

## CITY COUNCIL PROCEEDINGS

June 8, 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 June 8, 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, Jessica Miller, Pat Meysenburg, John Vandenberg, Kevin Woita, and Interim City Administrator/City Clerk-Treasurer Tami Comte and Interim City Attorney Tim Wollmer.

Also present for the meeting were: Special Projects Coordinator Dana Trowbridge, Deputy Clerk Lori Matchett, Water Department employee Anthony Kobus, Street Supervisor Chris Kroesing, Bob Kobza, Dan & Jan Sypal and Banner-Press Correspondent Hannah Schrodt, 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 Pat Meysenburg made a motion to approve the minutes of the May 25, 2022, City Council meeting as presented. Council Member John Vandenberg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to approve the claims listing as presented. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was committee and officer's reports and presentation of 15-year certificate of appreciation to Chris Kroesing.

Mayor Zavodny said, "I'd like to begin by presenting Chris Kroesing with a 15-year Certificate of Appreciation in acknowledgment of fifteen years of faithful and efficient service to the community.

Mayor Zavodny announced that he had a meeting with Michael Foods, and they were closing their facility in David City on July 30<sup>th</sup>. They may use it for something different in the future. It is unclear at this time.

Mayor Zavodny stated that there was a meeting on Tuesday for the AGP electric expansion and that is progressing.

Council member Tom Kobus asked about a solar agreement and Interim City Administrator/City Clerk Tami Comte stated that Electric Supervisor Pat Hoeft was working on it.

Council member Tom Kobus made a motion to approve the committee and officer's reports as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to advance to agenda item #9 consideration of adding stop signs to the intersection at 6<sup>th</sup> & "D" Street on the north and south side and the intersection of 11<sup>th</sup> & "L" Street on the east and west side. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next agenda item was consideration of adding stop signs to the intersection at 6<sup>th</sup> & "D" Street on the north and south side and the intersection of 11<sup>th</sup> & "L" Street on the east and west side.

Street Supervisor Chris Kroesing stated that he had several concerned citizens that were requesting stop signs at the intersection of 6<sup>th</sup> & "D" on the north and south side and the intersection of 11<sup>th</sup> & "L" Street on the east and west side.

Discussion followed.

Council member Jessica Miller made a motion to add stop signs on the east and west side of the intersection at 11<sup>th</sup> & "L" Street and speed bumps on 11<sup>th</sup> Street. Council member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Alan Zavodny declared the public hearing open at 7:15 p.m. to consider the adoption of an updated One-year and Six-year Street Improvement Plan for the City of David City, Nebraska.

Special Projects Coordinator Dana Trowbridge introduced himself and said, "This was brought to us by the Nebraska Department of Transportation. The permitting office goes through highway access to limited access roadways as Highway 15 running north of David City. Akrs needs an access point and we have identified a future road as Industrial Parkway and the State will allow a much easier progress for access to the highway if the City requests it. The City needs to have a One and Six Year Street Plan that recognizes the importance of that street and that connection to Highway 15 and we did not have this in our One and Six Year Plan because it wasn't on the horizon when we did the One and Six Year Plan. So, we are going to ask for that to be changed and we're also going to ask for an east side entrance on Highway 15 at Timpte Parkway and an east side entrance across from Akrs on Industrial Parkway. So, we're going to ask for three. The paperwork is in Lincoln. The initial approvals by the permitting officer and the district one engineer have been given. When we get them the One- and Six-year plan and the engineer's drawing with his stamp on it then they will take it to their committee for final approval. The Akrs one will be approved probably on both sides. I have no idea what they will do with the Timpte Parkway."

Mayor Alan Zavodny said, "You made that very complicated situation sound very simple, so thank you for that."

Hearing no further comment, Mayor Zavodny declared the public hearing closed at 7:17 p.m.

Council member Jessica Miller made a motion to pass and adopt Resolution No. 9-2022 updating the One-Year and Six-Year Street Improvement Plan. Council Member Pat Meysenburg seconded the motion. The motion carried.  
Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

### **RESOLUTION NO. 9 - 2022**

WHEREAS, The City of David City, Nebraska, has conducted a Public Hearing on June 8, 2022, in accordance with the requirements of the Board of Public Roads Classifications and Standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the updated One Year and Six Year Street Improvement Plans for Streets, as presented at the public hearing, are unanimously accepted and the City Clerk is hereby instructed to forward a certified copy of this resolution to the Board of Public Roads Classification and Standards of the State of Nebraska.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2022.

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Mayor Alan Zavodny

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City Clerk Tami L. Comte

Mayor Alan Zavodny declared the public hearing open at 7:18 p.m. to consider amending the Future Land Use Plan Map by changing the zoning classification from LDR – Low Density Residential to MDR – Medium Density Residential for the following real estate:

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning. Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing

on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.

Special Projects Coordinator Dana Trowbridge said, "I'd like to speak to this item because it's an entry level item into a progression of items that will bring us to a housing development that we sorely need in this community. I think that we have five lots for sale in David City and four of them aren't affordable. This will open a lot of doors for us to continue to grow and we are in growth mode right now. We need to change the future land use map, so we'll need to change from R-1 to R-2 for that particular area. That is the first step in a progression."

Council member Kevin Woita said, "What is the main reason that we have to change this? Is this due to the lot sizes."

Special Projects Coordinator Dana Trowbridge said, "There are two reasons. One is lot size and number of doors per lot. You have two doors per lot on a townhouse property. You would actually combine two lots on the west side of whatever street we name it facing east. There are ten lots that accommodate five townhouse units, which are ten doors. So, we have to have R-2 in order to accommodate two doors per lot. R-1 also limits us to ten thousand five hundred being the lot minimum and this particular plat suggests that a minimum should be around seven thousand square feet. So, I think it's a double prong."

Council member Kevin Woita said, "Is what we have on this plat set in stone?"

Special Projects Coordinator Dana Trowbridge said, "No. This is a preliminary plat, and it can be amended with good reason and "I wanna" isn't a good reason."

Council member Kevin Woita said, "I agree. I approached Tony this afternoon and I also talked to Pat Hoefl a little bit on some concerns about how the lots are laid out. We don't have anything, particularly on the west side and he doesn't have a definite answer on where the utilities are going to go."

Special Projects Coordinator Dana Trowbridge said, "He's confused. I'll tell you that right up front. Tami and I have been messing with this for way too long. Pat tells us where the utilities go, and we draw the easements from that. Pat refuses to do that and we need to suggest to him that it's time to get busy."

Council member Kevin Woita said, "If that's the case, are we going to be able to put utilities across the northwest drainage easement or alongside of them?"

Special Projects Coordinator Dana Trowbridge said, "The City of David City owns that easement. We can shrink or modify that easement any way that we want to. We can do this and leave him plenty of room to do his electric. It's not the problem that he is making it out to be."

Council member Kevin Woita said, "Secondly, in talking to a home builder, he doesn't think that some of these lots are sellable because of the size and the way that they are pie shaped. He said there is a situation in Columbus where they cannot sell a lot because it will not fit a home on there. I'm just saying that maybe we have to look again at the plan on the size of these lots."

Special Projects Coordinator Dana Trowbridge said, "We can certainly listen to his concerns as a group, I believe. We also have to factor in what does Tony normally build? Tony does not specialize in three-hundred-thousand-dollar houses. The footprints are different."

