

ORDINANCE NO. ³⁰¹~~299~~

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AN ORDINANCE PROVIDING FOR THE MINIMUM WATER RATES IN THE CITY OF FORT CALHOUN, NEBRASKA, TO BE CHARGED TO THE USERS OF THE CITY WATER SYSTEM, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

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

SECTION 1. The minimum water rates to be charged to users of the City water system of the City of Fort Calhoun, Nebraska, shall be:

- \$3.75 per month minimum up to 3,000 gallons;
- \$5.00 per month minimum up to 3,000 gallons for users residing outside corporate limits of the City of Fort Calhoun, Nebraska;
- \$1.25 per month per 1,000 gallons exceeding 3,000 gallons and up to 19,000 gallons;
- \$.80 per month per 1,000 gallons exceeding 19,000 gallons and up to 49,000 gallons;
- \$.60 per month per 1,000 gallons exceeding 49,000 gallons.

SECTION 2. A connection charge of \$7.00 shall be charged for each connection made on or after May 1, 1976, plus the cost of the water meter.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed.

SECTION 4. This ordinance shall be in full force and take effect from and after its passage, approval and publication as provided by law.

Passed and approved this 5 day of April, 1976.

Kenneth J. Robinson
MAYOR

ATTEST:

Rosalie Treberg
CITY CLERK

ORDINANCE NUMBER 309

AN ORDINANCE TO ESTABLISH SPECIAL RECOGNITION OF IDENTIFIED FLOOD HAZARDS PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS the City of Fort Calhoun, Washington County, Nebraska has adopted and is enforcing The National Building Code, abbreviated edition, being Ordinance No. 190 of the Fort Calhoun Municipal Ordinances; and is enforcing a Zoning Ordinance, being Ordinance No. 187, of the Fort Calhoun Municipal Ordinances; and

WHEREAS Article One, Section 102.01 of the National Building Code prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the City of Fort Calhoun, Washington County, Nebraska; and

WHEREAS the City Clerk of Fort Calhoun, Nebraska must examine all plans and specifications for the proposed construction when application is made for a building permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Fort Calhoun, Washington County, Nebraska as follows:

1. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (a) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (b) use construction materials and utility equipment that are resistant to flood damage, and (c) use construction methods and practices that will minimize flood damage; and

2. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall review proposals and other proposed new developments

to (a) all such pipes and connections with the need to maintain the integrity of all such utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and (c) adequate drainage is provided as to reduce exposure to flood hazards; and

3. That the City Clerk of Hart Catholic, Washington County, Nebraska shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require certain waste disposal systems to be located so as to avoid injury to them or contamination from them during flooding.

DATED this 27th day of July 1976.

MAYOR

Robinson

COUNCILMAN

Jipp

COUNCILMAN

Billingsley

COUNCILMAN

Adams

COUNCILMAN

Harford

ATTEST:

Rosalie Stebbins
CITY CLERK

ORDINANCE NUMBER 302

AN ORDINANCE TO ESTABLISH SPECIAL RECOGNITION OF IDENTIFIED FLOOD HAZARDS PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM.

WHEREAS the City of Fort Calhoun, Washington County, Nebraska has adopted and is enforcing The National Building Code, abbreviated edition, being Ordinance No. 190 of the Fort Calhoun Municipal Ordinances; and is enforcing a Zoning Ordinance, being Ordinance No. 187, of the Fort Calhoun Municipal Ordinances; and

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WHEREAS the City Clerk of Fort Calhoun, Nebraska must examine all plans and specifications for the proposed construction when application is made for a building permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Fort Calhoun, Washington County, Nebraska as follows:

1. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (a) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (b) use construction materials and utility equipment that are resistant to flood damage, and (c) use construction methods and practices that will minimize flood damage; and

2. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall review proposals and other proposed new developments

to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

DATED this 27th day of July, 1976.

Robinson
MAYOR

Jipp
COUNCILMAN

Billingsley
COUNCILMAN

Adams
COUNCILMAN

Halford
COUNCILMAN

ATTEST:

Rosalee Tubing
CITY CLERK

ORDINANCE NUMBER 302

AN ORDINANCE TO ESTABLISH SPECIAL RECOGNITION OF IDENTIFIED FLOOD HAZARDS PERTAINING TO THE NATIONAL FLOOD INSURANCE PROGRAM.

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WHEREAS Article One, Section 102.01 of the National Building Code prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the City of Fort Calhoun, Washington County, Nebraska; and

WHEREAS the City Clerk of Fort Calhoun, Nebraska must examine all plans and specifications for the proposed construction when application is made for a building permit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Fort Calhoun, Washington County, Nebraska as follows:

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2. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall review proposals and other proposed new developments

to assure that (a) all such proposals are consistent with the need to minimize flood damage, (b) all public utilities and facilities, such as sewer, gas, electric, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (c) adequate drainage is provided so as to reduce exposure to flood hazards; and

3. That the City Clerk of Fort Calhoun, Washington County, Nebraska shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

DATED this 27th day of July, 1976.

Kenneth F. Robinson
MAYOR

Richard Lipp
COUNCILMAN

David Ellingsley
COUNCILMAN

Donald Johnson
COUNCILMAN

Larry L. Halbrod
COUNCILMAN

ATTEST:

Rosalie Treberg
CITY CLERK

ORDINANCE NO. 304

An Ordinance of the City of Fort Calhoun, Washington County, Nebraska, pertaining to Natural Gas Franchise, establishing new maximum rates to be charged for natural gas service in the City of Fort Calhoun, Nebraska, and repealing Section 7 as heretofore existing.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

SECTION 1. That Section 7 of Ordinance No. 207, as amended by Ordinance No. 283 of the City of Fort Calhoun, Nebraska, be amended to read as follows:

SECTION 7. RATE SCHEDULE, MAXIMUM; MINIMUM MONTHLY CHARGE. HEAT VALUE, BASIS OF, ADJUSTMENT; PENALTY FOR DELINQUENCY: That Grantee, its successors or assigns, shall furnish gas at such reasonable rates as may be established from time to time; provided, however, that such rates shall not be in excess of the schedule of maximum rates set out below.

SCHEDULE OF RATES

Available to any customer using gas service.

	<u>RATE</u>
First 400 cu. ft. per consumer per month	\$1.25 per hundred cubic ft.
Over 400 cu. ft. " " " "	.30 " " " "

MINIMUM

The minimum monthly charge under this schedule shall be \$5.00 per month per meter.

All the above net rates apply only when bills are paid on or before ten (10) days after the monthly billing date. When not so paid the gross rate of not more than ten per cent (10%) higher than the above rates will apply.

The above and foregoing rates shall be understood to apply to and be based upon natural gas of the British Thermal Unit heating value of not less than nine hundred (900) British Thermal Units per cubic foot of gas. If in any monthly period, the average heating value of such

gas shall fall below nine thousand (9000) British Thermal Units, then, in that event, the aforesaid rates shall be automatically and correspondingly lowered, and reduced during any period or periods of time in which any such gas of lower British Thermal Unit value shall be furnished.

SECTION 2. That original Section 7 of Ordinance No. 207, as amended by Ordinance No. 283 of the City of Fort Calhoun, Nebraska, be, and the same hereby is, repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

Passed and approved this 5 day of January, 1976.

Kenneth Johnson
Mayor

ATTEST:

Rosalie Fredberg
City Clerk

(SEAL)

ORDINANCE NO. 305

AN ORDINANCE TO INCREASE THE PRICE
CHARGED FOR WATER METER INSTALLATION

WHEREAS, the cost of installing water meters to residents of the City of Fort Calhoun, Nebraska, has increased significantly in recent years; and,

WHEREAS, the cost to the City of Fort Calhoun, Nebraska, now exceeds the price charged for installation of such water meters;

NOW THEREFORE BE IT ORDAINED, by the Mayor and City Council of the City of Fort Calhoun, Nebraska, for water meters shall be \$100.00 for each such meter. ^{↑ installation charge}

Kenneth J. Reardon
Mayor

Rosalia Johnson
City Clerk

ORDINANCE NO. 306

ORDINANCE TO VACATE ALLEY OF BLOCK TWENTY (20) OF CITY OF FORT CALHOUN, NEBRASKA

WHEREAS, it is in the best interest of the citizens of Fort Calhoun, and,

WHEREAS, it is with the mutual consent of all of the abutting property owners that said alley of Block Twenty (20) of the City of Fort Calhoun be vacated with said land being returned to its original ownership status,

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska, that said alley of Block Twenty (20) of the City of Fort Calhoun, Nebraska be vacated.

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

Passed and approved this 3 day of January, 1977

ATTEST:

Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

Rosalie Freburg
City Clerk



STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 239
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 8th DAY OF February A.D. 19 77
AT 9:10 O'CLOCK A. M. AND RECORDED IN BOOK
112 AT PAGE 9
COUNTY CLERK Charlitta Peterson
DEPUTY Karen Madolen

Recorded /
_____ /
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1977 FEB - 8 AM 9:10

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 307

AN ORDINANCE TO ESTABLISH AND REGULATE MINIMUM HOUSING STANDARDS FOR THE CITY OF FORT CALHOUN; TO PROVIDE FOR ENFORCEMENT OF SAID STANDARDS; TO PROVIDE FOR APPOINTMENT OF A BUILDING INSPECTOR OR ASSISTANT BUILDING INSPECTOR; TO PROVIDE FOR INSEPCION OF STRUCTURES; TO REPEAL ANY ORDINANCE IN CONFLICT HEREWITH, AND TO DETERMINE A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

SECTION 1. Short Title. This ordinance shall be known and may be cited as the Minimum Standard Housing Ordinance of the City of Fort Calhoun, Washington County, Nebraska.

SECTION 2. Purpose. The purpose of this ordinance is to establish minimum standards for dwellings and other structures, and this ordinance shall be used to determine when one or more conditions of dwellings, structures, and property would result in a condition that would make such dwelling, structure or property unsafe or unfit for human occupancy, in furtherance of the public health, safety and welfare.

SECTION 3. Definitions. Certain words used in this ordinance shall be interpreted and/or defined as follows:

1. Dwelling shall mean any building which is wholly or partially used or intended to be used for living or sleeping by human occupants.
2. Dwelling Unit shall mean any habitable room or group of habitable rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living quarters, including sleeping and eating, whether or not including cooking.
3. Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking, or consumption of food.
4. Minimum shall mean the lowest basic standard allowance.
5. Multiple Dwelling shall mean any dwelling containing more than two (2) dwelling units.
6. Occupant shall mean any person, over one (1) year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit.

7. Owner shall mean any person who, alone, jointly or severally with others, shall:
 - a. have legal title or equitable title to any dwelling or dwelling unit; or
 - b. have charge, care or control of any dwelling or dwelling unit as owner or agent of owner, or as executor, administrator, trustee, guardian, conservator or other personal representative of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this ordinance, and the rules and regulations adopted pursuant thereto, to the same extent as if he were owner.
8. Person shall mean and include any individual, firm, corporation, association or partnership.
9. Rubbish shall mean combustible and noncombustible waste material, except garbage; and the term shall include and not be limited to the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, automobile chassis and bodies, metals, mineral matter, glass, crockery, and dust.
10. The singular includes the plural.
11. The masculine includes the feminine.
12. Whenever the words "building", "dwelling", "dwelling unit", "multiple dwelling", "property", "premises", or "structure" are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof".

SECTION 4. Establishment of Minimum Standards. The following minimum standards for dwellings and other structures are hereby established:

EXTERIOR:

1. Foundation, Walls, and Roof. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair, and shall be kept in such condition as to exclude rodents.
2. Foundations. The foundation elements shall adequately support the building at all points.
3. Roof. The roof shall be structurally sound, tight, ventilated, and have no defects which might admit rain; and roof drainage shall be adequate to prevent rain water from causing dampness in the walls or interior portion of the structure. Every gutter and downspout shall be firmly fastened and maintained in good condition.
4. Doors. Every exterior door, door hinge, and door latch and lock shall be maintained in good and workable condition. Every

exterior door, when closed, shall fit reasonably well within its frame.

5. Exits. Every dwelling unit shall have a safe and unobstructed means of egress leading to a safe and open space at ground level.
6. Windows. Every window or hatchway shall be substantially tight and shall be kept in sound and operable condition and repair.
7. Structural Safety. Every outside stair, every porch, and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected, and shall be kept in sound condition and good repair.
8. Handrails. Where necessary for safety, every flight of stairs and porch which is more than two risers high shall have handrails so located and of such design as is in accordance with the building code adopted by the City of Fort Calhoun. Every handrail and balustrade shall be firmly fastened and shall be maintained in good condition and repair.
9. Accessory Structures. Accessory structures shall be maintained in a similar condition to dwellings, taking into consideration the use of the structure. Such structures shall be on a concrete slab, anchored, and in a sound condition and state of repair.
10. Chimneys. Chimneys and vents shall be structurally safe, durable, smoke tight, and capable of withstanding the action of flue gases and fireproof from the rest of the structure.
11. Grading and Drainage. All premises shall be graded, landscaped, and maintained so as to prevent erosion and the accumulation of stagnant water thereon, or within any dwelling or structure located thereon.

INTERIOR:

12. Interior Doors. A door shall be provided for each opening to a bathroom or water closet compartment.
13. Plumbing. The plumbing system and its appurtenances for each structure shall provide satisfactory water supply drainage, venting, and operation of fixtures, all in accordance with the plumbing code adopted by the City of Fort Calhoun.
14. Electrical. All habitable rooms and other appropriate spaces requiring electrical service shall be provided with a system of wiring, wiring devices, and equipment to safely supply electrical energy for proper illumination, appliances, resident security, and other electrical equipment, all in accordance with the electrical code adopted by the City of Fort Calhoun.

15. Heating and Air Conditioning. Every dwelling and multiple dwelling shall have heating facilities properly installed, safely maintained, and in good working condition, and that are capable of safely and adequately heating all habitable rooms, bathrooms and water closet compartments located therein. Air conditioning units shall be safely maintained and in general working condition.
16. Floors. All floor construction shall provide safe and adequate support for all existing or probable loads, and shall be reasonably free of objectionable vibration. A suitable surface for floor finishing shall exist or be provided.
17. Interior Walls, Ceilings and Floors. All interior walls, ceilings, and floors shall be structurally sound, and in good repair.
18. Stairs. All stairs of every structure shall be in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as required by the provisions of the building code adopted by the City of Fort Calhoun.
19. Bath and Kitchen Floor. Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
20. Ventilation. Every bathroom and toilet compartment shall have light and ventilation.

SECTION 5. Water and/or Sewer Connections. If water and/or sewer adjoins the property and it is determined that existing water supplies are not safe, sanitary or reliable, and/or it has been found that on site waste disposal systems have contributed to surface or sub-surface pollution, the property shall be connected to the adjoining water and/or sewer facilities. The City of Fort Calhoun shall automatically require connection(s) to such facilities adjoining the property whenever there is a change of occupancy. This connection shall be made prior to the new occupant moving into the structure, in accordance with the Municipal Code of the City of Fort Calhoun.

SECTION 6. Responsibilities of the Owner and Occupant. The owner and occupant of premises shall, jointly and severally, have the following responsibilities, but such responsibilities shall not be limited hereto:

1. To keep the premises in a clean and sanitary condition;
2. To dispose of garbage and rubbish in a clean and sanitary manner as prescribed by the City of Fort Calhoun;
3. It shall be unlawful to occupy a dwelling, multiple dwelling, other structure or the property upon which located, for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, garbage, rubbish or similar items. It shall be the duty and responsibility of every owner and occupier to keep the premises of such property clean and to remove from the premises all such abandoned items listed above and similar items, and also including, but not limited to weeds and dead trees, upon notice from the Inspector. For the purpose of this sub-section, an abandoned motor vehicle is defined as one that is in a state of disrepair and incapable of being moved under its own power.

SECTION 7. Landlord/Tenant Relationship. In all cases involving landlord-tenant relationships, Nebraska's Uniform Residential Landlord and Tenant Act is controlling.

SECTION 8. Appointment of Building Inspector. The Mayor of the City of Fort Calhoun is hereby authorized to designate the Building Inspector or appoint an assistant building inspector whose job shall be to make inspections and determine the condition of dwellings, multiple dwellings, dwelling units, and other structures and property located within the City of Fort Calhoun, and to discover conditions affecting the health, safety and welfare of occupants and of the general public in order to obtain the data required to determine the steps necessary under this ordinance to safeguard the health, safety and welfare of the occupants and the general public. Such inspector shall be an authorized representative of the City of Fort Calhoun. Such inspector may be a consultant or member of the staff of the City of Fort Calhoun. The Building Inspector or assistant building inspector herein authorized shall be herein known as the Inspector.

SECTION 9. Inspections.

A. For the purpose of inspection, the Inspector is hereby authorized to enter, examine and survey all of the aforesaid premises subject to the approval of the owner or occupant. Upon refusal by the owner or occupant

to permit inspections at reasonable times, the Inspector, upon due cause, may apply to any court of competent jurisdiction for a warrant authorizing entry of the premises and inspection thereof. Refusal to honor the warrant and permit inspection of the premises shall constitute a misdemeanor, and be punishable under the provisions of this ordinance.

B. The Inspector shall conduct an inspection when any of the following conditions exist:

1. On any premises when funds for renovation or demolition of a building are provided through a program sponsored by the City of Fort Calhoun;
2. In all cases when there is reasonable evidence that hazardous conditions existing on the premises represent a threat to the surrounding premises, and when a reasonable complaint has been filed by a resident of the City of Fort Calhoun;
3. When the City Council of the City of Fort Calhoun after a public hearing upon five (5) days written notice to the owner or occupier thereof, has found a property to be a public nuisance;
4. When the property has been condemned by the State Fire Marshall; or where there has been substantial recent fire damage, an inspection shall be made in order to determine what measures are necessary to bring the property back to minimum standards; and
5. When reasonable doubt exists that these minimum standards have not been met, the City Council of the City of Fort Calhoun may require an inspection.

SECTION 10. Notice of Violations.

A. Whenever the Inspector, upon inspection, determines that there are reasonable grounds to believe that there has been a violation of any of the provisions of this ordinance, he shall give notice of the alleged violation to the person responsible therefore. This notice shall:

1. Be in writing and contain a description thereof;
2. Include a statement of findings made upon the inspection;
3. Fix a "reasonable" time for the performance of work to be done;
4. Be served upon the owner, occupant, or their agent, provided that the notice shall be deemed to be properly served if a copy

is sent by certified mail, return receipt requested, to the last known address of the person responsible therefore. If service cannot be obtained by the aforementioned means, service may be obtained by posting a copy of the notice in a conspicuous place in or about the premises affected by the notice.

B. Upon receipt of an application from the person required to be informed by the notice and an agreement by such person that he will comply with such notice if allowed additional time, the Inspector may, at his discretion, grant an extension of time in which to complete the said repairs or rehabilitation, if the Inspector determines that such an extension of time will not create or perpetuate a situation immediately dangerous to life or property.

SECTION 11. Hearing. Any person who is required by the Inspector to make repairs or rehabilitate his property or is otherwise governed by this ordinance through actions of the Inspector may appeal the action of the Inspector to the City Council of the City of Fort Calhoun within thirty (30) days of the receipt of the notice of the Inspector. Such appeal shall be perfected by filing a written notice of appeal with the City Clerk of the City of Fort Calhoun. The City Council shall provide a hearing within thirty (30) days of the receipt of the notice of the appeal, and send notice of said hearing to the person appealing, by certified mail, return receipt requested, to the address designated on the notice of appeal. The City Council of the City of Fort Calhoun shall within fifteen (15) days after said hearing formally, in writing, make its finds known to the party appealing. If the City Council of the City of Fort Calhoun sustains or modifies such notice from the Inspector, it shall be deemed an order from said City.

SECTION 12. Complaints.

A. All complaints for violations of this ordinance from residents of the City of Fort Calhoun must be filed, in writing, with the Inspector. The Inspector will investigate said complaints when they are deemed to be reasonable.

B. In the event that the Inspector deems a written complaint to be unreasonable or false, he shall forthwith submit said complaint to the City Council of the City of Fort Calhoun. The City Council of the City of Fort Calhoun shall then hold a hearing on said complaint, upon five (5) days written notice of said hearing sent to the complaining party at their address indicated on said complaint, by certified mail, return receipt requested. At such hearing, if the City Council deems said complaint to be of a "harassing nature" the City Council may levy a fine equal to the amount of the costs associated with the investigation and any inspection of the property, against the complaining person. In no case shall said fine exceed One Hundred Dollars (\$100.00) or the maximum fine provided by the laws of the State of Nebraska.

SECTION 13. Determination of Unsafe or Unfit for Human Occupancy.

A. Whenever the Inspector or City Council of the City of Fort Calhoun determine that a property is unsafe or unfit for human occupancy because of one or more violations of this ordinance, it shall be the duty of the Inspector to post the property accordingly, and a copy of such determination shall be filed in the office of the Register of Deeds of Washington County, Nebraska.

B. Any property designated as unsafe or unfit for human occupancy, and so posted, shall be vacated within a reasonable time as ordered by the Inspector.

C. No property which has been so designated and posted as unsafe or unfit for human occupancy shall again be used for human habitation until written approval is secured from, and such posted notice is removed by the Inspector. The Inspector shall remove such posted notice whenever the defect or defects upon which the designation and posting action were based have been eliminated.

D. No person shall defact or remove the posted notice from any property which has been designated as unsafe or unfit for human occupancy, except as provided herein.

SECTION 14. Failure to Comply.

A. If the owner or occupier of the premises, as the cas may be, fails to comply with the notice of the Inspector or the order of the City Council of the City of Fort Calhoun in the case of an appeal, as the case may be, the Inspector may cause such property, building or structure to be repaired, altered or improved, and/or vacated, closed, removed or demolished.

B. The amount of the cost of such repairs, alterations, improvements, vacating, closing, removal or demolition, including the cost of advertising and publication of notices as shall be required by law, shall be the personal debt and liability of the owner and occupant, jointly and severally, and shall be a lien against the real property upon which such costs were incurred. Such costs shall be assessed agairns t said real property by the City Council of the City of Fort Calhoun, and shall become a lien thereon, collected, and foreclosed, as is otherwise provided by law.

C. If any building or structure is removed or demolished by the Inspector, he shall, if possible, sell the materials of such building or structure, and shall apply the proceeds of such sale against the cost of removal or demolition, and publication of notices, and any balance remaining shall be deposited in the office of the City Treasurer of the City of Fort Calhoun and shall be disbursed as provided by law.

SECTION 15. Failure of Notice. Failure on the part of any owner, occupant or other party in interest to receive or have served upon him any complaint, notice, or order herein provided, shall not affect or invalidate the proceedings with respect to any other owner, occupant or party in interest, or any other person.

SECTION 16. Penalty. Anyone violating any of the provisions of this ordinance shall, upon conviction, be subject to a fine not exceeding One Hundred Dollars (\$100.00) or imprisonment not exceeding thirty (30) days, or both, in the discretion of the Court, plus the court costs.

SECTION 17. Severability Clause. If any section, sub-section, paragraph, or sub-paragraph of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, sub-section, paragraph, sub-paragraph or other provision or part thereof not adjudged invalid or unconstitutional.

SECTION 18. Effect. This ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Passed and approved by the Mayor and Council this 18 day of May, 1977.

CITY OF FORT CALHOUN

Kenneth J. Robertson
Mayor

ATTEST:

Rosalie Heberg
City Clerk

ORDINANCE NO. 308

AN AMENDMENT TO ORDINANCE NO. 205 REGARDING DOGS RUNNING AT LARGE, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BE ENFORCED AND EFFECT.

BE IT ORDAINED, by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. That the Mayor shall have authority to contract on behalf of the City of Fort Calhoun with any other responsible and certified agency or subdivision of government which is authorized and legally entitled to detain and impound all dogs found running at large contrary to the provisions of present dog ordinances. Such authority to contract shall extend to authority to contract for destruction of dogs which have been held by the impounding agency for three full days.

Section 2. Owners who reclaim their impounded dog shall pay a \$10.00 redemption fee to the City of Fort Calhoun before such release may occur.

Section 3. It shall be unlawful for any person, firm or corporation to keep a kennel having four or more dogs over the age of four months each in any place in the City of Fort Calhoun.

Section 4. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 2 day of May, 1977.

Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Steberg
City Clerk

ORDINANCE NO. 309

AN ORDINANCE TO ALLOW THE SALE OF WINE ON
SUNDAYS AFTER TWELVE NOON IN THE CITY OF
FORT CALHOUN, NEBRASKA

BE IT ORDAINED by the Mayor and the City Council of the City
of Fort Calhoun, Nebraska:

Section 1. It is hereby found and determined by the Mayor
and City Council that it is in the mutual interest of the citizens
of Fort Calhoun and the owners and operators of licensed retailers
of alcoholic beverages that said licensees be allowed to sell wine
on Sundays after the hour of twelve noon; and,

WHEREAS, no valid opposition to this proposal has been made,
now therefore,

BE IT ORDAINED by the Mayor and the City Council of the City
of Fort Calhoun, Nebraska, that said sale of wine on Sundays after
twelve noon be allowed.

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

Passed and approved this 6 day of Frederick, 1978.

