

CITY COUNCIL PROCEEDINGS
February 26, 2025

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 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by posting in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). 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 Jessica Miller, Council President Bruce Meysenburg, Council members Rick Holland, Jeremy Abel, Jim Angell, Kevin Woita, City Administrator Intern Raiko Martinez and Interim City Administrator/City Clerk Tami Comte. Council Member Keith Marvin was absent. City Attorney Michael Sands attended via Zoom.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Chris and Nancy Kozisek, Pat Kozisek, Brian Kozisek, Kevin and Amy Slama, Amy Strain and Nick and Chelsea Sypal. Ethan Joy with JEO and Mike Shoup with Veenstra & Kimm attended via Zoom.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. Mayor Miller read the speaking guidelines for the City Council meeting. She also reminded the public that if they speak tonight in front of the Council, they must state their name and address for the record.

Council member Bruce Meysenburg made a motion to approve the minutes of the February 12, 2025, City Council meeting as presented. Council Member Kevin Woita seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Absent, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 2

Council member Jim Angell arrived at 7:02 p.m.

Council member Bruce Meysenburg made a motion to approve Change Order No. 2 for Harold K. Scholz Co. in the amount of \$6,329.60 for the '2023 AGP Substation Project'. Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

CHANGE ORDER NO.: 2

Owner: **City of David City** Owner's Project No.:
 Engineer: **JEO Consulting Group, Inc.** Engineer's Project No.: **220993.00**
 Contractor: **Harold K. Scholz Co.** Contractor's Project No.:
 Project: **2023 AGP Substation - Relay, Control and SCADA Interface Panel**
 Contract Name: **2023 AGP Substation - Relay, Control and SCADA Interface Panel**
 Date Issued: **2/21/2025** Effective Date of Change Order: **2/21/2025**

The Contract is modified as follows upon execution of this Change Order:

Description:

- Add station power meter and test switch to Relay, Control and SCADA Interface Panel.**

Attachments:

- Harold K. Scholz Co. proposal dated 2/18/25.**

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>182,500.00</u>	Original Contract Times: Substantial Completion: <u>December 27, 2024</u> Ready for final payment: <u>February 12, 2025</u>
Net change from previously approved Change Orders No. 1 to No. 1: \$ <u>5,400.00</u>	Net change from previously approved Change Orders – to No. –: Substantial Completion: _____ Ready for final payment: _____
Contract Price prior to this Change Order: \$ <u>187,900.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>December 27, 2024</u> Ready for final payment: <u>February 12, 2025</u>
Net change for this Change Order: \$ <u>6,329.60</u>	Net change for this Change Order: Substantial Completion: <u>January 31, 2025</u> Ready for final payment: <u>March 12, 2025</u>
Contract Price incorporating this Change Order: \$ <u>194,229.60</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>January 31, 2025</u> Ready for final payment: <u>March 12, 2025</u>

Recommended by Engineer (if required)

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

Approved by Funding Agency (if applicable)

By: Rosa Scholz

Title: President

Date: 2/21/25

Change Order Estimate - Lump Sum Work			
JEO Project Name: 2023 AGP Substation - Relay, Control and SCADA Interface Panel		JEO Project Number: 220993.00	
Owner: City of David City	Change Order Number: 2	Effective Date: February 21, 2025	
Contractor: Harold K. Scholz Co.			
Specification Section No.	Item Description	Change Order Information	
	Add station power meter and test switch to Relay, Control and SCADA interface panel.		Scheduled Value \$6,329.60
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
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			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
			\$0.00
		Total:	\$6,329.60

HAROLD K. SCHOLZ CO.

