

**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 **14<sup>th</sup> day of August, 2013**, in the meeting room of the City Office, 557 N 4<sup>th</sup> 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 7<sup>th</sup> day of August, 2013.

**AGENDA AS FOLLOWS:**

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| 1. Roll Call;   | <hr/> Mayor Alan Zavodny                 |
| 2. Pledge of Allegiance;  |  |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules;  | <hr/> Council President Gary L. Kroesing |
| 4. Minutes of the July 10 <sup>th</sup> and July 24 <sup>th</sup> , 2013 meetings of the Mayor and City Council;                                      |  |
| 5. Consideration of Claims;   | <hr/> Council member Michael E. Rogers   |
| 6. Committee and Officer Reports;   |  |
| 7. Consideration of Ordinance No. 1193 incorporating a 2.5% Cost of Living Increase;  | <hr/> Council member Ruddy L. Svoboda    |
| 8. Consideration of the application by the Knights of Columbus to conduct the game of Bingo at 517 N 4 <sup>th</sup> Street until September 30, 2014; | <hr/> Council member William Scribner    |
| 9. Consideration of the bids received for a SCADA System Upgrade to include all feeder lines;   |  |
| 10. Consideration / Discussion of the proposed budgets for October 1, 2013 – September 30, 2014 Fiscal Year;  | <hr/> Council member Gary D. Smith       |
| 11. Consideration of Ordinance No. 1194 establishing the height of eight inches (8") at which weeds, grasses, or worthless vegetation are a nuisance; | <hr/> Council member John P. Vandenberg  |
|   | <hr/> City Clerk Joan E. Kovar           |

12. Consideration of Resolution No. 14 – 2013 submitting to qualified electors the following proposition: “Shall the governing body of the City of David City, NE, impose a sales and use tax of an additional ½%, with the proceeds collected to be used for the replacement and maintenance of Water Mains and water infrastructure within the City of David City, (making the city sales and use tax 2%) upon the same transactions within the City of David City on which the State of Nebraska is authorized to impose a tax, for a ten (10) year period;
13. Consideration of hiring City Administrator candidate Abbie Cornett;
14. Adjournment;

## CITY COUNCIL PROCEEDINGS

August 14, 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 4<sup>th</sup> Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on August 8<sup>th</sup>, 2013 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 Kroesing, John Vandenberg, Ruddy Svoboda, Mike Rogers, Gary Smith, City Attorney James Egr, Interim City Administrator Joan Kovar and Interim City Clerk Tami Comte. Council members Bill Scribner was absent.

Also present were: Electric Supervisor Pat Hoeft, Electric Plant Supervisor Eric Betzen, Darci Betzen, Janis Cameron, Carolyn Yates, City Administrator candidate Senator 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 July 10, 2013 and July 24, 2013 meetings of the Mayor and City Council were approved upon a motion by Council member Kroesing and seconded by Council member Vandenberg. Voting AYE: Council members Svoboda, Rogers, Smith, Vandenberg, and Kroesing. Voting NAY: None. The motion carried. Council member Scribner was absent.

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

Mayor Zavodny called for Committee and Officers Reports.

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

Council member Kroesing introduced Ordinance No. 1193.

Council member Kroesing made a motion to suspend the statutory rule requiring an Ordinance be read on three separate days. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Vandenberg and Svoboda. Voting NAY: None. The motion carried. Council member Scribner was absent.

Council member Smith made a motion to pass Ordinance No. 1193 on 3<sup>rd</sup> and Final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Vandenberg, Kroesing, Rogers and Svoboda. Voting NAY: None. The motion carried and Ordinance No. 1193 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1193**

AN ORDINANCE ADOPTING A TWO AND ONE HALF PERCENT (2 ½ %) COST OF LIVING ADJUSTMENT (COLA) FOR FULL-TIME AND PERMANENT PART-TIME EMPLOYEES; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND PROVIDING FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND 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 pay scales and salaries for the following positions for the appointed officers and employees of the City of David City, Nebraska:

