

CITY COUNCIL PROCEEDINGS
October 25, 2023

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 publication of notice in The Banner Press on October 19, 2023, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

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

Also present for the meeting were: Deputy Clerk Lori Matchett, Asst. Police Chief Devin Betzen, Brad Swerczek with K-Tech Project Services, Butler County Health CEO Don Naiberk, Ethan Joy with JEO, Jerry Kosch, Nick and Marlene Hein and David McPhillips.

The meeting opened with the Pledge of Allegiance.

Mayor Jessica Miller informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. Mayor Miller read the speaking guidelines for the City Council meeting. She also reminded the public that if they speak tonight in front of the Council that they must state their name and address for the record.

Council member Pat Meysenburg made a motion to approve the minutes of the October 11, 2023 City Council meeting as presented. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Resolution No. 41-2023 approving the campground rental rates. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 41-2023

WHEREAS, the City has determined a need to increase the new RV Campground charges.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following charges, for the use of the RV Campground be hereby adopted.

RV Campground

RV Campground (full-hookups) **\$45.00 / day**

RV Campground Monthly rate (full-hookups).....**\$1,200.00 / month**

Monthly rate must be selected and paid in full at the beginning of the calendar month. No refunds will be given for early departure.

Dated this 25th day of October, 2023.

Mayor Jessica J. Miller

City Clerk Tami L. Comte

Council member Bruce Meysenburg made a motion to approve changing the meeting date from November 22, 2023 to November 29, 2023. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 42-2023 Development Agreement with Butler County Health. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 42-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, APPROVING A DEVELOPMENT AGREEMENT, AS BETWEEN THE CITY AND BUTLER COUNTY HEALTH CARE CENTER.

WHEREAS, the City of David City, Nebraska (the "City"), vacated to Butler County Health Care Center ("BCH") that certain right-of-way real property located within the City (the "Property"), as further described in the Development Agreement (defined below); and

WHEREAS, the Mayor and City Council of the City has for its consideration, attached hereto and incorporated herein as Exhibit A, a proposed Development Agreement by and between BCH and the City, with respect to the use and development of the Property (the "Development Agreement"); and

WHEREAS, based on the substantial evidence in the record of this proceeding, the Mayor and City Council have determined that the terms of the Development Agreement are for the public benefit and in the best interests of the City; and

WHEREAS, in accordance with the foregoing, the City wishes to enter into the Development Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of the City, that the Development Agreement by and between BCH and the City, in the form presented, is hereby acknowledged and approved. The Mayor is hereby authorized to execute said Development Agreement in substantially the form presented but with such changes as she shall deem appropriate or necessary. The execution and delivery by the Mayor of the Development Agreement, or any such documents, instruments, agreements or certifications relating to such matters contained in the Development Agreement, shall conclusively establish her authority with respect thereto and the authorization and approval thereof.

INTRODUCED BY COUNCIL MEMBER Bruce Meysenburg

PASSED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2023.

MAYOR

ATTEST:

CITY CLERK

Council member Keith Marvin introduced Ordinance No. 1455 vacating a portion of 10th Street as requested by Butler County Health. Mayor Jessica Miller read Ordinance No. 1455 by title. Council member Bruce Meysenburg made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1455 on 3rd and final reading vacating a portion of 10th Street as requested by Butler County Health. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1455

AN ORDINANCE VACATING A PORTION OF 10TH STREET PER THE REQUEST OF BUTLER COUNTY HEALTH CARE CENTER; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1. That Butler County Health Care Center has requested that a portion of 10th Street right-of-way located in Miles Sixth Addition to David City, Butler County, Nebraska be vacated. That the portion of the vacated street legally described as follows shall revert to the abutting property owner(s):

A PART OF TENTH STREET RIGHT OF WAY LOCATED IN MILES SIXTH ADDITION TO THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, BLOCK 2, OF SAID MILES SIXTH ADDITION; THENCE EASTERLY ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 2, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE EAST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE SOUTHERLY ON SAID EAST RIGHT OF WAY LINE ALSO BEING THE WEST LINE OF VETTER SENIOR LIVING ADDITION AND THE WEST LINE OF BLOCK 1 OF SAID MILES SIXTH ADDITION, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 1; THENCE CONTINUING SOUTHERLY ON SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE EASTERLY EXTENSION OF THE CENTERLINE OF VACATED OHIO STREET AS PLATTED IN SAID MILES SIXTH ADDITION; THENCE WESTERLY ON SAID CENTERLINE, A DISTANCE OF 80 FEET, MORE OR LESS, TO THE POINT OF INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF TENTH STREET AS PLATTED IN SAID MILES SIXTH ADDITION, THENCE NORTHERLY ON SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 40 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF LOT 5 OF SAID BLOCK 2; THENCE NORTHERLY ON THE EAST LINE OF SAID BLOCK 2, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SECTION 2. The Mayor and City Council have found and determined that it is in the best interest of the City and is expedient for the public good to vacate a portion of 10th Street right-of-way located in Miles Sixth Addition to David City, Butler County, Nebraska.



SECTION 3. That the City of David City, and its franchisees, shall retain an easement to all existing and future utilities located within said vacated street.

SECTION 4. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 5. This ordinance shall be published in pamphlet form and shall be in full force and effect following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 11th day of October, 2023.

Mayor Jessica Miller

City Clerk Tami L. Comte

Council member Pat Meysenburg made a motion to approve allocation of \$15,000 of ARPA funds toward the design of the David City Trail Master Plan. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to approve Ordinance No. 1456 establishing a curfew for all persons under 16 years of age on 2nd reading only. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1456

AN ORDINANCE TO ESTABLISH A CURFEW ENFORCEABLE WITHIN THE CORPORATE LIMITS OF DAVID CITY, NEBRASKA, FOR ALL PERSONS UNDER SIXTEEN (16) YEARS OF AGE.

WHEREAS, the City of David City, Nebraska (the "City") desires to establish and empower the David City Police Department to enforce, a city-wide curfew; and

WHEREAS, Nebraska Revised Statutes section 17-111 authorizes such action.

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

Section 1. Establishment of City-Wide Curfew. The City hereby establishes a city-wide curfew for persons under sixteen (16) years of age that shall prohibit any such person from loitering, idling, wandering, strolling, playing, traversing or otherwise being upon the public street, public places, public buildings or any other vacant or other unsupervised places, between the times of 11:00 P.M. and 6:00 A.M. local time.

Section 2. Effect of Violation. Any person(s) violating this ordinance may be placed in the custody of the David City Police Department until such time that the person's parent or legal guardian, or, person(s) with supervisory authority conferred onto them by the person's parent or legal guardian, is able to take custody of said person. The David City Police Department may bring said person to the person's home or other location, as instructed by the person's parent or legal guardian, or to the David City Police Station.

Section 3. Exceptions. It shall not be a violation of this ordinance:

a. to be traveling during curfew pursuant to lawful employment or an organized activity sponsored by a school, church, fraternal organization, community organization or charitable organization;

b. to have the express permission of their parent(s) to be at such place pursuant to an emergency errand; and

c. to be accompanied by and under the supervision of their parent or lawful guardian or someone with supervisory authority conferred onto them by the person's parent or lawful guardian.

PASSED AND APPROVED this ____ day of _____, 2023.

Passed on 2nd reading only
Mayor

ATTEST:

Passed on 2nd reading only
City Clerk

[SEAL]

Council member Keith Marvin made a motion to table Payment #2 for O'Dell Concrete and Construction in the amount of \$6,000. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to recess the City Council meeting at 7:14 p.m. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Mayor Jessica Miller declared the City Council reconvened at 7:17 p.m.

Council member Jim Angell made a motion to pass and adopt Resolution No. 43-2023 Accepting the Dedication of Trowbridge Lane. Council Member Keith Marvin seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 43-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, ACCEPTING THE DEDICATION OF THE TROWBRIDGE LANE RIGHT-OF-WAY AND IMPROVEMENTS.

WHEREAS, the Community Development Agency of the City of David City, Nebraska (the "Agency"), a redevelopment authority duly formed under the Community Development Law of the State of Nebraska, Nebraska Revised Statutes sections 18-2101 to 18-2157, is the fee title owner of that certain real property located in David City, Butler County, Nebraska, commonly known as and referred to as "Trowbridge Lane" and as described on Exhibit A, attached hereto and incorporated herein and all improvements thereon (collectively, the "Property"); and

WHEREAS, the Agency wishes to dedicate the Property to the City of David City, Nebraska (the "City"), as set forth by that certain Dedication of Street For Public Right-of-Way Purposes, executed on October 25, 2023, for use henceforth as a public street; and

WHEREAS, Owner has executed that certain Dedication of Street for Public Right-of-Way Purposes on October 25, 2023, as provided in Exhibit B, attached hereto and incorporated by reference herein, creating an irrevocable offer of dedication to the City; and

WHEREAS, following such dedication, and the acceptance thereof, the City will maintain and operate the same for the purposes outlined above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY:

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

Section 2. The Mayor and City Council of the City of David City, Nebraska, accept the dedication of the Property without reservation and agree to operate and maintain it henceforth as a public street.