Council member Jessica Miller said, "Bob Kobza said the same thing."

Special Projects Coordinator Dana Trowbridge said, "He didn't tell me that in my discussion with him today."

Council member Jessica Miller said, "He said that it was hard to sell those, and he had a situation over in Brainard and so the people next door bought the lots."

Special Projects Coordinator Dana Trowbridge said, "Then why don't we sit down and have everybody figure out the best way to set it up?"

Council member Kevin Woita said, "We zoned this once already to residential one."

Interim City Administrator/City Clerk Tami Comte said, "It was that way from before. It has always been R-1. All of those properties from "O" Street to the north have always been zoned R-1. The minimum lot size is R-1 is ten thousand five hundred square feet and that's just not feasible."

Council member Kevin Woita said, "But, we've got lots in here that are above ten thousand square feet."

Interim City Administrator/City Clerk Tami Comte said, "That's fine, but the minimum lot size in R-2 is seven thousand square feet. So, you can have bigger lots, but the minimum is seven thousand. The minimum in R-1 is ten thousand square feet so you can't have a smaller lot."

Mayor Alan Zavodny said, "You're setting a new minimum."

Interim City Administrator/City Clerk Tami Comte said, "Yes."

Council member Bruce Meysenburg said, "So, if we go with this plat here and if we want to replat before we get to the end with bigger lots that's not going to change what we have to do with zoning, correct?"

Interim City Administrator/City Clerk Tami Comte said, "No. The minimum will be seven thousand."

Mayor Alan Zavodny said, "I think what the discussion is going to end up being is if you have setbacks and that gets narrow and you can't put something there, you may split that and go to the adjacent lots. Those are some adjustments that can be considered at that point. We are just setting the minimum at this point."

Council member Bruce Meysenburg said, "I'll tell you right now that if we go ahead and do this that we will want to put it in there that we go with deed restrictions. I don't want duplexes and I don't want rental units. I want owner-occupied housing in this area."

Council member Tom Kobus said, "I think a lot of work has gone into this plat."

Council member Kevin Woita said, "I agree with that, but I think it needs to be tweaked just slightly. There are a few here that we just need to move the line on them a little bit. There's a lot on the north side in the east corner that is thirty foot, and nobody is going to want that. The lots over here on the north side, there is one that is only thirty-two feet."

Special Projects Coordinator Dana Trowbridge said, "Is it pie shaped Kevin?"

Council member Kevin Woita said, "No. It's on the northwest corner if I'm looking at that right."

Special Projects Coordinator Dana Trowbridge said, "What you have on your agenda this evening is a preliminary plat not a final plat."

Mayor Alan Zavodny said, "I think that where we are right now is adjusting the zoning. If you can clear your minds to you are establishing a new minimum is what the question before you is."

Jan Sypal introduced herself and said, "My question to the Council is could you explain to me a little bit when you say that ten thousand five hundred square foot lots are not feasible, what are you saying?"

Interim City Administrator/City Clerk Tami Comte said, "Right now the minimum lot size in R-1 is ten thousand five hundred square feet so now the minimum lot size would be seven thousand square feet."

Jan Sypal said, "I know, but somebody asked the question of why are we rezoning in the first place because the ten thousand square feet lot is not feasible."

Interim City Administrator/City Clerk Tami Comte said, "Because a lot of the lots on the plat are less than ten thousand square feet."

Jan Sypal said, "But I'm asking why."

Interim City Administrator/City Clerk Tami Comte said, "Because that is what the plat is."

Council member Tom Kobus said, "That's the way they planned it out."

Special Projects Coordinator Dana Trowbridge said, "Because you can build a livable house on a seven thousand square foot lot. It's that simple. What I've been upset about through this whole thing is the amount of misinformation being spread and it's coming from several different areas. It's an effort to either kill this project or put it on a slow roll so it never happens and that, to me, is shameful behavior."

Jan Sypal said, "So on a seven thousand square foot lot, what size frontage is that?"

Special Projects Coordinator Dana Trowbridge said, "It's sixty foot on those."

Council member Kevin Woita said, "These are sixty by one hundred and twenty."

Jan Sypal said, "So, what happens to these lots that are less than that?"

Council member Kevin Woita said, "That's what I brought up. Maybe we need to move the lines."

Jan Sypal said, "I've done a lot of research in the last week. I've made a lot of phone calls and done a lot of research. Just to clarify this whole thing with Skip. I'm in the store seven days a week for several hours a day and I don't hear anybody coming in and talking about not wanting this project to continue or not wanting David City to grow. That is not at all what we're discussing here. What we're discussing is that we want to make this a nice expansion to David City and make sure that we have it so that whatever we zone it is practical and that the lot sizes that we have are also practical and I had a lot of discussion with a couple of builders in the area and some not from the area. Bob Kobza and I had a really nice conversation last night about this and with the amount of cost right now it is really difficult to build a reasonably looking house on less than seventy-five square feet frontage. So, we're talking about quite a few lots that are less than that seventy-five foot. The other thing that we talked about is also if you do have these smaller lots and people have told me that they have had this size lots in other



communities and what happens when they have these smaller lots is, and your thought process is that someone will buy two lots and merge them but about ninety percent of the time what happens is that those small lots don't sell and so then what happens is that they almost have to give them away to the property owner next door just to go ahead and get those lots sold."

Mayor Alan Zavodny said, "I think that is why we were having the discussion where we may have to look at moving some of those lines. We had a lot of people who were under the misconception that we were talking about low income, and I think we've been able to move past that versus workforce development and I've shared my concerns before that with building costs the way they are now that three hundred and twenty-five thousand you can get to pretty fast because it has to include your lot and your building. We've certainly been aware of all of those challenges. I think there is an openness and a willingness to say that we'll take a look at it. This is preliminary on the plat, and I think that when push comes to shove, we don't want to have that situation. I'll agree with that. You don't want to have small lots that nobody will buy."

Interim City Administrator/City Clerk Tami Comte said, "I had a builder tell me today that he would buy all ten lots and put up five townhomes."

Council member Bruce Meysenburg said, "On the west side?"

Interim City Administrator/City Clerk Tami Comte said, "Yes."

Council member Kevin Woita said, "So, the limitations, and I think we discussed this a couple weeks ago, there is no minimum amount of money that a person has to spend? It's not capped at a certain amount of money? There's not a certain amount of money that somebody has to spend on their house? Correct?"

Special Projects Coordinator Dana Trowbridge said, "In the workforce program, when it is created in July, the maximum allowable expenditure will be three hundred twenty-five thousand dollars on a single residence house. It will be two hundred and fifty thousand dollars per unit on multiple doors to qualify for workforce development."

Mayor Alan Zavodny said, "The whole thing is **not** workforce development. We're not talking about the whole plat being workforce development. The legislature just raised that from two hundred and seventy-five thousand.

Special Projects Coordinator Dana Trowbridge read the State of Nebraska's definition of workforce housing. He said, "This comes from the Department of Economic Development website, and it says, 'Workforce housing is housing that meets the needs of working families and is attractive to new residents locating in a rural community.' It says nothing about size, and it says nothing about income. I don't understand how lot size has anything to do with how attractive a house is."