Full-Time Staff (Hourly Rate of Pay)

STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
<u>Office Staff</u>															
Clerical I	10.03	10.26	10.49	10.73	10.96	11.21	11.47	11.72	11.98	12.26	12.54	12.81	13.10	13.41	13.69
Acct Clerk I	12.23	12.51	12.78	13.07	13.38	13.66	13.97	14.29	14.62	14.94	15.27	15.62	15.97	16.32	16.70
Acct Clerk II	14.26	14.58	14.90	15.23	15.59	15.93	16.29	16.67	17.04	17.40	17.80	18.20	18.62	19.03	19.45
(incl .50/hr CMC) (Ord. 1192)	14	15	16	17	18	19	20	21	22	23	24	25			
	19.90	20.35	20.81	21.28	21.76	22.25	22.76	23.27	23.79	24.32	24.87	25.43			

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STEP	Probationary	6 mo.	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Utility Staff</b>															
Power Plant Op I	12.59	12.87	13.15	13.46	13.76	14.06	14.39	14.71	15.04	15.38	15.72	16.08	16.44	16.81	17.19
Power Plant Op II	15.79	16.14	16.51	16.87	17.25	17.65	18.05	18.44	18.86	19.28	19.73	20.17	20.62	21.07	21.55
Power Plant Op III	16.23	16.61	16.96	17.34	17.74	18.14	18.56	18.96	19.38	19.83	20.27	20.74	21.20	21.68	22.16
Apprentice Lineman	13.94	14.24	14.58	14.90	15.22	15.58	15.92	16.28	16.65	17.03	17.39	17.80	18.19	18.61	19.02
Line worker II	18.30	18.71	19.13	19.56	20.00	20.44	20.91	21.37	21.86	22.36	22.86	23.37	23.90	24.44	24.99
Line worker I	19.24	19.68	20.11	20.56	21.03	21.49	21.99	22.48	22.99	23.50	24.04	24.57	25.13	25.69	26.27
Line Foreman	20.74	21.20	21.67	22.15	22.64	23.17	23.68	24.21	24.75	25.32	25.90	26.48	27.07	27.68	28.30
Water/Sewer Op I	11.94	12.25	12.53	12.79	13.09	13.39	13.68	13.99	14.31	14.63	14.97	15.28	15.64	15.99	16.34
WA/SE Op 1 w Gr VI	12.68	12.97	13.25	13.56	13.87	14.17	14.49	14.81	15.15	15.50	15.84	16.20	16.56	16.93	17.31
WA/SE Operator II	14.46	14.77	15.11	15.46	15.80	16.15	16.52	16.88	17.26	17.66	18.06	18.45	18.87	19.30	19.74
WA/SE Op I I w Gr VI	15.14	15.50	15.84	16.18	16.56	16.92	17.30	17.70	18.10	18.50	18.92	19.34	19.78	20.22	20.69
WA/SE Op III w Gr VI	17.30	17.70	18.10	18.50	18.92	19.34	19.78	20.22	20.68	21.14	21.61	22.11	22.60	23.11	23.63
Waste Water Plt Op	16.33	16.71	17.08	17.46	17.86	18.26	18.68	19.09	19.51	19.96	20.40	20.87	21.28	21.82	22.30

STEP	Probation	6 mo	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>City Maint. Staff</b>															
Laborer I	10.03	10.26	10.49	10.73	10.96	11.21	11.47	11.72	11.98	12.26	12.54	12.81	13.10	13.41	13.69
Laborer II	11.84	12.10	12.38	12.65	12.94	13.23	13.53	13.83	14.13	14.47	14.78	15.12	15.47	15.81	16.16
Maint Worker I	12.43	12.70	13.00	13.28	13.59	13.90	14.20	14.52	14.84	15.18	15.53	15.87	16.23	16.61	16.96
Maint Worker II	13.04	13.35	13.63	13.94	14.26	14.58	14.90	15.23	15.59	15.93	16.29	16.66	17.04	17.40	17.80
Street Foreman	16.03	16.39	16.76	17.14	17.53	17.92	18.32	18.74	19.16	19.59	20.02	20.47	20.94	21.40	21.89
Summer Help	7.81		8.08	8.34	8.61										
Recycling Workers	Begin @	\$7.43 /hr.	experienced	up to	\$7.94										
Bartenders	Begin @	\$7.43/hr.	experienced	up to	\$7.94										