PO BOX 27067 7800 SERUM AVENUE
RALSTON, NEBRASKA 68127

Ph: 402-339-7600

awessel@hkscholz.com

Fax: 402-339-1821

February 18, 2025

Attn: Mr. Matt Kalin – JEO Consulting Group

mkalin@jeo.com

From: Aaron Wessel – awessel@hkscholz.com – 402-339-7600

Re: Adding Station Power Meter to DC AGP Substation Control Panel

In response to your request, we are pleased to quote on-site field services to install and test an Electro Industries Shark100 meter and ABB metering test switch to the David City, NE AGP Substation control panel in David City, Nebraska.

Labor Cost:	\$4472.00
Material Cost:	\$1728.00
Sale Tax 7.5% (Material Only):	\$129.60
PRICE:	<u>\$6329.60, total after tax</u>

Thank you for this opportunity to quote. If you have questions, comments or wish to proceed with this work, please contact me at your convenience.

Accepted by: _____ Change Order No.: _____
JEO Consulting Group

Title: _____ Date: _____
DC021425Q


City Council Proceedings

February 26, 2025

Page #5

Council member Jim Angell made a motion to approve final plans and specifications for the 2025 Water Main Improvements on North 7th Street from "J" Street to "O" Street, authorize JEO to submit the plans to NDEE and authorize staff to pay the permit review fee. Council Member Kevin Woita seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ENGINEER'S FINAL OPINION OF PROBABLE COST						
2025 WATER MAIN IMPROVEMENTS; N 7TH STREET FROM J TO O ST.						
David City, NE			Date Prepared: February 21, 2025			
JEO Project No. 231471.00						
ESTIMATE OF QUANTITIES						
Item #	Description	Unit	Quantity	Unit Price	Total	
GROUP A - WATER MAIN						
1.	Mobilization	LS	1	\$35,000.00	\$35,000	
2.	Bonding and Insurance	LS	1	\$15,000.00	\$15,000	
3.	8" PVC Water Main, DR 18, RJ, Directionally Bored	LF	1,808	\$110.00	\$198,880	
4.	8" PVC Water Main, DR 18	LF	21	\$80.00	\$1,680	
5.	6" PVC Water Main, DR 18	LF	18	\$60.00	\$1,080	
6.	4" PVC Water Main, DR 18	LF	7	\$55.00	\$385	
7.	8" Gate Valve and Box, MJ	EA	14	\$3,500.00	\$49,000	
8.	8" Cross, MJ	EA	4	\$2,500.00	\$10,000	
9.	8" x 6" x 8" Tee, MJ	EA	4	\$1,500.00	\$6,000	
10.	6" 90° Bend, MJ	EA	2	\$750.00	\$1,500	
11.	4" 90° Bend, MJ	EA	6	\$500.00	\$3,000	
12.	8" 45° Bend, MJ	EA	2	\$1,000.00	\$2,000	
13.	10" x 8" Reducer, MJ	EA	1	\$1,250.00	\$1,250	
14.	8" x 6" Reducer, MJ	EA	1	\$1,000.00	\$1,000	
15.	8" x 4" Reducer, MJ	EA	4	\$750.00	\$3,000	
16.	8" Plug, MJ	EA	3	\$250.00	\$750	
17.	Connect to Existing Water Main	EA	7	\$1,500.00	\$10,500	
18.	8" x 1" Saddle	EA	36	\$300.00	\$10,800	
19.	1" Corporation Stop	EA	36	\$250.00	\$9,000	
20.	1" Curb Stop	EA	31	\$250.00	\$7,750	
21.	1" Curb Stop Box (Install Only)	EA	31	\$250.00	\$7,750	
22.	1" Curb Stop and Box	EA	5	\$500.00	\$2,500	
23.	1" PE Water Service (SDR 9)	EA	1,296	\$30.00	\$38,880	
24.	Bore Water Service Line	LF	420	\$50.00	\$21,000	
25.	Connect to Existing Water Service	EA	36	\$500.00	\$18,000	
26.	Remove Pavement	SY	110	\$20.00	\$2,200	
27.	7" Concrete Pavement	SY	110	\$120.00	\$13,200	
28.	Remove driveway	SY	75	\$15.00	\$1,125	
29.	5" Concrete Driveway	SY	75	\$90.00	\$6,750	
30.	Remove Concrete Sidewalk	SF	1,300	\$5.00	\$6,500	
31.	4" Concrete Sidewalk	SF	1,300	\$15.00	\$19,500	
32.	Water Main Removals and Abandonments	LS	1	\$5,000.00	\$5,000	
33.	Temporary Traffic Control Measures	LS	1	\$5,000.00	\$5,000	
				Construction Subtotal	Base Bid	\$514,980
				Contingency	10%	\$51,500
				Total Opinion of Construction Cost - Group A		\$566,480
GROUP B - FIRE HYDRANTS						
1.	6" Fire Hydrant Assembly	EA	4	\$8,000.00	\$32,000	
				Construction Subtotal	Group B	\$32,000
				Contingency	10%	\$3,200
				Total Opinion of Construction Cost - Group B		\$35,200
				Total Opinion of Project Cost		\$601,680