Kenneth Robinson
Kenneth Robinson, Mayor of Fort
Calhoun, Nebraska

ATTEST:

Rosalie Freiberg
Rosalie Freiberg, City Clerk

ORDINANCE NO. 310

ORDINANCE TO REZONE AREA WEST OF FIFTEENTH STREET, SPECIFICALLY FROM 15th to 16th, LINCOLN STREET TO ~~CLARK~~ ^{CLAY} STREET, FROM FIRST AGRICULTURAL TO FIRST RESIDENTIAL

RRS K7A

WHEREAS, it is in the best interest of the citizens of Fort Calhoun, and,

WHEREAS, the Planning Board of the City of Fort Calhoun has recommended to the City Council such rezoning change, to-wit:

Rezone area west of 15th Street to 16th Street, Lincoln Street to ~~Clark~~ ^{Clay} Street

RRS K7A RR

WHEREAS, no reasons have been given in opposition to this change, now therefore,

BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska, that said rezoning change be made.

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

Passed and approved this 6 day of February, 1978.

Kenneth Robinson
Kenneth Robinson, Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freiberg
Rosalie Freiberg, City Clerk

ORDINANCE NO. 311

ORDINANCE TO CLOSE COURT STREET
BETWEEN 10th and 11th STREETS OF
THE CITY OF FORT CALHOUN, NEBRASKA

WHEREAS, it is in the best interest of the citizens of Fort Calhoun, and,

WHEREAS, it is with the mutual consent of _____ of the abutting property owners that said Street, that being Court Street, between 10th and 11th Streets, be closed,

WHEREAS, that the purpose of the closing is to allow Wilkinson Manufacturing to plan an addition to their building which may or may not be a necessary addition, contingent upon a future contract which Wilkinson may obtain from the United States Government, and;

WHEREAS, said closing is to be effective if and only if construction for the addition at Wilkinson's be commenced on or before August 1, 1978, and;

WHEREAS, provided the block of Court Street between 10th and 11th Streets, will remain open until construction, and;

WHEREAS, the area in which the request for closing is sought is _____

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska, that said Court Street, between 10th and 11th Streets, be closed after the commencement of the above-described construction, but in no event shall this Ordinance be effective if construction has not begun prior to August 1, 1978.

With the above limitations and restrictions this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this ___ day of _____, 1978.

ATTEST:

Mayor of Fort Calhoun, Nebraska

City Clerk

*Did not begin construction
therefore Ord. is void.
M*

3441

FILED

1978 AUG 14 PM 4:19

ORDINANCE NO. 312

CLERK OF DISTRICT COURT
COUNTY OF WASHINGTON

ORDINANCE TO CLOSE 9th STREET BETWEEN
MADISON STREET AND JEFFERSON STREET:

WHEREAS, it is in the best interests of the Citizens of the City of Fort Calhoun, Nebraska, to close 9th Street between Madison Street and Jefferson Street in said City; and

WHEREAS, it is with the mutual consent of all of the abutting property owners that said Street, to-wit: 9th Street between Madison Street and Jefferson Street, be closed; and

WHEREAS, said Street, to-wit: 9th Street between Madison Street and Jefferson Street, as surveyed, platted and recorded, runs over and across an area that now contains a ravine and is wholly unsuitable for street construction and maintenance;

AND WHEREAS, the sole abutting property owner who may or does use said 9th Street, to-wit: Norman Jipp, has ingress to and egress from his property from Madison Street,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that 9th Street between Madison Street and Jefferson Street as surveyed platted and recorded in the City of Fort Calhoun, Nebraska, be and hereby is closed.

This ordinance shall be in full force and effect fifteen (15) days from and after the date of its passage.

Passed and approved this 7 day of August, 1978.

Recorded ✓
General ✓
Numerical ✓
ATTEST: Photostat

Kenneth J Robinson
Mayor of Fort Calhoun, Nebraska

Rosalie Schubert
City Clerk

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 1728
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 14th DAY OF August A.D. 1978
AT 4:19 O'CLOCK P M. AND RECORDED IN
BOOK 119 AT PAGE 344
COUNTY CLERK Charlotta L. Petersen
DEPUTY Russell Madson

3441

ORDINANCE NO. 313

AN ORDINANCE TO DEFINE AND PROHIBIT LEWD CONDUCT,
SOLICITING OF LEWD CONDUCT, AND TO PROHIBIT INDE-
CENT EXPOSURE:

WHEREAS, the City of Fort Calhoun, Nebraska, has the
power to restrain, prohibit and suppress all kinds of public
indecencies pursuant to the provisions of R.R.S. Neb. 1943,
Section 17-120, Reissue of 1977,

NOW THEREFORE, BE IT ORDAINED by the Mayor and City
Council of the City of Fort Calhoun, Nebraska,

LEWD CONDUCT

Sections: 1. Statement of intent.
2. Definition.
3. Lewd Conduct.
4. Soliciting lewd conduct.
5. Indecent exposure.

1. Statement of Intent. It is hereby found by the Mayor
and City Council of the City of Fort Calhoun, Nebraska, to be in
the best interests of the Citizens of the City of Fort Calhoun to
define and prohibit lewd conduct, the soliciting of lewd conduct,
and indecent exposure.

2. Definition. For the purposes of this chapter a lewd
act shall mean any act of a sexual nature, including but not limit-
ed to dancing, posturing and performing, which is offensive to the
average person of a group which is intended or likely to observe
it.

3. Lewd Conduct. It shall be unlawful for any person
purposely or knowingly to do a lewd act.

4. Soliciting lewd conduct. It shall be unlawful for
any person purposely or knowingly to solicit, induce, or attempt
to induce another person to do a lewd act.

5. Indecent exposure. It shall be unlawful for any per-

son purposely or knowingly to expose his or her
genitals, pubic area or buttocks, or the human
female breast including the nipple or any por-
tion below the nipple, under circumstances
likely to cause affront or alarm.

This ordinance shall be in full force and effect fifteen
(15) days from and after the date of its passage.

Passed and approved this 7 day of August , 1978.

Kenneth Z Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Schubert
City Clerk

ORDINANCE NO. 314

AN ORDINANCE TO STATE GROUNDS FOR REVOCATION OF LIQUOR LICENSES:

WHEREAS, the City of Fort Calhoun, Nebraska, has certain powers, duties and functions with respect to licenses to sell alcoholic liquors at retail, pursuant to the provisions of R.R.S. Neb. 1943, Section 53-134, Reissue of 1974,

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of Fort Calhoun, Nebraska,

GROUNDS FOR REVOCATION OR SUSPENSION

A retail license to sell alcoholic liquors, which this Council is legally empowered to revoke, may be either revoked or suspended by the City Council whenever it shall find, after notice and hearing as provided by law, that the holder of any such license has violated any provisions of the Nebraska Liquor Control Act, or of this chapter, or rule or regulation of the Nebraska Liquor Control Commission; or any statutory provision or ordinance of the City now existing or hereafter passed, enacted in the interest of good morals and decency; or for any one or more of the following causes:

1. The licensee, his manager or agent in charge of the premises licensed, has been convicted of or has plead guilty to a felony under the laws of the State of Nebraska, or of any other state of the United States, or under the laws of the United States.
2. The licensee, his manager or agent in charge of the premises licensed, has been convicted of or has plead guilty to being the proprietor, manager or agent in charge of a gambling house, house of prostitution, or of pandering or other crime or misdemeanor opposed to decency and morality.
3. The licensee, his manager or agent in charge of the premises licensed, has been convicted of or plead guilty to violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquors.

4. That the licensee either swore falsely to any question on his application for said license, or has failed to comply with the statements and representations made by the answer to any question or questions in said application; or has failed to perform in accordance with any other statement or representation or keep any promise, oral or written, made to the Council, in connection with such licensee's request for said license.

5. The licensee, his manager or agent in charge of the premises licensed, shall have forfeited bond to appear in court to answer charges for any one of the violations of law or ordinances referred to in this section.

6. It shall be cause for revocation or suspension as herein provided if the licensee, his manager or agent, shall allow any live person to appear, or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity, to provide entertainment, to provide service, to act as hostess, manager or owner, or to serve as an employee in any capacity. It shall also be cause for revocation or suspension as herein provided if the licensee, his manager or agent, shall allow any live person to engage in, or have reasonable cause to believe that any live person shall engage in lewd conduct or indecent exposure on licensed premises, whether providing entertainment, providing service, acting as a hostess, dancer, manager or owner, or serving as an employee in any capacity.

For the purposes of this subsection, the term "nudity" shall mean the showing of the human male or female genitals, pubic area or buttocks, or the human female breast including the nipple or any portion below the nipple with less than a full opaque covering.

Passed and approved this 4 day of August, 1978.

Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Schubert
City Clerk

ORDINANCE NO. 315

AN ORDINANCE AMENDING SECTION 6 OF ORDINANCE NO. 65 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR MONTHLY METER READINGS; TO PROVIDE FOR MONTHLY PAYMENTS AND TIME FOR PAYMENT; TO PROVIDE FOR TRANSITION TO MONTHLY READINGS AND PAYMENTS; AMENDING SECTION 25 OF ORDINANCE NO. 65 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR THE RESPONSIBILITY OF CITY AND USER FOR INSTALLATION AND MAINTENANCE OF SERVICE FROM CITY MAINS; TO PROVIDE FOR CITY OF FORT CALHOUN CONNECTION CHARGE; TO PROVIDE FOR CAPITAL FACILITIES CHARGES PRIOR TO AND INCLUDING MARCH 31, 1979; TO PROVIDE FOR CAPITAL FACILITIES CHARGES AFTER AND INCLUDING APRIL 1, 1979; AMENDING SECTION 30 OF ORDINANCE NO. 65 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE A WATER RATE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA; AMENDING SECTION 34 OF ORDINANCE NO. 65 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE RATES FOR SPECIAL PURPOSES; TO REPEAL ALL ORDINANCES IN CONFLICT; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FORCE

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

SECTION 1

THAT Section 6 of Ordinance No. 65 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same hereby is amended to read as follows:

SECTION 6: MONTHLY METER READINGS; MONTHLY PAYMENTS AND TIME FOR PAYMENT; TRANSITION TO MONTHLY READINGS AND PAYMENTS

(A) Monthly Readings. All water meters supplied by the City water system shall be read monthly by the appropriate officers, agents, and/or employees of the City. Nothing contained in this section shall be construed to require the City to read said meters on the same day of each month or at precise monthly intervals.

(B) Monthly Payments and Time for Payment. Commencing on or after the effective date of

this Ordinance, all monies due the City for water furnished by the City water system will become due and payable monthly. The amount due from any person, company, organization, school, corporation or any and all other users shall be computed monthly by the City in dollars and cents in accordance with the rates hereinafter provided. Billings and payment due dates shall be at regular monthly intervals to be determined at the discretion of the appropriate City officers, agents and/or employees. Nothing contained in this section shall be construed to require the City to issue billings or establish payment due dates on the same day of each month or at precise monthly intervals. Ten percent (10%) of the amount due shall be added thereto if the same is not paid within ten (10) days after the time the same becomes due, and all officers, agents and employees of the City are positively prohibited from allowing credit to anyone.

(C) Transition to Monthly Readings and Payments. The City shall carry out an "Initial Monthly Water Meter Reading" by taking a reading of all water meters supplied by the City water system. This Initial Monthly Water Meter Reading shall be commenced on or after the effective date of this Ordinance, and shall in any event be completed not more than seven (7) days after the effective date of this Ordinance. The City shall take such Initial Monthly Water Meter Reading by starting with the meters of those users having the largest annual volume in the year last past, and shall continue taking readings in the order of each users' volume use of water in the year last past, until all meters have been read. All water consumed by a user prior to their individual Initial Monthly Water Meter Reading shall be billed at the water rates in effect prior to the effective date of this Ordinance. All water consumed by a user after to their individual Initial Monthly Water Meter Reading shall be at the water rates in effect after the effective date of this Ordinance.

SECTION 2

THAT Section 25 of Ordinance No. 65 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same hereby is amended to read as follows:

SECTION 25: RESPONSIBILITY OF CITY AND USER
FOR INSTALLATION AND MAINTENANCE OF SERVICE

FROM CITY MAINS; CITY OF FORT CALHOUN CONNECTION CHARGE; CAPITAL FACILITIES CHARGES PRIOR TO AND INCLUDING MARCH 31, 1979; CAPITAL FACILITIES CHARGES AFTER AND INCLUDING APRIL 1, 1979

(A) Responsibility of City and User for Installation and Maintenance of Service from City Mains. All water users receiving water from the City water system shall be responsible for all costs of constructing, installing and maintaining water service from and after the tap placed in City water mains, together with the costs of said tap. All water users shall further be responsible for all costs of any and all fixtures, plumbing, valves, pipes, and joints required to provide said tap and said service, and for the costs of the maintenance and/or replacement of same. All users shall further be responsible for the costs of installation of a water meter or meters which shall be approved by and provided by the City.

(B) City of Fort Calhoun Connection Charge. There shall be and hereby is established for any and all connections made to the City water system from and after the effective date of this Ordinance, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, a "City of Fort Calhoun Connection Charge." The amount of such charge shall be as follows:

- (1) if the meter installed for the connection is 3/4" or less, the sum of One Hundred Fifty Dollars (\$150.00);
- (2) if the meter installed for the connection is more than 3/4", then the charge shall be either
 - (a) the actual cost to the City of the meter so installed plus Fifty Dollars (\$50.00),
 - or,
 - (b) One Hundred Fifty Dollars (\$150.00),whichever is greater.

(C) Capital Facilities Charges Prior to and including March 31, 1979. There shall be and hereby is established for any and all connections made to the City water system from and after the effective date of this Ordinance, but prior to and including March 31, 1979, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, a capital facilities charge according to the following schedule:

- (1) Housing - with common service
 - per single-family dwelling.....\$250.00
 - per duplex.....\$450.00
 - per triplex.....\$612.00
 - per four-unit structure.....\$725.00
 - per five-unit structure.....\$775.00

- (2) Apartment houses
 - per acre, 5 units per acre base charge.....\$775.00
 - additional charge per unit per acre in excess of five units per acre:
 - 6 to 10 units per acre.....\$ 26.00
 - 11 to 20 units per acre.....\$ 19.00
 - over 20 units per acre.....\$ 16.00
- (3) Condominium Housing and Trailer Courts: where condominium complexes or trailer courts are to be served through a single meter or several meters with one party being responsible for the water service, feeder fees to apartment houses shall apply.
- (4) Commercial or Industrial
 - per acre.....\$750.00
 - on tracts or areas of less than one-third acre there will be a minimum fee of.....\$250.00
- (5) Golf Courses, Parks, Lakes, Areas zoned as Floodplain, Schools or Cemeteries per acre or areas less than one acre.....\$500.00
 - Parks, Lakes, areas zoned as Floodplain, schools and cemeteries:
 - First 50 acres - per acre.....\$250.00
 - Above 50 acres - per acre.....\$ 62.00
- (6) Greenways, Buffer Zones and Non-Dedicated Streets:
 - per acre.....\$750.00
 - on tracts or areas of less than 1.3 acre there will be a minimum fee of.....\$250.00

(D) Capital Facilities Charges After and Including April 1, 1979. For any and all connections made to the City water system from and after the effective date of this Ordinance, but also after and including April 1, 1979, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, the capital facilities charge established in Subsection (C) immediately preceding shall be according to the following schedule:

- (1) Housing - with common service:
 - per single-family dwelling.....\$268.00
 - per duplex.....\$482.00
 - per triplex.....\$655.00
 - per four-unit structure.....\$776.00
 - per five-unit structure.....\$829.00
- (2) Apartment houses
 - per acre, 5 units per acre base charge.....\$829.00

- additional charge per unit per
acre in excess of five units per
acre:
- 6 to 10 units per acre.....\$ 28.00
 - 11 to 20 units per acre.....\$ 20.00
 - over 20 units per acre.....\$ 17.00
- (3) Condominium Housing and Trailer
Courts: where condominium com-
plexes or trailer courts are to
be served through a single meter
or several meters with one party
being responsible for the water
service, feeder fees to apartment
houses shall apply.
- (4) Commercial or Industrial
per acre.....\$803.00
on tracts or areas of less than
one-third acre there will be a
minimum fee of.....\$268.00
- (5) Golf Courses, Parks, Lakes, Areas
zoned as Floodplain, Schools or
Cemetaries per acre or areas less
than one acre.....\$535.00
Parks, Lakes, areas zoned as
Floodplain, schools and ceme-
taries:
First 50 acres - per acre.....\$268.00
Above 50 acres - per acre.....\$ 66.00
- (6) Greenways, Buffer Zones and Non-
Dedicated Streets:
per acre.....\$803.00
on tracts or areas of less than
1.3 acre there will be a minimum
fee of.....\$68.00

SECTION 3

THAT Section 30 of Ordinance No. 65 of the Revised and
Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall
be and hereby is amended to read as follows:

SECTION 30: WATER RATE SCHEDULE FOR USERS OF
THE CITY WATER SYSTEM OF THE CITY OF FORT CAL-
HOUN, NEBRASKA

The minimum water rates to be charged to the
users of the City water system of the City of
Fort Calhoun, Nebraska, shall be and hereby
is as follows:

- \$7.00 per month minimum up to 3,000 gallons;
- \$10.00 per month minimum up to 3,000 gallons
for users residing outside the corporate
limits of the City of Fort Calhoun, Ne-
braska;
- \$2.50 per month per 1,000 gallons exceeding
3,000 gallons and up to 9,000 gallons;

\$2.00 per month per 1,000 gallons exceeding
9,000 gallons and up to 19,000 gallons;
\$1.60 per month per 1,000 gallons exceeding
19,000 gallons and up to 49,000 gallons;
\$1.20 per month per 1,000 gallons exceeding
49,000 gallons.

SECTION 4

THAT Section 34 of Ordinance No. 65 of the Revised and
Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall
be and hereby is amended to read as follows:

SECTION 34: RATES FOR SPECIAL PURPOSES

(A) Rates for Use of City Fountains, Water
Troughs, or Other Hydrants. Persons not paying
water rates and habitually using water from city
fountains and water troughs and other hydrants for
domestic purposes or watering livestock shall be
assessed the water rate applicable to the premises
inhabited by said consumer.

(B) Rate for Connections to Sprinkler Systems.
All users having connections to the City water
system for the purpose of sprinkler systems on
industrial or commercial premises shall pay an
annual fee for said purpose in the amount of
One Hundred Seven Dollars (\$107.00).

(C) Rate for Connections to Private Hydrants.
All users having connections to the City water
system for the purpose of private fire hydrants
shall pay an annual fee for said purpose in the
amount of Fifty-Three Dollars (\$53.00).

SECTION 5

All ordinances or parts of ordinances, including but
not necessarily limited to Sec. 6, Ord. 65; Sec. 25, Ord. 65;
Sec. 30, Ord. 65; Sec. 34, Ord. 65; Ord. 150; Ord. 152; Ord.
175; Ord. 208; Ord. 217; Ord. 221; Ord. 222; Ord. 261; Ord.
301; and Ord. 305, in conflict herewith are hereby repealed.

SECTION 6

This Ordinance shall be in force and take effect from
and after its passage, approval and publication as provided by
law.

PASSED AND APPROVED THIS 14 DAY OF FEBRUARY, 1979.

Kenneth J. Robinson
Mayor of the City of Fort Calhoun

Attest:

Rosalie Fredberg
City Clerk

ORDINANCE NO. 316

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A WATER BOND OF THE CITY OF FORT CALHOUN, NEBRASKA, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED FIFTY THOUSAND DOLLARS (\$450,000) FOR THE PURPOSE OF FINANCING A PORTION OF CERTAIN IMPROVEMENTS WHICH WILL ENABLE THE CITY TO AUGMENT ITS EXISTING WATER SUPPLY UNDER A CONTRACT WITH PAPIO NATURAL RESOURCES DISTRICT; PRESCRIBING THE FORM OF SAID BOND; PROVIDING FOR THE LEVY OF TAXES TO PAY SAID BOND; AND ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDER OF SAID BOND AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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

Section 1. The Mayor and Council hereby find and determine:

That the City owns and operates a waterworks plant and water system and that it is necessary and desirable to extend, improve and enlarge the City's waterworks and water supply; that in order to accomplish this the City has entered into an agreement with the Papio Natural Resources District hereafter sometimes referred to as the NRD, for a long range supply of water which agreement provides for the City to pay to the NRD a project contribution or connection charge in the amount of \$855,000 to pay a portion of the city's share of the cost of a water main to be constructed by the Natural Resources District from the point of delivery of water to the City of Fort Calhoun to a point of interconnection with the distribution system of the Metropolitan Utilities District of Omaha at a point north of Omaha; that it will be necessary for the City, in order to provide funds for this purpose, to issue a Water Bond of the City in the amount of Four Hundred Fifty Thousand Dollars (\$450,000); that the City presently has no Water Bonds outstanding which were authorized pursuant to Section 17-534, Reissue Revised Statutes of Nebraska, 1974; that the assessed valuation of the taxable property within said City except intangible property under the assessment of 1978 is \$1,667,295; that at a special election held in the City on the 7th day of December, 1976, more than a majority of the electors voting at said election voted in favor of the proposition of issuing a general obligation bond of the City in the

principal amount of \$450,000 for the purpose of permitting the City to finance its portion of certain improvements which will enable the City to augment its existing water supply; that said election was conducted in the manner provided by law at the time and place set for said election and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of said bond did exist and have been done in due form and time as required by law.

Section 2. For the purpose of financing a portion of certain improvements which will enable the City to augment its existing water supply under a contract with NRD, there shall be and there is hereby ordered issued an interest-bearing bond of the City of Fort Calhoun, Nebraska, to be known as "Water Bond" of the principal amount of Four Hundred Fifty Thousand Dollars (\$450,000), consisting of one bond for the principal amount, dated March 1, 1979, bearing interest at the rate of five per centum (5%) per annum. Interest as aforesaid shall accrue from the date of payment for and delivery of said bond until all principal and interest have been fully paid, payable August 1, 1979, and annually thereafter on August 1 of each year. The City Treasurer shall endorse on the bond the date on which the bond was paid for and delivered.

The said principal and interest shall be payable in the following installments, on the following dates: Interest only from date of delivery to August 1, 1979, \$22,500 on August 1, 1980, and \$26,681 principal and interest on August 1, 1981 and annually thereafter on August 1 of each year until the principal and interest are fully paid except that the final installment of the entire remaining unpaid principal and interest on this bond, if not sooner paid, shall be due and payable on March 1, 2019. The consideration herefor shall support any agreed or decreed modifications in the foregoing schedule of combined principal

and interest payments which are in accord with and not contrary to the laws of Nebraska.

The prepayment of the principal portion of scheduled annual installments, or any part thereof, may be made at any time at the option of the City without premium.

Said Water Bond shall be issued without coupons and shall be payable in any coin or currency which, on each respective payment date, is legal tender for debts due the United States of America. Each payment by the City shall be made at the office of the County Treasurer of Washington County, Nebraska, in Blair, Nebraska, as fiscal agent, for remittance to the registered owner of the bond. Said Water Bond shall be registered as to both principal and interest and payable to the registered owner thereof and shall be transferable on the books of the bond registrar, which registrar shall be the County Clerk of Washington County, Nebraska. Registration shall be evidenced by notation to that effect on the bond, after which no transfer shall be valid unless made at the written request of the registered owner to said registrar and similarly noted on said bond.

Section 3. Said Water Bond in the principal amount of Four Hundred Fifty Thousand Dollars (\$450,000) dated March 1, 1979, shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WASHINGTON
CITY OF FORT CALHOUN

WATER BOND

KNOW ALL MEN BY THESE PRESENTS: That the City of Fort Calhoun, in the County of Washington, State of Nebraska, hereinafter referred to as the "City", for value received, hereby promises to pay to the registered owner of this bond the sum of Four Hundred Fifty Thousand Dollars (\$450,000) and to pay interest thereon from the date of the payment for and delivery of this bond, as evidenced by the Certificate of the City Treasurer appearing on this bond, at the rate of five per centum (5%) per annum, payable August 1, 1979, and thereafter annually on August 1 of each year on the unpaid principal balance until paid in full.

The said \$450,000 principal and interest on this bond shall be payable in the following installments, on the following dates: Interest only from date of delivery to August 1, 1979, \$22,500 on August 1, 1980, and \$26,681 principal and interest on August 1, 1981 and annually thereafter on August 1 of each year until the principal and interest are fully paid except that the final installment of the entire remaining unpaid principal and interest on this bond, if not sooner paid, shall be due and payable on March 1, 2019.

Prepayment of the principal portion of scheduled annual installment or any part thereof, may be made at any time at the option of the City without premium.

Both principal of and interest on this bond are hereby made payable in any coin or currency which, on the respective dates of payment of principal and interest, is legal tender for the payment of debts due the United States of America. Interest and principal installment payments accruing on this bond shall be payable at the office of the County

Treasurer of Washington County in the City of Blair, Nebraska, as fiscal agent, for remittance to the registered owner of this bond.

This bond in the principal amount of \$450,000 is issued by the City for the purpose of financing a portion of certain improvements which will enable the City to augment its existing water supply under a contract with Papio Natural Resources District and issued pursuant to the Constitution and laws of the State of Nebraska, including particularly Section 17-534, Reissue Revised Statutes of Nebraska, 1974. The issuance of this bond has been authorized by more than a majority of the electors of the City voting at a special election duly called and held as provided by law and by an ordinance lawfully enacted and by proceedings duly had by the Mayor and Council of said City, all in strict conformity with the laws of the State of Nebraska.

Said City hereby covenants with the holder of this bond to keep and perform all covenants and agreements contained in the ordinance of said City authorizing the issuance of this bond.

This bond shall be registered and transferred in accordance with the provisions printed on this bond and subject to the terms and conditions set out in the authorizing ordinance.

