

## CITY COUNCIL PROCEEDINGS

October 8, 2003

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 October 2, 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 notices 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 L. Kroesing, Mark Kirby, Gary Smith, Ted Lukassen, Nick Hein, and Bill Schatz, City Administrator Jeff Fiegenschuh, City Attorney Jim Egr, Police Chief Stephen Sunday, Electric Supervisor Tim Kovar, Waste Water Operator Jim Kruse, Don Ingwersen, Doug Farran, Banner-Press Editor Larry Peirce, and City Clerk-Treasurer Joan E. Kovar.

The meeting opened with the Pledge of Allegiance.

The minutes of the September 10<sup>th</sup> and September 29<sup>th</sup>, 2003 meetings of the Mayor and City Council were approved upon a motion by Council member Kirby and seconded by Council member Smith. Voting YEA: Council members Hein, Schatz, Kroesing, Lukassen, Smith, and Kirby. Voting NAY: None. The motion carried.

Mayor Smith reported that Police Chief Sunday had another meeting to attend so Council member Kroesing made a motion to advance to agenda item #7 - Consideration of changes in bid for repair of the police department roof. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

At the August 21, 2003, special council meeting, the following bids for the police department roof were considered. The Council agreed to budget \$10,000 for total roof replacement on the police department and putting in roof vents that are currently not there.

Hilger Construction Co.

Fix up around valley, nail down vent flashing	
Paint Valleys, stop rusting	\$ 500.00

Ingwersen Home Improvement

Tear off existing layers, clean up, haul away.	
Replace with new felt paper, metal edge flashing	
and 30 yr or 35 yr shingle. Your choice of color.	
New vents and pipe boots.	\$7,054.00

Now, Police Chief Sunday reported that an additional \$3,618.00 is needed for the police department roof. This does not include plywood that may need to be replaced. Don Ingwersen stated that he made a mistake on his bid. He miscalculated and bid for 46 squares but actually needs 66 squares. Discussion followed. Council member Kirby stated that he has nothing

against Don Ingwersen but felt that due to the circumstances we should get more bids. The Council instructed Police Chief Sunday to solicit at least three bids, with all bids for a minimum 30 year shingle, 250 weight, 15 lb. felt, and 6 roof vents. Don Ingwersen will be allowed to submit a new bid. Therefore, Council member Kirby made a motion to reject changes to the bid for the police department roof, reject all bids, and re-open for new bids. The bids will be considered at the October 27<sup>th</sup> special council meeting. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to advance to agenda item #17 - Consideration of a Resolution that 15 mph speed limit signs be posted in the park. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Police Chief Sunday recommended that the Council leave the City Park as is with 15mph speed limit. Kansas Street from 4<sup>th</sup> to 7<sup>th</sup> and Kansas Street from 9<sup>th</sup> to 11<sup>th</sup> be 25mph which is allowed by State Statute for a residential street.

Council member Hein made a motion to accept the recommendation of Police Chief Sunday to leave the posted speed limit signs in the City Park at 15 mph; and Kansas Street from 4<sup>th</sup> to 7<sup>th</sup> and from 9<sup>th</sup> to 11<sup>th</sup> at 25 mph which is allowed by State Statute. Council member Lukassen seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to advance to agenda item #18 - Consideration of a Resolution prohibiting truck traffic on 11<sup>th</sup> Street. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein had asked for a resolution prohibiting truck traffic on 11<sup>th</sup> Street. 11<sup>th</sup> Street from approximately the Railroad Track north to "H" Street was resurfaced. Hein stated that if we allow truck traffic it will be ruined again shortly. Council member Kroesing stated that trucks have to make deliveries to the power plant on 11<sup>th</sup> Street and Charles Oborny has his trucks on his lot on 11<sup>th</sup> Street. Hein stated he is against "unnecessary" truck traffic. City Attorney Egr stated that he didn't know how we would enforce this. We can't allow some trucks but prohibit others. Council member Hein stated that there is probably not a workable solution. The resolution died for lack of a motion.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF DAVID CITY, NEBRASKA, PROHIBITING TRUCK TRAFFIC ON 11<sup>TH</sup> STREET FROM "A" TO "O" STREET.**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that it shall be unlawful for any person, partnership, firm, or corporation to drive trucks, or tractors pulling trailers, on 11<sup>th</sup> Street from "A" Street to "O" Street, unless to pick up or deliver goods, wares, or merchandise to a resident. Trucks shall be defined as having at least three (3) axles. Said streets shall be posted by the Street Superintendent and this shall constitute notice to the public.