JEO Consulting Group Inc.'s (JEO) Opinions of Probable Cost provided for herein are to be made on the basis of JEO's experience and qualifications and represent JEO's best judgment. However, since JEO has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, JEO cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Cost prepared by JEO.

Mayor Jessica Miller declared the public hearing open at 7:07 p.m. to consider annexing the Kozisek properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska adjacent to said Kozisek properties.

Chris Kozisek introduced himself and stated he and his brothers are asking for the property to be annexed because they have a purchase agreement for a part of it.

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 7:10 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1509 annexing the Kozisek properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska adjacent to said Kozisek properties. Mayor Jessica Miller read Ordinance No. 1509 by title.

Council member Bruce Meysenburg made a motion to pass Ordinance No. 1509 annexing the Kozisek properties located in the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, together with the North 33 feet of the Northwest Quarter of Section 29, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska adjacent to said Kozisek properties on 1st reading only. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1509

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska ("City") is a municipal corporation and a city of the second class under the laws of Nebraska; and

WHEREAS, section 18-3301 of the Nebraska Revised Statutes allows the owner of any territory laying contiguous to the corporate limits of any city to request that the city annex their property into the corporate limits of the city; and

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of City to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein (“Property”), is urban or suburban in character and contiguous and adjacent to City’s corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of a several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City’s planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City’s population and tax base, and preserve City’s future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City’s population and tax base, as stated above; and

WHEREAS, City’s Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City’s corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS ____ day of _____, 2025.

