

CITY COUNCIL PROCEEDINGS
January 24, 2024

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on January 18, 2024, 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 Pat Meysenburg, Jim Angell, Keith Marvin, Tom Kobus, City Attorney Michael Sands, and Interim City Administrator/City Clerk Tami Comte. Council member Kevin Woita was absent.

Also present for the meeting were: Deputy City Clerk Lori Matchett, Electric Supervisor Pat Hoeft, Police Chief Marla Schnell, Asst. Police Chief Devin Betzen, Police Officer Chris Baete, Recreation Coordinator Will Reiter, Special Projects Coordinator Dana Trowbridge, Matt Kalin with JEO, Kevin Betzen, Matt Fleming, Joey Ossian, Louise Niemann, Nick & Marlene Hein, Greg Aschoff, Dan & Jan Sypal, Tara Korthals, Jerry Kosch, 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 Jim Angell made a motion to approve the minutes of the January 10, 2024 City Council meeting as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Absent
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller stated that the next item on the agenda was discussion/action regarding eliminating the Special Projects Coordinator Position.

Mr. Trowbridge introduced himself and addressed the Council. He expressed his opposition to discontinuing the position.

Mr. Trowbridge then submitted his resignation letter to the Mayor, Council members and City Clerk.

January 24, 2024

To:

Citizens, Taxpayers, Ratepayers of the City of David City

The action taken by Mayor Alan Zavodny in creating the position of Special Programs Coordinator brought positive results to the City that have exceeded all initial expectations and I wish to thank the community for the opportunity to serve as your Special Projects Coordinator for the past 3 years. During that time David City has applied for and was granted over \$2.6 million in State and Federal benefits to :

Renovate 13 Owner Occupied housing units in need of improvement, approximately \$560,000.

Fund the David City Development Corporation \$1,000,000 in Rural Work Force Housing assistance to create a perpetual revolving fund for assisting builders, developers and consumers in the creation of additional housing.

Down Town Revitalization, approximately \$600,000 to improve and update building facias, entries and windows in our Down Town area.

A Nebraska Department of Transportation Economic Opportunity Grant is being held for David City to assist in funding the necessary improvements to Road 37 for the AGP project in the amount of \$500,000.

The Northland Addition to David City was primarily the result of planning and execution of the Special Projects Coordinator who had oversight of purchase, design and construction. The Northlands currently has street, water, sewer and


storm water mitigation, natural gas and is awaiting electrical installation. Lots are being offered for sale at this time.

These Projects are today the subject of Agenda Item #5, an ulterior effort of certain elected officials of David City to terminate my employment with the City due in part to personality conflicts and my recent filing for election to the City Council.

Agenda Item #5 is an attempt to allow the Mayor and Council an opportunity to once again create their own reality, contorting the truth to make them appear caring and benevolent of community needs. I cannot in good conscience continue to work under these conditions, and therefore submit my resignation as Special Projects Coordinator effective immediately upon agreement of the City to meet two required conditions:

1. Payment of back wages to 6/8/2022 at the rate of \$3.00 per hour worked which was a 10% COLA given all City employees except me. The City maintained that I was a contract employee, but was never able to produce a contract document to back up their contention. Estimated to be 2500 hours @ \$3.00 /hour = \$7500.00.
2. 30 days severance pay at the rate of \$33.00 per hour for 120 hours, \$3960 total.

Thank you all, it was a great trip and we accomplished a lot for David City.

A handwritten signature in black ink, appearing to read "Dana Trowbridge". The signature is written in a cursive, somewhat stylized font.

Dana "Skip" Trowbridge

Council member Bruce Meysenburg asked that Resolution No. 6-2024 be entered into the record.

City Attorney Michael Sands read Resolution No. 6-2024.

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 6-2024 eliminating the Special Projects Coordinator position. 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: Absent

Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 6-2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, ELIMINATING THE POSITION OF SPECIAL PROJECTS COORDINATOR TO THE CITY.

WHEREAS, on January 21, 2021, the Mayor and City Council of the City of David City, Nebraska (the "City"), acted to create the position of Special Projects Coordinator to the City for the purpose of assisting the City with project development and coordination duties related to certain existing or prospective development projects; and

WHEREAS, the position of Special Projects Coordinator was created as a non-permanent and part-time engagement, subject to review, appointment, reappointment and/or discontinuation on an annual basis; and

WHEREAS, in accordance with the foregoing, on February 9, 2022, the Mayor and City Council conducted its annual review of the position and, upon determining there was a continued need for the position, acted to reinstate and extend the position for an additional period of one (1) year, at which time the Mayor and City Council would reassess the position; and

WHEREAS, in accordance with the foregoing, on January 25, 2023, the Mayor and City Council conducted its annual review of the position and, upon determining there was a continued need for the position, acted to reinstate and extend the position for an additional period of one (1) year, at which time the Mayor and City Council would reassess the position; and

WHEREAS, the January 25, 2023, action to extend and reinstate the position of Special Projects Coordinator was limited to a period of one (1) year, requiring the Mayor and City Council's further assessment of the position, to determine whether the position should be further reinstated and extended, or discontinued and eliminated; and

WHEREAS, in assessing the City's continued need for the position, the Mayor and City Council weighed a number of factors, including, without limitation, whether there was a continued need for a dedicated position to carry out the tasks associated therewith, whether the

tasks associated with the position could be capably undertaken by existing city staff, and whether reinstatement and extension of the position would result in budgetary and personnel redundancies; and

