

CITY COUNCIL PROCEEDINGS
June 11, 2025

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, Jim Angell, Keith Marvin, and Jeremy Abel, City Administrator Alan Zavodny, City Administrator Intern Raiko Martinez, City Attorney David Levy, and City Clerk-Treasurer Tami Comte. Council member Rick Holland was absent.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Ethan Joy with JEO, Cody Wickham with DA Davidson, CJ Bouc, Louise Niemann and Marlene Hein.

The meeting opened with the Pledge of Allegiance.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. 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 May 28, 2025 City Council meeting as presented. Council Member Jeremy Abel seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Kevin Woita made a motion to approve the claim to D-Sign Shop. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Abstain (With Conflict), Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Absent: 1, Abstain (With Conflict): 1

Council member Bruce Meysenburg made a motion to approve the claims as presented with the exclusion of Great Plains Uniform and Veenstra & Kimm. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Kevin Woita made a motion to approve the committee and officer reports and the Butler County Development Board update as presented. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Mayor Jessica Miller declared the public hearing open at 7:08 p.m. concerning an application to the Department of Economic Development for a Community Development Block Grant.

Louise Niemann, representing the Bone Creek Museum of Agrarian Art, introduced herself and explained that the new location has been a resounding success and they would like additional grant funds to make the building fully handicapped accessible. They want to install handicapped parking on the south side and make the restrooms on the second floor fully accessible and barrier free.

Hearing no further comment, Mayor Jessica Miller declared the public hearing closed at 7:13 p.m.

Council member Keith Marvin made a motion to pass and adopt Resolution No. 12-2025 authorizing the Mayor to sign an application for CDBG Funds. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

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David City, NE 68632



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Website: www.davidcityne.com

RESOLUTION NO. 12-2025
A RESOLUTION AUTHORIZING THE MAYOR
TO SIGN AN APPLICATION FOR CDBG FUNDS

Whereas, the City of David City, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program, and,

Whereas, the City of David City, Nebraska, has obtained its citizens' comments on community development and housing needs; and has conducted public hearing(s) upon the proposed application and received favorable public comment respecting the application which for an amount of \$355,000 for ADA-related improvements to the Bone Creek Museum of Agrarian Art; and, NOW, THEREFORE, BE IT RESOLVED BY

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the City Council of City of David City, that the Mayor be authorized and directed to proceed with the formulation of any and all contracts, documents or other memoranda between City of David City and the Nebraska Department of Economic Development so as to effect acceptance of the grant application.

Chief Elected Official Signature

Jessica Miller, Mayor

Chief Elected Official Printed Name, Title

Date

Council member Keith Marvin made a motion to table Pay Application No. 6 (Final) for Rutjens Construction in the amount of \$59,687.65 for the 2023 Water Main Improvements North Loop to July 9, 2025. Council Member Jim Angell seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to approve Pay Application No. 4 (Final) for Vrba Construction in the amount of \$22,830.01 for the 2023 Campground Sanitary Sewer Extension. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

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Contractor's Application for Payment

Owner: <u>City of David City</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>220784.00</u>
Contractor: <u>Vrba Construction, Inc.</u>	Contractor's Project No.: _____
Project: <u>2023 Campground Sanitary Sewer Extension</u>	
Contract: <u>2023 Campground Sanitary Sewer Extension</u>	
Application No.: <u>4 (Final)</u>	Application Date: <u>5/21/2025</u>
Application Period: From <u>12/10/2024</u> to <u>4/11/2025</u>	

1. Original Contract Price	\$ 273,883.50
2. Net change by Change Orders	\$ 116,216.73
3. Current Contract Price (Line 1 + Line 2)	\$ 390,100.23
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 390,100.23
5. Retainage	
a. <u>0%</u> X \$ 390,100.23 Work Completed =	\$ -
b. <u>0%</u> X \$ - Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ -
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 390,100.23
7. Less previous payments (Line 6 from prior application)	\$ 367,270.22
8. Amount due this application	\$ 22,830.01
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ -

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: Vrba Construction, Inc.

Signature: Miki Moon **Date:** 5/21/2025

Recommended by Engineer	Approved by Owner
By: <u>Raron D. Braulair</u>	By: <u>James J. Miller</u>
Title: <u>Senior Project Engineer</u>	Title: <u>Mayor</u>
Date: <u>5/21/2025</u>	Date: <u>6/12/2025</u>
Approved by Funding Agency	
By: <u>N/A</u>	By: <u>N/A</u>
Title: _____	Title: _____
Date: _____	Date: _____

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Progress Estimate - Unit Price Work										Contractor's Application for Payment					
Owner: City of David City		Engineer: J&O Consulting Group, Inc.						Owner's Project No.: 220784.00							
Contractor: Vrae Construction, Inc.		Project: 2023 Campground Sanitary Sewer Extension						Engineer's Project No.: 220784.00							
Contract: 2023 Campground Sanitary Sewer Extension		Application No.: 4 (Final)						Application Period: From 12/10/24 to 05/11/25		Application Date: 05/21/25					
Bid Item No.	Description	Contract Information		Unit Price (\$)	Value of Bid Item (C X E) (\$)	Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)				
		Item Quantity	Units			Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)								
Original Contract															
GROUP A - INSTALL/BUILD SANITARY SEWER SERVICE															
1	Mobilization	1.00	LS	10,000.00	10,000.00	1.00	10,000.00		10,000.00	100%	-				
2	Bonding and Insurance	1.00	LS	10,000.00	10,000.00	1.00	10,000.00		10,000.00	100%	-				
3	8" PVC Sanitary Sewer Main, SDR 35	1,590.00	LF	72.00	110,180.00	1,590.00	110,180.00		110,180.00	100%	-				
4	8" PVC Sanitary Sewer Service, SDR 26	20.00	LF	162.00	3,240.00	20.00	3,240.00		3,240.00	100%	-				
5	48" Dia. Concrete Manhole	52.00	VF	815.50	42,406.00	52.00	42,406.00		42,406.00	100%	-				
6	8" PVC CS90, DR 18, RJ	153.00	LF	75.50	11,551.50	153.00	11,551.50		11,551.50	100%	-				
7	Connect to Existing Manhole	1.00	EA	1,000.00	1,000.00	1.00	1,000.00		1,000.00	100%	-				
8	Site Fence	130.00	LF	8.00	1,040.00	130.00	1,040.00		1,040.00	100%	-				
9	18" Steel Casing, 0.3125" Thickness, Jack and Bore	104.00	LF	714.00	75,894.00	104.00	75,894.00		75,894.00	100%	-				
10	Clear and Grub All Foliage and Trees	1.00	LS	5,500.00	5,500.00	1.00	5,500.00		5,500.00	100%	-				
11	Plant New Eastern Red Cedar Trees	4.00	EA	185.00	740.00	4.00	740.00		740.00	100%	-				
12	8" Csg. PVC	1.00	EA	100.00	100.00	1.00	100.00		100.00	100%	-				
13	8" x 8" Wye, PVC	1.00	EA	150.00	150.00	1.00	150.00		150.00	100%	-				
14	Seeding	2,100.00	SY	1.00	2,100.00	2,100.00	2,100.00		2,100.00	100%	-				
Original Contract Totals					\$	273,883.50	\$	273,883.50	\$	-	\$	273,883.50	100%	\$	-

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Progress Estimate - Unit Price Work										Contractor's Application for Payment			
Owner: City of Davis City										Owners' Project No.:			
Engineer: JEO Consulting Group, Inc.										Engineers' Project No.: 220784.00			
Contractor: Vrao Construction, Inc.										Contractor's Project No.:			
Project: 2023 Campground Sanitary Sewer Extension													
Contract: 2023 Campground Sanitary Sewer Extension													
Application No.: 4 (Final)		Application Period: From 12/10/24 to 04/11/25								Application Date: 05/21/25			
A Bid Item No.	B Description	C Contract Information			D Work Completed			I Materials Currently Stored (not in G) (\$)	J Work Completed and Materials Stored to Date (H + I) (\$)	K % of Value of Item (J / I) (%)	L Balance to Finish (F - J) (\$)		
		E Item Quantity	F Units	G Unit Price (\$)	H Value of Bid Item (C X E) (\$)	I Estimated Quantity Incorporated in the Work	J Value of Work Completed to Date (E X G) (\$)						
Change Orders													
A.3	6" PVC Sanitary Sewer Main, SDR35	-49.24	LF	72.00	(3,545.28)	(49.24)	(3,545.28)		(3,545.28)	100%	-		
A.4	6" PVC Sanitary Sewer Main, SDR26	-20.00	LF	162.00	(3,240.00)	(20.00)	(3,240.00)		(3,240.00)	100%	-		
A.5	48" Dia. Concrete Manhole	-7.87	VF	815.50	(6,417.99)	(7.87)	(6,417.99)		(6,417.99)	100%	-		
A.6	6" PVC CSO, DR 15, 40'	17.91	LF	75.50	1,352.21	17.91	1,352.21		1,352.21	100%	-		
A.9	18" Steel Casing, 0.3123" Thickness, Jack and Bore	6.53	LF	716.00	4,690.28	6.53	4,690.28		4,690.28	100%	-		
A.11	Plant New Eastern Red Cedar Trees	-4	EA	185.00	(740.00)	(4.00)	(740.00)		(740.00)	100%	-		
A.12	6" Cap, PVC	-1	EA	100.00	(100.00)	(1.00)	(100.00)		(100.00)	100%	-		
CO1.1	6" Cap, PVC	1	EA	65.00	65.00	1.00	65.00		65.00	100%	-		
CO1 - Contract Times Only													
CO2													
A.3	6" PVC Sanitary Sewer Main, SDR35	352.00	LF	72.00	39,744.00	352.00	39,744.00		39,744.00	100%	-		
A.5	48" Dia. Concrete Manhole	6.90	VF	815.50	5,626.95	6.90	5,626.95		5,626.95	100%	-		
A.8	6" Pipe	-130.00	LF	8.00	(1,040.00)	(130.00)	(1,040.00)		(1,040.00)	100%	-		
CO1.1	Furnish and Install 6" Cap, PVC	1.00	EA	65.00	65.00	1.00	65.00		65.00	100%	-		
CO3.1	6" PVC Sanitary Sewer Service, SDR 26	458.00	LF	75.00	34,350.00	458.00	34,350.00		34,350.00	100%	-		
CO3.2	Install 6" Double Cleanout	2	EA	800.00	1,600.00	2.00	1,600.00		1,600.00	100%	-		
CO3.3	Install 6" One-way Cleanout	3	EA	400.00	1,200.00	3.00	1,200.00		1,200.00	100%	-		
CO3.4	Install 6"x8" Wye	4	EA	150.00	600.00	4.00	600.00		600.00	100%	-		
CO3.5	Connect to Existing Sanitary Sewer	1.00	EA	1,000.00	1,000.00	1.00	1,000.00		1,000.00	100%	-		
CO3.6	Demolish Lift Station	1.00	LS	6,800.00	(6,800.00)	(1.00)	(6,800.00)		(6,800.00)	100%	-		
CO3.7	Place 1" Clean Pipe Bedding	405.00	TON	49.00	19,845.00	405.00	19,845.00		19,845.00	100%	-		
CO4													
CO3.7	Place 1" Clean Pipe Bedding	300.48	TON	49.00	14,723.52	300.48	14,723.52		14,723.52	100%	-		
CO4.1	Place 3/4" Chip White Limestone Surfacing	43.14	TON	144.60	6,238.04	43.14	6,238.04		6,238.04	100%	-		
CO3.6	Demolish Lift Station	(1.00)	LS	6,800.00	(6,800.00)	(1.00)	(6,800.00)		(6,800.00)	100%	-		
Change Order Totals \$ 116,216.73 \$ 116,216.73 \$ - \$ 116,216.73 100% \$ -													
Original Contract and Change Orders													
Project Totals \$ 390,100.23 \$ 390,100.23 \$ - \$ 390,100.23 100% \$ -													

