

Nebraska City  
**A G E N D A**  
**City Council Meeting**  
May 2, 2016 - 6:00 p.m.  
**Call to Order**

“I am required by law to inform the public that a copy of the Open Meetings Act is posted on the bulletin board to your right. This meeting is being recorded. If you wish to speak, come to the podium, state your name and address and speak directly towards the microphone the entire time you are addressing the governing body. Thank you”.

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**

**CONSENT**

3. Approve [minutes](#) from the April 18, 2016 City Council Meeting
4. Accepting the report of new claims against the City and approving disposition of claims set for the period of April 19, 2016 to May 2, 2016
5. Accepting report of election of Nebraska City Volunteer [Fire Department Officers](#).
6. Approve the Nebraska City [Jaycees](#) Application for Fireworks Display Permit for July 2, 2016 with a rain date of July 3, 2016.
7. Approve the Application for [Electricians](#) Registration to Work for Terry’s Electric 2 Co. based out of 7800 S 23rd Street Lincoln, NE 68512

**MAYOR’S APPOINTMENTS**

8. Appointment of Myron Hahn and Dan Patton to the Dock Board
9. Appointment of Brent Shanholtz to the Economic Development Loan Fund Review Committee

**PROCLAMATIONS AND PRESENTATIONS**

10. [Proclaim](#) May 1-7, 2016 as Drinking Water Week

**NEW BUSINESS**

11. Discussion/action regarding the tile [mural in Memorial Way](#) and the proposed war memorial mural.
12. Discussion/action regarding request from the [Old Freighters Museum](#) – Trails West Day, Saturday, June 11, 2016 to use three street barriers to block off a section of street parking for a wagon ride loading area and the use of three picnic tables.
13. Discussion/action regarding the [River Country Nature Center](#) - Youth Fishing Clinic on June 18, 2016 from 8:00 AM – 12:00 PM at the Steinhart Pond and the South Pavilion and waive any fees.
14. Discussion/action regarding the [Civil War Veterans Museum](#) - Civil War Sampler Event on Saturday June 25, 2016 from 10:00 AM – 4:00 PM requesting the use of four picnic tables and street barriers and the use of the city’s south parking lot on 1<sup>st</sup> Corso and 10<sup>th</sup> street for outdoor demonstrations and wave any fees.
15. Discussion/action to approve paying final invoices to Walters and Son as well as [JEO for Nuckolls Square](#) Project.

**ADJOURNMENT**

Nebraska City  
 CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 April 18, 2016

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on April 18, 2016. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Bequette called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Bryan Bequette then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Jeff Crunk, Vic Johns, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Randy Dunster, City Attorney David Partsch, Library Director Rasmus Thøgersen, Chief of Police David Lacy and Public Properties Director/Zoning Director Dan Giittinger.

Mayor Bequette moved to approve the following consent items:

Accepting the report of new claims against the City and approving disposition of claims set for the period of March 5, 2016 to March 18, 2016

Approve recommendation from BPW to approve Electric WO 102 for a line extension in Terra Oaks \$7745.04

Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried

<b>CLAIMS LIST</b>					
April 18, 2016					
Arbor Mart, Inc	Fuel	1,158.35	Mullenax Auto	Sup	62.73
Arbor Outdoor Power	Rep	37.38	Napa Auto Parts	Rep	114.47
AVAC	Contr	27.00	Nationwide	Inv	13,703.85
Associated Fire Pro	Rep	355.00	NC Newspress	Adv	702.63
Beelner Service, Inc.	Maint	591.00	NC Rotary Club	Dues	375.00
Bohl P & H	Rep	628.72	NC Utilities	Util	6,397.32
Bound Tree	Sup	417.88	NE Dept of Revenue	Sls Tax	1,265.93
Brown's Shoe Fit	Unif	182.35	NE Dept of Roads	Constr	13,804.21
Brownville Village	Adv	50.00	NE UC Fund	Unemp.	320.16
Callaway Golf	Mdse	306.72	O'Reilly Auto Parts	Sup	50.38
Capital Business Sys	Sup	143.93	Omaha Tractor, Inc.	Belt	104.85
Card Services	Misc.	1,097.29	Otoe County Clerk	Contr	4,423.46
Casey's	Fuel	30.23	Paper Tiger	Trash	35.00
Channing Bete Co	Training	351.91	Payroll	Payroll	99,347.48
Citizen Printing Co	Sup	237.50	Peterson Mfg.	Sup	216.15
Consolidated Manag	Training	235.75	Physio-Control, Inc	Contr	484.81
Douglas Tire Co.	Rep	1,891.84	Productivity Pluss	Rep	944.58

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

Nebraska City

Eakes Office Sol	Sup	182.87	Purchase Power	Postage	402.50
Eggers Brothers, Inc.	Rep	204.27	Quality Brands Linc	Beverages	156.90
EMS Billing Services	Contr	6,642.39	RR Donnelley	Investigation	104.42
Fareway Stores, Inc.	Concessions	87.33	S & P Capital	Misc	119.00
Foreman Jr, Wayne	Rfnd	70.00	Schneider Electric	Rep	5,444.77
Great Plains Black Hist	Unif	273.00	Shell	Fuel	1,453.15
Guardian-NCU	Ins	4,259.60	Lumberjack Company	Stump Rem.	1,100.00
Hireright	Med	35.83	Toolkit Group	Sup	301.00
Hopkins Automotive	Oil & Fil	52.33	Tielke's Sandwiches	Concessions	27.90
Ideal Pure Water	Sup	118.95	Top Quality Glove	Sup	178.90
KR Creative	Fine Arts	78.00	Tree City Tees	Unif	164.95
Kreifels Electric L.L.C.	Rep	528.38	Tree Worx Tree Serv	Stump Rem.	1,645.00
Landis Engine Co	Sup	75.90	Tyco Integrated Sec	Misc	154.95
Lincoln Financial-NCU	Ins	2,663.60	UHC-Lincoln Financial	Ins	61,675.28
Loveland Grass Pad	Sup	149.00	Unifirst Corporation	Sup	158.18
Matheson Tri-Gas	Sup	136.50	Van Wall Turf	Sup	890.39
Mead Lumber	Rep	55.35	Verizon	Tele	15.09
Mercer's Do-It-Best	Rep/Sup	489.42	Westlake Ace	Sup	68.45
Midwest Farmers	Sup	1,246.05	Windstream, Inc.	Tele	1,510.33
Midwest Turf and Irr	Sup	960.24	Zerofriction	Sup	142.50
Miracle Mudjacking	Rep	12,345.00			

Mayor Bequette proclaimed the dates of May 1-7, 2016 as ELKS National Youth Week

Mayor Bequette opened the Public Hearing for Liquor License Class C Application for Justin Cunningham and Theodore G Cunningham DBA Little Ted's Pub & Grill, LLC at 416 Central Ave. Justin Cunningham spoke representing Little Ted's Pub & Grill, LLC.

No one spoke in favor of the plan. No one spoke in opposition of the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Crunk. Upon roll call the following voted YES: Johns, Crunk, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette stated that the Public Hearing to consider the use of \$60,000 of the LB840 Economic Development Loan Fund for the property at 416 Central Avenue was rescinded.

Mayor Bequette opened the Public Hearing concerning new application 16-TFHO-16017 for Homeownership Opportunity Program and Demolition Guideline. Judi Meyer of the South East Nebraska Development District spoke to explain the program and to state that no written communications were submitted regarding the hearing. Dan Mauk also spoke in support of the program. No one spoke in opposition of the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Crunk. Upon roll call the following voted YES: Johns, Crunk, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

## Nebraska City

Mayor Bequette opened the mid-project Public Hearing on City's Owner Occupied Rehabilitation Program 14-HO-3S058 and Nuckolls Square Project #13-CIS-103. Judi Meyer of the South East Nebraska Development District spoke to explain the program and that no written communications were received. No one spoke in opposition of the plan. Mayor Bequette moved to close the public hearing, seconded by Commissioner Glover. Upon roll call the following voted YES: Johns, Crunk, Stark, Glover and Mayor Bequette. Voting NO: None. Motion carried.

Treasurer's report was given, as of March 31, 2016, Total Nebraska City funds of \$7,897,742.52. Total Cash and Reserve for Nebraska City Utilities of \$16,607,798.73. Total City of Nebraska City and Utility funds \$24,505,541.25.

Council acknowledged receipt of City Administrator Report.

Council acknowledged receipt of Utility Financial Report for period ending March 31, 2016.

Council acknowledged receipt of Utility Claims for period ending February 29, 2016.

Moved by Mayor Bequette and seconded by Stark to approve minutes from the April 4, 2016 City Council Meeting. Upon roll call, the following voted YES: Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Abstain: Crunk Motion carried.

Moved by Mayor Bequette and seconded by Johns to adopt Policy on Public Records Requests and Copy Fee Schedule. Upon roll call, the following voted YES: Crunk, Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve Resolution 2701-16 Utilizing Nebraska Affordable Housing Program funds. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve Resolution 2702-16 Use of funds for demolition of blighted and substandard structures. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Glover to approve Resolution 2703-16 Authorize Mayor to apply for the Nebraska Affordable Housing Program Funds through NDED and amend the amount by an additional \$5,000.00. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Stark to send the approval recommendation to the liquor control commission for Liquor License Class C Application for Justin Cunningham and Theodore G Cunningham DBA Little Ted's Pub & Grill, LLC. Upon roll call, the following voted YES: Crunk, Stark, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette tabled Resolution 2704-16 Approving LB840 loan agreement for Justin Cunningham and Theodore G Cunningham DBA Little Ted's Pub & Grill, LLC at 416 Central Ave.

