

CITY COUNCIL PROCEEDINGS
March 13, 2024

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

Present for the meeting were: Mayor Jessica Miller, Council President Bruce Meysenburg, Council members Kevin Woita, Pat Meysenburg, Jim Angell, Keith Marvin, Tom Kobus, City Attorney David Levy, and Interim City Administrator/City Clerk Tami Comte.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Building Inspector Gary Meister, Ethan Joy with JEO, Steve Mossman with Mattson Ricketts Law Firm, Dan & Janet Sypal, Marlene Hein, Nick & Chelsea Sypal, Bobbi Burgess, Kevin & Amy Slama, Kathy Robertson with the Working Cat Project, Bryon & Mary Forney, and Mark & Willow Holoubek.

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 March 27, 2024 City Council meeting as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Abstain (Without Conflict), Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Abstain (Without Conflict): 1

Council member Tom Kobus made a motion to approve the claims 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 Tom Kobus made a motion to approve the committee and officer reports as presented. 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 approve Certificate of Payment #13 in the amount of \$635,951.81 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades. 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

Contractor's Application for Payment	
Owner: <u>City of David City</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>202024.00</u>
Contractor: <u>Velocity Constructors Inc.</u>	Contractor's Project No.: _____
Project: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Contract: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Application No.: <u>13</u>	Application Date: <u>4/10/2024</u>
Application Period: From <u>3/1/2024</u> to <u>4/1/2024</u>	
1. Original Contract Price	\$ 10,562,772.00
2. Net change by Change Orders	\$ 139,302.51
3. Current Contract Price (Line 1 + Line 2)	\$ 10,702,074.51
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 3,886,359.69
5. Retainage	
a. <u>5%</u> X <u>\$ 2,439,790.01</u> Work Completed =	\$ 121,989.50
b. <u>5%</u> X <u>\$ 1,446,569.68</u> Stored Materials =	\$ 72,328.48
c. Total Retainage (Line 5.a + Line 5.b)	\$ 194,317.98
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 3,692,041.71
7. Less previous payments (Line 6 from prior application)	\$ 3,056,089.90
8. Amount due this application	\$ 635,951.81
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 7,010,032.80
Contractor's Certification	
The undersigned Contractor certifies, to the best of its knowledge, the following:	
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;	
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and	
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.	
Contractor: <u>James Sulzbach - Project Manager Velocity Constructors</u>	
Signature: <u><i>James Sulzbach</i></u>	Date: <u>4/1/2024</u>
Recommended by Engineer	Approved by Owner
By: _____	By: <u><i>Jessica Miller</i></u>
Title: _____	Title: <u>Mayor</u>
Date: _____	Date: <u>4-10-2024</u>

Progress Estimate - Lump Sum Work

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

Contractor's Application for Payment

Owner's Project No.:
 Engineer's Project No.: 202024.00
 Contractor's Project No.:

Item No.	Description	Application Period: From 03/01/24 to 04/01/24		Application Date: 04/10/24		G	H	I
		C	D	E	F			
		Scheduled Value (\$)	(D + E) From Previous Application (\$)	Work Completed This Period (\$)	Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)		
BASE BID GROUP A - General Water Plant Improvements								
B-1.01	Mobilization	1,030,293.00	515,146.50	-	-	515,146.50	50%	515,146.50
B-1.02	Bonding and Insurance	66,647.00	66,647.00	-	-	66,647.00	100%	-
B-1.03	Aerator Rehabilitation and Cleaning	114,481.00	-	-	-	-	0%	114,481.00
B-1.04	Existing Pipe Cleaning & Repainting	57,573.00	1,000.00	-	-	1,000.00	2%	56,573.00
B-1.05	Electrical Improvements, Complete	1,840,041.00	195,000.00	150,000.00	143,249.80	488,249.80	27%	1,351,791.20
B-1.06	Demolition of Exterior Infrastructure	32,732.00	30,000.00	-	-	30,000.00	92%	2,732.00
B-1.07	Demolition of Interior Infrastructure	80,036.00	40,000.00	25,000.00	-	65,000.00	72%	25,500.00
B-1.08	Building Improvements (Doors/Windows)	50,500.00	1,000.00	1,000.00	-	2,000.00	2%	78,036.00
B-1.09	Building Improvements (Interior Painting)	523,405.00	2,000.00	-	-	2,000.00	0%	521,405.00
B-1.10	First Floor Roof Membrane Replacement	174,179.00	2,000.00	-	-	2,000.00	1%	172,179.00
B-1.11	Skylight Replacement	48,568.00	2,000.00	-	-	2,000.00	4%	46,568.00
B-1.12	HVAC Improvements	148,128.00	2,000.00	-	-	2,000.00	1%	146,128.00
B-1.13	Plumbing Improvements	92,021.00	3,000.00	10,000.00	-	13,000.00	14%	79,021.00
B-1.14	Lab Improvements	21,099.00	1,000.00	1,000.00	-	2,000.00	9%	19,099.00
B-1.15	Hardness Monitoring Equipment and Meters	77,743.00	2,000.00	-	-	2,000.00	3%	75,743.00
B-1.16	Site Paving and Grading	58,690.00	-	-	-	-	0%	58,690.00
B-1.17	Fencing and Gates	58,513.00	2,000.00	-	21,500.00	23,500.00	40%	35,013.00
B-1.18	Misc. Site Improvements	148,846.00	50,000.00	-	-	50,000.00	34%	98,846.00
B-1.19	Exterior Piping Improvements	338,959.00	128,000.00	-	190,060.59	318,060.59	94%	20,898.41
B-1.20	Seeding, Fertilizer and Mulch	6,610.00	-	-	-	-	0%	6,610.00
B-1.21	Erosion Control	5,751.00	5,751.00	-	-	5,751.00	100%	-
BASE BID GROUP B - Gravity Filter System Improvements								
B-1.22	New Gravity Filter Equipment, Complete (Media/Wash Troughs/ Air Blower/ Control Panel / Solenoid Panel / Instrumentation / Piping / Valves / Media Strainers)	689,132.00	173,000.00	-	474,573.81	647,573.81	93%	45,558.19
B-1.23	Gravity Filter Equipment Installation	45,979.00	15,000.00	8,000.00	-	24,000.00	52%	21,979.00
B-1.24	Electrical	25,200.00	4,000.00	5,000.00	5,000.00	14,000.00	56%	11,200.00

Progress Estimate - Lump Sum Work

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

Contractor's Application for Payment

Owner's Project No.:
 Engineer's Project No.: 202024.00
 Contractor's Project No.:

Item No.	Description	Application Period: From 03/01/24 to 04/01/24		Application Date: 04/10/24				
		C	D	E	F	G	H	I
		Scheduled Value (\$)	(D + E) From Previous Application (\$)	Work Completed This Period (\$)	Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
BASE BID GROUP C - Reverse Osmosis¹								
B-1.25	CCRO and CIP Tank Skids (Equipment Only)	2,126,760.00	2,000.00	-	18,227.00	20,227.00	1%	2,106,533.00
B-1.26	CCRO and CIP Tank Skids (Installation)	7,208.00	-	-	-	-	0%	7,208.00
B-1.27	Existing Maintenance Facility Demolition	27,093.00	27,093.00	-	-	27,093.00	100%	-
B-1.28	RO Room Expansion, Block Construction	245,926.00	216,000.00	10,000.00	13,900.00	239,900.00	98%	6,026.00
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	3,000.00	-	-	3,000.00	95%	174.00
B-1.30	New Existing Maintenance Facility Roof	28,709.00	1,000.00	20,000.00	-	21,000.00	73%	7,709.00
B-1.31	Overhead Doors	22,781.00	2,000.00	-	17,000.00	19,000.00	83%	3,781.00
B-1.32	Access Doors	8,791.00	1,000.00	1,000.00	-	2,000.00	23%	6,791.00
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00	1,000.00	-	-	1,000.00	5%	19,361.00
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00	1,000.00	-	-	1,000.00	8%	11,387.00
B-1.35	Below Grade CCRO Skid Piping, Complete	57,740.00	57,740.00	-	-	57,740.00	100%	-
B-1.36	Above Grade CCRO & CIP Skid Piping, Complete	129,743.00	2,000.00	-	39,821.77	57,740.00	32%	87,921.23
B-1.37	Electrical	10,080.00	3,000.00	-	2,000.00	5,000.00	50%	5,080.00
BASE BID GROUP D - Intermediate Clearwell¹								
B-1.38	Intermediate Clearwell Structural Concrete	170,506.00	147,000.00	-	20,000.00	167,000.00	98%	3,506.00
B-1.39	Clearwell Hatches	15,613.00	2,000.00	-	-	2,000.00	13%	13,613.00
B-1.40	Vertical Turbine Pumps	113,608.00	2,000.00	-	85,940.88	87,940.88	77%	25,667.12
B-1.41	Degasser (Equipment Only)	112,153.00	112,153.00	-	-	112,153.00	100%	-
B-1.42	Degasser (Installation)	6,407.00	-	-	-	-	0%	6,407.00
B-1.43	Pump Building, Block Construction	116,781.00	2,000.00	-	5,000.00	7,000.00	6%	109,781.00
B-1.44	Stairs and Miscellaneous Metals	4,603.00	2,000.00	-	-	2,000.00	43%	2,603.00
B-1.45	Clearwell Ladders	4,745.00	-	-	-	-	0%	4,745.00
B-1.46	Fluid Applied Exterior Membrane	103,757.00	103,757.00	-	-	103,757.00	100%	-
B-1.47	Intermediate Clearwell Piping, Fittings, Valves, Meters, Complete	77,335.00	9,000.00	-	67,159.61	76,159.61	98%	1,175.39
B-1.48	Weir Plate and Weir Window	4,398.00	1,000.00	-	-	1,000.00	23%	3,398.00
B-1.49	Electrical	50,400.00	3,000.00	-	10,000.00	13,000.00	26%	37,400.00

Progress Estimate - Unit Price Work										Contractor's Application for Payment							
Owner: City of Davis City Engineer: JEO Consulting Group, Inc. Contractor: Velocity Constructors Inc. Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686 Contract: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686										Owner's Project No.: 202024.00 Engineer's Project No.: Contractor's Project No.:							
Application No.: 13										Application Date: 04/10/24							
From 03/01/24 to 04/01/24																	
A	B	C	D	E	F	G	H	I	J	K	L	Contract Information					
												Item Quantity	Units	Value of Bid Item (C X E)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G)	Materials Currently Stored (not in G)
Bid Item No.	Description			Unit Price (\$)													
Original Contract																	
Base Bid ¹																	
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00	-	-	-	-	-	0%	15,215.00					
B-3	Final Clearwell Roof Slab Rehabilitation	100.00	SF	140.30	14,030.00	-	-	-	-	-	0%	14,030.00					
B43-1	Install 6" Concrete Pavement ¹	1,324.00	SY	143.56	190,079.00	-	-	-	-	-	0%	190,079.00					
												Original Contract Totals \$	219,324.00				
												Original Contract and Change Orders					
												Project Totals \$	219,324.00				

¹ Sales Tax for Materials & Equipment Included

Council member Tom Kobus made a motion to approve Certificate of Payment #1 in the amount of \$1,126,557.03 to BRB Contractors for the 2023 Wastewater Plant Upgrade. 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



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

April 1, 2024

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

CITY OF DAVID CITY, NEBRASKA
WASTEWATER TREATMENT PLANT IMPROVEMENT
PAYMENT APPLICATION NO. 1

Enclosed is a copy of partial payment application No. 1 for the Wastewater Treatment Plant Improvement project. Partial payment estimate No. 1 is in the amount of \$1,126,557.03.