WHEREAS, upon consideration of the foregoing, the Mayor and City Council determined that the specific projects and developments for which the position of Special Projects Coordinator was initially created to coordinate have largely concluded; and

WHEREAS, upon consideration of the foregoing, the Mayor and City Council determined that existing City staff, including, without limitation, the Building Inspector, Recreation Coordinator, and newly appointed City Administrator Intern, among others, are capable of undertaking the tasks previously undertaken by the Special Projects Coordinator, and are willing to do so; and

WHEREAS, upon consideration of the foregoing, the Mayor and City Council determined that the reinstatement and extension of the position of Special Projects Coordinator would result in unnecessary budgetary and personnel redundancies; and

WHEREAS, it is in the vital and best interest of the public for the Mayor and City Council to act as a responsible steward of the City's finances, and in so doing, eliminate unnecessary costs and redundancies from the City's budget; and

WHEREAS, based on the foregoing findings and the substantial evidence in the record of this proceeding, the Mayor and City Council has determined that the position of Special Projects Coordinator is no longer needed and would result in unnecessary budgetary and personnel redundancies, and therefore, reinstatement and extension of this position is not in the best interest of the City and/or the public; and

WHEREAS, based on the foregoing, the Mayor and City Council wish to discontinue and eliminate the position of Special Projects Coordinator.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY:

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

Section 2. Based on the foregoing findings and the substantial evidence in the record of this proceeding, the Mayor and City Council determined that the position of Special Projects Coordinator is no longer needed, and that its reinstatement and extension would result in unnecessary budgetary and personnel redundancies, which is not in the best interest of the City and/or the public.

Section 3. In accordance with the foregoing determinations of the Mayor and City Council, the position of Special Projects Coordinator is hereby discontinued and terminated, effective January 25, 2024, which marks the expiration of the preceding one-year extension and reinstatement period for the position.

Section 4. The Mayor or her designee are hereby authorized to take any such actions and execute any such documents relating to the matters contained in this Resolution, including the undertaking of any personnel matters or actions resulting from the elimination of the Special Projects Coordinator position, and the execution and/or delivery of the same by the Mayor or her designee shall conclusively establish their authority with respect thereto and the authorization and approval thereof.

Section 5. This Resolution shall supersede and control with respect to all prior resolutions and actions of the Mayor and City Council relating to the matters contained in this Resolution.

INTRODUCED BY COUNCIL MEMBER Bruce Meysenburg.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 2024.

MAYOR

ATTEST:

CITY CLERK

Council member Bruce Meysenburg introduced Ordinance No. 1460 – Employees Cost of Living increase. Mayor Jessica Miller read Ordinance No. 1460 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 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1460 - Employees Cost of Living Increase on 3rd and Final reading. 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: Absent
Yea: 5, Nay: 0, Absent: 1

ORDINANCE NO. 1460

AN ORDINANCE ADOPTING A NEW PAY SCALE / SALARY FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; 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 January 24, 2024 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 24th day of January, 2024.