Moved by Commissioner Johns and seconded by Stark to authorize Mayor to sign agreement between City and Contractor for 11th Street Construction Contract. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to appoint Grayson Path, City Administrator, as the City's Project Liaison to the Nebraska Department of Roads for the 4th Corso Viaduct project and to

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

Nebraska City

authorize Mayor to sign the letter stating such. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve the official request by the Nebraska Department of Roads take over Responsible Charge (RC) duties for the 4th Corso Viaduct project and to authorize Mayor to sign. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Stark to not move the Memorial Way Tile Mural until further discussion at our May 2nd meeting. Amy Allgood representing LNC Class 6 spoke in opposition to moving the tile mural. Kent Schwartz also spoke on the various options available for the tile mural and the painted mural. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve the Mayor to sign the consent to sublease and lease back to American Tower Corporation for the Steinhart Communication Tower site. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Crunk to approve Mr. Jim Kuhn's request to be able to refinish the Steinhart Park Directional Sign. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Johns and seconded by Stark to approve the request of the Nebraska City Jaycees Independence Day Celebration Fundraiser on June 11, 2016 with a rain date of June 18, 2016 from 9:00 AM to 1:00 PM requesting annual road block on 10th Street and Central Ave. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Crunk and seconded by Johns to authorize the Mayor to sign the Professional Agreement with JEO Consulting Group, Inc. for Final Design and Construction Oversight of the Kearney Hill CIS Project. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette gave recommendation for Mr. Dan Giittinger as this was his last meeting before taking early retirement.

Meeting Adjourned at 7:21 P.M.

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, 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 at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted 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 advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

---

Randy Dunster, City Clerk-Treasurer

**Nebraska City Volunteer Fire Department Officers**

PRESIDENT

Mike Borns

SECATARY

Jeff Kohrs

TREASURE

Steve Recker

CHIEF

Alan Viox

1<sup>ST</sup> ASSISTANT CHIEF

Dennis Marshall

2<sup>ND</sup> ASSISTANT CHIEF

John Shrader

CAPTAINS

Brian Ehmke

David Briley

Rob Schreiner

TRAINING OFFICER

Kim Kohout

SAFETY OFFICER

Jeff Lollmann

Elected officers of the April 13<sup>th</sup> meeting for approval

CITY OF NEBRASKA CITY  
(402) 873-5515

APPLICATION FOR FIREWORKS DISPLAY PERMIT

- Sponsor Nebraska Jaycees 402-873-5468  
Individual or organization Telephone  
811 Central Ave Nebraska NE 68410  
Address City State Zip Code  
 State Fireworks Display Permit No.: 2016-DP-20340900-21
- Person Firing Display: Duane Koehlmoos  
Name  
811 Central Ave  
Address  
 Birth Date: Nov 3, 68 Height: 6 Weight: 280  
 Experience: group of 5 people over 20 Year and 4 7 a more.
- Date of Display: July 2 Rain July 3 Hours: 9:30 P. M.
- Location of Display: Stichhart Park
- Number and Kinds of Fireworks to be Discharged: 7000 shells into bin

6. Manner and Place of Storage of Fireworks prior to Display: Storage trailer on displays, shells not on site till pay of shell

- Attach Diagram of Grounds showing: area of discharge, lines behind which audience will be restrained, location of buildings, highways, street, trees, telephone and electrical lines or other overhead obstructions.
- Display to be under direct supervision and control of the Fire Chief of Nebraska City with regard to all details affecting fire and safety hazards.
- Application to be accompanied by an assurance that if license is issued, applicant shall, at the time of receipt of said license, deliver to the City Clerk \$100,000/\$300,000 public liability and \$100,000 property damage insurance certificates designating the City of Nebraska City, the owner of record, and any lessee or tenant as additional assureds thereunder.

Date: 4-7-16 Applicant: Duane Koehlmoos  
 By: Nebraska Jaycees

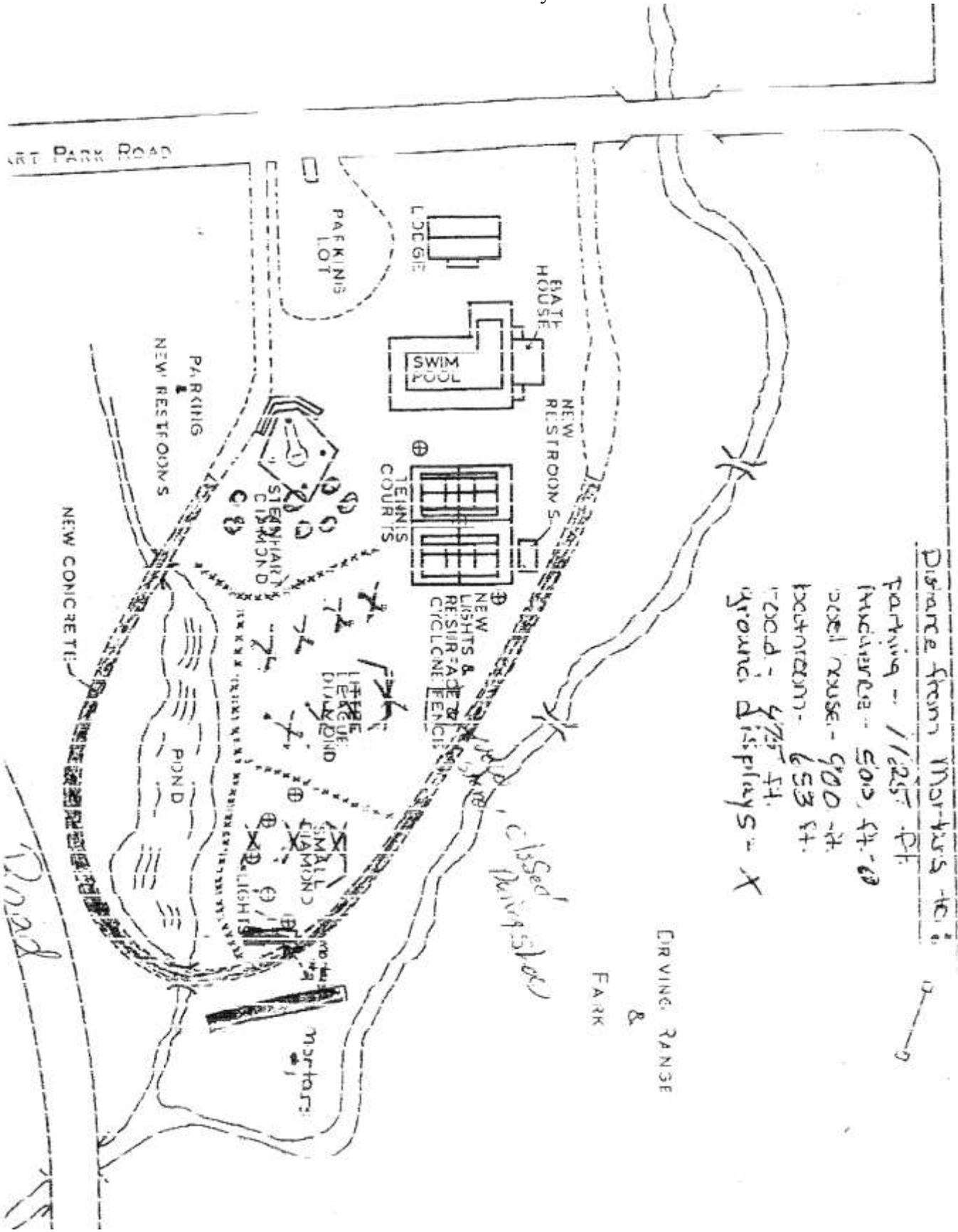
APPROVED by the Fire Chief of Nebraska City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_

APPROVED by the Park & Recreation Commissioner of Nebraska City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_

APPROVED by the City Council of Nebraska City this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_  
 By: \_\_\_\_\_



Nebraska City



Distance from Martins Hill  
 Parking - 1/25¢ Ft.  
 Inchworms - 500, Ft. 00  
 Steel reuse - 900 Ft.  
 Bathroom - 653 Ft.  
 Wood - 475 Ft.  
 Ground Displays - X



HOME OF ARBOR DAY

CITY OF NEBRASKA CITY
1409 Central Avenue
Nebraska City, Nebraska 68410-2223
(402) 873-5515

APPLICATION FOR ELECTRICIANS REGISTRATION TO WORK

[X] New Application

[ ] Renewal Application

Application is hereby made to the City of Nebraska City, Nebraska by:

TERRY'S ELECTRIC 2 Co.

Name (Must be identical to Bond)

402/450-5326

7800 So. 23rd St.

LINCOLN

Telephone

Street Address

City

NE

State

68512

Zip Code

to do electric wiring and preparing of buildings and structures in Nebraska City for electric current, for the year ending December 31, 2016 as provided by Chapter 14 of the Code of the City of Nebraska City.

Said applicant further shows that they are doing business in Nebraska City under the above name and that they and those to whom a license is to be granted under this application are possessed of the skill, qualifications and ability to perform all necessary services of wiring and fitting a building or structure to receive electricity with safety.

