

## CITY COUNCIL PROCEEDINGS

May 11, 2022

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 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 May 5, 2022, 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 on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council members Tom Kobus, Bruce Meysenburg, John Vandenberg, Kevin Woita, and Interim City Administrator/City Clerk-Treasurer Tami Comte. Council members Jessica Miller and Pat Meysenburg were absent.

Also present for the meeting were: Special Projects Coordinator Dana Trowbridge, Deputy Clerk Lori Matchett, Jared Storm with Storm Flying, Banner-Press Correspondent Hannah Schrodt, Joel Schommer with M.E. Collins Contracting, Inc., Adam Rupe with JEO Consulting, Janae McMahan, Ronald Clark and Suzi Matchett with Bridging Our Community and Sheriff Tom Dion.

The meeting opened with the Pledge of Allegiance.

Mayor Alan Zavodny informed the public of the "Open Meetings Act" posted on the east wall of the meeting room and asked those present to please silence their cell phones. He also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Council member Bruce Meysenburg made a motion to approve the minutes of the April 27, 2022 City Council meeting as presented. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Council member Tom Kobus made a motion to approve the claims as presented. Council Member John Vandenberg seconded the motion. The motion carried.  
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Mayor Zavodny stated that the next item on the agenda was Committee and Officers Reports.

Interim City Administrator/City Clerk Tami Comte stated that they had set the budget meetings for June 27<sup>th</sup> and June 28<sup>th</sup> with budget presentations from the Department Heads.

Mayor Alan Zavodny said, "I just wanted to address one thing. There's been some stuff on social media about the dog issue that I brought up about six weeks ago. I brought it up because I thought it was an important thing to do and some people didn't think we should, but I did anyway. There are some people who wanted to talk about that again but given our agenda length and the fact that I think our Ordinance, and everything is fine. The rest of it is just – we really have got to do a better job of having the public realize that they have to have the public control their animals to make sure that we don't have instances like we've had the past several months. So, I did make that decision to not revisit it because we just did. If anyone wants to get blamed for that if you hear about it just say that it was me because it was. Anything else on committee and officers' reports?"

Council member Tom Kobus made a motion to accept the committee and officer's reports as presented. Council Member Kevin Woita seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Mayor Zavodny stated that since the first public hearing was scheduled for 7:15 p.m., he asked for a motion to advance to agenda item number 20 – Consideration of allowing Storm Flying to expand the concrete around the existing mixing pad at the airport.

Council member Bruce Meysenburg made a motion to advance to agenda item number 20: Consideration of allowing Storm Flying to expand the concrete around the existing mixing pad at the airport. Council Member Tom Kobus seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 4, Nay: 0, Absent: 2

Jared Storm of Storm Flying introduced himself and said, "The reason that we're doing this is so we can get two airplanes on the pad at once. Because this summer the Wahoo airport is closed so Frontier is going to run seven airplanes out of the airport and we'll probably have three, so that's ten airplanes working out of the David City airport. There simply wouldn't be enough room for the airplanes on the taxiways and so we're just trying to get more concrete. That's our leased property. Last year when Clayton was here, we did a survey and that was part of our leased property."

Council member Tom Kobus said, "You're going to put this in?"

Jared Storm of Storm Flying said, "We have a local guy, Jason Campbell, doing that for us. We talked to Eric Johnson, and we had permission from the FAA last year to do this and I know that Eric talked to Chris Kroesing."

Mayor Alan Zavodny said, "Do we need anything adjusted on our Airport Layout Plan?"

Interim City Administrator/City Clerk Tami Comte said, "They are still working on that."

Jared Storm of Storm Flying said, "Is Frontier putting a new building out there?"

Interim City Administrator/City Clerk Tami Comte said, "Not right now."

Jared Storm of Storm Flying said, "They'll have to talk to the Airport Layout Plan people before they do that."

Interim City Administrator/City Clerk Tami Comte said, "They have."

Mayor Alan Zavodny said, "That's going to be pretty crowded this summer then. Wahoo is just closed for this year?"

Jared Storm of Storm Flying said, "They are closed the whole summer. They are closing June 15<sup>th</sup> through October. We usually fly the bulk of our stuff out of Wahoo. It's a bigger airport and they have a parallel taxiway. Frontier usually flies out of there, too. All of that will probably come to Columbus and here. It's going to be pretty congested."

