

CITY COUNCIL PROCEEDINGS  
June 25, 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 Jim Angell, Rick Holland, Kevin Woita, Jeremy Abel, City Administrator Alan Zavodny, and City Clerk-Treasurer Tami Comte. Council member Keith Marvin was absent. City Attorney Michael Sands attended via Zoom. City Administrator Intern Raiko Martinez was absent.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Officer Chris Baete, Larry Sabata, John Hermsen 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 Bruce Meysenburg made a motion to approve the minutes of the June 11, 2025 City Council meeting as presented. Council Member Jim Angell seconded the motion. The motion carried.

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

Council member Bruce Meysenburg made a motion to approve payment of the invoice to Veenstra & Kimm but deny payment of the invoice to Great Plains Uniform with Great Plains Uniform to bill the former employee directly. Council Member Jim Angell seconded the motion. The motion carried.

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

Council member Bruce Meysenburg made a motion to passed Ordinance No. 1515 on second 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 Kevin Woita seconded the motion. The motion carried.

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

Council member Bruce Meysenburg made a motion to approve the Certificate of Substantial Completion for the 2022 Water Treatment Plant Upgrades. Council Member Rick Holland seconded the motion. The motion carried.

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

Docusign Envelope ID: 9C6EF7CB-3A21-48FA-A592-680F21E74C61

### CERTIFICATE OF SUBSTANTIAL COMPLETION

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

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

This  Preliminary  Final Certificate of Substantial Completion applies to:

All Work  The following specified portions of the Work:

All work except for fencing and gates.

Date of Substantial Completion: June 9, 2025

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work must be as provided in the Contract, except as amended as follows:

Amendments to Owner's Responsibilities:  None  As follows:

None.

Amendments to Contractor's Responsibilities:  None  As follows:

None.

The following documents are attached to and made a part of this Certificate:

Final Punch List

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

EXECUTED BY ENGINEER:		RECEIVED:	
By: <u>Sarah Nguyen</u> (Authorized signature)	By: _____	By: <u>James Sulzbach</u> (Authorized Signature)	By: _____
Title: <u>Project Engineer</u>	Title: <u>Mayor</u>	Title: <u>Project Manager</u>	Title: _____
Date: <u>6/10/2025</u>	Date: _____	Date: <u>6/10/2025</u>	Date: _____

Council member Kevin Woita made a motion to approve Change Order No. 3 in the amount of (\$7,985.75) for Municipal Pipe Tool for the South Area Sewer Rehab Project. Council Member Bruce Meysenburg seconded the motion. The motion carried.

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

Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0, Absent: 1



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

June 12, 2025

**CHANGE ORDER NO. 3**

CITY OF DAVID CITY  
SOUTH SEWER REHAB

Change Order No. 3 modifies the contract to do the following:

- Remove point repair 7. Contractor cleaned and video inspected pipe and determined point repair can be removed from project.
- Remove point repair 8. Contractor cleaned and video inspected pipe and determined point repair can be removed from project.
- Add Chain Link Fence to replace rusting, damaged fence along S. 4<sup>th</sup> Street. Final quantity will be determined in the field by the City.

Compensation

Item No.	Bid Item	Unit	Qty	Unit Price	Extended Price
1.27	Point Repair No. 7	EA	-1.0	\$12,731.25	(\$12,731.25)
1.28	Point Repair No. 8	EA	-1.0	\$3,024.00	(\$3,024.00)
CO 3.01	Chain Link Fence	LF	205	\$37.90	\$7,769.50
				<b>Total CO 3</b>	<b>(\$7,985.75)</b>

Change Order No. 3 Decreases the contract amount by **\$7,985.75**. New contract amount is **\$652,757.70**.

Reference Information

**Item 3.01 Fence, Chain link, 5 Ft, 200 Linear Feet:** This item is for replacing 5-foot height 9-gauge chain link fence; Unit price includes, but is not limited to all labor materials and equipment, excavation; furnishing and fence posts, concrete footings, 9-gauge chain link fabric, top rails, fittings, tie wire, and miscellaneous materials for complete installation of new chain link fence.

