

CITY COUNCIL PROCEEDINGS
April 24, 2024

The City Council of the City of David City, Nebraska, met in an open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by posting in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Jessica Miller, Council President Bruce Meysenburg, Council members Kevin Woita, Pat Meysenburg, Tom Kobus, Keith Marvin, Jim Angell, 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, Account Clerk Elizabeth Parker, Jerry Oborny, Marlene Hein, Dan & Jan Sypal, Devin & Libby Sprunk, Gerry & Jackie Hazen, Peter & Amber Fencil, David McPhillips, and Alyssa Ledon.

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

Council member Keith Marvin made a motion to approve the minutes of the April 10, 2024 City Council meeting as presented. 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

Council member Keith Marvin made a motion to pass and adopt Resolution No. 12-2024 approving and levying the special assessments for Street Improvement District 2022-1 ('O' Street). 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

RESOLUTION NO. 12 - 2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE LEVY OF SPECIAL ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT 2022-1 IN THE

**AMOUNT THE BOARD OF EQUALIZATION OF THE CITY OF DAVID CITY,
NEBRASKA DETERMINED.**

WHEREAS, the Mayor and City Council of the City of David City, Nebraska ("**City**"), a municipal corporation and city of the second class, passed Ordinance No. 1386, pursuant to Nebraska Revised Statutes section 17-511, on April 13, 2022, creating Street Improvement District 2022-1, which provides for the paving and improving of that certain portion of 'O' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 6-2022 on May 11, 2022, allowing it to engage M.E. Collins Contracting Co., Inc., as Contractor, to proceed with the street improvements within Street Improvement District 2022-1 in accordance with the plans and specifications Olsson, Inc., prepared; and

WHEREAS, the City passed Resolution 3-2024 on January 24, 2024, approving and accepting Contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments ("**Special Assessments**") against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" ("**Benefitted Parcels**"); and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that the Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect the Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City passed Resolution No. 4-2024, approving the holding of a special meeting, to be held on March 13, 2024, thereby enabling the City Council to sit as the David City Board of Equalization ("**Board**") to determine the amount of the Special Assessments and directing the City Clerk to send a letter of notice to all such property owners of the Benefitted Parcels and to publish notice of the special meeting via publication in a legal newspaper of general circulation in five (5) consecutive weeks; and

WHEREAS, the City did in fact provide notice in such manners thereby satisfying its statutory requirements to hold a special meeting of the Board; and

WHEREAS, on March 13, 2024, the City did in fact sit as the Board, and tabled this matter until the Board's next meeting date, April 24, 2024; and

WHEREAS, on April 24, 2024, the Board passed Resolution 1-2024, a copy of which is attached hereto and incorporated herein as **EXHIBIT A**, whereby the Board determined the amount of the Special Assessments to be levied, the due date of the same, and the amount of interest to accrue thereupon, all in accordance with Nebraska law; and

WHEREAS, the City declares that the Board determined the amount of Special Assessments by taking into account the benefits derived or injuries sustained in consequence of such improvements, not in excess of the total cost of Street Improvement District 2022-1; and

WHEREAS, the City wishes to authorize the levying of said Special Assessments and any other necessary actions to effectuate the same.

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

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

Section 2. The City and City Clerk are hereby authorized to levy the Special Assessments as provided in **EXHIBIT A** and to take all other such actions and execute such documents as necessary for the same, including certifying the amount of Special Assessments and interest accruing thereupon, as applicable, to the Butler County Treasurer.

Section 3. This Resolution shall supersede and control with respect to all prior resolutions and actions of the Mayor and City Council relating to the matters contained in this Resolution and to the extent any prior resolutions are in conflict therewith they are hereby repealed in full.

PASSED AND ADOPTED THIS 24TH DAY OF APRIL, 2024.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

**Copy of Resolution 1-2024
of the Board of Equalization of the City of David City, Nebraska**

BOARD OF EQUALIZATION RESOLUTION NO. 1-2024

**A RESOLUTION OF BOARD OF EQUALIZATION OF THE CITY OF
DAVID CITY, NEBRASKA TO DETERMINE THE AMOUNT TO BE
ASSESSED FOR STREET IMPROVEMENT DISTRICT 2022-1 AND TO
AUTHORIZE THE SAME.**