Mayor Alan Zavodny said, "Is there anything else as far as safety that we need to address?"

Jared Storm of Storm Flying said, "I was going to meet with Frontier and Roth's out there because Roth will be out there, too. We really need to get together and have some kind of a safety meeting before this all gets started. I was going to work on it."

Mayor Alan Zavodny said, "If you wouldn't mind spearheading that I would feel a little better."

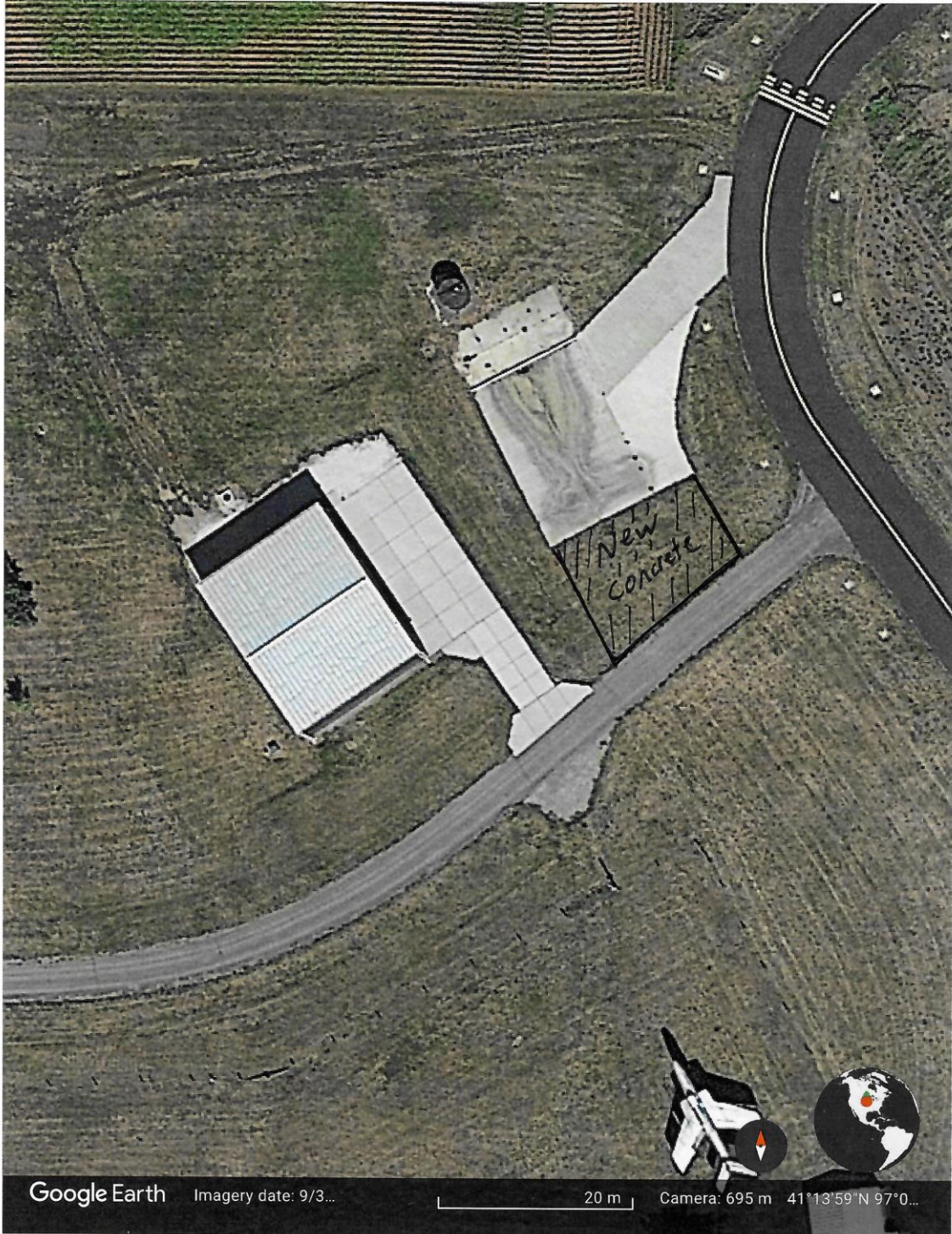
Council member Tom Kobus made a motion to approve allowing Storm Flying to expand the concrete around the existing mixing pad at the airport. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

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5/9/22, 8:50 AM

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Council member Bruce Meysenburg made a motion to advance to agenda items number 21 - 25. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Council member John Vandenberg made a motion to table consideration of local match for the Workforce Housing Grant to the June 22nd City Council meeting. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Mayor Zavodny stated that the next item on the agenda was consideration of local match for the owner-occupied housing grant.