Passed on 1st reading only
Mayor Jessica Miller

ATTEST

Passed on 1st reading only
City Clerk Tami L. Comte

EXHIBIT A

DESCRIPTION OF PROPERTY

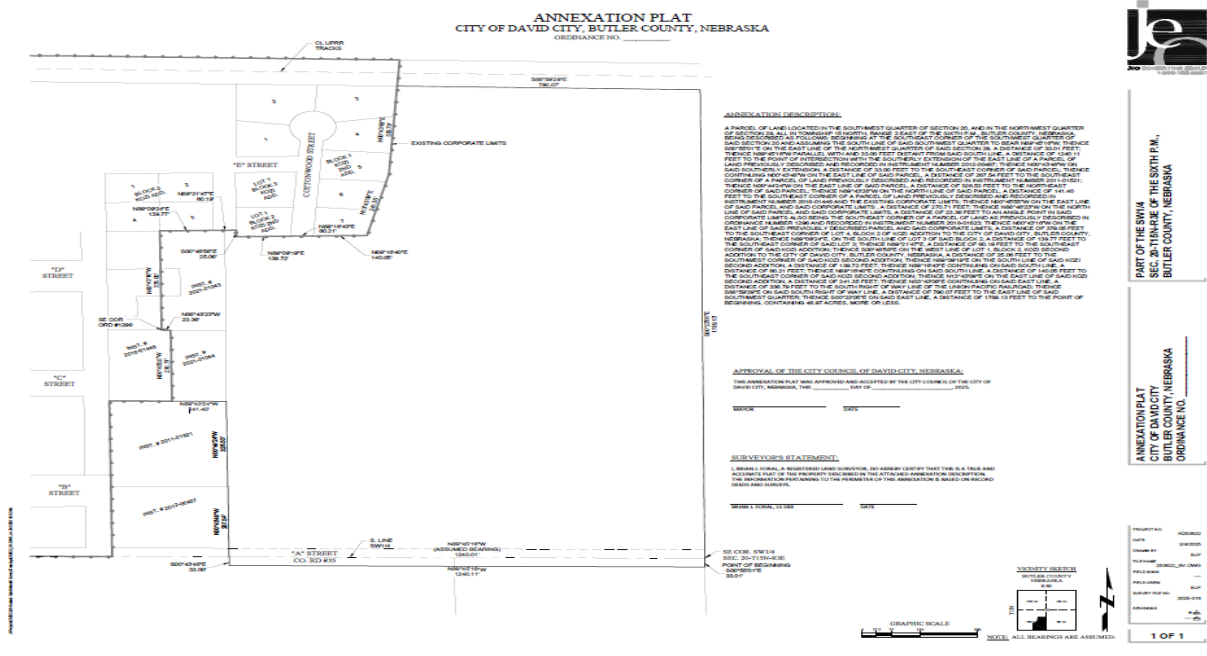
A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, AND IN THE NORTHWEST QUARTER OF SECTION 29, ALL IN TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 20 AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO BEAR N89°45'16"W; THENCE S00°55'01"E ON THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, A DISTANCE OF 33.01 FEET; THENCE N89°45'16"W PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 1240.11 FEET TO THE POINT OF INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE EAST LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2012-00487; THENCE N00°43'48"W ON SAID SOUTHERLY EXTENSION, A DISTANCE OF 33.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE CONTINUING N00°43'48"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 267.54 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2011-01521; THENCE N00°44'24"W ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 326.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE N89°43'28"W ON THE NORTH LINE OF SAID PARCEL, A DISTANCE OF 141.40 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2016-01446 AND THE EXISTING CORPORATE LIMITS; THENCE N00°45'55"W ON THE EAST LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 270.71 FEET; THENCE N88°48'23"W ON THE NORTH LINE OF SAID PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 23.36 FEET TO AN ANGLE POINT IN SAID CORPORATE LIMITS ALSO BEING THE SOUTHEAST CORNER OF A PARCEL OF LAND AS PREVIOUSLY DESCRIBED IN ORDINANCE NUMBER 1296 AND RECORDED IN INSTRUMENT NUMBER 2018-01623; THENCE N00°43'16"W ON THE EAST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL AND SAID CORPORATE LIMITS, A DISTANCE OF 379.05 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 2 OF KOZI ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA; THENCE N89°09'24"E, ON THE SOUTH LINE OF LOT 3 OF SAID BLOCK 2, A DISTANCE OF 139.77 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°21'47"E, A DISTANCE OF 60.19 FEET TO THE SOUTHEAST CORNER OF SAID KOZI ADDITION; THENCE S00°48'58"E ON THE WEST LINE OF LOT 1, BLOCK 2, KOZI SECOND ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, A DISTANCE OF 25.06 FEET TO THE SOUTHWEST CORNER OF SAID KOZI SECOND ADDITION; THENCE N89°09'19"E ON THE SOUTH LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 139.72 FEET; THENCE N89°16'43"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 60.21 FEET; THENCE N89°16'40"E CONTINUING ON SAID SOUTH LINE, A DISTANCE OF 140.05 FEET TO THE SOUTHEAST CORNER OF SAID KOZI SECOND ADDITION; THENCE N13°43'09"E ON THE EAST LINE OF SAID KOZI SECOND ADDITION, A DISTANCE OF 241.35 FEET; THENCE N03°43'08"E CONTINUING ON SAID EAST LINE, A DISTANCE OF 336.79 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S88°59'29"E ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 790.07 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE S00°22'05"E ON SAID EAST LINE, A DISTANCE OF 1789.13 FEET TO THE POINT OF BEGINNING, CONTAINING 48.97 ACRES, MORE OR LESS.

