

CITY COUNCIL PROCEEDINGS  
March 13, 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 posting in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

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

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Street Superintendent Chris Kroesing, Dan & Janet Sypal, Linda Vandenberg, Peter & Amber Fencel, Don Prochaska, Nick & Marlene Hein and Chris Woolsey with Woolsey Electric.

Council member Bruce Meysenburg made a motion to approve the minutes of the February 28, 2024 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 Bruce Meysenburg made a motion to approve the claim to Marvin Planning Consultants. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Abstain (With Conflict), Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 5, Nay: 0, Abstain (With Conflict): 1

Council member Pat Meysenburg made a motion to approve the claims 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 committee and officer reports. Council Member Jim Angell seconded the motion. The motion carried.

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

Council member Keith Marvin made a motion to approve advancing to agenda item #11 consider Resolution No. 12-2024 approving and levying the special assessments for Street Improvement District 2022-1 ('O' Street) and item #12 consider Resolution No. 13-2024

approving and levying the special assessments for Street Improvement District 2023-1 (5th Street). Council Member Bruce Meysenburg seconded the motion. The motion carried.

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

Yea: 6, Nay: 0

Council member Keith Marvin made a motion to table Resolution No. 12-2024 approving and levying the special assessments for Street Improvement District 2022-1 ('O' Street) to April 24, 2024. Council Member Pat Meysenburg seconded the motion. The motion carried.

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

Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to table Resolution No. 13-2024 approving and levying the special assessments for Street Improvement District 2023-1 (5th Street) to April 24, 2024. 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 Pat Meysenburg made a motion to approve Certificate of Payment #12 in the amount of \$554,334.56 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades. 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

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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>202024.00</u>
<b>Contractor:</b> <u>Velocity Constructors Inc.</u>	<b>Contractor's Project No.:</b> _____
<b>Project:</b> <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
<b>Contract:</b> <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>	
<b>Application No.:</b> <u>12</u>	<b>Application Date:</b> <u>3/13/2024</u>
<b>Application Period:</b> <b>From</b> <u>2/1/2024</u> <b>to</b> <u>3/1/2024</u>	

1. Original Contract Price	\$ 10,562,772.00
2. Net change by Change Orders	\$ 139,302.51
3. Current Contract Price (Line 1 + Line 2)	\$ 10,702,074.51
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 3,216,936.74
5. Retainage	
a. 5% X \$ 2,156,790.01 Work Completed =	\$ 107,839.50
b. 5% X \$ 1,060,146.73 Stored Materials =	\$ 53,007.34
c. Total Retainage (Line 5.a + Line 5.b)	\$ 160,846.84
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 3,056,089.90
7. Less previous payments (Line 6 from prior application)	\$ 2,501,755.34
8. Amount due this application	\$ 554,334.56
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 7,645,984.61

**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:** 3/1/2024

<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. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	12	Application Period:	From 02/01/24 to 03/01/24	Application Date:	03/13/24
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A	B	C	D		F	G	H	I
			(D + E) From Previous Application	This Period				
Item No.	Description	Scheduled Value (\$)	(D + E) From Previous Application (\$)	This Period (\$)	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) (\$)

Original Contract

BASE BID GROUP A - General Water Plant Improvements <sup>1</sup>								
B-1.01	Mobilization	1,030,293.00	515,146.50	-		515,146.50	50%	515,146.50
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	1,000.00	-		1,000.00	2%	56,573.00
B-1.05	Electrical Improvements, Complete	1,840,041.00	95,000.00	100,000.00	143,249.80	338,249.80	18%	1,501,791.20
B-1.06	Demolition of Exterior Infrastructure	32,732.00	30,000.00	-		30,000.00	92%	2,732.00
B-1.07	Demolition of Interior Infrastructure	90,500.00	10,000.00	30,000.00		40,000.00	44%	50,500.00
B-1.08	Building Improvements (Doors/Windows)	80,036.00	1,000.00	-		1,000.00	1%	79,036.00
B-1.09	Building Improvements (Interior Painting)	523,405.00	2,000.00	-		2,000.00	0%	521,405.00
B-1.10	First Floor Roof Membrane Replacement	174,179.00	2,000.00	-		2,000.00	1%	172,179.00
B-1.11	Skylight Replacement	48,568.00	2,000.00	-		2,000.00	4%	46,568.00
B-1.12	HVAC Improvements	148,128.00	2,000.00	-		2,000.00	1%	146,128.00
B-1.13	Plumbing Improvements	92,021.00	3,000.00	-		3,000.00	3%	89,021.00
B-1.14	Lab Improvements	21,099.00	1,000.00	-		1,000.00	5%	20,099.00
B-1.15	Hardness Monitoring Equipment and Meters	77,743.00	2,000.00	-		2,000.00	3%	75,743.00
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	-	21,500.00	23,500.00	40%	35,013.00
B-1.18	Misc. Site Improvements	148,846.00	50,000.00	-		50,000.00	34%	98,846.00
B-1.19	Exterior Piping Improvements	338,959.00	128,000.00	-	121,213.29	249,213.29	74%	89,745.71
B-1.20	Seeding, Fertilizer and Mulch	6,610.00	-			-	0%	6,610.00
B-1.21	Erosion Control	5,751.00	5,751.00	-		5,751.00	100%	-