Section 4. The Mayor or her designee are hereby authorized to execute any such documents, instruments, agreements or certifications relating to such matters contained in this Resolution, and the execution and delivery of the same by the Mayor or her designee shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

PASSED AND ADOPTED THIS 25TH DAY OF OCTOBER, 2023.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY

PARCEL "A" CDA PARCEL, NORTH-SOUTH STRIP

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, THENCE S89°31'31"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 767.73 FEET TO THE POINT OF BEGINNING; THENCE S00°07'06"W, A DISTANCE OF 937.64 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, THENCE S00°07'15"W ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, A DISTANCE OF 899.96 FEET TO THE NORTH LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2021-01215; THENCE N89°59'15"W ON SAID NORTH LINE, A DISTANCE OF 149.96 FEET; THENCE N00°07'06"E, A DISTANCE OF 1836.36 FEET TO THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER; THENCE N89°31'31"E ON SAID NORTH LINE, A DISTANCE OF 150.01 FEET TO THE POINT OF BEGINNING, CONTAINING 6.32 ACRES, MORE OR LESS.



EXHIBIT B

COPY OF DEDICATION OF STREET FOR PUBLIC RIGHT-OF-WAY PURPOSES

[See attached]

Return to:

Tami Comte, City Clerk
P.O. Box 191, 490 E Street
David City, NE 68632

[Space above line reserved for Register of Deeds]

DEDICATION OF STREET FOR PUBLIC RIGHT-OF-WAY PURPOSES

KNOWN BY ALL PERSONS PRESENT: That the undersigned, Community Development Agency of the City of David City, Nebraska ("GRANTOR"), a redevelopment authority duly formed under the Community Development Law of the State of Nebraska, Nebraska Revised Statutes sections 18-2101 to 18-2157, sole owner of that certain real property commonly known and referred to as "Trowbridge Lane" as described and depicted in Exhibit A, attached hereto and incorporated herein by reference, together with all improvements thereupon (the "Property"), hereby dedicates to the City of David City, for public use as a public street, that certain Property described above.

IN WITNESS WHEREOF, GRANTOR has caused this Dedication to be duly executed and given this 25th day of October, 2023.

COMMUNITY DEVELOPMENT AGENCY
OF DAVID CITY, NEBRASKA

Jessica Miller, President

ACKNOWLEDGMENT

STATE OF NEBRASKA)
) SS
COUNTY OF BUTLER)

On this _____ day of _____ 2023, before me, a Notary Public in and for said County, personally came Jessica Miller, in her capacity as President of the Community Development Agency of the City of David City, Nebraska, to me personally known to serve in such capacity and be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Notary Seal:

Notary Public

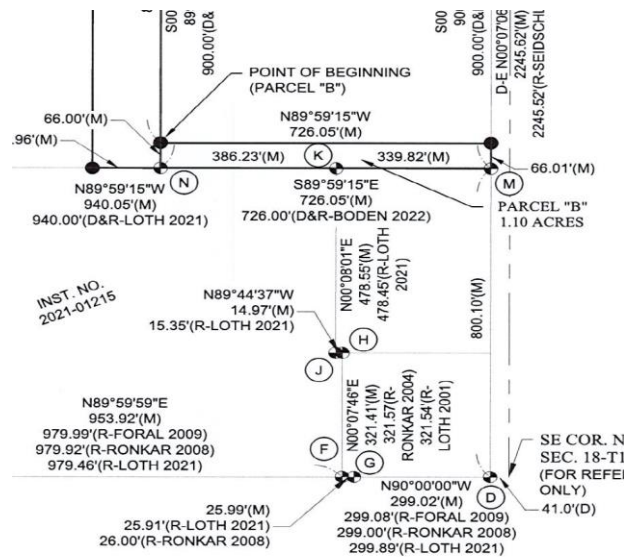
My Commission Expires:

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF DEDICATED AREA

PARCEL "A" CDA PARCEL, NORTH-SOUTH STRIP

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, THENCE S89°31'31"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 767.73 FEET TO THE POINT OF BEGINNING; THENCE S00°07'06"W, A DISTANCE OF 937.64 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, THENCE S00°07'15"W ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, A DISTANCE OF 899.96 FEET TO THE NORTH LINE OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2021-01215; THENCE N89°59'15"W ON SAID NORTH LINE, A DISTANCE OF 149.96 FEET; THENCE N00°07'06"E, A DISTANCE OF 1836.36 FEET TO THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER; THENCE N89°31'31"E ON SAID NORTH LINE, A DISTANCE OF 150.01 FEET TO THE POINT OF BEGINNING, CONTAINING 6.32 ACRES, MORE OR LESS.



Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 44-2023 Accepting the Condemnation Award for Vandenberg. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 44-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO STREET IMPROVEMENT DISTRICT 2022-1 AND APPROVING THE COURT'S AWARD TO PAY THE CONDEMNEDS FOR THE TAKING.

WHEREAS, on April 13, 2022, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), previously adopted Ordinance 1386 to create Street Improvement District 2022-1 to "remove existing surfaces, pave, grade, resurface or relay existing pavement, construct or reconstruct curbs, gutters, sidewalks, lighting systems, signage and any necessary improvements"; and

WHEREAS, the City previously adopted Resolution No. 6-2022, thereby confirming the Street Improvement District No. 2022-1 and granting authority to proceed with the improvement and construction of O Street (the "Project"); and

WHEREAS, on November 30, 2022, the City voted and approved to use Midwest Right of Way Services, Inc. ("Midwest ROW") to act as an agent on behalf of David City and to procure temporary and permanent easements from the property owners along "O" Street for the purposes described above; and

WHEREAS, John Paul Vandenberg and Linda Kay Vandenberg ("Condemnees"), a married couple, are the record owners of certain real estate in David City, Butler County, Nebraska, at 632 O Street, David City, Nebraska, legally described as Lot Two (2) of Sypal East Addition to David City, Butler County, Nebraska located within a tract of land located in Lots Five (5), Six (6), and Seven (7), David City Land and Lot Company's Subdivision of the South Half (S1/2) of the Southeast Quarter (SE1/4) of Section Eighteen (18), Township Fifteen (15), North, Range Three (3), East of the 6th P.M., Butler County, Nebraska (the "Property"); and

WHEREAS, the City finds that the acquisition of both temporary and permanent easements under, across, and through certain portions of the Property, the legal descriptions and depictions thereof being more fully stated in Exhibit A and Exhibit B, respectively, attached hereto and incorporated herein by reference, necessary for the effectuation and continued development of the Project; and

WHEREAS, after unsuccessful attempts at direct acquisition by contract, the City filed with the County Court of Butler County, Nebraska, that certain Petition to Condemn and Appoint Appraisers, *City of David City v. John Paul Vandenberg and Linda Kay Vandenberg*, Case No. CI-23-190 (the "Petition") on August 28, 2023; and

WHEREAS, on October 12, 2023, the County Court of Butler County entered a Return of Appraisers for the above action, setting forth the appraised valuations for both the temporary and permanent easements mentioned above.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the City finds that the Property described above is located within the limits of the City and that temporary and permanent easements on said real property are a necessary part of Street Improvement District 2022-1.

Section 2. That portions of the above referenced property are necessary for the improvement and expansion of the Street Improvement District 2022-1. The real property lies within the "O" Street project area which makes the easements necessary for the City to achieve the public purpose of improving the O Street corridor and its purpose is in the public interest.

Section 3. The City hereby resolves to approve payment of the awards executed by the County Court Judge on October 12, 2023, in *City of David City v. John Paul Vandenberg and Linda Kay Vandenberg*, Case No. CI23-190, for the acquisition of the temporary and permanent easements described and depicted in Exhibit A and Exhibit B, attached hereto, respectively.

Section 4. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this ____ day of _____, 20__.