	Probationary	6 Mo	1	2	3	4	5	6	7	8	9	10	11	12	13
<b>Department Supervisors</b>															
Park & Aud Supt.	15.97	16.32	16.69	17.07	17.45	17.85	18.25	18.66	19.07	19.50	19.94	20.39	20.85	21.32	21.80
Street Supt.	19.75	20.19	20.65	21.10	21.58	22.07	22.56	23.07	23.59	24.13	24.66	25.23	25.78	26.36	26.97
	14	15	16	17	18	19	20	21	22	23	24	25			
	27.58	28.20	28.83	29.48	30.14	30.82	31.51	32.22	32.94	33.68	34.44	35.21			
Water Super w/Gr VI	19.44	19.89	20.34	20.80	21.26	21.75	22.23	22.72	23.24	23.76	24.29	24.86	25.41	25.98	26.56
	14	15	16	17	18	19	20	21	22	23	24	25			
	27.16	27.77	28.39	29.03	29.68	30.35	31.03	31.73	32.44	33.17	33.92	34.68			
Wastewater Super w/Gr VI	19.44	19.89	20.34	20.80	21.26	21.75	22.23	22.72	23.24	23.76	24.29	24.86	25.41	25.98	26.56
Power Plant Supervisor	20.36	20.82	21.28	21.77	22.25	22.76	23.27	23.79	24.32	24.88	25.43	26.00	26.58	27.18	27.79
Electric Supervisor	23.21	23.73	24.26	24.82	25.38	25.95	26.53	27.16	27.73	28.35	28.99	29.65	30.32	30.99	31.69

Notes:

- 1) 15 Steps Total
- 2) Approximately 2.25% between steps
- 3) The salary range from Probationary Salary to Step 13 (maximum) is 37%

Permanent Part-time Staff (Hourly Rate of Pay)

	Probationary	6 Mo	1	2	3	4	5	6	7	8	9	10	11	12	13
Permanent Part-time workers	8.89	9.09	9.30	9.50	9.72	9.93	10.16	10.39	10.62	10.87	11.11	11.36	11.61	11.87	12.15
Zoning Inspector	16.81	17.19	17.58	17.97	18.37	18.79	19.21	19.65	20.08	20.53	20.99	21.46	21.96	22.45	22.95

Swimming Pool Staff

Manager			11.38	11.63	11.90	12.17	12.43	12.72	13.01	13.29	13.59	13.90			
Asst. Manager			10.95	11.19	11.45	11.71	11.96	12.24	12.52	12.79	13.08	13.38			
Head Lifeguard			10.10	10.35	10.61	10.87	11.12	11.38	11.63	11.89	12.15	12.40			
WSI Lifeguard			8.66	8.92	9.17	9.43	9.69	9.94	10.20	10.46	10.71	10.97			
Lifeguard			7.93	8.04	8.14	8.24	8.34	8.45	8.55	8.65	8.75	8.86			
Sw Lesson Aid			7.43	7.53	7.64	7.74	7.84	7.94	8.05	8.15	8.25	8.35			
Aerobics Instructor			9.38	9.48	9.58	9.69	9.79	9.89	9.99	10.10	10.20	10.30			
Concessions			7.43	7.53	7.64	7.74	7.84	7.94	8.05	8.15	8.25	8.35			
Games/Cleaning			7.43	7.53	7.64	7.74	7.84	7.94	8.05	8.15	8.25	8.35			

Salaried Staff Pay Plan (Annual Rate of Pay)

Position	Minimum	Mid Point	Maximum
Clerk/Treasurer	\$46,125	\$59,050	\$71,976

Notes:

- 1) Exempt (salaried) Employees are subject to the same 2.25% annual step increase as non-exempt employees as well as any Cost-of-Living Adjustments (COLA) as approved by the City Council.
- 2) The range spread from Minimum Starting to Maximum is 37%.