Mayor Jessica Miller

City Clerk Tami Comte

City Council Proceedings
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Department											
Position	1	2	3	4	5	6	7	8	9	10	
<u>City Hall</u>											
Clerical I	\$14.30	\$14.84	\$15.37	\$15.89	\$16.44	\$16.95	\$17.49	\$18.01	\$18.55	\$19.09	
Acct Clerk I	\$20.46	\$21.03	\$21.60	\$22.17	\$22.72	\$23.29	\$23.85	\$24.41	\$27.05	\$25.54	
Acct Clerk II	\$24.41	\$25.25	\$26.05	\$26.88	\$27.70	\$28.52	\$29.33	\$30.17	\$30.97	\$31.81	
(incl. .50/hr if CMC; Ord. 1192)	\$24.91	\$25.75	\$26.55	\$27.38	\$28.20	\$29.02	\$29.83	\$30.67	\$31.47	\$32.31	
<u>Power Plant</u>											
Power Plant Op I	\$24.60	\$25.60	\$26.62	\$27.61	\$28.62	\$29.63	\$30.63	\$31.63	\$32.65	\$33.65	
Power Plant Supervisor	\$34.93	\$36.06	\$37.18	\$38.32	\$39.43	\$40.56	\$41.66	\$42.80	\$43.92	\$45.05	
<u>Electric</u>											
Apprentice Lineman	\$24.43	\$25.22	\$26.01	\$26.80	\$27.58	\$28.38	\$29.17	\$29.95	\$30.75	\$31.53	
Lineman 2nd Class	\$27.18	\$27.85	\$28.51	\$29.18	\$29.85	\$30.53	\$31.19	\$31.85	\$32.52	\$33.19	
Lineman 1st Class	\$32.13	\$32.95	\$33.76	\$34.61	\$35.42	\$36.26	\$37.07	\$37.89	\$38.71	\$39.54	
Line Foreman	\$37.90	\$38.57	\$39.25	\$39.92	\$40.60	\$41.27	\$41.95	\$42.60	\$43.28	\$43.95	
Electric Supervisor	\$42.33	\$43.33	\$44.31	\$45.30	\$46.30	\$47.28	\$48.27	\$49.25	\$50.24	\$51.23	
<u>Water/Wastewater</u>											
Water/Wastewater Operator I	\$22.16	\$22.90	\$23.62	\$24.36	\$25.10	\$25.83	\$26.57	\$27.32	\$28.05	\$28.79	
Water/Wastewater Operator II	\$26.03	\$26.69	\$27.37	\$28.04	\$28.70	\$29.39	\$30.05	\$30.71	\$31.39	\$32.06	
Water/Wastewater Data Manager	\$27.37	\$28.04	\$28.70	\$29.39	\$30.05	\$30.71	\$31.39	\$32.06	\$32.74	\$33.42	
Water Field Supervisor	\$26.10	\$26.77	\$27.42	\$28.08	\$28.74	\$29.40	\$30.05	\$30.71	\$31.36	\$32.02	
Water Supervisor	\$31.94	\$33.00	\$34.06	\$35.12	\$36.18	\$37.24	\$38.30	\$39.37	\$40.42	\$41.49	
Wastewater Supervisor	\$31.10	\$32.11	\$33.12	\$34.12	\$35.14	\$36.15	\$37.16	\$38.16	\$39.17	\$40.27	
<u>Street</u>											
Maintenance Worker I	\$19.65	\$20.92	\$21.41	\$21.94	\$22.44	\$22.97	\$23.47	\$24.00	\$24.50	\$25.03	
Maintenance Worker II	\$21.92	\$22.48	\$23.04	\$23.60	\$24.15	\$24.71	\$25.27	\$25.82	\$26.39	\$26.94	
Street Foreman	\$25.72	\$26.28	\$26.82	\$27.38	\$27.92	\$28.48	\$29.03	\$29.58	\$30.12	\$30.66	
Street Supervisor	\$29.79	\$30.59	\$31.40	\$32.21	\$33.01	\$33.83	\$34.64	\$35.44	\$36.25	\$37.05	
<u>Parks</u>											
Park Laborer	\$19.03	\$19.70	\$20.38	\$21.05	\$21.72	\$22.40	\$23.07	\$23.74	\$24.41	\$25.09	
Parks & Auditorium Supervisor	\$22.38	\$23.14	\$23.91	\$24.67	\$25.42	\$26.21	\$26.98	\$27.73	\$28.49	\$29.25	
<u>Recreation</u>											
Recreation Coordinator	\$24.26	\$25.03	\$25.80	\$26.60	\$27.38	\$28.15	\$28.92	\$29.71	\$30.48	\$31.25	
Recreation Director	\$27.75	\$28.47	\$29.21	\$29.93	\$30.67	\$31.42	\$32.14	\$32.87	\$33.61	\$34.34	
<u>Police Department</u>											
Police Clerical	\$18.54	\$19.06	\$19.57	\$20.09	\$20.60	\$21.12	\$21.63	\$22.15	\$22.66	\$23.18	
Police Officers	\$23.69	\$24.21	\$24.72	\$25.24	\$25.75	\$26.37	\$26.99	\$27.60	\$28.22	\$28.84	
Police Sergeant	\$26.78	\$27.55	\$28.33	\$29.10	\$29.87	\$30.64	\$31.42	\$32.19	\$32.96	\$33.73	
Asst Police Chief	\$28.22	\$29.00	\$29.79	\$30.57	\$31.35	\$32.14	\$32.92	\$33.70	\$34.48	\$35.28	
<u>Part-Time</u>											
Part-Time Workers	\$15.80	\$16.22	\$16.63	\$17.05	\$17.48	\$17.90	\$18.32	\$18.75	\$19.16	\$19.58	
Summer Help	\$11.42	\$12.05	\$12.69	\$13.33	(No more than 4 steps)						
<u>Aquatic Center Staff</u>											
Office/Slide/Concessions	\$11.33										
Lifeguards	\$14.42										
Aquatic Fitness Instructor	\$14.42										
Swim Lesson Instructors	\$16.48										
Assistant Managers	\$18.03										
Manager	\$18.80										
Salaried Staff Pay Plan (Annual Rate of Pay)											
<u>Position</u>			Minimum		Mid-Point		Maximum				
City Administrator Intern			\$47,840		\$60,000		\$70,000				
Clerk/Treasurer			\$73,219		\$86,820		\$100,318				
Police Chief			\$64,272		\$80,340		\$96,408				

Mayor Jessica Miller stated that the next item on the agenda was discuss/approve award of the contract for the 2023 AGP Substation Project.

Matt Kalin, with JEO, introduced himself and gave a brief synopsis of the bids received. Matt Kalin stated that Harold K. Scholz Co. stated that the price may escalate and took an exception to liquidated damage charges to the project completion date.

Matt Kalin told the Council that given the exclusions with Harold K. Scholz that JEO would recommend awarding the contract to IES Commercial, Inc.