THE CITY OF DAVID CITY

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF TEMPORARY EASEMENT

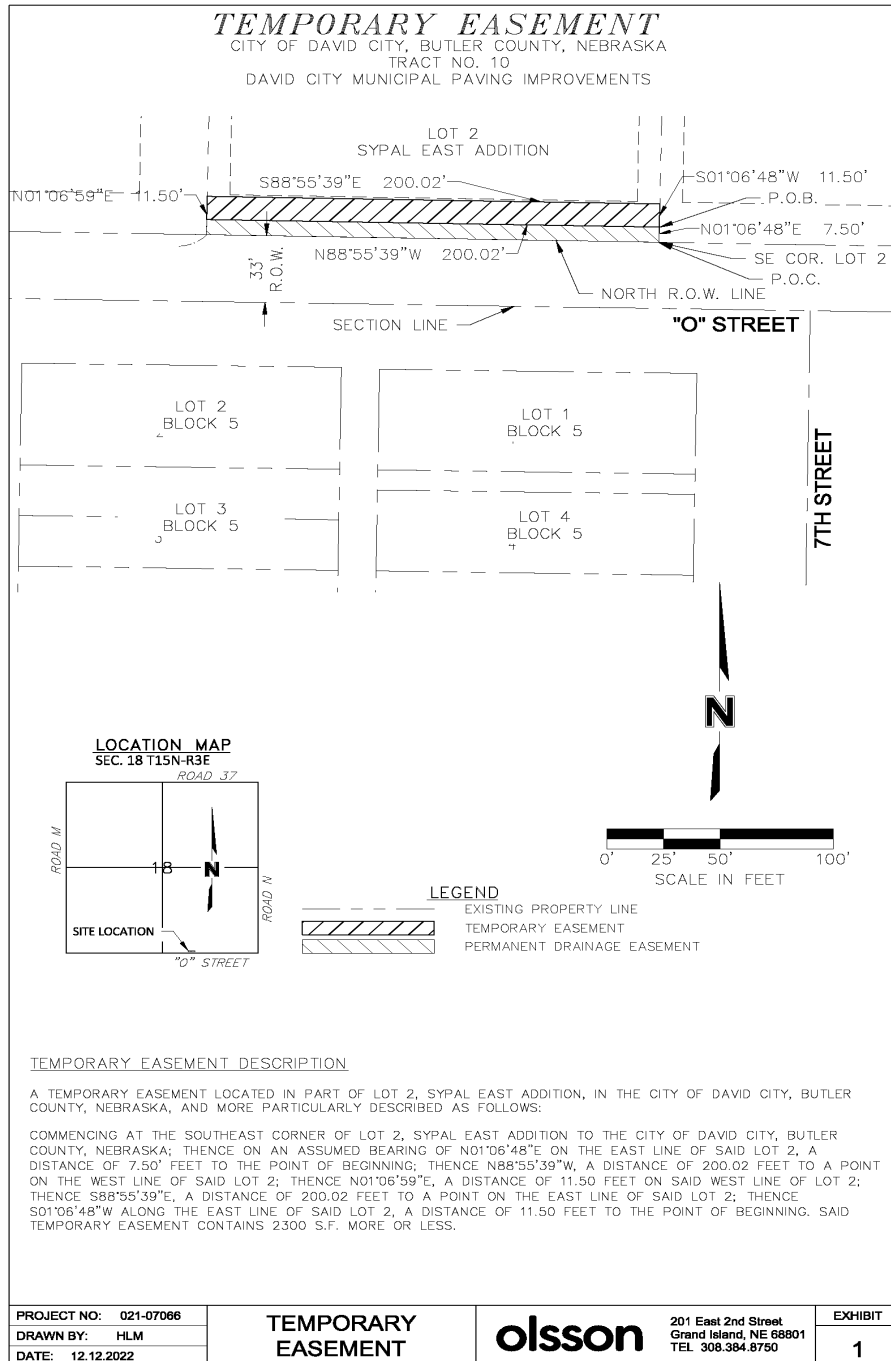
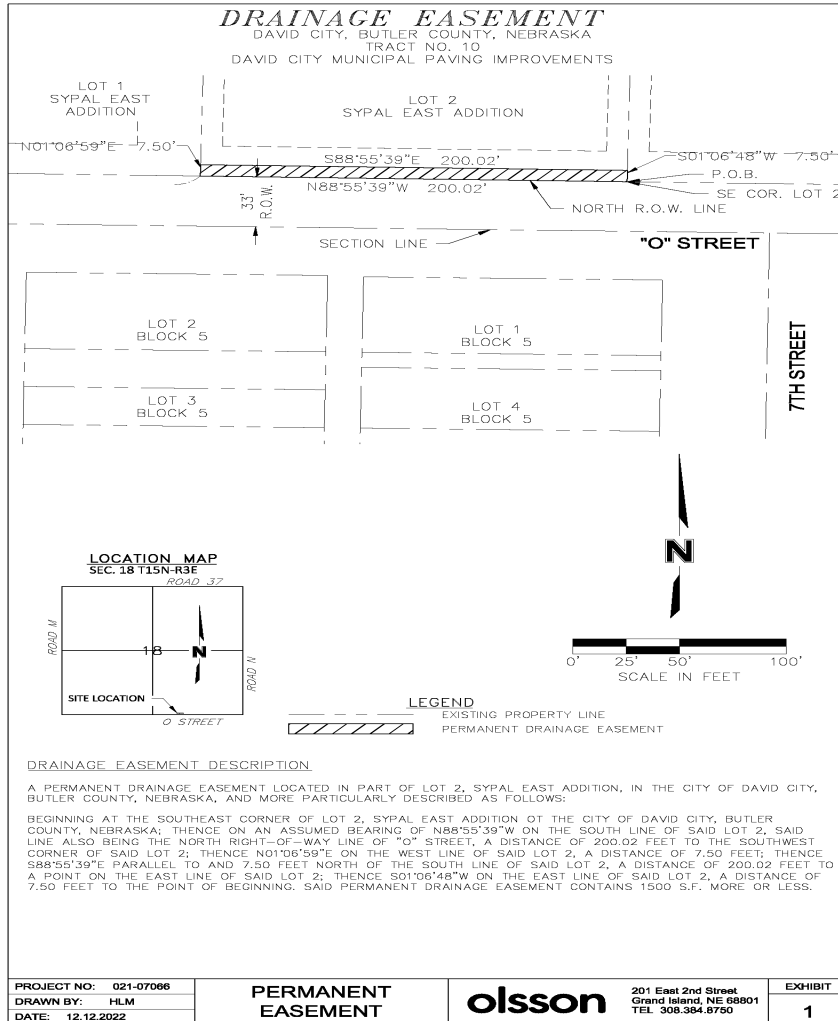


EXHIBIT B

LEGAL DESCRIPTION AND DEPICTION OF PERMANENT EASEMENT



FILED IN COUNTY COURT
BUTLER COUNTY NEBRASKA

OCT 12 2023

IN THE COUNTY COURT OF BUTLER COUNTY, NEBRASKA

BY CLERK OF COURT

CITY OF DAVID CITY, BUTLER
COUNTY, NEBRASKA, a political
subdivision of the State of Nebraska,

CASE NO. CI 23-190

Condemner,

RETURN OF APPRAISERS

v.

JOHN PAUL VANDENBERG
and LINDA KAY VANDENBERG,

Condemnees.

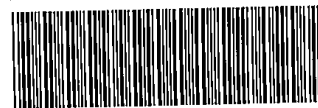
TO THE COUNTY JUDGE OF BUTLER COUNTY, NEBRASKA

We, the undersigned appraisers, do hereby certify that we were served with an Order Appointing Appraisers and have taken the oath of appraisers; that we did carefully inspect and view the property described in the Petition for Condemnation; and that we did hear all parties interested therein who wished to be heard in reference to the amount of damages sustained.

We further certify that we assessed the damages that the Condemnees have sustained or will sustain by such appropriation of the property as described in the Petition.

Now, therefore, we as the appointed appraisers, do hereby find and assess the damages that will be suffered by reason of the City of David City, Butler County, Nebraska, appropriation of the property for public purposes in the amount of:

1. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF PERMANENT EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 5850.00.



000105660C25

2. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF TEMPORARY EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 5382.00.

All of which is hereby respectfully submitted.

Dated this 12th day of October, 2023.

Joe Tracy
Amley Utts
Rene Sabata

Signed and sworn to before me this 12th day of October, 2023.

C. J. [Signature]
County Court Judge, Butler County, Nebraska



Council member Kevin Woita made a motion to pass and adopt Resolution No. 45-2023 Accepting the Condemnation Award for Sypal. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 45-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO STREET IMPROVEMENT DISTRICT 2022-1 AND APPROVING THE COURT'S AWARD TO PAY THE CONDEMNEDS FOR THE TAKING.

WHEREAS, on April 13, 2022, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), previously adopted Ordinance 1386 to create Street Improvement District 2022-1 to "remove existing surfaces, pave, grade, resurface or relay existing pavement, construct or reconstruct curbs, gutters, sidewalks, lighting systems, signage and any necessary improvements"; and

WHEREAS, the City previously adopted Resolution No. 6-2022, thereby confirming the Street Improvement District No. 2022-1 and granting authority to proceed with the improvement and construction of O Street (the "Project"); and

WHEREAS, on November 30, 2022, the City voted and approved to use Midwest Right of Way Services, Inc. ("Midwest ROW") to act as an agent on behalf of David City and to procure temporary and permanent easements from the property owners along "O" Street for the purposes described above; and

WHEREAS, Daniel J. Sypal and Janet M. Sypal ("Condemnees"), a married couple, are the record owners of certain real estate in David City, Butler County, Nebraska, at 606 O Street, David City, Nebraska, legally described as Lot One (1), Sypal East Addition to the City of David City, Butler County, Nebraska (the "Property"); and

WHEREAS, the City finds that the acquisition of both temporary and permanent easements under, across, and through certain portions of the Property, the legal descriptions and depictions thereof being more fully stated in Exhibit A and Exhibit B, respectively, attached hereto and incorporated herein by reference, necessary for the effectuation and continued development of the Project; and

WHEREAS, after unsuccessful attempts at direct acquisition by contract, the City filed with the County Court of Butler County, Nebraska, that certain Petition to Condemn and Appoint Appraisers, *City of David City v. Daniel J. Sypal and Janet M. Sypal*, Case No. CI-23-188 (the "Petition") on August 28, 2023; and

WHEREAS, on October 12, 2023, the County Court of Butler County entered a Return of Appraisers for the above action, setting forth the appraised valuations for both the temporary and permanent easements mentioned above.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the City finds that the Property described above is located within the limits of the City and that temporary and permanent easements on said real property are a necessary part of Street Improvement District 2022-1.

Section 2. That portions of the above reference property are necessary for the improvement and expansion of the Street Improvement District 2022-1. The real property lies within the "O" Street project area which makes the easements necessary for the City to achieve the public purpose of improving the O Street corridor and its purpose is in the public interest.

