

**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 **14th day of August, 2024**, in the **meeting room of the City Office, 490 "E" Street, David City, Nebraska**. The Mayor and City Council reserve the right to enter into a closed session at any time during the meeting, in accordance with the Nebraska Open Meetings Act, even though the closed session may not be stated on the agenda.

This agenda is available on our Web site at www.davidcityne.com for public inspection and may be modified up to twenty-four hours prior to the opening of the meeting.

Members of the public may attend this meeting electronically. A link and phone number will be available on our website.

Dated this 6th day of August, 2024.

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 July 24, 2024 meeting of the Mayor and City Council; *
5. Approval of the Claim to Marvin Planning Consultants; *
6. Approval of Claims; *
7. Committee and Officer Reports; *
8. Approve Resolution No. 22-2024 appointing Tyson D. P. Wren as a full-time police officer; *
9. Consider Certificate of Payment #17 in the amount of \$466,186.85 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades; *
10. Consider Pay Estimate #5 in the amount of \$748,085.01 to BRB Contractors, Inc. for the Wastewater Treatment Plant Improvement Project; *
11. Consider Application for Payment No. 2 in the amount of \$124,788.56 to Vrba Construction for the '2023 Campground Sanitary Sewer Extension Project; *

Mayor Jessica J. Miller

Council President Bruce L. Meysenburg

Council member Thomas J. Kobus

Council member James L. Angell

Council member Patrick J. Meysenburg

Council member Kevin E. Woita

Council member Keith A. Marvin

City Clerk Tami L. Comte

*Potential Action Item

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12. Consider Change Order No. 3 for Vrba Construction to include the ballfield sewer in the amount of \$109,790.95; *
13. Consider the proposal from Harold K. Scholz Company in the amount of \$182,500.00 to provide the Remote Control Panel for the '2023 AGP Substation' Project; *
14. Consider Partial Pay Estimate #2 in the amount of \$216,338.13 to Municipal Pipe Tool Company Inc. for the South Area Sewer Rehabilitation Project; *
15. Consider transferring the already approved Runza DTR application from the original applicants, Dan Rudolf and Donald Everett, to the new owner Nolan Naffziger and reduce the award from \$50,000 to \$44,434.68; *
16. Approval of Southeast Nebraska Development District Recommendation for the 2022 David City Owner-Occupied Rehab Project #010 to MIT Contracting in the amount of \$40,000.00 and Project #011 to MIT Contracting in the amount of \$15,050.00; *
17. Public hearing to consider annexing the Campbell property located at 175 West A Street, Part of the North half of the Northwest Quarter of Section 30, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, described as follows:
Referring to the Northeast corner of the Northwest Quarter of said Section 30; Thence N89°09'42"W (Butler County Low Distortion Projection) on the North line of said Northwest Quarter, a distance of 1070.00 feet to the west right of way line of the Burlington Northern and Santa Fe Railway; Thence S00°48'12"W on said West right of way line, a distance of 300.00 feet to the point of intersection with the Easterly extension of the South line of a tract of land previously described and recorded in instrument number 2021-01298; Thence N89°09'17"W on said Easterly extension, a distance of 49.87 feet to the Southeast Corner of said tract; Thence continuing N89°09'17"W on said South line, a distance of 249.94 feet to the Southwest corner of said tract; Thence N00°46'04"E on the West line of said tract, a distance of 300.00 feet to the North line of said North half of the Northwest Quarter; Thence N89°09'17"W on said North Line, a distance of 80 feet, more or less, to the Northwest Corner of a tract of land previously described and recorded in instrument number 2021-01325; Thence S00°46'04"W on the West line of said tract, a distance of 385 feet, more or less, to the Southwest corner of said tract; Thence S89°10'36"E on the South line of said tract, a distance of 330 feet, more or less, to the Southeast corner of said tract; Thence N00°47'24"E on the East line of said tract, a distance of 84.87 feet to the point of beginning, containing 1.19 acres, more or less.
18. Consider Ordinance No. 1489 annexing the Campbell property in Butler County, Nebraska, as legally described above on 1st reading only;*
19. Consider Ordinance No. 1486 on third and final reading amending the Official Zoning Map by changing the zoning classification from R-1 Single Family Residential to C-1 Highway Commercial for the real estate listed below as requested by Western Oil II, LLC; *
A tract of land being part of Lot 7 and 8, David City Land and Lot Company's Suburban Lots, located in the SW ¼ of the SE ¼ of Section 18, Township 15 North, Range 3, East of the 6th P.M., in Butler County, Nebraska, described as follows: Beginning at the southeast corner of said Lot 8, and assuming the south line of said Lot 8 to have a bearing of N 89°32'24" W; thence N 89°32'24" W, 155.00 feet; thence N 00°20'17" W, 348.83 feet; thence S 89°32'24" E, 84.35 feet, parallel with the south line of said Lot 8; thence N 00°24'47" E, 135.82 feet, parallel with the east line of said lot 8; thence N89°58'34" E, 75.33 feet, parallel with the north line of said Lot 8; thence S00°24'47" W, 36.14 feet on the east line of said Lot 8; thence S89°35'50" E, 131.70 feet; thence S 00°32'08" W, 449.25 feet; thence N 89°32'24" W, 130.74 feet on the south line of said Lot 7, to the point of beginning, containing 2.85 acres, more or less, EXCEPT that portion conveyed by Warranty Deed filed as Instrument No 2018-01663 in the Office of the Butler County Clerk/Register of Deeds on December 28, 2018, and EXCEPT that portion conveyed by Warranty Deed filed as Instrument No. 2022-01244 in the Office of the Butler County Clerk/Register of Deeds on August 15, 2022.
20. Public hearing to consider amending the Zoning Ordinance No. 1060 by amending Section 5.08.03 R-2 Two-Family Residential – Conditional Uses to include the following language as requested by Nick Sypal, a landowner and taxpayer in David City, Nebraska, proposes the following amendment;
 11. The processing and storage of wood and firewood and tree servicing such equipment common used for said purposes on a lot no less than one (1) acre in size on which the applicant lives or adjacent to a lot on which the applicant lives, and within three hundred (300) feet of an "I" zoning

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district. Retail sale of such wood and firewood is allowed only subject to express approval as part of a conditional use permit. Any conditional use permit granted pursuant to this section shall be personal to the applicant and shall not run with the land.

21. Consider Ordinance No. 1490 amending the Zoning Ordinance No. 1060 by amending Section 5.08.03 R-2 Two-Family Residential – Conditional Uses to include the following language as requested by Nick Sypal, a landowner and taxpayer in David City, Nebraska, proposes the following amendment:
 11. The processing and storage of wood and firewood and tree servicing such equipment commonly used for said purposes on a lot no less than one (1) acre in size on which the applicant lives or adjacent to a lot on which the applicant lives, and within three hundred (300) feet of an “I” zoning district. Retail sale of such wood and firewood is allowed only subject to express approval as part of a conditional use permit. Any conditional use permit granted pursuant to this section shall be personal to the applicant and shall not run with the land.
22. Approval of Kirkham Michael as the Airport Consultant for 2025-2029; *
23. Approval of the Certification of City Street Superintendent and Resolution No. 23–2024 signing of the Year-End Certification of City Street Form 2024; *
24. Approval of the Pipeline Crossing Agreement with Nebraska Central Railroad for the AGP Trunk Sewer Project; *
25. Discuss/approve the quote from Steager Lawn Service for trees to be planted at the entrance to Northland Subdivision; *
26. Discuss request by Jerry Abel to purchase a 40' x 140' part of City property parcel #120004018;
27. Consider closed session for personnel, contracts or pending litigation (as necessary); *
28. Adjourn. *