**SECTION 3.** 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, are hereby repealed.

**SECTION 4.** This ordinance shall be published in pamphlet form and shall be in full force and effect on September 24, 2013 following its passage, approval, and publication as provided by law and city ordinance.

PASSED AND APPROVED this 14<sup>th</sup> day of August, 2013.

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Mayor Alan Zavodny

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Interim City Clerk Tami Comte

Council member Smith made a motion to approve the bingo permit for the Knights of Columbus Council No. 1717, at 517 4<sup>th</sup> Street. Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Vandenberg, Smith, Rogers and Kroesing. Voting NAY: None. The motion carried. Council member Scribner was absent.

Council member Kroesing made a motion to approve the bid from H.K. Scholz in the amount of \$14,950 for a SCADA System upgrade to include all feeder lines. Council member Vandenberg seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Smith and Svoboda. Voting NAY: None. Council member Scribner was absent.

Council member Kroesing made a motion to approve the proposed budget for the October 1, 2013 – September 30, 2014 fiscal year. Council member Rogers seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Vandenberg, Rogers and Smith. Voting NAY: None. Council member Scribner was absent.

Council member Kroesing introduced Ordinance No. 1194.

Council member Kroesing made a motion to suspend the statutory rule requiring an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Rogers, Smith, Vandenberg and Svoboda. Voting NAY: None. The motion carried. Council member Scribner was absent.

Council member Smith made a motion to pass Ordinance No. 1194 on 3<sup>rd</sup> and Final reading. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Vandenberg, Kroesing, Rogers and Svoboda. Voting NAY: None. The motion carried and Ordinance No. 1194 was passed on 3<sup>rd</sup> and final reading as follows:

**ORDINANCE NO. 1194**

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4, §6-430 OF THE OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK INCORPORATING REVISED STATUTES OF NEBRASKA 17-563 LOTS; DRAINAGE; WEEDS OR LITTER; NUISANCE; NONCOMPLIANCE BY OWNER; NOTICE; HEARING; ASSESSMENT OF COST; VIOLATION; PENALTY; CIVIL ACTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

**SECTION 1.** Chapter 6, Article 4, §6-430 of the David City Municipal Code Book shall be amended to read:

**§6-430 MISDEMEANORS; WEED REMOVAL.**

- (1) It shall be a nuisance to permit or maintain any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation. It shall be the duty of each owner or owner's duly authorized agent or occupant of real estate in the Municipality to cut and clear such real estate, together with one-half (½) of the streets and alleys abutting thereon, of all weeds, grasses or worthless vegetation that are noxious, obstruct travel on public ways, or create a fire or health hazard. Such weeds, grasses and worthless vegetation shall be cut so as not to extend more than eight inches (8") in height above the ground. Subsequent to the cutting of the said weeds, grasses and worthless vegetation, all loose vegetation shall be immediately removed. Upon the failure of the owner or owner's duly authorized agent or occupant having control of any real estate to cut and clear the said weeds, grasses and worthless vegetation as set forth hereinbefore, the County Sheriff, or designated officer, shall give notice to abate and remove such nuisance to each owner or owner's duly authorized agent or occupant, if any, by personal service or first-class mail which has been conspicuously marked as to its importance. Within five (5) days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the City Clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the Mayor and City Council. A decision on the appeal shall be rendered within five business days after the conclusion of the hearing. If the appeal fails, the city may have such work done. Within five days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city, or fails to comply with the order to abate and remove the nuisance, the city may have such work done, and the cost thereof shall be paid by the owner. (Ref. 17-563 RS Neb.)
- (2) The cost and expenses of any such work shall be paid by the property owner. If unpaid for two months after such work is done, the Municipality may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining street and alleys. (Ref. 17-563 RS Neb.)
- (3) For purposes of this section:

  - (a) Litter includes, but is not limit to: (i) trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) wood, plaster, cement, brick, or stone building rubble; (iii) grass, leaves, and worthless vegetation; (iv) offal and dead animals; and (v) any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are

- inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and
- (b) Weeds includes, but is not limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant, and ragweed.