WHEREAS, the Mayor and City Council of the City of David City, Nebraska ("**City**"), a municipal corporation and city of the second class, passed Ordinance No. 1386, pursuant to Nebraska Revised Statutes section 17-511, on April 13, 2022, creating Street Improvement District 2022-1, which provides for the paving and improving of that certain portion of 'O' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 6-2022 on May 11, 2022, allowing it to engage M.E. Collins Contracting Co., Inc., as Contractor, to make the street improvements within Street Improvement District 2022-1 in accordance with the plans and specifications Olsson, Inc., prepared; and

WHEREAS, the City passed Resolution 3-2024 on January 24, 2024, approving and accepting Contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments ("**Special Assessments**") against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" ("**Benefitted Parcels**"), a list of such parcels is attached hereto and incorporated herein as **EXHIBIT A**; and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that the Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect the Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City passed Resolution No. 4-2024, approving the holding of a special meeting, to be held on March 13, 2024, thereby enabling the City Council to sit as the David City Board of Equalization ("**Board**") to determine the amount of the Special Assessments and directing the City Clerk to send a letter of notice to all such property owners of the Benefitted Parcels and to publish notice of the special meeting

via publication in a legal newspaper of general circulation in five (5) consecutive weeks;
and

WHEREAS, the City has met its statutory notice requirements and is within its right to hold a special meeting and sit as the Board to determine the amount of Special Assessments against the Benefitted Parcels; and

WHEREAS, the Board convened on March 13, 2024, for such purpose, and tabled this matter for consideration at the following Board meeting on April 24, 2024; and

WHEREAS, the City, sitting as the Board, by taking into account the benefits derived or injuries sustained in consequence of such improvements, the aggregate of said Special Assessments not to exceed the total cost of the improvements as shown in **EXHIBIT B**, attached hereto and incorporated herein by reference, may determine the amount of the Special Assessments to be levied against each Benefitted Parcel.

NOW THEREFORE BE IT RESOLVED, by the Board of Equalization of the City of David City, Nebraska, that the Special Assessments to be levied against the Benefitted Properties are as shown in **EXHIBIT C**, attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the said Special Assessments against said Benefitted Parcels are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that said Special Assessments shall be levied upon the Benefitted Parcels and collected as a separate tax in addition to the taxes for general revenue purposes; and

BE IT FURTHER RESOLVED, that pursuant to Nebraska Revised Statutes section 17-515(2), the Special Assessments shall be delinquent in installments as and shall accrue interest as provided below, the first installment to become delinquent fifty (50) days after passage of this Resolution, on June 13, 2024 ("**Initial Installment**"):

<u>Due Date</u>	<u>Special Assessment Installment Due</u>
June 13, 2024	10% of Special Assessment
April 24, 2025	10% of Special Assessment
April 24, 2026	10% of Special Assessment
April 24, 2027	10% of Special Assessment
April 24, 2028	10% of Special Assessment
April 24, 2029	10% of Special Assessment
April 24, 2030	10% of Special Assessment
April 24, 2031	10% of Special Assessment
April 24, 2032	10% of Special Assessment
April 24, 2033	10% of Special Assessment

BE IT FURTHER RESOLVED, pursuant to Nebraska Revised Statutes section 17-515(4), all installment payments except the Initial Installment shall draw an interest

rate of one-percent (1.00%) per annum, until such installment payment shall become delinquent as provided above, and then such installment payment shall draw an interest rate of fourteen-percent (14.00%) per annum, as Nebraska Revised Statutes section 45-104.01 so provides; and

BE IT FURTHER RESOLVED, that the City shall collect the Special Assessments as they are paid and that upon the sooner of November 1, 2024, or the Butler County Treasurer's entry of the tax rolls to include the Special Assessments, the City shall certify to the Butler County Treasurer such Special Assessments that remain due, and such remaining Special Assessments, with interest thereon as applicable, are therefore due to the Butler County Treasurer; and

AND BE IT FURTHER RESOLVED that a certified copy of said Special Assessment Schedule be filed by the City Clerk/Treasurer with the County Treasurer and the County Clerk of Butler County, Nebraska as provided by law for entry on the proper tax rolls.

