

CITY COUNCIL PROCEEDINGS  
July 12, 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 July 6, 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 Michael Sands, and Interim City Administrator/City Clerk Tami Comte.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Brad Swerczek with K-Tech Project Services joined via Zoom, Beth Klosterman, Bob Kobza and Jerry Kosch.

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 June 28, 2023 City Council meeting as presented. 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

Council member Tom Kobus made a motion to approve the claims as presented. Council Member Keith Marvin seconded the motion. The motion carried.

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

Council member Tom Kobus made a motion to approve the committee and officer reports as presented. Council Member 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

City Council Proceedings

July 12, 2023

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Council member Tom Kobus made a motion to approve Certificate of Payment #4 in the amount of \$340,535.61 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades. 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

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**Contractor's Application for Payment**

<b>Owner:</b>	City of David City	<b>Owner's Project No.:</b>	
<b>Engineer:</b>	JEO Consulting Group, Inc.	<b>Engineer's Project No.:</b>	202024.00
<b>Contractor:</b>	Velocity Constructors Inc.	<b>Contractor's Project No.:</b>	
<b>Project:</b>	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
<b>Contract:</b>	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
<b>Application No.:</b>	4	<b>Application Date:</b>	7/1/2023
<b>Application Period:</b>	From 6/1/2023	to	7/1/2023

1. Original Contract Price	\$ 10,562,772.00
2. Net change by Change Orders	\$ -
3. Current Contract Price (Line 1 + Line 2)	\$ 10,562,772.00
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 653,626.83
5. Retainage	
a. 5% X \$ 516,064.25 Work Completed =	\$ 25,803.21
b. 5% X \$ 137,562.58 Stored Materials =	\$ 6,878.13
c. Total Retainage (Line 5.a + Line 5.b)	\$ 32,681.34
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 620,945.49
7. Less previous payments (Line 6 from prior application)	\$ 280,409.88
8. Amount due this application	\$ 340,535.61
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 9,941,826.51

**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:** James Sulzbach - Project Manager Velocity Constructors  
**Signature:** *James Sulzbach* **Date:** 6/5/2023

<b>Recommended by Engineer</b>	<b>Approved by Owner</b>
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____

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. 0311686								
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. 0311686								
Application No.:	4		Application Period:	From	06/01/23	to	07/01/23	Application Date:	07/01/23
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									
<b>BASE BID GROUP A - General Water Plant Improvements<sup>1</sup></b>									
B-1.01	Mobilization	1,030,293.00	103,029.30	154,543.95		257,573.25	25%	772,719.75	
B-1.02	Bonding and Insurance	66,647.00	66,647.00			66,647.00	100%	-	
B-1.03	Aerator Rehabilitation and Cleaning	114,481.00				-	0%	114,481.00	
B-1.04	Existing Pipe Cleaning & Repainting	57,573.00				-	0%	57,573.00	
B-1.05	Electrical Improvements, Complete	1,840,041.00	20,000.00	25,000.00		45,000.00	2%	1,795,041.00	
B-1.06	Demolition of Exterior Infrastructure	32,732.00	25,000.00	3,000.00		28,000.00	86%	4,732.00	
B-1.07	Demolition of Interior Infrastructure	90,500.00				-	0%	90,500.00	
B-1.08	Building Improvements (Doors/Windows)	80,036.00				-	0%	80,036.00	
B-1.09	Building Improvements (Interior Painting)	523,405.00				-	0%	523,405.00	
B-1.10	First Floor Roof Membrane Replacement	174,179.00				-	0%	174,179.00	
B-1.11	Skylight Replacement	48,568.00				-	0%	48,568.00	
B-1.12	HVAC Improvements	148,128.00				-	0%	148,128.00	
B-1.13	Plumbing Improvements	92,021.00				-	0%	92,021.00	
B-1.14	Lab Improvements	21,099.00				-	0%	21,099.00	
B-1.15	Hardness Monitoring Equipment and Meters	77,743.00				-	0%	77,743.00	
B-1.16	Site Paving and Grading	58,690.00				-	0%	58,690.00	
B-1.17	Fencing and Gates	58,513.00	2,000.00			2,000.00	3%	56,513.00	
B-1.18	Misc. Site Improvements	148,846.00		10,000.00		10,000.00	7%	138,846.00	
B-1.19	Exterior Piping Improvements	338,959.00	2,000.00	7,000.00	103,662.58	112,662.58	33%	226,296.42	
B-1.20	Seeding, Fertilizer and Mulch	6,610.00				-	0%	6,610.00	
B-1.21	Erosion Control	5,751.00	5,000.00	751.00		5,751.00	100%	-	
<b>BASE BID GROUP B - Gravity Filter System Improvements<sup>1</sup></b>									
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		2,000.00		2,000.00	0%	691,132.00	
B-1.23	Gravity Filter Equipment Installation	45,979.00				-	0%	45,979.00	
B-1.24	Electrical	25,200.00		2,000.00		2,000.00	8%	23,200.00	