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Contractor's Application for Payment

Owner: <u>City of David City</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>202024.00</u>
Contractor: <u>Velocity Constructors Inc.</u>	Contractor's Project No.: _____
Project: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Contract: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
Application No.: <u>27</u>	Application Date: <u>6/1/2025</u>
Application Period: From <u>5/1/2025</u> to <u>6/1/2025</u>	

1. Original Contract Price	\$ 10,562,772.00
2. Net change by Change Orders	\$ 412,817.76
3. Current Contract Price (Line 1 + Line 2)	\$ 10,975,589.76
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 10,774,557.35
5. Retainage	
a. 5% X \$ 10,753,057.35 Work Completed =	\$ 537,652.87
b. 5% X \$ 21,500.00 Stored Materials =	\$ 1,075.00
c. Total Retainage (Line 5.a + Line 5.b)	\$ 538,727.87
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 10,235,829.48
7. Less previous payments (Line 6 from prior application)	\$ 10,149,052.38
8. Amount due this application	\$ 86,777.10
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 739,760.28

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>James Sulzbach</u> Date: <u>6/6/2025</u>

Recommended by Engineer	Approved by Owner
By: <u>Sarah Nguyen</u>	By: <u>Gerardo J. Miller</u>
Title: <u>Project Engineer</u>	Title: <u>Mayor</u>
Date: <u>6/6/2025</u>	Date: <u>6/12/2025</u>

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Progress Estimate - Lump Sum Work

Contractor's Application for Payment

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

Application No.:	27	Application Period:	From 05/01/25 to 06/01/25	Application Date:	06/01/25
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A Item No.	B Description	C Scheduled Value (\$)	D Work Completed		F Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
Original Contract								
BASE BID GROUP A - General Water Plant Improvements¹								
B-1.01	Mobilization	1,030,293.00	1,030,293.00	-	-	1,030,293.00	100%	-
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	114,481.00	-	-	114,481.00	100%	-
B-1.04	Existing Pipe Cleaning & Repainting	57,573.00	21,000.00	25,000.00	-	46,000.00	80%	11,573.00
B-1.05	Electrical Improvements, Complete	1,840,041.00	1,825,894.59	-	-	1,825,894.59	99%	14,146.41
B-1.06	Demolition of Exterior Infrastructure	32,732.00	32,732.00	-	-	32,732.00	100%	-
B-1.07	Demolition of Interior Infrastructure	90,500.00	90,500.00	-	-	90,500.00	100%	-
B-1.08	Building Improvements (Doors/Windows)	80,036.00	79,036.00	-	-	79,036.00	99%	1,000.00
B-1.09	Building Improvements (Interior Painting)	523,405.00	441,655.00	35,000.00	-	476,655.00	91%	46,750.00
B-1.10	First Floor Roof Membrane Replacement	174,179.00	174,179.00	-	-	174,179.00	100%	-
B-1.11	Skylight Replacement	48,568.00	48,568.00	-	-	48,568.00	100%	-
B-1.12	HVAC Improvements	148,128.00	143,128.00	2,000.00	-	145,128.00	98%	3,000.00
B-1.13	Plumbing Improvements	92,021.00	88,000.00	2,000.00	-	90,000.00	98%	2,021.00
B-1.14	Lab Improvements	21,099.00	21,099.00	-	-	21,099.00	100%	-
B-1.15	Hardness Monitoring Equipment and Meters	77,743.00	77,743.00	-	-	77,743.00	100%	-
B-1.16	Site Paving and Grading	58,690.00	57,000.00	-	-	57,000.00	97%	1,690.00
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	140,000.00	4,000.00	-	144,000.00	97%	4,846.00
B-1.19	Exterior Piping Improvements	338,959.00	338,959.00	-	-	338,959.00	100%	-
B-1.20	Seeding, Fertilizer and Mulch	6,610.00	-	-	-	-	0%	6,610.00
B-1.21	Erosion Control	5,751.00	5,751.00	-	-	5,751.00	100%	-
BASE BID GROUP B - Gravity Filter System Improvements¹								
B-1.22	New Gravity Filter Equipment, Complete (Media/Wash Troughs/ Air Blower/ Control Panel / Solenoid Panel / Instrumentation / Piping / Valves / Media Strainers)	693,132.00	693,132.00	-	-	693,132.00	100%	-
B-1.23	Gravity Filter Equipment Installation	45,979.00	45,979.00	-	-	45,979.00	100%	-
B-1.24	Electrical	25,200.00	25,200.00	-	-	25,200.00	100%	-

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Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: City of David City		Owner's Project No.:			Engineer's Project No.:		202024.00	
Engineer: JEO Consulting Group, Inc.		Contractor's Project No.:						
Contractor: Velocity Constructors Inc.								
Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686								
Contract: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686								
Application No.: 27		Application Period: From 05/01/25 to 06/01/25		Application Date: 06/01/25				
A Item No.	B Description	C Scheduled Value (\$)	D Work Completed		F Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
BASE BID GROUP C - Reverse Osmosis¹								
B-1.25	CCRO and CIP Tank Skids (Equipment Only)	2,126,760.00	2,126,760.00	-	-	2,126,760.00	100%	-
B-1.26	CCRO and CIP Tank Skids (Installation)	7,208.00	6,708.00	-	-	6,708.00	93%	500.00
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	245,926.00	-	-	245,926.00	100%	-
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	3,174.00	-	-	3,174.00	100%	-
B-1.30	New Existing Maintenance Facility Roof	28,709.00	28,709.00	-	-	28,709.00	100%	-
B-1.31	Overhead Doors	22,781.00	22,781.00	-	-	22,781.00	100%	-
B-1.32	Access Doors	8,791.00	8,791.00	-	-	8,791.00	100%	-
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00	20,361.00	-	-	20,361.00	100%	-
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00	12,387.00	-	-	12,387.00	100%	-
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	129,743.00	-	-	129,743.00	100%	-
B-1.37	Electrical	10,080.00	9,800.00	-	-	9,800.00	97%	280.00
BASE BID GROUP D - Intermediate Clearwell³								
B-1.38	Intermediate Clearwell Structural Concrete	170,506.00	170,506.00	-	-	170,506.00	100%	-
B-1.39	Clearwell Hatches	15,613.00	15,613.00	-	-	15,613.00	100%	-
B-1.40	Vertical Turbine Pumps	113,608.00	113,608.00	-	-	113,608.00	100%	-
B-1.41	Degassifier (Equipment Only)	112,153.00	112,153.00	-	-	112,153.00	100%	-
B-1.42	Degassifier (Installation)	6,407.00	6,407.00	-	-	6,407.00	100%	-
B-1.43	Pump Building, Block Construction	116,781.00	116,781.00	-	-	116,781.00	100%	-
B-1.44	Stairs and Miscellaneous Metals	4,603.00	4,000.00	-	-	4,000.00	87%	603.00
B-1.45	Clearwell Ladders	4,749.00	4,749.00	-	-	4,749.00	100%	-
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	77,335.00	-	-	77,335.00	100%	-
B-1.48	Weir Plate and Weir Window	4,398.00	4,398.00	-	-	4,398.00	100%	-
B-1.49	Electrical	50,400.00	50,400.00	-	-	50,400.00	100%	-

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 June 11, 2025
 Page #11

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Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner: City of David City						Owner's Project No.:			
Engineer: JEO Consulting Group, Inc.						Engineer's Project No.:		202024.00	
Contractor: Velocity Constructors Inc.						Contractor's Project No.:			
Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686									
Contract: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686									
Application No.: 27		Application Period: From 05/01/25 to 06/01/25				Application Date: 06/01/25			
A Item No.	B Description	C Scheduled Value (\$)	D Work Completed		F Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)	
			(D + E) From Previous Application (\$)	This Period (\$)					
BASE BID GROUP E - Chemical Feed System Improvements¹									
B-1.50	Chemical Feed System Improvements	149,305.00	149,305.00	-	-	149,305.00	100%	-	
B-1.51	Gas Chlorine System Improvements	62,365.00	62,365.00	-	-	62,365.00	100%	-	
B-1.52	Electrical	15,120.00	15,120.00	-	-	15,120.00	100%	-	
BASE BID GROUP F - Backwash Improvements¹									
B-1.53	Backwash Waste Pump and Piping Improvements, Complete	161,971.00	161,971.00	-	-	161,971.00	100%	-	
B-1.54	Proposed Manhole Improvements	1,551.00	1,551.00	-	-	1,551.00	100%	-	
B-1.55	Backwash Pit Access Hatch	3,727.00	3,727.00	-	-	3,727.00	100%	-	
B-1.56	Backwash Supply Pump and Piping Improvements, Complete	103,300.00	101,409.93	1,890.07	-	103,300.00	100%	-	
B-1.57	Electrical/Generator	252,000.00	252,000.00	-	-	252,000.00	100%	-	
Bid Alternate #1									
BA1-1	Gravity Filter Effluent Valve Replacement ¹	220,730.00	220,730.00	-	-	220,730.00	100%	-	
Bid Alternate #2									
BA2-1	Demolish Existing Upflow Clarifier Unit, Complete ¹	113,190.00	108,000.00	5,190.00	-	113,190.00	100%	-	
		Original Contract Totals	\$ 10,343,448.00	\$ 10,118,835.52	\$ 75,080.07	\$ 21,500.00	\$ 10,215,415.59		\$ 128,032.41
Change Orders									
CO-1	12" Underlab Pipe	54,580.00	54,580.00	-	-	54,580.00	100%	-	
CO-2	Misc	84,742.51	84,742.51	-	-	84,742.51	100%	-	
CO-3	Misc	114,989.00	114,989.00	-	-	114,989.00	100%	-	
CO-4	Lights and Fence - Drive way	17,454.00	7,000.00	5,454.00	-	12,454.00	71%	5,000.00	
CO-5	-Aggregate+Sink+Trans & BPV+Delay	72,262.00	62,262.00	-	-	62,262.00	86%	10,000.00	
CO-6	Pump Overflow Landscaping and Overflow	60,810.25	-	10,810.25	-	10,810.25	18%	50,000.00	
		Change Order Totals	\$ 412,817.76	\$ 323,553.51	\$ 16,264.25	\$ 339,817.76	82%	\$ 73,000.00	
Unit Price									
B2	Install Aggregate	15,215.00	15,215.00	-	-	15,215.00	100%	-	
B3	Final Clearwell Roof	14,030.00	14,030.00	-	-	14,030.00	100%	-	
BA31	Install 6" Pavement	190,079.00	190,079.00	0	-	190,079.00	100%	-	
Original Contract and Change Orders									
		Project Totals	\$ 10,975,589.76	\$ 10,661,713.03	\$ 91,344.32	\$ 21,500.00	\$ 10,774,557.35	98%	\$ 201,032.41