It is hereby certified and warranted that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The City agrees that it will cause to be levied and collected annually a tax upon the assessed valuation of all the taxable property in said City, except intangible property, in addition to all other taxes, sufficient in amount to pay the interest on and principal of this bond when and as the same becomes due.

IN WITNESS WHEREOF, the City has executed this bond by causing it to be signed by its Mayor and attested by its Clerk, and its corporate seal to be hereto affixed and this bond to be dated this _____ day of March, 1979.

CITY OF FORT CALHOUN, NEBRASKA

By Kenneth J. Robinson
Mayor

ATTEST:

Russell J. Freburg
City Clerk

(S E A L)

Section 4. The following shall be printed on the back and as a part of said bond as follows:

CERTIFICATE AS TO DATE OF PAYMENT AND DELIVERY

I, the undersigned, Treasurer of the City, hereby certify that the within bond was paid for by and delivered to the original purchaser of this bond on the date of this certificate.

WITNESS MY HAND this _____ day of _____, 19__.

Treasurer, Fort Calhoun, Nebraska

COUNTY CLERK'S CERTIFICATE

STATE OF NEBRASKA)
COUNTY OF WASHINGTON) SS.

I, the undersigned, County Clerk of the County aforesaid do hereby certify, that the within bond has been registered in my office pursuant to the provisions of the Reissue Revised Statutes of Nebraska, 1943.

Witness my signature and seal of office this _____ day of _____, 19__.

County Clerk

(S E A L)

STATE AUDITOR'S CERTIFICATE

STATE OF NEBRASKA)
) SS.
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS)

I do hereby certify that I have examined the within bond and all proceedings relative to its issue and do find and hereby certify that the within bond has been regularly and legally issued (the data filed in my office being the basis for this certificate), and that the same has been registered in my office in accordance with the provisions of the Reissue Revised Statutes of Nebraska, 1943.

Witness my signature and seal of office this _____ day of _____, 19__.

Auditor of Public Accounts (S E A

(S E A L)

Registry No. _____ Book No. _____ Page No. _____

REGISTRATION CERTIFICATE

The within bond is registered both as to principal and interest in the name of The United States of America acting through the Farmers Home Administration, U.S.D.A., unless an entry noting change in registered owner has been made by the Registrar in the space below, in which case it is so registered in the name of the last named owner below, and principal and interest will be payable to such owner only.

Date of Registration	Name and Address of Registered Owner	Signature of Bond Registrar County Clerk of Washington County, Nebraska
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Section 5. The City Clerk shall make and certify in duplicate a complete transcript of the proceedings had and done by said City precedent to the issuance of said bond, one of which transcripts shall be filed in the office of the Auditor of Public Accounts of the State of Nebraska and the other shall be delivered to the purchaser of said bond. After being executed by the Mayor and Clerk, said bond shall be delivered to the City Treasurer who shall be responsible under his official bond and the Treasurer shall cause said bond to be registered in the Office of the Clerk of Washington County, Nebraska, and shall then cause the same to be transmitted with a certified transcript aforesaid to the Auditor of Public Accounts of the State of Nebraska to be registered in said Auditor's office. The City Treasurer is authorized and directed to deliver said bond to the purchaser thereof upon receipt of payment of the principal amount of said bond.

Section 6. The City covenants to cause to be levied annually upon all of the taxable tangible property then situated in the City of Fort Calhoun, Nebraska, a direct ad valorem tax sufficient to pay, when due, the principal and interest on such bond authorized by the ordinance.

Section 7. Said City hereby finds, determines and certifies that it is unable to obtain sufficient credit, without purchase of the bond by the Government to finance its actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near its community for similar purposes and periods of time. The bond is hereby sold to the United States of America acting through the Farmers Home Administration on the basis of par.

Section 8. The provisions of this ordinance shall constitute a contract between the City and the holder of the "Water Bond" and the holder of such bond may, by suit, action, mandamus, injunction or other proceedings, either at law or in equity, enforce or compel performance of all duties and obligations required by this ordinance to be done or

performed by said City.

Section 9. The City of Fort Calhoun, Nebraska, hereby covenants to the purchasers and holders of the bond hereby authorized that it will make no use of the proceeds of said bond issue, including moneys held in any sinking fund for the payment of said bonds, which, if such use had been reasonable expected on the date of issue of said bond, would have caused said bond to be arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and further covenants to comply with said Section 103(c) and all applicable regulations thereunder throughout the term of said bond issue.

Section 10. This ordinance shall be published in pamphlet form and take effect as provided by law.

Section 11. Any and all ordinances or resolutions or parts thereof heretofore adopted or passed in conflict or inconsistent herewith be and the same hereby are cancelled, recinded and repealed.



Mayor

ATTEST:



City Clerk

(S E A L)

Motion for adjournment was duly made, seconded and on roll call vote was declared duly adopted by the Mayor.

I the undersigned, City Clerk for the City of Fort Calhoun, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on Sept 19, 1979; 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 said minutes of the Mayor and Council of the City of Fort Calhoun from which the foregoing proceedings have been extracted 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 advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.



City Clerk

(S E A L)

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 317

AN ORDINANCE CREATING CERTAIN STREET IMPROVEMENT DISTRICTS WITHIN THE CITY OF FT. CALHOUN, WASHINGTON COUNTY, NEBRASKA, TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NOS. 79-1, 79-2, 79-3, 79-4, 79-5 AND 79-6, DEFINING THE PROPERTY CONTAINED THEREIN AND PROVIDING FOR THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FT. CALHOUN, NEBRASKA:

Section 1. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-1 containing the following property:

All of Lots 1 and 8, Block 23; all of Lots 1, 4, 5, 6, 7, and 8, Block 24; the West 315.5 feet of Block 36; Lots 1 and 8, Block 37; the North 299 feet of Block 36; and, all of Lots 4 and 5 of Block 25; all in the Original Town of Ft. Calhoun, Nebraska.

The following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 11th Street from the North line of Monroe Street to the South line of Clay Street, Adams Street from the West line of 11th Street to the East line of 10th Street and 10th Street from the South line of Adams Street to the South line of Clay Street.

Section 2. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-2 containing the following property:

All of Lots 1 and 8, Block 25; all of Lots 4 and 5 of Block 26; all of Lots 4 and 5, Block 34; and all of Lots 1 and 8, Block 35; all in the Original Town of Ft. Calhoun, Nebraska.

The Following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 9th Street from the North line of Monroe Street to the South line of Clay Street.

Section 3. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-3 containing the following property:

All of Lots 5, 6, 7 and 8, Block 2; and, all of Lots 1, 2 and 3, Block 3; all in Siever's Addition to the City of Ft. Calhoun, Nebraska.

The following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 10th Avenue from the North line of Clay Street northerly to the Northern Corporate limits of the City of Ft. Calhoun, Nebraska.

Section 4. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-4 containing the following property:

All of Lots 4, 5 and 6, Block 3; and, all of Lots 1, 2, 3 and 4, Block 4; all in Siever's Addition to the City of Ft. Calhoun, Nebraska.

The following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of West Calhoun Drive from the North line of Clay Street northerly to the Northern Corporate limits of the City of Ft. Calhoun, Nebraska.

Section 5. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-5 containing the following property:

All of Lots 6, 7, 8, 9, 10, 11 and 12, Block 56; all of Lots 1, 2, 3, 4, 5, 6 and 7, Block 73; the East 344 feet of Block 74; all of Lots 6 and 7, Block 88; all of Lots 6 and 7, Block 106; all located in Calhoun Company Addition to the City of Ft. Calhoun, Nebraska; all of Lots 4 and 5, Block 9; all of Lots 1 and 8, Block 10; the East 655 feet of Tax Lot 14; and, the East 311 feet of Tax Lot 11; all located in the Original Town of Ft. Calhoun, Nebraska.

The following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 15th Street from the North line of Clay Street to the South line of Lincoln Street and Webster Street from the West line of 15th Street to the West line of 14th Street.

Section 6. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79 6 containing the following property:

All of Lots 5, 6, 7 and 8, Block 42; all of Lots 7 and 8, Block 43; and the North 479.35 feet of Tax Lot 49; all located in the Original Town of Ft. Calhoun, Nebraska.

The following streets within said street improvement district shall be and are hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of Monroe Street from the West line of 16th Street westerly to the Western Corporate limits of the City of Ft. Calhoun, Nebraska.

Section 7. All of said improvements shall be constructed to the established grades as fixed by Ordinance of said City and shall be constructed in accordance with plans and specifications to be made by Consulting Engineers employed by the City, to be approved by the Mayor and City Council, said improvements shall be made at public cost but special assessments on the specially benefited property shall be levied to reimburse the City to the extent provided by law.

Section 8. Notice of the creation of said District shall be published in the Pilot-Tribune, a legal newspaper of general circulation in the City for two weeks after the publication of this Ordinance.

If any section of this Ordinance is voided for any reason, all other sections of this Ordinance shall be valid as long as any section shall exist.

PASSED AND APPROVED this ^{17th} day of April, 1979.

Kenneth D. Robinson
Mayor

ATTEST:

Rosalie Freburg
City Clerk

Publish: _____, 1979

ORDINANCE NO. 318

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE 161 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, BY CHANGING THE SPEED LIMIT ON CERTAIN STREETS WITHIN THE CITY: REPEALING ORDINANCE NO. 235 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

WHEREAS, the Mayor and the City Council of the City of Fort Calhoun, Nebraska, find and determine that it is necessary to regulate the speed of motor vehicles on the streets of said City,

AND WHEREAS, it is in the best interests of the citizens of the City of Fort Calhoun, Nebraska, to regulate the speed of motor vehicles on the streets of said City,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

SECTION 1. That Section 3 of Ordinance No. 161 of the Municipal Code of the City of Fort Calhoun, Nebraska, shall be and the same hereby is amended to read as follows:

"SECTION 3. SPEED, WITHIN CORPORATE LIMITS OF CITY, EXCEPTIONS. No persons shall drive a vehicle on any street within the City of Fort Calhoun, Nebraska, at a rate of speed greater than is reasonable and proper, having regard for the traffic, use and condition of the streets or at such speeds as to endanger the life, limb or property of any person, and under no circumstances in excess of twenty-five (25) miles per hour, except on Fourteenth (14th) Street in said City. On Fourteenth Street, the speed limit from the Southernmost City Limits to Court Street shall be thirty-five (35) miles per hour; and on Fourteenth Street from Court Street to Adams Street shall be twenty-five (25) miles per hour; and from Court Street to the Northernmost City Limits shall be thirty-five (35) miles per hour. Every driver of a vehicle on the streets of the City of Fort Calhoun shall at all times have such vehicle under complete control. The speed limits provided for in this section shall not apply to physicians, surgeons, police or fire vehicles or ambulances when answering emergency calls. The speed limits on Fourteenth Street shall be indicated by appropriate posted signs."

SECTION 2. Ordinance No. 235 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 16 day of July, 1979.

(SEAL)

Kenneth J. Roberts
MAYOR OF THE CITY OF FORT CALHOUN
ATTEST:

Rosalie Fredberg
CITY CLERK

ORDINANCE NO. 319

AN ORDINANCE FINDING THAT THE PLACEMENT OF ROCK, SAND OR GRAVEL BY THE CITY OF FORT CALHOUN, NEBRASKA, ON STREETS OR ALLEYS WITHIN THE CITY PROVIDES A SPECIAL BENEFIT TO THE PROPERTY ADJACENT TO SAID STREETS OR ALLEYS; DEFINING THE POLICY OF THE CITY CONCERNING THE PLACEMENT OF ROCK, SAND OR GRAVEL BY THE CITY OF FORT CALHOUN, NEBRASKA, ON STREETS OR ALLEYS WITHIN THE CITY; PROVIDING FOR THE PAYMENT OF THE PLACEMENT OF ROCK, SAND OR GRAVEL ON STREETS AND ALLEYS WITHIN THE CITY OF FORT CALHOUN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, residents of the City of Fort Calhoun, Nebraska, have from time to time requested that the City place rock, sand or gravel on certain of the streets and alleys within the City, and

WHEREAS, the placement of rock, sand or gravel on certain streets and alleys within the City is presently paid from general City funds, and

WHEREAS, the property adjacent to streets and alleys upon which rock, sand or gravel is placed are specially benefitted thereby, and

WHEREAS, it is in the best interests of the City of Fort Calhoun, Nebraska, that a means be provided by which property thus specially benefitted will bear the cost of such placement, and that a consistent policy of the City be stated,

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

1. THAT the City hereby finds and determines that the placement of rock, sand or gravel by the City on streets and alleys within the City provides a special benefit to the property adjacent to the streets and alleys receiving said rock, sand or gravel.

2. THAT on all rock-surfaced streets and alleys within the City of Fort Calhoun, Nebraska, rock, sand or gravel shall be applied from time to time as deemed necessary by the City Street Commissioner and the Mayor. Said rock, sand or gravel shall be hauled and applied by employees of the City and the cost of same shall be borne by the City of Fort Calhoun. Property owners who own property adjacent to the street or alley upon which rock, sand or gravel is applied shall be responsible for their proportionate share of the rock, sand or gravel applied to the street or alley. The amount to be paid by each property owner shall be determined according to the following formula: the total cost of the rock, sand or gravel, divided by the total footage of the property adjacent to the street or alley upon which the rock, sand or gravel is applied, times the footage owned by the individual property owner adjacent to the street or alley upon which the rock, sand or gravel is applied.

3. THAT all ordinances or parts of ordinances in con-

flict herewith are hereby repealed.

4. THAT this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 16 day of July, 1979.

Kenneth J. Robinson
MAYOR OF THE CITY OF FORT CALHOUN

ATTEST:

Rosalie T. Fudusz
CITY CLERK

(SEAL)

ORDINANCE NO. 320

AN ORDINANCE TO DECLARE A MORATORIUM ON SUBDIVISIONAL DEVELOPMENT IN AND WITHIN ONE (1) MILE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE A MORATORIUM ON THE PLACEMENT OF SEWERS, SEPTIC TANKS AND PERMITS THEREFOR IN AND WITHIN ONE (1) MILE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE A MORATORIUM ON THE PLACEMENT OF WATER MAINS AND WELLS IN AND WITHIN ONE (1) MILE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE A MORATORIUM ON THE GRANTING OF BUILDING PERMITS IN AND WITHIN ONE (1) MILE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO PROVIDE A MEANS BY WHICH EMERGENCY SEWER, WATER AND BUILDING PERMITS MAY BE GRANTED; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE AND A TERMINATION DATE FOR THIS ORDINANCE.

WHEREAS, the City of Fort Calhoun, Nebraska, has contracted for water supply with the Papio Natural Resource District in an endeavor commonly known as the Papio N.R.D./Fort Calhoun Joint Water Project, which Project is expected to be operational and supplying water to the City of Fort Calhoun, Nebraska, on or before the 1st day of October, 1979, and which project has substantially increased the bonded indebtedness of the City of Fort Calhoun, Nebraska, and

WHEREAS, the City of Fort Calhoun, Nebraska, has completed certain of the steps necessary to qualify for federal funds for the construction and completion of a wastewater treatment facility, which facility will treat sewage for the City of Fort Calhoun, Nebraska, and which project will increase the bonded indebtedness of the City of Fort Calhoun, Nebraska, and

WHEREAS, the City of Fort Calhoun, Nebraska, is presently preparing a Comprehensive Development Plan pursuant to the requirements of R.R.S. Neb., 1943, Secs. 19-901 et seq, which Comprehensive Development Plan is expected to be completed on or about the First day of September, 1979, and

WHEREAS, the Mayor and the City Council of the City of Fort Calhoun, Nebraska, are concerned about the fiscal and the physical capabilities of the City of Fort Calhoun to preserve the quality of the community, to protect and provide green open space in and about the City while discouraging "leap frog" development, insuring the adequacy of city facilities and services consistent with available city and school tax funds and insuring a balance of housing types and values which will accomodate a variety of families, including families of moderate income and older families on limited or fixed incomes, and

WHEREAS, it is the policy of the City of Fort Calhoun, Nebraska, not to stifle growth, but to insure the opportunity to carefully study the problems of growth in order that development may occur in an orderly and logical manner,

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

SECTION 1. MORATORIUM ON SUBDIVISIONAL DEVELOPMENT.

There is hereby declared to be a moratorium on development of suburban developments, subdivisional developments and/or re-plats of existing developments within the corporate limits of the City of Fort Calhoun, Nebraska, or within (1) mile of the corporate limits of the City of Fort Calhoun, Nebraska. The City Council of the City of Fort Calhoun and the Planning Commission of the City of Fort Calhoun shall not accept applications for suburban developments, subdivisional developments and/or replats of existing developments from the time of the effective date of this ordinance until the termination date of this ordinance as provided below.

SECTION 2. MORATORIUM ON PLACEMENT OF SEWERS, SEPTIC TANKS AND PERMITS THEREFORE. There is hereby declared to be a moratorium on the placement of sewers, septic tanks and permits therefore within the corporate limits of the City of Fort Calhoun, Nebraska, or within one (1) mile of the corporate limits of the City of Fort Calhoun, Nebraska. The City Council of the City of Fort Calhoun and the Planning Commission shall permit no sewers or septic tanks to be placed within said City or within one (1) mile of the corporate limits thereof, nor shall the City Council of the City of Fort Calhoun, Nebraska, or the Planning Commission of the City of Fort Calhoun, Nebraska, accept applications for permits for sewers or septic tanks within the corporate limits of said City or within one (1) mile of the corporate limits thereof; PROVIDED, HOWEVER, that emergency permits may be issued pursuant to the terms of this ordinance. The period of this moratorium shall extend from the effective date of this ordinance until the termination date of this ordinance provided below.

SECTION 3. MORATORIUM ON PLACEMENT OF WATER MAINS AND WELLS AND PERMITS THEREFOR. There is hereby declared to be a moratorium on the placement of water mains, wells and permits therefor within the corporate limits of the City of Fort Calhoun, Nebraska, or within one (1) mile of the corporate limits of the City of Fort Calhoun, Nebraska. The City Council of the City of Fort Calhoun, Nebraska, and the Planning Commission shall permit no water mains or wells to be placed within said City or within one (1) mile of the corporate limits thereof, nor shall the City Council of the City of Fort Calhoun, Nebraska, or the Planning Commission of the City of Fort Calhoun, Nebraska, accept applications for permits for water mains or wells within the corporate limits of said City or within one (1) mile of the corporate limits thereof; PROVIDED, HOWEVER, that emergency permits may be issued pursuant to the terms of this ordinance. The period of this moratorium shall extend from the effective date of this ordinance until the termination date of this ordinance as provided below.

SECTION 4. MORATORIUM ON THE GRANTING OF BUILDING PERMITS. There is hereby declared to be a moratorium on the granting of building permits within the corporate limits of the City of Fort Calhoun, Nebraska, and within one (1) mile of the corporate limits of the City of Fort Calhoun, Nebraska. The City Council and the Planning Commission shall accept no applications for building permits for planned construction within the City of Fort Calhoun, Nebraska, or

within one (1) mile of the corporate limits of the City of Fort Calhoun, Nebraska; PROVIDED, HOWEVER, that emergency permits may be issued pursuant to the terms of this ordinance. The period of this moratorium shall extend from the effective date of this ordinance until the termination date of this ordinance as provided below.

SECTION 5. EMERGENCY PERMITS FOR SEWERS, SEPTIC TANKS, WATER MAINS, WELLS AND/OR BUILDING PERMITS. In the event of an emergency, and upon a three-fourths (3/4) vote of the Planning Commission, or upon a three-fourths (3/4) vote of the City Council, as the case may be, an application for placement of sewers or septic tanks, or permits therefor, or an application for placement of water mains or wells, or permits therefor, or an application for building permits, may be heard by the City Council or the Planning Commission as the case may be. After hearing and consideration of said applications, the City Council or Planning Commission may approve or disapprove said applications. Approval shall be granted only upon (1) the finding that emergency exists, and (2) a three-fourths (3/4) vote of the City Council or Planning Commission, as the case may be. The nature of the emergency shall be stated in the resolution of approval.

SECTION 6. REPEAL OF CONFLICTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith shall be and hereby are repealed.

SECTION 7. EFFECTIVE DATE OF THIS ORDINANCE. This ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

SECTION 8. TERMINATION DATE OF THIS ORDINANCE. It is hereby declared to be the purpose and intent of the City Council of the City of Fort Calhoun, Nebraska, to maintain in effect the moratorium imposed by this ordinance for as short a time as possible. Accordingly, this ordinance shall, without any action by the City Council, terminate, cease and be of no effect whatsoever, and the moratorium imposed by this ordinance shall terminate, cease, and be of no effect whatsoever, upon the occurrence of the following:

- (1) the passage, approval and effective date of the Comprehensive Development Plan of the City of Fort Calhoun, Nebraska, AND,
- (2) the establishment and activation of the initial water rate schedule of the Papio N.R.D./City of Fort Calhoun Joint Water Project

PROVIDED, HOWEVER, that in no event shall this ordinance remain in effect from and after the 1st day of November, 1979, and on the 1st day of November, 1979, this ordinance, and the moratorium imposed thereby, shall terminate, cease and be of no effect whatsoever.

PASSED AND APPROVED THIS 16 day of July, 1979.

Kenneth J. Robinson
MAYOR OF THE CITY OF FORT CALHOUN

ATTEST:

(SEAL)

Rosalee Fickling
CITY CLERK

ORDINANCE NO. 321

AN ORDINANCE TO VACATE MADISON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; THE ALLEY IN BLOCK EIGHTY-TWO (82), FROM THE WEST LINE OF 16TH STREET TO THE EAST LINE OF 15TH STREET; JEFFERSON STREET FROM THE EAST LINE OF 15TH STREET; JEFFERSON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH; THE ALLEY IN BLOCK ONE HUNDRED TEN (110), FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; AND WASHINGTON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET:

*W. side of
Blk 82
So. side of
Blk 82
So. side of
Blk 110*

FILED
1981 MAR 27 AM 10:28

WHEREAS, the City of Fort Calhoun, Nebraska, has entered into a Re-plat and Subdivision Agreement with Mr. and Mrs. John Pruehs, on this 21st day of August, 1979, and

WHEREAS, said Agreement contemplates the vacating of certain streets and alleys in the City of Fort Calhoun, Washington County, Nebraska, and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska, to vacate said streets and alleys,

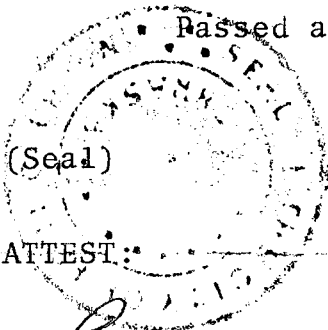
NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that Madison Street from the east line of 16th Street to the West line of 15th Street; the alley in Block Eighty-two (82), original town of Fort Calhoun, from the west line of 16th Street to the east line of 15th Street; Jefferson Street from the east line of 16th Street to the west line of 15th Street; the alley in Block One Hundred Ten (110), original town of Fort Calhoun, from the east line of 16th Street to the west line of 15th Street; and Washington Street from the east line of 16th Street to the west line of 15th Street shall be and hereby are vacated, and the real property comprising said streets shall and hereby does revert to the owners of the real property adjacent there-to.

BE IT FURTHER ORDAINED THAT the statutory requirements of three readings on this ordinance shall be and hereby is waived.

BE IT FURTHER ORDAINED THAT the minutes of the meeting of the City Council of Fort Calhoun, Nebraska, shall include only the caption of this ordinance.

BE IT FURTHER ORDAINED THAT this ordinance shall be in full force and effect fifteen (15) days from and after the date of its passage.

Passed and approved this 21 day of August, 1979.



Kenneth J. Robinson

Mayor of Fort Calhoun, Nebraska

ATTEST:
Frankie Tubing

City Clerk

~~1981 MAR 19 PM 4:54
COUNTY CLERK~~

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 470
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 27 DAY OF March A.D. 1981
AT 10:28 O'CLOCK A M. AND RECORDED IN BOOK
131 AT PAGE 404
COUNTY CLERK *Charlotta L. Peterson*
DEPUTY *Dorothy Washburn*

Recorded
General
Numerical
Photostat

ORDINANCE NO. 322

AN ORDINANCE TO APPROVE THE PRUEHS RE-PLAT, IN ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, CONSISTING OF A RE-PLATTING OF BLOCK EIGHTY-TWO (82), BLOCK ONE HUNDRED TEN (110) AND BLOCK ONE HUNDRED NINETEEN (119), TOGETHER WITH CERTAIN VACATED STREETS AND ALLEYS ADJACENT THERETO.

WHEREAS, John Pruehs and Elfriede Pruehs, husband and wife, as joint tenants and not as tenants in common, are the owners and record owners of title to Lots 1 through 8 inclusive Block 82, Lots 1-8 inclusive Block 110, and Lots 1-4 Block 119, of the original town of Fort Calhoun, Washington County, Nebraska, as surveyed, platted and recorded, and

WHEREAS, Madison Street from the east line of 16th Street to the west line of 15th Street; the alley in Block 82 from the west line of 16th Street to the east line of 15th Street; Jefferson Street from the east line of 16th Street to the west line of 15th Street; the alley in Block 110 from the east line of 16th Street to the west line of 15th Street; and Washington Street from the east line of 16th Street to the west line of 15th Street, have this 21st day of August, 1979, been vacated by the City of Fort Calhoun, and have thereby reverted to the owners of the real property adjacent thereto, including most particularly John Pruehs and Elfriede Pruehs, and

WHEREAS, John Pruehs and Elfriede Pruehs have requested the City of Fort Calhoun to approve a re-platting of the areas described above, as shown more fully on Exhibit A attached hereto, and incorporated fully herein by reference, and

WHEREAS, the Planning Board of the City Council of the City of Fort Calhoun, Nebraska, has given its approval to the final Re-plat of said area of subdivision as shown on Exhibit A attached hereto, and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska, to approve the Re-plat of said area of subdivision, and

WHEREAS, all things precedent to approval of said Re-plat having been done,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that the Pruehs Re-plat, an addition to the City of Fort Calhoun, Washington County, Nebraska, as set forth in Exhibit A attached hereto, which Exhibit A is incorporated herein as though fully set forth herein, shall be and hereby is approved.