Special Projects Coordinator Dana Trowbridge introduced himself and said, "We are working on this with the Southeast Nebraska Development District and that application went in a week ago. It was nicely done. The people in David City responded well on their surveys of housing needs in the community. I believe that we had fifteen pre-applications for loans for this program and the goal was twelve. The winners are scored on points, and you get points for the number of people who raised their hand and said that if it came to David City, we'd be interested in it. We did very well on that. We've asked for \$600,000. The maximum grant is \$40,000 per household. They average \$23,000 to \$25,000. So, we could do a lot of good in David City if we get this. We also get more points if the community is willing to do a cash match up to ten percent of the request asked which would be \$60,000 from the city. That \$60,000 would be added to the \$600,000 so at the end you would have \$660,000 to spread among the applicants up to \$40,000 per applicant. It would be a city administered program with SENDD so we would have input into the scoring mechanisms and how the money is distributed. We don't just turn it over to them and say, 'go for it'. My request would be that the City would fund the ten percent match up to \$60,000. The words are 'up to'. If we got a \$400,000 grant instead of \$600,000, the match would only be \$40,000."

Mayor Alan Zavodny said, "So, we're basically just authorizing the spending authority up to the \$60,000? We talked about this before, and I think the Council is very familiar with it."

Special Projects Coordinator Dana Trowbridge said, "I think it's a great way to help a lot of people, and if there's a way to make the community look better and be more sound it is housing."

Council member Tom Kobus made a motion to approve up to \$60,000 of local match for the owner-occupied housing grant. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Council member Tom Kobus made a motion to approve reappointing Terry Pachunka to another 5-year term as Commissioner on the David City Housing Authority - Board of Commissioners. Council Member Kevin Woita seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

Mayor Alan Zavodny stated that the next item on the agenda was consideration of approving Blue Valley Community Action shelter assistance.

Mayor Alan Zavodny said, "The wording was in your packet. This is something that they request every five years?"

Interim Administrator/City Clerk Tami Comte said, "Yes, I believe that is what he told me in the email."

Council member Bruce Meysenburg made a motion to approve Blue Valley Community Action shelter assistance. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

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**FORM 6 – CERTIFICATION OF LOCAL GOVERNMENTAL APPROVAL**

**CERTIFICATION OF LOCAL GOVERNMENT APPROVAL  
FOR NONPROFIT ORGANIZATIONS RECEIVING  
ESG FUNDS FROM STATE SUBRECIPIENTS FOR SHELTER ACTIVITIES**

I, Alan Zavodny, Mayor (*name of local government official and title*), duly authorized to act on behalf of the David City (*name of jurisdiction*), hereby approve the following emergency shelter activities provided/proposed by Blue Valley Community Action (*name of nonprofit organization*), which are located/plan to be located in David City (*name(s) of jurisdiction(s)*).

Description of emergency shelter activities: Blue Valley Community Action will provide homeless families and individuals with emergency shelter that meets the minimum safety, sanitation, and privacy standards according to HUD's 576.403. Blue Valley Community Action will ensure that shelter facilities are in proper operating conditions and are accessible for those identifying with a disability. For the purpose of confidentiality and safety, emergency shelter locations will not be identified or disclosed to the general public.

 5.11.2022  
Signature and Date

ALAN ZAVODNY  
Typed or Written Name of Signatory Local Official

Mayor  
Title

**Note:** In order to receive Emergency Solutions Grant funding, this certification is required by the U.S. Department of Housing and Urban Development. It does NOT need to be completed annually for the same emergency shelter activities funded the previous year. This form is held on file for six years. However, the local government has the opportunity to withdraw its prior approval at any time. The local government may elect to withdraw approval by contacting the Nebraska Homeless Assistance Program at [DHHS.HomelessAssistance@nebraska.gov](mailto:DHHS.HomelessAssistance@nebraska.gov)

Mayor Zavodny stated that the next item on the agenda was consideration of Ordinance No. 1393 establishing the pay for the Aquatic Center employees.