Although BRB Contractors, Inc. is just starting work on the project, it is entitled to submit a payment request for certain work items. BRB Contractors, Inc. is requesting payment for the mobilization and the bonds and insurance costs. These are typically front end costs that are requested for payment early in the project. The remaining portion of the partial payment estimate is a \$261,353.50 down payment to Aqua Aerobics. Aqua Aerobics requires a partial payment before accepting the order for the equipment. The writer encouraged BRB Contractors, Inc. to order the equipment as soon as possible to avoid any unnecessary delivery delays.

Veenstra & Kimm, Inc. has reviewed partial payment application No. 1. The payment application is in accordance with the requirements of the contract. Veenstra & Kimm, Inc. would recommend the City arrange for payment of partial payment application No. 1.

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

VEENSTRA & KIMM, INC.

H. R. Veenstra Jr.

HRVJr:paj
6478
Enclosure

Application Period:		Through 3/31/2024		Application Date:		3/29/2024			
A	B	C	D	E	F	G	H	I	J
Cost Code	Description	Original Contract Amount	Approved Change Order Amount	Current Contract Amount (C+D)	From Previous Application	Completed This Period	Materials Stored (Not In F or G)	Total Completed and Stored to Date (F+G+H)	% Comp
GENERAL SITEWORK									
	Excavate	750,000.00		750,000.00		750,000.00		750,000.00	100.0%
	Brick and Limestone	180,000.00		180,000.00		180,000.00		180,000.00	90.0%
	Strip Drain	25,000.00		25,000.00		25,000.00		25,000.00	
	2" x 2" Catching	300,000.00		300,000.00		300,000.00		300,000.00	
	2" x 2" Catching Paving	1,025,000.00		1,025,000.00		1,025,000.00		1,025,000.00	
	Gravel Paving	40,000.00		40,000.00		40,000.00		40,000.00	
	Install Manholes	40,000.00		40,000.00		40,000.00		40,000.00	
	Install Manholes & Cover	125,000.00		125,000.00		125,000.00		125,000.00	
	Electrical/Stormwater Work								
HEADWORKS BUILDING									
	Excavation & Backfill	450,000.00		450,000.00		450,000.00		450,000.00	
	Concrete Base Structure	450,000.00		450,000.00		450,000.00		450,000.00	
	Concrete Wall Structure	1,267,200.00		1,267,200.00		1,267,200.00		1,267,200.00	
	Concrete Floor/Deck Structure	350,000.00		350,000.00		350,000.00		350,000.00	
	Mac. Metal Finish/Install	48,000.00		48,000.00		48,000.00		48,000.00	
	Masonry Above Structure	225,000.00		225,000.00		225,000.00		225,000.00	
	Door & Window Finish/Install	45,000.00		45,000.00		45,000.00		45,000.00	
	Roof Trusses Finish/Install	45,000.00		45,000.00		45,000.00		45,000.00	
	Shedding Solar Panel & Structure	160,000.00		160,000.00		160,000.00		160,000.00	
	8" x 8" Grid Finish/Install	100,000.00		100,000.00		100,000.00		100,000.00	
	Bar Stone Finish/Install	250,000.00		250,000.00		250,000.00		250,000.00	
	Grill Endcap/over Finish/Install	1,350,000.00		1,350,000.00		1,350,000.00		1,350,000.00	
	Painted Plans	10,000.00		10,000.00		10,000.00		10,000.00	
	Precast Structure	20,000.00		20,000.00		20,000.00		20,000.00	
	Painting Structure	40,000.00		40,000.00		40,000.00		40,000.00	
	Interior/Exterior & Core of Work	550,000.00		550,000.00		550,000.00		550,000.00	
	Mechanical Work	270,000.00		270,000.00		270,000.00		270,000.00	
	Electrical Work	750,000.00		750,000.00		750,000.00		750,000.00	
ASPH PAVEMENT NO. 23									
	Excavation & Backfill	15,000.00		15,000.00		15,000.00		15,000.00	
	Concrete Base	20,000.00		20,000.00		20,000.00		20,000.00	
	Concrete Wall	42,000.00		42,000.00		42,000.00		42,000.00	
	Mac. Metal Finish/Install	10,000.00		10,000.00		10,000.00		10,000.00	
	Electrical/Stormwater Work	15,000.00		15,000.00		15,000.00		15,000.00	
INFLUENT PUMP STATION									
	Excavation & Backfill	140,000.00		140,000.00		140,000.00		140,000.00	
	Concrete Base	20,000.00		20,000.00		20,000.00		20,000.00	
	Concrete Wall	327,000.00		327,000.00		327,000.00		327,000.00	
	Concrete Slab	100,000.00		100,000.00		100,000.00		100,000.00	
	Mac. Metal Finish/Install	150,000.00		150,000.00		150,000.00		150,000.00	
	Painted & Final Paving	525,000.00		525,000.00		525,000.00		525,000.00	
	Painted & Final As. Drive & Foundation	60,000.00		60,000.00		60,000.00		60,000.00	
	Painted Work	58,000.00		58,000.00		58,000.00		58,000.00	
	Electrical Work	50,000.00		50,000.00		50,000.00		50,000.00	
NEW BRK STRUCTURE									
	Excavation & Backfill	200,000.00		200,000.00		200,000.00		200,000.00	
	Install/Install/over of Steel Pipe Wall	200,000.00		200,000.00		200,000.00		200,000.00	
	STR Concrete Base Structure	620,000.00		620,000.00		620,000.00		620,000.00	

Application Period:		Through 3/31/2024		Application Date:		3/29/2024	
A Invoice No.	B Shop Drawing (Transmittal)	C Materials Description	D Stored Previously		E Stored this Month		G Materials Remaining in Storage (\$) (D + E - F)
			Date (Month/Year)	Amount (\$)	Date (Month/Year)	Amount (\$)	
105795-1		Aqua Aerobics Down Payment		\$ 261,353.50		\$ 261,353.50	\$261,353.50
		Totals		\$261,353.50		\$261,353.50	\$261,353.50

Council member Keith Marvin made a motion to approve Certificate of Payment #3 in the amount of \$664,263.27 to Rutjens Construction for the 2022 Water Main Improvements North Loop. 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

DocuSign Envelope ID: 4F90041E-D879-4C45-BBCD-7ACAD94A3696

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	221276.00
Contractor:	Rutjens Construction Inc.	Contractor's Project No.:	843
Project:	2023 Water Main Improvements North Loop		
Contract:	2023 Water Main Improvements North Loop		
Application No.:	3	Application Date:	3/20/2024
Application Period:	From 10/20/2023	to	3/20/2024

1. Original Contract Price	\$ 3,521,576.00
2. Net change by Change Orders	\$ 95,576.00
3. Current Contract Price (Line 1 + Line 2)	\$ 3,617,152.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 1,886,259.73
5. Retainage	
a. 5% X \$ 1,494,447.50 Work Completed =	\$ 74,722.38
b. 5% X \$ 391,812.23 Stored Materials =	\$ 19,590.61
c. Total Retainage (Line 5.a + Line 5.b)	\$ 94,312.99
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 1,791,946.74
7. Less previous payments (Line 6 from prior application)	\$ 1,127,683.47
8. Amount due this application	\$ 664,263.27
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 1,825,205.26

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor: Rutjens Construction
Signature: Adam Rutjens **Date:** 3/26/2024

Recommended by Engineer	Approved by Owner
By: <u>Ethan Joy, P.E.</u>	By: <u>Jessica Miller</u>
Title: <u>Branch Manager</u>	Title: <u>Mayor</u>
Date: <u>3/26/2024</u>	Date: <u>4-10-2024</u>

Approved by Funding Agency

By: _____ **By:** _____

Title: _____ **Title:** _____

Date: _____ **Date:** _____

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Progress Estimate - Unit Price Work										Contractor's Application for Payment			
Owner: City of David City										Owner's Project No.: 221276-00			
Engineer: JEO Consulting Group, Inc.										Engineer's Project No.: 843			
Contractor: Rujlens Construction Inc.										Contractor's Project No.:			
Project: 2023 Water Main Improvements North Loop													
Contract: 2023 Water Main Improvements North Loop													
Application No.: 3										Application Date: 03/20/24			
Application Period: From 10/20/23 to 03/20/24													
Bid Item No.	Description	Contract Information			G	H	I	J	K	L			
		C	D	E							F	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)
Original Contract													
1	Mobilization	1	LS	195,000.00	195,000.00	0.50	97,500.00	97,500.00	0.50	97,500.00	0.50	97,500.00	
2	Bonding and Insurance	1	LS	35,000.00	35,000.00	1.00	35,000.00	35,000.00	100%	35,000.00	100%	35,000.00	
3	Stabilized Construction Entrance	4	EA	3,250.00	13,000.00	-	-	-	0%	-	0%	13,000.00	
4	Clearing and Grubbing	1	LS	4,500.00	4,500.00	0.50	2,250.00	2,250.00	50%	2,250.00	50%	2,250.00	
5	Remove and Reset Fence	200	LF	15.00	3,000.00	-	-	-	0%	-	0%	3,000.00	
6	Railroad Flagging	14	DAY	4,000.00	56,000.00	-	-	-	0%	-	0%	56,000.00	
7	Railroad Track and Ground Monitoring	2	EA	5,500.00	11,000.00	-	-	-	0%	-	0%	11,000.00	
8	Railroad Insurance Requirements	1	LS	5,500.00	5,500.00	-	-	-	0%	-	0%	5,500.00	
9	16" PVC Water Main, DR 18	14609	LF	101.00	1,475,509.00	6,277.00	633,977.00	301,750.00	63%	935,707.00	63%	539,802.00	
10	16" PVC Water Main, DR 18, RJ, Directionally Bored	1652	LF	290.00	479,080.00	1,295.00	363,950.00	363,950.00	76%	363,950.00	76%	115,130.00	
11	16" PVC Water Main, DR 18, RJ, Dry Bored	160	LF	181.00	34,390.00	60.00	10,860.00	-	32%	10,860.00	32%	23,530.00	
12	16" PVC Water Main, DR 18, RJ, inside 24" Steel Casing	625	LF	136.00	81,250.00	-	-	-	0%	-	0%	81,250.00	
13	12" PVC Water Main, DR 18	22	LF	113.00	2,486.00	-	-	-	0%	-	0%	2,486.00	
14	8" PVC Water Main, DR 18	120	LF	75.00	9,000.00	80.00	6,000.00	3,360.00	67%	3,360.00	67%	1,680.00	
15	8" PVC Water Main, DR 18, RJ, Directionally Bored	96	LF	42.00	4,032.00	96.00	4,032.00	4,032.00	100%	4,032.00	100%	4,032.00	
16	24" Steel Casing, 0.375" Thickness, Jack and Bore	40	LF	45.00	1,800.00	40.00	1,800.00	1,800.00	100%	1,800.00	100%	1,800.00	
17	24" Steel Casing, 0.375" Thickness, Jack and Bore	230	LF	620.00	142,600.00	-	-	25,832.73	18%	25,832.73	18%	116,767.27	
18	24" Steel Casing, 0.375" Thickness, Jack and Bore, With	395	LF	690.00	272,550.00	-	-	64,249.50	24%	64,249.50	24%	208,300.50	
19	14" Steel Casing, 0.188" Thickness, Jack and Bore	40	LF	255.00	10,200.00	40.00	10,200.00	10,200.00	100%	10,200.00	100%	10,200.00	
20	16" Gate Valve and Box, MJ	12	EA	12,115.00	145,380.00	6.00	72,690.00	-	50%	72,690.00	50%	72,690.00	
21	12" Gate Valve and Box, MJ	3	EA	3,915.00	11,745.00	-	-	-	0%	-	0%	11,745.00	
22	8" Gate Valve and Box, MJ	4	EA	2,255.00	9,020.00	2.00	4,510.00	4,510.00	50%	4,510.00	50%	4,510.00	
23	4" Gate Valve and Box, MJ	1	EA	1,315.00	1,315.00	1.00	1,315.00	1,315.00	100%	1,315.00	100%	1,315.00	
24	16" x 16" x 16" Tee, MJ	3	EA	2,345.00	7,035.00	3.00	7,035.00	7,035.00	100%	7,035.00	100%	7,035.00	
25	16" x 8" x 16" Tee, MJ	1	EA	2,020.00	2,020.00	-	-	-	0%	-	0%	2,020.00	
26	16" x 6" x 16" Tee, MJ	12	EA	1,867.00	22,404.00	5.00	9,935.00	9,935.00	42%	9,935.00	42%	13,009.00	
27	12" x 8" x 12" Tee, MJ	1	EA	999.00	999.00	-	-	-	0%	-	0%	999.00	
28	8" x 6" x 8" Tee, MJ	3	EA	585.00	1,755.00	1.00	585.00	585.00	33%	585.00	33%	1,170.00	
29	8" x 4" x 8" Tee, MJ	1	EA	555.00	555.00	1.00	555.00	555.00	100%	555.00	100%	555.00	
30	16" 90° Bend, MJ	3	EA	1,915.00	5,745.00	2.00	3,830.00	3,830.00	67%	3,830.00	67%	1,915.00	
31	12" 90° Bend, MJ	2	EA	988.00	1,976.00	-	-	-	0%	-	0%	1,976.00	
32	8" 90° Bend, MJ	4	EA	500.00	2,000.00	2.00	1,000.00	1,000.00	50%	1,000.00	50%	1,000.00	
33	16" 45° Bend, MJ	14	EA	1,885.00	26,390.00	4.00	7,540.00	7,540.00	28%	7,540.00	28%	18,850.00	
34	16" 11.25° Bend, MJ	2	EA	1,885.00	3,770.00	1.00	1,885.00	1,885.00	50%	1,885.00	50%	1,885.00	
35	16" x 12" Reducer, MJ	2	EA	1,051.00	2,102.00	-	-	-	0%	-	0%	2,102.00	
36	16" x 8" Reducer, MJ	1	EA	1,044.00	1,044.00	1.00	1,044.00	1,044.00	100%	1,044.00	100%	1,044.00	
37	16" Cap, MJ	1	EA	855.00	855.00	-	-	-	0%	-	0%	855.00	

