

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING
OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **11th day of September, 2013**, in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska.

This agenda is available for public inspection in the office of the City Clerk and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this 3rd day of September, 2013.

AGENDA AS FOLLOWS:

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| 1. Roll Call; | Mayor Alan Zavodny |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | Council President Gary L. Kroesing |
| 4. Minutes of the August 14 th , 2013 meeting of the Mayor and City Council; | |
| 5. Consideration of Claims; | |
| 6. Committee and Officer Reports;
Presentation: Certificates of Appreciation – Sod & Tami; | Council member Michael E. Rogers |
| 7. BUDGET HEARING and Budget Summary for the purpose of hearing support, opposition, criticism, suggestions or observations of taxpayers relating to the proposed budget Fiscal Year 2013 - 2014; | Council member Ruddy L. Svoboda |
| 8. Consideration of Ordinance No. 1195 adopting the budget statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2013-2014 fiscal year; | Council member William Scribner |
| 9. Public Hearing to consider setting the final tax request at a different amount than the prior year tax request; | Council member Gary D. Smith |
| 10. Consideration of Resolution No. 15 - 2013 approving an additional one percent (1%) increase in restricted funds; | Council member John P. Vandenberg |
| 11. Consideration of Resolution No. 16 – 2013 setting the property tax request; | |
| 12. Consideration of Resolution No. 17 – 2013 carrying forward the unused budget authority; | City Clerk Joan E. Kovar |

13. Consideration of Ordinance No. 1196 narrowing "B" Street from the East side of 13th Street to the East side of 14th Street to 66' wide and vacating 17' on either side of "B" Street between 13th and 14th Street and becoming the property of the abutting lots;
14. Consideration of Ordinance No. 1197 setting the monthly rates to be charged for water usage, customer charges, and the effective dates;
15. Consideration of Ordinance No. 1198 setting the monthly rates to be charged for Sewer usage, customer charges, and the effective dates;
16. Consideration of Ordinance No. 1199 setting the pay for the City Administrator;
17. Consideration of purchasing approximately 140 LF of 10' tall black vinyl chain link fence for the south and east fence lines around the basketball court;
18. Consideration of going into executive session to discuss a legal matter;
19. Adjournment;

CITY COUNCIL PROCEEDINGS

September 11, 2013

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 N 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on September 5th, 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 Alan Zavodny, Council members Gary Smith, John Vandenberg, Gary Kroesing, Bill Scribner and Ruddy Svoboda, Interim City Administrator Joan Kovar and Interim City Clerk Tami Comte. Council member Mike Rogers was absent.

Also present for the meeting were: Park/Auditorium Supervisor Scott Bales, Street Foreman Rodney Rech, Water/Sewer Supervisor Gary Janicek, Randy Hellbusch of Nebraska Rural Water Assn., Janis Cameron, Carolyn Yates, future City Administrator Abbie Cornett and Banner Press Editor Larry Peirce.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

The minutes of the August 14, 2013 meetings of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Smith. Voting AYE: Council members Svoboda, Scribner, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried. Council member Rogers was absent.

Mayor Zavodny asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims and Council member Svoboda seconded the motion. Voting AYE: Council members Svoboda, Vandenberg, Scribner, Smith and Kroesing. Voting NAY: None. The motion carried. Council member Rogers was absent.

Mayor Zavodny called for Committee and Officers Reports. Mayor Zavodny presented a Certificate of Appreciation to Tami Comte for 30 years of service to the City and he presented a Certificate of Appreciation to Rodney Rech for 40 years of service to the City.

Council member Scribner made a motion to accept the committee and officers reports as presented. Council member Vandenberg seconded the motion. Voting AYE: Council members Svoboda, Smith, Scribner, Vandenberg, and Kroesing. Voting NAY: None. The motion carried. Council member Rogers was absent.

Mayor Zavodny declared the Budget Hearing and Budget Summary open at 7:07 p.m. for the purpose of hearing support, opposition, criticism, suggestions, or observations concerning the proposed budget.

Carolyn Yates stated that everyone worked hard on the budget and they did a good job!

Mayor Zavodny declared the public hearing closed at 7:09 p.m.