BE IT FURTHER ORDAINED THAT the Mayor and the City Clerk of the City of Fort Calhoun, Nebraska, shall be and hereby are authorized to affix their signatures to said Exhibit A to indicate acceptance by the City of Fort Calhoun, Nebraska.

BE IT FURTHER ORDAINED THAT, the City Clerk of the City of Fort Calhoun, Nebraska, shall be and hereby is authorized to file said Plat with the appropriate officials of Washington County, Nebraska.

BE IT FURTHER ORDAINED THAT, the statutory requirement of three readings of this ordinance shall be and hereby is waived.

BE IT FURTHER ORDAINED THAT, the minutes of the meeting of the City of Fort Calhoun, Nebraska, may reflect the passage of this

ordinance by repeating the caption thereto.

BE IT FURTHER ORDAINED THAT, this ordinance shall be in full force and effect from and after passage as provided by law.

Passed and approved this 31 day of August, 1979.

(Seal)

Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalee Treuberg
City Clerk

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 323

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 79-7 IN THE CITY OF FT. CALHOUN, NEBRASKA, DESCRIBING THE PROPERTIES INCLUDED WITHIN THE BOUNDARIES OF SAID DISTRICT, PROVIDING FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS THEREIN AND PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS THEREFORE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FT. CALHOUN, NEBRASKA:

Section 1. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-7 containing the following property:

All of Blocks 82, 83, 109, 110, 119 and 120, all in the Original Town of Ft. Calhoun, Nebraska.

The following street within said street improvement district shall be and is hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 15th Street from the South line of Madison Street to a point 122 feet south of the South line of Washington Street as platted in the City of Ft. Calhoun, Nebraska.

Section 2. All of said improvements shall be constructed to the established grades as fixed by Ordinance of said City and shall be constructed in accordance with plans and specifications to be made by Consulting Engineers employed by the City, to be approved by the Mayor and City Council, said improvements shall be made at public cost but special assessments on the specially benefited property shall be levied to reimburse the City to the extent provided by law.

Section 3. Notice of the creation of said District shall be published in the Pilot-Tribune, a legal newspaper of general circulation in the City for two weeks after the publication of this Ordinance.

If any section of this Ordinance is voided for any reason, all other sections of this Ordinance shall be valid as long as any section shall exist.

PASSED AND APPROVED this 10th day of September, 1979.

Kenneth J. Robinson
Mayor

Attest:

Rosalie J. Fredberg
City Clerk

Publish September 17, 1979

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 324

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 79-7 IN THE CITY OF FT. CALHOUN, NEBRASKA, DESCRIBING THE PROPERTIES INCLUDED WITHIN THE BOUNDARIES OF SAID DISTRICT, PROVIDING FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS THEREIN, PROVIDING FOR THE LEVY OF SPECIAL ASSESSMENTS THEREFORE, AND REPEALING ORDINANCE NO. 323.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FT. CALHOUN, NEBRASKA:

Section 1. There is hereby created within the City of Ft. Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 79-7 containing the following property:

Lots 1 through 22, inclusive, of Pruehs Replat of Blocks 82, 110 and 119 of the Original Town of Ft. Calhoun, Nebraska, including the vacated streets and alleys therein; Lots 3, 4, 5 and 6, of Block 83; Lots 3, 4, 5 and 6, Block 109; and, Lots 3 and 4, Block 120; all in the Original town of Ft. Calhoun, Nebraska.

The following street within said street improvement district shall be and is hereby ordered improved by grading, paving, subsurface structures and appurtenances and such other work as may be incidental thereto:

That portion of 15th Street from the South line of Madison Street to a point 122 feet south of the South line of Washington Street as platted in the City of Ft. Calhoun, Nebraska.

Section 2. All of said improvements shall be constructed to the established grades as fixed by Ordinance of said City and shall be constructed in accordance with plans and specifications to be made by Consulting Engineers employed by the City, to be approved by the Mayor and City Council, said improvements shall be made at public cost but special assessments on the specially benefited property shall be levied to reimburse the City to the extent provided by law.

Section 3. Notice of the creation of said District shall be published in the Pilot-Tribune, a legal newspaper of general circulation in the City for two weeks after the publication of this Ordinance.

Section 4. Ordinance No. 323 passed September 10, 1979 is hereby repealed.

If any section of this Ordinance is voided for any reason, all other sections of this Ordinance shall be valid as long as any section shall exist.

PASSED AND APPROVED this 19 day of September, 1979.

Kenneth J. Robinson
Mayor

Attest:

Rosalee Schubert
City Clerk

Publish Sept 24, 1979

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 325

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 79-1 OF THE CITY OF FT. CALHOUN, NEBRASKA, UNDER THE PROVISIONS OF SECTION 19-2402 R.R.S. OF NEBRASKA, 1943, AS AMENDED, DESCRIBING THE PROPERTY CONTAINED THEREIN, DIRECTING THE CONSTRUCTION OF WATER MAINS AND APPURTENANCES AND PROVIDING THE COST OF SAID IMPROVEMENTS BE REPAID TO THE CITY THROUGH SPECIAL ASSESSMENTS LEVIED ACCORDING TO THE BENEFITS ACCRUING TO THE PROPERTY SPECIALLY BENEFITED.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FT. CALHOUN, NEBRASKA:

Section 1. The Mayor and Council of the City of Ft. Calhoun, Nebraska deem it necessary and advisable to construct water mains and thereby extend the City's existing system of water service to territory beyond said system under the provisions of Section 19-2402 R.R.S. of Nebraska, 1943, as amended.

Section 2. There is hereby created Water Extension District No. 79-1 of the City of Ft. Calhoun, Nebraska, the outer boundaries of which shall include the following described property:

See Exbt A

All of said property is within the corporate limits of the City of Ft. Calhoun, Nebraska and is hereby determined to be an area of land located apart and outside any area served and benefited by the existing municipal water system.

Section 3. The size and location of the water mains which shall be constructed in the District are as follows:

See Exbt. B

Section 4. Said water mains shall be constructed of Cast Iron pipe, PVC pipe, Ductile Steel pipe or other material deemed suitable.

Section 5. The construction of said water main extensions shall be in accordance with the plans and specifications prepared by Dana, Larson, Roubal & Associates, Consulting Engineers for the City, now on file with the City Clerk, reference to which is hereby made.

The Engineer's estimate of the total cost of the proposed water main extensions which has been heretofore filed is as follows:

Water Extension District No. 79-1 \$24,500⁰⁰

Section 6. Bids shall be taken and a contract let for the construction of said Water mains as provided by law and when completed, the City Council sitting as a Board of Equalization shall determine benefits to abutting property within the boundaries described in Section 2. The special benefits as determined by the Board of Equalization shall be certified in a resolution of the City Council to the County Clerk of Washington County, Nebraska. Special assessments in the amount of benefits accruing to the property in the District shall be paid to the City of Ft. Calhoun in five equal installments.

Section 7. This Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this 27th day of September, 1979.

Kenneth J. Rabenold
Mayor

ATTEST:

Michael W. Andron
(AC 11/16) City Clerk

(SEAL)

EXHIBIT "A" TO ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 79-1

From the S 1/4 corner of Section 11, T17N, R12E, of the 6th P.M., Washington County, Nebraska and assuming the south line of the SW 1/4 - SE 1/4 of Section 11 to bear due east-west, thence east on said line a distance of 487.03 feet and N 0° 17' 41" E. a distance of 257.0 feet to a point of beginning; thence continuing east parallel to said south line a distance of 224.0 feet, thence N 0° 17' 40" E a distance of 670.0 feet, thence N 89° 41' 50" W a distance of 224.0 feet, thence S 0° 16' 51" W a distance of 670.0 feet to the point of beginning. Said boundaries include lots 4 through 11 inclusively of the Pruehs Replat of Blocks 82, 110 and 119 of the original Town of Fort Calhoun, Washington County, Nebraska, together with the vacated streets and alleys therein and all of Sixteenth Street adjacent to Lots 4 through 11.

EXHIBIT "B" TO ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 79-1

Said watermain shall be 6-inches in internal diameter and shall be constructed beginning at a point approximately 20 feet south and 9 feet west of the NW corner of Lot 2 of the Pruehs Replat of Blocks 82, 110 and 119 of the original Town of Fort Calhoun, thence northerly within the R.O.W. of Sixteenth Street and parallel to the west line of Lots 2 through 11 of said Replat, a distance of 768 feet to a point 5 feet south and 9 feet west of the N.W. corner of Lot 11, thence easterly and parallel to the north line of Lots 11 and 12 a distance of 345 feet to connect to an existing 8-inch watermain beneath Fifteenth Street at a point approximately 5 feet south and 20 feet east of the N.E. corner of Lot 12 of said Replat.

ORDINANCE NO. 326

AN ORDINANCE TO PROVIDE FOR THE SALE OF CERTAIN REAL AND PERSONAL PROPERTY OWNED BY THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE THE ABANDONMENT OF SAID PROPERTY; TO SET FORTH THE DATE OF ACQUISITION OF SAID PROPERTY, THE DESCRIPTION OF SAME, THE PURPOSE FOR WHICH IT WAS ACQUIRED, AND THE PURPOSE FOR THE ABANDONMENT OF SAME; TO FIND AND DETERMINE THAT A SALE OF SAID REAL AND PERSONAL PROPERTY IS EXPEDIENT; TO FIX THE TIME, PLACE, TERMS AND MANNER OF SALE OF SAID PROPERTY; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE; TO RESERVE THE RIGHT TO REJECT ANY AND ALL BIDS; TO PROVIDE FOR A TIME AND PLACE OF CLOSING; AND TO PROVIDE FOR THE EXECUTION AND DELIVERY OF A DEED TO THE PURCHASER UPON A TWO-THIRDS VOTE OF THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

WHEREAS, the City of Fort Calhoun, Nebraska, a municipal corporation, is the owner of certain real property described as Tax Lot Nine (9) in Section Seventeen (17), Township Seventeen (17) North, Range Thirteen (13) East of the Sixth Principal Meridian in Washington County, Nebraska, consisting of 2.0 acres, more or less, upon which real property is located certain water wells, appurtenances and buildings of the municipal water system of the City of Fort Calhoun, Nebraska; and

WHEREAS, the City of Fort Calhoun, Nebraska, did, on the 20th day of May, 1978, enter into an agreement with the Papio Natural Resources District for the delivery of water by the District to the City, which delivery is expected to commence on or before the 1st day of February, 1980, thereby rendering said property and the wells, appurtenances and buildings thereon obsolete; and

WHEREAS, it is in the best interests of the City of Fort Calhoun, Nebraska, to sell said property pursuant to the provisions of R.R.S. Neb. 1943, Secs. 17-503, 17-568, 17-570 and 17-571, as amended, to declare said property abandoned, to declare it expedient to sell said property, to fix a time, place, terms and manner of sale, to provide for Notice of Sale, to reserve the right to reject bids, to provide for a time and place of closing, and to provide for the execution and delivery of a deed to the purchaser upon a two-thirds (2/3) vote of the City Council of the City of Fort Calhoun, Nebraska,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

Section 1. THAT the City Council of the City of Fort Calhoun, Nebraska, a municipal corporation duly organized and existing under the laws of the State of Nebraska, hereby finds and determines that said City is the legal and equitable owner of certain real property legally described as follows:

Tax Lot Nine (9) in Section Seventeen (17), Township Seventeen (17) North, Range Thirteen (13) East of the Sixth Principal Meridian in Washington County,

Nebraska, consisting of 2.0 acres, more or less, together with certain personal property located thereupon, including certain water wells, appurtenances and buildings of the municipal water system of the City of Fort Calhoun, Nebraska.

Section 2. THAT the City Council of the City of Fort Calhoun hereby finds and determines that the real and personal property described in Section 1 above was acquired by the City of Fort Calhoun on the 2nd day of January, 1968, by purchase from Carl H. Waldenstrom and Marie Waldenstrom, Husband and Wife, by warranty deed for a sum in the amount of Five Thousand Dollars (\$5,000.00), which deed is recorded in Deed Book 94, Page 228, in the offices of the County Clerk of Washington County, the ex-officio Register of Deeds of Washington County, Nebraska.

Section 3. THAT the City Council of the City of Fort Calhoun hereby finds and determines that said real and personal property described in Section 1 above was acquired by the City for the purpose of providing a supply of water, and maintaining wells, appurtenances and buildings to supply water to the municipal water system of the City of Fort Calhoun, Nebraska; THAT the wells located on said property were intended as the primary source of water for said system, but that subsequent to the purchase of same, the residents of Fort Calhoun rejected a bond issue to construct a water treatment plant at said site; AND THAT no pipe or other connection has been made from said wells to the existing water system of the City of Fort Calhoun.

Section 4. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby finds and determines as follows:

- (A) that pursuant to the terms of an "Agreement for Sale of Water by the Papio Natural Resource District to the City of Fort Calhoun, Nebraska, and Agreement to Create a Joint Water Board," entered into by the City of Fort Calhoun on May 20, 1978, and the Amendments thereto, the City of Fort Calhoun has contracted for water supply with the Papio Natural Resource District in an endeavor commonly known as the "Papio N.R.D./ Fort Calhoun Joint Water Project."
- (B) that said Joint Water Project is presently under construction, and that said contract calls for delivery of water to the City of Fort Calhoun through such system not later than February 1, 1980.
- (C) that the municipal water fund of the City of Fort Calhoun is currently obligated to the general fund of said City for a sum in excess of Eight Thousand Dollars (\$8,000.00).
- (D) that based on the facts hereinabove stated, and for the reasons herein set forth, said real and personal property shall be and hereby is deemed to be obsolete surplus and abandoned.

Section 5. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby expressly finds and determines that the sale

of the real and personal property described above in Section 1 shall be and hereby is deemed expedient and in the best interests of the City of Fort Calhoun.

Section 6. THAT the City of Fort Calhoun shall and hereby does offer for sale the real and personal property described in Section 1 above according to the following terms and conditions:

- (A) the City shall advertise for sealed bids by publication of the advertisement set forth in Exhibit "A" attached hereto. Said publication shall be made in the Pilot-Tribune of Blair, Nebraska, on the following dates:

October 1, 1979
October 8, 1979
October 15, 1979

- (B) Bidders shall submit their bids on forms provided by the City. Exhibit "B" attached hereto shall be and hereby is approved as a form for bidders. Copies of said forms shall be available to bidders from the City Clerk.
- (C) In addition to the bid form described in Section 6(B) immediately preceding, bidders shall be required to enter into a purchase agreement on a form provided by the City. Exhibit "C" attached hereto shall be and hereby is approved as a form for said purchase agreement. Copies of said agreement shall be available to bidders from the City Clerk.
- (D) All bids shall be accompanied by certified checks made payable to the City of Fort Calhoun in an amount equal to ten percent (10%) of the bid. All bids shall be submitted to the City Clerk on or before the deadline set forth below. All rejected bids, together with the down payments herein described, shall be promptly returned to bidders.
- (E) The deadline for submission of sealed bids shall be 7:30 p.m. on the 1st day of November, 1979, at which time all bids must be in the possession of the City Clerk. The City Clerk shall open said bids before the City Council at 7:30 p.m., Monday, November 5, 1979, and shall tabulate and certify said bids to the City Council at that time.
- (F) The City Council shall review and award the highest bidder at the regularly scheduled meeting of the Fort Calhoun, City Council on Monday, November 5, 1979, at 7:30 p.m., subject however, to the terms and conditions herein set forth.
- (G) The City of Fort Calhoun expressly reserves the right to reject any and all bids.
- (H) Bids shall be accepted by approval of a resolution by two-thirds (2/3) of the members of the Fort Cal-

houn City Council directing the Mayor to execute and deliver to said bidder so awarded a deed and bill of sale to said property, attested by the City Clerk and impressed with the Seal of the City of Fort Calhoun, all on the closing date hereinafter set forth, and subject to the terms and provisions of this Ordinance.

- (I) The City of Fort Calhoun shall convey title to the above-described real property by quitclaim deed only. Further, the City shall provide the purchaser with a bill of sale to the wells, appurtenances and buildings thereon expressly stating that the City makes no warranties as to fitness for use or merchantability, either express or implied. Further, the City shall inform the purchaser in writing that no representations of any type are made by the City as to potability of water or fitness for any purpose, nor shall any representations be made as to rate of flow or permissible uses.
- (J) Following the approval of the resolution described in Section 6(H) above, the City shall, at the City's option, provide the purchaser with either an abstract of title to said real property, currently through November 5, 1979, at 8 o'clock a.m. and so certified by a registered abstractor, or with title insurance in favor of the purchaser paid by the City in an amount not to exceed the amount of the purchaser's bid. Said abstract shall be provided to the purchaser on or before the 9th day of November, 1979, at 4:30 p.m.
- (K) The purchase agreement described in Section 6(C) above shall expressly provide that, in the event of default by the City in any way, liquidated damages against the City shall not exceed \$1,000.
- (L) Closing shall be at the City Hall of the City of Fort Calhoun, Nebraska, on November 15, 1979, ^{7:30 pm.} At closing, the purchaser shall pay the balance of the bid made by the purchaser, and upon the receipt of same, the Mayor and City Clerk shall execute and surrender to the purchaser the deed and bill of sale described in Section 6(H) above.

Section 7. The statutory requirement of three readings of this ordinance shall be and hereby is waived.

PASSED AND APPROVED this 27th day of September, 1979.

CITY OF FORT CALHOUN, NEBRASKA

ATTEST:

Michael W. Anderson
City Clerk (Acting)

BY: Kenneth J. Roberson
Mayor

FOR SALE)
)--bold print
TWO ACRES OF REAL ESTATE)
WITH TWO WELLS)
OWNED BY THE CITY OF FORT CALHOUN)
)
INVITATION FOR SEALED BIDS)

Pursuant to Ordinance No. 326, the City of Fort Calhoun invites bids on the following property:

Tax Lot Nine (9) in Section Seventeen (17), Township Seventeen (17) North, Range Thirteen (13) East of the Sixth Principal Meridian in Washington County, Nebraska, consisting of 2.0 acres more or less

TOGETHER WITH:

certain personal property located thereupon, including certain water wells, appurtenances and buildings of the municipal water system of the City of Fort Calhoun, Nebraska.

+ + +

TERMS: Bidders shall submit sealed bids on forms provided by the City. All bids shall be accompanied by certified checks payable to the City of Fort Calhoun equal to ten percent (10%) of the bid, and by a signed purchase agreement on forms provided by the City. Copies of bid forms and purchase agreement are available from the City Clerk, City of Fort Calhoun.

Deadline for bids is 7:30 p.m., November 1, 1979. Bids will be opened at 7:30 p.m., Monday, November 5, 1979, at the Fort Calhoun City Hall. Approval shall be by resolution of the City Council. The City expressly reserves the right to reject any and all bids.

Conveyance shall be by quitclaim deed and bill of sale. No warranties as to fitness or merchantability, express or implied, of personal property. No representations as to potability of water, fitness for any purpose, or rate of flow.

Awarded bidder shall be provided, at the City's option, an updated abstract of title to real property, or, title insurance thereupon in an amount not to exceed the amount of the bid, on or before the 9th day of November, 1979, at 4:30 p.m., current through November 5, 1979, at 8 o'clock a.m.

Closing shall be November 15, 1979, at 7:30 p.m. at the Fort Calhoun City Hall.

CONTACT MRS. ROSALIE FREBURG, CITY CLERK, CITY OF FORT CALHOUN, 468-5637.

There being no further business to come before the Mayor and City Council
on motion duly made and passed, the meeting was adjourned.

Michael W. Amador
City Clerk (Acting)

325

FILED

ORDINANCE NO. 327 1987 MAR 10 AM 10:49

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK

AN ORDINANCE APPROVING, ADOPTING AND PROCLAIMING THE COMPREHENSIVE PLAN AND ZONING REGULATION OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR WAIVER OF THE STATUTORY REQUIREMENT OF REREADINGS; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Planning Commission of the City of Fort Calhoun, Washington County, Nebraska, has prepared a Comprehensive Plan and a Zoning Regulation applicable to the City of Fort Calhoun, Washington County, Nebraska, and within a one mile radius thereof, and

WHEREAS, the Planning Commission of the City of Fort Calhoun, Nebraska, did approve and recommend said Comprehensive Plan and Zoning Regulation at its meeting on November 2nd, 1979, and has submitted the same to the City Council of Fort Calhoun, Nebraska; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Washington County, Nebraska, that said Comprehensive Plan and Zoning Regulation be approved,

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska:

THAT the Comprehensive Plan and Zoning Regulation of the City of Fort Calhoun, Nebraska, a copy of which is attached hereto and incorporated herein by reference as though fully and completely set forth in detail herein, shall be and hereby is approved, adopted and proclaimed.

THAT all Ordinances in conflict herewith shall be and hereby are repealed.

THAT the statutory requirement of three readings of this Ordinance shall be and hereby is waived.

AND THAT this Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED this 5 day of November, 1979.

Kenneth J. Robinson
Mayor of Fort Calhoun

ATTEST:

Rosalie Tredburg
City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 615
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 10th DAY OF March A.D. 1987
AT 10:49 O'CLOCK P. M. AND RECORDED IN BOOK
103 AT PAGE 325
COUNTY CLERK Charlotte L. Petersen
DEPUTY Dwight W. ...

325

We filed the attached Ordinance in the Misc. Index only. It was not filed against any property in Fort Calhoun as there was no legal description shown on the instrument. Also, there was no copy of the Comprehensive Plan and Zoning Regulation attached to the Ordinance which is referred to in the Ordinance.

I hope this has been filed to suit your needs and that I have not thoroughly confused you.

ORDINANCE NO. 328

AN ORDINANCE APPROVING, ADOPTING AND PROCLAIMING THE SUBDIVISION REGULATIONS OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A WAIVER OF THE STATUTORY REQUIREMENT OF THREE READINGS; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Planning Commission of the City of Fort Calhoun, Nebraska, has prepared Subdivision Regulations applicable to the City of Fort Calhoun, Washington County, Nebraska, and within a one mile radius thereof; and

WHEREAS, the Planning Commission of the City of Fort Calhoun, Washington County, Nebraska, at its meeting on the 2nd day of November, 1979, as recommended approval of said Subdivision Regulations, and has submitted the same to the City Council; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Washington County, Nebraska, that said Subdivision Regulations be approved,

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska:

THAT the Subdivision Regulations of the City of Fort Calhoun, Washington County, Nebraska, a copy of which is attached hereto and incorporated herein by reference as though fully and completely set forth in detail herein, shall be and hereby is approved, adopted and proclaimed.

THAT all Ordinances in conflict herewith shall be and hereby are repealed.

THAT the statutory requirement of three readings of this Ordinance shall be and hereby is waived.

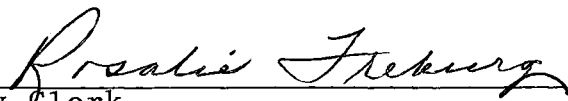
AND THAT this Ordinance shall become effective from and after its passage as provided by law.

PASSED AND APPROVED this 5 day of November, 1979.



Mayor of Fort Calhoun

ATTEST:



City Clerk

ORDINANCE NO. 329

1981 MAR 27 AM 10:49

AN ORDINANCE VACATING WASHINGTON STREET BETWEEN THE WEST LINE OF FOURTEENTH STREET AND THE EAST LINE OF FIFTEENTH STREET IN FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

1981 MAR 19 PM 4:54
CITY CLERK

WHEREAS, the Planning Board of the City of Fort Calhoun, Nebraska, has at its meeting on the 2nd day of November, 1979, recommended to the City Council of Fort Calhoun that Washington Street between the West line of 14th Street and the East line of 15th Street be vacated, and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Washington County, Nebraska, to vacate Washington Street between the West line of 14th Street and the East line of 15th Street,

As to 109-120

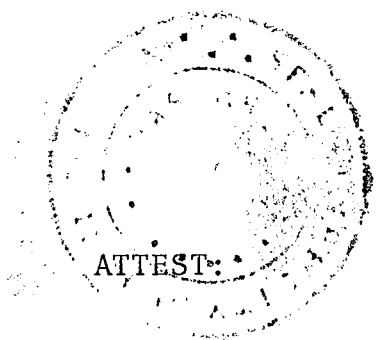
NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

THAT Washington Street from the West line of 14th Street to the East line of 15th Street shall be and hereby is vacated,

THAT all Ordinances in conflict herewith shall be and hereby are repealed,

AND THAT this Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this 5 day of November, 1979.