Section 3. The City hereby resolves to approve payment of the award executed by the County Court Judge on October 12, 2023, in *City of David City v. Daniel J. Sypal and Janet M. Sypal*, Case No. CI23-188, for the acquisition of the temporary and permanent easements described and depicted in Exhibit A and Exhibit B, attached hereto, respectively.

Section 4. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this ____ day of _____, 20____.

THE CITY OF DAVID CITY

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF TEMPORARY EASEMENT

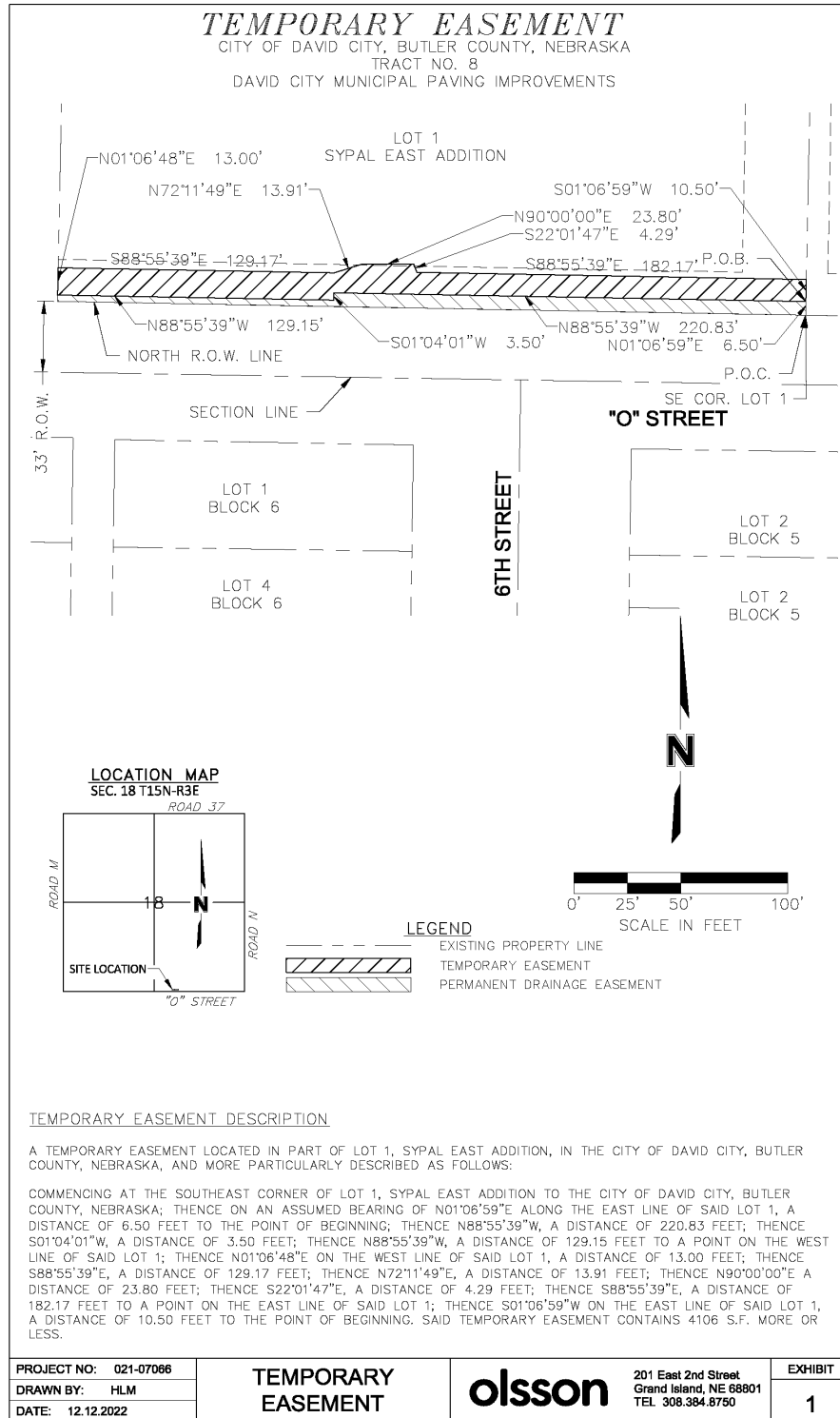
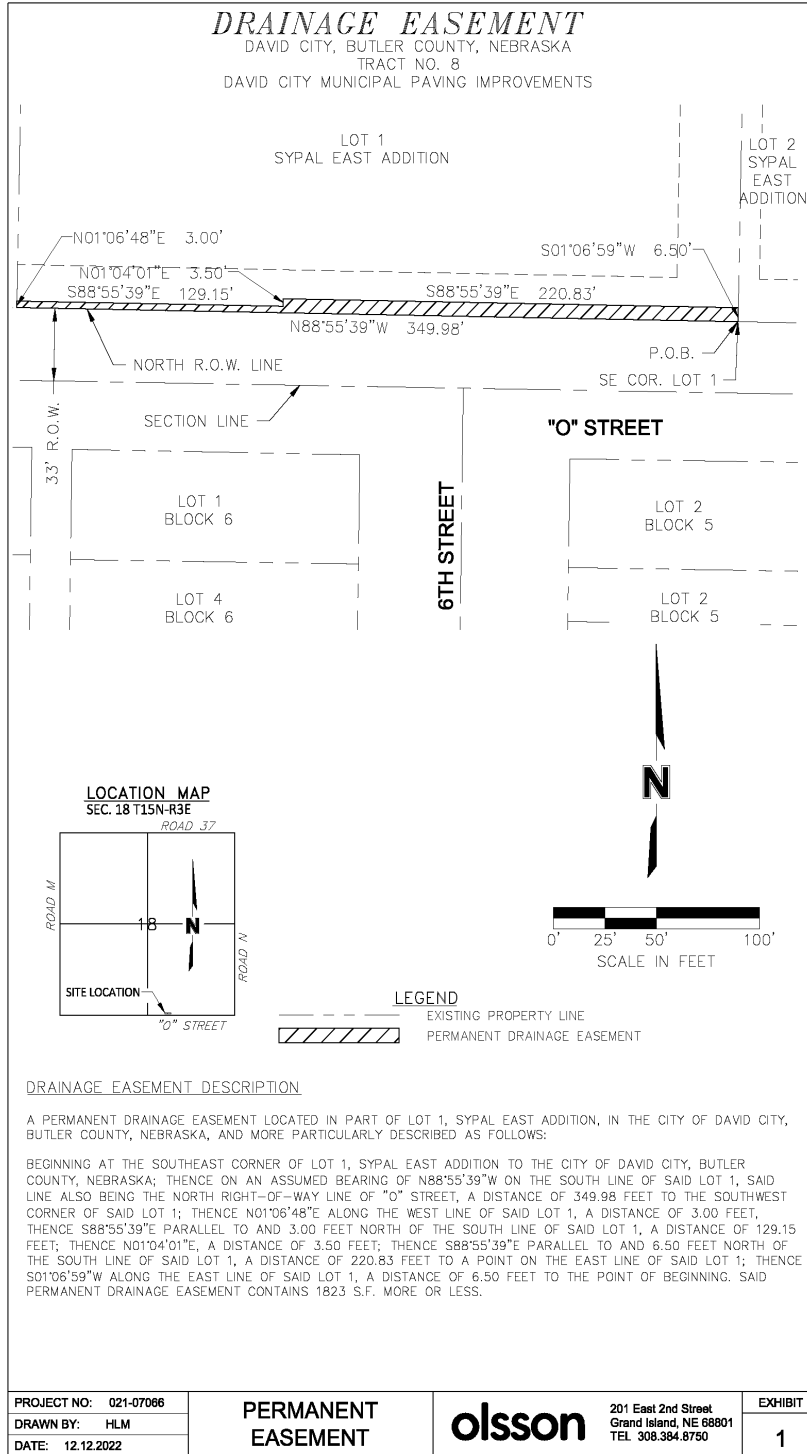


EXHIBIT B

LEGAL DESCRIPTION AND DEPICTION OF PERMANENT EASEMENT



FILED IN COUNTY COURT
BUTLER COUNTY NEBRASKA

IN THE COUNTY COURT OF BUTLER COUNTY, NEBRASKA OCT 12 2023

CITY OF DAVID CITY, BUTLER
COUNTY, NEBRASKA, a political
subdivision of the State of Nebraska,

BY CLERK OF COURT

CASE NO. CI 23-188

Condemner,

RETURN OF APPRAISERS

v.

DANIEL J. SYPAL and JANET M.
SYPAL,

Condemnees.

TO THE COUNTY JUDGE OF BUTLER COUNTY, NEBRASKA

We, the undersigned appraisers, do hereby certify that we were served with an Order Appointing Appraisers and have taken the oath of appraisers; that we did carefully inspect and view the property described in the Petition for Condemnation; and that we did hear all parties interested therein who wished to be heard in reference to the amount of damages sustained.

We further certify that we assessed the damages that the Condemnees have sustained or will sustain by such appropriation of the property as described in the Petition.