Council member Vandenberg introduced Ordinance No. 1195. Council member Kroesing made a motion to suspend the statutory rule requiring an ordinance to be read on three separate days. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Vandenberg, and Svoboda. Voting NAY: None. The motion carried. Council member Rogers was absent.

Council member Smith made a motion to pass Ordinance No. 1195 on third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Vandenberg, and Svoboda. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1195 was passed on third and final reading as follows:

ORDINANCE NO. 1195

THE ANNUAL APPROPRIATION BILL

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, ADOPTING THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR THE REPEAL OF ANY ORDINANCE OR RESOLUTION IN CONFLICT THEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE THEREOF; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, Nebraska Revised Statue 17-706 provides that a city council of the second class shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the city.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

SECTION 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 2013, through September 30, 2014. All sums of money contained in the budget statement are hereby appropriate for the necessary expenses and liabilities of the City of David City, Nebraska. A copy of all completed State of Nebraska Budget Forms shall be forwarded as provided by law to the Auditor of Public Accounts, State Capital, Lincoln, Nebraska, and to the County Clerk of Butler County, Nebraska, for use by the levying authority.

SECTION 2. That any ordinance or section of any ordinance passed and approved prior to or subsequent to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby appealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:10 p.m. to consider setting the final tax request at a difference amount than the prior year tax request.

Interim City Administrator Joan Kovar stated that the tax request was for \$555,678.77.

Mayor Zavodny declared the public hearing closed at 7:11 p.m.

Council member Smith introduced Resolution No. 15 - 2013 and moved for its passage and adoption. Council member Scribner seconded the motion. Voting AYE: Council members Svoboda, Scribner, Kroesing, Smith, and Vandenberg. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 15 - 2013 was passed and approved as follows:

RESOLUTION NO. 15 - 2013

A RESOLUTION OF THE CITY OF DAVID CITY TO APPROVE AN ADDITIONAL ONE PERCENT (1%) INCREASE IN RESTRICTED FUNDS.

WHEREAS, Nebraska Revised Statute 13-519.02 provides that a governmental unit may exceed its restricted funds limit for a fiscal year by up to an additional one percent upon the affirmative vote of at least seventy-five percent of the governing body.

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

1. An additional one percent (1%) increase in restricted funds for the 2013 -2014 budget is approved.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami L. Comte

Council member Scribner introduced Resolution No. 16 - 2013 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Smith, Kroesing, Scribner, and Svoboda. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 16 - 2013 was passed and approved as follows:

RESOLUTION NO. 16 - 2013

RESOLUTION OF THE CITY OF DAVID CITY
SETTING THE PROPERTY TAX REQUEST.

WHEREAS, Nebraska Revised Statute 77-1601.02 provides that the property tax request for the prior year shall be the property tax request for the current year for purpose of the levy set by the County Board of Equalization unless the Governing Body of the City of David City passes by a majority vote, resolution of ordinance setting the tax request at a different amount; and,

WHEREAS, a special public hearing was held as required by law to hear and consider comments concerning the property tax request; and,

WHEREAS, it is in the best interest of the City of David City that the property tax request for the current year be a different amount than the property tax request for the prior year.

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

1. The 2013 - 2014 property tax request be set at \$555,678.77.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2013.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami L. Comte

Council member Smith introduced Resolution No. 17 - 2013 and moved for its passage and adoption. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Scribner, Smith, and Svoboda. Voting NAY: None. Council member Rogers was absent. The motion carried and Resolution No. 17 - 2013 was passed and approved as follows:

RESOLUTION NO. 17 - 2013

A RESOLUTION OF THE CITY OF DAVID CITY
TO CARRY FORWARD THE UNUSED BUDGET AUTHORITY

WHEREAS, Nebraska Revised Statute 13-521 provides that a governmental unit may choose not to increase its total of restricted funds by the full amount by law in a particular year. In such cases, the governmental unit may carry forward to future budget years the amount of unused restricted funds authority.

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

1. The unused budget authority of \$1,192,222.83 from the 2012 - 2013 budget shall be carried forward to the 2012-2013 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

ATTEST:

Interim City Clerk Tami L. Comte

Council member Scribner introduced Ordinance No. 1196 and made a motion to suspend the statutory rule requiring an ordinance to be read on three separate days. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Smith,

Scribner, Vandenberg, and Svoboda. Voting NAY: None. The motion carried. Council member Rogers was absent.