PASSED this 24th day of April, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

[SEAL]

EXHIBIT A

List of Benefitted Parcel Owners

Benefitted Parcel Identification No.	Benefitted Parcel Situs Address	Benefitted Parcel Record Owner
120007336	Lot 1 & N. 1/2 of Lot 4, Block 7, Land & Lot Co.	Adaela Dostal
120007301	Lot 2 & N. 1/2 of Lot 3, Block 6, Land & Lot Co.	Jerry & Rebecca Oborny
120007287	Lot 1 & 4, Block 6, Land & Lot Co. Addition	Brenda & Gregory Elter
120007231	Lot 2 & N 1/2 of Lot 3, Block 5, Land & Lot Co	Adam Ebbeka
120007245	Lot 1 & N 10' of Lot 4, Block 5, Land & Lot Co	Mark Pleskac
120007189	Lot 2 & N. 25' of Lot 3, Block 4, Land & Lot Co.	Roger & Jane Dobesh
120007175	Lot 1 & N 1/2 of Lot 4, Block 4, Land & Lot Co.	Devin & Libby Sprunk
120007112	Lot 2 & N 1/2 of Lot 3, Block 3, Land & Lot Co.	Miguel Gomez
120007126	Lot 1 & N 1/2 of Lot 4, Block 3, Land & Lot Co.	Paul Prochaska
120007105	Lots 2 & 3, Block 2, Land & Lot Co. Addition	Mikhail Happ
120007084	Lot 1 & N 1/2 of Lot 4, Block 2, Land & Lot Co.	Peter & Amber Fencl
120007028	Lots 2, 3 & 6, Block 1, Land & Lot Co. Add.	Randall & Barbara Svoboda
120007056	Lot 1 & N. 1/2 of Lot 4, Block 1, Land & Lot Co.	Victor & Janice Cemper
120008679	Lot 6, Block A, Sabata's 2nd Addition	Eric & Karie Semin
120008725	Lots 9-12, Block A, Lots 10-12, Sabata's 2nd	Dana Point Development
120035315	SE 1/2, NW 1/4, NE 1/4, SW 1/4, PT S1/2 SW 1/4	Karen & Randall Fendrich
120035317	PT SW 1/4, SW 1/4	Marcia Sabata
120008372	Lot 1, DC Land & Lot Co Suburban Lots	Victor & Ruth Thoendel
120008365	Lot 1, Land & Lot Co. Annex	Donald E. Clary
120008379	Lot 2, DC Land & Lot Co Suburban Lots	Amy & Allen Lukert
120008347	Lot 2, DC Land & Lot Co Suburban Lots	Katie & Devin Betzen
120008400	Lot 3, DC Land & Lot Co. Suburban Lots	Christopher Kroesing
120008349	Pt Lot 3, SE Corner, DC Land & Lot Co Suburban	Elizabeth Betzen
120008586	Lot 4, DC Land & Lot Co. Suburban Lots	Alan & Rhonda Zavodny
120008350	Lot 3, Sypal's East Addition	Garry & Jacqueline Hazen
120008353	Lot 2, Sypal's East Addition	John & Linda Vandenberg
120008358	Pt of Lot 8 in DC Land & Lot Co. Suburban Lots	Daniel & Janet Sypal
120008357	Pt Lot 7, D.C. Land & Lot Co. Sub Lots	Alyssa Ledon
120008358	Pt of Lot 8 in S 1/2 SE 1/4, DC Land & Lot Co	Jalca Properties

EXHIBIT B

Total Cost of Street Improvement District 2022-1

[PLEASE SEE ATTACHED]

David City "O" Street Assessment Calculations

Engineering Costs

Preliminary Engineering
 Total **\$77,684.00**

Construction Engineering
 Total **\$96,959.58**

Total Construction **\$1,978,667.77**

% PE Engineering for Rdwy compared to Rdwy Construction 3.93%
 % CE Engineering for Rdwy compared to Rdwy Construction 4.90%
 Total Engineering % compared to Rdwy Construction 8.83%

Alt O Street Improvement District Assessment Costs

Linear Footage 4,685.29

Assessment on 2.5' Width of Pavement 2.5

	Unit Cost	SY/Front 1'	Cost/Front 1'	Total SY	Total Cost	
8" Concrete Pavement	\$73.00	0.28	\$20.28	1,301.47	\$95,007.27	\$20.28
Total						\$20.28

Roadway Earthwork

	Unit Cost	Final Quantity	Total Cost
Earthwork	\$115,047.00	1.00	\$115,047.00
			\$115,047.00

Total 8" Roadway Pavement	Final Quantity
8" Concrete Pavement	12,175
	12,175

Assessment Pavement (SY) 1,301.47

% Assessment Pavement of Total 10.69%

Earthwork Assessment Cost \$12,298.16 **\$12,298.16** \$2.62

Total Construction Assessment Cost **\$107,305.43** \$22.90

Preliminary & Construction Engineering Assessment Cost 8.83% **\$18,668.85** \$3.98

