

CITY COUNCIL PROCEEDINGS

December 14, 2005

The City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on December 8, 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 Stephen Smith, Council members Gary Smith, Gary Kroesing, Nick Hein, Bill Schatz, Ted Lukassen, and Mark Kirby, City Administrator Jeff Fiegenschuh, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Park/Auditorium Supervisor Bill Buntgen, Water/Sewer Supervisor Jim Kruse, Dr. Jack Kaufmann, Jerry Kosch, Larry McPhillips, Philip Lorenzen, First Vice President of Kirkpatrick, Pettis, Banner Press Editor Larry Peirce, and City Clerk-Treasurer Joan E. Kovar.

The meeting opened with the Pledge of Allegiance.

The Council used ballots for the election of Council President. City Clerk Kovar counted the ballots. The vote being Gary Smith: 4 and Bill Schatz: 2, Mayor Smith declared Gary Smith the Council President.

Mayor Smith reported that Council members Gary Smith and Mark Kirby both agreed to serve on the Finance Committee. Council member Hein made a motion to appoint Council members Gary Smith and Mark Kirby to serve on the Finance Committee. Council member Lukassen seconded the motion. Voting YEA: Council members Kroesing, Smith, Schatz, Kirby, Lukassen, and Hein. Voting NAY: None. The motion carried.

Mayor Smith announced the appointment of Department Heads, Police Chief and Officers and other appointed officials. Council member Kroesing made a motion to approve the appointments as presented. Council member Smith seconded the motion. All of the Council members were present, all voted YEA, and the appointments were approved as follows:

APPOINTED OFFICIALS

December 14, 2005

CODE SECTION	OFFICIAL TITLE	APPOINTEE
201	City Administrator	Jeff Fiegenschuh (resigned effective 12/28/05)
203 204	City Clerk +) City Treasurer)	Joan E. Kovar *
203.01	Deputy Clerk	Tami L. Comte
206	City Attorney	James M. Egr

	Special Prosecutor	Carl K. Hart
207	City Physician	Victor J. Thoendel, M.D.
208	Chief of Police	Stephen M. Sunday *
209	Police Officers	James D. Sylvester, Sergeant Vincent A. Brehm Kevin L. Broman Chere' N. Fisher
210	Fire Chief	Michael Hiatt
213	Street Superintendent	James K. McDonald *
214	Electric Supervisor	Tim L. Kovar *
	Power Plant Supervisor	John J. Kabourek *
	Water/Sewer Supervisor	Jim D. Kruse *
218.01	Zoning Administrator	Roger Kotil
219	Park & Auditorium Supervisor	Bill Buntgen *

* Denotes Department Head

The minutes of the November 9th and November 21st, 2005 meetings of the Mayor and City Council were approved upon a motion by Council member Lukassen and seconded by Council member Kroesing. Voting YEA: Council members Kirby, Schatz, Smith, Hein, Kroesing, and Lukassen. Voting NAY: None. The motion carried.

Mayor Smith asked for Petitions, Communications and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions or communications.

Dr. Jack Kaufmann thanked the Mayor, Council, and city/utility workers for the time they dedicate to the City and the great job they do and wished everyone a Blessed and Merry Christmas.

Jerry Kosch stated that on December 15, 1791, Virginia ratified the Bill of Rights. Kosch then presented the Mayor, City Council members, City Attorney Egr, and City Clerk Kovar each with a booklet "The Constitution of the United States".

Council member Smith stated that residents living by the City Auditorium have expressed concerns regarding the parking of semi trucks on the Auditorium parking lot located west of 7th Street between Kansas and Ohio Streets. Police Chief Sunday stated that technically he cannot

do anything since it is a public parking lot unless the Council would pass a resolution. A resolution will be drafted for consideration at the January council meeting stating that semi-truck parking is prohibited on the Auditorium parking lot located west of 7th Street between Kansas and Ohio Streets.

