

## COMMUNITY DEVELOPMENT AGENCY PROCEEDINGS

July 13, 2022

The Community Development Agency of the City of David City, Nebraska, met in open public session at 8:25 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 July 7, 2022, and an affidavit of the publisher is on file in the office of the CDA Secretary. The Community Development Agency members acknowledged advance notice of the meeting. The advance notice to the Public, and Community Development Agency members conveyed the availability of the agenda, which was kept continuously current in the office of the Secretary 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 meeting.

Present for the meeting were: Community Development Agency Members—Alan Zavodny, Tom Kobus, Bruce Meysenburg, Kevin Woita, Pat Meysenburg, Jessica Miller, John Vandenberg, Interim City Attorney Tim Wollmer and Community Development Agency Secretary Tami Comte. Special Projects Coordinator Dana Trowbridge was also present.

Chairman 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 asked that anyone addressing the Agency to introduce themselves.

CDA member Pat Meysenburg made a motion to approve the minutes of the June 8, 2022 meeting of the CDA. CDA 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, Alan Zavodny: Yea  
Yea: 7, Nay: 0

Chairman Zavodny stated that the next agenda item was consideration of adopting an application for TIF for developers.

Special Projects Coordinator Dana Trowbridge introduced himself and said, "We brought this this evening because the CDA can be the developer of a TIF project, or an individual developer can claim to be the developer and ask for TIF financing for their project. If they do that they need to come to this group and apply to be certified for a TIF project which then rolls forward into a redevelopment plan and eventually approval to be a TIF recipient. We don't have such an application so it's in front of you. In consultation with some TIF people they suggested that we keep it as simple and as short as we possibly could and ask people questions that they are able to answer easily without reference of four to five others."

Chairman Alan Zavodny said, "We didn't reinvent the wheel here, did we?"

Special Projects Coordinator Dana Trowbridge said, "We are just plagiarizing other people's work."

Chairman Alan Zavodny said, "David, have you had a chance to look at this at all?"

Attorney David Levy said, "I have not. I think this is something that you worked on with Michael."

Interim City Administrator/City Clerk Tami Comte said, "No, not really. I asked a bunch of Clerks to send me their applications and I forwarded them to Skip, and he compiled this."

Special Projects Coordinator Dana Trowbridge said, "I sorted through, and Joe Johnson suggested to keep it simple."

Chairman Alan Zavodny said, "Looking at it with a non-legal eye, it looks simple and efficient as far as covering what you need."

Special Projects Coordinator Dana Trowbridge said, "I think it gives us enough information to make intelligent decisions."

Chairman Alan Zavodny said, "Down the line if David wants us to modify it, we can do that."

Attorney David Levy said, "You can always ask an applicant for more information. This gets them started in the process and gets you the basics so that you can open a file and go from there."

Council member Jessica Miller made a motion to approve the application for TIF developers noting an address change on the application. 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, Alan Zavodny (Mayor): Yea  
Yea: 7, Nay: 0

Chairman Zavodny stated that the next item on the agenda was consideration of David City Campground Improvements.

Special Projects Coordinator Dana Trowbridge said, "Taking a look on Sparq and what is in front of you we are trying to kill this project by the overdesign of restroom and playground areas and apparently, we need a lift station. I hope that we're not trying to kill it by over pricing it. Twenty spaces could be a profitable venture for the City of David City as we move into AGP which has a more specialized style of construction than we normally have in our area. These people will come from other places and not likely be substituted heavily with local labor. I don't know what their per diem's are but if we have the space, some of the information that you have that I just handed out indicates that this is becoming the choice of many construction companies is to place people in RV parks if at all possible. They are happier people, and it is much less expensive than putting them in Columbus in a hotel or Schuyler or Seward in a hotel and spending an hour a day on the road."

CDA Member Kevin Woita said, "I think if we're looking toward the future of bringing construction workers here to work on AGP I think we should do all we can because the majority of them travel in their campers because they get \$150 - \$200 per day per diem and if they are spending \$50 per night for a room, they are pocketing the extra and they are loving it."

Special Projects Coordinator Dana Trowbridge said, "The other thing is they can do a lot of their own cooking if they have a kitchen and refrigeration and they're not eating in restaurants at \$10 - \$25 a time."

CDA member Kevin Woita said, "I agree that I don't think we need showers and playground equipment."

Interim City Administrator/City Clerk Tami Comte said, "Ethan told me that he just added those in as possibilities somewhere down the road. He certainly didn't mean for them to be built right now."

Special Projects Coordinator Dana Trowbridge said, "The provision of the sewer is something that is really unique. I looked at Schuyler and Columbus because they are not going to drive to Norfolk. Schuyler doesn't furnish sewer."

CDA member Kevin Woita said, "Some spots do have sewer hookups in Schuyler in about four spots."

Special Projects Coordinator Dana Trowbridge said, "The newest one in Columbus has about twelve spots that are full hookups and the rest of them are water and electricity. Therefore, the shower is not a big deal when you've got sewer. You're not filling your tank up and having to pull out every seven days to go dump. You could set it up and stay there for months."

CDA member Kevin Woita said, "I agree. I think it's a bonus."

Discussion continued.

Chairman Alan Zavodny said, "What I think we should discuss is is this for seasonal construction workers because we'll be seeing a lot of them over the next five to ten years."

CDA member Bruce Meysenburg said, "If it's anything like ADM, once that plant gets built it's going to be constantly stuff that needs to be upgraded and there are constantly people coming in so there is going to be people here all the time."

Chairman Alan Zavodny said, "The reason that I started the discussion that way is that you are going to be putting people together that are here for ball tournaments with the monthly sitting on a pad for construction. You're going to have multi-use really. I know what you are saying, and I think that maybe save an area where you could put restrooms so sixty years from now and with the improvements in campers, they will probably improve the showers. The lift station thing is probably the minimum that we need, and I hate to raise this but how often have those showers been used in the park?"