Council member Bruce Meysenburg made a motion to award the contract for the 2023 AGP Substation Project to IES Commercial. 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: Absent

Yea: 5, Nay: 0, Absent: 1

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Bid Tab

PROJECT | 2023 AGP Substation

JEO PROJECT NO. | 220993.00

LOCATION | David City, Nebraska

LETTING | 01/24/2024 3:00 PM CST

OPINION OF PROBABLE COST | \$2,025,000 - \$2,230,000

Bidder	Total Group A
Harold K. Scholz Co. Ralston, NE	\$2,095,000.00
IES Commercial Inc. Holdrege, NE	\$2,416,450.00
Watts Electric Company Waverly, NE	\$2,708,275.68



Tab Sheet

PROJECT | 2023 AGP Substation

JEO PROJECT NO. | 220993.00

LOCATION | David City, Nebraska

		Harold K. Scholz Co.		IES Commercial, Inc.		Watts Electric Company	
Item	Description	Qty.	Unit	Unit Price	Total	Unit Price	Total
1	Substation Installation, Complete and Operational	1	LS		\$2,010,000.00		\$2,416,450.00
SUBTOTAL GROUP A							
SALES TAX FOR MATERIALS & EQUIPMENT ON GROUP A @ 7.5% (SHOWN SEPARATELY BY OPTION 1 CONTRACTORS ONLY)					\$85,000.00		\$94,833.90
TOTAL GROUP A					\$2,095,000.00		\$2,708,275.68

Council member Keith Marvin made a motion to table the final invoice for Ratkovec Construction in the amount of \$150,550 for the water department building pending the electrical inspection approval and repair of a few items. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 1-2024 accepting the 5th Street paving project. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Absent
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 1-2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, NEBRASKA, APPROVING THE COMPLETION OF CONSTRUCTION FOR STREET IMPROVEMENT DISTRICT 2023-1 AND ACCEPTING THE CERTIFICATE OF COMPLETION OF THE SAME.

WHEREAS, the City of David City, Nebraska, a municipal corporation and a city of the second class (the "City"), passed Ordinance No. 1447, in accordance with Nebraska Revised Statutes section 17-511, on June 28, 2023, creating Street Improvement District 2023-1; and

WHEREAS, Street Improvement District 2023-1 provides for the paving of that certain portion of 5th Street in the City, as described in **EXHIBIT A**, attached hereto and incorporated by reference herein (the "Property"); and

WHEREAS, the City satisfied the notice requirements of Nebraska Revised Statutes section 17-511 and did not receive sufficient objection by record title owners of more than fifty percent (50%) of the property directly abutting the Property, and thus was authorized to proceed with construction; and

WHEREAS, the City passed Resolution No. 30-2023 on July 26, 2023, allowing the City to proceed with the paving of the Property in accordance with Gehring Construction & Ready Mix Co., Inc., ("Contractor")'s plans and specifications ("Project Plans"), a copy of which is available at the Office of the City of David City, at 490 E Street, David City, Nebraska 68632; and

WHEREAS, Contractor completed the Project Plans and issued a Certificate of Completion ("Certificate"), December 30, 2023, a copy of which is attached hereto and incorporated herein as **EXHIBIT B**, on; and

WHEREAS, the City wishes to accept the Certification and otherwise approve the completion of the Project Plans.

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

1. The City hereby resolves to approve and accept the Certificate and that the Project Plans, as of the date of this Resolution, are hereby complete.

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

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Dated this 24th day of January, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

EXHIBIT A

The Property

A PART OF FIFTH STREET RIGHT OF WAY TOGETHER WITH A PART OF "G" STREET RIGHT OF WAY, LOCATED IN THE ORIGINAL TOWN OF DAVID CITY, CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF BLOCK 11 OF SAID ORIGINAL TOWN OF DAVID CITY, THENCE NORTH ON THE EAST LINE OF SAID BLOCK 11, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID BLOCK 11, THENCE CONTINUING NORTH, 100 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF BLOCK 4 OF SAID ORIGINAL TOWN OF DAVID CITY, THENCE EAST, 100 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF BLOCK 3 OF SAID ORIGINAL TOWN OF DAVID CITY, THENCE SOUTH 100 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF BLOCK 12 OF SAID ORIGINAL TOWN OF DAVID CITY, THENCE SOUTH ON THE WEST LINE OF SAID BLOCK 12, A DISTANCE OF 300 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID BLOCK 12, THENCE WEST ON THE NORTH LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY, A DISTANCE OF 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXHIBIT B

Copy of Certificate of Completion



**Gehring Construction & Ready
Mix Co., Inc.**

Mailing address: 5424 West Meadow Dr.
Columbus, NE. 68601
Toll Free 1-800-658-4056 Fax 402-564-4478
www.gehringconcrete.com

Columbus Plant: 4979 Howard Blvd, 402-564-2841
Humphrey Plant: 400-5th Ave, 402-923-1080



Contractors Certificate of Completion

Date: 12/30/2023
Project: North 5th Street, Street Repairs
To: Owner, City of David City, Nebraska

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) Any previous progress payments or invoices received from Owner on account of Work done on this project have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment or Invoices;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment or Invoice, 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 or Invoice is in accordance with the Contract Documents and/or Directions received from the Owner and is not defective.

Ref Invoice 12083. Dated 11/1/2023.

Sincerely,
Kevin Gehring
Vice President
Gehring Construction & Ready Mix Co.
5424 West Meadow Dr.
Columbus NE.

Council member Keith Marvin made a motion to pass and adopt Resolution No. 2-2024 approving the holding of a special meeting to determine the amount of special assessments to be levied against benefitted properties and to authorize the city to levy the same against such properties for the purpose of paying for the cost of Street Improvement District No. 2023-1 in accordance with the Nebraska Revised Statutes. 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: Absent

Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 2-2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, NEBRASKA APPROVING THE HOLDING OF A SPECIAL MEETING TO DETERMINE AMOUNT OF SPECIAL ASSESSMENTS TO BE LEVIED AGAINST BENEFITTED PROPERTIES AND TO AUTHORIZE THE CITY TO LEVY THE SAME AGAINST SUCH PROPERTIES FOR THE PURPOSE OF PAYING FOR THE COST OF STREET IMPROVEMENT DISTRICT NO. 2023-1 IN ACCORDANCE WITH THE NEBRASKA REVISED STATUTES.

