CITY COUNCIL PROCEEDINGS

January 23, 2006

The City Council of the City of David City, Nebraska met in open public session in the meeting room of the City Office, 557 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner-Press on January 19, and an affidavit of the publisher is on file in the office of the City Clerk. The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor and Council members conveyed the availability of the Agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection during regular office hours. 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 Stephen Smith, Council members Gary Smith, Gary Kroesing, Nick Hein, Bill Schatz, Ted Lukassen, and Mark Kirby, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Electric Plant Supervisor John Kabourek, Water/Sewer Supervisor Jim Kruse, Jerry Kosch, Street Supervisor Jim McDonald, Larry Peirce, and City Clerk-Treasurer Joan E. Kovar.

The meeting opened with the Pledge of Allegiance.

Council member Kirby introduced an ordinance granting extra pay for Mayor Stephen Smith, Council President Gary Smith, and City Clerk Kovar during the absence of a city administrator. Council member Schatz stated that he objected to the ordinance because it is contrary to State Statute. "If we seek to change in any way the salary or compensation of the mayor or an individual council member, we would be required to do so by ordinance according to statute, which provides that, "The officers and employees of the city shall receive such compensation as the mayor and council shall fix by ordinance." Neb. Rev. Stat. §17-108(1943). However we are restricted from changing the salaries or compensations during the term of the elected official and can only do so at the beginning of the full term of any member of the council. Neb. Rev. Stat. §17-612 (1943). More specifically, Nebraska law expressly prohibits extra compensation to elected officials in statute stating, "No officer shall receive any pay or perquisites from the city other than his or her salary." Neb. Rev. Stat. §17-611. Council member Gary Smith stated that he did not ask for any additional pay, doesn't want any additional pay, and didn't ask anyone to bring it up on his behalf. Mayor Smith stated that he did not have a problem with this and did not want to do anything against State Statute.

The extra pay for City Clerk Kovar was discussed. Kovar is not an elected official. After discussion it was decided that City Attorney Egr will draft an ordinance stating that void of a City Administrator the Mayor and Council will merge the duties of the City Administrator with those of the City Clerk. The ordinance will be considered at the February 8th council meeting.

The Mayor and Council had copies of the applications received for the City Administrator position. Mayor Smith wrote his top choices on the black board and then asked the council members for their top choices. After Council member Kroesing had named his choices he said "However, my number one choice is someone who lives right here in David City and is in this room now and that is Joan Kovar." Mayor Smith added Kovar's name and continued to list the top choices from the other council members. Council member Schatz made no recommendations. Mayor Smith then asked if the council members wanted to interview the top four or five or how they wanted to proceed. Questions and discussion turned to Joan Kovar.

Kovar stated that she had filled out an application form but then withdrew it. Much discussion followed.

Council member Kroesing made a motion to re-open the applications for a city administrator or city administrator/city clerk position for an additional thirty days with a deadline date of February 23, 2006 at 3:00 p.m. Council member Smith seconded the motion. Voting YEA: Council members Lukassen, Kirby, Hein, Schatz, Smith, and Kroesing. Voting NAY: None. The motion carried.

Council member Schatz made a motion to go into executive session to discuss a personnel matter. Council member Hein seconded the motion. Voting YEA: Council members Lukassen, Kroesing, Smith, Kirby, Hein, and Schatz. Voting NAY: None. The motion carried. The Mayor and City Council went into executive session at 6:56 p.m., accompanied by City Attorney Egr, and City Clerk Kovar

Council member Schatz made a motion to come out of executive session. Council member Kirby seconded the motion. Voting YEA: Council members Lukassen, Hein, Smith, Kroesing, Kirby, and Schatz. Voting NAY: None. The motion carried and the Mayor and Council came out of executive session at 7:16 p.m..

There being no further business to come before the Council, Council member Schatz made a motion to adjourn. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Lukassen, Hein, Kroesing, Smith, and Schatz. Voting NAY: None. The motion carried and Mayor Smith declared the meeting adjourned at 7:17 p.m..

Mayor Smith reported that Roger Kotil had submitted his resignation as zoning administrator effective March 31, 2006. A help wanted ad will be placed in the Banner Press.

Mayor Stephen Smith

City Clerk Joan E. Kovar

✧ ✧

CERTIFICATION OF MINUTES
January 23, 2006

I, Joan E. Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of January 23, 2006; 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.

Joan E. Kovar