Electrical Contractors operating under this license: TERRY POLAK
State Electrical License Number: 3803

Journeymen Electricians requiring a Registration Certificate:

Said applicant herewith submits a Surety Bond to the City of Nebraska City in the sum of Ten Thousand Dollars (\$10,000.00).

FEES REMITTED WITH THIS APPLICATION:

Table with 3 columns: Description, Amount, Total. Includes City of Nebraska City Master Electrician Registration to Work License (\$35.00), Journeymen Electrician registration (Per Person) (\$5.00), and a TOTAL of \$35.00.

Dated this 12th day of APRIL, 2016

TERRY'S ELECTRIC 2 Co.
Applicant (Name must be identical to name on Bond)

By: Terry Polak

\*\*\*\*\* (For City Office Use Below this Line) \*\*\*\*\*

Building Inspector
Bond Approved as to form & Content by: City Clerk, City Attorney (If New)

Permit Number: Receipt Number:

LICENSE AND PERMIT BOND



STATE FARM FIRE AND CASUALTY COMPANY

BLOOMINGTON, ILLINOIS

KNOW ALL PERSONS BY THESE PRESENTS, That we, TERRY POLAK DBA TERRY'S ELECTRIC 2 CO

of 7800 S 23RD ST LINCOLN, NE 68512-9601 as Principal, and STATE FARM FIRE AND CASUALTY COMPANY, a corporation organized under the laws of the State of Illinois, having its principal office in the city of Bloomington, Illinois, as Surety, are held and firmly bound unto THE CITY OF NEBRASKA CITY, NEBRASKA CITY, NEBRASKA in the full and aggregate sum of TEN THOUSAND Dollars (\$10,000.00) lawful money of the United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH that whereas the said Principal has been granted a MASTER ELECTRICIAN LICENSE

or a term beginning MARCH 23, 2016 and ending MARCH 23, 2017

NOW, THEREFORE, if the above Principal shall indemnify and save harmless the Obligee, against loss by reason of said Principal's breach of any ordinance, rule or regulation relating to the above described license or permit, then this obligation shall be null and void, otherwise to remain in full force and effect.

Provided, that if the Surety shall so elect, this bond may be cancelled by giving thirty (30) days notice in writing to the said Obligee and this bond shall be deemed cancelled at the expiration of said thirty (30) days; but said Surety so filing said notice shall not be discharged from any liability already incurred under this bond or which shall accrue hereunder before the expiration of said thirty (30) day period.

This bond may be continued from year to year by means of a continuation certificate.

Signed, sealed and dated this 23RD day of MARCH, 2016.

Terry Polak  
Principal

By: \_\_\_\_\_

STATE FARM FIRE AND CASUALTY COMPANY

By: [Signature]  
Attorney-in-fact





Nebraska City

# POWER OF ATTORNEY STATE FARM FIRE AND CASUALTY COMPANY

KNOW ALL PERSONS BY THESE PRESENTS: That STATE FARM FIRE AND CASUALTY COMPANY, an Illinois corporation, with its principal office in Bloomington, Illinois, does hereby constitute and appoint: RICK SELF of LINCOLN, NE its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in the nature of a bond as follows:

\$ 2,500 - License, Permit or Indemnity — Financial Guarantee	\$100,000 - Administrator, Executor, or Trustee of a decedent's estate
\$25,000 - License & Permit — Code Compliance	\$50,000 - Guardian, Conservator, or Committee
\$25,000 - Public Official	\$25,000 - Receiver
	\$ 2,500 - Judicial

THIS POWER OF ATTORNEY IS NOT VALID FOR THE EXECUTION OF ANY CONTRACT (CONSTRUCTION OR SUPPLY) BOND - BID, PERFORMANCE OR PAYMENT.

This appointment is made under and by the authority of a resolution which was passed by the Executive Committee of the Board of Directors of State Farm Fire and Casualty Company on the 10th day of September, 2013, as is duly authorized by the Board of Directors in Article II, Section 6 of the By-Laws of the Company, which resolution is:

WHEREAS, the Board desires to delegate the authority to appoint persons as Attorneys-in-Fact for certain bonds, undertakings, or other writings obligatory in the nature of a bond.

RESOLVED, that any Officer of the Company who works regularly with surety bonds is hereby authorized to appoint and empower any representative of the Company as Attorney-in-Fact to execute on behalf of the Company any bonds, undertakings, or other writings obligatory in the nature of a bond, which the Company might execute through its officers. Any said execution of such documents by an Attorney-in Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by he regularly elected or appointed officers of the Company. Any Attorney-in-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

IN WITNESS THEREOF, STATE FARM FIRE AND CASUALTY COMPANY has caused this instrument to be signed by its Officer, and its Corporate Seal to be affixed this 10th day of September, 2013.

This APPOINTMENT SHALL CEASE AND TERMINATE AUTOMATICALLY AS OF DECEMBER 31, 2017, UNLESS SOONER REVOKED AS PROVIDED.



STATE FARM FIRE AND CASUALTY COMPANY

By: John R. Horton  
John R. Horton - Assistant Secretary Treasurer

STATE OF ILLINOIS  
COUNTY OF McLEAN

On this 10th day of September, 2013, before me personally came John R. Horton to me known, who being duly sworn, did depose and say that he is Assistant Secretary Treasurer of STATE FARM FIRE AND CASUALTY COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such Corporate Seal; and that he executed said instrument on behalf of the corporation by authority of his office under the By-Laws of said corporation.

**"OFFICIAL SEAL"**  
Pamela Chancellor  
Notary Public, State of Illinois  
My Commission Expires August 22, 2017

Pamela Chancellor  
Notary Public  
My commission expires August 22, 2017

### CERTIFICATE

I, the undersigned Assistant Secretary Treasurer of STATE FARM FIRE AND CASUALTY COMPANY, do hereby certify that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and sealed at Bloomington, Illinois. Dated this 23RD day of MARCH, 2016



Susan K. Johnson  
Susan K. Johnson - Assistant Secretary Treasurer

If you have a question concerning the validity of this Power of Attorney, call 309-766-2090.

1002460

124061.10 07-01-2014

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

NEBRASKA STATE ELECTRICAL BOARD LICENSE

Issue Date: 10/21/2014 This is to certify that Expires: 12/31/2016

TERENCE D POLAK  
7800 S 23RD ST  
LINCOLN, NE 68512

has met the requirements of the Nebraska State Electrical Act, and is a licensed  
**Electrical Contractor**

President John Hill

Fee Received \$ 250.00 License No. 3803

All licenses are subject to re-issuance if the licensee fails to comply with the rules and regulations of  
The State Electrical Act

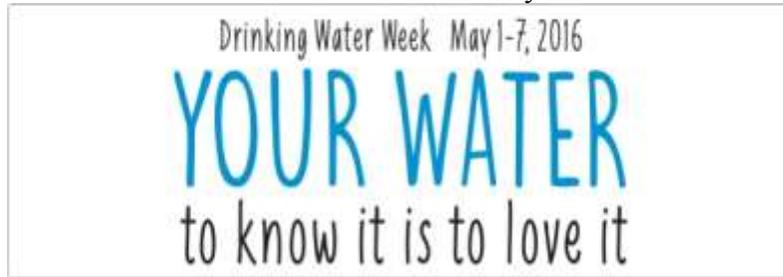
NEBRASKA STATE ELECTRICAL DIVISION



**LICENSED ELECTRICIAN**

P.O. Box 95066, Lincoln, NE 68509  
Voice (402) 471-3550 [www.electrical.nebraska.gov](http://www.electrical.nebraska.gov) Fax (402) 471-4297

Nebraska City



## **Proclamation Drinking Water Week**

**WHEREAS**, water is our most valuable natural resource; and

**WHEREAS**, only tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

**WHEREAS**, any measure of a successful society – low mortality rates, economic growth and diversity, productivity, and public safety – are in some way related to access to safe water; and

**WHEREAS**, we are all stewards of the water infrastructure upon which future generations depend; and

**WHEREAS**, each citizen of our city is called upon to help protect our source waters from pollution, to practice water conservation, and to get involved in local water issues by getting to know their water;

**NOW, THEREFORE**, be it resolved that by virtue of the authority vested in me as Mayor of Nebraska City, I do hereby proclaim May 1-7, 2016 as Drinking Water Week.

---

Bryan Bequette, Mayor



City of Nebraska City

1409 Central Avenue  
Nebraska City, NE 68410-2223

HOME OF ARBOR DAY

Phone: 402-873-5515 Fax: 402-873-5685

REQUEST FOR COUNCIL AGENDA OR PUBLIC INFORMATION / RECORDS

Your request will be reviewed and possibly scheduled for a future meeting,  
or forwarded to City Staff for appropriate action\*

Name: KIMBERLY WARNER - REPRESENTING LNC  
Address: 1018 N. 9th St. Neb. City CLASS # 10  
Phone #: (702) 423-3765  
Email Address: ART4IMPACT@GMAIL.COM

CC: Police Dept.:      Street Dept.:      Park Dept.:      Other:     

Item Title: Memorial Way Tile Mural / Moving the Structure w/o consideration of materials & damage

Explanation of Request: For upcoming painted murals in Memorial way be designed next to or around the tile mural created by LNC's #10 class. To understand under no-mans hands can artwork of such material be moved without significant damage to the part. If it is moved & when damage occurs, who will be responsible for cost of the project?