City of David City  
South Sewer Rehab  
Change Order No. 3

Completion Date

Change Order No. 3 adds zero (0) days to the Project Completion Date.  
Project Completion Date: June 11, 2025

**MUNICIPAL PIPE TOOL COMPANY**

**CITY OF DAVID CITY**

By Matt Boggs  
Title Project Manager  
Date 06-13-25

By Junia Miller  
Title Mayor  
Date 6-25-25

**VEENSTRA & KIMM, INC.**

By Randy Johnson  
Title Engineer  
Date 6-18-2025

Council member Bruce Meysenburg introduced Ordinance No. 1517, updating the vacant property ordinance. Mayor Jessica Miller read Ordinance No. 1517 by title.

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

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

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1517 on third and final reading updating the vacant property ordinance. Council Member Rick Holland seconded the motion. The motion carried.

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

#### **ORDINANCE NO. 1517**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO REGULATE THE REGISTRATION OF VACANT PROPERTY; COLLECTING FEES FOR VACANT PROPERTIES; PLANNING FOR THE REHABILITATION OF VACANT PROPERTIES; ENCOURAGING OCCUPANCY OF VACANT PROPERTIES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Nebraska Revised Statutes section 17-505 authorizes the City of David City, Nebraska, a municipal corporation and city of the second class (the "City") to adopt and amend the City's Municipal Code (the "Code"); and

**WHEREAS**, Nebraska Revised Statutes section 19-5405 authorizes the City to adopt a vacant property registration ordinance to regulate vacant property within the City's corporate limits; and

**WHEREAS**, the City desires to define and regulate vacant property within its corporate limits; and

**WHEREAS**, the City finds it in the best interest of the City and the City's residents' health, safety and welfare to amend the Code to regulate current and future vacant properties within the City's corporate limits.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA**, that the City amends the Code as follows:

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

#### **§ 3-410: REGISTRATION OF VACANT PROPERTY**

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

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

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

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

**PROPERTY.** Property means either a residential building or a commercial building located within the corporate limits of the City of David City, but does not include the property owned by the federal government, the State of Nebraska, or any political subdivision thereof.

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

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

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

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

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

(D) The program administrator is authorized and directed to make complaint-initiated inspections to determine the condition of property located within the corporate limits of the City in order to safeguard the safety and welfare of the general public and to determine said property complies with the requirements of this section 3-410. Personnel authorized to enforce this section may also initiate inspections to determine the condition of property based on their own, non-complaint-initiated, personal observations. Said inspections must be based on owner or occupant consent, or, in the absence of owner or occupant consent, after a judge or a court of record has issued a warrant to inspect pursuant to Neb. Rev. Stat. §§ 29-830 to 29-835. Consent nor a warrant shall be necessary under emergency conditions.

(E) The program administrator may, but is not obligated to, determine and designate a property as vacant. The program administrator shall provide written notice to the owner of any such determination by personal service or certified mail at the address maintained in the register of deeds' office at least ten (10) days prior to registration of such property on the registration database. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the City or by conspicuously posting the notice on the vacant property or building.

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

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

(H) Every six months following the assessment of the initial registration fee, the owner of a vacant property must pay a supplemental registration fee of five-hundred dollars (\$500) for a residential building or two-thousand (\$2,000) for a commercial building, as long as the property remains vacant. While a vacant property remains on the vacant property registration database, the City shall not collect more than two-thousand five hundred dollars (\$2,500) in supplemental registration fees for a vacant residential building and shall not collect more than ten-thousand dollars (\$10,000) in supplemental registration fees for a vacant commercial building. Unpaid vacant property registration fees shall become a lien on the applicable property upon the recording of a notice of such lien in the Butler County Register of Deeds Office. The lien created under this section shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this section is recorded. Interest as allowed by applicable Nebraska law shall also accrue unless reduced, waived or stayed by the program administrator.

