

ORDINANCE NO. 351

AN ORDINANCE TO CORRECT AN ERROR OF DUPLICATION IN THE NUMBERING SEQUENCE OF CERTAIN ORDINANCES; TO AMEND THE ORDINANCE NUMBER OF THAT ORDINANCE PASSED JULY 6, 1981 AND ENTITLED "AN ORDINANCE TO AMEND THE BUILDING 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", FROM ORDINANCE NO. 347 TO ORDINANCE NO. 348; TO CONFIRM AS ORDINANCE NO. 347 THAT ORDINANCE PASSED OCTOBER 5, 1981 AND ENTITLED "ORDINANCE TO VACATE ALLEY OF BLOCK EIGHTY-SEVEN (87) OF CITY OF FORT CALHOUN, NEBRASKA", REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, through inadvertence an error has occurred in the numbering sequence of two ordinances of the City of Fort Calhoun, Nebraska, both having been assigned the designation as Ordinance No. 347, and

WHEREAS, it is necessary and in the best interests of the City that the proper numbering sequence for the Ordinances of this City be reestablished, now, therefore

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

Section 1. That the Ordinance entitled:

"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",

passed July 6, 1981 shall be and hereby is renumbered as Ordinance No. 348.

Section 2. That the Ordinance entitled:

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

passed October 5, 1981 shall be confirmed and continue to be known as Ordinance No. 347.

Section 3. That all ordinances or parts or ordinances in conflict herewith are hereby repealed.

Section 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 5th day of April, 1982.

Kenneth F. Robinson
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie J. Suburg
City Clerk

ORDINANCE NO. 352

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 315 AND 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; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1

THAT Section 3 of Ordinance No. 315 and Section 30 of Ordinance No. 65 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, should be and the same hereby are amended to read as follows:

SECTION 30: WATER RATE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM OF THE CITY OF FORT CALHOUN, 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 are 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, Nebraska;
\$2.75 per month per 1,000 gallons exceeding
3,000 gallons and up to 9,000 gallons;
\$2.25 per month per 1,000 gallons exceeding
9,000 gallons and up to 19,000 gallons;
\$1.85 per month per 1,000 gallons exceeding
19,000 gallons and up to 49,000 gallons;
\$1.45 per month per 1,000 gallons exceeding
49,000 gallons.

SECTION 2

All ordinances of parts of ordinances, including but not necessarily limited to Section 3 of Ordinance No. 315 and Section 30 of Ordinance No. 65, in conflict herewith are hereby repealed.

SECTION 3

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 5th DAY OF APRIL, 1982.

Kenneth J. Robinson
Mayor of the City of Fort Calhoun

ATTEST:

Rosalie Steburg
City Clerk

(SEAL)

ORDINANCE NO. 355

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 143 AND SECTION 4 OF ORDINANCE NO. 104 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA; ESTABLISHING HOURS WHEN ALCOHOLIC LIQUORS MAY BE SOLD WITHIN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PRESCRIBING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1

THAT Section 1 of Ordinance No. 143, adopted April 4, 1950 and Section 4 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, adopted January 2, 1940, be amended to read as follows:

SECTION 4: No alcoholic liquors, including beer, shall be sold at retail on the first day of the week, commonly called Sunday, between the hours of 1:00 o'clock a.m., Sunday and 6:00 o'clock a.m., Sunday. No alcoholic liquors, except beer, shall be sold at retail on the first day of the week, commonly called Sunday, between the hours of 6:00 o'clock a.m., Sunday and 12:00 o'clock, midnight, Sunday. No alcoholic liquors, including beer, shall be sold at retail within the corporate limits of said city on secular days between the hours of 1:00 o'clock a.m., and 6:00 o'clock a.m.

SECTION 2

All ordinances or parts of ordinances, including but not necessarily limited to Section 1 of Ordinance No. 143 and Section 4 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, in conflict herewith are hereby repealed.

SECTION 3

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 4th DAY OF OCTOBER, 1982.

Kenneth J. Roberts
Mayor of the City of Fort Calhoun

ATTEST:

Rosalie Fredberg
City Clerk

(SEAL)

The City Clerk advised and reminded the Mayor and City Council that at the regular monthly council meeting, held September 7, 1982, an ordinance had been introduced by Councilman Ondracek, designated as Ordinance No. 355, was read by title for the first time and was still pending upon second reading at this meeting.

The Mayor reminded all persons in attendance that the pending ordinance dealt with the repeal of ^{a portion of} the prior liquor control ordinance which prohibited licensees from selling at retail alcoholic liquor on the day of any national, state, county or municipal election, including primary elections, during the hours the polls are open in the City. Public comment was called for, received and considered.

Whereupon Councilman Ondracek moved that the requirement of additional readings of Ordinance No. 355 be waived. Councilman Miller seconded the motion. The Mayor stated the question and instructed the Clerk to call the roll. Roll call resulted as follows:

YEAS: Ondracek, Miller, Welsh

NAYS: None

NOT VOTING: None

The roll call being 3 Yeas, 0 Nays and 0 Not Voting, the Mayor declared the Resolution passed and the requirement of the balance of three readings waived.

Councilman Ondracek then moved the final adoption of the Ordinance, as follows:

ORDINANCE NO. 355

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 143 AND SECTION 4 OF ORDINANCE NO. 104 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA; ESTABLISHING HOURS WHEN ALCOHOLIC LIQUORS MAY BE SOLD WITHIN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH AND PRESCRIBING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1

THAT Section 1 of Ordinance No. 143, adopted April 4, 1950 and Section 4 of Ordinance No. 104 of the Revised and

Compiled Ordinances of the City of Fort Calhoun, Nebraska,
adopted January 2, 1940, be amended to read as follows:

SECTION 4: No alcoholic liquors, including beer, shall be sold at retail on the first day of the week, commonly called Sunday, between the hours of 1:00 o'clock a.m., Sunday, and 6:00 o'clock a.m., Sunday. No alcoholic liquors, except beer, shall be sold at retail on the first day of the week, commonly called Sunday, between the hours of 6:00 o'clock a.m., Sunday, and 12:00 o'clock, midnight, Sunday. No alcoholic liquors, including beer, shall be sold at retail within the corporate limits of said city on secular days between the hours of 1:00 o'clock a.m. and 6:00 o'clock a.m.

SECTION 2

All ordinances or parts of ordinances, including but not necessarily limited to Section 1 of Ordinance No. 143 and Section 4 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, in conflict herewith are hereby repealed.

SECTION 3

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

Councilman Miller seconded the Motion. The Mayor stated the question as follows: "Shall Ordinance No. 355 be adopted," and instructed the Clerk to call the roll. Roll call resulted as follows:

YEAS: Ondracek, Miller, Welsh

NAYS: None

NOT VOTING: None

The roll call vote being 3 Yeas, 0 Nays and 0 Not Voting, the Mayor declared the Ordinance passed and approved.

PASSED AND APPROVED THIS ^{4th} DAY OF OCTOBER, 1982.

Kenneth J. Robinson
Mayor of the City of Fort Calhoun

ATTEST:

Rosalie Flieberg
City Clerk

(SEAL)

ORDINANCE NO. 356

AN ORDINANCE TO CONFIRM THE SALE OF CERTAIN REAL PROPERTY FORMERLY OWNED BY THE CITY OF FORT CALHOUN, NEBRASKA, AND LEGALLY DESCRIBED AS TAX LOT 22, SECTION 12, TOWNSHIP 17, NORTH, RANGE 12 EAST OF THE SIXTH PRIME MERIDIAN, IN WASHINGTON COUNTY, NEBRASKA, CONSISTING OF 7.0 ACRES, MORE OR LESS, TO THE STATE OF NEBRASKA GAME AND PARKS COMMISSION, AS PURCHASER; SETTING FORTH THE TERMS OF SALE; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PRESCRIBING WHEN THE ORDINANCE SHALL TAKE EFFECT.

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

Section 1. That the sale on January 6, 1983 by the City of Fort Calhoun, Nebraska, to the State of Nebraska Game and Parks Commission, another public agency of this state, of certain abandoned sewage lagoon property described as:

"Tax Lot 22, Section 12, Township 17, North, Range 12 East of the Sixth Prime Meridian, in Washington County, Nebraska, consisting of 7.0 acres, more or less",

for the sum of \$15,400.00 in cash, and all actions taken to implement said sale, be and hereby are fully confirmed and ratified in accordance with Section 17-503, 1982 Cumulative Supplement, Revised Statutes of Nebraska.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. 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 7th day of February, 1983.



Mayor of City of Fort Calhoun, Nebraska

ATTEST:



City Clerk

ORDINANCE NO. 357

AN ORDINANCE AMENDING SECTIONS 1 AND 2 OF ORDINANCE NO. 355; SECTIONS 1 AND 2 OF ORDINANCE NO. 246; SECTIONS 1 AND 2 OF ORDINANCE NO. 216; SECTION 1 OF ORDINANCE NO. 143 AND SECTION 4 OF ORDINANCE NO. 104 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA; ESTABLISHING HOURS WHEN ALCOHOLIC LIQUORS MAY BE SOLD IN LICENSED PREMISES WITHIN THE CITY; PROVIDING EXCEPTIONS; MAKING UNLAWFUL THE SALE OR DISPENSING OF ALCOHOLIC LIQUORS, OR PERMITTING ALCOHOLIC LIQUOR TO REMAIN IN OPEN CONTAINERS AFTER PERMISSIBLE HOURS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, AND PRESCRIBING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1

THAT Section 1 of Ordinance No. 355, Section 1 of Ordinance No. 246, Section 1 of Ordinance No. 216, Section 1 of Ordinance No. 143 and Section 4 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, be amended to read as follows:

SECTION 4:

(a) No alcoholic liquors, including beer, shall be sold at retail or dispensed between the hours of 1:00 a.m. Sunday and 6:00 a.m. Sunday. No alcoholic liquors for consumption on the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 6:00 p.m. Sunday; and no alcoholic liquors for consumption off the premises, except beer and wine, shall be sold at retail or dispensed between the hours of 6:00 a.m. Sunday and 12:00 midnight Sunday; provided, that such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a non-profit corporation as defined in section 53-103 of the Nebraska Liquor Control Act and is the holder of a license issued under the provisions of either subdivision (5) C. or subdivision (5) H. of section 53-124.

(b) No alcoholic liquors, including beer, shall be sold at retail or dispensed on secular days between 1:00 a.m. and 6:00 a.m..

(c) It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open

containers to remain or be in possession or control of any person for purposes of consumption after 1:15 a.m. on any day.

(d) Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic liquor is prohibited by this section.

SECTION 2

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

SECTION 3

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 7th DAY OF MARCH, 1983.



Mayor of the City of Fort Calhoun, Nebraska

ATTEST:



City Clerk

(SEAL)

FILED

1983 MAY 27 AM 11:05

ORDINANCE NO. 358

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR

ORDINANCE TO VACATE 10TH STREET BETWEEN
JEFFERSON STREET AND THE SOUTH CITY LIMITS

WHEREAS, it is in the best interests of the Citizens of the City of Fort Calhoun, Nebraska, to vacate 10th Street between Jefferson Street and the South City Limits in said City; and

WHEREAS, it is with the mutual consent of all of the abutting property owners that said street, to-wit: 10th Street between Jefferson Street and the South City Limits, be vacated; and

WHEREAS, said street, to-wit: 10th Street between Jefferson Street and the South City Limits, 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 10th Street, to-wit: Richard Jipp, has ingress to and egress from his property from 11th Street,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that 10th Street between Jefferson Street and the South City Limits as surveyed, platted and recorded in the City of Fort Calhoun, Nebraska, be and hereby is vacated.

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

Passed and approved this 4th day of April, 1983.

John M. McGowan
John M. McGowan
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg
City Clerk

Recorded 5
General 5
Numerical 5
Photostat _____

STATE OF NEBRASKA, COUNTY OF WASHINGTON
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
ON 27 DAY OF May 1983
AT 11:05 O'CLOCK AM AND RECORDED
BY Charlotte L. Petersen
COUNTY CLERK
Dorothy Walker

ORDINANCE NO. 359

AN ORDINANCE CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS, DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING WHEN SAID ORDINANCE SHALL BE IN FORCE AND EFFECT; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1.1 STATUTORY AUTHORIZATION.

The Legislature of the State of Nebraska has in Sections 19-901 through 19-919 R.R.S. 1943 delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City of Fort Calhoun, Nebraska ordains as follows:

1.2 FINDINGS OF FACT.

1.21 Flood Losses Resulting from Periodic Inundation.

The flood hazard areas of Fort Calhoun, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 General Causes of These Flood Losses.

These flood losses are caused by (1) The cumulative effect of obstruction in floodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

1.23 Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- (1) Selection of a regulatory flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The regulatory flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated in the official flood plain study, and illustrative materials prepared by the Federal Emergency Management Agency, as amended.
- (2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.

- (3) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the regulatory flood.

1.3 STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance to:

- 1.31 Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- 1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 1.34 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

SECTION 2.0 GENERAL PROVISIONS.

2.1 LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within the jurisdiction of the City of Fort Calhoun, Nebraska identified on the Flood Insurance Rate Map as numbered and unnumbered A Zones and/or within the Zoning Districts FW and FF established in Section 4.0 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the governing body or its duly designated representative under such safeguards and restriction as they may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.0, 6.0 and 7.0.

2.2 THE ENFORCEMENT OFFICER.

The Mayor of the Community is hereby designated as the Council's duly designated Enforcement Officer under this ordinance.

2.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field

conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Adjustment will resolve the dispute. The regulatory flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present this case to the Board and to submit his own technical evidence, if he so desires.

2.4 COMPLIANCE.

No development located within known flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

2.5 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.6 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.7 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Fort Calhoun, Nebraska or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.8 SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.9 APPLICATION FOR APPEAL

Where a request for a permit to develop or a variance is denied by the Mayor, the applicant may apply for such permit or variance directly to the Board of Adjustment.

The Board of Adjustment may grant or deny such request by appropriate resolution adopted within 60 days after the date of such application to the Board of Adjustment.

SECTION 3.0 DEVELOPMENT PERMIT.

3.1 PERMIT REQUIRED.

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development for each such building or structure.

3.2 ADMINISTRATION.

- A. The Mayor is hereby appointed to administer and implement the provisions of this ordinance.
- B. Duties of the Mayor shall include, but not be limited to:
 - (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
 - (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
 - (3) Notify adjacent communities and the Nebraska Natural Resources Commission Flood Plain Management Section prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
 - (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
 - (5) Verify and record the actual elevation (in relation to mean sea level) of the lower floor (including basement) of all new or substantially improved structures.
 - (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.
 - (7) When floodproofing is utilized for a particular structure, the Mayor shall be presented certification from a registered professional engineer or architect.

3.3 APPLICATION FOR PERMIT

- A. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:
 - 3.31 Identify and describe the work to be covered by the permit.
 - 3.32 Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
 - 3.33 Indicate the use or occupancy for which the proposed work is intended.
 - 3.34 Be accompanied by plans and specifications for proposed construction.
 - 3.35 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

- 3.36 Give such other information as reasonably may be required by the Mayor.

SECTION 4.0 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) as identified in the official Flood Plain Study. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

SECTION 5.0 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

- 5.1 No Permit for development shall be granted for new construction, substantial improvement and other improvements including the placement of mobile homes within the identified flood plain unless the conditions of this Section are satisfied.
- 5.2 All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction.
- 5.3 New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of mobile homes and other developments shall require:
- 5.31 Design or anchorage to prevent flotation, collapse or lateral movement due to flooding.
- 5.32 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
- 5.33 New development and substantial improvements to: a) use construction materials and utility equipment that are resistant to flood damage, and, b) use construction methods and practices that will minimize flood damage, consistent with economic practicability.
- 5.34 All utility and sanitary facilities be elevated or floodproofed one foot above the regulatory flood elevation.
- 5.35 That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by reference; Section 1.23 (1) of this ordinance.
- 5.36 Storage and Material and Equipment

- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

5.37 Subdivision proposals and other proposed new development be required 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, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

SECTION 6.0 FLOODWAY FRINGE OVERLAY DISTRICT

6.1 PERMITTED USES.

Any use permitted in Section 7.0 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

6.2 STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT.

- 6.21 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement elevated one foot above the regulatory flood elevation.
- 6.22 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one foot above the regulatory flood elevation, or together with attendant utility and sanitary facilities, to be flood proofed up to that level.
- 6.23 Require all new construction and substantial improvements of residential structures within Zone AO as identified by the National Flood Insurance Program have the lowest floor, including basement, elevated above the highest adjacent grade to the depth number specified on the official Flood Insurance Rate Map (FIRM).

Non-residential structures, within Zones AO, together with attendant utility and sanitary facilities may be floodproofed above the highest adjacent grade to the depth number specified on the official FIRM.

- 6.24 For new mobile home parks, mobile home subdivisions or expansions the same, and for new mobile homes not in a mobile home park and for existing mobile home parks where the repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced, it is required that:

a) Specific anchoring standards be met:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at the side at the

intermediate locations, and mobile homes less than 50 feet long requiring one additional tie per side.

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and mobile homes less than 50 feet long requiring four additional ties per side.
 3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
 4. Any additions to mobile homes be similarly anchored.
- b) Stands or lots are elevated on compacted fill or piers so that the lowest floor of the structure will be one foot above the regulatory flood elevation.
 - c) Adequate surface drainage and easy access for a hauler is provided.
 - d) In the instance of elevation on piers, lots are large enough to permit steps, pier foundations are placed on stable soil no more than 10 feet apart, and steel reinforcement is provided for piers more than 6 feet high.

SECTION 7.0 FLOODWAY OVERLAY DISTRICT

7.1 PERMITTED USES

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the regulatory flood elevation. These uses are subject to the standards of Section 5.0 and 6.0.

- 7.11 Agricultural uses such as general farming, pasture, nurseries, forestry.
- 7.12 Residential uses such as lawns, gardens, parking and play areas.
- 7.13 Non-residential areas such as loading areas, parking, airport landing strips.
- 7.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including mobile homes is prohibited within the identified floodway (FW) area.