Kenneth F Robinson
Mayor of Fort Calhoun, Nebraska

Rosalie Freburg
City Clerk

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 471
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 27 DAY OF March A.D. 1981
AT 10:49 O'CLOCK A.M. AND RECORDED IN BOOK
131 AT PAGE 485
COUNTY CLERK Charlene Peterson
DEPUTY Merly Warren

Recorded _____
General _____
Numerical _____
Photostat _____

ORDINANCE NO. 330

AN ORDINANCE TO DESIGNATE PARKING SPACES FOR HANDICAPPED PERSONS; TO PROVIDE FOR PAINTING AND SIGNS FOR PARKING SPACES FOR HANDICAPPED PERSONS; TO REQUIRE PERMITS FOR THE USE OF PARKING SPACES FOR HANDICAPPED PERSONS; TO PROVIDE APPLICATIONS FOR PARKING SPACES FOR HANDICAPPED PERSONS FROM THE CITY CLERK; TO PROHIBIT PARKING IN SPACES FOR HANDICAPPED PERSONS BY UNAUTHORIZED VEHICLES; TO PROVIDE PENALTIES AND TOW-INS FOR UNAUTHORIZED VEHICLES PARKED IN SPACES RESERVED FOR HANDICAPPED PERSONS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

(1) THAT ^a ~~the~~ parking space ^{to be chosen by the Mayor} ~~on the south side of Monroe Street immediately west of 14th Street in the City of Fort Calhoun, Nebraska,~~ shall be and hereby is designated a parking space for handicapped persons. ZAR
RT

(2) THAT said parking space shall be designated either by blue paint on the curb or by a sign approved by the State of Nebraska for designation of such reserved parking.

(3) THAT no vehicle shall be permitted to park in said parking space reserved for handicapped persons which does not have and display proper identification or distinguishing license plates provided by the State of Nebraska for vehicles used by handicapped persons.

(4) THAT handicapped persons wishing to obtain permits for the use of said designated parking spaces may obtain applications from the City Clerk of the City of Fort Calhoun at such cost as may be established by resolution by the City Council.

(5) THAT all vehicles which do not display proper identification or distinguishing license plates provided by the State of Nebraska shall be and hereby are prohibited from using or occupying parking spaces reserved for handicapped persons.

(6) THAT any person who parks in, uses or occupies a parking space reserved for handicapped persons in violation of this ordinance shall be punishable by a fine of not less than ten dollars nor more than fifty dollars, and shall be subject to having such vehicle occupying such space towed away at the owners expense.

(7) THAT all ordinances in conflict herewith shall be and hereby are repealed.

(8) AND THAT this ordinance shall become effective from and after its passage and approval as provided by law.

Passed and Approved this 5 day of November, 1979

ATTEST:

Rosalie Young
City Clerk

Kenneth Robinson
Mayor of Fort Calhoun

1981 MAR 27 AM 10:49

INTERESTED PARTIES
NOTICE OF PUBLIC HEARING

ORDINANCE NO. 331

~~1981 MAR 13 PM 4:54~~

AN ORDINANCE VACATING JEFFERSON STREET BETWEEN THE WEST LINE OF TENTH (10th) STREET AND THE EAST LINE OF ELEVENTH (11th) STREET IN FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, the Planning Board of the City of Fort Calhoun, Nebraska, at its meeting on the 17th day of September, 1979, has recommended to the City Council of Fort Calhoun that Jefferson Street between the West line of 10th Street and the East line of 11th Street be vacated, and

39 102

WHEREAS, it is in the best interest of the City of Fort Calhoun, Washington County, Nebraska, to vacate Jefferson Street between the West line of 10th Street and the East line of 11th Street,

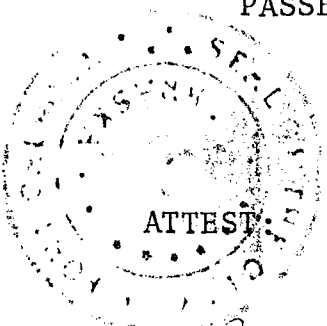
NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

THAT Jefferson Street from the West line of 10th Street to the East line of 11th Street shall be and hereby is vacated.

THAT all Ordinances in conflict herewith shall be and hereby are repealed.

AND THAT this Ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this 5th day of May 1980, ~~December, 1979.~~



Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

Rosalie Truberg
City Clerk

Recorded _____
General _____
Numerical _____
Photostat _____

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 472
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 27 DAY OF March, A.D. 1981
AT 10:49 O'CLOCK A. M. AND RECORDED IN BOOK
131 AT PAGE 486
COUNTY CLERK Christine J. Peterson
DEPUTY Dorothy Warren

ORDINANCE NO. 332

AN ORDINANCE PROHIBITING THE PLACING OR PARKING OF ANY TYPE OF MOTOR VEHICLE ON ANY STREET OR ROADWAY WITHIN THE CONFINES OF THE CITY OF FORT CALHOUN, NEBRASKA, FOR A PERIOD IN EXCESS OF SEVENTY-TWO (72) HOURS; GIVING AUTHORITY TO THE MAYOR OF THE CITY OF FORT CALHOUN TO BAN THE PARKING OR PLACING OF ANY TYPE OF MOTOR VEHICLE ON ANY STREET OR ROADWAY WITHIN THE CONFINES OF THE CITY OF FORT CALHOUN IN THE EVENT OF ROAD REPAIRS, SNOW EMERGENCY OR OTHER GOOD CAUSE; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR THE TOW-AWAY OF ANY VEHICLE FOUND IN VIOLATION OF THIS ORDINANCE; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF

WHEREAS, it is in the best interests of the City of Fort Calhoun, Washington County, Nebraska, to prohibit the parking or placing of any motor vehicle on any street or roadway within the confines of the City of Fort Calhoun, Nebraska, for a period in excess of seventy-two (72) hours; to give authority to the Mayor of the City of Fort Calhoun, Nebraska, to ban parking or placing of any type of motor vehicle on any street or roadway within the confines of the City of Fort Calhoun in the event of road repairs, snow emergency or other good cause; to provide for penalties for the violation of this ordinance; to provide for the towing of any vehicle found in violation of this ordinance without notice to the owner thereof; and to provide for the repeal of ordinances in conflict herewith and to provide for the effective date hereof,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

Section 1. It shall be unlawful for any person to place or park any motor vehicle of any type whatsoever on any street or roadway within the confines of the City of Fort Calhoun, Nebraska, for a period in excess of seventy-two (72) hours. The area to which this ordinance shall apply is any paved, unpaved or graveled part of the right-of-way of any city street. This ordinance shall specifically not apply to those portions of any street right-of-way which are not commonly traversed by vehicles or which constitute a drainage ditch.

Section 2. The Mayor of the City of Fort Calhoun, Nebraska, shall be and hereby is granted the authority to designate any or all of the streets of the City of Fort Calhoun as areas in which the parking or the placing of any type of motor vehicle, mobile home, trailer, or any vehicle capable of traversing the highways of this state, whether self-propelled or not, is temporarily banned. The Mayor of the City of Fort Calhoun may exercise this authority in the event of street repairs, snow emergency or any emergency of any type. The Mayor shall give notice to the public by posting notice of the areas in which parking is banned in five (5) places within the City Limits. The nature of the emergency and the duration of the ban shall be included in such notice. No further notice shall be required.

Section 3. Any person found in violation of this ordinance shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00).

Section 4. Any motor vehicle found parked or place in violation of this ordinance may be removed to such place as is convenient. The owner of said vehicle shall be liable for any and all costs of removal. No notice shall be given to vehicle owners before removal.

Section 5. All ordinances in conflict herewith are hereby repealed.

Section 6. This ordinance shall become effective as provided by law.

Passed and approved this 2nd day of June, 1980.

Kenneth F. Robinson
Mayor of the City of Fort Calhoun

ATTEST:

Rosalia Freburg
City Clerk

ORDINANCE NO. 333

AN ORDINANCE AMENDING SECTION 25 OF ORDINANCE NO. 65 AND SECTION 2 OF ORDINANCE NO. 315 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR CAPITAL FACILITIES CHARGES AFTER AND INCLUDING JUNE 1, 1980; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

THAT Section 25 of Ordinance No. 65 and Section 2 of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities Charges After and Including June 1, 1980. For any and all connections made to the City water system from and after the effective date of this Ordinance, but also after and including June 1, 1980, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, the capital facilities charges established in Section 2, Subsection (C) of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

- (1) Housing - with common service:
 - per single-family dwelling.....\$289.00
 - per duplex.....\$521.00
 - per triplex.....\$707.00
 - per four-unit structure.....\$838.00
 - per five-unit structure.....\$895.00

- (2) Apartment houses
 - per acre, 5 units per acre base charge.....\$895.00
 - additional charge per unit per acre in excess of five units per acre:
 - 6 to 10 units per acre.....\$ 30.00
 - 11 to 20 units per acre.....\$ 22.00
 - over 20 units per acre.....\$ 18.00

- (3) Condominium Housing and Trailer Courts: where condominium complexes or trailer courts are to

be served through a single meter or several meters with one party being responsible for the water service, feeder fees to apartment houses shall apply.

- (4) Commercial or Industrial per acre.....\$867.00
on tracts or areas of less than one-third acre there will be a minimum fee of.....\$289.00
- (5) Golf Courses, Parks, Lakes, Areas zoned as Floodplain, Schools or Cemeteries per acre or areas less than one acre.....\$578.00
First 50 acres - per acre.....\$289.00
Above 50 acres - per acre.....\$ 71.00
- (6) Greenways, Buffer Zones and Non-Dedicated Streets:
per acre.....\$867.00
on tracts or areas of less than 1/3 acre there will be a minimum fee of.....\$289.00;

THAT all ordinances in conflict herewith are hereby repealed;

AND THAT this Ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 5 DAY OF MAY, 1980.

Kenneth F. Robinson
Mayor of the City of Fort Calhoun

Attest:

Kesslie Ferguson
City Clerk

ORDINANCE NO. 334

AN ORDINANCE AMENDING ORDINANCE NO. 227 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, SECTION 3 THEREOF, TO PROVIDE FOR THE ERECTION OF FIREWORKS STANDS ONLY IN GENERAL COMMERCIAL ZONING DISTRICTS, TO PROVIDE FOR THE ERECTION OF FIREWORKS STANDS IN CERTAIN PARTS OF THE CITY; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF:

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, THAT Section 3 of Ordinance No. 227 shall be and hereby is amended to read in its entirety as follows:

"SECTION 3. No fireworks, firecrackers or other pyrotechnics shall be stored in or displayed or sold from any building, structure or stand, or otherwise, within 100 feet of any service station or other establishment selling gasoline, kerosene or other inflammable liquids or gases, nor within 10 feet of any other building of any kind, nor in or from any structure or building other than a temporary structure or stand erected and used solely for such purpose, which stand or structure shall be erected only on property zoned as a general commercial district, and which stand or structure shall be erected only on the following Blocks and Lots within the City of Fort Calhoun, Washington County, Nebraska:

Lots 5 and 6, Block 108; Lots 3 + 4, Block 121;
and only for the period commencing June 15, 1980, and ending July 5, 1980,
Lot 1, Block 56, Calhoun Company Addition

Said temporary structure or stand shall extend to within 10 feet and not closer than 5 feet from the nearest edge of the sidewalk running along any street in said City, and which temporary stand or structure shall not be closer than 40 feet from any other structure erected and used for such purpose."

FURTHER THAT any and all other ordinances in conflict herewith shall be and hereby are repealed;

FURTHER THAT, this ordinance shall become effective
as provided by law.

PASSED AND APPROVED THIS 2nd day of ^{June} ~~May~~, 1980.

Kenneth J. Robinson
Mayor

ATTEST:

Rosalie Feiburg
City Clerk

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 335

AN ORDINANCE OF THE CITY OF FT. CALHOUN, NEBRASKA AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS OF THE CITY OF FT. CALHOUN, NEBRASKA IN THE PRINCIPAL AMOUNT OF ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000) TO PAY THE COST OF IMPROVING THE STREETS, AVENUES AND ALLEYS IN STREET IMPROVEMENT DISTRICT NOS. 79-1, 79-2, 79-3 AND 79-7 (INCLUDING THE INTERSECTIONS AND AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); TO PAY THE COST OF SANITARY SEWER IMPROVEMENTS IN SANITARY SEWER DISTRICT NO. 79-1, TO PAY THE COST OF WATER IMPROVEMENTS IN WATER EXTENSION DISTRICT NO. 79-1; PRESCRIBING THE FORM THEREOF AND PROVIDING FOR THE CREATION OF A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FT. CALHOUN, NEBRASKA:

Section 1. The Mayor and City Council of the City of Ft. Calhoun, Nebraska, hereby find and determine; that pursuant to ordinances heretofore duly enacted, Street Improvement District No. 79-1, 79-2, 79-3 and 79-7 were created in said City and certain street improvements constructed in said Districts; that said improvements have been completed and accepted and hereby are accepted by the City; that the cost of said improvements as heretofore found by the City engineer and Mayor and City Council is \$115,224.05; that additional expenses properly chargeable as part of the cost of the improvements in said Districts have been incurred for interest on warrants and legal and miscellaneous costs in the amount of \$8,507.71 ; that the total cost of said improvements is not less than \$123,731.76 of which \$10,585.09 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and streets adjacent to real estate owned by the City and \$113,146.67 is the Districts' cost; that special assessments have been levied according to law on the real estate in said Districts specially benefited by said improvements and said special assessments are valid liens on the lots and tracts of land upon which they are assessed; that after applying all moneys collected from the special assessments and such other funds available for such purpose, there remains nothing due and payable from the City on the intersection cost and there still remains due and payable on the District cost not less than \$113,146.67, that all conditions, acts and things required by law to exist or to be done precedent to the issuance of District Improvement Bonds of said Districts in the amount of \$111,396.68 pursuant to Section 17-516 R.R.S. Nebr., 1943, do exist and have been done as required by law.

Section 2. The Mayor and City Council of the City of Ft. Calhoun, Nebraska further find and determine: That pursuant to a Resolution of Necessity heretofore duly passed by the Mayor and City Council on the 22nd day of October, 1979, for the construction of sanitary sewer improvements consisting of sewer mains and necessary appurtenances, and the creation of Sanitary Sewer District No. 79-1, certain sanitary sewer improvements have been constructed and completed and accepted and hereby are accepted by the City; that the cost of said improvements and the reasonable value thereof is \$27,208.12 and that additional expenses have been incurred for interest on warrants, legal, engineering, testing and inspection, advertising and fiscal expenses of \$2,112.90 ; that the total cost of said improvements is not less than \$29,321.02; that special assessments have been levied according to law on the real estate in said District specially benefited by said improvements and said special assessments are valid liens on the lots and tracts of land upon which they are assessed; that after applying all moneys collected from the special assessments and such other funds available for such purpose, there still remains due and payable from the City for the costs of said improvements not less than \$29,321.02; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Sewer Bonds for the improvements in Sanitary Sewer District No. 79-1 in the amount of \$29,321.02 pursuant to Section 17-925 R.R.S., Nebr., 1943, do exist and have been done as required by law.

Section 3. The Mayor and City Council of the City of Ft. Calhoun, Nebraska, further find and determine: that pursuant to an ordinance heretofore duly enacted, Water Extension District No. 79-1 was created in said City and certain water system extensions have been completed and accepted and hereby are accepted by the City; that the cost of said improvements as heretofore found by the City engineer and Mayor and City Council is \$22,532.50 ; that additional expenses properly chargeable as part of the cost of the improvements in said District have been incurred for interest on warrants and legal and miscellaneous costs in the amount of \$1,749.80; that the total cost of said improvements is not less than \$24,282.30; that special assessments have been levied according to law on the real estate in said District specially benefited by said improvements and said special assessments are valid liens on the lots and tracts of land upon which they are assessed; that after applying all moneys collected from the special assessments and such other funds

available for such purpose, there still remains due and payable from the City for the costs of said improvements not less than \$24,282.30; that all conditions acts and things required by law to exist or to be done precedent to the issuance of District Water Service Extension Bonds of Water Extension District No. 79-1 in the amount of \$24,282.30 pursuant to Section 19-2405 R.R.S., Nebr., 1943, do exist and have been done as required by law.

Section 4. The Mayor and Council of the City of Ft. Calhoun, Nebraska further find and determine that all conditions, acts and things required to exist or to be done precedent to the issuance of Various Purpose Bonds of the City of Ft. Calhoun, Nebraska, in the principal amount of ONE HUNDRED SIXTY-FIVE Thousand Dollars (\$165,000) pursuant to Sections 18-1801 and 18-1802, R.R.S., Nebr., 1943, to pay the cost of the improvements mentioned in Sections 1, 2 and 3 hereof, do exist and have been done as required by law.

Section 5. To pay the cost of the improvements specified in Sections 1, 2 and 3, hereof, there shall be and there are hereby ordered issued Various Purpose Bonds of the City of Ft. Calhoun, Nebraska, of the principal amount of ONE HUNDRED SIXTY-FIVE Thousand Dollars (\$165,000), consisting of 33 bonds, numbered from 1 to 33, inclusive, of \$5,000 each, dated August 1, 1980, the principal to become due on August 1 of the years indicated in the following schedule, to-wit:

<u>Bond Nos. (Inclusive)</u>	<u>Amount</u>	<u>Maturing August 1 of each year</u>
1-2	\$10,000	1981
3-5	15,000	1982
6-9	20,000	1983
10-13	20,000	1984
14-17	20,000	1985
18-20	15,000	1986
21-23	15,000	1987
24-27	20,000	1988
28-30	15,000	1989
31-33	15,000	1990

provided, however, bonds numbered 18 to 33, inclusive, maturing August 1, 1986, and thereafter, are redeemable at the option of the City at any time on or after August 1, 1985, at par plus accrued interest to the date fixed for redemption.

Said bonds shall bear interest as follows:

Bond Nos. 1 through 5, inclusive at the rate of Six and Twenty-Five Hundredths percentum (6.25%) per annum.

Bond Nos. 6 through 13, inclusive at the rate of Six and Forty Hundredths percentum (6.40%) per annum.

Bond Nos. 14 through 20, inclusive at the rate of Six and Fifty Hundredths percentum (6.50%) per annum.

Bond Nos. 21 through 23, inclusive at the rate of Six and Sixty Hundredths percentum (6.60%) per annum.

Bond Nos. 24 through 27, inclusive at the rate of Six and Seventy-Five Hundredths percentum (6.75%) per annum.

Bond Nos. 28 through 33, inclusive at the rate of Six and Ninety Hundredths percentum (6.90%) per annum.

In addition to the foregoing basic rates, Bond Nos. 1 through 5, inclusive, shall bear supplemental interest at the rate of 2.30% per annum from August 1, 1980 to maturity and Bond Nos. 6 through 33, inclusive, shall bear supplemental interest at the rate of 2.30% per annum from August 1, 1980 to August 1, 1982, which supplemental interest shall be represented by separate coupons bearing the letter "A", which supplemental interest coupons may be detached and sold separately.

Said interest shall be payable August 1, 1981, and semi-annually thereafter on the first day of February and August of each year. Attached to each bond shall be negotiable coupons for the interest to become due thereon.

Section 6. Said bonds shall be executed on behalf of the City by being signed by the Mayor and City Clerk and shall have the City seal impressed on each bond. Interest coupons shall be executed on behalf of the City by being signed by the Mayor and City Clerk by causing their facsimile signatures to be affixed thereto and by the execution of each bond, the Mayor and Clerk shall be deemed to have adopted said facsimile signatures as their own proper signatures on the coupons.

Section 7. Said bonds and coupons shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND OF THE CITY OF FT. CALHOUN

No. _____

\$5,000.00

KNOW ALL MEN BY THESE PRESENTS: That the City of Ft. Calhoun, in the County of Washington, in the State of Nebraska, hereby acknowledges itself to owe and for value received promises to pay to bearer hereof the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in lawful money of the United States of America on the first day of August, 19 , with interest thereon from date hereof

(INSERT RATES PRESCRIBED IN SECTION 5 OF ORDINANCE)

payable August 1, 1981 and semi-annually thereafter on the first day of February and August of each year, on presentation and surrender of the interest coupons hereto attached as they severally become due. Bonds of this issue maturing on or after August 1, 1986, are redeemable at the option of the City at any time on or after August 1, 1985, at par plus accrued interest to the date fixed for redemption. Both the principal hereof and the interest hereon are payable at the office of the County Treasurer of Washington County, in Blair, Nebraska. For the prompt payment of this bond, principal and interest, as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

This bond is one of an issue of bonds numbered from 1 to 33, inclusive, of the total principal amount of One Hundred Sixty-Five Thousand Dollars (\$165,000) of even date and like tenor, except as to date of maturity and rate of interest which are issued by the City for the purpose of paying the cost of improving the streets, avenues and alleys in Street Improvement District Nos. 79-1, 79-2, 79-3 and 79-7 (including the intersections, and the areas formed by the crossing of streets, avenues and alleys) to pay the cost of sanitary sewer improvements in Sanitary Sewer District No. 79-1, and to pay the cost of water system improvements in Water Extension District No. 79-1 in compliance with Sections 17-516, 17-520, 17-925, 19-2405 and Sections 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 1943, as amended, and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. The special assessments levied upon the real estate specially benefited by said improvements are valid liens on the lots and tracts of land upon which they have been levied and when collected, shall be set aside and constitute a sinking fund for the payment of the principal and interest of said bonds; the City agrees that it will collect said special assessments and, in addition thereto, will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, except intangible property, in addition to all other taxes sufficient in rate and amount to make up the deficiency between the amounts collected on said special assessments and the amount required to fully pay the principal and interest on said bonds as the same become due.

IN WITNESS WHEREOF, the Mayor and Council have caused this bond to be executed on behalf of the City of Ft. Calhoun by being signed by its Mayor and Clerk and by causing the official seal of the City to be affixed hereto and have caused the interest coupons hereto attached to be executed on behalf of the City by having affixed thereto the engraved facsimile signatures of its Mayor and Clerk and the Mayor and Clerk do by the execution of this bond adopt as and for their own proper signatures their respective facsimile signatures affixed to said coupons.

DATED this first day of August, 1980.

CITY OF FT. CALHOUN, NEBRASKA

By _____ (Do Not Sign)
Mayor

(SEAL)

Attest:

(Do Not Sign)

(FORM OF COUPON)

No. _____

\$ _____

On the first day of August (February), 19__ (unless said bond has been called for redemption and money provided therefor prior to said date) the City of Ft. Calhoun, Nebraska, will pay to bearer _____

_____ Dollars at the office of the Treasurer of Washington County, Nebraska, in the City of Blair, Nebraska, for interest due on that date on its Various Purpose Bond, dated August 1, 1980. Bond No. _____.

(DO NOT SIGN)

City Clerk

(DO NOT SIGN)

Mayor

Section 8. The special assessments levied upon the real estate as described in Sections 1, 2 and 3 of this ordinance and the interest on said assessments shall constitute a sinking fund for the payment of the principal of and interest on said bonds. The City agrees it will collect said special assessments and in case the moneys collected therefrom are not sufficient to fully and promptly pay the interest and principal of said Various Purpose Bonds as and when such interest and principal become due, then the City will cause to be levied and collected annually a tax by valuation upon all the taxable property in the City, in addition to all other taxes, sufficient in amount to fully pay the principal and interest of said bonds when and as such interest and principal become due.

Section 9. The City of Ft. Calhoun, Nebraska, hereby covenants to the purchasers and holders of the bonds hereby authorized that it will make no use of the proceeds of said bond issue which, if such use had been reasonably expected on the date of issue of said bonds, would have caused said bonds to be arbitrage bonds within the meaning of Section 103 (c) of the Internal Revenue Code of 1954, as amended, and further covenants to comply with said Section 103 (c) and all applicable regulations thereunder throughout the term of said bond issue.

Section 10. After being executed by the Mayor and Clerk said bonds shall be delivered to the City Treasurer who shall be responsible therefor under his official bond. The City Treasurer shall cause said bonds to be registered in the Office of the County Clerk of Washington County and with the Auditor of Public Accounts of the State of Nebraska. The City Clerk is directed to make and certify in duplicate transcripts of the proceedings of the City precedent to the issuance of said bonds, one of which transcripts shall be filed with the Auditor of Public Accounts of the State of Nebraska, and the other shall be delivered to the purchaser of said bonds.

Section 11. Said bonds having been sold, the City Treasurer is authorized to deliver said bonds to the purchaser on receipt of full payment of the purchase price, which shall be not less than par and accrued interest to date of payment.

Section 12. This ordinance shall be published in pamphlet form as provided by law.

Section 13. This ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED this 16th day of July, 1980.


City Clerk


Mayor

(SEAL)

An Ordinance of the City of Fort Calhoun, Washington County, Nebraska, pertaining to Natural Gas Franchise; establishing new maximum rates to be charged for natural gas service in the City of Fort Calhoun, Nebraska, and repealing Section 7 as heretofore existing.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

SECTION 1. That Section 7 of Ordinance No. 207, as amended by Ordinance No. 304 of the City of Fort Calhoun, Nebraska, be amended to read as follows:

SECTION 7. RATE SCHEDULE, MAXIMUM; MINIMUM MONTHLY CHARGE; HEAT VALUE, BASIS OF; ADJUSTMENT; PENALTY FOR DELINQUENCY: That Grantee, its successors or assigns, shall furnish gas at such reasonable rates as may be established from time to time; provided, however, that such rates shall not be in excess of the schedule of maximum rates set out below.

SCHEDULE OF RATES

Available to any customer using gas service.

RATE

First 400 cu. ft. per consumer per month	\$2.00 per hundred cubic feet
Over 400 cu. ft. " " " "	.60 " " " "

MINIMUM

The minimum monthly charge under this schedule shall be \$8.00 per month per meter.


All the above net rates apply only when bills are paid on or before ten (10) days after the monthly billing date. When not so paid the gross rate of not more than ten per cent (10%) higher than the above rates will apply.