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. 0311686								
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. 0311686								
Application No.:	4		Application Period:	From	06/01/23	to	07/01/23	Application Date:	07/01/23
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 (\$)					
<b>BASE BID GROUP C - Reverse Osmosis<sup>1</sup></b>									
B-1.25	CCRO and CIP Tank Skids (Equipment Only)	2,126,760.00				-	0%	2,126,760.00	
B-1.26	CCRO and CIP Tank Skids (Installation)	7,208.00				-	0%	7,208.00	
B-1.27	Existing Maintenance Facility Demolition	27,093.00	27,093.00			27,093.00	100%	-	
B-1.28	RO Room Expansion, Block Construction	245,926.00	1,000.00	5,000.00		6,000.00	2%	239,926.00	
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	1,000.00		13,900.00	14,900.00	469%	(11,726.00)	
B-1.30	New Existing Maintenance Facility Roof	28,709.00				-	0%	28,709.00	
B-1.31	Overhead Doors	22,781.00				-	0%	22,781.00	
B-1.32	Access Doors	8,791.00				-	0%	8,791.00	
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00				-	0%	20,361.00	
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00				-	0%	12,387.00	
B-1.35	Below Grade CCRO Skid Piping, Complete	57,740.00		5,000.00		5,000.00	9%	52,740.00	
B-1.36	Above Grade CCRO & CIP Skid Piping, Complete	129,743.00				-	0%	129,743.00	
B-1.37	Electrical	10,080.00		2,000.00		2,000.00	20%	8,080.00	
<b>BASE BID GROUP D - Intermediate Cleanwell<sup>1</sup></b>									
B-1.38	Intermediate Cleanwell Structural Concrete	170,506.00	1,000.00	31,000.00	20,000.00	52,000.00	30%	118,506.00	
B-1.39	Cleanwell Hatches	15,613.00				-	0%	15,613.00	
B-1.40	Vertical Turbine Pumps	113,608.00		2,000.00		2,000.00	2%	111,608.00	
B-1.41	Degassifier (Equipment Only)	112,153.00				-	0%	112,153.00	
B-1.42	Degassifier (Installation)	6,407.00				-	0%	6,407.00	
B-1.43	Pump Building, Block Construction	116,781.00	1,000.00			1,000.00	1%	115,781.00	
B-1.44	Stairs and Miscellaneous Metals	4,603.00				-	0%	4,603.00	
B-1.45	Cleanwell Ladders	4,749.00				-	0%	4,749.00	
B-1.46	Fluid Applied Exterior Membrane	103,757.00				-	0%	103,757.00	
B-1.47	Intermediate Cleanwell Piping, Fittings, Valves, Meters, Complete	77,335.00	1,000.00			1,000.00	1%	76,335.00	
B-1.48	Weir Plate and Weir Window	4,398.00				-	0%	4,398.00	
B-1.49	Electrical	50,400.00				-	0%	50,400.00	

