

**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 **8<sup>th</sup> day of October, 2014**, in the meeting room of the City Office, 557 N 4<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 2<sup>nd</sup> day of October, 2014.

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Mayor Alan Zavodny

**AGENDA AS FOLLOWS:**

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| 1. Roll Call;   | <hr/> <p>Council President Gary L. Kroesing</p> |
| 2. Pledge of Allegiance;  |   |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;  | <hr/> <p>Council member Michael E. Rogers</p>   |
| 4. Minutes of the September 10 <sup>th</sup> , 2014, meeting of the Mayor and City Council;   |   |
| 5. Consideration of Claims;   |   |
| 6. Committee and Officer Reports;<br>Presentation: Certificates of Appreciation: Clymer, Shipley, and Hoeft;  | <hr/> <p>Council member Ruddy L. Svoboda</p>    |
| 7. Linn Black's request to discuss Hangars at the David City Airport;   | <hr/> <p>Council member William Scribner</p>    |
| 8. Consideration of the bids received for the City's Health Insurance coverage;   |   |
| 9. Consideration of Resolution No. 23 – 2014 League Association of Risk Management 2014-2015 Renewal;   | <hr/> <p>Council member Gary D. Smith</p>       |
| 10. Consideration of the update by Dawn Danley of Leo A. Daly concerning the Downtown Renovation;   |   |
| 11. Consideration of entering into an Interlocal Agreement with the City of Norfolk, NE, for Building Inspection Services; (Must act on Agenda Item #15 first!)   | <hr/> <p>Council member John P. Vandenberg</p>  |
| 12. Consideration of the statement of qualifications and experience from airport consultants for projects at the David City Municipal Airport; (Only one received by the deadline from Kirkham Michael) | <hr/> <p>City Clerk Joan E. Kovar</p>           |

13. Consideration of creating a Utility Superintendent position;
14. Consideration of Ordinance No. 1212, on the third and final reading for the annexation of the McPhillips property described as follows: A Tract of land located in part of the S ½ NW ¼ of Section 20, T15N, R3E of the 6<sup>th</sup> P.M., in Butler County, Nebraska, more particularly described as follows: COMMENCING AT THE NORTHWEST CORNER S 1/2 NW1/4 OF SECTION 20, T15N, R3E OF THE 6<sup>TH</sup> P.M., IN BUTLER COUNTY, NEBRASKA, AND ASSUMING THE WEST LINE OF SAID S½ NW¼ TO HAVE A BEARING OF S00°38'50"E ON SAID WEST LINE S 1/2 NW1/4, 293.50 FEET, TO THE POINT OF BEGINNING; THENCE S89°46'54"E, 329.60 FEET; THENCE N00°34'16"W, 293.07 FEET TO A POINT ON THE NORTH LINE S 1/2 NW1/4 OF SECTION 20; THENCE S89°42'30"E ON SAID NORTH LINE S 1/2 NW1/4, 1010.05 FEET; THENCE S00°05'05"E, 293.05 FEET; THENCE S20°08'13"W, 166.91 FEET; THENCE S22°37'01"W, 71.80 FEET; THENCE N89°51'11"W, 695.05 FEET; THENCE N02°05'04"E, 49.50 FEET; THENCE 89°08'47W, 170.00 FEET; THENCE N01°26'14"W, 144.13 FEET; THENCE N89°46'54"W, 384.90 FEET, TO A POINT ON THE WEST LINE S1/2 NW1/4 OF SECTION 20; THENCE N00°38'50"W ON SAID WEST LINE S1/2 NW1/4, 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11.54 ACRES, MORE OR LESS.
15. Consideration of Ordinance No. 1216 adopting the International Building Code 2006, the International Plumbing Code 2006, the International Mechanical Code 2006, the International Residential Code 2006, and the International Property Maintenance Code 2006;
16. Consideration of going into Executive Session to discuss possible litigation;
17. Adjourn.

## CITY COUNCIL PROCEEDINGS

October 8, 2014

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 October 2<sup>nd</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 Ruddy Svoboda, John Vandenberg, Gary Kroesing, Gary Smith, and Mike Rogers. Also present were City Attorney Jim Egr, and Interim City Administrator/City Clerk Joan Kovar. Council member Bill Scribner was absent.

Also present for the meeting were: Electric Plant Supervisor Eric Betzen, Street Foreman Rodney Rech, Librarian Gina Clymer, Linn Black & wife, Hilary Christian of Christian Insurance Solutions, Ryan Ruth of Agency One Insurance, Dan Duren of Benefit Management, Mike Jones and Shane Baack of Jones Insurance, Dawn Danley of Leo A. Daly, Kory Kuhlman, Randy Svoboda, Sheriff Marcus Siebken, Janis Cameron, Caroline Yates, Skip Trowbridge, Fred Vandenberg, Mike Draper, and Banner Press Editor Larry Peirce,

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.

The minutes of the September 10<sup>th</sup>, 2014 meeting of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Rogers. Voting AYE: Council members Smith, Kroesing, Vandenberg, Svoboda, and Rogers. Voting NAY: None. Council member Scribner was absent. The motion carried.

Mayor Zavodny asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims and Council member Vandenberg seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Smith, Rogers, and Vandenberg. Voting NAY: None. Council member Scribner was absent. The motion carried.

Mayor Zavodny called for Committee and Officer Reports. Three Certificates of Appreciation were ready to present to Gina Clymer – 15 years; Mick Shipley – 20 years; and Pat Hoeft – 25 years. Only Gina Clymer was present to receive her award.

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

Linn Black stated: "I am a pilot. I grew up in the Beatrice, Nebraska area and they have a very active Airport there. Aircraft are very important to your Economics here; you can't believe the impact it makes. When someone flies in they're going to need a car, maybe they rent one, they're going to spend money, me, I'm going to bring people in to play golf, go to a restaurant, whatever, buy fuel, but it is huge. There are a lot of resources I can give but I didn't bring it all. I called and I talked to Sod and it was very receptive, and I asked him how many people were looking for hangars and I think he mentioned 7 or so. I am an advocate for Airports. I am a pilot, I love to fly, and I have a lot of friends that fly. So, not only will it be me, guess what? I hangar an airplane in Columbus right now but I live at Brandenburg Lake. This is my county, Butler County, and I have to come down here all the time so it's really an ideal situation for me. I am setting up shop in Bellwood and it doesn't matter if you have a hangar or not, I have a place to put the airplane, but I am a pilot and I will fly. So I am here to support. If I can do anything to help you build hangars for people that need a place to park a plane. I will do anything, I have a lot of experience, and I am a manufacturing engineer by trade. You have aerial applicators, they would probably use it. It's used for air ambulance, UPS, whatever. People don't realize how much an Airport can do for their community. I am here for the Airport, whatever I can do."