WHEREAS, the Mayor and City Council of David City, Nebraska ("City"), a municipal corporation and city of the second class, passed Ordinance No. 1447, pursuant to Nebraska Revised Statutes section 17-511, on June 28, 2023, creating Street Improvement District 2023-1, which provides for the paving and improving of that certain portion of '5th' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 30-2023 on July 26, 2023, allowing the City to engage Gehring Construction & Ready Mix Co., Inc., as Contractor, to proceed with the street improvements within Street Improvement District 2023-1; and

WHEREAS, the City passed Resolution 1-2024 on January 24, 2024, approving and accepting the contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" (the "Special Assessments"); and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of

general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City finds it necessary to approve and provide for the levying of Special Assessments against the properties abutting or adjacent to the improvements within Street Improvement District 2023-1.

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

1. City will hold a special meeting acting as the Board of Equalization at 6:00 p.m., on the 13th day of March, 2024, at the City Office in David City, Nebraska to consider the levy of Special Assessments in Street Improvement District No. 2023-1.

2. The City is hereby authorized and the City Clerk is hereby instructed to provide notice of said meeting via letter to affected resident and nonresident property owners, by filing a schedule of all affected property owners and the amount of Special Assessment for each parcel with the Butler County Register of Deeds, and by publishing notice in five (5) issues of the Banner Press, a newspaper published and of general circulation in the City, on the following dates:

February 1, 2024
February 8, 2024
February 15, 2024
February 22, 2024
February 29, 2024

3. The City and City Clerk are hereby authorized to take all other actions reasonably necessary for the purposes provided herein.

4. This resolution shall take immediate effect as of the date of passage.

Passed this 24th day of January, 2024.

ATTEST:

Mayor Jessica Miller

City Clerk Tami L. Comte

(Seal)

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 3-2024 accepting the "O" Street Paving project. 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: Absent
Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 3-2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, NEBRASKA, APPROVING THE COMPLETION OF CONSTRUCTION FOR STREET IMPROVEMENT DISTRICT 2022-1 AND ACCEPTING THE CERTIFICATE OF COMPLETION OF THE SAME.

WHEREAS, the City of David City, Nebraska, a municipal corporation and a city of the second class (the "City"), passed Ordinance No. 1386, in accordance with Nebraska Revised Statutes section 17-511, on April 13, 2022, creating Street Improvement District 2022-1; and

WHEREAS, Street Improvement District 2022-1 provides for the paving of that certain portion of 'O' Street in the City, as described in **EXHIBIT A**, attached hereto and incorporated by reference herein (the "Property"); and

WHEREAS, the City satisfied the notice requirements of Nebraska Revised Statutes section 17-511 and did not receive sufficient objection by record title owners of more than fifty percent (50%) of the property directly abutting the Property, and thus was authorized to proceed with construction; and

WHEREAS, the City passed Resolution No. 6-2022 on May 11, 2022, allowing M.E. Collins Contracting Co., Inc. ("Contractor") to proceed with the paving of the Property in accordance with plans and specifications ("Project Plans") Olsson, Inc. ("Engineer") prepared, a copy of which is available at the Office of the City of David City, at 490 E Street, David City, Nebraska 68632; and

WHEREAS, Contractor completed the Project Plans and Olsson issued a Certificate of Completion ("Certificate") on January 11, 2024, a copy of which is attached hereto and incorporated herein as **EXHIBIT B**; and

WHEREAS, the City wishes to accept the Certification and otherwise approve the completion of the Project Plans.

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

1. The City hereby resolves to approve and accept the Certificate and that the Project Plans, as of the date of this Resolution, are hereby complete.

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

Dated this 24th day of January, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

EXHIBIT A

The Property

COMMENCING AT A POINT 25 FEET SOUTH OF THE NORTHWEST CORNER OF LOT 12, BLOCK B, LARRY J. SABATA 3RD ADDITION AND ALSO BEING ON THE EAST RIGHT OF WAY LINE OF 12TH STREET; THENCE WEST TO THE SOUTHEAST CORNER OF LOT 2, BLOCK 7, LAND AND LOT COMPANY'S ADDITION; THENCE NORTH ON AN EXTENDED LINE OF THE EAST LINE OF SAID LOT 2, BLOCK 7, LAND AND LOT COMPANY'S ADDITION TO A POINT BEING 80 FEET NORTH OF THE NORTH RIGHT OF WAY LINE OF 'O' STREET; THENCE EAST AND PARALLEL TO SAID NORTH RIGHT OF WAY LINE OF 'O' STREET TO A POINT BEING AN EXTENDED LINE OF SAID EAST RIGHT OF WAY LINE OF 12TH STREET; THENCE SOUTH ON SAID EXTENDED LINE OF SAID EAST RIGHT OF WAY LINE OF 12TH STREET TO THE POINT OF BEGINNING.

EXHIBIT B

Copy of Certificate of Completion



January 11, 2024

Mayor and City Council
City of David City, NE
P.O. Box 191
557 4th Street
David City, NE 68632-0191

Re: Municipal Paving Improvements – “O” Street
David City, Nebraska – 2022
Olsson Project No. 021-07066

Dear Mayor and Council:

Regarding the referenced project, M.E. Collins Contracting Co. Inc., has completed installation of the “O” Street paving improvements indicated on Olsson drawings sealed on March 9, 2022.