Any person, partnership, firm, or corporation violating any of the provisions of this resolution, shall be deemed guilty of a misdemeanor and upon conviction shall be fined pursuant to Article 5 - Penal Provision, Section 8-501 Violation Penalty of the David City Municipal Code.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Dated this 10<sup>th</sup> day of September, 2003.

Died for lack of a motion  
City Clerk Joan E. Kovar

Died for lack of a motion  
Mayor Stephen Smith

Mayor Smith asked for Petitions, Communications and Citizens' Concerns in addition to those contained in the Agenda packets. There were no petitions or citizens concerns. The following communication was acknowledged:

Mayor, City Council members, and City Employees:

Thank You very much for the memorial donation in memory of our mother/mother-in-law, Geraldine Thomas. Your thoughtfulness is truly appreciated.

Joan & Tim Kovar

It was noted that the ditches north of the old St. Mary's Ballfield, the property located on the southwest corner of 11<sup>th</sup> & I Street, needs to be mowed. The Sherri Benson property on the northwest corner of 11<sup>th</sup> & I Street, 915 N 11th, was also discussed. Sherri left town and the property is in ill repair. City Attorney Egr will check on the status of the property.

Mayor Smith asked for consideration of claims. Council member Smith made a motion to authorize the payment of claims. Council member Lukassen noted that the claim to Ingwersen Home Improvement for \$3,527.00 for the police department roof (½ to start and balance due upon completion) would need to be voided. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith called for Committee and Officers' Reports in addition to those written reports contained in the Agenda packet.

Waste Water Operator Jim Kruse reported that the new water line has been installed on the east side of 4<sup>th</sup> Street between "G" and "I" Streets. Council member Kirby stated to be sure all of the properties are leveled. Water Supervisor Gene Divis' property at 886 N 4<sup>th</sup> Street has been leveled where others have not and the Council agreed we don't want citizens thinking that Divis is receiving preferential treatment.

City Attorney Egr stated that Randy Janak appeared before the judge concerning the condition of his property. Randy told Egr that he has purchased a house in Albion that he will be moving to Ericson. Randy plans to sell his property in David City and moved to Ericson, Nebraska by December.

Council member Kroesing read the following from the Nebraska Municipal Review: LB 365 allows first-class cities, second-class cities, and villages to pass a single ordinance if it is solely for the purpose of revising ordinances or code sections or enacting new ordinances or code sections in order to adopt statutory changes made by the Legislature which are specific and mandatory and bring the ordinances or code sections into conformance with state law. (Effective August 31, 2003). Kroesing questioned if that isn't what we are doing now in updating

our Municipal Code Book. City Attorney Egr said yes, but we need to make sure we are “only” making statutory changes.

City Administrator Jeff Fiegenschuh stated that Diane Duren of DKD Enterprises has the web site for David City almost completed. If anyone wants to view it, it is located at [www.davidcity.org](http://www.davidcity.org).

Council member Kirby noted that dirt is being removed from the berm around the diesel containment unit at the power plant and questioned where the dirt is going, as it could be contaminated. City Administrator Fiegenschuh will check with Power Plant Supervisor John Kabourek.