Discussion followed.

Jan Sypal said, "We've got three interested parties and I wasn't planning to come to the meeting tonight because I had a committee meeting at the hospital, but it got out early. We have two other interested parties that really would like to speak at the Council meeting, but they weren't able to come because they had other things going on tonight. We would really

appreciate if you would table this so that we could have more input on this because there is so many questions. I know you're saying that this is just a preliminary plat, but I brought the December 8<sup>th</sup> meeting minutes with me and there were so many things there that were said. One of the things that was said was that even though we would sell this to a developer, the city would still like to have control over what goes in there, but what I'm hearing is that if you sell it to a developer that you don't have a lot of control over what goes in there."

Mayor Alan Zavodny said, "But that's why we addressed the zoning and the other rules that go into the plat."

Council member Jessica Miller said, "We can have specifications and clauses in there. We can even put a clause in there that they have up to a year to build on there and if they don't build within that year that the CDA will take ownership and pay them back what they paid for it."

Mayor Alan Zavodny said, "I'll tell you why I would speak strongly against tabling it. If we table because some people couldn't make it, they could say that they couldn't make the next one and we could drag this on for a long time. It's probably not a good policy decision. I understand what you are saying and it's unfortunate that people couldn't be here if they wanted to be, but it just slows it down in my estimation. If that's the motion that gets made and it gets enough votes, then so be it but I wouldn't be a big fan of that. Do you have anything to add Mr. Kobza?"

Bob Kobza introduced himself and said, "I can relate to the townhouse situation. Laura and I are going to build one on the corner of 11<sup>th</sup> and "E" and sell it. The bare minimum to get a decent townhouse on a lot is a hundred foot. So, whoever buys those sixty-foot lots, they are going to have to buy two and that will allow for the proper setback. I personally think that this subdivision needs deed restrictions that it's owner-occupied, whether it's a home or a townhouse. The townhouses that we are seeing in other communities like Schuyler or Columbus are really popular and not for retirement people. It's for young people. It's an affordability factor. They are probably going to be two hundred and fifty thousand by the time we get ours built per side. That's what it's going to cost. That's what we are seeing in other communities, and they are not over the top. They are nice but it's going to be two fifty per side. I think that would fit some of the incomes that we have here in this community such as Timpte, maybe one job at Timpte and one job somewhere else. I think that those levels can be achieved. I don't know how many we can sell at four or five hundred thousand to be built as spec homes. It would be tough because we don't have incomes to get to there. That's why I think that the openness to the townhouse deal is important at least to start because we have four people waiting and we haven't turned a shovel of dirt and they are young. They are young families that are looking for the affordability factor. That's how I see that. Schuyler found out that they made a mistake by not putting in a deed restriction. They were supposed to be townhouses originally, but they turned into duplexes, and I think that was a mistake. Then they had townhouses next to houses that were rentals with lots of people living in them and it just turned into a mess. I think to keep the neighborhood with single-family and ownership – you know as well as I know that things get taken care of better. If you own it, you are going to take care of it. That's my two cents."

Mayor Alan Zavodny said, "That's very reasonable from where I sit."

Special Projects Coordinator Dana Trowbridge said, "Bob just said a mouthful and I hope you listened to all of it. He just described workforce housing townhomes for two hundred and fifty thousand dollars. It happens to line up. Have your neighbors been upset with you for doing that in that area?"

Bob Kobza said, "No, they haven't. Not up to this point anyway."

Council member Bruce Meysenburg said, "It would be deed restriction that it has to be owner-occupied or else it's not going to get done."

Mayor Alan Zavodny said, "That makes sense to me. I think we are all in agreement."

Hearing no further comment, Mayor Alan Zavodny declared the public hearing closed at 7:48 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1398. Mayor Alan Zavodny read Ordinance No. 1398 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 Pat Meysenburg seconded the motion. The motion carried. Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Tom Kobus made a motion to pass Ordinance No. 1398 on third and final reading amending the future land use plan map by changing the zoning classification from LDR - Low Density Residential to MDR - Medium Density Residential for the following real estate legally described as: A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning AND All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning. AND That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific

Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning. EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning. AND EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning. AND EXCEPT A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.00 feet to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.

Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea

**ORDINANCE NO. 1398**

**AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE ZONING CLASSIFICATION FROM LDR – LOW DENSITY RESIDENTIAL TO MDR – MEDIUM DENSITY RESIDENTIAL, FOR THE FOLLOWING REAL ESTATE:**

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sygal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sygal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sygal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of

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said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located In the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.

**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:**

**To amend the following property from LDR – Low Density Residential to MDR – Medium**

**Density Residential for the following real estate:** A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6<sup>th</sup> P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

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That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

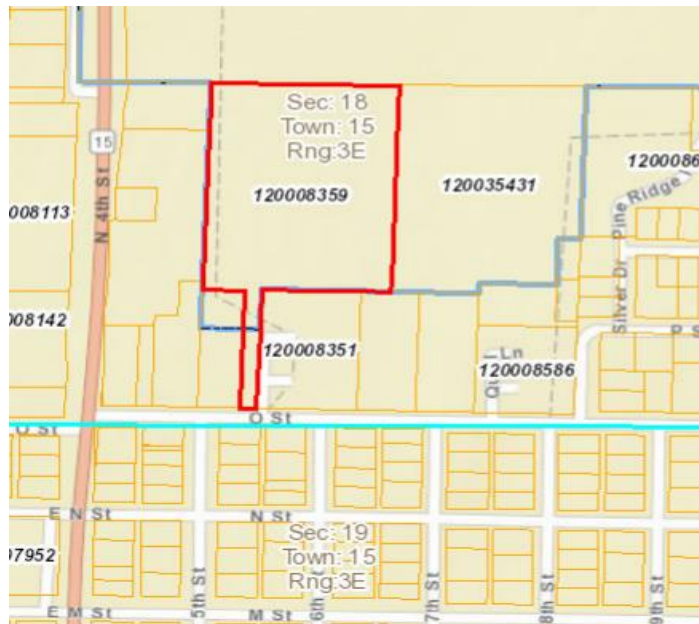
A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.



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 8<sup>th</sup> day of June, 2022.

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Mayor Alan Zavodny

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City Clerk Tami L. Comte

Mayor Alan Zavodny declared the public hearing open at 7:50 p.m. to consider amending the Official Zoning Map by changing the zoning classification from R-1 Single Family Residential to R-2 Two Family Residential for the real estate as described above.

Hearing no comments Mayor Alan Zavodny closed the public hearing at 7:51 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1399. Mayor Zavodny read Ordinance No. 1399 by title. Council member Tom Kobus made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.



Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1398 on third and final reading amending the future land use plan map by changing the zoning classification from LDR - Low Density Residential to MDR - Medium Density Residential for the real estate legally described as: A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sydal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sydal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sydal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning AND All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning. AND That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning. EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning. AND EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet;

thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning. AND EXCEPT A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

### **ORDINANCE NO. 1399**

#### **AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION OF REAL ESTATE DESCRIBED BELOW FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-2 TWO-FAMILY RESIDENTIAL FOR THE FOLLOWING REAL ESTATE DESCRIBED AS**

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning

AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner

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of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.

AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3

East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.

EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.