¹ Sales Tax for Materials & Equipment Included

City Council Proceedings

June 11, 2025

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Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner: City of David City		Engineer: JEO Consulting Group, Inc.						Owner's Project No.: 202024.00			
Contractor: Velocity Constructors Inc.		Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686						Contractor's Project No.:			
Contract: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686		Application No.: 27						Application Date: 06/01/25			
Application Period: From 05/01/25 to 06/01/25											
A	B	Contract Information			Work Completed			I	J	K	L
Bid Item No.	Description	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 (net in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / K) (%)	Balance to Finish (L - J) (\$)
Original Contract											
Base Bid ¹											
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00	358.00	15,215.00		15,215.00	100%	-
B-3	Final Clearwell Roof Slab Rehabilitation	100.00	SF	140.30	14,030.00	100.00	14,030.00		14,030.00	100%	-
Bid Alternate #3											
BA3-1	Install 6" Concrete Pavement ¹	1,324.00	SY	145.56	190,079.00	1,324.00	190,079.00		190,079.00	100%	-
Original Contract Totals					\$	219,324.00	\$	219,324.00	\$	-	\$
Original Contract and Change Orders											
Project Totals					\$	219,324.00	\$	219,324.00	\$	-	\$

¹ Sales Tax for Materials & Equipment Included

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Stored Materials Summary

Contractor's Application for Payment

Owner: City of David City										Owner's Project No.:									
Engineer: JEO Consulting Group, Inc.										Engineer's Project No.:									
Contractor: Velocity Constructors Inc.										Contractor's Project No.:									
Project: 2022 Water Treatment Plant Upgrades, SRP Project No. D311686																			
Contract: 2022 Water Treatment Plant Upgrades, SRP Project No. D311686																			
Application No.: 27										Application Date: 06/01/23									
Application Period: From 05/01/23 to 06/01/23																			
A	B	C	D	E	F	G		H		I		J		K		L		M	
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G + H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Previously Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J + K) (\$)	Materials Remaining in Storage (L - I) (\$)							
B-1-19	284891		Yard Pipe	On Site	3	36,399.00	-	36,399.00	-	36,399.00	36,399.00	-							
B-1-19	2891108		Yard Pipe	On Site	4	3,033.83	-	3,033.83	-	3,033.83	3,033.83	-							
B-1-19	2839976		Yard Pipe	On Site	4	4,484.62	-	4,484.62	-	4,484.62	4,484.62	-							
B-1-19	839125		Yard Pipe	On Site	4	6,039.99	-	6,039.99	-	6,039.99	6,039.99	-							
B-1-19	296807		Yard Pipe	On Site	4	23,979.17	-	23,979.17	-	23,979.17	23,979.17	-							
B-1-19	2897709		Yard Pipe	On Site	4	29,725.95	-	29,725.95	-	29,725.95	29,725.95	-							
B-1-28 & 38			Rebar	On Site	4	33,900.00	-	33,900.00	-	33,900.00	33,900.00	-							
B-1-19	7241554		Yard Pipe	On Site	5	370.34	-	370.34	-	370.34	370.34	-							
B-1-19	7203897		Yard Pipe	On Site	5	520.82	-	520.82	-	520.82	520.82	-							
B-1-19	7043762		Yard Pipe	On Site	5	1,012.90	-	1,012.90	-	1,012.90	1,012.90	-							
B-1-24, 27, 40, 52, 57	Pay App 2		Electrical Fixtures	On Site	5	30,708.14	-	30,708.14	-	30,708.14	30,708.14	-	5,000.00						
B1-56	0902556-N		Electric Pumps	On Site	6	26,934.00	-	26,934.00	-	26,934.00	26,934.00	-	26,934.00						
B1-47	34604		Mellen Valves PRV	On Site	7	27,865.08	-	27,865.08	-	27,865.08	27,865.08	-	27,865.08						
B1-43	26123		Misc Metals Decking	On Site	7	5,000.00	-	5,000.00	-	5,000.00	5,000.00	-	5,000.00						
B-1-37	19 Invoices		Electric	On Site	7	112,151.78	-	112,151.78	-	112,151.78	112,151.78	-	112,151.78						
B-1-22	32200		WestTech	Submittals	7	22,224.89	-	22,224.89	-	22,224.89	22,224.89	-	22,224.89						
B-1-31	228627		Overhead Doors	On Site	8	17,000.00	-	17,000.00	-	17,000.00	17,000.00	-	17,000.00						
B-1-19	8 Invoices		Yard Pipe	On Site	9	15,646.63	-	15,646.63	-	15,646.63	15,646.63	-	15,646.63						
B-1-47	Mellen		Air Vnc	On Site	9	3,442.69	-	3,442.69	-	3,442.69	3,442.69	-	3,442.69						
B-1-33	1 Invoice		Yard Pipe	On Site	9	23,997.39	-	23,997.39	-	23,997.39	23,997.39	-	23,997.39						
B-1-17	7997108		Lang Fence	On Site	9	21,500.00	-	21,500.00	-	21,500.00	21,500.00	-	21,500.00						
B-1-40			Vertical Turbine Pumps	On Site	10	85,940.88	-	85,940.88	-	85,940.88	85,940.88	-	85,940.88						
B-1-05	HOA		Electrical HOA	Pictures	10	143,249.80	-	143,249.80	-	143,249.80	143,249.80	-	143,249.80						
B-1-22	Mellen		Gate Valves	On Site	10	20,930.00	-	20,930.00	-	20,930.00	20,930.00	-	20,930.00						
B-1-47	CEM		Cleanwell Pipe	On Site	10	6,039.55	-	6,039.55	-	6,039.55	6,039.55	-	6,039.55						
B-1-22	Vesco		Blower	On Site	11	50,000.00	-	50,000.00	-	50,000.00	50,000.00	-	50,000.00						
B-1-25	Gurney		Split Case Pump	On Site	11	18,227.00	-	18,227.00	-	18,227.00	18,227.00	-	18,227.00						
B1-47	8 Invoices		Piping	On Site	11	29,798.29	-	29,798.29	-	29,798.29	29,798.29	-	29,798.29						
B-1-50	Gurney		Chem Feed	On Site	12	113,869.00	-	113,869.00	-	113,869.00	113,869.00	-	113,869.00						
B-1-22	WestTech		Troughs	On Site	12	103,664.94	-	103,664.94	-	103,664.94	103,664.94	-	103,664.94						
B-1-56	Mellen		Valves	On Site	12	7,651.85	-	7,651.85	-	7,651.85	7,651.85	-	7,651.85						
B-1-56	3 Invoice		Inside Flange	Onsite	12	34,824.08	-	34,824.08	-	34,824.08	34,824.08	-	34,824.08						
B-1-22	94231		Filter Rehab - WestTech	Onsite	13	187,247.48	-	187,247.48	-	187,247.48	187,247.48	-	187,247.48						
B-1-22	35922		Mellen - Valves	Onsite	13	90,506.40	-	90,506.40	-	90,506.40	90,506.40	-	90,506.40						
B-1-19	35489		Mellen - Valves	Onsite	13	24,828.20	-	24,828.20	-	24,828.20	24,828.20	-	24,828.20						
B-1-19	35608		Mellen - Valves	Onsite	13	44,019.10	-	44,019.10	-	44,019.10	44,019.10	-	44,019.10						
B-1-36	10 Inv		Core and Main - Piping	Onsite	13	39,821.77	-	39,821.77	-	39,821.77	39,821.77	-	39,821.77						
B-1-11	Pay App 1		Skylight	Onsite	14	24,882.00	-	24,882.00	-	24,882.00	24,882.00	-	24,882.00						
B1-18, 44, 47, 48, BAZ-1	Pay App		Misc Metals Decking	Onsite	14	45,000.00	-	45,000.00	-	45,000.00	45,000.00	-	45,000.00						
BAZ-1	35785		Valves	Onsite	14	50,000.00	-	50,000.00	-	50,000.00	50,000.00	-	50,000.00						
B-1-19	C1430083		RCP	Onsite	14	2,871.00	-	2,871.00	-	2,871.00	2,871.00	-	2,871.00						
B-1-36	U550028		Piping	Onsite	14	6,933.75	-	6,933.75	-	6,933.75	6,933.75	-	6,933.75						
B-1-05	11786		Enclosures	Onsite	14	13,819.66	-	13,819.66	-	13,819.66	13,819.66	-	13,819.66						
B-1-53	2212-19320		Valves	Onsite	14	30,555.80	-	30,555.80	-	30,555.80	30,555.80	-	30,555.80						
B-1-08	Pay App		Misc Metals Decking	Onsite	14	40,000.00	-	40,000.00	-	40,000.00	40,000.00	-	40,000.00						
B-1-36			Check Valves	Onsite	15	15,617.55	-	15,617.55	-	15,617.55	15,617.55	-	15,617.55						

ECDC C-620 Contractor's Application for Payment

Stored Materials

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City Council Proceedings
 June 11, 2025
 Page #14

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Stored Materials Summary											Contractor's Application for Payment			
Owner: City of Davis City						Owner's Project No.:								
Engineer: JED Consulting Group, Inc.						Engineer's Project No.: 202024.00								
Contractor: Velocity Constructors Inc.						Contractor's Project No.:								
Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686														
Contract: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686														
Application No.: 27											Application Period: From 05/01/23 to 06/01/23		Application Date: 06/01/23	
A	B	C	D	E	F	G		H	I	J	K	L	M	
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored		Amount Stored to Date (G + H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work This Period (\$)	Total Amount Incorporated in the Work (J + K) (\$)	Materials Remaining in Storage (L - M) (\$)		
						Previous Amount Stored (\$)	Amount Stored this Period (\$)							
B-1.25			RO Submittals	Submittals	15	182,064.25		182,064.25		182,064.25	182,064.25	-		
B-1.14			Plastic Cabinets	Onsite	15	18,159.93		18,159.93		18,159.93	18,159.93	-		
B1.36			Check Valves	Onsite	16	15,817.55		15,817.55				15,817.55		
B1.05	2 Invoices		Programming	Onsite	16	42,045.13		42,045.13		42,045.13	42,045.13	-		
B1.36	3 Invoices		Piping	Onsite	16	5,042.47		5,042.47				5,042.47		
B1.36	008UD183		RO Piping	Onsite	16	15,316.81		15,316.81				15,316.81		
Totals						\$ 1,954,695.58	\$ -	\$ 1,954,695.58	\$ -	\$ 1,627,735.48	\$ 1,627,735.48	\$ 326,960.10		

Council member Kevin Woita made a motion to approve Change Order No. 7 in the amount of \$40,000.00 for Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce

Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0, Absent: 1

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CHANGE ORDER NO.: 7

Owner: City of David City Owner's Project No.:
 Engineer: JEO Consulting Group, Inc. Engineer's Project No.: 202024.00
 Contractor: Velocity Constructors, Inc. Contractor's Project No.:
 Project: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686
 Contract Name: 2022 Water Treatment Plant Upgrades, SRF Project No. D311686
 Date Issued: 6/11/2025 Effective Date of Change Order: 6/11/2025

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

Description:

This change order contains one change to contract price. The change in contract price includes additional paint on the exterior of the water treatment plant and on all non-tiled floors on the second floor and chemical feed room.

Attachments:

Paint Cost Breakdown

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ <u>10,562,772.00</u>	Original Contract Times: Substantial Completion: <u>August 10, 2024</u> Ready for final payment: <u>October 9, 2024</u>
Net change from previously approved Change Orders: \$ <u>412,817.76</u>	Net change from previously approved Change Orders: Substantial Completion: <u>March 24, 2025</u> Ready for final payment: <u>May 15, 2025</u>
Contract Price prior to this Change Order: \$ <u>10,975,589.76</u>	Contract Times prior to this Change Order: Substantial Completion: <u>March 24, 2025</u> Ready for final payment: <u>May 15, 2025</u>
Net change for this Change Order: \$ <u>40,000.00</u>	Net change for this Change Order: Substantial Completion: <u>June 9, 2025</u> Ready for final payment: <u>June 30, 2025</u>
Contract Price incorporating this Change Order: \$ <u>11,015,589.76</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>June 9, 2025</u> Ready for final payment: <u>June 30, 2025</u>

<p>Recommended by Engineer (if required)</p> <p>Signed by: <u>Sarah Nguyen</u> <small>DocuSigned by: Sarah Nguyen</small> Title: <u>Project Engineer</u> Date: <u>6/11/2025</u></p>	<p>Authorized by Owner</p> <p>DocuSigned by: <u>James G. Miller</u> <small>DocuSigned by: James G. Miller</small> Title: <u>Mayor</u> Date: <u>6/12/2025</u></p>
<p>Accepted by Contractor</p> <p>DocuSigned by: <u>James Subznoch</u> <small>DocuSigned by: James Subznoch</small> Title: <u>Project Manager</u> Date: <u>6/11/2025</u></p>	<p>Approved by Funding Agency (if applicable)</p> <p><u>N/A</u></p>



VEENSTRA & KIMM INC.
6775 Vista Drive
West Des Moines, Iowa 50266
515.225.8000 // 800.241.8000
www.v-k.net

May 30, 2025

CHANGE ORDER NO. 4

**DAVID CITY, NEBRASKA
WASTEWATER TREATMENT PLANT IMPROVEMENT**

This change order removes the requirement for two sets of gas sensors at the new Headworks building. Only one set of gas sensors are required at this building. V&K requested a credit deduct for the second set of sensors and the B14 control module. The change order also modifies the coiling door and door operator to be mounted on the exterior of the Headworks building. V&K requested a credit to change the operator from a totally enclosed system to an exterior-mounted waterproof operator.

Change Order No. 4 makes the following modifications to the contract:

- | | |
|---|-------------|
| 1. Delete the second set of gas detection sensors at the new Headworks Building for the lump sum credit of \$8,776.85 | -\$8,776.85 |
| 2. Change the coiling door/operator at the new Headworks building to an exterior-mounted unit for a lump sum credit of \$1,175.00 | -\$1,175.00 |
| Total | -\$9,951.85 |

Change Order No. 4 decreases the contract price by \$9,951.85.

BRB CONTRACTORS INC.

CITY DAVID CITY, NEBRASKA

By _____

By Jessica Malte

Title _____

Title Mayor

Date _____

Date 6-11-25



To Veenstra and Kimm and the City of David City

Per submittal response 11355-070 (V&K response dated 8/8/2024), one set of gas sensors was required at the new Headworks structure. V&K asked for a deduct for the second set of sensors.

Attached is said deduct with a description of everything that is being removed from their scope. The total deduct is \$8,776.85. If you have any questions, feel free to reach out.

Thank You,

Josh Klug
BRB Contractors, Inc
joshklug@brbcontractors.com
785-477-3094

Street Address:
4646 NW Fielding Rd
Topeka, KS 66618

Phone: 785-232-1245



Fax: 785-235-8045

Mailing Address:
PO Box 750940
Topeka, KS 66675-0940

Council member Keith Marvin made a motion to approve Pay Estimate No. 15 in the amount of \$1,832,684.96 to BRB Contractors, Inc. for the Wastewater Treatment Plant Improvement Project. Council Member Kevin Woita seconded the motion. The motion carried. Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0, Absent: 1

Contractor's Application for Payment No. 15	
Application Period	4/24/2025 - 5/27/2025
To (Owner):	David City, NE
From (Contractor):	BRB Contractors, Inc.
Project:	David City WWTPL Facility Improvements
Contract:	
Owner's Contract No.:	
Contractor's Project No.:	NE30AV
Application Date:	5/27/2025
Via (General Contract):	
Engineer's Project No.:	6475

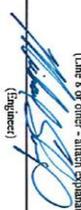
Application For Payment
 Change Order Summary

Approved Change Orders	Additions	Deductions
1	\$100,574.02	-\$61,042.51
2	\$133,842.31	
3	\$105,656.02	
TOTALS	\$339,072.95	-\$61,042.51
NET CHANGE BY CHANGE ORDERS	\$278,030.44	

1. ORIGINAL CONTRACT PRICE.....	\$	\$16,882,000.00
2. Net change by Change Orders.....	\$	\$278,030.44
3. Current Contract Price (Line 1 + 2a-3b).....	\$	\$17,160,030.44
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate).....	\$	\$12,100,067.81
5. RETAINAGE:		
a. 5% X	\$5,906,401.89	Work Completed..... \$
b. 5% X	\$5,193,665.92	Stored Material..... \$
c. Total Retainage (Line 5a + Line 5b).....	\$	\$11,099,067.81
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....	\$	\$6,060,962.63
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$3,662,279.46
8. AMOUNT DUE THIS APPLICATION.....	\$	\$1,832,684.96
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 5 above).....	\$	\$5,665,466.02

Contractor's Certification
 The undersigned Contractor certifies that to the best of its knowledge: (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 Work covered by prior Applications for Payment; (2) title of 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 interests or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: 
 Keith King
 Project Manager
 BRB Contractors, Inc.
 Date: 5/27/2025

Payment of: \$ 1,832,684.96
 (Line 8 or other - attach explanation of the other amount)
 is recommended by: 
 (Engineer) 6/4/2025
 (Date)
 Payment of: \$ 1,832,684.96
 (Line 8 or other - attach explanation of the other amount)
 is approved by: 
 (Owner) 6-11-25
 (Date)
 Approved by: _____
 (Funding Agency (if applicable)) (Date)

Council member Kevin Woita made a motion to approve Pay Estimate No. 7 in the amount of \$55,759.55 for Municipal Pipe Tool for the South Area Sewer Rehabilitation Project. Council Member Jeremy Abel seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0, Absent: 1

SUMMARY			
		Original Contract	Total Completed
Bid Item Subtotal		\$667,383.15	\$397,110.51
APPROVED CHANGE ORDERS			
Change Order No.	Description/Notes	Total Approved	Total Completed
1	Add and remove base bid item and Add Alternate 1 quantities. Item changes included in bid items.	-\$11,667.70	\$0.00
2	Remove and add bid items. Item changes included in bid items 1.13, 1.35, 2.7, 2.8, 2.13 and 2.14	\$5,028.00	\$0.00
3		\$0.00	\$0.00
4		\$0.00	\$0.00
5		\$0.00	\$0.00
6		\$0.00	\$0.00
7		\$0.00	\$0.00
8		\$0.00	\$0.00
Total Change Orders		-\$6,639.70	\$0.00
		Total Approved	Total Completed
Revised Contract Price		\$660,743.45	\$397,110.51
			Total Completed
Total Materials Stored			\$0.00
Total Completed Plus Materials Stored			\$397,110.51
Retainage (10%)			\$39,711.05
Total Earned Less Retainage			\$357,399.46
APPROVED PARTIAL PAYMENTS			
Partial Payment No.	Period	Total Approved	
1	April 1, 2024 to April 26, 2024	\$45,845.59	
2	April 26, 2024 to July 30, 2024	\$216,338.13	
3	July 31, 2024 to August 11, 2024	\$17,543.70	
4	August 12, 2024 to September 24, 2024	\$11,281.95	
5	September 25, 2024 to December 2, 2024	\$9,855.64	
6	December 3, 2024 to December 18, 2024	\$774.90	
7		\$0.00	
8		\$0.00	
9		\$0.00	
10		\$0.00	
		Total Previously Approved	\$301,639.91
Amount Due This Request			\$55,759.55
Note: The amount \$55,759.55 is recommended for approval for payment in accordance with the terms of the Contract.			
CONTRACT SUMMARY			
ORIGINAL CONTRACT AMOUNT		\$667,383.15	
TOTAL CONTRACT AMOUNT PLUS CHANGE ORDERS		\$660,743.45	
THIS PARTIAL PAYMENT		\$55,759.55	
TOTAL PARTIAL PAYMENTS INCL THIS PAYMENT		\$357,399.46	
BALANCE		\$303,343.99	
PERCENT COMPLETE		60.1%	
Recommended By:		Contractor:	Approved:
Veenstra & Kimm, Inc.		Municipal Pipe Tool Company	City of David City
Signature	<i>Randy Johnson</i>	Signature	<i>Kyle Armbricht</i>
Name	Randy Johnson	Name	Kyle Armbricht
Title	Project Engineer	Title	Production Manager
Date	6/6/2025	Date	6/6/2025
Signature		Signature	<i>Jessica Miller</i>
Name		Name	Jessica Miller
Title		Title	Mayor
Date		Date	6-11-25

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 13-2025 approving the Butler County Parade Committee's request for the parade to cross Highway 15 on "L" Street on Sunday, July 20, 2025, in accordance with LB589. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce

Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0, Absent: 1

RESOLUTION NO. 13-2025

WHEREAS, the Butler County Fair's Annual parade is scheduled for July 20, 2025, and

WHEREAS, the Butler County Parade Committee has designated 2:00 p.m. to 7 p.m. to allow for set-up and clean-up, with the parade beginning at 5:00 p.m., and

WHEREAS, the Butler County Parade Committee has requested that Highway 15, at the intersection of "L" Street and Highway 15, be closed so the parade can cross Highway 15,

WHEREAS, the Mayor and Council acknowledge Revised Statutes Chapter 39-1359, Rights-of way; inviolate for state and Department of Roads purposes; temporary use for special events; conditions; notice; Political Subdivisions Tort Claims Act; applicable, which states:

- (1) The rights-of way acquired by the department shall be held inviolate for state highway and departmental purposes and no physical or functional encroachments, structures, or uses shall be permitted within such right-of-way limits, except by written consent of the department or as otherwise provided in subsections (2) and (3) of this section.
- (2) A temporary use of the state highway system, other than a freeway, by a city including full and partial lane closures, shall be allowed for special events, as designated by a city, under the following conditions:
 - (a) The roadway is located within the official corporate limits or zoning jurisdiction of the city;
 - (b) A city making use of the state highway system for a special event shall have the legal duty to protect the highway property from any damage that may occur arising out of the special event and the state shall not have any such duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
 - (c) Any existing statutory or common law duty of the state to protect the public from damage, injury, or death shall become the duty of the city making use of the state highway system for the special event, and the state shall not have such statutory or common law duty during the time the city is in control of the property as specified in the notice provided pursuant to subsection (3) of this section, and
 - (d) The city using the state highway system for a special event shall formally, by official governing body action, acknowledge that it accepts the duties set out in this subsection and, if a claim is made against the state, shall indemnify, defend, and hold harmless the state from all claims, demands, actions,

damages, and liability, including reasonable attorney's fees, that may arise as a result of the special event.

- (3) If a city has met the requirements of subsection (2) of this section for holding a special event and has provided thirty days' advance written notice of the special event to the department, the city may proceed with its temporary use of the state highway system. The notice shall specify the date and time the city will assume control of the state highway property and relinquish control of such state highway property to the state.
- (4) The Political Subdivisions Tort Claims Act shall apply to any claim arising during the time specified in a notice provided by a political subdivision pursuant to subsection (3) of this section.

WHEREAS, the City of David City wishes to support this annual event, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City Clerk is hereby authorized to forward this resolution to the State of Nebraska Department of Roads for the closing of Highway 15 and "L" Street, from 2:00 p.m. to 7:00 p.m. for the parade to be held on Sunday, July 20, 2025 in David City, Nebraska.

Passed and adopted this 11th day of June, 2025.

Mayor Jessica J. Miller

City Clerk Tami L. Comte

Council member Bruce Meysenburg introduced Ordinance No. 1515 detaching that certain property west of M Road between 35 Road and 36 Road as more particularly described in the survey included in the Ordinance as Exhibit A. Mayor Jessica Miller read Ordinance No. 1515 by title.

Council member Bruce Meysenburg made a motion to pass Ordinance No. 1515 on 1st reading only detaching that certain property west of M Road between 35 Road and 36 Road as more particularly described in the survey included in the Ordinance as Exhibit A. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

ORDINANCE NO. 1515

AN ORDINANCE TO DETACH THAT CERTAIN REAL PROPERTY FROM THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, section 18-3316(1) of the Nebraska Revised Statutes allows the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), to detach property from the City's corporate limits upon a property owner's request; and

WHEREAS, Mark and Willow Holoubek, husband and wife (collectively "Owner"), own that certain real property currently within City's corporate limits known as Tax Parcel Number 120008438 (the "Property"); and

WHEREAS, Owner formally requested City to detach from City's corporate limits that portion of the Property described in the survey in **EXHIBIT A**, attached hereto and incorporated herein; and

WHEREAS, Owner's request for detachment is attached hereto and incorporated herein as **EXHIBIT B**; and

WHEREAS, City complied with all statutory requirements and followed all procedures that applicable law requires and now desires to detach the portion of the Property described in Exhibit A from City's corporate boundaries.

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

1. City detaches the Property described in **EXHIBIT A** from City's corporate limits.
2. City directs City Clerk to record this Ordinance in the real estate records of Butler County, Nebraska, and to file certified copies of the same with the Butler County Election Commissioner and Butler County Clerk.
3. City authorizes the Mayor and City Clerk to execute such other documents and to perform such actions as reasonably necessary to effectuate the purposes herein.
4. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

PASSED AND APPROVED THIS **11TH** day of **JUNE**, 2025.

Passed on 1st reading only _____
Mayor Jessica Miller

ATTEST:

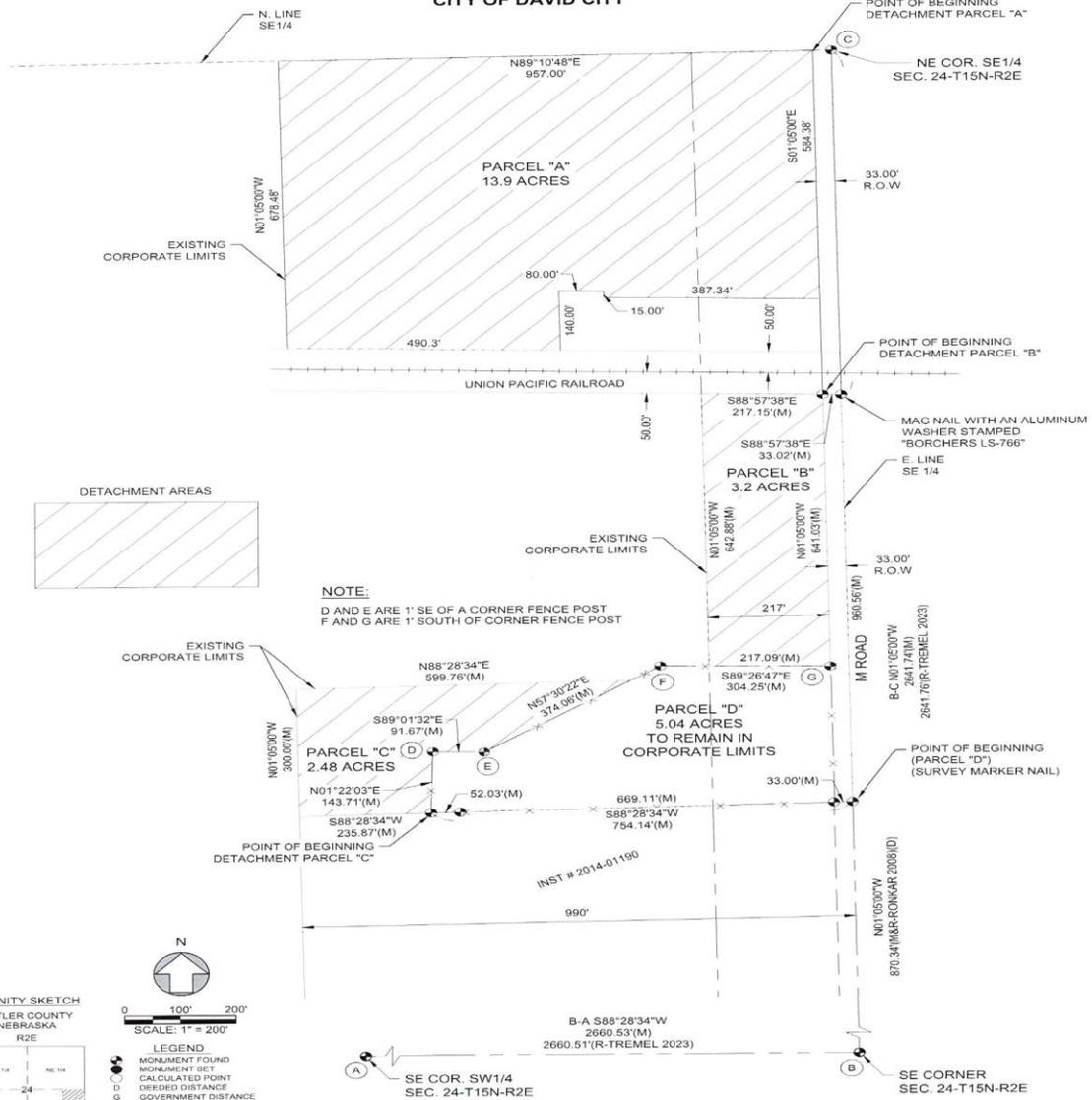
Passed on 1st reading only
City Clerk Tami L. Comte

EXHIBIT A

Survey of Property

[SEE ATTACHED]

DETACHMENT EXHIBIT
CITY OF DAVID CITY



VICINITY SKETCH



LEGEND
 MONUMENT FOUND
 CALCULATED POINT
 DESIRED DISTANCE
 GOVERNMENT DISTANCE
 MEASURED DISTANCE
 PLATTED DISTANCE
 RECORDED DISTANCE

NOTE: ALL BEARINGS ARE BUTLER CO. LDP.