Council member Kroesing made a motion to accept the Committee and Officers' Reports as presented. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Mayor Smith explained that agenda item #8 - 7:30 p.m. Public Hearing to discuss amending the 2003-2004 Budget and agenda item #9 - Consideration of an ordinance amending the 2003-2004 Budget could not be acted on because a Public Hearing notice was not published in the paper. Mayor Smith stated this was not City Clerk Kovar's fault as she was gone on vacation and funeral leave. Therefore, Council member Smith made a motion to schedule a Special Council Meeting on Monday, October 27<sup>th</sup>, at 5:30 p.m. in the City Office meeting room. Council member Kroesing seconded the motion. The special council meeting will consist of the following agenda items: 1) Public Hearing to discuss amending the 2003-2004 Budget; 2) Consideration of an ordinance amending the 2003-2004 budget; 3) Consideration of bids received for the police department roof, and 4) Consideration of accepting Agency One's Insurance proposal for repairs to the David City Water Plant. All of the council members were present, all voted YEA, and the motion carried. Mayor Smith scheduled a Committee of the Whole meeting immediately following the special council meeting on Monday, October 27, 2003.

Council member Schatz introduced Ordinance No. 961 setting the monthly rates to be charged for water usage and customer charges. Council member Kirby made a motion to pass Ordinance No. 961 on the first reading. Council member Smith seconded the motion. City Administrator Fiegenschuh stated that the City's goal is for the water and sewer departments to be revenue neutral. The City can be thankful we have a water treatment plant, however, we need to pay for it. City Administrator Fiegenschuh said that a state survey showed the average minimum charge for water was \$16.00. Council member Hein reported that Roger Kloke expressed displeasure with an increase in rates, however, it was noted that people's cable, cell phone, etc. rates are increased - but they pay it; then they complain when water is increased and water is a necessity. City Attorney Egr stated that when he was in the courthouse in Seward, there was a sign in the restroom that said the water could be contaminated; that makes you appreciate the water. Council member Kirby stated that the Council is not just pulling numbers from the air. In two years, the reserve account will be used up making the loan payments on the water treatment plant. We need money in reserves for future updates. Now is the time to implement an increase. Council member Schatz agreed that this is the first step in the process to maintain this quality of water. All of the Council members were present, all voted YEA, and the motion carried. Ordinance No. 961 was passed on first reading as follows:

**ORDINANCE NO. 961**

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 \_\_\_\_\_. (Not for the \_\_\_\_\_ billing but for the water used in \_\_\_\_\_, which will be billed in \_\_\_\_\_)

(Year 1)

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

Customer charge of \$7.50 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 3/4" meters:**

Customer charge of \$11.25 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 1" meters:**

Customer charge of \$11.25 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 1 1/2" meters:**

Customer charge of \$18.75 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 2" meters:**

Customer charge of \$56.25 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 3" meters:**

Customer charge of \$75.00 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

**For 4" meters:**

Customer charge of \$75.00 per month (no water usage included)  
and \$1.80 per 1,000 gallons.

Section 2. That the following monthly rates and customer charges shall become effective \_\_\_\_\_. (Not for the \_\_\_\_\_ billing but for the water used in \_\_\_\_\_, which will be billed in \_\_\_\_\_)

(Year 2)

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

Customer charge of \$11.25 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 3/4" meters:**

Customer charge of \$16.90 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 1" meters:**

Customer charge of \$16.90 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 1 1/2" meters:**

Customer charge of \$28.10 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 2" meters:**

Customer charge of \$84.40 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 3" meters:**

Customer charge of \$112.50 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

**For 4" meters:**

Customer charge of \$112.50 per month (no water usage included)  
and \$1.90 per 1,000 gallons for First 10,000  
and \$1.95 per 1,000 gallons Over 10,000

Section 3. That the following monthly rates and customer charges shall become effective \_\_\_\_\_. (Not for the \_\_\_\_\_ billing but for the water used in \_\_\_\_\_, which will be billed in \_\_\_\_\_)