SECTION 8.0 VARIANCE

- 8.1 Where by reason of exceptional narrowness, shallowness, shape of topography or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provision of this ordinance would result in peculiar and exceptional hardship upon the owner of the property as an unreasonable deprivation of use as distinguished from the mere grant of a privilege, the Board of Adjustment may authorize a variance from strict application so as to relieve the demonstrable difficulties or hardships, provided that such a variance may only be granted if:

- 8.11 The structure is to be erected on a lot of one half acre or less in size, and such lot is contiguous to and surrounded by lots with existing structures constructed below the regulatory flood protection elevation.
- 8.12 The structure is listed on the National Register of Historic Places or the State Inventory of Historic Places to be restored or reconstructed.
- 8.2 Variances shall not be issued except upon (a) a showing of good and sufficient cause, (b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (c) a determination that the variance issuance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local or state laws or ordinances.
- 8.3 Variances may only be issued upon a determination that the applicant requesting a variance shall meet the minimum necessary standards of this ordinance to afford relief.
- 8.4 A community will notify the applicant that the issuance of a variance to locate a structure at an elevation below the 100-year flood level will result in increased actuarial rates for flood insurance coverage. The applicant will provide written and notarized acknowledgement of such notification.

SECTION 9.0 NON-CONFORMING USE

- 9.1 A structure or the use of a structure or premises which was unlawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
- 9.11 No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
- 9.12 If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Mayor in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
- 9.13 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- 9.2 If any residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historic Places.
- 9.3 If any non-residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 10.0 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$25.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Fort Calhoun, Nebraska, or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 11.0 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Fort Calhoun, Nebraska.

The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, and the 1967 Nebraska Flood Plains Regulations Act.

SECTION 12.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- ACTUARIAL RATES - or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
- CHANNEL - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
- COMMISSION FLOODWAY - See Floodway Fringe definition.
- COMMUNITY - Any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.
- DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

- FLOOD ELEVATION DETERMINATIONS - A determination of the water surface elevations of the 100-year flood: That is, the level of flooding that has a one percent chance of occurrence in any given year.
- FLOOD INSURANCE RATE MAP (FIRM) - An official map of a community, on which a Flood Insurance Study of the Natural Flood Insurance Program has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- FLOOD PLAIN STUDY - The official report containing flood profiles, water surface elevations and delineation of the floodway (FW) and floodway fringe (FF) areas of the 100-year flood plain. This study is provided by the Federal Insurance Administration, Flood Insurance Study, and/or the Nebraska Natural Resources Commission, Flood Plain Study.
- FLOOD PLAIN MANAGEMENT - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works and flood plain management regulations.
- FLOOD PROTECTION SYSTEM - Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard". Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound federal and state engineering standards.
- FLOOD PROOFING - Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- FLOODWAY (FW) - The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain. Also referred to as the Selected Floodway.
- FLOODWAY FRINGE (FF) - That area of the flood plain, outside of the floodway, that on the average is likely to be flooded once every 100 years (i.e.: that has a one percent chance of flood occurrence in any one year). Also referred to as the Commission Floodway.
- HIGHEST ADJACENT GRADE - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- MOBILE HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

- MOBILE HOME PARK (SUBDIVISION) - "Mobile Home Subdivision" means a parcel (or contiguous parcels) of land which has been divided into two or more lots for rent or sale and the placement of mobile homes.
- NEW CONSTRUCTION - New construction means those structures where new construction or substantial improvement of which is begun after December 31, 1974, or the effective date of the official Flood Plain Study, whichever is later.
- OVERLAY DISTRICT - A district which acts in conjunction with the underlying zoning district or districts.
- REGULATORY FLOOD ELEVATION - Elevation indicated in the official flood plain study as the elevation of the 100-year flood.
- REGULATORY FLOOD PROTECTION ELEVATION - An elevation one foot higher than the water surface elevation of the regulatory flood.
- SELECTED FLOODWAY - See floodway definition.
- STRUCTURE - A walled and roofed structure including a gas or liquid storage tank, that is principally above the ground, including but without limitation to buildings, factories, sheds, cabins, mobile homes, and other similar uses.
- SUBSTANTIAL IMPROVEMENT - "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations.
- 100-YEAR FLOOD - The base flood having a one percent chance of annual occurrence.

PASSED AND APPROVED this 16th day of May,

1983.

John M. McLawen
Mayor

ATTEST:

Rosalee Freburg
City Clerk

ORDINANCE NO. 362

AN ORDINANCE TO AMEND SUBSECTION K OF SECTION XVI OF ORDINANCE NO. 328 REGARDING FENCES WITHIN THE CITY LIMITS AND ZONING JURISDICTION OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; TO REQUIRE A PERMIT TO ERECT ANY FENCE WITHIN THE CITY OR ITS ZONING JURISDICTION; TO DEFINE TERMS; TO PROVIDE FOR AN APPLICATION PROCEDURE, APPROVAL AND PERMIT FEES; TO REGULATE AND RESTRICT THE LOCATION AND PLACEMENT OF ALL FENCES; TO PROHIBIT CONSTRUCTION AND MAINTENANCE OF FENCES WHICH CREATE TRAFFIC HAZARDS; TO REGULATE THE HEIGHT AND MATERIALS USED IN CONSTRUCTION OF FENCES; TO PROHIBIT THE USE OF CERTAIN MATERIALS AND TYPES OF FENCES; TO PROVIDE FOR THE MAINTENANCE OF ALL FENCES; TO EXCEPT FENCES IN EXISTENCE AT DATE OF ADOPTION OF THIS ORDINANCE FROM CERTAIN PROVISIONS HEREOF; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR APPEALS; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1

THAT subsection K of Section XVI of Ordinance No. 328 of the City of Fort Calhoun, Nebraska, be amended to read as follows:

K. FENCES

1. Permit Required:

No fence shall be erected, constructed or maintained within the city limits or zoning jurisdiction of the City of Fort Calhoun, Nebraska, unless a permit therefor is applied for, approved and issued by the City Clerk, and such fence is erected, constructed and maintained in conformance with the requirements hereinafter set forth.

2. Definitions:

Where conflicting with the definitions contained in Section XXII hereof, the following shall control:

City: means the City of Fort Calhoun, Nebraska

Fence: a fence or similar structure serving as an enclosure, barrier or boundary

Open Fence: a fence, including gates, which has, for each one (1) foot wide segment extending over the entire length and height of the fence, fifty percent (50%) or more of the surface area in open spaces which afford direct view through the fence

Solid Fence: a fence, including gates, which has insufficient surface area in open space affording direct view there through to qualify as an "open fence."

3. Application Procedure:

(a) Written application for a fence permit shall be made upon forms prescribed by the City Clerk and shall be signed by the property owner or his duly authorized agent or attorney.

(b) Each application shall designate the address to which Notices shall be sent and shall be accompanied by a plot plan survey showing the location of iron pins denoting the lot lines, such

survey to be certified to by a Registered Land Surveyor. The City Clerk may also require structural drawings and specification of materials, with any application for a fence permit.

(c) Two property owners desiring to build one fence on the common lot line of adjacent side yards or back yards may file one application jointly signed by them as applicants.

4. Application Approval and Fee:

The City Clerk is authorized to approve all applications for fence permits which appear to conform to the provisions of law and this Ordinance, and to issue permits for the erection and construction thereof upon payment by the Applicant of the sum of Ten Dollars (\$10.00). All permits issued hereunder shall be valid for a period of one year from date of issuance, and if the fence authorized is not fully erected and constructed within said period, shall be null and void.

5. Location and Placement Restricted:

Except as may be otherwise specifically provided in this Ordinance, no fence shall be erected, constructed or maintained on any lot or tract of land outside the surveyed lot lines of the property to which it belongs.

6. Creation or Maintenance of Traffic Hazards Prohibited:

(a) No fence shall be erected, constructed or maintained in such a manner as to obstruct the view of drivers of vehicles approaching street intersections, or which otherwise creates a traffic safety hazard.

(b) Any fence constructed within the front yard of a residential lot (area between the front yard setback line and the street) or in the street side yard of any residential corner lot (area between side yard setback line and the street) must be an open fence not more than three and one-half feet above the ground.

(c) No foliage or shrubbery shall be planted or maintained in such area which will obstruct the view of drivers approaching the street intersection.

7. Height and Materials Permitted:

(a) No fence in any residential district shall be erected, constructed or maintained to a greater height than three and one-half feet above the ground; provided, however, that open fences serving as partitions upon the rear or side lot lines between two lots may be erected to a height of not more than six feet above the ground.

(b) Closed fencing to provide privacy for a patio may be constructed to a height not exceeding eight feet above the ground, provided that no length along any side exceeds twenty-five feet and provided, further, no part thereof is situated beyond the front yard setback line or beyond the street side setback line applicable to a corner lot.

(c) Materials used in fences on residential property shall be approved by the City Clerk.

(d) Any person desiring a variance from the height and material requirements of this subsection shall be required to apply for a Special Use Permit as provided under Section XVIII of this Ordinance.

8. Prohibition Against Use of Certain Materials and Types of Fences:

(a) It shall be unlawful for any person to erect, construct or maintain any barbed wire fence except for perimeter security fencing of buildings constructed in industrial districts, (the plans and specifications for which requiring City approval before commencement of construction), and for farm fencing constructed for agricultural purposes in agricultural districts.

(b) Except as otherwise provided herein, it shall be unlawful for any person to erect, construct or maintain any fence with barbed selvage at its top.

(c) No electric fence shall be erected, constructed or maintained within the City of Fort Calhoun, Nebraska, or within its zoning jurisdiction.

(d) Any person desiring a variance from the prohibition against use of certain materials and types of fences, may apply for a Special Use Permit as provided in Section XVIII of this Ordinance.

9. Fence Maintenance Required:

All fences existing at the adoption of this Ordinance, and all fences hereafter erected or constructed shall be maintained in good repair and in such condition as to not create or impose a hazard or danger to the public.

10. Fences in Existence at Date of Adoption Hereof:

Any existing fence constructed pursuant to a permit issued by the City in conformity with the ordinances then in force and effect, which fence is in place as of the date of adoption of this Ordinance, may remain without change in accordance with this subsection, notwithstanding the same may be in conflict or violation with one or more provisions of this or prior ordinances, provided, however, that replacement or change of any such existing fence or addition of new fence, must meet all requirements of this Ordinance; and provided, further, that all such fences in place as of date of adoption of this Ordinance must be in compliance with the provisions of subsections 6 and 8 hereof.

Any such existing fence constructed pursuant to a permit issued by the City which through inadvertence was erected or constructed upon City property, and which is in place as of the date of adoption of this Ordinance, may remain at the pleasure of the City, as though pursuant to a limited license granted by the City and terminable at any time without notice.

11. Enforcement:

(a) Any fence permit issued hereunder may be revoked or cancelled by the City Clerk for reasons as follows:

(i) Fraud, misrepresentation, concealment, error or material omission in the Application for a fence permit, or in the accompanying survey or related document;

(ii) That the fence authorized by the permit as issued has not been, or is not being, erected or constructed in conformity with the provisions of the Application, its related survey and other documents; or is otherwise in violation of any part or section of this Ordinance.

(b) The City Clerk, upon determination that a violation has occurred, or is occurring, as above set forth, shall forthwith send to the Applicant by Certified Mail, at the address set forth upon the

Application, a written notice of the revocation or cancellation of such issued permit, and the reasons therefor, and the Applicant shall thereupon cease and desist from all further efforts to complete the erection and construction of the fence described in the permit, or as the case may require, shall cause the fence to be removed.

(c) Should it be determined that any existing fence in place as of the date of adoption of this Ordinance has been, or is being, replaced or changed or added to, without the obtaining of a valid fence permit, as herein provided, or that such existing fence poses a traffic safety hazard as described in subsection 6(a), or is dangerous and prohibited under subsection 8 hereof, the City Clerk shall forthwith send to the property owner by Certified Mail, a written notice of such violation or prohibited condition; and thereupon the owner shall without delay cause the removal of such fence.

(d) The City Attorney, upon direction of the Mayor or the City Council by Resolution, is authorized and empowered to enforce any and all provisions of this Ordinance and to initiate or defend suits in courts of competent jurisdiction, as may be required to enforce the provisions of this Ordinance.

12. Appeals:

Any person aggrieved by any order or decision of the City Clerk or other official of the City concerning the granting, issuance or denial, revocation or cancellation of a permit controlled by this Ordinance, may appeal to the Board of Adjustment within the time, and in the manner provided under Section XX of Ordinance No. 328.

13. Severability:

Should any section, subsection, provision or portion of this Ordinance be found to be unlawful, void or unenforceable, by decision of any court of competent jurisdiction, the remaining sections, subsections, provisions and portions thereof shall be and remain in full force and effect.

SECTION 2

All ordinances or parts of ordinances, including, but not limited to Subsection K of Section XVI of Ordinance No. 328, adopted November 5, 1979, which are in conflict herewith, are hereby repealed.

SECTION 3

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

PASSED AND APPROVED THIS 1st DAY OF August, 1983.

ATTEST:

John M. McSewer
Mayor of the City of Fort Calhoun, Nebraska

Rosalee Stebbins
City Clerk

(SEAL)

ORDINANCE NO. 363

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO ESTABLISH A FRANCHISE FOR A CABLE TELEVISION SYSTEM IN THE CITY OF FORT CALHOUN, NEBRASKA; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF A FRANCHISE: PROVIDING FOR CITY REGULATIONS AND USE OF THE CABLE TELEVISION SYSTEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1. DEFINITIONS. For the purpose of this ordinance the following terms, phrases, words, abbreviations, and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(a) City shall mean the City of Fort Calhoun, Nebraska.

(b) Mayor and City Council shall mean the governing body of the City.

(c) Company shall mean the grantee of rights under this ordinance.

(d) Person shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(e) Franchise Area shall mean that area within the corporate limits of the City.

(f) Street shall mean the surface of and the space above and below any public street, right of way, road, highway, freeway, bridge, lane, path, alley, court, sidewalk, parkway, drive, communications or utility easement, now or hereafter existing as such within the franchise area.

(g) Property of Company shall mean all property owned, installed or used by Company in the conduct of a CATV business in the City.

(h) CATV shall mean a cable television system as hereinafter defined.

(i) Cable Television System shall mean a system composed of, without limitation, antenna, cables, wires, lines, towers, wave guides, or any other conductors, converters, equipment or facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable audio and/or visual radio, television, electronic or electrical signals to and from persons, subscribers and locations in the franchise area.

(j) Basic CATV Service shall mean the simultaneous delivery by Company to television receivers (or any other suitable types of audio-video communication receivers) of all subscribers in the City of all signals of over-the-air television broadcasters

required by the FCC to be carried by cable television system as defined hereinabove. Basic service shall also include additional channels including original cablecast programming at the option of the Company.

(k) Additional Service shall mean any communications service other than basic service provided over its cable television system by Company directly or as a carrier for its subsidiaries, affiliates, or any other person engaged in communications services including, but not limited to, satellite distributed programming, burglar alarm, data, or any other electronic intelligence transmission, facsimile reproduction, meter reading, and home shopping.

(l) Pay Television Service shall mean the delivery over the cable television system of video signals in intelligible form to subscribers for a fee or charge (over and above the charge for basic CATV service) on a per program, per channel or other subscription basis.

(m) Subscriber shall mean any person or entity receiving basic CATV service.

(n) Gross Annual Basic Subscriber Revenues shall mean any and all compensation and other consideration received directly by Company from subscribers in payment for regularly furnished basic CATV service. Gross annual basic subscriber revenue shall not include any taxes on services furnished by Company imposed directly on any subscriber or user by any city, state or other governmental unit and collected by Company for such governmental unit, "nor shall it include revenue from 'auxiliary' services which include, but are not limited to, advertising, leased channels and pay television".

SECTION 2. TITLE. This Ordinance shall be known and may be cited as the Cable Television Franchise Ordinance of the City of Fort Calhoun, Nebraska.

SECTION 3. GRANT OF AUTHORITY. The franchise is to be granted by City pursuant to this Ordinance shall grant to Company the right, privilege and franchise to erect, construct, operate and maintain in, upon, along, across, above, over and under the streets, alleys, public ways and public places now laid out or dedicated and all such extensions thereto and additions thereto in the City, poles, wire, cables, underground, conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation of a cable television system for the interception, sale, transmission and distribution of television programs and other audio-visual electrical signals and the right to transmit the same to the inhabitants of the City on the terms and conditions hereinafter set forth and as set forth in the franchise itself.

SECTION 4. NON-EXCLUSIVE GRANT. The rights herein granted for the purposes herein set forth shall not be exclusive,

and the City reserves the right to grant similar use of said streets, alleys, easements, public ways and places to any person at any time during the period of this franchise; provided, however, that nothing contained herein shall be deemed to require the granting of additional CATV franchises if, in the opinion of the Mayor and City Council, it is in the public interest to restrict such franchises to one or more.

SECTION 5. DURATION OF FRANCHISE GRANT AND EXTENSION.

The term of each non-exclusive franchise to be granted by the Governing Body subject to this ordinance shall be for a period of fifteen (15) years from and after the grant date of the franchise awarded subject further to the conditions and restrictions provided herein. The Governing Body shall have the right from time to time to revise the operation of the system by the Grantee as herein provided.

At the expiration of any franchise term, the franchise may be renewed for an additional fifteen (15) year period. Such renewal shall be granted after full public hearings held pursuant to the following procedure:

- (a) Six months before the expiration of each franchise, the Governing Body shall review the performance of the Grantee.
- (b) After public notice, the Governing Body shall proceed to determine whether the Grantee has satisfactorily performed its obligations under the franchise. In this respect, the Governing Body shall look at the technical developments and performance of the system, programming, other services offered, cost of service and any other particular requirement set forth in this ordinance. The Governing Body shall also consider the annual reports made to it and the Federal Communications Commission (FCC) by the Grantee. Community comment shall be provided for in connection with the hearing and industry performance on a national basis shall be considered.
- (c) The public hearing with respect to the review of the performance by the Grantee shall occur at least four (4) months prior to the expiration of the franchise. Following public hearing the Governing Body shall determine whether or not the Grantee's performance was satisfactory; and if satisfactory, the extension of the franchise period may be granted at that time.
- (d) In the event the current Grantee is determined by the Governing Body to have performed unsatisfactorily, new applicants shall be sought and evaluated by the Governing Body and a franchise award made according to the franchising procedures then in effect.

SECTION 6. RE-EVALUATION. The Governing Body and the Grantee may hold a scheduled re-evaluation session within thirty (30) days of each fifth anniversary date of the grant of this franchise. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation in Fort Calhoun at least ten (10) days before each session.

Either the Governing Body or the Grantee shall have the right to schedule a special re-evaluation session at any time during the term of the franchise. All such re-evaluation sessions shall be open to the public and announced in a newspaper of general circulation in Fort Calhoun at least ten (10) days before each session.

The following topics may be discussed at every scheduled re-evaluation session: service rate structure; free or discounted services; application of new technology; system performance; services provided; programming offered; customer complaints; amendments to this ordinance; underground progress and judicial and FCC rulings. Topics in addition to those listed may be added if agreed to by the Governing Body and the Grantee. A topic may also be added by petition of the general public signed by twenty-five (25) or more residents of Fort Calhoun.