Mayor Alan Zavodny said, "Well, if this sounds very familiar it's because we just addressed this. Since then, what happened is that Pawnee Plunge came and took three of our lifeguards away because they are paying \$14.00 per hour. Now, I made the argument that with gas like it is that there would be a pay differential there but if we can't get workers then we can't open a pool and that would be a very very bad thing. As I've said before and I give this speech, I swear, every year, 'The swimming pool has never and will never make money. It's a quality-of-life thing for the community and it would be very bad if we couldn't open it. We're trying to recruit lifeguards right now and we're hoping that some of them that committed to Pawnee Plunge, if we can at least meet that level of pay that maybe they would consider why drive to Columbus for the same pay. We're trying to compete with them. The Aquatic Center is also competing for lifeguards. Everybody is fighting for the same small group of kids. That's why this is before you again."

Council member Bruce Meysenburg introduced Ordinance No. 1393. Mayor Zavodny read Ordinance No. 1393 by title. Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1393 on third and final reading establishing the pay for the Aquatic Center employees. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **ORDINANCE NO. 1393**

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO SET THE PAY FOR THE AQUATIC CENTER STAFF; REPEAL ALL ORDINANCES OR PORTIONS OF ANY ORDINANCE IN CONFLICT THEREWITH; PROVIDE AN EFFECTIVE DATE; AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay for the Aquatic Center Staff as follows after the passage of this ordinance.

Office/Slide	\$11.00
Concessions	\$11.00
Lifeguards	\$14.00
Swim Lesson Instructors	\$16.00
Manager	\$18.25
Assistant Managers	\$17.50
Aquatic Fitness Instructor	\$14.00

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall be in full force and effect beginning on May 12, 2022.

PASSED AND APPROVED this 11<sup>th</sup> day of May, 2022.



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Mayor Alan Zavodny

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City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:16 p.m. to consider the adoption of a Wellhead Protection Plan Update for the City of David City, Nebraska.

Mayor Alan Zavodny said, "Just to clarify, we are doing this to adjust our boundaries to include recently annexed areas."

Adam Rupe representing JEO Consulting Group introduced himself and said, "I worked on kind of the end portion of the plan. One of our other previous employees was leading the project up until the very end. Adopting the plan is one of the last steps of the grant project through the source water funding. You mentioned that the map was adopted last month, the updated wellhead protection plan map and this is just a documentation of the planning process that we went through and has the documentation on how the map was developed and the stakeholder group that was put together to help form the plan. Really, the primary recommendations coming out of it are to continue to work on decommissioning any abandoned wells, so they are sealed properly and public education on best management practices. The drinking water in town is really good and has very very low nitrates so there's not a huge problem to try to tackle right now."

Mayor Alan Zavodny said, "That can be a huge problem especially in an ag community. Any question of Adam?"

Hearing no further comment, Mayor Zavodny declared the public hearing closed at 7:19 p.m.

Council member John Vandenberg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

Council member John Vandenberg made a motion to adopt Ordinance No. 1388 on third and final reading adopting the Wellhead Protection Plan update. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

**ORDINANCE NO. 1388**

AN ORDINANCE FOR THE CITY OF DAVID CITY, NEBRASKA, TO ADOPT THE WELLHEAD PROTECTION PLAN FOR THE CITY OF DAVID CITY, NEBRASKA, AS PREPARED BY JEO CONSULTING GROUP, INC. FOR THE CITY OF DAVID CITY; TO PROVIDE FOR THE REPEAL OF ORDINANCES INCONSISTENT HERewith; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

**Section 1: Definitions.** Wellhead Protection Area means the surface and subsurface area surrounding a public water supply well or wellfield, supplying a public water supply system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

**Section 2.** The City Council designated a Wellhead Protection Area for the purpose of protecting the public water supply system as referred to in Ordinance No. 1382 on April 13, 2022.

**Section 3.** That the Wellhead Protection Plan for the City of David City, Nebraska, dated April 2022, prepared by JEO Consulting Group, Inc. for the City of David City, approved by the David City City Council, is hereby adopted as the Wellhead Protection Plan for the City of David City, Nebraska.