Legal Publication, Fiscal & Bond Issuance, and Interest Costs

Total Est. Legal, Bond, & Interest Costs	\$35,000.00		
Total Construction Assessment Cost	\$107,305.43		
Total Project Construction Costs	\$1,978,667.77		
% Assessment costs / total project	5.42%		
Total Legal, Bond & Interest for Assessment	\$1,898.09	\$3.75	\$1,898.09 \$0.41

Total Assessment Cost **\$127,872.38**

Assessment / LF **\$27.29** \$27.29

Recommended Assessment / LF **\$25.00**

Recommended Assessment Total **\$117,132.25**

EXHIBIT C

**Street Improvement District 2022-1
 Special Assessment Schedule**

Benefitted Parcel Identification No.	Benefitted Parcel Record Owner	Total Roadway Assessment
120007336	Adaela Dostal	\$3,500.00
120007301	Jerry & Rebecca Oborny	\$3,500.00
120007287	Brenda & Gregory Eller	\$3,500.00
120007231	Adam Ebbeka	\$3,500.00
120007245	Mark Pleskac	\$3,500.00
120007189	Roger & Jane Dobesh	\$3,500.00
120007175	Devin & Libby Sprunk	\$3,500.00
120007112	Miguel Gomez	\$3,500.00
120007126	Paul Prochaska	\$3,500.00
120007105	Mikhail Happ	\$3,500.00
120007084	Peter & Amber Fencl	\$3,500.00
120007028	Randall & Barbara Svoboda	\$3,500.00
120007056	Victor & Janice Cemper	\$3,094.75
120008679	Eric & Karie Semin	\$3,000.00
120008725	Dana Point Development	\$2,750.00
120035315	Karen & Randall Fendrich	\$2,675.00
120035317	Marcia Sabata	\$5,675.00
120008372	Victor & Ruth Thoendel	\$3,500.00
120008365	Donald E. Clary	\$5,550.00
120008379	Amy & Allen Lukert	\$3,000.00
120008347	Katie & Devin Betzen	\$5,000.00
120008400	Christopher Kroesing	\$2,500.00
120008349	Elizabeth Betzen	\$3,975.00
120008586	Alan & Rhonda Zavodny	\$8,450.00
120008350	Garry & Jacqueline Hazen	\$5,000.00
120008353	John & Linda Vandenberg	\$5,000.00
120008358	Daniel & Janet Sypal	\$8,750.00
120008357	Alyssa Ledon	\$3,275.00
120008358	Jalca Properties	\$3,937.50
	Total Special Assessments:	\$117,132.25

Council member Keith Marvin made a motion to pass and adopt Resolution No. 13-2024 approving and levying the special assessments for Street Improvement District 2023-1 (5th Street). 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

RESOLUTION NO. 13 - 2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE LEVY OF SPECIAL ASSESSMENTS FOR STREET IMPROVEMENT DISTRICT 2023-1 IN THE AMOUNT THE BOARD OF EQUALIZATION OF THE CITY OF DAVID CITY, NEBRASKA DETERMINED.

WHEREAS, the Mayor and City Council of the City of David City, Nebraska ("**City**"), a municipal corporation and city of the second class, passed Ordinance No. 1447, pursuant to Nebraska Revised Statutes section 17-511, on June 28, 2023, creating Street Improvement District 2023-1, which provides for the paving and improving of that certain portion of '5th' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 30-2023 on July 26, 2023, allowing the City to engage Gehring Construction & Ready Mix Co., Inc., as Contractor, to proceed with the street improvements within Street Improvement District 2023-1; and

WHEREAS, the City passed Resolution 1-2024 on January 24, 2024, approving and accepting the contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments ("**Special Assessments**") against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" ("**Benefitted Parcels**"); and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that the Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect the Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City passed Resolution No. 2-2024, approving the holding of a special meeting, to be held on March 13, 2024, thereby enabling the City Council to sit as the David City Board of Equalization ("**Board**") to determine the amount of the Special Assessments and directing the City Clerk to send a letter of notice to all such property owners of the Benefitted

Parcels and to publish notice of the special meeting via publication in a legal newspaper of general circulation in five (5) consecutive weeks; and

WHEREAS, the City did in fact provide notice in such manners thereby satisfying its statutory requirements to hold a special meeting of the Board; and

WHEREAS, on March 13, 2024, the City did in fact sit as the Board, and tabled this matter until the Board's next meeting date, April 24, 2024; and

WHEREAS, on April 24, 2024, the Board passed Resolution 2-2024, a copy of which is attached hereto and incorporated herein as **EXHIBIT A**, whereby the Board determined the amount of the Special Assessments to be levied, the due date of the same, and the amount of interest to accrue thereupon, all in accordance with Nebraska law; and

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WHEREAS, the City declares that the Board determined the amount of Special Assessments by taking into account the benefits derived or injuries sustained in consequence of such improvements, not in excess of the total cost of Street Improvement District 2023-1; and

WHEREAS, the City wishes to authorize the levying of said Special Assessments and any other necessary actions to effectuate the same.