Mayor Zavodny stated that we are trying to put together an Airport Committee of interested members to give us guidance on our Airport and stated that Linn Black would be a great candidate for that. Mayor Zavodny stated: "We appreciate you coming and talking to us this evening."

Mayor Zavodny stated it was time to consider the bids received for the City's Health Insurance Coverage. The following three (3) bids were publicly opened and the agents were given time to present a synopsis of the coverage and plan:

1. Mike Jones and Shane Baack of Jones Insurance Agency
2. Hilary Christian of Christian Insurance Solutions, and

3. Dan Duren and Ryan Ruth of Benefit Management/Agency One Insurance

Shane Baack of Jones Insurance Agency stated they were proposing a dual option to allow the employees to choose from a traditional PPO option as well as a comparable HSA option that will look very similar to our current plan. The three major carriers in the health insurance marketplace are: Blue Cross Blue Shield of Nebraska, CoOpportunity Health, and Aetna/Coventry. They determined that it would be in the best interest for the City to consider a change to CoOpportunity Health effective November 1, 2014 and offer a dual option for the employees to select from. The deductibles for the 2014 calendar year will not carry over to the new plan and so if the Council elects to move to the recommended plan it would be wise to set aside the savings from the first two months in order to assist the employees with offsetting their deductibles for the months of November and December.

Hilary Christian of Christian Insurance Solutions stated that the agents have access to several, if not all of the same companies to provide group health insurance. Hilary stated that she felt CoOpportunity was the best choice at this time with a great price and a large network. The downside is CoOpportunity is no longer allowing a "deductible credit" for groups and so she suggested obtaining a quote for a January 1, 2014 effective date. The proposal will vary, subject to any rate increase between now and December and Hilary stated they may increase about 10%. She stated if she was awarded the contract she would not accept it unless the condition to quote a January 1, 2014 effective date is met. She recommended moving to CoOpportunity with the option of offering up to 3 different plans to each employee. Hilary also mentioned the CoOpportunity Premier HSA Silver in combination with an AFLAC Hospital Indemnity plan.

Dan Duren of Benefit Management/Agency One Insurance stated that through the new Health Care Reform law, carriers will have the same fully insured plan rates for all brokers or consultants. Therefore, any difference in premiums between brokers is due to different effective dates of coverage or a different census received for quoting. CoOpportunity is saving substantial premium dollars for municipalities and their employees all while offering valuable service. CoOpportunity provides enhanced benefits to the employees that offers a dual option that allows the employees to choose between a Traditional Medical Plan and a High Deductible Health Plan. The HDHP allows the City and/or the employees to fund a Health Savings Account. Unfortunately, since the City did not opt for the CoOpportunity back in September when they first suggested it, CoOpportunity is no longer allowing a "deductible credit" for groups.

Dan Duren stated: "If you have any employee who has met their family deductible of \$4,000 come November, December they are starting from scratch. You have plenty of savings here, you have almost \$6,000 a month in savings so you may want to help facilitate that. Our recommendation would be to go with the December 1<sup>st</sup> effective date." Dan continued to explain the insurance in detail.

Mayor Zavodny stated: "I would like to have some time to look at these and kind of figure it out in a little more detail. We have two decisions, well more than that, but basically when we would start this and the agent we are going to go with. We need to talk to the employees as well and see how they feel about the different options that were presented so I would recommend at this point that we table it to next month, make a decision, and go forward."

Council member Smith made a motion to table consideration of the bids received for the City's Health Insurance coverage to next month. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Svoboda, Vandenberg, Rogers, and Smith. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Kroesing introduced Resolution No. 23 - 2014 and moved for its passage and adoption. Council member Vandenberg seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing, Vandenberg, and Rogers. Voting NAY: None. Council member Scribner was absent. The motion carried and Resolution No. 23 - 2014 was passed and approved as follows:

League Association of Risk Management  
2014 – 2015 Renewal Resolution

**RESOLUTION NO. 23 – 2014**

WHEREAS, The City of David City, Nebraska, is a member of the League Association of Risk Management (LARM);

WHEREAS, Section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOVED that the governing body of the City of David City, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2017. (180 day and 3 year commitment; 5% discount)

Adopted this 8<sup>th</sup> day of October, 2014

Signature: \_\_\_\_\_

Title: Mayor Alan Zavodny

ATTEST: \_\_\_\_\_

Title: City Clerk Joan E. Kovar

Dawn Danley of Leo A. Daly concerning the Downtown Renovation stated: "When we left last time we were tasked with coming back with two options: one with parallel parking and one with a condensed section, and then some cost estimates that came with that, so that is

what I have. A couple things before I get into the options, I talked with NDR and we talked about 4<sup>th</sup> Street and what they have coming down their system for you. He didn't give me any dates but they are going to do some sort of overlay on the south side and overlay on the north and then they were going to do the overlays on the middle. He says they are more than willing to work with whatever happens and whatever needs to happen sooner than later. He said just give us a call when something is moving forward and we need to work with you. What I found interesting for me, that I did not know, is this is currently a four lane highway, two lanes each way, they only have jurisdiction over 36'. They would love to see a 3 lane section through there. I looked at that and they would support that. I don't think that would be in the best interest of what you have going on down there with people backing out so I would obviously recommend you being the two lanes each way but we have some flexibility then on the width of the parking on that whole street section as it is very, very, wide. So, anything outside that 36' you guys will be responsible for, anyway for payment. So we have jurisdiction to kind of do what we need to do so I was happy to hear that because that gives us more flexibility. "D" Street which you have a right turn lane, through lane, left turn lane, and they don't know why it's that wide, they don't know why they have that there, they have no problem switching that."

Council member Kroesing stated: "If this was the Department of Roads you should have asked them why because they were at the meetings and suggested it."