**Section 4.** That a copy of the Wellhead Protection Plan and a map of the Wellhead Protection Area for the City of David City, Nebraska, are on file and shall be kept in the office of the City Clerk.

**Section 5.** That all Ordinances previously adopted by the City Council of the City of David City, Nebraska, which are inconsistent and in conflict herewith this Ordinance are hereby repealed and without further force of effect.

**Section 6.** That this ordinance shall be in full force and take effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF April, 2022.

ATTEST:

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Alan Zavodny, Mayor

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Tami Comte, City Clerk

Mayor Zavodny declared the public hearing open at 7:21 p.m. to determine the sufficiency of the petitions and other circumstances relative to the creation of Street Improvement District No. 2022-1.

Interim Administrator/City Clerk Tami Comte said, "There were no petitions received."

Mayor Alan Zavodny said, "Does anyone wish to speak to this? We had discussed this previously and one of the things that we had talked about is that we need some planning with the curb and sidewalks and doing it the same as we did on west "O" Street and assessing the landowners and that kind of thing. It's certainly a need based on the traffic that utilizes that between Yanka and Akrs. Does anyone from the public wish to speak on this?"

Hearing no further comment Mayor Zavodny declared the public hearing closed at 7:23 p.m.

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 6-2022 acknowledging any written objections to Street Improvement District No. 2022-1. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **RESOLUTION NO. 6-2022**

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska as follows:

1. The Mayor and City Council heretofore adopted Ordinance No. 1386 creating Street Improvement District No. 2022-1, which ordinance was published as provided by law on April 21, 2022.
2. Notice of Creation of said Street Improvement District No. 2022-1 was given as provided by law by publication on April 21, 2022, April 28, 2022, and May 5, 2022 and notice was mailed to all non-resident owners as provided by law.
3. That no filings were made by owners of abutting property to the office of the City Clerk relating to the creation of the said Street Improvement District No. 2022-1, as shown on the records of the City Clerk, which filings object to the creation of the Street Improvement District but, the said street constituting a thoroughfare as stated in the Ordinance creating the District, said objections are a matter of record and filing only:
4. Now be it further Resolved by the Mayor and City Council of the City of David City, Nebraska, that all things having been done as provided by law relative to the creation of Street Improvement District No. 2022-1 and the findings and determination that O Street from the alley between 4<sup>th</sup> Street and 5<sup>th</sup> Street east to the 12<sup>th</sup> Street is a thoroughfare

within the City of David City as defined by law, the aforesaid street is by this resolution confirmed by the Mayor and City Council to be found and determined to be a thoroughfare as provided by law and the Mayor and City Council have authority to proceed with the improvement of a portion of the said thoroughfare as provided by law and as set out in Ordinance No. 1386 creating said Street Improvement District, and the Mayor and City Council shall proceed with the construction of the improvements as set out in Ordinance No. 1386 and with other regulations and ordinances of the City of David City.

Passed this 11<sup>th</sup> day of May, 2022.

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Mayor Alan Zavodny

ATTEST:

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City Clerk Tami Comte

(Seal)

Mayor Zavodny stated that the next item on the agenda was consideration of Resolution No. 7-2022 accepting the bid for the construction of improvements in Street Improvement District No. 2022-1.

Mayor Alan Zavodny said, "The bids were actually fairly close in dollar amount. I think what separates it and why I would personally recommend to go with the Collins bid is the timing of when they can get to it. It is significantly earlier than the other bid and we've had extremely good luck with M.E. Collins. They've always done very good work for us so that would be one person's recommendation and one person that doesn't even get to vote."

Joel Schommer, Vice-President representing M.E. Collins Contracting introduced himself and said, "We are anticipating a late June or early July start and as long as winter does not set in early, we should be done late this fall. Just so you guys have an idea of when that will take place."

Mayor Alan Zavodny said, "When we saw the dates of a year that was a lot."

Joel Schommer said, "The only reason that we would carry over into 2023 would be some seeding and some minor stuff."

Mayor Alan Zavodny said, "We're used to that with the grading and cleanup work."

Joel Schommer said, "As long as winter doesn't set in early, we should have everything finished up."

Council member Bruce Meysenburg said, "Is this bid subject to any change orders or anything?"