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.:		4		Application Period: From 06/01/23 to 07/01/23		Application Date:		07/01/23	
A	B	C	D		F	G	H	I	
			(D + E) From Previous Application (\$)	Work Completed This Period (\$)					
Item No.	Description	Scheduled Value (\$)			Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)	
<b>BASE BID GROUP E - Chemical Feed System Improvements<sup>1</sup></b>									
B-1.50	Chemical Feed System Improvements	149,305.00		1,000.00		1,000.00	1%	148,305.00	
B-1.51	Gas Chlorine System Improvements	62,365.00		1,000.00		1,000.00	2%	61,365.00	
B-1.52	Electrical	15,120.00		2,000.00		2,000.00	13%	13,120.00	
<b>BASE BID GROUP F - Backwash Improvements<sup>1</sup></b>									
B-1.53	Backwash Waste Pump and Piping Improvements, Complete	161,971.00	1,000.00	2,000.00		3,000.00	2%	158,971.00	
B-1.54	Proposed Manhole Improvements	1,551.00				-	0%	1,551.00	
B-1.55	Backwash Pit Access Hatch	3,727.00				-	0%	3,727.00	
B-1.56	Backwash Supply Pump and Piping Improvements, Complete	103,300.00		2,000.00		2,000.00	2%	101,300.00	
B-1.57	Electrical/Generator	252,000.00	2,000.00			2,000.00	1%	250,000.00	
<b>Bid Alternate #1</b>									
BA1-1	Gravity Filter Effluent Valve Replacement <sup>1</sup>	220,730.00				-	0%	220,730.00	
<b>Bid Alternate #2</b>									
BA2-1	Demolish Existing Upflow Clarifier Unit, Complete <sup>1</sup>	113,190.00				-	0%	113,190.00	
		<b>Original Contract Totals</b>	<b>\$ 10,343,448.00</b>	<b>\$ 258,769.30</b>	<b>\$ 257,294.95</b>	<b>\$ 137,562.58</b>	<b>\$ 653,626.83</b>	<b>6%</b>	<b>\$ 9,689,821.17</b>
		<b>Original Contract and Change Orders</b>							
		<b>Project Totals</b>	<b>\$ 10,343,448.00</b>	<b>\$ 258,769.30</b>	<b>\$ 257,294.95</b>	<b>\$ 137,562.58</b>	<b>\$ 653,626.83</b>	<b>6%</b>	<b>\$ 9,689,821.17</b>

<sup>1</sup> Sales Tax for Materials & Equipment Included

Progress Estimate - Unit Price 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 Contractors 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.: 4		Application Period: From 06/01/23 to 07/01/23				Application Date: 07/01/23					
A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Item Quantity	Units	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) (\$)
						Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
Base Bid											
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00			-		0%	15,215.00
B-3	Final Cleanfill Roof Slab Rehabilitation	100.00	SF	140.90	14,090.00			-		0%	14,090.00
Bid Alternate #3											
BA3-1	Install 6" Concrete Pavement <sup>1</sup>	1,324.00	SY	143.56	190,079.00			-		0%	190,079.00
Original Contract Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00
Original Contract and Change Orders											
Project Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00

<sup>1</sup> Sales Tax for Materials & Equipment Included





# CHANGE ORDER



No. 8

Date of Issuance: July 6, 2023 Effective Date: July 6, 2023

Project: Municipal Paving Improvements, David City, Nebraska	Owner: City of David City	Owner's Contract No.:
Contract: Municipal Paving Improvements Base Bid		Date of Contract: <u>06/22/2022</u>
Contractor: M.E. Collins Contracting Co., Inc.		Engineer's Project No.: <u>021-07086</u>

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

Description: Additional work requested by owner.

Attachments: (List documents supporting change): See Attached.

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES
Original Contract Price: <u>\$ 1,848,434.00</u>	Original Contract Times: Substantial Completion (days or date): <u>December 31, 2022</u> Ready for Final Payment (days or date): <u>April 30, 2023</u>
Increase from previously approved Change Orders No. <u>0</u> to No. <u>7</u> : <u>\$ 90,168.00</u>	Increase from previously approved Change Orders No. <u>0</u> to No. <u>7</u> : Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Contract Price prior to this Change Order: <u>\$ 1,938,602.00</u>	Contract Times prior to this Change Order: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>
Increase of this Change Order: <u>\$ 19,456.00</u>	(Increase) (Decrease) of this Change Order: Substantial Completion (days or date): <u>N/A</u> Ready for Final Payment (days or date): <u>N/A</u>
Contract Price incorporating this Change Order: <u>\$ 1,958,058.00</u>	Contract Times with all approved Change Orders: Substantial Completion (days or date): <u>April 30, 2023</u> Ready for Final Payment (days or date): <u>May 15, 2023</u>

RECOMMENDED: Olsson	ACCEPTED: City of David City	ACCEPTED: M.E. Collins Contracting Co., Inc.
By:  Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By:  Contractor (Authorized Signature)
Title: <u>Project Engineer</u>	Title: _____	Title: <u>Vice President</u>
Date: <u>July 6, 2023</u>	Date: _____	Date: <u>7-6-23</u>
Approved by Funding Agency (if applicable):		
By: _____	Title: _____	Date: _____



Change Order No. 8

CONTRACTOR: M. E. Collins Contracting Co. Inc.

Olsson No. 021-07066

6-Jul-23

Item No.	Description	Unit	Quantity	Unit Price	Total Cost
<b>Additional Quantities</b>					
<b>New Bid Items</b>					
CO8-1	Install 8" Dia MJ 45 Degree	EA.	4	\$759.00	\$3,036.00
CO8-2	Install Valve Box	EA.	3	\$254.00	\$762.00
CO8-3	Install 12" Gate Valve	EA.	1	\$4,862.00	\$4,862.00
CO8-4	Install 12" x 6" Tee	EA.	1	\$646.00	\$646.00
CO8-5	Install 12" Sleeve	EA.	1	\$458.00	\$458.00
CO8-6	Install 10" Gate Valve	EA.	2	\$3,841.00	\$7,682.00
CO8-7	Install 10" x 6" Tee	EA.	1	\$512.00	\$512.00
CO8-8	Install 10" Sleeve	EA.	2	\$749.00	\$1,498.00
	<b>Total Change Order Items</b>				<b>\$19,456.00</b>



980 E. 25<sup>th</sup> Street  
 P.O. Box 83  
 Wahoo, NE

(402) 443-3663  
 FAX: (402) 443-5013

June 28<sup>th</sup>, 2023

RE: City of David City, NE  
 2023 David City Municipal Paving Improvements  
 Change Order #8 – Additional Appurtenances  
 Attn: Dave Ziska

Mr. Ziska,

Please see below for prices to complete additional work on the above mentioned project as requested by the owner.  
 The locations of these items are as follows:

- 10th Street Fire Hydrant - 12" valve, 12"x6" tee, & 12" long sleeve
- Qual Lane Fire Hydrant - Two 10" valves, One 10"x6" tee, & Two 10" sleeves
- 7<sup>th</sup> Street – 2 Valve Boxes
- 8<sup>th</sup> Street – 1 Valve Box
- 5<sup>th</sup> Street Water Adjustment – Four 8" Dia MJ 45 Degree

#	Description	Quantity	Unit	Unit Price	Total
1	Install 8" Dia MJ 45 Degree	4.00	EA	\$ 759.00	\$ 3,036.00
2	Install Valve Box	3.00	EA	\$ 254.00	\$ 762.00
3	Install 12" Gate Valve	1.00	EA	\$ 4,862.00	\$ 4,862.00
4	Install 12" x 6" Tee	1.00	EA	\$ 646.00	\$ 646.00
5	Install 12" Sleeve	1.00	EA	\$ 458.00	\$ 458.00
6	Install 10" Gate Valve	2.00	EA	\$ 3,841.00	\$ 7,682.00
7	Install 10"x6" Tee	1.00	EA	\$ 512.00	\$ 512.00
8	Install 10" Sleeve	2.00	EA	\$ 749.00	\$ 1,498.00
TOTAL:					\$ 19,456.00

Please review and respond accordingly.

Respectfully submitted,

M.E. COLLINS CONTRACTING CO., INC.

Christopher J. Woodward



NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that "Stop" signs be installed on the north/south intersections at 7<sup>th</sup> & "E" Streets, 7<sup>th</sup> & "D" Street, 8<sup>th</sup> & "D" Street, 9<sup>th</sup> & "E" Street and 9<sup>th</sup> & "D" Street.

Dated this 12<sup>th</sup> day of July, 2023.

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Mayor Jessica J. Miller

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City Clerk Tami L. Comte

Council member Tom Kobus made a motion to approve the appointment of the Nuisance and Ordinance committee (Council members Keith Marvin, Pat Meysenburg, Building Inspector Gary Meister, and Asst. Chief Devin Betzen). 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. 28-2023 Updating the City Fee Schedule. 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. 28-2023**

BE IT RESOLVED by the Mayor and City Council of the City of David City, Nebraska, that the following fees and charges be and hereby are established and shall be effective upon passage:

1-505(I)	Certified copies; fee .....	.25 per copy
2-514	Arborist; license fee .....	\$25.00