Project No.: R250625
 Date: 5/29/2025
 QA/QC:
 Scale: 1"=200'
 Field Book: D.C. #23
 Field Crew: NF/BF
 Drawn By: BF



US SURVEY FEET (NPT)

Sheet 1 of 2
 Survey File No.: 2025-101A

JEO Consulting, Inc.
 1537 N Chestnut St
 Wahoo, NE 68086
 800.723.8567 | jeo.com
 Organization Certificate of
 Authorization Number: CA-0069

SURVEYOR'S STATEMENT:

I, JOSHUA D. BORCHERS, A PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE PLAT OF THE PROPERTY DESCRIBED IN THE ATTACHED DETACHMENT DESCRIPTIONS. THE INFORMATION PERTAINING TO THE PERIMETER OF THIS DETACHMENT IS BASED ON RECORD DEEDS AND SURVEYS.

Joshua D. Borchers
 JOSHUA D. BORCHERS

5/29/2025
 DATE



DETACHMENT EXHIBIT
CITY OF DAVID CITY

LEGAL DESCRIPTIONS FOR DETACHMENTS:

PARCEL "A"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24: THENCE S89°10'48"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD "M" AND THE POINT OF BEGINNING; THENCE S01°05'00"E ON SAID WEST LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 584.36 FEET TO THE NORTH LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN FILMBOOK 2007, PAGE 1726; THENCE ON SAID NORTH LINE, A DISTANCE OF 387.34 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND AS SURVEYED AND RECORDED IN FILMBOOK 2008, PAGE 992; THENCE NORTHERLY, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF SAID SURVEYED TRACT; THENCE WESTERLY, A DISTANCE OF 80 FEET TO THE NORTHWEST CORNER OF SAID SURVEYED TRACT; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER ON THE WEST LINE OF SAID TRACTS, A DISTANCE OF 490.3 FEET TO THE WEST EXISTING CORPORATE LIMIT LINE; THENCE N01°05'00"W ON SAID WEST LINE, PARALLEL WITH AND 990 FEET DISTANT FROM THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 678.48 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°10'48"E ON SAID NORTH LINE, A DISTANCE OF 957.00 FEET TO THE POINT OF BEGINNING, CONTAINING 13.9 ACRES, MORE OR LESS.

PARCEL "B"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24: THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1830.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD, THENCE N88°57'38"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 33.02 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD "M" AND THE POINT OF BEGINNING; THENCE S01°05'00"E ON SAID WEST LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 641.03 FEET; THENCE N89°26'47"W, A DISTANCE OF 217.09 FEET TO THE WEST EXISTING CORPORATE LIMIT LINE; THENCE N01°05'00"W ON THE WEST EXISTING CORPORATE LIMIT LINE, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 642.88 FEET TO SAID SOUTH RIGHT OF WAY LINE; THENCE S89°57'38"E ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 217.15 FEET TO THE POINT OF BEGINNING, CONTAINING 3.2 ACRES, MORE OR LESS.

PARCEL "C"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24: THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190; THENCE S88°28'34"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 754.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°28'34"W ON SAID NORTH LINE, A DISTANCE OF 235.87 FEET TO THE NORTHWEST CORNER OF SAID TRACT AND THE WEST EXISTING CORPORATE LIMITS LINE; THENCE N01°05'00"W ON SAID WEST LINE PARALLEL WITH AND 900.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N88°28'34"E ON THE NORTH LINE OF SAID EXISTING CORPORATE LIMITS, PARALLEL WITH AND 300.00 FEET DISTANT FROM THE NORTH LINE OF A TRACT OF LAND AS PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190, A DISTANCE OF 599.76 FEET; THENCE S57°30'22"W, A DISTANCE OF 374.06 FEET; THENCE N89°01'32"W, A DISTANCE OF 91.67 FEET; THENCE S01°22'03"W, A DISTANCE OF 143.71 FEET TO THE POINT OF BEGINNING, CONTAINING 2.48 ACRES, MORE OR LESS.

LEGAL DESCRIPTION TO REMAIN IN CORPORATE LIMITS:

PARCEL "D"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24: THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190 AND THE POINT OF BEGINNING; THENCE S88°28'34"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 754.14 FEET; THENCE N01°22'03"E, A DISTANCE OF 143.71 FEET; THENCE S89°01'32"E, A DISTANCE OF 91.67 FEET; THENCE N57°30'22"E, A DISTANCE OF 374.06 FEET; THENCE S89°26'47"E, A DISTANCE OF 304.25 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF "M" ROAD; THENCE N01°05'00"W ON SAID WEST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 641.03 FEET TO THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY; THENCE S89°57'38"E ON SAID SOUTH LINE, PARALLEL WITH AND 50.00 FEET DISTANT FROM THE CENTERLINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 33.02 FEET TO SAID EAST LINE, THENCE S01°05'00"E ON SAID EAST LINE, A DISTANCE OF 960.56 FEET TO THE POINT OF BEGINNING, CONTAINING 5.04 ACRES, MORE OR LESS.

Project No.: R250625	
Date: 5/29/2025	
QA/QC:	
Scale:	
Field Book: D.C. #23	
Field Crew: NF/BF	
Drawn By: BF	

JEO CONSULTING GROUP

 US SURVEY FEET (sft)

Sheet 2 of 2

Survey File No.: **2025-101A**

JEO Consulting, Inc.
1837 N Chestnut St
Wahoo, NE 68066
800.723.8567 | jeo.com

Organization Certificate of
Authorization Number: CA-0099

EXHIBIT B

Owner's Request for Detachment

[SEE ATTACHED]

May 22, 2025

VIA HAND DELIVERY

City of David City, Nebraska
c/o Jessica Miller, Mayor
490 E Street
David City, Nebraska 68632

**RE: REQUEST FOR DETACHMENT OF PROPERTY FROM DAVID CITY,
NEBRASKA, CORPORATE LIMITS**

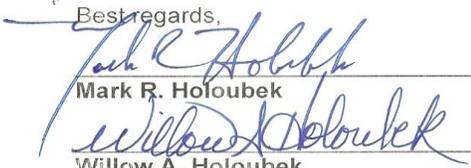
Dear Mayor and City Council:

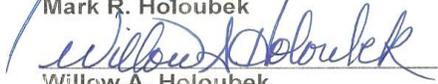
We, Mark and Willow Holoubek, husband and wife, own Tax Parcel 120008438 (the "Property"). The Property is currently within the corporate limits of the City of David City, Nebraska (the "City").

We hereby request that the City detach that certain portion of the Property described and depicted in the survey we enclose with this letter from the City's corporate limits pursuant to section 18-3316(1) of the Nebraska Revised Statutes.

Please let us know if you require anything further from us. Thank you.

Best regards,

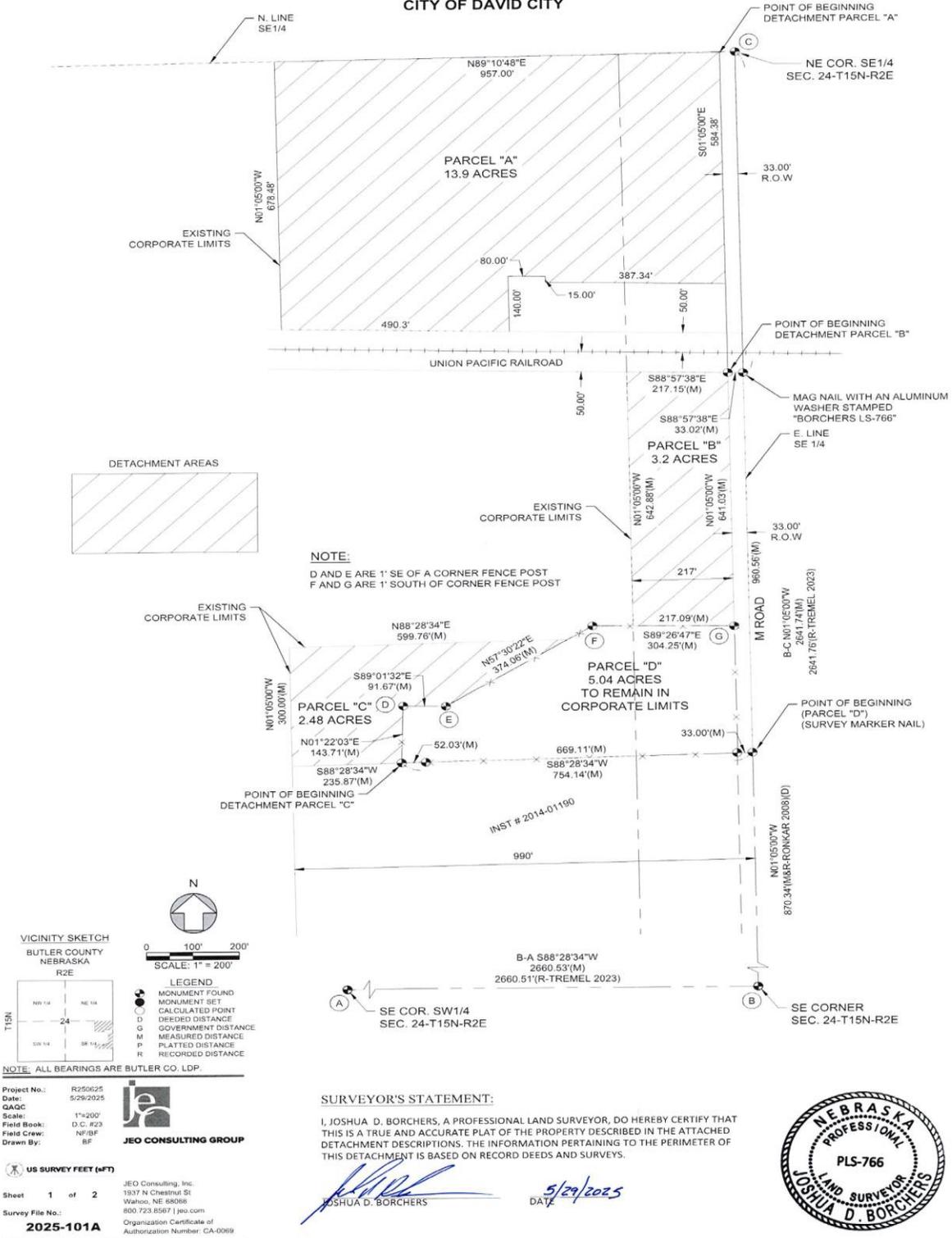

Mark R. Holoubek


Willow A. Holoubek

Enclosure

cc: Stephen D. Mossman, Esq. (via email)
6722622.1

DETACHMENT EXHIBIT
CITY OF DAVID CITY



DETACHMENT EXHIBIT
CITY OF DAVID CITY

LEGAL DESCRIPTIONS FOR DETACHMENTS:

PARCEL "A"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE S89°10'48"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE NORTH LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD "M" AND THE POINT OF BEGINNING; THENCE S01°05'00"E ON SAID WEST LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 584.38 FEET TO THE NORTH LINE OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN FILMBOOK 2007, PAGE 1726; THENCE ON SAID NORTH LINE, A DISTANCE OF 387.34 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND AS SURVEYED AND RECORDED IN FILMBOOK 2008, PAGE 992; THENCE NORTHERLY, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF SAID SURVEYED TRACT; THENCE WESTERLY, A DISTANCE OF 80 FEET TO THE NORTHWEST CORNER OF SAID SURVEYED TRACT; THENCE SOUTHERLY, PARALLEL WITH THE EAST LINE OF SAID SOUTHEAST QUARTER ON THE WEST LINE OF SAID TRACTS, A DISTANCE OF 140 FEET TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE WESTERLY ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 490.3 FEET TO THE WEST EXISTING CORPORATE LIMIT LINE; THENCE N01°05'00"W ON SAID WEST LINE, PARALLEL WITH AND 990 FEET DISTANT FROM THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 678.48 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER; THENCE N89°10'48"E ON SAID NORTH LINE, A DISTANCE OF 957.00 FEET TO THE POINT OF BEGINNING, CONTAINING 13.9 ACRES, MORE OR LESS.