SECTION 7. CANCELLATION AND TERMINATION. The Governing Body may cancel any non-exclusive franchise at any time prior to its expiration date upon a finding made following a public hearing that the Grantee has failed to cure one or more of the following defects during a sixty (60) day period following written notice by the Governing Body to the Grantee of such defect:

- (a) Material breach whether by act or omission of any terms or conditions of this ordinance.
- (b) Material misrepresentation of fact in the application for or negotiation of the franchise.
- (c) Failure to provide subscribers or users with adequate service in the best interest of the public convenience and welfare.

Such public hearing shall be preceded by thirty (30) days notice published in a newspaper of general circulation in Fort Calhoun.

SECTION 8. POLICE POWERS. In accepting this franchise, Company acknowledges that its rights hereunder are subject to the

police power of the City to adopt and enforce general ordinances necessary to the safety and welfare of the public; and it agrees to comply with all applicable general laws and ordinances enacted in the City pursuant to such power.

SECTION 9. CONSTRUCTION AND MAINTENANCE.

(a) All structures, lines and equipment erected by Company within the City shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places and to cause minimum interference with rights or reasonable convenience of property owners, and Company shall comply with all reasonable, proper and lawful ordinances of the City now or hereafter in force. Existing poles, posts, conduits, and other such structures of any electric power system, telephone company, or other public utility located in the City shall be made available to Company for leasing or licensing upon reasonable terms and rates and shall be used to the extent practicable in order to minimize interference with travel and avoid unnecessary duplication of facilities. To the extent that existing poles, posts, conduits, and other such structures are not available, or are not available under reasonable terms and conditions, including excessive cost or unreasonable limitation upon the use of Company's cable television system, Company shall have the right to purchase, lease, or in any other lawful manner acquire land or rights-of-way upon or under which to erect and maintain its own poles, conduits, and other such structures as may be necessary for the construction and maintenance of its cable television system.

(b) In case of disturbance of any street, public way, or paved area, Company shall, at its own cost and expense and in a manner approved by the City, replace and restore such street, public way or paved area in as good a condition as before the work involving such disturbance was done.

(c) If at any time during the period of franchise the City shall lawfully elect to alter or change the grade of any street, sidewalk, alley, or other public way, Company upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at its own expense.

(d) Any poles or other fixtures placed in any public way by Company shall be placed in such manner as not to interfere with the usual travel on such public way.

(e) Company shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its wires to permit the moving of buildings. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting the same, and the Company shall have the authority to require such payment in advance. Company shall be given not less than forty-eight (48) hours advance notice to arrange for such temporary wire changes.

(f) Company shall have the authority to trim trees upon any overhanging streets and public ways and places of the franchise area so as to prevent the branches of such trees from coming in contact with the wires and cables of Company, except that at the option of the City, such trimming may be done by it or under its supervision and direction at the expense of Company.

(g) Company shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property

of Company when required by the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, change of establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that Company shall in all such cases have the rights and obligations of abandonment of property of Company, subject to City ordinances.

(h) City shall have the right to make additional use, for any public or municipal purpose, of any poles or conduits controlled or maintained exclusively by or for Company in any street, provided such use by City does not interfere with the use by Company. The City shall indemnify and hold harmless Company against and from any and all claims, demands, causes of action, actions, suits, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of such use of Company's poles or conduits. In addition, Company shall have the right to make additional use of any poles or conduits controlled or maintained exclusively by the City and shall indemnify and hold harmless the City against and from any and all claims, demands, causes of action, costs or liabilities of every kind and nature whatsoever arising out of such use of the City's poles or conduits.

SECTION 10. SAFETY REQUIREMENTS.

(a) Company shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.

(b) All structures and all lines, equipment and connection in, over, under, and upon the streets, sidewalks, alleys, and public ways or places of the franchise area, wherever situated or located, shall at all times be kept and maintained in a safe, suitable condition, and in good order and repair.

SECTION 11. SYSTEM CONSTRUCTION AND EXTENSION.

(a) Company, whenever it shall receive a request for service from at least ten subscribers within 1,000 cable feet of its trunk cable, shall extend its system to such subscribers at no cost to the subscribers for system extension other than the usual connection fees for all subscribers, provided that such extension is technically and physically feasible, and within Company's franchise area. The 1,000 feet shall be measured in extension length of Company's cable required for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises.

(b) No person, firm or corporation in Company's franchise area shall be arbitrarily refused service. However, in recognition of the capital costs involved, for unusual circumstances, such as requirement for underground cable, or more than 150 feet of distance from distribution cable to connection of service to subscribers, or a density of less than ten subscribers per 1,000 feet of cable system, in order to prevent inequitable burdens on potential cable subscribers in more densely populated areas, service may be made available on the basis of cost of materials, labor and easements.

(c) In the event additional adjacent territory is incorporated within the City's limits, by annexation or otherwise, Company's rights and duties under this Ordinance shall be deemed to include such additional territory.

SECTION 12. OPERATIONAL STANDARDS. Company shall operate and maintain its cable television system in full compliance with the standards set forth by the Federal Communications Commission.

SECTION 13. LOCAL OFFICE: COMPLAINTS. Company shall maintain a business office or agent which subscribers may telephone during regular business hours without incurring added message or toll charges so that CATV maintenance service shall be promptly available. Should a subscriber have an unresolved complaint regarding the quality of cable television service, equipment, malfunctions, or similar matters, the subscriber shall be entitled to meet jointly with a representative of City and a representative of Company within thirty (30) days to fully discuss and resolve such matters.

SECTION 14. RATES. Prior to receiving a franchise or beginning operation, the Company shall file with the City a schedule of tariffs which shall include all fees, charges and rates to be charged to subscribers, and agrees that the City and the public may rely upon the same as inducement for the grant of franchise. Thereafter, the Company shall notify the City in writing of any proposed change in any fee, charge or rate at least thirty (30) days prior to the proposed effective date of such change. Any proposed increase in the fees, charges or rates charged by the Company will be subject to approval by the Governing Body of the City, pursuant to state statutes.

SECTION 15. PREFERENTIAL OR DISCRIMINATORY PRACTICES PROHIBITED. Company shall not as to rates, charges, service facilities, rules, regulations or in any other respect make or grant any preference or advantage to any person nor subject any person to any prejudice or disadvantage, provided, that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any customer coming within such classification would be entitled, and provided further, that connection and service charges may be waived or modified during promotional campaigns of Company.

SECTION 16. FRANCHISE PAYMENTS. Company shall pay to the City on or before April 1 of each year, a 5% franchise fee based on gross annual basic subscriber revenues received for cable

television operations in the City for the preceding calendar year. Sales tax or other taxes levied directly on a per subscription basis and collected by the Company shall be deducted from the gross annual basic subscriber revenues before computation of sums due the City is made. Company shall provide an annual summary report executed by a certified public accountant certifying gross annual basic subscriber revenue received during the preceding year.

SECTION 17. INDEMNIFICATION OF CITY.

(a) Company shall at all times protect and hold harmless the City from all claims, actions, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs, and attorney fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of Company in the ownership, construction, repair, replacement, maintenance and operation of said cable television system and by reason of any license, copyright, property right or patent of any article or system used in the construction or use of said system.

Company shall maintain in full force and effect during the life of any franchise, public liability insurance in a solvent insurance company authorized to do business in the State of Nebraska, at no less than in the following amounts:

- a. \$50,000.00 property damage in any one accident;
- b. \$100,000.00 for personal injury to any one person;
- c. \$300,000.00 for personal injury in any one accident;

provided that all such insurance may contain reasonable deductible provisions not to exceed \$1,000.00 for any type of coverage, and provided further, the City may require that any and all investigation of claims made by any person, firm, or corporation against the City arising out of any use or misuse of privileges granted to Company hereunder shall be made by, or at the expense of Company or its insurer.

SECTION 18. SERVICE TO SCHOOLS AND CITY. The Company shall provide service to public and parochial school locations and teaching stations within the City for educational purposes upon request by the City and at no cost to it or to the public or parochial school systems. Company shall also provide to City connections to be selected by the City without charge, one junction terminal to each of said buildings at a location therein to be selected by the City, and shall also furnish to those buildings, without charge, regular service of all sets connected within such buildings to the terminal junction.

SECTION 19. APPROVAL OF TRANSFER. Company shall not sell or transfer its plant or system to another, other than a parent company or a wholly owned subsidiary of Company, nor

transfer any rights under this franchise to another without the approval of the Mayor and City Council. Provided, that no sale nor transfer shall be effective until the vendee, assignee or lessee has filed in the office of the City Clerk an instrument duly executed reciting the fact of such sale, assignment or lease accepting the terms of the franchise and agreeing to perform all the conditions thereof. Such approval will not be unreasonably withheld and neither this Section or other Sections of this franchise shall preclude the assignment of certain rights in the system by the Company for the purpose of financing.

SECTION 20. NEW DEVELOPMENTS. It shall be the policy of the City to liberally amend this franchise upon application of Company, when necessary to enable Company to take advantage of any developments in the field of transmission of television and radio signals which will afford it an opportunity more effectively, efficiently or economically to serve its customers.

SECTION 21. MISCELLANEOUS PROVISIONS.

(a) When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Clerk.

(b) In the case of any emergency or disaster, Company shall, upon request of the City, make available its facilities to the City for emergency use during the emergency or disaster period.

SECTION 22. SURRENDER RIGHT. Company may surrender this franchise at any time upon filing with the City Clerk of the City a written notice of its intention to do so at least three (3) months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges and all of the obligations, duties and liabilities of Company in connection with this franchise shall terminate, without, however, affecting liabilities under the bonds and insurance policies heretofore described, nor liability for claims and causes of action already accrued.

SECTION 23. VIOLATIONS.

(a) From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any public street in the City, or within any other public property of the City, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, any equipment or facilities for distributing any television signals or radiosignals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the franchised cable television system within this City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of said system.

(c) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

SECTION 24. PENALTIES. Any person violating or failing to comply with any of the provisions of Section 21 of this ordinance shall be guilty of a misdemeanor and for each day of violation or failure to comply may be punished by a fine not to exceed \$100.00.

SECTION 25. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The City hereby declares that it has passed this ordinance and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The validity of any portion of this ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required of the Company.

SECTION 26. REPEAL. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 27. EFFECTIVE DATE. 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 15th day of August, 1983.

John M. McSewar
Mayor of the City of Fort Calhoun

ATTEST:

Rosalie Freburg
City Clerk

ORDINANCE NO. 364

AN ORDINANCE AMENDING ARTICLE IV, SECTION 3 OF ORDINANCE NO. 338 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, PROVIDING FOR A MINIMUM CHARGE PER MONTH FOR EACH CONTRIBUTOR TO THE CITY'S WASTEWATER TREATMENT WORKS; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1

THAT Article IV, Section 3 of Ordinance No. 338 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, should be and the same is hereby amended to read as follows:

ARTICLE IV

Section 3 : The minimum charge per month shall be \$7.00. 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.

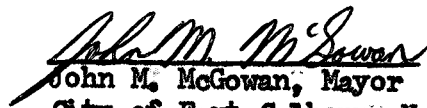
SECTION 2

ALL ordinances or parts of ordinances, including but not necessarily limited to Article IV, Section 3 of Ordinance No. 338, in conflict herewith are hereby repealed.

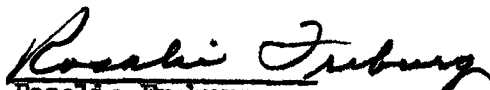
SECTION 3

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 15th DAY OF AUGUST, 1983.


John M. McGowan, Mayor
City of Fort Calhoun, Nebraska

ATTEST:


Rosalie Freburg
City Clerk

1987 APR 23 PM 2:00

ORDINANCE NO. 365

AN ORDINANCE TO REZONE LOTS ONE (1), TWO (2) AND THREE (3) OF BLOCK FIFTY-SIX (56), FORT CALHOUN COMPANY'S ADDITION TO FORT CALHOUN, NEBRASKA, AS SURVEYED, PLATTED AND RECORDED, WASHINGTON COUNTY, NEBRASKA, FROM RESIDENTIAL DISTRICT TO GENERAL COMMERCIAL DISTRICT; TO AMEND THE OFFICIAL ZONING MAP OF FORT CALHOUN, NEBRASKA, ACCORDINGLY; AND TO AMEND THE ZONING ORDINANCE TO CONFORM THEREWITH.

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

Section 1. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that an Application to rezone Lots One (1), Two (2) and Three (3) of Block Fifty-Six (56), Fort Calhoun Company's Addition to Fort Calhoun, Nebraska, as surveyed, platted and recorded, Washington County, Nebraska, from RESIDENTIAL (R) DISTRICT to GENERAL COMMERCIAL (C) DISTRICT has heretofore been filed with the City and referred to its Planning Commission, which has favorably recommended said change in zoning and amendment to the Official Zoning Map of Fort Calhoun, Nebraska, and its zoning Ordinance.

Section 2. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 7th day of November, 1983, said Application was heard in public hearing before the Fort Calhoun City Council; that published notice of such hearing had been given not less than ten days prior thereto; that notice of the pending Application for rezoning had been posted upon the property to be rezoned, and that all requirements of ordinance and statute pertaining to the amendment and modification of the zoning Ordinance and zoning map have been fully complied with.

Section 3. That Lots One (1), Two (2) and Three (3) of Block Fifty-Six (56), Fort Calhoun Company's Addition to Fort Calhoun, Nebraska, as surveyed, platted and recorded, Washington County, Nebraska, shall be and hereby is designated as General Commercial District for the purposes of zoning; that the Official Zoning Map of Fort Calhoun, Nebraska, and

its Zoning Ordinance are hereby amended to reflect such zoning change.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That this Ordinance shall take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 7th DAY OF NOVEMBER, 1983.

John M. McSawen
Mayor of the City of Fort Calhoun, Nebraska

_____ ✓

ATTEST:

Rosalie Treburg
City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) 88 1037.
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 23rd DAY OF April A.D. 1983.
AT 7:08 O'CLOCK PM AND RECORDED IN BOOK
164 AT PAGES 255-256
COUNTY CLERK Therese A. Peterson
DEPUTY Clarey Warden



(SEAL)

ORDINANCE NO. 366

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 185 OF THE ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA; TO PROVIDE FOR THE NUMBER OF MEMBERS UPON, AND THEIR QUALIFICATIONS FOR APPOINTMENT TO, THE CITY PLANNING COMMISSION; THEIR TERM OF OFFICE, REMOVAL FROM OFFICE AND THE FILLING OF VACANCIES THEREON; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, it has been shown to the satisfaction of the Mayor and City Council of this City that the effective operation of the City Planning Commission has been seriously and adversely affected by its large and unwieldy membership; and it being further shown that the statutory law of this state now permits the City Council to establish by ordinance a smaller membership upon said Commission; and it being found to be in the best interest of the citizens and residents of Fort Calhoun, Nebraska, as well as those residing within the area over which this City is authorized to exercise extraterritorial zoning and subdivision regulation, that the size of the membership upon the City Planning Commission be reduced to the minimum number permitted by the law of this state, NOW, THEREFORE

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

SECTION 1

THAT Section 1 of Ordinance No. 185 of the Ordinances of the City of Fort Calhoun, Nebraska, should be and the same hereby is amended to read as follows:

SECTION 1: There is hereby created a City Planning Commission, which shall consist of five members, residents of the City, who shall represent insofar as is possible different professions or occupations in the City and who shall be appointed by the Mayor, by and with the approval of a three-fourths vote of the City Council. All members of the Commission shall serve as such without compensation and shall hold no other municipal office except as may be permitted under the laws of this state. That the initial board shall consist of one member appointed for a term of one year, two members appointed for a term of two years and two members appointed for a term of three years. Thereafter, all members shall be appointed for a term of three years; provided that vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor. Except as otherwise provided herein all members shall hold office until their successors are appointed. All members may, after a public hearing before the Council, be removed by the Mayor, by and with the consent of a three-fourths vote of the Council for inefficiency, neglect of duty or malfeasance in office or other good and sufficient cause.

SECTION 2

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

SECTION 3

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 7th DAY OF MAY, 1984.

John M. McSweeney
Mayor of the City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Jacobson
City Clerk

(SEAL)

ORDINANCE NO 367

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 MAY 1, 1984; 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 May 1, 1984. 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	\$ 376.00
per duplex	747.00

- (2) Multi-Family Housing - All other residential housing, including trailer courts, must be paid in advance on entire project, including all common property, greenways, buffer zones, private streets, etc. Does not include dedicated streets.

Density in units per acre	Per Acre
6 or less (under 6.51)	\$ 1,580
7 - (6.51-7.50)	1,590
8 - (7.51-8.50)	1,600
9 - (8.51-9.50)	1,610
10- (9.51-10.00)	1,620
10.01-20	\$ 1,620 + 33.50 per unit per acre in excess of 10 units per acre/
Over 20	\$ 1,955 + 28.50 per unit per acre in excess of 20 units per acre

Minimum charge for any structure, or group of structures in project is \$ 900.00

- (4) Commercial and Industrial

Per acre	1,296.00
On tracts or areas of less than .29 acre there will be a minimum fee of	376.00

- (5) Golf Courses, Parks, Lakes, Areas
Zoned as Floodplain, Schools,
cemeteries and churches.
Per acre or areas less than one acre:
Golf Courses \$ 866.00
Parks, lakes, areas zoned as
floodplain, schools and cemeteries:
First 50 acres-per acre 433.00
Above 50 acres-per acre 106.00
- (6) Greenways, Buffer Zones and Non-
Dedicated Streets
Per acre 1,296.00
On tracts or areas of less than
1/3 acre there will be a minimum
fee of 376.00

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 7th day of May, 1984.

John M. McLawen
Mayor

ATTEST:

Rosalie Freburg
City Clerk

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 368

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 84-1 IN THE CITY OF FT. CALHOUN, NEBRASKA, DESCRIBING THE PROPERTIES INCLUDED WITHIN THE COUNDARIES OF SAID DISTRICT, PROVIDING FOR THE CONSTRUCTION OF CERTAIN STREET IMPROVEMENTS THEREIN, 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. 84-1 containing the following property:

Lots 1,2,3, 4 and 5 of Block 33, Lots 1,2,3,4 and 8 of Block 34, Lots 5,6,7 and 8 of Block 26 and Lots 5,6,7 and 8 of Block 27 in the Original Town of Ft. Calhoun, Nebraska.