Mayor Smith asked for consideration of claims. Council member Kroesing made a motion to authorize the payment of claims. Council member Smith seconded the motion. Voting YEA: Council members Lukassen, Hein, Schatz, Kirby, Smith, and Kroesing. Voting NAY: None. The motion carried.

Mayor Smith called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet. There were no additions.

City Administrator Fiegenschuh presented the Management's Discussion and Analysis for the budget year ended September 30, 2005 and highlighted the following:

Government program receipts and expenditures remained similar to the prior year with one exception to the city's revenues. The City now utilizes its .5 levy to pay for an interlocal agreement with the county to provide dispatchers for police services. The general fund finished with excess revenues of \$12,311 before transfers; this can be compared to a deficit from the previous fiscal year.

The water, sewer, and electric funds all operated at a profit for the fiscal year ended September 30, 2005. During the fiscal year the City implemented a three-stage water and sewer rate adjustment to its customers. In the next three fiscal years beginning in June 2005 (June 2005 - June 2007) residents of David City will pay higher water and sewer rates. These increases will help fund new long-term debt and capital improvements in the water department. The sewer rate increases will help fund capital improvements in the sewer department.

The City budgets on an annual basis. Over the course of the year the City Council did not amend the budget. There were some areas where revenues exceeded estimates and expenditures exceeded estimates, but overall the budget was not overspent.

Mayor Smith stated that normally, due to the holidays, a Committee of the Whole Meeting is not scheduled for December. Following discussion it was decided that unless a need arises there will not be a Committee of the Whole meeting in December.

Council member Kroesing made a motion to accept the Committee and Officers' Reports as presented. Council member Hein seconded the motion. Voting YEA: Council members Kirby, Lukassen, Schatz, Smith, Hein, and Kroesing. Voting NAY: None. The motion carried.

Philip Lorenzen of Kirkpatrick Pettis stated that in 2005, the Nebraska Legislature enacted (LB 217) the Public Facilities Construction and Finance Act and Phil distributed copies of resolutions for discussion. Phil stated that the Act requires that a separate corporate entity be established in accordance with the prescribed procedures; and in connection with the formation of a joint entity or a joint public agency several steps are required.

Council member Hein made a motion to table consideration of a resolution concerning the public facilities construction and finance act. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Schatz, Lukassen, Kroesing, Smith, and Hein. Voting

NAY: None. The motion carried.

City Administrator Fiegenschuh stated that Larry McPhillips, d.b.a. Beksal RIM, informed him that they do not have the financial capabilities at this point to make their balloon payment of \$22,848.89 on their CDBG Economic Development Revolving Loan. McPhillips asked if the council would consider adding another 5 years to the term. City Administrator Fiegenschuh stated that McPhillips will make a \$423.00 payment in December and then the new amortization schedule will show a remaining balance of \$22,425.89. Council member Hein made a motion to approve extending the CDBG Economic Development Revolving Loan to Beksal R.I.M. for an additional five years (December 2010). Council member Kroesing seconded the motion. Voting YEA: Council members Smith, Schatz, Lukassen, Kirby, Kroesing, and Hein. Voting NAY: None. The motion carried.

The following bids were received for new doors at the City Auditorium:

Superior Glass and Home Improvements

Commercial Entrance Door Packages:

Schedule: Two pair entrance doors with Transoms
Two single entrance doors with Transoms
Two single entrance doors without Transoms
One pair entrance doors with Transoms & sidelights

Specifications: All products will be from Manko Inc..
Doors will be 135 Series medium style with 3½" styles and an 8" Bottom Rail, All framing to be white in color with 1" O.A. clear insulated glass (except for lower west main entrance which will be gray tinted glass and white mapes panel) All doors to receive standard panic hardware, hold open closures, thresholds, sweeps.
Labor to install and disposal fees.