The above and foregoing rates shall be understood to apply to and be based upon natural gas of the British Thermal Unit heating value of not less than nine hundred (900) British Thermal Units per cubic foot of gas. If in any monthly period, the average heating value of such gas shall fall below nine hundred (900) British Thermal Units, then, in that event, the aforesaid rates shall be automatically and correspondingly lowered, and reduced during any period or periods of time in which any such gas of lower British Thermal Unit value shall be furnished.

SECTION 2. That original Section 7 of Ordinance No. 207, as amended by Ordinance No. 304 of the City of Fort Calhoun, Nebraska, be, and the same hereby is, repealed.


SECTION 3. That this ordinance shall be in full force and effect from and after its passage, publication and approval as required by law.

Passed and approved this 6 day of October, 1980.


Kenneth F. Robinson

Mayor

ATTEST:


Rosalie Freburg

City Clerk

(SEAL)

AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S): AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF: IN THE CITY OF FORT CALHOUN, COUNTY OF WASHINGTON, STATE OF NEBRASKA.

Be it ordained by the Mayor and Council of the City of Fort Calhoun, State of Nebraska, as follows:

ARTICLE I
DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- Sec. 1. "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter.
- Sec. 2. "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- Sec. 3. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- Sec. 4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- Sec. 5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.
- Sec. 6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- Sec. 7. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

- Sec. 8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- Sec. 9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- Sec. 10. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.
- Sec. 11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- Sec. 12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- Sec. 13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
- Sec. 14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- Sec. 15. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- Sec. 16. "Sewer" shall mean a pipe or conduit for carrying sewage.
- Sec. 17. "Shall" is mandatory; "May" is permissive.
- Sec. 18. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.
- Sec. 19. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
- Sec. 20. "Superintendent" shall mean the Superintendent of Sewage Works and/or of Water Pollution Control of the city of Fort Calhoun, or his authorized deputy, agent, or representative.
- Sec. 21. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

Sec. 22. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Sec. 23. "Hearing Board" shall mean that Board appointed according to provision of Article X.

ARTICLE II USE OF PUBLIC SEWERS REQUIRED

Sec. 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Fort Calhoun, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

Sec. 2. It shall be unlawful to discharge to any natural outlet within the City of Fort Calhoun, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Sec. 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

Sec. 4. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within thirty (30) days after date of official notice to do so, provided that said public sewer is within four hundred (400) feet 121.9 meters of the property line.

ARTICLE III PRIVATE WASTEWATER DISPOSAL

Sec. 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

Sec. 2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee of \$25.00 dollars shall be paid to the City at the time the application is filed.

- Sec. 3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Superintendent.
- Sec. 4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 22,500 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- Sec. 5. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- Sec. 6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
- Sec. 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- Sec. 8. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

ARTICLE IV
SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS

- Sec. 1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.
- Sec. 2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee of \$25.00 dollars for a residential or commercial building sewer permit and \$50.00 dollars for an industrial building sewer permit shall be paid to the City at the time the application is filed.

- Sec. 3. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- Sec. 4. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- Sec. 5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance.
- Sec. 6. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- Sec. 7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- Sec. 8. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- Sec. 9. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the S.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- Sec. 10. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

Sec. 11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

ARTICLE V
USE OF PUBLIC SEWERS

- Sec. 1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- Sec. 2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.
- Sec. 3. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
- (a) Any gasoline, benzene, naphta, fuel oil, or other flammable or explosive liquid, solid, or gas.
 - (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/l as CN in the wastes as discharged in the public sewer.
 - (c) Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
 - (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, mild containers, etc., either whole or ground by garbage grinders.

Sec. 4. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty 150° F 65° C.
- (b) Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty 150° F 0 and 65° C.
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths ($3/4$) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (d) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (f) Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

- (h) Any waters or wastes having a pH in excess of 9.5.
- (i) Materials which exert or cause:
 - (1) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride or sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- (k) Any waters or wastes having (1) a 5-day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) having an average daily flow greater than 2 percent of the average sewage flow of the City, shall be subject to the review of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the biochemical oxygen demand to 300 parts per million by weight, or (2) reduce the suspended solids to 350 parts per million by weight, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

Sec. 5. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 10 of the Article.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

- Sec. 6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.
- Sec. 7. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.
- Sec. 8. When required by the Superintendent, the owner of any property services by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- Sec. 9. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by

customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hours composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

- Sec. 10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore, by the industrial concern.

ARTICLE VI

- Sec. 1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VII POWERS AND AUTHORITY OF INSPECTORS

- Sec. 1. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- Sec. 2. While performing the necessary work on private properties referred to in Article VII, Section 1 above, the Superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article V, Section 8.
- Sec. 3. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation,

measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE VIII PENALTIES

- Sec. 1. Any person found to be violating any provision of this ordinance except Article VI shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- Sec. 2. Any person who shall continue any violation beyond the time limit provided for in Article VIII, Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding \$250.00 dollars for each violation. Each 24-hour period in which any such violation shall continue shall be deemed a separate offense.
- Sec. 3. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

ARTICLE IX VALIDITY

- Sec. 1. All ordinances or parts of ordinance in conflict herewith are hereby repealed.
- Sec. 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE X HEARING BOARD

- Sec. 1. A hearing board shall be appointed as needed for arbitration of differences between the Superintendent and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the Superintendent. The cost of the arbitration will be divided equally between the Municipality and the sewer user.
- Sec. 2. One member of the board shall be a registered professional engineer; one member shall be a practicing sanitary engineer; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this ordinance.

ARTICLE XI
ORDINANCE IN FORCE

Sec. 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Sec. 2. Passed and adopted by the Council of the City of Fort Calhoun, State of Nebraska on the _____ of _____, 1980, by the following vote:

Ayes 3 : namely Anderson, Jipp & Welsh
Nays 0 : namely _____

Approved this 29 day of Dec 1980.

Kenneth F. Robinson Mayor
Kenneth F. Robinson

Attest:

Rosalie Freburg Clerk
Rosalie Freburg

ORDINANCE NO. 338

AN ORDINANCE ESTABLISHING A USER CHARGE SYSTEM IN THE CITY OF FORT CALHOUN, COUNTY OF WASHINGTON, STATE OF NEBRASKA, TO PROVIDE FUNDS NEEDED TO PAY FOR OPERATION AND MAINTENANCE EXPENSES ASSOCIATED WITH THE CITY'S WASTEWATER TREATMENT WORKS.

WHEREAS, the City of Fort Calhoun, Nebraska, has constructed wastewater treatment works; and

WHEREAS, the City must pay the operation and maintenance expenses associated with said treatment works and charge the users of said treatment works accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE City Council of the City of Fort Calhoun, Nebraska, that the following user charge system be established:

ARTICLE I

It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

ARTICLE II

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1: "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20⁰C, expressed in milligrams per liter (mg/l).

Section 2: "Normal Domestic Wastewater" shall mean wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 350 mg/l.

Section 3: "Operation and Maintenance" shall mean all expenditures during the useful life of the treatment works for materials, labor, utilities, and other items which are necessary for managing and maintaining the treatment works to achieve the capacity and performance for which such works were designed and constructed.

Section 4: "Replacement" shall mean expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.

Section 5: "Residential Contributor" shall mean any contributor to the City's treatment works whose lot, parcel of real estate, or building is used for domestic dwelling purposes only.

Section 6: "Shall" is mandatory; "May" is permissive.

Section 7: "SS" (denoting Suspended Solids) shall mean solids that either float on the surface of or are in suspension in water, sewage, or other liquids and which are removable by laboratory filtering.

Section 8: "Treatment Works" shall mean any devices and systems for storage, treatment, recycling, and reclamation of municipal sewage, domestic sewage, or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling and alterations thereof; elements essential to provide a reliable recycled supply such

as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost, and land for the storage of treated wastewater in land treatment systems before land application), or any other method or system for preventing, abating, reducing, storing, treating, separating, or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

Section 9: "Useful Life" shall mean the estimated period during which a treatment works will be operated.

Section 10: "User Charge" shall mean that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the treatment works.

Section 11: "Water Meter" shall mean a water volume measuring and recording device, furnished and/or installed by the City of Fort Calhoun or furnished and/or installed by a user and approved by the City of Fort Calhoun.

ARTICLE III

Section 1: The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this ordinance.

Section 2: That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Article IV, shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund and will be kept in two primary accounts as follows:

a. An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works (Operation and Maintenance Account).

b. An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works (Replacement Account). Deposits in the replacement account shall be made at least quarterly from the operation, maintenance and replacement revenue in the amount of \$4,979.00 annually.

Section 3: That portion of the total user charge collected which is designated for debt retirement shall be deposited in a separate disbursement account known as the Debt Retirement Account.

Section 4: Fiscal year-end balances in the operation and maintenance account and the replacement account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Monies which have been transferred from other sources to meet temporary shortages in the operation, maintenance and replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies will be returned to their respective accounts within the fiscal year following the fiscal year in which the monies were borrowed.

ARTICLE IV

Section 1: Each user shall pay for the service provided by the City based on his use of the treatment works as determined by water meter(s) acceptable to the City.

Section 2: For residential contributors, monthly user charges will be based on average monthly water usage during the months of January, February and March. If a residential contributor has not established a January, February and March average, his monthly user charge shall be the mean charge of other residential contributors.

For industrial and commercial contributors, user charges shall be based on water used during the current month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter(s) or separate water meter(s) installed and maintained at the contributor's expense, and in a manner acceptable to the City.

Section 3: (Reference is made to Appendix A of this ordinance.) The minimum charge per month shall be \$0.28. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement of \$1.01 per 1,000 gallons of water as determined in the preceding section and an additional \$0.19 per 1,000 gallons of water for debt retirement.

Section 4: (Reference is made to Appendix A.) For those contributors who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be

collected. The surcharge for operation and maintenance including replacement is as follows:

Operation & Maintenance

\$ 0.1613 per pound BOD

\$ 0.1382 per pound SS

Section 5: Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance, or replacement of the treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the City Council.

Section 6: The user charge rates established in this article apply to all users, regardless of their location, of the City's treatment works.

ARTICLE V

Section 1: All users shall be billed monthly. Payments are due when the billings are made. Any payment not received by the twenty-fifth of the month shall be delinquent.

Section 2: A late payment penalty of ten percent (10%) of the user charge bill will be added to each delinquent bill for each thirty days of delinquency. When any bill is thirty days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

ARTICLE VI

Section 1: The City shall review the user charge system at least annually and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the cost of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

Section 2: The City will notify each user at least annually, in conjunction with a regular bill, of the rate being charged for operation, maintenance including replacement of the treatment works.

ARTICLE VII

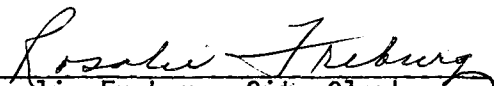
This ordinance shall be in full force and effect from and after final completion of construction and operational start-up of the wastewater treatment plant.

Passed by the City Council of the City of Fort Calhoun, Nebraska, this

29 day of December, 19 80.


Kenneth F. Robinson, Mayor

ATTEST:


Rosalie Freburg, City Clerk

APPENDIX "A" TO USER CHARGE ORDINANCE
(Actual Use Rate Structure)

This appendix presents the methodology to be used in calculating user charge rates and surcharges and illustrates the calculations followed in arriving at the first year's user charges and subcharge. The unit costs established in this appendix are based on estimates of expenses and loadings. The actual expenses and loadings that occur may differ from these estimates and certainly they will change as time passes. Therefore, the unit costs must be reestablished whenever necessary to reflect actual expenses and loadings. Once the system is in use, the expenses and loadings can be determined from operating records and the unit costs can be adjusted based on these figures.

1. Expenses: The total annual expenses associated with the treatment works, as defined in Article II, Section 8, are estimated as follows:

<u>Item</u>	<u>Annual Expense</u>
a. Billing and Collection	800
b. Administrative	200
c. Power	4,000
d. Labor (including fringe benefits)	8,500
e. Material Costs	6,021
f. Replacement Costs (See Appendix B)	4,979
g. (Debt Service)	4,400
TOTAL	<u>28,900</u>

The above costs will be broken down into three (3) parts as follows:

1. Minimum Charge (Item a.)
2. Operation and Maintenance Charge (Items b. through f.)
3. Debt Service Charge (Item g.)

2. Part 1 - Minimum Charge (Item a.)

Annual Billing and Collection Cost	=	\$ 800.00
Annual Cost to Treat Infiltration and Inflow		<u>-0-</u>
Total Amount Minimum Cost		\$ 800.00
Total Users at Present		238
Minimum Charge/User/Month		<u>\$ 0.28</u>

This minimum charge/user/billing period is to be inserted in Article IV, Section 3, of the ordinance.

3. Part 2 - Operation and Maintenance Charge (Items b. - f.)

Annual Operation and Maintenance Cost	=	\$23,700
Annual Cost to Treat Annual Flow	=	Percent annual cost allocated to flow times annual cost. (20% x \$23,700 = \$4,740)
Annual Cost to Treat Annual B.O.D.	=	Percent annual cost allocated to B.O.D. times annual cost. (40% x \$23,700 = \$9,480)
Annual Cost to Treat Annual S.S.	=	Percent annual cost allocated to S.S. times annual cost. (40% x \$23,700 = \$9,480)

The initial hydraulic loading is estimated to be 23.5 million gallons/year.

The initial BOD loading is estimated to be 58,797 pounds/year.

The initial SS loading is estimated to be 68,597 pounds/year.

Initial unit cost for flow in \$/thousand gallons	=	$\frac{\text{annual \$ to treat annual flow}}{\text{Estimated annual hydraulic loading}}$ \$0.2020/1000 gallons	=	$\frac{\$ 4,740}{23.5 \text{ mg}}$
Initial unit cost for BOD in \$/pound	=	$\frac{\text{annual \$ to treat annual BOD}}{\text{Estimated annual BOD loading}}$ \$0.1613/pound	=	$\frac{\$ 9,480}{58,797}$
Initial unit cost for SS in \$/pound	=	$\frac{\text{annual \$ to treat annual SS}}{\text{Estimated annual SS loading}}$ \$0.1382/pound	=	$\frac{\$ 9,480}{68,597}$

The unit costs for BOD, SS and Other Pollutants are to be inserted in Article IV, Section 4, of the Ordinance.

The residential user charge for the Operation and Maintenance Costs is calculated as follows using pollutant concentrations defining normal domestic wastewater in Article II, Section 2 of this Ordinance.

$$\begin{aligned} \text{Residential User Unit Charge} &= \text{Unit Flow Charge} \\ &+ \text{Unit BOD Charge} + \text{Unit SS Charge} \end{aligned}$$

Where:

Residential User Unit Charge is in cost per 1000 gallons of flow

Unit Flow Charge = \$0.202 per 1000 gallons of flow

Unit Flow Charge = \$0.1613 per pound BOD x 300 mg/l x .00834

Unit SS Charge = \$0.1382 per pound SS x 350 mg/l x .00834

(.00834 is a unit conversion factor)

Based upon the above, the Residential User Unit Charge for the Operation and Maintenance Cost is \$1.01 per 1000 gallons of flow.

This Residential User Unit Charge for the Operation and Maintenance Cost is to be inserted in Article IV, Section 3, of this Ordinance.

4. Part 3 - Debt Service Charge (Item g.)

Annual Debt Service Cost = \$4,400

Annual Sewage Flow (est.) = 23.5 million gallons/year

The Annual Debt Service Cost will be allocated to sewage flow:

Residential User Charge for Debt Service = $\frac{\$4,400}{23.5 \text{ million gallons}}$

= \$0.19 per 1,000 gallons

The Residential User Charge for Debt Service will be entered into Article IV, Section 3 of this Ordinance.

5. Example Residential User Charge

An example calculation of a residential charge for a resident in the City of Fort Calhoun follows:

Resident's monthly flow = 7,000 gallons per month

Residential User Charge = Minimum Charge + Operations and Maintenance Charge + Debt Service Charge

Residential User Charge = \$0.28 + (7,000 gallons x \$1.01/1,000 gallons) + (7,000 gallons x \$0.19/1,000 gallons)

Residential User Charge = \$8.68

6. Extra Strength Users

For users who contribute wastewater that has greater strength than normal domestic wastewater, the user charge will be calculated as follows:

Total monthly charge to extra strength user =

charge to residential user + surcharge for BOD (if appropriate) + surcharge for SS (if appropriate)

Total monthly charge to extra strength user = Minimum Charge

+ Operation & Maintenance Charge for Extra Strength User + Debt Service Charge

Minimum Charge = \$ 0.28

Operation and Maintenance Charge for Extra Strength User =
(monthly flow x \$1.01/1000 gallons) + (monthly flow x unit BOD
charge x extra BOD concentration) + (monthly flow x unit SS charge x
extra SS concentration)

Debt Service Charge = \$0.19/1000 gallons

An example user charge calculated for an extra strength user of the
Fort Calhoun works follows:

Flow = 9500 gpd

BOD = 350 mg/l

SS = 400 mg/l

Minimum Charge = \$0.28

Operation and Maintenance Charge = (9500 gallons x \$1.01/1000 gallons)
+ (9500 gallons x \$0.1613/lb. x 50 mg/l x .00000834)
+ (9500 gallons x \$0.1382/lb. x 50 mb/l x .00000834)
= 9.60 + .64 + .55
= \$10.79

Debt Service Charge = 9500 gallons x \$0.19/1000 gallons
= \$1.81

Total Monthly Charge for Extra Strength User = \$0.28
+ \$10.79 + \$1.81
= \$12.88

APPENDIX B
TO
USER CHARGE ORDINANCE

This appendix contains a replacement schedule that was developed to determine amount of revenue needed to fund the Replacement Account. The replacement schedule lists the equipment in the treatment works, the estimated dates when the equipment will have to be replaced, and the estimated cost of replacement (including an allowance for inflation) over the useful life of the treatment works. Also listed is the estimated cash flow that will occur in the Replacement Account. The replacement dates and costs shown are estimates; the actual replacement dates and costs could be significantly different from those shown. If the actual replacement expenses differ significantly from those listed in the replacement schedule, the funding of the Replacement Account shall be adjusted accordingly.

REPLACEMENT SCHEDULE

Years From Treatment Works In Operation	Replacement Item	Replacement Account		
		Expenditure	Income	Balance
			(UC + Interest)	
1	N/A	-0-	4979 + 0	4,979
2	N/A	-0-	4979 + 299	10,257
3	N/A	-0-	4979 + 615	15,851
4	N/A	-0-	4979 + 951	21,781
5	N/A	-0-	4979 +1307	28,067
6	N/A	-0-	4979 +1684	34,730
7	N/A	-0-	4979 +2084	41,793
8	N/A	-0-	4979 +2507	49,279
9	N/A	-0-	4979 +2957	57,215
10	Chlorination Equipment, Raw Sewage Pumps, Grinder, Aerators, Clarifier Drive, Sludge Pumps.	48,782	4979 +3433	16,845
11	N/A	-0-	4979 +1011	22,835
12	N/A	-0-	4979 +1370	29,184
13	N/A	-0-	4979 +1751	25,914
14	N/A	-0-	4979 +2155	43,048
15	N/A	-0-	4979 +2583	50,610
16	N/A	-0-	4979 +3037	58,626
17	N/A	-0-	4979 +3518	67,123
18	N/A	-0-	4979 +4027	76,129
19	N/A	-0-	4979 +4568	85,676
20	Chlorination Equipment, Raw Sewage Pumps, Grinder, Aerators, Clarifier Drive, Sludge Pumps.	95,976	4979 +5141	- 180

CALCULATIONS OF ANNUAL REPLACEMENT REVENUE TO BE COLLECTED

Today's Replacement Cost	<u>5 Yrs.</u>	<u>10 Yrs.</u>	<u>15 Yrs.</u>	<u>20 Yrs.</u>
Chlorination Equipment		7,500		7,500
Raw Sewage Pumps		5,000		5,000
Grinder		4,000		4,000
Aerators		3,000		3,000
Clarifier Drive		2,000		2,000
Sludge Pumps		<u>-3,300</u>		<u>-3,300</u>
		24,800		24,800

II. Future Replacement Cost (Assume 7% Inflation)

Present Cost	<u>5 Yrs.</u>	Cost At		
		<u>10 Yrs.</u>	<u>15 Yrs.</u>	<u>20 Yrs.</u>
(Interest Factor)	(1.403)	(1.967)	(2.759)	(3,870)
0 (5-Yr. Equipment Cycle)	N/A	N/A	N/A	N/A
24,800 (10-Yr Equipment Cycle)	N/A	<u>48,782</u>	N/A	<u>95,976</u>
Future Replacement Costs		48,782		95,976

III. How much is needed annually:	<u>5 Yrs.</u>	<u>10 Yrs.</u>	<u>15 Yrs.</u>	<u>20 Yrs.</u>
Future Replacement Cost	-0-	48,782	-0-	95,976
SFF - 10 Yrs; 6% (0.076) (48,782)	3,707	<u>-48,782</u> 000		<u>-48,862</u> 47,114
SFF - 20 Yrs; 6% (.027) (47,114)	1,272			<u>-47,114</u> 000
Total Annual Replacement Revenue to be Collected	4,979			

ORDINANCE NO. 339

AN ORDINANCE PROVIDING FOR INDUSTRIAL COST RECOVERY BY THE CITY OF FORT CALHOUN IN CONNECTION WITH THE FORT CALHOUN WASTE TREATMENT WORKS CONSTRUCTION PROJECT NO. C310656.

WHEREAS, the City of Fort Calhoun did on December 6, 1979 , accept an offer of a grant-in-aid from the United States Environmental Protection Agency for 75% reimbursement of the cost of the Fort Calhoun waste treatment works, Project No. C310656 ; and

WHEREAS, by accepting the above offer the City of Fort Calhoun among other things, agreed to adopt, implement and maintain a system of industrial cost recovery for the project, as approved by the Regional Administrator of the Environmental Protection Agency;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, AS FOLLOWS:

Section 1. All existing and/or future industrial users which contribute wastewater to the facilities constructed under EPA Project No. C310656-03 shall be charged a fee in proportion to their wastewater contribution as compared to the design criteria of the waste treatment works project.

Section 2. The industrial cost recovery amount shall be based on the Federal Government's share of the Fort Calhoun project cost or \$670,000. Industrial users' payments shall be amortized over a 20-year cost recovery period and shall not include an interest component.

Section 3. The City of Fort Calhoun shall retain fifty percent (50%) of the amounts recovered from industrial users, incident to Section 2. A portion of the amounts which the City retains may be used to pay the incremental costs of administration of the industrial cost recovery system. The incremental costs of administration are those costs remaining after deducting all costs reasonably attributable to the administration of the user charge system. The City shall segregate incremental costs from all other administrative costs of the City. A minimum of eighty percent (80%) of the amounts retained by the City after paying the incremental costs of administration will be deposited annually into a special City fund which will be called the "Fort Calhoun Industrial Cost Recovery Fund--80." The remaining funds retained by the City will be deposited annually into another special City fund which will be called the "Fort Calhoun Special Projects Fund--20." The remaining fifty percent (50%) of the amounts recovered from industrial users, incident to Section 2, together with any interest earned thereon, shall be returned to the U.S. TREASURY, through the U.S. ENVIRONMENTAL PROTECTION AGENCY, on an annual basis.

Section 4. The amounts retained by the City in the special City fund called "Fort Calhoun Industrial Cost Recovery Fund--80," together with any interest earned thereon, shall be used solely for the allowable costs of any expansion, upgrading, or reconstruction of treatment works necessary to meet the requirements of the U.S. Environmental Protection Agency. The City shall obtain the written approval of the Regional Administrator of the U.S. Environmental Protection Agency prior to commitment of the amounts retained in "Fort Calhoun Industrial Cost Recovery Fund--80."

Section 5. The amounts retained by the City in the special City fund called "Fort Calhoun Special Projects Fund--20," shall be used as the City desires, except that these funds may not be used for construction of industrial pretreatment facilities or rebates to industrial users for costs incurred in complying with user charge or industrial cost recovery requirements or to reduce sewer user charges in any way for any user.

Section 6. Pending the use of industrial cost recovery payments as described in Section 3, 4 and 5 of this ordinance, the City will invest the amounts received in obligations of the U.S. Government or in obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or deposit the amounts received in accounts fully collateralized by obligations of the U.S. Government or any agency thereof.

Section 7. For the purpose of this ordinance, an industrial user is defined as any user of publicly owned treatment works which meets any one or combination of the following three criteria:

a. Any nongovernmental, nonresidential user of a publicly owned treatment works which discharges more than the equivalent of 25,000 gallons per day (gpd) of sanitary wastes and which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented under one of the following divisions:

- Division A. Agriculture, Forestry, and Fishing
- Division B. Mining
- Division D. Manufacturing
- Division E. Transportation, Communications, Electric, Gas, and Sanitary Services
- Division I. Services

In determining the amount of a user's discharge for purposes of industrial cost recovery, the City will not exclude domestic wastes or discharges from sanitary conveniences. Dischargers in the above divisions that have a volume exceeding 25,000 gpd or the weight of biochemical oxygen demand (BOD) or suspended solids (SS) equivalent to that weight found in 25,000 gpd of sanitary waste are considered industrial users. Sanitary wastes, for purposes of this calculation of equivalency, are the wastes discharged from the average residential user in the service area without regard to considering the effect of dilution caused by infiltration and/or inflow. The strength of the average residential waste discharge within the service area has been determined to be 300 milligrams per liter of BOD and 350 milligrams per liter of SS.

b. Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to contaminate the sludge of any municipal systems, or to injure or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the waters receiving any discharge from the treatment works, and/or

c. All commercial users of an individual system constructed with grant assistance under Section 201(h) of the Clean Water Act of 1977.