Joel Schommer said, "Nope. That's it. It's set in stone. The main reason that I wanted to be here for this is because if you did choose the 2023 bid with the prices, in my industry, there's a chance that they are going to want more money due to prices going up."

Council member Bruce Meysenburg said, "I think we're better off to do it now than to wait."

Joel Schommer said, "Nothing on our end will go up, everything was bid accordingly."

Mayor Alan Zavodny said, "We're hoping that concrete stays somewhat stable and then fuel will hopefully come down a little bit."

Council member Tom Kobus made a motion to pass and adopt Resolution No. 7-2022 accepting the bid of M.E. Collins Contracting, Inc. for the construction of improvements in Street Improvement District No. 2022-1. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 4, Nay: 0, Absent: 2

### **RESOLUTION NO. 7-2022**

RESOLUTION OF THE MAYOR AND CITY COUNCIL ACCEPTING THE BID FOR THE CONSTRUCTION OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2022-1 IN THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED, by the Mayor and City Council of the City of David City, Nebraska:

Section 1. That plans, specifications and estimates of cost have been prepared by the City's Engineers, Olsson, Grand Island, Nebraska, and filed in the office of the City Clerk and previously approved by the Mayor and City Council, be and hereby are approved by the Mayor and City Council for the construction of improvements in Street Improvement District No. 2022-1 in the City of David City, Nebraska, and the prior actions of the Mayor and City Council be and hereby are ratified and approved.

Section 2. That the Mayor and City Council further find and determine that the bid for the furnishing of labor, tools, materials and equipment required to construct improvements and such other work as may be incidental thereto in Street Improvement District No. 2022-1 in the City of David City, Nebraska, as submitted by the following contractor is the best bid received to complete the work in 2022 or spring of 2023 as follows:

<u>Name and Address of Bidder</u>	<u>Amount of Bid</u>
M.E. Collins Construction	\$1,848,434.00

AND BE IT FURTHER RESOLVED, that the bid as above set forth, filed with the City Clerk in accordance with the terms of published notice calling for the proposals for furnishing of labor, tools, materials and equipment required to construct said improvements and such other work as may be incidental thereto in Street Improvement District No. 2022-1 in the City of David City, Nebraska, be and the same is hereby accepted.

Passed this 11<sup>th</sup> day of May, 2022.

CITY OF DAVID CITY, NEBRASKA

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Mayor Alan Zavodny

Attest:

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City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:27 p.m. to consider amending the future land use plan map by changing the zoning classification from MDR – Medium Density Residential to C – Commercial for the following real estate as requested by Bridging Our Community: Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11.

Janae McMahon, member of Bridging Our Community, introduced herself and said, “I’m not sure how much everybody knows. There’s a group of us that are looking to open a food pantry and thrift store. Eventually we’re hoping to do a resource center and outreach center out of there also. Right now, we have our food pantry at a temporary location at Redeemer Lutheran Church. We’ve helped over two hundred and fifty families while we have been located there since mid-December. The Lincoln Food Bank has partnered with us for the food pantry part because they said that there is such a huge need in Butler County.”

Mayor Alan Zavodny said, “Just so I’m clear, the food pantry is bringing food out to you here and you’re distributing it?”

Janae McMahon said, “We put in an order, and they bring it out to us.”

Interim City Administrator/City Clerk Tami Comte said, “This is at the former Congregational Church.”

Mayor Alan Zavodny said, “Do you have set days for this? If you’ve helped two hundred and fifty families since December how does that work? Is it once a month or twice a month?”

Janae McMahon said, "Right now we are doing it by appointment. They call and make an appointment. We have fliers up and like at the mobile food pantries, the trucks that come from the Lincoln Food Bank, we hand out little things with our names and numbers on them so they can call one of us and set up a time and we go down and get the food ready for them. We meet them outside of the church and since we're at Redeemer they would have the liability for the basement if somebody would come to pick up food and fall. So, we just bring everything out."

Mayor Alan Zavodny said, "That's the norm now. Curbside delivery for everything."

Janae McMahon said, "We've helped a lot. Last week we had eight families that we helped. One thing that we are really hoping for with being in this building instead is no stairs or very few stairs. Going up and down the stairs with the food is very difficult because it's heavy. We have gotten shipments in from Lincoln that are as heavy as thirty-five hundred pounds and there's just a few of us that are taking them down the stairs and get it all put away. We have made some improvements in the building already. We're fixing it up. It had been sitting with no utilities on or anything for three years before we hooked stuff up to make sure that it was even going to be usable and what we would need to fix."