3-203	Dogs; license fee -----	\$10.00 if dog is spayed or neutered \$20.00 if dog is not spayed or neutered
3-221(C)	Dogs; impoundment; -----	1 <sup>st</sup> - \$5.00, 2 <sup>nd</sup> - \$10.00, 3 <sup>rd</sup> - \$15.00
3-302	Chickens; keeping and raising permit fee -----	\$10.00
3-309	Exotic animal; first violation-----	\$25 fine; forfeiture of animal
3-309	Exotic animal; second violation-----	\$50 fine; forfeiture of animal
3-309	Exotic animal; third violation-----	\$75 fine; forfeiture of animal
3-309	Exotic animal; fourth violation -----	\$100 fine; forfeiture of animal
3-601	Animal Violation; fines -----	1 <sup>st</sup> offense \$25.00 2 <sup>nd</sup> offense \$50.00 3 <sup>rd</sup> offense \$100.00 4 <sup>th</sup> offense \$500.00
	Dangerous Dog Registration -----	\$50.00
4-217(B)	Illegally parked; towing -----	\$75.00 min. charge plus sales tax
4-217(B)	Illegally parked; storage fee -----	\$25.00 minimum charge plus \$25.00 for each additional day
4-506(B)	ATV and UTV application fee -----	\$50.00
4-512(A)	Golf car application fee -----	\$10.00
5-201	Itinerant sales; permit fee -----	\$25.00 per 7 days
5-301	Amusement Devices, per electronic machine, etc-----	\$25.00
	Pool Tables, per table, per year -----	\$15.00
05-402(B)	Bingo; permit fee -----	\$10.00
5-402(C)	Bingo; permit renewal-----	\$10.00
6-204	Street closing; permit fee-----	\$10.00
7-503(F)	Utilities; solid waste; collector's license fee (annual) -----	\$25.00
8-207	Burn barrel permit; fee-----	\$20.00
8-407	Fireworks, per year -----	\$250.00
	Police Dept. - Accident Reports -----	\$10.00
	Police Dept. - Reports -----	\$5.00

DATED this 12<sup>th</sup> day of July, 2023.

CITY OF DAVID CITY, NEBRASKA

\_\_\_\_\_  
 Mayor Jessica J. Miller

ATTEST:

\_\_\_\_\_  
 City Clerk Tami Comte

Council member Tom Kobus made a motion to pass and adopt Resolution No. 29-2023 League Assn. of Risk Management Insurance Renewal for a three-year renewal. 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

**League Association of Risk Management  
2023-24 Renewal Resolution**

**RESOLUTION NO. 29-2023**

WHEREAS, the City of David City is a member of the League Association of Risk Management (LARM);

WHEREAS, section 8.10 of the Interlocal Agreement for the Establishment and Operation of the League Association of Risk Management provides that a member may voluntarily terminate its participation in LARM by written notice of termination given to LARM and the Nebraska Director of Insurance at least 90 days prior to the desired termination given to and that members may agree to extend the required termination notice beyond 90 days in order to realize reduced excess coverage costs, stability of contribution rates and efficiency in operation of LARM; and

WHEREAS, the Board of Directors of LARM has adopted a plan to provide contribution credits in consideration of certain agreements by members of LARM as provided in the attached letter.

BE IT RESOLVED that the governing body of David City, Nebraska, in consideration of the contribution credits provided under the LARM Board's plan, agrees to:

- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (**180 day and 3 year commitment; 5% discount**)
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. (**180 day and 2 year commitment; 4% discount**)
- Provide written notice of termination at least 180 days prior to the desired termination date, which date shall be no sooner than September 30, 2024. (**180 day notice only; 2% discount**)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2026. (**90 day notice and 3 year commitment only; 2% discount**)
- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2025. (**2 year commitment only; 1%**)

- Provide written notice of termination at least 90 days prior to the desired termination date, which date shall be no sooner than September 30, 2024. **(90 day Notice only)**

Adopted this 12<sup>th</sup> day of July, 2023.

**Signature:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**ATTEST:** \_\_\_\_\_  
**Title:** \_\_\_\_\_

**Please email (customerservice@LARMpool.org) or fax (402.476.4089) the completed resolution to LARM.**

Council member Pat Meysenburg made a motion to approve the appointment of Donna Behrns to the David City Housing Authority Board of Commissioners to fill the unexpired term of Larry McPhillips. Council Member Tom Kobus seconded the motion. The motion carried.  
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Mayor Jessica Miller stated that the next item on the agenda was discussion and possible action regarding an Ordinance requiring new property owners to install or improve sidewalks.

Sidewalk committee member Beth Klosterman introduced herself and stated that the committee had met and talked about several possibilities. She stated that she felt that we need a "Sidewalk Campaign" to encourage people to walk on the sidewalk instead of on the street.

Sidewalk committee member/Council member Kevin Woita stated that the committee discussed starting with 5<sup>th</sup> Street from the railroad tracks to the north to cut the curbs that are not cut and take bids to put in the sidewalks in those areas.

Mayor Jessica Miller stated that the next item on the agenda was discussion/action regarding sprinklers, sod/seeding and trees for the RV campground and other campground issues.

There was discussion if sprinklers were actually needed at the campground.

Mayor Miller stated that one idea was to sell memorial trees for the campground.

Scott Steager introduced himself and asked what kind of trees the Council members wanted at the campground. It was decided to have half of them as cottonless Cottonwoods and the other half Maple trees.



Council member Keith Marvin made a motion to approve the quote of Steager Lawn Service for seeding of the campground and planting of trees. 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 approve Certificate of Payment #2 in the amount of \$73,603.39 to IES Commercial, Inc. for the 2023 Industrial Parkway-Trowbridge Lane Electrical Extension. 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

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**Contractor's Application for Payment**

<b>Owner:</b> <u>City of David City</u>	<b>Owner's Project No.:</b> _____
<b>Engineer:</b> <u>JEO Consulting Group, Inc.</u>	<b>Engineer's Project No.:</b> <u>230325.00</u>
<b>Contractor:</b> <u>IES Commerical, Inc.</u>	<b>Contractor's Project No.:</b> <u>555032006</u>
<b>Project:</b> <u>2023 Industrial Parkway-Trowbridge Lane Electrical Extension</u>	
<b>Contract:</b> <u>2023 Industrial Parkway-Trowbridge Lane Electrical Extension</u>	
<b>Application No.:</b> <u>2</u>	<b>Application Date:</b> <u>6/27/2023</u>
<b>Application Period:</b> <b>From</b> <u>5/27/2023</u> <b>to</b> <u>6/23/2023</u>	

1. Original Contract Price	\$	601,106.58
2. Net change by Change Orders	\$	-
3. Current Contract Price (Line 1 + Line 2)	\$	601,106.58
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$	195,545.79
5. Retainage		
a. <u>10%</u> X \$ <u>195,545.79</u> Work Completed =	\$	19,554.58
b. <u>10%</u> X \$ <u>-</u> Stored Materials =	\$	-
c. Total Retainage (Line 5.a + Line 5.b)	\$	19,554.58
6. Amount eligible to date (Line 4 - Line 5.c)	\$	175,991.21
7. Less previous payments (Line 6 from prior application)	\$	102,387.82
8. Amount due this application	\$	73,603.39
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$	425,115.37

**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:** IES commercial Inc.

**Signature:** Balo P **Date:** 7-10-23

<b>Recommended by Engineer</b>	<b>Approved by Owner</b>
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____
<b>Approved by Funding Agency</b>	
<b>By:</b> _____	<b>By:</b> _____
<b>Title:</b> _____	<b>Title:</b> _____
<b>Date:</b> _____	<b>Date:</b> _____

Progress Estimate - Unit Price Work										Contractor's Application for Payment			
Owner: City of David City										Owner's Project No.: 21032.000			
Contractor: JES Commercial, Inc.										Engineer's Project No.: 5.000.00006			
Project: 2023 Industrial Parkway, Trussbridge Lane Electrical Extension										Contractor's Project No.:			
Contract: 2023 Industrial Parkway, Trussbridge Lane Electrical Extension													
Application No.: 2										Application Date: 06/27/23			
From: 06/27/23 To: 06/27/23													
BM Item No.	Description	Contract Information			Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed (G X G) (\$)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (P - J) (\$)		
		Item Quantity	Units	Unit Price (\$)									
<b>Original Contract</b>													
<b>Poles</b>													
1	40'2" WOOD	3.00	EA	1,077.00	3,231.00	3,231.00		3,231.00	100%				
2	40'4" WOOD	7.00	EA	2,520.00	7,520.00	7,520.00		7,520.00	100%				
3	ROCK DISTRIBUTION POLE	10.00	EA	2,154.00	2,154.00	2,154.00		2,154.00	100%				
4	2" STREET LIGHT POLE WITH GROUND ASSEMBLY	34.00	EA	3,082.36	37,082.36				0%	17,088.26			
5	3" STREET LIGHT POLE WITH GROUND ASSEMBLY	4.00	EA	3,112.32	12,449.28				0%	3,112.32			
6	4" STREET LIGHT POLE WITH BREAKAWAY BRACKET	4.00	EA	3,666.76	14,666.76				0%	3,666.76			
7	SCREW IN POLE FOUNDATION	22.00	EA	12,616.90	278,171.80				0%	12,616.90			
<b>Pole Top Assemblies</b>													
8	21-41F	8.00	EA	1,723.20	13,785.60			1,723.20	100%				
9	25-70	2.00	EA	400.00	800.00			800.00	100%				
10	JWB-1	1.00	EA	718.00	718.00			718.00	100%				
11	JWB-3CF	1.00	EA	1,292.39	1,292.39			1,292.39	100%				
12	JWB-3DF	1.00	EA	1,292.39	1,292.39			1,292.39	100%				
13	3/4"X2" FIBER OPTIC CONNECT, 15' A FIBER	1.00	LS	400.00	400.00			400.00	100%				
14	3" WAST ARM, WOOD POLE	10.00	EA	1,077.00	10,770.00			1,077.00	100%				
15	12-1	32.00	EA	323.10	10,339.20			3,231.00	100%				
16	STREET LIGHT	32.00	EA	2,692.25	85,952.00			488.24	100%	8,616.00			
17	JWB-6B	1.00	EA	488.24	488.24			488.24	100%				
18	31-6B	1.00	EA	861.60	861.60			861.60	100%				
19	M2-11	10.00	EA	1,148.80	11,488.00			1,148.80	100%				
20	21-1	4.00	EA	574.40	2,297.60			574.40	100%				
21	21-15	4.00	EA	287.20	1,148.80			1,148.80	100%				
<b>Underground Assemblies/Manholes</b>													
22	10KV (8-4) MCOVA BURIAL ARRESTOR	8.00	EA	803.52	6,428.16				0%	6,428.16			
23	15KV 200A BURIAL 10' AL	38.00	EA	1,005.20	38,197.60				0%	38,197.60			
24	200A PHOTO VOLTIC CAP	34.00	EA	100.52	3,417.68				0%	3,417.68			
25	BOLLARDS	16.00	EA	719.00	11,484.00			2,872.00	25%	8,612.00			
26	2"X4-11 GROUND ASSEMBLY	1.00	EA	574.40	574.40				0%	574.40			
27	2"X4-11 WITH BRACKET	1.00	EA	3,284.35	3,284.35				0%	3,284.35			
28	10' METAL POSTAL WITH GROUND ASSEMBLY	4.00	EA	3,723.19	14,892.76				0%	14,892.76			
29	10' METAL POSTAL WITH GROUND ASSEMBLY	4.00	EA	2,000.39	8,041.56			8,041.56	100%				
30	JWB1-1	2.00	EA	359.00	718.00			359.00	50%	359.00			
31	JWB1-2	1.00	EA	502.60	502.60			502.60	100%				
32	1" GRADE PULL BOX	3.00	EA	1,005.20	3,015.60			3,015.60	100%				
<b>Transformers</b>													
33	25KVA, 10'X3", 120/240V, POLE MOUNTED	1.00	EA	861.60	861.60			861.60	100%				
34	25KVA, 10'X3", 120/240V, PAD MOUNTED	1.00	EA	987.25	987.25			987.25	100%				
35	37.5 KVA, 10'X3", 120/240V, PAD MOUNTED	1.00	EA	1,382.14	1,382.14			1,382.14	100%				
36	1000 KVA, 10'X6", 27.7/480V, PAD MOUNTED	1.00	EA	1,579.59	1,579.59			1,579.59	100%				
37	10' XPMR BASINMENT	2.00	EA	1,395.47	2,790.94			2,790.94	100%				
38	30' XPMR BASINMENT	1.00	EA	1,486.76	1,486.76			1,486.76	100%				
<b>Wire/Cable</b>													
39	#2 TRIPLEX	1,607.00	FT	5.90	9,481.30	1,607.00		9,481.30	100%				
40	#6 AL US 600V	15,414.00	FT	5.03	77,683.32				0%	77,683.32			
41	1" STANDARD RADIUS BULLOW	90.00	EA	323.10	29,079.00				0%	29,079.00			
42	1.0 ASD# 15KV	6,548.00	FT	1.83	11,982.84				0%	11,982.84			

Progress Estimate - Unit Price Work										Contractor's Application for Payment			
Owner: City of David City										Owner's Project No.: 210215.00			
Engineer: J&S Consulting Group, Inc.										Engineer's Project No.: 519013016			
Contractor: J&S Consulting Group, Inc.										Contractor's Project No.:			
Project: 2022 Industrial Parkway-Thorndike Lane Electrical Distribution													
Contract: 2022 Industrial Parkway-Thorndike Lane Electrical Distribution													
Application No.: 2										Application Date: 06/27/23			
Application Period: From 05/27/23 To 06/27/23													
Item No.	Description	Item Quantity	Units	Contract Information		Value of Work Completed (E X G) (\$)	Materials Currently Stored (I) (\$)	Work Completed and Materials Stored to Date (H + J) (\$)	% of Value of Items (J / F) (%)	Balance to Finish (F - J) (\$)			
				Unit Price (\$)	Value of Bid Item (C X E) (\$)								
43	6.0 ALUS, 15 KV, FULL NEUTRAL	11,520.00	FT	10.05	115,726.00	-	-	0%	115,726.00				
44	1.0" STANDARD BROOMS BLOWN	22.00	EA	215.40	4,738.80	-	-	0%	4,738.80				
45	1" LONG BROOMS BLOWN	57.00	EA	490.00	27,930.00	-	-	0%	27,930.00				
46	6.0 ALUS, 600V	2,880.00	FT	5.03	14,577.60	-	-	0%	14,577.60				
47	BORNS, 1/2" HOSE, 500# 13.5	3,852.00	FT	13.05	50,268.00	3,852.00	90,268.40	100%	90,268.40				
48	BORNS, 1/2" HOSE, 500# 13.5	3,096.00	FT	14.05	43,500.00	3,096.00	56,100.35	100%	56,100.35				
49	BORNS, 1/2" HOSE, 500# 13.5	3,452.00	FT	18.94	65,390.00	3,452.00	64,899.51	100%	64,899.51				
50	5/8" BORE 40 LB/IN, 120/240V LIGHT GAS C/W/OUT	21.00	EA	874.40	18,362.40	-	-	0%	18,362.40				
51	5/8" BORE 40 LB/IN, 120/240V LIGHTING CIRCUIT	25.00	EA	861.00	21,540.00	-	-	0%	21,540.00				
52	100# 6.0 (6.25KV)	3.00	EA	246.72	740.16	3.00	6,720.80	100%	6,720.80				
53	15KV 200# BLOWN 40 AL	6.00	EA	287.20	1,723.20	-	-	0%	1,723.20				
				Original Contract Total \$		\$ 801,106.58	\$ 196,545.79	\$ 396,545.79	33%	406,560.79			
Change Orders													
				Change Order Total \$		-	-	-	-	-			
Original Contract and Change Orders						\$ 801,106.58	\$ 196,545.79	\$ 396,545.79	33%	406,560.79			

EJCDC C-620 Contractor's Application for Payment  
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Council member Bruce Meysenburg made a motion to recess the City Council meeting. Council Member Keith Marvin seconded the motion. The motion carried and Mayor Jessica Miller declared the Council meeting recessed at 7:39 p.m.

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 the City Council meeting. Council Member Bruce Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the Council meeting reconvened at 7:41 p.m.

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

Council member Kevin Woita made a motion to enter into closed session to discuss public safety and legal issues. Council Member Bruce Meysenburg seconded the motion. The motion carried.

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

Mayor Miller stated, "Now, at 7:42 p.m., we are going into closed session to discuss personnel and litigation. Mayor Miller, all of the Council members, Police Chief Marla Schnell and Interim City Administrator Tami Comte went into closed session at 7:42 p.m.

Council member Keith Marvin made a motion to reconvene in open session at 7:55 p.m.. 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

Council member Keith Marvin made a motion to adjourn. 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



CERTIFICATION OF MINUTES  
July 12, 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 July 12, 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.

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Tami Comte, City Clerk