Now, therefore, we as the appointed appraisers, do hereby find and assess the damages that will be suffered by reason of the City of David City, Butler County, Nebraska, appropriation of the property for public purposes in the amount of:

1. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF PERMANENT EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 7109.70
7109.70



2. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF TEMPORARY EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 9397.44.

All of which is hereby respectfully submitted.

Dated this 17th day of October, 2023.

[Signature]
[Signature]
[Signature]

Signed and sworn to before me this 17th day of October, 2023.

[Signature]
County Court Judge, Butler County, Nebraska



Council member Pat Meysenburg made a motion to pass and adopt Resolution No. 46-2023 Accepting the Condemnation Award for Ledon. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 46-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, FINDING THAT THE ACQUISITION AND DEVELOPMENT OF CERTAIN REAL PROPERTY IS NECESSARY AND ESSENTIAL TO STREET IMPROVEMENT DISTRICT 2022-1 AND APPROVING THE COURT'S AWARD TO PAY CONDEMNNEES FOR THE TAKING.

WHEREAS, on April 13, 2022, the Mayor and City Council of the City of David City, Nebraska, a municipal corporation and city of the second class ("City"), previously adopted Ordinance 1386 to create Street Improvement District 2022-1 to "remove existing surfaces, pave, grade, resurface or relay existing pavement, construct or reconstruct curbs, gutters, sidewalks, lighting systems, signage and any necessary improvements"; and

WHEREAS, the City previously adopted Resolution No. 6-2022, thereby confirming the Street Improvement District No. 2022-1 and granting authority to proceed with the improvement and construction of O Street (the "Project"); and

WHEREAS, on November 30, 2022, the City voted and approved to use Midwest Right of Way Services, Inc. ("Midwest ROW") to act as an agent on behalf of David City and to procure temporary and permanent easements from the property owners along "O" Street for the purposes described above; and

WHEREAS, Alyssa Ledon ("Condemnee"), an individual, is the record owner of certain real estate in David City, Butler County, Nebraska, at 528 O Street, David City, Nebraska, legally described as a tract of land located in Lot Seven (7), David City Land and Lot Company's Suburban Lots, in the SW 1/4 of the SE 1/4 of Section 18, Township 15 North, Range 3 East of the 6th P.M., Butler County, Nebraska, described as follows: Beginning at the Southwest Corner of said Lot 7; thence N 0°24'47" E on an assumed bearing on the West line of said Lot 7, 449.11 feet; thence S 89°35'50" E, 131.70 feet; thence S 0°32'08" W, 449.25 feet to a point on the South line of said Lot 7; thence N 89°32'24" W, 130.74 feet to the point of beginning (the "Property"); and

WHEREAS, the City finds that the acquisition of both temporary and permanent easements under, across, and through certain portions of the Property, the legal descriptions and depictions thereof being more fully stated in Exhibit A and Exhibit B, respectively, attached hereto and incorporated herein by reference, necessary for the effectuation and continued development of the Project; and

WHEREAS, after unsuccessful attempts at direct acquisition by contract, the City filed with the County Court of Butler County, Nebraska, that certain Petition to Condemn and Appoint

Appraisers, *City of David City v. Alyssa Ledon*, Case No. CI-23-189 (the "Petition") on August 28, 2023; and

WHEREAS, on October 12, 2023, the County Court of Butler County entered a Return of Appraisers for the above action, setting forth the appraised valuations for both the temporary and permanent easements mentioned above;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY OF DAVID CITY, NEBRASKA, AS FOLLOWS:

Section 1. RESOLVED, the City finds that the Property described above is located within the limits of the City and that temporary and permanent easements on said real property are a necessary part of Street Improvement District 2022-1.

Section 2. That portions of the above reference property are necessary for the improvement and expansion of the Street Improvement District 2022-1. The real property lies within the "O" Street project area which makes the easements necessary for the City to achieve the public purpose of improving the O Street corridor and its purpose is in the public interest.

Section 3. The City hereby resolves to approve payment of the awards executed by the County Court Judge on October 12, 2023, in *City of David City v. Alyssa Ledon*, Case No. CI23-189, for the acquisition of the temporary and permanent easements described and depicted in Exhibit A and Exhibit B, attached hereto, respectively.

Section 4. All resolutions, orders and parts thereof in conflict herewith are hereby repealed to the extent of such conflict. This Resolution shall take effect upon approval. The provisions of this Resolution are separable, and invalidity of any phrase, clause or part of this Resolution, shall not affect the validity of effectiveness of the remainder of this Resolution.

PASSED AND APPROVED this ____ day of _____, 20__.

THE CITY OF DAVID CITY

Mayor

ATTEST:

City Clerk

EXHIBIT A

LEGAL DESCRIPTION AND DEPICTION OF TEMPORARY EASEMENT

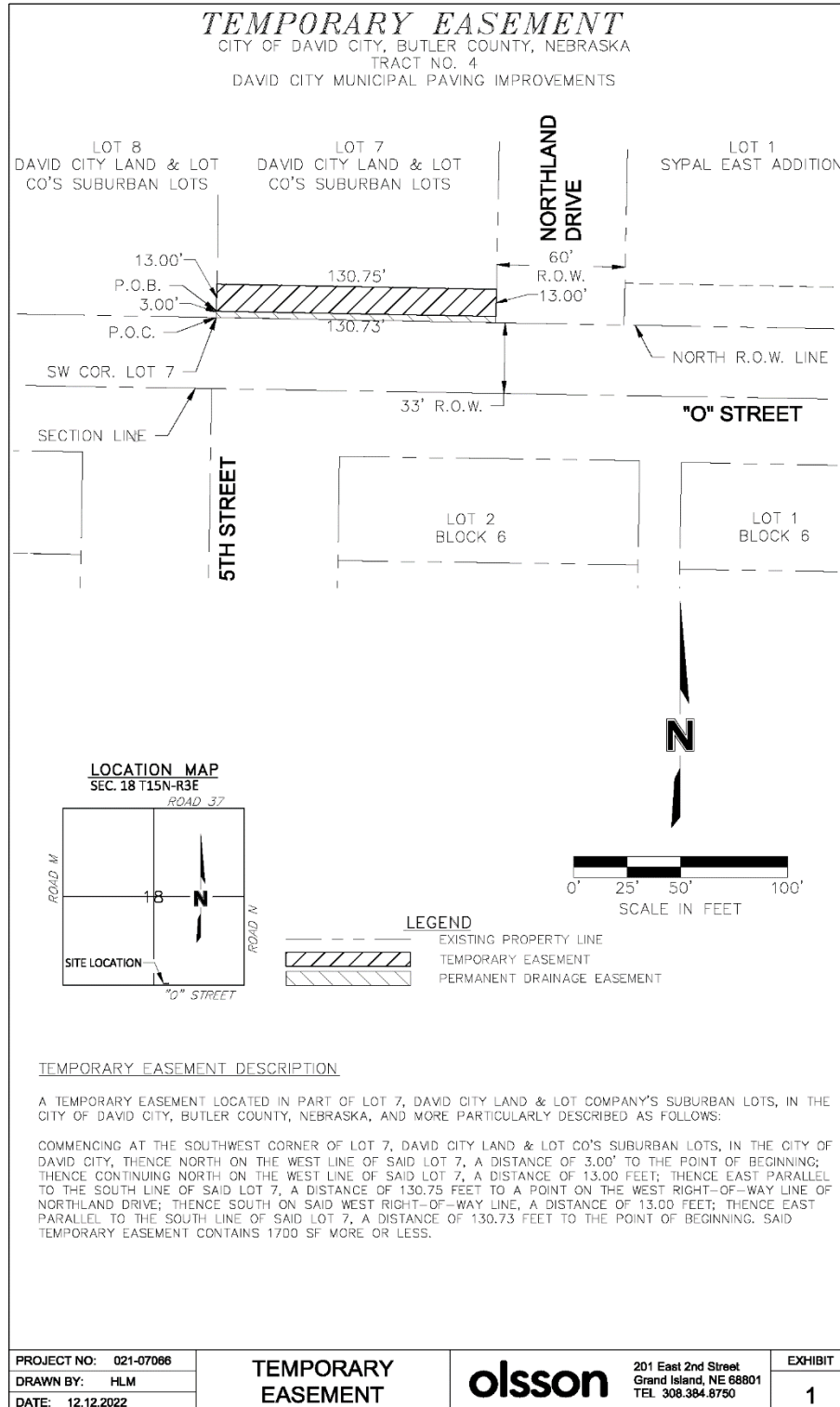
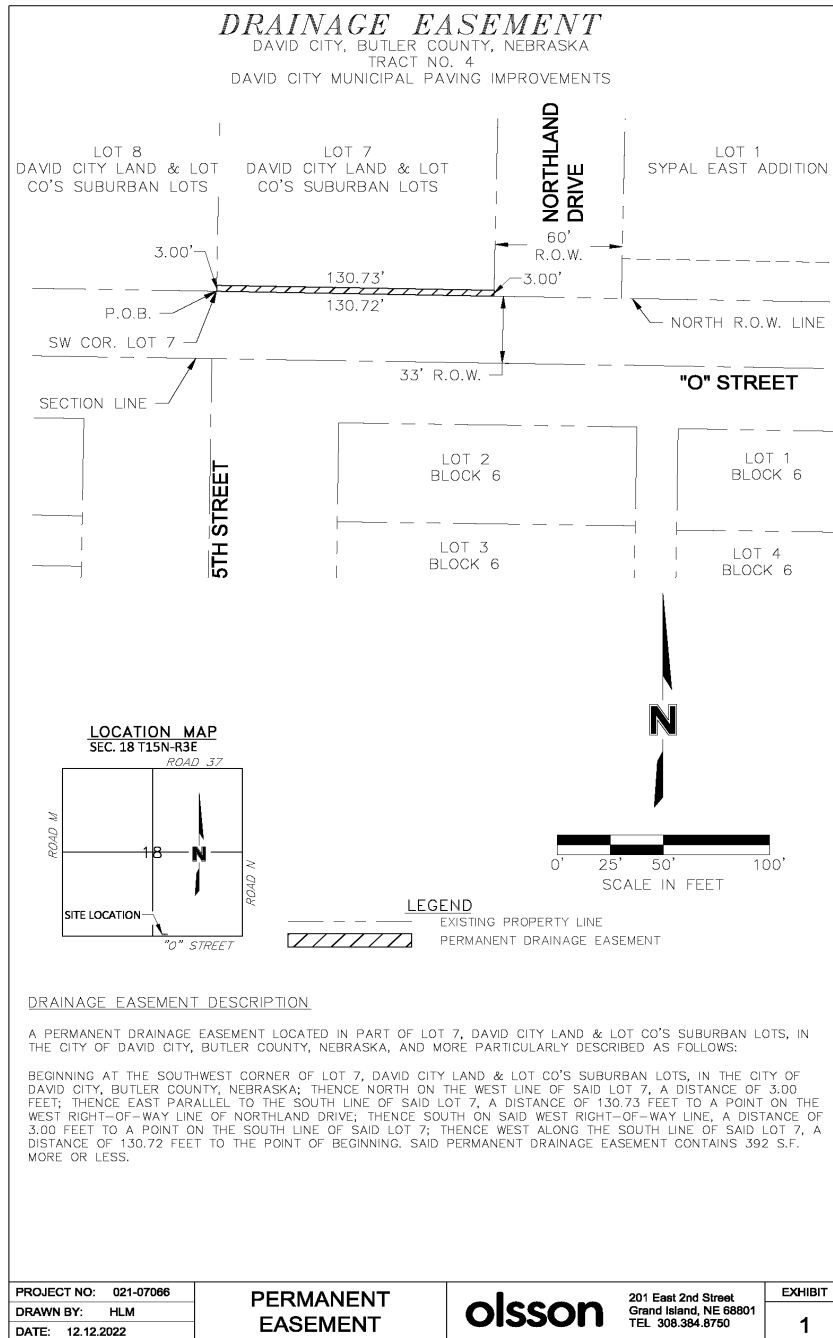