Section 8. The rate to be charged each industrial user that contributes wastewater to the sanitary sewer system will be based on an average daily contribution from that user. The formula for determining the total amount to be collected from each industrial user is as follows:

$$a. \quad Ab = Bb \left[\frac{W F}{TFb} + X \frac{BOD}{TBOD} + Y \frac{SS}{TSS} \right]$$

where Ab = Total amount owed for this portion of the total project.

Bb = Total federal share for the portion of the Fort Calhoun Sewerage System consisting of the sewage treatment plant or \$670,000

W = Percentage of Bb allocated to flow; which is 32%

X = Percentage of Bb allocated to BOD; which is 43%

Y = Percentage of Bb allocated to SS; which is 25%

F = Average daily flow contribution of wastewater from each industrial user (gpd)

TFb = Total design average daily flow of the Fort Calhoun sewage treatment plant (gpd); which is 106,300

BOD = Average daily BOD contribution from each industrial user (#/d)

$TBOD$ = Total design average daily BOD capacity of the Fort Calhoun sewage treatment plant (#/d); which is 255

SS = Average daily SS contribution from each industrial user (#/d)

TSS = Total design average daily SS capacity of the Fort Calhoun sewage treatment plant (#/d); which is 321

b. Ab = the total amount owed, by one particular industry. Ab shall be divided by 20 years (the cost recovery period) to determine the yearly payment to the City.

Section 9. All industrial users connected to the Fort Calhoun Sewerage System shall be monitored by the City with sufficient frequency and with the appropriate type of sampling in order to establish reasonably estimates of the industrial users' hydraulic and organic contribution. The frequency and type of sampling may vary with the industrial users' type, volume, and variability of discharge, but shall be no less often than yearly. The results of these tests shall be composited and used as the individual industry's average daily flow, BOD, SS (or other applicable pollutants), for the industrial cost recovery computation. Prior to June 30 of each year, the City shall conduct a review to determine what users of the Fort Calhoun Sewerage System are industrial users as defined in Section 7 of this ordinance and therefore subject to these charges.

Section 10. All industrial users subject to this ordinance will be billed by the City collector on July 1, 1981, and for the next 19 years on July 1 thereafter, which billing shall be based on actual use of the facilities. Payment by the City to the U.S. Treasury, through the ENVIRONMENTAL PROTECTION AGENCY, will be made by July 30, beginning in the year 1981 and for the next 19 years thereafter.

Section 11. If and when any industrial users subject to this ordinance fail to make payment to the City by the 20th day of the month, after proper billing by the City on the 1st day of the month, the City Collector is directed to enforce Sections 8, 9 and 10 to recover any sums due the city under this ordinance.

Section 12. Any change or amendment to this ordinance must have the written approval of the Regional Administrator of the U.S. ENVIRONMENTAL PROTECTION AGENCY.

Section 13. This ordinance shall be in full force and effect from and after final completion of construction and operational startup of the wastewater treatment plant.

Passed this 29 day of December, 19 80

Approved this 29 day of December, 19 80

Kenneth F. Robinson
Mayor: Kenneth F. Robinson

ATTEST:

Rosalie Freburg
City Clerk: Rosalie Freburg

The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 340

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, ESTABLISHING A SERIES B WARRANT FUND FOR SANITARY SEWER DISTRICT NO. 78-1 OF FORT CALHOUN, NEBRASKA, PROVIDING FOR THE APPROPRIATION OF MONIES TO BE PAID INTO SAID FUND AND PROVIDING FOR THE ISSUANCE OF WARRANTS AGAINST SAID FUND.

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

1. The Mayor and Council hereby find and determine that by resolution of necessity adopted June 5, 1978 the City has created Sanitary Sewer District No. 78-1 of the City of Fort Calhoun, Nebraska, for purposes of constructing certain wastewater treatment facilities and related sewer system improvements; that the City has applied for and received certain grant assistance from the Environmental Protection Agency of the United States and the Department of Environmental Services of the State of Nebraska and has also applied for and received a loan commitment from the United States of America acting through the Farmers Home Administration United States Department of Agriculture for a loan to finance a portion of the City's share of the costs of improvements in Sanitary Sewer District No. 78-1 in the amount of \$97,200; that in addition, the United States of America acting through the Farmers Home Administration United States Department of Agriculture has made an additional commitment to provide a loan in the principal amount of \$31,000 for purposes of enabling the City to pay the costs of obtaining interim financing with respect to the proposed Farmers Home Administration loan in the amount of \$97,200 and the interim financing costs relating to accrued interest on warrants which are to be called and paid upon the receipt of funds from the Environmental Protection Agency and the Department of Environmental Services; that in order to provide for the payment of interest on progress warrants issued against Sanitary Sewer District No. 78-1 it is necessary for the City to establish a separate fund with respect to said district against which the City may draw warrants to be paid from said Farmers Home Administration loan in the amount of \$31,000.

2. There is hereby established a separate fund with respect to Sanitary Sewer District No. 78-1 of the City of Fort Calhoun, Nebraska, to be entitled "Sanitary Sewer District No. 78-1 Series B Warrant Fund." The proceeds of the Sewer Bonds of the City of Fort Calhoun to be issued with respect to Sanitary Sewer District No. 78-1 and to be issued to evidence said Farmers Home Administration loan in the amount of \$31,000, as described in section 1 hereof, shall be deposited in said fund at the time of their issuance; said funds are hereby appropriated to the payment of all Series B Warrants issued to pay accrued interest on warrants called and paid from reimbursement monies

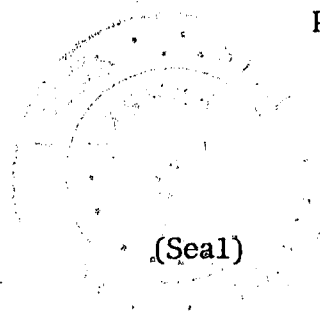
received from the Environmental Protection Agency and the Department of Environmental Services. The proceeds of said Sewer Bonds shall be applied to the payment of all Series B Warrants issued pursuant to this Ordinance upon the issuance of said Sewer Bonds.

3. The Mayor and the Council may by resolution from time to time provide for the issuance of Series B Warrants of Sainitary Sewer District No. 78-1 as they shall deem necessary and advisable, the total amount of all warrants to be issued against the said fund shall not exceed \$31,000.

4. This ordinance shall be in force and take effect after its passage and approval according to law.

PASSED AND APPROVED THIS 29th day of December, 1980.

Mayor Kenneth J. Robinson



(Seal)

ATTEST:

Rosalie J. Jurek
City Clerk

Councilman Ondracek introduced the following resolution and moved its adoption.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AS FOLLOWS:

Section 1. The Mayor and Council hereby find and determine that the City Treasurer has reported the receipt of monies from the Environmental Protection Agency and the Department of Environmental Services in the amount of \$249,000 and has reported that the following described warrants issued with respect to Sanitary Sewer District No. 78-1 to pay construction costs have been or are to be called for payment on ~~December 24, 1980:~~
JANUARY 14, 1981:

Warrant No.	Principal Amount	Date of Registration	Date of Passage of Authorizing Resolution	Accrued Interest From Date of Registration To Date of Call
1	\$25,000.00	8-8-80	7-7-80	1. \$581.33
2	\$21,447.20	8-8-80	7-7-80	2. \$812.34
3	\$25,000.00	9-8-80	8-4-80	3. \$761.11
4	\$25,000.00	9-8-80	8-4-80	4. \$761.11
5	\$25,000.00	9-8-80	8-4-80	5. \$761.11
6	\$ 8,960.10	9-8-80	8-4-80	6. \$272.78
7	\$13,857.30	10-17-80	7-7-80	7. \$325.73
8	\$ 3,667.49	10-17-80	8-4-80	8. \$ 87.18
9	\$25,000.00	10-17-80	9-15-80	9. \$594.34
10	\$16,466.60	10-17-80	9-15-80	10. \$391.47
11	\$ 4,095.94	10-17-80	9-15-80	11. \$ 97.37
12	\$25,000.00	10-31-80	10-6-80	12. \$500.84
13	\$25,000.00	10-31-80	10-6-80	13. \$500.84
14.	\$25,000.00	10-31-80	10-6-80	14. \$500.84

ORDINANCE NO. 341

AN ORDINANCE TO PROVIDE FOR THE SALE OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE THE ABANDONMENT OF SAID PROPERTY; TO SET FORTH THE DATE OF ACQUISITION OF SAID PROPERTY, THE DESCRIPTION OF SAME, THE PURPOSE FOR WHICH IT WAS ACQUIRED, THE RESTRICTIONS ON THE USE OF SAID PROPERTY, AND THE PURPOSE OF THE ABANDONMENT OF SAME; TO FIND AND DETERMINE THAT THE SALE OF SAID REAL PROPERTY IS NECESSARY AND EXPEDIENT; TO FIX THE TIME, PLACE, TERMS AND MANNER OF SALE OF SAID PROPERTY; TO PROVIDE FOR PUBLICATION OF NOTICE OF SALE; TO RESERVE THE RIGHT TO REJECT ANY AND ALL BIDS; TO PROVIDE FOR A TIME AND PLACE OF CLOSING; AND TO PROVIDE FOR THE EXECUTION AND DELIVERY OF A DEED TO THE PURCHASER UPON A TWO-THIRDS VOTE OF THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA:

WHEREAS, the City of Fort Calhoun, Washington County, Nebraska, a Municipal Corporation, is the owner of certain real property legally described as: Tax Lot 22, Section 12, Township 17 North, Range 12 East, consisting of seven (7) acres, more or less, as surveyed, platted and recorded in Washington County, Nebraska; which property is the site of the present sewage lagoons of the City of Fort Calhoun's waste disposal system; and

WHEREAS, the City of Fort Calhoun, Nebraska, is presently constructing a wastewater treatment facility approximately one-quarter (¼) mile east of said existing sewage lagoons, which will render said lagoons obsolete; and

WHEREAS, it is in the best interests of the City of Fort Calhoun, Nebraska, to sell said property pursuant to the provisions of R.S. Neb. 1943, Sec. 17-569, et seq., as amended, to declare said property abandoned, to declare it expedient to sell said property, to fix a time, place, terms and manner of sale, to provide for restrictions on the use of said property, to provide for Notice of Sale, to reserve the right to reject bids, to provide for a time and place of closing, and to provide for execution and delivery of a deed to the purchaser upon a two-thirds (2/3) vote of the City Council of the City of Fort Calhoun, Nebraska,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AS FOLLOWS:

Section 1. THAT the City Council of the City of Fort Calhoun, Washington County, Nebraska, A Municipal Corporation duly organized and existing under the Laws of the State of Nebraska, hereby finds and determines that said City is the legal and equitable owner of certain real property described as follows:

Tax Lot 22, Section 12, Township 17 North, Range 12 East of the Sixth Principal Meridian in Wash-

ington County, Nebraska, consisting of 7.0 acres, more or less.

Said property is also legally described as follows:

Beginning at a point on the Northerly right of way line of County Road No. 234 (formerly County Road 590) , said point of beginning being 2079.6 feet West of and 33 feet North of the Southeast corner of Section 12, Township 17 North, Range 12 East, thence Northerly at right angles to said right of way line a distance of 740.0 feet, thence Easterly parallel to said right of way line a distance of 412 feet, thence Southerly at right angles to said right of way line a distance of 740.0 feet to intersect said right of way line, thence Westerly along said right of way line, a distance of 412.0 feet to the point of beginning, all being in the Southwest Quarter of the Southeast Quarter of Section 12, Township 17 North, Range 12 East of the 6th P.M., Washington County, Nebraska, and consisting of 7 acres more or less.

Section 2. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby finds and determines that the real property described in Section 1 above was acquired by the City of Fort Calhoun on the 9th day of April, 1960, by purchase from Catharine C. Beales, Sr., J. Howard Beales, Sade C. Frahm and Catharine C. Frahm, by warranty deed for a sum in the amount of Two Thousand Nine Hundred Forty Dollars (\$2,940.00), which deed is recorded in Book 80, Pages 139 and 140, in the offices of the County Clerk of Washington County, the Ex-Officio Register of Deeds of Washington County, Nebraska;

FURTHER THAT, the City Council of the City of Fort Calhoun, Nebraska, hereby finds and determines that the deed of conveyance described in the Paragraph immediately preceding contains a legal right of re-entry for condition broken with the following words contained in said deed:

"...provided, however, that if said grantee in the future ceases to use said land in connection with its sanitary sewer system, then the same shall revert back to the grantors in their present shares and interests and to their heirs and assigns,...."

FURTHER THAT, the City Council of the City of Fort Calhoun, Nebraska, hereby finds and determines that any purchaser of said land must purchase the same subject to the right of re-entry stated above.

Section 3. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby finds and determines that said real property described in Section 1 above was acquired by the City for the purpose of constructing, maintaining and operating sewage settlement lagoons as a part of the sanitary sewage disposal system of said City; that the City is presently constructing a sanitary sewage treatment plant approximately one-quarter ($\frac{1}{4}$) mile east of the site

of the real property described in Section 1 hereof, and that said sanitary sewage treatment plant is expected to be operational not later than August 1, 1981, thereby rendering said sewage lagoons obsolete and abandoned.

Section 4. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby expressly finds and determines that the real property described in Section 1 above is or will be obsolete and abandoned upon the commencement of operation of the City's wastewater treatment facility, or, on or about the 1st day of August, 1981, whichever occurs later; AND THAT the sale of the property described in Section 1 above shall be and hereby is deemed expedient and in the best interests of the City of Fort Calhoun.

Section 5. THAT the City Council of the City of Fort Calhoun, Nebraska, hereby expressly finds and determines that the real property described in Section 1 above is adjacent to Fort Atkinson State Park, which is a facility of considerable historical and recreational value to the City of Fort Calhoun; AND THAT it is in the best interests of the City of Fort Calhoun to restrict the future use of the real property described in Section 1 above to recreational use only by imposing on the purchaser of said real property a right of re-entry in favor of the City of Fort Calhoun; AND THAT said right of re-entry in favor of the City of Fort Calhoun shall require the purchaser to use said property in a manner which, in the sole and exclusive judgement of the City Council of the City of Fort Calhoun, is compatible with the presence of Fort Atkinson State Park.

Section 6. THAT the City of Fort Calhoun shall and hereby does offer for sale the real property described in Section 1 above according to the following terms and conditions:

- (A) The City shall advertise for sealed bids by publication of the advertisement set forth in Exhibit "A" attached hereto. Said publication shall be made in the Pilot-Tribune newspaper of Blair, Nebraska, on the following dates:

~~March 2, 1981~~

March 9, 1981

~~March 16, 1981~~

- (B) Bidders shall submit their bids on forms provided by the City. Exhibit "B" attached hereto shall be and hereby is approved as a form for bidders. Copies of said forms shall be available to bidders from the City Clerk.
- (C) In addition to the bid form described in Section 6(B) immediately preceding, bidders shall be required to enter into a Purchase Agreement on a form provided by the City. Exhibit "C" attached hereto shall be and hereby is approved as a form for said Purchase Agreement. Copies of said Agreement shall be available to bidders from the City Clerk.

- (D) As part of the Purchase Agreement required in Paragraph 6(C) immediately preceding, bidders shall approve the form of deed of conveyance attached to said Purchase Agreement. Exhibit "D" attached hereto shall be and hereby approved as the form of the deed of conveyance.
- (E) All bids shall be accompanied by certified checks made payable to the City of Fort Calhoun in an amount equal to ten percent (10%) of the bid. All bids shall be submitted to the City Clerk on or before the deadline set forth below. All rejected bids, together with the down payments herein described, shall be promptly returned to bidders.
- (F) The deadline for submission of sealed bids shall be 5 p.m. on the 31st day of March, 1981, at which time all bids must be in the possession of the City Clerk, Mrs. Rosalie Freburg. The City Clerk shall hold said bids sealed, and shall open said bids before the City Council of the City of Fort Calhoun at 8 o'clock P.M. at its regular meeting on Monday, April 6, 1981. The City Clerk shall tabulate and certify said bids to the City Council at that time.
- (G) The City Council shall review and award the highest and best bidder at its regularly scheduled meeting on Monday, April 6, 1981, at 8 o'clock P.M., subject however, to the terms and conditions set forth herein.
- (H) The City of Fort Calhoun expressly reserves the right to reject any and all bids.
- (I) Bids shall be accepted and approved by a resolution of two-thirds (2/3) of the members of the Fort Calhoun City Council directing the Mayor to execute and deliver to said bidder so awarded a deed to said property, attested by the City Clerk and impressed with the seal of the City of Fort Calhoun, Nebraska, all on the closing date hereinafter set forth, and subject to the terms and provisions of this Ordinance.
- (J) The City of Fort Calhoun shall convey title to the real property by quitclaim deed only and on the form set forth on Exhibit "D" attached hereto.
- (K) Following approval of the resolution described in Section 6(I) above, the City shall, at the City's option, provide the purchaser with either an abstract of title to said property, current through April 6, 1981, at 8 o'clock a.m. and so certified by a registered abstractor, or with title insurance in favor of the purchaser paid by the City in an amount not to exceed the amount of the purchaser's bid. Said abstract or title insurance binder shall be provided to the purchaser on or before the 30th day of April, 1981.

(L) The purchaser of the real property described in Section 1 hereof shall take possession of said property in a reclaimed and rehabilitated condition as described in the Project Manual for the Fort Calhoun Wastewater Treatment Facility, EPA Project No. C310656.

(M) Closing shall be at the City Hall of the City of Fort Calhoun, Nebraska, on August 1, 1981, at 11 a.m., PROVIDED, HOWEVER, that in the event the City's wastewater treatment plant becomes fully operational prior to that date, and in the further event shall be reclaimed and rehabilitated prior to that date, the City and the purchaser may agree upon an alternate date and time for closing. At closing, the purchaser shall pay the balance of the bid, and upon the receipt of the same, the Mayor and the City Clerk shall execute and deliver to the purchaser the City's deed.

PASSED AND APPROVED this 2nd day of February,
1981.

CITY OF FORT CALHOUN, NEBRASKA

Kenneth F. Robinson

BY: Kenneth F. Robinson

Mayor

Attest:

Rosalie Freburg
Rosalie Freburg

City Clerk

The Clerk then informed the meeting that at a special emergency meeting of the Fort Calhoun City Council held on Monday, February 9, 1981, the Council had passed on first reading Ordinance No. 342 entitled "AN ORDINANCE REQUIRING THE POSTING OF SECURITY GUARDS AT CERTAIN GATHERINGS HELD AT CERTAIN LOCATIONS."

Councilman ONDRAČEK then moved that the following Ordinance, which had been designated Ordinance No. 342, be read and approved on second reading:

ORDINANCE NO. 342

AN ORDINANCE REQUIRING THE POSTING OF SECURITY GUARDS AT CERTAIN GATHERINGS HELD AT CERTAIN LOCATIONS:

WHEREAS, it is in the best interests of the citizens of the City of Fort Calhoun to provide for peaceful and orderly conduct at gatherings within the community,

AND WHEREAS, it is in the best interests of the City of Fort Calhoun to provide for peaceful and orderly gatherings held at municipal, school, fire protection or any other buildings owned by any governmental subdivision,

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

1. THAT the requirements of this ordinance shall apply only to meeting halls, public facilities or other gathering places within the corporate limits of the City of Fort Calhoun, Nebraska, which are owned by the City, the Fort Calhoun School District, the Fort Calhoun Rural Fire Protection District, or any governmental subdivision.

2. THAT the requirements of this ordinance shall apply only to private or semi-private receptions, parties, banquets, festivals or like or similar gatherings held in or at the facilities described in Section 1 above. Specifically excluded from the requirements of this ordinance are events directly sponsored and supervised by the City of Fort Calhoun, the Fort Calhoun School District, the Fort Calhoun Rural Fire Protection District, church or church-related organizations or recognized civic organizations.

3. THAT the hosts, sponsors and/or organizers of any gathering described in Section 2 above, when held at a facility described in Section 1 above, shall provide not less than two (2) armed security guards to police said gathering. Such security guards shall be paid and employed by the hosts, sponsors and/or organizers, who shall provide liability insurance on said guards. Said security guards shall be approved by the Fort Calhoun Chief

of Police prior to the gathering or event for which they are hired. Said security guards shall be on duty and present at said event or gathering from one-half hour prior to the commencement of said event or gathering to one-half hour after, or until all guests have departed, whichever is later. Said guards shall be specifically required to patrol ~~at~~ areas in which such gathering may take place, including parking lots and areas outside of the hall in which the same are held.

4. THAT all ordinances in conflict herewith are hereby repealed.

5 . AND THAT this ordinance shall take effect from and after its passage by law.

+ + +

Councilman Miller seconded the motion approving the foregoing Ordinance No. 342 on second reading. The Mayor then instructed the Clerk to call the roll. Roll Call resulted as follows:

FOR: Oudacek, Miller, Welsh

AGAINST: none

NOT VOTING: ~~none~~ Jipp (ABSENT)

The result of the roll call being 3 Yeas, 0 Nays, and 0 Not Voting, the Mayor declared the motion passed and the Ordinance passed in the above-described form on second reading.

Kenneth J. Robinson
Mayor

Attest:

Roscoe Fruberg
City Clerk

Councilman Ondracek introduced the following Ordinance:

ORDINANCE NO. 343

AN ORDINANCE TO PROVIDE FOR A PROCEDURE IN THE INSPECTION AND REVIEW OF BUILDING PERMITS WITHIN THE JURISDICTION OF THE CITY OF FORT CALHOUN, NEBRASKA

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA, AS FOLLOWS:

Section 1. Prior to any action by either the planning Board or the City Council of the City of Fort Calhoun, all applications for building permits and the plans and specifications submitted therewith shall be reviewed by the City's Building Inspector. The Building Inspector shall determine whether the same are in compliance or non-compliance with the applicable ordinances and codes of the City of Fort Calhoun. The Building Inspector shall state his opinion on compliance or non-compliance on forms provided by the City.

Section 2. In addition to any fees or charges for building permits, there shall be and hereby is created and imposed an inspection fee of not less than Ten Dollars (\$10.00) for the inspection of permit applications, plans and specifications. For new construction, said fee shall not be less than Forty Dollars (\$40.00), regardless of formula used to determine permit fees.


Section 3. In the event the Building Inspector should find that on-site inspections are necessary, or that said permit application, plans and specifications are not in compliance with applicable city codes and ordinances, the Building Inspector shall notify the applicant not less than five (5) days after such determination or not less than five (5) days prior to inspection.

Section 4. The building inspector shall utilize such forms as may be necessary to accomplish the inspections and recommendations required by city ordinance or codes.

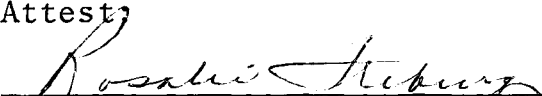
Section 5. There shall be and hereby is created the position of assistant building inspector of the City of Fort Calhoun whose duties shall be the same as the building inspector and who shall be compensated as provided from time to time by the City Council. Said assistant building inspector shall be designated by the Mayor upon the advice and approval of the City Council.

Section 6. All sections in conflict herewith are hereby repealed. This Ordinance shall take effect from and after its date of passage as provided by law.

PASSED AND APPROVED this 13th day of April, 1981.



Mayor

Attest,


City Clerk

* * *

~~Councilman Miller introduced the following Ordinance:~~

ORDINANCE NO. 344

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 249 OF THE CITY OF FORT CALHOUN, NEBRASKA, FIXING THE AMOUNT OF THE LICENSE FEE FOR SELLERS OF FIRE WORKS WITHIN SAID CITY AND PROVIDING FOR THE AMOUNT OF INSURANCE REQUIRED TO BE CARRIED BY SAID SELLERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT

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

Section 1. THAT Section 1 of Ordinance No. 249 of the City of Fort Calhoun be and hereby is amended to provide as follows: Before any person, firm or corporation may display, sell or offer for sale any of the fire works described in this Ordinance, it or they shall first pay to the City Clerk a license fee in the amount of Five Hundred (\$500.00) Dollars for each retail outlet and the City Clerk shall issue a permit, and this permit shall be displayed at the retail outlet. Such permit shall be obtained from the City Clerk before June 15th of each year. No license shall be issued to any person, firm or corporation not a resident of the City of Fort Calhoun. Before said permit is granted, said applicant must present to the City Clerk a certificate or policy of insurance stating that said applicant carries liability insurance in the following amounts: \$100,000.00 for bodily injury for each person, \$300,000.00 for each occurrence, and \$100,000.00 property damage coverage for any liability incurred through the operation of said fire works sales and providing additional coverage for the City of Fort Calhoun and its duly elected and appointed officers because of the operation of said fire works outlet.

Section 2. THAT the City Council of the City of Fort Calhoun hereby finds and determines that the Five Hundred (\$500.00) fee required in Section 1 hereof is the amount previously required by Ordinance No. 249 of the City of Fort Calhoun, which was subsequently amended by Ordinance No. 272.

Section 3. THAT Section 1 of Ordinance No. 272 and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 4. THAT this Ordinance shall take effect and be in force from and after its passage; approval and publication in accordance with the law.

PASSED AND APPROVED this ^{4th}~~13th~~ day of ^{May}~~April~~, 1981.

