the yard was also discussed, however, Kathy claimed that was "yard art". Mayor Zavodny stated that there was a disagreement on "yard art" as nothing is planted inside the bath tub. The vegetation, trees, etc. were also discussed.

Rodger Treat stated: "Who said I can't have a hedge so you won't see my house?"

Kathy Treat stated: "I like my plants. We have been trimming the trees and bushes; you can see the house more than before."

It was explained to Treats that the nuisance properties are complaint driven. They have two strikes against them: 1) Their property is located on Highway 15 so it is visible to many people, and 2) the property is/was on the Historic Register; fair or unfair, that's the way it is.

Kathy stated that she talked to a gentleman at the Arbor Lodge and he stated that it sounded to him like David City wanted her yard to look like a golf course instead of allowing beautiful trees and shrubs. City Attorney Egr suggested to Mrs. Treat that she invite the gentleman from the Arbor Lodge to come to David City and view her property.

Egr stated: "What you described to him, I believe, is not what you actually have. You have an image the citizens don't see. You see it as beauty whereas the citizens of David City view it as a jungle. Perhaps you could ask this gentleman to come to David City, view your property as an arborist, and analyze the situation. You chose to live in David City so you need to follow City ordinances. That is not an acceptable sight."

Mayor Zavodny stated: "We are asking, is the property in compliance or not? We are not worried about prior years; it is now and moving forward. Currently the property is not in compliance with City ordinances. You need to continue with the improvements, get the sinks, hand railings, etc. moved inside so they are not sitting out in the yard, and clean up some of the vegetation and other items sitting around in the yard. On May 13<sup>th</sup>, the City Council will again review the property."

Barb & Randy Janak were present to discuss Barb's properties located at 1070 N 8<sup>th</sup> Street and 1080 North 8<sup>th</sup> Street. They stated that they worked all week-end on the driveway. They will have all of the vehicles gone by this week-end. The motorcycles are not licensed and they need to go too. They also have mowers, golf carts, two 4 wheelers. Randy stated that the junk tires will also be gone as he plans to move them to the old Olive Township school yard west of David City that he owns.

Mayor Zavodny stated that they missed the last meeting and what we've been saying is that we are not picking on people. The nuisance properties are complaint driven and we ask one basic question: "Is the property in compliance with City ordinances or in non-compliance?" Currently this property has been found to be non-compliant. The Mayor stated that we aren't really worried about the back yard but more about what you can see from the street. The Mayor continued that even if it should happen to snow, on May 13<sup>th</sup> the Council will decide if the properties are in compliance with City ordinance – Yes? Or No?

Both the Treats and Janaks stated that they would appreciate it if someone could look at the property again before the May 13<sup>th</sup> deadline and give them a heads up on what else needed to be done to the property to make them in compliance. Mayor Zavodny stated that he would try to do this.

Mayor Zavodny once again reminded all of the property owners of the May 13<sup>th</sup> deadline to determine if the properties are in compliance or not.

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Kroesing, Vandenberg, Rogers, Kobus, and Hotovy. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:31 p.m.



CERTIFICATION OF MINUTES  
May 4, 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 4<sup>th</sup>, 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.

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Joan E. Kovar, City Clerk