EXHIBIT B

LEGAL DESCRIPTION AND DEPICTION OF PERMANENT EASEMENT



FILED IN COUNTY COURT
BUTLER COUNTY NEBRASKA

IN THE COUNTY COURT OF BUTLER COUNTY, NEBRASKA OCT 12 2023

BY CLERK OF COURT

CITY OF DAVID CITY, BUTLER
COUNTY, NEBRASKA, a political
subdivision of the State of Nebraska,

CASE NO. CI 23-189

Condemner,

RETURN OF APPRAISERS

v.

ALYSSA LEDON,

Condemnee.

TO THE COUNTY JUDGE OF BUTLER COUNTY, NEBRASKA

We, the undersigned appraisers, do hereby certify that we were served with an Order Appointing Appraisers and have taken the oath of appraisers; that we did carefully inspect and view the property described in the Petition for Condemnation; and that we did hear all parties interested therein who wished to be heard in reference to the amount of damages sustained.

We further certify that we assessed the damages that the Condemnee have sustained or will sustain by such appropriation of the property as described in the Petition.

Now, therefore, we as the appointed appraisers, do hereby find and assess the damages that will be suffered by reason of the City of David City, Butler County, Nebraska, appropriation of the property for public purposes in the amount of:



000105717C25

1. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF PERMANENT EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 1528.80.

2. TOTAL AMOUNT AWARDED FOR THE TAKING AND DAMAGES OF TEMPORARY EASEMENT PROPERTY INTEREST CONDEMNED AS REFLECTED IN THE PETITION: \$ 3975.66.

All of which is hereby respectfully submitted.

Dated this 12th day of October, 2023.

Jed Throck
Antley Utts
Rene Sabata

Signed and sworn to before me this 12th day of October, 2023.

C. J. [Signature]
County Court Judge, Butler County, Nebraska



Council member Keith Marvin made a motion to pass and adopt Resolution No. 47-2023 Accepting the Dedication of Akrs Parkway. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

RESOLUTION NO. 47-2023

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, ACCEPTING THE DEDICATION OF THE AKRS PARKWAY RIGHT-OF-WAY AND IMPROVEMENTS.

WHEREAS, Akrs Equipment Solutions, Inc. (“Owner”), a Nebraska corporation, is the fee title owner of that certain real property located in David City, Butler County, Nebraska, commonly known and referred to as “Akrs Parkway,” as described and depicted on Exhibit A, attached hereto and incorporated by reference herein, together with all improvements thereupon (“Property”); and

WHEREAS, Owner wishes to dedicate the Property to the City of David City, Nebraska (“City”), as set forth by that certain Offer of Dedication of Street For Public Right-of-Way Purposes, executed on _____, 20___, by Owner, as provided in Exhibit B, attached hereto and incorporated by reference herein, creating an irrevocable offer of dedication to City for use henceforth as a public street; and

WHEREAS, following such dedication and City’s acceptance thereof by way of this Resolution, City will maintain and operate the same for the purposes outlined above.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY:

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

Section 2. The Mayor and City Council of the City of David City, Nebraska, accept the dedication of the Property without reservation and agree to operate and maintain it henceforth as a public street.

Section 3. The Mayor or her designee are hereby authorized to execute any such documents, instruments, agreements or certifications relating to such matters contained in this Resolution, and the execution and delivery of the same by the Mayor or her designee shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

PASSED AND ADOPTED THIS ____ DAY OF _____, 20 ____.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT A

**LEGAL DESCRIPTION AND DEPICTION OF THE PROPERTY
PARCEL "B"**

A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING THE SOUTH 66.00 FEET OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, THENCE S89°31'31"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 767.73 FEET; THENCE S00°07'06"W, A DISTANCE OF 937.64 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, THENCE S00°17'15"W ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, A DISTANCE OF 833.96 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S00°07'15"W ON SAID WEST LINE, A DISTANCE OF 66.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, THENCE S89°59'15"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 726.05 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, THENCE N00°07'06"E ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 66.01 FEET; THENCE N89°59'15"W PARALLEL WITH AND 66.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 726.05 FEET TO THE POINT OF BEGINNING, CONTAINING 1.10 ACRES, MORE OR LESS.

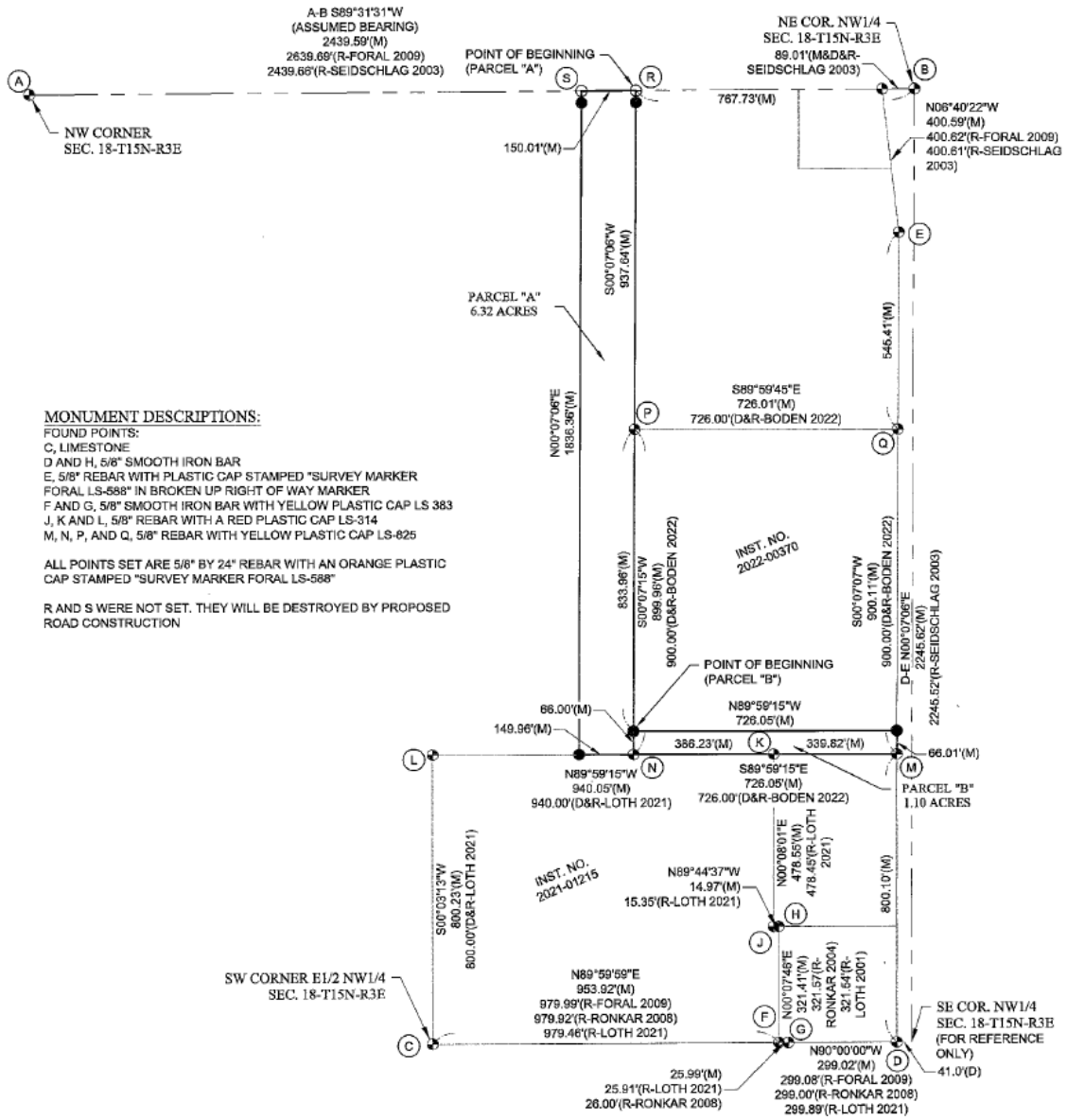


EXHIBIT B

COPY OF OFFER OF DEDICATION OF STREET FOR PUBLIC RIGHT-OF-WAY PURPOSES

[See attached]

[Above space reserved for Register of Deeds]

Return to: Tami Comte
490 E Street, P.O. Box 191
David City, NE 68632

DEDICATION OF STREET FOR PUBLIC RIGHT-OF-WAY PURPOSES

KNOWN BY ALL PERSONS PRESENT: That the undersigned, Akrs Equipment Solutions, Inc., a Nebraska corporation, of 2445 North 4th Street, David City, Nebraska ("GRANTOR"), sole owner of that certain real property commonly known and referred to as "Akrs Parkway," as described and depicted in Exhibit A, attached hereto and incorporated herein by reference, together with all improvements thereupon (the "Property"), hereby dedicates the Property to the City of David City, for public use as a public street.

IN WITNESS WHEREOF, GRANTOR has caused this Dedication to be duly executed and given this 23rd day of October, 2023.

AKRS EQUIPMENT SOLUTIONS, INC.



Akrs Equipment Solutions, Inc.

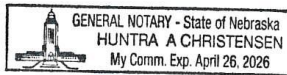
ACKNOWLEDGMENT

STATE OF NEBRASKA)
) SS
COUNTY OF BUTLER)

On this 23 day of October, 2023, before me, a Notary Public in and for said County, personally came Aaron Campbell, a duly authorized agent of Akrs Equipment Solutions, Inc., GRANTOR, to me personally known to serve in such capacity and be the identical person whose name is affixed to the foregoing instrument, and acknowledged the execution thereof to be her voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

[SEAL]



[Signature]
Notary Public Huntra A Christensen

April 26, 2026
My Commission Expires:

LEGAL DESCRIPTION AND DEPICTION OF DEDICATED AREA


A PARCEL OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 15 NORTH, RANGE 3 EAST OF THE SIXTH P.M., BUTLER COUNTY, NEBRASKA, BEING THE SOUTH 66.00 FEET OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: REFERRING TO THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 18, THENCE S89°31'31"W (ASSUMED BEARING) ON THE NORTH LINE OF SAID EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 767.73 FEET; THENCE S00°07'06"W, A DISTANCE OF 937.64 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND PREVIOUSLY DESCRIBED IN INSTRUMENT NUMBER 2022-00370, THENCE S00°17'15"W ON THE WEST LINE OF SAID PREVIOUSLY DESCRIBED PARCEL, A DISTANCE OF 833.96 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING S00°07'15"W ON SAID WEST LINE, A DISTANCE OF 66.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL, THENCE S89°59'15"E ON THE SOUTH LINE OF SAID PARCEL, A DISTANCE OF 726.05 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL, THENCE N00°07'06"E ON THE EAST LINE OF SAID PARCEL, A DISTANCE OF 66.01 FEET; THENCE N89°59'15"W PARALLEL WITH AND 66.00 FEET DISTANT FROM SAID SOUTH LINE, A DISTANCE OF 726.05 FEET TO THE POINT OF BEGINNING, CONTAINING 1.10 ACRES, MORE OR LESS.

Council member Keith Marvin made a motion to approve the extension of Nebraska Street to the north of VSL David City, LLC to 11th Street. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to approve Plans and specifications for Well #10 relining by JEO, authorization to submit plans to NDEE, authorization to pay the NDEE review fee and to set the bid opening for December 12, 2023 at 11:00 a.m. at the City Office. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ENGINEER'S FINAL OPINION OF PROBABLE COST						
2023 Well #10 Relining			 Date Prepared: October 18, 2023			
David City, NE						
JEO Project No. 231289.00						
ESTIMATE OF QUANTITIES						
Item #	Description	Unit	Quantity	Unit Price	Total	
BASE BID - WELL #10 RELINING						
1.	Mobilization	LS	1	\$15,000.00	\$15,000	
2.	Bonding and Insurance	LS	1	\$5,000.00	\$5,000	
3.	Remove Existing Well Column and Pump	LS	1	\$7,500.00	\$7,500	
4.	Mechanically Brush Existing Well Screen and Casing	LS	1	\$5,000.00	\$5,000	
5.	Sonar Jet Existing Well Screen and Casing	LS	1	\$5,000.00	\$5,000	
6.	Well Debris Removal	LS	1	\$2,500.00	\$2,500	
7.	Well TV Inspection	LS	1	\$2,000.00	\$2,000	
8.	Acid Well Development	LS	1	\$25,000.00	\$25,000	
9.	12" PVC Casing	LF	377	\$175.00	\$65,975	
10.	12" SS Screen (100 Slot)	VF	48	\$300.00	\$14,400	
11.	Bentonite, Grout, Gravel Pack	EA	1	\$15,000.00	\$15,000	
12.	Develop and Disinfect Well	LS	1	\$5,000.00	\$5,000	
13.	Furnish and Install Well Pump and Column Piping	LS	1	\$35,000.00	\$35,000	
14.	Reinstall Pump Motor and Water Level Transducer	LS	1	\$5,000.00	\$5,000	
15.	Step Drawdown and Constant Rate Pump Testing	HOUR	20	\$200.00	\$4,000	
16.	Water Quality Testing (NE)	LS	1	\$5,000.00	\$5,000	
				Construction Subtotal	Base Bid	\$216,380
				Contingency	10%	\$21,640
				Total Opinion of Construction Cost		\$238,020

JEO Consulting Group Inc.'s (JEO) Opinions of Probable Cost provided for herein are to be made on the basis of JEO's experience and qualifications and represent JEO's best judgment. However, since JEO has no control over the cost of labor, materials, equipment, or services furnished by others, or over the Contractor's methods of determining prices, or over competitive bidding or market conditions, JEO cannot and does not guarantee that proposals, bids, or actual construction cost will not vary from Opinions of Probable Cost prepared by JEO.

Council member Bruce Meysenburg made a motion to approve Veenstra & Kimm to bid the 2023 Wastewater Treatment Plant Upgrade and the South Area Sewer Rehabilitation Project and to set the bid opening for November 29, 2023 at 11:00 a.m. at the City Office. Council Member Kevin Woita seconded the motion. The motion carried.
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0

Council member Keith Marvin introduced Ordinance No. 1458 adding a pay line for Police Clerical to the pay plan. Mayor Jessica Miller read Ordinance No. 1458 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Jim Angell seconded the motion. The motion carried.
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
 Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1458 on 3rd and final reading adding a line for Police Clerical. Council Member Keith Marvin seconded the motion. The motion carried.
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat

Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1458

AN ORDINANCE ADOPTING A NEW PAY SCALE / SALARY BY UPDATING A POLICE CLERICAL LINE TO THE PAY PLAN; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the pay scales and salaries attached for the attached positions for the appointed officers and employees of the City of David City, Nebraska.

SECTION 2. Any Cost-of-Living Adjustments (COLA) shall be given as approved by the City Council.

SECTION 3. Any and all ordinances or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, are hereby repealed.

SECTION 4. This ordinance shall be published in pamphlet form and shall be in full force and effect on October 25, 2023 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 25TH day of October, 2023.