AND EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows:

Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning; **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:

- a. To amend the zoning classification of real estate from R-1 Single Family Residential to R-2 Two-Family Residential, for the following real estate:

A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning  
AND

All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning.  
AND

That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning.  
EXCEPT

A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning.  
AND EXCEPT

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A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet, to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning.

AND EXCEPT

A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.



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 8<sup>th</sup> day of June, 2022.

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Mayor Alan Zavodny

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City Clerk Tami L. Comte

Mayor Zavodny declared the public hearing open at 7:52 p.m. to consider the Preliminary Plat of Northland subdivision to the City of David City, Butler County, Nebraska, as legally described above.

Jan Sypal said, "I would really appreciate if the Council would really consider getting at least one more plat or additional plat or tweaking this plat to what it actually will be so that everybody that has interest in this property will be able to see exactly what you are approving before we actually approve the plat."

Special Projects Coordinator Dana Trowbridge said, "It's my understanding that you are not going to approve the Final Plat this evening. Am I correct?"

Mayor Zavodny said, "That is correct."

Special Projects Coordinator Dana Trowbridge said, "This is a Preliminary Plat. This is subject to change between now and the final plat. Is that correct Tami?"

Interim Administrator/City Clerk Tami Comte said, "Yes."

Special Projects Coordinator Dana Trowbridge said, "The Final Plat has to go to the Planning Commission?"

Interim Administrator/City Clerk Tami Comte said, "Yes."

Special Projects Coordinator Dana Trowbridge said, "So there is one more step in this. It would be a good time for all of those that have an interest in this to come to the Planning Commission meeting that day."

Interim Administrator/City Clerk Tami Comte said, "It does not require a public hearing, but it will be on the agenda for discussion."

Special Projects Coordinator Dana Trowbridge said, "It will be on the agenda for discussion and will be discussed."

Jan Sypal said, "Once again, I would like to ask the Council to please table this so we can get an additional plat or tweak this plat before we go ahead and pass this preliminary plat tonight."

Mayor Alan Zavodny said, "What you're asking is to not really consider this as the preliminary plat but the final plat."

Jan Sypal said, "I'm asking for us to get some other ideas of different plats before we continue forward."

Mayor Alan Zavodny said, "I would commit that we have a willingness to do that. This is the preliminary plat. You can disagree. This is preliminary. We can do some work between now and final. We'll take input from you on what a final should look like. I will commit to that."

Special Projects Coordinator Dana Trowbridge said, "I'd like to invite people to bring solutions. Draw your own plat and bring it to the meeting. We all know that there are folks that think they know better than what is here, and I don't disagree with them."

Jan Sypal said, "That's not the point that I'm trying to make. I think that we work with other people. Olsson's isn't the only one that we work with, correct."

Special Projects Coordinator Dana Trowbridge said, "You haven't brought us a solution yet."

Mayor Alan Zavodny said, "I think that is what I would recommend we do between tonight and when we get a final plat. I think there needs to be some more discussion. I absolutely believe that there can be improvement between what you see tonight and probably will pass and what a final plat could look like."

Council member Tom Kobus said, "How long will that take?"

Mayor Alan Zavodny said, "How many ideas do you have?"

Council member Kevin Woita said, "When are we going to have a final plat then?"

Mayor Alan Zavodny said, "When we feel that we're ready to have a final plat then we can bring it back."

Council member Tom Kobus said, "It's probably going to be over a month."

Mayor Alan Zavodny said, "It's probably going to take that time to make some changes. I don't think this is unreasonable considering the enormity of the project. I've learned a long time ago that you're never going to get everything that you want. There's going to be

compromises and what has been raised tonight has been reasonable and we can look at what we have tonight. This is what we have tonight for consideration. By the time it's final it can and should look different than this does. People have better ideas and solutions. That's what I'm saying probably needs to happen."

Special Projects Coordinator Dana Trowbridge said, "One last thing. We're looking at eleven million dollars' worth of investment on this property with another three million dollars of infrastructure. It's a fourteen-million-dollar trip. We're not taking this lightly. We want it to be right and we want it to be done properly."

Hearing no further comment, Mayor Alan Zavodny declared the public hearing closed at 7:57 p.m.

Council member Kevin Woita made a motion to adopt the Preliminary Plat of the Northland Subdivision as legally described as follows: A tract of land located in Lots 6 and 7, David City Land and Lot Company's Suburban Lots, located in the SW1/4 SE1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the South line of said Lot 7, said point being 130.74 feet East of the Southwest corner of said Lot 7, and assuming the West line of said Lot 7 to have a bearing of N00°23'53"E: thence N00°32'08"E, 449.25 feet; thence N89°35'57"W, 131.54 feet, to a point on the West line of said Lot 7; thence N00°23'53"E, 788.63 feet, to the Northwest corner of said Lot 7; thence N89°43'00"E, 638.12 feet, to the Northeast corner of said Lot 6; thence S00°20'16"W, 796.95 feet, on the East line of said Lot 6, to a point on the North line of Sypal East Addition to David City; thence N89°30'38"W, 447.27 feet, to the Northwest corner of said Sypal East Addition; thence S00°33'20"W, 449.37 feet, to the Southwest corner of said Sypal East Addition; thence N89°27'18"W, 60.00 feet, to the Point of Beginning AND All that part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, known as Outlot 3, in the City Clerk's West Addition to David City, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of Right-of-Way of Fremont, Elkhorn, and Missouri Valley Railroad Company across said W1/2 SW1/4 of Section 19, thence running West in a direct line 637 feet more or less to the West Section line of said Section 19, thence running South on said Section line 187 feet more or less, thence running East 637 feet to the West line of Oak Street, thence running North on said West line of Oak Street 187 feet more or less, to the place of beginning, Less that portion of Real Estate Deeded in Book 82, Page 238 described as follows: Beginning at the Northeast corner of Lot 5, Block 1, Hall's Addition to David City, Nebraska; running thence North at right angles to said Block 1, a distance of 20 feet; running thence West in a line parallel to the North line of said Block 1, a distance of 75 feet; running thence South, a distance of 20 feet to the Northwest corner of the E1/2 of Lot 6, in said Block 1, Hall's Addition to David City, Nebraska, running thence East along the North line of said Block 1, a distance of 75 feet to the point of beginning. AND That part of the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, 320 feet South of the South line of right-of-way of the F. E. and M.V.R.R., thence running North 320 feet to said South line of the right-of-way; thence running West along said South line of right-of-way 659 1/2 feet to the Section line; thence running South along said Section line 323 3/4 feet; thence running East on direct line to the point of beginning. A strip of land 100 feet wide located South of and adjoining the right-of-way of the Union Pacific Railroad Company and extending across that part of the NW1/4 SW1/4 of Section 19, Township 15 North, Range 3 East, which lies West of the Westerly line of Lot 2, in Block 1, of Miles 4th Addition to David City, Nebraska, said strip of land being 50 feet in width on each side of the center line of the railroad (now removed) of the party of the first part, as said railroad center line was originally surveyed and established over and across the above described premises; EXCEPT the following described real estate, to wit A tract of land located in the W1/2 SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at a point on the West line of Oak Street in Miles 4th Addition to David City, Nebraska, said point being 393.92 feet South of the South line of the Union Pacific Railroad; thence Southerly, 26.08 feet, on the West line of said Oak Street; thence Westerly 649 feet, more or less, to a point on the West line of said Section 19, said point being 423.75 feet South of the South line of said Union Pacific Railroad; thence Northerly 32 feet on the West line of said Section 19; thence Easterly, 649.86 feet to the Point of Beginning. EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 187 feet, to the Point of Beginning; thence N89°30'30" W, parallel with the North line of said Hall's Addition, 564.37 feet thence