The following street within said 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 Adams Street from the west line of 7th Street to the intersection with 9th Street which is a paved street and 8th Street from Adams Street to the north line of Monroe Street which is a paved 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 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 16th day of July, 1984.


Mayor

Attest:


City Clerk

Publish July 23, 1984

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 369

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 84-2 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.

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. 84-2 containing the following property:

Lots 1 and 8 of Block 86 and Lots 4 and 5 of Block 87 of 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 11th Street from the south line of Madison Street to the north line of Jefferson 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 16th day of July, 1984.


Mayor

Attest:


City Clerk

Publish July 23, 1984.

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 370

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 84-3
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,

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. 84-3 containing
the following property:

Lots 4 and 5 of Block 53 and Tax Lot 70, Washington Square
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:

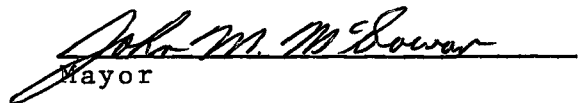
That portion of 11th Street from the north line of Court
St., a paved street, to the south line of Monroe St., a
paved street, as platted in the City of Ft. Calhoun, Nebraska.

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 16th day of July, 1984.


Mayor

Attest:


City Clerk

Publish July 23, 1984

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 371

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 84-4
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.

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. 84-4 containing
the following property:

Lot 5 of Block 65 and Lot 8 of Block 66 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:

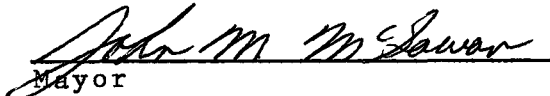
That portion of 8th Street from the north line of Madison
Street which is a paved street to the north line of the
Alley in Blocks 65 and 66 as platted in the City of Ft.
Calhoun, Nebraska.

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.

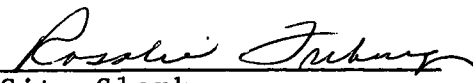
Section 3. Notice of the creation of said District shall
be published in the Pilot-Tribune, a legal newspaper of general
circulation in the City for two weeks after the publication of
this Ordinance.

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 16th day of July, 1984.


Mayor

Attest:


City Clerk

Publish July 23, 1984

CITY OF FT. CALHOUN, NEBRASKA

ORDINANCE NO. 372

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 84-5 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.

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. 84-5 containing the following property:

Lot 1 of Block 55 and Lot 4 of Block 56, East Market Square 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 8th Street from the south line of Monroe Street which is a paved street to a point 149.5 feet south 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 of the law.

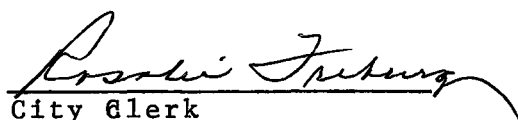
Section 3. Notice of the creation of said District shall be published in the Pilot-Tribune, a legal newspaper of general circulation in the City for two weeks after the publication of this Ordinance.

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 24th day of July, 1984.


Mayor

Attest:


City Clerk

Publish July 26, 1984

ORDINANCE NO. 373

AN ORDINANCE ELECTING TO REMAIN A CITY OF THE SECOND CLASS AS DEFINED BY THE LAWS OF THE STATE OF NEBRASKA; TO CONTINUE TO BE GOVERNED BY LAWS OF THIS STATE APPLICABLE TO CITIES OF THE SECOND CLASS; TO AUTHORIZE AND DIRECT THE MAYOR TO CERTIFY SAID FACT TO THE SECRETARY OF STATE OF NEBRASKA; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith, AND TO DETERMINE WHEN THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, the Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, a municipal corporation, hereby find and determine that the population of this city heretofore and now designated as a city of the second class, has decreased, according to the last officially promulgated census, enumeration and return, taken by the United States, to where this city has a population of less than eight hundred and more than one hundred inhabitants, and

WHEREAS, the Mayor and City Council of this city hereby further find and determine that pursuant to Sec. 17-310 of the Revised Statutes of Nebraska, 1984 Cumulative Supplement [Laws 1984, LB 1119, Sec. 5, Effective date July 10, 1984], it is required that in order to retain its status as a city of the second class, the Mayor and City Council must decide and determine by ordinance to remain as a city of the second class; said fact to be certified by the Mayor to the Secretary of State of Nebraska, and

WHEREAS, it is in the best interests of the citizens, inhabitants and residents of the City of Fort Calhoun, Washington County, Nebraska, to retain its status as a city of the second class, and to continue to be governed by the laws of this state applicable to cities of the second class, NOW THEREFORE

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


Section 1. That the City of Fort Calhoun, Washington County, Nebraska, shall continue to remain a city of the second class as defined by the Laws of the State of Nebraska, and continue to be governed by the laws of this state applicable to cities of the second class.

Section 2. That the Mayor of this city be authorized and directed to certify such fact to the Secretary of State of Nebraska, and to make such filings as may be required to comply with law and to effectuate its purposes.

Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.


Section 4. 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 10th day of December, 1984.



Mayor of Fort Calhoun, Nebraska

ATTEST:



City Clerk

STATE OF NEBRASKA)
)
COUNTY OF WASHINGTON) ss.
)
CITY OF FORT CALHOUN)

I, JOHN M. MC GOWAN, the duly elected, qualified and acting Mayor of the City of Fort Calhoun, Nebraska, hereby certify with regard to the subject set forth in Sec. 17-310, Revised Statutes of Nebraska, 1943, (1984 Cumulative Supplement), that said city, acting by and through its Mayor and Council, has decided by ordinance to remain a city of the second class; that a copy of said Ordinance No. 373 is appended to this Certificate, and by this reference made a part hereof.


I do further certify that said Ordinance No. 373 was unanimously passed at a duly constituted meeting of the City Council of Fort Calhoun, Nebraska, held on the 10th day of December, 1984, was approved and signed by me, was published as required by law, and remains in full force and effect.

Dated this 10th day of December, 1984.



Mayor, City of Fort Calhoun,
Nebraska

ATTEST:



City Clerk

(SEAL)

PROCLAMATION
OF THE
SECRETARY OF STATE
STATE OF NEBRASKA

Having received documentation in the nature of the Affidavit of Rosalie Freburg, Municipal Clerk of Fort Calhoun, Washington County, Nebraska, dated July 26, 1994, with appended and attached copies of Ordinance No. 373 of that city, passed and approved December 10, 1984, and a Certificate of the same date, signed by then Mayor John M. McGowan, certifying the intention of said city to remain and retain its status as a City of the Second Class under the provisions of Laws 1984, LB 1119, §5 (Neb. Rev. Stat., §17-310); and the Secretary of State of the State of Nebraska being satisfied that the City of Fort Calhoun has met all of the requirements of law governing Cities of the Second Class, NOW THEREFORE,

I, ALLEN J. BEERMANN, Secretary of State of the State of Nebraska, having custody and possession of all necessary documents, and being fully advised in the premises DO HEREBY PROCLAIM AND ORDER that the City of Fort Calhoun, within the geographical boundaries of Washington County, Nebraska, be instated and continued as a City of the Second Class, and that the effective date of this action and continued status shall be December 10, 1984.

DATED this 27th day of July, 1994.



Allen J. Beermann
Secretary of State
State of Nebraska



ORDINANCE NO. 374


AN ORDINANCE PROVIDING FOR THE DATE AND
TIME OF REGULAR COUNCIL MEETINGS

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

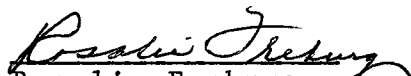
The City of Fort Calhoun, Nebraska shall hold
the regular monthly Council Meeting on the Second
Monday of each month at 7:30 P.M. in the City Hall.

This ordinance shall be in force and effect from
and after its passage and publication according to
law.

Passed and approved this 4th day of February, 1985
in Fort Calhoun, Nebraska.


John M. McGowan
Mayor

Attest:


Rosalie Freburg
City Clerk

ORDINANCE NO. 375

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 MAY 1, 1985; 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, EBRASKA:

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 May 1, 1985.

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 o f 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 \$ 391.00
 - per duplex 777.00

- (2) Multi-Family Housing - All other residential housing, including trailer courts, must be paid in advance on entire project, including all common property, greenways, buffer zones, private streets, etc. Does not include dedicated streets

Density in units per acre	Per Acre
6 or less (under 6.51)	\$ 1,643
7 - (6.51-7.50)	1,654
8 - (7.51-8.50)	1,664
9 - (8.51-9.50)	1,674
10 - (9.51-10.00)	1,685
10.01 - 20	\$ 1,685 + 35.00 per unit per acre in excess of 10 units per acre.
Over 20	\$ 2,035 + 35.00 per unit per acre in excess of 20 units per acre

Minimum charge for any structure, or group of structures in project is \$ 940.00

- (4) Commercial and Industrial
 - Per acre \$ 1,348.00
 - On tracts or areas of less than .29 acre there will be a minimum fee of 391.00

- (5) Golf Courses, Parks, Lakes, Areas
Zoned as Floodplain, Schools,
cemeteries and churches.
Per acre or areas less than one acre:
Golf courses \$ 901.00
Parks, lakes, areas zoned as
floodplain, schools and cemeteries:
First 50 acres-per acre 450.00
Above 50 acres-per acre 106.00
- (6) Greenways, Buffer Zones and Non-
Dedicated Streets
Per acre 1,348.00
On tracts or areas of less
than .29 acre there will be
a minimum fee of 391.00

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 10th day of June, 1985.

John M. McSwain
Mayor

ATTEST:

Roschi Steburg
City Clerk

ORDINANCE NO. 376

AN ORDINANCE TO AMEND SUBSECTION C OF SECTION II OF ORDINANCE NO. 328 REGARDING MATERIALS TO BE SUBMITTED BY ALL APPLICANTS FOR BUILDING PERMITS REQUIRED UNDER SAID ORDINANCE; TO REQUIRE A ZONING COMPLIANCE CERTIFICATE TO BE ISSUED AS PART OF THE APPLICATION PROCEDURE; TO FURTHER SPECIFICALLY REQUIRE THAT EVERY SUCH APPLICATION BE ACCOMPANIED BY A CERTIFIED PLOT PLAN SURVEY SHOWING THE LOCATION OF IRON PINS DENOTING THE LOT LINES; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1

THAT subsection C of Section II of Ordinance No. 328 of the City of Fort Calhoun, Nebraska, be amended to read as follows:

C. ZONING COMPLIANCE CERTIFICATE

Prior to the application for a building permit or permits on a tract of land, lot or other parcel of land, not including farm buildings, the Owner shall submit to the Zoning Administrator the following to show that his plans conform to the requirements of these regulations set forth herein:

1. A site development plan and other drawings at a scale of not less than 1 inch equals 100 feet and calculations necessary to determine that the proposed development meets the requirements of the district in which the proposed development is located. Each application shall be accompanied by a plot plan survey showing the location of iron pins denoting the lot lines, such survey to be certified by a Registered Land Surveyor.
 - a. The plans shall show the number and arrangement of buildings on the land, the building bulk and height, access drives, walks, parking areas, drainage, grading plan, utility distribution, recreation areas, open spaces, landscape development and, in general, the specific land use of the site.
 - b. The building and/or buildings site plan or plot plan shall show the set back dimensions from all property lines and the zoning district designation.
2. The Administrator shall review the plans for compliance to these regulations and, if necessary, may require additional information such as typical building floor plans, building elevations, size and type of plant materials, pavement surfacing and other major site improvements.
3. After a review of the plans and necessary information, the Administrator shall issue a Zoning

Compliance Certificate if the Administrator finds the proposal in conformity with these regulations, and inform the owner that he may make application for a building permit.

4. Should the Administrator find the plans not conforming with these regulations, the Administrator shall so inform the owner, along with reasons for the decision.
5. No building permits or other permits shall be issued without a Zoning Compliance Certificate.

SECTION 2

All ordinances or parts of ordinances, including, but not limited to subsection C of Section II of Ordinance No. 328, adopted November 5, 1979, which are in conflict herewith, are hereby repealed.

SECTION 3

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

PASSED AND APPROVED THIS 12th DAY OF ^{August}~~MAY~~, 1985.

John M. McLeaver
Mayor, City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Trebing
City Clerk

(SEAL)

FILED

1986 MAY 30 AM 8:56

ORDINANCE NO. 377

FILED
1986 MAY 21 PM 1:00

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
CLERK NEBR
ORDINANCE TO VACATE JEFFERSON STREET
BETWEEN 9th AND 10th STREETS:

WHEREAS, it is in the best interests of the Citizens of the City of Fort Calhoun, Nebraska, to vacate Jefferson Street between 9th & 10th Streets in said City; and

WHEREAS, it is with the mutual consent of all of the abutting property owners that said Street, to-wit: Jefferson Street between 9th & 10th Streets, be vacated; and

WHEREAS, the abutting property owners who may or do use said Jefferson Street, to-wit: Jerry Ryan and Gertrude Jipp, have ingress to and egress from his property from 10th Street,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that Jefferson Street between 9th & 10th Streets as surveyed platted and recorded in the City of Fort Calhoun, Nebraska, be and hereby is vacated, and the real property comprising said street shall and hereby does revert to the owners of the real property adjacent thereto.

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

Passed and approved this 13th day of Jan., 1986.

John M. McSwain
Mayor of Fort Calhoun, Nebraska

ATTEST:

Rosalie Steburg
City Clerk

Lots 1,2,3 & 4 of Block 104

Lots 5,6,7 & 8 of Block 88

Recorded
General
Numerical
Photostat

STATE OF NEBRASKA COUNTY OF WASHINGTON) 88 1478
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 30th DAY OF May A.D. 18 86
AT 8:56 O'CLOCK AM AND RECORDED IN BOOK
58 AT PAGE 284
COUNTY CLERK *Charlotte L. Petersen*
DEPUTY *Dorothy Chasen*

ORDINANCE NO. 378

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 MAY 1, 1986; 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 Clahoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities charges after and including May 1, 1986.

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 facilites 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 | | \$ 409.00 |
| per duplex | | 813.00 |
|
(2) Multi-family Housing - All other residential housing, including trailer courts, must be paid in advance on entire project, including all common property, greenways, buffer zones, private streets, etc. Does not include dedicated streets | | |
| | Density in units per acre | Per Acre |
| | 6 or less (under 6.51) | \$ 1,719.00 |
| | 7 (6.51-7.50) | 1,732.00 |
| | 8 (7.51-8.50) | 1,742.00 |
| | 9 (8.51-9.50) | 1,753.00 |
| | 10 (9.51-10.00) | 1,764.00 |
| | 10.01-20 | \$1,764.00+35.00 per unit per acre in excess of 10 units per acre. |
| | Over 20 | \$2,131.00+31.150 per unit per acre in excess of 20 units per acre |
| | <u>Minimum charge for any structure, or group of structures in project is \$984.00</u> | |
|
(4) Commercial and Industrial | | |
| Per acre | | \$ 1,411.00 |
| On tracts or areas of less than .29 acre there will be a minimum fee of | | 409.00 |
|
(5) Golf Courses, Parks, Lakes, Areas Zoned as Floodplain, Schools, cemeteries and churches. | | |
| Per acre or areas less than one acre: | | 943.00 |
| Parks, lakes, areas zoned as floodplain, schools and cemeteries: | | |
| First 50 acres-per acre | | 471.00 |
| Above 50 acres-per acre | | 111.00 |
|
(6) Greenways, Buffer Zones and Non-Dedicated Streets | | |
| Per acre | | 1,411.00 |
| On tracts or areas of less than .29 acre there will be a minimum fee of | | 409.00 |

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 16th day of June, 1986.

John M. Lawson
Mayor

ATTEST:

Rosalie Treburg
City Clerk

ORDINANCE NO. 379

AN ORDINANCE AMENDING SECTION 1 of ORDINANCE NO. 315 AND 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 AND BILLINGS; TO PROVIDE FOR DEFINITIONS AND AFFIX RESPONSIBILITY FOR THE PAYMENT OF WATER BILLS AND THE TIME FOR THEIR PAYMENT; TO PROVIDE FOR INTEREST UPON DELINQUENT WATER BILLS; TO REPEAL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION 1

THAT Section 1 of Ordinance No. 315 and Section 6 of Ordinance No. 65 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be and the same are hereby amended to read as follows:

SECTION 6: MONTHLY METER READINGS AND BILLINGS; DEFINITIONS; RESPONSIBILITY FOR PAYMENT OF WATER BILLS AND TIME FOR PAYMENT; INTEREST UPON DELINQUENT WATER BILLS.

(A) Definitions. As used herein:

- (1) "City" shall mean the City of Fort Calhoun, Nebraska.
- (2) "Consumer" shall mean each distinct premises or tenement actually consuming the water furnished through the City water system as the end-user, immediately prior to its consumption or its discharge into the City sewer system.
- (3) "Person" shall include any natural person, association, partnership, corporation or other firm or entity. The singular shall include the plural.
- (4) "Person requesting service" shall mean any person in actual or apparent possession or control of the premises to which water service is intended to be provided by the City water system; whether as legal or equitable owner or as tenant or occupant of said premises.

(B) 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 or each month or at precisely monthly intervals.

(C) Two or More Consumers on Same Service Pipe. Where one service pipe is intended to supply two or more consumers, and only one meter is used, a consolidated

bill, including the minimum charges which would otherwise be due from each consumer, will be made; provided however that with respect to multiple dwelling units, apartments or trailer courts, should the person requesting service so elect in writing, one meter may be used to serve the same, in which case charges will be made for the amount of water run through the meter regardless of the number of consumers served thereby; and provided further, that upon such election by the person requesting service, the City shall have no responsibility to provide, install, service or maintain any service pipe, appliance, or meter beyond the property line stop-cock.

(D) Monthly Payments, Time for Payment and Interest upon Delinquent Accounts. All moneys due the City for water furnished by the City water system will become due and payable monthly. The amount due from any person, person requesting service, or any and all other users, shall be computed monthly by the City in dollars and cents in accordance with the rates hereinafter, and from time to time, 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 and same becomes due, and all officers, agents and employees of the City are positively prohibited from allowing credit to anyone.

SECTION 2

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

SECTION 3

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 16th DAY OF June, 1986.

John M. McSwain
Mayor of the City of Fort Calhoun

Attest:

Rosalie J. Stenberg
City Clerk

FILED

1986 AUG -1 AM 10: 57

ORDINANCE NO. 380

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK

AN ORDINANCE VACATING THE ALLEY IN BLOCK EIGHT (8) IN THE CITY OF FORT CALHOUN, NEBRASKA; 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. That the alley in Block Eight (8) in the City of Fort Clahoun, Nebraska, be, and the same hereby is, vacated.

SECTION 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3. 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 14th day of July, 1986.

John M. McSower

Mayor

ATTEST:

Rosalie Treburg

City Clerk


Recorded ✓
General ✓
Numerical ✓
Photostat _____

SEAL

STATE OF NEBRASKA COUNTY OF WASHINGTON) 88 2079.
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 14th DAY OF August A.D. 19 86
AT 10:57 O'CLOCK A.M AND RECORDED IN BOOK
159 AT PAGE 55
COUNTY CLERK Charlotte L. Petersen
DEPUTY Sherry Warren

PAMPHLET FORM
OF
ORDINANCE NO. 381

Attached is a true and correct copy of Ordinance No. 381 of the City of Ft. Calhoun as passed by the Mayor and City Council at a meeting held July 14, 1986 at 7:30 P.M.


Rosalie Freburg
City Clerk

(SEAL)

Councilman Oestmann introduced the following Ordinance entitled:

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 FIFTEEN THOUSAND DOLLARS (\$115,000) TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 84-1, 84-2, 84-3, 84-4 and 84-5 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); PRESCRIBING THE FORM THEREOF; PROVIDING FOR THE CREATION OF A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Said Ordinance was designated as Ordinance No. 381 and the title thereof was approved.

Councilman Nelson moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Councilman Oestmann seconded the motion to suspend the rules and upon roll call vote, the following Councilmen voted YEA: Oestmann, Nelson, Ondracek, Arnold. The following voted NAY: None. The motion to suspend the rules was adopted by three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 381 was read by title and Councilman Oestmann moved for its final passage, which motion was seconded by Councilman Ondracek. The Mayor stated the question was "Shall Ordinance No. 381 be passed and adopted?"

Upon roll call, the following voted YEA: Arnold, Ondracek, Nelson, Oestmann. The following voted NAY: None.

The passage and adoption of said Ordinance having been concurred in by a majority of all the 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 her signature thereto.

A true, correct and complete copy of the said Ordinance is as follows:

ORDINANCE NO. 381

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 FIFTEEN THOUSAND DOLLARS (\$115,000) TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 84-1, 84-2, 84-3, 84-4 AND 84-5 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); PRESCRIBING THE FORM THEREOF; PROVIDING FOR THE CREATION OF A SINKING FUND AND FOR THE LEVY OF TAXES TO PAY SAID BONDS; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY 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 Nos. 84-1, 84-2, 84-3, 84-4 and 84-5 were created in said City and certain street 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 \$97,530.02; that additional expenses properly chargeable as part of the cost of the improvements in said Districts have been incurred for additional engineering interest on warrants and legal fiscal and miscellaneous costs in the amount of \$17,469.98; that the total cost of said improvements is not less than \$115,000.00 of which \$16,411.11 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and street adjacent to real estate owned by the City and \$98,588.89 is the

Districts' cost; that special assessments will be levied according to law on the real estate in said Districts specially benefited by said improvements and said special assessments will be valid liens on the lots and tracts of land upon which they are to be assessed; that after applying such other funds available for such purpose, there still remains due and payable from the City on the intersection cost not less than \$16,411.11 and on the District cost not less than \$98,588.89 that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Intersection Improvement Bonds in the amount of \$16,411.11 pursuant to Section 16-626, R.R.S. Nebr., 1943, and Street Improvement Bonds of said Districts in the amount of \$98,588.89 pursuant to Section 16-623 R.R.S. Nebr., 1943, do exist and have been done as required by law.

Section 2. 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 Fifteen Thousand Dollars (\$115,000) pursuant to Sections 18-1801 and 18-1802 Reissue Revised Statutes of Nebraska, 1943, to pay the cost of the improvements mentioned in Section 1 hereof, do exist and have been done as required by law.

Section 3. To provide for the improvements set out in Section 1 hereof, there shall be and there are hereby ordered

issued Various Purpose Bonds of the City of Ft. Calhoun, Nebraska, in the principal amount of One Hundred Fifteen Thousand Dollars (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on August 15 of each year as indicated below:

<u>Principal Amount</u>	<u>Maturing August 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$10,000	1988	6.50%
10,000	1989	6.75%
10 000	1990	7.00%
10,000	1991	7.10%
15,000	1992	7.20%
15,000	1993	7.30%
15,000	1994	7.40%
15,000	1995	7.50%
15,000	1996	7.60%

The Bonds shall be issued in fully registered form in the denomination of \$5,000 each. The date of original issue for the Bonds shall be August 15, 1986. Interest on the Bonds, at the respective rates for each maturity, shall be payable on February 15, 1987, and semi-annually thereafter on August 15 and February 15 of each year (each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the last business day of the second month next preceding the month in which each Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 through

23 inclusive. Payments of interest due on the Bonds shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owner upon presentation and surrender of the Bond to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner of the Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid.

Section 4. The Treasurer of the City of Ft. Calhoun, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Various Purpose Bonds.

Said Paying Agent and Registrar shall serve in such capacities under such terms as the City shall deem appropriate or necessary and as shall be established from time to time by the Mayor and City Council.

The City Treasurer, as Paying Agent and Registrar, shall keep and maintain for the City books for the registration and transfer of the Bonds at its offices in Ft. Calhoun, Nebraska. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of said Paying Agent and Registrar by surrender of such bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar on behalf of the City will deliver at its office (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. In every case of transfer of a Bond, the surrendered Bond shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this

ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Bonds on an Interest Payment Date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such Interest Payment Date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 6. Bonds maturing on or after August 15, 1991 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after August 15, 1990, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed in its sole discretion but the Bonds shall be redeemed only in amounts of \$5,000. Notice of redemption of any Bonds shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the

Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment to the principal office of said Paying Agent and Registrar. No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the City designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 7. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions within the City are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 8. The Bonds shall be in substantially the following form.

UNITED STATE OF AMERICA
STATE OF NEBRASKA
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND
OF THE CITY OF FT. CALHOUN, NEBRASKA

No. _____ \$ 5,000

Interest
Rate _____

%

Maturity Date

August 15,

Date of
Original Issue

August 15 1986

Registered Owner:

Principal Amount: Five Thousand Dollars

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 the registered owner specified above, or registered assignees, the principal amount specified above in lawfull money of the United State of America on the date of maturity specified above with interest thereon from the date of original issue or most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable on February 15, 1987, and on August 15 and February 15 of each year thereafter (each, an "Interest Payment Date"). Said interest shall be computed on the basis of a 360 day year consisting of twelve 30 day months. The principal of this bond is payable upon presentation and surrender of this bond at the principal office of the Treasurer of the City of Ft. Calhoun, the Paying Agent and Registrar in Ft. Calhoun, Nebraska.

Interest on this bond will be paid on each Interest Payment Date by a check or draft mailed by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the last business day of the month in which the Interest Payment Date occurs, to such owner's address as shown on such books and records. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become available. 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 fully registered bonds of the total principal amount of One Hundred Fifteen Thousand Dollars (\$115,000) of even date and like tenor except as to date of maturity and rate of interest and issued by the City for the purpose of paying the costs of constructing improvements in Street Improvement District Nos. 84-1, 84-2, 84-3, 84-4 and 84-5, (including the intersections and the areas formed by the crossing of streets, avenues and alleys in pursuance of Sections 16-623, 15-262, 18-1801 and 18-1802, R.R.S. Neb. 1943 as amended, and has been duly authorized by ordinance legally passed, approved and

published and by proceedings duly had by the Mayor and City Council of said City.

Any or all of the bonds of said issue maturing on or after August 15, 1992, are subject to redemption at the option of the City, in whole or in part, at any time on or after August 15, 1991 at par plus interest accrued thereon to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner hereof in the manner specified in the ordinance authorizing said issue of bonds.

This bond is transferable by the registered owner or his attorney duly authorized in writing at the principal office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder for all other purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not

If the date for payment of the principal of or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions within the city are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday, or a day on which such

banking institutions are authorized to close, and payment on such date shall have the same force and effect as if made on the nominal date of payment.

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 now exceed any limitation imposed by law. The City agrees that it shall levy and collect taxes on all the taxable property in said City, in addition to all other taxes, sufficient in rate and amount to pay the principal of and interest on this bond as the same become due after the application of other funds which may be available therefor.


This bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and City Council of the City of Ft. Calhoun, Nebraska have caused this bond to be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed hereon, all as of the date of original issue specified above.

CITY OF Ft. CALHOUN, NEBRASKA

ATTEST:

City Clerk
(SEAL)



Chairman

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by ordinance passed and approved by the Mayor and City Council of the City of Ft. Calhoun, Nebraska as described in said bond.

TREASURER OF THE CITY OF
FT. CALHOUN, WASHINGTON COUNTY,
NEBRASKA

(FORM OF ASSIGNMENT)

For value received _____ hereby
sells, assigns, and transfers unto _____
the within bond and hereby irrevocably constitutes and
appoints _____, Attorney, to transfer the
same on the books of registration in the office of the within
mentioned Paying Agent and Registrar with full power of
substitution in the premises.

Date: _____

Registered Owner

Witness: _____

Note: The signature of this assignment must correspond with the name as written on the face of the within bond in every particular, without alteration, enlargement, or any change whatsoever.

Section 9. Each of the Bonds shall be executed on behalf of the City with the manual signatures of the Mayor and City Council and shall have impressed thereon the City's seal. A supply of bonds for issuance upon subsequent transfers shall also be delivered to the Paying Agent and Registrar. In the event that such supply of bonds shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bonds upon transfer or partial redemption, the City agrees to order printed an additional supply of bonds and to direct their execution by the manual signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska and in the office of the County Clerk of Washington County. Thereafter the Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution and registration of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to PaineWebber Incorporated, as initial purchaser thereof, upon receipt of 96.80% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to restrictions of this Ordinance. The City Clerk shall make and certify duplicate transcripts of the proceedings of the Mayor and

City Council with respect to the Bonds, one of which shall be filed with the Auditor of Public Accounts and the other of which shall be delivered to said purchaser.

Section 10. All accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on February 1, 1987. The net principal proceeds of the Bonds shall be applied to the payment of project cost for which the Bonds are issued. Pending application, said proceeds may be invested in any investments as are legal investments for a City under current law.

Section 11. The Mayor and City Council shall cause to be levied and collected annually a special levy of taxes on all the taxable property in the City for the purpose of paying and sufficient to pay the interest and principal of the Bonds herein authorized as and when such interest and principal become due according to the terms thereof after the application of other funds which may be available therefor.

Section 12. The City hereby covenants to the purchasers and holders of the Bonds that it will make no use of the proceeds of said bond issue, including money held in any sinking fund attributable to said bonds which would cause 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. The City hereby covenants and agrees to take all actions necessary under current

federal law or current federal law as it is proposed to be modified by H.R. 3838, as and to the extent applicable, to maintain the tax-exempt status of interest payable on the Bonds.

Section 13. The City's obligations under this ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such bonds and any such bond shall no longer be deemed to be outstanding hereunder if such bond has been purchased by the City and cancelled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with the Paying Agent and Registrar, or with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any bond to be paid prior to maturity, the City shall have

duly called such bond for redemption. Any money so deposited with the Paying Agent and Registrar or such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 14. This ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 14th day of July, 1986.

Rosalie J. Reburg
City Clerk

John M. McSwain
Chairman

(SEAL)

ORDINANCE NO. 382

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 104 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA; PROVIDING FOR MUNICIPAL EXAMINATION OF APPLICANT IN ACCORDANCE WITH THE NEBRASKA LIQUOR CONTROL ACT, REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH: TO DECLARE AN EMERGENCY EXISTS AND TO DESIGNATE THIS ORDINANCE AS AN URGENT MEASURE; AND TO PRESCRIBING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

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

SECTION 1

THAT Section 1 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, is hereby amended to read as follows:

Section 1: Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file with the Liquor Control Commission. The Commission shall then notify the City Clerk by registered or certified mail. The Governing Body shall then meet and determine the desirability of the application and report its recommendation for approval or denial of the application in writing to the Nebraska Liquor Control Commission within forty-five (45) day ~~sof~~ receipt from the Nebraska Liquor Control Commission. The Governing Body may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant ; to hear testimony, and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the Governing Body may authorize its agent, City Clerk or City Attorney, to act on its behalf. The Governing Body may conduct the examination and hold the hearing upon the receipt from the Commission of the notice and copy of the application. The Governing Body shall fix a time and place at which a hearing will be held, and at which time the Governing Body shall receive evidence under oath, either orally, or by affidavit, from the applicant and any other person concerning the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in, the municipality one (1) time not less than seven (7), nor more than fourteen (14) days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than twenty-one (21) days after the receipt of notice from the Commission. After such hearing, the Governing Body shall cause to be spread at large in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The City Clerk shall thereupon mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice.

Section 2. All ordinances or parts of ordinances, including but not necessarily limited to Section 1 of Ordinance No. 104 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, in conflict herewith are hereby repealed.

Section 3. It is the intention of the Governing Body, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of the City of Fort Calhoun, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

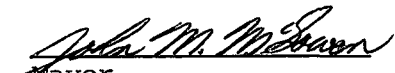
Section 4. The Governing Body hereby finds, determines, and declares that an emergency exists, and that it is necessary for the immediate preservation of the public peace, health, safety, and public interest and welfare of the City of Fort Calhoun, Nebraska, and the inhabitants thereof, that the provisions of this Ordinance take effect immediately upon first publication in pamphlet form

upon proclamation by the Mayor; and that this Ordinance is hereby declared and designated to be an urgent measure, and is hereby exempted from the referred provisions of Article 25, Chapter 18 of the Nebraska Revised Statutes.

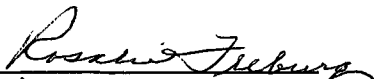
Section 5. The City Clerk be and is hereby directed to file a certified copy of this Ordinance with the Nebraska Liquor Control Commission.

Section 6. This Ordinance shall be in full force and effect immediately from and after its passage, approval and first publication according to law in pamphlet form, and upon proclamation by the Mayor, and the Mayor is hereby authorized and directed to so proclaim.

Passed and Approved this 15th day of Septemer, 1986.

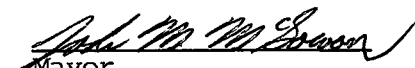

Mayor

ATTEST:


City Clerk

PROCLAMATION

I, John M. McGowan, Mayor, do hereby proclaim as authorized and directed by the City Council that the terms and provisions of the foregoing ordinance, Ordinance No. 382 shall take effect under the emergency clause provisions set forth therein, immediately upon first publication in pamphlet form in accordance with the laws of the State of Nebraska.


Mayor

ORDINANCE NO. 383

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR NOTICE AND HEARING REQUIREMENTS AND PROCEDURES FOR THE EXAMINATION OF RETAIL ALCOHOLIC LIQUOR LICENSE APPLICATIONS IN ACCORDANCE WITH THE NEBRASKA LIQUOR CONTROL ACT, REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO DECLARE AN EMERGENCY EXISTS AND TO DESIGNATE THIS ORDINANCE AS AN URGENT MEASURE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE, AND FINAL PUBLICATION UPON PROCLAMATION BY THE MAYOR.

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

Section 1. Notice

Notice of a hearing held pursuant to Neb. Rev. Stat. 53-134 shall be given to the applicant by the City Clerk and shall contain the date, time and location of the hearing. Two or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the Council that prejudice would result therefrom.

Section 2. Procedure

Hearings will be informal and conducted by the Mayor. The intent is an inquiry into the facts, not an adversary action. Each witness may present their testimony in narrative fashion or by question and answer.

The Governing Body or the applicant may order the hearing to be recorded by the clerk, at the expense of the applicant.

The Governing Body and its representatives shall not be bound by the strict rules of evidence, and shall have full authority to control the procedures of the hearing including the admission or exclusion of testimony or other evidence. The Governing Body may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The Mayor may limit testimony where it appears incompetent, irrelevant, or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross-examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function who shall notify the Mayor of his/her representation prior to the start of the hearing.

The order of the proceeding is as follows:

1. Exhibits will be marked in advance by the clerk and presented to the Mayor during the presentation;
2. Presentation of evidence, witnesses, and arguments by applicant;
3. Testimony of any other citizens in favor of such proposed license;
4. Examination of applicant, witnesses or citizens by City Attorney or duly appointed agent.
5. Cross-examination of applicant, witnesses or citizens by spokesperson for opposition, if any;
6. Presentation of evidence and witnesses by opposition;
7. Testimony of any other citizens in opposition to such proposed license;

8. Presentation of evidence by City and law enforcement personnel;
9. Cross-examination by applicant;
10. Rebuttal evidence by both parties, and by City administration and agent;
11. Summation by applicant and opposition spokesperson, if any.

In all cases, the burden of proof and persuasion shall be on the party filing the application.

Any member of the Governing Body and the City Attorney may question any witness, call witnesses or request information.

All witnesses shall be sworn.

The Governing Body may make further inquiry and investigation following the hearing.

The Governing Body or the applicant may order the hearing to be recorded by the cler at the expense of the applicant.

Section 3.

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

Section 4.

The Governing Body hereby finds, determines and declares that an emergency exists, and that it is necessary for the immediate preservation of the public peace, health, safety and public interest and welfare of the City of Fort Calhoun, Nebraska, and the inhabitants thereof, that the provisions of this Ordinance take effect immediately upon first publication in pamphlet form upon proclamation by the Mayor; and that this ordinance is hereby declared and designated to be an urgent measure, and is hereby exempted from the referendum provisions of Article 25, Chapter 18 of the Nebraska Revised Statutes.

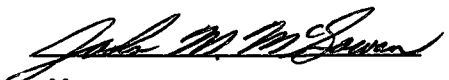
Section 5.

The City Clerk be and is hereby directed to file a certified copy of this Ordinance with the Nebraska Liquor Control Commission.

Section 6.

This Ordinance shall be in full force and effect immediately from and after its passage, approval and first publication according to law in pamphlet form, and upon proclamation by the Mayor, and the Mayor is hereby authorized and directed to so proclaim.

Passed and approved this 15th day of September, 1986.

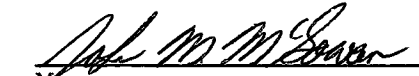

Mayor

ATTEST:


City Clerk

PROCLAMATION

I, John M. McGowan, Mayor, do hereby proclaim as authorized and directed by the City Council that the terms and provisions of the foregoing ordinance. Ordinance No. 383, shall take effect under the emergency clause provisions set forth herein, immediately upon first publication in pamphlet form in accordance with the laws of the State of Nebraska.