Council member Smith made a motion to pass Ordinance No. 1196 on third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Vandenberg, and Svoboda. Voting NAY: None. Council member Rogers was absent. The motion carried and Ordinance No. 1196 was passed on third and final reading as follows:

ORDINANCE NO. 1196

AN ORDINANCE NARROWING THAT PORTION OF "B" STREET FROM THE EAST SIDE OF "13th STREET TO THE EAST SIDE OF 14th STREET, DECLARING SAID NARROWING EXPEDIENT FOR THE PUBLIC GOOD AND VACATING SEVENTEEN FEET (17') ON EACH SIDE OF "B" STREET TO BECOME THE PROPERTY OF THE ADJOINING LOTS, AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

SECTION 1: That "B" Street from the east side of 13th Street to the east side of 14th Street has not been used or maintained as a street at any time but only designed as such in the original East David City Addition.

SECTION 2: That the Planning Commission discussed the extension of the 100' wide "B" Street, and the fact that there are existing evergreen trees on the south side of "B" Street that would need to be removed to accommodate a 100' wide street.

SECTION 3: That Mike and Pam Siroky have recently purchased Lots 8,9 and 12, Block 12, East of David City and will need "B" Street from 13th to 14th Street as an access road to their property.

SECTION 4: The City currently has a water main in the "B" Street easement;

SECTION 5: That a 66' wide street would be sufficient for "B" Street between 13th and 14th Street;

SECTION 6: That the Street Superintendent will designate a 66' wide street;

SECTION 7: That seventeen feet (17') on either side of the changed sixty six feet (66') wide "B" Street between 13th and 14th Street be vacated and become the property of the abutting lots thereof.

SECTION 8: That this ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage and approval.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Council member Scribner introduced Ordinance No. 1197.

Randy Hellbusch from the Nebraska Rural Water Assn. was present to discuss the proposed rate increases. Randy Hellbusch asked if the Council Members had received the updated suggested rate increases. He stated that there was an error on the first one but in the scheme of things that it really didn't change the facts of what needs to be done to generate the appropriate revenue. Randy Hellbusch said, "Every system has their own assets and liabilities and different things, but the bottom line is what we need to do to make sure that we're generating enough revenue for the City of David City's utilities."

Mayor Zavodny thanked Randy Hellbusch for the information that he provided. He stated that it was kind of eye opening. He stated that he knows what we need to operate however he's really uncomfortable going to that right away. He stated that he likes the incremental approach. It's getting hard on people with fixed incomes.

Randy Hellbusch stated that it's a lot easier for the public to budget for if they know it's coming in smaller increments than all at once. Even if you make the jump to go to where we need to be, it's not over. Inflation hits public utilities just as hard, or harder, than it hits anywhere else. Whatever the council decides, I would encourage you to take a look at it in another year or three years to see if you are where you need to be.

Mayor Zavodny stated that the other thing that they should talk about is that if we're running the City like a business then we aren't meeting our expenses. That's probably not a great way for us to go, however, I just think to make that huge jump might be a little too much of a burden on our citizens.

Council member Scribner stated that it's a "Catch 22". We need to stay out of the red, however we need to provide a quality product. People are getting brown water, they are getting bad smelling water and the only way to fix that is to fix the mains and we can't do it in the red.

Council member Smith stated that was his same concern. With the quality of water that we have, how can we ask people to pay more money for it. I realize that we have to have the money to fix the problem. He stated that if we get the sales tax through that's going to take the burden off of quite a bit of it. Gary Smith said, "I don't have a problem with the way the treatment plant is being run as much as a lot of people do. I know, and I'm talking from experience, just for me, getting hooked onto a new main and a new water line, my water is 100% better than it was before. So, that's telling me that if we start replacing the water mains in town, we're going to at least have a good product to sell and people aren't going to say "why are you charging me more money and I've got to go buy Eco water for my house."

Mayor Zavodny stated that he agreed that's probably the first thing that we'll hear. We need to make sure that we educate people as we go that even if we replace the mains that they may need to replace their lines also.