**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 14<sup>th</sup> day of August, 2013.

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Mayor Alan Zavodny

ATTEST

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Interim City Clerk Tami L. Comte

Mayor Zavodny stated that if he had to sum up his biggest disappointment during his time in office it would be that we have not made significant progress on the water situation. Mayor Zavodny said, "I hate taxes though. We are at a point in time like a lot of other cities that it's below ground, it's out of sight, it's out of mind but it won't get better, it's just going to get worse, so it's something that we need to address."

Council member Kroesing referred to an article in the League of Nebraska Municipalities magazine in which they talk about a great many Nebraska communities that are facing the same issues with their water mains.

Mayor Zavodny said, "The great thing is the voters are going to have to decide how big of a priority this is. Our job, really, should we decide to undertake it, is to put it in front of the voters."

Council member Rogers said, "I just would like to say that people have blamed the City for a long time on this but those water mains were there for a long time before we got here. If they stay like this they are just going to continue to get worse with more breaks. It is in their hands and our hands."



Mayor Zavodny said, "I also want to take this opportunity to thank Joan for having the foresight to see that we didn't just use language that said mains. It's a time when we are going to evaluate that whole system and see if we need to do something in the plant."

City Attorney James Egr suggested that the entire City Council and the department heads should have a strategic planning retreat somewhere outside of David City to plan for the future.

Mayor Zavodny stated that he thought the strategic planning retreat was a good idea because there may be seven different visions and we may be able to consolidate some of those or prioritize some and ultimately it's going to come down to funding.

Council member Rogers stated that he would support City Attorney Egr's idea of a Strategic Planning retreat.

Council member Kroesing introduced Resolution No. 14-2013 and moved for its passage and adoption. Council member Svoboda seconded the motion. Voting AYE: Council members Svoboda, Kroesing, Rogers, Smith, and Vandenberg. Voting NAY: None. Council member Scribner was absent. The motion carried and Resolution No. 14-2013 was passed and approved as follows:

**RESOLUTION NO. 14 - 2013**

BE IT RESOLVED by the Mayor and Council of the City of David City, Nebraska as follows:

Section 1. The Mayor and City Council find and determine that Section 77-27,142 of the Revised Statutes of Nebraska, 2012 Cumulative Supplement, states any incorporated municipality by ordinance of its governing body is hereby authorized to impose a sales and use tax of one-half percent, one percent, one and one-half percent, one and three-quarters percent, or two percent upon the same transactions that are sourced under the provisions of Sections 77-2703.01 to 77-2703.04 within such incorporated municipality on which the State of Nebraska is authorized to impose a tax pursuant to the Nebraska Revenue Act of 1967, as amended from time to time. There has not been submitted to the electors of the City of David City a proposition for the levy of a sales tax within the six (6) months last past. THERE DOES EXIST A SALES AND USE TAX OF 1.5% THAT EXPIRES OCTOBER 1, 2020. No sales and use tax shall be imposed until an election has been held and a majority of the qualified electors have approved such tax.

Section 2. A special election is hereby called and will be held in conjunction with the Primary Election to be held on May 13, 2014, at which there shall be submitted to the qualified electors of the City of David City, Nebraska the following proposition:

“Shall the governing body of the City of David City, Nebraska, impose An additional sales and use tax of ONE-HALF PERCENT (.50%) upon the same transactions within the City of David City on which the State of Nebraska is authorized to impose a tax, for a ten (10) year period commencing October 1, 2014 and ending October 1, 2024 with the proceeds collected to be used for water treatment works and systems, water distribution facilities, and water resources projects, including, but not limited to, pumping stations, transmission lines, and mains and their appurtenances within the City of David City, Nebraska?”