50% down to order / 50% upon completion

All prices are pre-tax \$18,631.00

Sack Lumber Company

Replace Entrance doors:

2 Double Doors w/Transoms
2 Single Doors w/Transoms
2 Single Door without Transoms
1 Double Door w/Transom & Sidelite
Manko Doors Series 135 with 3½" Styles & 8" Bottom Rail
1" Clear Insulated glass
Panic Hardware
Closures w/ hold open arms
Thresholds & weather strip

Upon Completion \$20,549.00

Council member Smith made a motion to accept the bid of Superior Glass and Home Improvements in the amount of \$18,631.00 for new doors at the City Auditorium. Council member Kroesing seconded the motion. Voting YEA: Council members Hein, Lukassen, Kirby, Schatz, Kroesing, and Smith. Voting NAY: None. The motion carried.

The CDBG Housing Committee reviewed the application of Mark and Meloney Ostermeier and determined that they meet the income guidelines and are recommending approval of the application. Therefore, Council member Hein made a motion to allocate \$10,000 in CDBG Reuse Funds to Mark & Melony Ostermeier for a down-payment on their house loan. Council member Kroesing seconded the motion. Voting YEA: Council members Kirby, Smith, Lukassen, Schatz, Kroesing, and Hein. Voting NAY: None. The motion carried.

Council member Hein introduced Resolution No. 21 - 2005 implementing the Nationwide Retirement Solutions "Amended and Restated" 457(b) Governmental Plan Document and moved for its passage and adoption. Council member Kroesing seconded the motion. Voting YEA: Council members Schatz, Lukassen, Smith, Kirby, Kroesing, and Hein. Voting NAY: None. The motion carried and Resolution No. 21 - 2005 was passed and adopted as follows:

RESOLUTION NO. 21 - 2005

WHEREAS, on July 11, 2003, the United States Department of Treasury issued final regulations for Internal Revenue Code Section 457; and,

WHEREAS, the Internal Revenue Service requires that governmental 457(b) plans conform to the final regulations as of January 1, 2006, and issued model amendments as guidance; and,

WHEREAS, Nationwide Retirement Solutions have made changes to the Plan Document to be consistent with the language in the model amendments and a few substantive changes were incorporated to provide participants with additional flexibility with their deferred compensation accounts, as permitted in the final regulations.

NOW, THEREFORE, BE IT RESOLVED that the City of David City hereby adopts the amended and restated 457(b) Governmental Plan Document as presented by Nationwide Retirement Solutions, attached hereto;

Passed and approved this 14th day of December, 2005.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Ordinance No. 1012 adopting the revised/updated comprehensive plan was discussed. Jerry Kosch presented a quote that he asked be put in the public records as follows:

"The Art of Economics.....consists in looking not merely at the immediate but at the longer effects of any act or policy. It consists in tracing the consequences of that policy not merely for one group but for all groups".....Economics in One Lesson.....Henry Hazlitt

Kosch stated that the National debt is currently 1.8 trillion dollars and there are too many federal and state programs to subsidize those with low to moderate incomes; it becomes a vicious cycle. Kosch encouraged the Council to look up "reason.com" on the internet. Kosch has reviewed the comprehensive plan and doesn't feel that it was worth the cost.

Council member Schatz stated they share the same feelings on the over reaching effects of government, however, the comprehensive plan is a blue print so things come together more organized; it is necessary for orderly growth and development.

Council member Kroesing made a motion to pass Ordinance No. 1012 on the third and final reading. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Hein, Schatz, Lukassen, Smith, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1012 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1012

AN ORDINANCE ADOPTING A NEW COMPREHENSIVE PLAN AND LAND USE MAP FOR THE CITY OF DAVID CITY, NEBRASKA; REPEALING ANY CONFLICTING ORDINANCES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. There is, hereby, adopted and incorporated by reference for the City of David City, Nebraska, a "Comprehensive Plan" and Land Use Map of the City of David City, Nebraska, as prepared by Olsson Associates, and published in book form entitled "David City Comprehensive Plan", dated August 2005.