Mayor

ORDINANCE NO. 384

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE ALCOHOLIC LIQUOR LICENSING STANDARDS AND CRITERIA TO FORMULATE RECOMMENDATIONS FOR THE NEBRASKA LIQUOR CONTROL COMMISSION IN ACCORDANCE WITH THE NEBRASKA LIQUOR CONTROL ACT, REPEALING ALL OTHER ORDINANCES AND RESOLUTIONS OR PARTS THEREOF IN CONFLICT HEREWITH; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE AN EMERGENCY EXISTS AND TO DESIGNATE THIS ORDINANCE AS AN URGENT MEASURE; AND TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE AND FINAL PUBLICATION UPON PROCLAMATION BY THE MAYOR.

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

Section 1. Liquor Application; Retail Licensing Standards.

The City Council shall consider the following licensing standards and criteria at the hearing and an evaluation of any applicant for a retail alcoholic liquor licens, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, and for the purpose of formulating a recommendation from the governing body to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

1. The adequacy of existing law enforcement resources and services in the area.
2. The recommendation of the Police Department or any other law enforcement agency.
3. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic flow in the ficinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking.
4. Zoning restrictions and the municipality's zoning and land-use policies.
5. Sanitation or sanitary conditions on or about the proposed licensed premises.
6. The existence of a citizens' protest and any other evidence in support of or in opposition to the application.
7. The existing population, and projected growth, both city-wide and within the area to be served.
8. The existing liquor licenses, the class of such license, and the distance and times of travel to such licenses.
9. The nature and needs of the neighborhood or community where the proposed premises are located as well as its projected growth.
10. Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.
11. Whether the applicant can insure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with Neb. Rev. Stat. §53-102 of the Nebraska Liquor Control Act.

12. Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic beverages, which must be displayed, kept and sold from an area which is secured to the greatest extent possible.
13. Whether the applicant is fit, willing and able to properly provide the service proposed in conformance with all provisions, requirements, needs and regulations provided for in the Nebraska Liquor Control Act.
14. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions, requirements, rules and regulations provided for in the Nebraska Liquor Control Act.
15. The background information of the applicants established by information contained in the public records of the Nebraska Liquor Control Commission and investigations conducted by the Police Department.
16. Past instances of discrimination involving the applicant(s) as evidenced by findings of fact before any administrative board or agency of the municipality or any other governmental board or agency of the ;municipality or any other governmental unit or any court of law.
17. Past compliance with state laws and liquor regulations and municipal ordinances and regulations.
18. If the application is for an on-sale license, whether it is adjunct to a legitimate food service operation as evidenced by percent of gross income allocated to food and liquor, and the type and extent of kitchen facilities.
19. Whether the applicant or its representatives has suppressed any facts or provided any nonfactual information to the local governing body or its employees in regard to the license application or liquor investigations. The applicant is required to cooperate in providing a full disclosure to the investigating agents of the municipality.
20. Whether the application will provide an improvement to the neighborhood, a betterment to the municipality or a true increase in service to the public at large.
21. Proximity of and impact on schools, hospitals, libraries and public institutions.
22. Whether the type of entertainment to be offered, if any, will be appropriate and nondisruptive to the neighborhood where the premises are located and the community at large.
23. Whether the application is for a business, and the sole purpose for which is the sale or dispensing of liquor, or when the sale or dispensing of liquor is a substantial integral part of the business, and not just incidental thereto.
24. Applications for Class "B", "C" and "D" licenses (as defined by Section 53-124, R.S.S.) must be for premises which are separate and distinct from any other business activity. Premises shall be deemed separate and distinct only when located in a building which is not adjacent to any other building, or when located within the same building, they shall be so separate by walls (floor to ceiling), that access cannot be had directly from the area of alcoholic liquor sales to any other business activity by means of doors or other openings; provided, nothing herein shall prevent the construction or maintenance of doors that are used by employees; further, any nonconforming premises in existence on the effective date of thi ordinance may be continued

for the life of the license. Such nonconforming premises may not be enlarged, extended or restored after damage during interim. For the purposes of this section, other business activity shall mean the sale or display of any food, produce, mercantile product, item or service other than keeping or selling of alcoholic liquors at retail for consumption off the premises and the sale or display of ice, drink mix, tobacco, cups or carbonated beverages.

25. Whether or not applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or forfeiting bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquors.
26. The City Council may fix certain requirements and prescribe certain conditions upon a license when it is granted or permitted to continue in full force and effect whether such requirements or conditions are imposed at a formal hearing, by a written notice, or in a written stipulation, and such requirements or conditions shall be deemed to be a part of the license as though fully endorsed therein; and any violation or breach of any requirement or condition is prohibited.
27. Other information and data that may reasonably be considered pertinent to the issuance of the license.

The preceding standards are not necessarily of equal value that can be computed in a mathematical formula. Rather, they are standards which can be weighed and cumulated positively and negatively. The burden of proof and persuasion shall be on the party filing the application. When applicable, the term "applicatns" as used herein is synonymous with "license".

Section 2.

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

Section 3.

The Governing Body hereby finds, determines and declares that an emergency exists and that it is necessary for the immediate preservation of the public peace, health, safety and public interest and welfare of the City of Fort Calhoun, Nebraska, and the inhabitants thereof, that the provisions of the Ordinance take effect immediately upon first publication in pamphlet form upon proclamation by the Mayor; and that this Ordinance is hereby declared and designated to be an urgent measure, and is hereby exempted from the referendum provisions of Article 25, Chapter 18 of the Nebraska Revised Statutes.

Section 4.

The City Clerk be and is hereby directed to file a certified copy of this Ordinance with the Nebraska Liquor Control Commission.

Section 5.

This Ordinance shall be in full force and effect immediately from and after its passage, approval and first publication according to law in pamphlet form, and upon proclamation by the Mayor, and the Mayor is hereby authorized and directed to so proclaim.

Passed and approved this 15th day of September, 1986.


Mayor

ATTEST:


City Clerk

I, John M. McGowan, Mayor, do hereby proclaim as authorized and directed by the City Council that the terms and provisions of the foregoing ordinance, Ordinance No. 384, shall take effect under the emergency clause provisions set forth therein, immediately upon first publication in pamphlet form in accordance with the laws of the State of Nebraska.



John M. McGowan
Mayor

ORDINANCE NO. 381

AN ORDINANCE OF THE CITY OF FT. CALHOUN, NEBRASKA, AMENDING AND CORRECTING SECTION 3 AND SECTION 9 OF ORDINANCE NO. 381 OF THE CITY OF FT. CALHOUN; REPEALING SAID ORIGINAL SECTION NOS. 3 AND 9; CONFIRMING THE PRIOR ACTIONS OF THE CITY IN THE ISSUANCE OF ITS \$115,000 VARIOUS PURPOSE BONDS, DATE OF ORIGINAL ISSUE AUGUST 15, 1986; AND, PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY 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 Ordinance No. 381 of said City was passed and adopted July 14, 1986, and was published in pamphlet form, with notice of such publication in pamphlet form being published on July 24, 1986; that Section 3 and Section 9 of said original Ordinance No. 381 contained typographical errors; that it is necessary for the Mayor and City Council to correct said typographical errors in said Section Nos. 3 and 9 of Ordinance No. 381; and, that said amendments and corrections in said Section Nos. 3 and 9 are for the purpose of stating more clearly certain terms applicable to the City's \$115,000 Various Purpose Bonds, date of original issue August 15, 1986;

Section 2. That Section 3 of Ordinance No. 381 is hereby corrected to read as follows:

"Section 3. To provide for the improvements set out in Section 1 hereof, there shall be and there are hereby ordered issued Various Purpose Bonds of the City of Ft. Calhoun, Nebraska, in the principal amount of One Hundred Fifteen Thousand Dollars (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on August 15 of each year as indicated

below:

<u>Principal Amount</u>	<u>Maturing August 15 of Year</u>	<u>Interest Rate Per Annum</u>
\$10,000	1988	6.50%
10,000	1989	6.75%
10 000	1990	7.00%
10,000	1991	7.10%
15,000	1992	7.20%
15,000	1993	7.30%
15,000	1994	7.40%
15,000	1995	7.50%
15,000	1996	7.60%

The Bonds shall be issued in fully registered form in the denomination of \$5,000 each. The date of original issue for the Bonds shall be August 15, 1986. Interest on the Bonds, at the respective rates for each maturity, shall be payable on February 15, 1987, and semi-annually thereafter on August 15 and February 15 of each year (each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the last business day of the month immediately preceding the month in which each Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 4 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. Payments of interest due on the Bonds shall be made by the Paying Agent and Registrar, as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity shall be made by said Paying Agent and Registrar to the registered owner upon presentation and surrender of the Bond to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Bond as the absolute owner Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary, whether such Bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any Bond in accordance with the terms of this ordinance shall be

valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the Bonds or claims for interest to the extent of the sum or sums so paid."

Section 3. That Section 9 of Ordinance No. 381 is hereby corrected to read as follows:

"Section 9. Each of the Bonds shall be executed on behalf of the City with the manual signatures of the Mayor and City Clerk and shall have impressed thereon the City's seal. A supply of bonds for issuance upon subsequent transfers shall also be delivered to the Paying Agent and Registrar. In the event that such supply of bonds shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement bonds upon transfer or partial redemption, the City agrees to order printed an additional supply of bonds and to direct their execution by the manual signatures of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska and in the office of the County Clerk of Washington County. Thereafter the Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution and registration of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to PaineWebber Incorporated, as initial purchaser thereof, upon receipt of 96.80% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds. Said initial purchaser shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to restrictions of this Ordinance. The City Clerk shall make and certify duplicate transcripts of the proceedings of the Mayor and City Council with respect to the Bonds, one of which shall be filed with the Auditor of Public Accounts and the other of which shall be delivered to said purchaser."

Section 4. That all actions of the Mayor and City Council and of City Officials taken pursuant to said Section Nos. 3 and 9 of Ordinance No. 381 including the issuance and delivery of the City's \$115,000 Various Purpose Bonds, date of original issue, August 15, 1986, are hereby confirmed, and that original Section 3 and original Section 9 of Ordinance

No. 381 are hereby repealed.

Section 5. This ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 9th day of August, 1986.

Rosalie Strubing
City Clerk

John M. McEwan
Mayor

(SEAL)

ORDINANCE NO. 386

AN ORDINANCE TO PROVIDE FOR THE MERGER OF THE OFFICES OF MUNICIPAL CLERK AND MUNICIPAL TREASURER; TO DEFINE TERMS; TO DEFINE THE DUTIES OF THE OFFICE AS CONSOLIDATED; TO ESTABLISH THE QUALIFICATIONS FOR SUCH OFFICER AND THE PROCEDURE FOR APPOINTMENT AND REMOVAL; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1

DEFINITIONS

As used herein the following definitions shall apply:

"City" shall mean the City of Fort Calhoun, Washington County, Nebraska, a municipal corporation and city of the second class.

"Governing Body" shall mean the City Council of Fort Calhoun, Nebraska.

"Mayor" shall mean the Mayor of Fort Calhoun, Nebraska.

"Clerk" shall mean the Municipal Clerk of Fort Calhoun, Nebraska.

"Treasurer" shall mean the Municipal Treasurer of Fort Calhoun, Nebraska.

"Municipal Clerk-Treasurer" shall mean the combined office following adoption of this Ordinance; the use of the masculine to include the feminine.

SECTION 2

MERGER OF OFFICES

The office of Municipal Treasurer is hereby combined and merged with the office of Municipal Clerk, so that both offices or employments may be held by the same officer or employee at the same time; Provided, the offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only.

SECTION 3

GENERAL DUTIES

The nature of the duties to be performed and reports to be rendered by the Municipal Clerk-Treasurer shall be as set forth in the Laws of the State of Nebraska applicable to the separate offices of Clerk and Treasurer, respectively, of Cities of the Second Class.

SECTION 4

QUALIFICATIONS, APPOINTMENT AND REMOVAL

Any resident of the City, except the Mayor and Councilmen, who is of legal age and not otherwise disqualified to hold public office, shall be eligible for appointment to the office of Municipal Clerk-Treasurer. The Mayor, with the consent of the Council, may appoint such officer, and he may be removed from office by the Mayor.

SECTION 5

COMPENSATION

The salary or compensation of the Municipal Clerk-Treasurer shall never be in excess of the maximum amount provided by law for the salary or compensation of the offices established in the amount of 7710.00 per year.

SECTION 6

CONFLICTING ORDINANCES REPEALED

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

SECTION 7

EFFECTIVE DATE OF ORDINANCE

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

PASSED AND APPROVED THIS 10th DAY OF NOVEMBER, 1986.

John M. McSweeney
Mayor of the City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Fuberg
City Clerk

ORDINANCE NO. 387 A

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000) FOR THE PAYMENT OF CLAIMS AGAINST THE CITY; AGREEING TO PAY THE NOTES AND ACCRUED INTEREST FROM FUNDS COLLECTED OR TO BE COLLECTED UPON CURRENT OR SUBSEQUENT TAX LEVY AND ORDERING THE PUBLICATION OF THE ORDINANCE.

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 it is necessary for the City to borrow money pursuant to Section 18-1750 R.S.Supp. 1986 in order to meet claims against the City's general fund for certain park improvements; that for purposes of the City's fiscal year commencing August 1, 1986 (hereinafter the "current fiscal year") there was levied for the general operation and maintenance of the City a general fund levy of \$ 64696.34 ; that the total anticipated receipts for the current fiscal year and the immediately following fiscal year, as defined by said Section 18-1750 is \$ 129392.68 ; that based upon the most recent report of the City Treasurer, the total receipts from the levy for the current fiscal year are \$ 0 ; leaving an unexpended balance of the levy for general purposes for the current fiscal year and the immediately following fiscal year of not less than \$ 64696.34 ; that as of the date hereof, there are no registered warrants or notes of the City outstanding against said levy; that in order to enable the City to pay claims against its general fund as the same fall due, it is necessary and advisable for the City to borrow money and issue its negotiable promissory notes as provided under said Section 18-1750 in an amount not to exceed \$40,000.

Section 2. For the purpose of providing money to pay claims against the City until sufficient moneys are received from the collection of the current or subsequent tax levy or from other sources, the City is hereby authorized to issue and sell its Promissory Notes in the amount of \$40,000 to Fort Calhoun State Bank with said notes to be numbered, bear interest at the rate per annum, be in the denominations and become due as follows:

<u>Note No.</u>	<u>Denomination</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
1	\$ 4,350	September 1, 1987	7.5%
2	\$35,650	September 1, 1988	7.5%

Said notes shall be dated the date of delivery thereof, shall be optional for prepayment on May 1, 1987, or at any time thereafter at par plus accrued interest and shall bear interest from the date of delivery thereof until maturity or earlier redemption, payable for Note No. 1 at maturity and for Note No. 2 on September 1, 1987 and at maturity. If any note or interest thereon is not paid at maturity, the note or any such unpaid interest shall bear interest thereafter until paid at 10% per annum. Said notes shall be executed on behalf of the City of Fort Calhoun by the manual signatures of the Mayor and Clerk and shall have the City's seal affixed thereto. Said notes shall be delivered to Fort Calhoun State Bank upon receipt of payment for said notes, which shall be on the basis of par.

Section 3. All notes authorized by this ordinance shall be fully registered notes pursuant to Sec. 10-135 R.R.S. Neb. 1943. the City Treasurer is hereby designated as Paying Agent and

Registrar for the notes. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the notes at the City's office in Fort Calhoun, Nebraska. The names and registered addresses of the initial registered owner of the notes shall be recorded in such books prior to the issuance thereof. Any note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and Registrar will register the transfer upon the registration books and make notation thereof on the note and deliver the same to the transferee registered owner (or send it by registered mail to the transferee owner at such owner's expense). The principal, together with accrued interest then due on Note No. 1 and Note No. 2, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of such note at the City's offices in Fort Calhoun, Nebraska. Interest due on Note No. 2 prior to maturity shall be made by check or draft mailed or delivered by hand to the registered owner of Note No. 2 on the first interest payment date for such Note.

Section 4. The fully registered Promissory Notes shall be in substantially the following form:

CITY OF FORT CALHOUN, NEBRASKA

PROMISSORY NOTE

<u>Amount</u>	<u>Interest Rate</u>	<u>Maturity</u>
\$ _____	7.5%	September 1, 19__

The City of Fort Calhoun, Nebraska, for value received hereby promises to pay to the registered owner hereof on the maturity date specified above the sum specified above with interest thereon from the date of delivery hereof until maturity at the rate per annum specified above, payable at maturity [For Note No. 2, "payable September 1, 1987 and at maturity."]. The principal of this Note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to the City Treasurer of Fort Calhoun, Nebraska, Paying Agent and Registrar for the City, at the City's offices in Fort Calhoun, Nebraska. [For Note No. 2: The initial interest payment on this Note shall be made by check or draft mailed or delivered by hand by said Paying Agent or Registrar to the registered owner hereof at said registered owner's registered address.] If this Note or any interest installment hereon is not paid upon maturity or due date, the Note or interest installment shall bear interest thereafter at ten per centum (10%) per annum until paid. The City reserves the option of paying this Note at any time on or after May 1, 1987. This Note is one of a series of Notes executed and delivered by said City as evidence of money borrowed pursuant to Section 18-1750 R.S.Supp. 1986 and is authorized by an ordinance passed by the Mayor and Council of said City and is payable out of the funds collected or to be collected

upon the current existing tax levy or immediately subsequent tax levy of said City, said levies being for the fiscal year beginning August 1, 1986, and the fiscal year commencing August 1, 1987, and the total principal amount of said Notes outstanding as of the date of execution of this Note does not exceed 70% of the unexpended balance of said current existing and immediately subsequent tax levy, as provided in Section 18-1750 R.S.Supp. 1986.

Delivered this _____ day of _____, 1986.

(Do not sign)

Mayor

(Do not sign)

City Clerk

PROVISION FOR REGISTRATION

The ownership of this Note shall be registered as to both principal and interest on the books and records of the City of Fort Calhoun, Nebraska, kept by the Paying Agent and Registrar identified in the foregoing Note, who shall make notation of such registration in the registration blank below, and the transfer of this Note 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 said Paying Agent and Registrar, such registration of transfer to be made on such books and endorsed hereon by said Paying Agent and Registrar.

Date of	Name of	City Treasurer
<u>Registration</u>	<u>Registered Owner</u>	<u>Paying Agent and Registrar</u>

By _____
City Treasurer

Section 5. After the execution of each of said Notes, they shall be registered with the Treasurer of the City, as provided by Section 18-1750 R.S.Supp. 1943 and thereafter delivered to Fort Calhoun State Bank for the purchase price stated in Section 2 of this Ordinance. Each of said Notes shall be payable out of funds collected or to be collected upon the current existing general fund levy or immediately subsequent general fund levy of the City or from other resources of the City available for such purpose.