Action Requested of Council: To allow LNC's community-made tile mural to remain in its current location; to ensure its longevity & respect the artwork made by the joint efforts of community leaders, teachers & students. To recognize the significance of the mural & fragility of its materials that makes its current location important

Will this item require the expenditure of funds? Yes:    No:    Estimate \$     

Council meetings are held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Wednesday preceding the Council meeting. Once a request is received, staff will review it and determine if it requires Mayor/Council action, or if the item can be handled by staff.

\*You will be notified as to how your request will be handled as soon as possible.

For staff use only: Action Required.

Examination of Public Records are covered under Neb. Rev. State. §84-712 or other appropriate state statutes.  
Fees: \$0.25 per page

Nebraska City

April 11, 2016

Dear Nebraska City Commissioner;

It has been called to my attention that the Veteran's Memorial Mural being proposed for Memorial Way may involve moving the 5' x 7' tile mural installed in Memorial Way in 2012.

I am writing to ask that this tile mural be left where it is. The city just cannot, in my opinion, risk damage to this mural. Any tiles broken could not be replaced. This is based on my conversations with people who know ceramics, know the art piece and know the dangers involved in moving such a piece.

The importance of any sort of memorial to our country's veterans in the community is undeniable. It is very important. The murals painted on the buildings in Nebraska City have been a wonderful addition to our downtown and have enhanced the quality of life in our special town.

There have been so many wonderful art projects in recent years, including the Enchanted Arboretum, the murals and the Leadership Nebraska City's tile mural. It is important to respect any art donations to the city. The city approved the placement of the Leadership Nebraska City's project in Memorial Way and I would hope that this donation of art would be respected.

Leadership Nebraska City's tile mural was a major project of time and talent and significant funding. The Nebraska Arts Council contributed to the funding as did the Nebraska City Fine Arts Committee and the city of Nebraska City. I do not know how to calculate the number of man hours of work that went into that project but I know there were many volunteer hours put into this project. Designs were submitted, committees discussed those designs, planning sessions were conducted, and tiles were prepared and glazed. I was not a member of this Leadership Nebraska City Class but I witnessed, first hand all of this hard work by volunteers and professionals. After all of the planning, members of the community were invited to come paint tiles and I estimate that there were over 150 people contributing to this art piece.

I want to emphasize that this is not a matter of being against the muralist, his wonderful art work or the memorial to the Veterans. It is a matter of the physical nature of the art piece and based on the professional opinions of people who are familiar with ceramics. There is such a high risk of damaging the tile mural. Anyone who is familiar with ceramics knows that any jarring of the frame could cause grout to crack and crumble and result in a tile or several tiles falling out. It would be impossible to repair this creation. It is just not a chance worth taking.

I have provided for you a copy of a grant proposal submitted to the Nebraska City Fine Arts Committee to help fund this project. I was chairman of the NCFAC committee at the time and found this in my files. It details all of the work this project required, involving many people in the community, including several artists. It also illustrates the pride the LNC class had as they created one of the first public art pieces in Nebraska City.

With sincere appreciation for your commitment to the betterment of our community,

Pat



Nebraska City

**LNC**  
**LEADERSHIP**  
**NEBRASKA CITY**

May 23, 2012

Dear Nebraska City Fine Arts Committee,

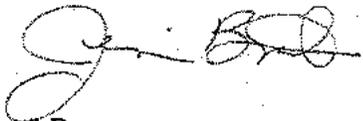
Leadership Nebraska City Class #6 has undertaken the creation of a 5'x7' ceramic tile mural to be installed in Memorial Way Park as their class project. The overall mural design follows. As the creative director for this project, I submit this request for financial support from the Nebraska City Fine Arts Committee.

The project costs are outlined in the attached project proposal that was submitted to the Leadership Nebraska City council for project approval. We ask that the Nebraska City Fine Arts Committee consider providing us with \$300 to supplement \$450 from Leadership Nebraska City and \$750 from the Nebraska Arts Council. Funds will be used to cover costs for necessary supplies including clay, glaze, steel, hardware, and grout. Labor costs for fabrication of the steel frame have also been incurred and funds will be used to cover this.

Many members of the community have already played a hand in the creation of the tiles through glazing sessions held at the Kimmel Harding Nelson Center for the Arts. A number of local businesses are contributing to this project with partial or full donations of labor or supplies. Cargill Meat Solutions, Mead Lumber, Midwest Machine Inc, and Warner Construction are all involved in this capacity with the project.

We look forward to the completion of the project in the next few weeks. The Nebraska City Fine Arts Committee along with all contributing businesses and organizations will be recognized on a plaque to be created and installed at the site.

Sincerely,



Jenni Brant

## **Project Proposal: Ceramic Tile Mural - Public Art Piece**

Leadership Nebraska City Class #6 proposes the creation of a 6' x 4' ceramic tile mural to be installed on one wall of the Memorial Parkway in Downtown Nebraska City.

While the concept of the proposed mural has been determined by LNC Class #6, the design, creation, and implementation of the artwork will incorporate the skills of several individuals and community groups.

### **Concept:**

Beautify a public space with public art, specifically implementing the guiding principles of the Leadership Nebraska City program -- trusteeship, stewardship, servant leadership, integrity and ethics, commitment, personal and social responsibility, and ongoing education – in mural form.

### **Design:**

**Lourdes High School** and **Nebraska City High School** students have been invited to submit their design ideas for the mural project, following the concept guidelines noted above. The winner will be selected by LNC Class #6 after submissions are collected on March 7 and recognized with a small plaque in the installation area of the finished piece.

### **Creation:**

Jenni Brant, an LNC class member, is a trained ceramicist and will oversee other LNC class members and high school student volunteers in the safe and creative production of the mural. The **Kimmel Harding Nelson Center for the Arts** has donated their workspace on specific evenings and weekends for mural creation. **Nebraska City Middle School** has permitted the use of its kilns for firing the tiles; LNC Class #6 will coordinate appropriate scheduling with the school. We are grateful to these partners for the use their facilities on this project.

### **Implementation:**

With the mural created and show-ready, **Nebraska City city workers** will work closely with tile and steel specialists to install the public art display. **Mead Lumber** has generously donated supplies to assist with installation of the piece. **City Administrator Pat Haverty** has indicated support for the project in general.

### **Leadership Nebraska City Class #6 is proud of this project idea, because:**

- It draws attention to a new community space with lasting public art.
- It recognizes the community-benefitting principles of Leadership Nebraska City and raises awareness of the program.
- It involves a number of civic and business partners and is a great outreach opportunity.
- It may inspire other organizations to create similar public art in the chosen space or in other areas of the community.

## **Project Partners and Sponsors**

- **City of Nebraska City**
  - Pat Haverty, Nebraska City Administrator, has been approached regarding the placement of the project and assistance from the city regarding installation. Pat has talked with several city council members already and notified all by email. None are in objection to the project. Formal approval for project will be sought at March 21 council meeting.
- **Nebraska Arts Council (NAC)**
  - Leadership Nebraska City can apply for an NAC mini-grant for up to \$2,500 if needed. Grant criteria is based on:
    - Community Engagement and Impact
    - Increased Community Access to the Arts
    - Variety of Partners
    - Matching Funds
- **Nebraska City Fine Arts Committee**
  - Leadership Nebraska City has been offered assistance from the Nebraska City Fine Arts Committee with \$300 to \$500 of additional project costs.
- **Nebraska City Public High School and Lourdes High School**
  - Students from both schools have been invited to submit designs for the mural (see attachment A). Winning submission will be recognized on plaque. All students will be invited to participate in painting the winning design on tiles.
- **Nebraska City Middle School**
  - Mike Little, arts instructor at Nebraska City Middle School, has been informally approached regarding the use of their kilns to fire the tiles. Mr. Little was agreeable to allowing us to use the facilities. Our firing crew will coordinate the timing of facilities use with him.
- **Kimmel Harding Nelson Center for the Arts**
  - The classroom space at the art center will be used as the creative space where tiles will be painted and stored. The facility will be made available on weekends and weeknights in addition to their normal hours. Materials and supplies will be shipped to KHN.
- **Mead Lumber**
  - Brian Lowe at Mead Lumber has been approached regarding the donation of materials such as duraroc, mortar, adhesives, and grout. He is willing to donate these materials to the project. If grout additives are required for exterior surface, LNC will be responsible for this cost.

Nebraska City

- **Midwest Mechanical Contractors**
  - Has agreed to provide a design, estimate and materials list for steel frame.
- **Jason Warner, Brandon Shebaum and Eric Petersen**
  - Skilled trade workers associated with LNC Class #6 class members who are willing to contribute their skills to the project in construction and installation of the steel frame and the installation of the ceramic tile.

## **Class Member Roles and Responsibilities**

Our class is currently working organically to research the specific needs and costs of the project. Jenni Brant is taking the lead on directing this research due to her background and expertise in ceramics and community art projects.