Dawn Danley stated: "He said he didn't know and I said well I don't have the history either."

Council member Kroesing stated: "It was part of the deal for the traffic light. We did away with the center parking because of their demands for that corner." Street Foreman Rodney Rech agreed with Council member Kroesing.

Dawn Danley stated: "He said there are only the two heads, and I said I don't think there's enough traffic to obviously dictate that kind of street section, so what you'll see from me today is I obliterated that and changed it up. He made it seem like we could do whatever we wanted. Maybe things have changed. Dawn also discussed the possibility of moving the water mains into the sidewalk area rather than under the pavement for easier access. Dawn continued to explain her street layouts including the diagonal and parallel parking. "Don't kill me here but I went back to an island, and I want to talk about this when we get further. You have almost a 14' wide sidewalk with a red band of brick that we are proposing, and then we had an 18' long diagonal parking stall which is a little longer than what we need which covers with the overhang almost a 20' – 21' vehicle."

Street Foreman Rodney Rech stated: "My pickup is 19' long. With diagonal parking your other end is still sticking out. What are you going to do with a crew cab with a long box? It's a lot longer than my pickup is."

Dawn Danley stated: "So the average truck I looked at was about 9' wide, not even 9' wide, and then the stalls I have shown here are 10' wide so they are wider than normal for that purpose. The longest I have is a 22' long but most everything else I saw was 21' and that's how I ended up with the 18'; we can make them longer. I was pretty generous with 12' parallel parking but you know with doors on active roadways; those could probably skinny up a little bit. The more we make these bigger the more we cut into the sidewalk."

Fred Vandenberg stated: "You show on your map you're going from 45 existing (parking spaces) to 62 new, and 34 existing to 68 new in the next block; at an angle, what do you drive a Volkswagen?"

Dawn Danley stated: "No, these are typical. This is a wider stall than what you would see when you drive to Columbus, Seward, or Lincoln. Typical stalls are 9' wide by 17'-18' long."

Fred Vandenberg then asked Street Foreman Rodney Rech how wide the parking spaces were out in front of the City Office. Rodney stated: "9' out here and they are pretty narrow; you bang your door into everybody else."

Fred Vandenberg stated: "You're dang right. There is a pickup parked next to my van right now and I tried my best to get out of my van without hitting his vehicle. You really need to have a good hold on the door so it will catch at that first notch or latch, and even then I rubbed his pickup a little bit."

Dawn Danley stated: "The beauty of this is, with the change of the angle from about a 15 to 30, it's very gentle, to being more universal, I am getting a ton more stalls. We could make those a little bit wider if that's what you want; the length is another issue."

Mayor Zavodny stated that he felt the wider stalls was the way to go.

Street Foreman Rodney Rech stated: "Over at Didier's Grocery (340 D Street) for example, the front ones were 9' wide. We widened them to 11' because they could not carry groceries out and put them in the vehicle without hitting the car door into the vehicle next to them."

Mayor Zavodny stated: "I think for us; we are not trying to maximize the number of stalls to get into the Pinnacle Arena or anything."

Dawn Danley stated: "Ok, we have room. I will switch them to 11' wide stalls and the next time I will add some ADA stalls kind of where you have them currently so we can get a better, true count of what's actually out there."

Mayor Zavodny asked: "Are the design of the corners, because we do have tractor trailers that do go downtown to the parts stores, can we cut the corners down or something, because making that turn; everybody I've talked to wants the parallel parking, it makes us unique and people come up with trailers and they can park in the parallel parking spaces, that's just how we function. Is there a way that we can soften those so trucks have an easier time?"

Dawn Danley stated: "Yes. Do trucks pretty much go all over? They go on every single street?"

Mayor Zavodny stated: "Yes, they go on all the streets."

Dawn Danley stated: "In the parallel option we put the red bricks right down the middle again liked we talked last time but no curb, but I want to talk about these islands."

Street Foreman Rodney Rech stated: "Islands. I take snow from curb to curb to the middle, and that windrow could range anywhere from 4' wide to 12' wide. Those center islands are going to be in my way, what am I going to do with my snow? The loaders up there pushing it back so they can drive through there."

Dawn Danley stated: "Here's my thought on the islands, and I know we talked about not having them, but there are islands and curbs on the corners which we will be working around. These provide multiple uses: It is a traffic controlling device, so that if cars are parked in the center parallel parking, it provides a barrier for oncoming traffic; it provides a barrier so that

people park far enough back from the intersection; it also provides shorter walkways in the streets for pedestrians. You can get off the street into a sidewalk and then back into the street versus a 90' walk across the whole paved area. I work all over the country where snow is a hot topic and our thought process is: for 5 – 8 snow periods a year we are going to dictate the entire design; for 5 – 8 instances over 3 - 4 months. We are compromising the entire look and the benefit to these, versus the four months of potential snow. That's my argument. I know it's a hot topic, I get that but it's not like we live with snow for 8 months. We can get a little snow, we can get a lot of snow, it is a crap shoot, I get that, but these provide a great benefit."

Street Foreman Rodney Rech stated: "But most people that park in the middle, they don't go to the crosswalk, they just open their door and walk right across to the store they want; they don't even use the crosswalk so it's not protecting the people that much."

Mayor Zavodny stated: "I'll go as far as to say I've never seen that happen in the whole time I've ever lived here. (They don't walk to the crosswalk, they just cut across from their vehicle to the store) I know this potentially gets you kicked out of all of your meetings with your colleagues saying "Boy that design for David City was boring", but we probably like the boring approach to a certain extent. The other thing we have is a pretty skeletal crew so time is of a huge essence and anything that would slow us down would probably be an issue."

Street Foreman Rodney Rech stated: "We have a reputation since I started for the City over 40 years ago, we have the best looking streets when we clean snow. Schuyler, Wahoo, Seward.....No. And I plan to keep that reputation up but if all of these improvements are going to be in the center of the street, it's going to cost me time, time which I don't have when there's snow removal, especially if there's back to back blizzards."

Carolyn Yates asked: "What's the danger of those islands being damaged by the snow plow?"

Dawn Danley stated: "No different than what happens on the curbs."