It is my opinion that the project was constructed in compliance with the approved plans and specifications. I respectfully request the council’s acceptance of the project.

Sincerely,

A handwritten signature in black ink, appearing to read "David D. Ziska". The signature is written in a cursive, flowing style.

David D. Ziska, PE

F:\2021\07001-07500\021-07066\60-Construction\07-Closeout\Record Drawing\Certification\LETTER011124.docx

Council member Keith Marvin made a motion to pass and adopt Resolution No. 4-2024 approving the holding of a special meeting to determine the amount of special assessments to be levied against benefitted properties and to authorize the city to levy the same against such properties for the purpose of paying for the cost of Street Improvement District No. 2022-1 in accordance with the Nebraska Revised Statutes. 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: Absent

Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 4-2024

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF DAVID CITY, NEBRASKA APPROVING THE HOLDING OF A SPECIAL MEETING TO DETERMINE AMOUNT OF SPECIAL ASSESSMENTS TO BE LEVIED AGAINST BENEFITTED PROPERTIES AND TO AUTHORIZE THE CITY TO LEVY THE SAME AGAINST SUCH PROPERTIES FOR THE PURPOSE OF PAYING FOR THE COST OF STREET IMPROVEMENT DISTRICT NO. 2022-1 IN ACCORDANCE WITH THE NEBRASKA REVISED STATUTES.

WHEREAS, the Mayor and City Council of David City, Nebraska ("City"), a municipal corporation and city of the second class, passed Ordinance No. 1386, pursuant to Nebraska Revised Statutes section 17-511, on April 13, 2022, creating Street Improvement District 2022-1, which provides for the paving and improving of that certain portion of 'O' Street in the City, as described therein; and

WHEREAS, the City passed Resolution 6-2022 on May 11, 2022, allowing to engage M.E. Collins Contracting Co., Inc., as Contractor, to proceed with the street improvements within Street Improvement District 2022-1 in accordance with the plans and specifications Olsson, Inc., prepared; and

WHEREAS, the City passed Resolution 3-2024 on January 24, 2024, approving and accepting Contractor's Certificate of Completion of the Project Plans; and

WHEREAS, pursuant to Nebraska Revised Statutes section 17-511, the City may levy special assessments against "lots and parcels of land abutting or adjacent to such street or alley specifically benefitted in such district in proportion to such benefits to pay the cost of improvement" (the "Special Assessments"); and

WHEREAS, Nebraska Revised Statutes section 17-514 provides that the Special Assessments shall create a lien on the property they are levied against and Nebraska Revised Statutes section 18-1216(1) and Section 1-612 of the David City Municipal Code provide the City the right to collect the Special Assessments and to perform all other necessary functions pursuant to the same, including foreclosing on the property so levied; and

WHEREAS, Nebraska Revised Statutes sections 18-1216(2) and 17-524(1) requires the City to provide notice via letter to affected property owners, publication in a newspaper of

general circulation for at least four (4) weeks, and by filing notice of assessments with the Butler County Register of Deeds; and

WHEREAS, the City finds it necessary to approve and provide for the levying of special assessments against the properties abutting or adjacent to the improvements within Street Improvement District 2022-1.

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

1. City will hold a special meeting acting as the Board of Equalization at 6:00 o'clock p.m., on the 13th day of March 2024, at the City Office in David City, Nebraska to consider the levy of special assessments in Street Improvement District No. 2022-1.

2. The City is hereby authorized and the City Clerk is hereby instructed to provide notice of said meeting via letter to affected resident and nonresident property owners, by filing a schedule of all affected property owners and the amount of Special Assessment for each parcel with the Butler County Register of Deeds, and by publishing notice in five (5) issues of the Banner Press, a newspaper published and of general circulation in the City, on the following dates:

February 1, 2024
February 8, 2024
February 15, 2024
February 22, 2024
February 29, 2024

3. The City and City Clerk are hereby authorized to take all other actions reasonably necessary for the purposes provided herein.

4. This resolution shall take immediate effect as of the date of passage.

Passed this 24th day of January, 2024.

ATTEST:

Mayor Jessica Miller

City Clerk Tami L. Comte

(Seal)

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 5-2024 Electric PCA refunds. 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: Absent

Yea: 5, Nay: 0, Absent: 1

RESOLUTION NO. 5-2024

RESOLUTION AUTHORIZING REFUNDS TO DAVID CITY ELECTRIC POWER RESIDENTIAL CUSTOMERS AS PART OF PRODUCTION COST ADJUSTMENT AS AUTHORIZED AND ALLOWED BY DAVID CITY ORDINANCE NO. 1183.