SECTION 2. The Comprehensive Plan and Land Use Map is intended to be used as guidelines and decision-making tools for community development. The plans are governed by the David City Zoning and Subdivision regulations.

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

Dated this 14th day of December, 2005.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Mayor Smith declared a ten minute recess at 8:00 p.m. The meeting resumed at 8:10 p.m.

Council member Hein introduced Ordinance No. 1015 updating Chapter 11: Municipal Planning of the David City Code Book. Council member Lukassen made a motion to pass Ordinance No. 1015 on the first reading only, subject to revisions. Council member Kroesing seconded the motion. Voting AYE: Council members Hein, Kirby, Smith, Schatz, Kroesing, and Lukassen. Voting NAY: None. The motion carried and Ordinance No. 1015 was passed on first reading only, subject to revisions, as follows:

ORDINANCE NO. 1015

AN ORDINANCE AMENDING CHAPTER 11: MUNICIPAL PLANNING OF THE DAVID CITY MUNICIPAL CODE BOOK; 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. Chapter 11: Municipal Planning of the David City Municipal Code Book be amended to read as follows:

Chapter 11

MUNICIPAL PLANNING

Article 1. Comprehensive Plan

§11-101 **COMPREHENSIVE PLAN; ADOPTED.** In order to accommodate anticipated long-range future growth, the Comprehensive Plan for the City of David City, Nebraska, as prepared by Olsson Associates, dated August 2005, is adopted by Ordinance No. 1012. Such Plan consists of maps, graphs, and text. Copies of the Plan are kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

Article 2. Zoning Regulations

§11-201 **ZONING REGULATIONS; ADOPTED.** For the purpose of setting minimum standards to promote the public health, safety, morals, and general welfare of the community, to prevent the overcrowding of land; to avoid undue concentration of population; and other public requirements, the General Plan / Zoning Regulations for the City of David City, Nebraska, have been adopted by Ordinance No. 616, dated October 10, 1984, as prepared by The Clark Enersen Partners, Inc.. A copy of the General Plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

Article 3. Subdivision Regulations

§11-301 **SUBDIVISION REGULATIONS; ADOPTED.** To provide for harmonious development of the municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the Municipality; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by Subdividers and the Planning Commission and Governing Body, the Subdivision Regulations for the City of David City, Nebraska, have been adopted by Ordinance No. 909, dated June 25, 2001, as prepared by Stahr & Associates. A copy of the adopted Subdivision Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

§11-302 **IMPROPER SUBDIVISIONS; WAIVER OF OBJECTIONS.** Pursuant to the authority granted the City Council in Neb. Rev. Stat. §76-2,110 (Reissue 2003), the City Council does hereby waive notice to the City of, or any objections it may have to, any and all conveyances purporting to subdivide real estate within, and one (1) mile beyond, the corporate limits of the City of David City, Nebraska, which are filed of record in the office of the County Clerk of Butler County, Nebraska, where such conveyances, or the recording thereof, have failed to comply with any requirement relating to subdivision approval. All such conveyances are hereby validated.

Article 4. Conflicts

§11-401 **CONFLICTS.** Where the provisions adopted by this Chapter conflict with one another or with the provisions of Chapter 9 of this Municipal Code, the most restrictive or stringent provisions shall govern.

Article 5. Penal Provisions

§11-501 **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 2. Any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

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

Passed and approved this _____ day of _____, _____.

Passed 1st reading only - subject to revisions - 12/14/05
Mayor Stephen Smith

Passed 1st reading only - subject to revisions - 12/14/05
City Clerk Joan E. Kovar

Council member Kroesing made a motion to authorize Mayor Smith to execute a letter of waiver concerning Henningsen Foods, Inc., Series 1998 Bonds. Council member Hein seconded the motion. Voting YEA: Council members Smith, Lukassen, Kirby, Schatz, Hein, and Kroesing. Voting NAY: None. The motion carried.