Street Foreman Rodney Rech stated: "Go over here on west "D" Street and look at them, I've got gouges in them. The steering on the grader; sometimes you have steering sometimes you don't when it's slick. I don't need any more objects; in and out, in and out, and things to go around. That's what happened over on "D" Street. You cannot see those curbs and islands when you have 2' to 3' drifts of snow over the top of them."

Dawn Danley stated: "There are measures now, there are things you can put out to designate where the islands are before winter hits. It's just a matter of knowing where they are and working around them. We have curbs and islands all over the country so they are workable to work around. If it's truly something everyone wants to nix....."

Street Foreman Rodney Rech stated: "Are these trees on the plan or what are these?"

Dawn Danley stated: "Yes, it provides you vertical beauty and we are compromising 8 – 9 months of beauty for snow."

Street Foreman Rodney Rech stated: "We did that 10 – 20 years ago. We cut down 12 to 15 trees around the square because the businesses were complaining of all the birds in the trees and the droppings/mess below the trees which the customers then carried into the businesses on the bottom of their shoes and got it on the carpets. Then they complained about the leaves swirling around on the sidewalks and into the buildings when the customers entered. It was a problem and it's going to be a problem again."



Dawn Danley stated: "Here's my thought process and the whole point of our project was revitalization / downtown improvements. We asked a lot of questions. What makes a passer-byer stop in? What makes your downtown unique? I'm that passer-byer. Let me tell you when I drive through little towns I look for unique little stores and restaurants that are two hot topics on your surveys, and the beauty of downtown, and yes, you have very unique things downtown, but we can do things here that make it even more quaint and more beautiful and vegetation does that in limited spaces. It is just something to consider from a passer-byer standpoint. We would need to get the right type of street tree. There are designated street trees that could be the height that you want. You don't have anything high Downtown, that Court House is one level, it could provide that vertical difference."

Mayor Zavodny stated: "I don't want you to take anything personally. I know it's like we told you your baby is ugly but I think there are some other options. I think the "D" Street Project (4<sup>th</sup> to the BNSF Railroad) was done well. If we utilize some street lights, maybe some hanging plants there for your vertical, incorporate the brick as decorative, perhaps work with the Courthouse on some benches and they have green space and farmers market. It's been fascinating to hear the differing opinions. You go in one store and they say "You get rid of the bricks and we're going to kill you" and then you go into another and they say "You have got to get rid of those bricks". The business owners said the parallel parking is non-negotiable; they want that."

Council member Kroesing and Fred Vandenberg stated that you need curbs or people will be cutting the corners. Street Foreman Rodney Rech and City Clerk Kovar stated there have never been curbs by 502 N 5<sup>th</sup> Street, 496 5<sup>th</sup> Street, the corner by Union Bank (507 "D" Street), or by U.S. Bank (490 E Street). These intersections just slope down to the street. Dawn Danley stated that for safety you need designated curbs otherwise people will continually cut the corner too short. Discussion followed regarding the corners, curbs, parking stalls, etc.

Skip Trowbridge stated: "Take me down the road 10 years on brick in that area versus colored stamped concrete. What does it look like ten years from now? The colored stamped concrete isn't red anymore is my guess."

Dawn Danley stated: "Correct. There are two issues with the colored stamped concrete; how you fade this and how you build this. If they're poured at different times the pigment could be different, and then if you have to fix something your pigment will be different, so there's a benefit and a con to using those. You may need to fix something one day and then it's not going to look the same whereas the bricks obviously would."

Mayor Zavodny stated: "As long as it's flush I think we're probably better off putting the bricks there, pouring it like you said, with the thickness of the thicker bricks, with concrete beneath the bricks."

City Attorney Egr stated: "I know from a snow removal and street cleaning aspect those islands and end isles are a pain in the neck. On the other hand, if you're going to have Downtown Development you want to make something that is going to attract people to want to stop in town and not just drive on through, and that's a balancing act I think people need to look at. I know the snow removal may be challenging but with the parallel parking being unique, and we have the width and the ability to do some unique things with that that could possibly attract people to stop at businesses downtown. That's what you want. That's what you want with Downtown Development, otherwise what's being talked about is not Downtown Development it's just coloring streets. So why do it?"

Council member Kroesing agreed stating: "That's all it is, you're going to have the whole thing flat and the part that you have colored nobody's going to see it unless you get out and look down. There isn't one thing that's going to distinguish you from any other place if you don't do something to bring out the life of the downtown area."

Skip Trowbridge asked: "Do we pay by the hour for snow removal? (Yes) Then what's the problem?"

City Attorney Egr stated: "Really, why have Downtown Development if you're not going to do something to make it unique to be attractive for people to say "I don't want to just buzz through David City, they have parallel parking that's kind of unique I want to take a look at that".

Larry Peirce stated: "I know the cost for bricks is more but it seems to me this should be spread out over decades instead of it being looked at as a one-time expense. These streets are going to be there for a long time, so it seems to me rather than doing it cheaper now, it may not last as long or look the way you want because you're saving \$100,000, but if you spread that out over the life of the streets.....using bricks is worth it over the long haul but not for the entire street."

Dawn Danley stated: "I think that's kind of what we've decided. I don't think the cost difference between the stamped concrete and the bricks outweighs the benefits of the bricks. I have a method to my madness. I am a passer-byer; I know what I like to see and it requires change, different thinking."

Discussion followed concerning the placement of the water lines in the sidewalks or somewhere for easier access and the need for drainage, storm sewers, to be studied and evaluated which will all be included in the design issue. Snow removal signs will also need to be incorporated in the plan.

Council member Kroesing stated: "I talked with Ed Siffring, the past Extension Agent who used to be here in town, about having to wash the sidewalks off because of the birds and he said you can correct those problems with the type of trees you plant."

Dawn Danley stated: "Yes, as I said earlier, there are street trees that don't attract birds. I'll have a designer do some renderings for us and at the next meeting we can talk about street lighting with hanging plants, banners, tall street trees, etc."