Council member Kevin Woita said, "So, you plan on making this your thrift store also?"

Janae McMahon said, "Yes. The hall part would be the store area and part of the chapel would be food pantry and then we also want to be able to open up for any type of meetings or some sort of classes or anything like that. We want to have that available to the community."

Mayor Alan Zavodny said, "What is your timeline for the store being ready to operate?"

Janae McMahon said, "We are hoping and praying for August 1<sup>st</sup>."

Mayor Alan Zavodny said, "I'm not holding you to that."

Janae McMahon said, "We've got a few things that we have to do. The food bank has to come in and get everything inspected with all of that and we do have a few things that we need to fix up, but we wanted to make sure that we were going to be able to use it before we did everything."

Mayor Alan Zavodny said, "Well, we're going to hopefully take that step tonight."

Ronald Clark introduced himself and said, "Part of the need is also, as she mentioned, classes. I went through a lot of rough spots in my life and by the glory of God I was able to turn my life around. There were certain things that helped me in realizing how my behaviors were affecting me. Those are some of the types of classes that we want to offer. Also, we've been working with the Genesis House because some of their programs might be scaled back. We want to help the community. It's all about community. It's not about anybody's ego. Nobody gets paid. All of the money that we make besides paying the bills for lights, and all of that stuff, is going to go back into the community. We want to seek those grants out that are being given out in the community like they are supposed to be through agencies like this and make sure that they are being given to those people to improve the looks of their houses and stuff like that."

Mayor Alan Zavodny said, "So, your thrift store will be operated out of donations, then?"

Ronald Clark said, "Yes. It's going to be reasonable. That's one of the things that I've seen in thrift stores over the last three years is that they try to charge new prices for used stuff and we all think that is ridiculous. People are going to be in need for things and they don't have money to waste."

Janae McMahon said, "We are Butler County, not just David City."

Hearing no further comment, Mayor Zavodny declared the public hearing closed at 7:35 p.m.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

Council member Bruce Meysenburg introduced Ordinance No. 1389 amending the Future Land Use Map by changing the zoning classification from MDR - Medium Density Residential to C - Commercial for the following real estate as requested by Bridging Our Community for the real estate legally described as Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11. Mayor Zavodny read Ordinance No. 1389 by title. Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1389 on third and final reading amending the Future Land Use Map by changing the zoning classification from MDR - Medium Density Residential to C - Commercial for the following real estate as requested by Bridging Our Community for the real estate legally described as Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **ORDINANCE NO. 1389**

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE ZONING CLASSIFICATION FROM MDR – MEDIUM DENSITY RESIDENTIAL TO C - COMMERCIAL, FOR THE FOLLOWING REAL ESTATE: LOTS 2, 3, 6, 7, 10 AND 11, BLOCK 12, ORIGINAL TOWN OF DAVID CITY; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Future Land Use Map be amended as follows:

- a. To amend the following property from MDR – Medium Density Residential to C – Commercial, for the following real estate as requested by Bridging Our Community, Lots 2, 3, 6, 7, 10 and 11, Block 12, Original Town of David City.





Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

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

Passed and adopted this 11<sup>th</sup> day of May, 2022.

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Mayor Alan Zavodny

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City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:38 p.m. to consider amending the official zoning map by changing the zoning classification from R-2 – Two-Family Residential to C-2 – Downtown Commercial for the following real estate as requested by Bridging Our Community: Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11.

Hearing no comment, Mayor Zavodny declared the public hearing closed at 7:38 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1390 amending the Official Zoning map by changing the zoning classification from R-2 - Two-Family residential to C-2 - Downtown Commercial for the following real estate as requested by Bridging Our Community legally described as follows: Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11. Mayor Zavodny read Ordinance No. 1390 by title. Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Tom Kobus seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1390 on third and final reading amending the Official Zoning map by changing the zoning classification from R-2 - Two-Family residential to C-2 - Downtown Commercial for the following real estate as requested by Bridging Our Community legally described as follows: Original Town, Block 12, Lots 2, 3, 6, 7, 10 and 11. Council Member John Vandenberg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **ORDINANCE NO. 1390**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED BELOW FROM R-2 TWO-FAMILY RESIDENTIAL TO C-2 DOWNTOWN COMMERCIAL, FOR THE FOLLOWING REAL ESTATE DESCRIBED AS LOTS 2, 3, 6, 7, 10 AND 11, BLOCK 12, ORIGINAL TOWN OF DAVID CITY; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Official Zoning Map be amended as follows:

To amend the zoning classification of real estate from R-2 Two-Family Residential to C-2 Downtown Commercial as requested by Bridging our Community for the following real estate: Lots 2, 3, 6, 7, 10 and 11, Block 12, Original Town of David City.



Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

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

Passed and adopted this 11<sup>th</sup> day of May, 2022.

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Mayor Alan Zavodny

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City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:40 p.m. to consider amending the Zoning Ordinance No. 1060 by amending Article 2: Definitions by adding the definition of "Food Pantry" and "Second hand/thrift store".

Hearing no comment, Mayor Zavodny declared the public hearing closed at 7:41 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1391 amending the Zoning Ordinance No. 1060 by amending Article 2: Definitions by adding the definition of "Food Pantry" and "Second hand/Thrift Store". Mayor Zavodny read Ordinance No. 1391 by title. Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea

Yea: 5, Nay: 0, Absent: 2

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1391 on third and final reading amending the Zoning Ordinance No. 1060 by amending Article 2: Definitions by adding the definition of "Food Pantry" and "Second hand/Thrift Store". Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **ORDINANCE NO. 1391**

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING ARTICLE 2: DEFINITIONS SECTION 2.02 DEFINITIONS BY ADDING THE DEFINITION OF A "FOOD PANTRY" AND "SECOND HAND/THRIFT STORE; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

#### **ARTICLE 2: DEFINITIONS**

##### **Section 2.02 Definitions.**

**FOOD PANTRY** shall mean a public or private nonprofit establishment that distributes food, clothing, household supplies, personal care items and other related items to needy households.

**SECOND HAND STORE** – see Thrift Store

**THRIFT STORE** shall mean a shop that sells used articles of clothing or other used household goods such as furniture, decorations, and kitchenware, whether such shop shall be operated for profit or for the benefit of a charity.

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 11<sup>th</sup> day of May, 2022.

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Mayor Alan Zavodny

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City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:43 p.m. to consider amending the Zoning Ordinance No. 1060 by amending Section 5.13 C-2 Downtown Commercial 5.13.02 Permitted Uses by adding #6 ww. Food Pantry.

Hearing no comment, Mayor Zavodny declared the public hearing closed at 7:43 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1392 amending the Zoning Ordinance No. 1060 by amending Section 5.13 C-2 Downtown Commercial 5.13.02 Permitted Uses by adding #6 ww. Food Pantry. Mayor Zavodny read Ordinance No. 1392 by title. Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1392 on third and final reading amending the Zoning Ordinance No. 1060 by amending Section 5.13 C-2 Downtown Commercial 5.13.02 permitted uses by adding #6 ww. Food Pantry. Council Member Kevin Woita seconded the motion. The motion carried.  
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

### **ORDINANCE NO. 1392**

AN ORDINANCE TO AMEND ZONING ORDINANCE NO. 1060 BY AMENDING ARTICLE 5: ZONING DISTRICTS SECTION 5.13 C-2 DOWNTOWN COMMERCIAL 5.13.02 PERMITTED USES BY ADDING #6 WW. FOOD PANTRY; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

#### **ARTICLE 5: ZONING DISTRICTS**

##### **Section 5.13 C-2 Downtown Commercial District**

###### **5.13.02 Permitted Uses.**

6. Retail business or service establishment supplying commodities or performing services,

ww. Food Pantry

This Ordinance shall be in full force and effect from and after passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 11<sup>th</sup> day of May, 2022.

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Mayor Alan Zavodny

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City Clerk Tami Comte

Council member Kevin Woita made a motion to adjourn. Council Member John Vandenberg seconded the motion. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:45 p.m.  
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Jessica Miller: Absent, John Vandenberg: Yea, Kevin Woita: Yea, Alan Zavodny (Mayor): Yea  
Yea: 5, Nay: 0, Absent: 2

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CERTIFICATION OF MINUTES

May 11, 2022

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of May 11, 2022; 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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Tami Comte, City Clerk