December 15, 2005

Mr. Gary F. Van Schaffen
Vice President/Chief Financial Officer
Henningsen Foods, Inc., Suite 311
2700 Westchester Avenue
Purchase, New York 10577-2554

In re: Henningsen Foods, Inc.: Series 1998A Bonds

Dear Mr. Van Schafften:

The City of David City, Nebraska, is in receipt of your letter dated December 7, 2005, in which you request a waiver by the City, as Lessor under the Lease Agreement dated as of August 15, 1979, as supplemented by the Fourth Supplement to Lease Agreement dated as of December 1, 1998, of the requirements of Section 5.2 of the 1979 Lease Agreement, which were incorporated by reference into the Fourth Supplement to Lease Agreement. We also received a copy of your letter dated December 7, 2005 to US Bank, N.A., as Trustee under the Series 1998 Bonds regarding the similar request for waiver of the requirements of Section 5.2.

In your letter to the Trustee, you indicate that you are actively taking steps to bring Henningsen Foods into compliance with the provisions of Section 5.2 and Section 5.3. You are requesting that we waive compliance with that provision through October 31, 2006, based upon the authority contained in Section 7.7 of the Fourth Supplement to Lease Agreement and a similar provision in Section 15.5 of the 1979 Lease Agreement. The requirements would be reinstated on November 1, 2006.

Based upon the authority of Section 7.7 of the Fourth Supplement to Lease Agreement and similar authority in Section 15.5 of the 1979 Lease Agreement and your representations that you have taken steps to bring Henningsen Foods into compliance with Section 5.2 and Section 5.3 and are diligently pursuing such efforts, the City of David City, Nebraska, waives compliance with the provisions of Section 5.2 and Section 5.3 of the 1979 Lease Agreement through October 31, 2006. The requirements will be reinstated on November 1, 2006.

We are providing the Trustee with a copy of this letter. We understand that you will provide a copy of this letter to the issuer of the Letter of Credit in the 1998 issue of bonds, the Bank of Tokyo-Mitsubishi, Ltd., and are authorized to do so.

Yours very truly,

THE CITY OF DAVID CITY, NEBRASKA

By: _____
Stephen Smith, Mayor

cc: US Bank, N.A., Trustee

Council member Hein made a motion to designate 1st National Bank of Omaha - David City Branch; U.S. Bank - David City Branch; Union Bank - David City Branch; and Bank of the Valley - David City Branch; as the Depository Banks for the City of David City/David City Utilities. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Kroesing, Schatz, Lukassen, Smith, and Hein. Voting NAY: None. The motion carried.

Police Chief Sunday reported that all interested parties (Sherry Benson-Ramirez; U.S. Bank; Wachovia-Coll Agt/ SASS Muni IV DTR) were mailed notice, by certified mail, that the residential dwelling at 915 No. 11th Street will be razed to the ground by whatever means available. The only response was from U.S. Bank who said it was time to clean it up. Council member Kroesing made a motion to authorize Police Chief Sunday to arrange for the fire department to burn the buildings down, and then clean up the property by whatever means available. A lien will be filed against the property

for cleaning up the lot. Council member Lukassen seconded the motion. Voting YEA: Council members Kirby, Schatz, Smith, Hein, Lukassen, and Kroesing. Voting NAY: None. The motion carried.

Water/Sewer Supervisor Jim Kruse presented the following proposals:

Christiansen Construction Co.
P.O. Box L
Pender, Nebraska 68047

Re: Clarifier & Filter, Repair & Replacement

Work to be included for Clarifier Proposal:

Remove existing Clarifier Launder, Trough & Collector Ring
Re-install Clarifier Launder, Trough & collector Ring per US Filter Quotation #330797
Total Cost for the Clarifier Proposal: \$28,660.00

Work to be included for Filter Proposal:

Remove existing Underdrain and grout
Install Underdrain Filter System per US Filter Quotation #330797
Install replacement media per US Filter Quotation #330797
Total Cost for the Filter Proposal: \$39,700.00

