

## CITY COUNCIL PROCEEDINGS

September 20, 2023

The City Council of the City of David City, Nebraska, met in open public session for a special meeting in the meeting room of the City Office, 490 E Street, David City, Nebraska at 6:07 p.m. on September 20, 2023. The Public had been advised of the special meeting by publication of notice in The Banner Press on September 14<sup>th</sup>, 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 Jessica Miller, Council members Thomas Kobus, Patrick Meysenburg, Kevin Woita, Keith Marvin, Jim Angell, Bruce Meysenburg, and Interim Administrator/City Clerk Tami Comte.

Council member Keith Marvin introduced Ordinance No. 1452 adopting the Budget Statement to be termed the Annual Appropriation Bill to appropriate the Budget for the 2023-2024 Fiscal Year. Mayor Jessica Miller read Ordinance No. 1452 by title.

Council member Keith Marvin made a motion to suspend the statutory rule requiring an Ordinance to be read on three separate readings. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Bruce Meysenburg made a motion to pass and adopt Ordinance No. 1452 on third and final reading adopting a budget statement to be termed the Annual Appropriation Bill to appropriate the budget for the 2023-2024 fiscal year. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

### **ORDINANCE NO. 1452**

#### **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, 2023, through September 30, 2024. 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 20<sup>th</sup> day of September, 2023.

---

Mayor Jessica J. Miller

---

City Clerk Tami L. Comte

Council member Keith Marvin made a motion to pass and adopt Resolution No. 34-2023 approving an additional one percent (1%) increase in restricted funds. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

**RESOLUTION NO. 34-2023**

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 2023 – 2024 budget is approved.

PASSED AND APPROVED this 20<sup>th</sup> day of September, 2023.

---

Mayor Jessica J. Miller

ATTEST:

---

City Clerk Tami L. Comte

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 35-2023 setting the property tax request. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

**RESOLUTION NO. 35-2023**

**RESOLUTION SETTING THE PROPERTY TAX REQUEST**

WHEREAS, Nebraska Revised Statute 77-1632 and 77-1633 provides that the Governing Body of the City of David City passes by a majority vote a resolution or ordinance setting the tax request; and

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

NOW, THEREFORE, the Governing Body of the City of David City resolves that:

1. The 2023-2024 property tax request be set at:

General Fund: \$1,056,534.56  
Bond Fund: -----

2. The total assessed value of property differs from last year's total assessed value by 14.84 percent.
3. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property would be .43537 per \$100 of assessed value.
4. The City of David City proposes to adopt a property tax request that will cause its tax rate to be 0.5 per \$100 of assessed value.
5. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of David City will increase (or decrease) last year's budget by 60.55 percent.
6. A copy of this resolution be certified and forwarded to the County Clerk on or before October 15, 2023.

Motion by Council member Bruce Meysenburg, seconded by Council member Pat Meysenburg to adopt Resolution No. 35-2023.

Voting yes were:

Bruce Meysenburg  
Keith Marvin  
Pat Meysenburg  
Tom Kobus  
Jim Angell  
Kevin Woita

Voting no were:

None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Mayor Jessica Miller

\_\_\_\_\_  
City Clerk Tami L. Comte

Council member Bruce Meysenburg made a motion to pass and adopt Resolution No. 36-2023 carrying forward the unused budget authority. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

**RESOLUTION NO. 36 – 2023**

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 \$311,113.29 from the 2022 - 2023 budget shall be carried forward to the 2023 - 2024 budget of the City of David City, Nebraska.

PASSED AND APPROVED this 20<sup>th</sup> day of September, 2023.

---

Mayor Jessica J. Miller

ATTEST:

---

City Clerk Tami L. Comte

Mayor Miller stated that the next item on the agenda was consider/action regarding underground sprinklers for the campground.

Council member Keith Marvin made a motion to approve the quote of Steager Irrigation to install underground sprinklers for the RV Campground. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Steager Irrigation LLC  
 1283 N 7th ST  
 David City, NE 68632

### Estimate

Date	Estimate #
7/7/2023	65

Name / Address
City of David City 490 E ST David City, NE 68632



Project

Description	Total
Hunter lawn irrigation system designed and installed at East E ST Campground site. This will water approximately 20' around all camper pad sites.  *System is designed to accommodate for potential future expansion around center common area. The potential future expansion is not included in above bid.	24,500.00
<b>Total</b>	<b>\$24,500.00</b>

Phone #
(402) 367-2130

Customer Signature \_\_\_\_\_

Council member Keith Marvin made a motion to enter into closed session to discuss pending litigation. Council Member Bruce Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
 Yea: 6, Nay: 0

Mayor Miller stated, "Now, at 6:20 p.m., we are going into closed session to discuss pending litigation. Mayor Miller, all of the Council members, and Interim City Administrator Tami Comte went into closed session at 6:20 p.m.

Council member Tom Kobus made a motion to reconvene in open session. Council Member Keith Marvin seconded the motion. The motion carried and Mayor Miller declared the City Council reconvened at 6:53 p.m.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to adjourn. Council Member Jim Angell seconded the motion. The motion carried and Mayor Miller declared the meeting adjourned at 6:53 p.m.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea  
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES  
September 20, 2023

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of September 20, 2023; 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 Comte, City Clerk