(Year 3)

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

Customer charge of \$16.90 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 3/4" meters:**

Customer charge of \$21.10 per month (no water usage included)

and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 1" meters:**

Customer charge of \$21.10 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 1 ½" meters:**

Customer charge of \$42.20 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 2" meters:**

Customer charge of \$126.55 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 3" meters:**

Customer charge of \$168.75 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

**For 4" meters:**

Customer charge of \$168.75 per month (no water usage included)  
and \$2.00 per 1,000 gallons for First 10,000  
and \$2.10 per 1,000 gallons Over 10,000

Section 4. The monthly rates to be charged for water usage and customer charges will be reviewed by the City Council on a three year 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 \_\_\_\_\_th day of \_\_\_\_\_, 2003.

(Passed on 1<sup>st</sup> reading 10/08/03)

Mayor Stephen Smith

(Passed on 1<sup>st</sup> reading 10/08/03)  
City Clerk Joan E. Kovar

The sewer rates are set by resolution and resolutions do not require three separate readings to pass. The Council discussed that it may be best to table consideration of the sewer charges until after a town hall meeting explaining why the increase is necessary. Therefore, Council member Lukassen made a motion to table consideration of a resolution setting the monthly rates to be charged for sewer usage and customer charges. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

**RESOLUTION NO. \_\_\_\_ - 2003**

WHEREAS, Chapter 3, Article 2, Section 3-212 of the Municipal Code of the City of David City, Nebraska, provides that customers of the Municipal Sewer Department shall be charged rates set by resolution for the use of the sewer system.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that for the use of the sewer system, each customer shall pay a monthly Sewer Use Fee, which is an amount calculated as described hereafter:

For residential customers, the monthly sewer rate fee shall be based on the average quantity of water used in the months of December, January, and February 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.

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 months 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.

The following monthly Sewer Rates and customer charges shall become effective \_\_\_\_\_, which will be billed in \_\_\_\_\_.

(Year 1)

**Customer charge of \$4.60 per month**

**First 100,000 gallons of water @ \$2.03 per 1,000 gallons**

**Over 100,000 gallons of water @ \$1.53 per 1,000 gallons**

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That the following monthly sewer rates and customer charges shall become effective \_\_\_\_\_, which will be billed in \_\_\_\_\_)

(Year 2)

**Customer charge of \$4.80 per month**

**First 100,000 gallons of water @ \$2.13 per 1,000 gallons**

**Over 100,000 gallons of water @ \$1.63 per 1,000 gallons**



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That the following monthly sewer rates and customer charges shall become effective \_\_\_\_\_, which will be billed in \_\_\_\_\_)

(Year 3)

**Customer charge of \$5.00 per month**

**First 100,000 gallons of water @ \$2.23 per 1,000 gallons**

**Over 100,000 gallons of water @ \$1.73 per 1,000 gallons**

BE IT FURTHER RESOLVED , that all resolutions and ordinances or parts thereof, in conflict with the provisions of this resolution, are hereby repealed.

Dated this \_\_\_\_\_th day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
(Tabled)  
Mayor Stephen Smith

\_\_\_\_\_  
(Tabled)  
City Clerk Joan E. Kovar

The Council discussed selling the old theater property located between H & R Block and Birkel & Egr Law Offices. This is located at Lot Nine (9), except for the south 4.7 feet (4.7') of Lot Nine (9), all of Lot Ten (10), and Lot Eleven (11) except for the north 5.8 feet (5.8') of Lot Eleven (11), all in Block Twenty-four, Original Town of David City. Following discussion, Council member Schatz made a motion to table consideration of selling the property located in Block Twenty-four, Lot Nine (9), except for the south 4.7 feet (4.7') of Lot Nine (9), all of Lot Ten (10), and Lot Eleven (11) except for the north 5.8 feet (5.8') of Lot Eleven (11), until the November 12<sup>th</sup> council meeting at which time the person interested in purchasing the property could make a presentation. Council member Smith seconded the motion. Voting YEA: Council members Kroesing, Kirby, Lukassen, Smith, and Schatz. Voting NAY: Council member Hein. The motion carried.