PARCEL "B"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 1830.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE N88°57'38"W ON SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 33.02 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD "M" AND THE POINT OF BEGINNING; THENCE S01°05'00"E ON SAID WEST LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 641.03 FEET; THENCE N89°26'47"W, A DISTANCE OF 217.09 FEET TO THE WEST EXISTING CORPORATE LIMIT LINE; THENCE N01°05'00"W ON THE WEST EXISTING CORPORATE LIMIT LINE, PARALLEL WITH AND 250.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 642.88 FEET TO SAID SOUTH RIGHT OF WAY LINE; THENCE S89°57'38"E ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 217.15 FEET TO THE POINT OF BEGINNING, CONTAINING 3.2 ACRES, MORE OR LESS.

PARCEL "C"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190; THENCE S88°28'34"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 754.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S88°28'34"W ON SAID NORTH LINE, A DISTANCE OF 235.87 FEET TO THE NORTHWEST CORNER OF SAID TRACT AND THE WEST EXISTING CORPORATE LIMITS LINE; THENCE N01°05'00"W ON SAID WEST LINE PARALLEL WITH AND 900.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 300.00 FEET; THENCE N88°28'34"E ON THE NORTH LINE OF SAID EXISTING CORPORATE LIMITS, PARALLEL WITH AND 300.00 FEET DISTANT FROM THE NORTH LINE OF A TRACT OF LAND AS PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190, A DISTANCE OF 599.76 FEET; THENCE S57°30'22"W, A DISTANCE OF 374.06 FEET; THENCE N89°01'32"W, A DISTANCE OF 91.67 FEET; THENCE S01°22'03"W, A DISTANCE OF 143.71 FEET TO THE POINT OF BEGINNING, CONTAINING 2.48 ACRES, MORE OR LESS.

LEGAL DESCRIPTION TO REMAIN IN CORPORATE LIMITS:

PARCEL "D"

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 2 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE N01°05'00"W (BUTLER COUNTY LOW DISTORTION PROJECTION) ON THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 870.34 FEET TO THE NORTHEAST CORNER OF A TRACT OF LAND PREVIOUSLY DESCRIBED AND RECORDED IN INSTRUMENT NUMBER 2014-01190 AND THE POINT OF BEGINNING; THENCE S88°28'34"W ON THE NORTH LINE OF SAID TRACT, A DISTANCE OF 754.14 FEET; THENCE N01°22'03"E, A DISTANCE OF 143.71 FEET; THENCE S89°01'32"E, A DISTANCE OF 91.67 FEET; THENCE N57°30'22"E, A DISTANCE OF 374.06 FEET; THENCE S89°26'47"E, A DISTANCE OF 304.25 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF "M" ROAD; THENCE N01°05'00"W ON SAID WEST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID EAST LINE, A DISTANCE OF 641.03 FEET TO THE SOUTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY; THENCE S88°57'38"E ON SAID SOUTH LINE, PARALLEL WITH AND 50.00 FEET DISTANT FROM THE CENTERLINE OF SAID UNION PACIFIC RAILROAD, A DISTANCE OF 33.02 FEET TO SAID EAST LINE, THENCE S01°05'00"E ON SAID EAST LINE, A DISTANCE OF 960.56 FEET TO THE POINT OF BEGINNING, CONTAINING 5.04 ACRES, MORE OR LESS.

Project No.: R250625
Date: 5/29/2025
QA/QC:
Scale:
Field Book: D.C. #23
Field Crew: NF/BF
Drawn By: BF



JEO CONSULTING GROUP



Sheet 2 of 2

Survey File No.:
2025-101A

JEO Consulting, Inc.
1937 N Chestnut St
Wahoo, NE 68066
800.723.8567 | jeo.com
Organization Certificate of
Authorization Number: CA-0669

Council member Keith Marvin made a motion to pass and adopt Resolution No. 14-2025 authorizing the direction for call regarding certain obligations of the City of David City, Nebraska. Council Member Kevin Woita seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

RESOLUTION NO. 14-2025

A RESOLUTION AUTHORIZING THE DIRECTION FOR CALL REGARDING CERTAIN OBLIGATIONS OF THE CITY OF DAVID CITY, NEBRASKA.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. That the following bonds and notes (collectively, the “Refunded Obligations”), in accordance with their option provisions, are hereby authorized to be called for payment as provided in a Direction for Call (as defined below), after which date interest on the Refunded Obligations will cease:

- A. General Obligation Water Bonds, Series 2017, of the City of David City, Nebraska, date of original issue – July 27, 2017, in the total outstanding principal amount of \$1,250,000, numbered as shown on the books of the Paying Agent and Registrar, in denomination of \$5,000 each, becoming due as follows:

<u>Principal Amount</u>	<u>Maturing September 15</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$250,000	2025	2.400%	238554 DN6
250,000	2026	2.450	238554 DP1
750,000	2027	2.700	238554 DQ9

- B. Bond Anticipation Notes, Series 2022B, dated July 29, 2022, in the total principal amount of 775,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

<u>Principal</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$775,000	July 15, 2025	2.500%	238554 EK1

- C. Bond Anticipation Notes, Series 2023, dated February 1, 2023, in the total principal amount of 2,100,000, numbered as shown on the books and records of the Paying Agent and Registrar and maturing in the principal amount(s) as follows:

<u>Principal</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP</u>
\$2,100,000	December 15, 2025	3.150%	238554 EL9

Section 2. The Refunded Obligations are to be paid at the office of paying agent and registrar for such obligations (the “Paying Agent and Registrar”).

Section 3. The Mayor or City Treasurer of the City (each, an “Authorized Officer”) are

each individually hereby at any time on or after the date of this resolution authorized to direct the irrevocable call of the Refunded Obligations on behalf of the City and such direction, when made in writing (the "Direction for Call"), shall constitute the action of the City without further action of the Mayor or Council of the City. The redemption date included in the Direction for Call may be set for any date on or prior to December 31, 2025, after which time the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Paying Agent, together with an executed Direction for Call, which delivery of Direction for Call is necessary in order for the call of the Refunded Obligations to be effective hereunder. The Paying Agent is hereby instructed to mail notice to each registered owner of the Refunded Obligations in accordance with the ordinances authorizing the issuance of the Refunded Obligations, and to take all other actions deemed necessary in connection with the redemption of the Refunded Obligations.

PASSED AND APPROVED this 11th day of June, 2025.

ATTEST:

By _____
Mayor

City Clerk
(S E A L)

Council member Keith Marvin introduced Ordinance No. 1516 authorizing the issuance of General Obligation Various Purpose bonds in an amount not to exceed \$4,300,000 for the purpose of refunding the City's Series 2017 General Obligation Water Bonds, Series 2022B Bond Anticipation Notes and the Series 2023 Bond Anticipation Notes. Mayor Jessica Miller read Ordinance No. 1516 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 Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1516 on third and final reading authorizing the issuance of General Obligation Various Purpose Bonds in

an amount NOT TO EXCEED \$4,300,000 for the purpose of refunding the City's Series 2017 General Obligation Water Bonds, Series 2022B Bond Anticipation Notes and the Series 2023 Bond Anticipation Notes. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce

Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0, Absent: 1

ORDINANCE NO. 1516

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE AND REFUNDING BONDS, SERIES 2025, OF THE CITY OF DAVID CITY, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION THREE HUNDRED THOUSAND DOLLARS (\$4,300,000) FOR THE PURPOSE OF PAYING OFF INTERIM FINANCING FOR THE COSTS OF STREET, WATER, AND SANITARY SEWER IMPROVEMENTS WITHIN THE CITY AND REFUNDING OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY AND COLLECTION OF TAXES TO PAY THE SAME; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE BONDS AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and City Council of the City of David City, Nebraska (the "City"), hereby find and determine as follows:

(a) pursuant to ordinances previously passed and approved by the Mayor and City Council, Street Improvement District Nos. 2022-2, 2022-3, and 2022-4, Sanitary Sewer Extension District 2022-1, and Water Extension District No. 2022-1, in the City have been created and the prescribed improvements therein have been or will soon be completed and accepted by the City (the "2022 Improvements");

(b) the City has previously issued, to provide interim financing for payment of the 2022 Improvements, its (i) Bond Anticipation Notes, Series 2022B, dated July 29, 2022, and (ii) Bond Anticipation Notes, Series 2023, dated February 1, 2023 (collectively, the "Notes");

(c) pursuant to an ordinance previously passed and approved by the Mayor and City Council, the City issued its General Obligation Water Bonds, Series 2017, dated July 27, 2017 (the "Bonds") for the purpose of providing funds to pay for maintenance, replacements, extensions, improvements, enlargements, additions and related appurtenances to the existing water system of the City (the "2017 Improvements");

(d) the 2022 Improvements and the 2017 Improvements are referred to herein as the "Improvements" and the Notes and the Bonds are referred to herein as the "Refunded Obligations";

(e) the cost of the Improvements, as reported by the City's Engineer, is not less than \$4,300,000;

(f) the Refunded Obligations constitute a contractual obligation of the City and the Refunded Obligations will mature or be called for redemption on a redemption date as determined pursuant to a resolution approved on this date authorizing the call of the Refunded Obligations (the "Redemption Date"), and proceeds of the bonds authorized hereunder together with other funds of the City will be used to refund and redeem such Refunded Obligations on the Redemption Date;

(g) all conditions, acts and things required to exist or to be done precedent to the issuance of General Obligation Various Purpose and Refunding Bonds, Series 2025, of the City, in the principal amount of not to exceed \$4,300,000 pursuant to Sections 10-142, 18-1801 and 18-1802, R.R.S. Neb. 2012, to pay the costs of the improvements described herein (including payment of the Refunded Obligations and related costs) hereof do exist and have been done as provided by law.

Section 2. To provide for the issuance of bonds as described in Section 1 hereof, there shall be and there are hereby ordered issued bonds of the City, to be known as General Obligation Various Purpose and Refunding Bonds, Series 2025 (the "Bonds"), of the aggregate principal amount of not to exceed Four Million Three Hundred Thousand Dollars (\$4,300,000), provided, that the Bonds shall mature and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or City Treasurer (each, an "Authorized Officer") on behalf of the City, which Designation may also determine or modify the principal amount, interest rate or maturity date of the Bonds, mandatory redemption provisions (if any) and pricing terms as set forth in Section 8 hereof, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed the amount stated in this Section 2 above, provided, however, in the event the Bonds are sold with a net original issue discount such aggregate principal amount may be increased in an amount necessary to compensate for any such net original issue discount;
- (b) the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of two percent (2.00%) of the stated principal amount of the Bonds;
- (c) the longest maturity of the Bonds may not be later than December 15, 2040;
- (d) the true interest cost of the Bonds shall not exceed 5.75%;
- (e) two or more of the principal maturities may be combined and issued as "term bonds" and each of the Authorized Officers may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated).

Each of the Authorized Officers are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds shall be payable semiannually on June 15 and December 15 of each year commencing December 15, 2025 (or such other date or dates as provided in the Designation, each of said dates an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the fifteenth day immediately preceding the Interest Payment Date (or such other date as provided in the Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. The initial numbering and principal amounts for each of the Bonds shall be designated by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or early redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid interest accrued thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 3. Unless as otherwise provided in the Designation, the BOKF, National Association, Lincoln, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Bonds upon

transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in David City, Nebraska, are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. In addition to any mandatory sinking fund redemption as may be determined in the Designation, the Bonds shall be subject to redemption at the option of the City prior to the stated maturities thereof, in whole or in part, at any time on or after the fifth anniversary of the date of original issue thereof (or such other date as provided in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion, but Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City in the case of optional redemptions and without further direction in the case of mandatory redemptions, by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 6 shall apply generally to mandatory redemptions. Any such mandatory redemptions shall be in amounts and on terms set forth in the Designation, at the principal amount redeemed plus accrued interest to the date set for redemption. The Paying Agent and Registrar shall select the term bonds to be redeemed in any maturity using any random method of selection deemed appropriate, subject to the provisions of Section 8 of this Ordinance.

Section 7. The Bonds shall be in substantially the following form:

and published by the Mayor and Council of the City in strict compliance with Sections 10-142, 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 2012, as amended.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to fully pay the principal and interest of said bonds as the same become due.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the office of the Paying Agent and Registrar upon surrender and cancellation of this bond and thereupon a new bond or bonds of the same aggregate principal amount will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

This bond shall not be valid for any purpose until the Certificate of Authentication hereon shall have been signed by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Council of the City of David City, Nebraska, have caused this bond to be executed on behalf of the City with the signatures of its Mayor and City Clerk, both of which signatures may be facsimile signatures, and by having affixed hereto or imprinted hereon the City's seal, all as of the date of issue shown above.

THE CITY OF DAVID CITY, NEBRASKA

(SEAL)

By: (Sample - Do not sign)
Mayor

ATTEST:

(Sample - Do not sign)
City Clerk

**CERTIFICATE OF AUTHENTICATION
AND REGISTRATION**

This bond is one of the series designated therein and has been registered to the owner

named in said bond and the name of such owner has been recorded in the books of record maintained by the undersigned as Paying Agent and Registrar for said issue of bonds.

(Sample - Do not sign)

BOKF, National Association, Lincoln,
Nebraska, Paying Agent and Registrar
for the City of David City, Nebraska

(FORM OF ASSIGNMENT)

For value received, _____ hereby sells,
assigns and transfers unto _____,
(Social Security or Taxpayer I.D. No. _____) the within Bond and hereby
irrevocably constitutes _____ and appoints _____

_____, attorney, to transfer the same on the books of registration in the
office of the within-mentioned Paying Agent and Registrar with full power of substitution in the
premises.

Dated: _____

Registered Owner(s)

Signature Guaranteed

By _____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name(s) as written on the face of the within Bond in every particular, without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 8. Each of the Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to the D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of a purchase price of not less than 98.00% (or such other amount as may be determined in the Designation) of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver the Designation for and on behalf of the City. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds at closing.

Section 9. The City Clerk is hereby directed to make and certify a transcript of the proceedings of the City precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds.

Section 10. For the prompt payment of the Bonds, both principal and interest as the same fall due, the City agrees that it shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds when and as such principal and interest become due. The City reserves the right to satisfy its payment obligations with respect to the Bonds from any available source of funds.

Section 11. The net proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof, and to pay issuance costs. Any accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on said Bonds on the first Interest Payment Date. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The officers of the City (or any one or more of them) are hereby authorized to take all actions deemed necessary in connection with the issuance of the Bonds and the calling of the Refunded Obligations on the Redemption Date.

Section 12. The holders of the Bonds of this issue shall be subrogated to all rights of the holders of any claims which are paid from the proceeds of said Bonds.

Section 13. The City hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of said Bond issue, including monies held in any sinking fund for the Bonds, which would cause the Bonds to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt obligations aggregating in principal amount more than \$10,000,000 during calendar year 2025, taking into consideration statutory exceptions for refunding issues. The City further covenants and warrants that it has not designated and will not designate bonds or other obligations as so qualified in an amount in excess of \$10,000,000 in calendar year 2025. The

Mayor and/or City Treasurer are hereby authorized to make any and all elections or allocations deemed necessary by them in connection with the tax-exempt status of interest on the Bonds or other tax related qualification thereof.

Section 14. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and cancelled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 15. Each of the Authorized Officers is authorized to prepare, approve and deem final on behalf of the City a preliminary official statement, as applicable, for use by the Underwriter in connection with the offering and sale of the Bonds, and to approve a final official statement, as applicable, in accordance with any applicable governing laws, rules or regulations.

Section 16. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2025, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

(b) when and if available, audited financial statements for the City;

(c) in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of the holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, any of which affect security holders, if material; and

(16) Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation, any of which reflect financial difficulties.

(d) in a timely manner, notice of any failure on the part of the City to provide the Annual Financial Information and the audited financial statements, if any, not later than the Delivery Date.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 17. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Mayor and the City Council hereby authorize and direct all of the officers, employees and agents of the City to carry out, or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any one of them, shall consider necessary, advisable, desirable, or appropriate in connection with this ordinance, and the issuance, sale and delivery of the Bonds, including, without limitation and whenever appropriate, the execution and delivery thereof and of all other related documents (including the Bond Purchase Agreement), instruments, certifications and opinions; and delegates, authorizes and directs the Mayor and the City Treasurer (or either one of them) the right, power and authority to exercise his or her own independent judgment and discretion in determining and finalizing the terms, provisions, form and contents of each of the foregoing. The execution and delivery by the Mayor or City Treasurer or by any such other officer, officers, agent or agents of the City of any such documents, instruments, certifications and opinions, or the doing by him or her of any act in connection with any of the matters which are the subject of this ordinance, shall constitute conclusive evidence of both the City's and his or her approval of all changes, modifications, amendments, revisions and alterations made therein, and shall conclusively establish his or her authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments and certifications so executed and the action so taken.

Section 18. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

PASSED AND APPROVED this 11th day of June, 2025.

Mayor

City Clerk

(SEAL)

EXHIBIT "A"

POLICY AND PROCEDURES

[SEE ATTACHED]

**Policy and Procedures
Federal Tax Law and Disclosure Requirements for
Tax-exempt Bonds and/or Tax Advantaged Bonds**

ISSUER NAME: The City of David City, in the State of Nebraska

COMPLIANCE OFFICER (BY TITLE): City Treasurer

POLICY

It is the policy of the Issuer identified above (the “Issuer”) to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as tax credit, direct pay subsidy or other tax-advantaged bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments or tax credits associated with its bonds issued as tax advantaged bonds are received in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

PROCEDURES

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the “Compliance Officer”). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website [“EMMA”] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer’s annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

Scope of Review.

Document Review. At the compliance review, the following documents (the “Bond Documents”) shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the “Tax Documents”):
 - (i) covenants, certifications and expectations regarding Federal tax requirements which are

described in the Authorizing Proceedings;

- (ii) Form 8038 series filed with the Internal Revenue Service;
 - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
 - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
 - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
 - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.

Use and Timely Expenditure of Bond Proceeds. Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

Arbitrage Yield Restrictions and Rebate Matters. The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

Continuing Disclosure. Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure

requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

Record Keeping. If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

Incorporation of Tax Documents. The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

Consultation Regarding Questions or Concerns. Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

VCAP and Remedial Actions. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.

Council member Kevin Woita made a motion to table Ordinance No. 1517 updating the vacant property ordinance. Council Member Jim Angell seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Mayor Jessica Miller stated that the next item on the agenda was to consider the request of CJ Bouc final restoration invoice.

CJ Bouc introduced himself and stated that in March there was a power outage and the lift station near his townhome didn't start and as a result there was an inch of sewer water in the townhome. He stated that he is asking for payment of the restoration invoice because Paul Davis wants half of the invoice upfront.

Mayor Jessica Miller told Mr. Bouc that the City only pays for reimbursement after completing the project.

Council member Keith Marvin asked if we could approve the downpayment after the materials were delivered to the townhome, and Building Inspector Gary Meister ensured that they were there.

Council member Keith Marvin made a motion to deny the request of CJ Bouc final restoration invoice; in lieu of that, approve reimbursing CJ Bouc for the down payment of one-half of the project after materials are delivered. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to approve the application by Scott Samek to sell permissible fireworks at 594 N 4th Street. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to table discussion regarding dates for setting up a Halloween display. Council Member Keith Marvin seconded the motion. The motion carried.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to adjourn. Council Member Jim Angell seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:09 p.m.

Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Absent, Keith Marvin: Yea, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0, Absent: 1



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 June 11, 2025; 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