PARCEL NUMBER: 120035679

EXHIBIT B

COPY OF ANNEXATION PLAT

[SEE ATTACHED]



ANNEXATION PLAT
CITY OF DAVID CITY, NEBRASKA
BUTLER COUNTY, NEBRASKA
ORDINANCE NO. _____

1 OF 1

Mayor Jessica Miller declared the public hearing open at 7:11 p.m. to consider annexing the Tim & Lori Wollmer property located in the South half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel#120035672).

Hearing no public comment, Mayor Jessica Miller declared the public hearing closed at 7:12 p.m.

Council member Kevin Woita introduced Ordinance No. 1510 annexing the Tim & Lori Wollmer property located in the South half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel#120035672). Mayor Jessica Miller read Ordinance No. 1510 by title.

Council member Kevin Woita made a motion to approve Ordinance No. 1510 on 1st reading only annexing the Tim & Lori Wollmer property located in the South half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, with a physical address of 1375 C Street (Parcel#120035672). Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce

Meysenburg: Yea, Kevin Woita: Yea

Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1510

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein (“Property”), is urban or suburban in character and contiguous and adjacent to City’s corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of a several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City’s planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City’s population and tax base, and preserve City’s future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City’s population and tax base, as stated above; and

WHEREAS, City’s Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City’s corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS ____ day of _____, 2025.

Passed on 1st reading
Mayor Jessica Miller

ATTEST

Passed on 1st reading
City Clerk Tami L. Comte

EXHIBIT A

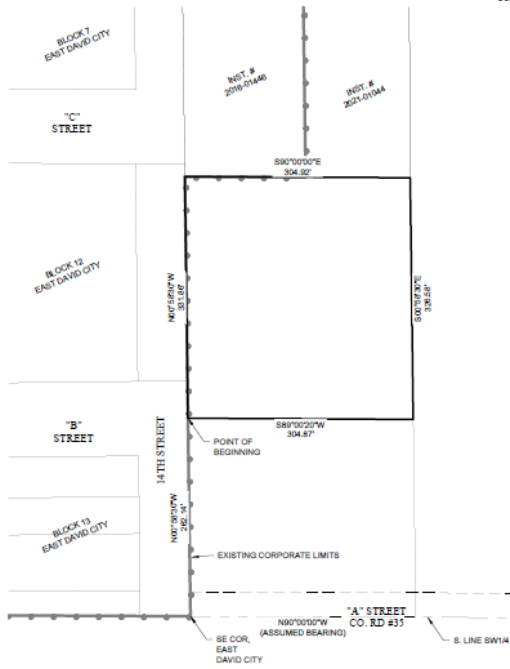
DESCRIPTION OF PROPERTY

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W; THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET AND THE POINT OF BEGINNING; THENCE CONTINUING N 0°58'30" W ON SAID EAST LINE, 331.86 FEET; THENCE S 90°00'00" E, 304.92 FEET; THENCE S 0°58'30" E, 326.58 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF SAID CENTERLINE; THENCE S 89°00'20" W ON SAID EASTERLY EXTENSION, 304.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.30 ACRES, MORE OR LESS.

PARCEL NUMBER: 120035672

EXHIBIT B
COPY OF ANNEXATION PLAT
[SEE ATTACHED]

ANNEXATION PLAT
CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____



ANNEXATION DESCRIPTION:

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 89°00'00\"/>

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:

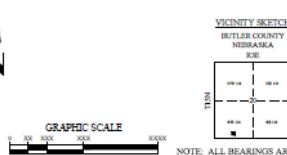
THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2025.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT:

I, BRIAN L. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORD DEEDS AND SURVEYS.