\$68,360.00 *

* It is understood that the city will be removing the existing filter media if the media must be removed by Christiansen Construction please add \$5,020.00

It is understood that the city will provide shelter and heat for the replacement media if needed; if temporary shelter and heat must be provided by Christiansen Construction please add \$5,400.00

The clarifier room and filter walls above the two replacement filter cells can be sandblasted & repainted per original proposal for an additional \$25,603.00

If Builders Risk Insurance is required please add \$685.00

If Bond is required please add \$752.00

Painting Proposal showed hourly labor rates (Supervisors \$43.75/reg \$65.75/overtime; Carpenters, Laborers, etc. \$34.75/reg \$52.25/overtime) and equipment rental rates.

Eriksen Construction Co., Inc.
2546 South Hwy 30
P.O. Box 610
Blair, Nebraska 68008-0610

Labor to remove and replace filter media and remove and replace underdrain system for two (2) filter cells. City of David City will use their vacuum truck to remove the existing media and City will provide material from US Filter to Eriksen Construction Company, Inc. for installation.

Total Cost: \$32,677.00

Labor to remove launder system components from existing clarifier and replace with material furnished by the City; this includes one (1) effluent collection ring, six (6) roadside and one (1) effluent trough.

Total Cost: \$36,083.00

If the City prefers, Eriksen Construction Company, Inc. would perform this work on a time & material basis, the same way the work was performed in 2000, with the following labor rates:

Superintendent	\$62.00/hour
Craftsman	\$48.00/hour
Laborer	\$32.00/hour

No painting or electrical work is included in the above pricing.

Council member Schatz made a motion to accept the low bid of Christiansen Construction Company in the amount of \$68,360.00 for updates at the Water Treatment Plant concerning the clarifier and filter. Council member Hein seconded the motion. Voting YEA: Council members Lukassen, Kirby, Smith, Kroesing, Hein, and Schatz. Voting NAY: None. The motion carried.

The City Council instructed Jim Kruse to get painting bids for the Water Treatment Plant for consideration at the next council meeting.

Council member Kroesing introduced Resolution No. 22 - 2005 and moved for its passage and adoption. Council member Lukassen seconded the motion. Voting YEA: Council members Schatz, Smith, Hein, Kirby, Lukassen, and Kroesing. Voting NAY: None. The motion carried and Resolution No. 22 - 2005 was passed and adopted as follows:

RESOLUTION NO. 22 - 2005

WHEREAS, Dean S. and Patricia J. Hilderbrand, have filed a request to combine property located in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), (Tract D) Section 29, Township Fifteen (15), Range Three (3) East, Butler County, Nebraska, containing approximately .07 acres, and a tract of land located in the Southwest Quarter (SW ¼) of Section 20, Township Fifteen (15) North, Range three (3) East of the 6th P.M., Butler County, Nebraska, containing 0.155 acres more or less, and property legally described as PT of Lot 9 & All of Lot 7, East Park Meadows Addition, David City, Butler County, Nebraska, to form one lot, and

WHEREAS, the Planning Commission at their November 26th meeting approved the request of Dean & Pat Hilderbrand to rezone their property located in the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), (Tract D) Section 29, Township Fifteen (15), Range Three (3) East, Butler County, Nebraska, containing approximately .07 acres from Low Density Residential (LDR) to High Density Residential (HDR), and

WHEREAS, all three properties are zoned High Density Residential and all three properties are annexed into the City and there were no objections expressed concerning combining the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼), (Tract D) Section 29, Township Fifteen (15), Range Three (3) East, Butler County, Nebraska, containing approximately .07 acres, and a tract of land located in the Southwest Quarter (SW ¼) of Section 20, Township Fifteen (15) North, Range three (3) East of the 6th P.M., Butler County, Nebraska, containing 0.155 acres more or less, and the property legally described as PT of Lot 9 & All of Lot 7, East Park Meadows Addition, David City, Butler County, Nebraska, to form one lot.

subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk Joan E. Kovar