Kenneth F. Robinson

Mayor

Attest:

Rosalie Freburg

City Clerk

Councilman Miller moved the adoption of the title of

ORDINANCE NO. 345

AN ORDINANCE AMENDING SECTION 25 OF ORDINANCE NO. 65 AND SECTION 2 OF ORDINANCE NO. 315 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR CAPITAL FACILITIES CHARGES AFTER AND INCLUDING JUNE 16, 1981; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE

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

THAT Section 25 of Ordinance No. 65 and Section 2 of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities Charges After and Including June 16, 1981. For any and all connections made to the City Water system from and after the effective date of this Ordinance, but also after and including June 16, 1981, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, the capital facilities charges established in Section 2, Subsection (C) of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

- (1) Housing - with common service:
 - per single-family dwelling.....\$ 318.00
 - per duplex.....\$ 606.00
 - per tri-plex.....\$ 840.00
 - per four-unit structure.....\$1002.00
 - per five-unit structure.....\$1073.00

- (2) Apartment Houses.
 - per acre, 5 units per acre base charge.....\$1073.00
 - Additional charge per unit per acre in excess of five units per acre:
 - 6 to 10 units per acre.....\$ 36.00
 - 11 to 20 units per acre.....\$ 27.00
 - over 20 units per acre.....\$ 22.00

- (3) Condominium Housing and Trailer Courts: where condominium complexes or trailer courts are to

to be served through a single meter or several meters with one party being responsible for the water service, charges to apartment houses shall apply.

- (4) Commercial or Industrial
per acre.....\$1040.00
on tracts or areas of less than
.3 acres there will be a minimum
fee of.....\$ 318.00

- (5) Golf courses, parks, lakes, areas
zoned as floodplains, schools or
cemeteries per acre or areas less
than one acre:
 - golf courses.....\$ 694.00
 - parks, lakes, areas zoned as
floodplain, schools and ceme-
taries:.....
 - First 50 acres - per acre.....\$ 347.00
 - above 50 acres - per acre.....\$ 85.00

- (6) Greenways, Buffer Zones and Non-
Dedicated Streets:
 - Per acre.....\$1040.00
 - On tracts or areas of less than
.3 acre there will be a minimum
fee of.....\$ 318.00

THAT all ordinances in conflict herewith are hereby re-
pealed:

AND THAT this Ordinance shall be in force and take ef-
fect from and after its passage, approval and publication as pro-
vided by law.

PASSED AND APPROVED this 6th day of ^{July}~~June~~, 1981.

Kenneth F. Robinson
Mayor

ATTEST:

Rosalie Freburg
City Clerk

There being no further business to come before the Mayor and Council,
after a motion duly made and passed, the Mayor declared the meeting adjourned.

Hgg/12/10E/12

Rosalie Freburg
City Clerk

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF A GENERAL OBLIGATION SEWER BOND IN THE AMOUNT OF ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) FOR THE PURPOSE OF PAYING A PORTION OF THE COST OF ADDITIONAL WASTEWATER TREATMENT FACILITIES AS CONSTRUCTED IN SANITARY SEWER DISTRICT NO. 78-1 OF SAID CITY; PRESCRIBING THE FORM OF SAID BOND; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE REGISTERED OWNER OF SAID BOND.

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

Section 1. The Mayor and Council of the City of Fort Calhoun, Nebraska, hereby find and determine: that pursuant to a resolution of necessity heretofore adopted by the Mayor and Council of the City of Fort Calhoun, Nebraska, Sanitary Sewer District No. 78-1 of the City of Fort Calhoun was duly created and certain additional wastewater treatment facilities therein were ordered constructed; that said facilities have been completed according to the Certificate of Substantial Completion of the City's engineers and said engineers have recommended the acceptance of said facilities subject to the terms and conditions of said certificate; that said facilities be and they are hereby so accepted; that according to the City's engineer's statement of costs for said facilities, the presently estimated total cost for said additional wastewater treatment facility is not less than \$870,800; that all of said improvements in Sanitary Sewer District No. 78-1 are hereby determined to be of general benefit to all property located within the City; that after applying all federal and state grant monies there still remains owing by the City for its share of the cost of said improvements not less than \$137,000; that all conditions, acts and things required to exist or to be done precedent to the issuance of the City's general obligation Sewer Bond in the amount of \$137,000 pursuant to Section 17-925 R.R.S. Neb. 1943, do exist and have been done as required by law; that said Bond is proposed to be issued in connection with and to evidence a loan from the Farmers Home Administration of the United States Department of Agriculture.

Section 2. To pay a portion of the cost of constructing additional wastewater treatment facilities in Sanitary Sewer District No. 78-1 for the City of Fort Calhoun, Nebraska, there shall be and there is hereby ordered issued one fully registered bond of the City of Fort Calhoun, Nebraska, to be designated as a "Sewer Bond" in the

principal amount of \$137,000 to be dated on the date of the closing of the purchase thereof; the unpaid principal balance of said Bond shall bear interest at the rate of 5% per year from date until paid. The first payment by the City shall be made on August 1, 1982, and shall be for interest only as accrued from the date of the Bond to August 1, 1982. The principal of and interest on the Bond shall, from and after August 1, 1982, be payable in equal annual installments of \$11,337 with each such installment due on August 1 of each year, commencing August 1, 1983, and continuing for a term of 18 years thereafter until the outstanding principal balance of the Bond has been paid in full, provided that the entire remaining principal balance, if not sooner paid, shall fall due on the day immediately preceding the 20th anniversary date of the closing of the issuance of the Bond and shall be in such amount as will pay in full the outstanding principal balance, plus all accrued interest thereon. Each installment payment shall be applied first to accrued interest and then to principal. The City reserves the right and option of pre-paying any or all of the unpaid principal balance at any time, without penalty or redemption premium.

The City shall cause books for registration and for transfer of the Bond, as provided in this ordinance, to be kept by the City Treasurer. The ownership of the Bond shall be registered as to principal and interest on such books kept by the City Treasurer, who shall make notation of such registration thereon. The initial registered owner shall be the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, and, on or before closing of the purchase of the Bond, said Bond shall be registered in such name. The transfer of the Bond may be registered only upon assignment duly executed by said initial registered owner or by its registered assigns or its or their legal representative or attorney in such form as shall be satisfactory to the City Treasurer, such registration to be made on such books and endorsed on the Bond by the City Treasurer. The principal and interest on the Bond shall be payable only to or upon the order of the registered owner or his or its legal representative, and neither the

City, the City Treasurer, nor the County Treasurer of Washington County shall be affected by any notice to the contrary, but registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the Bond to the extent of the sum or sums so paid. No charge shall be made to the registered owner for the registration and transfer of the Bond. Payments of principal and interest on the Bond shall be made by the City at the office of the County Treasurer of Washington County, Nebraska, in Blair, Nebraska, as paying agent, for remittance by said paying agent to the registered owner of the Bond in such manner and to such address as the registered owner shall from time to time in writing direct said paying agent, provided, however, that any and all payments made by the City to the initial registered owner, whether or not made through said paying agent, which are in fact received by said initial registered owner, shall be sufficient to satisfy the obligation of the City on the Bond. Any change in registration of the Bond shall be communicated immediately to said County Treasurer as paying agent and said County Treasurer shall not be responsible for remittance of payments made to him by the City, except upon written instructions from the new registered owner concerning the manner and address for remittance of payment.

Section 3. The Bond shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF WASHINGTON
CITY OF FORT CALHOUN

Sewer Bond

\$137,000

KNOW ALL MEN BY THESE PRESENTS: That the City of Fort Calhoun, in the County of Washington, in the State of Nebraska, for value received, promises to pay to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, as initial registered owner hereof, or registered assigns, the sum of ONE HUNDRED THIRTY-SEVEN THOUSAND DOLLARS (\$137,000) in lawful money of the United States of America, with interest on the unpaid principal balance thereof from the date hereof until paid at 5% per year. The first payment hereon shall be due on August 1, 1982, and shall be in the amount of interest accrued from date hereof to August 1, 1982. From and after August 1, 1982, the principal hereof and interest hereon shall be payable in equal annual installments of \$11,337 due on August 1, of each year, commencing with August 1, 1983, and continuing for a term of 18 years thereafter until the outstanding principal balance thereof has been paid in full, provided that the entire remaining principal balance, together with all accrued interest thereon, if not sooner paid, shall fall due and payable on August 2, 2001 (here insert the date of the day which immediately precedes the 20th anniversary date of the closing of the purchase of the Bond). All such payments shall be applied first to accrued interest and then to principal. Interest and principal installment payments on this Bond shall be payable at the office of the County Treasurer of Washington County, in the City of Blair, Nebraska, as paying agent, for remittance by said County Treasurer to the registered owner of this Bond. For the prompt payment of this Bond, principal and interest as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of pre-paying any or all of the unpaid principal balance hereof at any time

without penalty or redemption premium. Refunds and extra payments as defined in the regulations of the Farmers Home Administration, according to the source of the funds involved, shall, after payment of interest, be applied to the installments last to become due under this Bond and shall not affect the obligation of the City to pay remaining installments as scheduled herein.

This Bond in the principal amount of \$137,000 is issued by the City for the purpose of paying the cost of constructing additional wastewater treatment facilities in Sanitary Sewer District No. 78-1 for said City in strict compliance with Section 17-925 R.R.S. Neb. 1943. The issuance of this Bond has been authorized by an ordinance lawfully enacted and by proceedings duly had by the Mayor and Council of said City.

The City hereby covenants and agrees with the registered owner of this Bond to keep and perform all covenants and agreements contained in the ordinance of said City authorizing the issuance of this Bond. This Bond shall be registered as to both principal and interest and shall be transferrable only in accordance with the provisions printed on this Bond and subject to the terms and conditions set out in the ordinance authorizing the issuance of this Bond.

To the extent provided in the ordinance authorizing the issuance of this Bond, the provisions of this Bond or of said ordinance, including any amendment or supplement thereto, may be modified or amended by the City only with the written consent of the registered owner hereof, and it shall not be necessary to note hereon any reference to such modification or amendment.

It is hereby certified and warranted that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this Bond did exist, did happen, and were done and performed in regular and due form and time as required by law and that the indebtedness of said City, including this Bond, does not exceed any limitation imposed by law. The City hereby agrees that it will cause to be levied and collected annually a

tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay the principal and interest on this Bond as the same become due, to the extent that such payment has not been provided for from other resources of the City, including the revenues derived from the City's sewer system.

IN WITNESS WHEREOF, the Mayor and Council of the City of Fort Calhoun, Nebraska, have caused this Bond to be executed on behalf of the City by being signed by the Mayor and City Clerk and by causing the official seal of the City to be affixed hereto.

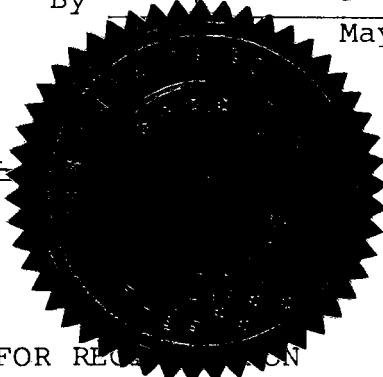
DATED this 3rd day of August, 1981.

CITY OF FORT CALHOUN, NEBRASKA

By Kenneth J. Robinson
Mayor

ATTEST:

Rosalie Feburg
City Clerk



PROVISION FOR REGISTRATION

The ownership of this Bond shall be registered as to both principal and interest on the books and records of the City of Fort Calhoun, Nebraska, kept by the City Treasurer of said City, who shall make notation of such registration in the registration blank below, and the transfer of this Bond may thereafter be registered only upon an assignment duly executed by the registered owner or his or its attorney or legal representative, in such form as shall be satisfactory to the City Treasurer, such registration of transfer to be made on such books and endorsed hereon by the City Treasurer. The principal and interest of this Bond shall be payable only to or upon the order of the registered owner or his or its legal representative. By signing in the registration blank below for the initial registered owner, the City Treasurer acknowledges receipt for payment in full of this Bond upon the date of registration shown for such initial registered owner.

Date of Registration	Name of Registered Owner	Signature of City Treasurer
	United States of America, acting through the Farmers Home Administration, United States Department of Agriculture	

State of Nebraska,)
Office of Auditor or Deputy Auditor of Public Accounts) ss.

I do hereby certify that I have examined the within bond and all proceedings relative to its issue, and do find and hereby certify that the within bond has been regularly and legally issued (the data filed in my office being the basis for this certificate), and that the same has been registered in my office in accordance with the provisions of Article 2, Chapter 10, Reissue Revised Statutes of Nebraska, 1943, as amended.

Witness my hand and seal of office as of the ____ day of _____, 1981.

(SEAL)

Auditor or Deputy Auditor of
Public Accounts

Registry Number _____ Book _____ Page _____

State of Nebraska)
County of Washington) ss.

I do hereby certify that the within bond has been registered in my office pursuant to the provisions of Article 2, Chapter 10, Reissue Revised Statutes of Nebraska, 1943, as amended.

Witness my hand and seal of office as of the ____ day of _____, 1981.

(SEAL)

County Clerk

Section 4. The Bond shall be executed on behalf of the City with the signatures of the Mayor and City Clerk and by having affixed thereto the City seal. The City Clerk shall cause the Bond to be registered in the office of the Auditor of Public Accounts for the State of Nebraska and in the office of the County Clerk of Washington County. Upon execution and registration of said Bond, it shall be delivered to the City Treasurer, who is hereby authorized to deliver it to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, as purchaser thereof, upon receipt of the principal amount of said Bond, and said Treasurer is hereby authorized to date said Bond as of the date of its delivery and insert the appropriate date of final payment therein. The City Clerk, in connection with the issuance and sale of the Bond, is hereby authorized to prepare and certify such number of complete transcripts of the proceedings had and done precedent to the issuance of the Bond as shall be required by said purchaser and bond counsel, one of which transcripts shall be filed in the office of the Auditor of Public Accounts of the State of Nebraska.

Section 5. The principal amount received from the sale of the Bond shall be applied to the payment of interim financing indebtedness incurred by the City, and the balance shall be deposited in a separate fund, to be designated as the "City of Fort Calhoun Sewer System Construction Fund," with some bank, in an account which is insured by the Federal Deposit Insurance Corporation, and shall be used by the City solely for the purpose of paying the costs of construction of the improvements to the City's sewer system as described in Section 1 hereof. Any amounts of the proceeds of the Bond which are attributable to and required to pay capitalized interest on the Bond shall be paid into the "Sewer Bond Payment Account," as hereinafter created. Any Bond proceeds remaining in said Construction Fund after completion of construction which are not required to pay unpaid costs of construction shall be applied to the payment of principal of the Bond, as an extra payment, as defined by the regulations of the Farmers Home Administration.

Section 6. There is hereby created in the treasury of the City of Fort Calhoun a special fund and account to be designated as the "Sewer Bond Payment Account," and monies in said account shall be used solely for payment of principal and interest on the Bond. So long as the Bond remains outstanding and unpaid, the City covenants and agrees that it will maintain said account as a separate bookkeeping account and will administer the same in accordance with the provisions contained in this ordinance.

Section 7. The City covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to provide for the payment in full of the principal and interest on the Bond, as the same become due. Any proceeds received by the City from said levy of taxes shall be credited to the Sewer Bond Payment Account until used for payment on the Bond, the City may use monies in said account for payment of expenses of the paying agent which are lawfully a charge against the funds of the City and for purposes of making prepayments of principal of said Bond or of redeeming said Bond. The City may provide for credits into said account from revenues received from the operation of its sewer system, and thereby reduce the amount required to be paid into said Account from tax levy monies. Any tax levy monies for the payment of the Bond designated by the City as bond levy monies may be held by the County Treasurer of Washington County and used by said Treasurer to make payments on the Bond in accordance with instructions from the Mayor and Council as given to said Treasurer from time to time.

Section 8. All monies credited to the Sewer Bond Payment Account shall if kept on deposit in a bank account be insured by insurance of the Federal Deposit Insurance Corporation or shall be secured in the manner provided for deposits of other funds of the City. Monies credited to said account may, to the extent permitted by law, be invested in direct obligations of or

obligations the principal and interest of which are guaranteed by the United States Government which have a fixed redemption value or become due within five years from date of purchase, and which shall be readily convertible into cash. All investments and income derived therefrom shall remain a part of said account credited thereto and shall be used only for the purposes for which monies in said account may be used.

Section 9. The City agrees that it shall establish rates and charges for the use of its sewer system to be collected from the users thereof which shall be sufficient in rate and amount to provide for the operation and maintenance of said system, including provision for a reasonable reserve to meet emergencies as and to the extent that such provision has not been made from tax levies as permitted by law.

Section 10. The City hereby finds and determines and certifies that it is unable to obtain sufficient credit, without purchase of the Bond by the initial registered owner as described herein, to finance its actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near its community for similar purposes and periods of time. The City hereby covenants and agrees with the initial registered owner hereof that, in consideration of advantages accruing to the City from said initial registered owner's purchase of the Bond, if at any time while the Bond is held by said initial registered owner, it shall appear to said initial registered owner that the City may be able to obtain credit from other sources at reasonable rates and terms for loans for similar purposes and periods of time, the City, within the limitations of its then existing legal powers, at the request of said initial registered owner, will make an effort in good faith to pay in full all principal remaining on the Bond then held by said initial registered owner, by issuing refunding bonds or otherwise.

Section 11. The provisions of this ordinance shall constitute a contract between the City and the registered owner of the Bond and said registered owner may by suit, action, man-

denial, injunction, or other proceedings either at law or in equity, enforce or compel performance of all duties and obligations required by this ordinance to be done and performed by the City.

Section 12. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 13. The provisions of the Bond and of this ordinance may be modified or amended at any time by the City with the written consent of the registered owner of the Bond. Any amendment or modification of the Bond or of this ordinance to which such written consent has been given shall be expressed in an ordinance adopted by the City amending or supplementing the provisions of this ordinance and shall be deemed to be a part of this ordinance. A true and correct copy of any such amendatory or supplemental ordinance and of this ordinance shall be kept on file in the office of the City Clerk and shall be available for inspection by the registered owner of the Bond or by any prospective purchaser or owner of the Bond and, upon payment of the reasonable cost of preparing the same, a certified copy of any such amendatory or supplemental ordinance and of this ordinance shall be sent by the Clerk to the registered owner of the Bond or to any prospective purchaser or owner. It shall not be necessary to note on the Bond any reference to any such amendment or modification.

Section 14. The City of Fort Calhoun, Nebraska, hereby covenants to the registered owner of the Bond that it will make no use of the proceeds of the Bond, including monies held in any sinking fund for the payment of the Bond, which would cause said Bond to be an "arbitrage bond" within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and further covenants to comply with said Section 103(c) and all applicable regulations thereunder throughout the term of said Bond.

Section 15. This ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this 6th day of July, 1981.

Rosalie Seeburg
City Clerk

Kenneth J. Robinson
Mayor

City Of Fort Calhoun

Fort Calhoun, Nebraska 68023

ORDINANCE NO. 347

ORDINANCE TO VACATE ALLEY OF BLOCK
EIGHTY-SEVEN (87) OF CITY OF FORT CALHOUN,
NEBRASKA

WHEREAS, it is in the best interest of the citizens of Fort Calhoun, and,

WHEREAS, it is with the mutual consent of all of the abutting property owners that said alley of Block Eighty-Seven (87) of the City of Fort Calhoun be vacated with said land being returned to its original ownership status,

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska, that said alley of Block Eighty-Seven (87) of the City of Fort Calhoun, Nebraska be vacated.

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

Passed and approved this 5th day of October, 1981.

Harold D. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Leslie Schubert
City Clerk

Recd _____
General _____
Numerical _____
Photocopy _____

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR

1981 NOV 23 AM 9:30

FILED

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 1806
ENTERED IN INDEX AND FILED FOR RECORD
THIS 23rd day of November A.D. 1981
AT 9:30 M. AND RECORDED IN BOOK
COUNTY CLERK *Charlotte Petersen*
DEPUTY *Devery Warren*

ORDINANCE NO. 348

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND ZONING MAP OF THE CITY OF FORT CALHOUN, NEBRASKA, TO CHANGE LOTS 1 THROUGH 6 INCLUSIVE, BLOCK 88, CALHOUN COMPANY ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, FROM GENERAL COMMERCIAL TO RESIDENTIAL.

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

Section 1. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that application has been made by the Housing Authority of the City of Fort Calhoun, Nebraska, to change the zoning ordinance and map of the City of Fort Calhoun as the same pertains to Lots 1 through 6 inclusive, Block 88, Calhoun Company Addition, so that the zoning designation of same is changed from general commercial to residential; that said application was submitted to the Fort Calhoun Planning Board, and that a public hearing on said application was held on the 29th day of June, 1981, published notice having been given not less than ten (10) days prior thereto; and that the Fort Calhoun Planning Board has favorably recommended said change in zoning ordinance and zoning map.

Section 2. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that on the 6th day of July, 1981, said application was heard in a public hearing before the Fort Calhoun City Council, published notice having been given of said hearing not less than ten (10) days prior thereto; and that all requirements of the Fort Calhoun Zoning Ordinance and Nebraska Statutes pertaining to the modification of zoning ordinance and zoning map have been complied with, including the posting of notice on the property to be re-zoned.

Section 3. That Lots 1 through 6 inclusive, Block 88, Calhoun Company Addition, as surveyed, platted and recorded in Fort Calhoun, Washington County, Nebraska, shall be and hereby is designa-

ted residential for the purposes of zoning, and that all ordinances in conflict herewith are hereby repealed.

Section 4. That this ordinance shall take effect from and after its passage according to law.

ADOPTED this 6th day of July, 1981.

Kenneth F. Robinson
Mayor

ATTEST:

Rosalie Freburg
City Clerk

ORDINANCE NO. 349

AN ORDINANCE TO VACATE THAT PORTION OF THE ALLEY IN BLOCK TWENTY-TWO (22) OF THE CITH OF FORT CALHOUN, NEBRASKA, LOCATED WEST OF THE CHICAGO AND SAINT PAUL, MINNEAPOLIS AND OMAHA RAILROAD RIGHT OF WAY.

WHEREAS, it is in the best interest of the citizens of the City of Fort Calhoun, Nebraska, and

WHEREAS, it appearing that Saint John the Baptist Catholic Church of Fort Calhoun, Nebraska, is the owner of all of Block Twenty-Two (22) located West of the Chicago and Soint Paul, Minneapolis and Omaha Railroad right of way, within the City of Fort Calhoun, Nebraska, and that no person, other than said church, would be affected by the vacation,

NOW THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Fort Calhoun, Nebraska,

Section 1. That the alley in Block Twenty-Two (22) of the City of Fort Calhoun, Nebraska, from the westernmost line of the right of way of the Chciago, Saint Paul, Minneapolis and Omaha Railroad on the East, to the easternmost line of the right of way of Thirteenth Street, on the West, as surveyed, platted and recorded in the office of the Register of Deeds of Washington County, Nebraska, shall be and hereby is vacated.

Section 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. That this ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

Passed and approved this 1st day of February,

1982.

Kenneth J. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalia Freiburg
City Clerk

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
PLAIR, NEBR

1982 JUN -5 AM 11:56

FILED

STATE OF NEBRASKA COUNTY OF WASHINGTON) 1252.
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THE 5th DAY OF June AD 19 82
AT 11:56 O'CLOCK am AND RECORDED IN BOOK
146 AT PAGE 643
COUNTY CLERK Charlotte L. Petersen
DEPUTY Shirley Walker

Recorded
Cons.
Numerical
Photostat

ORDINANCE NO. 350

AN ORDINANCE AMENDING SECTION 25 OF ORDINANCE NO. 65 AND SECTION 2 OF ORDINANCE NO. 315 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR CAPITAL FACILITIES CHARGES AFTER AND INCLUDING MARCH 1, 1982; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE

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

THAT Section 25 of Ordinance No. 65 and Section 2 of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities Charges After and Including March 1, 1982. For any and all connections made to the City Water system from and after the effective date of this Ordinance, regardless of whether said connection is made within or without the corporate limits of the City of Fort Calhoun, the capital facilities charges established in Section 2, Subsection (C) of Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

- (1) Housing - with common service:
 - per single-family dwelling.....\$340.00
 - per duplex.....\$670.00
 - per tri-plex.....\$935.00
 - per four-unit structure.....\$1122.00
 - per five-unit structure.....\$1203.00

- (2) Apartment Houses
 - per acre, 5 units per acre base charge.....\$1203.00
 - additional charge per unit per acre in excess of five units per acre:
 - 6 to 10 units per acre.....\$40.00
 - 11 to 20 units per acre.....\$30.00
 - over 20 units per acre.....\$25.00

- (3) Condominium Housing and Trailer Courts; where condominium complexes or trailer courts are to be served through a single meter or several meters with one party being responsible for the water service, charges to apartment houses shall apply.

- (4) Commercial or Industrial
per acre.....\$1165.00
on tracts or areas of less than
.3 acres there will be a minimum
fee of.....\$340.00
- (5) Golf courses, parks, lakes, areas
zoned as floodplains, schools or
cemeteries per acre or areas less
than one acre:
golf courses.....\$778.00
parks, lakes, areas zoned as
floodplain, schools and
cemeteries.....
First 50 acres - per acre.....\$389.00
over 50 acres - per acre.....\$ 95.00
- (6) Greenways, Buffer Zones and Non-
Dedicated Streets:
- Per acre.....\$1165.00
On tracts or areas of less than
.3 acre there will be a minimum
fee of.....\$340.00

THAT all ordinances in conflict herewith are hereby repealed:

AND THAT this Ordinance shall be in force and take effect
from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 1st day of March, 1982.

Kenneth F. Robinson
Mayor

ATTEST:

Rosalie Hedberg
City Clerk