If a majority of the votes cast upon such question shall be in favor of such tax, then the governing body of the City of David City shall be empowered as provided by Section 77-27,142 of the Revised Statutes of Nebraska, 2012 Cumulative Supplement, and shall forthwith proceed to impose a tax pursuant to the Nebraska Revenue Act. If a majority of those voting on the question shall be opposed to such tax, then the governing body of the City of David City shall not impose such tax.

The ballots to be voted upon and cast at said election shall have printed thereon the foregoing proposition, followed by the words: “FOR said sales and use tax” and “AGAINST said sales and use tax” following the proposition.

Section 3. Notice of said election shall be given to the qualified electors of said City by publication at least one time each week for three successive weeks prior to such election and a copy of the sample ballot shall be published one time not more than fifteen (15) days nor less than two (2) days prior to the election, such notice and sample ballot to be published in the Banner Press, a newspaper printed and of general circulation in said City, and the County Clerk of Butler County, Nebraska be and hereby is directed to cause such notice and sample ballot to be published.

Section 4. The City Clerk of the City of David City be and hereby is authorized and directed to certify a copy of this Resolution by March 1, 2014 to the Butler County Clerk, who shall designate the polling places, appoint the election officials and otherwise conduct the election as provided by law. The City does hereby agree to reimburse said County Clerk for the expenses of conducting the election. As required by Section 32-802 of the Revised Statutes of Nebraska, Reissue 2008, the County Clerk shall provide for publication of the Notice of Election in a newspaper designated by the County Clerk no later than forty (40) days prior to the day of said election and such notice shall be posted in the office of the County Clerk no later than forty (40) days prior to such date of election.

Section 5. Notice of submission of the question imposing the sales and use tax upon the same transactions within the City of David City, Nebraska on which the State of Nebraska is authorized to impose a tax shall be given not more than thirty (30) days nor less than ten (10) days prior to the election, by publication one (1) time in The Banner Press, a paper published in or of general circulation in the City of David City, Nebraska pursuant to Section 77-27, 142.04 of the Revised Statutes of Nebraska, Reissue 2003.

Section 6. The form of ballot and form of notice of said sales tax election shall be substantially in the form submitted to this meeting, a copy of which forms shall be made a part of the minutes. The City Clerk of the City is hereby authorized and directed, in conjunction with the County Clerk conducting the election, to arrange for the printing of the necessary ballots for said election and to do all other things and take all other action appropriate or necessary in order to cause said proposition to be submitted to the qualified electors of the City as above provided.

Resolution No. 14 - 2013 having been consented to by at least seventy percent (70%) of all of the members of the City Council, was declared by the Mayor duly passed and adopted.

Passed and approved this 14<sup>th</sup> day of August, 2013.

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Mayor Alan Zavodny

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Interim City Clerk Tami Comte

Mayor Zavodny introduced Senator Abbie Cornett who is his candidate for City Administrator and told briefly about how he became acquainted with her. Mayor Zavodny stated that he had been recruiting her for several months.

Senator Abbie Cornett spoke about her family, her background and about her time in the legislature. She volunteered to answer any questions that the Council members might want to ask her.

Carolyn Yates stated that she really, really feels that we need a City Administrator with a visionary idea and the expertise to move forward. That seems really important to me right now.

Council member Smith made a motion to hire Abbie Cornett as the City Administrator for David City. Council member Svoboda seconded the motion. Voting AYE: Council members Smith, Vandenberg and Svoboda. Voting NAY: Council members Rogers and Kroesing. The motion carried. Council member Scribner was absent.

There being no further business to come before the Council, Council member Kroesing made a motion to adjourn. Council member Smith seconded the motion. Voting AYE: Council members Kroesing, Rogers, Vandenberg, Svoboda, and Smith. Voting NAY: None. Council member Scribner was absent. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:20 p.m.



CERTIFICATION OF MINUTES  
August 14, 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 August 14, 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.

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Tami L. Comte, Interim City Clerk