City Administrator Jeff Fiegenschuh informed the council that there will not be a proposal concerning repairs to the David City Water Treatment Plant from Agency One Insurance until approximately November 15<sup>th</sup>. Therefore, Council member Kirby made a motion to table consideration of accepting Agency One's Insurance proposal for repairs to the David City Water Treatment Plant until the special council meeting scheduled for Monday, October 27<sup>th</sup>, beginning at 5:30 p.m. in the City Office meeting room.

Mayor Smith declared a ten minute recess at 8:25 p.m. The meeting resumed at 8:35 p.m..

The Planning Commission is reviewing the proposed permit fees, and Planning Commission member Keith Marvin is to provide more detailed information concerning sign fees,. Therefore, Council member Hein made a motion to table consideration of a resolution amending David



Zoning Amendment ..... \$150.00  
Zoning Variance..... \$75.00

All fees are non refundable. If a special council meeting is required the applicant will be charged for the cost of the special council meeting.

Dated this \_\_\_\_th day of \_\_\_\_\_, 2003.

\_\_\_\_\_(Tabled)  
Mayor Stephen Smith

\_\_\_\_\_(Tabled)  
City Clerk Joan E. Kovar

Council member Kirby introduced Ordinance No. 962. Council member Smith made a motion to suspend the statutory rule that requires an ordinance be read on three separate days. Council member Hein seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Kirby made a motion to pass and adopt Ordinance No. 962 on the third and final reading. Council member Smith seconded the motion. Voting YEA: Council members Hein, Schatz, Lukassen, Kroesing, Smith, and Kirby. Voting NAY: None. The motion carried and Ordinance No. 962 was passed and adopted as follows:

**ORDINANCE NO. 962**

AN ORDINANCE TO AMEND CHAPTER 9, BUILDING REGULATIONS - ARTICLE 1 - BUILDING INSPECTOR §9-101; §9-102; §9-103; AND §9-104 AND ARTICLE 2; BUILDING PERMITS §9-201, AND §9-202 OF THE MUNICIPAL CODE OF THE CITY OF DAVID CITY, TO INCORPORATE A ZONING ADMINISTRATOR AND ZONING PERMITS; PROVIDE FOR AN EFFECTIVE DATE; REPEAL ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HERewith; AND PROVIDE 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. That Chapter 9, Article 1, Sections 9-101 of the Municipal Code of David City, Nebraska shall read as follows:

§9-101 **ZONING ADMINISTRATOR; POWER AND AUTHORITY.** The Zoning Administrator will work closely with and report to the City Council and the City Administrator. He/she will receive and review applications for zoning permits; interpret and enforce the General Plan and Zoning Ordinances; approve or deny

zoning permit applications in compliance with ordinances and the General Plan; issue zoning permits and certificates of zoning inspections. Conduct inspections of property in conjunction with zoning permit applications and for compliance with ordinances and the General Plan. Conduct inspections of property resulting from complaints. Conduct follow up inspections of property for compliance, during the building process and upon completion, prior to issuance of a certificate of zoning compliance. Maintain records, subject to public inspection, of all zoning permit applications, complaints, investigations, inspections and any related activities. He/she will attend all Planning Commission and Board of Zoning Adjustment Meetings, and be required to attend city council meetings as directed by the council. The Zoning Administrator will submit a monthly city department report to the city council listing permits issued or denied, applications to the Planning Commission or Board of Adjustment and related activities.

Section 2. That any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after it's passage, approval, and publication in The Banner Press as required by law.

Passed and approved this 8<sup>th</sup> day of October, 2003.

\_\_\_\_\_  
Mayor Stephen Smith (SEAL)

City Clerk Joan Kovar

Council member Kirby introduced Ordinance No. 963. Council member Kroesing made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Hein seconded the motion. Voting YEA: Council members Schatz, Lukassen, Smith, Hein, Kirby, and Kroesing. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 963 on the third and final reading. Council member Lukassen seconded the motion. Voting YEA: Council members Kirby, Hein, Schatz, Smith, Kroesing, and Lukassen. Voting NAY: None. The motion carried and Ordinance No. 963 was passed and adopted as follows:

**ORDINANCE NO. 963**

AN ORDINANCE TO ESTABLISH A ZONING ADMINISTRATOR; ESTABLISH DUTIES AND RESPONSIBILITIES; REPEAL CONFLICTING ORDINANCES AND SECTIONS; PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE 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. **ZONING ADMINISTRATOR**

**TITLE OF ZONING ADMINISTRATOR ESTABLISHED:** The title of Zoning

Administrator of the City of David City, Nebraska, is hereby established. Such employee will be appointed by the Mayor with the approval of a majority of the City Council and may be removed at any time by the Mayor or a majority of the Council.

**ZONING ADMINISTRATOR; DUTIES AND RESPONSIBILITIES**

City Zoning Administrator and city planner. Top priority will be working on zoning permits followed by subdivision regulations and infrastructure demands. Responsible for updating the City's General Plan, working on subdivision regulations, and any other type of infrastructure demands deemed worthy of attention. If he/she has finished all the above mentioned duties for the given week or month, he/she may then work on updating the city's general plan.

Works closely with and reports to the City Council and the City Administrator.

Will work a maximum of 15 hours per week or 60 hours per month. Hours of work will be centered from the City Office building; he/she will also make themselves available to the public when in the office.

Required to attend all Planning Commission and Board of Zoning Adjustment Meetings. He/she will also be required to attend city council meetings as directed by the council.

Section 2. Any other ordinances or sections passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. 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 8<sup>th</sup> day of October, 2003.

(SEAL)

Mayor Stephen Smith

City Clerk Joan Kovar

The Council discussed the request of the David City Tennis Court Committee to work for the City to help retire the debt (11,670.76) owed to the City for the tennis courts. City Attorney Egr stated that this brings up legal concerns, you start worrying about Workman's Compensation, wage and labor laws, etc.. Therefore, Council member Lukassen made a motion to deny the request of the David City Tennis Court Committee to work for the City to help retire the debt owed to the City for the tennis court project. Council member Smith seconded the motion. Voting YEA: Council members Kirby, Schatz, Kroesing, Smith, and Lukassen. Voting NAY: None. Council member Hein abstained. The motion carried.

Council member Schatz introduced Resolution No. 16 - 2003 and moved for its passage and adoption. Council member Smith seconded the motion. Voting YEA: Council members Lukassen, Kirby, Hein, Kroesing, Schatz, and Smith. Voting NAY: None. The motion carried

and Resolution No. 16 - 2003 was passed and adopted as follows:

**RESOLUTION NO. 16 - 2003**

WHEREAS, Chapter 3, Article 2, Section 3-209 of the Municipal Code of the City of David City, Nebraska, provides the Mayor and City Council may establish by resolution the tap fees to be charged for the connection of a private sanitary sewer line to a City sanitary sewer main, and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following tap fee schedule be and is hereby established:

For each tap to connect a private sanitary sewer line  
to a City sanitary sewer main, the tap fee shall be .....\$1,200.00

Dated this 8<sup>th</sup> day of October, 2003.

Mayor

City Clerk

Council member Hein introduced Resolution No. 17 - 2003 and moved for its passage and adoption. Council member Schatz seconded the motion. Voting YEA: Council members Lukassen, Kirby, Smith, Kroesing, Schatz, and Hein. Voting NAY: None. The motion carried and Resolution No. 17 - 2003 was passed and adopted as follows:

**RESOLUTION NO. 17 - 2003**

WHEREAS, Chapter 3, Article 1, Section 3-105 of the Municipal Code of the City of David City, Nebraska provides the Mayor and City Council may establish by resolution the tap fees to be charged for the connection of a private water line to a City water main.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, that the following schedule of tap fees be and is hereby established:

For each tap to connect a private water line to a City water main the tap fee shall be:

- On a 2" line - - - - - \$350.00 plus the cost of a 2" curb valve
- On a 1" line - - - - - \$350.00
- On a ¾" line - - - - - \$350.00

BE IT FURTHER RESOLVED that the City will furnish a   " x ¾" water meter and meter couplings, or, when a larger meter is required, the City will credit the price of a   " x ¾" water

meter and meter coupling toward the cost of a larger meter with the customer paying the balance of the cost.

Dated this 8<sup>th</sup> day of October, 2003.

Mayor Stephen Smith

City Clerk Joan E. Kovar

Council member Kirby introduced Ordinance No. 964. Council member Hein made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Lukassen seconded the motion. Voting YEA: Council members Schatz, Kirby, Smith, Kroesing, Lukassen, and Hein. Voting NAY: None. The motion carried.

Council member Kroesing made a motion to pass and adopt Ordinance No. 964 on the third and final reading. Council member Kirby seconded the motion. .Voting YEA: Council members Schatz, Lukassen, Hein, Smith, Kirby, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 964 was passed and adopted as follows:

**ORDINANCE NO. 964**

AN ORDINANCE SETTING A RECONNECT FEE FOR REINSTALLING WATER METERS; SETTING AN EFFECTIVE DATE; REPEALING ALL PARTS OF THE MUNICIPAL CODE AND ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

WHEREAS, SECTION 3-101 OF THE MUNICIPAL CODE PROVIDES THAT THE GOVERNING BODY SHALL SET THE RATES TO BE CHARGED FOR SERVICES RENDERED 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 reconnect fees be charged for reinstalling water meters as follows:

During regular business hours for the water department which are:  
7:30 a.m. - 4:00 p.m. from Labor Day to Memorial Day and  
7:00 a.m. - 3:30 p.m. from Memorial Day to Labor Day..... \$50.00

After regular business hours for the water department: ..... \$100.00

Section 2. 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 3. 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 8<sup>th</sup> day of October, 2003.

Mayor Stephen Smith

City Clerk Joan E. Kovar

City Administrator Jeff Fiegenschuh asked permission to attend a Grantsmanship Training to be held on December 1<sup>st</sup> through December 5<sup>th</sup> in Sioux City, IA at a cost of \$775.00. The Council asked what the \$775.00 paid for. Jeff stated the registration fee and a 1 year newsletter. The Council then asked about mileage, lodging, food, etc.. Jeff stated that he would drive the old police car that is no longer in use, so there would be no mileage; stay with his father-in-law who lives in Sioux City, IA, so there would be no lodging; and he would also eat with his father-in-law or eat cheap.

Council member Smith made a motion to allow City Administrator Jeff Fiegenschuh to attend a Grantsmanship Training to be held on December 1<sup>st</sup> through December 5<sup>th</sup> in Sioux City, IA at a cost of \$775.00. Council member Kroesing seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

Council member Hein made a motion to appoint Shirley Peters to a four year term on the Library Board. Shirley's term will run from October 2003 - October 2007. Council member Kirby seconded the motion. All of the Council members were present, all voted YEA, and the motion carried.

There being no further business to come before the Council, Council member Lukassen made a motion to adjourn. Council member Kroesing seconded the motion. All of the Council members were present and all voted YEA. The motion carried and Mayor Smith declared the meeting adjourned at 9:12 p.m..

Mayor Stephen Smith

City Clerk Joan E. Kovar





CERTIFICATION OF MINUTES  
October 8, 2003

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 October 8, 2003; 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