(I) An owner who, in good faith, advertises a vacant property for sale or lease, shall be exempt from the registration and fee requirements of this section 3-410 for a period of three (3) months following the owner's initial public posting for sale or lease. Following the three-

month period, said owner shall be subject to the registration and fee requirements as outlined under this section 3-410.

(J) The following exemptions may apply to the vacant property registration and fee requirements, as the program administrator may determine from time to time:

- a. A residential building used as a seasonal residence is exempt, provided the building is seasonally occupied;
- b. Property damaged by fire, weather, explosion, act of God, or vandalism within six (6) months prior to becoming vacant is exempt from the requirements, but shall lose its exemption status after the six-month period;
- c. Property under construction or renovation is exempt to the extent the owner has begun construction or renovation within one-hundred eighty (180) days of vacant-status notification from the program administrator (subject to an extension to the program administrator, if necessary, from the property owner) and is ongoing and in compliance with all relevant building permits and codes;—
- d. A residential building where the owner is temporarily absent, but who has demonstrated his or her intent to return is exempt, unless the program administrator subsequently determines the owner does not intend to return; and
- e. Property which is subject to divorce, probate, or estate proceedings is exempt until the legal conclusion of the respective proceeding.

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

(L) The program administrator may, within one (1) month of a property's registration to the vacant property registration database, inspect the interior and exterior of the vacant property. Following said inspection, the program administrator may inspect the interior and exterior of the vacant property on an annual basis, so long as the property remains on the vacant property registration database. An owner shall be provided at least ten (10) days' notice prior to an annual inspection.

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

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

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

(P) Failure to comply with the requirements of this ordinance is a violation of this Code and shall subject an owner of vacant property to the penalties found in section 3-701 of this Code.

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

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

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

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

Passed and approved this 25<sup>th</sup> day of June, 2025.

**CITY OF DAVID CITY, NEBRASKA**

By: \_\_\_\_\_  
MAYOR JESSICA J. MILLER

Attest:

\_\_\_\_\_  
CITY CLERK TAMI L. COMTE

Council member Bruce Meysenburg made a motion to allow Arps to pave 50' of Road M at their expense. Council Member Jim Angell seconded the motion. The motion carried.  
Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Abstain (With Conflict)  
Yea: 5, Nay: 0, Absent: 1, Abstain (With Conflict): 1

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 15-2025 approving the Butler County Local Emergency Operations Plan. Council Member Rick Holland seconded the motion. The motion carried.  
Jeremy Abel: Yea, Jim Angell: Yea, Rick Holland: Yea, Keith Marvin: Absent, Bruce Meysenburg: Yea, Jessica Miller: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0, Absent: 1

### **RESOLUTION NO. 15-2025**

WHEREAS, in order to provide for a coordinated response to a disaster or emergency in Butler County, the City of David City and other cities and villages in Butler County and,

WHEREAS, the City Council of the City of David City deems it advisable and in the best interests of the community and the County,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the City of David City approve the attached Butler County Local Emergency Operations Plan. Acceptance of this 2025 Local Emergency Operations Plan supersedes all previously approved Butler County Local Emergency Operations Plans.

PASSED AND APPROVED this 25<sup>th</sup> day of June, 2025.

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Mayor Jessica Miller

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City Clerk Tami Comte

Mayor Jessica Miller stated that the next item on the agenda was consider dates for setting up a Halloween display.

Larry Sabata introduced himself and stated that he enjoys John Hermsen's Halloween displays, and he felt that Hermsen should be allowed to continue his displays.

John Hermsen introduced himself and stated that he wants to continue his Halloween displays, and he was unaware that he needed permits.

The conversation also addressed the potential lack of necessary permits and authority to operate the display in the requested manner.

Mayor Jessica Miller requested that the legal team research what would be required of Mr. Hermsen. Ms. Miller also stated that we are not denying the display, just considering the appropriate time for setting up the display

Council member Rick Holland made a motion to adjourn. Council Member Jim Angell seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:13 p.m.

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



CERTIFICATION OF MINUTES  
June 25, 2025

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 25, 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.

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Tami Comte, City Clerk