Section 6. Notice of the call of any said notes for payment prior to maturity shall be sufficient if it has been communicated at least seven days prior to the redemption date by any means by or on behalf of the City to the registered owner of each of the notes to be redeemed.

Section 7. The City of Fort Calhoun, Nebraska, hereby covenants to the purchasers and holders of the notes hereby authorized that it will make no use of the proceeds of said note issue, including moneys held in any sinking fund for the payment of said notes, which would cause said notes 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 note issue. The City hereby covenants and agrees to take all actions necessary under current federal law or current federal law as it is proposed to be modified by H.R. 3838, as and to the extent applicable, to maintain the tax exempt status of interest payable on the notes. The City hereby

designates the notes as its "qualified tax-exempt obligations" under Section 265(b)(3)(B)(ii) of the Internal Revenue Code of 1954, as amended by H.R. 3838, and covenants and warrants that it does not anticipate issuance of tax-exempt obligations in calendar 1986 in an amount in excess of \$10,000.

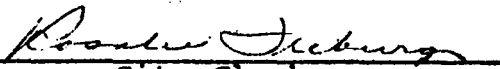
Section 8. This ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 2nd day of October, 1986.



Mayor

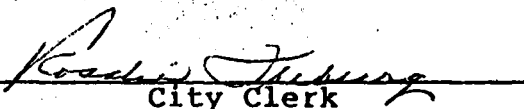
ATTEST:



City Clerk

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 October 2, 1986; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily 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, at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes 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 meeting 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

ORDINANCE NO. 387 B

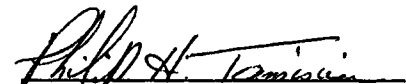
AN ORDINANCE PROVIDING FOR THE DATE AND TIME OF
REGULAR COUNCIL MEETINGS

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


The City of Fort Calhoun, Nebraska shall hold the
regular monthly Council Meeting on the Third Monday of
each month at 7:30 P.M. in the City Hall.

This ordinance shall be in force and effect from
and after its passage and publication according to law.

Passed and approved this 11th day of May, 1987 in
Fort Calhoun, Nebraska.


Philip Tamisiea
Mayor

ATTEST:


Rosalie Freburg
City Clerk

ACKNOWLEDGEMENT OF RECEIPT OF
NOTICE OF MEETING

The undersigned members of the governing body of the
City of Fort Calhoun, Nebraska, hereby acknowledge the receipt of
advance notice of a meeting of said body and the agenda for such
meeting held at City Hall at 7:30 P.M. on the ^{2nd}~~1st~~
day of October, 1986.

Mayor John M. McLawer
Councilperson Paul L. Cestman
Councilperson Henry D. Miller
Councilperson William L. Orndorff
Councilperson James L. Arnold

A meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, was held at the City Hall in said City on the 2nd day of October, 1986, at 7:30 P.M. Present were: Mayor McGowan and Councilmen Arnold, Nelson, Oestmann and Ondracek. Notice of the meeting was given in advance thereof by publication and posting as shown by the Affidavit of Publication and the Certificate of Posting Notice attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgment of receipt of notice and the agenda is attached to the minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. Due to an emergency a quorum was not available on October 1st and the meeting was rescheduled for October 2nd. All Proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

The Mayor explained that this special meeting had been called for the purpose of providing financing for the City's share of the cost of park improvements currently under contract and that Fort Calhoun State Bank had offered to purchase notes to be issued by the City for such purpose. Councilman Paul Oestmann then declared that he was an officer of Fort Calhoun State Bank and because of such position interested in the transaction and that because of such position would not vote on such matter and would not represent either the City or such Bank or act for either party in connection with any inspection or performance under any contract.

Council Member Ondracek introduced Ordinance No. 387^A entitled:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES IN THE AMOUNT OF FORTY THOUSAND DOLLARS (\$40,000) FOR THE PAYMENT OF CLAIMS AGAINST THE CITY; AGREEING TO PAY THE NOTES AND ACCRUED INTEREST FROM FUNDS COLLECTED OR TO BE COLLECTED UPON CURRENT OR SUBSEQUENT TAX LEVY AND ORDERING THE PUBLICATION OF THE ORDINANCE.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Nelson seconded the motion to suspend the rules and

Upon roll call vote on the motion the following Council Members voted YEA: Nelson, Arnold and Ondracek. The following voted NAY: none. Not voting was council Member Oestmann. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Council Member Ondracek moved for final passage of the ordinance, which motion was seconded by Council Member Arnold. The Mayor then stated the question "Shall Ordinance No. 387 be passed and adopted?" Upon roll call vote, the following Council Mnebers voted YEA: Ondracek, Nelson and Arnold. The following voted NAY: none. Not voting was Council Mneber Oestmann. The passage and adoption of said ordinance having been concurred in by a mojority 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 her signature thereto and ordered the Ordinance to be puslished in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 388

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 MAY 1, 1987 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 Clahoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities charges after and including May 1, 1987.

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 facilites 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 | | \$ 421.00 |
| per duplex | | 837.00 |

- (2) Multi-family Housing - All other residential housing, including trailer courts, must be paid in advance on entire project, including all common property, greenways, buffer zones, private streets, etc. Does not include dedicated streets

Density in units per acre	<u>Per Acre</u>
6 or less (under 6.51)	\$ 1,770
7 (6.51-7.50)	1,784
8 (7.51-8.50)	1,795
9 (8.51-9.50)	1,806
10 (9.51-10.00)	1,817
10.01-20	\$1,817 + 36.00 per unit per acre in excess of 10 units per acre.
Over 20	\$2,195 + 32.50 per unit per acre in excess of 20 units per acre.

Minimum charge for any structure, or group of structures in project is \$ 1,014.00

- | | | |
|--|--|-------------|
| (4) Commercial and Industrial | | |
| Per acre | | \$ 1,453.00 |
| On tracts or areas of less than .29 acre there will be a minimum fee of | | 421.00 |
| (5) Golf Courses, Parks, Lakes, Areas Zoned as Floodplain, Schools, cemeteries and churches. | | |
| Per acre or areas less than one acre: | | 971.00 |
| Parks, lakes, areas zoned as floodplain, schools and cemeteries: | | |
| First 50 acres-per acre | | 485.00 |
| Above 50 acres-per acre | | 114.00 |
| (6) Greenways, Buffer Zones and Non-Dedicated Streets | | |
| Per acre | | 1,453.00 |
| On tracts or areas of less than .29 acre there will be a minimum fee of | | 421.00 |

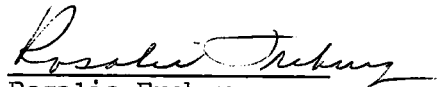
THAT all ordinances in conflict herewith are hereby repealed:

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 15th day of June, 1987.


Philip Tamisiea, Mayor

ATTEST:


Rosalie Freburg
City Clerk

AN ORDINANCE CREATING FLOODWAY AND FLOODWAY FRINGE DISTRICTS, DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSES.

1.1 STATUTORY AUTHORIZATION.

The Legislature of the State of Nebraska has in Fort Calhoun, Washington County delegated the responsibility to local governmental units to adopt zoning regulations designed to protect the health, safety and general welfare. Therefore, the City Council of Fort Calhoun, Nebraska ordains as follows:

1.2 FINDINGS OF FACT

1.21 Flood Losses Resulting From Periodic Inundation.

The flood hazard areas of Fort Calhoun, Nebraska, are subject to inundation which results in loss of life and property, health, and safety hazards, distruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

1.22 General Causes of These Flood Losses.

These flood losses are caused by (1) The cumulative effect of obstruction infloodways causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others which are inadequately elevated or otherwise protected from flood damages.

1.23 Methods Used to Analyze Flood Hazards.

This ordinance uses a reasonable method of analyzing flood hazards which consists of a series of interrelated steps.

- (1) Selection of a base flood which is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this ordinance is representative of large floods which are reasonably characteristic of what can be expected to occur on the particular streams subject to this ordinance. It is in the general order of a flood which could be expected to have a one percent (1%) chance of occurrence in any one year, as delineated in the official flood plain study, and illustrative materials dated December 1, 1983 as amended.
- (2) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the base flood.
- (3) Computation of the floodway required to convey this flood without increasing flood heights more than 1 foot at any point.
- (4) Delineation of floodway encroachment lines within which no obstruction is permitted which would cause any increase in flood height.
- (5) Delineation of floodway fringe, i.e., that area outside the floodway encroachment lines but which still is subject to inundation by the base flood.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in Section 1.21 by applying the provisions of this ordinance to:

- 1.31 Restrict or prohibit uses which are dangerous to health, safety or property in times of flooding or cause undue increases in flood heights or velocities.
- 1.32 Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- 1.33 Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 1.34 Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program when identified by the Federal Insurance Administration as a flood prone community.

SECTION 2.0 GENERAL PROVISIONS

2.1 LANDS TO WHICH ORDINANCE APPLIES.

This ordinance shall apply to all lands within the jurisdiction of the City of Fort Calhoun, Nebraska identified on the Flood Insurance Rate Map (FIRM) as numbered and unnumbered A Zones and/or within the Zoning Districts FW and FF established in Section 4.0 of this ordinance. In all areas covered by this ordinance no development shall be permitted except upon a permit to develop granted by the governing body or its duly designated representative under such safeguards and restriction as they may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community and where specifically noted in Sections 5.0, 6.0 and 7.0.

2.2 THE ENFORCEMENT OFFICER.

The Mayor of the Community is hereby designated as the Council's duly designated Enforcement Officer under this Ordinance.

2.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.

The boundaries of the floodway and floodway fringe overlay districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed to the exact location of the boundaries of the districts as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Enforcement Officer shall make the necessary interpretation. In such cases where the interpretation is contested, the Board of Zoning Appeals will resolve the dispute. The base flood elevation for the point in question shall be the governing factor in locating the district boundary on the land. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

2.4 COMPLIANCE

No development located within known flood hazard areas of the community shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

2.5 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provision of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.6 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

2.7 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside floodway and floodway fringe district boundaries or land uses permitted within such districts will be free from flooding or flood damages. This ordinance shall not create liability on the part of The City of Fort Calhoun, Nebraska (name of local unit) or any officer or employee thereof for any flood damages that may result from reliance on this ordinance or any administrative decision lawfully made thereunder.

2.8 SEVERABILITY.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

2.9 APPLICATION FOR APPEAL

Where a request for a permit to develop or a variance is denied by the Mayor (official), the applicant may apply for such permit or variance directly to the Board of Zoning Appeals.

The Board of Zoning Appeals may grant or deny such request by appropriate resolution adopted within 60 days after the date of such application to the Board of Zoning Appeals.

SECTION 3.0 DEVELOPMENT PERMIT

3.1 PERMIT REQUIRED.

No person, firm or corporation shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in Section 12.0.

3.2 ADMINISTRATION.

A. The Mayor (local Administrator) is hereby appointed to administer and implement the provisions of this ordinance.

B. Duties of the Mayor (local Administrator) shall include, but not be limited to:

- (1) Review all development permits to assure that sites are reasonably safe from flooding and that the permit requirements of this ordinance have been satisfied.
- (2) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, state or local governmental agencies from which prior approval is required.
- (3) Notify adjacent communities and the Nebraska Natural Resources Commission Flood Plain Management Section prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Insurance Administration when participating in the National Flood Insurance Program.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.

(6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed.

(7) When floodproofing is utilized for a particular structure, the Mayor shall be presented certification from a (local Administrator) registered professional engineer or architect.

3.3 APPLICATION FOR PERMIT

A. To obtain a permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

3.31 Identify and describe the work to be covered by the permit.

3.32 Describe the land on which the proposed work is to be done by lot, block tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.

3.33. Indicate the use or occupancy for which the proposed work is intended.

3.34 Indicate the use or occupancy for which the proposed work is intended.

3.35 Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

3.36 Give such other information as reasonably may be required by the Mayor (official).

SECTION 4.0 ESTABLISHMENT OF ZONING DISTRICTS

The mapped flood plain areas within the jurisdiction of this ordinance are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF) as identified in the official Flood Plain Study. Within these districts all uses not meeting the standards of this ordinance and those standards of the underlying zoning district shall be prohibited. These zones shall be consistent with the numbered and unnumbered A Zones as identified on the official FIRM when identified in the Flood Insurance Study provided by the Federal Insurance Administration.

SECTION 5.0 STANDARDS FOR THE FLOODWAY OVERLAY DISTRICT AND THE FLOODWAY FRINGE OVERLAY DISTRICT.

5.1 No Permit for development shall be granted for new construction, substantial improvement and other improvements including the placement of manufactured homes within the identified flood plain unless the conditions of this Section are satisfied.

5.2 All areas identified as unnumbered A Zones by the Federal Insurance Administration are subject to inundation of the 100-year flood; however, the water surface elevation was not provided. The unnumbered A Zones shall be subject to all development provisions of this ordinance. If Flood Insurance Study data is not available, the community shall utilize any base flood elevation data currently available within its area of jurisdiction.

5.3 New construction, subdivision proposals, substantial improvement, prefabricated buildings, placement of manufactured homes and other developments shall require:

5.31 Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

5.32 New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.

- 5.33 Construction with materials resistant to flood damage, utilizing methods and practice that minimize flood damages, with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 5.34 All utility and sanitary facilities be elevated or floodproofed one foot above the regulatory flood elevation.
- 5.35 That until a floodway has been designated, no development including landfill, may be permitted within the identified flood plain unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and reasonably anticipated uses, will not increase the water surface elevation of the 100-year flood more than one (1) foot on the average cross-section of the reach in which the development or landfill is located as shown in the official flood plain study incorporated by reference; Section 1.23 (1) of this ordinance.
- 5.36 Storage of Material and Equipment
- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
 - (2) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to provenet flotation or if readily removable from the area within the time available after flood warning.
- 5.37 Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, be required 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, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, (c) adequate drainage is provided so as to reduce exposure to flood hazards, and (d) proposals for development (including proposals for manufactured home parks and subdivisions) of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals the regulatory flood elevation.

SECTION 6.0 FLOODWAY FRINGE OVERLAY DISTRICT

6.1 PERMITTED USES.

Any use permitted in Section 7.0 shall be permitted in the Floodway Fringe Overlay District. No use shall be permitted in the district unless the standards of Section 5.0 are met.

6.2 STANDARDS FOR THE FLOODWAY FRINGE OVERLAY DISTRICT.

- 6.21 Require new construction or substantial improvements of residential structures to have the lowest floor, including basement elevated one foot above the base flood elevation.
- 6.22 Require new construction or substantial improvements of non-residential structures to have the lowest floor, including basement, elevated one foot above the base flood elevation or, together with attendant utility and sanitary facilities, to be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 3.2, B(7).
- 6.23 Require for all new construction and substantial improvements that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- 6.24 Within AH zones adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.
- 6.25 Manufactured Homes
- A. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with local building codes or FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at intermediate locations, and manufactured homes less than 50 feet long requiring one additional tie per side.
 2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, and manufactured homes less than 50 feet long requiring four additional ties per side.
 3. All components of the anchoring system be capable of carrying a force of 4800 pounds.
 4. Any additions to manufactured homes be similarly anchored.
- B. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM, be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 6.25A.
- 6.26 Located within the areas of special flood hazard established in Section 2.1 are areas designed as AO Zones. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply within AO Zones:
- A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the (foot/feet above) depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
- B. All new construction and substantial improvements of nonresidential structures shall:
1. have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as one foot above the (foot/feet above) depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 2. together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Such certification shall be provided to the official as set forth in Section 3.2B(7).
- C. Adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

SECTION 7.0 FLOODWAY OVERLAY DISTRICT

7.1 PERMITTED USES.

Only uses having a low flood-damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment. No use shall increase the flood levels of the base flood elevation. These uses are subject to the standards of Section 5.0 and 6.0.

- 7.11 Agricultural uses such as general farming, pasture, nurseries, forestry.
- 7.12 Residential uses such as lawns, gardens, parking and play areas.
- 7.13 Non-residential areas such as loading areas, parking, airport landing strips.
- 7.14 Public and private recreational uses such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves. New placement of residential structures including manufactured homes is prohibited within the identified floodway (FW) area.
- 7.15 Replacement of manufactured homes in existing manufactured home parks and subdivisions is prohibited unless the conditions of 6.25 and 7.1 are met.
- 7.16 In Zone A unnumbered, obtain, review and reasonably utilize any floodway data available through Federal, State or other sources or Section 5.37(d) of this ordinance, in meeting the standards of this section.

SECTION 8.0 VARIANCE

- 8.1 The Board of Adjustment as established by The City of Fort Calhoun
(appeal board) (local unit)
shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 8.2 The Board of Adjustment shall hear and decide appeals when it is alleged
(appeal board)
that there is an error in any requirement, decision, or determination made by the
Mayor in the enforcement or administration of this
(local administrator)
ordinance.
- 8.3 Any person aggrieved by the decision of the Board of Adjustment or any
(appeal board)
taxpayer may appeal such decision to the District Court
(name of the appropriate court)
as provided in Sec. 31-1001 - 31-1031.
(statute)
- 8.4 In passing upon such applications, the Board of Adjustment shall consider
(appeal board)
all technical evaluation, all relevant factors, standards specified in other sections of this ordinance, and:
 - 8.41 the danger that materials may be swept onto other lands to the injury of others;
 - 8.42 the danger to life and property due to flooding or erosion damage;
 - 8.43 the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - 8.44 the importance of the services provided by the proposed facility to the community;
 - 8.45 the necessity to the facility of a waterfront location, where applicable;
 - 8.46 the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- 8.47 the compatibility of the proposed use with existing and anticipated development;
- 8.48 the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- 8.49 the safety of access to the property in times of flood for ordinance and emergency vehicles;
- 8.491 the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- 8.492 the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

8.5 Conditions for variances

- 8.51 Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (8.52-8.56 below) have been fully considered. As the lot size increases beyond the one-half acre, the technical jurisdiction required for issuing the variance increases.
- 8.52 Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- 8.53 Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- 8.54 Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 8.55 Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- 8.56 Any applicant to whom a variance is granted shall be given a written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 9.0 NON-CONFORMING USE

- 9.1 A structure or the use of structure or premises which was lawful before the passage or amendment of the ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
 - 9.11 No such use or substantial improvement of that use shall be expanded, changed, enlarged, or altered in a way which increases its nonconformity.
 - 9.12 If such use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this ordinance. The Utility Department shall notify the Mayor (Official) in writing of instances of nonconforming uses where utility services have been discontinued for a period of 12 months.
 - 9.13 Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- 9.2 If any residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred within those areas identified as floodway (FW). This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

9.3 If any non-residential nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 10.0 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$ 25.00, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

Nothing herein contained shall prevent the City of Fort Calhoun or other (local unit) appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 11.0 AMENDMENTS

The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days notice of the time and place of such hearing shall be published in newspaper of general circulation in the City of Fort Calhoun. The regulations of this (local unit)

ordinance are in compliance with the National Flood Insurance Program Regulations as published in the Federal Register, Volume 41, Number 207, dated October 26, 1976, and the 1967 Nebraska Flood Plains Regulations Act.