Randy Hellbusch stated that the first rate increase does not cover any depreciation, it's just to cover your operation and maintenance costs right now. That isn't helping at all with any water main replacement or any capital outlay. That is just to catch up to covering the day to day expenses.

Council member Smith made a motion to amend Ordinance No. 1197 by deleting sections #3 & #4. Council member Svoboda seconded the motion. Voting AYE: Council members Smith, Scribner, Vandenberg, and Svoboda. Voting NAY: Council member Kroesing. Council member Rogers was absent.

Council member Scribner made a motion to pass Ordinance No. 1197 on 1st reading only. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Vandenberg and Svoboda. Voting NAY: Council member Kroesing. Council member Rogers was absent. Ordinance No. 1197 was passed on 1st reading only as follows:

ORDINANCE NO. 1197

AN ORDINANCE SETTING THE MONTHLY RATES TO BE CHARGED FOR WATER USAGE; CUSTOMER CHARGES; EFFECTIVE DATES AND RATES; REPEALING ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, SECTION 3-101 OF THE MUNICIPAL CODE PROVIDES THAT THE GOVERNING BODY SHALL SET RATES TO BE CHARGED BY ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

Section 1. That the following monthly rates and customer charges shall become effective **January 1, 2014**. (Water used in January, billed in February, and due March 1 - 10th.)

For 5/8" by 3/4" meters:

Customer charge of \$22.75 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

For 3/4" meters:

Customer charge of \$28.60 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

For 1" meters:

Customer charge of \$28.60 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000

and \$3.10 per 1,000 gallons Over 10,000

For 1 1/2" meters:

Customer charge of \$57.00 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

For 2" meters:

Customer charge of \$170.00 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

For 3" meters:

Customer charge of \$240.00 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

For 4" meters:

Customer charge of \$240.00 per month (no water usage included)
and \$2.73 per 1,000 gallons for First 10,000
and \$3.10 per 1,000 gallons Over 10,000

Section 2. The monthly rates to be charged for water usage and customer charges will be reviewed by the City Council on as needed basis;

Section 3. That any other ordinance or section of any ordinance passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 4. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this ____ day of _____, 2013.

(ATTEST)

Passed on 1st reading only
Mayor Alan Zavodny

Passed on 1st reading only
Interim City Clerk Tami Comte

Council member Scribner introduced Ordinance No. 1198.

Council member Scribner made a motion to amend Ordinance No. 1198 by deleting sections #4 & #5. Council member Smith seconded the motion. Voting AYE: Council members

Smith, Scribner, Vandenberg, and Svoboda. Voting NAY: Council member Kroesing. Council member Rogers was absent.

Council member Scribner made a motion to pass Ordinance No. 1198 on 1st reading only. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Vandenberg, Svoboda and Smith. Voting NAY: Council member Kroesing. Council member Rogers was absent. Ordinance No. 1198 was passed on 1st reading only as follows:

ORDINANCE NO. 1198

AN ORDINANCE SETTING THE MONTHS THAT WILL BE USED TO CALCULATE SEWER RATES; EFFECTIVE DATES; REPEALING ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, SECTION 3-213 OF THE MUNICIPAL CODE PROVIDES THAT THE GOVERNING BODY SHALL SET RATES TO BE CHARGED BY ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

Section 1. For residential customers, the monthly sewer rate fee shall be based on the average quantity of water **used during the time period of December 20th thru February 19th, preceding April of the current year**. Customers who move within the City shall pay the same Sewer Use Fee at their new location as they paid for at their former location until which time the sewer rate fees are recalculated. For new residential customers in the City, an appropriate Sewer Use Fee will be determined by the Water/Sewer Supervisor.

Section 2. For commercial customers, who use water in a commercial business, industrial, or other non-residential way, a monthly Sewer Use Fee will be calculated monthly based on the current month's water usage. Commercial customers who do not want to pay a sewer use fee for water used for watering lawns or shrubs will be responsible, at their own cost, to hire a licensed plumber to install a separate water meter to separately meter such water usage.

Section 3. The following monthly Sewer Rates and customer charges became effective March 1, 2014, billed in April, and due May 1 - 10th.