WHEREAS, the City of David City, Nebraska, owns and operates an electric distribution system which provides for the electric power needs of its citizens; and,

WHEREAS, the City must purchase the electric commodity from Nebraska Public Power District (NPPD) and must pay for that commodity and associated transmission services based on rates set by the NPPD Board of Directors; and,

WHEREAS, as part of production cost adjustment, the NPPD Board of Directors has issued refunds to the City for the electric commodity and associated transmission services in 2020 and 2021; and,

WHEREAS, David City Ordinance No. 1183 sets electric services rates as subject to production cost adjustment; and,

WHEREAS, as part of production cost adjustment, the City desires to issue refunds to residential customers in the approximate total amount of One Hundred Thousand Dollars and No Cents (\$100,000.00), distributed monthly over a time period of one (1) year beginning usage period January 2024 through December 2024 and based on a resident's total monthly kilowatt hour usage; and,

WHEREAS, the monthly total refund for each residential customer shall be calculated by multiplying .005918 by the customer's total kilowatt hour usage for the corresponding month.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA that the monthly refund of residential customers, as authorized and allowed as production cost adjustment by David City Ordinance No. 1183, shall be issued monthly and shall be calculated by multiplying .005918 by the customer's total kilowatt hour usage for the corresponding month beginning usage period January 2024 and ending December 2024.

PASSED AND APPROVED January 24, 2024.

CITY OF DAVID CITY, NEBRASKA

By _____
JESSICA MILLER, Mayor

ATTEST:

TAMI COMTE, City Clerk

Council member Pat Meysenburg made a motion to authorize the City to take ownership of the Legion building at 551 E Street and to apply for the Rural Nebraska Grant Program and raze the building. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Jim Angell made a motion to table taking over the soccer program from the Butler County Soccer Organization. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Bruce Meysenburg made a motion to approve the land lease for Sewer Plant land with Kim Dietrich. 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: Absent
Yea: 5, Nay: 0, Absent: 1

SEWER PLANT LAND LEASE

Kim Dietrich will lease from the City of David City the following tillable acres:

A tract of land in the corner of SW ¼ NW ¼ (50 x 200), Corner of NW ¼ NW ¼ SW ¼ (217.8 x 200) 1.03 Acres all in Section 30-15-3

The term of the lease will be from March 1, 2024 to February 28, 2028.

City Council Proceedings

January 24, 2024

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Kim Dietrich agrees to pay \$643.75 which is \$128.75 per year for the tillable acres or \$125.00 per acre.

The rent shall be paid as follows:

\$64.38 on April 1, 2024

\$64.37 on September 1, 2024

\$64.38 on April 1, 2025

\$64.37 on September 1, 2025

\$64.38 on April 1, 2026

\$64.37 on September 1, 2026

\$64.38 on April 1, 2027

\$64.37 on September 1, 2027

Kim Dietrich

Date

Mayor Jessica Miller – City of David City

Date

City Clerk-Treasurer Tami Comte – City of David City

Date

Council member Keith Marvin made a motion to approve the Maintenance Agreement with the Nebraska Department of Transportation and authorize the mayor to sign and renew the agreement annually. 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: Absent
Yea: 5, Nay: 0, Absent: 1

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AGREEMENT RENEWAL

Maintenance Agreement No. 27
Maintenance Agreement between the Nebraska Department of Transportation and the
Municipality of David City
Municipal Extensions in David City

We hereby agree that Maintenance Agreement No. 27 described above be renewed for
the period January 1, 2024 to December 31, 2024.

All terms and attachments to remain in effect as per the original agreement with revised
rates per Attachment B attached hereto.

In witness whereof, the parties hereto have caused these presents to be executed by
their proper officials thereunto duly authorized as of the dates indicated below.

Executed by the City this _____ day of _____, 2023.

ATTEST: City of _____ David City _____

City Clerk/Witness

Mayor/Designee

Executed by the State this _____ day of _____, 2023.

ATTEST: State of Nebraska

District Engineer, Department of Transportation



Attachment "A"

MAINTENANCE OPERATION AND RESPONSIBILITY
 Municipal extensions and connecting links
(Streets Designated Part of the State Highway System excluding Freeways)

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 39-2105			
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities	2 nd Class Cities & Villages
Surface maintenance of the traveled way equivalent to the design of the rural highway leading into municipality.	Department	Department	Department	Department
Surface maintenance of the roadway exceeding the design of the rural highway leading into the municipality including shoulders and auxiliary lanes.	City	City	City	City
Surface maintenance on parking lanes.	City	City	City	Department
Maintenance of roadway appurtenances <i>(including, but not limited to, sidewalks, storm sewers, guardrails, handrails, steps, curb or grate inlets, driveways, fire plugs, or retaining walls)</i>	City	City	City	City or Village
Mowing of the right-of-way, right-of-way maintenance and snow removal.	City	City	City	City or Village
Bridges from abutment to abutment, except appurtenances.	Department	Department	Department	Department

<u>Maintenance Operation</u> Neb. Rev. Stat. § 39-1339	<u>Maintenance Responsibility</u> Neb. Rev. Stat. § 60-6, 120 & § 60-6, 121				
	Metropolitan Cities (Omaha)	Primary Cities (Lincoln)	1 st Class Cities > 40,000	1 st Class Cities < 40,000	2 nd Class Cities
Pavement markings limited to lane lines, centerline, No passing lines, and edge lines on all connecting links except state maintained freeways	City	City	City	Department	Department
Miscellaneous pavement marking, including angle and parallel parking lanes, pedestrian crosswalks, school crossings, etc.	City	City	City	City	City
Maintenance and associated power costs of traffic signals and roadway lighting as referred to in original project agreement.					
Procurement, installation and maintenance of guide and route marker signs	City	City	City	Department	Department
Procurement, installation and maintenance of regulatory and warning signs.	City	City	City	Department	Department