### **Other roles defined thus far:**

- Creative Director – Jenni Brant
  - oversee purchasing of supplies and materials
  - lead how-to-instruction in ceramic processes
- Publicity Coordinator – Amy Stouffer
  - develop publicity strategy for project
  - document project throughout process
  - coordinate all public relations regarding the progress on project
  - coordinate all public relations regarding the unveiling of the project
- Firing Crew – Kim Warner, and others to be determined
  - transport tiles to and from school for firing
  - oversee loading, firing and unloading of kilns
  - coordinate firing needs with Mike Little
- Tile Makers and Painters – All class members plus students from high schools
- Financial Coordinator – Aimee Harker
  - careful tracking of project budget, receipts, invoices
  - work with LNC treasurer on payment requests

### **Other roles to be filled by LNC Class #6:**

- Grant Writer –
  - write grant request and be responsible for grant report to Nebraska Arts Council
- Donations Liaison –
  - coordinate donation requests and ensure that thank you are sent to all
  - coordinate with publicity coordinator to ensure that donors are recognized as requested
- Unveiling Event Coordinator -
  - plan and implement (with the assistance of the rest of the class) a small unveiling of the mural to recognize partners, program and final project

Nebraska City

**Budget**

<b>Materials Needed</b>	<b>Est. Cost</b>	<b>Notes</b>	<b>Anticipated Cost</b>
Clay for Tiles	\$100		\$100
Tile Cutters	\$100		\$100
Brushes & Sponges	\$20		\$30
Commercial Glazes	\$200	Potential donation Duncan Enterprises	\$200
Clear Commercial Glaze	\$30	Potential donation Duncan Enterprises	\$30
Durock	\$40	Donation from Mead Lumber	\$0
Thin set Mortar	\$20	Donation from Mead Lumber	\$20
Grout and Additive	\$30	Donation from Mead Lumber	\$30
Silicon Adhesive	\$7	Donation from Mead Lumber	\$7
Steel Frame	\$950	Some labor donated	\$900
Bronze Plaque	\$100		\$100
Tile Installation Costs	\$250	Labor donated	\$0
<b>Total Project Cost</b>	<b>\$1847</b>		<b>\$1517</b>

Some costs are not included in the estimated or anticipated costs as donations have been secured and estimates were not gathered:

- Labor and hardware costs to install in Memorial Parkway. Costs to be incurred by city.
- Cost of general ceramic tools. To be loaned by Jenni Brant and KHN Center for duration of project.
- Cost of equipment and utilities to fire ceramic tiles. Costs to be incurred by NC Public Middle School.

## Time Line

- February 2011
  - Identify project
  - Research materials and costs
  - Talk with potential partners
  - Present to LNC Advisory Board
- March 2011
  - Gather mural designs ideas from High School students
  - Present project to Nebraska City City Council for approval
  - Secure materials donations
- April 2011
  - Purchase supplies
  - Make and fire tile blanks
- May 2011
  - Paint tiles with glaze at KHN
  - Fire painted tiles at Middle School
- June 2011
  - Fabrication and installation of steel frame
- July 2011
  - Adhere Durock in frame
  - Install tiles
- August 2011
  - Mural unveiling

April 11, 2016

Dear Council Members,

My name is Kimberly Warner;  
I live in Nebraska City with my family of 3 kids and large dog who just loves the city dog park, and my husband who is grateful to be busy year round with our business, serving the area in residential construction. I hold my Bachelors of Science in Art Education with emphasis in Sculpture. I served as a teacher for Nebraska City Public Schools as Behavior Teacher for the IMPACT Program and now work as a contract Common Sense Parenting Trainer for Boys Town.

I am writing on behalf of Leadership Nebraska City class #6, of which I was a member. Each member of our class has granted me permission to speak on their behalf, as we are in agreement with the following concerns.

It has come to my attention that our class community-made mural; which we designed and erected as part of our LNC class project, is going to be moved to accommodate a painted mural along the west side of Memorial Way Park. While we admire and fully support a mural being painted to honor our Veterans, to insist our tile mural must be moved to accommodate the painting is to do so without considering feedback from those skilled in ceramics and construction, and poses serious structural consequences moving art of such materials.

### **Adequate Room for Each Artwork**

No doubt, the painted mural that will be painted on the west wall will be a beautiful addition to the park; as well as an honorable tribute to all Veterans. The plans to paint an additional mural honoring our Veterans is a wonderful tribute to those men and women who gave up their own freedom of leading a normal civilian life, to choose a life of extreme discipline, sacrifice and service to our country. However, Memorial Parks' west wall is a vast blank canvas, with plenty of room to share.

As an artist myself, I

Believe a mural of any subject matter and vision can easily be created left and center of our tile mural with the same presence, ensuring our community-made mural is respected and allowing the two pieces of art to complement one another.

If an attitude of "all wall or nothing" is present, I would love to help you envision the wall with our mural in its place and in the future another tile mural opposite ours of the same size, to make the west wall symmetrical, and the painted memorial mural in the center of the two. An artist can make the material work well together, not distract from it.

### **Reliable Structural & Construction Knowledge**

The decision to move our community-made tile mural was done so; as I understood it from Mr. Path, based on an individual saying he had the ability to move it. As much as I admire the ambition, for anyone to claim they can move the mural without structural damage to the grout and tile does so without adequate knowledge of the structure and materials. Tile is rigid; stiff and unyielding. If the foundation it is adhered to (whether by glue, thinset or clay) is flexed, jolted, or subject to significant vibrations the tile will give with the movement and snap.

Those are just a few things that happen when a structure of its stature and weight and are moved, even by the most skilled craftsman. It is very likely one if not all of the aforementioned things will have significant impact on the tile and grout, causing it to crack and let loose tiles.

### **The Journey of a Tile**

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

## Nebraska City

These 200+ tiles were hand made under the instruction of Ceramicist and LNC class member Jenni Brant and myself; as we taught our fellow LNC classmates and groups of willing citizens and student to press the needed tiles the needed tiles, plus 100 extra in case of any breakage during the first firing. The journey of a tile is then to be laid out with room between tiles to evenly and slowly dry out, often being carefully flipped over to ensure each side dries at the same rate as not to crack. The tiles then are at their most brittle stage called "bone dry", which makes transporting them anywhere extremely tedious and nerve wracking. We then transported the tiles to the Middle School where Art Instructor Mike Little generously gave many full weekends to allow the use of his kiln, helping us fire the tiles which had to be done in very small batches between 15 and 22 tiles at a time, as each tile needs their own space on each "level" of the kiln to allow airflow to discourage breakage. Firing one batch takes 5 1/2 - 6 hours, then the kiln must cool for several hours before the tiles can be removed with gloves to protect from the heat. The process repeats and repeats.

Following firing the design was broken up into pieces called a grid, then each grid (like pieces of a puzzle) was then transferred by hand using carbon paper onto the tile so the drawing was visible on the tile. Glazing of each tile was then completed with very careful instruction by Jenni and myself, of the many students, families and individuals who voluntarily came with interest in the mural. Once each piece was glazed and numbered by its placement on the mural, the tiles were again transported carefully back to the Middle School where they would again be fired in small batches. The man hours separating clay, throwing the clay to rid it of air pockets, rolling out, pressing, smoothing and cutting took an enormous amount of community participation, patience, excitement and time. The glazing took equal amounts of time and precision. It's easy to say, we were all pretty pooped after the tiles were all finally fired and finished.

This is the journey of a handmade tile.

### **Memorial Way: The good & the "In hindsight, not so great"**

Memorial Parkway has seen its share of projects implemented with good intentions, but that didn't really work out as good as planned.

Example#1: Pea Gravel; a nice thought and from afar aesthetically pleasing. While my husband and I spent a long and very hot summer day tiling and grouting our enormous mural in Memorial Park, we had the privilege of walking back and forth, and back again, and forth again, through the irritating and often strenuous material that is pea gravel. My foot would sink in it to my ankles and my shoe would fill with the tiny rocks, and my other ankle would twist as I tried to pull my other foot out of the rocky-quick

sand. No, I do not have trouble walking normally and I am not one for complaining....but you try to accomplish a task in a bed of pea gravel. Frankly, it sucks.

Anyways, as we cursed under our breath at the rock and whomever decided to put it down, we occasionally noticed groups of elderly women and men with their downtown shopping bags in tow, trying to cross the vast of pea gravel in attempts to rest on one of the benches in the parkway. Each of them needed rescuing, which we were happy to help. As we helped support them back to solid ground they too were cursing under their breath as their orthopedic shoes filled with gravel and their hips swayed back and forth trying to remain upright. The night before we laid the tile while my husband was voluntarily; I volunteered him :) ; drilling the holes in the steel base, holes in the concrete, and setting the frame and backerboard there was a group of teenagers who found good sport in throwing the gravel into the sidewalk area and at each other.

Kids are very creative. Moral of the story: Nice idea, more consideration for material by someone in the know may have saved some money and an elders breath.

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

## Nebraska City

Example #2: Another Leadership Nebraska City Class undoubtedly heard my cries for help as I waded through the gravel, and they decided to have their class project be to replace the gravel with brick pavers to beautify and solidify Memorial Park. Hooray! It was a huge and very particular project, as it took many, many man hours and community support to raise money to brick nearly the entire way.

Fast forward to the first painted mural on the east side of Memorial Way; this is where the "uuh ooh" happened.

The muralist must reach heights legs simply don't reach, so a man lift was suggested, authorized, what have you, to drive onto the pavers to lift the muralist up to paint the mural. The problem was someone with adequate experience in heavy equipment, building materials and such would have foretold what would happen to brick pavers when a multiple ton machine drives onto them. The pavers that were driven on all had to be replaced, who paid for their replacement and the man hours it took for them to be re-laid, I haven't a clue.