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

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

Section 2. The City and City Clerk are hereby authorized to levy the Special Assessments as provided in **EXHIBIT A** and to take all other such actions and execute such documents as necessary for the same, including certifying the amount of Special Assessments and interest accruing thereupon, as applicable, to the Butler County Treasurer.

Section 3. This Resolution shall supersede and control with respect to all prior resolutions and actions of the Mayor and City Council relating to the matters contained in this Resolution and to the extent any prior resolutions are in conflict therewith they are hereby repealed in full.

PASSED AND ADOPTED THIS 24TH DAY OF APRIL, 2024.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

**Copy of Resolution 2-2024
of the Board of Equalization of the City of David City, Nebraska**

BOARD OF EQUALIZATION RESOLUTION NO. 2-2024

**A RESOLUTION OF BOARD OF EQUALIZATION OF THE CITY OF
DAVID CITY, NEBRASKA TO DETERMINE THE AMOUNT TO BE
ASSESSED FOR STREET IMPROVEMENT DISTRICT 2023-1 AND TO
AUTHORIZE THE SAME.**

WHEREAS, the Mayor and City Council of the City of David City, Nebraska ("**City**"), a municipal corporation and city of the second class, passed Ordinance No. 1447, pursuant to Nebraska Revised Statutes section 17-511, on June 28, 2023, creating Street Improvement District 2023-1, which provides for the paving and improving of that certain portion of '5th' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 30-2023 on July 26, 2023, allowing the City to engage Gehring Construction & Ready Mix Co., Inc., as Contractor, to proceed with the street improvements within Street Improvement District 2023-1; and

WHEREAS, the City passed Resolution 1-2024 on January 24, 2024, approving and accepting the contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments ("**Special Assessments**") against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" ("**Benefitted Parcels**"), a list of such parcels is attached hereto and incorporated herein as **EXHIBIT A**; and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that the Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect the Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City passed Resolution No. 2-2024, approving the holding of a special meeting, to be held on March 13, 2024, thereby enabling the City Council to sit as the David City Board of Equalization ("**Board**") to determine the amount of the Special Assessments and directing the City Clerk to send a letter of notice to all such owners of the Benefitted Parcels, and to publish notice of the special meeting via publication in a legal newspaper of general circulation in five (5) consecutive weeks; and

WHEREAS, the City has met its statutory notice requirements and is within its right to hold a special meeting and sit as the Board to determine the amount of Special Assessments against the Benefitted Parcels; and

WHEREAS, the Board convened on March 13, 2024, for such purpose, and tabled this matter for consideration at the following Board meeting on April 24, 2024; and

WHEREAS, the City, sitting as the Board, by taking into account the benefits derived or injuries sustained in consequence of such improvements, the aggregate of said Special Assessments to not exceed the total cost of the improvements, as shown in **EXHIBIT B**, attached hereto and incorporated herein by reference, may determine the amount of the Special Assessments to be levied against each Benefitted Parcel.

NOW THEREFORE BE IT RESOLVED, by the Board of Equalization of the City of David City, Nebraska, that the Special Assessments to be levied against the Benefitted Properties are as shown in **EXHIBIT C**, attached hereto and incorporated herein by reference; and

BE IT FURTHER RESOLVED, that the said Special Assessments against said Benefitted Parcels are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements; and

BE IT FURTHER RESOLVED, that said Special Assessments shall be levied upon the Benefitted Parcels and collected as a separate tax in addition to the taxes for general revenue purposes; and

BE IT FURTHER RESOLVED, that pursuant to Nebraska Revised Statutes section 17-515(2), the Special Assessments shall be delinquent in installments and shall accrue interest as provided below, the first installment to become delinquent fifty (50) days after passage of this Resolution, on June 13, 2024 ("**Initial Installment**"):

<u>Due Date</u>	<u>Special Assessment Installment Due</u>
June 13, 2024	10% of Special Assessment
April 24, 2025	10% of Special Assessment
April 24, 2026	10% of Special Assessment
April 24, 2027	10% of Special Assessment
April 24, 2028	10% of Special Assessment
April 24, 2029	10% of Special Assessment
April 24, 2030	10% of Special Assessment
April 24, 2031	10% of Special Assessment

April 24, 2032

10% of Special Assessment

April 24, 2033

10% of Special Assessment

BE IT FURTHER RESOLVED, pursuant to Nebraska Revised Statutes section 17-515(4), all installment payments except the Initial Installment shall draw an interest rate of five and one-percent (1.00%) per annum, until such installment payment shall become delinquent as provided above, and then such installment payment shall draw an interest rate of fourteen-percent (14.00%) per annum, as Nebraska Revised Statutes section 45-104.01 so provides; and

BE IT FURTHER RESOLVED, that the City shall collect the Special Assessments as they are paid and that upon the sooner of November 1, 2024, or the Butler County Treasurer's entry of the tax rolls to include the Special Assessments, the City shall certify to the Butler County Treasurer such Special Assessments that remain due, and such remaining Special Assessments, with interest thereon as applicable, are therefore due to the Butler County Treasurer; and

AND BE IT FURTHER RESOLVED that a certified copy of said Special Assessment Schedule be filed by the City Clerk/Treasurer with the County Treasurer and the County Clerk of Butler County, Nebraska as provided by law for entry on the proper tax rolls.

PASSED this 24th day of April, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

[SEAL]

EXHIBIT A

List of Benefitted Parcel Owners

Benefitted Parcel Identification No	Benefitted Parcel Situs Address	Benefitted Parcel Record Owner
120000469	Lot 5, Block 11, Original Town	Laurie L. Sladek
120000525	Lot 2, Vac Alley, Block 12, Original Town	Pedro Vargas
120000441	Lot 1, Block 11, Original Town	Two & Three LLC
120000448	Lot 4, Block 11, Original Town	Kyle & Jennifer Carnes
120000476	Lot 8, Block 11, Original Town	Dana Frana
120000490	Lots 9 & 12, Block 11, Original Town	Spencer & Katerina Jakub

EXHIBIT B

Total Cost of Street Improvement District 2023-1

[PLEASE SEE ATTACHED]

Invoice



Gehring Construction & Ready Mix Co., Inc.

Mailing address
 Columbus
 Toll Free 800-
 Web Site
 Columbus Plant
 Humphrey Pla

681 N7E 1 72212211/07/23
 FORWARD TIME EXP RTN TO SEND
 CITY OF DAVID CITY
 490 E ST
 DAVID CITY NE 68632-1637
 RETURN TO SENDER

Bill To
City of David City 490 E Street David City NE. 68632

Date	Invoice #
11/1/2023	12083

Project	Street Repairs	Terms	Net 30
Quantity	Description	Rate	Amount
	Attn to John Kobus N 5th Street Repairs as completed.		
1,100	SY's, Remove & salvage brick.	8.00	8,800.00
1,100	SY's, Remove concrete.	12.00	13,200.00
1,100	SY's, Subgrade prep.	2.00	2,200.00
1,100	SY's, 8" paving.	75.00	82,500.00
136	SY's, 8" driveways.	75.00	10,200.00
5	SY's, Sidewalk ramp with ADA panel.	75.00	375.00
1	Final grading and backfill.	2,500.00	2,500.00
	<i>1/2 Various Purpose = 60-2616</i>		
	<i>1/2 Sales Tax = 10-2616</i>		
	Subtotal		\$119,775.00
	Sales Tax (0.0%)		\$0.00
<i>Thank you for your business.</i>		Total	\$119,775.00

EXHIBIT C

**Street Improvement District 2023-1
Special Assessment Schedule**

		Total Roadway
Benefitted Parcel Identification No.	Benefitted Parcel Record Owner	Assessment
120000469	Laurie L. Sladek	\$1,250.00
120000525	Pedro Vargas	\$1,250.00
120000441	Two & Three LLC	\$1,250.00
120000448	Kyle & Jennifer Carnes	\$1,250.00
120000476	Dana Frana	\$1,250.00
120000490	Spencer & Katerina Jakub	\$2,500.00
	Total Special Assessments	\$8,750.00

Council member Tom Kobus made a motion to approve Change Order #2 for the Campground Sewer Extension to extend the contract substantial completion date. 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

CHANGE ORDER NO.: 2

Owner: **City of David City** Owner's Project No.:
 Engineer: **JEO Consulting Group, Inc.** Engineer's Project No.: **220784.00**
 Contractor: **Vrba Construction, Inc.** Contractor's Project No.:
 Project: **2023 Campground Sanitary Sewer Extension**
 Contract Name: **2023 Campground Sanitary Sewer Extension**
 Date Issued: **4/15/2024** Effective Date of Change Order: **Date Signed by Owner**

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

Description:

**Extended contract times due to easement delay resulting in delayed start.
 Added milestone to complete work necessary to re-open the two closed campground spots.**

Attachments:

N/A

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>273,883.50</u>	Original Contract Times: Substantial Completion: <u>May 15, 2024</u> Ready for final payment: <u>June 1, 2024</u>
Net change from previously approved Change Orders No. 1 to No. 1: \$ <u>(7,735.78)</u>	Net change from previously approved Change Orders 1 to No. 1: Substantial Completion: <u>N/A</u> Ready for final payment: <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>266,147.72</u>	Contract Times prior to this Change Order: Substantial Completion: <u>May 15, 2024</u> Ready for final payment: <u>June 1, 2024</u>
Net change for this Change Order: \$ <u>0.00</u>	Net change for this Change Order: Milestone 1 - Campground Spots Reopened <u>May 22, 2024</u> Substantial Completion: <u>August 30, 2024</u> Ready for final payment: <u>September 15, 2024</u>
Contract Price incorporating this Change Order: \$ <u>266,147.72</u>	Contract Times with all approved Change Orders: Milestone 1 - Campground Spots Reopened <u>May 22, 2024</u> Substantial Completion: <u>August 30, 2024</u> Ready for final payment: <u>September 15, 2024</u>

Recommended by Engineer (if required)

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

Approved by Funding Agency (if applicable)

By: Niki Moore _____

Title: Operations Manager _____

Date: 4-15-2024 _____

Council member Bruce Meysenburg made a motion to approve Change Order #1 in the amount of \$405,350 to expedite the structural steel for the AGP substation. 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

CHANGE ORDER NO.: 1

Owner: City of David City, Nebraska Owner's Project No.:
 Engineer: JEO Consulting Group, Inc. Engineer's Project No.: 220993.00
 Contractor: IES Commercial, Inc. Contractor's Project No.: 5550-42002
 Project: 2023 AGP Substation
 Contract Name: 2023 AGP Substation
 Date Issued: 4/16/2024 Effective Date of Change Order: 3/28/2024

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

Description:

1. Expedite structural steel to meet substation end-user's timeline.

Attachments:

N.A.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 2,416,450.00	Original Contract Times: Substantial Completion: May 15, 2025 Ready for final payment: July 1, 2025
Net change from previously approved Change Orders No. - to No. - : \$ 0.00	Net change from previously approved Change Orders - to No. - : Substantial Completion: Ready for final payment:
Contract Price prior to this Change Order: \$ 2,416,450.00	Contract Times prior to this Change Order: Substantial Completion: May 15, 2025 Ready for final payment: July 1, 2025
Net change for this Change Order: \$ 405,350.00	Net change for this Change Order: Substantial Completion: December 27, 2024 Ready for final payment: February 12, 2025
Contract Price incorporating this Change Order: \$ 2,821,800.00	Contract Times with all approved Change Orders: Substantial Completion: December 27, 2024 Ready for final payment: February 12, 2025

Recommended by Engineer (if required)

Authorized by Owner

By: _____
 Title: _____
 Date: _____

Accepted by Contractor

Approved by Funding Agency (if applicable)

By: [Signature]
 Title: Vice President
 Date: 4-17-2024

Council member Keith Marvin made a motion to approve Change Order #2 in the amount of (\$139,668.66) to alleviate long lead delivery issues for the AGP Substation. 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

CHANGE ORDER NO.: 2

Owner: **City of David City, Nebraska** Owner's Project No.:
 Engineer: **JEO Consulting Group, Inc.** Engineer's Project No.: **220993.00**
 Contractor: **IES Commercial, Inc.** Contractor's Project No.: **5550-42002**
 Project: **2023 AGP Substation**
 Contract Name: **2023 AGP Substation**
 Date Issued: **4/18/2024** Effective Date of Change Order: **4/16/2024**

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

Description:

1. Group operated switch manufacturer modification(s) to alleviate long lead delivery issue(s).

Attachments:

