

CITY COUNCIL PROCEEDINGS

February 8, 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 February 2nd, 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 David Levy, Interim City Administrator/City Clerk Tami Comte, and Deputy Clerk Lori Matchett.

Also present for the meeting were: Special Projects Coordinator Dana Trowbridge, Code Enforcement Officer Marla Schnell, and Devin Betzen.

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. 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 January 25, 2023 City Council meeting 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 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 member Kevin Woita made a motion to approve the Committee and Officer reports 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 Tom Kobus made a motion to approve Change Order #5 and #6 for M.E. Collins Contracting Co., Inc. in the amount of (\$1,183) and \$8,050, respectively, and

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Certificate of Payment #7 in the amount of \$35,461.00. 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

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CHANGE ORDER

No. 5



Date of Issuance: January 12, 2023 Effective Date: January 12, 2023

Project: Municipal Paving Improvements, David City, Nebraska	Owner: City of David City	Owner's Contract No.:
Contract: Municipal Paving Improvements Base Bid		Date of Contract: 06/22/2022
Contractor: M.E. Collins Contracting Co., Inc.		Engineer's Project No.: 021-07066

The Contract Documents are modified as follows upon execution of this Change Order:
 Description: Adjust quantity for Bid Item No. 8 from 8 EA to 7 EA, deduct (\$3,933.00); Add Bid Item CO4-1 Inlet Box, 1 EA @ \$2,750.00. Net Change (\$1,183). Additional Items added due to unforeseen work.
 Attachments: (List documents supporting change): See Attached,

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: \$ 1,848,434.00	Original Contract Times: Substantial Completion (days or date): <u>December 31, 2022</u> Ready for Final Payment (days or date): <u>April 30, 2023</u>
Increase from previously approved Change Orders No. <u>0</u> to No. <u>4</u> : \$ 56,350.00	Increase from previously approved Change Orders No. <u>0</u> to No. <u>4</u> : Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Contract Price prior to this Change Order: \$ 1,904,784.00	Contract Times prior to this Change Order: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Increase of this Change Order: \$ 22,412.00	(Increase) (Decrease) of this Change Order: Substantial Completion (days or date): <u>N/A</u> Ready for Final Payment (days or date): <u>N/A</u>
Contract Price incorporating this Change Order: \$ 1,927,196.00	Contract Times with all approved Change Orders: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>

RECOMMENDED: Olsson	ACCEPTED: City of David City	ACCEPTED: M.E. Collins Contracting Co., Inc.
By:  Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By:  Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>V.P.</u>
Date: <u>January 12, 2023</u>	Date: _____	Date: <u>1/26/23</u>
Approved by Funding Agency (if applicable):		
By: _____	Title: _____	Date: _____



Change Order No. 5

CONTRACTOR: M. E. Collins Contracting Co. Inc.

Olsson No. 021-07066

Date: January 12, 2023

Item No.	Description	Unit	Quantity	Unit Price	Total Cost
Additional Quantities					
8	Build Area Inlet	EA.	-1	\$3,933.00	-\$3,933.00
New Bid Items					
CO4-1	Inlet Box	EA.	1	\$2,750.00	\$2,750.00
CO5-1	Manhole #7, Grades were incorrect	L.S.	1	\$1,535.00	\$1,535.00
CO5-2	Removed 1 Tree	L.S.	1	\$650.00	\$650.00
CO5-3	Dig Back 40' to Raise 2 Communication Lines @ 11th St	L.S.	1	\$2,455.00	\$2,455.00
CO5-4	Removed 2'X4' Concrete Over 12" Water Line. Cutout/Lift Off Pipe	L.S.	1	\$1,250.00	\$1,250.00
CO5-5	Removed 4'X5' Concrete Over Sewer Line @ 7th & 8th in Alley	L.S.	1	\$550.00	\$550.00
CO5-6	Lowered Electric Line	L.S.	1	\$775.00	\$775.00
CO5-7	Helped David City Lower 2" Water Line & Install 8" Water Line	L.S.	1	\$5,680.00	\$5,680.00
CO5-8	1 Week to Run 120 LF of Pipe, Relocate Fiber & Communication Lines	L.S.	1	\$10,700.00	\$10,700.00
Total Change Order Items					\$22,412.00



PROJECT DAVID CITY MUNICIPAL PAVING IMPROVEMENTS - EXTRAS

TOTAL \$ 23,595.00

DATE 12/13/2022

SUMMARY					
Item #	Description	Quantity	Unit	Unit Rate	Subtotal
1	MANHOLE #7, GRADES WERE INCORRECT	1	LS	\$ 1,535.00	\$ 1,535.00
2	REMOVED 1 TREE	1	LS	\$ 650.00	\$ 650.00
3	DIG BACK 40' TO RAISE 2 COMMUNICATION LINES @ 11TH ST	1	LS	\$ 2,455.00	\$ 2,455.00
4	REMOVED 2'X4' CONCRETE OVER 12" WATER LINE. CUTOUT/LIFT OFF PIPE	1	LS	\$ 1,250.00	\$ 1,250.00
5	REMOVED 4'X5' CONCRETE OVER SEWER LINE @ 7TH & 8TH IN ALLEY	1	LS	\$ 550.00	\$ 550.00
6	LOWERED ELECTRIC LINE	1	LS	\$ 775.00	\$ 775.00
7	HELPED DAVID CITY LOWER 2" WATER LINE & INSTALL 8" WATER LINE	1	LS	\$ 5,680.00	\$ 5,680.00
8	1 WEEK TO RUN 120 LF OF PIPE, RELOCATE FIBER & COMMUNICATION LINES	1	LS	\$ 10,700.00	\$ 10,700.00
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CHANGE ORDER

No. 56



Date of Issuance: February 2, 2023 Effective Date: February 2, 2023

Project: Municipal Paving Improvements, David City, Nebraska	Owner: City of David City	Owner's Contract No.:
Contract: Municipal Paving Improvements Base Bid		Date of Contract: 06/22/2022
Contractor: M.E. Collins Contracting Co., Inc.		Engineer's Project No.: 021-07068

The Contract Documents are modified as follows upon execution of this Change Order:
 Description: Install sidewalk along back of curb instead of original location, additional material and labor costs to perform.
 Install 1" Expansion/Sealing Joint: 1 LS @ \$8,050.00
 Attachments: (List documents supporting change): See Attached.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$ 1,848,434.00</u>	Original Contract Times: Substantial Completion (days or date): <u>December 31, 2022</u> Ready for Final Payment (days or date): <u>April 30, 2023</u>
Increase from previously approved Change Orders No. <u>0</u> to No. <u>5</u> ; <u>\$ 78,762.00</u>	Increase from previously approved Change Orders No. <u>0</u> to No. <u>5</u> ; Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Contract Price prior to this Change Order: <u>\$ 1,927,196.00</u>	Contract Times prior to this Change Order: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Increase of this Change Order: <u>\$ 8,050.00</u>	(Increase) (Decrease) of this Change Order: Substantial Completion (days or date): <u>N/A</u> Ready for Final Payment (days or date): <u>N/A</u>
Contract Price incorporating this Change Order: <u>\$ 1,935,246.00</u>	Contract Times with all approved Change Orders: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>

RECOMMENDED: Olsson	ACCEPTED: City of David City	ACCEPTED: M.E. Collins Contracting Co., Inc.
By:  Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By:  Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: _____	Title: <u>V.P.</u>
Date: <u>February 2, 2023</u>	Date: _____	Date: <u>2/3/23</u>
Approved by Funding Agency (if applicable):		
By: _____	Title: _____	Date: _____



980 E. 25TH ST.
P.O. Box 83
WAHOO, NE 68066

(402) 443-3663
FAX: (402) 443-5013

February 1, 2023

Olsson Associates
Attn: Dave Ziska
201 E. Second Street
Grand Island, NE 68801
O 308.384.8750

Project: David City "O" Street Improvements

Dave,

David City is requesting additional pricing to install sidewalk along back of curb instead of original location. Additional Material and Labor Costs to perform this will be as follows:

1. Install 1" Expansion/Sealing Joint	1 (LS)	\$8,050.00
TOTAL:		\$8,050.00

Notes:

Installed in locations in plans except moved to back of existing curb line.

This pricing only reflects additional material costs to properly install sidewalk against back of curb.

Feel free contact M.E.C.C. if you have any questions.

Respectfully,

Joel Schommer, Vice President
M.E. Collins Contracting Co., INC

File: 222630



CERTIFICATE OF PAYMENT: 7



Date of Issuance: February 3, 2023

Project: Municipal Paving Improvements, David City, Nebraska - 2022

Project No.: 021-07066

Contractor: M.E. Collins Contracting Co., Inc.

DETAILED ESTIMATE		
Description	Unit Price	Extension
See Attached.		
PLEASE REMIT PAYMENT TO: M.E. Collins Contracting Co., Inc.		