### **Mistakes Happen. We try to learn from them, not repeat them.**

If I was a muralist with a background in painting and no other disciplines like building, I might not think twice about driving a large piece of machinery onto any surface either (other than a lake of course). Then again, if checks and balances aren't made, someone would be footing the bill for my lack of knowledge or inability to perform a task up to par. As I very lengthily narrated the journey of a tile and countless hours spent by businessmen, citizens, students and teachers to make this enormous project cannot be matched by a monetary number. The tiles were made by kids and their families, members of our community. When one tile breaks, we can't track down who made it and make another one, nor can we chisel out its remains on a mural and make another tile and put it in its place. When the grout cracks and tiles pop in re-location, the whole piece is compromised. I ask with all respect; not in pointing blame or to coax, if this community-made artwork is moved who will be responsible for what it cost for the murals expenses? Not just the thousands of dollars granted by the Iowa Arts Council and the Nebraska Fine Arts Committee, but the hours of time licensed contractors & fabricators volunteered to fabricate, build, assemble, erect and finish the tile mural. Who will be responsible for the sum of the costs if the mural is moved and when it is damaged?

Damage done to an artwork of its materials, quality and size cannot be repaired, or replaced; whether damage inflicted by a random person vandalizing the mural or a cautioned against re-location that could have been prevented. We would like this mural; created with the combined efforts of our community and students, to be given the chance to inspire and stand where it was erected, for as long as its materials quality and nature's cooperation allows it to do so.

On behalf of LNC Class #6, I hope you appreciate my attempts to enlighten such a lengthy proposal in attempts to keep you from dozing off. Mostly, I hope you consider Memorial Way a place in town where all artwork can be respected, new and old.

Kimberly Warner  
LNC Class #6  
1018 North 9<sup>th</sup> Street  
Nebraska City, NE 68410  
[Art4impact@gmail.com](mailto:Art4impact@gmail.com)  
702.423.3765



City of Nebraska City

1409 Central Avenue  
Nebraska City, NE 68410-2223

HOME OF ARBOR DAY

Phone: 402-873-5515 Fax: 402-873-5685

REQUEST FOR COUNCIL AGENDA OR PUBLIC INFORMATION / RECORDS

Your request will be reviewed and possibly scheduled for a future meeting,  
or forwarded to City Staff for appropriate action\*

Name: BRIAN K. VOLKMER / NEBRASKA CITY MUSEUM ASSOCIATION  
Address: P.O. Box 792, NEBRASKA CITY, NE 68410  
Phone #: 402-873-4262 / 402-209-0549  
Email Address: ncma-brian@windstream.net

CC: Police Dept.:      Street Dept.: X Park Dept.: X Other:     

Item Title: OLDFREIGHTERS MUSEUM - TRAILS WEST DAY, SATURDAY, JUNE 11, 2016

Explanation of Request: THE OLD FREIGHTERS MUSEUM, 407 N. 14<sup>TH</sup>, IS HOLDING THEIR ANNUAL "TRAILS WEST DAY" ON JUNE 11, 2016. THE MUSEUM IS REQUESTING THREE (3) STREET BARRIERS TO BLOCK OFF A SECTION OF STREET PARKING FOR A WAGON RIDE LOADING AREA. THE MUSEUM IS ALSO REQUESTING THE USE OF THREE (3) PICNIC TABLES.

Action Requested of Council:  
GRANT PERMISSION FOR THE USE OF THREE STREET BARRIERS AND THREE PICNIC TABLES AND WAIVE ANY FEES.

Will this item require the expenditure of funds? Yes:      No: X Estimate \$     

Council meetings are held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Tuesday preceding the Council meeting. Once a request is received, staff will review it and determine if it requires Mayor/Council action, or if the item can be handled by staff.

**\*You will be notified as to how your request will be handled as soon as possible.**

For staff use only: Action Required.

Examination of Public Records are covered under Neb. Rev. State. §84-712 or other appropriate state statutes.

Fees: \$0.25 per page



City of Nebraska City

1409 Central Avenue  
Nebraska City, NE 68410-2223

HOME OF ARBOR DAY

Phone: 402-873-5515 Fax: 402-873-5685

REQUEST FOR COUNCIL AGENDA OR PUBLIC INFORMATION / RECORDS

Your request will be reviewed and possibly scheduled for a future meeting,  
or forwarded to City Staff for appropriate action\*

Name: BRIAN K VOLLMER / NEBRASKA CITY MUSEUM ASSOCIATION  
Address: P.O. Box 792, NEBRASKA CITY, NE 68410  
Phone #: 402-873-4262 / 402-209-0549  
Email Address: ncma-brian@windstream.net

CC: Police Dept.:  Street Dept.:  Park Dept.:  Other:

Item Title: RIVER COUNTRY NATURE CENTER "YOUTH FISHING CLINIC"

Explanation of Request: THE RIVER COUNTRY NATURE CENTER 114 S. 6<sup>th</sup> ST. IS HOLDING THEIR ANNUAL "YOUTH FISHING CLINIC" SATURDAY, JUNE 18<sup>th</sup> FROM 8:00-12:00. THE CENTER IS REQUESTING THE USE OF STEINHART POND AND THE USE OF THE POND'S SOUTH PAVILLION.

Action Requested of Council: GRANT PERMISSION FOR THE CENTER'S USE OF STEINHART POND AND THE SOUTH PAVILLION AND WAIVE ANY FEES

Will this item require the expenditure of funds? Yes:  No:  Estimate \$         

Council meetings are held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Tuesday preceding the Council meeting. Once a request is received, staff will review it and determine if it requires Mayor/Council action, or if the item can be handled by staff.  
**\*You will be notified as to how your request will be handled as soon as possible.**

For staff use only: **Action Required.**

Examination of Public Records are covered under Neb. Rev. State. §84-712 or other appropriate state statutes.  
Fees: \$0.25 per page



City of Nebraska City

1409 Central Avenue  
Nebraska City, NE 68410-2223

HOME OF ARBOR DAY

Phone: 402-873-5515 Fax: 402-873-5685

REQUEST FOR COUNCIL AGENDA OR PUBLIC INFORMATION / RECORDS

Your request will be reviewed and possibly scheduled for a future meeting,  
or forwarded to City Staff for appropriate action\*

Name: BRIAN K. DOLKNER / NEBRASKA CITY MUSEUM ASSOCIATION  
Address: P.O. BOX 792 NEBRASKA CITY, NE 68410  
Phone #: 402-873-4262 / 402-209-0549  
Email Address: NCMA-brian@windstream.net

CC: Police Dept.:  Street Dept.:  Park Dept.:  Other:

Item Title: CIVIL WAR VETERANS MUSEUM - CIVIL WAR SAMPLER EVENT

Explanation of Request: THE CIVIL WAR VETERANS MUSEUM, 901 1ST CORSO IS HOLDING ITS ANNUAL "CIVIL WAR SAMPLER" EVENT ON SATURDAY, JUNE 25. FROM 10:00-4:00, THE MUSEUM IS REQUESTING FOUR (4) PICNIC TABLES AND STREET BARRIERS AND THE USE OF THE CITY'S SOUTH PARKING LOT ON 1ST CORSO AND 10TH STREET FOR USE FOR OUTDOOR DEMONSTRATIONS.

Action Requested of Council:  
GRANT PERMISSION FOR THE USE OF THE CITY'S SOUTH PARKING LOT ON 1ST CORSO & 10TH STREET INCLUDING STREET BARRIERS AND FOUR (4) PICNIC TABLES AND WAIVE ANY FEES.

Will this item require the expenditure of funds? Yes:  No:  Estimate \$                     

Council meetings are held on the 1<sup>st</sup> & 3<sup>rd</sup> Mondays of the month. All requests for inclusion on a Council Meeting Agenda must be submitted by 5 P.M. on the Tuesday preceding the Council meeting. Once a request is received, staff will review it and determine if it requires Mayor/Council action, or if the item can be handled by staff.  
**\*You will be notified as to how your request will be handled as soon as possible.**

For staff use only: Action Required.

Examination of Public Records are covered under Neb. Rev. State. §84-712 or other appropriate state statutes.  
Fees: \$0.25 per page

# CITY OF NEBRASKA CITY

1409 Central Avenue  
Nebraska City, NE 68410-2223  
Phone: 402-873-5515  
Fax: 402-873-5685



---

## Agenda Information Support Sheet

**To:** Mayor and Commissioners

**Council Meeting:** May 2, 2016  
**Agenda Item:** # \_\_\_\_\_  
**Submitted By:** Grayson Path, City Administrator  
Judi Meyer, SENDD

### A. Synopsis of Issue:

- a. The punch-list of items for the Nuckolls Square Park has been completed, Evan Wickersham with JEO Consulting has approved the completed items, and the final payout invoices have been received and are ready for the council approval tonight.
- b. There are a few issues with the project that are covered under the Walters and Son warranty that are still being worked on, but these are outside of the 13-CIS-100 (CDBG Nuckolls Square) project and thus not in the way of paying out the final invoices.
- c. See Background below for summary of the attached sheets.
- d. The Payouts to Walters and Son will need to be contingent on two items (assuming they are not completed between the preparation of this support sheet on 4/28/16 and the council meeting on 5/2/16 – will let the council know in the meeting).