Mayor Jessica Miller

City Clerk Tami Comte

City Council Proceedings
 October 25, 2023
 Page #39

Department											
Position	1	2	3	4	5	6	7	8	9	10	
City Hall											
Clerical I	\$13.88	\$14.41	\$14.92	\$15.43	\$15.96	\$16.46	\$16.98	\$17.49	\$18.01	\$18.53	
Acct Clerk I	\$19.86	\$20.42	\$20.97	\$21.52	\$22.06	\$22.61	\$23.16	\$23.70	\$24.26	\$24.80	
Human Resources	\$21.78	\$22.47	\$23.13	\$23.81	\$24.48	\$25.15	\$25.82	\$26.50	\$27.17	\$27.84	
Acct Clerk II	\$23.70	\$24.51	\$25.29	\$26.10	\$26.89	\$27.69	\$28.48	\$29.29	\$30.07	\$30.88	
(incl .50/hr if CMC; Ord. 1192)	\$24.20	\$25.01	\$25.79	\$26.60	\$27.39	\$28.19	\$28.98	\$29.79	\$30.57	\$31.38	
Power Plant											
Power Plant Op I	\$23.88	\$24.85	\$25.84	\$26.81	\$27.79	\$28.77	\$29.74	\$30.71	\$31.70	\$32.67	
Power Plant Supervisor	\$33.91	\$35.01	\$36.10	\$37.20	\$38.28	\$39.38	\$40.45	\$41.55	\$42.64	\$43.74	
Electric											
Apprentice Lineman	\$23.72	\$24.49	\$25.25	\$26.02	\$26.78	\$27.55	\$28.32	\$29.08	\$29.85	\$30.61	
Lineman 2nd Class	\$26.39	\$27.04	\$27.68	\$28.33	\$28.98	\$29.64	\$30.28	\$30.92	\$31.57	\$32.22	
Lineman 1st Class	\$31.19	\$31.99	\$32.78	\$33.60	\$34.39	\$35.20	\$35.99	\$36.79	\$37.58	\$38.39	
Line Foreman	\$36.80	\$37.45	\$38.11	\$38.76	\$39.42	\$40.07	\$40.73	\$41.36	\$42.02	\$42.67	
Electric Supervisor	\$41.10	\$42.07	\$43.02	\$43.98	\$44.95	\$45.90	\$46.86	\$47.82	\$48.78	\$49.74	
Water/Wastewater											
Water/Wastewater Operator I	\$21.51	\$22.23	\$22.93	\$23.65	\$24.37	\$25.08	\$25.80	\$26.52	\$27.23	\$27.95	
Water/Wastewater Operator II	\$25.27	\$25.91	\$26.57	\$27.22	\$27.86	\$28.53	\$29.17	\$29.82	\$30.48	\$31.13	
Water/Wastewater Data Manager	\$26.57	\$27.22	\$27.86	\$28.53	\$29.17	\$29.82	\$30.48	\$31.13	\$31.79	\$32.45	
Water Field Supervisor	\$25.34	\$25.99	\$26.62	\$27.26	\$27.90	\$28.54	\$29.17	\$29.82	\$30.45	\$31.09	
Water Supervisor	\$31.01	\$32.04	\$33.07	\$34.10	\$35.13	\$36.16	\$37.18	\$38.22	\$39.24	\$40.28	
Wastewater Supervisor	\$30.19	\$31.17	\$32.16	\$33.13	\$34.12	\$35.10	\$36.08	\$37.05	\$38.03	\$39.10	
Street											
Maintenance Worker I	\$19.08	\$20.31	\$20.79	\$21.30	\$21.79	\$22.30	\$22.79	\$23.30	\$23.79	\$24.30	
Maintenance Worker II	\$21.28	\$21.83	\$22.37	\$22.91	\$23.45	\$23.99	\$24.53	\$25.07	\$25.62	\$26.16	
Street Foreman	\$24.97	\$25.51	\$26.04	\$26.58	\$27.11	\$27.65	\$28.18	\$28.72	\$29.24	\$29.77	
Street Supervisor	\$28.92	\$29.70	\$30.49	\$31.27	\$32.05	\$32.84	\$33.63	\$34.41	\$35.19	\$35.97	
Parks											
Park Laborer	\$18.48	\$19.13	\$19.79	\$20.44	\$21.09	\$21.75	\$22.40	\$23.05	\$23.70	\$24.36	
Parks & Auditorium Supervisor	\$21.73	\$22.47	\$23.21	\$23.95	\$24.68	\$25.45	\$26.19	\$26.92	\$27.66	\$28.40	
Recreation											
Recreation Coordinator	\$23.55	\$24.30	\$25.05	\$25.83	\$26.58	\$27.33	\$28.08	\$28.84	\$29.59	\$30.34	
Recreation Director	\$26.94	\$27.64	\$28.36	\$29.06	\$29.78	\$30.50	\$31.20	\$31.91	\$32.63	\$33.34	
Part-Time											
Part-Time Workers	\$15.34	\$15.75	\$16.15	\$16.55	\$16.97	\$17.38	\$17.79	\$18.20	\$18.60	\$19.01	
Summer Help	\$11.09	\$11.70	\$12.32	\$12.94	(No more than 4 steps)						
Police Department											
Police Clerical	\$18.00	\$18.50	\$19.00	\$19.50	\$20.00	\$20.50	\$21.00	\$21.50	\$22.00	\$22.50	
Police Officers	\$23.00	\$23.50	\$24.00	\$24.50	\$25.00	\$25.60	\$26.20	\$26.80	\$27.40	\$28.00	
Police Sergeant	\$26.00	\$26.75	\$27.50	\$28.25	\$29.00	\$29.75	\$30.50	\$31.25	\$32.00	\$32.75	
Asst. Police Chief	\$27.40	\$28.16	\$28.92	\$29.68	\$30.44	\$31.20	\$31.96	\$32.72	\$33.48	\$34.25	
Salaried Staff Pay Plan (Annual Rate of Pay)											
Position	Minimum			Mid-Point			Maximum				
Clerk/Treasurer	\$71,086			\$84,291			\$97,396				
Police Chief	\$62,400			\$78,000			\$93,600				

Council member Keith Marvin made a motion to approve the Certification of City Street Superintendent and pass and adopt Resolution No. 48 -2023 signing of the Year End Certification of City Street Form 2023. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

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Do not recreate or revise this document. Revisions and recreations will not be accepted. Copying this form is acceptable; see (3) below. **Failure to complete and return the necessary documents per instructions will result in your municipality not receiving an Incentive Payment for Calendar Year 2023.** Documents include the original Signing Resolution, Year-End Certification(s), and a copy of documentation of the appointment(s) of the City Street Superintendent(s). These must be received at the NDOT by **December 31, 2023.**

**Year-End Certification of City Street Superintendent
 For Determining Incentive Payment in Calendar Year 2023**

Separate forms may be needed to account for the entire year, see (3) below

This Form Covers the Following Period: January 1 (Month), 2023 to December 31 (Day), 2023

***(1)(a)** The municipality of David City (Print name of City or Village) certifies that: Andrew Wilshusen (Print name of Superintendent as it appears on license card if applicable) was the appointed City Street Superintendent during the above period. **IF A NAME IS NOT ENTERED ABOVE (NO APPOINTED CITY STREET SUPERINTENDENT FOR THIS PERIOD), SKIP TO (2) BELOW.**

(b) the superintending services of the above listed individual were provided by: *(Check one box)*

- Employment with this Municipality Contract (consultant) with this Municipality Contract (interlocal agreement) between this Municipality and the following listed Municipality(ies) and/or County(ies)

(c) and the above listed individual **assisted** in the following: *Reference Neb. Rev. Stat. §39-2512*

1. Developing and annually updating a long-range plan based on needs and coordinated with adjacent local governmental units,
2. Developing an annual program for design, construction, and maintenance,
3. Developing an annual budget based on programmed projects and activities,
4. Submitting such plans, programs, and budgets to the local governing body for approval; and
5. Implementing the capital improvements and maintenance activities provided in the approved plans, programs, and budgets,

(d) the above listed individual also served as *(Check all boxes that apply)* city engineer village engineer public works director city manager city administrator street commissioner

(e) If the above listed individual is a Licensed City Street Superintendent, enter their Superintendent's License Number S- 1696 and Class of License A (A or B), and/or

(f) If the above listed individual is a Licensed Engineer in Nebraska, enter their Engineer's License Number E- _____

(2) _____
Signature of Mayor *Village Board Chairperson*
(Check one box)

***(3)** If during the calendar year your municipality **(a) did not have** an appointed City Street Superintendent for any portion(s) of the year; or **(b) had one or more appointed** City Street Superintendent(s) that were not licensed for any portion(s) of the year; or **(c) had one or more appointed licensed** City Street Superintendent(s) for any portion(s) of the year, please **complete** a separate Year-End Certification form for each period. **Copy this form as needed to account for these separate periods.**

(4) The payment amount will be computed based on **(a)** your most recent Federal Census as certified by the Tax Commissioner; **(b)** the number of full calendar months served by the appointed City Street Superintendent who is licensed or exempted from licensure under the Superintendents Act; **(c)** class of license, A or B if applicable; and **(d)** if the appointed City Street Superintendent **assisted** with the required duties in **(1)(c)** above. *Reference Neb. Rev. Stat. §§39-2302 and 39-2511 through 39-2515.*

(5) Failure to return by December 31, 2023, the Year-End Certification(s), Signing Resolution, and a copy of documentation of the appointment(s) of the superintendent(s) per the instructions will result in your municipality not receiving an Incentive Payment.



Return the completed original resolution and certification(s), and a copy of the documentation of appointment(s) by December 31, 2023 to:

Highway Local Liaison Coordinator
 Boards-Liaison Services Section
 Local Assistance Division
 Nebraska Department of Transportation
 PO Box 94759
 Lincoln NE 68509-4759

Council member Bruce Meysenburg made a motion to approve going into closed session to discuss pending litigation. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to reconvene in open session. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to adjourn. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES
October 25, 2023

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 October 25, 2023; 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