

CITY COUNCIL PROCEEDINGS

September 18, 2012

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 13th, 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.

Mayor Zavodny opened the special meeting at 6:30 p.m.

Present for the meeting were: Mayor Alan Zavodny, Council members Gary Smith, Mike Rogers, John Vandenberg, Gary Kroesing, Bill Scribner and Ruddy Svoboda, Interim City Administrator Joan Kovar and Interim City Clerk Tami Comte.

Also present for the meeting were: Park/Auditorium Supervisor Scott Bales, Street Superintendent James McDonald, Library Director Kay Schmid, Electric Plant Supervisor Eric Betzen, Janis Cameron, Carolyn Yates, Joy Fountain, Jan Sypal 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.

Mayor Zavodny declared the Budget Hearing and Budget Summary open at 6:31 p.m. for the purpose of hearing support, opposition, criticism, suggestions, or observations concerning the proposed budget.

Interim City Administrator Joan Kovar stated that she spoke with Deann Haeffner, Asst. Deputy, County Coordinator, at the State Auditor's office today. Interim City Administrator Joan Kovar asked Ms. Haeffner what would happen if David City did not pass their budget at this meeting. Ms. Haeffner told Kovar that if the City did not pass the budget that they could not submit the budget to the County Clerk and therefore, would lose their ability to levy for taxes and if they would not submit the budget to the State Auditor then they would lose their ability to spend money so they would, basically, just have to lock the doors to the entire City.

Interim City Administrator Kovar stated that it was imperative that the budget Ordinance be passed at this meeting.

Council member Scribner stated that he doesn't like waiting until the last minute to pass the budget. He would like to see the process started in July and would like to work on the budget line item by line item. He would like to see it in writing and be able to discuss the individual department budgets with each department head.

Council member Kroesing stated that he couldn't go along with just hiring another person in the water department. He stated that the report from Kirkham Michael stated that we need a chemist and that is who he would like to see hired.

Mayor Zavodny stated that would mean raising the salary line item in the water system budget by \$20,000.

Mayor Zavodny asked the Council members how they felt about a cost of living increase.

After some discussion, it was agreed that a 2% cost of living adjustment would seem appropriate.

Street Superintendent Jim McDonald asked what cuts were going to be made in the Street Department.

Mayor Zavodny stated that he was willing to make the cuts that had been discussed at the staff meeting, which include the following:

21-2220 Radio Repairs	-\$7,400
21-2290 Miscellaneous	-\$12,000
21-2533 Small Equipment	-\$2,000
21-2553 Snow Buildings/Equipment	-\$4,000
Total	-\$25,400

Mayor Zavodny stated that for at least the last two years of his term that the City not undertake any major projects.

Mayor Zavodny stated that the size of government that we can afford is smaller than what we have now. He stated that it's not a value judgment, it's just numbers.

Council member Rogers asked where we are with cross training of the employees.

Mayor Zavodny stated that when he first brought up cross training, the City employees said that it won't work and it can't be done and, to their credit, they have demonstrated that they were wrong, because they've done it. They have talked about being willing to do it. When there's a water main break, it doesn't matter what department they work for, they go and help. Mayor Zavodny stated that as far as cross training goes, we've tried to start with Power Plant Supervisor Eric Betzen and try to get some help for him there. Park/Auditorium Supervisor Scott Bales is a department of one with some part-time help. Those are choices that we make.

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

Council member Kroesing introduced Ordinance No. 1181. Council member Scribner made a motion to suspend the statutory rule requiring an ordinance to be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Smith, Scribner, Vandenberg, Rogers and Svoboda. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass Ordinance No. 1181 on third and final reading. Council member Scribner seconded the motion. Voting AYE: Council members

Kroesing, Smith, Scribner, Vandenberg, Svoboda and Rogers. Voting NAY: None. The motion carried and Ordinance No. 1181 was passed on third and final reading as follows:

ORDINANCE NO. 1181
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 Statute 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, 2012, through September 30, 2013. 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 18th day of September, 2012.

Mayor Alan Zavodny

Interim City Clerk Tami Comte

Mayor Zavodny declared the public hearing open at 7:11 p.m. to consider setting the final tax request at a difference amount than the prior year tax request.

Mayor Zavodny declared the public hearing closed at 7:12 p.m.

Council member Kroesing introduced Resolution No. 16 - 2012 and moved for its passage and adoption. Council member Smith seconded the motion. Voting AYE: Council members Svoboda, Scribner, Kroesing, Rogers, Smith, and Vandenberg. Voting NAY: None. The motion carried and Resolution No. 16-2012 was passed and approved as follows:

RESOLUTION NO. 16 - 2012

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 2012 -2013 budget is approved.

PASSED AND APPROVED this 18th day of September, 2012.

Mayor Alan Zavodny

Interim City Clerk Tami L. Comte

Council member Kroesing introduced Resolution No. 17 - 2012 and moved for its passage and adoption. Council member Scribner seconded the motion. Voting AYE: Council members Vandenberg, Smith, Rogers, Kroesing, Scribner, and Svoboda. Voting NAY: None. The motion carried and Resolution No. 17 - 2012 was passed and approved as follows:

RESOLUTION NO. 17 - 2012

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 2012 - 2013 property tax request be set at \$543,204.28.
2. A copy of this resolution be certified and forwarded to the Butler County Clerk prior to September 20, 2012.

PASSED AND APPROVED this 18th day of September, 2012.

Mayor Alan Zavodny

Interim City Clerk Tami L. Comte

Council member Kroesing introduced Resolution No. 18 - 2012 and moved for its passage and adoption. Council member Scribner seconded the motion. Voting AYE: Council members Rogers, Kroesing, Vandenberg, Scribner, Smith, and Svoboda. Voting NAY: None. The motion carried and Resolution No. 18 - 2012 was passed and approved as follows:

RESOLUTION NO. 18 - 2012

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 \$1,179,889.63 from the 2011 - 2012 budget shall be carried forward to the 2012-2013 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 18th day of September, 2012.

Mayor Alan Zavodny

ATTEST:

Interim City Clerk Tami L. Comte

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Scribner, Svoboda, and Smith. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 7:13 p.m.



CERTIFICATION OF MINUTES
September 18, 2012

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 18, 2012; 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