Customer charge of \$8.15 per month
Plus @ \$3.00 per 1,000 gallons of water used

Section 4. The monthly rates to be charged for sewer usage and customer charges will be reviewed by the City Council on an as needed basis;

Section 5. That any other ordinance or section of any ordinance passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 6. This ordinance shall be published in pamphlet form and shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this ____ day of _____, 2013.

Passed on 1st reading only
Mayor Alan Zavodny

(ATTEST)

Passed on 1st reading only
Interim City Clerk Tami Comte

Council member Scribner introduced Ordinance No. 1199 and made a motion to suspend the statutory rule requiring an ordinance to be read on three separate days. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Scribner, Vandenberg, Svoboda and Mayor Zavodny. Mayor Zavodny was allowed to vote pursuant to Nebraska State Statute §17-110 & §17-614 which went into effect on September 6, 2013. Voting NAY: Council member Kroesing. The motion carried. Council member Rogers was absent.

Council member Smith made a motion to pass Ordinance No. 1199 on third and final reading. Council member Scribner seconded to the motion. Voting AYE: Council members Smith, Scribner, Vandenberg and Svoboda. Voting NAY: Council member Kroesing. Council member Rogers was absent. The motion carried and Ordinance No. 1199 was passed on third and final reading as follows:

ORDINANCE NO. 1199

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO SET THE PAY FOR THE CITY ADMINISTRATOR; REPEAL ALL ORDINANCES OR PORTIONS OF ANY ORDINANCE IN CONFLICT THEREWITH; PROVIDE AN EFFECTIVE DATE; AND PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA:

SECTION 1. The Mayor and City Council of David City, Nebraska, do hereby establish and fix the salary for City Administrator Abbie Cornett at **\$65,000.00 per year**, after the passage of this ordinance.

SECTION 2. Any and all ordinances, or sections thereof, passed and approved prior to the passage, approval and publication or posting of this ordinance, and in conflict with its provisions, is hereby repealed.

SECTION 3. This ordinance shall be published in pamphlet form and shall be in full force and effect beginning on September 24, 2013.

PASSED AND APPROVED this 11th day of September, 2013.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Park/Auditorium Supervisor Scott Bales was present to request purchasing approximately 140 LF of 10' tall black vinyl chain link fence for the south and east fence lines around the basketball court. He stated that this is part of the \$40,000 that was requested by the Park & Rec Committee for the current fiscal year.

Mayor Zavodny asked if they were going to be able to save the tree that will be close to the fence.

Park/Auditorium Supervisor Bales stated that they would be able to keep the tree and that they would just need to remove a couple of branches.

Mayor Zavodny asked if they were going to be able to smooth out the area so there isn't such a steep drop off.

Park/Auditorium Supervisor Bales stated that they were placing the fence about one foot from the edge of the court and that they were going to move some dirt so that there would not be such a steep drop off.

Council member Scribner made a motion to approve the Park & Rec Committee's request to purchase approximately 140 LF of 10' tall black vinyl chain link fence for the south and east fence lines around the basketball court in the amount of \$5,781.00. Council member Smith seconded the motion. Voting AYE: Council members Scribner, Smith, Svoboda, Kroesing and Vandenberg. Voting NAY: None. The motion carried. Council member Rogers was absent.

Council member Scribner made a motion to go into executive session to discuss a legal matter. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Scribner, Svoboda, and Smith. Voting NAY: None. The motion carried. Council member Rogers was absent.

Mayor Zavodny stated, "Now at 7:40 p.m. we are going into executive session to discuss a legal issue." Mayor Zavodny, all of the Council members, City Attorney Egr, Interim City Administrator Kovar, Interim City Clerk Comte and future City Administrator Abbie Cornett went into executive session at 7:40 p.m.

City Attorney Jim Egr stated that a motion and second was not needed to come out of executive session. Therefore, Mayor Zavodny declared the City Council out of executive session at 8:02 p.m.

There being no further business to come before the Council, Council member Scribner made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Scribner, Svoboda, and Smith. Voting NAY: None. Council member Rogers was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:03 p.m.



CERTIFICATION OF MINUTES
September 11, 2013

I, Tami L. Comte, duly qualified and acting Interim City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of September 11, 2013; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami L. Comte, Interim City Clerk