N48°52'50" E, 95.79 feet; thence N86°42'30" E, 205.70 feet; thence N40°57'50" E, 128.00 feet; thence S46°04'59" E, 149.02 feet; thence S0°33'15" W, 14.83 feet; thence S89°59'30" E, 96.15 feet; thence S0°00'00" W, 58.07 feet, to the Point of Beginning. AND EXCEPT A tract of land located in West Addition to David City, and in the SW1/4 of Section 19, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Commencing at the Southeast corner of Outlot 3 in said West Addition to David City, said point also being the Northeast corner of Hall's Addition to David City; thence N0°00'00" E on an assumed bearing on the east line of said Outlot 3, 140 feet to the Point of Beginning, said Point being the Northeast corner of a parcel of land conveyed by Deed recorded in Microfilm Book 16 Page 485; thence N89°31'10" W, 170 feet, to the northwest corner of said conveyed parcel; thence S0°00'00" W, 140 feet, to the southwest corner of said conveyed parcel; thence N89°31'10" W, on the North line of said Hall's Addition, 30.16 feet; thence N0°31'45" E, 19.85 feet; thence N89°38'10" W, 75.00 feet; thence S0°12'00" W, 20.00 feet, to a point on the North line of said Hall's Addition; thence N89°29'55" W, on the North line of said Hall's Addition, 368.77 feet, to a point on the West line of said Section 19; thence N1°45'20" W, on the West line of said Section 19, 142.70 feet; thence S89°29'55" E, 33.03 feet; thence N48°52'50" E, 67.31 feet; thence S89°30'30" E, parallel with the North line of said Hall's Addition, 564.37 feet, to a point on the East line of said West Addition; thence S0°00'00" W, 47 feet, to the Point of Beginning. AND EXCEPT A tract of land out of and a part of Outlot 3, West Addition to David City, located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., more particularly described as follows: Beginning at the Southeast corner of said Outlot 3; thence N89°47'45" W, along and with the South line of said Outlot, a distance of 200.00 feet; thence N00°00'00" E, a distance of 170.00 feet; thence S89°47'45" E, parallel with the South line of said Outlot, a distance of 200.00 feet, to a point on the East line of said Outlot 3; thence S0°00'00" W, along and with the East line of said Outlot 3, a distance of 170.00 feet, to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 119.64 feet to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 176.19 feet; thence N43°38'08" W, a distance of 202.37 feet; thence N59°33'44" E, a distance of 58.68 feet; thence S90°00'00" E, a distance of 89.05 to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 295.83 feet. to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 30.98 feet; thence N43°38'08" W, a distance of 195.52 feet; thence N40°48'34" E, a distance of 25.56 feet, thence N59°33'44" E, a distance 11.08 feet; thence S43°38'08" W, a distance of 202.37 feet to the point of beginning. AND EXCEPT A tract of land out of and a part of Outlot 2, West Addition to David City located in the West Half of the Southwest Quarter of Section 19, Township 15 North, Range 3 East of the 6th P.M., David City, Butler County, Nebraska, more particularly described as follows: Commencing at the Northeast Corner of said Outlot 2; thence S00°00'00" E, along and with the East line of said Outlot 2, a distance of 315.83 to the point of beginning; thence continuing S00°00'00" E, continuing along and with the East line of said Outlot 2, a distance of 20.00 feet; thence N90°00'00" W, a distance of 96.01 feet thence N46°04'59" W, a distance of 149.02 feet; thence N40°48'34" E, a distance of 57.23 feet; thence S43°38'08" W, a distance of 195.52 feet; thence S90°00'00" E, a distance of 30.98 feet to the point of beginning.

Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was consideration of purchasing a pickup for the water department.

Water Department employee Anthony Kobus introduced himself and said, "We were looking at pickups to put in our budget for next year and I got a quote for a Dodge, and it was about \$43,000. I got a phone call from Chevy and Dodge yesterday and they both told me that they have shut down all state bid vehicles as well as fleet vehicles for 2022 already. When I called them two weeks ago, they told me that they couldn't give me pricing until July and now they completely shut them down besides a Malibu. The University had six Ford's on order, and they have canceled all of their orders. So, I reached out to Freisen Chevrolet in Sutton, and they have a brand-new Chevy on their lot with twenty miles on it. She shot me a price of

\$34,285. I think we have room in our budget to move forward with it this budget versus waiting and spending another ten to fifteen thousand minimum, if not more than that for next year. I would ask for your approval of whether we could do it or not.”

Council member Kevin Woita said, “I would still like to wait. It’s a really good deal but…”

Council member Tom Kobus said, “But it’s not a heavy-duty work truck, either.”

Council member Kevin Woita said, “The other thing is that we haven’t even put a shovel in the ground on your new building. I think that it needs to be put into the budget for next year and we take a chance. We might not get new, but we might get something. This does seem a little light duty.”

Water Department employee Anthony Kobus said, “We’re not really looking for a heavy-duty pickup, though. Getting a crew cab half-ton was to take to meetings and take to our classes. The electrical department could use it as well.”

Council member Jessica Miller said, “I agree but it needs to be more usage than that, too. It can’t just sit there and only be used for those purposes. You’re going to use it as a work truck, right?”

Water Department employee Anthony Kobus said, “Right, but I don’t know if we really need another three-quarter ton pickup.”

Council member Kevin Woita said, “You never want to under build.”

Mayor Zavodny said, “It’s more versatile that way. Where are you going to spend most of your time? Those classes come up maybe once a year for certification or something like that. If we’re worried about traveling to Kearney and Scottsbluff frequently, we’d be looking at a CRV that gets thirty-some miles to the gallon. We certainly want you to have something that has the most utility to you as a department. Very rarely do people come and we say we need to get you more of a truck but that makes some sense. So, while we go through the next year’s budget process what we need to do is bid a specification that we can live with, and we’ll probably spend more than this.”

Council member Tom Kobus said, “It doesn’t have to be brand new. The State has pickups every year that they sell.”

Council member Kevin Woita made a motion to indefinitely postpone the purchase of a 2022 Chevrolet Silverado 1500 from Friesen’s Chevrolet for \$34,285. Council Member Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was consideration of Ordinance No. 1400 increasing the employee pay scale by ten percent.

Mayor Alan Zavodny said, "I just want to point out where I think we're at. I'm not opposed to paying our employees. They should be compensated, and Anthony probably has an idea of what I'm going to say. It limits our ability to address other issues in our benefit package that need to be addressed as far as some fairly big discrepancies as far as health insurance and how we treat employees in that manner. So, when you do this, which I'm not arguing shouldn't be done, but I do take exception to one thing, though. Everybody says you can do whatever you want as long as it benefits the employee. Well, who determines that? You tell me that I'm doing something that the Union doesn't have to look at and I would respectfully disagree because what if they said that this isn't good for the employee?"

