

CITY COUNCIL PROCEEDINGS  
August 28, 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 Tom Kobus, Kevin Woita, Keith Marvin, Jim Angell, Interim City Administrator/City Clerk Tami Comte. Council member Pat Meysenburg and City Administrator Intern Raiko Martinez were absent.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Police Sergeant Tristan Hilger, Andrew Wilshusen with JEO, John Shepard with Marvin Planning Consultants, Electric Supervisor Patrick Hoefft, Jackie Hoefft, Jan & Dan Sypal, Nick & Chelsea Sypal, Bryon & Mary Forney and Nick & Marlene Hein.

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 Jim Angell made a motion to approve the minutes of the August 14, 2024 City Council meeting 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: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1

Mayor Miller presented Electric Supervisor Patrick Hoefft with a Certificate of Appreciation for 35 years of service to the City of David City. Mayor Miller thanked Pat for his commitment to the City of David City.

Andrew Wilshusen, with JEO, introduced himself and discussed the 1-and 6-year Street Plan and asked the Council if they had any questions. Wilshusen stated that they will need to have a public hearing in September on the 1-and 6-year Street Plan.

Andrew Wilshusen reviewed the Nebraska Street Extension Plan with the City Council and stated that they are ready to proceed with the extension of Nebraska Street at the Council's request.

Council member Keith Marvin made a motion to approve the Nebraska Street Extension plan. Council Member Kevin Woita seconded the motion. The motion carried.  
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
 Yea: 5, Nay: 0, Absent: 1

Council member Tom Kobus made a motion to approve Change Order #2 in the amount of \$5,028.00 to Municipal Pipe Tool for the South Area Sewer Rehabilitation Project. Council Member Kevin Woita seconded the motion. The motion carried.  
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
 Yea: 5, Nay: 0, Absent: 1



**VEENSTRA & KIMM INC.**  
 3000 Westown Parkway  
 West Des Moines, Iowa 50266  
 515.225.8000 // 800.241.8000  
 www.v-k.net

August 14, 2024

**CHANGE ORDER NO. 2**

CITY OF DAVID CITY  
 SOUTH SEWER REHAB

Change Order No. 2 modifies the contract to do the following:

- Remove point repairs 11 and 12 and replace them with manhole installations.
- Remove lining between manholes A3B to A4 where an expensive transition liner would be required.
- Include compaction and PCC testing.

Compensation

Item No.	Bid Item	Unit	Qty	Unit Price	Extended Price
1.13	10" Sanitary Sewer Cured-in-Place Pipe	LF	-420.0	\$39.00	(\$16,380.00)
1.35	Compaction and PCC Testing	LS	1	\$2,000.00	\$2,000.00
2.7	Point Repair No. 11	EA	-1	\$8,531.25	(\$8,531.25)
2.8	Point Repair No. 12	EA	-1	\$8,531.25	(\$8,531.25)
2.13	Point Repair No. 11 Add Manhole	EA	1	\$17,275.50	\$17,275.50
2.14	Point Repair No. 12 Add Manhole	EA	1	\$19,195.00	\$19,195.00
				<b>Total CO 2</b>	<b>\$5,028.00</b>

Change Order No. 2 Increases the contract amount by **\$5,028.00**. New contract amount is **\$660,743.45**.

Reference Information

**Item 2.13 and 2.14 Manhole, 48" Dia:** This item is for replacing cleanout with precast manhole; Nebraska DOT Standard Plan No. 435-R3, Type B Manhole; Unit price includes, but is not limited to, excavation; furnishing and installing pipe; furnishing, placing, and compacting bedding and backfill material; base; structural concrete; reinforcing steel; precast units; concrete fillets; pipe connections; castings; adjustment rings; and additional miscellaneous appurtenances for complete manhole. Exclusion: This item excludes PCC Pavement as item number 2.1 quantity should be adjusted to accommodate street paving.

Completion Date

City of David City  
South Sewer Rehab  
Change Order No. 2

Change Order No. 2 adds eight (8) days to the Project Completion Date.  
Project Completion Date: June 11, 2025

**MUNICIPAL PIPE TOOL COMPANY**

**CITY OF DAVID CITY**

By \_\_\_\_\_

By Geniea J. Mills

Title \_\_\_\_\_

Title Mayor

Date \_\_\_\_\_

Date 8-28-24

**VEENSTRA & KIMM, INC.**

By \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Council member Kevin Woita made a motion to approve Pay Request # 3 in the amount of \$17,543.70 to Municipal Pipe Tool for the South Area Sewer Rehabilitation Project. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1



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August 26, 2024

Tami Comte  
City Clerk  
City of David City  
1220 E Street  
David City, NE 68632

CITY OF DAVID CITY, NEBRASKA  
SOUTH AREA SEWER REHABILITATION  
PARTIAL PAYMENT ESTIMATE NO. 3

Enclosed is a copy of Partial Payment Estimate No. 3 submitted by Municipal Pipe Tool Company Inc. for the South Area Rehabilitation project. Partial Payment Estimate No. 3 is in the amount of \$17,543.70.

Veenstra & Kimm, Inc has reviewed Partial Payment Estimate No. 3 and would recommend its approval and payment.

Partial Payment Estimate No. 3 covers the period from July 31, 2024 to August 11, 2024. The Partial Payment Estimate was submitted to late to include on the agenda for the August 14, 2024 City Council meeting. The Partial Payment Estimate is being transmitted for payment at the September 11, 2024 City Council Meeting.

Shortly after received Partial Payment Estimate No. 3, the writer advised Municipal Pipe Tool Company Inc. the payment estimate would not be processed until September 11, 2024. The writer indicated Municipal Pipe Tool Company Inc. could submit an updated partial payment estimate for the work through the end of August and the revised payment estimate would be considered at the September 11, 2024 City Council meeting.

As of August 26, 2024 Municipal Pipe Tool Company Inc. has not submitted a revised Partial Payment Estimate No. 3. If Municipal Pipe Tool Company Inc. submits a revised Partial Payment Estimate No. 3 in a timely manner that estimate will be transmitted to the City with the request to process the revised estimate rather than the enclosed estimate. If Municipal Pipe Tool Company Inc. does not submit a revised estimate in a timely manner the enclosed estimate should be considered for payment at the September 11, 2024 City Council meeting.

Tami Comte  
August 26, 2024  
Page 2

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or at [bveenstra@v-k.net](mailto:bveenstra@v-k.net).

VEENSTRA & KIMM, INC.

A handwritten signature in blue ink, appearing to read "H. R. Veenstra Jr.", is positioned above the printed name.

H. R. Veenstra Jr.

HRVJr:crt  
6476  
Enclosure



**MUNICIPAL PIPE TOOL COMPANY LLC  
 CONTRACTOR'S PAYMENT REQUEST**

Estimate No. 3  
 MPT Job ID# 2024-03  
 Project: CITY OF DAVID CITY  
 SOUTH AREA SEWER REHABILITATION  
 Owner: CITY OF DAVID CITY, NE  
 490 E STREET, PO BOX 191  
 DAVID CITY, NE 68632  
 Engineer: VEENSTRA & KIMM, INC.  
 3000 WESTOWN PARKWAY  
 WEST DES MOINES, IA 50266

From: 7/31/2024  
 To: 8/11/2024  
 Date: 8/12/2024  
 Contractor: MUNICIPAL PIPE TOOL CO., 1% Complete Original Contract  
 515 5TH STREET - PO BOX 398  
 HUDSON, IA 50643

47%  
 % Complete Total contract  
 47%  
 % Complete Original Contract

BID ITEM #	BASE BID ITEMS	UNIT	Anticipated :			COMPLETED:		
			QTY	PRICE	EXT PRICE	QTY	UNIT COST	VALUES
1	MOBILIZATION	LS	1.1	\$ 39,917.50	\$ 43,909.25	0.6	\$ 39,917.50	\$ 23,950.50
2	TRAFFIC CONTROL	LS	1	\$ 8,912.40	\$ 8,912.40	0.6	\$ 8,912.40	\$ 5,347.44
3	SURFACE RESTORATION	LS	1	\$ 8,610.00	\$ 8,610.00		\$ 8,610.00	\$ -
4	PCC PAVEMENT	SY	100	\$ 100.80	\$ 10,080.00		\$ 100.80	\$ -
5	HMA PAVEMENT	SY	36	\$ 100.80	\$ 3,628.80		\$ 100.80	\$ -
6	PCC SIDEWALK	SY	100	\$ 94.50	\$ 9,450.00		\$ 94.50	\$ -
7	REMOVE AND REPLACE 8" SEWER	LF	110	\$ 47.25	\$ 5,197.50		\$ 47.25	\$ -
8	8" TELEVISION	LF	3,924	\$ 1.00	\$ 3,924.30	3708.4	\$ 1.00	\$ 3,708.40
9	8" CLEANING	LF	3,924	\$ 2.00	\$ 7,848.60	3708.4	\$ 2.00	\$ 7,416.80
10	8" CIPP	LF	3,924	\$ 34.00	\$ 133,426.20	1655	\$ 34.00	\$ 56,270.00
11	10" TELEVISION	LF	2,807	\$ 1.00	\$ 2,806.90	2806.9	\$ 1.00	\$ 2,806.90
12	10" CLEANING	LF	2,807	\$ 2.00	\$ 5,613.80	2806.9	\$ 2.00	\$ 5,613.80
13	10" CIPP	LF	2,807	\$ 39.00	\$ 109,469.10	1982	\$ 39.00	\$ 77,298.00
14	12" TELEVISION	LF	2,636	\$ 1.00	\$ 2,636.40	2636.4	\$ 1.00	\$ 2,636.40
15	12" CLEANING	LF	2,636	\$ 3.00	\$ 7,909.20	2396.5	\$ 3.00	\$ 7,189.50
16	12" CIPP	LF	1,358	\$ 42.00	\$ 57,052.80	1038	\$ 42.00	\$ 43,596.00
17	18" TELEVISION	LF	617	\$ 1.00	\$ 617.30	617.3	\$ 1.00	\$ 617.30
18	18" CLEANING	LF	617	\$ 4.00	\$ 2,469.20	617.3	\$ 4.00	\$ 2,469.20
19	18" CIPP	LF	617	\$ 74.00	\$ 45,680.20	618	\$ 74.00	\$ 45,732.00
20	POINT REPAIR NO. 1	EA	-	\$ 3,528.00	\$ -		\$ 3,528.00	\$ -
21	POINT REPAIR NO. 2	EA	-	\$ 3,528.00	\$ -		\$ 3,528.00	\$ -
22	POINT REPAIR NO. 3	EA	-	\$ 3,528.00	\$ -		\$ 3,528.00	\$ -
23	POINT REPAIR NO. 4	EA	-	\$ 3,024.00	\$ -		\$ 3,024.00	\$ -
24	POINT REPAIR NO. 5	EA	1	\$ 3,391.50	\$ 3,391.50		\$ 3,391.50	\$ -
25	POINT REPAIR NO. 6	EA	-	\$ 10,185.00	\$ -		\$ 10,185.00	\$ -
26	POINT REPAIR NO. 7	EA	1	\$ 12,731.25	\$ 12,731.25		\$ 12,731.25	\$ -
27	POINT REPAIR NO. 8	EA	1	\$ 3,024.00	\$ 3,024.00		\$ 3,024.00	\$ -
28	POINT REPAIR NO. 9	EA	-	\$ 3,024.00	\$ -		\$ 3,024.00	\$ -
29	HEAVY CLEANING/ROOT CUTTING	LF	2,896	\$ 5.00	\$ 13,480.00	1154	\$ 5.00	\$ 5,770.00
30	REINSTATE SERVICE	EA	90	\$ 90.00	\$ 8,100.00	56	\$ 90.00	\$ 5,040.00
31	GROUT SERVICE CONNECTION	EA	72	\$ 450.00	\$ 32,400.00		\$ 450.00	\$ -
32	TRIM PROTRUDING SERVICES, CLAY OR PVC	EA	5	\$ 368.00	\$ 1,840.00	2	\$ 368.00	\$ 736.00
33	MANHOLE 48" DIA	EA	1	\$ 14,610.00	\$ 14,610.00	1	\$ 14,610.00	\$ 14,610.00
1.33	PCC PAVEMENT	SY	50	\$ 100.80	\$ 5,040.00		\$ 100.80	\$ -
2.1	HOT MIX ASPHALT	SY	125	\$ 117.60	\$ 14,700.00		\$ 117.60	\$ -
2.2	8" SANITARY SEWER TELEVISION	LF	923	\$ 1.00	\$ 923.00		\$ 1.00	\$ -
2.3	8" SANITARY SEWER CLEANING	LF	923	\$ 2.00	\$ 1,846.00		\$ 2.00	\$ -
2.4	8" SANITARY SEWER CURED-IN-PLACE	LF	923	\$ 36.00	\$ 33,228.00		\$ 36.00	\$ -
2.5	POINT REPAIR NO. 10	EA	1	\$ 8,531.25	\$ 8,531.25		\$ 8,531.25	\$ -
2.6	POINT REPAIR NO. 11	EA	1	\$ 8,531.25	\$ 8,531.25		\$ 8,531.25	\$ -
2.7	POINT REPAIR NO. 12	EA	1	\$ 8,531.25	\$ 8,531.25		\$ 8,531.25	\$ -
2.8	HEAVY CLEANING / ROOT CUTTING	LF	488	\$ 5.00	\$ 2,440.00		\$ 5.00	\$ -
2.9	REINSTATE SERVICE CONNECTION	EA	21	\$ 90.00	\$ 1,890.00		\$ 90.00	\$ -
2.10	GROUT SERVICE CONNECTION	EA	21	\$ 500.00	\$ 10,500.00		\$ 500.00	\$ -
2.11	TRIM PROTRUDING SERVICE, CLAY OR PVC	EA	2	\$ 368.00	\$ 736.00		\$ 368.00	\$ -
2.12								

ORIGINAL CONTRACT:	\$667,383.15	Total Anticipated	\$ 655,715.45	Total Completed	\$ 310,808.24
#1 7/19/2024	\$ (11,667.70)	Less Retain	10% \$ 65,571.55	Less Retained	\$ 31,080.82
		Total Anticipated less retain	\$ 590,143.91	Net Amount Earned	\$ 279,727.42
				Previous Pay Requests	
				#1 4/28/24	\$ 45,845.69
				#2 7/31/2024	\$ 216,338.13
CURRENT CONTRACT AMOUNT	\$655,715.45				

Accepted by: Matt Boggs  
 Municipal Pipe Tool Co., LLC

Accepted by: Jamie Mills  
 City

Total previous pay requests \$ 262,183.72  
 Amount due this payment \$ 17,643.70  
 Contract Amount \$ 655,715.45  
 Balance to complete \$ 375,988.03



**VEENSTRA & KIMM INC.**

3000 Westown Parkway  
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000  
www.v-k.net

August 14, 2024

Tami Comte  
City Clerk  
City of David City  
1220 E Street  
David City, NE 68632

CITY OF DAVID CITY, NEBRASKA  
SOUTH AREA REHABILITATION  
PROJECT MODIFICATIONS

This letter is to provide information on three issues relating to the construction of the South Area Rehabilitation project. The issues are described as follows:

1. The specifications for the project provide the City will be responsible for compaction and concrete testing. It now appears logistically more efficient for that work to be the responsibility of the construction contractor. Veenstra & Kimm, Inc. has a quotation from Team Services in the amount of \$1800 to provide the necessary testing services. Either the City could contract with Team Services or the work could be added to the construction contract. Municipal Pipe Tool Co. Inc. will included a mark-up resulting in a total cost of \$2000 placing the responsibility for coordination with Team Services on Municipal Pipe Tool So. Inc. appears to be the preferred approach as it removes the City from any scheduling related responsibility.
2. One of the reaches of sewer that was scheduled to be lined is from Manhole A3B to Manhole A4. The line is shown as 420 feet of 10-inch pipe. After cleaning and televising Municipal Pipe Tool Co. Inc. confirmed the pipe size changes from 8-inch to 10-inch approximately 370 feet into the line. This change in the sized was not noted in the television inspection report from 2021.

Municipal Pipe Tool Co. Inc. indicates the pipe size change requires a special transition liner that would add \$8,000 to \$10,000 to the project cost. This reach of sewer has a few minor cracks and one more significant crack. It does not appear this reach of sewer is in jeopardy from a structural perspective. It does not appear this reach of sewer is a major contributor to extraneous flow.

Tami Comte  
August 14, 2024  
Page 2

It would appear preferable to delete the lining of this reach of sewer at \$39 per foot in order to avoid incurring the additional cost for the transition liner. The reduction in cost would be about \$16,380.

3. With Change Order No. 1 the project scope was modified to add Point Repair No. 11 and Point Repair No. 12. At these two locations the existing sewer includes a double clean out. The original scope of the work included the replacement of the double clean out. Recently, representatives of the City indicated a preference to install a manhole at the two locations where the existing sewer has a double clean out. Veenstra & Kimm, Inc. requested Municipal Pipe Tool Co. to provide a price proposal for installing the two manholes in lieu of Point Repair No. 11 and Point Repair No. 12.

Municipal Pipe Tool Co. has submitted a price proposal of \$17,275.50 for the shallower manhole and \$19,195.00 for the deeper manhole for the manhole installation. The installation of the manholes will eliminate the need for Point Repair No. 11 and Point Repair No. 12. Each of these two point repairs has a contract price of \$8,531.25. The increase in the project costs from replacing the two double clean outs with manholes is a total of \$19,408.

Enclosed is proposed Change Order No. 2 to incorporate the three modifications. The Change Order increase the contract amount by \$5,028.00

As part of Change Order No. 1 the contract price decreased by \$11,667.70. The total contract amount through Change Order No. 1 and the modifications described in this letter would be a decrease in the contract price of \$6,639.70.

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or at [bveenstra@v-k.net](mailto:bveenstra@v-k.net).

VEENSTRA & KIMM, INC.



H. R. Veenstra Jr.

HRVJr:crt  
6476  
Enclosure



Council member Bruce Meysenburg made a motion to approve Ordinance No. 1489 on second reading annexing the Campbell property in Butler County, Nebraska on 2nd Reading only legally described as follows: 175 West A Street, Part of the North half of the Northwest Quarter of Section 30, Township 15 North, Range 3 East of the Sixth P.M., Butler County, Nebraska, described as follows: Referring to the Northeast corner of the Northwest Quarter of said Section 30; Thence N89°09'42"W (Butler County Low Distortion Projection) on the North line of said Northwest Quarter, a distance of 1070.00 feet to the west right of way line of the Burlington Northern and Santa Fe Railway; Thence S00°48'12"W on said West right of way line, a distance of 300.00 feet to the point of intersection with the Easterly extension of the South line of a tract of land previously described and recorded in instrument number 2021-01298; Thence N89°09'17"W on said Easterly extension, a distance of 49.87 feet to the Southeast Corner of said tract; Thence continuing N89°09'17"W on said South line, a distance of 249.94 feet to the Southwest corner of said tract; Thence N00°46'04"E on the West line of said tract, a distance of 300.00 feet to the North line of said North half of the Northwest Quarter; Thence N89°09'17"W on said North Line, a distance of 80 feet, more or less, to the Northwest Corner of a tract of land previously described and recorded in instrument number 2021-01325; Thence S00°46'04"W on the West line of said tract, a distance of 385 feet, more or less, to the Southwest corner of said tract; Thence S89°10'36"E on the South line of said tract, a distance of 330 feet, more or less, to the Southeast corner of said tract; Thence N00°47'24"E on the East line of said tract, a distance of 84.87 feet to the point of beginning, containing 1.19 acres, more or less. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1

### **ORDINANCE NO. 1489**

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

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

SECTION 1. It is hereby found and determined by the Mayor and City Council that:

- (a) The tract of real estate described in Exhibit "A" attached hereto and incorporated herein by reference as if fully set forth is urban and suburban in character and contiguous and adjacent to the corporate limits of said City of David City, Nebraska (the "City");
- (b) Police, fire, and snow removal benefits will be immediately available thereto, and City water service will be available as provided by law;
- (c) The Comprehensive Plan designation and zoning classification of such territory as shown in the Comprehensive Plan and on the official zoning map of the City, is hereby confirmed and consistent with the requirements for annexation;

- (d) The territory to be annexed is developed with industrial, commercial or residential development or is in the regular and orderly path of development of the City for such uses, and any such land that may be of agricultural use currently is urban in character due to its proximity to the City and the City's planned future land use of such territory as set forth in the Comprehensive Plan and zoning map of the City;
- (e) Annexing the territory will promote growth, increase the City's population and tax base, and preserve the City's future growth areas; and
- (f) There is a unity of interest in the use of such territory with the use of lots, lands, streets, and highways in the City, and the community convenience and welfare and the interest of said City will be enhanced through incorporating such territory within the corporate limits of said City.

SECTION 2: That the boundaries of the City of David City, Nebraska, be and hereby are, extended to include within the corporate limits of said City the contiguous and adjacent territory described in Exhibit "A".

SECTION 3: That a certified copy of this Ordinance, together with the map of the territory, be filed on record in the Offices of the County Clerk of Butler County, Nebraska.

SECTION 4: That said territory is hereby annexed to the City of David City, Nebraska with all rights and obligations appurtenant thereto and arising by virtue of inclusion in the corporate limits of the City of David City, Nebraska.

SECTION 5: Upon this Ordinance taking effect, the police, fire snow removal and other municipal services of said City shall be furnished to the territory herein annexed, and water service will be available as provided by law.

SECTION 6: If any section, subsection, sentence, clause or phrase of this Ordinance or the annexation of the territory by this Ordinance is for any reason held to be unconstitutional or involved, such decision shall not affect the validity of the annexation of other tracts of land, streets or highways by this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately and to annex each tract of land separately.

SECTION 7: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 8: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASSED and APPROVED this 11<sup>th</sup> day of September, 2024.

Passed on 2<sup>nd</sup> reading only  
Mayor Jessica Miller

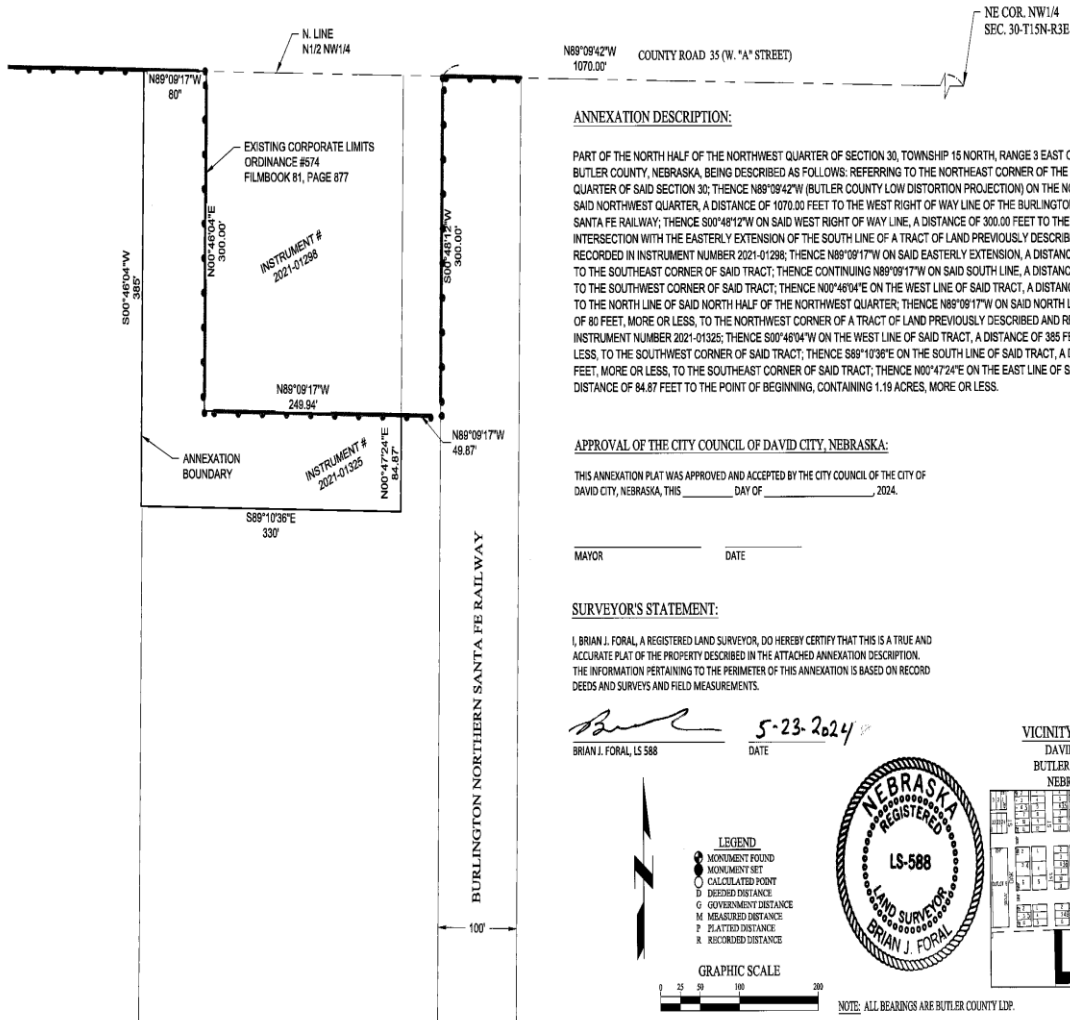
Passed on 2<sup>nd</sup> reading only  
City Clerk Tami Comte

**EXHIBIT "A"**

ANNEXATION DESCRIPTION:

PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE N89°09'42"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1070.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE S00°48'12"W ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2021-01298; THENCE N89°09'17"W ON SAID EASTERLY EXTENSION, A DISTANCE OF 49.87 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE CONTINUING N89°09'17"W ON SAID SOUTH LINE, A DISTANCE OF 249.94 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE N00°46'04"E ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 300.00 FEET TO THE NORTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE N89°09'17"W ON SAID NORTH LINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2021-01325; THENCE S00°46'04"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 385 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°10'36"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 330 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N00°47'24"E ON THE EAST LINE OF SAID TRACT, A DISTANCE OF 84.87 FEET TO THE POINT OF BEGINNING, CONTAINING 1.19 ACRES, MORE OR LESS.

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



**ANNEXATION DESCRIPTION:**

PART OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS. REFERRING TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 30; THENCE N88°09'42"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE NORTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 1070.00 FEET TO THE WEST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY; THENCE S00°48'12"W ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 300.00 FEET TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE SOUTH LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2021-01298; THENCE N89°09'17"W ON SAID EASTERLY EXTENSION, A DISTANCE OF 49.87 FEET TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE CONTINUING N89°09'17"W ON SAID SOUTH LINE, A DISTANCE OF 249.94 FEET TO THE NORTH LINE OF SAID NORTH HALF OF THE NORTHWEST QUARTER; THENCE N89°09'17"W ON SAID NORTH LINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2021-01325; THENCE S00°48'04"W ON THE WEST LINE OF SAID TRACT, A DISTANCE OF 385 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID TRACT; THENCE S89°10'38"E ON THE SOUTH LINE OF SAID TRACT, A DISTANCE OF 330 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE N00°47'24"E ON THE EAST LINE OF SAID TRACT, A DISTANCE OF 84.87 FEET TO THE POINT OF BEGINNING, CONTAINING 1.19 ACRES, MORE OR LESS.

**APPROVAL OF THE CITY COUNCIL OF DAVID CITY, NEBRASKA:**

THIS ANNEXATION PLAT WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

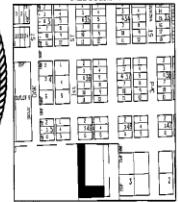
MAYOR \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEYOR'S STATEMENT:**

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

*Brian J. Foral* 5-23-2024  
 BRIAN J. FORAL, LS 588 DATE

**VICINITY SKETCH**  
 DAVID CITY  
 BUTLER COUNTY  
 NEBRASKA



- LEGEND**
- MONUMENT FOUND
  - MONUMENT SET
  - CALCULATED POINT
  - DESIRED DISTANCE
  - GOVERNMENT DISTANCE
  - M MEASURED DISTANCE
  - P PLATTED DISTANCE
  - R RECORDED DISTANCE

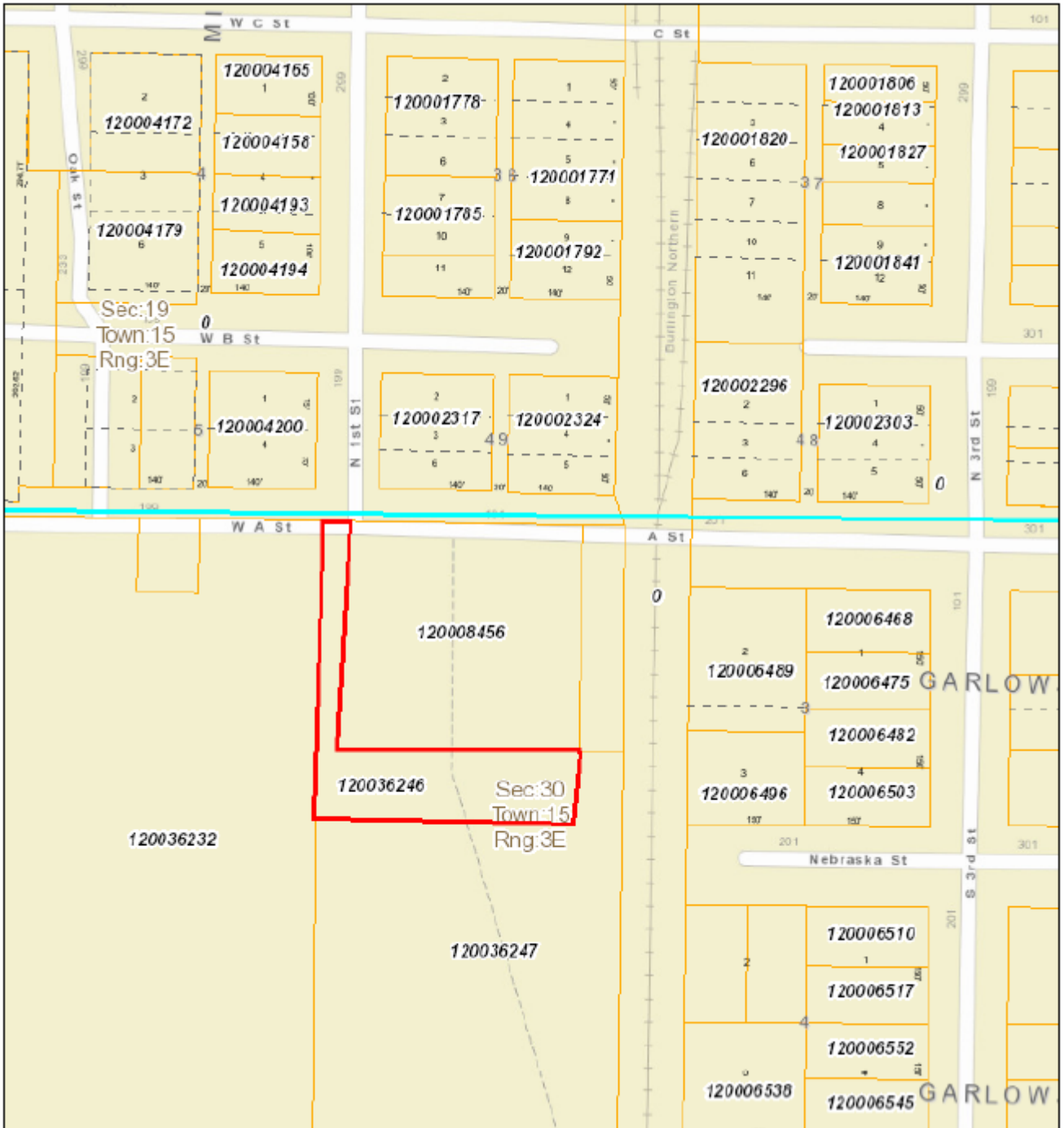


NOTE: ALL BEARINGS ARE BUTLER COUNTY LID.

PART OF THE N1/2 NW1/4  
 SEC. 30, T15N, R3E  
 BUTLER COUNTY, NEBRASKA  
 ANNEXATION PLAT  
  
 ANNEXATION PLAT  
 CITY OF DAVID CITY,  
 BUTLER COUNTY, NEBRASKA  
 ORDINANCE NO. \_\_\_\_\_

PROJECT NO: F240855  
 DATE: 6/23/2024  
 DRAWN BY: BJF  
 FILE NAME: 240855\_SV.DWG  
 FIELD BOOK: NA  
 FIELD CREW: BJF  
 SURVEY FILE NO: 2024-117

P:\Survey\240855.DWG - Campbell Survey, Sec. 30-15-3E Survey\Drawings\240855\_SV.DWG, on 8/28/2024 8:52 AM





Council member Kevin Woita introduced Ordinance No. 1490 amending Section 5.08.03 R-2 Two-Family Residential – Conditional Uses to include the following language as requested by Nick Sypal, a landowner and taxpayer in David City, Nebraska. Mayor Jessica Miller read Ordinance No. 1490 by title.

Council member Kevin Woita made a motion to approve Ordinance No. 1490 on 1<sup>st</sup> reading only amending the Zoning Ordinance No. 1060 by amending Section 5.08.03 R-2 Two-Family Residential – Conditional Uses to include the following language as requested by Nick Sypal, a landowner and taxpayer in David City, Nebraska, proposes the following amendment: 11. The processing and storage of wood and firewood and tree servicing such equipment commonly used for said purposes on a lot no less than one (1) acre in size on which the applicant lives or adjacent to a lot on which the applicant lives, and within three hundred (300) feet of an “I” zoning district. Retail sale of such wood and firewood is allowed only subject to express approval as part of a conditional use permit. Council Member Tom Kobus seconded the motion. The motion carried. Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Nay, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 4, Nay: 1, Absent: 1

#### **ORDINANCE NO. 1490**

AN ORDINANCE AMENDING ORDINANCE NO. 1060 BY AMENDING SECTION 5.08.03: R-2 TWO-FAMILY RESIDENTIAL – CONDITIONAL USES; 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.

#### **RECITALS**

- A. WHEREAS, the City of David City (the “City”) passed Ordinance No. 1060 (the “Zoning Ordinance”) on November 14, 2007.
- B. WHEREAS, the City has amended the Ordinance numerous times since adopting it.
- C. WHEREAS, Nebraska Revised Statutes section 19-901 authorizes the City to adopt and amend a zoning ordinance.
- D. WHEREAS, the City deems it in the best interest of the City to amend the Zoning Ordinance as set forth herein.

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

Section 1. That the City shall amend ARTICLE 5: ZONING DISTRICTS of the Zoning Ordinance such that SECTION 5.08.03 shall read as follows:

- 11. The processing and storage of wood and firewood and tree servicing such equipment commonly used for said purposes on a lot no less than one (1) acre in size on which the applicant lives or adjacent to a lot on which the applicant lives, and within three hundred

(300) feet of an 'I' zoning district. Retail sale of such wood and firewood is allowed only subject to express approval as part of a conditional use permit.

Section 2. 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 3. This ordinance shall be published in pamphlet form and shall be in full force and effect following its passage, approval and publication as provided by law and city ordinance.

PASSED AND APPROVED this 14th day of August, 2024.

Passed on 1<sup>st</sup> reading only  
Mayor Jessica J. Miller

Passed on 1<sup>st</sup> reading only  
City Clerk Tami Comte

Council member Kevin Woita made a motion to accept the bid of \$2,730 from Tillotson Roofing to repair the skylight in the hallway of the City Office. Council Member Tom Kobus seconded the motion. The motion carried.  
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1

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Page 1

**Tillotson Enterprises**  
8000 Fletcher Ave, Suite 100  
Lincoln, NE 68507  
Office: 402-466-7038  
Fax: 402-466-0305  
(herein "Tillotson")



**Contract #30087 - 37164**  
Page 1 of 1  
**Date: 8/23/2024**  
48 square feet  
48 expanded square feet

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**To: Tami Comte - City of David City**  
PO Box 191  
David City, Nebraska 68632  
Phone: 402-367-3135  
Cell: 402-367-2099  
(herein "Client")

Job 490 E St.  
Location: David City, Nebraska 68632

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Submit specifications and estimates for: Repair work to existing dome skylight.

1. Clean skylight as necessary.
2. Sand skylight surface to add texture to polyurethane dome.
3. Apply Everseal urethane sealant to all framework seams and fasteners at approximately 55 mils.
4. Apply Elasto-Glaze 6001 AL-HT coating to entirety of skylight dome surface.
5. Dispose of any trash/debris created during the process.

Warranty: No warranty is given or implied.

Any alteration or deviation from above specification involving extra costs, will be undertaken and performed only after a written change order has been signed by the parties, and will become an extra charge over and above the original contract price as set forth in such change order. Client shall carry fire, tornado, hail and other necessary insurance on above work. Workmen's compensation and public liability insurance on above work to be taken out by Tillotson Enterprises Inc. Tillotson Enterprises, Inc. is not responsible for any existing or future damage due to mold or mildew. The warranties set forth in this contract are in lieu of any other or additional warranties of any type or nature whatsoever and Tillotson shall not be liable for incidental or consequential damages.

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We hereby propose to furnish material and labor - in accordance with the above specifications, for the sum of: Two Thousand Seven Hundred Thirty dollars \$2,730.00

Payment to be made as follows: 100% with signed contract or upon completion of project. If no payment was made upon signing or completion of project pay will be made no later than 10 days from invoice date. Delinquent payment, upon any work completed, shall bear interest at 1 1/2% per month from date of completion and if suit is filed to enforce payment, client will pay reasonable attorney fees and court costs. I understand that any failure to pay as and when required by the contract, all Warranty/Guarantees contained herein can be reduced or voided. The prices, specifications and conditions are satisfactory and are hereby accepted. The contractor is authorized to do the work specified. Tillotson Enterprises Inc. reserves the right to charge client for expenses incurred for a warranty service call if it is determined the problem is not a warranty issue covered by material and/or labor.

There will be an additional 3.5% fee on the transaction amount for invoices paid with credit card or debit card.

**Please note that if you require an "additional insured" or a "waiver of subrogation" on the Workers' Compensation certificate and it was not included as a line item in your contract, an additional charge of \$300.00 will apply. This charge will be invoiced separately and must be paid before the job starts unless other arrangements are made.**

1st Payment: \$2,730.00 dollars

Date Paid:

If a down payment is not received with signed contract, additional material cost increases, labor cost increases, etc. may be passed on to the client.

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Page 2

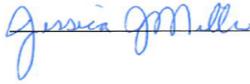
**Acceptance of the proposal.** The above prices, specifications, and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

We agree to furnish the above items and conditions herein contained. All agreements contingent upon strikes, acts of God, or other causes beyond our control.

Date of Acceptance 8-28-24

This contract price is void after 30 days

Purchaser



Contractor

\_\_\_\_\_

Council member Kevin Woita made a motion to accept the bid from Jerry Abel for \$4,500.00 to purchase a 40' x 140' part of City property parcel # 1200004018. Council Member Keith Marvin seconded the motion. The motion carried.  
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller stated that the next item on the agenda was a discussion regarding the 2024-2025 budget.

Interim City Administrator Tami Comte stated that the City of David City will NOT be required to attend the "pink postcard" hearing.

City of David City in Butler County

**2024-2025 ALLOWABLE GROWTH PERCENTAGE COMPUTATION FORM**

YES

This budget is for a VILLAGE; therefore the allowable growth provisions of the Property Tax Request Act DO NOT apply.

**CALCULATION OF ALLOWABLE GROWTH PERCENTAGE**

Prior Year Total Property Tax Request (1) \$ 1,056,534.56  
 (Total Personal and Real Property Tax Required from prior year budget - Cover Page)

Base Limitation Percentage Increase (2%) 2.00 % (2)

Real Growth Percentage Increase

$$\frac{32,933,150.00}{2024 \text{ Real Growth Value per Assessor}} \div \frac{196,542,887.00}{\text{Prior Year Total Real Property Valuation per Assessor}} = 18.76 \% (3)$$

Note: Real Growth Value per Assessor for purposes of the Property Tax Request Act (§77-1631) is different than the growth value for purposes of the Lid on Restricted Funds (§13-518). The County Assessor must provide you with separate growth amounts.

Total Allowable Growth Percentage Increase (Line 2 + Line 3) (4) 18.76 %

Allowable Dollar Amount of Increase to Property Tax Request (Line 1 x Line 4) (5) \$ 198,205.88

TOTAL BASE PROPERTY TAX REQUEST AUTHORITY (Line 1 + Line 5) (6) \$ 1,254,740.44

**ACTUAL PROPERTY TAX REQUEST**

2024-2025 ACTUAL Total Property Tax Request (7) \$ 1,250,000.00  
 (Total Personal and Real Property Tax Required from Cover Page)

Property Tax Request is within allowable growth percentage. Political subdivision is NOT required to complete postcard notification requirements, or participate in the joint public hearing.

If line (7) is **greater than** line (6), your political subdivision **is required** to participate in the joint public hearing, and complete the postcard notification requirements of §77-1633. You must provide your information to the County Assessor electronically by September 4th. You are not required to hold the Special Hearing to Set the Final Tax Request outlined in §77-1632. The joint public hearing is completed in lieu of this hearing.

If line (7) is **less than** line (6), your political subdivision **is not required** to participate in the joint public hearing, or complete the postcard notification requirements of §77-1633. You are required to hold the Special Hearing to Set the Final Tax Request outlined in §77-1632.



Mayor Jessica Miller stated that the next item on the agenda was discussion regarding the Zoning Book Update.

John Shepard, Senior Planner with Marvin Planning Consultants, introduced himself and reviewed the Zoning Book Update with the City Council. Shepard stated that the next step is to have a public hearing with the Planning Commission and then with the City Council.

Council member Bruce Meysenburg made a motion to adjourn. Council Member Tom Kobus seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 7:52 p.m.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Absent, Kevin Woita: Yea  
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES  
August 28, 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 August 28, 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.

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Tami Comte, City Clerk