Value of Work Completed This Request: \$33,641.00

Original Contract Cost: \$1,848,434.00
 Approved Change Orders:
 No. 1 \$0.00
 No. 2 \$47,250.00
 No. 3 \$9,100.00
 Total Contract Cost: \$1,935,246.00

Value of completed work and materials stored to date \$1,511,206.75
 Less retainage percentage 6% \$92,421.70
 Net amount due including this estimate \$1,418,785.05
 Less: Estimates previously approved:

No. 1	<u>\$9,064.80</u>	No. 3	<u>\$116,932.09</u>	No. 5	<u>\$543,937.23</u>
No. 2	<u>\$189,875.93</u>	No. 4	<u>\$79,720.20</u>	No. 6	<u>\$443,793.80</u>

Total Previous Estimates: \$1,383,324.05

NET AMOUNT DUE THIS ESTIMATE: \$35,461.00

The undersigned hereby certifies, based upon periodic observations as set forth in scope of work and the data included in all applicable payment applications that, to the best of its knowledge, information and belief: (1) the work has progressed as indicated in the applicable payment applications; (2) the work performed and materials delivered by Contractor are in conformance with the plans and specifications; and (3) the Contractor, in accordance with the contract, is entitled to payment as indicated above.

This certification does not constitute a warranty or guarantee of any type. Client shall hold its Contractor solely responsible for the quality and completion of the Project, including construction in accordance with the construction documents. Any duty or obligation of Olsson hereunder is for the sole benefit of the Client and not for any third party, including the Contractor or any Subcontractor.

cc: City of David City - Owner
 M.E. Collins Contracting Co., Inc.
 Project File

OLSSON

By: 



Pay App.

Project: Municipal Paving Improvements, David City, Nebraska - 2022

Project #: 021-07066

7

Contractor: M.E. Collins Contracting Co., Inc.

Date: 2/3/2023

ITEM NO.	DESCRIPTION OF WORK	Pay Unit	Total Est. Qty	Unit Price	SCHEDULED VALUE (D * E)	WORK COMPLETED				MATERIALS PRESENTLY STORED (NOT IN OR A)	TOTAL QUANTITY TO DATE (G+H)	TOTAL COMPLETED AND STORED TO DATE (I+J+K)	% (M/F)	BALANCE TO FINISH (F-M)	RETAINAGE
						Qty from previous pay appl.	Total From previous pay appl.	Qty this Period	Total from this Period						
Base Bid															
1	Mobilization/Demobilization	L.S.	1	\$92,857.00	\$92,857.00	0.75	\$69,642.75	0.00	\$0.00	0.75	\$69,642.75	75%	\$23,214.25	\$4,259.18	
2	Build 6" Concrete Pavement w/integral Curb	S.Y.	12186	\$78.00	\$888,118.00	9,575.00	\$998,875.00	0.00	\$0.00	9,575.00	\$998,875.00	79%	\$188,143.00	\$42,747.60	
3	Build 6" Concrete Driveway	S.Y.	801	\$71.00	\$56,871.00	325.00	\$23,075.00	0.00	\$0.00	325.00	\$23,075.00	41%	\$33,796.00	\$1,411.21	
4	Build 4" Concrete Sidewalk	S.Y.	1370	\$57.00	\$78,090.00	625.00	\$35,625.00	0.00	\$0.00	625.00	\$35,625.00	46%	\$42,465.00	\$2,170.74	
5	Build Concrete Curb	S.Y.	104	\$87.00	\$8,988.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$8,988.00	\$0.00	
6	Detectable Warning Panel	S.F.	180	\$51.00	\$9,180.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$9,180.00	\$0.00	
7	Build 3" Crushed Rock Driveway	TONS	34.4	\$81.00	\$2,798.40	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,798.40	\$0.00	
8	Build Area Inlet (1)	EA.	7	\$3,933.00	\$27,531.00	7.00	\$27,531.00	0.00	\$0.00	7.00	\$27,531.00	100%	\$0.00	\$1,883.73	
9	Build Curb Inlet	EA.	8	\$5,892.00	\$47,136.00	0.00	\$0.00	4.00	\$23,568.00	4.00	\$23,568.00	50%	\$23,568.00	\$1,441.36	
10	Build Storm Sewer Manhole	EA.	11	\$6,838.00	\$75,218.00	11.00	\$75,218.00	0.00	\$0.00	11.00	\$75,218.00	100%	\$0.00	\$4,466.27	
11	Build Concrete Collar	EA.	1	\$3,976.00	\$3,976.00	1.00	\$3,976.00	0.00	\$0.00	1.00	\$3,976.00	100%	\$0.00	\$243.18	
12	Build 18" flared end section	EA.	2	\$1,234.00	\$2,468.00	1.00	\$1,234.00	0.00	\$0.00	1.00	\$1,234.00	50%	\$1,234.00	\$75.47	
13	Build 24" round equivalent flared end section	EA.	13	\$1,423.00	\$18,499.00	14.00	\$19,922.00	0.00	\$0.00	14.00	\$19,922.00	108%	(\$1,423.00)	\$1,218.38	
14	Build storm sewer tap	EA.	1	\$4,104.00	\$4,104.00	1.00	\$4,104.00	0.00	\$0.00	1.00	\$4,104.00	100%	\$0.00	\$250.99	
15	Install 15" storm sewer pipe	L.F.	459	\$84.00	\$29,376.00	459.00	\$29,376.00	0.00	\$0.00	459.00	\$29,376.00	100%	\$0.00	\$1,788.56	
16	Install 18" storm sewer pipe	L.F.	2283	\$87.00	\$198,631.00	2,293.00	\$198,631.00	0.00	\$0.00	2,293.00	\$198,631.00	100%	\$0.00	\$9,395.70	
17	Install 24" round equivalent storm sewer pipe	L.F.	190	\$133.00	\$25,270.00	208.00	\$27,384.00	0.00	\$0.00	208.00	\$27,384.00	108%	(\$2,114.00)	\$1,575.59	
18	Build fire hydrant assembly	EA.	2	\$7,798.00	\$15,596.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$15,596.00	\$0.00	
19	Reconstruct 1" water services	EA.	1	\$285.00	\$285.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$285.00	\$0.00	
20	12" water main lowering	EA.	1	\$7,892.00	\$7,892.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$7,892.00	\$0.00	
21	4" water main lowering	EA.	1	\$3,479.00	\$3,479.00	0.00	\$0.00	1.00	\$3,479.00	1.00	\$3,479.00	100%	\$0.00	\$212.77	
22	Adjust fire hydrant to grade	EA.	2	\$1,222.00	\$2,444.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,444.00	\$0.00	
23	Adjust valve to grade	EA.	7	\$432.00	\$3,024.00	5.00	\$2,160.00	0.00	\$0.00	5.00	\$2,160.00	71%	\$864.00	\$132.10	
24	Adjust curb stop to grade	EA.	5	\$494.00	\$2,470.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,470.00	\$0.00	
25	Adjust manhole to grade - type 1	EA.	5	\$315.00	\$1,575.00	4.00	\$1,260.00	0.00	\$0.00	4.00	\$1,260.00	80%	\$315.00	\$77.06	
26	Adjust manhole to grade - type 2	EA.	2	\$420.00	\$840.00	1.00	\$420.00	0.00	\$0.00	1.00	\$420.00	50%	\$420.00	\$25.69	
27	Remove pavement	S.Y.	7563	\$11.00	\$83,193.00	7,500.00	\$82,500.00	0.00	\$0.00	7,500.00	\$82,500.00	98%	\$1,793.00	\$5,045.50	
28	Remove driveway	S.Y.	684	\$21.00	\$14,364.00	500.00	\$10,500.00	184.00	\$3,444.00	684.00	\$14,364.00	100%	\$0.00	\$852.78	
29	Remove sidewalk	S.Y.	70	\$21.00	\$1,470.00	20.00	\$420.00	0.00	\$0.00	20.00	\$420.00	29%	\$1,050.00	\$25.69	
30	Remove storm sewer pipe	L.F.	1155	\$12.00	\$13,860.00	1,155.00	\$13,860.00	0.00	\$0.00	1,155.00	\$13,860.00	100%	\$0.00	\$847.84	
31	Remove flared end section	EA.	2	\$916.00	\$1,832.00	2.00	\$1,832.00	0.00	\$0.00	2.00	\$1,832.00	100%	\$0.00	\$37.07	
32	Remove and salvage fire hydrant	EA.	2	\$1,283.00	\$2,566.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,566.00	\$0.00	
33	Remove fence	L.F.	442	\$8.00	\$3,536.00	442.00	\$3,536.00	0.00	\$0.00	442.00	\$3,536.00	100%	\$0.00	\$216.25	
34	Remove tree	EA.	3	\$2,731.00	\$8,193.00	5.00	\$13,655.00	0.00	\$0.00	5.00	\$13,655.00	167%	(\$5,462.00)	\$855.11	
35	Remove and reset mailbox	EA.	15	\$525.00	\$7,875.00	7.00	\$3,675.00	6.00	\$3,150.00	13.00	\$6,825.00	87%	\$1,050.00	\$417.40	
36	Seeding	S.Y.	10140	\$1.70	\$17,238.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$17,238.00	\$0.00	
37	Inlet sediment filter	EA.	9	\$291.00	\$2,619.00	9.00	\$2,619.00	0.00	\$0.00	9.00	\$2,619.00	100%	\$0.00	\$154.67	
38	Erosion control mat, class 1D	S.Y.	2468	\$2.20	\$5,429.60	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$5,429.60	\$0.00	
39	Build fabric silt fence	L.F.	731	\$6.00	\$4,386.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$4,386.00	\$0.00	
40	General clearing and grubbing	L.S.	1	\$7,159.00	\$7,159.00	1.00	\$7,159.00	0.00	\$0.00	1.00	\$7,159.00	100%	\$0.00	\$437.83	
41	Earthwork	L.S.	1	\$38,347.00	\$38,347.00	1.00	\$38,347.00	0.00	\$0.00	1.00	\$38,347.00	100%	\$0.00	\$2,222.89	
42	Over-excavation	C.Y.	5900	\$5.00	\$29,500.00	5,900.00	\$29,500.00	0.00	\$0.00	5,900.00	\$29,500.00	100%	\$0.00	\$1,804.15	
43	Import	C.Y.	4100	\$12.00	\$49,200.00	4,100.00	\$49,200.00	0.00	\$0.00	4,100.00	\$49,200.00	100%	\$0.00	\$3,008.95	
				\$1,844,501.00			\$1,424,855.75		\$33,641.00		\$1,458,496.75		\$386,004.25	\$89,198.09	
Change Order															
CO2-1	Water Main Tap	EA.	3	\$15,750.00	\$47,250.00	3.00	\$47,250.00	0.00	\$0.00	3.00	\$47,250.00	100%	\$0.00	\$2,889.69	
CO3-1	Water Restraints	EA.	4	\$875.00	\$3,500.00	2.40	\$2,100.00	0.00	\$0.00	2.40	\$2,100.00	60%	\$1,400.00	\$128.43	
CO3-2	Re-Install Fencing	L.S.	1	\$5,800.00	\$5,800.00	0.60	\$3,360.00	0.00	\$0.00	0.60	\$3,360.00	60%	\$2,440.00	\$205.49	
CO4-1	Inlet Box	EA.	1	\$2,750.00	\$2,750.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,750.00	\$0.00	
CO6-1	Manhole #7, Grades were incorrect	L.S.	1	\$1,535.00	\$1,535.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$1,535.00	\$0.00	
CO5-2	Removed 1 Tree	L.S.	1	\$650.00	\$650.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$650.00	\$0.00	

CO5-3	City Back 40' to Raise 2 Communication Lines @ 11th St	L.S.	1	\$2,455.00	\$2,455.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$2,455.00	\$0.00
CO5-4	Removed 2'x4' Concrete Over 12" Water Line. Cutout/LR Off Pipe	L.S.	1	\$1,250.00	\$1,250.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$1,250.00	\$0.00
CO5-5	Removed 4'x5' Concrete Over Sewer Line @ 7th & 8th in Alley	L.S.	1	\$550.00	\$550.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$550.00	\$0.00
CO5-6	Lowered Electric Line	L.S.	1	\$775.00	\$775.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$775.00	\$0.00
CO5-7	Helped David City Lower 2" Water Line & Install 8" Water Line	L.S.	1	\$5,680.00	\$5,680.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$5,680.00	\$0.00
CO5-8	1 Week to Run 120 LF of Pipe, Relocate Fiber & Communication Lines	L.S.	1	\$10,700.00	\$10,700.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$10,700.00	\$0.00
CO5-9	Install 1" Expansion/Sealing Joint	L.S.	1	\$8,050.00	\$8,050.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0%	\$8,050.00	\$0.00
Contract Total				\$75,535,246.00	\$75,535,246.00	\$1,477,565.75	\$33,641.00	\$0.00	\$1,511,206.75	78%	\$389,644.25	\$92,421.70		

Original Contract	\$1,848,434.00
+ CO 1	\$0.00
+ CO 2	\$47,250.00
+ CO 3	\$9,100.00
+ CO 4	\$0.00
+ CO 5	\$22,412.00
+ CO 6	\$8,050.00
Total Contract to Date	\$1,935,246.00
Total Work Completed to Date	\$1,511,206.75
Total Materials Stored to Date	\$0.00
Total Value Completed & Stored to Date	\$1,511,206.75
Retainage 6%	\$92,421.70
Net Total Due Less Retainage	\$1,418,785.05
- Pay AP 1	\$9,064.60
- Pay AP 2	\$169,875.80
- Pay AP 3	\$116,932.09
- Pay AP 4	\$79,720.20
- Pay AP 5	\$543,937.23
- Pay AP 6	\$443,793.80
Total Previous	\$1,385,324.05
Net Amount Due This Estimate	\$35,461.00

Footnotes:
 (1) Item 8 - Quantity updated from 8 EA to 7 EA per Change Order #5

Council member Keith Marvin made a motion to approve Bone Creek Museum of Agrarian Art to submit an application to the Nebraska Department of Economic Development for a Community Development Block Grant (CDBG). 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 Tom Kobus made a motion to approve Downtown Revitalization Program Guidelines. 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



City of David City, Nebraska Downtown Revitalization

Program Guidelines

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I. Program Overview

Statement of Purpose:

To improve downtown buildings by restoring, renovating, replacing or reconstructing above ground facades, commercial code compliance repairs, structural repairs/alterations and exterior building repairs. These improvements will be in accordance with historic preservation guidelines to achieve five (5) significant goals and are part of an overall strategy to attract consumers and new businesses, as well as to support existing businesses. These five (5) goals are:

1. Improve the economic potential of individual buildings and the Downtown area
2. Strengthen property values and reduce or eliminate vacancies in the Downtown area
3. Improve the blighted condition and appearance of buildings in the Downtown area
4. Enhance the environmental and historical quality of the Downtown area
5. Encourage pride in the Downtown area

Funding Mechanism

A Downtown Revitalization (DTR) Program is administered by the City of David City and funded by the Community Development Block Grant (CDBG) Downtown Revitalization Program.

Grant Details

- Available to property owners within the designated DTR Area as identified in the 2021 DTR Plan prepared by the University of Nebraska-Lincoln (UNL)
- Eligible improvements include the rehabilitation of buildings and addressing safety and code violations
- The David City, City Council shall appoint a Downtown Revitalization Committee (DTR Committee)
- Application deadline will be determined by the DTR Committee. If surplus funds remain after the first application cycle, additional cycles will be determined by the DTR Committee
- Requires a minimum 25% match from each participant
- Requested amounts and designs will be reviewed by the DTR Committee
- The DTR Committee will make project funding recommendations to the David City, City Council, with the City Council making awards

- Work must be completed and invoices submitted prior to the contract end date which is yet to be determined

II. Application Guidelines

The purpose of this program is to assist in the creation of a cohesive, cost-effective and vibrant downtown business district and if applicable to restore, improve or create historic architectural features to facades of buildings within downtown David City as identified within the DTR Plan.

Eligible Applicants

This program is available to property owners, business owners and tenants within the designated DTR Plan area in the David City Business District, as identified and defined by the 1998 Blight and Substandard Study Area 1 (Exhibit A). Attestation of U.S. Citizenship will be required if the applicant is an individual or a sole proprietor.

Eligible Improvements

Eligible improvements include structural and code compliance repairs and building facade rehabilitation. Eligible improvements include but are not limited to:

- Brick/masonry repair or restoration
- New or replacement of awnings and signs
- Exterior wall repairs, including the repair, restorative installation of decorative details and other design features
- Building mounted facade lighting
- Entryway, door and window repairs and replacements
- Miscellaneous facade improvements
- Facade code violation eradication
 - i. Repairs of building code compliance issues identified in an inspection conducted by the City of David City
- Roof and gutter replacements (on a case by case basis)
- Americans with Disability Act (ADA) improvements
- Painting is eligible for exterior facade improvements in combination with above activities or permanent signage for restoration and historic preservation that are fixed to the structure

Ineligible Improvements

- Residential
- Interior Improvements that do not address code violations
- Roof and gutter replacement maintenance or repairs
- Some code issues will not be covered (this is on a case by case basis)
- Painting as a sole activity

- Sidewalks

III. Program Guidelines

1. A minimum 25% match is required by each participant.
2. Projects shall be located in the designated downtown business district as stated in the City of David City 2021 DTR Plan. A copy of the designated map is attached hereto as Exhibit A.
3. Request amounts and designs will be reviewed by the DTR Committee. The DTR Committee will make project funding recommendations for approval by the David City, City Council. Priorities shall be given on a first-come, first-serve basis.
4. Each application will be considered solely on its merits, without regard to age (provided the applicant is of age as prescribed by law), color, creed, marital status, national origin, political party affiliation, race or gender of the applicant(s).
5. \$25,000 of the total awarded grant funds shall be reserved for administrative costs and \$10,000 for construction management.
6. \$400,000 shall be set aside for forgivable loans in the amount greater than \$1,000 but no greater than \$50,000 for eligible applicants and eligible improvements.
7. The DTR program funds will be reimbursed to the applicant for eligible project costs and will become a five (5) year forgivable loan. This is done to ensure that the improvements will remain in place.
8. The five (5) year forgivable loan can be transferred by the property owner at the time of a sale to the purchaser if approved by the David City, City Council.
9. For each forgivable loan, the applicant will be required to sign a Promissory Note and the property owner will be required to sign a Deed of Trust.
10. Improvements must remain intact for a minimum period of five (5) years from the date of completion. Changes to funded improvements prior to five (5) years may trigger repayment.
11. Where practical, building facades shall be restored to historic standards. If it is deemed not practical by the DTR Committee then a similar architectural design shall be used.
12. If a building does not have a historic significant architectural design, feature or designation, an application may still be submitted.

13. No work for which funding is sought shall begin until authorized by the CDBG Administrator.
14. To qualify for funding, an application with appropriate conceptual plans and other documents must be submitted to the City Clerk at 490 E Street, David City, NE 68632.
15. The work proposed by the applicant requires at least two (2) bids from outside sources to verify that costs are within reasonable parameters. The DTR Committee may waive this requirement in special circumstances.
16. All projects must comply with City of David City Building Codes as currently adopted by the City as well as relevant Nebraska Statutes, Rules and Regulations.
17. Contractors are required to comply with Davis-Bacon Wage Determination and E-Verify requirements. Applicants should notify contractors of this when securing bids.
18. Applicants are responsible for any architectural fees, preparing design specifications, any engineering and any other costs.
19. Attestation of U.S. Citizenship form is required if the applicant is an individual or sole proprietor.
20. Projects are subject to a Tier II environmental review and approval from the State Historic Preservation Office (SHPO) in compliance with Section 106 standards.
21. All amendments to the program guidelines shall be approved by the David City, City Council with prior approval or recommendation of the Nebraska Department of Economic Development.

IV. Design Guidelines

For the benefit of the entire City of David City, this program encourages the improvement of facades and buildings in the downtown business district, so as to accentuate economic opportunities and the historic elements of the district through the restoration, renovation, replacement or reconstruction of facades, as defined:

Facade shall mean the exterior of a building exposed to public view from the building's exterior. This will typically include a visual impact with items such as awnings, windows and signage.

Restoration is the preferred treatment for building facades and improvements. Restoration is most applicable to buildings where there has been very little change to the building facade over time. This results in the return of the facade to its original appearance through the use of authentic materials and colors and the replication of missing or deteriorated components.

Renovation results in improvements which do not attempt to return the building to its original appearance. Improvements made should be sensitive to historic details and materials and should respect any original character that is remaining.

Replacement of facades is appropriate when the majority of the original facade is missing or has been significantly altered so as to make restoration or renovation impractical. Facade designs should select materials, dimensions and architectural details that are similar or compatible to surrounding buildings such as facade height, window size and spacing, materials and colors. It should be noted that in some cases the current facade alteration may be considered historic in their own right, even if the current look is not original. Projects that intend to replace any aspects of the facade or exterior structure are encouraged to consult with SHPO before application to identify potential project challenges.

Reconstruction takes place when the building and its features no longer exist. With reconstruction, facade designs are created through new construction to replicate, mimic, resemble or accentuate historic period details.

Interior work for residential or commercial purposes often follows a similar definition to the above. In terms of work being done inside a building, work typically allows great variation from the historical design and looks to accommodate modern needs and code.

The DTR Committee may adopt design guidelines to provide additional guidance to applicants.

SHPO encourages applicants to contact their office before final project plans are made. Early contact with their office can help identify potential project delays and clarify what may be considered appropriate or inappropriate work for grant projects. SHPO may be reached at 402-471-3270 (Option 3 - Preservation Office) or you may also contact the City Office at 402-269-2173 for additional historic preservation assistance.

V. Project Design and Document Approval

1. Pre-applications will be reviewed by the DTR Committee. Those projects that the DTR Committee requires additional information about will be asked to submit sketches and a description of the intended use of the funds, which may be amended.
 - a. **Note:** Sketches and description of the planned improvements need only be conceptual but must show enough detail so the DTR Committee can make comments and recommendations.
2. The DTR Committee will conduct a preliminary review of all applications.

3. Applications receiving preliminary approval by the DTR Committee will be forwarded to the CDBG Administrator for Tier II environmental reviews.
4. If the applicant wishes to participate in the program, the applicant will arrange for preparation of construction drawings and price quotations and provide a copy for the review.
5. The DTR Committee will review the formal application and make a recommendation to the City Council.
6. The City Council will award funding if approved.
7. The CDBG Administrator will meet with the applicant and contractors to review and complete paperwork and legal documents at a preconstruction meeting.
8. After formal approval and completion of all necessary documents, the CDBG Administrator will issue a Notice to Proceed to the applicant.
9. After receiving the Notice to Proceed, the project will begin according to approved design. Any changes must be reviewed by the DTR Committee, SHPO, undergo further Tier II environmental review and be approved by the City Council.
10. The applicant must ensure that the selected contractor is aware of Davis-Bacon Wage Requirements prior to final selection of the contractor.
11. The contractor must be E-Verified and the applicant must be registered on the System for Award Management (SAM) prior to signing the contract between the applicant and contractor.
12. The contractor must work with the CDBG Administrator and adhere to funding rules and regulations.
13. The applicant must submit invoices and corresponding canceled checks to the City.
14. At the project completion, the CDBG Administrator will conduct a final review to ensure that the project has been completed as proposed.
15. The CDBG Administrator will prepare the grant drawdown documents.
16. The City of David City will distribute grant funds as a forgivable loan to the applicant upon receipt from the Nebraska Department of Economic Development.
17. The DTR Committee will review facade and building improvements annually for a period of five (5) years to ensure that the approved designs remain intact.

VI. Application Review Process

All applications submitted will be sent to Southeast Nebraska Development District (SEND), to ensure prospective projects comply with federal, state and local program guidelines. The City Attorney will confirm property ownership (verified by written confirmation from the Butler County Register of Deeds under a deed search), property taxes are paid and current, property hazard insurance is paid and current, existing liens on property and confirm zoning compliance. Only applications which meet CDBG requirements and whose ownership is confirmed by the attorney will be scored by the DTR Committee as described below.

Applications which have been reviewed and scored will be referred to the City Council for award at the subsequent City Council meeting. Any additional materials requested from the business owner in order to determine eligibility and compliance must be provided prior to referring the project to the David City, City Council for award of funds. Application review and scoring will occur on a rolling basis and the Council will continue to issue awards until CDBG funds are fully allocated.

VII. Scoring Criteria

Scoring criteria will include project eligibility, application completeness, conformance with priority improvements and non-priority improvements, conformance with Design Guidelines and clear and complete project summary and/or drawings. Each application will be considered solely on its merits, without regard to age, color, creed, marital status, national origin, political party affiliation, race or gender of the applicant(s).

Formal Notification of Selection and Non-Selection

In conjunction with SEND, the City will notify applicants in writing of either approval or rejection upon determination by the City Council. After formal approval and completion of all necessary documents, the CDBG Administrator will issue a Notice to Proceed to the applicant.

VIII. Supporting Data

Application Documentation Checklist

The following information shall be submitted with the application:

Facade:

- Provide a drawing of propose changes
- Submit two (2) detailed written estimates from contractors of your choosing
- Submit color photos of existing facade on all exposed sides
- Timeline for the proposed improvements

Paint (only applicable with other improvements):

- Provide samples of the colors chosen
- Indicate which color will be used as primary and which colors will be used for accents
- Indicate where each color will be used
- Submit two (2) detailed written estimates from contractors of your choosing
- Submit color photos of area to be painted on all exposed sides
- Timeline for the proposed improvements

Windows:

- Provide details on windows to be replaced
- Provide details on replacement windows
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of existing facade on all exposed sides
- Timeline for the proposed improvements

Roof:

- Provide details on the type of roof being replaced
- Provide details on the roofing materials that will be used
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of roof from street level (if visible) and damaged area requiring replacement
- Timeline for the proposed improvements

Structural/Exterior Building Repairs or Alterations:

- Provide details of the components to be repaired or replaced
- Note where these components are located
- Provide details on the condition of the existing components
- Submit two (2) detailed written estimates from contractors of your choice
- Submit color photos of the components being worked on all exposed sides
- Timeline for the proposed improvements

All:

- Submit signed Hold Harmless Agreement
- If applying as an individual or sole proprietor, submit a signed Attestation of U.S. Citizenship
- If applying as a business owner or tenant, provide written authorization from the property owner for the improvements
- Submit a copy of City building permit, if applicable

Conflict of Interest

No member of the governing body of the City of David City and no other official, employee or agent of those organizations who exercises policy, decision-making functions or responsibilities in connection with the planning and implementation of this program shall:

- Be directly or indirectly eligible for this Program;
- Accept gratuities, favors or anything of monetary value from contractors, potential contractors or parties to sub-agreement;
- Obtain a financial interest or benefit from a Program activity;
- Have an interest in any contract, subcontractor agreement for themselves or for persons with business or family ties.

Grievance Procedure

Complaints concerning the Downtown Revitalization Program shall be in writing and addressed to the DTR Committee. A written response will be made within 15 working days. If the project is not satisfied, complaints may be filed with the City Council. The City Council shall meet, as soon as practicable, to review all factors in the complaint for a determination and solution.

Compliance Policies

The applicant shall be required to sign a Certification of Assurances, a sample of which is attached (**Appendix D**) to comply with the requirements of this plan and (as applicable) shall comply with:

1. The Civil Rights Act of 1964 (PL 88-352) and Title VII of the Civil Rights Act of 1968 (PO 90-284);
2. Housing and Community Development Act of 1974, as amended;
3. Age Discrimination Act of 1975;
4. Section 504 of the Rehabilitation Act of 1973;
5. Davis-Bacon Act, as amended (40 U.S.C 276a-276a-5), where applicable under Section 110 of the Housing and Community Development Act of 1974 as amended;
6. Fair Labor Standards Act of 1938, as amended, (29 U.S.C., 102 et, seq);
7. Preservation of Historical and Archaeological Data Act of 1974 (PL, 93-291);
8. National Historic Preservation Act of 1966, Section 106 (PL 89-665);
9. National Environmental Policy Act of 1969;
10. Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1979, Title II and Title III;

11. Nebraska Community Development Law, Section 18-2101 to 18-2144, Revised Statutes of Nebraska, 1943

The City and the CDBG Administrator, Southeast Nebraska Development District (SENDD), shall comply with the following requirements (as applicable):

1. U.S. Office of Management and Budget Circular A-87, "Cost Principles for State and Local Governments";
2. U.S. Office of Management and Budget Circular A-102, "Uniform Administrative Requirements for Grants-in-Aid to States and Local Governments";
3. Acquisition of Property for Publicly Financed Projects, Sections 76-1201 to 76-1213, Nebraska Statutes Revised, 1943, as amended;
4. Community Development Law, Sections 18-2101 to 18-2144, Nebraska Statutes Revised, 1943, as amended;
5. Public Meetings Law, Sections 18-1401 to 18-1407, Nebraska Statutes Revised, 1943, as amended;
6. The Hatch Act of 1938, as amended;
7. Certification of Assurances (**Appendix D**); and

It is expressly understood that all applicable local, state and federal laws, rules, regulations and any other requirements applicable to this Downtown Revitalization Program are hereby incorporated by reference and hereinafter apply to all applicable parties to the extent provided by law.

IX. Abbreviations and Definitions of Terms

CDBG – Community Development Block Grant – A federal program that provides funding for community and economic development projects to encourage additional federal, state and private resources. Communities receiving CDBG funds use those grants to provide safe and sanitary housing, a suitable living environment and expanded economic opportunities. The Nebraska Department of Economic Development (DED) administers the CDBG program for most of the state. Due to population size, some cities in Nebraska are the administrators of the CDBG program in their communities. DED receives federal funds for CDBG from the U.S. Department of Housing and Urban Development (HUD) on an annual basis. Communities can apply to use those funds for the planning and construction of projects that:

- Benefit low and moderate income persons
- Prevent or eliminate slum and blight conditions

- Solve catastrophic health and safety threats

Davis-Bacon Wage Determination – A wage determination is the listing of wage rates and fringe benefit rates for each classification of laborers and mechanics which the Administrator of the Wage and Hour Division of the U.S. Department of Labor has determined to be prevailing in a given area for a particular type of construction (e.g., building, heavy, highway or residential).

The Wage and Hour Division issues two types of wage determinations: general determinations, also known as area determinations and project determinations. The term wage determination is defined as including not only the original decision but any subsequent decisions modifying, superseding, correcting or otherwise changing the rates and scope of the original decision.

In accordance with the provisions of 29 CFR Part 1 and Part 5, the wage rates and fringe benefits in the applicable Davis-Bacon wage determination shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

DED – Department of Economic Development – is the U.S. State of Nebraska agency responsible for economic development in the state. Created by the Nebraska State Legislature in 1967, the department's emphasis is growing and diversifying the state's economic base by fostering new investment and commercial spending throughout the state.

DTR – Downtown Revitalization

E-Verify – E-Verify is a web-based system that allows enrolled employers to confirm the eligibility of their employees to work in the United States. E-Verify employers verify the identity and employment eligibility of newly hired employees by electronically matching information provided by employees on the Form I-9, Employment Eligibility Verification, against records available to the Social Security Administration (SSA) and the Department of Homeland Security (DHS).

E-Verify is a voluntary program. However, employers with federal contracts or subcontracts that contain the Federal Acquisition Regulation (FAR) E-Verify clause are required to enroll in E-Verify as a condition of federal contracting. Employers may also be required to participate in E-Verify if their states have legislation mandating the use of E-Verify, such as a condition of business licensing. Finally, in some instances employers may be required to participate in E-Verify as a result of a legal ruling.

E-Verify, which is available in all 50 states, the District of Columbia, Puerto Rico, Guam, the U.S. Virgin Islands and Commonwealth of Northern Mariana Islands, is currently the best means available to electronically confirm employment eligibility.

Facade – shall mean the exterior wall of a building exposed to public view from the building's exterior. This will typically include a visual impact with items such as awnings, windows and signage.

Restoration – is the preferred treatment for building facades and improvements. Restoration is most applicable to buildings where there has been very little change to the building over time. This results in the return of the building to its original appearance through the use of authentic materials and replication of missing or deteriorated components.

Replacement – appropriate improvements when the majority of the original façade or building is missing or has been significantly altered so as to make restoration or renovation impractical. Designs should select materials, dimensions and architectural details that are similar or compatible to surrounding buildings such as height, size and spacing, materials and colors.

SAM – System for Award Management – the System for Award Management (SAM) is an official website of the U.S. government. There is no cost to use SAM. You can use this site at not cost to:

- Register to do business with the U.S. government
- Update or renew your entity registration
- Check status of an entity registration
- Search for entity registration and exclusion records

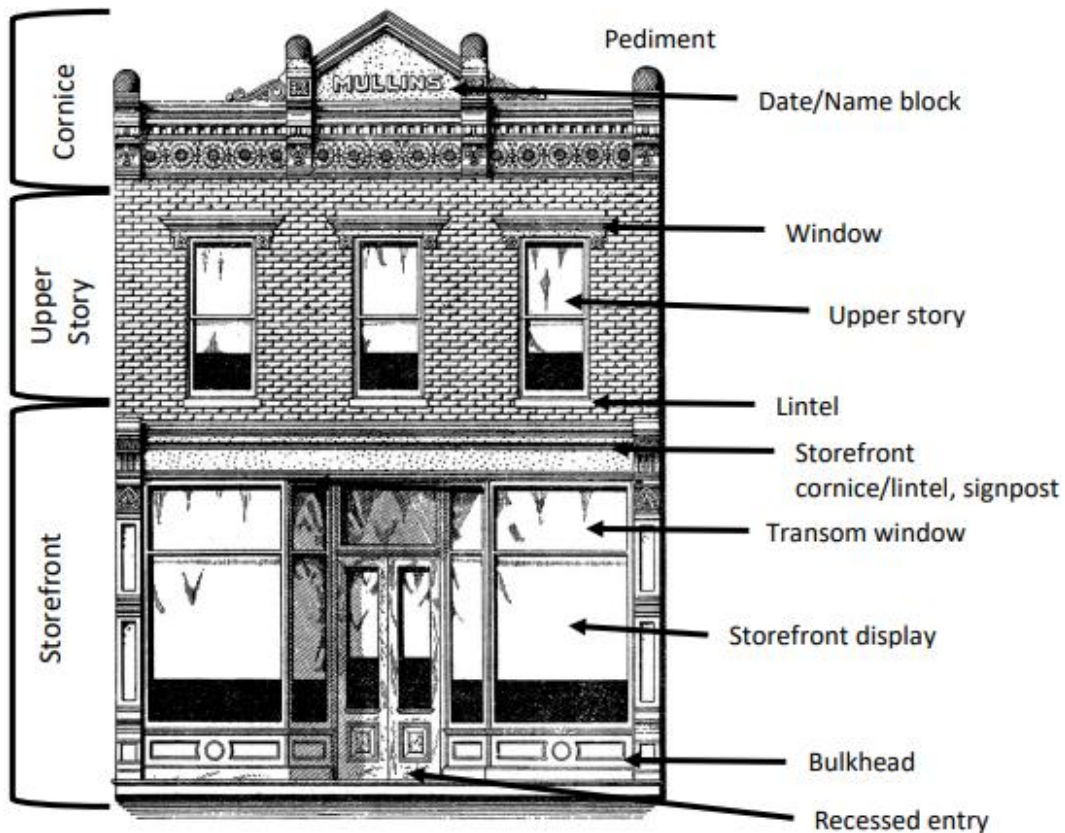
SEND – Southeast Nebraska Development District – is a voluntary association of counties and municipalities formed under the Nebraska Interlocal Cooperation Act to identify common problems, their solutions and to provide continuing support for efficient and effective government among its members. Website: www.sendd.org

SEND Membership includes the Counties (and their participating communities) of: Butler, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee, Polk, Saline, Saunders, Seward, Richardson, Thayer, and York.

SHPO – State Historic Preservation Office

Tier II Environmental Review – is the examination of a project relative to the National Environmental Policy Act of 1969 (NEPA) and its related laws. NEPA was established to ensure environmental protection for government funded projects.

X. Commercial Building Design Features and Definitions



Bulkhead – Located between sidewalk and storefront window, the bulkhead raises the display area for better viewing and provides a base that can withstand pedestrian traffic for the storefront windows. Bulkheads were often constructed of wood. Because bulkheads are vulnerable to weather and damage, many have been replaced with more durable materials like tile, stone and brick.

Cornice – The cornice tops the main facade of a building. This feature is typically made of decorative formed metal or patterns of brick, sometimes terra cotta or stone in larger commercial buildings in urban areas.

Date/Name Block – The date block and sometimes a name block can be found within the design of the cornice or below the cornice on the upper part of the facade. It contains the date the building was built and/or name of the original building owner(s).

Facade – The main or front exterior face(s) of a building.

Lintel – Horizontal piece located at the bottom of a window, door or other opening.

Sign Panel – Located above the storefront, this space for signage was traditionally defined with a brick frame.

Storefront Cornice/Lintel – Not as elaborate as the cornice atop the building, it's used to cap the top of the storefront opening. Also serves as a structural element carrying the weight of the upper facade wall.

Storefront Display Windows – Originally used to bring natural light into the building, they provide an excellent opportunity for product and merchandise displays.

Transom Windows – Window area directly above display windows. Filter light back into narrow traditional commercial buildings, illuminating the interior.

Window Hood/Lintel – Decorative piece located at the top of a window, door or other opening.

Mayor Jessica Miller stated that the next item on the agenda was Ordinance No. 1428 reinstating a David City Police Dept.

Mayor Jessica Miller said, "Just to recap from last meeting, it was a mutual decision between the County Board and the City Council with legal advisement from both parties to let the contract expire with the Butler County Sheriff's Office. Under Nebraska Revised Statutes 17-124, we can reinstate the David City Police Department.

Council member Keith Marvin introduced Ordinance No. 1428 reinstating the David City Police Department. Mayor Jessica Miller read Ordinance No. 1428 by title.

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

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 Ordinance No. 1428 reinstating a David City Police Department on 3rd and Final reading. 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

ORDINANCE NO. 1428

AN ORDINANCE CREATING WITHIN AND FOR THE CITY OF DAVID CITY, NEBRASKA, A POLICE DEPARTMENT OF THE CITY OF DAVID CITY, NEBRASKA, GIVING SAID POLICE DEPARTMENT ALL POWERS AND DUTIES AVAILABLE TO IT BY LAW, PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska (the "City") desires to create and empower to the fullest extent the law allows a police department of and for the City; and

WHEREAS, Nebraska Revised Statutes section 17-107 authorizes such action.

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

Section 1. Creation of Police Department. The City hereby creates in and for the City the David City Police Department (the "Department"). The Department shall be an entity of the City's existing government, and shall operate at the direction and pleasure of the Mayor and City Council as the David City Municipal Code may further and subsequently detail.

Section 2. Empowerment of Police Department. The City hereby authorizes and empowers the Police Department to carry out such functions and duties, and to carry such authority and powers as applicable law allows.

Section 3. Structure of Police Department. The Mayor and City Council shall from time-to-time, within their sole discretion, appoint a Chief of Police. Such Chief of Police shall be the executive officer of the Department and shall have all powers and duties available to him or her under applicable law except as the Mayor and City Council and the David City Municipal Code may proscribe. Such Chief of Police shall be responsible for an annual budget for the Department and, subject to the approval or modification by the Mayor and City Council and the limits or requirements of applicable law, for determining the staffing and equipment needs and internal policies of the Department.

Section 4. Staffing of Police Department. The Police Department will be staffed as follows:

- (a) The Mayor, by and with the consent of the City Council, shall appoint such number of police officers as may be necessary. All police officers appointed by the Mayor and City Council may be removed, demoted, or suspended with or without pay at any time by the Mayor as provided in subdivision (b), below.
- (b) The following procedure shall apply to the removal, demotion, or suspension with or without pay of any police officer, including the Chief of Police, upon the written accusation of the Chief of Police, the mayor, or any citizen or taxpayer.
 - (i) Upon receipt of the accusation, the Mayor shall make the initial determination whether to remove, demote, or suspend the accused officer with or without pay.

(ii) The accused officer shall receive written notice of the accusations against him or her (including a copy of the accusation itself if the accusation was received in writing) within three (3) days of receipt.

(iii) The accused officer shall have the right to have an attorney or representative retained by the police officer present with him or her at all hearings or proceedings regarding the written accusation. The officer also has the right to record any proceedings related to the accusations.

(iv) The accused officer and/or his or her representative may present a written response to the accusations to the Mayor within ten (10) days of receipt of the written accusation, and provide any relevant evidence.

(v) The Mayor shall provide a written decision regarding discipline to the accused officer within ten (10) days of receipt of the officer's written response.

(vi) The officer may appeal the Mayor's decision to the City Council by submitting a written appeal to the Mayor within five (5) days of receipt of the Mayor's written decision. The City Council will hold a hearing within thirty (30) days of the appeal, at which the officer as well as the Mayor or their respective attorneys or representatives shall have the right to be heard and present evidence to the City Council for its consideration. The City Council shall record the proceedings.

(vii) Not later than thirty (30) days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse, or modify the action. The failure of the City Council to act within thirty (30) days or the failure of a majority of the elected City Council members to vote to reverse or modify the action shall be construed as a vote to uphold the action. The decision of the city council shall be based upon its determination that, under the facts and evidence presented at the hearing, the action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(c) The procedures set forth in subdivision (b) do not apply to a police officer during his or her probationary period.

Section 5. Conflicts. The City hereby repeals any ordinance or section of any ordinance passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions.

Section 6. Invalidity. If any section, paragraph, clause or provision of this ordinance shall, for any reason, be invalid, such invalidity shall not affect the validity of the remainder hereof.

Section 7. Effect. The City shall publish this Ordinance in pamphlet form and the Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PASSED AND APPROVED this 8th day of February, 2023.

Mayor Jessica M. Miller

City Clerk Tami L. Comte

Mayor Jessica Miller stated that the next item on the agenda was Resolution No. 3-2023 appointing Marla Schnell as the Chief of Police.

Mayor Jessica Miller said, "According to Nebraska Revised Statutes 17-107 and Municipal Code Sections 1-202 and 1-501, the Mayor can appoint a police chief."

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 3-2023 appointing Marla Schnell as the Chief of Police. 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. 3-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, APPROVING CONDITIONAL OFFER OF EMPLOYMENT TO MARLA JO SCHNELL FOR THE POSITION OF CHIEF OF POLICE.

WHEREAS, pursuant to Nebraska Revised Statutes section 17-107 and David City Municipal Code section 1-501, the Mayor and City Council of the City of David City, Nebraska (the "City") have determined that the City shall have a Police Department; and

WHEREAS, the City Council adopted Ordinance No. 1428 creating the David City Police Department; and

WHEREAS, the Mayor and City Council find that it is necessary and appropriate to appoint a Chief of Police for said Police Department; and

WHEREAS, the Mayor has nominated Marla Jo Schnell to serve as Chief of Police.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Mayor and City Council hereby approve providing Marla Jo Schnell a conditional offer of employment for the position of Chief of Police. Upon successful completion of the requisite screening required by Neb. Rev. Stat. 81-1414 *et seq.*, Chief Schnell shall be appointed as the executive officer of the Department and shall have all powers and duties available to her under applicable law, except as the Mayor and City Council and the David City Municipal Code may proscribe. Chief Schnell shall be responsible for an annual budget for the Department and, subject to the approval or modification by the Mayor and City Council and the limits or requirements of applicable law, for determining the staffing and equipment needs and internal policies of the Department.

Section 2. The Mayor and City Council has determined that, upon hire, Chief Schnell shall earn an annual salary as set forth in the adopted applicable annual pay scale.

INTRODUCED BY COUNCIL MEMBER Bruce Meysenburg.

PASSED AND ADOPTED THIS 8th DAY OF FEBRUARY, 2023.

MAYOR JESSICA MILLER

ATTEST:

CITY CLERK TAMI COMTE

Council member Keith Marvin made a motion to pass and adopt Resolution No. 6-2023 appointing Jason Reed as a police officer. 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. 6-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, APPROVING A CONDITIONAL OFFER OF EMPLOYMENT TO JASON REED AS A POLICE OFFICER.

WHEREAS, pursuant to Nebraska Revised Statutes section 17-107 and David City Municipal Code section 1-501, the Mayor and City Council of the City of David City, Nebraska (the "City") have determined that the City shall have a Police Department; and

WHEREAS, the City Council adopted Ordinance No. 1428 creating the David City Police Department; and

WHEREAS, the Mayor and City Council find that it is necessary and appropriate to appoint police officers for said Police Department; and

WHEREAS, the Mayor has nominated Jason Reed to serve as a police officer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Mayor and City Council hereby approve providing Jason Reed a conditional offer of employment for the position of police officer for the City. Upon successful completion of the requisite screening required by Nebraska Revised Statutes sections 81-1414 *et seq.*, Officer Reed shall have all powers and duties available to him under applicable law, except as the Mayor and City Council and the David City Municipal Code may proscribe.

Section 2. The Mayor and City Council has determined that, upon hire, Officer Reed shall earn an annual salary as set forth in the adopted applicable annual pay scale.

INTRODUCED BY COUNCIL MEMBER Keith Marvin

PASSED AND ADOPTED THIS 8th DAY OF FEBRUARY, 2023.

MAYOR JESSICA MILLER

ATTEST:

CITY CLERK TAMI COMTE

At this time, Mayor Jessica Miller excused herself for the next agenda item, citing a conflict of interest.

Council President Bruce Meysenburg stated that the next agenda item was appointment of police officer Devin Betzen.

Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 7-2023 appointing Devin Betzen as a police officer. 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

RESOLUTION NO. 7-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, APPROVING A CONDITIONAL OFFER OF EMPLOYMENT TO DEVIN BETZEN AS A POLICE OFFICER.

WHEREAS, pursuant to Nebraska Revised Statutes section 17-107 and David City Municipal Code section 1-501, the Mayor and City Council of the City of David City, Nebraska (the "City") have determined that the City shall have a Police Department; and

WHEREAS, the City Council adopted Ordinance No. 1428 creating the David City Police Department; and

WHEREAS, the Mayor and City Council find that it is necessary and appropriate to appoint police officers for said Police Department; and

WHEREAS, the Mayor has nominated Devin Betzen to serve as a police officer.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

Section 1. The Mayor and City Council hereby approve providing Devin Betzen a conditional offer of employment for the position of police officer for the City. Upon successful completion of the requisite screening required by Nebraska Revised Statutes sections 81-1414 *et seq.*, Officer Betzen shall have all powers and duties available to him under applicable law, except as the Mayor and City County and the David City Municipal Code may proscribe.

Section 2. The Mayor and City Council has determined that, upon hire, Officer Betzen shall earn an annual salary as set forth in the adopted applicable annual pay scale.

INTRODUCED BY COUNCIL MEMBER Pat Meysenburg.

PASSED AND ADOPTED THIS 8th DAY OF FEBRUARY, 2023.

COUNCIL PRESIDENT BRUCE MEYSENBURG

ATTEST:

CITY CLERK TAMI COMTE

Mayor Jessica Miller resumed leadership of the meeting.

Mayor Jessica Miller stated that the next item on the agenda was Resolution No. 4-2023 accepting property from Butler County.

Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 4-2023 accepting property from Butler County. 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. 4-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE CITY TO ACCEPT LAW ENFORCEMENT EQUIPMENT FROM BUTLER COUNTY AND TO PURCHASE OTHER EQUIPMENT AS NECESSARY.

WHEREAS, pursuant to Nebraska Revised Statutes section 17-107 and David City Municipal Code section 1-501, the Mayor and City Council of the City of David City, Nebraska (the "City") have determined that the City shall have a Police Department; and

WHEREAS, the City Council adopted Ordinance No. 1428 creating the David City Police Department; and

WHEREAS, the Mayor and City Council find that it is necessary and appropriate to properly equip such Police Department; and

WHEREAS, the Mayor and City Council authorize the Chief of Police to take the steps required to purchase, lease or accept transfers or donations of equipment necessary for the operation of the Police Department to the extent authorized under applicable law, including procuring or accepting property and equipment from Butler County.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

The City hereby authorizes the purchase, lease or acceptance of transfers or donations of equipment necessary for the proper and safe operation of the Police Department, as determined by the Chief of Police and to the extent authorized under applicable law, except as the Mayor and City Council and the David City Municipal Code may proscribe. The City Council further authorizes the City to enter into a contract to procure or accept donations of law enforcement equipment from Butler County.

INTRODUCED BY COUNCIL MEMBER Pat Meysenburg.

PASSED AND ADOPTED THIS 8th DAY OF FEBRUARY, 2023.

MAYOR JESSICA MILLER

ATTEST:

CITY CLERK TAMI COMTE

Mayor Jessica Miller stated that the next item on the agenda was approve adding a Human Resources Coordinator position.

Mayor Jessica Miller said, "The reason for this position coming up is because we have been unsuccessful in finding a City Administrator for quite a number of years and so that has fallen onto Tami as our Interim City Administrator plus her other duties as City Clerk and other duties on top of that. We do appreciate everything that Tami is doing in keeping this place running for us. This position will be open to the public, and we will take applicants from outside and from within. How do you wish to proceed?"

Council member Kevin Woita made a motion to approve adding a Human Resources Coordinator position. 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

Human Resources Coordinator

NATURE OF WORK

Under the direction of the City Clerk, work involves close cooperation with the City Council. This position will oversee all aspects of the human resources initiatives for the City of David City. This includes recruiting, employee relations, organizational development, training, compensation and benefits.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Performs a variety of complex administrative, technical and professional work in directing and supervising the personnel systems of the organization, including classification, compensation, recruitment, selection, labor relations, employee benefits, and training.

Direct all personnel functions, including but not limited to, posting notices, recruitment of applicants for vacancies as requested, maintenance of personnel files and personnel database, conduct assessment centers, conduct salary and benefit surveys, conduct employee orientation programs and exit interviews, and preparation of budget requests.

Conducts employee interviews and background checks.

Must be approachable and maintain a relationship of trust with employees, supervisors and Council Members.

Assures the City's employment, safety, benefits, labor relations, personnel and equal opportunity policies and practices comply with the applicable provisions of the federal and state labor laws, including the maintenance of necessary files, records, etc.

Provides leadership and direction in the development of short and long-range plans; gathers, interprets, and prepares data for studies, reports and recommendations; coordinates activities with other departments and agencies as needed.

Provides professional advice to the City Administrator; makes presentations to councils, boards, commissions, civic groups and the general public.

Communicates official plans, policies and procedures to staff and the general public.

Responsible for promoting awareness and prevention of EEOC/NEOC lawsuits and workers compensation lawsuits.

Responsible for investigation and response to claims filed with the EEOC and/or NEOC.

Develops, reviews, revises, and updates individual job descriptions with the assistance and input from department heads and/or employees.

Assists department heads with all disciplinary procedures and maintains records of all disciplinary action taken.

Instrumental in making changes to personnel handbook including development of new policies and carrying new policies through approval procedures; consults legal counsel to ensure that policies comply with federal and state law; maintains personnel handbook; processes updates, amendments and/or additions to the handbook; ensures that all employees receive changes made to the personnel handbook.

Recruits, interviews, and assists in the selection of employees to fill vacant positions; administers manual and dexterity tests to applicants.

Plans and conducts new employee orientation to foster positive attitude toward organization goals.

Plans, directs, administers and keeps record of health insurance coverage, cafeteria plan, pension plan, and personnel transactions such as hires, promotions, transfers, pay rates, performance reviews, disciplinary action, and terminations.

Processes employee requests for assistance with insurance claims and/or insurance questions; assists employees with inquiries pertaining to benefits, insurance, payroll, withholdings, wages, and interpretations of policies and/or procedures.

Represents organization at personnel-related hearings and investigations.

Directs preparation and distribution of written and verbal information to inform employees of benefits programs such as insurance plans, pension plans, paid time off, bonus pay, and special employer sponsored activities.

Conducts wage and benefit surveys within labor market, analyzes wage, benefit and salary reports and data to determine competitive compensation plan.

Analyzes existing benefits programs, plans modification of existing benefits programs & recommends benefit plan changes to management.

Notifies department heads, employees and labor union representatives of changes in benefits programs.

Studies legislation, arbitration decisions, and collective bargaining contracts to assess industry trends. Represents management in negotiating collective bargaining agreements.

Prepares annual salary publication.

TRAINING AND EXPERIENCE

Graduation from an accredited four-year college or university with a degree in human resources, public administration, personnel management of a closely related field, and five (5) year of experience in a human resources capacity.

NECESSARY KNOWLEDGE, SKILLS AND ABILITIES:

- (A) Considerable knowledge of modern policies and practices of public personnel administration; thorough knowledge of employee classification, compensation and benefits, recruitment, selection, training, and labor relations; working knowledge of risk management and safety practices;
- (B) Skill in preparing and administering municipal budgets; skill in planning, directing and administering personnel programs and systems; skill in operating the listed tools and equipment;
- (C) Ability to prepare and analyze comprehensive reports; ability to carry out assigned projects to their completion; ability to communicate effectively verbally and in writing; ability to establish and maintain effective working relationships with employees, city officials, labor unions and the general public; ability to efficiently and effectively administer a human resource system.
- (D) Knowledge of all applicable equal employment, civil rights, workers' compensation and OSHA laws as well as benefit and retirement laws.

Note: The statements herein are intended to describe the general nature and level of work being performed by employees and are not to be construed as an exhaustive list of responsibilities, duties, and

skills required of employee. Furthermore, they do not establish a contract for employment are subject to change at the discretion of the employer.

Mayor Jessica Miller stated that the next item on the agenda was Ordinance No. 1429 updating the employee pay scale to include Police Chief, Police Officers, and Human Resources.

Council member Bruce Meysenburg introduced Ordinance No. 1429 updating the employee pay scale to include Police Chief, Police Officers, and Human Resources. Mayor Jessica Miller read Ordinance No. 1429 by title.

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

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 Ordinance No. 1429 on 3rd & Final reading updating the employee pay scale to include Police Chief, Police Officers, and Human Resources. 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

ORDINANCE NO. 1429

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

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay scales and salaries attached for the attached positions for the appointed officers and employees of the City of David City, Nebraska.

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

SECTION 3. Any and all ordinances or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on February 8, 2023 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 8th day of February, 2023.

Mayor Jessica Miller

City Clerk Tami Comte

City Council Proceedings
 February 8, 2023
 Page #39

<u>Department</u>										
<u>Position</u>	1	2	3	4	5	6	7	8	9	10
<u>City Hall</u>										
Clerical I	\$13.88	\$14.41	\$14.92	\$15.43	\$15.96	\$16.46	\$16.98	\$17.49	\$18.01	\$18.53
Acct Clerk I	\$19.86	\$20.42	\$20.97	\$21.52	\$22.06	\$22.61	\$23.16	\$23.70	\$24.26	\$24.80
Human Resources	\$21.78	\$22.47	\$23.13	\$23.81	\$24.48	\$25.15	\$25.82	\$26.50	\$27.17	\$27.84
Acct Clerk II	\$23.70	\$24.51	\$25.29	\$26.10	\$26.89	\$27.69	\$28.48	\$29.29	\$30.07	\$30.88
(incl .50/hr if CMC; Ord. 1192)	\$24.20	\$25.01	\$25.79	\$26.60	\$27.39	\$28.19	\$28.98	\$29.79	\$30.57	\$31.38
<u>Power Plant</u>										
Power Plant Op I	\$23.88	\$24.85	\$25.84	\$26.81	\$27.79	\$28.77	\$29.74	\$30.71	\$31.70	\$32.67
Power Plant Supervisor	\$33.91	\$35.01	\$36.10	\$37.20	\$38.28	\$39.38	\$40.45	\$41.55	\$42.64	\$43.74
<u>Electric</u>										
Apprentice Lineman	\$23.72	\$24.49	\$25.25	\$26.02	\$26.78	\$27.55	\$28.32	\$29.08	\$29.85	\$30.61
Lineman 2nd Class	\$26.39	\$27.04	\$27.68	\$28.33	\$28.98	\$29.64	\$30.28	\$30.92	\$31.57	\$32.22
Lineman 1st Class	\$31.19	\$31.99	\$32.78	\$33.60	\$34.39	\$35.20	\$35.99	\$36.79	\$37.58	\$38.39
Line Foreman	\$36.80	\$37.45	\$38.11	\$38.76	\$39.42	\$40.07	\$40.73	\$41.36	\$42.02	\$42.67
Electric Supervisor	\$41.10	\$42.07	\$43.02	\$43.98	\$44.95	\$45.90	\$46.86	\$47.82	\$48.78	\$49.74
<u>Water/Wastewater</u>										
Water/Wastewater Operator I	\$21.51	\$22.23	\$22.93	\$23.65	\$24.37	\$25.08	\$25.80	\$26.52	\$27.23	\$27.95
Water/Wastewater Operator II	\$25.27	\$25.91	\$26.57	\$27.22	\$27.86	\$28.53	\$29.17	\$29.82	\$30.48	\$31.13
Water Field Supervisor	\$25.34	\$25.99	\$26.62	\$27.26	\$27.90	\$28.54	\$29.17	\$29.82	\$30.45	\$31.09
Water Supervisor	\$31.01	\$32.04	\$33.07	\$34.10	\$35.13	\$36.16	\$37.18	\$38.22	\$39.24	\$40.28
Wastewater Supervisor	\$30.19	\$31.17	\$32.16	\$33.13	\$34.12	\$35.10	\$36.08	\$37.05	\$38.03	\$39.10
<u>Street</u>										
Maintenance Worker I	\$19.08	\$20.31	\$20.79	\$21.30	\$21.79	\$22.30	\$22.79	\$23.30	\$23.79	\$24.30
Maintenance Worker II	\$21.28	\$21.83	\$22.37	\$22.91	\$23.45	\$23.99	\$24.53	\$25.07	\$25.62	\$26.16
Street Foreman	\$24.97	\$25.51	\$26.04	\$26.58	\$27.11	\$27.65	\$28.18	\$28.72	\$29.24	\$29.77
Street Supervisor	\$28.92	\$29.70	\$30.49	\$31.27	\$32.05	\$32.84	\$33.63	\$34.41	\$35.19	\$35.97
<u>Parks</u>										
Park Laborer	\$18.48	\$19.13	\$19.79	\$20.44	\$21.09	\$21.75	\$22.40	\$23.05	\$23.70	\$24.36
Parks & Auditorium Supervisor	\$21.73	\$22.47	\$23.21	\$23.95	\$24.68	\$25.45	\$26.19	\$26.92	\$27.66	\$28.40
<u>Recreation</u>										
Recreation Coordinator	\$23.55	\$24.30	\$25.05	\$25.83	\$26.58	\$27.33	\$28.08	\$28.84	\$29.59	\$30.34
Recreation Director	\$26.94	\$27.64	\$28.36	\$29.06	\$29.78	\$30.50	\$31.20	\$31.91	\$32.63	\$33.34
<u>Part-Time</u>										
Part-Time Workers	\$15.34	\$15.75	\$16.15	\$16.55	\$16.97	\$17.38	\$17.79	\$18.20	\$18.60	\$19.01
Summer Help	\$11.09	\$11.70	\$12.32	\$12.94	(No more than 4 steps)					
<u>Police Department</u>										
Police Officers	\$23.00	\$23.50	\$24.00	\$24.50	\$25.00	\$25.60	\$26.20	\$28.80	\$27.40	\$28.00
Salaried Staff Pay Plan (Annual Rate of Pay)										
<u>Position</u>		Minimum		Mid-Point		Maximum				
Clerk/Treasurer		\$71,086		\$84,291		\$97,396				
Police Chief		\$62,400		\$78,000		\$93,600				

Council member Tom Kobus made a motion to pass and adopt Resolution No. 5-2023 purchasing the campground. 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. 5-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY, AND THE RECEIPT OF THE ASSIGNMENT OF ALL CONTRACTS RELATED THERETO.

WHEREAS, the Community Development Agency of the City of David City, Nebraska (the "Agency"), is the fee title owner of that certain real property located in David City, Butler County, Nebraska, as described on Exhibit A, attached hereto and incorporated herein (the "Property"); and

WHEREAS, the Agency acquired the Property for the purpose of developing and operating a recreational vehicle park and campground for use by the public; and

WHEREAS, the Agency has partially completed the foregoing development; and

WHEREAS, the Agency and the City of David City, Nebraska (the "City") believe it is in the long-term best interest of the City and the Agency, and the general public, for the Agency to convey the Property to the City, along with all contracts related thereto, in accordance with this Resolution; and

WHEREAS, following such conveyance, the City will complete the development and operate the same for the purposes outlined above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY:

Section 1. The foregoing recitals are true and correct, and are hereby incorporated as if set forth, in full, below.

Section 2. The Mayor and City Council of the City of David City, Nebraska, authorize City staff to take all necessary steps and the Mayor or her designee to execute all necessary documents to effectuate the acquisition of the Property by the City, in consideration of the Property's fair market value, which the City and the Agency shall subsequently determine. Such determination shall not require further action or approval by the City.

Section 3. Contemporaneously with the sale of the Property to the City, the Agency shall assign all contracts and other materials incident to ownership of the Property and/or development of the improvements thereon to the City and the City shall take all necessary steps and the Mayor shall execute all necessary documents to accept such assignment(s).

Section 4. The Mayor or her designee are hereby authorized to execute any such documents, instruments, agreements or certifications relating to such matters contained in this Resolution, and the execution and delivery of the same by the Mayor or her designee shall

conclusively establish their authority with respect thereto and the authorization and approval thereof.

INTRODUCED BY COUNCIL MEMBER Tom Kobus

PASSED AND ADOPTED THIS 8th DAY OF FEBRUARY, 2023.

MAYOR JESSICA MILLER

ATTEST:

CITY CLERK TAMI COMTE

EXHIBIT A
The Property

(See Attached)

Council member Keith Marvin made a motion to schedule a special Council meeting for March 1, 2023 at 7:00 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 Tom Kobus made a motion to adjourn. Council Member Pat Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:15 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
February 8, 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 February 8, 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