### B. Options:

- a. Approve payout of the JEO and Walters and Son invoices as recommended below.
- b. Approve payout of the JEO invoice only as recommended below.
- c. Approve payout of the Walters and Son invoice only as recommended below.
- d. Deny payout of both invoices.
- e. If denying payout of either invoice, please provide Staff and SENDD with guidance.

### C. Fiscal Note:

- a. The JEO invoice is for \$640.00, final payout in relation to the 13-CIS-100 project.
- b. The Walters and Son invoice is for \$4,000.00, final payout in relation to the 13-CIS-100 project.
- c. The City pays out the invoices and then collects reimbursement from NDED / CDBG.
- d. Reimbursement will be later in May once SENDD has prepared all the final paperwork.

### D. Recommendation:

- a. Approve payout of the JEO invoice for \$640.00.
- b. Approve payout of the Walters and Son invoice for \$4,000.00 contingent upon the signing and delivery of their lien waiver to Judi Meyer and contingent upon turning in all needed documentation to Judi Meyer, SENDD, including payroll certifications, needed for NDED reimbursement.

### E. Background:

- a. Attached to this support sheet is the JEO invoice for \$640.00. The original contract amount was for \$16,500.00, but during the project the City authorized JEO to perform a second bidding (the first bid letting resulted in no bids) as well as inspection services over the project, specifically the block walls. This resulted in added cost at an hourly rate which has been paid out in prior Council appropriation bills.

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

Nebraska City

- b. Attached to this support sheet is the Contractor’s (Walters and Son) Application for Payment for \$4,000.00. According to Evan Wickersham, Walters and Son has completed the final punch-list items (painting handrails and grass seeding) to his satisfaction and therefore payment of the invoice is acceptable at this time. This invoice reflects the combination of all the change orders during the project which amounted to \$5.32.
- c. Attached to this support sheet is a description of the three change orders that occurred during the project which resulted in an added cost of \$5.32 to the project.
- d. Attached to this support sheet is the signed recommendation from Evan Wickersham and Steve Walters that the work is completed, it has been examined, it has been approved, and there is a two year warranty on the block wall.
- e. Attached to this support sheet are the various lien waivers obtained by Walters and Son from the various subsidiary vendors (concrete providers, material providers, etc.). By the agreement, the Owner (City) has the right to request that a lien waiver be obtained from all the primary contractor’s sub-contractors and vendors to verify to the owner that they have all been paid by the contractor – no surprises to the owner down the road. Brenda Walters has informed the City that all purchases are supported by either one of these lien waivers or a receipt (ex: Menards). The City Administrator spoke with the Register of Deeds on 4/15/16, no liens have been filed against the City. Mechanic liens such as these are required by law to 1) be filed within 90 days of the invoice and 2) the owner of the project be notified directly that a lien is being filed. At this point, no liens from any of these sub-contractors/vendors can be filed against the City.
  - i. This is not to be mixed up with the lien waiver needed by NDED from Walters and Son before NDED will issue final reimbursement to the City. This is the reason why the recommended motion is contingent upon receipt of the completion of this lien waiver from Walters and Son.
  - ii. Being contingent is not necessary; the City Administrator is merely assuming that this is the position the council would feel more comfortable taking.
- f. At the time of this sheet’s writing (4/28/16), SENDD was still awaiting payroll certification documents from Walters and Son, which are needed to perform final closeout of the project. This is why the recommended motion to pay Walters and Son is contingent upon receipt of this document.
- g. Going forward, assuming Walters and Son completes the lien waiver and all remaining documentation, Judi Meyer will prepare the final project closeout documentation and drawdown paperwork. Her plans are to have this done by the 5/16/16 council meeting. The City should receive reimbursement for these final costs sometime late in May (depending on how quickly NDED can process everything).

\*\*\*\*\*

**Department Heads:        Submit this form to Dave Partsch and Grayson Path by 5:00 pm of the day the Agenda meeting is held.**

Nebraska City

Date of Issuance: **April 22, 2016**      Effective Date: **April 22, 2016**  
 Owner: **City of Nebraska City**      Owner's Contract No.:  
 Contractor: **Steve Walter & Son Inc.**      Contractor's Project No.:  
 Engineer: **JEO Consulting Group, Inc.**      Engineer's Project No.: **140954**  
 Project: **2015 Nuckolls Square Park Improvement**      Contract Name:

The Contract is modified as follows upon execution of this Change Order:  
 Description: **Final Quantity Adjustments**

Attachments: *[List documents supporting change]*

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>117,978.38</u>	Original Contract Times: <u>45 Days</u> Substantial Completion: _____ Ready for Final Payment: <u>November 5, 2015</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. ___ to No. ___: \$ <u>0.00</u>	Increase from previously approved Change Orders No. One: Substantial Completion: <u>November 20, 2015</u> Ready for Final Payment: <u>N/A</u> days
Contract Price prior to this Change Order: \$ <u>117,978.38</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: <u>April 30, 2016</u> days or dates
Increase of this Change Order: \$ <u>5.32</u>	Increase of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>117,983.70</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: <u>April 30, 2016</u> days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:	
By: <u><i>Evan B. Williams</i></u> By: _____      By: <u><i>Steve D. Walter</i></u>	Engineer (if required)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Engineer</u> Title: _____      Title: <u>President</u>			
Date: <u>4/26/16</u> Date: _____      Date: <u>4-20-2016</u>			

Approved by Funding Agency (if applicable)

By: \_\_\_\_\_      Date: \_\_\_\_\_  
 Title: \_\_\_\_\_

# Change Order Estimate

JEO Project Name: <b>2015 Nuckolls Square Park Improvements</b>		JEO Project Number: <b>140954</b>	
Owner: <b>City of Nebraska City</b>		Change Order Number: <b>Three</b>	
Contractor: <b>Steve Walter &amp; Son Inc.</b>		Effective Date: <b>April 22, 2016</b>	
Item		Change Order Information	
Bid Item No.	Description	Item Quantity	Units
5	Remove Sidewalk	-6	SF
9	Remove Concrete Drive	-101	SF
11	Build Concrete Sidewalk	26	SF
		<b>Total</b>	
			<b>\$5.32</b>
			<b>(\$6.00)</b>
			<b>(\$101.00)</b>
			<b>\$112.32</b>

Nebraska City



ENGINEERING ■ ARCHITECTURE ■ SURVEYING ■ PLANNING

Invoice

April 26, 2016  
Project No: R140954.00  
Invoice No: 88967  
Invoice Amount: 640.00

City of Nebraska City  
1409 Central Avenue  
Nebraska City, NE 68410

Project Manager Evan Wickersham  
Project R140954.00 Nebraska City Nuckolls Park Improvements  
**Professional Services through April 22, 2016**

	Contract Amount	Percent Complete	Billed-to-Date	Previous Billing	Current Billing
<b>Lump Sum Phase(s)</b>					
Preliminary Design	\$6,000.00	100 %	\$6,000.00	\$6,000.00	0.00
Final Design	\$7,000.00	100 %	\$7,000.00	\$7,000.00	0.00
Bidding and Negotiation	\$2,500.00	100 %	\$2,500.00	\$2,500.00	0.00
Construction Services	\$1,000.00	100 %	\$1,000.00	\$1,000.00	0.00
<b>Hourly Phase(s)</b>					
RPR Services			\$2,560.00	\$1,920.00	\$640.00
Re-bid			\$3,400.00	\$3,400.00	0.00
<b>Total</b>	<b>\$16,500.00</b>		<b>\$22,460.00</b>	<b>\$21,820.00</b>	<b>\$640.00</b>
<b>Total Amount Due Upon Receipt</b>					<b>\$640.00</b>

cc: Crystaphena Balquier, [crbalquier@nebraskacity.com](mailto:crbalquier@nebraskacity.com)

Nebraska City

## Unconditional Lien Waiver

The undersigned does hereby release and relinquish any and all liens, claims or rights of lien to the amount of **\$1.00 or more** for the total due from **Steven Walters & Sons, Inc.** as full payment of labor and/or materials delivered to the project known as **Nuckolls Square Park Project** located in **Nebraska City, Nebraska** through **November 13<sup>th</sup>, 2015.**

Dated this 15<sup>th</sup> day of April 2016.

Supplier: Concrete Industries, Inc. – Nebraska City

By:



Gary Kennett  
Credit Manager

Nebraska City

## WESTOVER ROCK & SAND

Rock • Gravel • Lime • Rip Rap



7800 Highway 50 Weeping Water, Nebraska 68463-1818

(402) 267-7765 FAX (402) 267-5511

Steve Walters & Son, Inc.  
817 So. 3<sup>rd</sup> Street  
Nebraska City, NE 68410

April 15, 2016

RE: Knuckle Square Park Job

To Whom It May Concern,

We have made two deliveries to the park for Walters & Sons. Both deliveries have been paid in full upon receipt of materials. If you have any questions please feel free to call myself at the number above.

Regards,

*Chris Westover*

Chris Westover  
Westover Rock & Sand, Inc.