BRIAN L. FORAL, LS 5588 DATE _____



PART OF THE SW 1/4
 SEC. 20 T15N R3E
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

PROJECT NO. FC2025
 DATE 2/26/25
 DRAWN BY ELJ
 FILE NAME 250214M14Jag
 FIELD BOOK
 FIELD CORN ELJ
 SURVEY FILE NO. 2025

Mayor Jessica Miller declared the public hearing open at 7:13 p.m. to consider annexing the Amy Dayhoff property located in the south half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel #120035673).

Amy Strain introduced herself and asked what annexation meant for their property. She stated that the property has been in their family for years, and they aren't sure what their plans are for it. She noted that the property had flooded and wanted the Council to know.

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 7:18 p.m.

Council member Bruce Meysenburg introduced Ordinance No. 1511 annexing the Amy Dayhoff property located in the south half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel #120035673). Mayor Jessica Miller read Ordinance No. 1511 by title.

Council member Bruce Meysenburg made a motion to approve Ordinance No. 1511 on 1st reading only annexing the Amy Dayhoff property located in the south half of the Southwest Quarter of Section 20, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska (Parcel #120035673). Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1511

AN ORDINANCE TO EXTEND THE BOUNDARIES AND ANNEX TO AND INCLUDE WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA, BUTLER COUNTY, NEBRASKA, THAT CERTAIN PROPERTY AS DESCRIBED HEREIN; TO PROVIDE BENEFITS THERETO; TO PROVIDE FOR SEVERABILITY; TO CONFIRM ZONING CLASSIFICATION; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, section 17-405.01 of the Nebraska Revised Statutes allows the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), to annex into the corporate limits of City any contiguous or adjacent lands, lots, tracts, streets, or highways that are urban or suburban in character; and

WHEREAS, section 17-405.04 of the Nebraska Revised Statutes requires inhabitants of annexed territories to receive substantially the same benefits of other inhabitants of City as soon as possible, such as police, fire, snow removal, and water service; and

WHEREAS, that certain tract of real estate, legally described in **Exhibit A** attached hereto and incorporated herein (“Property”), is urban or suburban in character and contiguous and adjacent to City’s corporate limits; and

WHEREAS, the Property is suburban in character because it lays contiguous or adjacent to lots that have experienced substantial platting and subdivision development and that are in continuous development by way of constructing homes and businesses, and that lay within a mile of several public schools; and

WHEREAS, police, fire, and snow removal benefits will be immediately available to the Property upon annexation, and City water service will be available pursuant to applicable law; and

WHEREAS, City finds based on substantial evidence in the record of this proceeding that the Property is developed with industrial, commercial or residential development or is in the regular and orderly path of development of City for such uses, and is further of urban and suburban character due to its proximity to City and City’s planned future land use of the Property as the Comprehensive Plan and Official Zoning Map of the City explain; and

WHEREAS, City finds and declares that annexing the Property will promote growth, increase City’s population and tax base, and preserve City’s future growth areas because it will expand the contiguous, suburban area of the eastern-edge of City by providing City services and utilities to the Property, promoting the construction of a single-family home or other similar structure on the Property; and

WHEREAS, City further finds and declares that there is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in City, and incorporating such territory within the corporate limits of City will enhance the community convenience and welfare and the interest of City because it will continually promote the suburban character of the area by growing City’s population and tax base, as stated above; and

WHEREAS, City’s Planning Commission, after a duly-noticed public hearing held on February 8, 2025, and based on the substantial evidence in the record before it, recommended City annex the Property into the corporate limits of City; and

WHEREAS, City Council held a duly noticed public hearing on February 26, 2025; and

WHEREAS, City complied with all statutory notice requirements and followed all procedures that applicable law requires and now resides to annex the Property into City’s corporate boundaries.

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

1. City hereby annexes the Property described in **EXHIBIT A** and extends the boundaries of the City to include the Property within the corporate limits of the City and confers onto the Property all rights and obligations appurtenant thereto and arising by inclusion in the corporate limits of the City.

2. City hereby directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska.

3. Upon this Ordinance taking effect, City shall furnish the police, fire, snow removal and other municipal services of City to the Property, and water service will be available as provided by law.

4. The Mayor and City Clerk shall execute that certain Annexation Plat in substantially the same form as **EXHIBIT B**, attached hereto and incorporated herein, and to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.

5. If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the Property by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

6. All other annexation ordinances or portions of other ordinances passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith is hereby repealed.

7. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS ____ day of _____, 2025.

Passed on 1st reading only
Mayor Jessica Miller

ATTEST

Passed on 1st reading only
City Clerk Tami L. Comte

EXHIBIT A

DESCRIPTION OF PROPERTY

A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHEAST CORNER OF EAST DAVID CITY, AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 90°00'00" W; THENCE N 0°58'30" W ON THE EAST LINE OF SAID EAST DAVID CITY, 262.14 FEET TO A POINT ON THE CENTERLINE OF B STREET; THENCE N 89°00'20" E ON THE EASTERLY EXTENSION OF SAID CENTERLINE, 304.87 FEET, THENCE S 0°58'30" E, 267.42 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N 90°00'00" W ON SAID SOUTH LINE, 304.92 FEET TO THE POINT OF BEGINNING, CONTAINING 1.85 ACRES, MORE OR LESS.

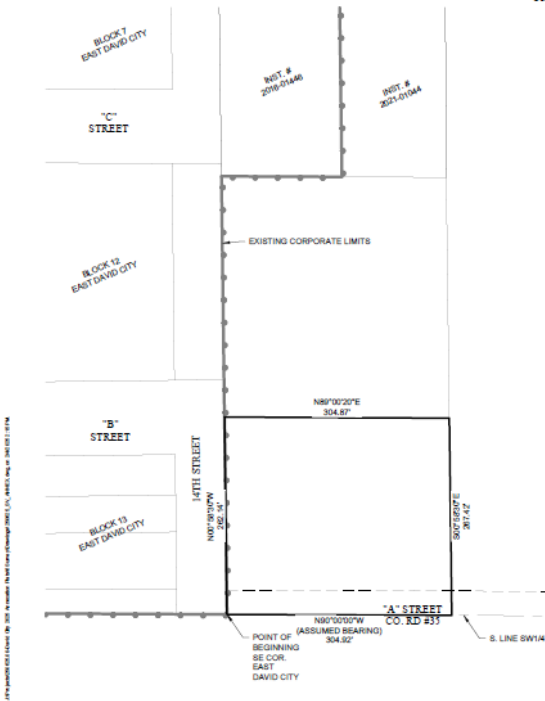
PARCEL NUMBER: 120035673

EXHIBIT B

COPY OF ANNEXATION PLAT

[SEE ATTACHED]

**ANNEXATION PLAT
 CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA**
 ORDINANCE NO. _____



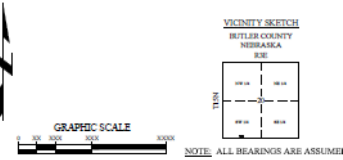
ANNEXATION DESCRIPTION:
 A TRACT OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 20 TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER, SAID POINT BEING ON THE EAST LINE OF 14TH STREET AND ALSO BEING THE SOUTHWEST CORNER OF EAST DAVID CITY; AND ASSUMING THE SOUTH LINE OF SAID SOUTHWEST QUARTER TO HAVE A BEARING OF N 89°12'20" W; THENCE N 07°56'20" E ON THE EAST LINE OF SAID EAST DAVID CITY, 262.54 FEET TO A POINT ON THE CENTERLINE OF B STREET; THENCE N 89°12'20" E ON THE EASTERN EXTENSION OF SAID CENTERLINE, 304.87 FEET, THENCE S 07°56'30" E, 267.42 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE N 89°12'20" W ON SAID SOUTH LINE, 304.82 FEET TO THE POINT OF BEGINNING, CONTAINING 1.85 ACRES, MORE OR LESS.

APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA
 THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS _____ DAY OF _____, 2025.

MAYOR _____ DATE _____

SURVEYOR'S STATEMENT
 I, BRIAN J. FORAL, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED ANNEXATION DESCRIPTION. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS ANNEXATION IS BASED ON RECORDED DEEDS AND SURVEYS.

BRIAN J. FORAL, LS 558 _____ DATE _____



PART OF THE SW1/4
 SEC. 20-T15N-R3E OF THE SIXTH P.M.,
 BUTLER COUNTY, NEBRASKA

ANNEXATION PLAT
 CITY OF DAVID CITY,
 BUTLER COUNTY, NEBRASKA
 ORDINANCE NO. _____

PROJECT NO. 1250622
 DATE 2/26/25
 DRAWN BY BLF
 FILE NAME 250216.DWG
 FILE BOOK
 FILE DATE BLF
 SURVEY FILE NO. 2025

Council member Bruce Meysenburg made a motion to approve Resolution No. 7-2025 Updating Truck Routes within the corporate limits with the addition of "Akrs Parkway" from Highway 15 west to "Trowbridge Lane". Council Member Rick Holland seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 7 - 2025

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, RESCINDING A PREVIOUSLY ESTABLISHED RESOLUTION REGULATING TRUCK ROUTES WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF DAVID CITY, NEBRASKA, AND DESIGNATING UPDATED TRUCK ROUTES WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF DAVID CITY, NEBRASKA.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class (the "City"), has an obligation to the public to protect the condition of the City's streets; and

WHEREAS, the City has an obligation to provide access to businesses as reasonably efficiently as possible within the City's corporate limits; and

WHEREAS, section 4-111 of the City's Municipal Code and section 60-681 of the Nebraska Revised Statutes authorize the City Council, by resolution, to designate streets within the City's corporate limits as truck routes to control and facilitate truck traffic through the streets of the City, preserving the condition of streets and other roadways within the City's corporate limits; and

WHEREAS, the City passed Resolution No. 3-1986 to control truck traffic and regulate the maintenance of the City's streets; and

WHEREAS, the City finds it to be in the best interest of the City and the public to update the truck routes within the City's corporate limits.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the load limits and truck routes established by Resolution No. 3-1986 are hereby rescinded, and the following load regulations be established within the City:

1. "O" Street shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

2. "A" Street from the western edge of the City's corporate limits to the eastern edge of the City's corporate limits shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

3. "Industrial Drive" from "O" Street to "Timpote Parkway" as a designated truck route within the City, open to all local truck traffic within the City year-round.

4. "Cooperative Way" from Highway 15 west to the pavement end shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

5. "Trowbridge Lane" from "Cooperative Way" to "Industrial Drive" shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

6. "Akrs Parkway" from Highway 15 west to "Trowbridge Lane" shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

7. "D" Street from 4th Street to the Railroad tracks shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

8. "C" Street from 4th Street to the Railroad tracks shall serve as a designated truck route within the City, open to all local truck traffic within the City year-round.

9. All other resolutions or portions of other resolutions passed and approved prior to the passage, approval, and publication or posting of this resolution and in conflict herewith are hereby repealed.

10. This resolution shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS 26th day of February, 2025.

Mayor Jessica Miller

ATTEST

City Clerk Tami L. Comte

Council member Kevin Woita made a motion to adjourn. Council Member Jim Angell seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:30 p.m.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES
February 26, 2025

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 February 26, 2025; 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.

Tami Comte, City Clerk