Unit Price EJCDC C-620 Contractor's Application for Payment (c) 2018 National Society of Professional Engineers for EJCDC. All rights reserved.

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Contractor's Application for Payment													
Progress Estimate - Unit Price Work													
Owner: City of David City Engineer: JEO Consulting Group, Inc. Contractor: Rutens Construction Inc. Project: 2023 Water Main Improvements North Loop Contract: 2023 Water Main Improvements North Loop													
Owner's Project No.: 221275.00 Engineer's Project No.: 843 Contractor's Project No.:													
Application No.: 3 Application Period: From 10/20/23 to 03/20/24 Application Date: 03/20/24													
A Bid Item No.	B Description	C Contract Information			D Contract Information			E Contract Information			F Contract Information		
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)		
38	16" Plug, MJ	1	EA	885.00	885.00	1.00	885.00		885.00	100%	-		
39	8" Plug, MJ	1	EA	250.00	250.00	1.00	250.00		250.00	100%	-		
40	4" Plug, MJ	1	EA	150.00	150.00	1.00	150.00		150.00	100%	-		
41	Combination Air Release Valve Manhole	2	EA	31,221.00	62,442.00	0.50	15,610.50		15,610.50	25%	46,831.50		
42	Connect to Existing Water Main	6	EA	1,310.00	7,860.00	1.00	1,310.00		1,310.00	17%	6,550.00		
43	Water Main Removals and Abandonments	1	LS	2,500.00	2,500.00	-	-		-	0%	2,500.00		
44	Removal and Replacement of Unsuitable Backfill	1000	CY	25.00	25,000.00	-	-		-	0%	25,000.00		
45	16" x 1" Saddle	4	EA	446.00	1,784.00	-	-		-	0%	1,784.00		
46	1" Corporation Stop	4	EA	215.00	860.00	-	-		-	0%	860.00		
47	1" PE Water Service (SDR 7)	54	LF	28.00	1,512.00	-	-		-	0%	1,512.00		
48	1" Curb Stop and Box	4	EA	410.00	1,640.00	-	-		-	0%	1,640.00		
49	Remove Existing CMP Culvert	7	EA	250.00	1,750.00	6.00	1,500.00		1,500.00	86%	250.00		
50	18" CMP Culvert	240	LF	60.00	14,400.00	200.00	12,000.00		12,000.00	89%	2,400.00		
51	18" CMP Flared End Section	14	EA	410.00	5,740.00	12.00	4,920.00		4,920.00	86%	820.00		
52	Remove Pavement	70	SY	15.00	1,050.00	-	-		-	0%	1,050.00		
53	8" Concrete Pavement	70	SY	115.00	8,050.00	-	-		-	0%	8,050.00		
54	Remove Driveway	60	SY	15.00	900.00	-	-		-	0%	900.00		
55	6" Concrete Driveway	60	SY	113.00	6,780.00	-	-		-	0%	6,780.00		
56	Crushed Rock Surface Course	328	TONS	51.00	16,728.00	-	-		-	0%	16,728.00		
57	Gravel Surface Course	1617	TONS	35.00	56,595.00	-	-		-	0%	56,595.00		
58	Bollard	6	EA	1,000.00	6,000.00	-	-		-	0%	6,000.00		
59	Repair Drain Tile	5	EA	500.00	2,500.00	-	-		-	0%	2,500.00		
60	Straw Matts	3000	LF	4.50	13,500.00	-	-		-	0%	13,500.00		
61	Silt Fence, High Porosity	3000	LF	4.50	13,500.00	-	-		-	0%	13,500.00		
62	Erosion Control Mat	3000	SY	6.75	20,250.00	-	-		-	0%	20,250.00		
63	Seeding, Fertilizer, and Mulch	1	LS	25,155.00	25,155.00	-	-		-	0%	25,155.00		
64	County Road Restoration	1	LS	5,000.00	5,000.00	-	-		-	0%	5,000.00		
65	Temporary Traffic Control	1	LS	4,000.00	4,000.00	-	-		-	0%	4,000.00		
Group B - Fire Hydrants													
1	6" Fire Hydrant Assembly	12	EA	6,845.00	82,140.00	5.00	34,225.00		34,225.00	42%	47,915.00		
Alternate 1 - Modified Construction Schedule													
1	Completion of Milestone by September 1, 2023 (Add/Deduct)	1	EA	50,000.00	50,000.00	1.00	50,000.00		50,000.00	100%	-		
				Original Contract Totals \$	3,521,576.00		\$	1,398,871.50	\$	391,812.23	\$	1,730,892.27	

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Progress Estimate - Unit Price Work													Contractor's Application for Payment				
Owner: City of David City Engineer: JEO Consulting Group, Inc. Contractor: Ruijens Construction Inc. Project: 2023 Water Main Improvements North Loop Contract: 2023 Water Main Improvements North Loop													Owner's Project No.: 221275.00 Engineer's Project No.: 943 Contractor's Project No.:				
Application No.: 3 Application Period: From 10/20/23 to 03/20/24													Application Date: 03/20/24				
A	Bid Item No.	B	Description	C	Item Quantity	D	E		F	G		H	I	J	K	L	
							Contract Information	Unit Price (\$)		Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work						Value of Work Completed to Date (E X G) (\$)
Change Orders																	
CO1.1			Mobilization	1	EA		1,500.00	1,500.00	1.00	1,500.00		1,500.00		1,500.00	100%	-	
CO1.2			Bonding and Insurance	1	LS		500.00	500.00	1.00	500.00		500.00		500.00	100%	-	
CO1.3			1.5" HDPE Force Main, SDR 11	3784	LF		19.00	71,896.00	3,784.00	71,896.00		71,896.00		71,896.00	100%	-	
CO1.4			1.5" HDPE Force Main, SDR 11, Directionally Bored	130	LF		26.00	3,380.00	130.00	3,380.00		3,380.00		3,380.00	100%	-	
CO1.5			1.25" Uni-Lateral Valve with Curb Stop Box	1	EA		955.00	955.00	1.00	955.00		955.00		955.00	100%	-	
CO1.6			Connect to Existing Manhole	1	EA		1,000.00	1,000.00	1.00	1,000.00		1,000.00		1,000.00	100%	-	
CO1.7			Seeding, Fertilizer, and Mutch	1	LS		4,000.00	4,000.00	1.00	4,000.00		4,000.00		4,000.00	100%	-	
CO2.1			Hydrant Relocation - STA 222+33	1	LS		4,115.00	4,115.00	1.00	4,115.00		4,115.00		4,115.00	100%	-	
CO2.1			Hydrant Relocation - STA 300+12	1	LS		4,115.00	4,115.00	1.00	4,115.00		4,115.00		4,115.00	100%	-	
CO2.1			Hydrant Relocation - STA 600+04	1	LS		4,115.00	4,115.00	1.00	4,115.00		4,115.00		4,115.00	100%	-	
							Change Order Totals \$	95,576.00	\$	95,576.00	\$	95,576.00	\$	95,576.00	100%	\$	
							Original Contract and Change Orders	\$	1,494,447.50	\$	391,812.23	\$	1,886,259.73	\$	52%	\$	1,730,892.27
							Project Totals \$	3,617,152.00	\$	3,617,152.00	\$	3,617,152.00	\$	3,617,152.00	100%	\$	3,617,152.00

Council member Pat Meysenburg made a motion to approve Certificate of Payment #2 in the amount of \$127,800.20 to Midlands Contracting, Inc. for Water Main Improvements. 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



CERTIFICATE OF PAYMENT NO. 2

Date of Issuance: April 5, 2024

Project: Water Main Improvements and Replacement, David City, Nebraska

Project No. 016-2784

Contractor: Midlands Contracting, Inc., 10075 1st Avenue, Kearney, Nebraska 68848

DETAILED ESTIMATE		
Description	Unit Prices	Extension
See Attached.		
PLEASE REMIT PAYMENT TO: Midlands Contracting, Inc.		

Value of Work Completed: \$365,481.53

Original Contract Cost: \$492,602.00
 Approved Change Orders: \$ 0.00
 No. _____
 Total Contract Cost: \$492,602.00

Value of completed work and materials stored..... \$365,481.53
 Less retained percentage (10%)..... \$ 36,548.15
 Net amount due including this estimate..... \$328,933.38
 Less: Estimates previously approved:

No. 1 \$201,133.18 No. 2 _____ No. 3 _____

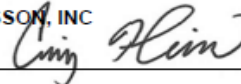
Total Previous Estimates \$201,133.18

NET AMOUNT DUE THIS ESTIMATE \$127,800.20

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
 Midlands Contracting, Inc., Contractor
 Olsson Project File

OLSSON, INC
 By: 

APPLICATION & CERTIFICATE FOR PAYMENT

PROJECT: David City NE - Water Main Impr. & Repl. ENGINEER: Olsson
 ENGINEER'S PROJECT NO.: 016-2784
 TO: (OWNER) City of David City CONTRACTOR: Midlands Contracting Inc. MCI JOB #: 1455
 490 E St. CONTRACT FOR: Water
 David City NE 68632 APPLICATION DATE: 31-Mar-24 APPLICATION NO.: 2
 ATTN: PERIOD FROM: 01-Mar-24 to: 31-Mar-24

CHANGE ORDER SUMMARY:

Application is made for Payment, as shown below in connection with the Contract.

Continuation sheets are attached.

The present status of the account is as follows:

Change Orders approved in previous months by Owner		ADDITIONS \$	DEDUCTIONS \$
TOTAL			
Subsequent Change Orders			
	Approved (Date)		
TOTALS		\$0.00	\$0.00

ORIGINAL CONTRACT SUM \$492,602.00

Net Change by Change Orders \$0.00

CONTRACT SUM TO DATE \$492,602.00

TOTAL COMPLETED & STORED TO DATE \$365,481.53

RETAINAGE 10% \$36,548.15

TOTAL EARNED LESS RETAINAGE \$328,933.38

LESS PREVIOUS PAYMENTS \$201,133.18

CURRENT PAYMENT DUE \$127,800.20

Net Change by Change Orders \$0.00

State of: Nebraska County of: Buffalo

In accordance with the Contract and this Application for Payment, the Contractor is entitled to payment in the amount shown above.

The undersigned CONTRACTOR certifies that the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for Work for which previous Certificate for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due

ENGINEER: OWNER
 CONTRACTOR
 By: _____ ENGINEER

CONTRACTOR: Midlands Contracting, Inc.

OWNER:
 By: _____

By: [Signature] Date: 3/31/24

Please mail a check payable to Midlands Contracting
 P O Box 1065 Kearney NE 68848.
 If you would like to wire or ACH funds please call
 Susan Nickerson 308-237-7979 ext. 132 to confirm
 banking and wiring information before sending funds.

APPLICATION AND CERTIFICATE FOR PAYMENT-CONTINUATION SHEET

APPLICATION NUMBER: 2
 APPLICATION DATE: 31-Mar-24
 PERIOD FROM: 01-Mar-24 TO: 31-Mar-24
 ENGINEER'S PROJECT NO.: 016-2784

ITEM NO.	DESCRIPTION OF WORK	ESTIMATED QUANTITY		UNIT PRICE	TOTAL AS BID	QUANTITY COMPLETED TO DATE	TOTAL COMPLETED	STORED TO DATE	COMPLETED AND STORED TO DATE
1	Mob-Demob-Bond-Insur	1	LS	\$ 25,000.00	\$ 25,000.00	0.5	\$12,500.00		\$12,500.00
2	Construction Testing	1	LS	\$ 3,000.00	\$ 3,000.00	0.5	\$1,500.00		\$1,500.00
3	8" C900 PVC Water Main	2364	LF	\$ 76.00	\$ 179,864.00	1353	\$102,828.00	\$12,765.75	\$115,593.75
4	6" C900 PVC Water Main	25	LF	\$ 74.00	\$ 1,850.00	22	\$1,628.00	\$0.00	\$1,628.00
5	4" C900 PVC Water Main	11	LF	\$ 70.00	\$ 770.00	11	\$770.00	\$0.00	\$770.00
6	8" Water Main Bored w/ Casing	1	LF	\$ 950.00	\$ 950.00		\$0.00		\$0.00
7	8" Water Main HDD or Bored w/o Casing	487	LF	\$ 95.00	\$ 46,265.00	180	\$17,100.00	\$7,846.43	\$24,946.43
8	6" Water Main HDD or Bored w/o Casing	10	LF	\$ 90.00	\$ 900.00		\$0.00	\$0.00	\$0.00
9	8" Gate Valve w/ Box MJ	6	EA	\$ 3,000.00	\$ 18,000.00	6	\$18,000.00	\$0.00	\$18,000.00
10	6" Gate Valve w/Box MJ	2	EA	\$ 2,200.00	\$ 4,400.00		\$0.00		\$0.00
11	4" Gate Valve w/ Box MJ	1	EA	\$ 1,900.00	\$ 1,900.00		\$0.00	\$767.45	\$767.45
12	2" Service Line	5	LF	\$ 40.00	\$ 200.00		\$0.00		\$0.00
13	1-1/2" Service Line	10	LF	\$ 38.00	\$ 380.00	5	\$190.00		\$190.00
14	1" Service Line	147	LF	\$ 30.00	\$ 4,410.00	5	\$150.00	\$162.33	\$312.33
15	3/4" Service Line	166	LF	\$ 28.00	\$ 4,648.00	166	\$4,648.00		\$4,648.00
16	Bore 3/4" Service Line	902	LF	\$ 34.00	\$ 30,668.00	791	\$26,894.00	\$0.00	\$26,894.00
17	Bore 1" Service Line	70	LF	\$ 35.00	\$ 2,450.00		\$0.00	\$69.88	\$69.88
18	Bore 1-1/2" Service Line	10	LF	\$ 38.00	\$ 380.00		\$0.00		\$0.00
19	Bore 2" Service Line	1	LF	\$ 43.00	\$ 43.00		\$0.00		\$0.00
20	2" Tapping Saddle Corp Curb & Connection	1	EA	\$ 3,000.00	\$ 3,000.00		\$0.00	\$0.00	\$0.00
21	1-1/2" Tapping Saddle Corp Curb & Connection	1	EA	\$ 2,700.00	\$ 2,700.00	1	\$2,700.00		\$2,700.00
22	1" Tapping Saddle Corp Curb & Connection	4	EA	\$ 1,850.00	\$ 7,400.00	3	\$5,550.00	\$0.00	\$5,550.00
23	3/4" Tapping Saddle Corp. Curb & Connection	29	EA	\$ 1,550.00	\$ 44,950.00	27	\$41,850.00	\$0.00	\$41,850.00
24	Fire Hydrant Assembly	6	EA	\$ 7,300.00	\$ 43,800.00	4	\$29,200.00	\$9,064.26	\$38,264.26
25	Fire Hydrant Only - No Valve	1	EA	\$ 5,000.00	\$ 5,000.00		\$0.00		\$0.00
26	8" Direct Tapping Tee & Valve MJ w/ Thrust Block	1	EA	\$ 4,900.00	\$ 4,900.00	1	\$4,900.00		\$4,900.00
27	8"x6" Direct Tapping Tee & Valve MJ w/ Thrust Blo	1	EA	\$ 4,100.00	\$ 4,100.00		\$0.00	\$1,482.54	\$1,482.54
28	6" Direct Tapping Tee & Valve MJ w/ Thrust Block	1	EA	\$ 4,000.00	\$ 4,000.00		\$0.00	\$1,475.96	\$1,475.96
29	4" Direct Tapping Tee & Valv MJ w/ Thrust Block	1	EA	\$ 3,700.00	\$ 3,700.00		\$0.00	\$1,169.95	\$1,169.95
30	Abandon Water Main	3	EA	\$ 375.00	\$ 1,125.00	3	\$1,125.00		\$1,125.00
31	Abandon Water Service	2	EA	\$ 350.00	\$ 700.00		\$0.00		\$0.00
32	Abandon Water Service/Meter Manhole	2	EA	\$ 750.00	\$ 1,500.00		\$0.00		\$0.00
33	Ductile Iron Fittings MJ	3733	LB	\$ 7.00	\$ 26,131.00	2675	\$18,725.00	\$9,508.98	\$28,233.98
34	Wet Cut-In	1	EA	\$ 1,500.00	\$ 1,500.00	1	\$1,500.00		\$1,500.00
35	Connect to Ex Water Main 4" or Larger	9	EA	\$ 1,475.00	\$ 13,275.00	7	\$10,325.00		\$10,325.00
36	Remove Ex Fire Hydrant Assy	5	EA	\$ 700.00	\$ 3,500.00	4	\$2,800.00		\$2,800.00

City Council Proceedings
 April 10, 2024
 Page #20

37	Remove Ex 6" Valve & Box	1	EA	\$ 900.00	\$ 900.00	1	\$900.00	\$900.00	
38	Remove Existing 4" Valve & Box	1	EA	\$ 800.00	\$ 800.00	1	\$800.00	\$800.00	
39	Remove & Salvage Existing Fittings	3	EA	\$ 175.00	\$ 525.00	3	\$525.00	\$525.00	
40	Abandon Existing 8" Valve & Box	1	EA	\$ 400.00	\$ 400.00	1	\$400.00	\$400.00	
41	Abandon Existing 6" Valve & Box	3	EA	\$ 400.00	\$ 1,200.00	3	\$1,200.00	\$1,200.00	
42	Abandon Existing 4" Valve & Box	4	EA	\$ 400.00	\$ 1,600.00	4	\$1,600.00	\$1,600.00	
43	Saw Cut Remove & Replace Brick Roadway	20	SY	\$ 325.00	\$ 6,500.00		\$0.00	\$0.00	
44	Saw Cut Remove & Replace 4" Sidewalk	252	SF	\$ 16.50	\$ 4,158.00	236	\$3,894.00	\$3,894.00	
45	Saw Cut Remove & Replace 6" Conc DW/Pavement	51	SY	\$ 190.00	\$ 9,690.00	1.4	\$266.00	\$266.00	
46	Saw Cut Remove & Replace 8" Conc Pavement	28	SY	\$ 200.00	\$ 5,600.00	21	\$4,200.00	\$4,200.00	
47	Saw Cut Remove & Replace 8" Asphalt Pavement	20	SY	\$ 200.00	\$ 4,000.00		\$0.00	\$0.00	
48	Saw Cut Remove & Replace 6" Asphalt Pavement	20	SY	\$ 200.00	\$ 4,000.00		\$0.00	\$0.00	
49	Install 6" Bollard	2	EA	\$ 800.00	\$ 1,600.00		\$0.00	\$0.00	
50	Aggregate Roadway Surfacing	79	TN	\$ 80.00	\$ 6,320.00		\$0.00	\$0.00	
51	Seeding & Mulching	1	LS	\$10,000.00	\$ 10,000.00		\$0.00	\$0.00	
52	Erosion Control	1	LS	\$ 5,000.00	\$ 5,000.00	0.5	\$2,500.00	\$2,500.00	
	TOTAL PRICE				\$ 559,452.00		\$321,168.00	\$44,313.53	\$365,481.53

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STORED MATERIALS LIST

1455

03-Apr-24

As of: 31-Mar-24

Sales Tax Rate: 7.5%

BID ITEM	BID QTY.	UNIT	ITEM DESCRIPTION	STORED QTY.	TAX	UNIT PRICE	SUBTOTAL	TAX AMT.	TOTAL
3	2364	LF	8" C900 PVC Water Main	543	Y	\$0.28	\$152.04	\$11.40	\$163.44
3	2364	LF	8" C900 PVC Water Main	59	Y	\$1.86	\$109.74	\$8.23	\$117.97
3	2364	LF	8" C900 PVC Water Main	543	Y	\$0.19	\$103.17	\$7.74	\$110.91
3	2364	LF	8" C900 PVC Water Main	6	Y	\$30.00	\$180.00	\$13.50	\$193.50
3	2364	LF	8" C900 PVC Water Main	5	Y	\$2.81	\$14.05	\$1.05	\$15.10
3	2364	LF	8" C900 PVC Water Main	543	Y	\$20.84	\$11,316.12	\$848.71	\$12,164.83
4	25	LF	6" C900 PVC Water Main	0.00	Y	\$12.16	\$0.00	\$0.00	\$0.00
5	11	LF	4" C900 PVC Water Main	0.00	Y	\$10.37	\$0.00	\$0.00	\$0.00
7	487	LF	8" Water Main HDD or Bored w/o Casing	300	Y	\$24.33	\$7,299.00	\$547.43	\$7,846.43
8	10	LF	6" Water Main HDD or Bored w/o Casing	0	Y	\$14.36	\$0.00	\$0.00	\$0.00
9	6	EA	8" Gate Valve w/ Box MJ	0	Y	\$1,491.07	\$0.00	\$0.00	\$0.00
11	1	EA	4" Gate Valve w/ Box MJ	1	Y	\$713.91	\$713.91	\$53.54	\$767.45
14	147	LF	1" Service Line	100	Y	\$1.51	\$151.00	\$11.33	\$162.33
16	902	LF	Bore 3/4" Service Line	0	Y	\$0.40	\$0.00	\$0.00	\$0.00
17	70	LF	Bore 1" Service Line	100	Y	\$0.65	\$65.00	\$4.88	\$69.88
20	1	EA	2" Tapping Saddle Corp Curb & Connection	0	Y	\$500.51	\$0.00	\$0.00	\$0.00
20	1	EA	2" Tapping Saddle Corp Curb & Connection	0	Y	\$320.45	\$0.00	\$0.00	\$0.00
20	1	EA	2" Tapping Saddle Corp Curb & Connection	0	Y	\$169.32	\$0.00	\$0.00	\$0.00
22	4	EA	1" Tapping Saddle Corp Curb & Connection	0	Y	\$172.76	\$0.00	\$0.00	\$0.00
22	4	EA	1" Tapping Saddle Corp Curb & Connection	0	Y	\$93.60	\$0.00	\$0.00	\$0.00
22	4	EA	1" Tapping Saddle Corp Curb & Connection	0	Y	\$72.70	\$0.00	\$0.00	\$0.00
22	4	EA	1" Tapping Saddle Corp Curb & Connection	0	Y	\$191.60	\$0.00	\$0.00	\$0.00

23	29	EA	3/4" Tapping Saddle Corp. Curb & Connection	0	Y	\$45.15	\$0.00	\$0.00	\$0.00
23	29	EA	3/4" Tapping Saddle Corp. Curb & Connection	0	Y	\$116.13	\$0.00	\$0.00	\$0.00
23	29	EA	3/4" Tapping Saddle Corp. Curb & Connection	0	Y	\$76.45	\$0.00	\$0.00	\$0.00
23	29	EA	3/4" Tapping Saddle Corp. Curb & Connection	0	Y	\$72.70	\$0.00	\$0.00	\$0.00
23	29	EA	3/4" Tapping Saddle Corp. Curb & Connection	0	Y	\$116.13	\$0.00	\$0.00	\$0.00
24	6	EA	Fire Hydrant Assembly	1	Y	\$955.28	\$955.28	\$71.65	\$1,026.93
24	6	EA	Fire Hydrant Assembly	4	Y	\$191.83	\$767.32	\$57.55	\$824.87
24	6	EA	Fire Hydrant Assembly	1	Y	\$3,250.99	\$3,250.99	\$243.82	\$3,494.81
24	6	EA	Fire Hydrant Assembly	1	Y	\$3,458.28	\$3,458.28	\$259.37	\$3,717.65
27	1	EA	8"x6" Direct Tapping Tee & Valve MJ w/ Thrust Blo	1	Y	\$947.04	\$947.04	\$71.03	\$1,018.07
27	1	EA	8"x6" Direct Tapping Tee & Valve MJ w/ Thrust Blo	1	Y	\$432.07	\$432.07	\$32.41	\$464.48
28	1	EA	6" Direct Tapping Tee & Valve MJ w/ Thrust Block	1	Y	\$947.04	\$947.04	\$71.03	\$1,018.07
28	1	EA	6" Direct Tapping Tee & Valve MJ w/ Thrust Block	1	Y	\$425.95	\$425.95	\$31.95	\$457.90
29	1	EA	4" Direct Tapping Tee & Valv MJ w/ Thrust Block	1	Y	\$691.37	\$691.37	\$51.85	\$743.22
29	1	EA	4" Direct Tapping Tee & Valv MJ w/ Thrust Block	1	Y	\$396.96	\$396.96	\$29.77	\$426.73
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$29.68	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$17.31	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$37.37	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$19.78	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$54.99	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$98.59	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$29.67	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$139.22	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$208.60	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	0	Y	\$209.15	\$0.00	\$0.00	\$0.00
33	3733	LB	Ductile Iron Fittings MJ	3	Y	\$28.87	\$86.61	\$6.50	\$93.11
33	3733	LB	Ductile Iron Fittings MJ	1	Y	\$79.62	\$79.62	\$5.97	\$85.59
33	3733	LB	Ductile Iron Fittings MJ	2	Y	\$145.74	\$291.48	\$21.86	\$313.34
33	3733	LB	Ductile Iron Fittings MJ	2	Y	\$197.42	\$394.84	\$29.61	\$424.45

33	3733	LB	Ductile Iron Fittings MJ	1	Y	\$96.39	\$96.39	\$7.23	\$103.62
33	3733	LB	Ductile Iron Fittings MJ	2	Y	\$149.00	\$298.00	\$22.35	\$320.35
33	3733	LB	Ductile Iron Fittings MJ	20	Y	\$209.99	\$4,199.80	\$314.99	\$4,514.79
33	3733	LB	Ductile Iron Fittings MJ	2	Y	\$266.80	\$533.60	\$40.02	\$573.62
33	3733	LB	Ductile Iron Fittings MJ	2	Y	\$270.99	\$541.98	\$40.65	\$582.63
33	3733	LB	Ductile Iron Fittings MJ	1	Y	\$387.49	\$387.49	\$29.06	\$416.55
33	3733	LB	Ductile Iron Fittings MJ	87	Y	\$22.25	\$1,935.75	\$145.18	\$2,080.93
						\$0.00	\$0.00	\$0.00	\$0.00
TOTALS ->							\$41,221.89	\$3,091.64	\$44,313.53

Council member Tom Kobus made a motion to approve JEO Engineering Agreement Amendment to proceed with the design of Well #14 relining 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: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0



AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1

The Effective Date of this Amendment is: April 10, 2024.

ARTICLE 1 – BACKGROUND DATA

Effective Date of Owner-Engineer Agreement: July 26, 2023
Owner: David City, Nebraska
Engineer: JEO Consulting Group, Inc.
Project: David City Well #10 Relining, JEO Project Number 231289.00

ARTICLE 2 – NATURE OF AMENDMENT

- Additional Services to be performed by Engineer
- Modifications to services of Engineer
- Modifications of payment to Engineer

ARTICLE 3 – DESCRIPTION OF MODIFICATIONS

Perform engineering services related to the design and construction services of relining Well #14 as included in Exhibit A.

ARTICLE 4 – AGREEMENT SUMMARY

Additional Fees

Project Management	\$ 1,000.00	Lump Sum
Well #14 Relining Design	\$17,500.00	Lump Sum
Construction Administration	\$ 3,500.00	Lump Sum
Resident Project Representation:	<u>\$ 3,500.00*</u>	Hourly [25 Hours Estimated]
Total Additional Fee:	\$25,500.00	

Original agreement amount:	\$ <u>36,500</u>
Net change for prior amendments:	\$ <u>0</u>
This amendment amount:	\$ <u>25,500</u>
Adjusted Agreement amount:	\$ <u>62,000</u>

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit B.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

OWNER:


By:

Print
name: Jessica Miller

Title: Mayor

Date Signed: _____

ENGINEER: JEO Consulting Group, Inc.

By: 
Print
name: Ethan E. Joy, PE

Title: Branch Manager

Date Signed: 4/3/2024

Council member Bruce Meysenburg made a motion to table Change Order #1 for Sargent Drilling to reline Well #14 in the amount of \$233,492.00. 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

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PO Box 367
846 S 13th St.
Geneva, NE 68361



Toll Free: 888-496-3902
Phone: 402-759-3902
Fax: 402-759-4960

*Providing Complete Municipal, Industrial and Agricultural
Pump and Well Service*

April 8, 2024

City of David City
PO Box 191
David City, NE 68632

RE: Estimate for Well #14 Liner Installation

Mobilization of equipment	\$9,640.00
Labor to pull pumping equipment	\$7,500.00
Brush screen and casing	\$3,180.00
Sonar Jet 1- 100' device	\$2,617.00
Well debris removal	\$1,500.00
1- Well video	\$1,277.00
Acid treatment	\$6,112.00
310'- 14" SDR17 PVC casing	\$37,664.00
100'- 14" stainless steel screen	\$31,882.00
Gravel pack	\$2,066.00
Bentonite seal	\$5,102.00
Grout seal	\$2,550.00
Develop and disinfect	\$3,112.00
Furnish and install pumping equipment	\$108,510.00
Reinstall pump motor and water level transducer	\$1,000.00
Labor to install liner	\$9,780.00
Total (does not include applicable sales tax)	\$233,492.00

If you have any questions please call.

Thank You,

A handwritten signature in black ink, appearing to read "Doug Yantzie".

Doug Yantzie,
Municipal Manager

DY/ah

Quote is good for 30 days

Council member Bruce Meysenburg introduced Ordinance No. 1463 entitled Vacant Property Ordinance. Mayor Jessica Miller read Ordinance No. 1463 by title.

Council member Keith Marvin made a motion to suspend the statutory rule requiring an Ordinance to 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 Keith Marvin made a motion to pass and adopt Ordinance No. 1463 on third and final reading adopting a Vacant Property Ordinance. 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

ORDINANCE NO. 1463

AN ORDINANCE TO AMEND CHAPTER 3 ARTICLE 4: NUISANCES OF THE MUNICIPAL CODE OF THE CITY OF DAVID CITY, NEBRASKA TO REGULATE THE REGISTRATION OF VACANT PROPERTY; TO COLLECT FEES FOR VACANT PROPERTIES; TO PLAN FOR REHABILITATION OF VACANT PROPERTIES; TO ENCOURAGE OCCUPANCY OF VACANT PROPERTIES; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 3 Article 4 of the Municipal Code of the City of David City, Nebraska is amended as follows:

§ 3-410 REGISTRATION OF VACANT PROPERTY

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL BUILDING. Commercial building means any building used for commercial purposes. Examples of commercial buildings include, but are not limited to, offices, retail spaces, warehouses, and factories.

OWNER. Owner means the person or persons shown to be the owner or owners of record on the records of the register of deeds.

PROGRAM ADMINISTRATOR. The program administrator means the City Clerk or his or her designee.

PROPERTY. Property means either a residential building or a commercial building located within the corporate limits of the City of David City, but does not include

the property owned by the federal government, the State of Nebraska, or any political subdivision thereof.

RESIDENTIAL BUILDING. Residential building means a house, condominium, townhouse, an apartment unit or building, a trailer house, or any other structure used or designed for use as a residence.

VACANT. A property is vacant if any condition or circumstance that on its own, or in combination with other conditions or circumstances, would lead a reasonable person to believe that the property is vacant. Such conditions or circumstances may include, but are not limited to:

- (1) Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
- (2) An accumulation of abandoned personal property, trash, or other waste;
- (3) Visible deterioration or lack of maintenance of any building or structure on the property;
- (4) Graffiti or other defacement of any building or structure on the property;
- (5) Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes or being used for the operation of a lawful business.

(B) The city shall create a vacant property registration database. The program administrator may utilize the Chief of Police and such additional city employees as may be necessary to administer the program with the approval of the employee's supervisor.

(C) The owner of a vacant property must register such property with the program administrator if the property has been vacant for one-hundred eighty (180) days or longer. At the time of registration, the owner must submit a plan for occupancy for the property detailing how and when the property will be occupied or used.