BASE BID GROUP B - Gravity Filter System Improvements <sup>1</sup>								
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	113,000.00	60,000.00	196,819.93	369,819.93	53%	323,312.07
B-1.23	Gravity Filter Equipment Installation	45,979.00	6,000.00	10,000.00	-	16,000.00	35%	29,979.00
B-1.24	Electrical	25,200.00	4,000.00	-	5,000.00	9,000.00	36%	16,200.00

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. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	12	Application Period:	From	02/01/24	to	03/01/24	Application Date:	03/13/24
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A	B	C	D		E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		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) (\$)	
			(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	2,000.00	-	18,227.00	20,227.00	1%	2,106,533.00	
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	106,000.00	110,000.00	13,900.00	229,900.00	93%	16,026.00	
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	3,000.00	-	-	3,000.00	95%	174.00	
B-1.30	New Existing Maintenance Facility Roof	28,709.00	1,000.00	-	-	1,000.00	3%	27,709.00	
B-1.31	Overhead Doors	22,781.00	2,000.00	-	17,000.00	19,000.00	83%	3,781.00	
B-1.32	Access Doors	8,791.00	1,000.00	-	-	1,000.00	11%	7,791.00	
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00	1,000.00	-	-	1,000.00	5%	19,361.00	
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00	1,000.00	-	-	1,000.00	8%	11,387.00	
B-1.35	Below Grade CCRO Skid Piping, Complete	57,740.00	57,740.00	-	-	57,740.00	100%	-	
B-1.36	Above Grade CCRO & CIP Skid Piping, Complete	129,743.00	2,000.00	-	-	2,000.00	2%	127,743.00	
B-1.37	Electrical	10,080.00	3,000.00	-	2,000.00	5,000.00	50%	5,080.00	
<b>BASE BID GROUP D - Intermediate Clearwell<sup>1</sup></b>									
B-1.38	Intermediate Clearwell Structural Concrete	170,506.00	147,000.00	-	20,000.00	167,000.00	98%	3,506.00	
B-1.39	Clearwell Hatches	15,613.00	-	-	-	-	0%	15,613.00	
B-1.40	Vertical Turbine Pumps	113,608.00	2,000.00	-	85,940.88	87,940.88	77%	25,667.12	
B-1.41	Degassifier (Equipment Only)	112,153.00	112,153.00	-	-	112,153.00	100%	-	
B-1.42	Degassifier (Installation)	6,407.00	-	-	-	-	0%	6,407.00	
B-1.43	Pump Building, Block Construction	116,781.00	2,000.00	-	5,000.00	7,000.00	6%	109,781.00	
B-1.44	Stairs and Miscellaneous Metals	4,603.00	2,000.00	-	-	2,000.00	43%	2,603.00	
B-1.45	Clearwell Ladders	4,749.00	-	-	-	-	0%	4,749.00	
B-1.46	Fluid Applied Exterior Membrane	103,757.00	103,757.00	-	-	103,757.00	100%	-	
B-1.47	Intermediate Clearwell Piping, Fittings, Valves, Meters, Complete	77,335.00	9,000.00	-	67,159.61	76,159.61	98%	1,175.39	
B-1.48	Weir Plate and Weir Window	4,398.00	1,000.00	-	-	1,000.00	23%	3,398.00	
B-1.49	Electrical	50,400.00	3,000.00	-	10,000.00	13,000.00	26%	37,400.00	

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.:	12	Application Period:	From	02/01/24	to	03/01/24	Application Date:	03/13/24	
A	B	C	D		E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		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) (\$)	
			(D + E) From Previous Application (\$)	This Period (\$)					
<b>BASE BID GROUP E - Chemical Feed System Improvements<sup>1</sup></b>									
B-1.50	Chemical Feed System Improvements	149,305.00	2,000.00	-	113,869.00	115,869.00	78%	33,436.00	
B-1.51	Gas Chlorine System Improvements	62,365.00	2,000.00	-		2,000.00	3%	60,365.00	
B-1.52	Electrical	15,120.00	2,000.00	-	3,000.00	5,000.00	33%	10,120.00	
<b>BASE BID GROUP F - Backwash Improvements<sup>1</sup></b>									
B-1.53	Backwash Waste Pump and Piping Improvements, Complete	161,971.00	3,000.00	-	23,997.39	26,997.39	17%	134,973.61	
B-1.54	Proposed Manhole Improvements	1,551.00	1,200.00	-		1,200.00	77%	351.00	
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	-	69,409.93	71,409.93	69%	31,890.07	
B-1.57	Electrical/Generator	252,000.00	3,000.00	-	122,859.90	125,859.90	50%	126,140.10	
<b>Bid Alternate #1</b>									
BA1-1	Gravity Filter Effluent Valve Replacement <sup>1</sup>	220,730.00	27,000.00	35,000.00		62,000.00	28%	158,730.00	
<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>\$ 1,672,487.50</b>	<b>\$ 345,000.00</b>	<b>\$ 1,060,146.73</b>	<b>\$ 3,077,634.23</b>	<b>\$ 21.73</b>	<b>\$ 7,265,813.77</b>	
<b>Change Orders</b>									
CO-1	12" Underslab Pipe	54,560.00	54,560.00	-		54,560.00	100%	-	
CO-2	Misc	84,742.51	84,742.51			84,742.51	100%	-	
<b>Change Order Totals</b>		<b>\$ 139,302.51</b>	<b>\$ 139,302.51</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 139,302.51</b>	<b>100%</b>	<b>\$ -</b>	
<b>Original Contract and Change Orders</b>									
<b>Project Totals</b>		<b>\$ 10,482,750.51</b>	<b>\$ 1,811,790.01</b>	<b>\$ 345,000.00</b>	<b>\$ 1,060,146.73</b>	<b>\$ 3,216,936.74</b>	<b>31%</b>	<b>\$ 7,265,813.77</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 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.:	12	Application Period:	From	02/01/24	to	03/01/24	Application Date:	03/13/24			
A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
Base Bid <sup>1</sup>											
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00		-		-	0%	15,215.00
B-3	Final Clearwell Roof Slab Rehabilitation	100.00	SF	140.30	14,030.00		-		-	0%	14,030.00
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





Council member Tom Kobus made a motion to approve the final pay request from Woolsey Electric in the amount of \$10,482.71 for the David City Campground. 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

WOOLSEY ELECTRIC LLC  
 1707 41st Rd  
 David City, NE 68632  
 (402) 539-2060

**BILL TO**  
 City of David City  
 490 E St  
 P.O. Box 191  
 David City, NE 68632

**INVOICE 2179**

DATE 03/07/2024 TERMS Net 30

DUE DATE 04/06/2024

DESCRIPTION	QTY	RATE	AMOUNT
Final draw for the wiring of the new 21 camper campground on the west edge of town.	1	5,095.74	5,095.74
Extras-			0.00
Expediting main electrical panel	1	3,465.60	3,465.60
Splicing the wire that goes to the west line of campers after it was decided to go around the man hole. Wire, splices and labor	1	813.70	813.70
Wiring the S.W. yard light and sprinkler system from the lift station service. Requiring a outdoor electrical panel and neutral wire to lift station.	1	959.33	959.33
Wiring the N.W. yard light into the camper pedestal.	1	109.10	109.10
200 amp wire to camper site #18 so it can be on a 200 amp breaker per inspector request	1	39.24	39.24

**TOTAL DUE \$10,482.71**

Council member Tom Kobus made a motion to pass and adopt Resolution No. 10-2024 selling the gas building at the wastewater plant. Council Member Jim Angell seconded the motion. The motion carried.  
 Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
 Yea: 6, Nay: 0

**RESOLUTION NO. 10-2024**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE SALE OF CERTAIN MUNICIPAL SEWER EQUIPMENT TO THE CITY OF GIBBON, NEBRASKA.**

**WHEREAS**, after completion of that certain Wastewater Treatment Plant Improvements Project, the city of David City, Nebraska ("**City**") is in possession of surplus equipment that was not used and which, to date, remains unused ("**Surplus Equipment**"); and

**WHEREAS**, the City finds that it is in the best interest of the City to dispose of such Surplus Equipment and receive compensation for the same; and

**WHEREAS**, the City took sealed bids for the sale of the Surplus Equipment from February 28, 2024, to March 12, 2024, and advertised the sale of the Surplus Equipment; and

**WHEREAS**, the City received a sealed bid from the City of Gibbon, Nebraska, a municipal corporation and city of the second class ("**Gibbon**"), on March 12, 2024, whereby Gibbon offered to purchase that certain portion of the Surplus Equipment ("**Gas Building Equipment**"), as shown in the Bill of Sale ("**Bill of Sale**"), a copy of which is attached hereto and incorporated herein by reference as **EXHIBIT A**, for one-hundred thousand dollars and zero cents (\$100,000.00); and

**WHEREAS**, the City wishes to convey the Gas Building Equipment to Gibbon; and

**WHEREAS**, Nebraska Revised Statutes section 17-503.02(2) exempts the city from the statutory notice requirements provided in section 17-503.02(1) as the Sewer Equipment is being sold to another public agency; and

**WHEREAS**, the City wishes to memorialize this transaction and authorize execution of the Bill of Sale.

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

- Section 1.** The foregoing recitals are true and correct, and are hereby incorporated as if set forth, in full, below.
- Section 2.** The City and City Clerk are hereby authorized to execute that certain Bill of Sale shown in **EXHIBIT A**, attached hereto and to take all other such actions and execute such documents as necessary for the same.
- Section 3.** 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 and to the extent any prior resolutions are in conflict therewith they are hereby repealed in full.

PASSED AND ADOPTED THIS 13<sup>TH</sup> DAY OF MARCH 2024.

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MAYOR

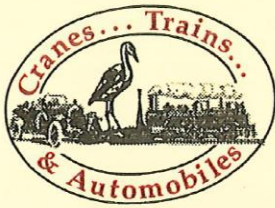
ATTEST:

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CITY CLERK

**EXHIBIT A**

**Copy of Bill of Sale with the City of Gibbon, Nebraska**



City of Gibbon

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Tami Comte,

The City of Gibbon would like to bid \$100,000 on the gas production equipment located at the David City Wastewater Treatment Facility.

**Gas Production System**

Gas Collection Piping System (8" Insulated SS)  
12" PVC Casing  
Gas Piping to Flare (4" Insulated SS, incl. mowstrip)  
Prefabricated Building  
Gas Collection Piping System (6" SS)  
Gas Equipment & Installation  
1/2-inch, SDR 11, propane pipe for flare pilot light, does not include regulator, etc.  
Electrical panels included with gas system, (blower control panel and flare controller).

A handwritten signature in black ink, appearing to read "Matt Smallcomb".

Matt Smallcomb  
City Administrator

Council member Keith Marvin made a motion to pass and adopt Resolution No. 11-2024 updating the David City Family Aquatic Center hours and fees. Council Member Pat Meysenburg seconded the motion. The motion carried.

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

**RESOLUTION NO. 11-2024**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, ESTABLISHING NEW FEES FOR THE DAVID CITY FAMILY AQUATIC CENTER.**

**WHEREAS**, the city of David City, Nebraska ("**City**"), a municipal corporation and city of the second class, owns and operates that certain David City Family Aquatic Center, located at 485 South 9th Street, David City, Nebraska 68632 ("**City Pool**"); and

**WHEREAS**, Sections 2-301 through 2-304 of the David City Municipal Code allows the City to regulate, operate, and charge reasonable admission fees for public use of the City Pool; and

**WHEREAS**, the City desires to adopt new hours of operations and fees, as shown in **EXHIBIT A**, attached hereto and incorporated herein.

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

**Section 1.** The hours of operation and fees for the City Pool shown in **EXHIBIT A** are hereby adopt in full, effective immediately.

**Section 2.** The City hereby authorizes the Mayor and City Clerk to adopt, enforce, and perform all other actions reasonably necessary to give effect to the news hours of operation and fees of the City Pool as shown on **EXHIBIT A**.

**Section 3.** To the extent any prior resolutions, resolutions, or other hours of operation and fees of the City Pool are in conflict with this resolution, they are hereby repealed to the extent of conflict therewith.

Dated this 13<sup>th</sup> day of March, 2024

\_\_\_\_\_  
Mayor Jessica Miller

ATTEST:

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

**EXHIBIT A**

**David City Family Aquatic Center Updated Hours and Fee Schedule**

**David City Family Aquatic Center**

**Hours of Operation**

Open to the Public: 12:00 P.M. to 7:00 P.M.  
Family Hour 6:00 P.M. to 7:00 P.M.

*(the David City Family Aquatic Center may be used outside of the above hours by reservation only)*

**Prices**

**Swimming Lessons**

*Public Lessons (no pass)* \$35.00 per lesson  
*Public Lessons (with pass)* \$25.00 per lesson  
  
*Private Lessons* \$70.00 for five, 30-minute lessons

**Admission**

*Adult Day Pass (18+ years old)* \$6.00  
*Child Day Pass (6-17 years old)* \$4.00  
*Toddler Day Pass (with Adult)* FREE  
  
*Family Pass* \$150.00  
*Couple Pass* \$110.00  
*Individual Pass* \$ 85.00  
*Senior (65+)* \$ 70.00

**Pool Rental**

Hourly Rental without Slide \$100.00 per hour  
Hourly Rental with Slide \$150.00 per hour

Council member Keith Marvin made a motion to pass and adopt Resolution No. 14-2024 selling the property located at Lot 5, Block 2, Litty's 2nd Addition (Parcel #120002891) to Deborah K. & Bruce Vavricek for \$23,450.00. Council Member Jim Angell seconded the motion. The motion carried.

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

**RESOLUTION NO. 14-2024**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL FOR THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AUTHORIZING THE MAYOR TO SIGN A PURCHASE AGREEMENT FOR THE SALE OF REAL ESTATE OWNED BY THE CITY OF DAVID CITY; TO PROVIDE FOR THE REPEAL OF CONFLICTING RESOLUTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of David City ("**City**"), a municipal corporation and city of the second class owns the following real estate, more commonly known as 1055 7th Street, David City, Nebraska, 68632 (Parcel No. 120002891) ("**Property**");

Lot 5, Block 2, Litty's 2nd Addition, Section Nineteen (19), Township Fifteen (15), Range Three (3) East.

**WHEREAS**, at the February 14, 2024, meeting of the City Council, the City Council determined that the sale price of the Property to be \$23,433.34; and

**WHEREAS**, Deborah K. and Bruce Vavricek ("**Vavriceks**") offered to pay the City twenty-three thousand and four hundred and fifty dollars (\$23,450) for the Property ("**Offer**"); and

**WHEREAS**, the City finds it in the interest of the City to sell the Property and desires to accept the Offer; and

**WHEREAS**, Nebraska Revised Statutes section 17-503 requires the City to approve acceptance up the Offer via this Resolution, to publish notice of the same for three consecutive weeks in a legal newspaper in or of general circulation in the City, and upon the third publication of notice to allow for a thirty-day right-of-remonstrance period, and if the City receives no remonstrance petition during such time, to approve the sale of the Property via ordinance; and

**WHEREAS**, the City wishes to approve the acceptance of and authorize the City to immediately accept the Offer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and City Council of the City of David City, Nebraska, hereby resolves as follows:

1. The Offer is hereby accepted and the Mayor is hereby authorized and directed to execute any such necessary documents and agreements necessary to effectuate the same.
2. The Mayor and City Clerk are hereby authorized to take other such actions and execute such other documents either reasonably believe necessary to accept the Offer and comply with Nebraska law.
3. This Resolution shall take immediate effect and to the extent there are any prior resolutions in conflict herewith they are hereby immediately repealed.



Passed and approved this 13<sup>th</sup> day of March, 2024.

ATTEST:

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Mayor Jessica Miller

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City Clerk Tami Comte

Council member Keith Marvin made a motion to approve selling the bricks from the street project on 5th Street between "G" Street and the railroad tracks for \$1 per brick for three months and interested parties need to purchase them at the City Office. Council Member Jim Angell seconded the motion. The motion carried.

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

Council member Keith Marvin made a motion to enter into closed session to discuss personnel, contracts 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: Yea  
Yea: 6, Nay: 0

Mayor Jessica Miller stated, "Now, at 7:16 p.m., we are going into closed session to personnel, contracts and pending litigation. Mayor Jessica Miller, all of the Council members, City Attorneys David Levy, and Interim City Administrator Tami Comte went into closed session at 7:16 p.m.

Council member Keith Marvin made a motion to reconvene in open session. Council Member Pat Meysenburg seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting reconvened at 8:04 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 Bruce Meysenburg made a motion to adjourn. Council Member Keith Marvin seconded the motion. The motion carried and Mayor Jessica Miller declared the meeting adjourned at 8:05 p.m.

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  
March 13, 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 March 13, 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.

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Tami Comte, City Clerk