Council member Kroesing made a motion to advance to agenda item #15 - Consideration of Ordinance No. 1216 adopting the International Building Code 2006, the International Plumbing Code 2006, the International Mechanical Code 2006, the International Residential Code 2006, and the International Property Maintenance Code 2006. Council member Rogers seconded the motion. Voting AYE: Council members Vandenberg, Rogers, Kroesing, Smith, and Svoboda. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Rogers introduced Ordinance No. 1216. Mayor Zavodny read the ordinance 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, Svoboda, Smith, Kroesing, and Rogers. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 1216 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Vandenberg, Rogers, Kroesing, and Smith. Voting NAY: None. Council member Scribner was absent. The motion carried and Ordinance No. 1216 was passed on third and final reading as follows:

**ORDINANCE NO. 1216**

AN ORDINANCE AMENDING §3-120 OF CHAPTER 3 AND CHAPTER 9 OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK THAT ALL INSPECTIONS AND REPORTING, CONTINGENT UPON THE INTERLOCAL AGREEMENT FOR BUILDING INSPECTION SERVICES WITH NORFOLK, NEBRASKA, SHALL BE BASED ON THE INTERNATIONAL BUILDING CODE, 2006; THE INTERNATIONAL PLUMBING CODE, 2006; THE INTERNATIONAL MECHANICAL CODE, 2006; THE INTERNATIONAL RESIDENTIAL CODE, 2006; AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2006; PROVIDING AN EFFECTIVE DATE; AND PROVIDING 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.** §3-120 OF CHAPTER 3 of the David City Municipal Code Book shall be amended to read:

**§3-120 MUNICIPAL WATER DEPARTMENT; REGISTERED PLUMBER.** It shall be unlawful for any plumber or pipe-fitter to do any work upon any of the pipes or appurtenances of the system of waterworks, or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until such plumber or pipe-fitter shall have first procured a license or permit from the Municipality. There is hereby adopted the ordinance providing for the protection of the public health and safety, and for the qualification and registration of persons engaged in the business of plumbing, or laboring at the trade of plumbing; requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems; providing penalties for its violation of the certain plumbing code known as the "International Plumbing Code, 2006" as sponsored by the International Association of Plumbing and Mechanical Officials, except such portions as are hereinafter amended, changed, modified or deleted, one (1) printed copy of which in book form has been and now is filed in the office of the City Clerk-Treasurer and the same is hereby adopted and incorporated as fully as are set out at length herein, from the date on which this Chapter shall take effect, the provisions thereof shall be controlling and the qualification and registration of persons engaged in the business of plumbing or laboring at the trade of plumbing and installation, alteration or repair of plumbing in drainage systems within the City and its zoning area.

**SECTION 2.** Chapter 9 of the David City Municipal Code Book shall be amended to read:

**Chapter 9**

## ZONING REGULATIONS

### Article 1. Zoning Administrator

**§9-101 ZONING ADMINISTRATOR; POWER AND AUTHORITY.** The Zoning Administrator will work closely with and report to the City Council and the City Clerk. He/she will receive and review applications for zoning permits; interpret and enforce the General Plan and Zoning Ordinances; approve or deny zoning permit applications in compliance with ordinances and the General Plan; issue zoning permits and certificates of zoning inspections. Conduct inspections of property in conjunction with zoning permit applications and for compliance with ordinances and the General Plan. Conduct inspections of property resulting from complaints. Conduct follow up inspections of property for compliance, during the building process and upon completion, prior to issuance of a certificate of zoning compliance. Maintain records, subject to public inspection, of all zoning permit applications, complaints, investigations, inspections and any related activities. He/she will attend all Planning Commission and Board of Zoning Adjustment Meetings, and be required to attend city council meetings as directed by the council. The Zoning Administrator will submit a monthly city department report to the city council listing permits issued or denied, applications to the Planning Commission or Board of Adjustment and related activities.

### Article 2. Zoning / Moving Permits

**§9-201 ZONING / MOVING PERMITS; LIMITATION.** If the work described in any Zoning / Moving Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Administrator; and written notice thereof shall be given to the persons affected.

If the work described in any Zoning / Moving Permit has not been substantially completed within two (2) years of the issuance thereof, said Permit shall expire and be cancelled by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled Permit shall not proceed unless, and until, a new Zoning Permit has been obtained.

**§9-202 ZONING PERMITS.** Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a zoning / building permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the current zoning, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. Payment of the permit fee set by resolution of the Governing Body is due at the time the application is filed. The application, plans, and specifications so filed with the Municipal Clerk shall be checked and examined by the Zoning Administrator. If the application, plans, and specifications are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the Zoning Administrator shall authorize the Municipal Clerk to issue the said applicant a permit. Whenever there is a discrepancy between permit application procedures contained herein and those contained in any

building code adopted by reference, the provisions contained herein shall govern.  
(*Ref. 17-130 thru 17-132, 17-550, 17-1001 RS Neb.*)

**§9-203 BUILDING MOVING; REGULATIONS.** It shall be unlawful for any person, firm, or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Sheriff for approval of the proposed route over which the building is to be moved. Upon approval of each municipal department head listed on the building moving permit, and upon approval of the Zoning Administrator, the Municipal Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check, or cash in the amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. All buildings wider than ten feet (10'), or longer than twenty feet (20'), or, when in a position to move, higher than fifteen feet (15'), or of any other size which shall require displacement of any City property, shall require a building moving permit and a building moving fee in the amount set by motion of the Governing Body. All other buildings or structures shall require only a building moving permit. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed on behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as necessary. (*Ref. 60-6,288 to 60-6,294, 60-6,296*)

**§9-204 BUILDING MOVING; DEPOSIT.** At such time as the building moving has been completed, each municipal department head listed on the building moving permit shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from each municipal department head listed on the building moving permit, the Municipal Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by motion of the Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

### Article 3. Building Code

**§9-301 BUILDING CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the International Building Code, 2006, and printed in book or pamphlet form is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska.

One (1) copy of the Building Code is on file at the office of the Municipal Clerk and is available for public inspection at the city office during their regular business hours.

The provisions of the Building Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

### Article 4. Plumbing Code

**§9-401 PLUMBING CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of plumbing and heating shall be as found in the International Plumbing Code, 2006; in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska.

One (1) copy of the Plumbing Code is on file at the office of the Municipal Clerk and is available for public inspection at the city office during their regular business hours.

The provisions of the Plumbing Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

### Article 5. Electrical Code

**§9-501 ELECTRICAL CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions, and requirements for safe and fire proof installation, methods of connection, and uses of materials in the installation of electrical wiring and appliances shall be as found in the National Electrical Code, the most recent edition, as recommended and published by the National Fire Protection Association, printed in book or pamphlet form, in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. All prior ordinances in conflict herewith shall be and are hereby repealed.

One (1) copy of the Electrical Code is on file at the office of the Municipal Clerk and is available for public inspection at the city office during their regular business hours.

The provisions of the Electrical Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

## Article 6. Lighting and Thermal Efficiency Standards

### §9-601 LIGHTING AND THERMAL EFFICIENCY STANDARDS; NEED.

1. This article shall be known as the Minimum Lighting and Thermal Efficiency Standards for Buildings.
2. The City of David City, Nebraska finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of our dwindling energy resources, and to provide for the public health, safety, and welfare.

### §9-602 TERMS; DEFINED. As used in this Article, unless the context otherwise requires, the following definitions shall apply:

PRIME CONTRACTOR shall mean the person, persons, entity or entities who has a contract with the owner and is the one responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building. Prime Contractor shall also mean a property owner who performs the work of a Prime Contractor.

ARCHITECT or ENGINEER shall mean any person registered pursuant to section 81-847, Reissue Revised Statutes of Nebraska, 1943.

BUILDING shall mean any structure which utilizes or will utilize a heating system, cooling system, or domestic hot water system, including new buildings, renovated buildings, and additions, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one (1) watt per square foot.

RESIDENTIAL BUILDING shall mean a building three (3) stories or less that is used primarily as one (1) or more dwelling units.

RENOVATION shall mean alterations on an existing building which will cost more than fifty (50%) percent of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included.

ADDITION shall mean any construction added to an existing building which will increase the floor area of that building by five (5%) percent or more.

FLOOR AREA shall mean the total area of a building, expressed in square feet, which is within the exterior face of the shell of the structure which is heated or cooled.

STANDARD shall mean The Model Energy Code, 1983 Edition, of the Council of American Building Officials.

TRADITIONAL ENERGY SOURCES shall mean electricity, petroleum based fuels, uranium, coal, and all nonrenewable forms of energy.

**§9-603** **STANDARD; APPLICABILITY.** The Standard shall apply to all new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after the effective date of this Section. *(Amended by Ord. No. 602, 9/14/83)*

**§9-604** **EXEMPTIONS.** The following shall be exempt from this act:

1. Any building which has a peak design rate of energy usage for all purposes of less than one (1) watt, or three and four-tenths (3.4) British Thermal Units per hour, per square foot of floor area.
2. Any building which is neither heated nor cooled.
3. Any building or portion thereof which is owned by the United States of America.
4. Any mobile home as defined by section 71-4603, Reissue Revised Statutes of Nebraska, 1943.
5. Any manufactured housing unit as defined by subsection (1) of section 71-1557, Reissue Revised Statutes of Nebraska, 1943.
6. Any building (i) listed on the National Register of Historic Places, (ii) determined to be eligible for the National Register of Historic Places by the State Historic Preservation Officer, or (iii) designated as an individual landmark or heritage preservation site by a Municipality or located within a designated landmark or heritage preservation district.
7. Any building to be renovated that is located within an area that has been designated blighted by a Municipality.
8. All residential buildings shall be exempt from lighting efficiency standards.

**§9-605** **FEES.** The fees, charges, and expenses for Zoning Permits and Certificates of Zoning Compliance shall be as established by the City Council; such fees, charges, and expenses to be set by Resolution.

The schedule of fees shall be posted in the office of the City Clerk and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

**§9-606** **WHEN ARCHITECT OR ENGINEER IS RETAINED.** If an architect or engineer is retained, the architect or engineer shall place his or her state registration seal on all construction drawings which shall indicate that the design meets the standard. The Prime Contractor shall build or cause to be built in accordance with the construction documents prepared by the architect or engineer.

**§9-607** **VIOLATION; PENALTY; ENFORCEMENT.** Any person violating any provision of this Article shall be subject to a maximum fine of five hundred (\$500.00) dollars. In addition, the City of David City may by an action in the District Court enforce the provisions of this Article through equity and injunctive processes.

**§9-608** **VALIDITY.** If any Section in this Article or any part of any Section shall be declared invalid or unconstitutional such declaration shall not affect the validity or constitutionality of the remaining portions thereof.

## Article 7. Property Maintenance Code



**§9-701 PROPERTY MAINTENANCE CODE; ADOPTED BY REFERENCE.** To provide certain minimum standards, provisions, and requirements for the control of buildings and structures and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such structures. The International Property Maintenance Code, 2006, and printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska.

One (1) copy of the International Property Maintenance Code is on file at the office of the Municipal Clerk and is available for public inspection at the city office during their regular business hours.

The provisions of the International Property Maintenance Code shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ref. 17-1001, 18-132, 19-902, 19-922 RS Neb.*)

**§9-702 HISTORIC BUILDINGS.** The provisions of this code shall not be mandatory for existing buildings or structures designated by the state or city as historic buildings or structures when such buildings or structures are judged by a code official to be safe and not dangerous to the public health, safety and welfare.

**§9-703 DECLARATION OF NUISANCE.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the Property Maintenance Code and such conflict with or violation of the provisions of the Property Maintenance Code is hereby declared to be a nuisance.

**§9-704 ABATEMENT OF NUISANCE.** The imposition of the penalties prescribed in the Property Maintenance Code shall not preclude the city from instituting appropriate actions to abate such conflict with or violation of the provisions of the Property Maintenance Code as prescribed in §4-402,

#### **Article 8. Penal Provision**

**§9-801 VIOLATION; PENALTY.** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**SECTION 3.** 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 appealed.

**SECTION 4.** This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

**PASSED AND APPROVED** this 8<sup>th</sup> day of October, 2014.

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Mayor Alan Zavodny

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City Clerk Joan E. Kovar

Council member Smith made a motion to approve an Interlocal Agreement with the City of Norfolk, Nebraska, to provide building inspection services to the City of David City on a contract basis. Council member Vandenberg seconded the motion. Voting AYE: Council members Vandenberg, Rogers, Kroesing, Smith, and Svoboda. Voting NAY: None. Council member Scribner was absent. The motion carried.

**INTERLOCAL AGREEMENT  
FOR BUILDING INSPECTION SERVICES (2014)**

THIS AGREEMENT is made and entered into by and between the City of Norfolk, Nebraska, hereinafter referred to as "Norfolk", and the City of David City, Nebraska, hereinafter referred to as "David City", WITNESSETH:

WHEREAS, Norfolk presently maintains and provides building inspection services in conjunction with its fire division services; and

WHEREAS, David City is desirous of entering into an interlocal agreement whereby Norfolk provides to David City such building inspection services on a contract basis; and

WHEREAS, Norfolk is willing to perform the building inspection services for David City; and

WHEREAS, Norfolk and David City are desirous of entering into an Agreement pursuant to the Nebraska Interlocal Cooperation Act (Nebr. Rev. Stat. §§ 13-801 through 12-827) as the same may from time to time be amended, for the purposes of describing the terms and conditions under which Norfolk will provide building inspection services to David City;

NOW, THEREFORE, in consideration of the foregoing recitals and the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. The term of this Agreement shall commence on the date of this Agreement and shall terminate five (5) years thereafter. Either party may terminate the Agreement at any time within thirty (30) days after delivering written notice to the other party.
2. In consideration of the building inspection services provided, David City agrees to compensate Norfolk as billed by Norfolk following jobs actually performed. Norfolk shall bill David City at the rate of 1.5 time the hourly rate for the inspector(s) actually performing the inspection services plus mileage per mile traveled to conduct such inspection services at the current reimbursement rate for mileage paid by Norfolk.
3. As soon as practicable after receiving notification from David City of the need for specific inspection jobs, Norfolk shall inspect all new building construction, all old building remodeling projects, and such other jobs as David City may request. The inspection territory under this Agreement shall be limited to within the city limits of David City, Nebraska, as well as within the one (1) mile zoning jurisdiction outside such city limits.
4. Following inspection jobs performed by Norfolk, Norfolk shall report back to David City with its findings on specific jobs. All inspections and reporting shall be based on, and pursuant to, the following codes published by the International Code Council, Inc. which have been adopted by Norfolk and shall be adopted by David City prior to the execution of this agreement: The International Building Code, 2006; the International Plumbing Code, 2006; the International Mechanical Code, 2006; the International Residential Code, 2006; and the International Property Maintenance Code, 2006. If Norfolk adopts future revisions or editions of these codes, David City shall also adopt the same revisions or editions, as nearly as possible considering the statutory differences between the respective parties.
5. David City agrees to name Norfolk as an additional insured on its general liability insurance policy having liability limits of not less than \$1,000,000.00 per occurrence or a \$2,000,000.00 aggregate and agrees to provide to Norfolk a certificate of insurance evidencing compliance with this provision. David City also agrees to indemnify and hold Norfolk harmless from any claims against Norfolk that result from any error or omission of Norfolk in performing the inspections provided pursuant to the terms of this agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate this 8<sup>th</sup> day of October, 2014.

CITY OF NORFOLK, NEBRASKA  
A Municipal Corporation

By \_\_\_\_\_  
Sue Fuchtman, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth A. Deck, City Clerk

Approved as for form: \_\_\_\_\_  
Clint Schukei, City Attorney

CITY OF DAVID CITY, NEBRASKA  
A Municipal Corporation

By \_\_\_\_\_  
Alan Zavodny, Mayor

ATTEST:

\_\_\_\_\_  
Joan E. Kovar, City Clerk

Approved as for form: \_\_\_\_\_  
James Egr, City Attorney

Council member Kroesing made a motion to accept the Statement of Qualifications and Experience as provided from Kirkham Michael and to approve Kirkham Michael as the Airport Consultants for projects at the David City Municipal Airport. Council member Smith seconded the motion. Mayor Zavodny stated: "Eric Johnson with Kirkham Michael, has been really, really, good. He is very thorough, he calls a lot and keeps us informed." Voting AYE: Council members Rogers, Vandenberg, Svoboda, Smith, and Kroesing. Voting NAY: None. Council member Scribner was absent. The motion carried.

Mayor Zavodny stated: "Consideration of creating a utility superintendent position. This was my idea, I brought it to you, but unless you feel strongly about this; I've talked to some of the employees and some of their concerns about it and maybe we aren't quite there yet."

Council member Kroesing made a motion to table consideration of creating a utility superintendent position indefinitely. Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Smith, Vandenberg, Rogers, and Kroesing. Voting NAY: None. Council member Scribner was absent. The motion carried.

Council member Kroesing made a motion to pass Ordinance #1212 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Vandenberg, Rogers, and Smith. Voting NAY: None. Council member Scribner was absent. The motion carried and Ordinance #1212 was passed on third and final reading as follows:

#### **ORDINANCE NO. 1212**

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN CONTIGUOUS TERRITORY TO THE CITY OF DAVID CITY, NEBRASKA, DESCRIBED AS A TRACT OF LAND LOCATED IN PART OF THE S ½ NW ¼ OF SECTION 20, T15N, R3E OF THE 6<sup>TH</sup> P.M., IN BUTLER COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER S½ NW¼ OF SECTION 20, T15N, R3E OF THE 6<sup>TH</sup> P.M., IN BUTLER COUNTY, NEBRASKA, AND ASSUMING THE WEST LINE OF SAID S ½ NW ¼ TO HAVE A BEARING OF S00°38'50"E ON SAID WEST LINE S ½ NW ¼, 293.50 FEET, TO THE POINT OF BEGINNING; THENCE S89°46'54"E, 329.60 FEET; THENCE N00°34'16"W, 293.07 FEET TO A POINT ON THE NORTH LINE S ½ NW ¼ OF SECTION 20; THENCE S89°42'30"E, ON SAID NORTH LINE S ½ NW ¼, 1010.05 FEET; THENCE S00°05'05"E, 293.05 FEET; THENCE S20°08'13"W, 166.91 FEET; THENCE S22°37'01"W, 71.80 FEET; THENCE N89°51'11"W, 695.05 FEET; THENCE N02°05'04"E, 49.50 FEET; THENCE 89°08'47"W, 170.00 FEET; THENCE N01°26'14"W, 144.13 FEET; THENCE N89°46'54"W, 384.90 FEET, TO A POINT ON THE WEST LINE S ½ NW ¼ OF SECTION 20; THENCE N00°38'50"W ON SAID WEST LINE S ½ NW ¼, 30.00 FEET TO THE POINT OF BEGINNING, CONTAINING 11.54 ACRES, MORE OR LESS, PARCEL ID #120035624, REPEALING ANY ORDINANCES IN CONFLICT HERewith; AND DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, the Planning Commission of the City of David City, Nebraska, met on July 28, 2014, but failed to make a recommendation on the annexation of the territory previously described, due to the lack of a second to the motion, and,

WHEREAS, a majority of the City Council of the City of David City, Nebraska, favors the annexation of said territory.

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

Section 1. That the boundaries of the City of David City, Nebraska, be amended and changed in order to include the above described property. See Attachment "A"

Section 2. That this Ordinance be filed with the Office of the County Assessor and County Clerk of Butler County, Nebraska, and that the City Clerk be directed to amend the plat filed in her office to show the inclusion of the real estate described above and that the boundary of David City as amended by this Ordinance be certified and placed on record in the office of the City Clerk of David City, Nebraska.

Section 3. That any Ordinance, setting or establishing boundaries of the City of David City, Nebraska, which is in conflict with this Ordinance, be and the same is hereby repealed.

Section 4. That this Ordinance shall take effect and be in force from and after its passage and publication according to law.

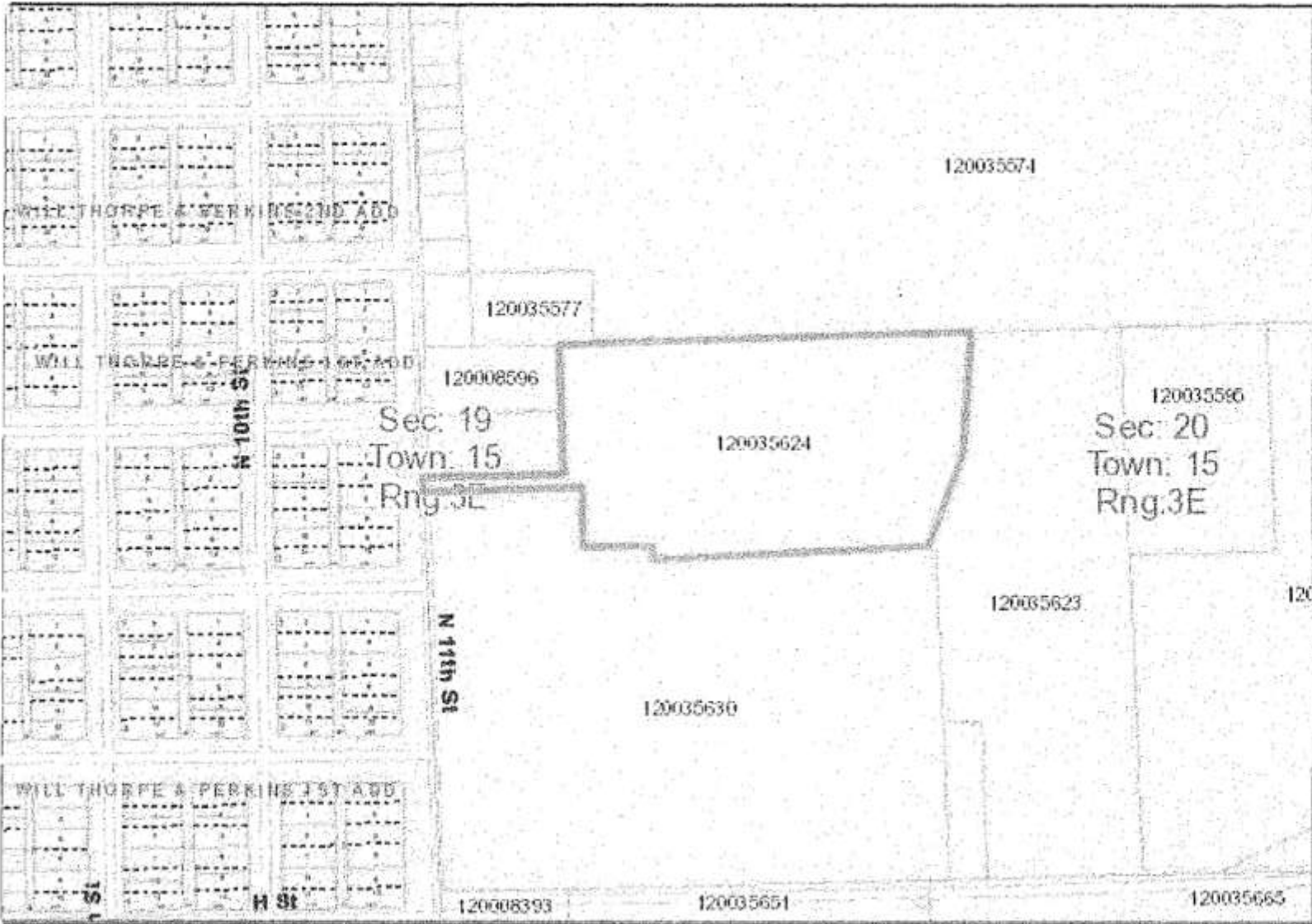
Passed and approved this 8<sup>th</sup> day of October, 2014.

ATTEST:

\_\_\_\_\_  
Mayor Alan Zavodny

\_\_\_\_\_  
City Clerk Joan E. Kovar

**ATTACHMENT "A"**  
McPhillips property



Council member Smith made a motion to go into executive session to discuss possible litigation. Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Smith, Kroesing, Vandenberg, and Rogers. Voting NAY: None. Council member Scribner was absent. The motion carried.

Mayor Zavodny stated: "At 9:07 p.m. we are going into executive session to discuss possible litigation."

Mayor Zavodny, all of the Council members present, City Attorney Jim Egr, and City Clerk Kovar went into executive session at 9:07 p.m.

Mayor Zavodny declared the City Council out of executive session at 9:23 p.m.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Rogers seconded the motion. Voting AYE: Council members Smith, Vandenberg, Svoboda, Rogers, and Kroesing. Voting NAY: None. Council member Scribner was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:24 p.m.



CERTIFICATION OF MINUTES  
October 8, 2014

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 October 8<sup>th</sup>, 2014; 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