Nebraska City

499325

BOB'S WELDING SHOP  
1220 SOUTH 10th

CUSTOMER NAME NEBRASKA CITY, NE. 68410 402-873-6296	DATE 4-11-16
NAME SPRUE WALTERS	
ADDRESS	
CITY, STATE, ZIP NEB. CITY, NE	

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT	MOSE. RETD.	PAID OUT
---------	------	--------	--------	---------	-------------	----------

QUAN.	DESCRIPTION	PRICE	AMOUNT
1	MATERIAL FILL		
2	NUKALD SPIROR		
3	ROUNDS		
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
RECEIVED BY		TAX	
		TOTAL	

*pd in full  
Robert Myers*

A-24705W  
T-46501

KEEP THIS SLIP FOR REFERENCE

01-11

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

<b>Contractor's Application for Payment No. TWO</b>	
Application Period: December 2015- April 2016	Application Date: 4/22/2016
To (Owner): City of Nebraska City, Nebraska	Via (Engineer): JEO Consulting Group, Inc.
Project: 2015 Nuckolls Square Park Improvements	Contractor's Project No.: 140954
Owner's Contract No.:	Engineer's Project No.:

**Application For Payment  
Change Order Summary**

Approved Change Orders Number	Additions	Deductions	
THREE	\$5.32		
TOTALS			
NET CHANGE BY CHANGE ORDERS		\$5.32	

1. ORIGINAL CONTRACT PRICE.....	\$ 117,978.38
2. Net change by Change Orders.....	\$ 5.32
3. Current Contract Price (Line 1 + 2).....	\$ 117,983.70
<b>4. TOTAL COMPLETED AND STORED TO DATE</b> (Column F total on Progress Estimates).....	
\$ 117,983.70	
<b>5. RETAINAGE:</b>	
a. <input checked="" type="checkbox"/> \$117,983.70 Work Completed.....	\$
b. <input checked="" type="checkbox"/> Stored Material.....	\$
c. Total Retainage (Line 5.a + Line 5.b).....	\$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$ 117,983.70
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$ 113,983.70
8. AMOUNT DUE THIS APPLICATION.....	\$ 4,000.00
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above).....	\$

**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.

By: Steve D. Walters Date: 4-20-2016

Contractor Signature

Payment of: \$ 4,000.00  
(Line 8 or other - attach explanation of the other amount)

is recommended by: Steve Walters (Engineer) 4/22/16 (Date)

Payment of: \$ \_\_\_\_\_  
(Line 8 or other - attach explanation of the other amount)

is approved by: \_\_\_\_\_ (Owner) \_\_\_\_\_ (Date)

Approved by: \_\_\_\_\_ Funding or Financing Entity (if applicable) \_\_\_\_\_ (Date)

**Progress Estimate**

**Contractor's Application**

For (Contract):		2015 Nuckolls Square Park Improvements		Application Number: TWO						
Application Period:		December 2015- April 2016		Application Date: 4/22/2016						
Bid Item No.	Item Description	Contract Information			C	D	E	F		G
		Item Quantity	Units	Unit Price				Total Value of Item (\$)	Total Completed and Stored to Date (D + E)	
1	Mobilization	1	LS	\$4,000.00	4000			\$4,000.00	100.0%	
2	Traffic Control & Barricades	1	LS	\$8,000.00	\$8,000.00	1		\$8,000.00	100.0%	
3	Earthwork	1	LS	\$8,000.00	\$8,000.00	1		\$8,000.00	100.0%	
4	Seeding, Mulching & Fertilizing	1	LS	\$4,000.00	\$4,000.00	1		\$4,000.00	100.0%	
5	Remove Sidewalk	1,621	SF	\$1.00	\$1,621.00	1615		\$1,615.00	99.6%	
6	Remove Curb & Gutter	1,078	LF	\$8.00	\$8,624.00	1078		\$8,624.00	100.0%	
7	Remove Retaining Wall	49	LF	\$5.00	\$245.00	49		\$245.00	100.0%	
8	Remove Steps	1	LS	\$157.50	\$157.50	1		\$157.50	100.0%	
9	Remove Concrete Drive	101	SF	\$1.00	\$101.00					
10	Remove Trees	2	EA	\$2,000.00	\$4,000.00	2		\$4,000.00	100.0%	
11	Build 5" Concrete Sidewalk	1,789	SF	\$4.32	\$7,729.48	1815		\$7,840.80	101.5%	
12	Build Curb Ramp	6	EA	\$1,400.00	\$8,400.00	6		\$8,400.00	100.0%	
13	Build Handrail	150	LF	\$13.33	\$1,999.50	150		\$1,999.50	100.0%	
14	Build Concrete Curb & Gutter	990	LF	\$22.00	\$21,780.00	990		\$21,780.00	100.0%	
15	Build 6" Concrete Drive/Parking	924	SF	\$4.50	\$4,158.00	924		\$4,158.00	100.0%	
16	Build Modular Block Retaining Wall	100	LF	\$10,000.00	\$10,000.00	100		\$10,000.00	100.0%	
	<b>TOTAL BASE BID</b>				<b>\$92,814.48</b>					
<b>ALTERNATE BID</b>										
1	Remove Sidewalk	410	SF	\$1.00	\$410.00	410		\$410.00	100.0%	
2	Remove Retaining Wall	21	LS	\$5.00	\$105.00	21		\$105.00	100.0%	
3	Remove Steps	1	LS	\$157.50	\$157.50	1		\$157.50	100.0%	
4	Remove Tree	1	EA	\$2,000.00	\$2,000.00	1		\$2,000.00	100.0%	
5	Build 5" Concrete Sidewalk	600	SF	\$4.32	\$2,592.00	600		\$2,592.00	100.0%	
6	Build Handrail	180	LF	\$13.33	\$2,399.40	180		\$2,399.40	100.0%	
7	Build Modular Block Retaining Wall	175	LF	\$10,000.00	\$17,500.00	175		\$17,500.00	100.0%	
	<b>TOTAL ALTERNATE BID</b>				<b>\$25,163.90</b>					
<b>PROJECT TOTAL</b>										
					<b>\$117,978.38</b>			<b>\$117,978.38</b>	<b>100.0%</b>	

**\*\*REMINDER\*\* ROBERTS RULES 1. PRESENTATION 2. MOTION 3. DEBATE 4. VOTE**

**EXHIBIT E  
RECOMMENDATION OF ACCEPTANCE**

---

DATE OF ISSUANCE April 22, 2016

---

OWNER City of Nebraska City, Nebraska  
CONTRACTOR Steve Walter & Son, Inc.  
Contract: 2015 Nuckolls Square Park Improvements  
Project: 2015 Nuckolls Square Park Improvements

---

OWNER's Contract No. \_\_\_\_\_ ENGINEER's Project No. 140954

---

This Recommendation of Acceptance applies to all Work under the Contract Documents or to the following specified parts thereof:

To City of Nebraska City, Nebraska  
OWNER  
And To Steve Walter & Son, Inc.  
CONTRACTOR

---

The Work to which this Recommendation of Acceptance applies has been inspected by authorized representatives of OWNER, CONTRACTOR and ENGINEER, and that Work is hereby declared to be complete in accordance with the Contract Documents on April 22, 2016, expressly subject to the provisions of the related Agreement documents and the terms and conditions set forth herein.

**CONDITIONS OF RECOMMENDATION OF ACCEPTABILITY OF WORK**

The Recommendation of Acceptability of Work ("Recommendation") on the front side of this sheet is expressly made subject to the following terms and conditions to which all persons who receive said Recommendation and rely thereon agree:

1. Said Recommendation is given with the skill and care ordinarily used by members of the engineering profession practicing under similar conditions at the same time and in the same locality.
2. Said Recommendation reflects and is an expression of the professional judgment of ENGINEER.
3. Said Recommendation is given as to the best of ENGINEER's knowledge, information, and belief as of the date hereof.
4. Said Recommendation is based entirely on and expressly limited by the scope of services ENGINEER has been employed by OWNER to perform or furnish during construction of the Project (including observation of the CONTRACTOR's work) under ENGINEER's Agreement with OWNER and under the Construction Contract referenced herein, and applies only to facts that are within ENGINEER's knowledge or could reasonably have been ascertained by ENGINEER as a result of carrying out the responsibilities specifically assigned to ENGINEER under ENGINEER's Agreement with OWNER and the Construction Contract referenced herein.
5. Said Recommendation is not a guarantee or warranty of CONTRACTOR's performance under the Construction Contract referenced herein nor an assumption of responsibility for any failure of CONTRACTOR to furnish and perform the Work thereunder in accordance with the Contract Documents.

Nebraska City

The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties and guarantees shall be as follows:

OWNER: \_\_\_\_\_

CONTRACTOR: Responsible for two year warranty on the retaining walls and one year warranty on the remainder of the project from the date of acceptance by the Owner below.

The following documents are attached to and made a part of this Recommendation of Acceptance:  
Payment Application No. TWO and Final

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

Executed by ENGINEER on 4/26/16  
Date  
GEO Consulting Group  
ENGINEER  
By: [Signature]  
(Authorized Signature)

CONTRACTOR accepts this Recommendation of Acceptance on 4-20-2016  
Date  
Steve Walters & Son, Inc  
CONTRACTOR  
By: [Signature]  
(Authorized Signature)

OWNER accepts this Recommendation of Acceptance on \_\_\_\_\_  
Date  
\_\_\_\_\_  
OWNER  
By: \_\_\_\_\_  
(Authorized Signature)

EJCDC No. 1910-8-D (1996 Edition)  
Prepared by the Engineers' Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute.