

**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 **14th day of December, 2016**, 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 1st day of December, 2016.

AGENDA AS FOLLOWS:

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| | property in compliance with City Codes; |
| 1. Roll Call; | |
| 2. Pledge of Allegiance; | |
| 3. Inform the Public about the location of the Open Meetings Act and the Citizens Participation Rules; | _____
Mayor Alan Zavodny |
| 4. Minutes of the November 9 th /30 th , 2016 meeting of the Mayor and City Council; | _____
Council President Gary L. Kroesing |
| 5. Consideration of Claims; | |
| 6. Committee and Officer Reports and presentation of Certificate of Appreciation to Mat Asche; | _____
Council member Michael E. Rogers |
| 7. Consideration of the bids received for the replacement of the City Maintenance Building / Electric Department roof; | _____
Council member Thomas J. Kobus |
| 8. Consideration of Resolution No. 16 – 2016 concerning the property located at 314 No. 7 th Street in which the property owner was given until November 25, 2016 to abate the nuisance(s) and get the property in compliance with City Codes; | _____
Council member Kevin N. Hotovy |
| 9. Consideration of Resolution No. 17 – 2016 concerning the property located at 595 C Street in which the property owner was given until November 25, 2016 to abate the nuisance(s) and get the property in compliance with City Codes; | _____
Council member Gary D. Smith |
| | _____
Council member John P. Vandenberg |
| 10. Consideration of Resolution No. 18 – 2016 concerning the property located at 219 North 7 th Street in which the property owner was given until November 25, 2016 to abate the nuisance(s) and get the | _____
City Clerk Joan E. Kovar |

11. Consideration of **Resolution No. 19 – 2016** concerning the property located at 253 No. 7th Street in which the property owner was given until November 25, 2016 to abate the nuisance(s) and get the property in compliance with City Codes;
12. Public Hearing to consider adding a definition for Pole Buildings; and Consideration of **Ordinance No. 1252** adding the definition of a Pole Building to the zoning ordinance;
13. Public Hearing to consider adding the definition of an “Outdoor Storage Container” to the zoning ordinance and adding “Outdoor Storage Container” as a permitted accessory use in the Light Industrial District, Heavy Industrial District, and the Flexible Space Mixed Use District; and Consideration of **Ordinance No. 1253** adding the definition of an “Outdoor Storage Container” to the zoning ordinance and adding “Outdoor Storage Container” as a permitted accessory use in the Light Industrial District, Heavy Industrial District, and the Flexible Space Mixed Use District.
14. Public Hearing to consider amending Section 8.12 “Keeping of Animals” in the zoning ordinance to reflect City Code; and Consideration of **Ordinance No. 1254** amending Section 8.12 “Keeping of Animals”, in the zoning ordinance, to reflect City Code;
15. Consideration of the Financial Statements for the year ended September 30, 2016 together with the independent auditors’ report;
16. Acknowledgement for years of service for out-going Council members Kroesing and Rogers;
17. Adjourn.

There will be a brief intermission followed by the Organizational Meeting.
Please see the city council organizational agenda.

**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 an Organizational meeting of said body and the agenda for such meeting to be held immediately following the regular meeting which began at 7:00 o'clock p.m. on the **14th day of December, 2016**, 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 1st day of December, 2016.

AGENDA AS FOLLOWS:

1. Oath of Office to Council members:
Dana Trowbridge - 1st Ward;
Patrick Meysenburg - 2nd Ward;
Gary Smith – 3rd Ward;

Mayor Alan Zavodny
2. Roll Call;
3. Election of City Council President for
Calendar Years 2017 & 2018;

Council member Thomas J. Kobus
4. Appointment of two council members to
serve on the Finance Committee;

Council member Kevin N. Hotovy
5. Consideration of **Ordinance No. 1255**
establishing an annual permit valid from
January 1 thru December 31st, for golf
carts;

Council member John P. Vandenberg
6. Consideration of **Ordinance No. 1256**
stating that all abandoned water lines must
be capped off at the main;

Council member Gary D. Smith
7. Discussion and consideration of how
agenda items are added.
8. Adjournment.

Council member Dana E. Trowbridge

Council member Patrick J. Meysenburg

City Clerk Joan E. Kovar

CITY COUNCIL PROCEEDINGS

December 14, 2016

The City Council of the City of David City, Nebraska, met in open public session in the meeting room of the City Office, 557 North 4th Street, David City, Nebraska. The Public had been advised of the meeting by publication of notice in The Banner Press on December 8th, 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 Agendas which are a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agendas, which were kept continuously current in the office of the City Clerk and were available for public inspection during regular office hours. No new items were added to the agendas during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Mayor Alan Zavodny, Council President Gary Kroesing and Council members John Vandenberg, Tom Kobus, Gary Smith, Mike Rogers, and Kevin Hotovy, City Attorney Jim Egr, and City Clerk Joan Kovar.

Also present for the meeting were: Jeff Hilger, Karl & Marianne Ziethen, Joe Held of Kruse, Schumacher, Smejkal, & Brockhaus, P.C., Mat Asche & daughter Kinley, Tony Novak, Janis Cameron, Sharon & Adam Smith, Sheriff Marcus Siebken, Banner Press Editor Larry Peirce, Pat Meysenburg, Skip Trowbridge, and Sewer Supervisor Kevin Betzen.

The meeting opened with the Pledge of Allegiance.

Mayor Zavodny informed the public that on agenda item #17 the Council was going to take a short "Recess" as opposed to "Adjourn" as stated on the agenda and then continue on with the organizational meeting. Mayor Zavodny asked those with cell phones to put them on vibrate and/or silent; and informed the public of the "Open Meetings Act" posted on the east wall of the meeting room.

The minutes of the November 9th / 30th, 2016 meeting(s) of the Mayor and City Council were approved upon a motion by Council member Vandenberg and seconded by Council member Kobus. Voting AYE: Council members Smith, Hotovy, Kroesing, Vandenberg, and Kobus. Voting NAY: None. Council member Rogers was absent. The motion carried.

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

Mayor Zavodny asked for any comments or questions concerning the Committee and Officer Reports.

Council member Mike Rogers arrived at 7:04 p.m.

Council member Kroesing stated that the Sheriff's Department has been asked to provide a monthly report and questioned why the City Council doesn't receive a monthly report from the Economic Development Group since the City supports them also. Mayor Zavodny

stated that it has never been asked. Council member Kroesing stated: "I'm asking. All we hear are bits and pieces on the street of what's going on in town; I think it'd be a good idea to hear it first hand up front."

Council member Kobus stated that before we go much further on the Downtown Renovation Project we should check on the sewer line going down the center of 5th Street. Sewer Supervisor Kevin Betzen stated that the sewer line actually starts at "G" Street but it is blocked off as it is for high flow only, so it actually starts at "G" Street but it does not receive any flow until the alley from the west side of 5th Street between "E" and "F" Street and it goes all the way to "A" Street. It was also noted that the center of 5th Street between "F" and "G" seems to be sinking also. These items will need to be addressed.

Mayor Zavodny presented a Certificate of Appreciation to Street Employee Mat Asche in grateful acknowledgement of 5 years of faithful and efficient service to this Community.

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

Tony Novak stated that State Farm allows a 20% discount for Impact Resistant Shingles and so City Clerk Kovar was asked to check with the City's provider League Association of Risk Management (LARM) to see if they would allow a discount for Impact Resistant Shingles. In a heavy hail storm it won't help; with a light hail storm it will help. The insulation would be from Don Hilger and the gutters would probably be from Superior Glass and both of those can be added at a later time.

Council member Rogers made a motion to accept the base bid of T. Novak Construction, Inc. in the amount of \$91,317.61, with the understanding that the City will still check with LARM to see if they would allow a discount for the impact resistant shingles, and if so, then the Council may decide to add the \$3,900.00. Council member Kroesing seconded the motion. Voting AYE: Council members Hotovy, Smith, Kobus, Vandenberg, Kroesing, and Rogers. Voting NAY: None. The motion carried.

T. NOVAK CONSTRUCTION, INC
 841 30 Road
 Rising City, Nebraska 68658
 402-542-2271 OR 402-367-2527

TO: City Building DATE 9-1-16

QTY	DESCRIPTION	PRICE	AMOUNT
	Estimate to place Hip Roof over existing Flat Roof.		# 87,872.61
	Material cost increase		+ 1,575.00
	TOTAL BID:	***\$	21,317,612.61
	Includes:		
	Install exterior plates over perimeter walls		
	Install Hip Roof with 3/12 pitch over entire building.		
	Install Fire walls for separation in New Attic and file paperwork and photos with State Fire Marshal.		
	Install Laminated Roof shingles over Synthetic Roof Paper		
	Install 24" vented Aluminium soffits + fascia to entire 1st perimeter.		
	Extend existing vent pipes onto new Roof.		
	Includes All Labor + Materials for Above work.		
	Options:		
1.	Add Seamless Gutters	# 4,150.00	# 4,150.00
2.	Add Ice Impact Resistant shingles		# 3,900.00
3.	Add 12" Rock wool Attic Insulation Estimated		# 12,285.00
	Note: It would need to confirm a bid with Don Hager on the Attic Insulation.		

Marianne & Karl Ziethen were present to discuss the Roy Remmers' property at 314 North 7th Street. (Roy Remmers, deceased, was Marianne's cousin.) Karl stated that with the weather to contend with now he would like until June 1, 2017 to get the property in compliance with City Codes. He stated they need to clean the property out, and then they will either have it demolished or sell it. He said that he has several people interested in buying it but he needs to clean the inside out.

Council member Rogers introduced Resolution No. 16 – 2016 granting Karl & Marianne Ziethen 90 days to get the Roy Remmers' property at 314 North 7th Street in compliance with City Codes. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Hotovy, Kobus, Kroesing, Vandenberg, and Rogers. Voting NAY: None. The motion carried and Resolution No. 16 - 2016 was passed and adopted as follows:

RESOLUTION NO. 16 – 2016

TO: Roy Remmers (deceased) % Marianne Ziethen

YOU ARE HEREBY NOTIFIED THAT ON December 14, 20 16, the City of David City, Nebraska, by Resolution No. 16 - 2016, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:
314 North 7th Street

You are granted 90 days from the date of this Notice to abate said nuisance. (March 15, 2017) Failure to abate said nuisance shall result in said nuisance being

abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: December 14, 2016

CITY OF DAVID CITY, NEBRASKA

By: _____
Mayor Alan Zavodny

City Clerk Joan Kovar

Sharon Smith and her son Adam were present to discuss their property at 595 C Street which is in violation of City Codes. It was noted that items located in the garage and shed are fine, but anything out on the lawn must be cleaned up. Discussion followed.

Council member Rogers introduced Resolution No. 17 – 2016 granting Sharon Smith 28 days, until January 11th, 2017, to get her property at 595 C Street in compliance with City Codes. Council member Smith seconded the motion. Voting AYE: Council members Vandenberg, Kroesing, Hotovy, Kobus, Smith, and Rogers. Voting NAY: None. The motion carried and Resolution No. 17 - 2016 was passed and adopted as follows:

RESOLUTION NO. 17 – 2016

TO: Sharon Smith

YOU ARE HEREBY NOTIFIED THAT ON December 14, 20 16, the City of David City, Nebraska, by Resolution No. 17 - 2016, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:
595 "C" Street

You are granted 28 days from the date of this Notice to abate said nuisance. (January 11, 2017) Failure to abate said nuisance shall result in said nuisance being

abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: December 14, 2016

CITY OF DAVID CITY, NEBRASKA

By: _____
Mayor Alan Zavodny

City Clerk Joan Kovar

The Charles Oborny rental property at 219 North 7th Street was discussed. Most of the items in the front and rear of the house have been picked up, however, the pumpkins were thrown in the alley and there are still old pallets, etc. leaning against the garage.

Council member Rogers introduced Resolution No. 18 – 2016 granting Charles Oborny 5 days to get the property at 219 North 7th Street in compliance with City Codes. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Kroesing, Vandenberg, Smith, and Rogers. Voting NAY: None. The motion carried and Resolution No. 18 - 2016 was passed and adopted as follows:

RESOLUTION NO. 18 – 2016

TO: Charles Oborny

YOU ARE HEREBY NOTIFIED THAT ON December 14, 20 16, the City of David City, Nebraska, by Resolution No. 18 - 2016, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:
219 North 7th Street

You are granted 5 days from the date of this Notice to abate said nuisance. (December 19, 2016) Failure to abate said nuisance shall result in said nuisance being abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: December 14, 2016

CITY OF DAVID CITY, NEBRASKA

By: _____
Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Rogers introduced Resolution No. 19 – 2016 granting Lori & Phillip Mendoza 2 days, until Friday, December 16th at 5:00 p.m., to get the property at 253 North 7th Street in compliance with City Codes. Council member Hotovy seconded the motion. Voting AYE: Council members Kobus, Smith, Kroesing, Vandenberg, Rogers, and Hotovy. Voting NAY: None. The motion carried and Resolution No. 19 - 2016 was passed and adopted as follows:

RESOLUTION NO. 19 – 2016

TO: Lori & Phillip Mendoza

YOU ARE HEREBY NOTIFIED THAT ON December 14, 20 16, the City of David City, Nebraska, by Resolution No. 19 - 2016, after notice and hearing as specified in said Resolution, did determine that the following constitute a public nuisance, to-wit:

Upon the following described real estate, to-wit:
253 North 7th Street

You are granted 2 days - until 5:00 p.m. on December 16, 2016 from the date of this Notice to abate said nuisance. Failure to abate said nuisance shall result in said nuisance being abated by the City of David City, Nebraska, and the costs of abatement shall be assessed upon said premises and constitute a lien upon said premises until paid.

Dated: December 14, 2016

CITY OF DAVID CITY, NEBRASKA

By: _____

Mayor Alan Zavodny

City Clerk Joan Kovar

Mayor Zavodny opened the Public Hearing at 7:47 p.m. to consider adding a definition for pole buildings and consideration of Ordinance No. 1252 adding the definition of a pole building to the Zoning Ordinance. Discussion followed. Mayor Zavodny closed the Public Hearing at 7:52 p.m.

Council member Hotovy introduced Ordinance No. 1252. Mayor Zavodny read Ordinance No. 1252 by title. Council member Hotovy made a motion to pass Ordinance No. 1252 on the first reading. Mayor Zavodny asked for a second to the motion three times. There being none, the motion died for lack of a second.

DIED FOR LACK OF A SECOND
ORDINANCE NO. 1253

AN ORDINANCE, TO AMEND ZONING ORDINANCE NO. 1060, BY AMENDING SECTION 2.02 DEFINITIONS BY, ADDING THE DEFINITION OF A POLE BUILDING; 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.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTION OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

ARTICLE 2: DEFINITIONS

SECTION 2.02 Definitions

***POLE BUILDING** shall mean a wooden post and beam acting as the main structural support for roof and walls. No concrete/masonry support under or around the posts; wall and roof covered with metal skin.*

DIED FOR LACK OF A SECOND

Mayor Zavodny opened the Public Hearing at 7:54 p.m. to consider adding the definition of an "Outdoor Storage Container" to the Zoning Ordinance and adding "Outdoor Storage Container" as a permitted accessory use in the Light Industrial District, Heavy Industrial District, and the Flexible Space Mixed Use District. Discussion followed.

Council member Kroesing stated: "Why do we want a rusty old railroad car, with no wheels on it, any place in the City? That's exactly what you're going to end up with; that's exactly what it is."

City Attorney Egr stated: "I would rather defend the City without the definition, than with a definition. We have that catch all phrase that Gary Kroesing pointed out "Reasonable & Customary" for a particular area. Even if it's been there five years, that doesn't make it right. Some of the Villages, that we represent, have passed an ordinance that doesn't allow them at all within the Village limits. For a temporary situation, like in the case of a fire, it would be allowed."

Planning Commission member Janis Cameron suggested that perhaps the person would be required to get a permit for a temporary situation with a definitive sunset date. The Mayor and Council liked that suggestion.

Mayor Zavodny closed the Public Hearing at 8:13 p.m.

Council member Hotovy introduced Ordinance No. 1253. Mayor Zavodny read Ordinance No. 1253 by title. Council member Kobus made a motion to pass Ordinance No. 1253 on the first reading. Mayor Zavodny asked for a second to the motion three times. There being none, the motion died for lack of a second.

DIED FOR LACK OF A SECOND
ORDINANCE NO. 1253

AN ORDINANCE, TO AMEND ZONING ORDINANCE NO. 1060, BY AMENDING SECTION 2.02 DEFINITIONS BY ADDING THE DEFINITION OF AN OUTDOOR STORAGE CONTAINER; AMENDING SECTION 5.13 I-1 LIGHT INDUSTRIAL DISTRICT BY AMENDING 5.13.04 PERMITTED ACCESSORY USES BY ADDING #6. OUTDOOR STORAGE CONTAINERS; AMENDING SECTION 5.14 I-2 HEAVY INDUSTRIAL DISTRICT BY AMENDING 5.14.04 PERMITTED ACCESSORY USES BY ADDING #7. OUTDOOR STORAGE CONTAINERS; AMENDING SECTION 5.15 FS FLEXIBLE SPACE MIXED USE DISTRICT BY AMENDING 5.15.05 PERMITTED ACCESSORY USES BY ADDING #6. OUTDOOR STORAGE CONTAINERS; 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.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTIONS OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

ARTICLE 2: DEFINITIONS

SECTION 2.02 – DEFINITIONS

***OUTDOOR STORAGE CONTAINER** shall mean a fully enclosed self-supporting, by itself, incapable of motion or movement, not exceeding eight feet in width, twelve feet in height, and forty feet in length, or a total enclosed floor area of 320 square feet. The unit must be manufactured or assembled offsite and transportable by means other than its own to a location where it is set into place on a graded surface of concrete, asphalt or gravel and not upon a foundation or wheels. It shall be made of metal, or a similar stable, durable or acceptable material and shall not include a foundation, electricity or plumbing or mechanical systems as part of its assembly or use.*

SECTION 5.13 I-1 Light Industrial District.

5.13.04 Permitted Accessory Uses.

- 6. Outdoor Storage Container – Limit of 1*

SECTION 5.14 I-2 Heavy Industrial District.

5.14.04 Permitted Accessory Uses.

- 7. Outdoor Storage Container – Limit of 1*

SECTION 5.15 FS Flex Space Mixed Use District

5.15.05 Permitted Accessory Uses.

- 6. Outdoor Storage Container – Limit of 1*

DIED FOR LACK OF A SECOND

Mayor Zavodny opened the Public Hearing at 8:15 p.m. to consider amending Section 8.12 “Keeping of Animals” in the Zoning Ordinance to reflect City Code. Discussion followed. Mayor Zavodny closed the Public Hearing at 8:16 p.m.

Council member Hotovy introduced Ordinance No. 1254. Mayor Zavodny read Ordinance No. 1254 by title. Council member Hotovy made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Rogers seconded the motion. Voting AYE: Council members Kroesing, Vandenberg, Rogers, Smith, Kobus, and Hotovy. Voting NAY: None. The motion carried.

Council member Hotovy made a motion to pass and adopt Ordinance No. 1254 on the third and final reading. Council member Kroesing seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Rogers, and Kroesing. Voting NAY: None. The motion carried and Ordinance No. 1254 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1254

AN ORDINANCE, TO AMEND ZONING ORDINANCE NO. 1060, BY AMENDING SECTION 8.12 KEEPING OF ANIMALS; 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.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, THAT THE FOLLOWING SECTION OF ZONING ORDINANCE NO. 1060 BE AMENDED AS FOLLOWS:

SECTION 8.12 KEEPING OF ANIMALS

Animals may be kept within the zoning jurisdiction of the City of David City in compliance with the Municipal Code.

This Ordinance shall be in full force and effect from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 14th day of December, 2016.

Mayor Alan Zavodny

City Clerk Joan Kovar

Joe Held of Kruse, Schumacher, Smejkal, & Brockhaus PC presented the audit of the financial statements for fiscal year October 1, 2015 to September 30, 2016. They basically presented an unmodified opinion which is a clean opinion.

Council member Hotovy made a motion to accept the Financial Statements for the year ended September 30, 2016 together with the Independent Auditors' Report. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Vandenberg, Rogers, Kroesing, Smith, and Hotovy. Voting NAY: None. The motion carried.

Mayor Zavodny presented Certificates of Appreciation to out-going Council President Gary Kroesing for 24 years of service and to Council member Mike Rogers for 8 years of service. Mayor Zavodny stated: "On behalf of a very grateful City, we appreciate your service to the citizens and your time in your office. We appreciate your contributions and I think it's fair to say the City has had many accomplishments during your time of service so we do appreciate that. I hope you accept, on part of the citizens of David City, our appreciation for what you've done for the City. Do either of you have a closing statement?"

Council member Rogers stated that he didn't have anything to say because he didn't want to get emotional. Council member Kroesing said: "We're cool; we're good; A real experience, let's put it that way."

Mayor Zavodny declared a short three minute recess at 8:31 p.m.

At 8:34 p.m. Mayor Zavodny reconvened the meeting stating the first order of business was to administer the Oath of Office to the newly elected Council members.

City Attorney Jim Egr gave the Oath of Office to newly elected Council members: Dana Trowbridge – 1st Ward; Patrick Meysenburg – 2nd Ward; and Gary Smith – 3rd Ward, and they were seated.

Present for the meeting were: Mayor Alan Zavodny, Council members John Vandenberg, Thomas Kobus, Gary Smith, Kevin Hotovy, Dana Trowbridge, and Patrick Meysenburg, City Attorney Jim Egr, and City Clerk Joan Kovar.

Council member Vandenberg nominated Gary Smith for Council President for calendar years 2017 and 2018.

Council member Trowbridge made a motion that nominations be closed. Council member Kobus seconded the motion. Voting AYE: Council members Hotovy, Kobus, Meysenburg, Smith, Trowbridge, and Vandenberg. Voting NAY: None. The motion carried.

Council member Vandenberg made a motion to appoint Gary Smith as the Council President for calendar years 2017 and 2018. Council member Kobus seconded the motion. Voting AYE: Council members Trowbridge, Smith, Meysenburg, Kobus, Hotovy, and Vandenberg. Voting NAY: None. The motion carried.

Council members Smith and Trowbridge volunteered to serve on the Finance Committee.

Council member Vandenberg made a motion to approve the appointment of Council members Gary Smith and Dana Trowbridge to serve on the Finance Committee. Council member Kobus seconded the motion. Voting AYE: Council members Smith, Meysenburg, Vandenberg, Trowbridge, Hotovy, and Kobus. Voting NAY: None. The motion carried.

Council member Vandenberg introduced Ordinance No. 1255. Mayor Zavodny read Ordinance No. 1255 by title. Council member Vandenberg made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Smith, Meysenburg, Vandenberg, and Trowbridge. Voting NAY: None. The motion carried.

Council member Smith made a motion to pass and adopt Ordinance No. 1255 on the third and final reading. Council member Vandenberg seconded the motion. Voting AYE: Council members Meysenburg, Trowbridge, Vandenberg, Hotovy, Smith, and Kobus. Voting NAY: None. The motion carried and Ordinance No. 1255 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1255

AN ORDINANCE AUTHORIZING THE OPERATION OF GOLF CARTS WITHIN THE CORPORATE LIMITS OF THE CITY OF DAVID CITY, NEBRASKA; TO ESTABLISH CONDITIONS OF OPERATION OF THE SAME; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1: Pursuant to Section 17-505 of the Revised Statutes of Nebraska, Reissue of 2007, a City may adopt an Ordinance with rules and regulations not inconsistent with Nebraska State Statutes as may be expedient for maintaining the peace, good government, and welfare of the corporation.

SECTION 2: It is hereby found and determined by the Mayor and City Council of the City of David City, Nebraska that golf carts should be authorized to be operated within the corporate limits of the City.

SECTION 3: It is hereby found and determined by the Mayor and City Council of the City of David City, Nebraska that the following restrictions for the operation of golf carts within the corporate limits of the City be as follows:

- (A) Any person desiring to operate a golf cart upon the public streets of the City of David City, Nebraska, other than in parades which have been authorized by the Mayor and City Council of David City, Nebraska, and which has not been specifically prohibited to be upon the public streets of the City of David City, Nebraska, shall first apply for a permit upon application forms furnished by the City Clerk and receive from the City Clerk a permit for said operation of a golf cart **which will be posted on the rear of the golf cart.**
- (B) A non-refundable application fee of \$10.00 shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.
- (C) **The permit is valid from January 1 to December 31 of the current year. (If the owner currently has a permit, the application fee would be pro-rated for the first transitional year;**
- (D) Operators of golf carts must not be operating golf carts because they are under suspension, revocation, and/or restrictions of their operator's license under the laws of the State of Nebraska.
- (E) Golf carts may be operated only between the hours of sunrise and sunset.
- (F) Operators shall have liability insurance coverage for golf carts effective while operating the same within the corporate limits of the City.

- (G) Operators shall not operate a golf cart on the highway. Operators shall not operate a golf cart at a speed in excess of thirty (30) miles per hour and not to exceed the speed limit posted or provided in Nebraska Statutes, whichever is less, within the corporate limits of the City.
- (H) A person operating a golf cart shall provide proof of insurance coverage for the same to any peace officer requesting such proof within five (5) days of such request.
- (I) No person shall operate a golf cart under the age of 16 years.
- (J) When a person is operating a golf cart, they shall have the same equipped with a slow moving emblem on the rear of the golf cart fully visible at all times.
- (K) A golf cart may be operated without complying with the aforesaid paragraphs for the crossing of a highway only if:
 - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - (2) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway.
 - (3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
 - (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway.

SECTION 4: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of this Ordinance, since it is the express intent of the Mayor and City Council to enact each section, subsection, clause or phrase separately.

SECTION 5: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 6: This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PASS AND APPROVED this 14th day of December, 2016.

ATTEST:

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Kobus introduced Ordinance No. 1256. Mayor Zavodny read Ordinance No. 1256 by title. Council member Vandenberg made a motion to suspend the statutory rule that requires an Ordinance be read on three separate days. Council member Smith seconded the motion. Voting AYE: Council members Trowbridge, Meysenburg, Vandenberg, Smith, Hotovy, and Kobus. Voting NAY: None. The motion carried.

Council member Vandenberg made a motion to pass and adopt Ordinance No. 1256 on the third and final reading. Council member Smith seconded the motion. Voting AYE: Council members Kobus, Hotovy, Meysenburg, Vandenberg, Smith, and Trowbridge. Voting NAY: None. The motion carried and Ordinance No. 1256 was passed on 3rd and final reading as follows:

ORDINANCE NO. 1256

AN ORDINANCE AMENDING CHAPTER 3, DEPARTMENTS, ARTICLE 1, WATER DEPARTMENT, OF THE CITY OF DAVID CITY, NEBRASKA, MUNICIPAL CODE BOOK, TO ADD §3-124 CONCERNING THE ABANDONING OF WATER LINES; AMENDING §3-148 CONCERNING THE DISTANCE SEPARATING UTILITY TRENCHES; 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 3, Article 1, of the David City Municipal Code Book shall be amended to read:

Chapter 3

DEPARTMENTS

Article 1. Water Department

- §3-101** **MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.** The Municipality owns and operates the Municipal Water Department through the Water Supervisor. The Water Supervisor shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Water Supervisor shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (*Ref. 17-531, 17-534, 19-1305 RS Neb.*)
- §3-102** **MUNICIPAL WATER DEPARTMENT; DEFINITIONS.** The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.
Main. The term "main" is hereby defined to be any pipe, 4" or larger, other than a supply or service pipe that is used for the purpose of carrying water to, and distributing the same in the Municipality.

Supply Pipe. The term “supply pipe” is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer’s premise where the shut-off, stop box, or curb cock is located.

Service Pipe. The term “service pipe” is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be disbursed.

Separate Premise. The term “separate premise” is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER’S APPLICATION. Every person or persons desiring a supply of water must make application therefore to the Municipal Clerk. The Clerk may require any applicant to make a service deposit in such amount as has been set by the Governing Body and placed on file at the office of the Municipal Clerk. Water may not be supplied to any house or private service pipe except upon the order of the Water Supervisor. The Department shall not supply to any person outside the corporate limits water service without special permission from the Governing Body; Provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. *(Ref. 17-537, 19-2701 RS Neb.)*

§3-104 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumer thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Water Supervisor or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of said Superintendent or his agent.

§3-105 MUNICIPAL WATER DEPARTMENT; NEW SUBDIVISIONS AND HOUSING DEVELOPMENTS: To defray the costs and expenses of utility installation/upgrades, as may be authorized by law, the Governing Body shall have the power and authority

to require that all developers, petitioning the municipality for utility installation/upgrades, shall pay the following expenses:

- (a) The developer(s) is responsible for 100 percent of all costs associated with the development of new water lines installed inside the plat line and connecting subdivision(s).
- (b) The developer(s) is responsible for 100 percent of all costs associated with the installation of new water mains installed inside the plat line and connecting subdivisions.
- (c) Engineering Fees: The developer(s) is responsible for 100 percent of all costs associated with the services provided by the selected engineer.
- (d) Before final plat approval is granted by the Governing Body, the developer(s) shall have completed or paid their full share of the project costs.
- (e) The arrangement, character, extent, size, and location of all utilities within all subdivisions and housing developments shall conform to the standards of the Comprehensive Plan of current adoption and the Zoning Ordinances of the City. All required improvements and installations should be constructed or installed to conform to the provisions of this Ordinance and the standard specifications of the City.
- (f) All developers wishing to locate new subdivisions, or who have existing subdivisions and housing developments located within the City limits and within the City's zoning jurisdiction, are required to obtain and use an engineer that is approved by the municipality.

§3-106 **MUNICIPAL WATER DEPARTMENT; WATER TAP FEE.** The customer, upon approval of his application for a new service line, shall pay the City Clerk of the City of David City, Nebraska, a water tap fee according to a schedule of such fees to be adopted by resolution of the City Council. Said fee shall be paid prior to the connection of the private water line of the customer to the water main. The Water Supervisor shall direct the customer to hire a registered and bonded plumber to install the private service line. The customer shall then be required to pay the expense of procuring the materials required as well as the services of the registered and bonded plumber and shall pay all other costs of installation. The customer shall pay the cost of the installation of the stop box and meter and the cost of said stop box. In the event that the Municipality should do any of the installation, including but limited to tapping the main, running of lines from the main to the curb stop and/or installing the curb stop, the customer shall be required to reimburse the Municipality for the cost of any work the Municipality shall accomplish. (*Ref. 17-542 RS Neb.*)

§3-107 **MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE.** The Municipality shall repair or replace, as the case may be, all commercial mains. The customer at his own expense shall replace and keep in repair all service and supply pipes from the commercial main to the place of disbursement. When leaks occur in service or supply pipes, the Water Supervisor shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Water Supervisor. It shall be unlawful for any person to tamper with any water meter, or by any means or device to divert water from the service pipe so that the same shall not pass through said meter, or while passing through said meter, to cause the same to register inaccurately.

§3-108 **MUNICIPAL WATER DEPARTMENT; MINIMUM RATES.** All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Water Supervisor to shut off the water at the stop box, in which case he shall not be liable thereafter for water rental until the water is turned on again. (Ref. 17-542 RS Neb.)

§3-109 **MUNICIPAL UTILITIES; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.** The bill for water delivered to a subscriber shall be due and payable on the first (1st) business day of the month. If the bill is not paid before five o'clock (5:00) p.m. on the tenth (10th) day of the month, it shall be considered delinquent. When the tenth (10th) day of the month falls on Saturday or Sunday, bills become delinquent at five o'clock (5:00) p.m. on the following Monday. The Municipality shall have the right to terminate service of any non-domestic subscriber at any time after said subscriber shall have a delinquent bill. When a domestic subscriber has a bill that has become delinquent, the Municipality shall, before service is disconnected, give the subscriber written notice by First Class Mail that the bill is delinquent and that service may be disconnected if payment is not received by a specified date. The Municipality may also personally distribute the disconnect notice with an additional delivery fee being assessed as set by resolution. Delinquent/Disconnect notices will be mailed after 5:00 p.m. on the tenth (10th) of the month or on the day the bill actually becomes delinquent. As per Nebraska Revised Statute Section 70-1605, the service shall not be discontinued for at least seven (7) working days after issuance of such "DELINQUENT/DISCONNECT NOTICE". If notice is given by First Class Mail, such mail shall be conspicuously marked as to its importance. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Public Welfare.

The notice shall contain the following information:

1. The reason for the proposed disconnection;
2. A statement of the intention to disconnect unless the domestic subscriber either pays the bill or reaches an agreement with the Department regarding payment of the bill;
3. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action;
4. The name, address, and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint;
5. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection;
6. A statement that the Department may not disconnect service pending the conclusion of the conference;
7. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate which shall certify that the domestic subscriber or resident within such subscriber's household has an existing illness or handicap which would cause such subscriber or resident to suffer an immediate and serious health hazard by the disconnection of the utility's service to that household. Such certificate shall be filed with the Department of Utilities within five (5) days of receiving notice under this section and will prevent the disconnection of the Department's services for a period of thirty (30) days from such filing. Only one (1) postponement of disconnection

shall be allowed under this subsection for each incidence of non-payment of any due account;

8. The cost that will be borne by the domestic subscriber for restoration of service;
9. A statement that the domestic subscriber may arrange with the Department for an installment payment plan;
10. A statement to the effect that those domestic subscribers who are welfare recipients may qualify for assistance in payment of their utility bill and that they should contact their caseworker in that regard; and
11. Any additional information not inconsistent with this section which has received prior approval from the Governing Body.

A domestic subscriber may dispute the proposed discontinuance of service by notifying the utility with a written statement that sets forth the reasons for the dispute and the relief requested. If a statement has been made by the subscriber, a conference shall be held before the utility may discontinue services.

This section shall not apply to any disconnections or interruptions of services made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. (*Ref. 70-1605 through 70-1610*)

§3-110 MUNICIPAL UTILITIES; RECONNECTS. Prior to re-connecting the water service, the customer shall pay a reconnect fee. Such reconnect fee shall be set by ordinance, and the administrative policies governing them shall be established by the City Council and shall be on file at the City Office. The funds from these fees shall be used for the repair and maintenance of the Water System.

§3-111 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The City Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Water Supervisor on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified to the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law.

§3-112 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other consumers, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Water Supervisor. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (*Ref. 17-537 RS Neb.*)

- §3-113 **MUNICIPAL WATER DEPARTMENT; RESTRICTED USE.** The Governing Body or the Water Supervisor may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. *(Ref. 17-537 RS Neb.)*
- §3-114 **MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS.** All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief, or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.
- §3-115 **MUNICIPAL WATER DEPARTMENT; POLLUTION.** It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. *(Ref. 17-536 RS Neb.)*
- §3-116 **MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP.** All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice by the Governing Body, to hook-up with the Municipal Water System. *(Ref. 17-539 RS Neb.)*
- §3-117 **MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS.** Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Water Supervisor who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Water Supervisor is otherwise advised of such circumstances. *(Ref. 17-537 RS Neb.)*
- §3-118 **MUNICIPAL WATER DEPARTMENT; INSPECTION.** The Water Supervisor, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. *(Ref. 17-537 RS Neb.)*
- §3-119 **MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.** It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to construct or impair the intended use of any of the above mentioned property without the written permission of the Water Supervisor.
- §3-120 **MUNICIPAL WATER DEPARTMENT; REGISTERED PLUMBER.** It shall be unlawful for any plumber or pipe-fitter to do any work upon any of the pipes or appurtenances of the system of waterworks, or to make any connection with or extension of the supply pipes of any consumer taking water from the said system until

such plumber or pipe-fitter shall have first procured a license or permit from the Municipality. There is hereby adopted the ordinance providing for the protection of the public health and safety, and for the qualification and registration of persons engaged in the business of plumbing, or laboring at the trade of plumbing; requiring a permit for the installation or alteration of plumbing and drainage systems; defining certain terms; establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems; providing penalties for its violation of the certain plumbing code known as the "International Plumbing Code, 2006" as sponsored by the International Association of Plumbing and Mechanical Officials, except such portions as are hereinafter amended, changed, modified or deleted, one (1) printed copy of which in book form has been and now is filed in the office of the City Clerk-Treasurer and the same is hereby adopted and incorporated as fully as are set out at length herein, from the date on which this Chapter shall take effect, the provisions thereof shall be controlling and the qualification and registration of persons engaged in the business of plumbing or laboring at the trade of plumbing and installation, alteration or repair of plumbing in drainage systems within the City and its zoning area. (Ref. 17-537 RS Neb.)

§3-121 MUNICIPAL WATER DEPARTMENT; COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Water Supervisor may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of water, or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his verified claim in the manner provided for protesting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

§3-122 MUNICIPAL WATER DEPARTMENT; PRIVATE WELLS PROHIBITED. Private wells within the City Limits of the City of David City, Nebraska are hereby prohibited.

§3-123 MUNICIPAL WATER DEPARTMENT; BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

- 1) Solders and flux - not more than two-tenths percent. (.2%) lead, and
- 2) Pipe and pipe fittings - not more than eight percent (8%) lead.

(Ref. 71-5301 RS Neb.)

§3-124 MUNICIPAL WATER DEPARTMENT; ABANDONING WATER LINE: Anyone demolishing a house, removing a house, or disconnecting the water service to an abandoned or uninhabited house shall be responsible for the abandonment of the existing water line. This shall include properly capping the service line off at the corporation on the main and allowing the Water Supervisor to inspect for proper procedures.

§3-125 MUNICIPAL WATER DEPARTMENT; APPLICATION FEE. Every person applying for a Plumber's Certificate of Qualification or Registration shall pay to the City Clerk-Treasurer at the time he makes such application the following fees:

- A. Master Plumber's Certification - \$50.00
- B. Journeyman Plumber's Certificate, one job, or owner's Certificate - \$25.00

§3-126 MUNICIPAL WATER DEPARTMENT; ISSUANCE OF QUALIFICATION OR REGISTRATION. The City Administrator shall issue Certificates of Qualification or Registration pursuant to the following provisions:

- A. Master Plumber's Certificates of Qualification or Registration shall be issued to every person who makes application for such certificate, pays the required fee and successfully passes the examination conducted by the City Administrator or designee; provided, however, that in lieu of an examination the City Administrator may issue such a certificate to any person who makes application therefore, pays the required fee and possesses and presents to the City Administrator a valid Certificate of Qualification or Registration issued to him by any other governmental agency giving an examination the scope and character of which, in the opinion of the City Administrator, is at least equal to that given by the City Administrator.
- B. Journeyman Plumber's Certificate of Qualification or Registration shall be issued to every person who makes application for such certificate, pays the required fee and successfully passes an examination conducted by the City Administrator; provided, however, that the City Administrator may issue such a certificate to any person who makes application therefore, pays the required fee, and presents to the City Administrator a valid Journey Plumber's Certificate of Qualification or Registration issued to him by any other governmental agency giving an examination the scope and character of which, in the opinion of the City Administrator, is at least equal to that given by the City Administrator.
- C. JOURNEYMAN PLUMBER: "Journeyman Plumber" is hereby defined to be any licensed plumber employed by a Master Plumber, other than a plumber's apprentice or helper, who as his principal occupation is engaged in the practical installation, alteration, repair or removal of plumbing.
- D. MASTER PLUMBER: "Master Plumber" is hereby defined to be any person skilled in the planning, superintending and practical installation of plumbing and drainage, and who is familiar with the ordinances and regulations governing the same, and who is engaged as a contractor in the installation, repair, alteration or removal of plumbing or drainage with the full responsibility of supervision, whether doing such work himself or employing journeyman plumbers and apprentices to assist him; and said term "Master Plumber" shall include every person doing work of any character connected with the installation, removal or drainage of buildings or property and all other plumbing, other than journeyman plumbers or plumber's apprentices or helpers, as defined in this Article. There shall only be one Master Plumber's License issued to a person; but should a person be employed by several different businesses, each business shall be required to execute a bond along with the licensee who is employed by such business.

§3-127 MUNICIPAL WATER DEPARTMENT; EXPIRATION OF CERTIFICATES OR QUALIFICATION OR REGISTRATION. Every Certificate of Qualification or Registration shall remain in force and effect until its expiration date unless canceled or revoked.

- A. Plumbing Contractor's Certificates of Qualification or Registration shall expire on April 30 of each year.
- B. Journeyman Plumber's Certificates of Qualification or Registration shall expire on April 30 of each year.

§3-128 MUNICIPAL WATER DEPARTMENT; FEE FOR RENEWAL OF CERTIFICATES OF QUALIFICATION OR REGISTRATION. All Certificates of Qualification or Registration, except certificates which have been cancelled or revoked, may be renewed from year to year upon request and payment of the required renewal fee. If such renewal is requested and the required fee paid within thirty (30) days after the expiration date of such certificate, the renewal fee shall be fifty dollars (\$50.00) for a Master Plumber's Certificate and twenty-five dollars (\$25.00) for a Journeyman Plumber's Certificate. No certificate shall be renewed more than thirty (30) days after the expiration of such certificate.

§3-129 MUNICIPAL WATER DEPARTMENT; PLUMBING REGISTRATIONS ON TESTS.
Plumbing regulations on tests are:

- A. Three (3) years as Apprentice before taking Journeyman test.
- B. Three (3) years as Journeyman before taking Masters test.
- C. Cost to take test is thirty-five dollars (\$35.00) for both Journeyman and Master. The person paying the fee will be given the study guide. The person must pay for the code book.
- D. If a person fails the test, he/she can retake the test within six (6) weeks. The cost to retake the test is twenty-nine dollars (\$29.00).
- E. If a person fails a second time, he/she must wait six (6) months. The cost to retake a second time is twenty-nine dollars (\$29.00).
- F. Test time is one hundred twenty (120) minutes.
- G. Test shall be administered by the City Administrator or his designee.
- H. The passing grade for Journeyman Plumber is seventy percent (70%). Passing grade for Master Plumber is eighty percent (80%).
- I. Test will be furnished by and graded by the Uniform Plumbing Code Administration (the most current code adopted by the City).

§3-130 MUNICIPAL WATER DEPARTMENT; BOND; CONDITIONS. Every master plumber shall provide a personal surety bond in the sum of five thousand dollars (\$5,000.00) signed by one or more sufficient sureties or bond in like amount of some approved corporate surety company doing business in the City, conditioned that the licensee shall indemnify and hold harmless the said City of David City of and from all accidents, damage, liability, claims, judgment, costs, or expenses caused by any negligence arising from the failure to protect such plumbing license in connecting said places prepared to receive water or sewer services, or arising out of furnishing

defective material or from failure to execute and perform any plumbing work done by a licensee or by others under a supervision during the period of such plumber's license; and that application for license will be governed by the rules and requirements herein provided or that may hereafter be prescribed and adopted by said City during the period of his said license with reference to plumbing work to the satisfaction of the Water and Sewer Supervisor. The obligee of said bond shall be the City of David City, Nebraska. An action may be maintained thereon by anyone injured by a breach of its conditions for a period of one year after the completion of any plumbing works.

§3-131 MUNICIPAL WATER DEPARTMENT; INSTALLATION OF PLUMBING BY OWNER.

All plumbing installed by the owner shall comply with the requirements of this Code and in such event the word "owner" shall be substituted for the word "plumber" throughout provided that said owner shall:

- A. Apply for and secure a permit;
- B. Pay \$10.00 registration fee;
- C. Do the work in accordance with this Article..

Personal installation by the owner (other than master plumber) shall be by himself, for himself, in his own home without compensation or pay from any other person for such labor of installation. The owner exercising this privilege shall not set himself up as a master plumber nor shall he employ journeyman plumbers.

§3-132 MUNICIPAL WATER DEPARTMENT; REQUIREMENTS FOR TAPPING SUMP-PUMP DISCHARGE PIPE INTO STORM SEWERS. Storm sewers may be tapped to insert sump-pump discharge pipe from foundation drains or floor drains upon the following requirements being met by the applicant:

- A. Applicant shall contact the Street Superintendent or Street Foreman, in writing, to determine the location of the storm sewer.
- B. The hole cut into the storm sewer pipe shall be not larger than one inch (1") in diameter larger than the pipe to be installed. The storm sewer shall be tapped as close as possible to the top of the storm sewer pipe.
- C. The discharge pipe shall be Schedule 40 PVC at the point of connection and across public property.
- D. The discharge pipe shall be grouted in place and the storm sewer and discharge pipe shall be left uncovered until inspection by the Street Superintendent or Street Foreman.
- E. All cuts across public road shall require an excavation permit to be obtained by applicant.
- F. Pipes across and under public roads shall have a minimum of one foot (1') of dirt and soil cover on the top of the pipe.
- G. The discharge pump shall be equipped with a check valve or backflow preventer.

§3-133 MUNICIPAL WATER DEPARTMENT; VIOLATIONS AND PENALTIES. Any person, firm, or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment in the County jail for

a period not to exceed thirty (30) days or by both such fine and imprisonment; Each separate day, or any portion thereof, during which any violation of this Code occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

The issuance or granting of a permit or approval of plans shall not prevent the Water and Sewer Supervisor from thereafter requiring the correction of errors in such plans and specifications or from preventing construction and operation being carried on thereunder when violation of this Code or any other ordinance or from revoking any certificate of approval when issued in error.

§3-134 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; STATEMENT OF INTENT.

- A. The purpose of sections 3-131 through 3-145 is to protect the public potable water supply of the City of David City, Nebraska from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the consumer's plumbing or service connection into the public potable water supply system.
- B. To promote the elimination, containment, isolation or control of existing cross connections, actual or potential, between the public or consumer's potable water supply system and nonpotable water systems, plumbing fixtures and industrial process systems.
- C. Sections 3-131 through 3-145 shall apply to all premises served by the public potable water supply system of the City of David City, Nebraska, and will be reasonably interpreted. It is the City's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.
- D. Sections 3-131 through 3-145 provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of the public potable water supply system.
- E. The City of David City, Nebraska shall be primarily responsible to implement section 3-131 through 3-145 to prevent contamination or pollution of the public water supply system due to backflow or cross connections for the protection of the water supply system and the residents of this community.
- F. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within consumer's own premises.
- G. The consumer is responsible for backsiphoned material or contamination and/or pollution through backflow and, if contamination or pollution of the City's potable water supply/system occurs through an illegal cross connection and/or an improperly installed, maintained or repaired device or a device that has been bypassed, he shall be liable for all associated costs of clean-up required for the public potable water supply/system.

§3-135 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; DEFINITIONS.

- A. Definitions are as follows:

1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening of any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle, and shall be at least double the diameter of the supply pipe, measured vertically above the flood level rim of the vessel, but in no case less than one inch.
2. "Approved certified tester" means a person qualified to make inspections; to test and repair backflow prevention/ cross connection control devices; and who is approved by the City and certified by the Nebraska State Health Dept.
3. "Authorized representative" means any person designated by the City to administer this cross connection control ordinance.
4. "Auxiliary water supply" means any water source system, other than the public water supply, that may be available in the building or premises.
5. "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water supply system.
6. "Backsiphonage" means the flowing back of water, or other foreign liquids, gases or substances into the water distribution system due to negative pressure in the distribution system.
7. "Backflow prevention device" means any device, method, or type of construction approved by the Nebraska State Health Department intended to prevent backflow/backsiphonage into the public water supply system.
8. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to the public water supply system.
9. "Containment" means protection of the public water supply system by installing a cross connection control device, on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.
10. "Contamination" means an impairment of the quality of water by sewage, process fluids, or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease by exposure, contamination, may be a threat to life or health, or may cause an aesthetic deterioration, color, taste or odor.
11. "Cross connection" means any physical connection or arrangement between two (2) otherwise separate piping systems; one of which contains potable water of the public water supply system, and the second, water of unknown or questionable safety, or steam, gases, chemicals or substances whereby there may be backflow from the second system to the public water supply system. No physical cross connection shall be permitted between a public water supply system and an auxiliary water supply system.
12. "Degree of Hazard" means an evaluation of the potential risk to public health and the adverse effects of the hazard upon the potable water system of the City.
 - a. Hazard-Health - any condition, device, or practice in the public water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
 - b. Hazard-Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

- c. Hazard-Pollution - an actual or potential threat to the physical properties of the water system or to the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.
 - d. Hazard-System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
- 13. "Isolation" means protection of a facility water service line by installing a cross connection control/backflow prevention device or air gap separation on an individual fixture, appurtenance, or system.
 - 14. "Pollution" means the presence in water of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.
 - 15. "Public Potable Water System" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health.
 - 16. "Service connection" means the terminal end of a service line from the public water system. If a meter or type of shut off valve is installed at the end of the service line, then the service connection means the downstream end of the meter or valve.
 - 17. "Water Department" means the Municipal Water Department of the City of David City, Nebraska.

§3-136 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED.

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the City or its authorized representative.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.
- C. No connection to a service line or supply line shall be made prior to the terminal end of the service line unless such connection is protected by an approved backflow device unless such connection is approved by the City or its authorized representative.
- D. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using plumbing practices considered acceptable by the Municipal Water Department, its authorized representative, or the Nebraska State Health Department as necessary for the protection of health and safety.

§3-137 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; SURVEY AND INVESTIGATIONS.

- A. The consumer's premises shall be open at all reasonable times to the City or its authorized representative, for the conduction of surveys and investigations of

water practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

- B. On request by the City or its authorized representative, the consumer shall complete periodic surveys of water use and plumbing practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the City or its authorized representative.

§3-138 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED.

- A. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the City or its authorized representative a health, plumbing, pollution or system hazard exists. The type and degree of protection required shall be commensurate with the degree of hazard and/or type of contamination that may enter the public water supply system.
- B. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgement of the City or its authorized representative the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to the health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed.

This is not limited to the following situations:

1. Premises having an auxiliary water supply, unless the quality of the auxiliary supply is acceptable to the City or its authorized representative and the Nebraska Department of Health.
 2. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
 3. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 4. Premises having a repeated history of cross connections being established or re-established.
 5. Premises, which due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 6. Premises on which any contamination causing substance is handled under pressure so as to permit entry into the public water supply system, or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 7. Premises where toxic or hazardous materials are handled.
- C. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention device may be required by the City or its authorized representative or the Nebraska Department of Health to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous

conditions have been eliminated or corrected by other methods to the satisfaction of the City or its authorized representative and the Nebraska Department of Health:

1. Agricultural chemical facilities.
2. Auxiliary water systems, wells.
3. Premises having water recirculating systems as used for boilers or cooling systems.
4. Bulk water loading facilities.
5. Car washes, automobile service facilities.
6. Chill water systems.
7. Feedlots.
8. Fire protection systems.
9. Hazardous waste storage and disposal sites.
10. Irrigation and lawn sprinkler systems.
11. Laundries and dry cleaning facilities.
12. Petroleum processing or storage plants.
13. Beauty salons.
14. Schools.
15. Sewage pumping stations and wastewater treatment plants.
16. Other commercial or industrial facilities which may constitute potential cross connections.
17. Hospitals, mortuaries, clinics, or others as discovered by surveys.

§3-139 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED. The type of protection required by sections 3-131 through 3-145 shall depend on the degree of hazard which exists, as follows:

1. An approved air gap separation shall be installed where the public potable water system or the consumer water system may be contaminated with substances which could cause a severe health hazard.
2. An approved air gap separation or an approved reduced pressure principal (RPZ) backflow prevention device shall be installed where the public potable water

system or consumer water system may be contaminated with a substance that could cause a health hazard.

3. An approved air gap separation, reduced pressure principal backflow prevention device (RPZ), double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, or frost free vacuum breaker shall be installed where the public potable water system or consumer water system may be polluted with substances that could cause a pollution hazard not dangerous to health.

§3-140 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES.

- A. Any backflow prevention device required by section 3-131 through 3-145 shall be a model or construction approved by the City or its authorized representative and the Nebraska Department of Health. The following devices are recognized for cross connection control and backflow prevention by the Nebraska Department of Health and are published as part of sections 3-131 through 3-145.
 1. Air Gap Separation to be approved shall be at least twice the diameter of the water supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch (1"). Whenever practical this is the control method of choice.
 2. Reduced Pressure Principle Backflow Preventer to be approved contains two (2) specifically designed, soft seated, independently acting check valves with a reduced pressure zone (with relief valve) between the two checks. Shut off valves before and after the device. Satisfactory for most toxic materials. Significant pressure loss of 10 psi or more. Must be tested and inspected annually, and repaired as necessary.
 3. Double Check Valve Assembly contains two (2) soft seated independently acting check valves in series. Shut off valves before and after the device. Adequate for nontoxic applications only. Minor pressure loss, must be inspected and tested annually, and repaired as necessary.
 4. Pressure Vacuum Breakers may be used as protection against nonpressure connections to vessels containing contaminants where the vacuum breakers are not subject to backpressure. These units may be used under continuous supply pressure, tested and inspected annually, and repaired as necessary. These devices must be installed a minimum of twelve inches (12") above the highest usage point or outlet. These devices can operate under constant pressure and shut off valve can be located beyond the vacuum breaker.
 5. Atmospheric Vacuum Breaker may be used only on nonpressure connections to a nonpotable water system where the vacuum breaker is never subjected to backpressure. Device is not for use under constant pressure, and shut off valve must be located ahead of vacuum breaker. The device must be installed a minimum of six inches (6") above the highest point of usage or outlet. These devices must be inspected and repaired or replaced as necessary.

6. Hose Vacuum Breakers may be used on sill-cocks and similar valves with threaded outlets where any type of hose might be attached. These devices must be inspected and repaired or replaced as necessary.
7. All backflow prevention devices approved by the City shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time sections 3-131 through 3-145 were passed and complies with required inspection and maintenance.

§3-141 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; INSTALLATION.

- A. Backflow prevention devices required by sections 3-131 through 3-145 shall be installed at a location and in a manner approved by the City or its authorized representative. All devices shall be installed at the expense of the consumer, unless the City or its authorized representative agrees otherwise.
- B. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or the shut off valve as close to the meter or shut off valve as is reasonably practical, and prior to any other connection.
- C. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

§3-142 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; INSPECTION TESTING AND MAINTENANCE.

- A. Backflow/back-siphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City or its authorized representative. Actual testing shall be done by an approved certified tester, and the testing shall be at the expense of the consumer, unless the City or its authorized representative agrees otherwise. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City.
- B. The consumer's premises shall be open at all reasonable times to the City, its authorized representative, or a certified tester for the purpose of inspection, testing, or maintenance. If entry is required into the premises, the City's authorized representative or approved certified tester shall give consumer notice setting forth a proposed date and time. If the consumer cannot make the premises accessible on that date and time, the consumer shall contact the City's authorized representative or certified tester to arrange another date and time.
- C. Whenever backflow prevention devices required by this policy are found to be defective, they shall be repaired or replaced without delay at the expense of the consumer.

- D. The consumer must maintain a complete record of each backflow prevention device from purchase to retirement. This shall include a comprehensive listing that includes a record of all test, inspections, and repairs. All record of inspections, tests, and repairs shall be provided within thirty (30) days to the City or its authorized representative.
- E. All backflow prevention devices shall have a tag showing the date of installation, last inspection, test, or other maintenance.

§3-143 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; *SPECIAL CAUTION*** THERMAL EXPANSION.**

- A. When water is heated and stored in a consumer's water system, or a branch of the system, that has been closed by the installation of a backflow prevention device, or any other checking device; an auxiliary relief valve, or expansion chamber, shall be installed to limit thermal expansion of the water being heated to not more than 80 psi static (no-flow) pressure at any fixture on the system.

§3-144 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; APPROVED METHODS OF FILLING TANKS/TANKER TRUCKS.

- A. Any water being introduced into a vessel, tank, tanker truck, etc., from any connection to the public potable water system must be through an approved backflow prevention device. The most effective and economical method is by an approved air gap separation between the water inlet and overflow level of the vessel or tank. At no time shall a hose, either hand held or otherwise immersed in a vessel or tank be an acceptable method for this type of application.

§3-145 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE: AUTHORITY.

- A. The authorized representative shall have the authority to issue any order consistent with the provisions of section 3-131 through 3-145 in order to protect the public health and safety. Any order of the authorized representative shall state the nature of the order, compliance requirements, and a reasonable date by which compliance must be met.

§3-146 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; APPEALS.

- A. In the event that it is claimed that the true intent and meaning of sections 3-131 through 3-145 have been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premise make it unreasonably difficult to meet the literal requirements prescribed by section 3-131 through 3-145, the owner may file a written notice of appeal with the City Clerk within ten (10) days after the decision or order of the authorized representative has been made. The Governing Body of the City shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative.

Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Appeals shall be in writing and shall state the reason for the appeal.

§3-147 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; VIOLATION AND PENALTIES.

- A. The City or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by sections 3-131 through 3-145 is not installed, tested, and maintained in a manner acceptable to the City or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
- B. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection ordinance to the satisfaction of the City or its authorized representative.

§3-148 MUNICIPAL WATER DEPARTMENT; BACK-FLOW /BACK-SIPHONAGE PREVENTION; LIABILITY CLAIMS.

- A. The authorized representative shall be relieved from personal liability. The City shall hold harmless the authorized representative when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of an act or omission of the authorized representative in the discharge of his or her duties hereunder. Any suit brought carrying out the provisions of the title shall be defended by the City, or the City's insurance carrier, if any, through final determination of such proceeding.

§3-149 MUNICIPAL WATER DEPARTMENT; SEPARATE WATER LINE TRENCH. Water, sewer, and electric service lines shall each have a separate trench. Water service lines shall be buried at least four feet (4') deep. There shall be a minimum of #12 tracer/detection wire placed above all plastic water service lines installed. **There shall be at least ten (10) horizontal feet separating utility trenches.**

Section 2. Any other ordinance or section passed and approved prior to passage, approval, 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 14th day of December, 2016.

Mayor Alan Zavodny

City Clerk Joan Kovar

Council member Trowbridge questioned how agenda items are added to the Council agenda. Mayor Zavodny explained that normally items are discussed at the Committee of the Whole meeting and the Council then determines which items should be added to the City Council agenda for consideration. There is also a form that citizens can complete requesting an item be put on the Council agenda, however City Attorney stated that just because a citizen completes a request form that doesn't mean it has to be put on the agenda.. Two council members can also request that an item be placed on the agenda.

There being no further business to come before the Council, Council member Hotovy made a motion to adjourn. Council member Vandenberg seconded the motion. Voting AYE: Council members Smith, Kobus, Vandenberg, Hotovy, Trowbridge, and Meysenburg. Voting NAY: None. The motion carried and Mayor Zavodny declared the meeting adjourned at 8:55 p.m..

Mayor Zavodny thanked everyone for coming and wished everyone a Merry Christmas.



CERTIFICATION OF MINUTES
December 14th, 2016

I, Joan Kovar, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of December 14th, 2016; 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 Kovar, City Clerk