SECTION 12.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

- ACTUARIAL RATES - or "risk premium rates" are those rates established by the Federal Insurance Administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with 42 U.S.C. 4014 and the accepted actuarial principles. Actuarial rates include provisions for operating costs and allowances.
- APPEAL - a request for a review of the Mayor's (local administrator) interpretation of any provision of this ordinance or a request for a variance.
- AREA OF SHALLOW FLOODING - a designated AO or AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- AREA OF SPECIAL FLOOD HAZARD - the land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.
- BASE FLOOD ELEVATION - Elevation indicated in the official flood plain study as the elevation of the 100-year flood.
- BASE FLOOD PROTECTION ELEVATION - An elevation one foot higher than the water surface elevation of the base flood.

- CHANNEL** - A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow, thus, is that water which is flowing within the limits of a defined channel.
- COMMUNITY** - Any state or area or political subdivision thereof which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.
- DEVELOPMENT** - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- EXISTING CONSTRUCTION** - (for the purposes of determining rates) structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRM's effective before that date. "Existing Construction" may also be referred to as "existing structures."
- FLOOD OR FLOODING** - a general and temporary condition of partial or complete inundation of normally dry land areas from:
 (1) the overflow of inland or tidal waters.
 (2) the unusual and rapid accumulation of runoff of surface waters from any source.
- FLOOD INSURANCE RATE MAP (FIRM)** - an official map of a community, on which the Flood Insurance Study has delineated the Flood Hazard Boundaries and the zones establishing insurance rates applicable to the community.
- FLOOD INSURANCE STUDY** - The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.
- FLOOD PLAIN MANAGEMENT** - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plan, flood control works, and flood plain management regulations.
- FLOOD PROTECTION SYSTEM** - Those physical structural works constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard." Such a system typically includes levees or dikes. These specialized modifying works are those constructed in conformance with sound engineering standards.
- FLOOD PROOFING** - Any combination of structural and non-structural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
- FLOODWAY (FW)** - The channel of a river or other watercourse and the adjacent portion of the flood plain that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the flood plain.
- FLOODWAY FRINGE (FF)** - That area of the flood plain, outside of the floodway, that on an average is likely to be flooded once every 100 years (i.e.: that has a one percent chance of flood occurrence in any one year).
- FREEBOARD** - a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT
GRADE

the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LOWEST FLOOR

- The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

MANUFACTURED HOME

- A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME
PARK OR SUBDIVISION

- A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION

- Structures for which the "start of construction or substantial improvement" is commenced on or after the effective date of the FIRM.

OVERLAY DISTRICT

- A district which acts in conjunction with the underlying zoning district or districts.

START OF CONSTRUCTION

- (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, or foundations or the erection of temporary forms; nor does it include the installation of the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE

- A walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

SUBSTANTIAL
IMPROVEMENT

- Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing, state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE

- A grant of relief to a person from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

100-YEAR FLOOD

- The base flood having a one percent chance of annual occurrence.

ADOPTED AND APPROVED by the Governing Body of Fort Calhoun, Nebraska,

this 15th day of June, 19 87.

(Seal)

Philip H. Tamsius
(MAYOR/CHAIRMAN)

ATTEST: Rosalie Steburg
(CLERK)

FILED

ORDINANCE NO. 390

AN ORDINANCE VACATING THAT PORTION OF 12TH STREET IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, WHICH IS IN EXCESS OF THIRTY-THREE (33) FEET EITHER SIDE OF THE CENTERLINE OF SAID 12TH STREET, EXCEPT STREETS PREVIOUSLY PLATTED WHICH CROSS 12TH STREET AND EXCEPTING EXTENSIONS OF ALLEYS EXTENDED TOWARDS 12TH STREET FROM PREVIOUSLY PLATTED AND NOT VACATED ALLEYS IN THE BLOCKS ADJACENT TO THE SAID 12TH STREET; REPEALING ALL 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, AS FOLLOWS:

SECTION I. That that portion of 12th Street in the City of Fort Calhoun, Washington County, Nebraska, in excess of Thirty-three (33) feet of either side of the centerline of said 12th Street, except Streets previously platted which cross 12th Street and excepting extensions of alleys extended towards 12th Street from previously platted and not vacated alleys in the Blocks adjacent to the said 12th Street, in the City of Fort Calhoun, be and hereby is vacated; the vacating of the property herein described, and the reversion thereof, pursuant to applicable law, shall be subject to the conditions and limitations that there is reserved to the City of Fort Calhoun, the right to maintain, operate, repair, and renew sewers and water lines now existing therein and in the future to construct, maintain, repair and renew additional or other sewers and water lines; also the right to authorize the Metropolitan Utilities District of the City of Fort Calhoun, or another public utility to construct, maintain, repair, or renew and operate now existing or hereafter install pole lines, conduits and other similar services or equipment above, on and below the surface of the ground for the purpose of serving the general public or abutting property; and the right so reserved shall also include such lateral connections or branch lines as may be ordered, desired or permitted by the City and to enter upon the premises to accomplish the above purpose at any and all times. All vegetation upon the premises, including but not limited to, trees, bushes, and crops, and all structures upon the premises, including but not limited to, buildings, walls, fences, drives, and walls, may be damaged or removed as necessary in the exercise of the rights herein reserved without compensation to any person.

SECTION II. That this Ordinance shall be in full force and take effect within 15 days from and after the date of its passage.

SECTION III. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Passed and approved this 17th day of August, 1987.

Recorded
General
Numerical
Photostat

Philip H. Kamisica
Mayor

Attest:

Rosalie Deuberg
City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1284
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 31st DAY OF May A.D. 1988
AT 11:37 O'CLOCK AM AND RECORDED IN BOOK
171 AT PAGE 646
COUNTY CLERK Charlotte Peterson
DEPUTY Beverly Warner

FILED

ORDINANCE NO. 391

1988 MAY 31 11:37

AN ORDINANCE REZONING AND RECLASSIFYING LOTS ONE (1), TWO (2) AND THREE (3) OF BLOCK 52 IN FORT CALHOUN, NEBRASKA, AS SURVEYED, PLATTED AND RECORDED IN WASHINGTON COUNTY, NEBRASKA, SO THAT SAME IS ZONED AND CLASSIFIED INDUSTRIAL, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

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

Section 1. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that an application to rezone Lots One (1), Two (2) and Three (3) of Block 52 in Fort Calhoun, Nebraska, as surveyed, platted and recorded, Washington County, Nebraska, from RESIDENTIAL GENERAL (RG) DISTRICT TO INDUSTRIAL (I) DISTRICT has heretofore been filed with the City and referred to its Planning Commission, which has favorably recommended said change in zoning and amendment to the Official Zoning Map of Fort Calhoun, Nebraska, and its zoning Ordinance.

Section 2. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 31st day of August, 1987, said Application was heard in public hearing before the Fort Calhoun City Council; that published notice of such hearing had been given not less than ten days prior thereto; that notice of the pending Application for rezoning had been posted upon the property to be rezoned, and that all requirements of said ordinance and statute pertaining to the amendment and modification of the zoning Ordinance and zoning map have been fully complied with.

Section 3. That Lots One (1), Two (2) and Three (3) of Block 52 in Fort Calhoun, Nebraska, as surveyed, platted and recorded, Washington County, Nebraska, shall be and hereby is designated as Industrial District for the purposes of zoning; that the Official Zoning Map of Fort Calhoun, Nebraska, and its Zoning Ordinance are hereby amended to reflect such zoning change.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That this Ordinance shall take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 17th DAY OF AUGUST, 1987.

Recorded _____
General _____
Numerical _____
Photostat _____

Philip H. Tamisiea
Philip Tamisiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg, City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1285
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 31st DAY OF May A.D. 19 88
AT 11:37 O'CLOCK A.M. AND RECORDED IN BOOK
171 AT PAGE 47
COUNTY CLERK *Charlotte Peterson*
DEPUTY *Severly Warren*

ORDINANCE NO. 392

AN ORDINANCE VACATING THE ALLEY IN BLOCK FIFTY-TWO (52) IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; 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. That the alley in Block Fifty-Two (52) in the City of Fort Calhoun, Nebraska, be, and the same hereby is, vacated.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. 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 24th day of March, 1988.

Philip H. Tamisiea
Philip Tamisiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg
City Clerk

1988 MAR 31 PM 11:37
CLERK
WASHINGTON COUNTY CLERK
STAMP: NER

FILED

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1286
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 31st DAY OF May A.D. 1988
AT 11:37 O'CLOCK A M AND RECORDED IN BOOK
171 AT PAGE 648
COUNTY CLERK *Charlotte Peterson*
DEPUTY *Quincy Warner*

Recorded
General
Numerical
Photostat

ORDINANCE NO. 394

AN ORDINANCE CREATING THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF FORT CALHOUN, NEBRASKA; DESIGNATING THE MAYOR AND COUNCIL TO CONSTITUTE SUCH AGENCY AND PROVIDING FOR THE FUNCTIONING AND POWERS OF SUCH AGENCY.

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

Section 1. The Mayor and Council hereby find and determine that it is necessary and desirable for purposes of providing for the redevelopment and general welfare of the City that a community development agency be created pursuant Section 18-2101.01, R.R.S. Neb. 1943.

Section 2. There shall be and there is hereby ordered created in the City of Fort Calhoun, Nebraska, the Community Development Agency of the City of Fort Calhoun, Nebraska, which shall consist of the Mayor and City Council as exercising the powers of such agency in accordance with Section 18-2101.01, R.R.S. Neb. 1943. As provided in said Section 18-2101.01 such agency shall exercise all of the powers and authority granted to a community redevelopment authority in Sections 18-2101 to 18-2144 and 18-2147 to 18-2153, R.R.S. Neb. 1943, as amended.

Section 3. The agency hereby created shall function under the direction of the Mayor and Council and shall exercise such of the powers herein described or referred to as shall be determined appropriate from time to time by the Mayor and Council as the governing body of such agency and as determined by resolution or ordinance duly adopted by said body from time to time.

Section 4. This Ordinance shall be force and take effect from and after its passage and approval as provided by law.

PASSED AND APPROVED this 21st day of December, 1987.

Philip H. Tomesio
Mayor

Roscoe Tubbs
City Clerk

ORDINANCE NO. 395

AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-FIVE (25) IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; 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. That the alley in Block Twenty-Five (25) in the City of Fort Calhoun, Nebraska, be, and the same hereby is, vacated.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. 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 24th day of March, 1988.

Philip H. Tamsiea
Philip Tamsiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg
City Clerk

1988 MAR 31 PM 11:37
CLERK
WASHINGTON COUNTY CLERK
BLAIR, NEBR

FILED

Recorded _____
General _____
Numeric _____
Photostat _____

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 31st DAY OF May A.D. 1988
AT 11:37 O'CLOCK a M AND RECORDED IN BOOK
171 AT PAGE 649
COUNTY CLERK *Charlotte Peterson*
DEPUTY *Beverly Thomas*

AN ORDINANCE TO VACATE ELEVENTH (11th) STREET FROM THE SOUTH EDGE OF JEFFERSON STREET TO A POINT 229.5 FEET SOUTH

WHEREAS, it is in the best interests of the Citizens of the City of Fort Calhoun, Nebraska, to vacate Eleventh (11th) Street from the south edge of Jefferson Street to a point 229.5 feet south in said City; and

WHEREAS, it is with the mutual consent of all of the abutting property owners that said street, to-wit: Eleventh (11th) Street from the south edge of Jefferson Street to a point 229.5 feet south, be vacated; and

WHEREAS, the abutting property owners who may or do use Eleventh (11th) Street, to-wit: Gertrude Jipp and Charles Wagner, have ingress to and egress from their property on Eleventh (11th) Street north of Jefferson Street,

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL of the City of Fort Calhoun, Nebraska, that eleventh (11th) Street from the south edge of Jefferson Street to a point 229.5 feet south as surveyed, platted and recorded in the City of Fort Calhoun, Nebraska, be and hereby is vacated.

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

PASSED AND APPROVED this 16th day of May, 1988.

Philip Tamisiea
Philip Tamisiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg
City Clerk

Recorded _____
Control _____
Municipal _____
District _____

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 408.
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 15th DAY OF July A.D. 1989
AT 10:45 O'CLOCK P.M AND RECORDED IN BOOK
176 AT PAGE 586
COUNTY CLERK *Charlotte L. Petersen*
DEPUTY *Beverly Warren*

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR.

1989 FEB 15 PM 12:45

FILED

ORDINANCE NO. 397

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 MAY 1, 1988 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 Clahoun, Nebraska, shall be and the same hereby are amended to read as follows:

Section 2

(D) Capital Facilities charges after and including May 1, 1988

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	\$ 438.00
per duplex	870.00

- (2) Multi-family Housing - All other residential housing, including trailer courts, must be paid in advance on entire project, including all common property, greenways, buffer zones, private streets, etc. Does not include dedicated streets

Density in units per acre	<u>Per Acre</u>
6 or less (under 6.51)	\$ 1,841.00
7 (6.51-7.50)	1,855
8 (7.51-8.50)	1,867
9 (8.51-9.50)	1,878
10 (9.51-10.00)	1,890
10.01-20	\$1,890 + 37.50 per unit per acre in excess of 10 units per acre
Over 20	\$2,283 + 34.00 per unit per acre in excess of 20 units per acre

Minimum charge for any structure, or group of structures in project is \$1,055.00

- (4) Commercial and Industrial

Per acre	\$ 1,511.00
On tracts or areas of less than .29 acre there will be a minimum fee of	438.00
- (5) Golf Courses, Parks, Lakes, Areas Zoned as Floodplain, Schools, cemeteries and churches.

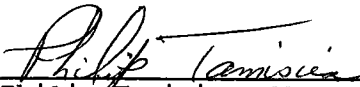
Per acre or areas less than one acre:	1,010.00
Parks, lakes, areas zoned as floodplain, schools and cemeteries:	
First 50 acres-per acre	504.00
Above 50 acres-per acre	119.00
- (6) Greenways, Buffer Zones and Non-Dedicated Streets

Per acre	1,511.00
On tracts or areas of less than .29 acre there will be a minimum fee of	438.00

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 18th day of April, 1988.


Philip Tamisiea, Mayor

ATTEST:


Rosalie Freburg
City Clerk

650

ORDINANCE NO. 398

AN ORDINANCE VACATING THE ALLEY IN BLOCK TWENTY-SIX (26) IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; 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. That the alley in block Twenty-Six (26) in the City of Fort Calhoun, Nebraska, be, and the same hereby is, vacated.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. 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 16th day of May, 1988.

Philip Tamisiea
Philip Tamisiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
Rosalie Freburg
City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1288
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 31st DAY OF May A.D. 1988
AT 11:37 O'CLOCK a.M AND RECORDED IN BOOK
171 AT PAGE 650
COUNTY CLERK Charlotte A. Johnson
DEPUTY Dwight Warren

1988 MAY 31 11:37 AM
CLERK
WASHINGTON COUNTY CLERK
STATE NEBR

Recorded
General
Numerical
Photostat

650

ORDINANCE NO. 399

AN ORDINANCE REZONING AND RECLASSIFYING TAX LOT 126, A TRACT OF LAND LYING IN THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, CONTAINING 4.11 ACRES, MORE OR LESS, AS SURVEYED, PLATTED AND RECORDED, WASHINGTON COUNTY, NEBRASKA, SO THAT SAME IS ZONED AND CLASSIFIED RESIDENTIAL GENERAL, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

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

Section 1. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that an application to rezone Tax Lot 126, a tract of land lying in the northeast quarter of the southwest quarter of section 2, township 17 north, range 12 east of the 6th p.m., Washington County, Nebraska, containing 4.11 acres, more or less as surveyed, platted and recorded, Washington County, Nebraska, from Agricultural to Residential General has heretofore been filed with the City and referred to its Planning Commission, which has favorably recommended said change in zoning and amendment to the Official Zoning Map of Fort Calhoun, Nebraska, and its zoning ordinance.

Section 2. The Mayor and the City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 22nd day of August, 1988, said Application was heard in public hearing before the Fort Calhoun City Council; that published notice of such hearing had been given not less than ten days prior thereto; that notice of the pending Application for rezoning had been posted upon the property to be rezoned, and that all requirements of said ordinance and statute pertaining to the amendment and modification of the zoning ordinance and zoning map have been fully complied with.

Section 3. That Tax Lot 126, a tract of land lying in the northeast quarter of the southwest quarter of section 2, township 17 north, range 12 east of the 6th p.m. Washington County, Nebraska, containing 4.11 acres, more or less, as surveyed, platted and recorded, Washington County, Nebraska, shall be and hereby is designated as Residential General for the purposes of zoning; that the Official Zoning Map of Fort Calhoun, Nebraska, and its Zoning Ordinance are hereby amended to reflect such zoning change.

Section 4. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5. That this Ordinance shall take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 22nd DAY OF AUGUST, 1988.

Philip Tamisiea
 Philip Tamisiea, Mayor
 City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Freburg
 Rosalie Freburg, City Clerk

Recorded
 General
 Numerical
 Photostat

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS-227
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
 THIS 22nd DAY OF AUGUST A.D. 1988
 AT 11:00 O'CLOCK A.M. AND RECORDED IN BOOK
 174
 COUNTY CLERK *Charles Peterson*
 DEPUTY *Beverly Warren*

1988 SEP 23 11:11

AN ORDINANCE VACATING THE ALLEY IN BLOCK SEVENTY ONE (71) IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; 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. That the alley in Block Seventy One (71) in the City of Fort Calhoun, Nebraska, be , and the same hereby is, vacated.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. 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 19th day of September 1988.

Philip Tamisiea, Mayor
City of Fort Calhoun, Nebraska

ATTEST:

Recorded
General
Numerical
Photostat

Rosalie Freburg
City Clerk

STATE OF NEBRASKA (WASHINGTON COUNTY) SS
INDEXED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 23rd DAY OF Sept A.D. 1988
AT 11:11 O'CLOCK AM AND RECORDED IN BOOK
174 AT PAGE 89
COUNTY CLERK Charlotte Peterson
DEPUTY Beverly Wauer