(D) The program administrator is hereby authorized and directed to make complaint-initiated inspections to determine the condition of property located within the corporate limits of the City, in order to safeguard the welfare and safety of the general public and to ascertain that property as set forth in this title is maintained as required herein. Personnel authorized to enforce this section may also initiate inspections to determine the condition of property based on their own personal observations which are not complaint-initiated.

(E) The program administrator may, but is not obligated to, determine a property is vacant. The program administrator will provide written notice to the owner

of any such determination by personal service or certified mail to the owner at the address maintained in the register of deeds' office at least ten days prior to registration of such property on the registration database. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the property or building which is vacant.

(F) Each registration shall expire at the end of one hundred eighty (180) days unless removed from the registration database. If the building has not been removed from the registration database at the expiration of a registration herein, the owner or the City shall re-register the building pursuant to this section.

(G) One hundred eighty (180) days after the initial registration of a vacant property, or three-hundred sixty (360) days after the property becomes vacant, whichever is earlier, the owner must pay a fee of two-hundred fifty dollars (\$250) for a residential building or one-thousand (\$1,000) for a commercial building.

(H) Every six months following the assessment of the initial registration fee, the owner of a vacant property must pay a supplemental registration fee of five-hundred dollars (\$500) for a residential building or two-thousand (\$2,000) for a commercial building as long as the property remains vacant. Unpaid vacant property registration fees shall become a lien on the applicable property upon the recording of a notice of such lien in the Butler County Register of Deeds Office. The lien created under this section shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this section is recorded. Interest as allowed by applicable Nebraska law shall also accrue unless reduced, waived or stayed by the program administrator.

(I) An owner who, in good faith, advertises a vacant property for sale or lease is exempt from the above registration and fee requirements.

(J) The following exemptions may apply to the vacant property registration and fee requirements:

- a. A residential building used on as seasonal residence is exempt provided the building is seasonally occupied;
- b. A property damaged by fire, weather, explosion, act of God, or vandalism within six months prior to becoming vacant is exempt from the requirements. Such damaged properties are no longer exempt after the six-month period;
- c. A property under construction or renovation is exempt to the extent the construction or renovation is ongoing with measurable progress and in compliance with all relevant building permits and codes;

- d. A residential building where the owner is temporarily absent, but who has demonstrated his or her intent to return is exempt unless it is subsequently determined the owner does not intend to return; and
- e. Property which is subject to divorce, probate, or estate proceedings is exempt until the end of the respective proceeding.

(K) Any subsequent owner of a vacant property subject to this ordinance assumes the obligations of the previous owner.

(L) The program administrator may annually inspect the interior and exterior of a registered vacant property so long as the property remains on the vacant property registration database. An owner will be provided at least ten (10) days' notice prior to an annual inspection.

(M) Upon written notice from the owner of a registered vacant property to the program administrator that the property is no longer vacant, the program administrator will within thirty (30) days inspect the interior and exterior of the property to confirm the property is no longer vacant. The owner must pay any supplemental registration fee that comes due during the period between the owner's written notice and the program administrator's inspection, but upon the program administrator's confirmation the property is no longer vacant, the program administrator may refund the supplemental registration fee so occurring.

(N) After the program administrator confirms a property is no longer vacant, the program administrator will remove the property from the vacant property registration database within seven (7) days. No supplemental registration fee will be assessed after confirmation a property is no longer vacant irrespective of the property's presence on the registration database.

(O) Owners have the right to prior notice and to appeal decisions of the program administrator to the City Council. Such appeal shall be taken by filing with the City Council, within ten (10) days after a notice of the decision has been mailed to the owner's last known address, a written statement setting forth the grounds for the appeal. The City Council shall set the time and place for a hearing on such appeal, and notice shall be given to the owner by personal service or certified mail, postage prepaid, at the owner's last known address. Any order of the City Council on such appeal may be appealed as permissible under law.

(P) Failure to comply with the requirements of this ordinance is a violation of this Code and is subject to the penalties found in section 98.999.

(Q) The requirements and remedies in this section are supplemental and in addition to any other laws of the State of Nebraska and the ordinances of this Code relating to vacant property.

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof, not adjudged invalid or unconstitutional.

Section 4. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Passed and approved this 10th day of April, 2024.

CITY OF DAVID CITY, NEBRASKA

By: _____
MAYOR JESSICA J. MILLER

Attest:

CITY CLERK TAMI L. COMTE

Council member Bruce Meysenburg introduced Ordinance No. 1464 adding Cats to Chapter 3 of the Municipal Code. Mayor Jessica Miller read Ordinance No. 1464 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule that requires an Ordinance to be read on three separate days. 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 Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1464 on third and final reading adding Cats to Chapter 3 of the Municipal Code. 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. 1464

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, TO AMEND ARTICLE 7 OF THE DAVID CITY MUNICIPAL CODE TO GOVERN CATS; TO AUTHORIZE THE DAVID CITY POLICE DEPARTMENT TO ENFORCE THE SAME; AND TO PROVIDE AN EFFECTIVE DATE.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") has a population of undomesticated and free roaming cats within the City's boundaries; and

WHEREAS, the City finds it in the best interest of this cat population, the City's residents, and the City in general to provide for ordinances to govern the undomesticated and free roaming cats as provided herein.

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

Section 1. The Municipal Code of the city of David City, Nebraska, is hereby amended to include, as Section 3, Article 7, the provisions below:

ARTICLE 7 – CATS

SECTION 3-701: INTENT

The purpose and intent of this article is to decrease the city of David City's undomesticated cat populations by humanely controlling reproduction and without removing cats from city limits in accordance with the Trap, Neuter, and Return ("TNR") population control method for the betterment of the community.

SECTION 3-702: CAT; ANIMAL CONTROL DEFINITION.

Animal Control shall mean the David City Police Department, its agents, assigns, or contracted agents.

SECTION 3-703: FREE ROAMING CAT; DEFINITION.

Free-roaming cat shall mean any cat found roaming freely outside of any home or the control of any person for any length of time.

SECTION 3-704: CAT OWNER; DEFINITION.

Cat owner shall mean any person who confines a cat(s) inside a residence or property structure for any length of time and such cats shall be deemed personal property of said cat owner.

SECTION 3-705: UNDOMESTICATED CAT; DEFINITION.

Undomesticated cat shall mean any cat that is not confined inside a residence or property structure that does not have a generally known or reasonably discoverable owner.

SECTION 3-706: UNDOMESTICATED CAT CAREGIVER; DEFINITION.

Undomesticated cat caregiver shall mean any person that provides food, water, or shelter to free roaming cats, and does not confine cats inside a residence or property structure for any length of time.

SECTION 3-707: TRAP-NEUTER-RETURN (TNR); DEFINITION.

Trap-Neuter-Return (TNR) shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning undomesticated cats to the location trapped. Animal Control shall obtain consent of the landowner before entering private property for this purpose.

SECTION 3-708: CAT HOARDING; DEFINITION.

Cat hoarding shall mean the accumulation of a number cats such that it overwhelms a person's ability to provide minimum standards of care. Minimum standards of care include nutrition, sanitation, shelter, veterinary care, and socialization causing disease, starvation, or death of cats confined and residing within a property residence or structure.

SECTION 3-709: FREE ROAMING CAT; STERILIZATION-SPAY AND NEUTER.

All free-roaming cats within city limits shall be surgically spayed or neutered by a licensed veterinarian and rabies vaccinated. This shall be done voluntarily by the cat owner or by Animal Control through the TNR process.

SECTION 3-710: OWNED CATS NOT FREE ROAMING; STERILIZATION-SPAY AND NEUTER.

Cat owners shall spay and neuter all cats it owns within four months of age. This provision shall not apply if the procedure would endanger the health of the cat, if the owner is a Nebraska state licensed breeder, if the temporarily resides in a foster home or is used in show and performance competitions, or if a veterinarian does not recommend spay and neuter surgery until later in the cat's life for a medical reason as evidenced by a veterinarian's statement. The cat owner must provide documentation for all other exemptions.

SECTION 3-711: RETURN OF CATS SPAYED AND NEUTERED THROUGH THE TNR PROCESS.

Animal Control shall, after completion of the TNR process, return all cats to the area they were captured, except for cats needing additional medical attention for illness or injury. Cat owners must provide documentation sufficient to evidence ownership as Animal Control determines for the return. If a cat has no identifiable owner it shall be held for a 5-day holding period and if no owner claims the cat, it shall be provided to the humane society or to some other suitable owner. Undomesticated cat caregivers may request cats for which they provide care to be

relocated in this manner for the health and safety of the cats. Cat owners shall pay all applicable boarding, veterinary and licensing fees for this process.

SECTION 3-712: INTERFERENCE WITH THE TNR PROCESS.

Any person found to be removing free-roaming cats from city limits for the sole purpose of dumping said cats in the country, concealing unaltered cats for the purpose of reproduction, releasing cats from traps, tampering with, stealing, damaging, or destroying TNR equipment shall be guilty of a Class V Misdemeanor. Persons found in violation of this provision shall face a \$25 fine, plus equipment replacement cost if applicable, for each offense.

SECTION 3-713: CATS; LICENSING; FEES.

A. *License.* Any person owning a cat over the age of six (6) months within the city shall, within thirty (30) days after acquisition of the said cat, acquire a license for each cat by or before the first (1st) day of May of each year. The cat own shall renew this license annually.

B. *License Application.* The cat owner must provide at the time of license application a certificate indicating the cat has been spayed or neutered and received a rabies vaccination, and, on printed forms of the city, the owner's name and address and the name, breed, color, sex, and sterilization status of each cat for which the license application is for.

C. *Certificate.* Upon payment of the license fee, the City Clerk shall issue to the owner of a cat a license certificate and metallic tag for each cat so licensed. The metallic tags do not need to be attached to the collar and worn by said cat. The City Clerk may issue replacement metallic tags if one is lost or destroyed upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein and that the cat own is not delinquent on the cat's licensing fees. The City Clerk shall design or cause to be designed a new metallic tag each year in order to differentiate between years of issuance.

D. *License Fee.* The cat owner shall pay to the City clerk a license fee of five (\$5.00) dollars for each cat at the time of license application. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed cat. The license fee shall be delinquent from and after May first (1st); provided, the owner of any cat brought into or harbored within the corporate limits after May first (1st) of any year, shall be liable for the payment of the cat tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. All license fees and collections shall be immediately credited to the city's general fund after the City remits the fee Nebraska Revised Statutes section 54-603(3) imposes to the Nebraska Department of Agriculture. (Neb. Rev. Stat. §§ 54-603, 17-526)

E. *Service Animals.* The License Fee provided in this section does not apply to cats that are validly registered as service animals. (Neb. Rev. Stat. § 17-526)

SECTION 3-714: WRONGFUL LICENSING.

It shall be unlawful and a Class V Misdemeanor for any Cat Owner to permit or allow its cat(s) to wear a fake metallic tag, to create or possess a fake cat license, or to otherwise utilize any other evidence of licensure than that issued by the City Clerk for cats.

SECTION 3-715: CATS; KILLING AND POISONING.

It shall be unlawful and a Class IV Misdemeanor to kill, or to administer or cause to be administered, poison of any sort to a cat, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy, or to place any poison, or poisoned food where the same is accessible to a cat.

SECTION 3-716: CATS; BITES.

Any owned cat not vaccinated in accordance with the provisions of this Article that bites any human that causes an abrasion of the skin shall be confined for rabies observation not less than ten (10) days by the owner. If the owner cannot confine the cat for 10 days, the cat will be impounded and held for observation by animal control. If upon examination by a veterinarian, the cat has no clinical signs of rabies at the end of such confinement, it may be released to the owner after rabies vaccination, proper licensing, and spay or neuter in accordance with the Article, is shown to be completed. The owner will be required to pay all fees associated with confinement, vaccination, and any other needed veterinary care during the 10-day confinement period. Undomesticated cats that have bitten will be impounded and confined for rabies observation in the same manner and returned to its colony. Caregivers will not be held responsible for associated fees.

SECTION 3-717: CATS; NUISANCE.

A non-spayed or non-neutered cat shall constitute nuisance according to Chapter 3, Article 4 of the David City Municipal Code in compliance with this Article and shall be brought into compliance to remove a nuisance determination.

SECTION 3-718: HARMONY WITH OTHER ORDINANCES AND LAWS.

To the extent this Article conflicts with other provisions of the David City Municipal Code this Article shall govern.

* * *

Section 2. All ordinances, amendments, and sections in conflict herewith are hereby repealed in full.

Section 3. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication or posting according to law.

Passed and approved this 10th day of April, 2024.

Jessica Miller, Mayor

ATTEST:

Tami Comte, City Clerk

Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 15-2024 Sanitary Sewer Agreement with USDA. 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

RESOLUTION NO. #15-2024

WHEREAS, the City of David City, Nebraska recognizes that a properly functioning sanitary sewer system is necessary to the health and welfare of the citizens of the City; and

WHEREAS, the Mayor and City Board of Trustees have determined that portions of the City sanitary sewer system are in need of significant repair and improvement; and

WHEREAS, funding for the cost of the repair and improvement of portions of the City sanitary sewer system may be obtained by loan from the Nebraska Department of Environment and Energy, subject to certain requirements and obligations; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Board of Trustees of the City of David City, Nebraska that they should execute the contract for loan between the Nebraska Department of Environment and Energy and the City of David City, Nebraska designated as Project No. C318068, incorporated by reference into this Resolution as if fully set forth; and

BE IT FURTHER RESOLVED, Jessica J. Miller, Mayor, is hereby directed to execute the Agreement and all other documents necessary to facilitate the Loan between the Nebraska Department of Environment and Energy and the City of David City, Nebraska for the purpose of repairing and improving the City's sanitary sewer system; and

BE IT FURTHER RESOLVED THAT Tami L. Comte, City Clerk, be authorized and directed to sign all necessary documents, to furnish such assurances to the State of Nebraska as may be required by law or regulations, and to receive payment on behalf of the applicant.

HEREBY the RESOLUTION has passed and approved as of April 10, 2024.

City of David City, Nebraska

(signature)
Title Mayor

Date April 10, 2024

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of April 10, 2024.

(signature)
Title City Clerk

Date April 10, 2024

Council member Bruce Meysenburg made a motion to approve the application by Ka-Boomer's Enterprises, Inc. to sell permissible fireworks at 1510 4th Street. Council Member Pat Meysenburg seconded the motion. The motion carried.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Pat Meysenburg made a motion to approve an agreement with Midwest Right of Way for the Nebraska Street Extension. 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

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City of David City, Nebraska

Tami Comte
City Clerk-Treasurer/Interim City Administrator

City of David City - Nebraska Street Extension

Proposal for Right of Way Services
April 9, 2024

John Borgmeyer
john.borgmeyer@midwestrow.com

13425 A Street
Omaha, Nebraska 68144
402-955-2900



PROPOSAL FOR SERVICES

City of David City - Nebraska Street Extension

PROJECT UNDERSTANDING

This project involves the acquisition of a temporary easement and right of way purchase from two property owners for the City of David City - Nebraska Street Extension project. The project is located in Butler County, Nebraska

Midwest ROW will provide appraisal reports, title reports, and negotiate for the required right of way and easements for the project.

PROJECT MANAGEMENT

This task will involve coordination of all project elements so that work is initiated as it should be, appropriate progress is made, and schedules are met. Coordination and scheduling of the title work, appraisals, and the acquisition will be the responsibility of the project manager.

ACQUISITION

Midwest Right of Way Services' acquisition agents will make every effort to understand the project's objective before meeting with property owners. We will prepare all documents, present and explain the offer, answer all acquisition-related questions, and secure signatures from all interested parties. Our acquisition agents will obtain tenant information from property owners and proceed to obtain signed a leasehold contract, if applicable. We will negotiate in good faith and keep records of all calls made.

TITLE SEARCHES

Title searches will be ordered for properties to be acquired in order to determine fee ownership and any liens and encumbrances which will affect the title. Midwest Right of Way Services will contract with Nebraska Title in Omaha, Nebraska, to provide these services and pass the cost through to the City of David City at no additional cost.

APPRAISALS and COMPENSATION ESTIMATES

This task involves the preparation of two (2) appraisal reports for the project. Steve Medill of Capital Appraisal Company will prepare the appraisals for this project. The appraiser is approved by the State of Nebraska Department of Transportation to provide appraisal reports for right of way projects. The appraisal reports will be provided to the City of David City for their use in determining Just Compensation. Midwest will pass the cost of these services through to the City of David City at no additional cost.

ECONOMIC EQUITY AND INCLUSION PROGRAM

Midwest Right of Way Services, Inc. is a participant in the City of Omaha Economic Equity and Inclusion Program.

SMALL EMERGING BUSINESS TIER II

Midwest Right of Way Services, Inc. is certified by the City of Omaha as a Small Emerging Business Tier II.

VETERAN-OWNED BUSINESS

Midwest Right of Way Services is a veteran-owned business.

TEAM MEMBERS

John Borgmeyer, RWA-GN, Project Manager, is the Vice President for Midwest Right of Way Services, Inc. He has performed acquisition negotiations for state, local and federally funded projects in Nebraska, Iowa and Kansas, and relocation assistance for local and federally funded projects in Nebraska. His experience includes roadway, airport, drainage, and sewer projects.

Stacey A. Kroeger, SR/WA, R/W-RAC, Right of Way Agent, has worked for Midwest Right of Way Services since February 2001. She has performed acquisition negotiations and relocation assistance since May, 2005. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects.

Maria Rodriguez, R/W-RAC, Project Manager, is a project manager and has worked for Midwest Right of Way Services since October, 2013. She performed several years of acquisition negotiations and relocation assistance in Phoenix, Arizona. Her experience includes right of way title searches, acquisition negotiations, and relocation assistance for state, local, and federally funded projects. Maria is fluent in Spanish.

Denny Bliss, Right of Way Agent, has worked for Midwest Right of Way Services since July, 2011. He has performed acquisition negotiations for state, local and federally funded projects. His experience includes preparation and review of legal descriptions, review of land title reports, as well as the ability to read, interpret, and draw engineering plans. He has experience with airport, roadway, drainage, sewer, and utility projects. He is also an experienced CADD technician.

Jim Abbott, Right of Way Agent, has worked for Midwest Right of Way Services since January, 2017. He has performed acquisition negotiations for sewer and roadway projects in Omaha, Lincoln, Sarpy County and Douglas County in Nebraska and roadway projects in Iowa. His experience includes twenty years of real estate management of commercial and investment properties in the Midwest working for a management company throughout Nebraska, Iowa, and South Dakota.

Chris Wayne, SR/WA, Right of Way Agent, has worked for Midwest Right of Way Services since May, 2020. His experience includes over 30 years of urban planning and redevelopment experience working for the City of Omaha. Chris has extensive knowledge in the real estate, right of way acquisition, and relocation assistance service field.

Caleb Schescke, Right of Way Agent, is the newest member of the Midwest Right of Way Services team starting in February 2022. Caleb graduated from University of Nebraska at Kearney in 2020. Caleb received his real estate license in 2022. He has experience working on Utility, Roadway, and drainage projects in Nebraska.

PAYMENT FOR SERVICES

Midwest Right of Way Services proposes the right of way services detailed above for the following hourly fees:

	<u>Hourly Salary Rates</u>
Project Manager	\$ 150.00
Right of Way Agent	\$ 125.00
Document Preparation and Administrative Services	\$ 75.00
Mileage at Standard IRS Rate *2024	\$ 0.67

*Mileage will be billed in addition to the above fees, at the standard IRS rate for the year in which the miles were incurred.

Condemnation court testimony and consultation will be billed at our standard hourly rate plus expenses, if needed. Invoices will be sent on an approximate monthly basis for services rendered.

RIGHT OF WAY SERVICES

Project Management	2	Tracts	@	\$ 300.00	each =	\$ 600.00
Pre- Negotiation Services	2	Tracts	@	\$ 625.00	each =	\$ 1,250.00
Negotiation Services	2	Tracts	@	\$ 3,750.00	each =	\$ 7,500.00
Administrative Services	2	Tracts	@	\$ 225.00	each =	\$ 450.00

Total Right of Way Costs: \$ 9,800.00

The pass-through costs will be as follows:

PASS THROUGH SERVICES

Title Services	2	Reports	@	\$ 200.00	each =	\$ 400.00
Appraisal Reports	2	Reports	@	\$ 1,000.00	each =	\$ 2,000.00

Total Estimated Pass Through Costs: \$ 2,400.00

If the above-described items are satisfactory to you, please sign and date the original and duplicate original of this letter in the space provided. Keep one executed copy of this letter for your files and return the duplicate copy to us for our files. Receipt of this letter contract will be considered our formal notice to proceed with the work.

Sincerely,

MIDWEST RIGHT OF WAY SERVICES, INC.



John E. Borgmeyer
Vice President

ACCEPTANCE OF PROPOSAL AND AUTHORIZATION TO PROCEED



Authorized Representative

4-10-2024

Date

Council member Keith Marvin made a motion to approve an agreement with Mid-State Engineering & Testing to complete the materials testing for the "2023 AGP Substation" project. 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



March 27, 2024

City of David City, Nebraska
490 E Street
David City, NE 68632

**RE: Proposal of Work and Costs
Construction Quality Control Testing
AGP Substation
David City, NE**

City Representative.

Mid-State Engineering & Testing, Inc. is pleased to provide the following cost estimate to provide Quality Control Testing, and Engineering Services for the above outlined project in David City, NE. Included are both unit costs and a total cost estimate based on our understanding of the plans and scope.

The following detail of services are anticipated and included in this scope:

Soils and Foundations

- Classification and standard proctor for all proposed materials to be utilized as structural fill.
- Observation of soil subgrade, as outlined in the Geotechnical Investigation by Mid-State Engineering & Testing, and prior to structural fill placement.
- Compaction testing, by the nuclear method, during structural fill placement on the substation pad and backfill of new foundations. A minimum of (1) test per vertical feet is anticipated.

Cast-In-Place Concrete

- Sample and test delivered concrete for fluid slump, air entrainment, and temperature
- Sample and cast (4) standard size compressive strength cylinders. Estimated quantity is (26) total sets.
- Cast cylinders will be tested for compressive at a schedule of (1) at 7 days, (2) at 28 days and (1) held in reserve.
- A special trip will be required to pick up the cylinders from the site.

2106 E. Highway 30 Suite 1
Kearney, NE 68847
Office: 308-237-0187

402 31st Avenue
Columbus, NE 68601
Office: 402-562-7824

1403 Square Turn Blvd
Norfolk, NE 68701
Office: 402-379-2377

www.midstateengineering.com

AGP Substation
 David City, NE
 March 27, 2024
 Page 2 of 3



All testing and inspection/observations will be invoiced at the following unit rates:

PROFESSIONAL SERVICES

Senior Engineer (P.E.)	\$180.00/hour
Professional Engineer (P.E.).....	150.00/hour
Project Engineer (E.I.T.).....	110.00/hour
Project Manager	110.00/hour
Certified Engineering Technician (C.E.T.).....	75.00/hour
Clerical/Administration	50.00/hour

FIELD WORK

Field Compaction Tests (nuclear or balloon)	\$40.00/each
Concrete Test Set.....	110.00/set
(Includes cylinder molds, slump, air content, concrete temp, batch up to 4 cylinders)	
Batch Extra Concrete Test Specimens (includes molds)	10.00/each
Extra Slump Tests (if required)	20.00/each
Extra Air Tests (if required)	30.00/each
Trip Charge – to David City (man and vehicle)	105.00/trip

LABORATORY (Soils/Concrete/Grout)

Concrete Cylinder Compressive Strength.....	\$20.00/each
Concrete Cylinder Compressive Strength*	30.00/each
*(Concrete Specimens cast by contractor)	
Standard Proctor Test (ASTM D-698) 4” Mold	170.00/each
Atterberg Limits (ASTM D-4318).....	80.00/each
Percent Passing #200 Sieve (ASTM D-1140)	35.00/each

Based on the above unit costs, the following total cost estimate is provided. Again, this is our best estimate based on the anticipated construction schedule by the grading contractor and foundation contractor. Actual costs will be dependant on weather conditions and the pace of construction and other factors which affect QA/QC testing costs.

CONVENTIONAL CONSTRUCTION QUALITY CONTROL

Field Work – Soils

Site Observation- Subgrade

1 Senior Engineer (P.E.) @ \$180/hr	\$180.00
1 Certified Engineering Tech @ \$75/hr.....	75.00
2 Trips @ \$105/trip.....	210.00

Compaction – Site Grading/ Structural Backfill/ Utilities

26 Compaction Tests @ \$40/test	1,040.00
12 Trips @ \$105/trip.....	1,260.00
Subtotal.....	\$2,765.00

AGP Substation
 David City, NE
 March 27, 2024
 Page 3 of 3



Field Work – Concrete

Concrete Testing

26	Concrete Test Sets @ \$110/set	\$2,860.00
26	Trips @ \$105/trip.....	2,730.00
26	Trips – Cylinder Pickup @ \$105/trip.....	2,730.00
	Subtotal.....	\$8,320.00

Laboratory

78	Concrete Cylinder Compressive Strength @ \$20/each.....	\$1,560.00
26	Store Spare Cylinder @ \$10/each.....	260.00
1	Standard Proctor Test (ASTM D-698) @ \$170/each.....	170.00
1	Atterberg Limits (ASTM D-4318) @ \$80/each.....	80.00
1	Percent Passing #200 Sieve (ASTM D-1140) @ \$35/each	35.00
	Subtotal.....	\$2,105.00

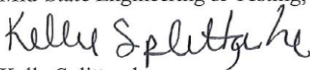
Project Review/Administration

5	Project Manager @ \$110/hr.....	\$550.00
3	Administration @ \$50/hr.....	150.00
	Subtotal.....	\$700.00

TOTAL COST ESTIMATE\$13,890.00

The provided total cost estimate is our best estimate at this time based on the anticipated construction schedule and our experience with similar projects. As previously stated, actual testing and inspection costs will be dependent on the actual pace of construction, weather conditions and other factors that impact construction. Quality Control testing will be performed on an on-call basis with work invoiced at the unit rates indicated for only the actual work performed.

If you have any questions or need additional information, feel free to call at your convenience. If this proposal of work and cost is acceptable, please return a signed copy to our office.

Respectfully Submitted,
 Mid-State Engineering & Testing, Inc.

 Kelly Splittgerber
 Project Manager

Accepted By: _____ Date: _____

Council member Keith Marvin made a motion to combine agenda items number 19 and 21 – public hearing to consider amending the Future Land Use Map by changing the land use classification from Residential to Industrial Heavy for the following real estate as requested by Nick Sypal: Parcel # 120008428 – Legal Description Out Lot 4, West David City Addition as Platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East, with a physical address of 273 West C Street and Public hearing to consider amending the Official Zoning Map by changing the zoning classification from R-2 – Two-Family Residential to I-2 – Heavy Industrial for the following real estate as requested by Nick Sypal: Parcel # 120008428 – Legal Description Out Lot 4, West David City Addition as Platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East, with a physical address of 273 West C Street. 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 declared the public hearings open at 7:37 p.m. to consider amending the Future Land Use Map by changing the land use classification from Residential to Industrial Heavy for the following real estate as requested by Nick Sypal: Parcel # 120008428 – Legal Description Out Lot 4, West David City Addition as Platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East, with a physical address of 273 West C Street and to consider amending the Official Zoning Map by changing the zoning classification from R-2 – Two-Family Residential to I-2 – Heavy Industrial for the following real estate as requested by Nick Sypal: Parcel # 120008428 – Legal Description Out Lot 4, West David City Addition as Platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East, with a physical address of 273 West C Street.

Attorney Steve Mossman, Mattson Ricketts, 134 S. 13th Street, Lincoln, NE introduced himself and stated that he was in attendance representing the Sypals. He entered exhibits into the record. They can be found following the proceedings. He presented arguments in favor of rezoning the property.

Bryon Forney, 190 West B Street, David City, introduced himself and spoke in favor of rezoning the property, conditioned on the storage and sale of firewood no longer being stored on the lot south of his home.

Jan Sypal, 606 O Street, David City introduced herself and asked to hear from Building Inspector Gary Meister.

Gary Meister introduced himself and stated that he had gotten complaints regarding the property at 273 West C Street and that was why Sypal's moved the wood to the lot to the south of the Forney property because the lot was zoned I-2.

Nick Sypal, 243 W. C Street, David City introduced himself and spoke in favor of the rezoning.

Both attorneys, Council member Marvin and Bryon Forney will meet to discuss possible solutions for all parties involved.

Mayor Jessica Miller declared the public hearings closed at 8:11 p.m.

The Mayor, Council and City Attorney discussed with the parties the idea of permanently tabling the rezoning request and instead working with the Sypals and Mr. Mossman to amend the Zoning Ordinance to allow the storage and sale of firewood as a conditional use in the R-2 zoning district. This would facilitate the Sypals operating their business on the west side of their lot westerly of the Forneys home instead of on their lot south of the Forneys. All participants in the hearing agreed that this is a good solution. The Sypals and Mr. Mossman will need to apply to amend the Zoning Ordinance and for a conditional use permit to initiate this process.

Council member Keith Marvin moved to table Ordinance No. 1466 indefinitely. 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

ORDINANCE NO. 1466

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP BY CHANGING THE LAND USE CLASSIFICATION FROM RESIDENTIAL TO INDUSTRIAL HEAVY FOR AN AREA DESCRIBED AS: OUTLOT 4, WEST DAVID CITY ADDITION AS PLATTED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST; REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Future Land Use Map be amended as follows to change the land use classification from Residential to Industrial Heavy for the area described as:

Outlot 4, West David City Addition as platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East

TABLED INDEFINITELY



Section 2. That 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, is hereby appealed.

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

Passed and adopted this 10th day of April, 2024.

Mayor Jessica J. Miller

City Clerk Tammy Monte

Council member Keith Marvin made a motion to table Ordinance No. 1467 indefinitely. 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

ORDINANCE NO. 1467

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FROM R-2 – TWO FAMILY RESIDENTIAL TO I-2 HEAVY INDUSTRIAL FOR AN AREA DESCRIBED AS: OUTLOT 4, WEST DAVID CITY ADDITION AS PLATTED IN PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 15 NORTH, RANGE 3 EAST, REPEALING ANY ORDINANCES IN CONFLICT HEREWITH; DESCRIBING THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. That the Official Zoning Map be amended as follows to change the zoning classification from R-2 Two Family Residential to I-2 Heavy Industrial for the area described as:

Outlot 4, West David City Addition as platted in part of the Southwest Quarter of the Southwest Quarter of Section 19, Township 15 North, Range 3 East.



Section 2. That any ordinance or section of any ordinance passed and approved prior to the passage, approval, publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

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

Passed and adopted this 10th day of April, 2024.

Mayor Jessica J. Miller

City Clerk Tami L. Comte

Council member Keith Marvin introduced Ordinance No. 1468 updating the Municipal Code Chapter 2 Section 2 Park and Recreation Advisory Board. Mayor Jessica Miller read Ordinance No. 1468 by title.

Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring an Ordinance to be read on three separate days. 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 Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1468 updating Municipal Code Chapter 2 Section 2 Park and Recreation Advisory Board. 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

ORDINANCE NO. 1468

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO AMEND THE DAVID CITY MUNICIPAL CODE TO CHANGE CERTAIN ASPECTS OF THE DAVID CITY PARKS AND RECREATION ADVISORY BOARD; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") owns certain parks and other recreational facilities within the City ("**Facilities**"); and

WHEREAS, pursuant to Section 1-521 of the David City Municipal Code ("**Code**"), the City Park and Recreation Superintendent ("**Superintendent**") manages and operates the Facilities; and

WHEREAS, pursuant to Section 2-202 through 2-204 of the Code establishes a five-member Parks and Recreation Advisory Board ("**Board**") that assists the City Council with decisions relating to the maintenance and operation of the Facilities and performs other activities such as budgeting; and

WHEREAS, the City desires and finds it to be in the best interest of the City to amend certain aspects of the Board, to provide for more members of the Board, and to adjust certain duties of the Board, to better serve the City and its Residents and Facilities.

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

(1) Sections 2-202 and 2-204(B) of the David City Municipal Code are hereby repealed in their entirety and replaced with the following amended provisions:

SECTION 2-202: MEMBERS; TERMS.

There is hereby established a David City Parks and Recreation Advisory Board. The Board shall consist of at least three (3) members, in compliance with Nebraska Revised Statutes Section 17-952. The Board shall initially include six (6) appointed members: the Park Superintendent, the Recreation Supervisor, two David City Council members, and two David City residents. The six members shall be residents of the City and have an interest in park and recreational activities. The Park Superintendent and Recreation Coordinator shall serve as consent members of the Board. All other Board members shall serve one year terms. All Board members shall serve without pay. The Mayor, with the City Council's advice and consent, shall appoint persons to fill any Board vacancies.

SECTION 2-204: DUTIES

B. Duties of the board shall include making recommendations on all park-related concerns and issues for the purpose of planning, promoting and maintaining a diverse park system for residents of all ages. Functions of the board include holding neighborhood meetings, receiving resident input, conducting surveys, addressing funding strategies, evaluating and recommending capital improvements for new and existing park facilities, reviewing residential, commercial and industrial developments for park dedications, and conducting public meetings and workshops for citizen involvement in the park planning process. The board shall have no financial and budgetary authority.

(2) This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

(3) This ordinance shall supersede any and all previous ordinances and resolutions in conflict therewith and any such conflicting ordinances and resolutions exist they are hereby repealed to the extent of the conflict therewith.

PASSED AND APPROVED this 10th day of April, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

Council member Keith Marvin made a motion to enter into closed session to discuss litigation and contracts. 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

Mayor Jessica Miller stated, "Now, at 8:24 p.m., we are going into closed session to discuss contracts and pending litigation. Mayor Jessica Miller, all of the Council members, City Attorneys David Levy, and Interim City Administrator Tami Comte went into closed session at 8:24 p.m.

Council member Jim Angell made a motion to reconvene in open session. 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 Keith Marvin made a motion to adjourn. Council Member Kevin Woita seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:54 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 10, 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 10, 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