Interim City Administrator/City Clerk Tami Comte said, "I think they are used more than you think because I've had people call and ask for the code."

Keith Marvin said, "I know people who have used them."

Chairman Alan Zavodny said, "So, it's a short drive if the people want to go use them. To me, I don't know that a playground is worth the money to spend right now."

CDA member Jessica Miller said, "I'm just looking at if you leave that area for future equipment, it's going to get utilized."

Chairman Alan Zavodny said, "I agree to designate the area, but I don't think that this is the time to build it. I think you get the pads and the sewers so that your construction workers who are going to be pulling in here in the next few weeks and months, it's ready to go."

Discussion continued.

CDA member Jessica Miller made a motion to approve the David City Campground Improvements with no playground or shower improvements at this time. CDA 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, Alan Zavodny (Mayor): Yea  
Yea: 7, Nay: 0

Chairman Zavodny stated that the next item on the agenda was consideration/discussion of deed restrictions, covenants, and a potential homeowners association for the Northland Subdivision.

Special Projects Coordinator Dana Trowbridge said, "There had been discussions earlier of deed restrictions and deed restrictions on the individual houses make a lot of sense. Deed restrictions on the townhouses don't quite make as much sense because of what might happen. Let's take somebody's retired parents from the farm. The children want them to move to town to a no step type of retirement but still living on their own. They come in with pockets full of money. They've done well through their lifetime. They can spend \$550,000 to \$600,000 and build a townhouse pair out in our new subdivision. They can live in one half of it, and they are not going to be really happy with us when we tell them that they can't rent the other half. Now, somebody who has \$550,000 to \$600,000 invested is not going to rent the other half to a bunch of bums. It just isn't going to happen."

Chairman Alan Zavodny said, "Well, this is a legitimate question. Doesn't that qualify as owner-occupied?"

Special Projects Coordinator Dana Trowbridge said, "I am asking that we recognize it as qualifying for owner-occupied, even though it isn't one hundred percent."

Chairman Alan Zavodny said, "As we move forward on some of these things, sometimes unintended consequences will pop up and we need to address them. That makes sense because they are not going to have both sides of it. You are owner-occupied under one roof – so to speak."

Special Projects Coordinator Dana Trowbridge said, "That's the only deed restriction discussion that I brought to the table this evening. The rest of the single residences are clear. They are deed restricted. You live there."

Chairman Alan Zavodny said, “Just so I feel better as we continue to move on here, enforcement of that – somebody tries to be not owner-occupied; do we have the ability to say that you need to be on the deed? I want to make sure that we don’t come into the situation that Dan & Jan brought up before and have a situation like Schuyler had where it’s not owner-occupied. I just want to make sure that we can enforce it.”

Keith Marvin said, “I believe that our zoning code already takes care of that. If you take a structure that has two units in it, and you live in one side and you rent the other one, as long as the land and the building are all in the same name, then that is considered a duplex. It all comes down to how the land underneath that dwelling is owned. So, if you have a townhouse, per se,....”

Chairman Alan Zavodny said, “My question is more are we sending Sheriff Dion to drag people out if they try to put their niece in something that they own? I’m talking about keeping it as pure as possible the owner-occupied houses. When people try to say ‘well, it’s my niece’. I want to be able to enforce it. If we don’t have teeth to enforce that – I want to make sure that we have that.”

Interim City Attorney Tim Wollmer said, “Once all the deeds are signed and you have no ownership interest and you have a group of people who have ownership interest, the only thing that ties you back to them are these deed restrictions. We’re selling you this property on the terms that you abide by here and so those are essentially contractual terms that would require you to go to court to enforce it. What would be the penalties, I guess, is the question. I think you would have to get into if there are automatic liquidated damages clauses so if you violate this you are agreeing to automatic liquidated damages of \$25,000 or forfeiture of property. I’m sure that we can get creative in terms of that.”

Chairman Alan Zavodny said, “So, we can staircase that? Is it as black and white as if you’re name is not on the deed, and you are not living there you are in violation?”

Interim City Attorney Tim Wollmer said, “It depends on how detailed your deed restrictions are. Usually, we don’t like to put restrictions on deeds because we want to have people be simple absolute with very few restrictions. So, a lot of time it’s just covenants and homeowners’ associations. But, at the same time, once you give this away, you’re not going to be part of any association so maybe David has some ideas. I’m sure his team will be able to look at that and consider some options, maybe even aside from the deed restrictions, but if you do the deed restrictions, I think some time and effort needs to be put into really devising something that, like you said, sees you all the way through the process and how it’s enforced and all that kind of stuff, most efficiently.”

Chairman Alan Zavodny said, “That was a good answer. I just don’t want to water down and have someone find a loophole and they don’t live there, and we’ve created what we don’t want to create by planning at the onset.”

Discussion continued.

Special Projects Coordinator Dana Trowbridge said, “We want it to be ironclad that games aren’t played. Along that same line, I would like to ask this group, due to the size of the lots, that are smaller than a lot of lots in town, it’s going to be kind of a showcase area for some

time, and I don't believe that campers need to be parked in the front driveway and there are no alleys in this subdivision. You can't hide it in the alley. I don't want it in the front yard."

Chairman Alan Zavodny said, "I think you can put that in the rules. You just created an opportunity for someone to build storage units that will house a camper."

Special Projects Coordinator Dana Trowbridge said, "You may open the door to a future homeowners association, which given enough time will fizzle, but we'll start off on the right foot."

CDA member Pat Meysenburg made a motion to adjourn. CDA 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, Alan Zavodny: Yea

Yea: 7, Nay: 0

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CDA Secretary Tami Comte