Council member Tom Kobus said, "The only thing that I can disagree with you about is that you're talking about benefits and everything, but other towns have to go through the same thing. First, you've got to get the people. I don't think that you can necessarily say that it affects the packages because that all goes with the deal now days."

Mayor Alan Zavodny said, "Well, it does but we're putting a lot of it toward the salary piece of it because when you increase your whole payroll it affects workers comp, it affects your taxes and the 7.65%. It should help us as far as making insurance affordable. If insurance continues to go up, now we're adding ten percent on salary and we have increased costs for insurance, we just have to be really careful is all that I'm saying. I've gotten on my soapbox, and I've made my speech to you, and I know this is going to go 6-0. I'm going to get trampled on this and I'll smile all the way as the feet step on me. I just wanted to make those points just so we understand that there is a bigger picture here."

Council member Bruce Meysenburg said, "When I did this, I didn't do it lightly. This cost of living is something that should have been done years ago, over the past five years. We're in arrears here, basically. Continue with figuring the wages and everything like you guys are. I understand that point but number one I did this because we are in arrears, and we need to catch up. Number two there was people that were talking about walking already. So, what is a good employee worth? What is retention worth?"

Council member Pat Meysenburg said, "What does it cost to retrain somebody and find somebody?"

Council member Bruce Meysenburg said, "In the labor market that we're in where there are all kinds of wages across the board, and they are going up and we're just not keeping up."

Mayor Alan Zavodny said, "There is not a single thing that you said that I disagree with. I just want to point out that we are continuing to work with the employees to try to come up with a package that they feel good about."

Council member Bruce Meysenburg introduced Ordinance No. 1400 increasing the employee pay scale by ten percent. Mayor Alan Zavodny read Ordinance No. 1400 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 Pat Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1400 on third and final reading increasing the employee pay scale by ten percent. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

**ORDINANCE NO. 1400**

AN ORDINANCE ADOPTING A NEW PAY SCALE / SALARY FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND 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 scales and salaries attached for the attached positions for the appointed officers and employees of the City of David City, Nebraska.

SECTION 2. Any Cost-of-Living Adjustments (COLA) shall be given as approved by the City Council.

SECTION 3. 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, are hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on May 24, 2022 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 8<sup>th</sup> day of June, 2022.

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

\_\_\_\_\_  
City Clerk Tami Comte

Mayor Zavodny stated that the next item on the agenda was consideration of accepting Joanna Uden's resignation as City Attorney.

Mayor Alan Zavodny said, "We appreciate everything that you've done in the short amount of time that you've been with us. I know we've thrown so many things at you. You've learned more about city law in a short amount of time with stuff that you couldn't make up as you were doing that job. We certainly wish you nothing but the best as you move on to your future endeavors and with your employment with the State of Nebraska. I have no doubt in my mind that you will be successful with whatever you do and being new parents and all of those things that go with that. We're happy for you and congratulate you."

Council member Pat Meysenburg made a motion to accept the resignation of City Attorney Joanna Uden with regret. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was discussion concerning moving forward with a search for a city attorney.

Mayor Alan Zavodny said, "I just want to hear opinions on what direction we should go and what your feelings are. I'm going to be very honest. I think that from time to time we put you (Tim Wollmer) in an impossible situation. You are the attorney for people in the community and then you have to balance the city's needs versus, probably better paying customers."

Interim City Attorney Tim Wollmer said, "The only thing that I would say is that obviously I will continue to help you out as the interim attorney on a day-to-day basis. Of course, we've always farmed out a lot of the specialty firm. We have a lot of institutional knowledge, and I can still pull-on Jim and he said that he's available any day and any time if we ever need assistance with anything."

Mayor Alan Zavodny said, "I guess that's why I wanted to have the discussion to gauge where your interest lies. If you would have said 'No, I just don't think I have the time to do it now' then we know that you are not one of the considerations. If we put out to see who is interested, we may get nobody including you as far as that goes."

Interim City Attorney Tim Wollmer said, "I guess I don't want to dissuade the Council either from thinking long term about the possibility if you have someone who is capable and competent, and they can devote their time on a full-time basis to good long-term service."

Mayor Alan Zavodny said, "I appreciate that and that is fair enough. I'm going to tell you right now that I don't have that person."

Interim City Attorney Tim Wollmer said, "Not right now and that's why I wanted to let you know that I'll be there. It's just that you're right and I'm basically down to a one-man shop and for a while I'm going to be busy until I get more folks on board and up to speed."

Mayor Alan Zavodny said, "I worry about the workload, and you've cut your productivity in half and it's going to take some time to ramp that back up. Any ideas on how you wish to proceed on this? Have we ever advertised for a City Attorney before?"

Council member Jessica Miller said, "This is just discussion, right?"

Mayor Alan Zavodny said, "Yes."

Council member Bruce Meysenburg said, "You're basically the only attorney in David City right now, that I know of, correct?"

Interim City Attorney Tim Wollmer said, "Practicing, yes."

Mayor Alan Zavodny said, "That's terrible. For attorneys to make a living you've got to have at least two in a town. Why don't we continue to think about how we want to proceed on this and, Tim, we appreciate you sharing your input on this."

Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 10-2022 approving the Butler County Parade Committee's request for the parade to cross Highway 15 on "L" Street on Sunday, July 17, 2022, in accordance with LB 589. Council Member Jessica Miller seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

### **RESOLUTION NO. 10-2022**

WHEREAS, the Butler County Fair's Annual parade is scheduled for July 17, 2022, and

WHEREAS, the Butler County Parade Committee has designated 2:00 p.m. to 7 p.m. to allow for set-up and clean-up, with the parade beginning at 5:00 p.m., and

WHEREAS, the Butler County Parade Committee has requested that Highway 15, at the intersection of "L" Street and Highway 15, be closed so the parade can cross Highway 15,

WHEREAS, the Mayor and Council acknowledge Revised Statutes Chapter 39-1359, Rights-of way; inviolate for state and Department of Roads purposes; temporary use for special events; conditions; notice; Political Subdivisions Tort Claims Act; applicable, which states:

- (1) The rights-of way acquired by the department shall be held inviolate for state highway and departmental purposes and no physical or functional encroachments, structures, or uses shall be permitted within such right-of-way limits, except by written consent of the department or as otherwise provided in subsections (2) and (3) of this section.

- (2) A temporary use of the state highway system, other than a freeway, by a city including full and partial lane closures, shall be allowed for special events, as designated by a city, under the following conditions:
  - (a) The roadway is located within the official corporate limits or zoning jurisdiction of the city;
  - (b) A city making use of the state highway system for a special event shall have the legal duty to protect the highway property from any damage that may occur arising out of the special event and the state shall not have any such duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
  - (c) Any existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the city making use of the state highway system for the special event, and the state shall not have such statutory or common law duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
  - (d) The city using the state highway system for a special event shall formally, by official governing body action, acknowledge that it accepts the duties set out in this subsection and, if a claim is made against the state, shall indemnify, defend, and hold harmless the state from all claims, demands, actions, damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.
- (3) If a city has met the requirements of subsection (2) of this section for holding a special event and has provided thirty days' advance written notice of the special event to the department, the city may proceed with its temporary use of the state highway system. The notice shall specify the date and time the city will assume control of the state highway property and relinquish control of such state highway property to the state.
- (4) The Political Subdivisions Tort Claims Act shall apply to any claim arising during the time specified in a notice provided by a political subdivision pursuant to subsection (3) of this section.

WHEREAS, the City of David City wishes to support this annual event, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City Clerk is hereby authorized to forward this resolution to the State of Nebraska Department of Roads for the closing of Highway 15 and "L" Street, from 2:00 p.m. to 7:00 p.m. for the parade to be held on Sunday, July 17, 2022, in David City, Nebraska.

Passed and adopted this 8<sup>th</sup> day of June, 2022.

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Mayor Alan Zavodny

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City Clerk Tami L. Comte

Mayor Zavodny stated that the next item on the agenda was consideration of the quotes received to install a sign at the new City Office.

Interim City Administrator/City Clerk Tami Comte said, "We got two quotes and they are pretty much the same sign. There are a few differences. I would like to go with Love Signs as opposed to PIP. Love Signs have done a lot of signs in the area, and they always do good quality work but it's up to you. Love Signs is cheaper by about four hundred dollars or so."

Council member Bruce Meysenburg said, "Was this advertised?"

Interim City Administrator/City Clerk Tami Comte said, "I just contacted two companies that I knew that did signs."

Council member Bruce Meysenburg said, "Not to throw a wrench in anything but did you try Schiefer Signs in Columbus?"

Interim City Administrator/City Clerk Tami Comte said, "No, I did not. I just know that Love Signs has done a lot of signs in town, and I see them in town all the time."

Council member Kevin Woita said, "I think considering that the two sign companies and they are less than a thousand dollars. My only question is this the sign that we want?"

Interim City Administrator/City Clerk Tami Comte said, "I think so. We have to say utilities or people aren't going to know where to hook up their power. They will go to Butler because they don't know where to find us."

Mayor Alan Zavodny said, "Now would be the time to share if you don't like to design or if you wanted to get one more quote. It's going to delay it some."

Council member Tom Kobus said, "I still like City Hall."

Interim City Administrator/City Clerk Tami Comte said, "Young people don't know what City Hall is."

Council member Jessica Miller said, "I think City of David City – Utilities looks just fine."

Council member Jessica Miller made a motion to approve the quote of Love Signs, Inc. to install a sign at the new City Office. Council Member Kevin Woita seconded the motion. The motion carried.

Tom Kobus: Nay, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 5, Nay: 1





MANUFACTURERS OF IDEAS  
 Commercial Signs - Sign Service - Billboards  
 Electronic Signs - LED Lighting - Awnings - Vehicle ID  
 www.lovesignco.com

**MANUFACTURING AGREEMENT**

<i>In Agreement with</i>			<i>Phone</i>	<i>Estimate Date</i>
<b>City of David City</b>				<b>5/27/2022</b>
<i>Street</i>			<i>Location</i>	
<i>City</i>	<i>CustomerState</i>	<i>Zip Code</i>	<i>City / State</i>	
<b>David City</b>	<b>Nebraska</b>	<b>68632-</b>	<b>David City, NE</b>	

**Furnish and Install:**

One set of approximately 30" internally illuminated channel letters. Letters to be of aluminum construction. Illumination to be with LED's. Letter faces to be .177 acrylic, decorated with perforated vinyl. Letters to be mounted on raceways. (Finale electrical hook-up by others) (\$14,973.15)

One 4' by 6' single face non-illuminated sign. Sign to be 6MM dibond material, decorated with digitally printed vinyl. As per customer approved layout. (\$642.93)

Total material, labor, and installation... \$15,616.08

Plus applicable sales tax if required.

\*Customer is responsible for locating any private underground utility lines.

All signs are custom built products and, at the option of the seller, require payment in advance with order. Installation price is due upon installation. Fifty percent is due upon acceptance and the balance due upon installation. 2% discount if paid in full upon acceptance. Contract prices are guaranteed for 14 days and may be subject to change after that time. AN ADDITIONAL 3% TRANSACTION FEE FOR CREDIT CARD PAYMENTS. (2% Prepay discount does not apply if paying by credit or debit card)

This contract, with all conditions as noted, is herewith accepted by both parties.

<b>Brittany Wesch</b>	<b>City of David City</b>
<i>Sales Representative</i>	<i>Purchaser</i>
<b>Love Signs, Inc.</b>	<i>By</i> _____
<i>By</i> _____	<i>Title</i> _____
<i>Title</i> _____	<i>Date</i> _____

**NORFOLK**  
 1805 South 13th Street  
 P.O. Box 807  
 Norfolk, NE 68701  
 402-371-4674

**LINCOLN**  
 3500 Cleveland #2  
 Lincoln, NE 68504  
 402-325-0293

**GRAND ISLAND**  
 3030 West Old Hwy 30  
 P.O. Box 5791  
 Grand Island, NE 68802  
 308-381-5525



Mayor Zavodny stated that the next item on the agenda was consideration of the bid received from Butzke Construction for stucco repair on the new City Office.

Council member Pat Meysenburg said, “This has to be fixed or we’re going to be losing stucco because the rain is running right behind it.”

Interim City Administrator/City Clerk Tami Comte said, “Tony called three different stucco companies and this one was the only one that called him back.”

Council member Kevin Woita said, “I know Butzke. I like him. I think he does good work.”

Council member Pat Meysenburg said, “There are cracks by all of those windows upstairs and there is a quarter-inch gap between the windowsill and the stucco.”

Council member Tom Kobus made a motion to approve a quote from Butzke Construction for stucco repair on the new City Office. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was discussion concerning having a mural painted on the east side of the new City Office.

Council member Jessica Miller said, "I was talking to Tami a little bit about it and the Hallmark sign is copyright so if we could say Home of Joyce C. Hall, Founder of Hallmark. Can you say that without infringing on anything? The other half of it, the half that you don't like, I didn't know who she was until Vaudeville Days. What if we take that half and the Agrarian Art is important to town but what if you take that part and use it to advertise like Timpte or whoever and then they pay for that part of it?"

Council member Pat Meysenburg said, "I think we just need to table this whole mural deal until we get the building done and we're in it."

Council member Tom Kobus said, "Here's the deal with the mural. Somebody told me that it's going to cost \$34,000 to take the skylights out of the roof and just do away with them. I think it would be better to spend the money on taking out the skylights than the mural. Let's just wait on the mural for a while."

Interim City Administrator/City Clerk Tami Comte said, "I told him that we would probably have to take off the Columbia Records and the Hallmark logo. I gave him the Centennial book and told him these are the people that we know that are from here and he kind of ran with that."

Council member Kevin Woita said, "I didn't like some of the wording in his contract about having to pay for a place for him to stay and meals and transportation while he was doing it. It seemed a little much."

Council member Jessica Miller said, "There's no harm in waiting."

Council member Alan Zavodny said, "I'll make one quick comment on this. My thought process is not spending a penny on the mural. I would like to see us consider, obviously Michael Foods won't be part of it, but it is an opportunity to get a snapshot of who is in David City at this point in time. I believe that we have some businesses that would pay five or ten thousand dollars to be featured on our mural as part of our community. I'd like to see the whole thing paid for by people who are basically buying the opportunity to be on it. If we can get it to where we don't have to pay anything for it, I'll be for the mural. I believe that we have some partners in town that would be glad to do that. You want to talk about billboard costs, that is somewhere that you have permanent advertising. We'll keep discussing the mural and see if it has legs."

Mayor Zavodny stated that the next item on the agenda was consideration of a quote from Urethane Contracting Services to repair the roof at the new City Office.

Mayor Alan Zavodny said, "We have a couple of issues. We have skylights in the roof."

Council member Pat Meysenburg said, "There are skylights and there are things that don't need to be there anymore. It just needs to be ripped off."

Interim City Administrator/City Clerk Tami Comte said, "That adds thirty to thirty-five thousand to this gentleman's bid."

Council member Tom Kobus said, "I think it's worth it."

Council member Pat Meysenburg said, "You have to do it. There is water standing on the floor upstairs whenever it rains."

Council member Kevin Woita said, "I looked up just one company and there's more. McGinnis Roofing is out of Lincoln, Omaha, Blair, they have about five locations. They've got three different options that we could look at for flat roofing."

Interim City Administrator/City Clerk Tami Comte said, "The whole roof doesn't need to be done."

Council member Kevin Woita said, "I understand that. One of the options is similar to what this is. I think that maybe we should get another bid or another option."

Council member Tom Kobus said, "I would make it without the skylights."

Council member Pat Meysenburg said, "The skylights have to go."

Council member Tom Kobus said, "I would get three bids."

Interim City Administrator/City Clerk Tami Comte said, "Tony told me that he has called several companies and he can't get anybody to call him back."

Council member Tom Kobus said, "Well, maybe we need to."

Mayor Alan Zavodny said, "You would accept some help from a Council member to call some of these companies?"

Interim City Administrator/City Clerk Tami Comte said, "Sure. Absolutely."

Mayor Alan Zavodny said, "I believe that we're at a point where we can table this for now and between now and the next meeting we'll see if we can get some additional bids."

Council member Bruce Meysenburg made a motion to table a quote from Urethan Contracting services to repair the roof at the new City Office. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was consideration of change order #2 for Novak Construction to repair the awning at the new City Office.

Interim City Administrator/City Clerk Tami Comte said, "Tony said that the struts are rotten. He sent me a picture and he said that the awning is going to fall off and it is really dangerous, so he said that the guy said that he has to completely tear them off and redo them and then Dennis from Urethane roofing wants him to build a pitch, so the water drains off."

Council member Tom Kobus said, "I think we can get a bid on that also."

Mayor Alan Zavodny said, "With the pitch, is that something where snow could accumulate and when that slides off that can be a hazard too."

Discussion followed.

Mayor Alan Zavodny said, "You know, this whole thing was eating at me and so I asked Tami to tell me how many square feet we have and tell me how much we've spent because, to me, it comes down to this, we could cut some corners and we could cheap this thing up and we could say that we were really frugal on this but to me, this is a fifty to a hundred year investment in this community. We're not going crazy. We're not putting marble up. I don't think they've done any work on that building for forty or fifty years. You could not possibly start to begin to build this building for less than four or five million dollars especially with the costs now. So, my thing is we're this far in and now is not the time to talk about cutting corners. Do it right. Swallow hard on some things that just make you crazy like the awning that's about ready to fall on Tami. I've come around to say let's do this right and finish it and I'll be done in six months so you can always just blame me, but I think that's the way we should do it. I'm hoping that you will join me in that endeavor, and we'll have a building that is safe and not an embarrassment to the City of David City."

Council member Jessica Miller made a motion to table change order #2 for Novak Construction to repair the awning roof at the new City Office. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated that the next item on the agenda was discussion concerning the definition of a family regarding swimming pool passes.

Mayor Alan Zavodny said, "I was contacted by a grandmother who asked me what the policy is at the swimming pool for family passes because if you've ever read our family passes it makes it sound like you better not try anything because we're going to investigate you and throw you in jail. So, that's probably not helpful for our community relations. So, I listened to her, and I told her 'You know, I'm a pretty conservative guy but what you say makes some sense to me' and in 2022 our definition of family isn't mom and dad and how many kids are at home. My family can buy a family pass but my oldest son who is now twenty-one would have to buy an individual because he can't be on our family pass. But people who live at the same address who are not married should be able to have a family pass. She said there are probably six or seven families who are so embarrassed that they don't buy a family pass because they read our family pass rules and think they are going to get investigated and someone is going to come and knock on their door and throw them in jail. So, I wanted to have the discussion that if you would allow and give the discretion to the mayor to determine that if they live under the same address and even if they are not married and they include their kids could have a family pass. Now I thought about what kinds of problems that this could cause because what if people are divorced and the kids could live with dad, and he takes them to the pool, but I think that it has to be one address and that's the family pass probably where the kids are the most. I thought that was a reasonable thing. It's redefining a family to some extent, but I couldn't wait to hear the arguments that you all make for this."

Interim City Administrator/City Clerk Tami Comte said, "What if you have four adults and six kids living under the same roof?"

Mayor Alan Zavodny said, "Ok. Let's say up to two adults and the children residing at an address."

Interim City Administrator/City Clerk Tami Comte said, "We've had some people ask if they can put their summer daycare provider on their family pass."

Council member Jessica Miller said, "We still have to pay for our staff to get in so I would say no. That's only fair."

Council member Pat Meysenburg said, "In Genoa, if your kid is eighteen years old, he pays to get in."

Mayor Alan Zavodny said, "What other crazy scenarios do you want to throw at me? I won't be going and knocking on people's doors. I think one address and they name the people on the pass and if it is two different names then it needs to go to the mayor's discretion if that is right or not. How much legal trouble are we getting in doing that?"

Interim City Attorney Tim Wollmer said, "I think you are fine."

Mayor Alan Zavodny said, "A family isn't a married couple anymore with the same name. In 2022 that is not our reality. What I'm saying is in this day and age you may have two people of the same gender who are a family."

Interim City Attorney Tim Wollmer said, "You're basically saying that the mayor will make the determination for the hard questions in this scenario, correct?"

Mayor Alan Zavodny said, "I think it's pretty rare but there will be a few. Soon this will be someone else's problem. Are you ok if we do that administratively? If you are ok with that then I will handle that administratively."

Council member Bruce Meysenburg made a motion to appoint Aimee Scribner to a four-year term (June, 2026) on the Library Board of Trustees. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to go into executive session to discuss the law enforcement contract and legal issues. Council Member Tom Kobus seconded the motion. The motion carried.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Zavodny stated, "At 8:45 p.m. we are going into executive session to discuss and the Law Enforcement Contract and legal issues." Mayor Zavodny, all of the Council members, Interim City Attorney Tim Wollmer, and Interim Administrator/City Clerk Comte went into executive session at 8:45 p.m.

Interim City Attorney Tim Wollmer stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Zavodny declared the City Council out of executive session at 9:10 p.m.

Council member Pat Meysenburg made a motion to adjourn. Council Member Jessica Miller seconded the motion. The motion carried and Mayor Zavodny declared the meeting adjourned at 9:10 p.m.

Tom Kobus: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Jessica Miller: Yea, John Vandenberg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

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CERTIFICATION OF MINUTES

June 8, 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 June 8, 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