City Maintenance Agreement

Attachment B

City of: David City
Date: 11/17/23

Surface Maintenance

From Attachment "C", it is determined that the State's responsibility for surface maintenance within the City limits is 5.40 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$1,545.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:
5.40 lane miles x \$1,545.00 per lane mile = \$8,343.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ _____ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:
_____ lane miles x \$ _____ per lane mile = \$ _____

Other (Explain)

ATTACHMENT "C"
 CITY OF DAVID CITY

STATE OF NEBRASKA
 DEPARTMENT OF TRANSPORTATION
 RESPONSIBILITY FOR SURFACE MAINTENANCE
 OF MUNICIPAL EXTENSIONS
 NEBRASKA REVISED STATUTE 39-1339
 AND NEBRASKA REVISED STATUE 39-2105

Description	Hwy No.	Beginning R.P.	End R.P.	Length (MI)	Driving Lanes Total	Lane Miles Total	State	City
South City Limits to Kansas Street	15	90.97	91.38	0.41	4	1.64	0.82	0.82
Kansas Street to Nebraska Street	15	91.38	91.61	0.23	4	0.92	0.46	0.46
Nebraska Street to UPRR	15	91.61	92.03	0.42	4	1.68	0.84	0.84
UPRR to O Street	15	92.03	92.68	0.65	4	2.6	1.3	1.3
Jct O street to North City Limit	15	92.68	93.63	0.99	2	1.98	1.98	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				2.7		8.82	5.4	3.42



CERTIFICATE OF COMPLIANCE

Maintenance Agreement No. 27 QE 2218 Supp 1
Maintenance Agreement between the Nebraska Department of Transportation and the
Municipality of David City
Municipal Extensions in David City

We hereby certify that all roadway surface maintenance has been accomplished as per terms of the Maintenance Agreement specified above.

As per Section 8d of the Agreement, we are submitting this certificate to District Engineer Thomas Goodbarn, Department of Transportation, Lincoln, Nebraska.

ATTEST: _____ day of _____, 2023.

City Clerk

Mayor/Designee

I hereby certify that all roadway surface maintenance was performed as per the above listed agreement and payment for the same should be made.

District Engineer, Department of Transportation

For Office Use Only

Agreement No.:	_____
Pay/Bill Code:	_____
Contractor No.:	_____
Amount:	\$ _____

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

City Maintenance Agreement

Attachment B

City of: David City

Date: 12/6/22

Surface Maintenance

From Attachment "C", it is determined that the State's responsibility for surface maintenance within the City limits is 5.40 lane miles. Pursuant to Sections 1a, 8a, 8d of the Agreement and to Attachment "C" made part of this Agreement through reference, the State agrees to pay to the City the sum of \$1,545.00 per lane mile for performing the surface maintenance on those lanes listed on Attachment "C".

Amount due the City for surface maintenance:

5.40 lane miles x \$1,545.00 per lane mile = \$8,343.00.

Snow Removal

From Attachment "A", it is determined that snow removal within City limits is the responsibility of the City. Pursuant to Section 8d of the Agreement and to Attachment "C" made a part of this Agreement through reference, the City agrees to pay to the State the sum of \$ _____ per lane mile for performing snow removal on those lanes listed on Attachment "C".

Amount due the State for snow removal:

_____ lane miles x \$ _____ per lane mile = \$ _____

Other (Explain)

ATTACHMENT "C"
 CITY OF DAVID CITY

STATE OF NEBRASKA
 DEPARTMENT OF TRANSPORTATION
 RESPONSIBILITY FOR SURFACE MAINTENANCE
 OF MUNICIPAL EXTENSIONS
 NEBRASKA REVISED STATUTE 39-1339
 AND NEBRASKA REVISED STATUE 39-2105

Description	Hwy No.	Beginning R.P.	End R.P.	Length (MI)	Driving Lanes Total	Lane Miles Total	State	City
South City Limits to Kansas Street	15	90.97	91.38	0.41	4	1.64	0.82	0.82
Kansas Street to Nebraska Street	15	91.38	91.61	0.23	4	0.92	0.46	0.46
Nebraska Street to UPRR	15	91.61	92.03	0.42	4	1.68	0.84	0.84
UPRR to O Street	15	92.03	92.68	0.65	4	2.6	1.3	1.3
Jct O street to North City Limit	15	92.68	93.63	0.99	2	1.98	1.98	0
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
				0		0		
Total Lane Miles				2.7		8.82	5.4	3.42

City Council Proceedings

January 24, 2024

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Council member Keith Marvin made a motion to recess City Council meeting at 7:50 p.m. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Keith Marvin made a motion to reconvene City Council meeting at 7:55 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Jim Angell made a motion to enter into closed session to discuss personnel and pending litigation. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Mayor Jessica Miller stated, "Now, at 7:56 p.m., we are going into closed session to discuss personnel and pending litigation. Mayor Jessica Miller, all of the Council members, City Attorney Michael Sands, Interim City Administrator Tami Comte and Police Chief Marla Schnell went into closed session at 7:56 p.m.

Council member Keith Marvin made a motion to reconvene in open session at 8:15 p.m. 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: Absent
Yea: 5, Nay: 0, Absent: 1

Council member Jim Angell made a motion to adjourn. Council Member Bruce Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:16 p.m. Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Absent
Yea: 5, Nay: 0, Absent: 1



CERTIFICATION OF MINUTES
January 24, 2024

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of January 24, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk