

CITY COUNCIL PROCEEDINGS
October 11, 2023

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 publication of notice in The Banner Press on October 5, 2023, 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 Jessica Miller, Council President Bruce Meysenburg, Council members Kevin Woita, Pat Meysenburg, Jim Angell, Keith Marvin, Tom Kobus, City Attorney Michael Sands, and Interim City Administrator/City Clerk Tami Comte.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Wastewater Supervisor Charles Dresch, Craig Reinsch with Olsson, Brad Swerczek with K-Tech Project Services, John Shepard, Senior Planner with Marvin Planning Consultants, Recreation Coordinator Will Reiter, and David McPhillips.

The meeting opened with the Pledge of Allegiance.

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 that they must state their name and address for the record.

Council member Pat Meysenburg made a motion to approve the minutes of the September 27, 2023 City Council meeting as presented. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Jim Angell made a motion to approve the claims as presented. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council President Bruce Meysenburg stated that he noticed that Water/Wastewater Department employee Anthony Kobus had quite a bit of overtime, but he thought that was most likely from the problems that occurred at the water plant.

Council member Kevin Woita made a motion to approve the committee and officer reports as presented. Council Member Keith Marvin seconded the motion. The motion carried.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg:

Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to approve Payment #7 in the amount of \$222,489.91 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades.

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

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg:

Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

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Contractor's Application for Payment

Owner: <u>City of David City</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>202024.00</u>
Contractor: <u>Velocity Constructors Inc.</u>	Contractor's Project No.: _____
Project: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Contract: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Application No.: <u>7</u>	Application Date: <u>10/1/2023</u>
Application Period: From <u>9/1/2023</u> to <u>10/1/2023</u>	

1. Original Contract Price	\$ 10,562,772.00
2. Net change by Change Orders	\$ 54,560.00
3. Current Contract Price (Line 1 + Line 2)	\$ 10,617,332.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 1,077,109.78
5. Retainage	
a. 5% X \$ 728,624.25 Work Completed =	\$ 36,431.21
b. 5% X \$ 343,485.53 Stored Materials =	\$ 17,174.28
c. Total Retainage (Line 5.a + Line 5.b)	\$ 53,605.49
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 1,023,504.29
7. Less previous payments (Line 6 from prior application)	\$ 801,014.38
8. Amount due this application	\$ 222,489.91
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 9,593,827.71

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: James Sulzbach - Project Manager Velocity Constructors

Signature: *James Sulzbach* **Date:** 10/6/2023

Recommended by Engineer	Approved by Owner
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City					Owner's Project No.:			
Engineer:	JEO Consulting Group, Inc.					Engineer's Project No.:	202024.00		
Contractor:	Velocity Constructors Inc.					Contractor's Project No.:			
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686								
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686								
Application No.:	7		Application Period:	From	09/01/23	to	10/01/23	Application Date:	10/01/23
A	B	C	D		E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)	
			(D + E) From Previous Application (\$)	This Period (\$)					
Original Contract									
BASE BID GROUP A - General Water Plant Improvements¹									
B-1.01	Mobilization	1,030,293.00	257,573.25	-		257,573.25	25%	772,719.75	
B-1.02	Bonding and Insurance	66,647.00	66,647.00			66,647.00	100%	-	
B-1.03	Aerator Rehabilitation and Cleaning	114,481.00	-			-	0%	114,481.00	
B-1.04	Existing Pipe Cleaning & Repainting	57,573.00	-	1,000.00		1,000.00	2%	56,573.00	
B-1.05	Electrical Improvements, Complete	1,840,041.00	50,000.00	-		50,000.00	3%	1,790,041.00	
B-1.06	Demolition of Exterior Infrastructure	32,732.00	30,000.00	-		30,000.00	92%	2,732.00	
B-1.07	Demolition of Interior Infrastructure	90,500.00	-			-	0%	90,500.00	
B-1.08	Building Improvements (Doors/Windows)	80,036.00	-	1,000.00		1,000.00	1%	79,036.00	
B-1.09	Building Improvements (Interior Painting)	523,405.00	-	1,000.00		1,000.00	0%	522,405.00	
B-1.10	First Floor Roof Membrane Replacement	174,179.00	-	2,000.00		2,000.00	1%	172,179.00	
B-1.11	Skylight Replacement	48,568.00	-			-	0%	48,568.00	
B-1.12	HVAC Improvements	148,128.00	-			-	0%	148,128.00	
B-1.13	Plumbing Improvements	92,021.00	-			-	0%	92,021.00	
B-1.14	Lab Improvements	21,099.00	-			-	0%	21,099.00	
B-1.15	Hardness Monitoring Equipment and Meters	77,743.00	1,000.00	1,000.00		2,000.00	3%	75,743.00	
B-1.16	Site Paving and Grading	58,690.00	-			-	0%	58,690.00	
B-1.17	Fencing and Gates	58,513.00	2,000.00	-		2,000.00	3%	56,513.00	
B-1.18	Misc. Site Improvements	148,846.00	10,000.00	-		10,000.00	7%	138,846.00	
B-1.19	Exterior Piping Improvements	338,959.00	13,000.00	-	105,566.64	118,566.64	35%	220,392.36	
B-1.20	Seeding, Fertilizer and Mulch	6,610.00	-			-	0%	6,610.00	
B-1.21	Erosion Control	5,751.00	5,751.00	-		5,751.00	100%	-	
BASE BID GROUP B - Gravity Filter System Improvements¹									
B-1.22	New Gravity Filter Equipment, Complete (Media/Wash Troughs/ Air Blower/ Control Panel / Solenoid Panel / Instrumentation / Piping / Valves / Media Strainers)	693,132.00	3,000.00	-	22,224.99	25,224.99	4%	667,907.01	
B-1.23	Gravity Filter Equipment Installation	45,979.00				-	0%	45,979.00	
B-1.24	Electrical	25,200.00	2,000.00	-	5,000.00	7,000.00	28%	18,200.00	

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	7	Application Period:	From	09/01/23	to	10/01/23	Application Date:	10/01/23	
A	B	C	D		E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)	
			(D + E) From Previous Application (\$)	This Period (\$)					
BASE BID GROUP C - Reverse Osmosis¹									
B-1.25	CCRO and CIP Tank Skids (Equipment Only)	2,126,760.00	2,000.00	-	-	2,000.00	0%	2,124,760.00	
B-1.26	CCRO and CIP Tank Skids (Installation)	7,208.00	-	-	-	-	0%	7,208.00	
B-1.27	Existing Maintenance Facility Demolition	27,093.00	27,093.00	-	-	27,093.00	100%	-	
B-1.28	RO Room Expansion, Block Construction	245,926.00	6,000.00	-	13,900.00	19,900.00	8%	226,026.00	
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	1,000.00	-	-	1,000.00	32%	2,174.00	
B-1.30	New Existing Maintenance Facility Roof	28,709.00	-	1,000.00	-	1,000.00	3%	27,709.00	
B-1.31	Overhead Doors	22,781.00	-	2,000.00	-	2,000.00	9%	20,781.00	
B-1.32	Access Doors	8,791.00	-	-	-	-	0%	8,791.00	
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00	-	-	-	-	0%	20,361.00	
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00	-	-	-	-	0%	12,387.00	
B-1.35	Below Grade CCRO Skid Piping, Complete	57,740.00	30,000.00	-	-	30,000.00	52%	27,740.00	
B-1.36	Above Grade CCRO & CIP Skid Piping, Complete	129,743.00	-	-	-	-	0%	129,743.00	
B-1.37	Electrical	10,080.00	2,000.00	1,000.00	2,000.00	5,000.00	50%	5,080.00	
BASE BID GROUP D - Intermediate Clearwell¹									
B-1.38	Intermediate Clearwell Structural Concrete	170,506.00	92,000.00	30,000.00	20,000.00	142,000.00	83%	28,506.00	
B-1.39	Clearwell Hatches	15,613.00	-	-	-	-	0%	15,613.00	
B-1.40	Vertical Turbine Pumps	113,608.00	2,000.00	-	-	2,000.00	2%	111,608.00	
B-1.41	Degassifier (Equipment Only)	112,153.00	2,000.00	-	12,000.00	14,000.00	12%	98,153.00	
B-1.42	Degassifier (Installation)	6,407.00	-	-	-	-	0%	6,407.00	
B-1.43	Pump Building, Block Construction	116,781.00	2,000.00	-	-	7,000.00	6%	109,781.00	
B-1.44	Stairs and Miscellaneous Metals	4,603.00	1,000.00	1,000.00	-	2,000.00	43%	2,603.00	
B-1.45	Clearwell Ladders	4,749.00	-	-	-	-	0%	4,749.00	
B-1.46	Fluid Applied Exterior Membrane	103,757.00	-	-	-	-	0%	103,757.00	
B-1.47	Intermediate Clearwell Piping, Fittings, Valves, Meters, Complete	77,335.00	6,000.00	-	-	6,000.00	8%	71,335.00	
B-1.48	Weir Plate and Weir Window	4,398.00	1,000.00	-	-	1,000.00	23%	3,398.00	
B-1.49	Electrical	50,400.00	2,000.00	1,000.00	10,000.00	13,000.00	26%	37,400.00	

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	7	Application Period:	From 09/01/23 to 10/01/23	Application Date:	10/01/23
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A	B	C	D		E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)	
			(D + E) From Previous Application (\$)	This Period (\$)					
BASE BID GROUP E - Chemical Feed System Improvements¹									
B-1.50	Chemical Feed System Improvements	149,305.00	2,000.00	-		2,000.00	1%	147,305.00	
B-1.51	Gas Chlorine System Improvements	62,365.00	2,000.00	-		2,000.00	3%	60,365.00	
B-1.52	Electrical	15,120.00	2,000.00	-	3,000.00	5,000.00	33%	10,120.00	
BASE BID GROUP F - Backwash Improvements¹									
B-1.53	Backwash Waste Pump and Piping Improvements, Complete	161,971.00	3,000.00	-		3,000.00	2%	158,971.00	
B-1.54	Proposed Manhole Improvements	1,551.00				-	0%	1,551.00	
B-1.55	Backwash Pit Access Hatch	3,727.00				-	0%	3,727.00	
B-1.56	Backwash Supply Pump and Piping Improvements, Complete	103,300.00	2,000.00	-	26,934.00	28,934.00	28%	74,366.00	
B-1.57	Electrical/Generator	252,000.00	2,000.00	1,000.00	122,859.90	125,859.90	50%	126,140.10	
Bid Alternate #1									
BA1-1	Gravity Filter Effluent Valve Replacement ¹	220,730.00	1,000.00	-		1,000.00	0%	219,730.00	
Bid Alternate #2									
BA2-1	Demolish Existing Upflow Clarifier Unit, Complete ¹	113,190.00				-	0%	113,190.00	
Original Contract Totals:		\$ 10,343,448.00	\$ 631,064.25	\$ 43,000.00	\$ 343,485.53	\$ 1,022,549.78	\$ 9.78	\$ 9,320,898.22	
Change Orders									
CO-1	12" Underslab Pipe	54,560.00	15,000.00	39,560.00		54,560.00	100%	-	
Change Order Totals:		\$ 54,560.00	\$ 15,000.00	\$ 39,560.00	\$ -	\$ 54,560.00	100%	\$ -	
Original Contract and Change Orders									
Project Totals:		\$ 10,398,008.00	\$ 646,064.25	\$ 82,560.00	\$ 343,485.53	\$ 1,077,109.78	10%	\$ 9,320,898.22	

¹ Sales Tax for Materials & Equipment Included

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JED Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.: 7 Application Period: From 09/01/23 to 10/01/23 Application Date: 10/01/23

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
						Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
Base Bid ¹											
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00		-		-	0%	15,215.00
B-3	Final Clearwell Roof Slab Rehabilitation	100.00	SF	140.30	14,030.00		-		-	0%	14,030.00
Bid Alternate #3											
BA3-1	Install 6" Concrete Pavement ¹	1,324.00	SY	143.56	190,079.00		-		-	0%	190,079.00
Original Contract Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00
Original Contract and Change Orders											
Project Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00

¹ Sales Tax for Materials & Equipment Included

Stored Materials Summary												Contractor's Application for Payment		
Owner:	City of David City								Owner's Project No.:					
Engineer:	JEO Consulting Group, Inc.								Engineer's Project No.:	202024.00				
Contractor:	Velocity Constructors Inc.								Contractor's Project No.:					
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686													
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686													
Application No.:	7				Application Period: From	09/01/23		to	10/01/23		Application Date:	10/01/23		
A	B	C	D	E	F	G	H	I	J	K	L	M		
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored		Incorporated in Work			Materials Remaining in Storage (I - L)			
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G + H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)		Total Amount Incorporated in the Work (J + K) (\$)		
B-1.19	5894991		Yard Pipe	On Site	3	36,399.00	-	36,399.00				-	36,399.00	
B-1.19	5898108		Yard Pipe	On Site	4	3,033.85	-	3,033.85				-	3,033.85	
B-1.19	5835976		Yard Pipe	On Site	4	4,484.62	-	4,484.62				-	4,484.62	
B-1.19	835125		Yard Pipe	On Site	4	6,039.99	-	6,039.99				-	6,039.99	
B-1.19	896907		Yard Pipe	On Site	4	23,979.17	-	23,979.17				-	23,979.17	
B-1.19	5897709		Yard Pipe	On Site	4	29,725.95	-	29,725.95				-	29,725.95	
B-1.29 & 38			Rebar	On Site	4	33,900.00	-	33,900.00				-	33,900.00	
B-1.19	7241554		Yard Pipe	On Site	5	370.34	-	370.34				-	370.34	
B-1.19	7203897		Yard Pipe	On Site	5	520.82	-	520.82				-	520.82	
B-1.19	7063762		Yard Pipe	On Site	5	1,012.90	-	1,012.90				-	1,012.90	
B-1.24,37,49,52,57	Pay App 2		Electrical Fixtures	On Site	5	30,708.14	-	30,708.14				-	30,708.14	
B1.56	0902556-IN		Electric Pumps	On Site	6	26,934.00	-	26,934.00				-	26,934.00	
B1.47	34604		WAllen Valves PRV	On Site	7		27,865.08	27,865.08				-	27,865.08	
B1.43	26123		Misc Metals Decking	On Site	7		5,000.00	5,000.00				-	5,000.00	
B-1.57	13 Invoices		Electrical	On Site	7		112,151.76	112,151.76				-	112,151.76	
B-1.22,41	92500		WesTech	Submittals	7		34,224.99	34,224.99				-	34,224.99	
												-		
												-		
												-		
												-		
												-		
												-		
												-		
												-		
						Totals \$	197,108.78	\$	179,241.83	\$	376,350.61	\$	-	

Council member Keith Marvin made a motion to approve Certificate of Payment #2 in the amount of \$60,000 to Woolsey Electric for the Campground construction and authorize Woolsey Electric to do the temporary work to finish eleven pads by the end of October for an additional cost of approximately \$6,300. Council Member Bruce Meysenburg seconded the motion. The motion carried.
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0

WOOLSEY ELECTRIC LLC
1707 41st Rd
David City, NE 68632
(402) 539-2060

BILL TO
City of David City
490 E St
P.O. Box 191
David City, NE 68632

INVOICE 2068

DATE 10/03/2023 TERMS Net 30

DUE DATE 11/02/2023

DESCRIPTION	QTY	RATE	AMOUNT
Second draw for the west 21 campsite wiring.	1	60,000.00	60,000.00

TOTAL DUE \$60,000.00

Council member Tom Kobus made a motion to approve Certificate of Payment #1 in the amount of \$135,000 to O'Dell Concrete and Construction for the RV Campground project. Council Member Pat Meysenburg seconded the motion. The motion carried.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Home Ph. (402) 542-2160
Cell Ph. (402) 432-1369

O'DELL

SHANE O'DELL
P.O. Box 113
Rising City, NE 68658

CONCRETE and CONSTRUCTION
Performing all types of Concrete Construction

STATEMENT OF ACCOUNT

JOB NAME & LOCATION: DC RV Pads DATE 10-4-23

DESCRIPTION: 21 pads completed & 10 bollards set \$135,000.

Thanks!

TOTAL \$135,000.

A Service charge of 1.5% per month will be applied to all past due balances.

Council member Pat Meysenburg made a motion to approve the bid of Midlands Contracting in the amount of \$492,602 for 3rd Street water main replacement. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Craig Reinsch, of Olsson, introduced himself and stated that Midlands Contracting would like to have the pre-construction meeting as soon as possible and they want to get the work completed this year.

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Tami Comte

From: Craig Reinsch <creinsch@olsson.com>
Sent: Tuesday, October 10, 2023 3:55 PM
To: Tami Comte
Cc: Water Department; Dave Ziska
Subject: FW: Revised - David City water main - City material list

Good afternoon,

I received the information below from Midlands Contracting for a deduct to the 3rd St Water Main project. This deduct was referenced in our 10/6/2023 bid award letter due to material having been previously purchased by the City. This project bid is up for consideration of award at the 10/11/2023 city council meeting.

After their review of the materials ordered by the City, Midlands will be able to use a majority of the components that the City purchased beforehand. Midlands have offered a deduct of \$66,850, which would reduce their bid from \$559,452 to \$492,602. Midlands would need to confirm the materials once they arrive on-site. Delivery will be coordinated by City staff. Any remaining items would become part of the City's material inventory for use at a later time.

A change order is typically done to adjust the contract amounts. However, since a contract has yet to be initiated, we would propose that the contract price modification be included as part of the notice of award and contract process. This will save a step, instead of approving the original bid and then immediately processing a change order.

I'll be in attendance at tomorrow's meeting to answer any follow up questions that the council may have. Please let me know what follow-up questions you may have.

Thanks, Craig

Craig T. Reinsch, PE, BCEE, MS, ENV SP
Senior Engineer / Water/Wastewater

D 402.458.5671
C 402.217.0331

601 P Street, Suite 200
Lincoln, NE 68508
O 402.474.6311



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From: Scott White <scott@midlandscontracting.com>
Sent: Tuesday, October 10, 2023 3:14 PM
To: Craig Reinsch <creinsch@olsson.com>
Subject: Revised - David City water main - City material list

This Message Is From an External Sender

This message came from outside your organization. Please take care when clicking links or opening attachments. When in doubt, use the Report Phish button or contact IT to have the message analyzed.

Craig,
 Midlands Contracting would be willing to buy the following material from the City of David City for this project.

Item Description	Qty	
	Ordered	Unit
8" C900	1100	LF
8" C900 CertaLok	180	LF
3/4" CTS P-Core	1000	LF
1" IPS P-Core	100	LF
2" IPS P-Core	100	LF
3/4" Ball Corp	22	EA
1" Ball Corp	1	EA
8" x 3/4" Service Saddle	29	EA
8" x 1" Service Saddle	3	EA
8" x 2" Service Saddle	1	Ea
Stationary Rod	29	Ea
Tracer Wire - Opencut	500	LF
Tracer Wire - Bore	500	LF
5'6" Bury Fire Hydrant (not mueller)	3	EA
8" MJ x MJ Gate Valve	5	EA
6" MJ x MJ Gate Valve	5	EA
8" MJ x Flg Gate Valve	1	EA
Valve Box	11	EA
Valve Box Adapter	11	EA
6" x 18" Anchor Couplings	6	EA
8" x 8" Tapping Sleeve	1	EA
8" MJ 45	2	EA
8" MJ 90	1	EA
8" x 6" MJ Tee	4	EA
8" x 8" MJ Tee	2	EA
8" x 4" MJ Reducer	1	EA
8" Solid Sleeve	2	EA
6" MJ Plug	1	EA
6" MJ 90	1	EA
6" Solid Sleeve	2	EA
4" MJ 45	2	EA
4" Solid Sleeve	1	EA
4" PVC Restraint	2	EA
6" PVC Restraint	2	EA
8" PVC Restraint	17	EA
4" Bolt & Gasket Kit	8	EA
6" Bolt & Gasket Kit	15	EA
8" Bolt & Gasket Kit	33	EA

1" IPS Stiffener	15	EA
2" IPS Stiffener	5	EA

Our total lump sum deduct is \$66,850.00, this is contingent upon Midlands receiving all material as listed.

Thanks,

SCOTT WHITE — Estimator
Midlands Contracting, Inc.
PO Box 1065 Kearney, NE 68848
o: 308.237.7979 | c: 308.627.4389 | f: 308.234.5390
scott@midlandscontracting.com





October 6, 2023

City of David City
Attn: Ms. Tami Comte, Interim City Administrator
PO Box 191, 490 E Street
David City, Nebraska 68632-0191

Re: Water Main Improvements & Replacement– 3rd Street
David City, Nebraska
Olsson Project No. 016-2784

Dear Ms. Comte:

On Wednesday, October 4, 2023, bids were received for the above-mentioned project. This letter summarizes the bid(s) received and provides the City Council with our recommendations for making an award on the project. A bid tabulation was prepared for the project which is enclosed for reference.

A total of six (6) bids were received for the project, as listed in the enclosed bid tabulation. The stated contract dates are to be substantially complete with the project by August 1, 2024, and final completion achieved by September 1, 2024. These dates coincide with completion within the current budget year.

The lowest bid was provided by Midlands Contracting, Inc, with an adjusted unit price total amount of \$559,452.00. We have worked with this bidder on past projects, most recently on the City's Akrs water and sewer extension project. The submitted bid amount was lower than the engineer's opinion of probable construction cost of \$700,000.

All bidders have shown that they are responsive and responsible bidders. It is our recommendation that the City should award the bid to Midlands Contracting, Inc, for the contract price of \$559,452.00. After the bid, we were made aware of materials that had previously been ordered for this project. We are currently in the process of coordinating these materials with Midlands Contracting and anticipate a deductive change order to the stated contract price once the amounts are established.

Please feel free to contact me with any additional questions that you may have. I can be reached at 402.458.5671 or creinsch@olsson.com.

Sincerely,

A handwritten signature in black ink that reads "Craig Reinsch". The signature is written in a cursive style.

Craig Reinsch, PE

Encls.

F:\2016\2501-3000\016-2784\20-Management\Communication\23-10-06_WTWW_DC 3rd St Water Bid Recommendation.docx

WATER MAIN IMPROVEMENTS AND REPLACEMENT

David City, Nebraska

October 4, 2023 Project No. 016-2784

BID TABULATION



Item No.	CONTRACTOR			MIDLANDS CONTRACTING INC.		K2 CONSTRUCTION		RUTGENS CONSTRUCTION INC.	
	Description	Unit	Estimated Quantity	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
1	Mobilization/Demo/Bonds/Ins	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 50,000.00	\$ 50,000.00	\$ 51,100.00	\$ 51,100.00
2	Construction Testing	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
3	8-inch C900 PVC Water Main	LF	2,364	\$ 76,000.00	\$ 179,664.00	\$ 95.00	\$ 224,580.00	\$ 76.00	\$ 179,664.00
4	6-inch C900 PVC Water Main	LF	25	\$ 74.00	\$ 1,850.00	\$ 80.00	\$ 2,000.00	\$ 50.00	\$ 1,250.00
5	4-inch C900 PVC Water Main	LF	11	\$ 70.00	\$ 770.00	\$ 80.00	\$ 880.00	\$ 42.00	\$ 462.00
6	8-inch Water Main Bored with Casing	LF	1	\$ 950.00	\$ 950.00	\$ 950.00	\$ 950.00	\$ 355.00	\$ 355.00
7	8-inch Water Main HDD or Bored without Casing	LF	487	\$ 95.00	\$ 46,265.00	\$ 95.00	\$ 46,265.00	\$ 95.00	\$ 46,265.00
8	6-inch Water Main HDD or Bored without Casing	LF	10	\$ 90.00	\$ 900.00	\$ 95.00	\$ 950.00	\$ 85.00	\$ 850.00
9	8-inch Gate Valve w/Box, MJ	EA	6	\$ 3,000.00	\$ 18,000.00	\$ 3,000.00	\$ 18,000.00	\$ 2,821.00	\$ 16,926.00
10	6-inch Gate Valve w/Box, MJ	EA	2	\$ 2,200.00	\$ 4,400.00	\$ 2,100.00	\$ 4,200.00	\$ 2,249.00	\$ 4,498.00
11	4-inch Gate Valve w/Box, MJ	EA	1	\$ 1,900.00	\$ 1,900.00	\$ 2,000.00	\$ 2,000.00	\$ 1,974.00	\$ 1,974.00
12	2-inch Service Line	LF	5	\$ 40.00	\$ 200.00	\$ 65.00	\$ 325.00	\$ 38.00	\$ 190.00
13	1 1/2-inch Service Line	LF	10	\$ 38.00	\$ 380.00	\$ 60.00	\$ 600.00	\$ 36.00	\$ 360.00
14	1-inch Service Line	LF	147	\$ 30.00	\$ 4,410.00	\$ 20.00	\$ 2,940.00	\$ 33.00	\$ 4,851.00
15	3/4-inch Service Line	LF	166	\$ 28.00	\$ 4,648.00	\$ 20.00	\$ 3,320.00	\$ 33.00	\$ 5,478.00
16	Bore 3/4-inch Service Line	LF	902	\$ 34.00	\$ 30,668.00	\$ 18.00	\$ 16,236.00	\$ 35.00	\$ 31,570.00
17	Bore 1-inch Service Line	LF	70	\$ 35.00	\$ 2,450.00	\$ 20.00	\$ 1,400.00	\$ 35.00	\$ 2,450.00
18	Bore 1 1/2-inch Service Line	LF	10	\$ 38.00	\$ 380.00	\$ 25.00	\$ 250.00	\$ 37.00	\$ 370.00
19	Bore 2-inch Service Line	LF	1	\$ 43.00	\$ 43.00	\$ 50.00	\$ 50.00	\$ 38.00	\$ 38.00
20	2" Tapping Saddle, Corporation Stop, Curb Stop & Connection	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 2,900.00	\$ 2,900.00	\$ 3,250.00	\$ 3,250.00
21	1 1/2" Tapping Saddle, Corp Stop, Curb Stop & Connection	EA	1	\$ 2,700.00	\$ 2,700.00	\$ 2,400.00	\$ 2,400.00	\$ 2,745.00	\$ 2,745.00

22	1" Tapping Saddle, Corp Stop, Curb Stop, & Connection	EA	4	\$ 1,850.00	\$ 7,400.00	\$ 1,900.00	\$ 7,600.00	\$ 2,515.00	\$ 10,060.00
23	3/4" Tapping Saddle, Corp Stop, Curb Stop & Connection	EA	29	\$ 1,550.00	\$ 44,950.00	\$ 1,600.00	\$ 46,400.00	\$ 2,425.00	\$ 70,325.00
24	Fire Hydrant Assembly	EA	6	\$ 7,300.00	\$ 43,800.00	\$ 8,250.00	\$ 49,500.00	\$ 8,854.00	\$ 53,124.00
25	Fire Hydrant Only – No Valve	EA	1	\$ 5,000.00	\$ 5,000.00	\$ 6,700.00	\$ 6,700.00	\$ 5,574.00	\$ 5,574.00
26	8" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 4,900.00	\$ 4,900.00	\$ 5,000.00	\$ 5,000.00	\$ 6,700.00	\$ 6,700.00
27	8" x 6" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 4,100.00	\$ 4,100.00	\$ 5,000.00	\$ 5,000.00	\$ 4,977.00	\$ 4,977.00
28	6" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 3,500.00	\$ 3,500.00	\$ 5,150.00	\$ 5,150.00
29	4" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 3,700.00	\$ 3,700.00	\$ 3,500.00	\$ 3,500.00	\$ 4,677.00	\$ 4,677.00
30	Abandon Water Main	EA	3	\$ 375.00	\$ 1,125.00	\$ 500.00	\$ 1,500.00	\$ 550.00	\$ 1,650.00
31	Abandon Water Service	EA	2	\$ 350.00	\$ 700.00	\$ 250.00	\$ 500.00	\$ 350.00	\$ 700.00
32	Abandon Water Service/Meter Manhole	EA	2	\$ 750.00	\$ 1,500.00	\$ 500.00	\$ 1,000.00	\$ 1,500.00	\$ 3,000.00
33	Ductile Iron Fittings, M.J.	LB	3,733	\$ 7.00	\$ 26,131.00	\$ 4.25	\$ 15,865.25	\$ 12.00	\$ 44,796.00
34	Wet Cut-In	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00	\$ 1,959.00	\$ 1,959.00
35	Connect to Existing Water Main/4" or Larger Service	EA	9	\$ 1,475.00	\$ 13,275.00	\$ 2,000.00	\$ 18,000.00	\$ 1,000.00	\$ 9,000.00
36	Remove Existing Fire Hydrant Assembly	EA	5	\$ 700.00	\$ 3,500.00	\$ 450.00	\$ 2,250.00	\$ 450.00	\$ 2,250.00
37	Remove Existing 6-inch Valve and Box	EA	1	\$ 900.00	\$ 900.00	\$ 400.00	\$ 400.00	\$ 350.00	\$ 350.00
38	Remove Existing 4-inch Valve and Box	EA	1	\$ 800.00	\$ 800.00	\$ 400.00	\$ 400.00	\$ 350.00	\$ 350.00
39	Remove and Salvage Existing Fittings	EA	3	\$ 175.00	\$ 525.00	\$ 400.00	\$ 1,200.00	\$ 200.00	\$ 600.00
40	Abandon Existing 8-inch Valve and Box	EA	1	\$ 400.00	\$ 400.00	\$ 500.00	\$ 500.00	\$ 400.00	\$ 400.00
41	Abandon Existing 6-inch Valve and Box	EA	3	\$ 400.00	\$ 1,200.00	\$ 500.00	\$ 1,500.00	\$ 400.00	\$ 1,200.00
42	Abandon Existing 4-inch Valve and Box	EA	4	\$ 400.00	\$ 1,600.00	\$ 500.00	\$ 2,000.00	\$ 400.00	\$ 1,600.00
43	Saw Cut, Remove, and Replace Brick Roadway	SY	20	\$ 325.00	\$ 6,500.00	\$ 125.00	\$ 2,500.00	\$ 515.00	\$ 10,300.00
44	Saw Cut, Remove, and Replace 4" Sidewalk	SF	252	\$ 16.50	\$ 4,158.00	\$ 12.00	\$ 3,024.00	\$ 8.00	\$ 2,016.00

45	Saw Cut, Remove, and Replace 6" Conc/DW/Pavement	SY	51	\$ 190.00	\$ 9,690.00	\$ 100.00	\$ 5,100.00	\$ 125.00	\$ 6,375.00
46	Saw Cut, Remove, and Replace 8" Concrete Pavement	SY	28	\$ 200.00	\$ 5,600.00	\$ 100.00	\$ 2,800.00	\$ 135.00	\$ 3,780.00
47	Saw Cut, Remove, and Replace 8" Asphalt Pavement	SY	20	\$ 200.00	\$ 4,000.00	\$ 120.00	\$ 2,400.00	\$ 125.00	\$ 2,500.00
48	Saw Cut, Remove, and Replace 6" Asphalt Pavement	SY	20	\$ 200.00	\$ 4,000.00	\$ 120.00	\$ 2,400.00	\$ 135.00	\$ 3,915.00
49	Install 6-inch Bollard	EA	2	\$ 800.00	\$ 1,600.00	\$ 1,000.00	\$ 2,000.00	\$ 500.00	\$ 1,000.00
50	Aggregate Roadway Surfacing	TN	79	\$ 80.00	\$ 6,320.00	\$ 50.00	\$ 3,950.00	\$ 55.00	\$ 4,345.00
51	Seeding and Mulching	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 15,000.00	\$ 15,000.00	\$ 10,250.00	\$ 10,250.00
52	Erosion Control	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00
Total Bid Price:					\$ 559,452.00		\$ 599,735.25		\$ 634,069.00
Substantially Complete	8/1/2024				Yes		Yes		Yes
Final Completion	9/1/2024				Yes		Yes		Yes
Bid Guarantee:	5%				Yes		Yes		Yes
Addendum No. 1					Yes		Yes		Yes
Remarks: (Highlights)									

WATER MAIN IMPROVEMENTS AND REPLACEMENT

David City, Nebraska

BID TABULATION

October 4, 2023 Project No. 016-2784

CONTRACTOR				VRBA CONSTRUCTION INC.		M.E. COLLINS CONTRACTING INC.		MYERS CONTRACTING INC.	
ITEM									
Item No.	Description	Unit	Estimated Quantity	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
1	Mobilization/Demo/Bonds/Ins	LS	1	\$ 50,000.00	\$ 50,000.00	\$ 48,805.00	\$ 48,805.00	\$ 40,000.00	\$ 40,000.00
2	Construction Testing	LS	1	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00
3	8-inch C900 PVC Water Main	LF	2,364	\$ 108.25	\$ 255,903.00	\$ 63.00	\$ 148,932.00	\$ 181.20	\$ 428,356.80
4	6-inch C900 PVC Water Main	LF	25	\$ 68.20	\$ 1,705.00	\$ 79.00	\$ 1,975.00	\$ 115.78	\$ 2,894.50
5	4-inch C900 PVC Water Main	LF	11	\$ 59.50	\$ 654.50	\$ 58.00	\$ 638.00	\$ 107.45	\$ 1,181.95
6	8-inch Water Main Bored with Casing	LF	1	\$ 335.00	\$ 335.00	\$ 219.00	\$ 219.00	\$ 1,461.00	\$ 1,461.00
7	8-inch Water Main HDD or Bored without Casing	LF	487	\$ 124.00	\$ 60,388.00	\$ 96.00	\$ 46,752.00	\$ 198.20	\$ 96,523.40
8	6-inch Water Main HDD or Bored without Casing	LF	10	\$ 131.75	\$ 1,317.50	\$ 107.00	\$ 1,070.00	\$ 154.40	\$ 1,544.00
9	8-inch Gate Valve w/Box, MJ	EA	6	\$ 4,525.00	\$ 27,150.00	\$ 3,594.00	\$ 21,564.00	\$ 6,981.00	\$ 41,890.20
10	6-inch Gate Valve w/Box, MJ	EA	2	\$ 1,645.00	\$ 3,290.00	\$ 2,466.00	\$ 4,932.00	\$ 2,538.80	\$ 5,077.60
11	4-inch Gate Valve w/Box, MJ	EA	1	\$ 1,345.00	\$ 1,345.00	\$ 2,053.00	\$ 2,053.00	\$ 2,074.60	\$ 2,074.60
12	2-inch Service Line	LF	5	\$ 230.00	\$ 1,150.00	\$ 1,499.00	\$ 7,495.00	\$ 93.80	\$ 469.00
13	1 1/2-inch Service Line	LF	10	\$ 228.75	\$ 2,287.50	\$ 1,499.00	\$ 14,990.00	\$ 46.04	\$ 460.40
14	1-inch Service Line	LF	147	\$ 15.00	\$ 2,205.00	\$ 117.00	\$ 17,199.00	\$ 35.71	\$ 5,249.37
15	3/4-inch Service Line	LF	166	\$ 35.50	\$ 5,893.00	\$ 117.00	\$ 19,422.00	\$ 32.29	\$ 5,360.14
16	Bore 3/4-inch Service Line	LF	902	\$ 19.85	\$ 17,904.70	\$ 117.00	\$ 105,534.00	\$ 32.40	\$ 29,224.80
17	Bore 1-inch Service Line	LF	70	\$ 21.05	\$ 1,473.50	\$ 117.00	\$ 8,190.00	\$ 37.50	\$ 2,625.00
18	Bore 1 1/2-inch Service Line	LF	10	\$ 58.65	\$ 586.50	\$ 1,499.00	\$ 14,990.00	\$ 46.04	\$ 460.40
19	Bore 2-inch Service Line	LF	1	\$ 33.35	\$ 33.35	\$ 1,499.00	\$ 1,499.00	\$ 469.00	\$ 469.00
20	2" Tapping Saddle, Corporation Stop, Curb Stop & Connection	EA	1	\$ 2,075.00	\$ 2,075.00	\$ 2,456.00	\$ 2,456.00	\$ 4,365.00	\$ 4,365.00
21	1 1/2" Tapping Saddle, Corp Stop, Curb Stop & Connection	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 1,776.00	\$ 1,776.00	\$ 3,156.87	\$ 3,156.87
22	1" Tapping Saddle, Corp Stop, Curb Stop, & Connection	EA	4	\$ 900.00	\$ 3,600.00	\$ 4,196.00	\$ 16,784.00	\$ 1,864.20	\$ 7,456.80

23	3/4" Tapping Saddle, Corp Stop, Curb Stop & Connection	EA	29	\$ 1,025.50	\$ 29,739.50	\$ 927.00	\$ 26,883.00	\$ 2,159.63	\$ 62,629.27
24	Fire Hydrant Assembly	EA	6	\$ 9,935.00	\$ 59,610.00	\$ 9,394.00	\$ 56,364.00	\$ 11,990.27	\$ 71,941.62
25	Fire Hydrant Only - No Valve	EA	1	\$ 5,825.00	\$ 5,825.00	\$ 8,268.00	\$ 8,268.00	\$ 6,505.60	\$ 6,505.60
26	8" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 4,774.00	\$ 4,775.00	\$ 7,254.00	\$ 7,254.00	\$ 6,700.00	\$ 6,700.00
27	8" x 6" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 3,535.00	\$ 3,535.00	\$ 5,556.00	\$ 5,556.00	\$ 5,458.20	\$ 5,458.20
28	6" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 3,600.00	\$ 3,600.00	\$ 5,632.00	\$ 5,632.00	\$ 5,544.00	\$ 5,544.00
29	4" Direct Tapping Tee & Valve, MJ w/Thrust Block	EA	1	\$ 3,080.00	\$ 3,080.00	\$ 4,933.00	\$ 4,933.00	\$ 4,757.68	\$ 4,757.68
30	Abandon Water Main	EA	3	\$ 630.00	\$ 1,890.00	\$ 694.00	\$ 2,082.00	\$ 4,500.00	\$ 13,500.00
31	Abandon Water Service	EA	2	\$ 475.00	\$ 950.00	\$ 484.00	\$ 968.00	\$ 1,500.00	\$ 3,000.00
32	Abandon Water Service/Meter Manhole	EA	2	\$ 945.00	\$ 1,890.00	\$ 484.00	\$ 968.00	\$ 2,500.00	\$ 5,000.00
33	Ductile Iron Fittings, M.J.	LB	3,733	\$ 3.85	\$ 14,372.05	\$ 9.20	\$ 34,343.60	\$ 10.79	\$ 40,279.07
34	Wet Cut-In	EA	1	\$ 1,825.00	\$ 1,825.00	\$ 2,795.00	\$ 2,795.00	\$ 4,730.00	\$ 4,730.00
35	Connect to Existing Water Main/4" or Larger Service	EA	9	\$ 970.00	\$ 8,730.00	\$ 4,679.00	\$ 42,111.00	\$ 708.33	\$ 6,374.97
36	Remove Existing Fire Hydrant Assembly	EA	5	\$ 1,785.00	\$ 8,925.00	\$ 735.00	\$ 3,675.00	\$ 2,500.00	\$ 12,500.00
37	Remove Existing 6-inch Valve and Box	EA	1	\$ 500.00	\$ 500.00	\$ 525.00	\$ 525.00	\$ 1,500.00	\$ 1,500.00
38	Remove Existing 4-inch Valve and Box	EA	1	\$ 500.00	\$ 500.00	\$ 525.00	\$ 525.00	\$ 1,000.00	\$ 1,000.00
39	Remove and Salvage Existing Fittings	EA	3	\$ 315.00	\$ 945.00	\$ 315.00	\$ 945.00	\$ 750.00	\$ 2,250.00
40	Abandon Existing 8-inch Valve and Box	EA	1	\$ 500.00	\$ 500.00	\$ 498.00	\$ 498.00	\$ 1,300.00	\$ 1,300.00
41	Abandon Existing 6-inch Valve and Box	EA	3	\$ 315.00	\$ 945.00	\$ 498.00	\$ 1,494.00	\$ 1,200.00	\$ 3,600.00
42	Abandon Existing 4-inch Valve and Box	EA	4	\$ 250.00	\$ 1,000.00	\$ 498.00	\$ 1,992.00	\$ 1,000.00	\$ 4,000.00
43	Saw Cut, Remove, and Replace Brick Roadway	SY	20	\$ 220.00	\$ 4,400.00	\$ 98.00	\$ 1,960.00	\$ 190.00	\$ 3,800.00
44	Saw Cut, Remove, and Replace 4" Sidewalk	SF	252	\$ 12.00	\$ 3,024.00	\$ 11.00	\$ 2,772.00	\$ 15.00	\$ 3,780.00
45	Saw Cut, Remove, and Replace 6" Conc/DW/Pavement	SY	51	\$ 100.00	\$ 5,100.00	\$ 96.00	\$ 4,896.00	\$ 105.00	\$ 5,355.00
46	Saw Cut, Remove, and Replace 8" Concrete Pavement	SY	28	\$ 105.00	\$ 2,940.00	\$ 116.00	\$ 3,248.00	\$ 111.00	\$ 3,108.00

47	Saw Cut, Remove, and Replace 8" Asphalt Pavement	SY	20	\$ 125.00	\$ 2,500.00	\$ 116.00	\$ 2,320.00	\$ 220.00	\$ 4,400.00
48	Saw Cut, Remove, and Replace 6" Asphalt Pavement	SY	20	\$ 50.00	\$ 1,000.00	\$ 96.00	\$ 1,920.00	\$ 192.50	\$ 3,850.00
49	Install 6-inch Bollard	EA	2	\$ 600.00	\$ 1,200.00	\$ 1,361.00	\$ 2,722.00	\$ 850.00	\$ 1,700.00
50	Aggregate Roadway Surfacing	TN	79	\$ 85.00	\$ 6,715.00	\$ 97.00	\$ 7,663.00	\$ 70.00	\$ 5,530.00
51	Seeding and Mulching	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 60,309.00	\$ 60,309.00	\$ 4,800.00	\$ 4,800.00
52	Erosion Control	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 2,034.00	\$ 2,034.00	\$ 8,500.00	\$ 8,500.00
Total Bid Price:					\$ 668,812.10		\$ 787,930.60		\$ 990,694.24
Substantially Complete	8/1/2024				Yes		Yes		Yes
Final Completion	9/1/2024				Yes		Yes		Yes
Bid Guarantee:	5%				Yes		Yes		Yes
Addendum No. 1					Yes		Yes		Yes
Remarks: (Highlights)	Difference of \$1,000 submitted due to change from original to revised bid forms.								

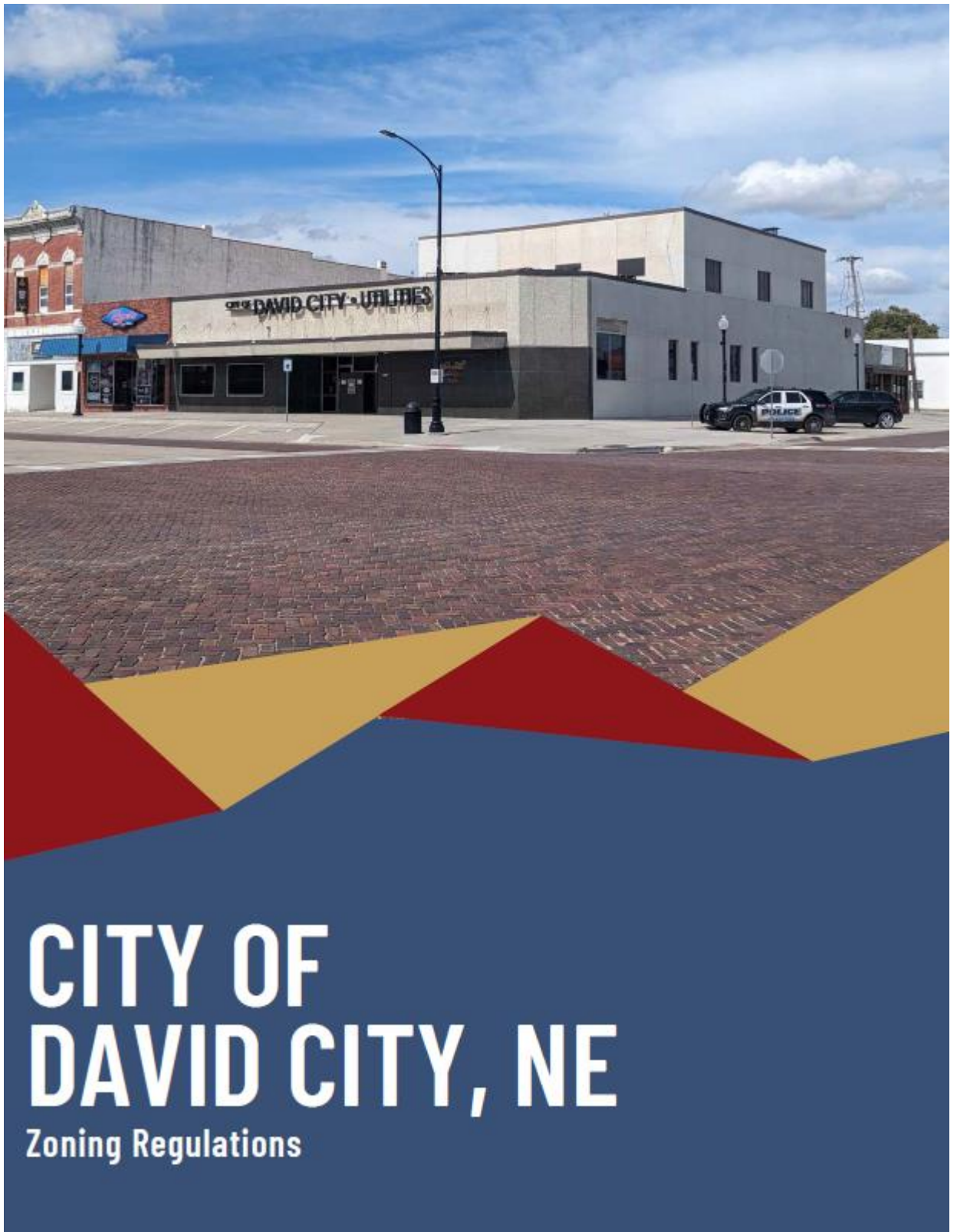
.F:\2016\2501-3000\016-2784\50-Bidding\Bid List-Bid Tab

Council member Keith Marvin excused himself from the meeting stating a conflict of interest with the next agenda item.

Mayor Jessica Miller stated that the next item on the agenda was consider/approve bid for City Zoning Ordinance update.

Council member Jim Angell made a motion to approve bid from Marvin Planning Consultants for City Zoning Ordinance Update. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Nay, Keith Marvin: Absent, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 4, Nay: 1, Absent: 1





October 3, 2023

Mr. Brad Swerczek
Senior Project Manager
KTECH Project Services
14121 Ames Avenue
Omaha, NE 68164
bswerczek@ktech-ki.com

RE: Zoning Ordinance Update Proposal
City of David City, Nebraska

Dear Mr. Swerczek and Selection Committee:

I would like to say thank you for the opportunity to submit this proposal to update the City of David City's Zoning Ordinance. Our team welcomes the opportunity to present our background and knowledge to the City. We feel we offer the City the most qualified background and experience to make this project a success.

First, I would like to explicitly disclose that Marvin Planning Consultants, Inc., President Keith Marvin, AICP, understands as a member of the City Council that he has a potential conflict of interest and has not been actively involved in preparation of this response to the Request for Proposal (RFP). His role will be limited to Quality Control.

The overall team will be managed by myself, John Shepard, AICP, as Project Manager and Senior Planner, with practical experience of nearly 30 years in similar communities across the Upper Midwest and Rocky Mountain states, including as a zoning administrator. Planner Mason Herrman will be assisting on elements of the project. In addition, Mr. David Ptak will be on the team as a legal consultant to support the team and the City if particular legal questions should arise.

We believe our team will provide David City with the experience and perspective to create a set of regulations addressing your current needs as well as issues in the future. As a local firm, we are intimately familiar with the needs and wants of residents and employers in David City and Butler County.

As you review the enclosed material, you will see we are fully qualified to undertake this project:

1. Our team has solid experience with planning and zoning in small towns and rural areas, including similar cities in Nebraska.
2. As a resident of rural Butler County, I also bring a unique perspective on local issues and concerns.
3. We bring a team of experts skilled in creative and unique solutions.
4. Our team has a focus on practical solutions that are clear and straight forward for property owners, residents, staff, and decisionmakers.
5. We have developed an outreach approach which gives a variety of opportunities for public involvement.
6. We stand behind our process and ensure our clients the project will be completed to their satisfaction.

Again, thank you for the opportunity to assist with the completion of this project. If you have questions or comments, please contact me at 402.367.5031 or 970.903.4006.

For the Team,

John C. Shepard, AICP
Project Manager/Senior Planner

Marvin Planning Consultants, Inc.
382 North 4th Street
P.O. Box 410
David City, NE 68632
P: 402.367.5031
C: 402.606.6405

Office Location
 P.O. Box 410
 David City, NE 68632
 P: 402.367.5031
 C: 402.606.6405
 kmarvin@marvinplanning.com

Corporate Organization
 Sub-Chapter S Corporation

Company Founded
 June 2009 as a sole-
 proprietorship

Company incorporated in August
 2015

Marvin Planning Consultants, Inc.

Marvin Planning Consultants is a community planning firm organized for the purpose of providing cost-effective, common sense, yet innovative planning solutions to communities and counties.

Marvin Planning Consultants brings nearly 60 years of combined planning experience in community and regional planning with communities similar to David City, NE.

MPC includes a staff of three community planners, including Keith Marvin AICP. Keith has been working in counties and communities in the Midwest since 1992. This experience includes nearly 150 communities and 80 counties in eleven states.

Know More About the Work That We Do in PLANNING AND ZONING

- ✘ Comprehensive Plan
- ✘ Zoning Ordinances
- ✘ Subdivision Regulations
- ✘ Downtown Studies
- ✘ Housing Studies
- ✘ Blight and Substandard Studies
- ✘ Annexation Plans
- ✘ Economic Studies
- ✘ Planning Commissioner Training
- ✘ Zoning Assistance
- ✘ Historic Preservation Studies
- ✘ Facilitation
- ✘ Expert Witness



Our Guarantee



Our community and county planning and zoning services are amendable to entities of all sizes nationwide. We have a highly-experienced team that is ready to assist you with high-quality service and results with any given project.

The Marvin Planning Consultants, Inc. team believes in building long-lasting working relationships with our clients. We believe in maintaining open communication with our clients even after the project is over.

This allows us to provide a more holistic and personal level of service which in turn has given us a high-rate of repeat clients.



"Keith is a highly experienced planner who provides his municipal clients with well thought out, innovative, and creative plans and implementation strategies. His body of work speaks for itself and I would not think twice about hiring him again in the future."

- Michael Johnson AICP
 Former Director of Planning and Building
 Normal, Iowa

Regional and State Awards

MPC Staff have been involved in award winning projects since 1999



Ellis County, KS
 Comprehensive Plan
 2022 Award of Merit
 Comprehensive Plan -
 Small Jurisdiction



Hamilton County, NE
 Comprehensive Plan
 2020 Best Practices



North Platte/Lincoln County
 Housing Needs Assessment
 2019 Best Practices



Cozad, NE
 Comprehensive Plan
 2017 Daniel Burnham Award
 for a Comprehensive Plan



Grand Island, NE
 Downtown Revitalization
 Plan
 2017 Implementation



Dubuque, IA
 Unified Development Code
 2010 Best Practices



Gretna, NE
 Comprehensive Plan
 2010 Best Practices



Woodbury County, IA
 Comprehensive Plan
 2003 Outstanding Planning
 Award



La Vista, NE
 Zoning Regulations
 2002 NPZA Community
 Development Award



Cass County, NE
 Comprehensive Plan
 1999 Sheldon D. Gerber Merit Award for
 Excellence in Environmental Planning

MPC is a FULL Service Planning Firm
 PLANNING IS ALL WE DO!



Nearly 60% of MPC's current workload is repeat business

Marvin Planning Consultants' operating philosophy centers on not just working for clients but building relationships with our clients



MPC has built **SOLID** relationships with key partners capable of delivering quality Planning Solutions!



JOHN SHEPARD, AICP
**SENIOR COMMUNITY
 PLANNER/PROJECT MANAGER**
 TOTAL EXPERIENCE: 29 YEARS

EDUCATION:

Master of Urban and Regional Planning
 -University of Colorado at Denver
 Bachelor of Arts in Urban Planning
 -University of Illinois at Urbana-Champaign
 FEMA Coursework
 -Managing Floodplain Development Through the
 National Flood Insurance Program

HONORS AND AWARDS:

APA STaR - Communications Effort for a Large Division
 -APA Divisions Council, 2016
 Nobles County, MN Multi-Jurisdictional Local Water
 Management Plan
 -National Association of Development Organization
 (NADO)
 -Association of Minnesota Counties (AMC) Innovation
 Award

MEMBERSHIPS:

American Planning Association
 -National
 -Nebraska Chapter
 -Colorado Chapter
 -Small Town and Rural Planning Division (Vice Chair)
 American Institute of Certified Planning (AICP)

QUALIFICATIONS

John is a development professional with management experience across diverse communities, helping community leaders build great places to live, work, and thrive since 1994. His community planning experience includes land use, community & economic development, entrepreneurship, downtown development, renewable energy, natural resources and conservation, hazard mitigation, and public policy. His professional experience includes the states of Minnesota, North Dakota, Montana, Wyoming, Colorado, New Mexico, and Nebraska.

WORK HISTORY

Sept. 2022 - Current	Marvin Planning Consultants, Inc. Community Planning
2020 - 2022	Consensus Planning, Inc. Albuquerque, NM; Senior Planner
2015 - 2019	Archuleta County Pagosa Springs, CO; Planning Manager
2014 - 2015	City of Farmington Farmington, NM; Long Range Planner
2012 - 2014	Laramie County Cheyenne, WY; Senior Planner
2005 - 2012	Southwest Regional Development Com. Slayton, MN; Development Planner

RELEVANT PROJECT EXPERIENCE

- Kimball, NE - Comprehensive Plan/Zoning Regulations
- Grand Island, NE - Comprehensive Plan/Zoning Regulations
- Hastings, NE - Comprehensive Plan/Zoning Regulations
- Hebron, NE - Comprehensive Plan/Zoning Regulations
- Burwell, NE - Comprehensive Plan/Zoning Regulations
- Thayer County Communities, NE - Comprehensive Plan/Zoning Regulations
- Town of Bernalillo, NM - Comprehensive Plan*
- City of Ruidoso Downs, NM - Comprehensive Plan*
- City of Aztec, NM - Comprehensive Plan*
- City of Raton, NM - Comprehensive Plan*
- Archuleta County, CO - Comprehensive Plan/Land Use Regulations*
- City of Pipestone, MN - Comprehensive Plan*
- City of Worthington, MN - Airport Zoning Ordinance Update*

* Indicates work completed while employed by another firm.



MASON HERRMAN
COMMUNITY PLANNER
 TOTAL EXPERIENCE: 4 YEARS

EDUCATION:

Masters Regional & Community Planning 2019
 -Kansas State University

MEMBERSHIPS:

- American Planning Association
- National
 - Nebraska Chapter

QUALIFICATIONS

Mr. Herrman graduated with his Masters in Regional Community Planning from Kansas State University in 2019. Mason will assist on all aspects of the project including GIS mapping and community engagement. Mr. Herrman also has experience working with multiple funding agencies including the Community Development Block Grant program and is recently certified through the Department of Economic Development.

WORK HISTORY

- June 2021 - Current Marvin Planning Consultants, Inc.
Community Planning
- 06/2019 - 06/2021 Miller and Associates
Kearney, NE
Planning Assistant/Grant Administrator
- 01/2018 - 07/2018 Unified Government of
Wyandotte County/Kansas City, KS
Intern

RELEVANT PROJECT EXPERIENCE

- Weeping Water, NE - Comprehensive Plan/Zoning Updates
- Burwell, NE - Comprehensive Plan/Zoning Updates
- Bennet, NE - Comprehensive Plan/Zoning Updates
- Hickman, NE - Comprehensive Plan/Zoning Updates
- Kimball, NE - Comprehensive Plan/Zoning Regulations
- Kimball, NE - Housing Needs Update
- Kimball, NE - Blight/Substandard Study
- Gretna, NE - Gretna Crossing Corridor Study
- Gretna, NE - Zoning Assistance
- Gretna, NE - Annexation
- Grand Island, NE - Comprehensive Plan/Zoning Updates
- Hastings, NE - Comprehensive Plan/Zoning Updates
- Harvey County, KS - Comprehensive Plan
- Clay County, Kansas - Comprehensive Plan
- Ellsworth County, Kansas - Comprehensive Plan
- Lincoln County, Kansas - Comprehensive Plan
- Saunders County, NE - Comprehensive Plan
- Sabetha, KS - Zoning Updates
- Charles City, IA - Unified Development Ordinance
- Loup City, Nebraska - Downtown Revitalization Plan*
- Loup City, Nebraska - Housing Needs Assessment

* Indicates work completed while employed by another firm.



KEITH MARVIN, AICP

PRESIDENT/QUALITY CONTROL

TOTAL EXPERIENCE: 31 YEARS

EDUCATION:

- Masters of Community/Regional Planning
-University Of Nebraska-Lincoln
- Bachelor's of Science in Architectural Science
-University of Nebraska-Lincoln
- Professional Certifications
-American Institute of Certified Planners

HONORS AND AWARDS:

- Mitsuo Kawamoto Excellence in Planning Awards
- Nebraska Planning and Zoning Association 2006

MEMBERSHIPS:

- American Planning Association
 - National
 - Nebraska Chapter
 - Iowa Chapter
 - Kansas Chapter
 - Small Town and Rural Planning Division
 - County Planning Division
 - Sustainability Division
 - Housing and Community Development Division
 - Hazards Division
 - Private Practice Division
- American Institute of Certified Planners (AICP)
- Nebraska Planning and Zoning Association
Former Chapter President
- David City, City Council Member
- David City, NE Planning Commission (31 Years)
- Previous Member

QUALIFICATIONS

Keith has been involved professionally in community planning since 1992. His experience includes all facets of planning, including public participation, land use, historic preservation, and economic development. Keith has been involved with projects in communities and counties ranging from 48 people to over 400,000. His experience includes the states of Nebraska, Kansas, Iowa, Missouri, Indiana, Michigan, and Illinois.

Keith believes the best plans and regulations are those developed through a partnership between the consulting team and the city. Plans must be supported locally by the residents and staff in order for them to be truly implemented. Implementing the community's vision is the only way a plan is ever successful.

WORK HISTORY

- 2009 - Current Marvin Planning Consultants, Inc.
President/Community Planner

RELEVANT PROJECT EXPERIENCE

- Bennet, NE - Comprehensive Plan/Zoning Regulations
- Hickman, NE - Comprehensive Plan/Zoning Regulations
- Burwell, NE - Comprehensive Plan/Zoning Regulations
- Alda, NE - Comprehensive Plan/Zoning Regulations
- Doniphan, NE - Comprehensive Plan/Zoning Regulations
- Clarks, NE - Comprehensive Plan/Zoning Regulations
- Henderson, NE - Comprehensive Plan/Zoning Regulations 2010 & 2022
- Humphrey, NE - Comprehensive Plan/Zoning Regulations
- Humphrey, NE - Annexation Study
- Dorchester, NE - Comprehensive Plan/Zoning Regulations
- Dorchester, NE - Blight and Substandard Study
- Falls City, NE - Comprehensive Plan/Zoning Regulations
- Falls City, NE - Blight and Substandard Study
- Falls City, NE - Housing Study
- Loup City, NE - Zoning Regulations
- Loup City, NE - Housing Needs Assessment Study
- Loup City, NE - Board of Adjustment Training
- Loup City, NE - Zoning Assistance
- Loup City, NE - Downtown Master Plan
- Palmer, NE - Comprehensive Plan/Zoning Regulations
- Elm Creek, NE - Comprehensive Plan/Zoning Regulations
- Franklin, NE - Comprehensive Plan/Zoning Regulations
- Benkelman, NE - Comprehensive Plan/Zoning Regulations



DAVID H. PTAK

LEGAL COUNSEL
TOTAL EXPERIENCE: 44 YEARS

EDUCATION:

Juris Doctor (Law Degree)
-University of Nebraska - 1975

Bachelor of Arts, Business Administrator
-Hastings College - 1972 (cum laude)

MEMBERSHIPS / AFFILIATIONS

- Adams County Bar Association
- Madison County Bar Association
- Nebraska Bar Association
- American Bar Association
- Nebraska Planning and Zoning Association (President 1998-2008)
- Former Member of City of Norfolk NE - Board of Adjustment (Chair)

HONORS

- NPZA day long session name in honor of David:
 - The David H. Ptak Session on Legal Issues
- NE APA Planning Advocate Award name in honor of David:
 - The Charleston-Ptak Award for Planning Advocacy
- Mitsuo Kawamoto Excellence in Planning Award
 - Nebraska Planning and Zoning Association (2 Time Winner)

QUALIFICATIONS

David brings nearly 50 plus years of legal experience to the team. David and Keith have been working together on planning and zoning projects since 1997.

David is one of the most knowledgeable attorney's in Nebraska regarding Land Use and Planning Law. David will provide support with regards to review of key legal questions arising during the project. David will act as an "as needed" member of the team.

In addition, David will be a key person in completing the zoning audit of the current regulations. This will focus on any State and Federal regulation changes as well as case law.

RELEVANT PROJECT EXPERIENCE

- Zoning Regulations | Loup City, NE
- Zoning Regulations | North Platte, NE
- Zoning Regulations Update | Antelope County, NE
- Comprehensive Plan/Zoning Regulation | Furnas county, NE
- Comprehensive Plan/Zoning Regulation | Stanton County, NE
- Comprehensive Plan/Zoning Regulation | Otoe County, NE
- Comprehensive Plan/Zoning Regulation | Merrick County, NE
- Comprehensive Plan/Zoning Regulation | Saunders County, NE
- Comprehensive Plan/Zoning Regulation | Grand Island, NE
- Comprehensive Plan/Zoning Regulation | Hall County, NE

Proposed Scope of Services

Work Program

The City of David City's new zoning ordinance will address the current needs of the community and foreseeable demands of future development. The community is located on a major future growth corridor along Nebraska Highway 15, between US 30 and Interstate 80. This area is attracting people who want to be close to larger cities while maintaining a small-town quality of life. The proposed scope of work is a general framework which will be refined in coordination with City staff.

General project approach

The David City, Nebraska, 2040 Comprehensive Plan, adopted September 28, 2022, set out a shared vision for the community to guide future decisions and actions, and to assist in managing growth, change, public improvement, and development. While the Comprehensive Plan sets goals and objectives, the zoning ordinance is a regulatory tool to realize those goals and objectives. The objective of zoning is to provide predictability and consistency in the regulation of development, to encourage investment, and provide an attractive community for new and existing residents and employers.

Project Management

The MPC team is comprised of skilled and talented professionals accomplished in their fields. In addition, our team has a strong understanding of the importance of giving our clients more than expected. The professionals on this team will work directly with City staff and members of the community to develop quality zoning regulations. Our track record shows we will strive to provide the City of David City with a new zoning ordinance tailored to the City's needs.

With our office located on Highway 15, David City's "Main Street", MPC is well aware of the opportunities and constraints facing the community. Senior Planner John C. Shepard, AICP, will serve as Project Manager. He has almost 30-years of experience in planning and development, including service as a zoning administrator.

Community Planner Mason Herrman will contribute, in particular with community outreach and Geographic Information System (GIS) analysis and mapping. President and Senior Planner Keith Marvin, AICP, will provide Quality Control and project oversight. Consulting attorney David Ptak is on retainer with Marvin Planning Consultants and will provide ordinance review.

Research and Analysis—Review of Existing Conditions, Comprehensive Plan, and State Statutes

The goal of the research and analysis phase of the project is to develop direction in constructing the new zoning ordinance. This phase is critical to a successful final document.

This phase will include:

- Complete review of existing conditions, context, trends, and related information applicable to zoning and development in David City.
- Complete review of the comprehensive plan, including identification of key issues to be codified in the new zoning regulations.
- Review of current development standards, such as setbacks, parking, signage, and other concerns.
- Review of current development review processes and procedures, with the aim to make regulations more streamlined and user-friendly.
- Complete review of state and federal statutes and case law to assure the new ordinance will be consistent with current legal requirements.

Public Outreach

A key aspect to this project is a strong public participation process with a specific focus on those who use the regulations. The overall public outreach process will take place throughout the planning process. The public participation process will need to be a combination of traditional techniques combined with digital approaches. This includes focus group meetings with specific groups, stakeholders and organizations.

Proposed Scope of Services

The initial phase will consist of collecting input from the public/users on key needs and any issues or concerns with aspects of the existing code elements. Outreach will continue to keep the community involved as the new zoning ordinance takes shape.

Drafting the Document

MPC will implement results of analysis, public outreach, and stakeholder comments in working drafts of the new zoning regulations. MPC has undertaken this process with all of our past and present clients.

MPC has worked with numerous land use and zoning issues for past clients. The team members strive to continuously update regulations to fit with current trends and the evolving legal situations surrounding zoning-specific issues. In addition, our experience provides a research foundation from which new approaches can be developed addressing the specific needs of a client.

Integration of the New Code Into User-Friendly Formats

MPC has a proven track record of providing updated ordinances in user-friendly digital formats. Searchable PDFs currently provide the preferred balance of readability and flexibility while keeping file sizes practical for users who may have limited broadband capacity. MPC creates all maps in ESRI ArcGIS format for publication in PDF format and plotting at large or small scales.

MPC staff will also provide ongoing support to City officials and staff during and after the zoning ordinance update. This enhanced service is one way the firm stays current with the needs of our clients.



Proposed Scope of Services

Scope of Services

The following work items have been developed in response to the request for proposal by the City of David City, Nebraska. The tasks will proceed in parallel as time allows, rather than in a specific chronological order, to provide the most efficient and effective results for the City.

PHASE I: BACKGROUND RESEARCH and ANALYSIS

- Collect existing documents, regulations, and standards related to the zoning ordinance.
- Conduct analysis of the regulations and standards guiding development in David City.
- Analyze and inventory David City's existing development patterns to identify opportunities for revising the existing zoning regulations land use and performance standards.
- Develop outline of specific issues (positive and negative) identified within the existing regulations.
- Evaluate past Zoning Board of Adjustment and Planning Commission cases to determine opportunities for revisions to the future regulations.
- Conduct analysis of all other existing development elements such as sign regulations, parking and landscaping and others.
- Review options for design review process, standards, and guidelines for items such as screening, setbacks, and visual impact of commercial and industrial development.
- Meet with City staff to discuss specific findings of the research and analysis.
- Meet with Steering Committee to present and discuss outline.

Results:

1. Compile existing documents, regulations and standards regarding the zoning regulations.
2. Completed background research/analysis of existing regulations.
3. Completed outline of findings.
4. One meeting with City staff members and Steering Committee.

PHASE II: CONSTRUCTION OF NEW REGULATIONS

- Use findings from Phase I to begin development of new zoning ordinance. Develop two working drafts.
- Develop drafts of specific sections of the new regulations, including graphics and illustrations, based on analysis.
- Meet with Steering Committee to review and discuss specifics of drafts.
- Develop new zoning map to reflect new districts and district layouts.
- Meet with Steering Committee to present and review draft regulations.
- Develop searchable PDF (web-based format) for public review during process.
- Work with City staff to advertise the web-based set of drafts in the local media. (Fees associated with advertising will be the responsibility of the City).
- Meet with City staff (up to three meetings).
- Meet with Stakeholders (up to three meetings) to present draft regulations and collect feedback.
- Make modifications to draft as discussed with City staff, Steering Committee, and Stakeholders.
- Develop new Official Zoning Map for the City in GIS.

Results:

1. Completed draft copies of new zoning and subdivision ordinances including text and graphics and illustrations.
2. Modifications to regulations as determined during identified meetings.
3. A total of seven meetings with the Steering Committee and staff.

Proposed Scope of Services

PHASE III: ADOPTION OF NEW REGULATIONS

- Present final draft to City.
- Conduct meeting with City staff to review final draft.
- Conduct public hearing with the Planning Commission.
- Conduct public hearing with City Council.
- Make final modifications to the new regulations.
- Provide up to 25 copies of new regulations to the City, one copy working electronic copy, and one PDF version of final regulations.
- Provide the City with a final copy of the new Official Zoning Map.



Results:

1. Final draft meeting with City staff.
2. Two public hearings.
3. Completed 25 copies of final ordinances delivered to the City.
4. Electronic copies of the text and maps delivered to the City.



SUPPORT DAVID CITY

- Provide technical support to City officials and staff through telephone and email consultation and brief reports during plan process.
- Staff training on the new regulations throughout the rewriting process.
- Provide technical support after completion and adoption of the plan, by telephone for up to one-year after completion of the regulations.
- Attend meetings as needed at established hourly rates.

Project Schedule

Task	Nov 2023	Dec 2023	Jan 2024	Feb 2024	March 2024	April 2024	May 2024	June 2024	July 2024	Aug 2024	Sept 2024	Oct 2024
Sign Contract	★											
Background Research/ Analysis		█										
Construction of New Regulations					█							
Public Hearings											★	★

All Meetings as described in the Scope of Services shall be identified at the initial meeting

Henderson, Nebraska

Comprehensive Plan / Zoning Regulations



The City of Henderson and MPC have a long working relationship, dating to 2009 when the community became MPC's very first client as a firm.

MPC is currently working with the City to update their 2010 Comprehensive Plan and Zoning/Subdivision Regulations. The project began at the beginning of COVID-19 which has extended the completion timeframe.

In addition to the Comprehensive Plan and Zoning/Subdivision Regulations, MPC is working on a Blighted and Substandard Study for a recently incorporated portion of the community.

Items to Address:

There are several issues the new plan and regulations needed to be addressed:

- Maintaining the small town feel while addressing growth within the
- Updating the current zoning code with all of the recent state and federal laws
- Provide the community with solid data in order to make the correct decisions for community growth.
- Develop a blighted and substandard study for a newly incorporated area for housing.

Client Contact Person:

Connie Brown
City Clerk
402.723.5782

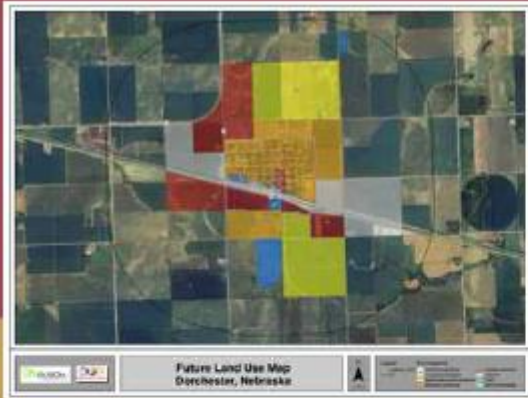
Project Completed:

2022

Henderson@mainstaycomm.net

Dorchester, Nebraska

Comprehensive Plan/ Zoning/Subdivision Regulations



The Dorchester Comprehensive Plan and Zoning Update was started in 2013 and completed in 2014.

The planning team included Marvin Planning Consultants and Olsson Associates. The updates were the first full updates in nearly 15 years. The team was selected based upon their community planning background and experience.

There were several issues that the new plan and regulations will need to address:

- Simple, effective policies and regulations for a community of just under 600 people.
- Re-establish a solid planning commission in the community.
- Bring the plan and regulations up to date so they dealt with critical issues such as: wind energy, commercial development, signs, and others.

Client Contact Person:
Gloria Riley
Village Clerk
Village of Dorchester
402.946.3201
dorchester@diodecom.net

Project Completed:
December 2014

Humphrey, Nebraska

Comprehensive Plan / Zoning Regulations



The City of Humphrey and MPC began working together in 2017. MPC was hired to develop the city's first comprehensive plan and zoning regulations.

Humphrey is located in northern Platte County along US Highway 81 and Nebraska Highway 91. The community has a population of approximately 1,000 people and is served by a public school as well as Catholic school. There were several issues needing to be addressed in the community including continued growth.

In addition to the Comprehensive Plan and Zoning/Subdivision Regulations, MPC has worked on an Annexation Study which led the City Council to annex a considerable amount of residential, commercial, and industrial property into the corporate limits.

Items to Address:

There are several issues the new plan and regulations needed to be addressed:

- Growing community
- Needed growth management strategies
- Annexation of developed areas
- Writing the first zoning code
- Provide the community with solid data in order to make the correct decisions for community growth.

Client Contact Person:
Tony Miller
Zoning Administrator
402.920.0375
tony@cityofhumphrey.com

Project Completed:
2019

Kimball, Nebraska

Housing Study / Comprehensive Plan / Zoning Regulations



The City of Kimball is home to about 2,200 residents, located on I-80 in the Nebraska Panhandle on the border of Colorado and Wyoming. Kimball has experienced several booms and busts over the years. The US Air Force is planning to make Kimball their hub for the next major update to the missile fields across the region, which will bring hundreds of new families to the city over the next few years.

The City of Kimball hired the planning team of Marvin Planning Consultants and Community Planning Insights to complete the City of Kimball Housing Study Update (completed March 2023), Comprehensive Plan and Zoning Regulations (in process Fall 2023). Due to the impending Air Force-related development, the planning team worked with City staff to draft a new Mixed Use Development zoning district, which was adopted in the Summer of 2023.

Items to Address:

- There were several issues the new plan and regulations needed to address:
- Address immediate needs due to impending US Air Force-related residential and commercial development.
- Address long-term need to mitigate boom-bust economic development cycle.
- Promote development of historic downtown district.
- Bring regulations up-to-date and clarify the development review process, as well as introduce new and innovative zoning approaches.
- Balance property rights and zoning regulations

Client Contact Person:
Annette Brower
City Administrator
308.235.3639
abrower@kimballne.org

Project Completed:
In Process

Hastings, Nebraska

Comprehensive Plan/ Zoning Regulations 2022



The City of Hastings was in need of updating the current Comprehensive Plan and Zoning Regulations, adopted in 2009. The MPC team was awarded the contract to complete the new comprehensive plan and zoning regulations. Keith Marvin and parts of the MPC team also worked on the City's 2021 House Needs Assessment.

The City of Hastings has seen slow but steady growth from the population of 24,907 people in 2010 to 25,152 people in 2020. The total growth is approximately 1.0% between comprehensive plans. The community has several dynamics occurring within the community, these include:

- Growth pressures along US Highway 281 on the north edge of the community
- A need for stabilized housing policies especially for workforce housing
- A strong, redeveloping downtown district
- A continued growth industrial base within the industrial areas of the community
- A strong young professional core group looking for new dynamic activities
- Changes since the last plan are driving the need for a fresh look at key policies, development, and redevelopment areas of the community

Several key issues being addressed during this process include:

- Reexamining the current land use policies and their relationship to the zoning regulations
- Examining potential redevelopment areas within the current corporate limits of the community
- Examining and developing specific strategies to address the affordable housing/workforce housing demand in the community
- Examining issues surrounding public health and its impacts on development and land use planning
- Examining and bringing the zoning regulations up to current legal requirements both from a statutory and case law basis

Client Contact Person:
Kevin Kubo
Chief Building Inspector
City of Hastings
P: 402.461.2301

Project Completed:
In Progress

E: KKubo@cityofhastings.org

Grand Island, Nebraska

Comprehensive Plan/ Zoning Regulations 2022



The City of Grand Island through the Hall County Regional Planning Commission was in need of updating the current Comprehensive Plan and Zoning Regulations, adopted in 2004. The MPC team was awarded the contract to completed the new comprehensive plan and zoning update (Keith Marvin, AICP was the lead planner on the 2004 plan and regulations as well).

The City of Grand Island has grown from the population of 42,940 people in 2010 to a metropolitan statistical area of 53,131 people in 2020. The total growth is approximately 23% between comprehensive plans. The community has seen dynamic changes since the last plan was adopted and these changes are driving the need for a fresh look at key policies, development, and redevelopment areas of the community.

Several key issues being addressed during the process include:

- Reexamining the current land use policies and their relationship to the zoning regulations
- Examining potential redevelopment areas within the current corporate limits of the community
- Examining specific strategies for creating a cultural area within their 4th Street District (part of the current Central Business District)
- Examining and developing specific strategies to address the affordable housing/workforce housing demands in the community
- Examining issues surrounding public health and its impacts on development and land use planning
- Examining and bringing the zoning regulations up to current legal requirements both from a statutory and case law basis

Client Contact Person:

Chad Nabity, AICP
Planning Director
Grand Island/Hall Co. Regional
Planning Commission
402.385.5240
cnabity@ci.grand-island.ne.us

Project Completed:

In Progress

McCook, Nebraska Zoning Assistance



The City of McCook contracted with Marvin Planning Consultants for professional services to review a development application for a new Solar Farm, to be located adjacent to the city limits in their Extra-territorial Jurisdiction (ETJ). This was the first utility-scale solar power project proposed in McCook or Red Willow County.

Marvin Planning staff reviewed the application and attended (remotely) presentations by the applicant to the City Planning Commission and City Council. They then prepared a detailed memorandum summarizing the review procedure in the Zoning Ordinance with a discussion of the proposed site plan, conformance with the City Comprehensive Plan, and requirements for a Special Exception in the Agricultural zoning district.

Contracting with Marvin Planning Consultants provided expertise based on real-world experience reviewing renewable energy projects in several different states. These professional services also allowed City staff to focus on public process in their community. The report recommended several conditions of approval for consideration.

Items to Address:

- Project review identified several concerns to be addressed:
- There was an initial question regarding eligibility for a utility-scale energy project under current definitions of the Zoning Ordinance.
- Amendment of the Future Land Use Map was recommended to meet zoning requirements.
- Additional detail was necessary on the site plan to confirm compliance with setbacks and other zoning requirements.
- A project decommissioning plan was recommended at startup rather than relying on State requirements.

Client Contact Person:

Nate Schneider
City Manager
City of McCook
308.345.2022

nschneider@cityofmccook.com

Project Completed:

October 2023

Bennet, Nebraska

Zoning and Subdivision Ordinance Update



Bennet is located just south of Nebraska Highway 2 just east of Lincoln. It is in one of the major growth corridors of the Lincoln Metropolitan Area. Their location played a major role in the land use and zoning changes being seen in the community.

The "Village" of Bennet contracted with Marvin Planning Consultants to update their Zoning and Subdivision Regulations in 2021. The current regulations were in need of being updated regarding procedures, uses, and other issues. However, the other critical item; Bennet was transitioning from a Village to a city of the Second Class which required certain changes to the regulations including the Board of Adjustment.

Items to Address:

- Changing from a Village form of government to a city of the Second Class
- Updating key issues such as solar and wind energy regulations
- Updating the adult entertainment regulations
- Updating the residential land uses including accommodating "missing middle" housing
- Updating cellular tower regulations

Client Contact Person:

Michele Lincoln
City Clerk
685 Monroe Street
Bennet, NE 68317
402.782.3300
cityclerk@cityofbennet.com

Project Completed:

March 2023

Elm Creek, Nebraska

Comprehensive Plan / Zoning Regulations



The Elm Creek Comprehensive Plan was a joint effort between Marvin Planning Consultants (MPC) and South Central Economic Development District (SCEDD). The project started as strictly a SCEED project; however, with a key staff members departure, the agency began working with MPC.

The project included a Comprehensive Plan, Zoning and Subdivision Regulations, as well as a Blight Study and Housing Study. SCEDD assisted MPC with the Comprehensive Plan by reformatting some of the completed material and then adding additional material as directed by MPC. SCEDD also was in charge of the Housing Study portion of the project. MPC was in charge of directing the formatting and additional material for the Comprehensive Plan, the Zoning and Subdivision Regulations, and the Blighted and Substandard Study.

Items to Address:

There are several issues the new plan and regulations needed to be addressed:

- Future land uses for a smaller but growing community.
- Develop an up to date Zoning Regulations which took into account issues like: Adult Entertainment, Commercial and private wind generation, and more.
- Provide the community with solid data in order to make the correct decisions for community growth.

Client Contact Person:
Sharon Hueftle
Executive Director
SCEDD
308.455.4771
sharonh@scedd.us

Project Completed:
July 2019

Franklin, Nebraska

Comprehensive Plan / Zoning Regulations



The Franklin Comprehensive Plan was a joint effort between Marvin Planning Consultants (MPC) and South Central Economic Development District (SCEDD). The project started as strictly a SCEED project; however, with a key staff members departure, the agency began working with MPC.

The project included a Comprehensive Plan, Zoning and Subdivision Regulations, as well as a Blight Study and Housing Study. SCEDD assisted MPC with the Comprehensive Plan by reformatting some of the completed material and then adding additional material as directed by MPC. SCEDD also was in charge of the Housing Study portion of the project. MPC was in charge of directing the formatting and additional material for the Comprehensive Plan, the Zoning and Subdivision Regulations, and the Blighted and Substandard Study.

Items to Address:

There are several issues the new plan and regulations needed to be addressed:

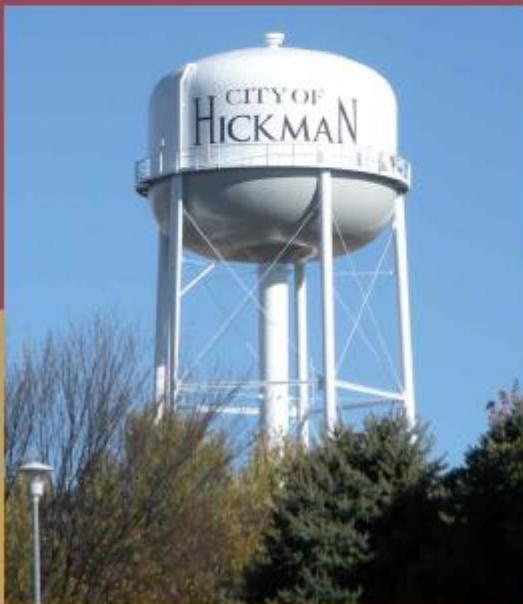
- Future land uses for a smaller but growing community.
- Develop an up to date Zoning Regulations which took into account issues like: Adult Entertainment, Commercial and private wind generation, and more.
- Provide the community with solid data in order to make the correct decisions for community growth.

Client Contact Person:
Sharon Hueftle
Executive Director
SCEDD
308.455.4771
sharonh@scedd.us

Project Completed:
April 2019

Hickman, Nebraska

Zoning Regulations Update, 2022 - 2023



The City of Hickman sought updated zoning regulations to properly accommodate recent growth in the city. Given their boom in population, the city needed regulatory backing to guide the future of the city how they saw fit. The update of their regulations occurred over a one-year period, with meetings occurring monthly.

The project scope included a refresh of what was already working for the city, as well as the addition of new statutory language required by the State of Nebraska. Along with tightening the language, the new zoning regulations addressed key issues communities have faced for the past five years or so, including:

- Updated adult entertainment regulations
- Updated cellular communication regulations
- Modifications to the uses allowed in various zoning districts
- Creating a more user-friendly document
- Updated sign regulations
- Updated definitions
- Additional graphics included throughout the document

The project was a coordinated effort between MPC and the City of Hickman. As part of this project, MPC produced an updated Zoning Map. The Zoning Regulations and Map were adopted on September 12, 2023.

Client Contact Person:
Heidi Hoglund
Zoning Enforcement Officer
City of Hickman
402.792.2212

Project Completed:
September 2023

North Platte, Nebraska

Comprehensive Plan/ Zoning Regulations Update 2024



Marvin Planning Consultants assembled a team to update the 2016 Comprehensive Plan for North Platte. The project scope included an update to the Lincoln County Comprehensive Plan and Zoning, as well as, completing the North Platte Affordable Housing Action Plan.

The project team included the firms of Community Planning Insights (Dayton, OH) and FHU (Lincoln, NE). The plan was designed to provide a guide to continue the economic growth currently underway in the North Platte area. With the development of Sustainable Beef and the new In-land Port Authority near Hershey, the plan will have a strong focus on transportation and land use interactions, now and in the future.

The project is anticipated to be completed in 2024.

Client Contact Person:

Judy Clark
City Planner
308.535.6724 ext. 244
clarkjm@ci.north-platte.ne.us

Project Completed:

In Progress

Gretna, Nebraska

Comprehensive Plan / Zoning Regulations*



The City of Gretna, Nebraska lies southwest of Omaha and has seen extreme growth in the past two decades because of their location. Besides Omaha, Gretna is adjacent to Interstate 80 and is 20 miles west of Offutt Air Force Base.

The community had a population of 2,355 people in 2000. Currently, the population within the incorporated area of the community is between 4,000 and 5,000 people; with an additional 1,000 to 3,000 people living within two-miles of Gretna.

Principal staff of MPC was involved with the City of Gretna during their recent Comprehensive Plan update and during a previous Zoning Regulation Update.

Issues

- Proximity to Interstate 80.
- Translating ideas and desires into visual elements.
- Developing a community image that would create an identity for the future.
- Growth management strategies to address impacts from Omaha and neighboring portions of Sarpy County.



**APA
NE** Nebraska Chapter Of American Planning
Association
Chapter Award Winner 2010 Excellence
Award for Best Practices

Note: Keith is currently under contract to assist in planning
and zoning issues

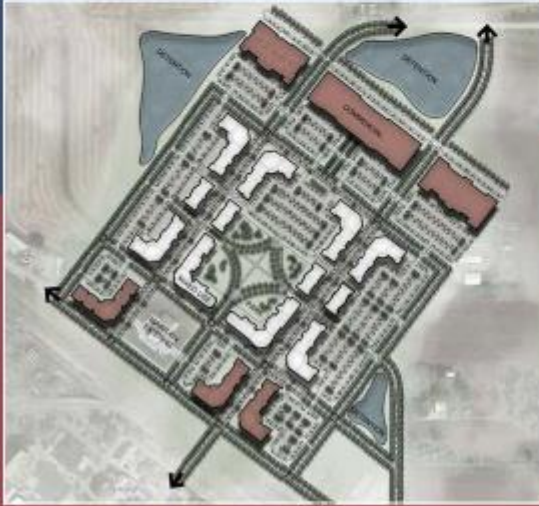
Client Contact Person:
Dan Giltner
Development Services Director
402.332.3336
daniel@cityofgretna.com

Project Completed:
2009

*Keith was Lead Planner and
Project Manager while with JEO
Consulting Group

Valley, Nebraska

Comprehensive Plan/ Zoning Regulations



The City of Valley, Nebraska is located on the western edge of the Omaha-Council Bluffs Metropolitan Area. The community has a population of 1,875 people. The community and its growth has a direct correlation to the population and employment dynamics of the Metropolitan Area.

Principal staff of MPC worked with the City of Valley to update their 10 year old Comprehensive Plan and the Zoning and Subdivision Regulations.

MPC is currently working with the city to update the previous plan which Keith was involved. Since the adoption of the 2005 Comprehensive Plan, the community has double in physical size through annexations. The development along US Highway 275 is beginning to occur and the land use policies need some fine-tuning. In addition, more residential, sand pit development is beginning to occur since the recession has ceased.

Items to Address:

- 4-lane expressway alignment on the edge of the community.
- Development potential near the new expressway.
- Expansion of existing downtown with a new Mixed-Use Development
- Development strategies within areas where flooding has occurred.
- Growth management strategies to address impacts from Omaha.

Note:

MPC was hired to update the plan completed by Keith and JEO Consulting Group while he was employed with the firm.

Client Contact Person:
Cheryl Eckerman
City Clerk/Treasurer
City of Valley
402.359.2251 ext. 309
cityclerk@valleyne.org

Project Completed:
2017

Proposed Fees

Proposed Fee Breakdown

Zoning Regulations

Phase I: \$ 5,000.00

Phase II: \$15,000.00

Total Time Frame: 10 - 18 months (some tasks will run concurrently with the Plan)

The overall fee will be modified and adjusted based upon the final negotiated Scope of Services. Our team would welcome the opportunity to discuss the Scope of Services and Proposed Fee further. The fees are inclusive of all expenses including mileage, lodging, etc.

Total Fees and Timeframe:

Total Fee: \$20,000.00

Total Time Frame: 10 - 18 months

All extra meeting will be charged at appropriate billing rates

Hourly rates are as follows:

Senior Community Planner | Project Manager: \$100.00

Community Planner | MPC \$ 50.00

Owner | Quality Control | \$150.00

References

References

Jennifer Kasl

Village Clerk/Treasurer
Village of Dorchester
701 Washington Avenue
PO Box 287
Dorchester, NE 68343
402.946.3201
dorchesterclerk@gmail.com

Connie Brown

City Clerk/Treasurer
City of Henderson
1044 N. Main Street
PO Box 189
Henderson, NE 68371
402.723.5782
henderson@mainstaycomm.net

Judy Clark

City/County Planner
City of North Platte/Lincoln County
211 West 3rd Street
North Platte, NE 69101
Phone: 308.535.6724 ext. 244

Chad Nabity, AICP

Planning Director
Grand Island/Hall Co. Regional
Planning Commission
402.385.5240
cnabity@ci.grand-island.ne.us

Council member Kevin Woita made a motion to approve a quote from Aqua-Aerobic Systems for diffuser socks and clamps for the Wastewater Treatment Plant. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0



Aftermarket Proposal # 72155

TO: David City WWTP
 3461 M Road
 David City, Nebraska 68632
 USA

PROJECT: DAVID CITY WWTP
 David City, NE
 USA-MUN

ATN: Anthony

PROPOSAL DATE: September 28, 2023

If billing and/or shipping address is different, please advise.

Qty	Description	Unit Price	Total Price
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We are pleased to quote, for acceptance within 30 days of this date, prices and terms on equipment listed below. Shipment of equipment will be completed after receipt of purchase order with mutually acceptable terms and conditions, subject to credit approval. *Note: Availability is quoted on an in-stock basis and may vary at the time of order.

Lead Time: 2-3 Business Weeks

250	Diffuser membrane sleeve, part #2603945.	\$39.37	\$9,842.50
750	Oetiker hose clamp, part #2605143, 304 stainless steel.	\$1.11	\$832.50

PROPOSAL NOTES:

1. Freight charges are NOT included in this proposal. Freight charges will be prepaid with actual charges to be added to invoice.
2. Start-up supervision is NOT included.
3. Payable net 30 days from date of shipment subject to credit review, no retainage allowed.
4. State and/or local taxes will be charged unless we receive a valid tax exemption certificate.

Pricing Summary

Equipment and/or Accessories:	\$10,675.00
Total Job Price:	\$10,675.00

Material and/or services not specifically listed in this proposal are not included in the quoted TOTAL JOB PRICE and are to be supplied by others.

Goods quoted above will be sold subject to the terms and conditions of sale set forth on the face hereof and the following pages entitled "Terms and Conditions of Aqua-Aerobic Systems, Inc. (A MetaWater Company)": Any different or additional terms are hereby objected to.

Proposal Date: August 30, 2023

Proposal # 72155



TERMS AND CONDITIONS OF AQUA-AEROBIC SYSTEMS, INC. (A Metawater Company)

Page 1 of 2

This offer and all of the goods and sales of Aqua-Aerobic Systems, Inc. are subject only to the following terms and conditions. The acceptance of any order resulting from this proposal is based on the express condition that the Buyer agrees to all the terms and conditions herein contained. Any terms and conditions in any order, which are in addition to or inconsistent with the following, shall not be binding upon Aqua-Aerobic Systems, Inc. This proposal and any contract resulting therefrom, shall be governed by and construed in accordance with the laws of the State of Illinois, without regard to conflicts of laws principles.

PAYMENT

Unless specifically stated otherwise, quoted terms are Net 30 Days from shipping date. Past-due charges are 1.5% per month and will apply only on any past-due balance. Aqua-Aerobic Systems, Inc. does not allow retainage of any invoice amount, unless authorized in writing by an authorized representative of our Loves Park, Illinois office.

DURATION OF QUOTATION

This proposal of Aqua-Aerobic Systems, Inc. shall in no event be effective more than 30 days from date thereof, unless specifically stated otherwise, and is subject to change at any time prior to acceptance.

SHIPMENT

Shipping dates are not a guarantee of a particular day of shipment and are approximate, being based upon present production information, and are subject to change per the production schedules existing at time of receipt of purchase order. Aqua-Aerobic Systems, Inc. shall not be responsible for any delay in shipment for causes beyond its control including, but not limited to, war, riots, strikes, labor trouble causing interruption of work, fires, other casualties, transportation delays, modification of order, any act of governmental authorities or acts of God. Quoted shipment dates in this proposal are approximate dates goods will be shipped and, unless agreed to in writing by Aqua-Aerobic Systems, Inc., Buyer may not postpone or delay the dates of shipment of goods from our plant or from our supplier's plants beyond the dates set forth in this proposal.

TITLE AND RISK OF LOSS

All prices and all shipments of goods are F.O.B. Aqua-Aerobic Systems, Inc.'s plant at Loves Park, Illinois unless specifically stated otherwise. Delivery of the goods sold hereunder to the carrier shall be deemed delivery to the Buyer, and upon such delivery, title to such goods and risk of loss or damage shall be upon Buyer.

TAXES

Prices quoted do not include any taxes, customs duties, or import fees. Buyer shall pay any and all use, sales, privilege or other tax or customs duties or import fees levied by any governmental authority with respect to the sale or transportation of any goods covered hereby. If Aqua-Aerobic Systems, Inc. is required by any taxing authority to collect or to pay any such tax, duty or fee, the Buyer shall be separately billed at such time for the amounts Aqua-Aerobic Systems, Inc. is required to pay.

INSURANCE

Unless the goods are sold on a CIF basis, the Buyer shall provide marine insurance for all risks, including war and general coverage.

SECURITY

If at any time the financial responsibility of the Buyer becomes unsatisfactory to Aqua-Aerobic Systems, Inc., or Aqua-Aerobic Systems, Inc. otherwise deems itself insecure as to receipt of full payment of the purchase price from Buyer hereunder, Aqua-Aerobic Systems, Inc. reserves the right to require payment in advance or security or guarantee satisfactory to Aqua-Aerobic Systems, Inc. of payment in full of the purchase price.

LIMITATION OF ACTION

No action shall be brought against Aqua-Aerobic Systems, Inc. for any breach of its contract of sale more than two years after the accrual of the cause of action thereof, and, in no event, unless the Buyer shall first have given written notice to Aqua-Aerobic Systems, Inc., of any claim of breach of contract within 30 days after the discovery thereof.

CANCELLATION CLAUSE

No acceptance of this proposal, by purchase order or otherwise, may be modified except by written consent of Aqua-Aerobic Systems, Inc. nor may it be cancelled except by prior payment to Aqua-Aerobic Systems, Inc. the following sums as liquidated damages therefore: 1) If cancellation is prior to commencement of production and prior to the assumption of any obligations by Aqua-Aerobic Systems, Inc. for any materials or component parts, a sum equal to 15% of the total purchase price; 2) If cancellation is after the commencement of production or after the assumption of any obligations by Aqua-Aerobic Systems, Inc. for any materials or component parts, a sum equal to the total of the direct, out-of-pocket expenses incurred to the date of cancellation for labor, machine time, materials and any charges made to us by suppliers for cancellation, plus 30% of the total purchase price. All charges and expenses shall be as determined by Aqua-Aerobic Systems, Inc. In the event any items are used by Aqua-Aerobic Systems, Inc. to fill a subsequent order, then upon receipt of payment for such order, Aqua-Aerobic Systems, Inc. shall pay the Buyer a sum equal to the direct out-of-pocket expenses previously charged and received from Buyer.

PROPRIETARY INFORMATION

This proposal, including all descriptive data, drawings, material, information and know-how disclosed by Aqua-Aerobic Systems, Inc. to Buyer in relation hereto is confidential information intended solely for the confidential use of Buyer, shall remain the property of Aqua-Aerobic Systems, Inc. and shall not be disclosed or otherwise used to the disadvantage or detriment of Aqua-Aerobic Systems, Inc. in any manner.

Proposal Date: August 30, 2023

Proposal # 72155



TERMS AND CONDITIONS OF AQUA-AEROBIC SYSTEMS, INC. (A Metawater Company)

Page 2 of 2

QUALIFIED ACCEPTANCE AND INDEMNITY

In the event the acceptance of this proposal by Buyer either is contingent upon or subject to the approval by any third party such as, but not limited to, a consulting engineer, with respect to goods, parts, materials, descriptive data, drawings, calculations, or any other matter, then upon such approval by any third party, Aqua-Aerobic Systems, Inc. shall have no liability to Buyer or to any third party so long as the goods sold and delivered by Aqua-Aerobic Systems, Inc. conform to this proposal. In the event any such third party requires modifications in the proposal prior to the approval thereof, Aqua-Aerobic Systems, Inc. may at its sole option and without liability to any party elect to cancel this proposal or return the purchase order to Buyer. In the event Aqua-Aerobic Systems, Inc. elects to modify this proposal to conform to the requirements for approval by any third party, Aqua-Aerobic Systems, Inc. in such event shall have no liability to Buyer or to any third party so long as the goods sold and delivered by Aqua-Aerobic Systems, Inc. conform to this proposal as modified.

Buyer agrees to indemnify and save harmless Aqua-Aerobic Systems, Inc. from and against all costs and expenses and liability of any kind whatsoever arising out of or in connection with claims by third parties so long as the goods sold hereunder conform to the requirements of this proposal as approved by any third party.

WARRANTY; LIMITATION OF LIABILITY; AND DISCLAIMER

In return for purchase and full payment for Aqua-Aerobic Systems, Inc. goods, we warrant new goods provided by us to be free from defects in materials and workmanship under normal conditions and use for a period of one year from the date the goods are put into service, or eighteen months from date of shipment (whichever first occurs). If the goods include an "Endura Series" motor, the complete Endura Series unit shall be warranted by Aqua-Aerobic to be free from defects in materials and workmanship under normal conditions and use for three years from the date the product is put into service or 42 months from the date of shipment (whichever occurs first).

OUR OBLIGATION UNDER THIS WARRANTY IS EXPRESSLY AND EXCLUSIVELY LIMITED to replacing or repairing (at our factory at Loves Park, Illinois) any part or parts returned to our factory with transportation charges prepaid, and which our examination shall show to have been defective. Prior to return of any goods or its parts to our factory, Buyer shall notify Aqua-Aerobic Systems, Inc. of claimed defect, and Aqua-Aerobic Systems, Inc. shall have the privilege of examining the goods at Buyer's place of business at or where the goods have otherwise been placed in service. In the event this examination discloses no defect, Buyer shall have no authority to return the goods or parts to our factory for the further examination or repair. All goods or parts shall be returned to Buyer, F.O.B. Loves Park, Illinois. This warranty shall not apply to any goods or part which has been repaired or altered outside our factory, or applied, operated or installed contrary to our instruction, or subjected to misuse, chemical attack/degradation, negligence or accident. This warranty and any warranty and guaranty of process or performance shall no longer be applicable or valid if any product, including any software program, supplied by Aqua-Aerobic Systems, Inc., is modified or altered without the written approval of Aqua-Aerobic Systems, Inc. Our warranty on accessories and component parts not manufactured by us is expressly limited to that of the manufacturer thereof.

THE FOREGOING WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND OF ALL OTHER LIABILITIES AND OBLIGATIONS ON OUR PART, INCLUDING ANY LIABILITY FOR NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE; AND ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS EXPRESSLY DISCLAIMED; AND WE EXPRESSLY DENY THE RIGHT OF ANY OTHER PERSON TO INCUR OR ASSUME FOR US ANY OTHER LIABILITY IN CONNECTION WITH THE SALE OF ANY GOODS PROVIDED BY US. THERE ARE NO WARRANTIES OR GUARANTEES OF PERFORMANCE UNLESS SPECIFICALLY STATED OTHERWISE.

UNDER NO CIRCUMSTANCES, INCLUDING ANY CLAIM OF NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL AQUA-AEROBIC SYSTEMS, INC. BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, COSTS OF CONNECTING, DISCONNECTING, OR ANY LOSS OR DAMAGE RESULTING FROM A DEFECT IN THE GOODS. LIMIT OF LIABILITY: AQUA-AEROBIC SYSTEMS, INC.'S TOTAL LIABILITY UNDER THE ABOVE WARRANTY IS LIMITED TO THE REPAIR OR REPLACEMENT OF ANY DEFECTIVE PART. THE REMEDIES SET FORTH HEREIN ARE EXCLUSIVE, AND OUR LIABILITY WITH RESPECT TO ANY CONTRACT OR SALE, OR ANYTHING DONE IN CONNECTION THEREWITH, WHETHER IN CONTRACT, IN TORT, UNDER ANY WARRANTY, OR OTHERWISE, SHALL NOT, IN ANY CASE, EXCEED THE PRICE OF THE GOODS UPON WHICH SUCH LIABILITY IS BASED.

Final acceptance of this proposal must be given to Aqua-Aerobic Systems, Inc. at their office in Loves Park, Illinois. Please acknowledge acceptance by signing the proposal and returning it to Aqua-Aerobic Systems, Inc.

Accepted by:

Offer Respectfully Submitted,

Tim Lamont

By: _____ Date: _____

Tim Lamont, Senior Customer Service Representative
Aqua-Aerobic Systems, Inc.

Mayor Jessica Miller declared the public hearing open at 7:35 p.m. to consider the vacation of a portion of 10th Street per the request of Butler County Health Care Center, legally described as follows: A PART OF TENTH STREET RIGHT OF WAY LOCATED IN MILES SIXTH ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID MILES SIXTH ADDITION; THENCE EASTERLY ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE SOUTHERLY ON SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF VETTER SENIOR LIVING ADDITION AND THE WEST LINE OF BLOCK 1 OF SAID MILES SIXTH ADDITION, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE CONTINUING SOUTHERLY ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE CENTERLINE OF VACATED OHIO STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE WESTERLY ON SAID CENTERLINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION, THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 2; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Don Naiberk, CEO of Butler County Health Care Center, introduced himself and spoke about the need to vacate a portion of 10th Street due to moving the entrance and awning closer to the street. They will have a designated crosswalk with speed bumps on either side.

City Attorney Michael Sands asked the City Council to table the Ordinance until they can write an agreement for the snow removal, etc.

Council member Jim Angell made a motion to table Ordinance No. 1455 vacating a portion of 10th Street as requested by Butler County Health. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 39-2023 waiving the penalty and disconnect notice requirement for October of 2023. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 39-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, TEMPORARILY WAIVING THE DISCONNECTION OF UTILITY SERVICES DUE TO DELINQUENT PAYMENT FOR THE MONTH OF OCTOBER OF 2023 DUE TO UNFORESEEN DELAYS IN UTILITY NOTIFICATION.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), requires that all residents of the City subscribe to the City's utility services pursuant to section 7-102 of the David City Municipal Code;

WHEREAS, the David City Municipal Code requires residents of the City to remit payment of utility bills by no later than 5:00 p.m. on the 10th day of the month pursuant to section 7-106 of the David City Municipal Code;

WHEREAS, the Municipal Code authorizes the City to disconnect utility services to any resident who fails to remit payment of a utility bill by the prescribed deadline, pursuant to section 7-107 of the David City Municipal Code;

WHEREAS, the City Clerk-Treasurer of the City has a standardized practice of mailing utility bills to all residents of the City on the 25th day of the month prior and did deliver utility bills for the month of October, 2023, to the David City Post Office who forwarded them to the Omaha Post Office, on September 25, 2023;

WHEREAS, as of October 4, 2023, the utility bills remain at the Omaha Post Office, due to reasons beyond the City's control;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

RESOLVED, for the month of October, 2023, the City waives its right to disconnect utility services with respect to any delinquent payment existing only for September 2023 and resulting from the delay described above unless the City provides supplementary notice of delinquency and the bill remains unpaid;

RESOLVED, the City will not impose a penalty for late payment associated with bills this delay affects.

RESOLVED, this waiver only applies to bills sent in October of 2023.

PASSED AND APPROVED this 11th day of October, 2023.

THE CITY OF DAVID CITY

ATTEST:

Mayor

City Clerk

Council member Tom Kobus made a motion to pass and adopt Resolution No. 40-2023 authorization to condemn property and demolish structures due to inhabitability and risk to public health, safety and welfare. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg:
Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 40-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THAT THE ACQUISITION AND CLEARANCE OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE, AND APPROVING LEGAL ACTION BY THE CITY OF DAVID CITY, NEBRASKA TO ACQUIRE SUCH PROPERTY THROUGH CONDEMNATION.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), finds and declares that the house located at 1055 7th Street, David City, Nebraska, 68632, is uninhabitable and constitutes a public nuisance and a danger to the public health, safety and welfare due to numerous infestations of insects and vermin and structural instability and disrepair; and

WHEREAS, Nebraska Revised Statutes, Chapter 76, Article 7, provides general authority and procedures for a political subdivision, such as the City, to condemn private property for public purposes such as the abatement of nuisances and protection of the public health, safety and welfare; and

WHEREAS, Nebraska Revised Statutes section 17-559 empowers the City to commence eminent domain proceedings pursuant to Nebraska Revised Statutes sections 76-701 through 76-724; and

WHEREAS, the City deems the acquisition of the real property described herein through condemnation necessary and in the best interests of the public, attempts at direct acquisition by contract having been unsuccessful.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the City finds and declares that the following described real property is a public nuisance and an imminent threat to the public health, safety and welfare:

19-15-3 Litty's 2nd Addition, Block 2, Lot 5.

Section 2. The City has previously authorized and directed the Chief of Police of the City, or his or her designee, to abate the nuisances on, and to condemn, secure and acquire said real property, on behalf of the City, through good faith negotiation with the property owner and that such good faith negotiations have failed due to a lack of response or inability to agree on a valuation from the property owner within the time given.

Section 3. The City hereby resolves to acquire said real property through eminent domain proceedings because, after a reasonable period of time, said good faith negotiations to acquire the real property have been unsuccessful.

Section 4. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this 11th day of October, 2023.

THE CITY OF DAVID CITY

Mayor

ATTEST:

City Clerk

Mayor Jessica Miller stated that the next item on the agenda was consider/approve the design of a David City Trail Master Plan by Schemmer.

Recreation Coordinator Will Reiter introduced himself and stated that at the last Council meeting he was asked to try to get support from the community for the trail project. He reported that he had several letters of support for the trail project and he also got pledges of monetary support of five thousand dollars from the Butler County ARPA fund and five thousand dollars from Butler County Area Foundation. He also asked Timpfe and the Butler County Health Care Center for support and they have not made a decision at this time.

Interim City Administrator/City Clerk Tami Comte stated that the City has fifteen thousand dollars in the ARPA fund that could go toward trail engineering. It was determined that this will be on the next agenda for discussion.

Council member Tom Kobus made a motion to approve the design of a David City Trail Master Plan by Schemmer. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Police Chief Marla Schnell explained the need for Ordinance No. 1456 establishing a curfew for all persons under 16 years of age.

Council member Keith Marvin introduced Ordinance No. 1456 establishing a curfew for all persons under 16 years of age. Mayor Jessica Miller read Ordinance No. 1456 by title.

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

Jim Angell: Yea, Tom Kobus: Nay, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Nay, Kevin Woita: Yea

Yea: 4, Nay: 2

(Suspending the statutory rule requires a three-fourths vote of the Council members.)

Council member Keith Marvin made a motion to pass Ordinance No. 1456 on 1st reading only establishing a curfew for all persons under 16 years of age. Council Member Bruce Meysenburg seconded the motion. The motion carried and Ordinance No. 1456 was passed on 1st reading only.

Jim Angell: Yea, Tom Kobus: Nay, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Nay, Kevin Woita: Yea

Yea: 4, Nay: 2

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1456

AN ORDINANCE TO ESTABLISH A CURFEW ENFORCEABLE WITHIN THE CORPORATE LIMITS OF DAVID CITY, NEBRASKA, FOR ALL PERSONS UNDER SIXTEEN (16) YEARS OF AGE.

WHEREAS, the City of David City, Nebraska (the "City") desires to establish and empower the David City Police Department to enforce, a city-wide curfew; and

WHEREAS, Nebraska Revised Statutes section 17-111 authorizes such action.

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

Section 1. Establishment of City-Wide Curfew. The City hereby establishes a city-wide curfew for persons under sixteen (16) years of age that shall prohibit any such person from loitering, idling, wandering, strolling, playing, traversing or otherwise being upon the public street, public places, public buildings or any other vacant or other unsupervised places, between the times of 11:00 P.M. and 6:00 A.M. local time.

Section 2. Effect of Violation. Any person(s) violating this ordinance may be placed in the custody of the David City Police Department until such time that the person's parent or legal guardian, or, person(s) with supervisory authority conferred onto them by the person's parent or legal guardian, is able to take custody of said person. The David City Police Department may

bring said person to the person's home or other location, as instructed by the person's parent or legal guardian, or to the David City Police Station.

Section 3. Exceptions. It shall not be a violation of this ordinance:

a. to be traveling during curfew pursuant to lawful employment or an organized activity sponsored by a school, church, fraternal organization, community organization or charitable organization;

b. to have the express permission of their parent(s) to be at such place pursuant to an emergency errand; and

c. to be accompanied by and under the supervision of their parent or lawful guardian or someone with supervisory authority conferred onto them by the person's parent or lawful guardian.

PASSED AND APPROVED this 11th day of October, 2023.

Passed on 1st reading only
Mayor

ATTEST:

Passed on 1st reading only
City Clerk

[SEAL]

Council member Keith Marvin introduced Ordinance No. 1457 prohibiting minors from vaping or using tobacco. Mayor Jessica Miller read Ordinance No. 1457 by title.

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

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1457 prohibiting minors from vaping or using tobacco on 3rd and final reading. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1457

AN ORDINANCE TO ESTABLISH A PROHIBITION AND GUIDELINES FOR ENFORCING A PROHIBITION AGAINST PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE FROM POSSESSING OR USING TOBACCO AND VAPE PRODUCTS.

WHEREAS, the City of David City, Nebraska (the "City") desires to establish city-wide protocol to combat underage use of tobacco and vaping products;

WHEREAS, Nebraska Revised Statutes section 28-1418 sets forth a state-wide prohibition on tobacco and vaping product use by persons under the age of twenty-one (21); and

WHEREAS, Nebraska Revised Statutes section 17-111 authorizes the City to adopt and enforce such an ordinance.

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

Section 1. Definitions. All terms used herein, including terms used in the Nebraska Revised Statutes that are incorporated herein by reference, shall retain their ordinary dictionary definition, unless such term is defined by Nebraska Revised Statutes section 28-1418.01, or elsewhere in the Nebraska Revised Statutes.

Section 2. Harmony with Nebraska State Law. This ordinance shall not abridge, conflict with or supplant any provision(s) of Nebraska Revised Statute section 28-1418, and to the extent of any conflict, Nebraska Revised Statute section 28-1418 shall govern.

Section 3. Prohibition. It shall be unlawful, and such action shall constitute a Class V misdemeanor, for any person(s) under twenty-one (21) years of age to have in his or her possession, to use, to transport or carry or to purchase any cigarettes, cigars, chewing tobacco, or other forms of tobacco, or any electronic nicotine delivery systems or alternative nicotine products.

Section 4. Protocol. If any person(s) violate(s) this ordinance, such person(s) shall have their prohibited items confiscated by the apprehending officer and shall be issued a citation. Such citation will contain a parent or guardian name, address, phone number and relationship to the person(s) violating this ordinance, as well as a "To Be Announced" (TBA) indication on the ticket for the court date. The Butler County Court shall then determine the court date.

PASSED AND APPROVED this 11th day of October, 2023.

Mayor

ATTEST:

City Clerk
[SEAL]

Council member Tom Kobus made a motion to approve the quote from Applied Connective for additional screens in the Council Chambers. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to Appoint Deb Dinkelman to the Park & Recreation committee. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Tom Kobus made a motion to Reappoint Jim Vandenberg to the Planning Commission (March, 2023 - April, 2026). Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to Reappoint Greg Aschoff to the Planning Commission (March, 2023 - April, 2026). Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to recess the City Council meeting at 8:32 p.m. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to reconvene the City Council meeting at 8:34 p.m. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to enter into closed session at 8:35 p.m. for contract negotiation and pending litigation. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to reconvene in open session at 9:31 p.m. Council Member Pat Meysenburg seconded the motion. The motion carried.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 9:32 p.m.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES
October 11, 2023

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 October 11, 2023; 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