N.A.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>2,416,450.00</u>	Original Contract Times: Substantial Completion: <u>May 15, 2025</u> Ready for final payment: <u>July 1, 2025</u>
Net change from previously approved Change Orders No. 1 to No. 1 : \$ <u>405,350.00</u>	Net change from previously approved Change Orders 1 to No.1 : Substantial Completion: <u>December 27, 2024</u> Ready for final payment: <u>February 12, 2025</u>
Contract Price prior to this Change Order: \$ <u>2,821,800.00</u>	Contract Times prior to this Change Order: Substantial Completion: <u>December 27, 2024</u> Ready for final payment: <u>February 12, 2025</u>
Net change for this Change Order: \$ <u>(139,668.66)</u>	Net change for this Change Order: Substantial Completion: _____ Ready for final payment: _____
Contract Price incorporating this Change Order: \$ <u>2,682,131.34</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for final payment: _____

Recommended by Engineer (if required)

Authorized by Owner

By: _____

Title: _____

Date: _____

Accepted by Contractor

Approved by Funding Agency (if applicable)

By: EAP _____

Title: Vice President _____

Date: 4-18-24 _____

Mayor Jessica Miller stated that the next item on the agenda was discuss/action regarding bids for the properties for sale along 11th Street.

Interim City Administrator Tami Comte stated that she had not received any bids for the properties.

Council members suggested putting "For Sale" signs on the lots and advertising on Facebook and the website.

Council member Tom Kobus made a motion to accept the bid from Koch Construction to demolish the Legion Building and the Bell Building. 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

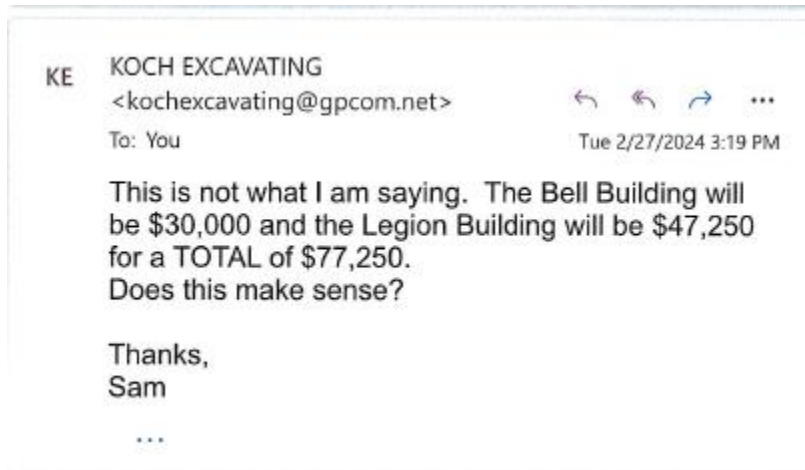
Koch Excavating Co.
5211 Howard Blvd.
Columbus, NE 68601
402-564-6116 Fax: 402-564-6009

Jan 10, 2024

Attn: Ron Clark
Phone : 402-367-8528
RE: Bid to demo building in David City, NE

TOTAL BID PRICE.....\$47,250.00 to demo and remove building

This price does not include any asbestos or demo permits
Thanks,
Sam Koch
Koch Excavating Co Inc
402-564-6116



Council member Keith Marvin made a motion to approve the reappointment of the Tree Board: Community Forester Chris Kroesing, Electric Supervisor Pat Hoeft, Park Superintendent Bill Buntgen, Council member Tom Kobus and Roger Comte to the Tree Board for an additional two-year term and include Council member Kevin Woita to the Tree Board for a two-year term. 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 reappointment of Pam Kabourek and alternate Brian Small to the Planning Commission for three-year terms ending April of 2027. 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 Kevin Woita made a motion to recess the City Council meeting. Council Member Jim Angell seconded the motion. The motion carried and Mayor Jessica Miller declared the Council meeting recessed at 6:25 p.m.

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. Council Member Kevin Woita seconded the motion. The motion carried and Mayor Jessica Miller declared the Council meeting reconvened at 6:31 p.m.

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 enter into closed session to discuss personnel and contracts. 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

Mayor Jessica Miller stated, "Now, at 6:32 p.m., we are going into closed session to discuss personnel and contracts. Mayor Jessica Miller, all of the Council members, City Attorney Michael Sands, Interim City Administrator Tami Comte and Police Chief Marla Schnell went into closed session at 6:32 p.m.

Council member Keith Marvin made a motion to reconvene in open session. Council Member Bruce Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting reconvened in open session at 7:09 p.m.

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 Jim Angell seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:10 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
April 24, 2024

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 April 24, 2024; 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