

ORDINANCE NO. 401

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES IN THE AMOUNT OF THIRTY-ONE THOUSAND FIVE HUNDRED DOLLARS (\$31,500) 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, 1988 (hereinafter the City's "current fiscal year") there was levied for the general operation and maintenance of the City a general fund levy of \$ 98,042.07 ; that the total anticipated receipts for the current fiscal year and the immediately following fiscal year, as defined by said Section 18-1750 is \$ 196,084.14 ; 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 \$ 98,042.07 ; 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 \$31,500.

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 \$31,500.00 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>INT RATE</u>
1	\$ 4,500	Sept 1, 1989	7.5%
2	27,000	Sept 1, 1990	7.5%

Said notes shall be dated the date of delivery thereof, shall be optional for prepayment on May 1, 1989, 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, 1989 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 Section 10-135 R.R.S. Nebraska 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.

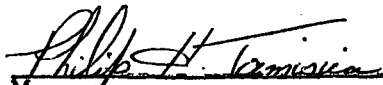
Section 4. The fully registered Promissory Notes shall be in substantially the following form:

CITY OF FORT CALHOUN, NEBRASKA

PROMISSORY NOTE

<u>AMOUNT</u>	<u>INTEREST RATE</u>	<u>MATURITY</u>
\$4,500.00	7.50%	9-1-89

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. 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. 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, 1989. 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, 1988, 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 tax levy, as provided in Section 18-1750 R.S. Supp. 1986. Delivered this 1st day of September, 1988.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk, Rosalie Freburg

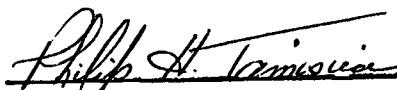


## CITY OF FORT CALHOUN, NEBRASKA

## PROMISSORY NOTE

<u>AMOUNT</u>	<u>INTEREST RATE</u>	<u>MATURITY</u>
\$27,000	7.50%	9-1-90

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 September 1, 1989 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. 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, 1989. This Note is one of a series of Notes executed and delivered by said City as evidence of money borrowed pursuant to Section 19 - 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, 1988 and the fiscal year commencing August 1, 1988, 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 1st day of September, 1988.

  
MAYOR

  
City Clerk, Rosalie Freburg

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.

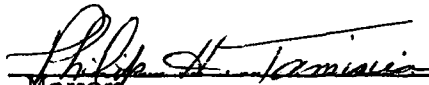
Section 6. Notice of the call of any said notes for payment prior to maturity shall be sufficient if it has been communicated at least seven days prior to the redemption date by any means by or on behalf of the City to the registered owner of each of the notes to be redeemed.

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 1988 in an amount in excess of \$100,000.

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

PASSED AND APPROVED this 20th day September, 1988.

  
\_\_\_\_\_  
Mayor

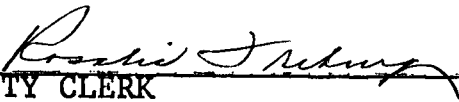
ATTEST:

  
\_\_\_\_\_  
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 September 20, 1988; 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

90

ORDINANCE NO. 402

1988 SEP 23 AM 11:11

AN ORDINANCE TO VACATE WASHINGTON STREET FROM THE EAST LINE OF ELEVENTH (11TH) STREET TO THE EAST CITY LIMITS; AND TO VACATE NINTH (9TH) STREET FROM THE SOUTH LINE OF JEFFERSON STREET TO THE SOUTH CITY LIMITS, IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AND TO DEDICATE THE VACATED STREETS TO PUBLIC RECREATION.

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

Section 1. That Washington Street, from the east line of Eleventh (11th) Street to the east city limits of the City of Fort Calhoun, is hereby vacated and dedicated as a public recreation area.

Section 2. That Ninth (9th) Street from the south line of Jefferson Street to the south city limits of Fort Calhoun, is hereby vacated and dedicated as a public recreation area.

Section 3. That this ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

Passed and approved on this 19th day of September, 1988.

Philip Tomisich  
Mayor

ATTEST:

Rosalie Tribuz  
City Clerk

Recorded ☒  
General ☒  
Numerical ☒  
Photostat ☒

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 2329.

FILED IN NUMERICAL INDEX AND FILED FOR RECORD

23rd DAY OF Sept A.D. 1988

11:47 O'CLOCK AM AND RECORDED IN BOOK

1747 AT PAGE 90

Charlotte Peterson

Dorothy Weaver

90

592

ORDINANCE NO. 403

AN ORDINANCE VACATING THE ALLEY IN BLOCK ONE HUNDRED FOUR (104) IN THE CITY OF FORT CALHOUN, WASHINGTON, 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 One Hundred Four (104) 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 17<sup>th</sup> day of October, 1988.

ATTEST:

Rosalie Freburg  
Rosalie Freburg  
City Clerk

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

FILED  
1988 OCT 26 PM 10:25  
CLERK  
WASHINGTON COUNTY, NEBRASKA  
PLATE 1000

Recorded ✓  
General ✓  
Numerical ✓  
Photostat ✓

STATE OF NEBRASKA COUNTY OF WASHINGTON) 88-2611.  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 26 DAY OF Oct A.D. 19 88  
AT 10:25 O'CLOCK AM AND RECORDED IN BOOK  
174 AT PAGE 592  
COUNTY CLERK Charlotte Peterson  
DEPUTY Shirley Warren

592

ORDINANCES OF A  
GENERAL AND PERMANENT NATURE  
of the CITY of  
FORT CALHOUN, NEBRASKA

ORDINANCE NO. 404

An ordinance of the City of Fort Calhoun, Nebraska, revising the general ordinances of the Municipality, repealing prior ordinances in conflict herewith.

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

Section 1. Codification. The general ordinances of the Municipality of Fort Calhoun, Nebraska, are hereby codified into eleven chapters and the articles and sections hereunder, which are adopted and declared to be ordinances of this Municipality.

Section 2. Repeal of Prior Ordinances in Conflict. All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance or with any of the provisions of this ordinance, are hereby repealed; Provided, that in construing the provisions of this ordinance the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets and alleys.
2. Ordinances authorizing or directing public improvements to be made.
3. Ordinances levying taxes or special assessments.
4. Ordinances granting a franchise, or special license to persons, firms, or corporations.
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness.
6. Ordinances establishing grades.
7. Real Estate Transactions.
8. Any other ordinance which by nature would be considered special.

Section 3. Exceptions. The repeal of ordinances as provided in Section 2, Ordinance No. 404 shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof prior to repeal. Such ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this general codification ordinance for the purpose of all rights, fines, penalties, forfeitures, liabilities, and actions therefor.

Section 4. Defining Chapters, Articles, and Sections. The chapters, articles, and sections as set forth herein shall be and hereby are declared to be the chapters, articles, and sections of this general codification ordinance. All ordinances hereafter passed by the local Governing Body of the Municipality shall be numbered consecutively, beginning with No.       .

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, phrase, term, or provision of this ordinance should be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this code, which will remain in full force and effect, and the provisions of this ordinance are hereby declared to be severable.



Section 6. Blanket Penalty. Any person, his agents, or servants who shall violate any of the provisions of this Municipal Code unless otherwise specifically provided herein, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars. Whoever aids, abets, procures, encourages, requests, advises, or incites another to commit any act which is an offense under this Code or under any other ordinance of the Municipality may be prosecuted and punished as though he were the principal offender.

Section 7. General Definitions:

1. Person. Whenever used in this code, the word person shall include natural persons, artificial persons, such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.
2. Gender and Number. All words used herein implying the masculine gender may apply to, and include the feminine or neuter gender and all words importing the plural may be applied to, and mean a single person, firm, or thing. All words importing the singular number may be applied to and mean the plural number.
3. Code, Ordinance, and Chapter. Municipal Code shall mean the General Codification Ordinance No. 404. Ordinance and chapter are used synonymously unless from the context the contrary clearly appears.
4. Wholesale Dealer. The words wholesale dealer or sellers of said product at wholesale shall embrace and include manufacturers of any product who sell the said product to other persons for the purpose of future resale to consumers.
5. Municipal and Municipality. The words Municipal and Municipality whenever used in this code shall mean the City of Fort Calhoun, Nebraska, a Municipal Corporation.
6. Governing Body. The words Governing Body, whenever they appear in this Code mean the Mayor and City Council of the Municipality.
7. Mayor. The word Mayor means the Chief Administrative Official of the Municipality whenever it appears in this Code.
8. Municipal Police. Municipal Police shall mean any police officer of the Municipality whenever it appears in this Code.

Section 8. Time. Whenever words fixing or importing time or the hour of the day are used in this Code, they shall be construed to mean Central Standard Time or Central Daylight Savings Time whichever is applicable.

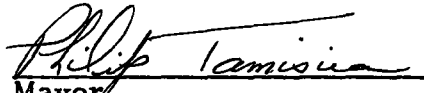
Section 9. Construction of Chapters, Articles, and Sections. For purposes of construction each chapter contained and arranged in this Code shall be considered as a separate and distinct ordinance grouped for convenience under the General Codification Ordinance No. 404, each section appearing in the several chapters of this Code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is

grouped and each article appearing in the said chapters shall be considered as a group of legislative units germane to the chapter wherein it is placed. Any chapter, article, or section duly enacted by the Governing Body of the Municipality and included in this Code, and any other independent ordinance, chapter, article, section, or subsection of an ordinance duly enacted shall be altered, amended, or revised only by the complete nullification and repeal of such ordinance, chapter, article, section, or subsection and by the substitution of a new ordinance, chapter, article, section, or subsection containing the entire ordinance, chapter, article, section, or subsection as amended, altered, or revised.

Section 10. Publication and Distribution. This code was printed in book form under the direction of the Governing Body, and shall be distributed as it may see fit. (Ref. 17-613, 17-614 RS Neb.)

Section 11. When Operative. This ordinance shall be in full force and shall take effect from and after its passage, approval and publication according to law.

Passed and approved October 17, 1988.

  
Mayor

(SEAL)

  
Municipal Clerk

223

AN ORDINANCE REZONING AND RECLASSIFYING TAX LOT 127, A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6th P.M. WASHINGTON COUNTY, NEBRASKA, CONTAINING 1.28 ACRES, MORE OF 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 127, a tract of land lying in the southeast quarter of the northwest quarter of section 2, township 17 north, range 12 east of the 6th p.m., Washington County, Nebraska, containing 1.28 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 17th day of October, 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 127, a tract of land lying in the Southeast quarter of the northwest quarter of section 2, township 17 north, range 12 east of the 6th p.m., 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 17<sup>th</sup> DAY OF OCTOBER, 1988

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

ATTEST:

*Rosalie Freburg*  
Rosalie Freburg, City Clerk

Recorded \_\_\_\_\_  
General \_\_\_\_\_  
Numerical \_\_\_\_\_  
Photostat \_\_\_\_\_

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.

1989 JAN 23 AM 9:09

FILED

223

ORDINANCE NO. 406

AN ORDINANCE OF THE CITY OF FT. CALHOUN, NEBRASKA AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 1989 OF THE CITY OF FT. CALHOUN IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED THOUSAND DOLLARS (\$400,000) FOR THE PURPOSE OF REFUNDING \$409,698 OF OUTSTANDING GENERAL OBLIGATION WATER BONDS AND \$106,311 OF OUTSTANDING GENERAL OBLIGATION SEWER BONDS; TO PROVIDE FUNDS FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS CONSISTING OF ADDITIONS AND REPAIRS TO THE CITY'S WATERWORKS SYSTEM; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; 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 hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid interest bearing bonds of the City of Ft. Calhoun, Nebraska, as follows:

GENERAL OBLIGATION WATER BONDS  
DATED APRIL 20 1979

General Obligation Water Bonds in the outstanding principal amount of \$409,698 payable to The United States Department of Agriculture, Farmers Home Administration (FmHA) dated April 20, 1979, of which the remaining aggregate principal amount of bonds due is optional anytime prior to maturity at par, or such other lesser price as may be determined from time-to-time by FmHA, plus accrued interest to the date fixed for redemption, said bond bears interest and becomes due and payable as follows:

The bond has a final maturity date of August 1, 2018 with principal and annual interest at 5% on the unpaid balance payable in annual sinking fund payments of \$26,681 due each August 1.

Said Bonds were authorized and ordered issued by Ordinance No. 316 passed and approved on February 19, 1979, issued for the purpose of paying the costs of constructing water system improvements, all as set out in the ordinance authorizing their issuance.

Said Bonds are herein referred to as the "1979 Bonds", and said 1979 Bonds shall be paid on March 7, 1989 (or such other date on or after March 7, 1989 as shall be set by FmHA) according to terms established or to be established by FmHA as provided by resolution of the Mayor and City Council.

That the 1979 Bonds are valid, interest bearing obligations of the City of Ft. Calhoun, Nebraska, and that said 1979 Bonds shall be redeemed prior to maturity as set out above by resolution of the Mayor and City Council; that FmHA has offered to allow the City to retire the 1979 Bonds at a substantial discount from their par value and the rates of interest currently available in the market are at such levels that by taking up and paying off the 1979 Bonds, a substantial savings in the total amount of interest and principal will be made to the City; that all sinking fund monies of the City in existence with respect to the 1979 Bonds will be applied to the payment of interest accruing on and principal of the 1979 Bonds on or before their date of redemption, all of said sinking fund monies being here appropriated and set aside for such purpose, it being found hereby that no sinking fund monies are presently in existence to pay the principal of the 1979 Bonds on their date of redemption on March 7, 1989, and that the City has no other funds accumulated for the payment thereof; that no bonds

have been issued or sold, all or any part of the proceeds of which have been used to advance refund any of the 1979 Bonds; that for the purpose of making said redemption on the date of redemption of the 1979 Bonds as set out above, it is in the best interest of the City to issue refunding bonds of the City in the principal amount of \$280,000 to provide for the refunding of the 1979 Bonds on the aforesaid redemption date of March 1, 1989; that all conditions, acts and things required to exist or to be done precedent to the issuance of refunding bonds of the City of Ft. Calhoun, Nebraska, in the principal amount of Two Hundred Eighty Thousand Dollars (\$280,000), pursuant to section 10-142 R.R.S. Neb. 1943, do exist and have been done as required by law.

Section 2. The Mayor and City Council hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid interest bearing bonds of the City of Ft. Calhoun, Nebraska, as follows:

GENERAL OBLIGATION SEWER BONDS DATED AUGUST 2, 1981

General Obligation Sewer Bonds in the outstanding principal amount of \$106,311 payable to FmHA dated August 2, 1981, of which the remaining aggregate principal amount of bonds due is optional anytime prior to maturity at par, or such other lesser price as may be determined from time-to-time by FmHA, plus accrued interest to the date fixed for redemption, said bond bears interest and becomes due and payable as follows:

The bond has a final maturity date of August 1, 2001 with principal and annual interest at 5.00% on the unpaid balance payable in annual sinking fund payments of \$11,337 due each August 1.

Said Bonds were authorized and ordered issued by Ordinance No. 346 passed and approved on July 6, 1981, issued for the purpose of paying the costs of constructing certain sanitary sewer system improvements within the City, all as set out in the ordinance authorizing their issuance.

Said Bonds are herein referred to as the "1981 Bonds", and said 1981 Bonds shall be paid on March 7, 1989 (or such other date on or after March 7, 1989 as shall be set by FmHA) according to terms established or to be established by FmHA as provided by resolution of the Mayor and City Council.

That the 1981 Bonds are valid, interest bearing obligations of the City of Ft. Calhoun, Nebraska, and that said 1981 Bonds shall be redeemed prior to maturity as set out above by resolution of the Mayor and City Council; that FmHA has offered to allow the City to retire the 1981 Bonds at a substantial discount from their par value and the rates of interest currently available in the market are at such levels that by taking up and paying off the 1981 Bonds, a substantial savings in the total amount of interest and principal will be made to the City; that all sinking fund monies of the City in existence with respect to the 1981 Bonds will be applied to the payment of interest accruing on and principal of the 1981 Bonds on or before their date of redemption, all of said sinking fund monies being here appropriated and set aside for such purpose, it being found hereby that no sinking fund monies are presently in existence to pay the principal of the 1981 Bonds on their date of redemption on March 7, 1989, and that the City has no

other funds accumulated for the payment thereof; that no bonds have been issued or sold, all or any part of the proceeds of which have been used to advance refund any of the 1981 Bonds; that for the purpose of making said redemption on the date of redemption of the 1981 Bonds as set out above, it is in the best interest of the City to issue refunding bonds of the City in the principal amount of \$90,000 to provide for the refunding of the 1981 Bonds on the aforesaid redemption date of March 1, 1989; that all conditions, acts and things required to exist or to be done precedent to the issuance of refunding bonds of the City of Ft. Calhoun, Nebraska, in the principal amount of Ninety Thousand Dollars (\$90,000), pursuant to section 10-142 R.R.S. Neb. 1943, do exist and have been done as required by law.

Section 3. The Mayor and City Council further find and determine that the existing system or waterworks of the City of Ft. Calhoun which is owned and operated by said City presently includes water transmission mains, water storage facilities and a network of connecting mains and other appurtenances; that the water storage facilities require maintenance and repairs and that other repairs, maintenance, additions and appurtenances are necessary in order to repair and maintain the existing system of waterworks of the City, and it is necessary to construct improvements to be owned and operated by the City consisting of repairs and maintenance and other related improvements, additions and appurtenances to the existing system of water works; that the cost of said improvements



including engineering services, fiscal services, legal fees, publication expenses and miscellaneous costs are estimated to be not less than \$30,000; that the City presently has outstanding \$409,698 of Water Bonds and that the actual valuation of all taxable property within the City, except intangible property, according to the last preceding assessment is \$11,916,233, that because such improvements will be solely for the maintenance, extension, improvement and enlargement of the existing system of waterworks of the City, the Mayor and City Council are therefore authorized upon a vote of not less than three-fourths of all the City Council to order the issuance of water bonds in the amount of \$30,000 without a vote of the electors pursuant to the provisions of Section 17-534, R.R.S., Nebraska, 1943, as amended; that all conditions, acts and things required to be done pursuant to said Section 17-534 R.R.S. Nebraska, 1943, as amended do exist and have been done as provided by law; and there shall be and hereby are ordered issued General Obligation Water Bonds in the principal amount of \$30,000.

Section 4. The Mayor and Council 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 Four Hundred Thousand Dollars (\$400,000) pursuant to Sections 18-1801 and 18-1802, R.R.S., Neb., 1943, to pay the cost of the improvements and refundings described in Sections 1, 2 and 3, inclusive, hereof do exist and have been done as required by law.

Section 5. To provide for the construction of improvements and for the refunding of bonds as described in Sections 1, 2 and 3 hereof, there shall be and there are hereby ordered issued Various Purpose Bonds, Series 1989 of the City of Ft. Calhoun, Nebraska, in the principal amount of Four Hundred Thousand Dollars (\$400,000) (the "Various Purpose Bonds"), with said Various Purpose Bonds bearing interest at the rates per annum and to become due each year as follows:

<u>MATURING</u> <u>SEPTEMBER 1</u>	<u>AMOUNT</u>	<u>INTEREST RATE</u>
1990	\$10,000	6.30%
1991	10,000	6.40
1992	10,000	6.50
1993	10,000	6.60
1994	15,000	6.70
1995	15,000	6.75
1996	15,000	6.80
1997	15,000	6.90
1998	15,000	7.00
1999	15,000	7.10
2000	20,000	7.15
2001	20,000	7.20
2002	20,000	7.25
2003	25,000	7.30
2004	25,000	7.35
2005	25,000	7.40
2006	30,000	7.45
2007	30,000	7.45
2008	35,000	7.50
2009	40,000	7.50

The Various Purpose Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof, The date of original issue for the Various Purpose Bonds shall be March 1, 1989. Interest on the Various Purpose Bonds, at the respective rates for each maturity, computed on the basis of a 360 day year consisting of twelve 30 day months, shall be payable on September 1, 1989 and semi-annually

thereafter on March 1 and September 1, (each on "Interest Payment Date"), and the Various Purpose 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 records as of the fifteenth day of the month immediately preceding the month in which each Interest Payment Date occurs for the Various Purpose Bond, (the "Record Date"), subject to the provisions of Section 5 hereof. The Various Purpose Bonds shall be numbered from 1 upwards in the order of their issuance. No Various Purpose Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Various Purpose Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Various Purpose 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 Various Purpose 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 Various Purpose Bond to said Paying Agent and Registrar. The City and

said Paying Agent and Registrar may treat the registered owner of any Various Purpose Bond as the absolute owner of such Various Purpose 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 Various Purpose 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 Various Purpose 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 Various Purpose Bonds or claims for interest to the extent of the sum or sums so paid.

Section 6. The Fremont National Bank and Trust Company, of Fremont, 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 the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Various Purpose Bonds at its principal office.

The names and registered addresses of the registered owner or owners of the Various Purpose Bonds shall at all times be recorded in such books. Any Various Purpose Bond may be transferred pursuant to its provisions at the principal 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 Various Purpose Bond or Various Purpose Bonds of the same Series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Various Purpose Bonds by this ordinance, one Various Purpose Bond may be transferred for several such Various Purpose Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Various Purpose Bonds may be transferred for one or several such Various Purpose Bonds, respectively of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Various Purpose Bond, the surrendered Various Purpose Bond shall be cancelled and destroyed. All Various Purpose Bonds issued upon transfer of the Various Purpose Bonds so surrendered shall be valid

obligations of the City evidencing the same obligation as the Various Purpose Bonds surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Various Purpose Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Various Purpose Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Various Purpose Bond called for redemption for a period of 15 days next preceding the date fixed for redemption.

Section 7. In the event that payments of interest due on the Various Purpose 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 Various Purpose 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 8. The Various Purpose Bonds maturing on or after September 1, 1993 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after March 1, 1993, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Various Purpose Bonds to be redeemed in its sole discretion but the Various Purpose Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Various Purpose Bonds

redeemed in part only shall be surrendered to said Paying Agent and registrar in exchange for a new Various Purpose Bond evidencing the unredeemed principal thereof. Notice of redemption of any Various Purpose Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Various Purpose Bond at said owner's registered address. Such notice shall designate the Various Purpose 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 Various Purpose Bond or Various Purpose Bonds are to be presented for prepayment at the principal office of said Paying Agent and Registrar. In case of any Various Purpose Bond partially redeemed, such notice shall specify the portion of the principal amount of such Various Purpose Bond to be redeemed. No defect in the mailing of notice for any Various Purpose Bond shall affect the sufficiency of the proceedings of the City designating the Various Purpose Bonds called for redemption or the effectiveness of such call for Various Purpose 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 Various Purpose Bond for which defective notice has been given.

Section 9. If the date for payment of the principal of or interest on the Various Purpose Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in

the city where the office of the Registrar and Paying Agent is located 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 10. The Various Purpose Bonds shall be in substantially the following form:



UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND OF THE  
CITY OF FT. CALHOUN, NEBRASKA  
SERIES 1989

NO. \_\_\_\_\_

\$ \_\_\_\_\_

Interest  
Rate  
%

Maturity Date

Date of  
Original Issue  
March 1, 1989

CUSIP No.

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Ft. Calhoun in the County of Washington, in the State of Nebraska, ("City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon from the date of original issue for most recent Interest Payment Date, (hereinafter defined), whichever is later, at the rate per annum specified above, payable on September 1, 1989 and semiannually on March 1 and September 1 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 Fremont National Bank and Trust Company, the Paying Agent and Registrar in Fremont, 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 fifteenth business day of the month immediately preceding 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, both 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 Four Hundred Thousand Dollars (\$400,000) even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of refunding \$409,698 aggregate principal amount of the City's Water Bonds, dated March 1, 1979, to be redeemed on March 7, 1989 and \$106,311 aggregate principal amount of the City's Sewer Bonds dated August 1, 1981, to be redeemed on March 7, 1989, and for the purpose of providing funds for construction of improvements, repairs, maintenance and related appurtenances to the City's waterworks system, in pursuance of Sections 10-142, 17-534, 18-1801 and 18-1802 R.R.S. Neb. 1943 and other pertinent sections, 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 September 1, 1993, are subject to redemption at the option of the City, in whole or in part, at any time on or after March 1, 1993, 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. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof without charge therefor, registered bonds of like Series, maturity, and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

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 series, 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 in the city where the corporate trust office of the Paying Agent and Registrar is located 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, and of the bonds refunded hereby, 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 and the indebtedness hereby refunded, does not now and did not at the time of the incurring of said original indebtedness, 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.

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 imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF FT. CALHOUN, NEBRASKA

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Mayor

ATTEST:

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City Clerk

(SEAL)

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.

Fremont National Bank  
and Trust Company  
Fremont, Nebraska  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

(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

\_\_\_\_\_  
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 11. Each of the Various Purpose Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon or affixed thereto the City's seal. A supply of bonds for issuance upon subsequent transfers or in the event of partial redemption shall also be so executed and 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 manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Various Purpose Bond shall cease to be such officer before the delivery of such Various Purpose Bond (including any bonds delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Various Purpose Bond. The Various Purpose Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Various Purpose 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 Various Purpose Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Various Purpose Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as initial purchaser thereof, upon receipt of 98.00% of the principal amount of the Various Purpose Bonds plus accrued interest thereon to date of payment for the Various Purpose Bonds in accordance with the contract with said purchaser which the Mayor and City Clerk are hereby authorized to sign. Said initial purchaser shall have the right to direct the registration of the Various Purpose 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 Various Purpose 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 12. All accrued interest received from the sale of the Various Purpose Bonds shall be applied to pay interest falling due on September 1, 1989. The net principal proceeds of the Various Purpose Bonds shall be deposited with the Treasurer of the City of Ft. Calhoun for the payment of the General Obligation Water Bonds and the General Obligation Sewer Bonds to be redeemed for payment on March 7, 1989.

Section 13. 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 Various Purpose Bonds herein authorized as and when such interest and principal become due according to the terms thereof after the application of other funds of the City which may be available therefor.

Section 14. The City hereby covenants to the purchasers and holders of the Various Purpose 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 the Internal Revenue Code of 1986, as amended, (the "Code"), and further covenants to comply with said 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 to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Various Purpose Bonds. The City, hereby designates the bonds as its qualified tax-exempt obligations under Section 265(b)(3)(B)(ii) of the Code, and covenants and warrants that it does not reasonably anticipate issuance of its qualified tax-exempt bonds or other obligations (other than private activity bonds) in the aggregate principal amount of more than \$10,000,000 in calendar year 1989. The City further represents and warrants that the bonds herein authorized are not "Private Activity Bonds" as such term is defined in Section 141(a) of

the Code. The City agrees to take all further actions, if any, necessary to qualify the bonds herein authorized for such treatment if available.

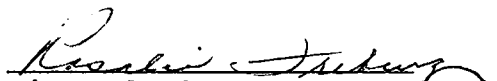
Section 15.. The City's obligations under this ordinance with respect to any or all of the Various Purpose Bonds hereinauthorized shall be fully discharged and satisfied as to any or all of such bonds and any such bond shall no longer be deemed to be outstanding hereunder if such bond has been purchased 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. Governmental 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

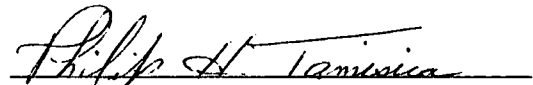


the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. 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 3rd day of February, 1989.

  
City Clerk

  
Mayor

(SEAL)

ORDINANCE NO. 408

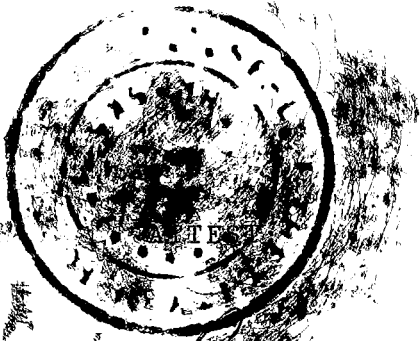
AN ORDINANCE TO VACATE JEFFERSON STREET FROM THE WEST LINE OF ELEVENTH (11th) STREET TO THE EAST LINE OF TWELVETH (12th) STREET, IN THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA.

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

Section 1. That Jefferson Street, from the west line of Eleventh (11th) Street to the east line of Twelveth (12th) Street, is hereby vacated.

Section 2. 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 on this 17<sup>th</sup> day of July, 1989.



Charles Freburg  
City Clerk

Philip H. Tamisica  
Mayor

Recorded \_\_\_\_\_  
General Misc  
Numerical \_\_\_\_\_  
Photostat \_\_\_\_\_

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1832  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 9<sup>th</sup> DAY OF August A.D. 18 89  
AT 11:17 O'CLOCK AM AND RECORDED IN BOOK  
179 AT PAGE 135  
COUNTY CLERK Charlotte Petersen  
DEPUTY Dwight Warren

CLERK  
WASHINGTON COUNTY  
CLERK  
1989 AUG -9 07:11:37

FILED

ORDINANCE NO. 409

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 AUGUST 1, 1989; 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 August 1, 1989  
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 | \$ 466.00 |
| Per duplex                 | 925.00    |

- (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)	\$ 1,957
7 - (6.51-7.50)	1,972
8 - (7.51-8.50)	1,985
9 - (8.51-9.50)	1,996
10 - (9.51-10.00)	2,009
10.01-20	\$2,009 + 40.00 per unit per acre in excess of 10 units per acre.
Over 20	\$2,427 + 36.00 per unit per acre in excess of 20 units per acre.

Minimum charge for any structure, or group of structures in project is \$1,121

- (3) Commercial and Industrial
- |   |          |
|---|----------|
| Per acre  | \$ 1,606 |
| On tracts or areas of less than .29 acre there will be a minimum fee of | \$ 466   |
- (4) Golf Courses
- A. Areas used for parking, clubhouse, pro shop, other structures and general landscaping surrounding such structures - per acre \$ 1,606
- B. Where greens and/or fairways are to be irrigated from District's system, total area is subject to charge - per acre 1,606

- C. Where no District water will be used for irrigation, all areas excluding areas in paragraph 4. A. above - per acre \$ 535

(5) Parks, Lakes, & Cemeteries

- A. Where irrigation and/or recharge from from District system required - per acre \$ 1,606
- B. Where services and meters are sized for drinking fountains and sanitation purposes only - per acre \$ 535

(6) Not-for-Profit Recreational Areas

- A. Irrigated from District system - per acre \$ 1,606
- B. No irrigation - service to be limited to 1" tap and to drinking and sanitary facilities only. Total charge - \$ 1,606

(7) Greenways, Buffer Zones, and Non-Dedicated Streets

- Per acre - \$ 1,606
- On tracts or areas less than .29 acres, there will be a minimum fee of \$ 466


THAT all ordinances in conflict herewith are hereby repealed.

AND 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 21<sup>st</sup> day of August, 1989.

  
Philip Tamisiea, Mayor

ATTEST:

  
Rosalie Freburg, City Clerk

288

ORDINANCE NO. 410

FILED  
1989 SEP -6 AM 9:13

CITY OF FORT CALHOUN  
WASHINGTON COUNTY CLERK  
BEAD, NEBR

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, VACATING PORTIONS OF STEVENSON STREET (ALSO KNOWN AS STEVESON STREET), WEBSTER STREET, SIXTEENTH (16TH) STREET.

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

SECTION 1. The Mayor and City Council order that the entire width of that portion of Stevenson Street (also known as Steveson Street), Webster Street and Sixteenth (16th) Street all located West of Fifteenth (15th) Street in the City of Fort Calhoun, Nebraska and which are immediately adjacent to Block Seventy-four (74) in the City of Fort Calhoun, Nebraska (also known as Block Seventy-four (74) in Calhoun City Company's Addition to Fort Calhoun, Nebraska), are hereby vacated and ownership shall revert to the adjacent landowners.

SECTION 2. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

PASSED AND APPROVED THIS 21<sup>st</sup> day of August, 1989.



*Wesley J. Schurz*  
CITY CLERK

(Seal)

*Philip H. Jamison*  
MAYOR

Recorded \_\_\_\_\_  
General \_\_\_\_\_  
Numerical \_\_\_\_\_  
Photostat \_\_\_\_\_

STATE OF NEBRASKA COUNTY OF WASHINGTON) 88-2057  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 6<sup>th</sup> DAY OF Sept. A.D. 1989  
AT 9:13 O'CLOCK PM AND RECORDED IN BOOK  
180 AT PAGE 288-289  
COUNTY CLERK *Charlotte A. Lister*  
DEPUTY *Wesley J. Schurz*

288

28 9 5

STATE OF NEBRASKA       )  
                              ) :ss:  
WASHINGTON COUNTY     )

Rosalie Freburg, hereby certifies that she  
is the duly appointed, qualified and acting City Clerk of the  
City of Fort Calhoun, Nebraska, and that the above and foregoing  
Ordinance was passed at a regular meeting of the Mayor and City  
Council of said City held on the 21<sup>st</sup> day of August, 1989.

*Rosalie Freburg*  
CITY CLERK

28 9 5

ORDINANCE NO. 411

AN ORDINANCE AMENDING SECTIONS THREE (3) AND FOUR (4) OF ORDINANCE NO. 219 OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, FIXING THE SALARIES OF CERTAIN OFFICERS OF SAID CITY 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 THAT SECTIONS THREE (3) AND FOUR (4) OF ORDINANCE NO. 219 OF SAID BE AMENDED TO READ AS FOLLOWS:

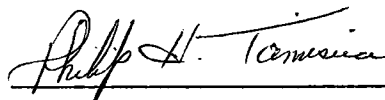
Section 3. The salary of the Mayor of the City shall be \$40.00 per meeting, payable annually.

Section 4. The salary of each member of the City Council shall be \$30.00 per meeting, payable annually.

Original Sections numbered 3 and 4 of Ordinance No. 219 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

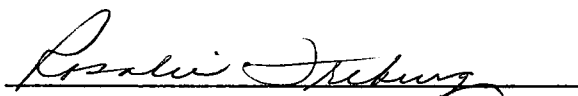
This ordinance shall take effect and be in force from and after its passage, approval and publication, as required by law.

Passed and approved this 18<sup>th</sup> day of December, 1989.



Philip H. Tamisiea, Mayor

ATTEST:



Rosalie Freburg, City Clerk

SEAL

ORDINANCE NO. 412

CITY OF FORT CALHOUN,  
WASHINGTON COUNTY, NEBRASKA

NATURAL GAS FRANCHISE

An Ordinance granting to METROPOLITAN UTILITIES DISTRICT OF OMAHA, a municipal corporation and political subdivision of the State of Nebraska, its successors and assigns, the right and privilege to construct, maintain and operate a system of mains, pipes, services and other appliances in, upon, over, across and along streets, avenues, alleys, bridges and public places of the City of Fort Calhoun, Washington County, Nebraska, for the transmission, distribution and sale of gas for heating, industrial and other uses in the above City and elsewhere; prescribing the terms and conditions under which said Metropolitan Utilities District of Omaha is to operate; prescribing the time when this Ordinance shall be in full force and take effect and repealing all previous Ordinances in conflict therewith.

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

SECTION 1. FRANCHISE; GRANT; PERIOD; POWERS; RIGHTS OF

GRANTEE: That in consideration of the benefits to be derived from the installation and operation of a gas distribution system in the City of Fort Calhoun, Nebraska, (hereinafter designated "City") by said City and its inhabitants, there is hereby granted to Metropolitan Utilities District of Omaha, a municipal Corporation and political subdivision of the State of Nebraska (hereinafter referred to as "Grantee"), its successors and assigns, the right, permission and authority to lay, install, maintain and operate gas transmission, transportation, and distribution system, including all necessary structures therefor, within the limits of said City, as the same now exist or may be hereafter extended, for a period of



twenty-five (25) years from and after the effective date of this Ordinance; and for this purpose there is hereby further granted to Grantee the right, permission and authority during said period to lay, install, maintain and operate in, upon, over, across and along all of the streets, avenues, alleys, bridges and public places of said City, all mains, services, pipes, conduits and structures necessary or convenient for transmitting, transporting, distributing and supplying gas for domestic, commercial, industrial and such other purposes for which gas may be used by the inhabitants of said City during the term hereof, and for the purpose of transmitting, transporting and conveying such gas into, through or beyond the immediate limits of said City to other villages, cities and customers.

SECTION 2. MAINS, SERVICES, PIPES, INSTALLATION, RELAYING, RULES, AS TO: That all mains, services and pipes which shall be laid or installed under this grant shall, when construction is completed, be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers, paving or other structures already installed, and all such mains, services and pipes shall be laid in place subject to the approval of the Committee on Streets and Alleys of said City or subject to the approval of such representative as said City may from time to time provide. Grantee shall, in the doing of any work in connection with its said mains, pipes and services, avoid, so far as may be practicable, interfering with the use of any street, alley or other highway, and where the paving or surface of the street is disturbed, Grantee

shall, at its own expense, and in a manner satisfactory to the duly authorized representatives of said City, replace such paving or surface of the street or alley in as reasonably good condition as before said work was commenced.

SECTION 3. MAINS, CONSTRUCTED, EXTENDED, WHEN: That Grantee, its successors or assigns, shall make such reasonable extensions of its mains, from time to time, and shall install services as may be required to furnish service to parties making application therefor, located within the corporate limits of said City; provided that Grantee's Rules and Regulations Covering the Use of Gas and the Installation of Mains, Services, Meters, Piping and Appliances, duly adopted by its Board of Directors pursuant to the laws of Nebraska, which shall be filed with the Clerk of said City, shall govern the extension of mains and installation of services. Provided further, that no obligation shall extend to, or be binding upon the Grantee, to construct or extend its mains or furnish natural gas or gas service within said City if Grantee is, for any reason, unable to obtain delivery of natural gas at or near the corporate limits of said City or an adequate supply thereof to warrant the construction or extension of its mains, for the furnishing of such natural gas or gas service. Provided further, that when the amount of natural gas supplied to Grantee at or near the City limits of said City is insufficient to meet the additional firm requirements of connected or new consumers, Grantee shall have the right to prescribe reasonable rules and regulations for extension of mains, and for allocating the available supply of

natural gas for such additional firm requirements to domestic, commercial and industrial consumers in that order of priority.

SECTION 4. METERS, GRANTEE FURNISHES: That Grantee shall furnish and install for its customers reliable meters and shall keep the same in repair in accordance with Grantee's "Gas Rules and Regulations" as they now or hereafter may exist.

SECTION 5. GRANTEE HOLDS CITY HARMLESS: That Grantee shall be required, and by the acceptance hereof, agrees to save harmless the municipality and its inhabitants from and against all claims and demands and from all loss and expense incurred as a result thereof, arising out of the negligence of Grantee in the laying, installing, removing, inspection or repair of any mains, pipes, services, or appliances of Grantee or in the use and operation thereof, during the term of this Ordinance.

SECTION 6. WRITTEN ACCEPTANCE, FRANCHISE, OF, GRANTEE, BY; EXTENSION: That, within thirty (30) days, after the passage of this Ordinance, Grantee shall prepare and file a written acceptance of this Ordinance with the Clerk of said municipality. Failure of Grantee so to accept this Ordinance within said period of time shall be deemed a rejection thereof by Grantee and the rights and privileges herein granted shall after the expiration of said period of thirty (30) days, if not so accepted, absolutely cease and terminate, unless said period of time shall be extended by further ordinance duly passed for that purpose.

SECTION 8. WHEN OPERATIVE: This ordinance shall be in full force and take effect thirty (30) days after its passage and shall constitute a binding contract between the City of Fort Calhoun, Nebraska, and the Metropolitan Utilities District of Omaha, a municipal corporation and political subdivision of the State of Nebraska, Grantee, its successors and assigns, provided, within such thirty (30) day period it shall have been published as required by law and accepted by the Grantee in accordance with the provisions of Section 6 hereof. This ordinance repeals, as of the effective date hereof, Ordinance No. 207 as amended by Ordinance 336 of the City of Fort Calhoun, Nebraska.

**ATTEST:**

  
Acting Mayor -  
President City Council

Rosalia H. H. H.  
City Clerk

-5-

ORDINANCE NO. 413

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, SECTION 201 OF THE MUNICIPAL CODE 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 it would 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, to have one member of the Planning Commission representing the area outside of the city limits over which the City is authorized to exercise extraterritorial zoning and subdivision regulation, NOW, THEREFORE

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

SECTION 1

THAT Chapter 2, Article 2, Section 201 of the Municipal Code of Fort Calhoun, Nebraska be amended to read as follows:

SECTION 1: There is hereby created a City Planning Commission, which shall consist of five members, four of which shall be residents of the City and one of which may be a resident of the area outside of the city limits over which this City is authorized to exercise extraterritorial zoning and subdivision regulation, and who shall represent insofar as is possible different professions or occupations 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 ] 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 16<sup>th</sup> DAY OF April, 1990.

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

ATTEST:

Rosalia Steburg  
City Clerk

(SEAL)

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF  
THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA,  
TO REZONE FROM AGRICULTURAL TO RESIDENTIAL.

WHEREAS, Darrell L. Halford is the owner and record holder of title to Tax Lot 117 and a part of Tax Lot 119, Section 11, Township 17 North, Range 12, East of the 6th P.M., Washington County, Nebraska, more fully described in Exhibit "A" attached hereto; and

WHEREAS, Darrell L. Halford has requested the City to approve a platting of the real property described in Exhibit "A" attached hereto and a rezoning of that part of Tax Lot 119 included in the legal description set forth in Exhibit "A" attached hereto; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska, to approve the rezoning of that part of Tax Lot 119 included in the legal description set forth in Exhibit "A" attached hereto; and

WHEREAS, all things precedent to approval of said rezoning having been done;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL of the City of Fort Calhoun, Nebraska, that the rezoning from Agricultural to Residential of that part of Tax Lot 119, Section 11, Township 17 North, Range 12, East of the 6th P.M., Washington County, Nebraska, more fully described in Exhibit "A" attached hereto, which Exhibit "A" is incorporated herein as though fully set forth herein, shall be and hereby is approved.

BE IT FURTHER ORDAINED THAT the official zoning map of the

City of Fort Calhoun, Nebraska be, and the same hereby is, changed and amended in accordance with all appropriate regulatory provisions so that that part of Tax Lot 119, Section 11, Township 17 North, Range 12, East of the 6th P.M., Washington County, Nebraska, more fully described in Exhibit "A" attached hereto, which Exhibit "A" is incorporated herein as though fully set forth herein, is hereby rezoned from Agricultural to Residential.

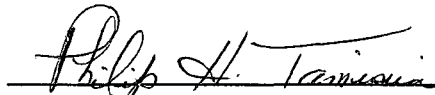
BE IT FURTHER ORDAINED THAT the statutory requirement of three readings of this Ordinance shall be and hereby is waived.

BE IT FURTHER ORDAINED THAT the minutes of the meeting of the City of Fort Calhoun, Nebraska, may reflect the passage of this Ordinance by repeating the caption thereto.

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

Passed and approved this 19<sup>th</sup> day of April, 1990.

(SEAL)

  
\_\_\_\_\_  
Mayor of Fort Calhoun, Nebraska

ATTEST:

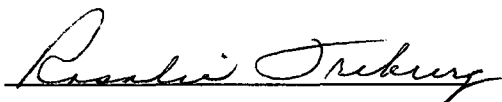
  
\_\_\_\_\_  
City Clerk



EXHIBIT "A"

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11 AND ASSUMING THE NORTH-SOUTH QUARTER LINE TO BEAR SOUTH 0°52'50" WEST; THENCE SOUTH 0°52'50" WEST, A DISTANCE OF 1143.59 FEET TO THE SOUTHEAST CORNER OF TAX LOT 62, BEING THE POINT OF BEGINNING; THENCE SOUTH 89°50'42" EAST, A DISTANCE OF 400.49 FEET TO THE NORTHWEST CORNER OF TAX LOT 94; THENCE SOUTH 0°33'27" WEST, A DISTANCE OF 291.53 FEET TO THE SOUTHWEST CORNER OF TAX LOT 94; THENCE SOUTH 89°53'56" EAST, A DISTANCE OF 90.03 FEET TO THE FORT CALHOUN CITY LIMITS AS DESCRIBED IN ORDINANCE NO. 295, DATE DECEMBER 1, 1975, RECORDED BOOK 106, PAGES 517-518; THENCE SOUTH 0°40'15" WEST ALONG THE CITY LIMITS, A DISTANCE OF 813.93 FEET TO AN EXISTING FENCE; THENCE NORTH 89°53'20" EAST ALONG THE FENCE LINE, A DISTANCE OF 192.19 FEET; THENCE SOUTH 0°31'07" WEST, A DISTANCE OF 195.99 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLARK STREET; THENCE NORTH 89°27'38" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 688.52 FEET TO A POINT ON THE NORTH-SOUTH QUARTER LINE; THENCE SOUTH 0°52'50" WEST A DISTANCE OF 225.22 FEET TO THE CENTER OF SECTION 11; THENCE CONTINUING SOUTH 0°52'50" WEST, A DISTANCE OF 558.85 FEET TO THE NORTHEAST CORNER OF A TRACT SURVEYED BY WAYNE G. KIRK ON MAY 20, 1976; THENCE NORTH 89°50'26" WEST, A DISTANCE OF 891.0 FEET TO THE NORTHWEST CORNER OF SAID SURVEYED TRACT; THENCE NORTH 0°52'40" EAST, A DISTANCE OF 436.45 FEET TO THE SOUTH LINE OF THE FORT CALHOUN CEMETERY; THENCE SOUTH 89°40'54" EAST, A DISTANCE OF 193.78 FEET; THENCE NORTH 0°30'50" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 825.20 FEET; THENCE NORTH 39°37'28" WEST FOR A DISTANCE OF 185.75 FEET; THENCE NORTH 89°06'49" WEST FOR A DISTANCE OF 492.10 FEET; THENCE NORTH 00°47'38" EAST FOR A DISTANCE OF 1047.28 FEET TO A POINT BEING 759.0 FEET SOUTH OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER; THENCE NORTH 89°43'33" EAST, A DISTANCE OF 754.68 FEET TO THE NORTHWEST CORNER OF TAX LOT 62; THENCE SOUTH 0°52'50" WEST, A DISTANCE OF 384.48 FEET TO THE SOUTHWEST CORNER OF TAX LOT 62; THENCE SOUTH 89°58'47" EAST, A DISTANCE OF 562.32 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. 415  
~~415~~

AN ORDINANCE TO APPROVE HALFORD'S CHERRY HILLS,  
A SUBDIVISION IN WASHINGTON COUNTY, NEBRASKA,  
CONSISTING OF LOTS ONE (1) THROUGH THIRTY (30).

WHEREAS, Darrell L. Halford is the owner and record holder of title to Tax Lot 117 and a part of Tax Lot 119, Section 11, Township 17 North, Range 12, East of the 6th P.M., Washington County, Nebraska, more fully described in Exhibit "A" attached hereto; and

WHEREAS, Darrell L. Halford has requested the City to approve a platting of said real property, which Plat is set forth in Exhibit "B" attached hereto; and

WHEREAS, the Planning Board of the City Council of the City of Fort Calhoun, Nebraska, has given its approval to the platting of said area of subdivision set forth in Exhibit "B" attached hereto; and

WHEREAS, it is in the best interest of the City of Fort Calhoun, Nebraska, to the Plat of said area of subdivision; and

WHEREAS, all things precedent to approval of said Plat having been done;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL of the City of Fort Calhoun, Nebraska, that the Plat of Halford's CHERRY HILLS, A Subdivision in Washington County, Nebraska, as set forth in Exhibit "B" attached hereto, which Exhibit "B" is incorporated herein as though fully set forth herein, shall be and hereby is approved.

BE IT FURTHER ORDAINED THAT the Mayor and the City Clerk of

the City of Fort Calhoun, Nebraska, shall be and hereby are authorized to affix their signatures to said Exhibit "B" to indicate acceptance by the City of Fort Calhoun, Nebraska.

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

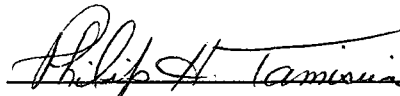
BE IT FURTHER ORDAINED THAT the statutory requirement of three readings of this Ordinance shall be and hereby is waived.

BE IT FURTHER ORDAINED THAT the minutes of the meeting of the City of Fort Calhoun, Nebraska, may reflect the passage of this Ordinance by repeating the caption thereto.

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

Passed and approved this 19<sup>th</sup> day of April, 1990.

(SEAL)

  
\_\_\_\_\_  
Mayor of Fort Calhoun, Nebraska

ATTEST:

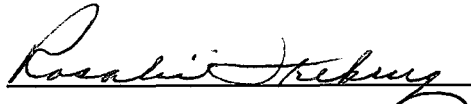
  
\_\_\_\_\_  
City Clerk

EXHIBIT "A"

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11 AND ASSUMING THE NORTH-SOUTH QUARTER LINE TO BEAR SOUTH 0°52'50" WEST; THENCE SOUTH 0°52'50" WEST, A DISTANCE OF 1143.59 FEET TO THE SOUTHEAST CORNER OF TAX LOT 62, BEING THE POINT OF BEGINNING; THENCE SOUTH 89°50'42" EAST, A DISTANCE OF 400.49 FEET TO THE NORTHWEST CORNER OF TAX LOT 94; THENCE SOUTH 0°33'27" WEST, A DISTANCE OF 291.53 FEET TO THE SOUTHWEST CORNER OF TAX LOT 94; THENCE SOUTH 89°53'56" EAST, A DISTANCE OF 90.03 FEET TO THE FORT CALHOUN CITY LIMITS AS DESCRIBED IN ORDINANCE NO. 295, DATE DECEMBER 1, 1975, RECORDED BOOK 106, PAGES 517-518; THENCE SOUTH 0°40'15" WEST ALONG THE CITY LIMITS, A DISTANCE OF 813.93 FEET TO AN EXISTING FENCE; THENCE NORTH 89°53'20" EAST ALONG THE FENCE LINE, A DISTANCE OF 192.19 FEET; THENCE SOUTH 0°31'07" WEST, A DISTANCE OF 195.99 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLARK STREET; THENCE NORTH 89°27'38" WEST ALONG SAID NORTH RIGHT-OF-WAY, A DISTANCE OF 688.52 FEET TO A POINT ON THE NORTH-SOUTH QUARTER LINE; THENCE SOUTH 0°52'50" WEST A DISTANCE OF 225.22 FEET TO THE CENTER OF SECTION 11; THENCE CONTINUING SOUTH 0°52'50" WEST, A DISTANCE OF 558.85 FEET TO THE NORTHEAST CORNER OF A TRACT SURVEYED BY WAYNE G. KIRK ON MAY 20, 1976; THENCE NORTH 89°50'26" WEST, A DISTANCE OF 891.0 FEET TO THE NORTHWEST CORNER OF SAID SURVEYED TRACT; THENCE NORTH 0°52'40" EAST, A DISTANCE OF 436.45 FEET TO THE SOUTH LINE OF THE FORT CALHOUN CEMETERY; THENCE SOUTH 89°40'54" EAST, A DISTANCE OF 193.78 FEET; THENCE NORTH 0°30'50" EAST ALONG THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 825.20 FEET; THENCE NORTH 39°37'28" WEST FOR A DISTANCE OF 185.75 FEET; THENCE NORTH 89°06'49" WEST FOR A DISTANCE OF 492.10 FEET; THENCE NORTH 00°47'38" EAST FOR A DISTANCE OF 1047.28 FEET TO A POINT BEING 759.0 FEET SOUTH OF THE NORTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER; THENCE NORTH 89°43'33" EAST, A DISTANCE OF 754.68 FEET TO THE NORTHWEST CORNER OF TAX LOT 62; THENCE SOUTH 0°52'50" WEST, A DISTANCE OF 384.48 FEET TO THE SOUTHWEST CORNER OF TAX LOT 62; THENCE SOUTH 89°58'47" EAST, A DISTANCE OF 562.32 FEET TO THE POINT OF BEGINNING.

ORDINANCE NO. 416

AN ORDINANCE TO ALLOW FOR A WIDER VARIETY OF INVESTMENT OPTIONS FOR EXCESS FUNDS.

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

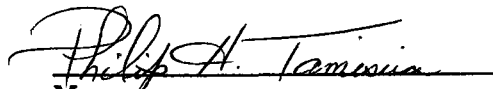
Section 1. That Chapter 1, Article 8, Section 821, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**FISCAL MANAGEMENT; INVESTMENT OF FUNDS.** Whenever a city has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such city may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Ref. 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.)

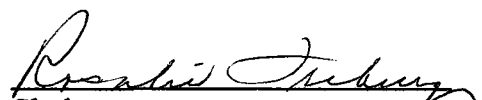
Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

ORDINANCE NO. 417

AN ORDINANCE TO CHANGE THE MOTOR VEHICLE TAX ADOPTED DURING THE 1988 STATE LEGISLATIVE SESSION. THE CHANGE STRIKES THE LANGUAGE ALLOWING THE USE OF FUNDS FROM THE MOTOR VEHICLE TAX TO BE USED FOR EQUIPMENT PURCHASES.

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

Section 1. That Chapter 1, Article 8, Section 823, of the Municipal Code of \_\_\_\_\_, Nebraska shall read as follows:

**FISCAL MANAGEMENT; MOTOR VEHICLE TAX.** The Governing Body of the city may levy a tax on all motor vehicles owned or used in such city, which tax shall be paid to the county treasurer of the county in which such city is located when the registration fees as provided in sections 60-329 to 60-339, R.S. Neb. are paid. Such taxes shall be credited by county treasurer to the road fund of such city. Such funds shall be used by such city for constructing, resurfacing, maintaining, or improving streets, roads alleys, public ways, or parts thereof, for the amortization of bonded indebtedness when created for such purposes. (Ref. 18-1214 RS Neb.)

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

Philip H. Tamm  
Mayor

(SEAL)

Rosalee Stebbins  
Clerk

ORDINANCE NO. 418

AN ORDINANCE TO MAKE ILLEGAL THE WILLFUL OR MALICIOUS DESTRUCTION OF TRAFFIC CONTROL DEVICES AND TRAFFIC SURVEILLANCE DEVICES.

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

Section 1. That Chapter 5, Article 2, Section 244, of the Municipal Code of \_\_\_\_\_, Nebraska shall read as follows:

**SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH.** It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Ref. 39-619, 39-619.01 RS Neb.)

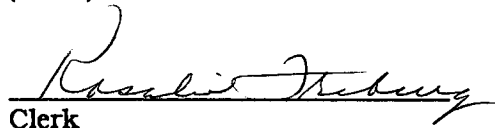
Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

AN ORDINANCE TO CHANGE THE SIZE AND SYMBOL OF HANDICAPPED PARKING CARDS. TO EXPAND THE CLASS OF PERSONS WHO MAY APPLY FOR HANDICAPPED PARKING PERMITS.

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

Section 1. That Chapter 5, Article 6, Section 615, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**PARKING; RESERVED FOR HANDICAPPED.** The Governing Body and any person in lawful possession of any off-street parking facility may designate parking spaces for the exclusive use of disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14 RS Neb., such other handicapped persons, as certified by the Governing Body, whose vehicles display the identification as determined by the Department of Motor Vehicles, and such other motor vehicles, as certified by the Governing Body, which display such identification. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent. Whenever the Governing Body so designates a parking space, it shall be indicated by a sign which is in conformance with the nineteenth (19th) edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways. In addition to such sign the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

The Municipal Clerk shall take an application from physically handicapped persons or their parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this Section. For the purpose of this Section, physically handicapped persons shall mean visually handicapped persons and those permanently physically handicapped persons who have definite walking problems to such an extent that walking is impractical, impossible, extremely painful, or generally detrimental to one's health, including those persons who have respiratory problems which incapacitate their walking, any individual who has permanently lost all or substantially all the use of one or more limbs, and disabled persons as defined in Section 60-311.14 RS Neb. Visually handicapped persons shall mean those persons using the white cane or guide dog. Persons applying for a permit shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles and shall demonstrate to the satisfaction of the Municipal Clerk that he or she is handicapped. The Municipal Clerk may require medical certificates and proof of a handicapped condition. Such application shall be forwarded to the Department of Motor Vehicles.

The Municipal Clerk may take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting physically handicapped persons to park in those spaces provided for by this Section, if the motor vehicle is used primarily for the transportation of physically handicapped person. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of physically handicapped persons. Persons applying for permits pursuant to this Section, shall apply for a permit for each motor vehicle used for the transportation of physically handicapped persons and shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles and shall demonstrate to the Clerk that each such motor vehicle is used primarily for the transportation of physically handicapped persons. Such applications shall be forwarded to the Department of Motor Vehicles.

The permit shall be a card not less than five (5") inches by eight (8") inches in size to be issued by the Department of Motor Vehicles, on which is prominently displayed the letter "H" and an identifying number on the front of the card. The name, address, phone number, date of birth, and age of the physically handicapped person to whom issued shall appear on the reverse side, and if the permit is issued for a motor vehicle used primarily for the transportation of physically handicapped persons, the name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit. No permit shall be issued to any person for any motor vehicle if any valid handicapped parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to this Section.

A duplicate permit may be provided by the Department of Motor Vehicles without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

All permits authorized under this Section shall be issued for a period ending January One (1) of the fourth (4th) year following the date of issuance. A permit fee of three (\$3.00) dollars shall be charged for each permit, one (\$1.00) dollar of which shall be retained by the Municipal Clerk and two (\$2.00) dollars which shall be forwarded to the Department of Motor Vehicles.



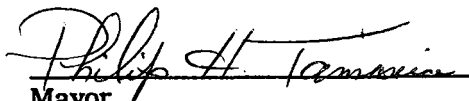
Permits issued under this Section shall not be transferable, and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. Use by any other person, for any other motor vehicle, or for any other purpose shall be cause for suspension of such permit for a period of six (6) months. At the expiration of such period, a suspended permit may be renewed upon the payment of the permit fee.

The owner or person in lawful possession of an off-street parking facility, after notifying the police or sheriff's department, as the case may be, and the Municipality when providing on-street parking or owning, operating, or providing an off-street parking facility, may cause the removal, from a stall or space designated exclusively for disabled persons, other handicapped persons, or motor vehicles for the transportation of physically handicapped persons, of any vehicle not displaying proper identification or one of the distinguishing license plates specified in this Section if there is posted immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone. Anyone parking in an on-street parking space which has been designated exclusively for handicapped persons or motor vehicles for the transportation of handicapped persons, or in any so designated parking space in any off-street parking facility owned or operated by the Municipality without properly displaying the proper identification, shall be guilty of a traffic infraction as defined in Section 39-602, Reissue Revised Statutes of Nebraska, 1943, and shall be subject to the penalties and procedure set forth in Section 39-6,122, Revised Statutes Supplement, 1978. (Ref. 18-1736 thru 18-1742 RS Neb.)


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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

ORDINANCE NO. 420

AN ORDINANCE EXPANDING THE CLASS OF PERSONS TO ELECTRICAL UTILITY WORKERS WHO MAY RIDE ALL-TERRAIN VEHICLES ON PUBLIC HIGHWAYS, STREETS AND ROADS.

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

Section 1. That Chapter 5, Article 5, Section 502, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

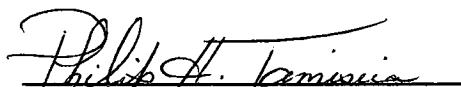
**ALL-TERRAIN VEHICLES: OPERATION.** Except as provided in Sections A through D of this Section, an all-terrain vehicle shall not be operated on any public street, road, or highway of this State. The crossing of any Interstate or limited- access highway shall not be permitted.

- A. The crossing of a public street, road, or highway shall be permitted only if:
1. The crossing is made at an angle of approximately ninety (90°) degrees to the direction of the street, road, or highway and at a place where no obstruction prevents a quick and safe crossing.
  2. The vehicle is brought to a complete stop before crossing the shoulder or main-traveled way of the street, road or highway.
  3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.
  4. In crossing a divided street, road, or highway, the crossing is made only at an intersection of such street, road, or highway with another public street, road, or highway; and
  5. Both the headlight and taillight of the vehicle are on when the crossing is made.
- B. All-terrain vehicles may be operated on a public street, road, or highway when such operation occurs only between the hours of sunrise and sunset and such operation is incidental to the vehicle's use for agricultural purposes. Any person operating an all-terrain vehicle on a public street, road, or highway shall have a valid motor vehicle operator's license or a special permit as provided in Section 60-407(5) RS Neb. and shall not operate such vehicle at a speed in excess of thirty (30) miles per hour. When operated on a public street, road, or highway, the headlight and taillight shall be turned on. The all-terrain vehicle shall be equipped with a bicycle safety flag which extends not less than five (5') feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area not less than thirty (30) square inches and shall be day-glow in color.
- C. All-terrain vehicles may be operated on public streets, roads, and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.
- D. All-terrain vehicles may be operated on public streets, roads and highways outside the corporate limits of any municipality by electric utility personnel within the course of their employment in accordance with the operation requirements of subsection B of this section, except that the operation of such vehicles pursuant to this subsection need not be incidental to the use of the vehicle for agricultural purposes.

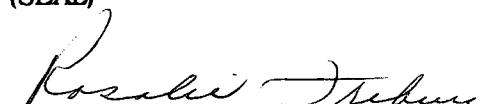
Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

ORDINANCE NO. 421

ORDINANCES RELATING TO THE DEFINING, RESTRAINING AND CONFINING OF DANGEROUS DOGS. TO EXPAND THE AUTHORITY OF LOCAL GOVERNING BODIES TO DEAL WITH DANGEROUS DOGS.

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

Section 1. That Chapter 6, Article 1, Section 122 ~~through~~ \_\_\_\_\_, of the Municipal Code of Fort Calhoun, Nebraska shall read as follows:

**DANGEROUS DOGS; DEFINITIONS.**

Animal Control Authority shall mean an entity authorized to enforce the animal control laws of a city.

Animal Control Officer shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

Dangerous Dog shall mean any dog that, according to the records of an animal control authority:

- a. has killed or inflicted severe injury on a human being of public or private property;
- b. has killed a domestic animal without provocation while the dog was off the owner's property; or
- c. has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in section 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

Domestic Animal shall mean a cat, a dog, or livestock;

Owner shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog;

Potentially Dangerous Dog shall mean:

- a. any dog that when unprovoked;
  - (i) inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property, or;
  - (ii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or;
- b. any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; and

Severe Injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

**DANGEROUS DOGS; RESTRAINED.** No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

**DANGEROUS DOGS; CONFINED.** While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.

**DANGEROUS DOGS: FAILURE TO COMPLY.** Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article.

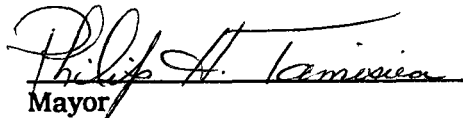
In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.

**DANGEROUS DOGS: ADDITIONAL REGULATIONS.** Nothing in this article shall be construed to restrict or prohibit any governing body of the city/village from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article.

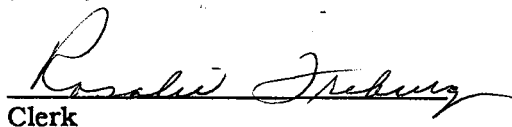
Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 1990.

  
Mayor

(SEAL)

  
Clerk

ORDINANCE NO. 422

AN ORDINANCE TO REQUIRE A PERMIT IN ORDER TO DISCHARGE EXPLOSIVES AND TO AUTHORIZE THE GOVERNING BODY TO SUPERVISE ANY SUCH DISCHARGE OF EXPLOSIVE MATERIALS.

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

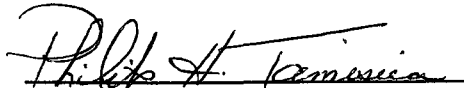
Section 1. That Chapter 7, Article 4, Section 401, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**EXPLOSIVES; BLASTING PERMITS.** Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction and under their supervision, and in no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol. (Ref. 17-556, 28-1229 RS Neb.)


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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

ORDINANCE NO. 423

AN ORDINANCE CHANGING FROM THIRTY-FIVE TO FORTY-FIVE DAYS THE TIME IN WHICH A MUNICIPALITY MUST CONDUCT A HEARING ON A LIQUOR APPLICATION AFTER THE MUNICIPALITY RECEIVES NOTIFICATION OF SUCH APPLICATION FROM THE LIQUOR CONTROL COMMISSION.

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

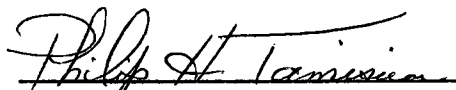
Section 1. That Chapter 10, Article 1, Section 107, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**ALCOHOLIC BEVERAGES; LIQUOR APPLICATION; MUNICIPAL EXAMINATION.** 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 Municipal 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) days of 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, Municipal Clerk or the Municipal 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 forty-five (45) 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 Municipal 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. (Ref. 53-131, 53-134 RS Neb.)

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

AN ORDINANCE THAT SETS OUT THE NOTICE AND PROCEDURE REQUIREMENTS FOR EXAMINATION OF RETAIL LIQUOR LICENSE APPLICANTS IN ACCORDANCE WITH THE NEBRASKA LIQUOR CONTROL ACT.

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

Section 1. That Chapter 10, Article 1, Section 125, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**ALCOHOLIC BEVERAGES; LIQUOR APPLICATION; NOTICE; PROCEDURE.**

- A. Notice. Notice of a hearing held pursuant to Neb. Rev. Stat. Section 53-134 shall be given to the applicant by the Municipal Clerk and shall contain the date, time, and location of the hearing. Two (2) 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 Governing Body that prejudice would result there from.
- B. Procedure. Hearings will be informal and conducted by the Municipal Attorney. The intent is an inquiry into the facts, not an adversarial 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(s).

The Governing Body may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The Municipal Attorney 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 Municipal Attorney 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 Municipal Attorney 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 Municipal Attorney, Governing Body, 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 Municipality and law enforcement personnel;
9. Cross-examination by applicant;
10. Rebuttal evidence by both parties, and by Municipality 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 Municipal 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.

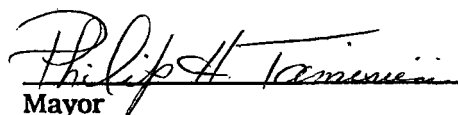
The Governing Body or the applicant may order the hearing to be recorded by the Clerk, at the expense of the applicant(s).

(Ref. 53-134 RS Neb.)

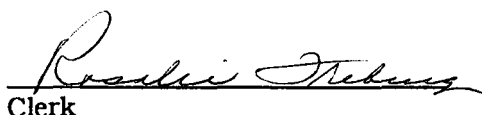
Section 2. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

  
Mayor

(SEAL)

  
Clerk

AN ORDINANCE RELATING TO THE CRITERIA USED BY THE LOCAL GOVERNING BODY AND LIMITS THE DISCRETION AVAILABLE TO LOCAL GOVERNING BODIES.

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

Section 1. That Chapter 10, Article 1, Section 126, of the Municipal Code of \_\_\_\_\_, Nebraska be amended to read as follows:

**LIQUOR APPLICATIONS; RETAIL LICENSING STANDARDS; BINDING RECOMMENDATIONS.** Local governing bodies shall only have authority to approve applications and deny licenses pursuant to the Nebraska Liquor Control Act. The Governing Body shall only consider the following licensing standards and criteria at the hearing and an evaluation of any applicant for a retail alcoholic liquor license, 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:

- a. The adequacy of existing law enforcement resources and services in the area;
- b. The recommendation of the Police Department or any other law enforcement agency;
- c. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking;
- d. Zoning restrictions and the local governing body's zoning and land-use policies;
- e. Sanitation or sanitary conditions on or about the proposed licensed premises;
- f. The existence of a citizen's protest and similar evidence in support of or in opposition to the application;
- g. The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served;
- h. The existing liquor licenses, the class of each such license, and the distance and times of travel between establishments that issued such licenses;
- i. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located;
- j. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in section 53-101.01;
- k. Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with section 53-102;
- l. Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured;
- m. Whether the applicant is fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- n. 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 and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- o. The background information of the applicant established by information contained in the public records of the Commission and investigations conducted by law enforcement agencies;
- p. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, any other governmental board or agency of the local governing body, any other governmental unit, or any court of law;
- q. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the commission or local governing body or the employees of the commission or local governing body or the employees of the commission or local governing body in regard to the license application or liquor investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the local governing body;
- r. Proximity of and impact on schools, hospitals, libraries, parks, and public institutions;
- s. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance; and



- t. Compliance with state laws, liquor rules and regulations, and municipal ordinances and regulations and whether or not the 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 has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor.

It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this subsection. The burden of proof and persuasion shall be on the party filing the application. When applicable for purposes of this section, "applicant" shall be synonymous with "license." (Ref. 53-134 RS Neb.)

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 19 90.

Philip H. Tamisua  
Mayor

(SEAL)

Rosalie M. M. M. M.  
Clerk

AN ORDINANCE TO AUTHORIZE THE USE OF ELECTRONIC SPEED MEASUREMENT DEVICES IN TRAFFIC CONTROL AND TO PRESCRIBE CONDITIONS WHEREBY THE RESULTS THEREOF MAY BE ACCEPTED AS COMPETENT EVIDENCE IN COURTS.

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

Section I. That Chapter 5, Article 1, Section 244, of the Municipal Code of Fort Calhoun, Nebraska, be amended to read as follows:

TRAFFIC CONTROL; ELECTRONIC SPEED MEASUREMENT DEVICES; CONDITIONS FOR USE OF RESULTS AS EVIDENCE.

1. Determinations made regarding the speed of any motor vehicle based upon the visual observation of any law enforcement officer may be corroborated by the use of radio microwaves or other electronic device. The results of such radio microwave or other electronic speed measurement may be accepted as competent evidence of the speed of such motor vehicle in any court or legal proceeding when the speed of the vehicle is at issue. Before the State may offer in evidence the results of such radio microwave or other electronic speed measurement for the purpose of establishing the speed of any motor vehicle, the State shall prove the following:

- (a) The measuring device was in proper working order at the time of conducting the measurement;
- (b) The measuring device was being operated in such a manner and under such conditions so as to allow a minimum possibility of distortion or outside interference;
- (c) The person operating such device and interpreting such measurement was qualified by training and experience to properly test and operate the device; and
- (d) The operator conducted external tests of accuracy upon the measuring device, within a reasonable time both prior to and subsequent to an arrest being made, and the measuring device was found to be in proper working order.

2. The driver of any motor vehicle measured by use of radio microwaves or other electronic device to be driving in excess of the applicable speed limit may be apprehended:

- (a) If the apprehending officer has observed the recording of the speed of the motor vehicle by the radio microwaves or other electronic device;
- (b) If such apprehending officer has received a radio message from an officer who observed the speed recorded and the radio message (i) has been dispatched immediately after the speed of the motor vehicle was recorded, and (ii) gives a description of the vehicle and its recorded speed; and
- (c) If the apprehending officer is in uniform or displays his or her badge of authority. (Ref. 39-664 RS Neb.)

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of May, 1990.

Philip H. Tamisun  
Mayor

(SEAL)

Russell Hedberg  
Clerk

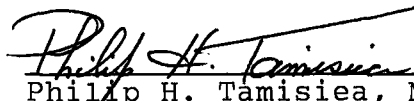
ORD. NO. 427

AN ORDINANCE PROHIBITING PARKING ON THE WEST SIDE OF FOURTEENTH (14th) STREET BETWEEN COURT STREET AND THE SOUTH CITY LIMITS AND BETWEEN ADAMS STREET AND THE NORTH CITY LIMITS.

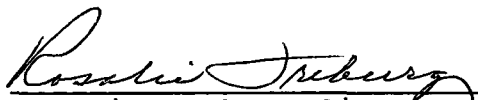
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

- Sec. 1. It shall be unlawful for any person to place or park any type of motor vehicle on the west side of Fourteenth (14th) Street between Court Street and the South City Limits and between Adams Street and the North City Limits.
- Sec. 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 3. That this ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED this 18<sup>th</sup> day of June, 1990.

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

ATTEST:

  
Rosalie Freburg, City Clerk

## CITY OF FORT CALHOUN, NEBRASKA

## ORDINANCE NO. 428

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING CERTAIN STREET IMPROVEMENT DISTRICTS WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NOS. 90-1, 90-2, 90-3, 90-4, 90-5, 90-6, 90-7, 90-8, 90-9, 90-10 and 90-11; DEFINING THE BOUNDARIES OF SAID DISTRICTS AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING, ASPHALTIC CONCRETE PAVEMENT, STORM DRAINAGE IMPROVEMENTS, AND OTHER NECESSARY AND APPURTENANT IMPROVEMENTS.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Sixteenth Street from the north side of Clay Street to the south side of Clark Street; Seventeenth Street from the north side of Clay Street to the south side of Clark Street; and, Clark Street from the west side of Seventeenth Street to the east side of Sixteenth Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, and land adjacent thereto, a street improvement district to be known and designated as Street Improvement District No. 90-1, the outer boundaries of which shall contain the following property:

Lots 4 and 5 of Block 10 and Lots 1 and 8 of Block 11, original town of Fort Calhoun, Nebraska;

Lots 4 and 5 of Block 11 and Lots 1 and 8 of Block 12, original town of Fort Calhoun, Nebraska; and,

Lots 1, 2, 3, and 4 of Block 11, original town of Fort Calhoun, Nebraska, and Lots 19, 20, 21, and 22 of Halford's Cherry Hills subdivision, Washington County, Nebraska

The following Streets within Street Improvement District No. 90-1 shall be and are hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Sixteenth Street from the north side of Clay Street to the south side of Clark Street; Seventeenth Street from the north side of Clay Street to the south side of Clark Street; and, Clark Street from the west side of Seventeenth Street to the east side of Sixteenth Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 3. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Sixteenth Street from the north side of Monroe Street to the south side of Clay Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 4. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-2, the outer boundaries of which shall contain the following property:

Lots 4 and 5 of Block 41, Lots 1 and 8 of Block 42, Lots 4 and 5 of Block 19, and Lots 1 and 8 of Block 18, original town of Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-2 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Sixteenth Street from the north side of Monroe Street to the south side of Clay Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 5. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Monroe Street from the west side of Sixteenth Street to the west Corporate City limits of Fort Calhoun be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 6. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-3, the outer boundaries of which shall contain the following property:

Lots 5, 6, 7, and 8 of Block 42, Lots 7 and 8 of Block 43, original town of Fort Calhoun, Nebraska, and Tax Lot 49, Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-3 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Monroe Street from the west side of Sixteenth Street to the west Corporate City limits including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 7. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Fifteenth Street from the north side of Clay Street to the south side of Lincoln Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 8. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-4, the outer boundaries of which shall contain the following property:

Lots 4 and 5 of Block 9, Lots 1 and 8 of Block 10, Lots 6 and 7 of Block 106, Lots 6 and 7 of Block 88, Lots 6 and 7 of Block 73, Lots 6 and 7 of Block 56, original town of Fort Calhoun, Nebraska; and Tax Lots 117, 118, and 93, Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-4 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Fifteenth Street from the north side of Clay Street to the south side of Lincoln Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 9. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Webster Street from the west side of Fourteenth Street to the east side of Fifteenth Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 10. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-5, the outer boundaries of which shall contain the following property:

Lots 1, 2, 3, 4, 5 and 6 of Block 73 and Lots 7, 8, 9, 10, 11, and 12 of Block 56, original town of Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-5 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Webster Street from the west side of Fourteenth Street to the east side of Fifteenth Street

Section 11. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Stevenson Street from the west side of Fourteenth Street to the east side of Fifteenth Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 12. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-6, the outer boundaries of which shall contain the following property:

Lots 1, 2, 3, 4, 5, and 6 of Block 88 and Lots 7, 8, 9, 10, 11, and 12 of Block 73, original town of Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-6 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Stevenson Street from the west side of Fourteenth Street to the east side of Fifteenth Street

Section 13. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Stevenson Street from the east side of Thirteenth Street to the east side of Fourteenth Street; and, Thirteenth Street from the north side of Clay Street to the north side of Stevenson Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 14. There is hereby created within the City of Fort Calhoun, Nebraska, and land adjacent thereto, a street improvement district to be known and designated as Street Improvement District No. 90-7, the outer boundaries of which shall contain the following property:



Lots 1, 2, 3, 4, 5, and 6 of Block 89 and Lots 7, 8, 9, 10, 11, and 12 of Block 72, original town of Fort Calhoun, Nebraska

Lots 4 and 5 of Block 7, Lots 1 and 8 of Block 8, Lots 6 and 7 of Block 104, Lots 1 and 12 of Block 105, Lots 1 and 12 of Block 89, original town of Fort Calhoun, Nebraska; and part of the N.E. 1/4 of Section 11, T 17 N, R 12 E, Washington County, Nebraska, beginning at a point on the east r.o.w. line of Thirteenth Street intersecting with the easterly extension of the north r.o.w. line of Stevenson Street; thence southerly along the east r.o.w. line of Thirteenth Street a distance of 344 feet more or less to the north r.o.w. line of Grant Street; thence easterly along the north r.o.w. line of Grant Street a distance of 100.0 feet; thence northerly along a line parallel to the east r.o.w. line of Thirteenth Street a distance of 344 feet more or less; thence westerly along a line parallel to the north r.o.w. line of Grant Street a distance of 100.0 feet to the point of beginning.

The following Streets within Street Improvement District No. 90-7 shall be and are hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Stevenson Street from the east side of Thirteenth Street to the east side of Fourteenth Street; and, Thirteenth Street from the north side of Clay Street to the north side of Stevenson Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 15. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that West Calhoun Drive from the north side of Clay Street to the north line of the Corporate City limits of Fort Calhoun be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 16. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-8, the outer boundaries of which shall contain the following property:

Lots 4, 5, and 6 of Block 3, Sievers Addition to the City of Fort Calhoun, and Lots 1, 2, 3, and 4 of Block 4, Sievers Addition to the City of Fort Calhoun

The following Street within Street Improvement District No. 90-8 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

West Calhoun Drive from the north side of Clay Street to the north Corporate limits of the City including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 17. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Adams Street from the west side of Eleventh Street to the east side of Twelfth Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 18. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-9, the outer boundaries of which shall contain the following property:

Lots 5, 6, 7, and 8 of Block 23 and Lots 1, 2, 3, and 4 of Block 37, original town of Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-9 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Adams Street from the west side of Eleventh Street to the east side of Twelfth Street

Section 19. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Court Street from the east side of Ninth Street to the east side of Tenth Street; and, Ninth Street from the north side of Madison Street to the north side of Court Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 20. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-10, the outer boundaries of which shall contain the following property:

Lots 1, 2, 3, and 4 of Block 67 and 5, 6, 7, and 8 of Block 54, original town of Fort Calhoun, Nebraska; and,

Lots 4 and 5 of Block 66 and Lots 1 and 8 of Block 67, original town of Fort Calhoun, Nebraska

The following Streets within Street Improvement District No. 90-10 shall be and are hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Court Street from the east side of Ninth Street to the east side of Tenth Street; and, Ninth Street from the north side of Madison Street to the north side of Court Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

Section 21. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Tenth Street from the north side of Jefferson Street to the south side of Madison Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 22. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 90-11, the outer boundaries of which shall contain the following property:

Lots 4 and 5 of Block 88 and Lots 1 and 8 of Block 87, original town for Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-11 shall be and is hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Tenth Street from the north side of Jefferson Street to the south side of Madison Street including intersections and the areas formed by the crossing of streets, avenues and alleys.

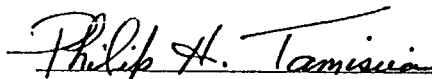
Section 23. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans, specifications and estimates of cost to be made by the City's Engineers and to be approved by the Mayor and City Council. The cost of said improvements, except street intersections, shall be assessed against property within said Districts specially benefitted thereby in proportion to benefits, including property adjacent to the City.

Section 24. Notice of the creation of said Street Improvement District No. 90-1, 90-2, 90-3, 90-4, 90-5, 90-6, 90-7, 90-8, 90-9, 90-10 and 90-11, shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

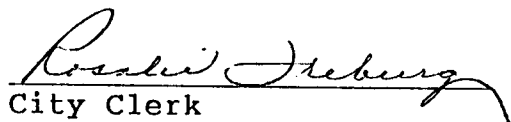
Section 25. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 26. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 7th day of June, 1990.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

(SEAL)

Publish: June 12, 1990

8085

ORD. NO. 429

AN ORDINANCE VACATING THE ALLEY IN BLOCK SEVEN (7) IN FORT CALHOUN, WASHINGTON, 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 Seven (7) 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 28<sup>th</sup> day of June, 1990.

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

ATTEST:

Rosalie Freburg  
Rosalie Freburg  
City Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON 2/57.  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 31<sup>st</sup> DAY OF July A.D. 1990  
AT 11:06 O'CLOCK AM AND RECORDED IN BOOK  
116 PAGE 108  
COUNTY CLERK Charlotte Peterson  
DEPUTY Dwight Warren

CHARTERED  
WASHINGTON COUNTY  
CLERK  
RECEIVED

90 JUL 31 AM 8:20

FILED

8085

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 430

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 90-12; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING, ASPHALTIC CONCRETE PAVEMENT, STORM DRAINAGE IMPROVEMENTS, AND OTHER NECESSARY AND APPURTENANT IMPROVEMENTS.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Thirteenth Street from the north side of Clay Street to the north side of Clark Street be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, and land adjacent thereto, a street improvement district to be known and designated as Street Improvement District No. 90-12, the outer boundaries of which shall contain the following property:

Lots 1 and 8 of Block 8, and Lots 4 and 5 of Block 7,  
original town of Fort Calhoun, Nebraska

The following Street within Street Improvement District No. 90-12 shall be and are hereby ordered improved by improvements consisting of grading, asphaltic concrete pavement, storm drainage improvements, and other necessary and appurtenant improvements as may be incidental thereto:

Thirteenth Street from the north side of Clay Street to the north side of Clark Street, including intersections and the areas formed by the crossing of streets, avenues and alleys.


Section 23. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans, specifications and estimates of cost to be made by the City's Engineers and to be approved by the Mayor and City Council. The cost of said improvements, except street intersections, shall be assessed against property within said Districts specially benefitted thereby in proportion to benefits, including property adjacent to the City.

Section 24. Notice of the creation of said Street Improvement District No. 90-12, shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

Section 25. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 26. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 23<sup>rd</sup> day of July, 1990.

  
Council President

ATTEST:

  
City Clerk

(SEAL)

Publish:

ORDINANCE NO. 431

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF PROMISSORY NOTES IN THE AMOUNT OF TWENTY-TWO THOUSAND DOLLARS ( \$22,000.00 ) 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, 1990 (hereinafter the City's "current fiscal year") there was levied for the general operation and maintenance of the City a general fund levy of \$ 73916.16; that the total anticipated receipts for the current fiscal year and the immediately following fiscal year, as defined by said Section 18-1750 is \$ 147832.32; 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 \$ 73916.16; 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 \$22,000.00.



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 \$22,000.00 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>INT RATE</u>
1	\$ 5,000.00	Sept 1, 1991	7.5%
2	17,000.00	Sept 1, 1992	7.5%

Said notes shall be dated the date of delivery thereof, shall be optional for prepayment on May 1, 1991, 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, 1991 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 Section 10-135 R.R.S. Nebraska 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:

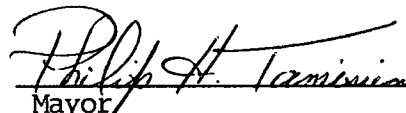
CITY OF FORT CALHOUN, NEBRASKA


PROMISSORY NOTE

<u>AMOUNT</u>	<u>INTEREST RATE</u>	<u>MATURITY</u>
\$5,000.00	7.50%	9-1-91

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. 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. 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, 1991. 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, 1990, 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 tax levy, as provided in Section 18-1750 R.S. Supp. 1986.

Delivered this 17th day of September, 1990.

  
\_\_\_\_\_  
Mayor

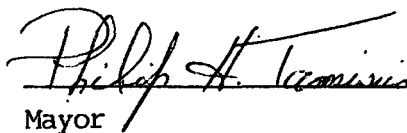
  
\_\_\_\_\_  
City Clerk

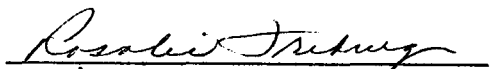
## CITY OF FORT CALHOUN, NEBRASKA

## PROMISSORY NOTE

<u>AMOUNT</u>	<u>INTEREST RATE</u>	<u>MATURITY</u>
\$17,000.00	7.50%	9-1-92

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 September 1, 1991 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. 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, 1991. This Note is one of a series of Notes executed and delivered by said City as evidence of money borrowed pursuant to Section 19, - 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, 1990 and the fiscal year commencing August 1, 1991. 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 17th day of September, 1990.

  
Mayor

  
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 Registration	Name of Registered Owner	City Treasurer Paying Agent and Registrar

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 1988 in an amount in excess of \$100,000.

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

PASSED AND APPROVED this 17<sup>th</sup> day September.

Philip H. Tammis  
Mayor

ATTEST:

Rosalee Stebbins  
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 Sept. 17, 1990; 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. 432

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 1990, OF THE CITY OF FT. CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF \$400,000 FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF GRADING AND CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 1990-1, 1990-2, 1990-4, 1990-5, 1990-6, 1990-8, 1990-9, 1990-11 and 1990-12, CONSTRUCTING IMPROVEMENTS IN STORM WATER SEWER DISTRICT NO. 1990-1, AND CONSTRUCTING WATER SYSTEM IMPROVEMENTS, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES

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

Section 1. The Mayor and City Council hereby find and determine that the City has ordered the opening of certain platted streets within the City but heretofore unopened and has contracted for grading and incidental work required in order to complete paving as provided for in certain Street Improvement Districts created by the City; that by Ordinances of the City heretofore adopted, Street Improvement District Nos. 1990-1, 1990-2, 1990-4, 1990-5, 1990-6, 1990-8, 1990-9, 1990-11 and 1990-12 have heretofore been created; that by Resolution of Necessity heretofore passed and adopted the City has created Storm Water Sewer District No. 1990-1; that the City has heretofore found and now finds that under authority of Section 17-534 R.R.S. Nebraska, the City has the right to issue its bonds or borrow funds for the maintenance extension, improvement or enlargement of its existing system of water works or water supply upon a vote of not less than three-fourths of the members elected to the City Council; that

the valuation of all taxable property in the City as of the last annual assessment is \$19,010,946 and that the City has water bonds outstanding in the amount of \$300,933 and it is necessary to construct extensions improvements and enlargements to the City's existing water system; and, that the engineers for the City have prepared estimates for the cost of construction of the improvements in the aforesaid Districts and water improvements and estimate that the City's costs will be

Street Improvement District Nos.

1990-1, 1990-2, 1990-4, 1990-5, 1990-6,	
1990-8, 1990-9, 1990-11 and 1990-12	\$238,000
Storm Water Sewer District No. 1990-1	79,981
Water System Improvement	<u>12,000</u>
	\$329,981
Engineering	35,000
Contingencies	5,019
Interest to Accrue on Notes (12 months)	25,000
Underwriting and Costs of Issuance	<u>5,000</u>
	<u>\$400,000</u>

The construction of the aforesaid improvements is expected to be completed by September 30, 1991; that it is necessary for the City to have funds available to meet its payment obligations under the terms of said agreements heretofore executed for the cost of the improvements to be constructed relative to the grading and opening of streets and to construct improvements for said Street Improvement District Nos. 1990-1,

1990-2, 1990-4, 1990-5, 1990-6, 1990-8, 1990-9, 1990-11 and 1990-12, Storm Water Sewer District No. 1990-1 and water system improvements and, to meet its obligations to provide interim financing therefor, it is necessary and advisable that the City issue its notes pending permanent financing pursuant to Sections 17-516, 17-520, 17-925 and 17-534 R.R.S. Neb., 1943 and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb., 1943 to issue notes for the purpose of providing interim financing for the construction of said improvements, including a portion of the interest to accrue on such notes and the costs of issuance thereof, all as set out above; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 1990 in the amount of \$400,000 to pay a portion of the costs of the aforesaid improvements, the costs of issuance of said notes and a portion of the interest to accrue on said notes do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for the costs set out in Section 1 pending the issuance of permanent General Obligation Various Purpose Bonds by the City of Ft. Calhoun, there shall be and there are hereby ordered issued bond anticipation notes of the City of Ft. Calhoun, Nebraska to be known as "Bond Anticipation Notes, Series 1990" of the aggregate principal amount of Four Hundred Thousand Dollars (\$400,000) consisting of fully registered notes numbered from 1 upwards in their order of issuance, in the denomination of \$5,000 each, or integral multiples thereof,

said notes shall be dated on their date of delivery and each of said notes shall bear interest at the rate of Six and TWenty-five Hundredths per centum (6.25%) per annum payable on the 15th day of May, 1990 and semi-annually thereafter on the 15th day of November and May in each year with the principal of said notes to become due and payable as follows:

Principal  
Amount  
\$400,000

Maturity  
November 15, 1992

provided, however, the City reserves the right to redeem any or all of said notes prior to maturity anytime on or after May 15, 1991 upon not less than ten days written notice, at par and accrued interest to the date fixed for redemption. Such notice of call for redemption shall be sufficient if it has been sent to a registered holder of said note or notes by first class mail addressed to the registered address of said registered holder. If less than all of the notes are called and redeemed, such notes shall be called in increments of \$5,000 or multiples thereof. If less than all of outstanding notes are called for redemption, in such case upon the surrender of such note or notes called for payment, there shall be issued to the registered owner or owners of said note or notes, without charge therefor, a registered note or notes for the unpaid principal balance in any of the authorized denominations authorized by this ordinance.

The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the City Treasurer of Ft. Calhoun, Nebraska upon presentation and surrender of the

note or notes when due or when called for payment prior to maturity. The payment of interest on said notes, falling due prior to maturity or call for redemption, shall be made by the City Treasurer to the registered owner by mailing payment to the address of such registered owner or owners thereof as such address shall appear on the note register maintained by said Treasurer.

Section 3. Said notes shall be executed on behalf of the City with the facsimile signatures of the Mayor and Clerk and shall have the City's seal imprinted on each note. Said notes shall not be valid and binding on the City until authenticated by the Treasurer of the City as Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any note for a period of 15 days next preceding any interest payment date or to transfer any note called for redemption for a period of 15 days next preceding the date fixed for redemption.

Section 4. The said notes shall be substantially in the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

BOND ANTICIPATION NOTE  
OF THE CITY OF FT. CALHOUN, NEBRASKA  
SERIES 1990

No. \_\_\_\_\_

\$ \_\_\_\_\_

Interest Rate

Maturity Date  
November 15, 1992

Date of  
Original Issue

Registered Owner:

CUSIP

Principal Amount:

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 shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable May 15, 1991 and semi-annually thereafter on the 15th day of May and November in each year. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of the City Treasurer of Ft. Calhoun, Nebraska upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the City Treasurer to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Treasurer.

This note is redeemable at the option of the City prior to maturity anytime on or after May 15, 1991 at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than ten days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of Four Hundred Thousand Dollars (\$400,000) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of Ft. Calhoun for the purpose of providing interim financing to pay a portion of the cost of grading and incidental work and constructing improvements in Street Improvement District Nos. 1990-1, 1990-2, 1990-4, 1990-5, 1990-6, 1990-8, 1990-9,

1990-11 and 1990-12 and Storm Water Sewer District No. 1990-1, and extensions, improvements and enlargements of the City's existing water system, including the cost of issuance of said notes and a portion of the interest to accrue on said notes, pending the issuance of permanent general obligation bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 10-137, R.R.S., Nebraska, 1943, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes, or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

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 note did exist, did happen, and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of Ft. Calhoun, Nebraska have caused this note 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 imprinted hereon, all as of the date of original issue specified above.

CITY OF FT. CALHOUN, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

\_\_\_\_\_  
Treasurer of the City of Ft. Calhoun  
Paying Agent and Registrar

FORM OF ASSIGNMENT

For value received \_\_\_\_\_  
hereby sells, assigns and transfers unto \_\_\_\_\_  
\_\_\_\_\_ the within mentioned note 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.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Registered Owner

\_\_\_\_\_  
Registered Owner

Witness: \_\_\_\_\_

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



Section 5. The City Treasurer is hereby designated as paying agent and note registrar for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the notes. The names and registered addresses of the registered owner or owners of the notes shall at all times be recorded in such books. Any note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such note 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 (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 note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of

transfer of a note, the surrendered note shall be cancelled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered.

Section 6. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its general obligation bonds. The City further covenants and agrees to issue and sell its general obligation bonds in a sufficient amount and at such times as will enable it to take up and pay off the bond anticipation notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 7. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City. This Ordinance shall constitute an irrevocable contract between the City and the holders of all of said notes herein authorized and said contract cannot be changed or altered without the written consent of the holders of 75% in principal amount of the notes herein authorized and outstanding.

Section 8. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said notes which shall be delivered to the purchaser of the notes. After being executed by the Mayor and Clerk said notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 9. Said notes are hereby sold to Kirkpatrick, Pettis, Smith, Polian Inc., at a price of 98.80% of the par value thereof.

Section 10. The City hereby covenants to the purchasers and holders of Bond Anticipation Notes Series 1990 that it will make no use of the proceeds of said notes issue, including money held in any sinking fund attributable to said notes which would cause said notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Series 1990 Notes. The City, hereby designates the Series 1990 Notes as its qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of tax-exempt bonds or other obligations (other than private

activity bonds) in the aggregate principal amount of more than \$10,000,000 in calendar year 1990. The City agrees to take all further actions, if any, necessary to qualify the notes herein authorized for such treatment if available.

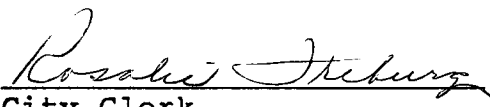
Section 11. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

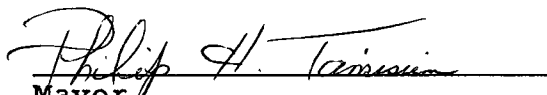
Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this ordinance are to the extent of said conflict hereby repealed.

Section 13. This Ordinance shall be published in pamphlet form as provided by law.

Section 14. This ordinance shall be in full force and effect from and after its passage as provided by law.

PASSED AND APPROVED this 15th day of October, 1990.

  
City Clerk

  
Mayor

(SEAL)

ORDINANCE NO. 433

AN ORDINANCE TO AMEND THE CITY OF FORT CALHOUN, NEBRASKA MUNICIPAL CODE PERTAINING TO OCCUPATION TAXES; TO PROVIDE FOR THE ASSESSMENT OF OCCUPATION TAXES AGAINST PERSONS ENGAGED IN THE OCCUPATION OF CONDUCTING GAMES OF CHANCE AND/OR LOTTERIES; TO PROVIDE FOR THE ASSESSMENT OF OCCUPATION TAXES AGAINST PERSONS ENGAGED IN THE BUSINESS OF DISTRIBUTING GAMBLING DEVICES TO PERSONS ENGAGED IN THE BUSINESS OF CONDUCTING GAMES OF CHANCE AND LOTTERIES; AND, TO PROVIDE FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT NEBRASKA;

Chapter 10, Article 5, of the Fort Calhoun municipal code is hereby amended by adding Section 10-507 reading as follows;

GAMES OF CHANCE AND /OR LOTTERIES

Section 1. For the purposes of this article the following definitions shall apply;

A. The phrase "games of chance and/or lotteries" shall mean those forms of gambling authorized by the State of Nebraska pursuant to Article III, Section 24 of the Constitution of the State of Nebraska.

B. The phrase "gambling device" shall mean any and all machines or devices used by a person engaged in the occupation of conducting games of chance and/or lotteries.

C. The phrase "person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who operates, owns or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any other type of business is conducted on the premises; or, any person who either directly controls or manages the games of chance and/or lotteries, or owns any machine or device used to engage in the occupation of games of chance and/or lotteries, but does not sell, lease or deliver possession or custody of such a device to other persons.

D. The word "distributor" shall mean any person who engages in the business of selling, leasing, or delivering possession or custody of gambling devices for consideration to a person engaged in the occupation of conducting games of chance and/or lotteries.

Section 2. Occupation tax; An occupation tax is hereby imposed on each person engaged in the occupation of conducting games of chance and lottery activities within the city. Every person conducting games of chance and lottery activities within the city shall pay the tax in the amount and manner specified in Section 3.

Section 3. Amount of occupation tax for persons engaged in the occupation of conducting games of chance and lotteries. The occupation tax for each person engaging in the occupation of conducting games of chance and lottery activities within the city shall be 5 percent of the gross receipts received by said person in each quarter of a calendar year.

Section 4. Amount of occupation tax for distributor. The occupation tax for engaging in the occupation of distributing gambling devices within the city shall be 5 percent of the gross receipts received by a distributor in each quarter of a calendar year.

Section 5. Prohibition. It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so.

Section 6. License Application. Every person desiring a license required by the provisions of this article shall make application to the municipal clerk of the City of Fort Calhoun, Nebraska. Accompanying each application shall be:

A. A sworn statement by each designated supervising member that such member will be responsible for compliance with rules and regulations for each occasion of games of chance and/or lotteries with he supervises.

B. A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, seller profits, compensation, reward or recompense will be paid to any person or organization not sanctioned by the laws of the State of Nebraska and the City of Fort Calhoun; and that all profits will be spent for a lawful purpose.

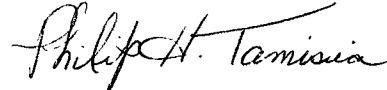
Section 7. Display of license. Every license issued under the provisions of this division shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

Section 8. License Fee. The license fee for engaging in the occupation of conducting games of chance and lotteries within the city shall be \$10.00 for each location wherein such activity is conducted.

Section 9. Exemption. Nonprofit organizations that desire to participate in games of chance and/or lotteries, that are in compliance with the Small Lotteries and Raffles Act of the State of Nebraska, are exempt from the provisions of this Article.

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

PASSED AND ADOPTED this 15th day of October 1990.



Philip Tamisiea, Mayor  
City of Fort Calhoun, Nebraska

ATTEST;



Rosalie Freburg  
City Clerk

ORDINANCE NO. 434

AN ORDINANCE AMENDING SECTION 25 OF ORDINANCE NO. 65 AND SECTION 2 OF ORDINANCE NO. 315 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR CAPITAL FACILITIES CHARGES AFTER AND INCLUDING MARCH 1, 1991; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE

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

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

SECTION 2

(D) Capital Facilities charges after and including March 1, 1991

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:

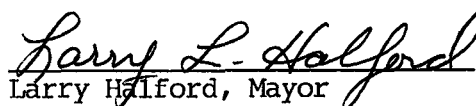
<u>METER SIZE</u>	<u>METER TYPE</u>	<u>CONTINUOUS <sup>1</sup> FLOW RATING</u>	<u>FLOW RATIO</u>	<u>CAPITAL FACILITIES CHARGE</u>
5/8"	DISC	10gpm	1	\$ 520
3/4	DISC	15	1.5	780
1	DISC	25	2.5	1,300
1 1/2	DISC	50	5	2,600
2	DISC	80	8	4,160
2	TURBO	160	16	8,320
3	COMPOUND	160	16	8,320
3	TURBO	350	35	18,200
4	COMPOUND	250	25	13,000
4	TURBO	1000	100	52,000
6	COMPOUND	500	50	26,000
6	TURBO	2000	200	104,000
8	TURBO	3500	350	182,000
10	TURBO	5500	550	286,000

<sup>1</sup> Manufacturer's rating

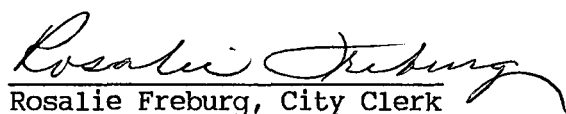
THAT all ordinances in conflict herewith are hereby repealed.

AND 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 18<sup>th</sup> day of February, 1991.

  
Larry Halford, Mayor

ATTEST:

  
Rosalie Freburg, City Clerk



ORDINANCE NO. 435

AN ORDINANCE AMENDING SECTION 3-112 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR THE READING OF WATER METERS, THE MAILING OF BILLS AND STATEMENTS REFLECTING WATER AND SEWER USAGE, THE DISCOUNTING OF BILLS AND STATEMENTS FOR PROMPT PAYMENT, TO PROVIDE FOR THE COLLECTION OF DELINQUENT BILLS AND STATEMENTS; 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 3-112 of the Municipal Code of the City of Fort Calhoun, Nebraska, that being General Codification Ordinance No. 404, October 17, 1988, should be, and the same is hereby amended to read as follows:

§3-112 MUNICIPAL WATER DEPARTMENT; WATER BILLS

Water bills shall be due and payable in cash monthly at the office of the Municipal Clerk. The Utilities Superintendent shall read or cause to be read water meters monthly between the twenty-fifth (25th) day and the last day of the month during which service is used. Bills shall be mailed on the fifteenth (15th) day of each month and shall be payable by the twenty-fifth (25th) day of each month.

The City, in rendering bills and statements is hereby authorized to set forth therein the net amount that shall be due, without setting forth therein the amount of the discount, if any. When bills are so rendered the City is authorized and empowered to collect an additional charge of not more than ten percent of the water and sewer use charges for the current month, when bills or statements rendered are not paid at maturity; it being understood that said additional charge is not added by way of penalty, but as a means of economizing in bookkeeping and in rendering bills and statements by which the items of discount are omitted therefrom.

Bills and statements not paid within one month of their date shall be deemed to be delinquent, whereupon the Municipal Clerk shall give written notice to the customer of such delinquency and shall demand payment immediately. The Utilities Superintendent shall assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk, in the event that water is shut off for the nonpayment of any water bill, to

compensate the Municipality for the additional hook-up necessary to again provide water service to the delinquent customer.

Section 2.

All ordinances or parts of ordinances, including but not limited to §3-112, in conflict herewith, are hereby repealed.

Section 3.

This Ordinance and amendment to §3-112 of the Municipal Code shall be in force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 14<sup>th</sup> DAY OF JUNE, 1991.

Larry L. Halford  
Mayor

Attest:

Rosalie Steburg  
city clerk

(SEAL)

ORDINANCE NO. 436

AN ORDINANCE TO EXTEND THE HOURS THAT ALCOHOLIC LIQUOR MAY BE SOLD ON SUNDAYS.

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

Section 1. That Chapter 10, Article 1, Section 117 of the Municipal Code of Fort Calhoun Nebraska be amended to read as follows:

ALCOHOLIC BEVERAGES; HOURS OF SALE.

1. For the purposes of this Ordinance, "on sale" shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment. "Off sale" shall be defined as alcoholic beverages sold as retail in the original container for consumption off the premises of the licensed establishment.
2. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provide herein:

HOURS OF SALE

Alcoholic Liquor (Except beer and wine)

Secular Days

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 12:00 Noon to 1:00 A.M.

Sunday

Off Sale ..... 12:00 Noon to 1:00 A.M.  
On Sale ..... 12:00 Noon to 1:00 A.M.

Beer and Wine

Secular Days

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 6:00 A.M. to 1:00 A.M.

Provided that such limitations shall not apply after twelve (12:00) o'clock Noon on Sunday to a licensee which is nonprofit corporation holding a license pursuant to Section 53-124(5)(C) & (H) Reissue Revised Statutes of Nebraska 1943.

3. No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises.
4. 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 of dispensing of alcoholic beverages is prohibited by this Section. (Ref. 53-179 RS Neb.)

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00) for each offense.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approved, and publication or posting as required by law.

Passed and approved this 21<sup>st</sup> day of October, 1991.

*Harry L. Halford*  
Mayor

Attest

*Rosalia Steburg*  
City Clerk

ORDINANCE NO. 437

AN ORDINANCE AMENDING SECTION 5-624 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO PROVIDE FOR THE PAYMENT OF FINES FOR VIOLATIONS OF NON-MOVING TRAFFIC REGULATIONS, AND THE INCLUSION UPON SUCH TICKETS OF CERTAIN INFORMATION REGARDING THE TIME FOR PAYMENT BEFORE A COMPLAINT IS FILED.

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

Section 1.

That Section 5-624 of the Municipal Code of the City of Fort Calhoun, Nebraska, that being General Codification Ordinance No. 404, October 17, 1988, should be, and the same is hereby amended to read as follows:

§5-624 Parking: Tickets

All tickets issued for violations of non-moving traffic regulations contained in this Chapter shall, in addition to information normally stated on such tickets, carry the following information:

1. The amount of the fine if paid within ten (10) days;
2. The amount of the fine if not paid within ten (10) days;
3. The location where payment may be made; and
4. The fact that a complaint will be filed after ten (10) days if the fine is not paid in that time.

Section 2.

All ordinances or parts of ordinances, including but not limited to §5-624, in conflict herewith, are hereby repealed.

Section 3.

This Ordinance and amendment to §5-624 of the Municipal Code shall be in force and take effect from and after its passage, approval and publication as provided by law.

DATED this 23<sup>rd</sup> day of December, 1991.

Larry L. Halpel  
Mayor of the City of Fort Calhoun, Nebraska

ATTEST:

Rosalie Heberg  
City Clerk

ORDINANCE NO. 438

AN ORDINANCE AMENDING SECTION I(G)(3) AND SECTION II(B)(1) OF THE FORT CALHOUN ZONING AND SUBDIVISION REGULATIONS; THAT BEING ORDINANCE NO. 328, EFFECTIVE NOVEMBER 5, 1979; TO REQUIRE BUILDING PERMITS FOR ALL FARM BUILDINGS AND STRUCTURES OF ANY TYPE, AND TO REQUIRE THAT THEY CONFORM TO ALL APPLICABLE PROVISIONS OF THIS CODE; 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 Section I(G)(3) of Ordinance No. 328, effective November 5, 1979; popularly referred to as the Fort Calhoun Zoning and Subdivision Regulations, 1979, should be, and the same hereby is amended to read as follows:

The requirement of applying for and receiving a building permit shall apply to all farm dwellings, all barns and other accessory buildings and other structures.

SECTION 2

That Section II(B)(1) of Ordinance NO. 328, effective November 5, 1979 should be, and the same hereby is amended to read as follows:

All farm dwellings, all barn and accessory buildings and other structures shall require a building permit, and shall fully conform to all applicable provisions of this regulation.

SECTION 3

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

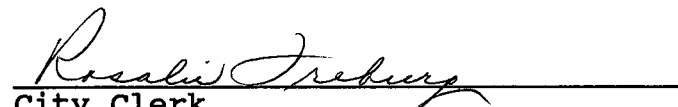
SECTION 4

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 27<sup>th</sup> OF APRIL, 1992.

  
Council President

Attest:

  
City Clerk

(SEAL)



ORD NO. 439

AN ORDINANCE TO EXTEND THE HOURS THAT ALCOHOLIC LIQUOR  
MAY BE SOLD ON SECULAR DAYS.

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

Section 1. That Chapter 10, Article 1, Section 117 of  
the Municipal Code of Fort Calhoun, Nebraska be amended to read  
as follows:

ALCOHOLIC BEVERAGES; HOURS OF SALE.

1. For the purposes of this Ordinance, "on sale" shall  
be defined as alcoholic beverages sold at retail by  
the drink for consumption on the premises of the  
licensed establishment. "Off sale" shall be defined  
as alcoholic beverages sold as retail in the original  
container for consumption off the premises of the  
licensed establishment.
2. It shall be unlawful for any licensed person or  
persons or their agents to sell any alcoholic  
beverages within the Municipality except during the  
hours provided herein:

HOURS OF SALE

Alcoholic Liquor (Except beer and wine)

Secular Days

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 6:00 A.M. to 1:00 A.M.

Sunday

Off Sale ..... 12:00 Noon to 1:00 A.M.  
On Sale ..... 12:00 Noon to 1:00 A.M.

Beer and Wine

Secular Days

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale ..... 6:00 A.M. to 1:00 A.M.  
On Sale ..... 6:00 A.M. to 1:00 A.M.

Provided that such limitations shall not apply after  
twelve (12:00) o'clock Noon on Sunday to a licensee  
which is non profit corporation holding a license  
pursuant to Section 53-124 (5) (C) & (H) Reissue  
Revised Statutes of Nebraska 1943.

3. No person or persons shall consume any alcoholic  
beverages on licensed premises for a period of time  
longer than fifteen (15) minutes after the time fixed  
herein for stopping the sale of alcoholic beverages

on the said premises.

4. 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 beverages is prohibited by this Section. (Ref. 53-179 RS Neb.)

Section 2. Any person violating any provision of this ordinance shall, upon conviction, be subject to a fine of not more than one hundred dollars (\$100.00) for each offense.

Section 3. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED this 27<sup>th</sup> day of April, 1992.

  
Council President

Attest:

  
City Clerk

ORD. NO. 440

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, 1992; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; 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;

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, 1992

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:

METER SIZE	TYPE	CONTINUOUS 1 FLOW RATING	FLOW RATIO	CAPITAL FACILITIES CHARGE
5/8"	DISC	10 gpm	1	\$ 551
3/4	DISC	15	1.5	827
1	DISC	25	2.5	1,378
1 1/2	DISC	50	5	2,755
2	DISC	80	8	4,408
2	TURBO	160	16	8,816
3	COMPOUND	160	16	8,816
3	TURBO	350	35	19,285
4	COMPOUND	250	25	13,775
4	TURBO	1000	100	55,100
6	COMPOUND	500	50	27,550
6	TURBO	2000	200	110,200
8	TURBO	3500	350	192,850
10	TURBO	5500	550	303,050

1 Manufacturer's rating

THAT all ordinances in conflict herewith are hereby repealed.

AND 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 27<sup>th</sup> day of April, 1992.

*Paul H. Restmann*  
Council President

Attest:

*Rosalia Treburg*  
City Clerk

## ORDINANCE NO. 441

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 1992, OF THE CITY OF FORT CALHOUN IN THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 90-1, 90-2, 90-4, 90-5, 90-6, 90-8, 90-9, 90-11 and 90-12, (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); TO PAY THE COSTS OF IMPROVEMENTS IN STORM WATER SEWER DISTRICT NO. 90-1, TO PAY THE COST OF CERTAIN WATER SYSTEM IMPROVEMENTS; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of Fort Calhoun, Nebraska (the "City") hereby find and determine that pursuant to ordinances heretofore duly enacted by the Mayor and City Council, Street Improvement District Nos. 90-1, 90-2, 90-4, 90-5, 90-6, 90-8, 90-9, 90-11 and 90-12, (the "Districts") were created in the City and certain street improvements therein have been constructed, completed and accepted, and are hereby accepted by the City; the cost of said improvements as heretofore found by the City Engineer and the Mayor and City Council is \$253,856.09; additional expenses properly chargeable as part of the cost of improvements in the District have been incurred or must be expended for engineering, interest, legal, fiscal expenses, discount on the sale of the bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the cost of said improvements, in the amount of \$99,146.86; the total cost of said improvements is not less than

\$353,002.95 of which \$87,024.23 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and streets adjacent to real estate owned by the City and \$265,978.72 is the District's cost; special assessments have been levied according to law on the real estate in the District specially benefited by said improvements and said special assessments are valid liens on the lots and tracts of land upon which they are assessed; after applying all monies collected from special assessments and other funds available for such purpose, there still remains due and payable from the City on the intersection cost not less than \$87,024.23, and on the District cost not less than \$202,975.77; and all conditions, acts and things required by law to exist or to be done precedent to the issuance of Intersection Paving Bonds in the amount of \$87,024.23 pursuant to Section 17-520, R.R.S., Neb. 1943, and District Improvement Bonds of said District in the amount of \$202,975.77 pursuant to Section 17-516 R.R.S., Neb., 1943, do exist and have been done as required by law.

Section 2. The Mayor and Council further find and determine that pursuant to a Resolution of Necessity heretofore duly enacted by the Mayor and City Council, Storm Water Sewer District No. 90-1 (the "District") was created in the City and certain storm water sewers and other appurtenant improvements therein have been constructed, completed and accepted, and are hereby accepted by the City; the cost of said improvements as heretofore found by the City Engineer and the Mayor and City

Council is \$99,499.93; additional expenses properly chargeable as part of the cost of improvements in the District have been incurred or must be expended for engineering, interest, legal, fiscal expenses, discount on the sale of the bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$38,009.37; the total cost of said improvements is not less than \$137,507.30; no special assessments have been levied on the real estate in the District; after applying such other funds available for such purpose including funds provided by the Papio Natural Resources District, there still remains due and payable on the District cost not less than \$68,500; and all conditions, acts and things required by law to exist or to be done precedent to the issuance of Sewer Bonds in the amount of \$68,500 pursuant to Section 17-925, R.R.S., Neb. 1943, as amended, do exist and have been done as required by law.

Section 3. The Mayor and City Council further find and determine that the existing system or waterworks of the City of Fort Calhoun which is owned and operated by said City presently includes water transmission mains, water storage facilities and a network of connecting mains and other appurtenances; that the water storage facilities require maintenance and repairs and that other repairs, maintenance, additions and appurtenances are necessary in order to repair and maintain the existing

system of waterworks of the City, and it is necessary to construct improvements to be owned and operated by the City consisting of repairs and maintenance and other related improvements, additions and appurtenances to the existing system of water works; that the cost of said improvements including engineering services, fiscal services, legal fees, publication expenses and miscellaneous costs are estimated to be not less than \$21,500; that the City presently has outstanding \$310,000 of Water Bonds and that the actual valuation of all taxable property within the City, except intangible property, according to the last preceding assessment is \$19,205,354, that because such improvements will be solely for the maintenance, extension, improvement and enlargement of the existing system of waterworks of the City, the Mayor and City Council are therefore authorized upon a vote of not less than three-fourths of all the City Council to order the issuance of water bonds in the amount of \$21,500 without a vote of the electors pursuant to the provisions of Section 17-534, R.R.S., Nebraska, 1943, as amended; that all conditions, acts and things required to be done pursuant to said Section 17-534 R.R.S. Nebraska, 1943, as amended do exist and have been done as provided by law; and there shall be and hereby are ordered issued General Obligation Water Bonds in the principal amount of \$21,500.

Section 4. The Mayor and Council 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 Fort Calhoun, Nebraska in the principal amount of Three Hundred Eighty Thousand Dollars (\$380,000) pursuant to Sections 18-1801 and 18-1802, R.R.S., Neb., 1943, to pay the cost of the improvements described in Sections 1 through 3, inclusive, hereof do exist and have been done as required by law.

Section 5. To provide for the issuance of bonds as described in Sections 1, 2, 3 and 4 hereof, there shall be and there are hereby ordered issued Various Purpose Bonds, Series 1992, of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Eighty Thousand Dollars (\$380,000) (the "Various Purpose Bonds" or the "Bonds"), with said Various Purpose Bonds bearing interest at the rates per annum and to become due on June 15 of each year as indicated below:

<u>MATURING</u> <u>June 15,</u>	<u>AMOUNT</u>	<u>INTEREST RATE</u>
1993	\$20,000	3.75%
1994	25,000	4.50
1995	25,000	5.00
1996	25,000	5.20
1997	25,000	5.40
1998	25,000	5.60
1999	25,000	5.75
2000	25,000	5.90
2001	25,000	6.10
2002	25,000	6.25
2003	25,000	6.35
2004	25,000	6.45
2005	25,000	6.55
2006	30,000	6.60
2007	30,000	6.70

The Various Purpose Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Various Purpose Bonds shall be May 15, 1992. Interest on the Various Purpose Bonds, at the respective rates for each maturity, shall be



payable on December 15, 1992, and semi-annually thereafter on December 15 and June 15 of each year (each an "Interest Payment Date"), and the Various Purpose 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 close of business on the last business day of the month immediately preceding the month in which the Interest Payment Date occurs, (the "Record Date"), subject to the provisions of Section 7 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds shall be made by the Paying Agent and Registrar, as designated pursuant to Section 6 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 6 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 owners upon presentation and surrender of the Bonds 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 such 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 6. The Fremont National Bank and Trust Company, Fremont, 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 the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Various Purpose Bonds at its principal office. 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 principal 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 such owner's 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' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. 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 7. In the event that payments of interest due on the Various Purpose 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 8. The Various Purpose Bonds maturing on or after June 15, 1996 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after June 15, 1995 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 or integral multiples thereof. Various Purpose Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior 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, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the principal office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. 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 9. If the date for payment of the principal of or interest on the Various Purpose Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the principal office of the Paying Agent and Registrar is located 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 10. The Various Purpose Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 1992

NO. \_\_\_\_\_

\$\_\_\_\_\_

Interest  
Rate  
%

Maturity Date

Date of  
Original Issue  
May 15, 1992

CUSIP No.

Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Fort 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 assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable December 15, 1992 and semiannually thereafter on December 15 and June 15 of each year (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 Fremont National Bank and Trust Company, the Paying Agent and Registrar, in Fremont, 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 immediately preceding 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, both 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 Three Hundred Eighty Thousand Dollars (\$380,000) even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City to pay the cost of certain street improvements in Street Improvement District Nos. 90-1, 90-2, 90-4, 90-5, 90-6, 90-8, 90-9, 90-11 and 90-12, and (including the intersections and the areas formed by the crossing of streets, avenues and alleys); and to pay the costs of sewer improvements in Storm Water Sewer District No. 90-1; and to pay the cost of certain water system improvements in pursuance of Sections 17-516, 17-520, 17-534, 17-925, 18-1801 and 18-1802 R.R.S. Neb. 1943 and other applicable statutes and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City.

Any or all of the bonds of said issue maturing on or after June 15, 1996, are subject to redemption at the option of the City, in whole or in part, at any time on or after June 15, 1995 at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof without charge therefor, a registered bond or registered bonds for the unpaid principal balance of like series, maturity, and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

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 The Fremont National Bank and Trust Company, Fremont, Nebraska upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same series, 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 and 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 in the city where the principal office of the Paying Agent and Registrar is located 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 exceed any limitation imposed by law. Special assessments levied upon real estate specially benefitted by said improvements are valid liens upon such real estate and, when collected, shall be set aside and constitute a sinking fund for the payment of the principal and interest on the bonds; the City agrees that it will collect said special assessments and that, in addition thereto, 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 make up any deficiency between the amount collected on said special assessments and the amount required to fully pay the principal of and interest on this bond as the same become due.

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 Council of the City of Fort 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 imprinted hereon, all as of the date of original issue specified above.

CITY OF FORT CALHOUN, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)



CERTIFICATE OF AUTHENTICATION

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

The Fremont National Bank and  
Trust Company  
Fremont, Nebraska  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

(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

\_\_\_\_\_  
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 11. Each of the Various Purpose Bonds shall be executed on behalf of the City with the facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. A supply of bond certificates for issuance upon subsequent transfers or in the event of partial redemption shall also be so executed and delivered to the Paying Agent and Registrar. In the event that such supply of bond certificates 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 bond certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Various Purpose Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska. Thereafter the Bonds shall be delivered to the

Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., thereof as initial purchasers thereof, upon receipt of 97.75% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds in accordance with the agreement with said purchaser. 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 Council with respect to the Various Purpose 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 12. All accrued interest received from the sale of the Various Purpose Bonds shall be applied to pay interest falling due on December 15, 1992.

Section 13. Special assessments levied upon real estate specially benefitted by the construction of improvements as described in Section 1, 2 and 3 of this ordinance and the interest on such special assessments shall constitute a sinking fund for the payment of the principal of and interest on the Bonds. The City agrees that it will collect such special assessments and in case the monies collected therefrom are not sufficient to fully and promptly pay the principal and interest

of the Bonds as and when such principal and interest become due, the Mayor and 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 when and as such principal and interest become due.

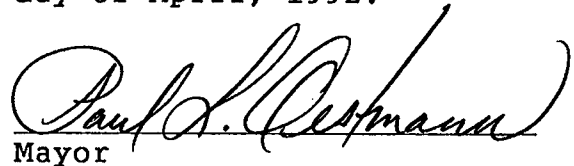
Section 14. The City hereby covenants to the purchasers and holders of the Various Purpose Bonds that it will make no use of the proceeds of said issue, including money held in any sinking fund attributable to said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Code 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 to maintain the tax-exempt status (as to tax payers generally) of interest payable on the Various Purpose Bonds. The City hereby designates the Various Purpose Bonds as its "qualified tax-exempt obligations" under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of bonds or other obligations in the aggregate principal amount of more than \$10,000,000 in calendar year 1992. The City agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized for such treatment if available.

Section 15. The City's obligations under this ordinance with respect to any or all of the Various Purpose 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. Governmental 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 and given notice thereof or made irrevocable provisions for the giving of such notice. 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

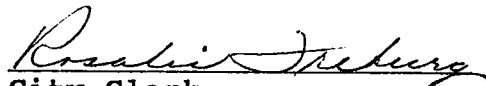
hands of the Paying Agent and Registrar or such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. 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 27 day of April, 1992.

  
Mayor

ATTEST:

  
City Clerk

(SEAL)

ORDINANCE NO. 442

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA AUTHORIZING THE ISSUANCE OF REFUNDING BONDS, SERIES 1993 OF THE CITY OF FORT CALHOUN IN THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF REFUNDING \$370,000 OF OUTSTANDING VARIOUS PURPOSE BONDS DATED MARCH 1, 1989; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and City Council hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid interest bearing bonds of the City of Fort Calhoun, Nebraska, as follows:

VARIOUS PURPOSE BONDS  
DATED: MARCH 1, 1989

Various Purpose Bonds, Series March 1, 1989, in the outstanding principal amount of \$370,000 issued for the purpose of refunding General Obligation Water Bonds, Dated April 20, 1979 issued and sold to the Farmers Home Administration (FmHA), General Obligation Sewer Bonds, Dated August 2, 1991 issued and sold to the Farmers Home Administration (FmHA), and to pay for costs of certain repairs to and maintenance of the City's Water System, which bonds maturing on or after September 1, 1993 become callable, in whole or in part, prior to maturity at any time on or after March 1, 1993 at par plus accrued interest to the date fixed for redemption, said bonds bear interest and become due and payable as follows:

<u>PRINCIPAL</u> <u>AMOUNT</u>	<u>ORIGINAL</u> <u>MATURITY</u> <u>September 1,</u>	<u>INTEREST</u> <u>RATE</u>
\$ 10,000	1993	6.60%
15,000	1994	6.70
15,000	1995	6.75
15,000	1996	6.80
15,000	1997	6.90
15,000	1998	7.00
15,000	1999	7.10
20,000	2000	7.15
20,000	2001	7.20
20,000	2002	7.25
25,000	2003	7.30
25,000	2004	7.35
25,000	2005	7.40
30,000	2006	7.45
30,000	2007	7.45
35,000	2008	7.50
40,000	2009	7.50

Duplicate Affidavits of this Publication have been filed in the office of:

County Court ☐

Clerk of Dist. Court ☐

County Clerk ☐

Sec. State ☐

## Legal Notice

## AFFIDAVIT OF PRINTER

### NOTICE OF PUBLICATION OF ORDINANCE NO. 442 IN PAM- PHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, passed and adopted Ordinance No. 442 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA AUTHORIZING THE ISSUANCE OF REFUNDING BONDS, SERIES 1993 OF THE CITY OF FORT CALHOUN IN THE PRINCIPAL AMOUNT OF THREE HUNDRED EIGHTY THOUSAND DOLLARS (\$380,000) FOR THE PURPOSE OF REFUNDING \$370,000 OF OUTSTANDING VARIOUS PURPOSE BONDS DATED MARCH 1, 1989; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Said Ordinance No. 442 is published in pamphlet form, copies of which are available at the Office of the City Clerk at the City Hall in the City of Fort Calhoun, Nebraska.

/s/ Rosalie Freburg  
City Clerk

(SEAL)

Published in the Pilot Tribune  
Tuesday, January 26, 1993.

### STATE OF NEBRASKA

ss.

Washington, County,

Mark Rhoades being by me first duly sworn, deposes and says that he is the publisher of THE PILOT-TRIBUNE, a legal weekly newspaper printed and published at Blair, in Washington County, Nebr. and of general circulation in said County and State; that said newspaper has a bona fide circulation of more than 300 copies weekly, in said County; and, has been published in said County for more than 52 successive weeks prior to the first publication of the attached notice, that the attached notice was published in said newspaper for One consecutive weeks, being the issues of

January 26, 19 93

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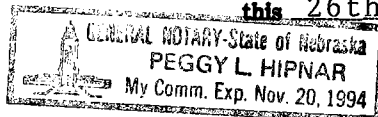
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19

*[Signature]*

Subscribed in my presence and sworn to before me

this 26th day of January, 19 93



*[Signature]*  
Notary Public

Printers Fees For Publishing This Notice.....	\$13.25
Preparation of Affidavit and Billing..... (2)	\$ 3.00
Notary Fees..... (2)	\$ 1.00
Copy.....	\$
Total.....	\$17.25

Copy sent to Phil Lorenzen, as requested



Said Bonds are herein referred to as the "Series 1989 Bonds" or the "Refunded Bonds".

That the Series 1989 Bonds are valid, interest bearing obligations of the City of Fort Calhoun, Nebraska, and that said Series 1989 Bonds have been called and hereby are called for payment and shall be redeemed prior to maturity on March 1, 1993, as set out above and as ordered by resolution of the Mayor and City Council; that by taking up and paying off the Series 1989 Bonds, a substantial savings in the total amount of running interest will be made to the City; that all sinking fund monies of the City in existence with respect to the Series 1989 Bonds will be applied to the payment of interest accruing on and principal of the Series 1989 Bonds on or before their date of redemption, all of said sinking fund monies being here appropriated and set aside for such purpose, it being found hereby that no sinking fund monies are presently in existence to pay the principal of the Series 1989 Bonds on their date of redemption on March 1, 1993, and that the City has no other funds accumulated for the payment thereof; that no bonds have been issued or sold, all or any part of the proceeds of which have been used to advance refund any of the Series 1989 Bonds; that for the purpose of making said redemption on the date of redemption of the Series 1989 Bonds as set out above, it is in the best interest of the City to issue refunding bonds of the City in the principal amount of \$380,000 to provide for the refunding of the Series 1989 Bonds on the aforesaid redemption date of March 1, 1993; that all conditions, acts and things required to exist or to be done precedent to the issuance of

refunding bonds of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Eighty Thousand Dollars (\$380,000), pursuant to Section 10-142 R.R.S. Neb. 1943, do exist and have been done as required by law.

Section 2. The Mayor and Council further find and determine that all conditions, acts and things required to exist or to be done precedent to the issuance of Refunding Bonds of the City of Fort Calhoun, Nebraska in the principal amount of Three Hundred Eighty Thousand Dollars (\$380,000) pursuant to Sections 10-142, R.R.S., Neb., 1943, to provide for the refunding of the Series 1983 Bonds described herein and have been done as required by law.

Section 3. To provide for the refunding of bonds as described in Section 1 hereof, there shall be and there are hereby ordered issued Refunding Bonds, Series 1993 of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Eighty Thousand Dollars (\$380,000) (the "Refunding Bonds or "the Bonds"), with said Bonds bearing interest at the rates per annum and to become due each year as follows:

<u>MATURING</u> <u>SEPTEMBER 1,</u>	<u>AMOUNT</u>	<u>INTEREST</u> <u>RATE</u>
1993	\$10,000	3.50%
1994	15,000	4.00
1995	15,000	4.25
1996	15,000	4.50
1997	15,000	4.75
1998	20,000	5.00
1999	20,000	5.15
2000	20,000	5.30
2001	20,000	5.40
2002	25,000	5.50
2003	25,000	5.60
2004	25,000	5.70
2005	25,000	5.80
2006	30,000	5.90
2007	30,000	6.00
2008	35,000	6.10
2009	35,000	6.20

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be March 1, 1993. Interest on the Bonds, at the respective rates for each maturity, computed on the basis of a 360 day year consisting of twelve 30 day months, shall be payable on September 1, 1993 and semi-annually thereafter on March 1 and September 1, (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 records as of the fifteenth day of the month immediately preceding the month in which each Interest Payment Date occurs for the Bond, (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. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. 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 such 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 Fremont National Bank and Trust Company, of Fremont, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer

of the Bonds at its principal office. 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 principal 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 Series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively of the same interest rate and maturity and for a like aggregate principal amount. 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 15 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. The Bonds maturing on or after September 1, 1996 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after March 1, 1996, 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 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City by said Paying Agent and Registrar by mail not less than 30 days prior 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 at the principal office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. 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 in the city where the office of the Registrar and Paying Agent is located 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 STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

REFUNDING BOND OF THE  
CITY OF FORT CALHOUN, NEBRASKA  
SERIES 1993

NO. \_\_\_\_\_

\$ \_\_\_\_\_

<u>Interest</u> <u>Rate</u> %	<u>Maturity Date</u>	<u>Date of</u> <u>Original Issue</u> March 1, 1993	<u>CUSIP NO.</u>
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Registered Owner:

Principal Amount:

KNOW ALL MEN BY THESE PRESENTS: That the City of Fort Calhoun, in the County of Washington, in the State of Nebraska, ("the City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon from the date of original issue for most recent Interest Payment Date, (hereinafter defined), whichever is later, at the rate per annum specified above, payable on September 1, 1993 and semiannually on March 1 and September 1 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 Fremont National Bank and Trust Company, the Paying Agent and Registrar in Fremont, Nebraska. Interest on this bond will be paid by a check or draft mailed on each Interest Payment Date 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 fifteenth business day of the month immediately preceding 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, both 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 Three Hundred Eighty Thousand Dollars (\$380,000) even date and like tenor except as to date of maturity, rate of interest and denomination which were issued by the City for the purpose of refunding \$370,000 aggregate principal amount of the City's Various Purpose Bonds, dated March 1, 1989, to be redeemed on March 1, 1993, in pursuance of Section 10-142, R.R.S. Neb. 1943 and other pertinent sections, 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 September 1, 1996, are subject to redemption at the option of the City, in whole or in part, at any time on or after March 1, 1996, 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. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof without charge therefor, registered bonds of like Series, maturity, and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

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 series, 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 in the city where the corporate trust office of the Paying Agent and Registrar is located 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, and of the bonds refunded hereby, 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 and the indebtedness hereby refunded, does not now and did not at the time of the incurring of said original indebtedness, 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.

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 Fort 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 imprinted hereon or affixed hereto, all as of the date of original issue specified above.

CITY OF FORT CALHOUN, NEBRASKA

---

Mayor

ATTEST:

---

City Clerk

(SEAL)

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 Fort Calhoun, Nebraska as described in said bond.

Fremont National Bank  
and Trust Company  
Fremont, Nebraska  
Paying Agent and Registrar

By: \_\_\_\_\_  
Authorized Signature

(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

\_\_\_\_\_  
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 facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon or affixed thereto the City's seal. A supply of bonds for issuance upon subsequent transfers or in the event of partial redemption shall also be so executed and 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 manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk and by imprinting thereon or affixing thereto the City's seal. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bonds delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption) such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska.

Thereafter the Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration, and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as initial purchaser thereof, upon receipt of 98.00% of the principal amount of the Bonds plus accrued interest thereon to date of payment for the Bonds in accordance with the contract with said purchaser. 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 September 1, 1993. The net principal proceeds of the Bonds shall be deposited with the paying agent for the Series 1989 Bonds for the payment of the said Series 1989 Bonds on their redemption date March 1, 1993.

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 of the City 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 the Internal Revenue Code of 1986, as amended, (the "Code"), and further covenants to comply with said 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 to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Bonds. The City, hereby designates the bonds as its qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Code, and covenants and warrants that it does not reasonably anticipate issuance of its bonds or other obligations in the aggregate principal amount of more than \$10,000,000 in calendar year 1993. The City agrees to take all further actions, if any, necessary to qualify the bonds herein authorized for such treatment if available.

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. Governmental 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 18th day of January, 1993.

Rosalie Stebury  
City Clerk

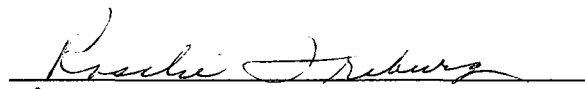
Harry L. Halford  
Mayor

(SEAL)



## PAMPHLET FORM OF ORDINANCE NO. 442

Attached is a true and correct copy of Ordinance No. 442 of the City of Fort Calhoun, Nebraska as passed by the Mayor and Council at a meeting held January 18, 1993 which Ordinance was published in pamphlet form on January 26, 1993.

  
City Clerk

(SEAL)

ORDINANCE NO. 443

AN ORDINANCE CONFIRMING SALE OF LOT FOUR (4) BLOCK ONE HUNDRED TWENTY (120), CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; TO AUTHORIZE THE ISSUANCE OF A QUITCLAIM DEED TO THE PURCHASER; TO EXTINGUISH THE LIEN OF A SPECIAL PAVING ASSESSMENT UPON SAID PROPERTY, AND TO AUTHORIZE THE CERTIFICATION OF THE NAME OF THE PURCHASER, THE TERMS OF SALE AND OF THESE PROCEEDINGS, TO THE REGISTER OF DEEDS OF WASHINGTON COUNTY, NEBRASKA.

WHEREAS, the City of Fort Calhoun, Washington County, Nebraska, a municipal corporation, is the owner of certain real property legally described as:

Lot Four (4), Block One Hundred Twenty (120)  
City of Fort Calhoun,

by virtue of a Quitclaim Deed from David J. Augustine, a single person, dated January 5, 1987 and recorded in Deed Record 163 at Page 711 of the County Clerk and Register of Deeds of Washington County, Nebraska; said Quitclaim Deed taken in lieu of foreclosure of the lien of said city for an unpaid special paving assessment for Street Improvement District No. 79-7 dated July 1980 upon said property; and

WHEREAS, the City by virtue of Resolution No. 90-24, passed and signed November 16, 1992, authorized the sale of subject property by sealed bid for a minimum price of \$1,750.00, said Resolution being lawfully and properly published once each week for 3 consecutive weeks in a legal newspaper in general circulation in said city; and

WHEREAS, the 30-day right-of-remonstrance period following the third publication, having passed, and there being no remonstrance filed; and all other terms, requirements and conditions of Neb. Rev. Stats. §17-503 (1988 Cum. Supp.) having been fully complied with, the subject property was exposed and offered for sale at the regular city council meeting of December 28, 1992; and,

WHEREAS, at said meeting, pursuant to the published Agenda, bids for the said property were opened; and if appearing that the sole and only bid received was in the sum of \$2,100.00, from M.L. Hansen, 5445 Northern Hills Drive, Omaha, Douglas County, Nebraska; said bid was accepted upon motion duly made, seconded and unanimously passed.

NOW, THEREFORE, be it ordained by the Mayor and City Council of the City of Fort Calhoun, Nebraska, as follows:

(1). That the sale of Lot Four (4), Block One Hundred Twenty (120), City of Fort Calhoun, Washington County, Nebraska; to M.L. Hansen, for the sum in cash of \$2,100.00, be, and the same hereby is confirmed.

(2). That the Mayor and the Municipal Clerk be and hereby are authorized and directed to execute and deliver a Quitclaim Deed conveying said property to the purchaser, upon receipt of the required monetary consideration, and to take such other and further actions as may be appropriate to the fulfillment of the terms of sale.

(3). That the lien in favor of the City of Fort Calhoun, Washington County, Nebraska, for an unpaid special paving assessment due Street Improvement District No. 79-7, dated July 1980, upon the above-described property, be and hereby is extinguished and satisfied.

(4). That the Municipal Clerk certify the name of the purchaser, the terms of sale, and of these proceedings, to the Register of Deeds of Washington County, Nebraska.

(5). That this Ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 18<sup>th</sup> day of January, 1993.

Larry R. Halford  
Mayor

ATTEST:

Rosalie Freberg  
Rosalie Freberg, City Clerk

ORDINANCE NO. 444

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 203 OF THE CITY OF FORT CALHOUN, NEBRASKA, PROVIDING FOR THE LEVY OF OCCUPATION TAXES UPON THE BUSINESSES OF DEALING IN ALCOHOLIC LIQUORS AT RETAIL AND AT WHOLESALE, PROVIDING THAT THE DESIGNATED OCCUPATION TAX MAY BE LEVIED IN FULL OR IN PART OR MAY BE WAIVED AT THE OPTION OF THE CITY COUNCIL.

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

SECTION I. That Section 1 of Ordinance No. 203 of the City of Fort Calhoun, Nebraska, be amended to read and provide as follows:

OCCUPATION TAX. For the purpose of raising revenue within said City there is hereby levied upon the following described businesses conducted in said City the following designated occupation taxes:

Alcoholic Liquor Distributor	\$1,000.00
Beer Distributor	500.00
Retailer of Beer only, for consumption on the premises	20.00
Retailer of Beer only, for consumption off the premises (sale in the original packages only)	50.00
Retailer of Beer and Wine only, for consumption on the premises	150.00
Retailer of Alcoholic Liquors for consumption off the premises (sale in the original packages only)	300.00
Retailer of Alcoholic Liquors for consumption on the premises and off the premises	500.00

Such occupation tax so levied shall be paid to the City Treasurer for the benefit of the general fund of said City immediately after the final issuance of license under the Nebraska Liquor Control Act for any such business.

The City Treasurer shall issue his receipt for such tax when paid, properly dated, specifying the person for whom paid and for what purpose. If such City Treasurer be unable to collect such occupation tax when due he shall immediately report such facts to the City Attorney who shall then proceed by civil suit in the name of the City to collect the amount due. This remedy shall not be exclusive of any other right of action but merely cumulative. The designated occupation taxes may be levied in full or in part or may be waived at the option of the City Council.


SECTION II. That said original Section 1 of Ordinance No. 203 of the City of Fort Calhoun, Nebraska, and all other Ordinances and parts of Ordinances in conflict herewith are repealed.

SECTION III. 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 26<sup>th</sup> day of May, 1993.

  
Larry L. Halford, Mayor

ATTEST;

  
Rosalie Freburg, City Clerk

STATE OF NEBRASKA, COUNTY OF WASHINGTON) SS 2050  
 ENTERED IN NEBRASKA INDEX AND FILED FOR RECORD  
 THIS 28th DAY OF May A.D. 1993  
 AT 9:42 O'CLOCK A.M. AND RECORDED IN BOOK  
 216 AT PAGE 437-438  
 COUNTY CLERK Charlotte L. Petersen  
 DEPUTY Karen Madzen

Recorded: ☒  
☒  
☒  
☒

FILED

93 MAY 28 AM 9:42

CHARLOTTE L. PETERSEN  
 WASHINGTON COUNTY, CLERK  
 BLAIR, NEBR.

## ORDINANCE NO 445

AN ORDINANCE REZONING AND RECLASSIFYING LOTS 10, 11 AND 12 OF BLOCK 106, CALHOUN COMPANY ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA FROM RESIDENTIAL TO COMMERCIAL, 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 City Council of the City of Fort Calhoun, Nebraska hereby find and determine that an application to rezone Lots 10, 11 and 12 of Block 106, Calhoun Company Addition from Residential to Commercial, 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 26th day of May, 1993, said Application was heard in public hearing before the Fort Calhoun City Council; that published notice of such 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 10, 11 and 12 of Block 106, Calhoun Company Addition, Fort Calhoun, Nebraska, shall be and hereby is designated as Commercial 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 26th DAY OF MAY, 1993.

ATTEST:

*Rosalie Freburg*  
 ROSALIE FREBURG

*Larry L. Halford*  
 LARRY L. HALFORD, MAYOR

## 438

Fee \$50.00

468-5156

(Phone No.)

(Phone No.)

(Phone No.)

COUNTY Washington

Lots 10, 11 and 12 of Block 106, Calhoun Co. Addition

## UTILITIES AND IMPROVEMENTS

**Proposed**

## Paving

Receipt from the City Clerk, together with original and one copy of application shall be filed with the City Planning Commission at least 20 days prior to the regular meeting date.

May 3, 1993

(Signature of Owner)

## PLANNING COMMISSION

**CITY COUNCIL**

Hearing Date May 26, 1993

Council Hearing Date May 26, 1993

Recommendation *Change Moving to Comm*

Action of Council Approved

Ayes 3 Nayes 0

## Register of Deeds

Plat recorded

Report to City Council May 26, 1993  
(date)

REMARKS

ORDINANCE NO. 446

AN ORDINANCE PROVIDING FOR THE ADOPTION BY REFERENCE OF THE UNIFORM BUILDING CODE, THE UNIFORM PLUMBING CODE, THE UNIFORM MECHANICAL CODE AND THE NATIONAL ELECTRICAL CODE, IN THEIR PRESENT FORM AND AS THEY MAY HEREAFTER BE AMENDED; 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 the Uniform Building Code (UBC, 1991 Edition), the Uniform Plumbing Code (UPC, 1991 Edition), the Uniform Mechanical Code (UMC, 1991 Edition) and the National Electrical Code (1993 Edition) are hereby incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended. One (1) copy of each of said codes is filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time.

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 19<sup>th</sup> DAY OF JULY, 1993.

Larry R. Halford  
Mayor

Attest:

Kasahie Deburg  
City Clerk

(SEAL)



STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 4286  
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
 THIS 22nd DAY OF September A.D. 1993  
 AT 8:54 O'CLOCK A.M. AND RECORDED IN BOOK  
 220 AT PAGE 597-600  
 COUNTY CLERK Charlotte L. Petersen  
 DEPUTY Karen Madsen

CHARLOTTE L. PETERSEN  
 WASHINGTON COUNTY CLERK  
 BLAIR, NEBR.

93 SEP 22 AM 8:54

FILED

ORDINANCE NO. 447

AN ORDINANCE REZONING AND RECLASSIFYING TAX LOT 18, A PARCEL OF LAND 580 FEET WEST TO EAST AND 430 FEET SOUTH TO NORTH LYING 100 FEET NORTH OF THE SOUTH LINE AND ALONG AND ADJACENT TO THE WEST LINE OF THE SW 1/4 OF THE NW 1/4 OF THE NW 1/4 OF SEC. 1, T17N, R12E IN WASHINGTON COUNTY, NEBRASKA, FROM AGRICULTURAL TO 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 City Council of the City of Fort Calhoun, Nebraska hereby find and determine that an application to rezone Tax Lot 18 from Agricultural to Industrial, 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 City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 16th day of August, 1993, said Application was heard in public hearing before the Fort Calhoun City Council; that published notice of such 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 18 in Sec 1, T17N, R12E Washington County, Nebraska, shall be and hereby is designated as Industrial 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 20<sup>th</sup> DAY OF SEPTEMBER, 1993.

Larry R. Halford  
LARRY L. HALFORD, MAYOR

ATTEST:

Rosalie Freburg  
ROSALIE FREBURG, CITY CLERK

CITY PLANNING COMMISSION  
APPLICATION FOR REZONING TO INDUSTRIAL

599

Filing Date July 21, 1993

Fee \$50.00 — *fee paid 7-6-93*

Ft. Calhoun Stone Co. 1255 South St., Blair, Ne. 68008 426-4254  
(Property Owner) (Address) (Phone No.)

(Subdivider) (Address) (Phone No.)

(Engineer) (Address) (Phone No.)

NAME OF ADDITION \_\_\_\_\_

CITY Fort Calhoun COUNTY Washington

LEGAL DESCRIPTION:

TAX LOT 18 in SEC 1, Twn 17N, Range 12E

PRESENT ZONING DISTRICT Agricultural

UTILITIES AND IMPROVEMENTS

Existing

Proposed

Sanitary Sewer Septic System

Storm Drainage \_\_\_\_\_

Water \_\_\_\_\_

Paving \_\_\_\_\_

Receipt from the City Clerk, together with original and one copy of application shall be filed with the City Planning Commission at least 20 days prior to the regular meeting date.

July 21, 1993

*Steve Wright*  
(Signature of Owner)  
Steve Wright; Vice-President  
CITY COUNCIL

PLANNING COMMISSION

Hearing Date Aug. 2, 1993

Recommendation approval

Ayes 4 Nays 0

Report to City Council Aug. 2, 1993  
(date)

Council Hearing Date Aug. 16, 1993

Action of Council approval

Register of Deeds

Plat recorded \_\_\_\_\_

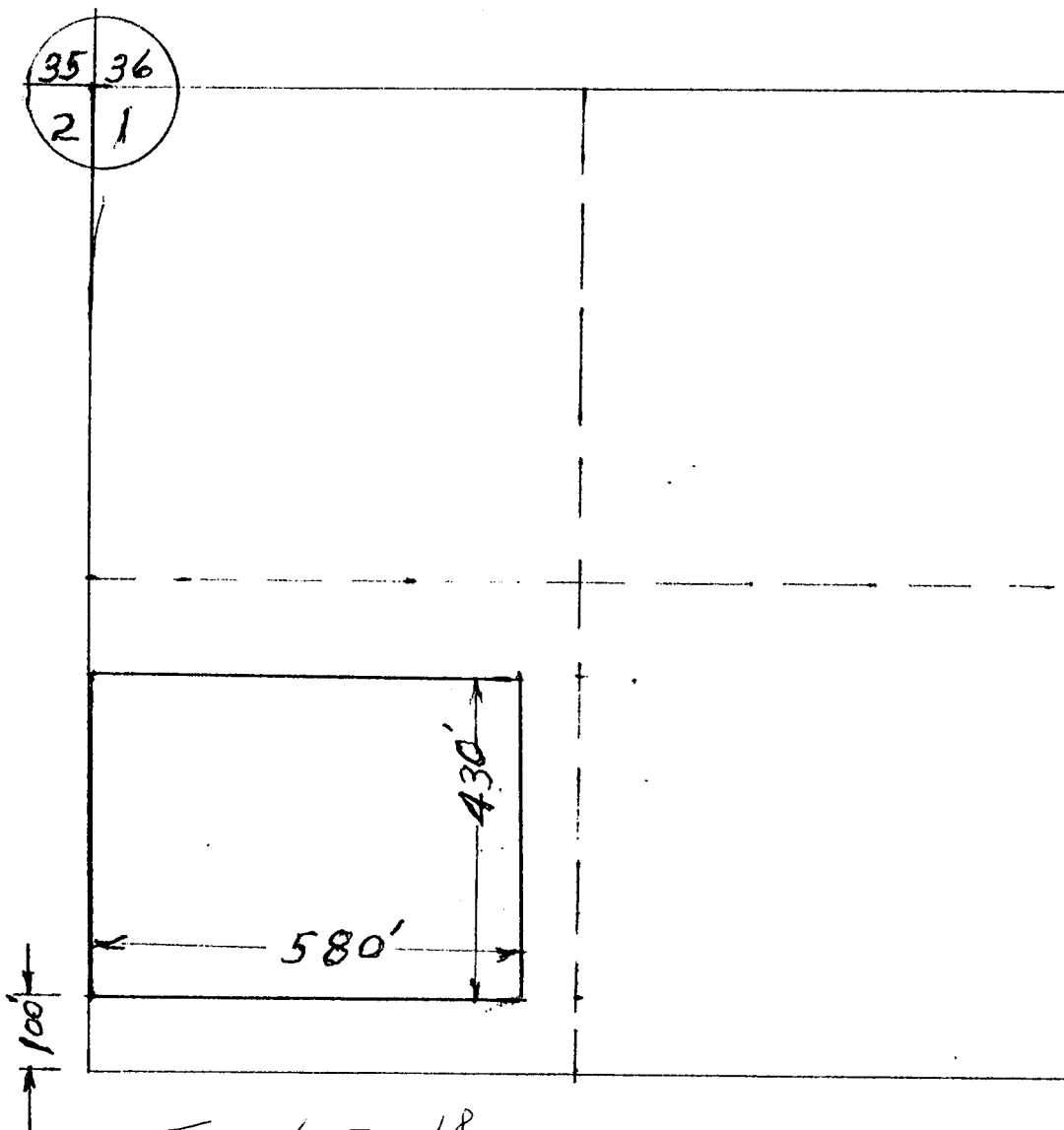
REMARKS \_\_\_\_\_

600

## FORT CALHOUN STONE COMPANY

Business Office  
1255 South Street - P.O. Box 284  
Blair, Nebraska 68008  
Phone: 426-4254

Quarry Office  
Fort Calhoun, Nebraska 68023  
Phone: 468-5666  
or 348-6549 (Omaha)



TAX LOT 18

A parcel of Land 580 FT.  
West To East and 430 FT South  
To North Lying 100 FT North of  
The south line and along and  
adjacent To The west line of  
The SW  $\frac{1}{4}$  of The NW  $\frac{1}{4}$  of The  
NW  $\frac{1}{4}$  of Sec I T17N, R12E  
in Washington County, Nebraska

600

ORDINANCE NO. 448

AN ORDINANCE to establish a system of solid waste disposal; to provide for the granting of non-exclusive franchises to operate a solid waste collection and hauling business within the City, and to prohibit engaging in such activities without a franchise; to guarantee accessibility of the system to all persons within the City; to prohibit the personal disposal of solid waste; to authorize the Governing Body to contract with facilities for the disposal of solid waste, and to require all franchisees to exclusively use such designated facilities for disposal of solid waste derived from the City; to establish reasonable rates to be charged by franchisees and to establish procedures for adjustment of such rates and charges; to prohibit franchisees from mixing or combining solid waste loads obtained from the City with those having their origin elsewhere; to prohibit the extension of funds or credit of the City; to establish guidelines and procedures for the adjustment of disputes between franchisees and their subscribers or customers; to establish reasonable standards of performance by franchisees and to provide for cancellation of franchises; to define terms; to authorize implementation of this Ordinance by rules and regulations; to require payment of franchise fees; to require equal employment opportunities; to provide penalties for violation of acts declared to be illegal; to provide for severability; to repeal all ordinances or parts of ordinances in conflict herewith; and to provide for the effective date hereof.

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

Section 1.

Statement of Intent and Purpose: Implementation. This Ordinance is enacted with the intent of providing a system of solid waste disposal to effect compliance with the Integrated Solid Waste Management Act of Nebraska, and to further comply with all rules and regulations promulgated and adopted therefrom, and to comply with all other federal, state and local laws, ordinances, rules and regulations dealing with environmental protection. It is found and determined that the substantial and best interest of the community is served by a disposal system based upon the granting of non-exclusive franchises to qualified solid waste haulers; that a minimum weekly curbside pickup should be provided to all residences; that businesses should be adequately served by the

franchisees on an individual basis, and that designation of the facility for ultimate disposal of the solid waste should be provided for by Resolution of the Governing Body of this City. It is further provided that the intent of this legislation may be further implemented by appropriate rules and regulations promulgated and adopted by following the procedures set forth in the Administrative Procedure Act of this State.

## Section 2.

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, Washington County, Nebraska.

(b) "Governing Body" of the City shall mean the Mayor and City Council of Fort Calhoun.

(c) "Franchisee" shall mean the grantee of rights under this Agreement or any extension hereof, and any ordinances and resolutions related thereto.

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

(e) "Franchise Area" shall mean that area within the corporate limits of the City, and shall correspond to the "Municipal Solid Waste Jurisdiction Area" as defined in Neb. Rev. Stat. Section 13-2012.

(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 or drive, now or hereafter existing as such within the franchise area.

(g) "Solid Waste" shall have the same meaning as set forth in Neb. Rev. Stat., Section 13-2014, as adopted by reference from Neb. Rev. Stat., Section 81-1502 (26), and shall be further inclusive of the definitions of "Refuse", "Garbage", "Rubbish" and "Junk" as set forth in pertinent Sections of Neb. Rev. Stat., Section 81-1502. Unless otherwise qualified it shall also include yard waste, lead acid batteries and waste oil, waste tires, discarded household appliances, construction debris and all hazardous waste.

(h) "DEQ" shall mean the Nebraska Department of Environmental Quality.

(i) "Act" shall mean the Integrated Solid Waste Management Act of this State.

(j) "EPA" shall mean the Environmental Protection Agency of the federal government.

(k) "Subscriber" or "Customer" shall mean any person or entity receiving solid waste collection services from the franchisee.

(l) "Facility" shall mean any site owned and operated or utilized by any person for the collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste and shall include a solid waste landfill.

(m) "System" shall mean any equipment, vehicles, facilities, personnel, or contractors utilized for the purpose of collection, source separation, storage, transportation, transfer, processing, treatment, or disposal of solid waste.

### Section 3.

Requirement of Franchise. It shall be unlawful for any person to receive, pick up or otherwise acquire, or to transport or dispose of any solid waste obtained within the city limits of Fort Calhoun, or to attempt to do so, without first having been granted a franchise in accordance with the provisions of this Ordinance.

### Section 4.

Guarantee of Accessibility of Service. All franchisees shall be required to furnish solid waste collection services to any person within the franchise area who shall request such service; provided, however, that no franchisee shall be required to continue to provide services to any person or any persons who are substantially delinquent in payment of prior bills for such services, or who consistently and repeatedly fail to comply with reasonable rules and regulations regarding pickup.

### Section 5.

Authority to Contract with Facilities for Disposal in Governing Body. The Governing Body of this City is hereby authorized and empowered, from time to time, to contract with facilities for the disposal of solid waste upon such terms and conditions as it may deem reasonable and in the best interest of the City.

## Section 6.

Franchisees to Dispose of Solid Waste as Directed: Combining of Loads Prohibited. All franchisees shall be required to dispose of solid waste acquired within the City only at facilities designated by the Governing Body, and no franchisee shall be permitted to combine, mix, or commingle loads derived from the City with those acquired elsewhere.

## Section 7.

Personal Disposal of Solid Waste Prohibited Excepting as Provided Herein. All persons within the City of Fort Calhoun shall be required to use the solid waste collection, hauling, and disposal services of one of the Franchisees, and it shall be unlawful for any person to personally dispose of his, her or its solid waste except in a legal and lawful manner and in compliance with the Act and this Ordinance.

## Section 8.

Term of Franchise. Any franchise granted hereunder shall be for an initial term of two (2) years and may be renewed by mutual agreement of the parties. All such franchises shall provide for termination by the City for repeated violations or other breach of the essential terms of the Franchise.

## Section 9.

Rights and Privileges of Franchisees. The grant of any franchise contemplated by this Ordinance shall authorize and permit the grantee a non-exclusive privilege to use the streets of this City for the operation of its solid waste collection vehicles; provided, however, that the same shall be subject to the general ordinances necessary for the safety and welfare of the public.

## Section 10.

Scope of Services. All franchisees shall provide for residential pickup at least once a week at curbside, or if curb pickup is not available or feasible, then within adjacent alleys. All solid waste shall be collected, and only closed containers for garbage and trash will be permitted. Franchisee shall be permitted to impose reasonable rules, regulations and specifications governing the type, size and number of containers to be utilized by residential subscribers and customers, and may require reasonable presorting.

## Section 11.

Fees, Charges and Adjustments. The fees to be charged and collected by any franchisee hereunder shall at all times be reasonable. Prior to the issuance of any grant of franchise the



applicant shall file with the Governing Body its initial schedule of fees, charges and rates, which may be relied upon by the City and the public generally for the initial term of the franchise, unless changed or amended by authority of the Governing Body following request in writing by the franchisee, and hearing before a regular or special City Council Meeting. Except in cases of emergency, no rate adjustment granted by the City shall take effect until at least thirty (30) days following the Resolution granting such increase.

#### Section 12.

No Credit of the City to be Extended. Neither the credit nor funds of the City shall be extended or used by any franchisee hereunder for any purpose contemplated in this Ordinance. All such franchisees shall be responsible for all charges and fees of any kind whatsoever imposed by the owners or operators of any facility required to be used by direction of the City.

#### Section 13.

Complaints from Subscribers or Customers of Franchisees. Any subscriber or customer of any franchisee hereunder who shall have an unresolved complaint regarding late pickup of solid waste, abuse or unprovoked conduct by employees of the franchisee, or continuing nuisance or trespass through their property, shall have the right to present such complaint to the Governing Body of the City. Its determination as to the merits of such complaints and order to the parties shall be conclusive as a final appealable order.

#### Section 14.

Franchise Fee. Upon approval of any Application for a non-exclusive franchise to haul solid waste, as set forth herein, the franchisee shall pay to the City a franchise fee of \$500.00 for the first two (2) years of the initial franchise, and an additional fee of \$500.00 for each year of any extension or continuation thereof; said fees to be payable in advance of the execution and delivery of the Franchise Agreement or any extension thereof.

#### Section 15.

Equal Employment Opportunities. Every franchise granted hereunder shall provide that equal opportunity in employment shall be afforded by all grantees of franchises. No person shall be discriminated against in employment because of race, color, religion, national origin, sex, or handicap; and each grantee shall strictly adhere to the equal employment opportunity requirements of federal, state and local regulations.

#### Section 16.

Penal Provision. Upon conviction of any provisions of this Ordinance, violations of which are declared to be unlawful, the

person so convicted shall be deemed guilty of a misdemeanor and fined not more than One Hundred Dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Section 17.

Severability. If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions thereof.

Section 18.

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

Section 19.

Effective Date. 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 20<sup>th</sup> day of September, 1993.

Larry R. Halford  
Mayor

Attest:

Rosalia J. Murgu  
City Clerk

FILED

94 MAR -2 AM 8:51

## ORDINANCE NO. 449

STATE OF NEBRASKA  
WASHINGTON COUNTY  
CLERK, NEBRASKA

AN ORDINANCE REZONING AND RECLASSIFYING LOTS 10, 11 and 12 of BLOCK 56, CALHOUN COMPANY ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA FROM RESIDENTIAL TO COMMERCIAL AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

BE IT ORDIANED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, EBRASKA, AS FOLLOWS;

Section 1. The Mayor and City Council of the City of Fort Calhoun, Nebraska hereby find and determine that an application to rezone Lots 10, 11 and 12 of Block 56, Calhoun Company Addition from Residential to Commercial, 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 City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 17th day of January 1994, said Application was heard in Public Hearing before the Fort Calhoun City Council; that published notice of such 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 10, 11 and 12 of Block 56, Calhoun Company Addition, Fort Calhoun, Nebraska, shall be and hereby is designated as Commercial 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 21<sup>st</sup> DAY OF FEBRUARY, 1994.

Larry L. Halford  
Larry L. Halford, Mayor

ATTEST:

Rosalie Freburg  
Rosalie Freburg, City Clerk

Recorded ✓  
General X  
Numerical ✓  
Photostat ✓

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 839  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 2nd DAY OF March A.D. 19 94  
AT 8:51 O'CLOCK A M. AND RECORDED IN BOOK  
226 AT PAGE 629-630  
COUNTY CLERK Charlotte A. Peterson  
DEPUTY Baron Madison

630

## CITY PLANNING COMMISSION

APPLICATION FOR REZONING From Residential To Commercial

Filing Date 12-13-93

Fee \$50.00

EMBER A. &amp;

X JOHN DARNOLD  
(Property Owner)711 NO 14ST  
(Address)402 468 5703  
(Phone No.)

(Subdivider)

(Address)

(Phone No.)

(Engineer)

(Address)

(Phone No.)

NAME OF ADDITION CALHOUN COMPANY'S ADDITIONCITY FORT CALHOUNCOUNTY WASHINGTON

LEGAL DESCRIPTION:

X BLOCK 56 - LOTS 10-11-12

PRESENT ZONING DISTRICT \_\_\_\_\_

UTILITIES AND IMPROVEMENTS

ExistingProposed

Sanitary Sewer \_\_\_\_\_

Storm Drainage \_\_\_\_\_

Water \_\_\_\_\_

Paving \_\_\_\_\_

Receipt from the City Clerk, together with original and one copy of application shall be filed with the City Planning Commission at least 20 days prior to the regular meeting date.

12-13, 1993

John Darnold  
(Signature of Owner)

PLANNING COMMISSION

CITY COUNCIL

Hearing Date 1-3-94Council Hearing Date 1-17-94Recommendation ApprovalAction of Council approvalAyes 3 Nays 0

Register of Deeds \_\_\_\_\_

Report to City Council 1-4-94  
(date)

Plat recorded \_\_\_\_\_

REMARKS \_\_\_\_\_

630

ORDINANCE NO. 450

AN ORDINANCE AMENDING SECTIONS 7-201 AND 7-214 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO ESTABLISH A CITYWIDE OPEN BURNING BAN; TO PROVIDE FOR EXCEPTIONS; TO ADOPT THE RULES AND REGULATIONS OF THE NEBRASKA STATE FIRE MARSHAL; TO PROVIDE THAT THE FIRE CHIEF OF THIS CITY, FOR CERTAIN PURPOSES DESIGNATED HEREIN, MAY ISSUE WRITTEN WAIVERS, WITH CONDITIONS ENSURING SAFETY SET FORTH THEREIN; TO REPEAL SECTION 7-215 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN AND 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 Section 7-201 of the Municipal Code of the City of Fort Calhoun, Nebraska, should be, and the same is hereby amended to read as follows:

§7-201 FIRE PREVENTION; FIRE PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska, relating to fire prevention, to the extent that they are not inconsistent herewith, are incorporated by reference into this Code and made a part of this Article as if spread at large herein together with all subsequent amendments thereto. One (1) copy of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time.

Section 2.

That Section 7-214 of the Municipal Code of the City of Fort Calhoun, Nebraska, should be, and the same is hereby amended to read as follows:

§7-214 FIRE PREVENTION; OPEN BURNING BAN, EXCEPTIONS, WAIVER.

- (A) No person shall cause or permit any open fire within the City of Fort Calhoun, except as set forth in subsections (B) and (C) hereof. In explanation, and not by way of limitation, this citywide open burning ban shall include all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.
- (B) Exceptions to subsection (A) hereof shall be limited to the following:

- (1) Fires set solely for outdoor cooking of food for human consumption on other than commercial premises where no nuisance or hazard is created:
  - (2) Fires set for the purpose of training public or industrial fire fighting personnel;
  - (3) Fires set in the operation of smokeless flare stacks for the combustion of waste gases; provided, that emissions therefrom (a) Are not of a shade or density equal to or darker than that designated as No. 1 on the Ringelmann Chart or equivalent, and (b) Are not of such opacity as to obscure an observer's view to a degree equal to or greater than that designed as No. 1 on the Ringelmann Chart or equivalent.
- (C) A waiver of the citywide open fire ban may be obtained by permit for the sole purposes of burning straw, hay, leaves, brush, trees, or garden vegetation for the purpose of clearing land on roads or other construction activity or for essential agricultural operation in the growing of crops, where no nuisance or hazard is created. Said permit shall be issued by the Fire Chief and shall be in writing, signed by the Fire Chief, and on a form provided by the State Fire Marshal. Anyone burning in such district when the open burning ban has been waived, as set forth above, must notify the Fire Department of his or her intention to burn. Such burning must be done between the hours of 7:00 A.M. and 8:00 P.M. No burning of any kind contemplated by this Article shall be done or accomplished while the said fire is unattended by the person setting out the same; and further provided that the said fire shall be located at least twenty feet (20') from any building.

### Section 3.

That Section 7-215 of the Municipal Code of the City of Fort Calhoun, Nebraska, should be, and the same is hereby repealed.

### Section 4.

All ordinances or parts of ordinances, including but not limited to §§7-201 and 7-214, in conflict herewith, are hereby repealed.

### Section 5.

This Ordinance and amendments of the Municipal Code of Fort Calhoun, Nebraska shall be in force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF APRIL, 1994.

Harry L. Halford  
Mayor

Attest:

Rosalia J. Perez  
City Clerk

(SEAL)

ORD. NO. 451

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, 1994; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; 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;

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, 1994

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) or Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

METER SIZE	TYPE	CONTINUOUS 1 FLOW RATING	FLOW RATIO	CAPITAL FACILITIES CHARGE
5/8"	DISC	10 gpm	1	\$ 596
3/4	DISC	15	1.5	894
1	DISC	25	2.5	1,490
1-1/2	DISC	50	5	2,980
2	DISC	80	8	4,767
2	TURBO	160	16	9,536
3	COMPOUND	160	16	9,536
3	TURBO	350	35	20,858
4	COMPOUND	250	25	14,899
4	TURBO	1000	100	59,596
6	COMPOUND	500	50	29,798
6	TURBO	2000	200	119,192
8	TURBO	3500	350	208,587
10	TURBO	5500	550	327,779

1 Manufacturer's rating

THAT all ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED this 16<sup>th</sup> day of May, 1994.

Attest:

*Rosalie Freburg*  
Rosalie Freburg  
City Clerk

Larry L. Halford, Mayor

*Larry L. Halford*



ORDINANCE NO. 452

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 352, 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 1 of Ordinance No. 352, 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:

\$8.00 per month minimum up to 3,000 gallons;  
\$11.00 per month minimum up to 3,000 gallons for users residing outside the corporate limits of the City of Fort Calhoun, Nebraska;  
\$2.90 per month per 1,000 gallons exceeding 3,000 gallons and up to 9,000 gallons;  
\$2.35 per month per 1,000 gallons exceeding 9,000 gallons and up to 19,000 gallons;  
\$1.95 per month per 1,000 gallons exceeding 19,000 gallons and up to 49,000 gallons;  
\$1.50 per month per 1,000 gallons exceeding 49,000 gallons.


SECTION 2

All ordinances or parts of ordinances, including but not necessarily limited to Section 1 of Ordinance 352, Section 3 of Ordinance No. 315 and Section 30 of Ordinance No. 65, in conflict herewith are hereby repealed.

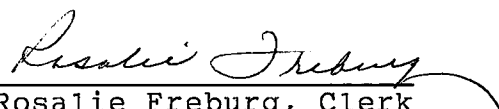
SECTION 3

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 20<sup>th</sup> DAY OF March, 1995.

  
Larry L. Halford, Mayor  
City of Fort Calhoun

ATTEST:

  
Rosalie Freburg, Clerk

## ORD. NO. 453

AN ORDINANCE TO PROHIBIT UNSAFE PHYSICAL CONNECTIONS  
TO THE WATER DISTRIBUTION SYSTEM AND TO REQUIRE THAT  
CUSTOMERS OF THE WATER DISTRIBUTION SYSTEM REPORT  
POTENTIAL BACKFLOW HAZARDS TO THE MUNICIPALITY

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

Section 1. That Chapter 3, Article 1, Section 125 of the  
Municipal Code of Fort Calhoun, Nebraska be amended to read as  
follows:

MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER  
DISTRIBUTION SYSTEM; PROHIBITED; POTENTIAL BACKFLOW HAZARDS;  
CUSTOMER ASSESSMENT. No customer or other person shall cause,  
allow, or create any physical connection between the municipal  
water distribution system and any pipes, pumps, hydrants, tanks,  
steam condensate returns, engine jackets, heat exchangers, other  
water supplies or any other connection whereby potentially unsafe  
or contaminating materials may be discharged or drawn into the  
municipal water distribution system.

At least one (1) time every five (5) years, customers of the  
municipal water distribution and supply system shall be required  
to assess and report potential backflow and backsiphonage hazards  
to the municipality on a form supplied by the municipality to the  
customer. The customer shall take any steps necessary for  
protection of public health and safety as determined by the  
Utilities Superintendent.

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

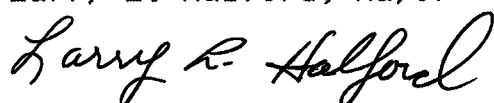
Section 3. This ordinance shall take effect and be in full  
force from and after its passage, approval and publication as  
required by law.

Passed and approved this 17<sup>th</sup> day of April, 1995.

ATTEST:

  
Rosalie Freburg  
City Clerk

Larry L. Halford, Mayor



## ORDINANCE NO. 454

AN ORDINANCE REZONING AND RECLASSIFYING LOT 3 OF BLOCK 50, CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, FROM RESIDENTIAL GENERAL TO COMMERCIAL 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 City Council of the City of Fort Calhoun, Nebraska hereby find and determine that an application to rezone Lot 3 of Block 50 from Residential General to Commercial 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 City Council of the City of Fort Calhoun, Nebraska, further find and determine that on the 15th day of May, 1995, said Application was heard in Public Hearing before the Fort Calhoun City Council; that published notice of such 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 notification of the zoning ordinance and zoning map have been fully complied with.

Section 3. That Lot 3 of Block 50, City of Fort Calhoun, Washington County, Nebraska shall be and hereby is designated as Commercial 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 15<sup>th</sup> DAY OF May, 1995.

Larry L. Halford  
LARRY L. HALFORD, MAYOR

ATTEST:

Rosalie Freburg  
ROSALIE FREBURG, CITY CLERK

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1336  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 17<sup>th</sup> DAY OF May A.D. 19 95  
AT 8:59 O'CLOCK P.M. AND RECORDED IN BOOK  
240 AT PAGE 469  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Baron Madsen

FILED

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.

95 MAY 17 AM 8:59

FILED

ORDINANCE NO. 455

AN ORDINANCE RELATING TO MUNICIPAL EXPENDITURES; TO AUTHORIZE EXPENDITURES PRIOR TO ADOPTION OF BUDGET; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY/~~CHAIRPERSON AND THE VILLAGE BOARD OF CITY/VILLAGE OF~~ San Calhoun, NEBRASKA:

Section 1. On and after August 1, 1995, and until the adoption of the budget, the balance of cash on hand is hereby appropriated for the current expenses of the Municipality as authorized by Section 13-509.01 of the Nebraska statutes. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and adopted this 21<sup>st</sup> day of August, 1995.

Harry E. Halford  
Mayor/Chairperson

ATTEST:

Rosalie Schubert  
Clerk

ORDINANCE NO. 456

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning August 1, 1995, through September 30, 1996. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of York, Nebraska. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Washington County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and adopted this 21<sup>st</sup> day of August, 1995.

Barry R. Halford  
Mayor

ATTEST:

Rosalee J. Hedberg  
Clerk

ORDINANCE NO. 457

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 1995, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED FIFTY-FIVE THOUSAND DOLLARS (\$355,000) TO REFUND AND RETIRE \$310,000 VARIOUS PURPOSE BONDS, SERIES 1992, DATED MAY 15, 1992; TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT PROJECT NO. 1994-1 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAX TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of Fort Calhoun, Nebraska (the "City") hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid interest bearing bonds of the City of Fort Calhoun, Nebraska, consisting of Various Purpose Bonds, Series 1992, dated May 15, 1992 of the total remaining principal amount of \$310,000 which mature and bear interest as follows:

<u>Amount</u>	<u>Interest Rate</u>	<u>Due June 15 of Year</u>
\$25,000	5.20%	1996
25,000	5.40	1997
25,000	5.60	1998
25,000	5.75	1999
25,000	5.90	2000
25,000	6.10	2001
25,000	6.25	2002
25,000	6.35	2003
25,000	6.45	2004
25,000	6.55	2005
30,000	6.60	2006
30,000	6.70	2007

which Series 1992 Bonds have been called in accordance with their call provisions on January 2, 1996 (the "Redemption Date"); that the Outstanding Bonds are valid, interest bearing obligations of the City of Fort Calhoun, Nebraska; that since the Outstanding Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide together with available cash of the City for the payment and redemption of the Outstanding Bonds all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; that for the purpose of

providing for the payment and redemption of the Outstanding Bonds as above set out, and to pay costs of issuance of said bonds, it is in the best interest of the City to issue General Obligation Refunding Bonds of the City in the principal amount of \$320,000; that the City has no bond sinking funds on hand for the retirement of said Bonds not required for the timely payment of principal and interest on other bonds or the accrued interest due on the Redemption Date; and, that all conditions, acts, and things required to exist or to be done precedent to the issuance of General Obligation Refunding Bonds of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Twenty Thousand Dollars (\$320,000) pursuant to Section 10-142, R.R.S. Neb. 1943, as amended, do exist and have been done as required by law.

Section 2. The Mayor and Council of the City of Fort Calhoun, Nebraska further find and determine that pursuant to a resolution heretofore duly adopted by the Mayor and City Council, Street Improvement Project No. 1994-1 was created in the City and certain street improvements therein have been constructed, completed and accepted, and are hereby accepted by the City; the cost of said improvements as heretofore found by the City's Engineers and the Mayor and City Council is \$37,529.47; that additional expenses properly chargeable as part of the cost of improvements in said Project has been incurred or must be expended for engineering, interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements, in the amount of \$2,792.79; the total cost of said improvements is not less than \$40,322.26; that after applying special assessments collected such other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said Street Improvement Project not less than \$35,000; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Paving Bonds in the principal amount of \$35,000, pursuant to Section 18-2003, R.R.S. Neb. 1943, have been done as provided by law.

Section 3. The Mayor and Council 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 Fort Calhoun, Nebraska, in the principal amount of Three Hundred Fifty-five Thousand Dollars

(\$355,000) pursuant to Sections 18-1801 and 18-1802, R.R.S. Neb. 1943, to pay the cost of the improvements described in Sections 1, 2 and 3 hereof do exist and have been done as required by law.

Section 4. To provide for the issuance of bonds as described in Sections 1, 2 and 3 hereof, there shall be and there are hereby ordered issued Various Purpose Bonds, Series 1995, of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Fifty Thousand Dollars (\$350,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on June 15 of each year as indicated below:

<u>Maturing June 15</u>	<u>Amount</u>	<u>Interest Rate</u>
1996	\$25,000	4.00%
1997	30,000	4.15
1998	30,000	4.30
1999	30,000	4.40
2000	30,000	4.50
2001	30,000	4.60
2002	30,000	4.75
2003	30,000	4.85
2004	30,000	4.95
2005	30,000	5.05
2006	30,000	5.15
2007	30,000	5.25

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be December 15, 1995. Interest on the Bonds, at the respective rates for each maturity, shall be payable on June 15, 1996, and semi-annually thereafter on December 15 and June 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 the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 6 hereof. The Bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and



Registrar, as designated pursuant to Section 5 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 7 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds 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 such 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 5. The Fremont National Bank and Trust Company, Fremont, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its principal corporate trust office. 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 principal corporate trust 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 such owner's 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' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. 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 6. 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 7. Bonds maturing on or after June 15, 2000 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after December 15, 1999, 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 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption 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, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the principal corporate trust office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. 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 8. 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 in the city where the principal corporate trust office of the Paying Agent and Registrar is located 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 9. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 1995

No. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	December 15,	December 15, 1995	

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fort 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 assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable June 15, 1996 and semiannually thereafter on December 15 and June 15 of each year (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 and interest on this bond due at maturity or upon redemption prior to maturity is payable upon presentation and surrender of this bond at the principal corporate trust office of The Fremont National Bank and Trust Company, the Paying Agent and Registrar, in Fremont, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed on such Interest Payment Date 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 immediately preceding 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, both 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 Three Hundred Fifty-five Thousand Dollars (\$355,000), of even date and like tenor herewith, except as to date of maturity and rate of interest and denomination, which were issued by the City to pay the costs of certain improvements constructed in Street Improvement Project No. 1994-1 (including the intersections and the areas formed by the crossing of streets, avenues and alleys), in pursuance of Sections 18-2001 through 18-2003, 18-1801 and 18-1802, R.R.S. Neb. 1943, as amended, and other applicable statutes and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City.

Any or all of the bonds of said issue maturing on or after June 15, 2000, are subject to redemption at the option of the City, in whole or in part, at any time on or after December 15, 1999, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice

of redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefor, a registered bond or registered bonds for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the principal corporate trust office of the Paying Agent and Registrar in Fremont, Nebraska, 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 and for all 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 in the city where the principal corporate trust office of the Paying Agent and Registrar is located 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.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. Certain special assessments levied upon real estate specially benefitted by said improvements are valid liens upon such real estate and, when collected, shall be set aside and constitute a sinking fund for the payment of the principal and interest on the bonds; the City agrees that it will collect said special assessments and that,

in addition thereto, 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 make up any deficiency between the amount collected on said special assessments and the amount required to fully pay the principal of and interest on this bond as the same become due.

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

CITY OF FORT CALHOUN, NEBRASKA

ATTEST:

(facsimile)

\_\_\_\_\_  
Mayor

(facsimile)

\_\_\_\_\_  
City Clerk

[SEAL]

#### CERTIFICATE OF AUTHENTICATION

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

THE FREMONT NATIONAL BANK AND  
TRUST COMPANY  
Fremont, Nebraska  
Paying Agent and Registrar

By

\_\_\_\_\_  
Authorized Signature

(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(s) of this assignment must correspond with the name(s) as written on the  
face of the within bond in every particular, without alteration, enlargement or any change whatsoever.

Section 10. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.



(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of Section 8 of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates 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 certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of said City. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not

be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as the initial purchaser thereof, upon receipt of 98% of the principal amount of the Bonds plus accrued interest thereon to date of payment of 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 the restrictions of this Ordinance.

Section 11. All accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on June 15, 1996. The proceeds of the Bonds shall be applied upon receipt to the payment of warrant or note indebtedness and other costs related to the improvements described in Section 1 hereof.

Section 12. Special assessments levied upon real estate specially benefitted by the construction of improvements as described in Section 1 of this ordinance and the interest on such special assessments shall constitute a sinking fund for the payment of the principal of and interest on the Bonds. The City agrees that it will collect such special assessments and in case the monies collected therefrom are not sufficient to fully and promptly pay the principal and interest of the Bonds as and when such principal and interest become due, the Mayor and 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 when and as such principal and interest become due.

Section 13. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City

hereby covenants and agrees to take all actions necessary under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" under Section 265 (b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of bonds or other obligations aggregating in principal amount more than \$10,000,000 during calendar 1995. The City agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized as such "qualified tax-exempt obligations," as and to the extent permitted by law.

Section 14. 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 and/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 and given notice thereof or made irrevocable provisions for the giving of such notice. 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 15. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the Various Purpose Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 16. 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 20th day of November, 1995.

*Harry R. Halferd*  
Mayor

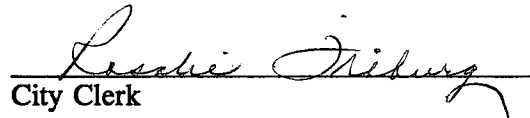
ATTEST:

*Rosalia Hebert*  
City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared 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 the proceedings had and done by the Mayor and Council on November 20, 1995; 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 meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

  
City Clerk

[SEAL]

ORDINANCE NO. 458

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, 1996; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; 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:

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, 1996

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) or Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

METER SIZE	TYPE	CONTINUOUS 1 FLOW RATING	FLOW RATIO	CAPITAL FACILITIES CHARGE
5/8"	DISC	10 GPM	1	\$ 620
3/4	DISC	15	1.5	930
1	DISC	25	2.5	1,550
1-1/2	DISC	50	5	3,099
2	DISC	80	8	4,958
2	TURBO	160	16	9,917
3	COMPOUND	160	16	9,917
3	TURBO	350	35	21,692
4	COMPOUND	250	25	15,495
4	TURBO	1000	100	61,980
6	COMPOUND	500	50	30,990
6	TURBO	2000	200	123,960
8	TURBO	3500	350	216,930
10	TURBO	5500	550	340,890

1 Manufacturer's rating

THAT all ordinances in conflict herewith are hereby repealed.

AND 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 15<sup>th</sup> day of January, 1996.

Attest:

*Rosalie Freburg*  
Rosalie Freburg  
City Clerk

Larry L. Halford, Mayor

*Larry L. Halford*

ORDINANCE NO. 459

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE COMPREHENSIVE ZONING AND SUBDIVISION REGULATIONS, AND AN OFFICIAL ZONING MAP, FOR THE CITY OF FORT CALHOUN, NEBRASKA; REPEALING ORDINANCE NO. 328, ADOPTED NOVEMBER 5, 1979, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

The Mayor and City Council of Fort Calhoun, Nebraska, hereby find and determine that it is necessary, desirable and in the best interest of this City to adopt a new comprehensive zoning and subdivision code, and zoning map, for this City; that such a code, popularly referred to as "The Land Development Ordinance for the City of Fort Calhoun - 1996", in two (2) separate chapters; namely, a "Zoning Chapter" and a "Subdivision Chapter", and a revised Official Zoning District Map related thereto; were all prepared and submitted by RDG Crose, Gardner, Shukert to the Planning Commission of this City. It is further found and determined by the governing body of this City that on January 8, 1996 the said Planning Commission did hold a public hearing concerning these matters at the City Hall in Fort Calhoun, Nebraska, pursuant to published notice, as by law provided; and did vote to accept the said Zoning and Subdivision Regulations or Code and revised Official Zoning District Map, related thereto in code book form; and to recommend their adoption by reference in ordinance form, by the City Council of Fort Calhoun, Nebraska.

It is further found and determined that said matters were heard in public hearing before the Mayor and City Council, published notice having been given as by law provided; and that the said comprehensive Zoning and Subdivision Regulations and related Revised Official Zoning District Map, as recommended for adoption by the Planning Commission of this City, is in the best interest of this community and should, therefore, be adopted and incorporated by reference into this ordinance. WHEREFORE,

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

Sec. 1. ADOPTING AND INCORPORATING BY REFERENCE COMPREHENSIVE ZONING AND SUBDIVISION REGULATIONS; There is, hereby, adopted and incorporated by reference for the City of Fort Calhoun, Nebraska a comprehensive code of Zoning and Subdivision Regulations whose short title will be "The Land Development Ordinance for the City of Fort Calhoun, Nebraska - 1996" ; in two separate chapters; namely, a "Zoning Chapter" and a "Subdivision Chapter" (themselves sometimes referred to therein as "Ordinances"), prepared and published in code form. Not less than three (3) copies of said Zoning and Subdivision Regulations in code form with Zoning District Maps, marked or stamped "Official Copy as

Recorded \_\_\_\_\_  
General \_\_\_\_\_  
Numerical \_\_\_\_\_  
Photostat \_\_\_\_\_

Adopted by Ordinance No. 459 " and to which shall be attached a published copy of this Ordinance, shall be filed with the Municipal Clerk to be open to inspection and available to the public at all reasonable hours.

Sec. 2.      **OFFICIAL ZONING DISTRICT MAP.** The location, size, shape and boundaries of the zones to which the provision of the text of this Ordinance are applicable, shall be indicated on a map or atlas of maps which is entitled "Official Zoning District Map" incorporated herein and by this reference made a part hereof and such map or atlas, after being adopted by reference as part of this ordinance, and so certified by the Municipal Clerk together with the text, shall be maintained by the Municipal Clerk and such map or atlas shall be the Official Zoning District Map, for the purpose of enforcement of this Ordinance. Any amendment to the zoning classifications on the Official Zoning District Map or atlas shall include the legal description of the land involved including appropriate adjacent public rights-of-way on public property and such amendments shall be promptly and permanently noted on the face of the maps in the custody of the Municipal Clerk.

Sec. 3.      **JURISDICTION.** The area of jurisdiction shall be all land within the corporate limits of the City of Fort Calhoun, Nebraska, and all land within the area of planning jurisdiction, defined as all land within one (1) mile of the corporate limits of Fort Calhoun, Nebraska; or such other distance as may be provided by the Nebraska Statutes.

Sec. 4.      **AMENDMENTS.** The City Council may amend these regulations from time to time, provided, however, that such amendments shall not become effective until a public hearing and a recommendation from the Planning Commission is received and a public hearing by the City Council has been held, as by law provided.

Sec. 5.      **BLANKET PENALTY.** Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed one hundred dollars (\$100.00) at the discretion of the court. Each day's violation shall be considered to be a separate offense. Whoever aids, abets, procures, encourages, requests, advises or incites another to commit any act which is an offense under this Ordinance or under any other ordinance of the Municipality may be prosecuted and punished as though he were the principal offender.



- Sec. 6.        **SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, phrase, term or provision of this Ordinance shall be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect, and the provisions of this Ordinance are hereby declared to be separate and severable.
- Sec. 7.        **INTERPRETATION.** Titles appearing in this Ordinance are inserted simply for convenience to serve the purpose of any index, and shall be disregarded in construing the terms and provisions of this Ordinance.
- Sec. 8.        **SAVING PROVISION.** This Ordinance and regulations contained within the Zoning and Subdivision Regulations incorporated herein by reference, shall not be construed as abating any action now pending under or by virtue of, prior existing Zoning or Subdivision Regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the Municipality under any sections or provisions existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the Municipality except as shall be specifically provided for herein. Further, and more specifically, repeals of prior Ordinances shall not affect or prevent the prosecution or punishment of any person for the violation of any Ordinance repealed hereby, for any offense committed prior to the repeal.
- Sec. 9.        **PRIOR ORDINANCES REPEALED.** Ordinance No. 328, adopted November 5, 1979, and all other ordinances or parts of ordinances in conflict with this Ordinance or the code of Zoning and Subdivision Regulations adopted by reference and henceforth referred to as "The Land Development Ordinance for the City of Fort Calhoun - 1996", and all prior inconsistent Official Zoning District Maps, are hereby repealed.
- Sec. 10       **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 15<sup>th</sup> DAY OF JANUARY, 1996.

Harry L. Halferd  
Mayor

ATTEST:

Rosalee Hedberg  
Municipal Clerk

ORDINANCE NO. 460

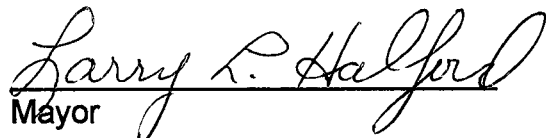
AN ORDINANCE TO ADOPT A COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN, NEBRASKA, AS REQUIRED BY ARTICLE 9, CHAPTER 19 OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

The Mayor and City Council of the City of Fort Calhoun, Nebraska, do hereby find and determine that a certain comprehensive development plan prepared and submitted by RDG Martin Shukert, Inc., and dated March 1996, was submitted to the Fort Calhoun Planning Commission; and that a public hearing concerning the adoption of this plan was held on the 8th day of January, 1996, pursuant to published notice; and that the Fort Calhoun Planning Commission has favorably recommended to this governing body that it adopt the said plan, popularly referred to as "The Ft. Calhoun Plan" by ordinance; and the Mayor and the City Council of this city do further hereby find and determine that on the 19th day of February, 1996, the plan was heard in a public hearing before this governing body, published notice having been given as by law required; and that it is in the best interest of this City that said comprehensive development plan be adopted; NOW, THEREFORE:

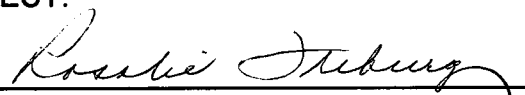
BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

- Sec. 1. That the comprehensive development plan prepared and submitted by RDG Martin Shukert, Inc., dated March 1996, and referred to as "The Ft. Calhoun Plan" should be, and the same hereby is adopted as the official Comprehensive Development Plan of this City.
- Sec. 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Sec. 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 18<sup>th</sup> DAY OF <sup>MARCH</sup>~~JANUARY~~, 1996.

  
Mayor

ATTEST:

  
Municipal Clerk

ORDINANCE NO. 461

AN ORDINANCE TO CORRECT CERTAIN SCRIVENER'S ERRORS APPEARING IN ORDINANCE NO. 321, PASSED AND APPROVED AUGUST 21, 1979, BOTH IN TITLE AND BODY; TO CONFIRM AND RATIFY THE VACATION OF MADISON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; THE ALLEY IN BLOCK EIGHTY-TWO (82), FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET, JEFFERSON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; THE ALLEY IN BLOCK ONE HUNDRED TEN (110), FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; AND WASHINGTON STREET FROM THE EAST LINE OF 16TH STREET TO THE WEST LINE OF 15TH STREET; 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 only now been discovered that Ordinance No. 321, passed and approved August 21, 1979, contains certain inadvertent errors of description of the streets and alleys intended to be vacated by said Ordinance; and that said scrivener's errors can be fully corrected by this amending Ordinance without adverse effect upon the intervening rights of any persons;

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

1. That Madison Street from the East line of 16th Street to the West line of 15th Street; the alley in Block Eighty-Two (82), original Town of Fort Calhoun, from the East line of 16th Street to the West line of 15th Street; Jefferson Street from the East line of 16th Street to the West line of 15th Street; the alley in Block One Hundred Ten (110), original Town of Fort Calhoun, from the East line of 16th Street to the West line of 15th Street; and Washington Street from the East line of 16th Street to the West line of 15th Street shall be and hereby are vacated, and the real property comprising said streets and alleys shall and hereby does revert to the owners of the real property adjacent thereto.

2. That reference in the title and body of prior Ordinance No. 321 to the effect that the alley in Block Eighty-Two (82), from the West line of 16th Street to the East line of 15th Street is specifically repealed and annulled; as are all ordinances or parts of ordinances in conflict with this Ordinance.

3. As corrected by this Ordinance, the vacation of streets and alleys is confirmed and ratified as of August 21, 1979.

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

Passed and approved this 19<sup>th</sup> day of February, 1996.

Larry P. Halford  
Mayor

ATTEST:

Lorrie J. Hays  
City Clerk

ORDINANCE NO. 462

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, 1996; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; 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:

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, 1996

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) or Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

METER SIZE	TYPE	CONTINUOUS 1 FLOW RATING	FLOW RATIO	CAPITAL FACILITIES CHARGE
5/8"	DISC	10 GPM	1	\$ 645
3/4	DISC	15	1.5	967
1	DISC	25	2.5	1,612
1-1/2	DISC	50	5	3,223
2	DISC	80	8	5,156
2	TURBO	160	16	10,314
3	COMPOUND	160	16	10,314
3	TURBO	350	35	22,560
4	COMPOUND	250	25	16,115
4	TURBO	1000	100	64,459
6	COMPOUND	500	50	32,230
6	TURBO	2000	200	128,918
8	TURBO	3500	350	225,607
10	TURBO	5500	550	354,526

1 Manufacturer's rating

THAT all ordinances in conflict herewith are hereby repealed.

AND 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 22<sup>nd</sup> day of April, 1996.

Attest:

*Rosalie Freburg*  
Rosalie Freburg  
City Clerk

Larry L. Halford, Mayor

*Larry L. Halford*

ORDINANCE NO. 463

AN ORDINANCE TO AMEND PROVISIONS RELATING TO THE SALE AND CONVEYANCE OF MUNICIPAL PROPERTY; TO PROVIDE AN EXEMPTION FOR REAL AND PERSONAL PROPERTY WITH A TOTAL FAIR MARKET VALUE OF LESS THAN FIVE THOUSAND DOLLARS FROM THE GENERAL NOTICE, REMONSTRANCE, AND SALE REQUIREMENTS AS PRESCRIBED; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That Section 8-105 of the Municipal Code of the City of Fort Calhoun, Nebraska, be amended to read as follows:

MUNICIPAL PROPERTY; SALE AND CONVEYANCE. (1) Except as provided in subsection (4) of this section, the power of the Municipality to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof, except that such real and personal property shall not be sold at public auction or by sealed bid when:

- (a) Such property is being sold in compliance with the requirements of federal or state grants or programs;
- (b) Such property is being conveyed to another public agency, or;
- (c) Such property consists of streets and alleys.

The Governing Body may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

(2) After passage of the resolution directing the sale, notice of all proposed sales of real and personal property described in subsection (1) of this section and the terms thereof, shall be published once each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality; provided, if a remonstrance against such sale, signed by registered voters thereof equal in number to thirty percent (30%) of the registered voters of the Municipality voting at the last regular Municipal election held therein, be filed with the Governing

Body within thirty (30) days after the third (3rd) publication of the notice, such property shall not then, nor within one (1) year thereafter, be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday or legal holiday, the signatures shall be collected within the thirty (30) day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Real estate now owned or hereafter owned by the Municipality may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, such property shall be conveyed strictly in accordance with the conditions of sections 18-1001 to 18-1006 R.S. Neb.

(3) Following (a) passage of the resolution direction a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right of remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The Municipal Clerk shall upon passage of such ordinance certify the name of the purchaser to the Register of Deeds of the county in which the property is located.

(4) This section shall not apply to the sale of real and personal property if the authorizing resolution directs the sale of an item or items of real and personal property the total fair market value of which is less than five thousand dollar (\$5,000.00). Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Municipality for a period of not less than seven (7) days prior to the sale of the property. Confirmation of the sale by passage of an ordinance may be required. (Ref. 17-503, 17-503.01 R.S. Neb.)

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

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval and publication or posting as required by law.

PASSED AND APPROVED THIS 22<sup>nd</sup> DAY OF JULY, 1996.

  
\_\_\_\_\_  
Mayor



Attest:

  
\_\_\_\_\_  
Municipal Clerk

(SEAL)

## ORDINANCE NO. 464

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Apptopriation Bill for the fiscal year beginning October 1, 1996 through September 30, 1997. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Fort Calhoun. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Washington County, Nebraska, for use by the levying authority.

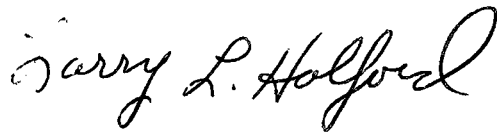
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Passed and adopted this 16th day of September, 1996.

Larry Halford, Mayor

ATTEST:

  
Rosalie Freburg  
Clerk



ORDINANCE NO. 465

AN ORDINANCE CONFIRMING SALE OF LOT FOUR (4), BLOCK EIGHTY-THREE (83), CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA; TO AUTHORIZE THE ISSUANCE OF A QUITCLAIM DEED TO THE PURCHASER; TO EXTINGUISH A SPECIAL ASSESSMENT LIEN IN FAVOR OF THIS CITY UPON SAID PROPERTY, AND TO AUTHORIZE THE CERTIFICATION OF THE NAME OF THE PURCHASER, THE TERMS OF SALE AND OF THIS PROCEEDINGS, TO THE REGISTER OF DEEDS OF WASHINGTON COUNTY, NEBRASKA.

WHEREAS, the City of Fort Calhoun, Washington County, Nebraska, a Municipal Corporation, is the owner of certain real property legally described as:

Lot Four (4), Block Eighty-Three (83), City of Fort Calhoun, Washington County, Nebraska,

by virtue of a Sheriff's Deed from the Sheriff of Washington County, Nebraska, dated February 23, 1996 and recorded in Deed Record Book 253 at pages 675 and 676 of the County Clerk and Ex Officio Register of Deeds of Washington County, Nebraska; said Sheriff's Deed taken pursuant to foreclosure proceedings involving the lien of this City by virtue of unpaid special assessments for Paving District No. 79-7, upon said property; and

WHEREAS, the City by virtue of Resolution No. 96-3, passed and signed July 22, 1996, authorized the sale of subject property by sealed bid for a minimum price of \$ 7500.00, said Resolution being lawfully and properly published once each week for three consecutive weeks in a legal newspaper in general circulation in said City; and

WHEREAS, the 30-day right-of-Remonstrance period following the third publication, having passed, and there being no remonstrance filed; and all other terms, requirements and conditions of Neb. Rev. Stats., Sec. 17-503 as amended (1993 Cum. Supp.), and of Sec. 8-105 of the Fort Calhoun Municipal Code, as amended, having been fully complied with, the subject property was exposed and offered for sale at the regular City Council meeting of Sept. 16, 1996; and

WHEREAS, at said meeting, pursuant to the published Agenda bids for the said property were opened; and it appearing that the highest bid acceptable to the Governing Body of this City was in the sum of \$ 12,100.00 from

Ritchie A and Mary J. Nelson, said bid was accepted upon motion duly made, seconded and unanimously passed.

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

Section 1. That the sale of Lot Four (4), Block Eighty-Three (83), City of Fort Calhoun, Washington County, Nebraska, to Ritchie A and Mary J. Nelson for the sum in cash of \$ 12,100.00, be, and the same hereby is confirmed.

Section 2. That the Mayor and the Municipal Clerk be and hereby are authorized and directed to execute and deliver a Quitclaim Deed conveying said property to the purchaser, upon receipt of the required monetary consideration, and to take such other and further actions as may be appropriate to the fulfillment of the terms of this sale.

Section 3. That the lien in favor of the City of Fort Calhoun, Washington County, Nebraska, for unpaid special paving assessments due Street Improvement District No. 79-7, upon the above-described property, be and hereby is extinguished and satisfied.

Section 4. That the Municipal Clerk certify the name of the purchaser, the terms of sale and of these proceedings, to the County Clerk, Ex Officio Register of Deeds of Washington County, Nebraska.

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

Passed and approved this 23<sup>rd</sup> day of ~~August~~<sup>Sept</sup>, 1996.

CITY OF FORT CALHOUN, NEBRASKA

Larry R. Halford  
Larry Halford, Mayor

ATTEST:

Rosalie Freburg  
Rosalie Freburg, Municipal Clerk

ORDINANCE NO. 466

AN ORDINANCE AMENDING SECTION 9-701 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO INCLUDE WITHIN THE UNIFORM CODES ADOPTED BY REFERENCE CERTAIN "STANDARD PLATES" PREPARED BY THE PUBLIC WORKS DEPARTMENT; DESIGN DIVISION, OF THE CITY OF OMAHA, NEBRASKA; AND TO FURTHER ADOPT BY REFERENCE A CODE OF STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION PREPARED AND UTILIZED BY THE CITY OF OMAHA, NEBRASKA; 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 found by the Mayor and City Council of the City of Fort Calhoun, Nebraska to be in the best interest of this City and its inhabitants to adopt by reference the published Code of "Standard Plates" prepared by the Public Works Department, Design Division, of the City of Omaha, Nebraska, to more fully supply design and construction detail explanatory of the relevant uniform codes previously adopted by reference and designated as Section 9-701 of the Fort Calhoun Municipal Code; and since it has been further determined by the Governing Body of this City that a Code of Standard Specifications for Public Works Construction, prepared and utilized by the City of Omaha, Nebraska, should also be adopted by reference in Ordinance form so as to furnish detail and guidance in the interpretation of all Public Works Construction contracts hereafter entered into by this City, NOW, THEREFORE,

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

Section 1. That the Uniform Building Code (UBC, 1991 Edition), the Uniform Plumbing Code (UPC, 1991 Edition), the Uniform Mechanical Code (UMC, 1991 Edition), the National Electrical Code (1993 Edition) and the Standard Plates prepared by the Public Works Department, Design Division, of the City of Omaha, Nebraska, are hereby adopted and incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended.

Section 2. That the Standard Specifications for Public Works Construction (1989 Edition) promulgated and utilized by the City of Omaha, Nebraska, are hereby adopted and incorporated by reference when the same is applicable to this City, in its present form and as it may hereafter be amended.

Section 3. That with respect to each of the two preceding sections, one (1) copy of each of said codes is filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time.

Section 4. All ordinances or parts of ordinances, including, but not limited to Section 9-701 of the Fort Calhoun Municipal Code, which are in conflict herewith, are hereby repealed.

Section 5. This Ordinance and amendment to the Fort Calhoun Municipal Code Section 9-701 shall be in full force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF NOVEMBER, 1996.

Larry R. Halford  
Mayor

Attest:

Rosalie Fredberg  
Municipal Clerk

# 467 ——— omitted

ORDINANCE NO. 468

AN ORDINANCE TO AMEND AND TO HARMONIZE ALL PROVISIONS OF THE MUNICIPAL CODE OF THIS CITY (ORDINANCE NO. 404, 10/17/88) AND OF ARTICLE 12 OF THE ZONING CHAPTER OF THE LAND DEVELOPMENT ORDINANCE OF THE CITY OF FORT CALHOUN (ORDINANCE NO. 459, 1/15/96), WITH EXISTING STATUTES OF THE STATE OF NEBRASKA INsofar AS THE CREATION OF, APPOINTMENT TO AND QUALIFICATION FOR AND CONTINUITY OF OFFICE, AND THE OPERATION OF A BOARD OF ADJUSTMENT, AND OF ITS POWERS AND PROCEDURES, TOGETHER WITH THE METHOD AND REQUIREMENTS OF APPEALS TO THE BOARD OF ADJUSTMENT, AND THE METHOD AND REQUIREMENTS OF APPEALS OF DECISIONS OF THE BOARD OF ADJUSTMENT TO THE DISTRICT COURT; TO REPEAL SECTIONS 2-202 AND 9-105 OF THE MUNICIPAL CODE OF FORT CALHOUN, AND 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. A Board of Adjustment is hereby established in strict conformity with Article 9 of Chapter 19 of the Revised Statutes of Nebraska, and as from time to time further amended; and shall have all of the powers and perform all of the duties set forth therein.

Section 2. Further, and without limiting the paramount nature of the foregoing, the Board of Appeals shall have the following powers and duties: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and (3) to grant or deny variances, explicitly following the provisions of subsection (3) of Section 19-910 Revised Statutes of Nebraska, and as from time to time further amended.

Within the scope of the foregoing all questions concerning interpretation or enforcement of the Zoning and Subdivision Chapters of the Land Development Ordinance of the City of Fort Calhoun (Ordinance No. 454, 1/15/96), shall first be



presented to the Planning Commission of this City; and any appeal from its decisions shall be made to the Board of Adjustment. Similarly, in the event it is claimed that the true intent and meaning of any Building Codes adopted by reference in the Municipal Code of this City have been wrongfully interpreted by the Building Inspector or other administrative official or agency, the person so-claiming may appeal to the Board of Adjustment through the office of the Municipal Clerk by following the Procedure for Appeals as set forth in subsection (b) of Chapter 12, Section 8 of the Zoning Chapter of the Land Development Ordinance of this City. Appeals from decisions of the Board of Adjustment shall be taken to the District Court of Washington County, Nebraska.

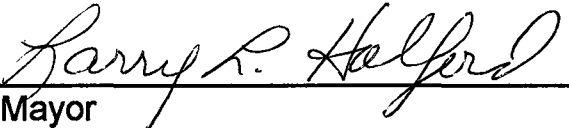
Section 3. The procedural rules and regulations governing the operation of the Board of Adjustment shall be those as set forth in Nebraska Revised Statutes Sections 19-907 through 19-912, and as may be from time to time further amended. The Board of Adjustment may also adopt any additional rules and regulations as may facilitate its operation.

Section 4. Membership upon the Board of Adjustment, the term of their appointment, the grounds and procedures for removal, and the filling of vacancies shall be governed by Nebraska Revised Statutes, Section 19-908, and as from time to time further amended.


Section 5. Sections 2-202 and 9-105 of the Municipal Code of this City, and any and all other ordinances or parts of ordinances in conflict herewith, are hereby expressly repealed.

Section 6. This Ordinance shall be in full force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 23<sup>rd</sup> DAY OF December, 1996.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Municipal Clerk

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 469

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1997-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF PAVING AND SUCH OTHER APPURTENANT IMPROVEMENTS AS MAY BE INCIDENTAL THERETO.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Twelfth Street, from the centerline of Monroe Street to the centerline of Clay Street, in the City of Fort Calhoun, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 1997-1, the outer boundaries of which shall contain the following property:

Beginning at the northwest corner of Lot 2, Block 22, Fort Calhoun Original Town Site, Washington County; thence northerly along the west line of said Lot 2 extended to its point of intersection with the centerline of Clay Street; thence easterly along the centerline of Clay Street to its intersection with the extended east line of Lot 3, Block 23; thence southerly along the extended east line of Lots 3 and 6, Block 23, and Lots 3 and 6, Block 37, to its intersection with the centerline of Monroe Street; thence westerly along the centerline of Monroe Street to its intersection with the extended west line of Lot 7, Block 37; thence northerly along the extended west line of Lots 7 and 2, Block 38 and Lots 7 and 2, Block 22, Fort Calhoun Original Town Site to the point of beginning.

The following Street within Street Improvement District No. 1997-1 shall be is hereby ordered improved by improvements consisting of grading and construction of paving and such other appurtenant improvements as may be incidental thereto.

Twelfth Street from the centerline of Monroe Street to the centerline of Clay Street, including intersections, within the City of Fort Calhoun, Nebraska.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 1997-1 shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 17<sup>th</sup> day of March, 1997.

Larry R. Halford  
Mayor

ATTEST:

Rosalie Stebbins  
City Clerk

(SEAL)

Publish: March 25, 1997

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 470

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1997-2; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF PAVING AND SUCH OTHER APPURTENANT IMPROVEMENTS AS MAY BE INCIDENTAL THERETO.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Adams Street from Street east a distance of 1/2 block, in the City of Fort Calhoun, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 1997-2, the outer boundaries of which shall contain the following property:

Beginning at southwest corner of Lot 4 Block 35 Fort Calhoun Original Town Site, Washington County; thence westerly along the south line of said Lot 4 extended to its point of intersection with the centerline of 10th Street; thence north along the centerline of 10th Street to its intersection with the extended north line of Lot 5, Block 25; thence easterly along the extended north line of Lots 5 and 6 of Block 25, to its intersection with the east line of said Lot 6; thence south along the east line of said Lot 6, Block 25 and Lot 3, Block 35, to its intersection with the south line of said Lot 3; thence west along the south line of said Lots 3 and 4, Block 35, Fort Calhoun Original Town Site to the point of beginning.

The following Street within Street Improvement District No. 1997-2 shall be is hereby ordered improved by improvements consisting of grading and construction of paving and such other appurtenant improvements as may be incidental thereto.

Adams Street from the centerline of 10th Street east, a distance of 1/2 block, within the City of Fort Calhoun, Nebraska.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 1997-2 shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 17<sup>th</sup> day of March, 1997.

Larry R. Halford  
Mayor

ATTEST:

Rosalee Steuberg  
City Clerk

(SEAL)

Publish: March 25, 1997

ORDINANCE NO. 471

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, 1997; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; 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:

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, 1997

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) or Ordinance No. 315 of the Revised and Compiled Ordinances of the City of Fort Calhoun, Nebraska, shall be according to the following schedule:

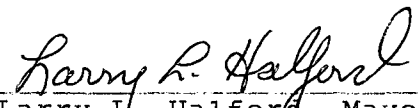
SIZE	METER TYPE	CONTINUOUS <sup>1</sup> FLOW RATING	FLOW RATIO	CAPITAL FACILITIES CHARGE
5/8"	DISC	10 gpm	1	\$ 671
3/4	DISC	15	1.5	1,006
1	DISC	25	2.5	1,676
1-1/2	DISC	50	5	3,352
2	DISC	80	8	5,362
2	TURBO	160	16	10,727
3	COMPOUND	160	16	10,727
3	TURBO	350	35	23,462
4	COMPOUND	250	25	16,760
4	TURBO	1000	100	67,037
6	COMPOUND	500	50	33,519
6	TURBO	2000	200	134,075
8	TURBO	3500	350	234,631
10	TURBO	5500	550	368,707

<sup>1</sup> Manufacturer's rating

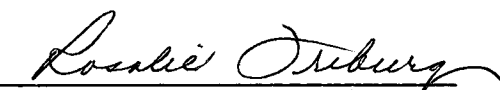
THAT all ordinances in conflict herewith are hereby repealed.

AND 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 21<sup>st</sup> day of April, 1997.

  
Larry L. Halford, Mayor

ATTEST:

  
Rosalie Freburg, City Clerk

ORDINANCE NO. 474

AN ORDINANCE GOVERNING DRIVEWAY APPROACHES WITHIN THE CITY OF FORT CALHOUN, NEBRASKA AND WITHIN ITS EXTRATERRITORIAL JURISDICTION; TO REQUIRE A PERMIT FOR THE PLACEMENT, CONSTRUCTION, RECONSTRUCTION, USE OR REPAIR OF DRIVEWAY APPROACHES WITH ANY PART OF A STREET OR HIGHWAY; TO PROVIDE DEFINITIONS OF TERMS; TO SET FORTH FEES FOR SUCH PERMITS; TO PRESCRIBE SAFETY STANDARDS FOR SUCH PERMITS AND DESIGN CRITERIA TO BE ESTABLISHED; TO REQUIRE APPROVAL IN CERTAIN CASES BY THE CITY ENGINEER BEFORE ISSUANCE OF SUCH PERMITS; TO PROVIDE FOR CANCELLATION, REVOCATION OR MODIFICATION OF PERMITS; TO REQUIRE REPAIRS AND MAINTENANCE OR REMOVAL OF DRIVEWAYS UNDER CERTAIN CIRCUMSTANCES AT COST OF THE OWNER OR ABUTTING PROPERTY OWNERS, AND THE ASSESSMENT OF SUCH COST; TO PROVIDE FOR APPEALS; TO REPEAL MUNICIPAL CODE SECTION 8-318 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. Policy. It is the policy of the City to promote the safe and efficient travel of persons on the public right-of-way and to preserve the capacity of the roadway to accommodate such travel.

The issuance, denial, modification, and revocation of driveway approach permits and the ordering of the removal, reconstruction, relocation, repair or alteration of any driveway approach may be used to implement this policy.

Section 2. Application. The provisions of this article shall be applicable in the city and in any unincorporated area within one mile of the corporate limits of the city, as scaled from the official City Zoning Map.

Section 3. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

- (a) *City* shall mean the City of Fort Calhoun, Washington County, Nebraska.

(b) *Driveway approach*: An area between the roadway of public street or highway and private property intended to provide access for vehicles from the roadway of a public street or highway to private property.

(c) *Person* shall mean and include a person, a corporation, or any type of business or nonbusiness organization.

(d) *Regulations* shall mean the City guidelines and regulations for driveway design and location as approved and adopted by the City Council through resolution.

(e) *Roadway*: That portion of a street or highway improved, designed or ordinarily used for vehicular traffic.

Section 4. Permit Required. It shall be unlawful for any person, without first having obtained a permit or after a permit has been canceled pursuant to this chapter, to construct, reconstruct, use, or allow to exist, any driveway approach, whether or not any part of the street or highway roadway is unpaved, curbed or otherwise paved. It also shall be unlawful for any person to cut, deface, break out or remove any curbing or gutter of any street or highway without first having obtained a permit therefor. It shall also be unlawful for any person making a change in land use to any property, the scope of which requires a certificate of occupancy, whether or not served by an existing drive approach, to utilize any driveway approach thereto without first obtaining a permit therefor related to such new use.

Section 5. Application for Permit. Any person desiring a permit required by the provision of this division shall first make application to the City upon the written form provided for that purpose. Such form shall require as much information in as much detail as is necessary to show that the work will be carried out in conformity with this article and the regulations adopted pursuant to this article.

Section 6. Fees for Permits and Costs for Traffic Studies. Before any permit shall be issued under the provisions of this article, the applicant therefor shall pay a fee of one dollar (\$1.00) per lineal foot of driveway approach as determined at its greatest width; provided, credit shall be given at the same rate per lineal foot for existing lawful driveway approaches, where the permit is for a change in such approach. In addition, any traffic impact studies required by virtue of an application for a driveway approach permit, any related or comparable studies involving signage or speed limits, or other costs payable or reimburseable to the City Engineer to study or investigate such applications, shall be at the sole expense of the Applicant for a driveway approach permit.



**Section 7.** Driveway Approach Standards. The following are permit terms and all driveway approaches which are required to have driveway approach permits shall comply with these standards.

The driveway approaches shall be designed so that under the circumstances for the property:

- (a) Reasonable access from the roadway to the property is afforded
- (b) The separation between the driveway approach and other driveway approaches and intersections is the minimum allowable as prescribed by the design criteria referred to in Section 8 hereof;
- (c) The area and number of points where conflicts can occur between vehicles using the driveway approach and through vehicles on the roadway and pedestrians on the public right-of-way is kept to a minimum;
- (d) The differential in speeds between the vehicles using the driveway approach and through vehicles on the roadway is kept as low as practical;
- (e) The driver of a vehicle entering or leaving the roadway from a driveway has the maximum unobstructed view of other vehicles using the roadway;
- (f) The optimum safety and efficiency of right- and left-turning vehicles using the driveway is afforded;
- (g) The frequency of vehicles which must stop or substantially reduce their speed on the roadway because of the actions of vehicles entering or leaving the driveway approach is considered;
- (h) The safety, efficiency, and capacity of the roadway is promoted.

"Designed" as used in this section shall include, but is not limited to, the number, size and location of the driveway approach. In addition to the standards of this section, driveway approaches shall also comply with the driveway approach standards as set forth in the regulations.

**Section 8.** Design Criteria. The City Engineer is authorized to establish guidelines and regulations for the design, location and construction of driveway approaches

which provide access from any public street or highway to any private property. When such regulations and amendments thereof have been adopted by resolution of the City Council, they shall be the official regulations for driveway approach design, construction and location.

Section 9. Temporary Nature, Revocation, Modification of Permit. A driveway approach permit is temporary in nature, revocable, and modifiable by the City. The City may cancel any permit issued under the provisions of this article at any time when the continuation of the right under the permit constitutes a traffic hazard or any condition not beneficial to the public welfare, or where the property served has undergone a change in land use requiring a different construction or design of the driveway approach or approaches.

Section 10. Obligation to Restore. When any permit for constructing a driveway approach has been canceled, surrendered or terminated, or where no permit has been granted for the driveway approach, the permit holder or the owner of the affected property shall be responsible for the cost necessary to replace or restore the curb, sidewalk and other parts of the right-of-way. This obligation shall be a condition upon which permits shall be issued under the provisions of this division. It shall be unlawful to refuse or neglect to replace or restore the curb, sidewalk and other parts of the right-of-way as provided in this section.

Section 11. Compliance with Article. It shall be unlawful for any person to do any of the acts described in this article except to the extent and in the manner authorized by the permit so obtained and by the provisions of this article.

Section 12. Inspection, Approval. Before any permit can be issued under the provisions of this division, the application therefor shall be investigated and approved by the City, which may employ the City Engineer or other experts for the purpose.

Section 13. Terms of Permit; Unlawful to Violate. The terms of this permit are the Municipal Code, the regulations, the site plan and design approved by the City and other such terms which are placed in writing on the site plan or permit by the City. It shall be unlawful to use, construct, reconstruct, relocate or alter a driveway approach in any manner not authorized by the permit terms.

Section 14. Time Limit; Extension. Any person receiving a permit under the provisions of this division shall proceed within six (6) months, at his own expense, to do the things therein permitted. If the work is not substantially complete at the end of the six (6) month period, the permit shall be void unless an extension is granted in writing by the City.

Section 15. Maintenance work - Order authorized. The City or the City Engineer, when employed by the City for this purpose, is authorized to order and effect the removal, reconstruction, relocation or repair of any driveway approach which is causing damage to, or is likely to cause damage to, or interfere with, any street structures, including pavement or sidewalks. Such order shall be sent to the last known address of the abutting property owner by registered letter or certified mail and shall set out the reasons why it is given and the method and materials to be utilized in making the removal, reconstruction, relocation or repair so ordered. If within thirty (30) days of mailing such notice, the property owner fails or neglects to cause such repairs or replacements to be made, the City, or the City Engineer, if so employed, may cause such work to be done, the cost of which shall be assessed upon the property served by such approach.

Section 16. Appeals. Any person aggrieved by the issuance, denial or cancellation of any permit or other order issued under the provision of this article may appeal from such issuance, denial or cancellation or order to the Board of Adjustment by complying with all of the provisions of law pertinent to the same.

Section 17. Repealer. Section 8-318 of the Municipal Code of Fort Calhoun and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 18. 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 28<sup>th</sup> DAY OF May, 1997.

Harry R. Halford  
Mayor Fort Calhoun, Nebraska

ATTEST:

Rosalee Steubing  
Municipal Clerk

(SEAL)

ORDINANCE NO. 475

AN ORDINANCE relating to building permits and building regulations, the powers, duties and responsibilities of the Municipal Building Inspector, and of the Fort Calhoun Planning Commission and the Fort Calhoun Board of Adjustment; to provide definition of terms; and further relating to sidewalks, curbs and gutters, the moving of buildings, the definition and prohibition of unsafe buildings, their repair and demolition; to amend Sections 1-216, 8-202, 8-205, 8-401, 9-101, 9-106, 9-201, 9-301, 9-302, 9-403, and 9-404 of the Fort Calhoun Municipal Code, as amended; to provide powers and duties for the Governing Body of Fort Calhoun, the Municipal Building Inspector, the Fort Calhoun Planning Commission, the Fort Calhoun Board of Adjustment, and of other appointed and elected officials of this City; to provide for the transfer of powers and duties to the Municipal Building Inspector, the Fort Calhoun Planning Commission, the Fort Calhoun Board of Adjustment and to other law enforcement and safety authorities; to harmonize provisions of this Ordinance with other provisions of the Fort Calhoun Municipal Code, as amended, and all building and safety regulations adopted by reference; and with the Zoning and Subdivision Chapters of the Land Development Ordinance of the City of Fort Calhoun, as amended; to outright repeal Section 9-202 of the Fort Calhoun Municipal Code; to repeal the original Sections, as identified above, of the Fort Calhoun Municipal Code and of all other Ordinances or parts of Ordinances in conflict herewith; to provide for severability; and to provide when this Ordinance shall be fully effective.

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

Section 1. Section 1-216 of the Fort Calhoun Municipal Code is hereby amended to read:

§1-216 DEFINITION OF TERMS; APPOINTED OFFICIALS;  
MUNICIPAL BUILDING INSPECTOR.

(A) Definition of Terms: As used throughout this Ordinance the following definitions of terms shall apply. As the context may require the masculine shall include the feminine, the singular shall include the plural, and vice-versa.

"Board of Adjustment" shall mean the Board of Adjustment of the City of Fort Calhoun, Nebraska.

"Building Inspector" shall mean the Building Inspector of the City of Fort Calhoun, Nebraska.

"City" or "Municipality" shall mean the City of Fort Calhoun, Washington County, Nebraska, and the term "Municipal" shall refer to the same.

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

"Land Development Ordinance" shall mean Ordinance No. 454 of this City, adopted January 15, 1996, as amended.

"Municipal Code" shall mean the Fort Calhoun Municipal Code adopted October 17, 1988 by Ordinance No. 404 of this City, as amended.

"Person" shall mean, as the context may require, all natural persons, and all associations, partnerships, corporations, limited liability companies and similar types of business organizations, and all trustees, receivers, referees, administrators or other personal representatives in possession.

"Planning Commission" shall mean the Planning Commission of Fort Calhoun, Nebraska.

✓ (B) The Building Inspector shall conduct surveys and make inspections in any area of the Municipality to determine whether all buildings and structures are in compliance with the Municipal Ordinances. He shall investigate all complaints whether they are verbal, written, or in the form of a petition alleging, and charging that a violation of the Municipal Ordinances exists, and that a building, or structure is unfit, or unsafe for human habitation. The Building Inspector is authorized upon properly identifying himself to enter, inspect, survey, and investigate between the hours of eight (8:00) o'clock a.m., and five (5:00) o'clock p.m., or at any time if an emergency exists, or if requested by the owner, or occupant thereof. He shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection, and he shall prepare an annual report including statistics based on the records kept. The Building Inspector shall have no financial interest in the furnishing of labor, materials, or appliances for the construction, alteration, or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer, or as an agent for the sale, lease, or rental of any real estate. The Building Inspector shall report to the Governing Body and to the Planning Commission as often as they may deem necessary, and shall have such other duties as either body may direct. The Building Inspector may be removed at any time for good and sufficient cause by the Governing Body. The Building Inspector may also function as the Plumbing, Electrical, and Zoning Inspector.

## Section 2.

Section 8-202 of the Fort Calhoun Municipal Code is hereby amended to read:

### §8-202 SIDEWALKS; BENEATH.

✓ No person shall be allowed to keep or use the space beneath the sidewalk lying between lot line and curb line unless a permit therefor shall have been obtained from the Planning Commission. Before any permit shall be granted, the applicant for said permit shall submit plans and specifications of any present or proposed construction to the Planning Commission, which may refer them for evaluation to the Municipal Engineer. Should such plans or specifications be disapproved by the Municipal Engineer or the Planning Commission, no permit shall be granted therefor. All permits hereafter granted shall continue only upon the condition that the party receiving the same shall build, maintain and keep in repair a sidewalk over such space used or constructed to be used and pay all damages that may be sustained by any person by reason of such use or the reason of said sidewalk being defective or in a dangerous condition. As a condition precedent to the issuance or continuance of any permit for the use of any space underneath the Municipal sidewalks as herein contemplated, the Planning Commission may require applicant to furnish a bond to the Municipality as obligee for the benefit of any person or persons who may suffer any damage or damages by reason of such use. The bond shall be in such sum as the Planning Commission in its discretion, may designate.

Section 3. Section 8-205 of the Fort Calhoun Municipal Code is amended to read:

### §8-205 SIDEWALKS; CONSTRUCTION BY OWNER.

Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

✓ Said owner shall make application in writing for a permit and file such application in the office of the Municipal Clerk. The permit shall give a description of the lot, or piece of land along which the sidewalk is to be constructed. The official in charge of sidewalks shall issue the desired permit unless good cause shall appear why said permit should be denied; Provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Municipal official in charge of sidewalks shall submit the application to the Planning Commission which shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed said sidewalk at any other location, grade or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade, or elevation, and if there is no established grade, then on the grade or elevation indicated by the Municipal official in charge of sidewalks.

Section 4. Section 8-401 of the Fort Calhoun Municipal Code is amended to read:

§8-401 CURB AND GUTTER; CUTTING CURB; PERMIT REQUIRED.

It shall be unlawful for any person to cut, break, remove or alter any curbing, alley, driveway approach, sidewalk, or any vehicular access on any public right-of-way in the City of Fort Calhoun and surrounding one (1) mile limit without a permit. Permits are issued by the Municipal Clerk after receiving approval and payment of fees as provided.

The Planning Commission will review and approve all permits. All driveway permits issued for property located outside the City limits and within the extraterritorial jurisdiction may also be reviewed and approved by the City Engineer.

Applications for permits shall be upon forms furnished by the Municipal Clerk and shall specify the name of the applicant, the location of the property in front of which the driveway approach is to be repaired and/or constructed, and the number of lineal feet to be repaired and/or constructed. A sketch or plot plan shall be submitted with each request. The plan shall indicate the proposed driveway construction, together with all existing street lights, standards, poles, signs, sidewalk boxes, fire hydrants, property lines, adjacent driveways and any other obstructions. Minimum sight distance must be provided at all access points.

Alternatively, and at the discretion of the Governing Body, upon recommendation of the Planning Commission, the City may do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit.

Before any permit is issued by the City, the applicant for such permit shall deposit with the Municipal Treasurer a sum set by resolution of the Governing Body for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Municipality for the purpose or replacing the paving, curb, or sidewalk, in the event the work is done by the Municipality. In the event the Municipality elects to require the applicant to replace the paving, curb or sidewalk, the deposit shall be retained by the Municipality until the work is completed to the satisfaction of the City.

Additionally, and upon recommendation of the Planning Commission, the Governing Body may, at its discretion, require that the applicant execute a bond to the Municipality with a good and sufficient surety or sureties to be approved by the Governing Body, and in a sum set by resolution of the Governing Body.

Section 5. Section 9-101 of the Fort Calhoun Municipal Code is amended to read:

**§9-101 BUILDING INSPECTOR; POWERS AND AUTHORITY.**

The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, moved or demolished in the Municipality as often as necessary to ensure compliance with all Municipal ordinances. He shall have the power and authority to order at the direction of the Planning Commission all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein. He shall at the direction of the Planning Commission issue permission to continue any construction, alteration or relocation, when the Planning Commission is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one (1) hour. Such written order may be served by any peace officer.

**Section 6.**

Section 9-106 of the Fort Calhoun Municipal Code is amended to read:

**§9-106 BUILDING INSPECTOR; BARRICADES AND LIGHTS.**

It shall be the duty of the owner, tenant or lessee causing the construction, demolition or moving of any building or improvement within the Municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect or refusal of such persons to erect such guards shall constitute a violation of this Section and the Building Inspector or any other law enforcement authority which shall have police jurisdiction within the zoning and building jurisdiction of the City, shall stop all work until guards are erected and maintained as required.

**Section 7.**

Section 9-201 of the Fort Calhoun Municipal Code is amended to read:

**§9-201. BUILDING PERMITS.**

Any person desiring to commence or proceed to erect, construct, repair, enlarge, remodel or rehabilitate any building or dwelling such as to result in a structural alteration, or to demolish, or relocate such building or dwelling, or cause



the same to be done, shall file with the Municipal Clerk for consideration by the Planning Commission, an application for a building permit, and shall fully comply with all the requirements of the Zoning and Subdivision Chapters of the Land Development Ordinance of the this City. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon. The application, plans and specifications so filed with the Municipal Clerk shall be checked and examined by the Planning Commission and if they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the Planning Commission shall authorize the Municipal Clerk to issue the said applicant a permit upon payment of the permit fee set by resolution of the Governing Body.

#### Section 8.

Section 9-202 of the Fort Calhoun Municipal Code is hereby expressly repealed.

#### Section 9.

Section 9-301 of the Fort Calhoun Municipal Code is amended to read:

#### §9-301. BUILDING MOVING; REGULATIONS.

It shall be unlawful for any person, firm or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Planning Commission may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all of the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which said building is presently located. The Municipal Clerk shall refer the said application to the Municipal Police or to any other law enforcement authority which shall have police jurisdiction within the zoning and building jurisdiction of the City, for approval of the proposed route over which the said building is to be moved. Upon approval of the Planning Commission, the Municipal Clerk shall then issue the said permit; provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by action of the Governing Body, upon recommendation of the Planning Commission, and conditioned upon moving said building without doing damage to any private or Municipal property is

filed with the Municipal Clerk prior to the granting of any permit. No moving permit shall be required to move a building that is ten (10') feet wide, or less, and twenty (20') feet long, or less, and when in a position to move, fifteen (15') feet high, or less. In the event it will be necessary for any licensed building mover to interfere with any electric, telephone, telegraph, cable television, or other wires, or a gas, water, sewer or other utility line, the company or companies owning, using, or operating the said poles, wires or lines shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. All expense of the said disconnection, removal or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and to do so such work as is necessary. (Ref. 39-6,1772, 39-6,180, 39-6,184, 77-1725 RS Neb.)

#### Section 10..

Section 9-302 of the Fort Calhoun Municipal Code is amended to read:

#### §9-302 BUILDING MOVING; DEPOSIT.

At such time as the building moving has been completed, the Building Inspector shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Building Inspector, the Municipal Clerk shall return the corporate surety bond, cash or check deposited by the applicant. In the event the basement, foundation or portion thereof of the original location of the building is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the Governing Body, upon recommendation of the Planning Commission, as required herein, the City may recover such excess expense by civil suit or otherwise as prescribed by law.

#### Section 11.

Section 9-403 of the Fort Calhoun Municipal Code is amended to read:

**§9-403. UNSAFE BUILDINGS; DETERMINATION AND NOTICE.**

Whenever the Building Inspector, the Governing Body, the Planning Commission, or any other federal, state or municipal official, or an official of any other political subdivision of this state, whose authority, jurisdiction or duties include the enforcement of laws and regulations relating to fire, safety or health, shall be of the opinion that any building or structure in the Municipality is an unsafe building, he, she or it shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe or dangerous condition; and that such condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

"To. \_\_\_\_\_(owner-occupant of premises) of the premises known and described as \_\_\_\_\_

"You are hereby notified that \_\_\_\_\_(describe building) on the premises above mentioned has been determined to be an unsafe or dangerous building and a nuisance after inspection by \_\_\_\_\_ (name). The causes for this decision are: \_\_\_\_\_ (here insert the facts as to the dangerous condition).

"You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality shall proceed to do so. Appeal of this determination may be made to the Board of Adjustment of this City, by filing with the Municipal Clerk within ten (10) days from the date of receipt of this notice a request for hearing."

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that an unsafe or dangerous building exists within ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the Governing Body, proceed to remedy the condition or demolish the unsafe or dangerous building. (Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.)

## Section 12.

Section 9-404 of the Fort Calhoun Municipal Code is amended to read:

### §9-404. UNSAFE BUILDINGS; HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the Municipal Clerk request a hearing before the Board of Adjustment to present reasons why the building should not be repaired or demolished. The Board of Adjustment shall grant such hearing within ten (10) days from the date of receiving the request. A written notice of the decision by the Board of Adjustment following the hearing shall be sent to the property owner by certified mail. If the Board of Adjustment rejects the appeal, the owner shall have five (5) days from the sending of the decision to begin repair or demolition and removal. If after the five (5) day period the owner has not begun work, the City shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the Board of Adjustment shall be stayed. Should building and other codes adopted by the Municipality fail to specifically cover such matters, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply. (Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.)

Section 13. Original sections 1-216, 8-202, 8-205, 8-401, 9-101, 9-106, 9-201, 9-301, 9-302, 9-403, 9-404 of the Fort Calhoun Municipal Code ), as amended; and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## Section 14.

The provisions and sections of this Ordinance are hereby declared to be independent of each other, separate and severable; and should any court of competent jurisdiction find that any provision or section hereof is in conflict with or in violation of law; then the remaining provisions and sections shall remain and be fully enforceable.

## Section 15.

Neither this Ordinance nor any codes or regulations adopted hereunder by reference shall be construed as abating any action now pending under or by virtue of any prior Ordinance, codes or regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any

person , or as waiving any right of the Municipality under any sections or provisions existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, by lawful action of the Municipality except as shall be specifically provided for herein. Further, and more specifically, repeals of prior Ordinances shall not affect or prevent the prosecution and punishment of any person for the violation of any Ordinance repealed hereby, for any offense committed prior to the repeal.

Section 16. This Ordinance shall be in full force and effect following its passage, approval and publication as by law provided.

PASSED AND APPROVED THIS 23<sup>rd</sup> DAY OF June, 1997.

CITY OF FORT CALHOUN, NEBRASKA

Larry L. Halford  
Mayor

ATTEST:

Rosalie Hickung  
Municipal Clerk

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 476

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1997-4; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF CURBING AND GUTTERING, PAVING, STORM DRAINAGE AND SUCH OTHER APPURTENANT IMPROVEMENTS AS MAY BE INCIDENTAL THERETO.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Thirteenth Street from the centerline of Clark Street to the north line of Stevenson Street, in the City of Fort Calhoun, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 1997-4, the outer boundaries of which shall contain the following property:

Beginning at the southwest corner of Lot 10, Block 105, Fort Calhoun Co.'s Addition to the City of Fort Calhoun, Washington County, Nebraska; thence south to the centerline of Clark Street; thence east along the centerline of Clark Street to the intersection of the south extension of the east line of Lot 9, Block 104, Fort Calhoun Co.'s Addition; thence north along said extended line and the east line of Lots 4 and 9 of said Block 104 to the northeast corner of Lot 4 of said Block 104; thence continuing north along the extended east line of Lot 4 and 9 of said Block 104 to the intersection of the east extension of the north right of way of Stevenson Street; thence west along said extended line and the north right of way of Stevenson Street to the southwest corner of Lot 10, Block 72, Fort Calhoun Co.'s Addition; thence south to the northwest corner of Lot 3, Block 89, Fort Calhoun Co.'s Addition; thence south along the west line of Lot 3 and 10 of Block 89, Fort Calhoun Co.'s Addition and the west line of Lot 3 and 10, Block 105, Fort Calhoun Co.'s Addition to the point of beginning.

The following Street within Street Improvement District No. 1997-4 shall be is hereby ordered improved by improvements consisting of grading and construction of curbing and gutter paving, storm drainage, and such other appurtenant improvements as may be incidental thereto.

Thirteenth Street from the centerline of Clark Street to the north line of Stevenson Street, including intersections, within the City of Fort Calhoun, Nebraska.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said

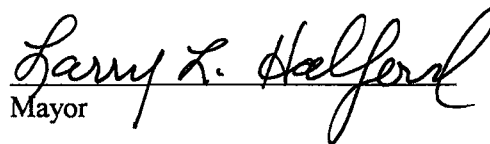
improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 1997-4 shall be published in the Enterprise, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

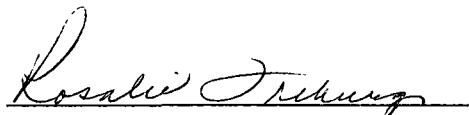
Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 23rd day of June, 1997.

  
Mayor

ATTEST:

  
City Clerk

(SEAL)

Publish: June 26, 1997 (Enterprise)

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 477

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1997-5; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF CURBING AND GUTTERING, PAVING, STORM DRAINAGE AND SUCH OTHER APPURTENANT IMPROVEMENTS AS MAY BE INCIDENTAL THERETO.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that Twelfth Street from the centerline of Monroe Street to the north line of Adams Street, in the City of Fort Calhoun, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 1997-5, the outer boundaries of which shall contain the following property:

Beginning at the southwest corner of Lot 7, Block 22, Original Townsite of Fort Calhoun, Washington County, Nebraska; thence easterly along the south line of Lots 7 and 8, Block 22, Original Townsite of Fort Calhoun, and Lots 5 and 6, Block 23, Original Townsite of Fort Calhoun, and the northerly right-of-way line of Adams Street to the southeast corner of Lot 6, Block 23; thence south to the northeast corner of Lot 3, Block 37, Original Townsite of Fort Calhoun; thence south along the east line of Lots 3 and 6, Block 37 to the southeast corner of Lot 6, Block 37; thence continuing south along the southerly extension of the east line of said Lot 6, Block 37 to the centerline of Monroe Street; thence west along the centerline of Monroe Street to the intersection of the southerly extension of the west line of Lot 7, Block 38 Original Townsite of Fort Calhoun; thence north along said extended line and the west line of Lot 2 and 7, Block 38 to the northwest corner of Lot 2 of said Block 38; thence continuing north along the northerly extension of the west line of Lot 2, Block 38 to the point of beginning.

The following Street within Street Improvement District No. 1997-5 shall be is hereby ordered improved by improvements consisting of grading and construction of curbing and gutter, paving, storm drainage, and such other appurtenant improvements as may be incidental thereto.

Twelfth Street from the centerline of Monroe Street to the north line of Adams Street, within the City of Fort Calhoun, Nebraska.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said



improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 1997-5 shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 28th day of July, 1997.

Larry L. Halford  
Mayor

ATTEST:

Rosalie Johnson  
City Clerk

(SEAL)

Publish: July 31, 1997, Enterprise

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 478

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 1997-1 OF THE CITY OF FORT CALHOUN, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF WATER MAINS AND WATER LINES WITHIN SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND COST ESTIMATES AS PREPARED BY THE ENGINEER IN CONNECTION THEREWITH AND ON FILE WITH THE CITY CLERK.

BE IT ORDAINED BY THE MAYOR AND CITY 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 and advisable to extend the municipal water system beyond the existing system by the construction of water mains and water lines and appurtenant improvements and that for the purpose of constructing said water mains there is hereby created Water Extension District No. 1997-1 of the City of Fort Calhoun, pursuant to authority granted in Section 19-2402, R.R.S. Neb. 1943.

Section 2. The outer boundaries of Water Extension District No. 1997-1 shall be described as follows:

Beginning at the southeast corner of Lot 6, Block 52, Original Townsite of Fort Calhoun, Washington County, Nebraska; thence south along the southerly extension of the east line of Lot 6, Block 52 to the centerline of Court Street; thence west along the centerline of Court Street to the intersection of the southerly extension of the west line of Lot 7, Block 51, Original Townsite of Fort Calhoun; thence north along said extended line and the west line of Lots 7 and 2, Block 51, Block 39, Block 21, Block 8, Original Townsite of Fort Calhoun to the northwest corner of Lot 2, Block 8; thence northerly to the southwest corner of Lot 10, Block 105, Fort Calhoun Co.'s Addition; thence north along the west line of Lot 10 and 3, Block 105 and Lot 10, Block 89, Fort Calhoun Co.'s Addition, to the southeast corner of Lot 3, Block 89; thence west along the south line of Lots 4, 5 and 6, Block 89, to the southwest corner of said Lot 6, Block 89; thence continuing west along the westerly extension of the south line of said Lot 6, Block 89, to the centerline of U.S. Highway 75; thence north along the centerline of said U.S. Highway 75 to the intersection of the westerly extension line of the centerline of the vacated alley in Block 72, Fort Calhoun Co.'s Addition; thence east along the westerly extension line of the centerline of the vacated alley in Block 72 to the intersection of the northerly extension of the east line of Lot 4, Block 104, Fort Calhoun Co.'s Addition; thence south along the northerly extension of the east line of Lot 4, Block 104 to the northeast corner of said Lot 4, Block 104; thence continuing south along the east line of Lot 4 and 9, Block 104 to the southeast corner of said Lot 9, Block 104; thence southerly, to the northeast corner of Lot 3, Block 7, Original

Townsite of Fort Calhoun; thence south along the east line of Lots 3 and 6, Block 7, Block 22, Block 38, Block 52, Original Townsite of Fort Calhoun, to the point of beginning.

The size, location and terminal points of the water mains in said District shall be as follows:

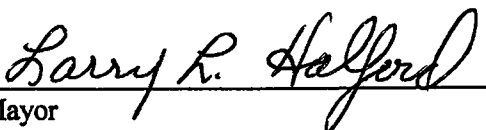
An 8 inch water main in Steveson Street from its intersection with 14th Street easterly in the Steveson right-of-way to the intersection of Steveson Street and 13th Street; thence southerly in the 13th Street right-of-way to the intersection of 13th Street with Court Street, said improvements to include hydrant branches, gate valves and all related appurtenances.

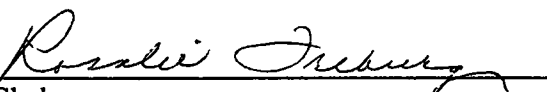
Section 3. Reference is hereby made to the plans and specifications for said water extensions, which have been prepared by The Schemmer Associates Inc., special engineers for the City, and which, together with said engineers' estimate of the total cost for the proposed water extensions, have heretofore been filed with the City Clerk.

Section 4. The engineers' estimate of total cost for the proposed water extension improvements in said District is \$128,500.

Section 5. The Mayor and Council hereby find and determine that none of the properties located within said District are presently served by the City's existing system of water service and that said District constitutes an area of land located apart and outside the area served and benefited by said system and all of the property in said District is located within the City of Fort Calhoun, Nebraska, or within one mile of the corporate limits of the City of Fort Calhoun, Nebraska.

Passed and approved this 28th day of July, 1997.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

[SEAL]

Publish: July 31, 1997, Enterprise

ORDINANCE NO. 479

FILED

97 SEP -5 PM 12:26

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BY AIR MAIL

AN ORDINANCE TO AUTHORIZE AND DIRECT THAT TITLE AND POSSESSION OF CERTAIN REAL PROPERTY, AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY, BE ACQUIRED BY EXCHANGE OR GIFT FOR THE USE OF THE CITY OF FORT CALHOUN, NEBRASKA; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska, has found and determined it to be in the best interest of the City and of its inhabitants, residents, and owners of property within the City, to accept from Duane R. Sprick and Carol Ann Sprick, husband and wife, as an even exchange of properties, and as a gift or sale, a conveyance to the City by Warranty Deed in fee simple absolute, of a certain tract or parcel of land owned by them and located outside of the present corporate limits of this City; the same generally referred to as being an unplatted and presently undedicated extension of Stevenson (sometimes spelled "Steveson") Street for one block to the East of its present Easterly termination point; and being specifically depicted and legally described upon the map, plat or survey attached hereto, marked as Exhibit "A", and by this reference made a part of this ordinance, and

WHEREAS, it has been further found by the Governing Body that in consideration of the above-described conveyance to the City of Fort Calhoun, the City will, at the instance and request of the Spricks, by separate ordinance, vacate a one block portion of Grant Street from 12th Street to 13th Street, and that the exchange of these properties of relative equal value, whether considered as a gift or sale, is intended by the parties to be without tax consequences, and

WHEREAS, the Governing Body further finds that pursuant to Section 17-501 of the Revised Statutes of Nebraska, as amended, it has full power, authority and jurisdiction to authorize and direct that the above-described real property be acquired by either purchase or gift, Now Therefore,

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

Section 1 Pursuant to the provisions of Section 17-501 of the Revised Statutes of Nebraska, as amended, the City of Fort Calhoun, Nebraska, is hereby authorized and directed to acquire title to and possession of the real

property depicted and legally described upon the map, plat or survey which is attached hereto, marked and identified as Exhibit "A", and by prior reference made a part of this ordinance. It is further ordained that passage and approval of this ordinance shall also constitute acceptance by the City of a separate Dedication of the described property by the said Spricks to the City.

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

Section 3 That the Mayor and Municipal Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purposes and intent of this ordinance.

Section 4 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 20<sup>th</sup> DAY OF September, 1997.

Harry L. Halford  
Mayor

Attest:

Rosalie Treburg  
Municipal Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 3248  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 5th DAY OF September A.D. 19 97  
AT 12:36 O'CLOCK P. M. AND RECORDED IN BOOK  
271 AT PAGE 27-32  
COUNTY CLERK Charlotte S. Petersen  
DEPUTY Karen Madsen

ORDINANCE NO. 480

FILED

97 SEP -5 PM 12:26

AN ORDINANCE TO VACATE THAT PORTION OF GRANT STREET BETWEEN TWELVETH AND THIRTEENTH STREETS WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska, has found and determined it to be in the best interest of the City and of its inhabitants, residents and owners of property, to vacate a portion of Grant Street consisting of one block between Twelveth (12th) and Thirteenth (13th) Streets, within this City; as more specifically depicted and legally described upon the attached map, plat or survey, identified as Exhibit "A", and by this reference made a part of this Ordinance, and

WHEREAS, the Governing Body has further found and determined that no person, firm or corporation, other than Duane R. Sprick and Carol Ann Sprick, husband and wife, would be affected by the vacation of said street, and that no damages have resulted or could result by reason of said vacation, and

WHEREAS, the Governing Body has further found and determined that all preliminary actions have been taken favorable to the vacation of said street, and that the City, acting through its Governing Body under Section 17-558 of the Revised Statutes of Nebraska, as amended, has full power and jurisdiction to pass this Ordinance vacating said street, Now Therefore,

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

Section 1. That the one block portion of Grant Street within this City lying between Twelveth (12th) and Thirteenth (13th) Streets, and as more specifically depicted and legally described upon the map, plat or survey attached hereto, marked and identified as Exhibit "A", and by this reference made a part of this Ordinance, be and the same is hereby vacated.

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

Section 3 That the Mayor and Municipal Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the





purposes and intent of this Ordinance.

Section 4 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 2<sup>nd</sup> DAY OF September, 1997.

Harry L. Halford  
Mayor

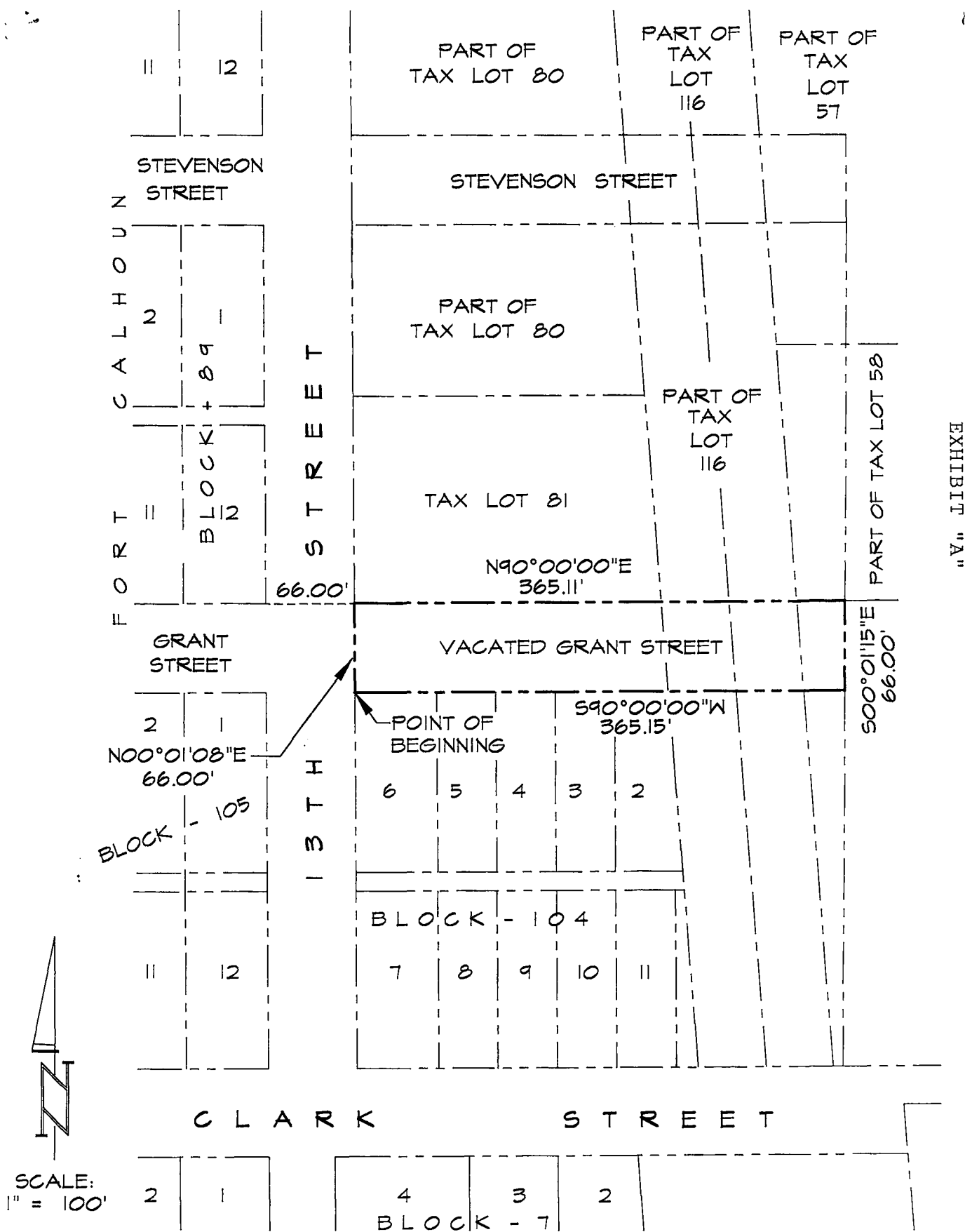
Attest:

Loisalie Treburg  
Municipal Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 3249  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 5th DAY OF September A.D. 19 97  
AT 3:26 O'CLOCK p M. AND RECORDED IN BOOK  
271 AT PAGE 33-35  
COUNTY CLERK Charlatte L. Petersen  
DEPUTY Karen Madson

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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## LEGAL DESCRIPTION

THAT PART OF GRANT STREET LYING WITHIN THE NE 1/4 OF SECTION 11, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF BLOCK 104, ORIGINAL TOWNSITE OF FORT CALHOUN, AS SURVEYED, PLATTED AND RECORDED IN SAID WASHINGTON COUNTY;

THENCE N00°01'08"E (ASSUMED BEARING) 66.00 FEET ON THE EAST LINE OF 13TH STREET TO THE NORTH LINE OF GRANT STREET;

THENCE N90°00'00"E 365.11 FEET ON THE NORTH LINE OF GRANT STREET TO A POINT 33.00 FEET EAST OF THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET;

THENCE S00°01'15"E 66.00 FEET ON A LINE 33.00 FEET EAST OF AND PARALLEL WITH THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET;

THENCE S90°00'00"W 365.15 FEET ON THE SOUTH LINE OF GRANT STREET TO THE POINT OF BEGINNING.

CONTAINING 0.55 ACRES MORE OR LESS.

DUANE SPRICK TD2 FILE NO. 200-240-33A DATE: AUG. 14, 1997  
THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860 REVISED: AUG. 26, 1997

FILED

ORDINANCE NO. 481

97 SEP -5 PM 12:26

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405.01 OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXING THERETO A CERTAIN TRACT OF ADJACENT AND CONTIGUOUS LAND WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY, BUT NOT WITHIN ITS PRESENT CORPORATE LIMITS; THE SAME LYING GENERALLY NORTH OF BLOCK 104, AS ORIGINALLY PLATTED IN CALHOUN CITY COMPANY'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, AND GENERALLY EAST OF THIRTEENTH STREET; ALL AS MORE SPECIFICALLY DEPICTED AND LEGALLY DESCRIBED UPON THE MAP, PLAT OR SURVEY ATTACHED HERETO; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT..

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska has found it to be in the best interest of this City, its inhabitants, residents and owners of property, and of the inhabitants, residents and owners of property located within the adjacent and contiguous area and tract of land lying within the extraterritorial zoning and subdivision jurisdiction of the City, to annex said area and tract of land to the City of Fort Calhoun, Nebraska for all purposes whatsoever; and to extend and increase the corporate limits of this City to include the same; the area to be annexed being located generally North of Block 104, as originally platted in Calhoun City Company's Addition to the City of Fort Calhoun, Washington County, Nebraska and generally East of Thirteenth Street ; all as more specifically and accurately depicted and legally described upon the attached map, plat or survey, which is identified as Exhibit "A" and by this reference made a part of this Ordinance, and

WHEREAS it has been further found that at a public hearing duly and legally noticed and held before this Body, the views of all those affected by this annexation were invited to be given and were expressed, and

WHEREAS, the Governing Body further finds and determines that the area and tract of land to be annexed is contiguous and adjacent to the corporate city limits of Fort Calhoun; and that the same is substantially urban and suburban in character and not agricultural, and that a unity of interest exists in the maintenance of municipal government, and

WHEREAS, by virtue of these findings and of Section 17-405.01 of the Revised Statutes of Nebraska, as amended, the Governing Body of this City has and possesses full power, authority and jurisdiction to annex the above-described area and tract of land to this City,

Now Therefore,

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

Section 1. The corporate limits of the City of Fort Calhoun, Washington County, Nebraska are hereby extended and increased so as to include and embrace within its corporate limits, the area and tract of land specifically depicted and legally described upon the map, plat or survey attached hereto, marked as Exhibit "A", and by prior reference made a part of this Ordinance.

Section 2. The map, plat or survey above referred to as Exhibit "A" and inscribed legal description, as attached to this Ordinance and as filed of record in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska is hereby adopted as the official map, plat or survey of the territory hereby annexed, which map, plat or survey shows the legal boundaries thereof together with all avenues, streets, alleys and lanes within that area and tract of land, and the locations thereof, and such avenues and other ways, except the vacated portion of Grant Street, are hereby dedicated to public use for the purposes designated upon the said map, plat or survey.

Section 3 This Ordinance shall be recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska, and upon being filed, the fee of all streets, highways, roads, avenues and lanes shown in and on the map, plat or survey, except the vacated portion of Grant Street, shall vest in the City of Fort Calhoun, Nebraska.

Section 4. The Mayor and Municipal Clerk are further authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purposes and intent of this Ordinance.

Section 5. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 6. All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 7. This ordinance shall be in full force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF September, 1997..

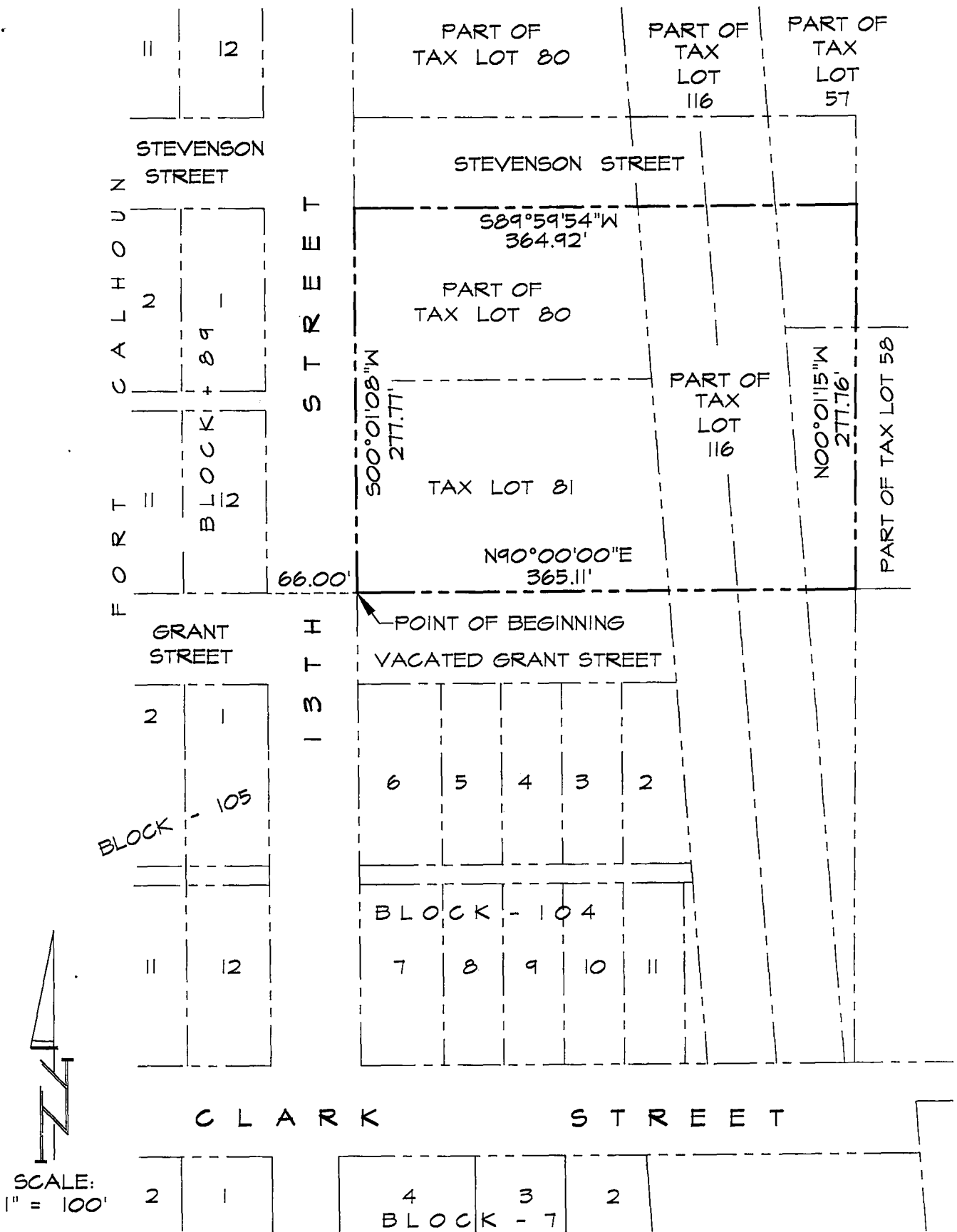
Harry R. Halford  
Mayor

Attest:

Lassie Steburg  
Municipal Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 3250  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 5<sup>th</sup> DAY OF September A.D. 19 97  
AT 12:26 O'CLOCK p M. AND RECORDED IN BOOK  
271 AT PAGE 36-39  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Garen Madsen

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\_\_\_\_\_  
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### LEGAL DESCRIPTION

ALL OF TAX LOT 81, TOGETHER WITH PART OF TAX LOTS 80, 116, 57 AND 58 LYING WITHIN THE NE 1/4 OF SECTION 11, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE SW CORNER OF SAID TAX LOT 81;

THENCE N90°00'00"E (ASSUMED BEARING) 365.11 FEET ON THE SOUTH LINE OF SAID TAX LOT 81 AND ON THE NORTH LINE OF GRANT STREET AND THEIR EASTERLY EXTENSION TO A POINT 33.00 FEET EAST OF THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET;

THENCE N00°01'15"W 277.76 FEET ON A LINE 33.00 FEET EAST OF AND PARALLEL WITH THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET TO THE SOUTH LINE OF STEVENSON STREET;

THENCE N89°59'54"W 364.92 FEET ON THE SOUTH LINE OF STEVENSON STREET TO THE WEST LINE OF TAX LOT 80 AND THE EAST LINE OF 13TH STREET;

THENCE S00°01'08"W 277.77 FEET ON THE WEST LINES OF SAID TAX LOTS 80 AND 81 AND THE EAST LINE OF 13TH STREET TO THE POINT OF BEGINNING.

CONTAINING 2.32 ACRES MORE OR LESS.

DUANE SPRICK TD2 FILE NO. 200-240-33 DATE: AUG. 14, 1997  
 THOMPSON, DREESSEN & DORNER, INC., 10836 OLD MILL ROAD, OMAHA, NEBRASKA 68154, 402-330-8860 REVISED: AUG. 26, 1997

FILED

ORDINANCE NO. 482

97 SEP -5 PM 12: 26

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF FORT CALHOUN, , NEBRASKA, ADOPTED BY REFERENCE WITHIN THE ZONING CHAPTER OF THE LAND DEVELOPMENT ORDINANCE OF FORT CALHOUN, (ORDINANCE NO. 459, JANUARY 15, 1996), BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL TO THIRD RESIDENTIAL, OF AN AREA AND TRACT OF LAND WHICH LIES GENERALLY NORTH OF BLOCK 104 OF THE ORIGINAL PLATTING OF CALHOUN CITY COMPANY'S ADDITION TO FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, THE SAME BEING OUTSIDE OF THE PRESENT CORPORATE LIMITS OF THIS CITY, BUT CONTIGUOUS AND ADJACENT THERETO, AND WITHIN ITS EXTRATERRITORIAL ZONING JURISDICTION; ALL AS MORE SPECIFICALLY DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska, has found and determined it to be in the best interest of the City and of its inhabitants, residents, and owners of property, and those within the contiguous and adjacent area presently outside of the present corporate limits of this City, but within its extraterritorial zoning and subdivision jurisdiction, to amend the official Zoning District Map of Fort Calhoun in such fashion as to rezone the areas specifically depicted and legally described upon the attached map, plat or survey which is identified as Exhibit "A" and by this reference made a part of this Ordinance, and

WHEREAS, the Governing Body has further found and determined that no person, firm, corporation, or other entity has appeared in opposition to the proposed rezoning at public hearings of the Fort Calhoun Planning Commission, which has recommended passage of this rezoning Ordinance, or at the public hearing held before this Body, and

WHEREAS, the Governing Body has, accordingly, found and determined that all preliminary actions have been taken favorable to the rezoning of the described areas,, and that the this Governing Body has full power, authority and jurisdiction to pass this Ordinance rezoning the described property and areas from its present Agricultural use classification to Third Residential; Now Therefore,

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

Section 1. That the official Zoning District Map of the City of Fort Calhoun, Washington County, Nebraska, which was adopted by reference in the Zoning Chapter of the Land

Development Ordinance of this City, (Ordinance No. 459, passed and approved on January 15, 1996), be and the same is hereby amended by changing the zoning classification of that area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "A", and by prior reference made a part of this ordinance, from Agricultural use to Third Residential.

Section 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

Section 4. That the Mayor and Municipal Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purposes and intent of this ordinance.

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

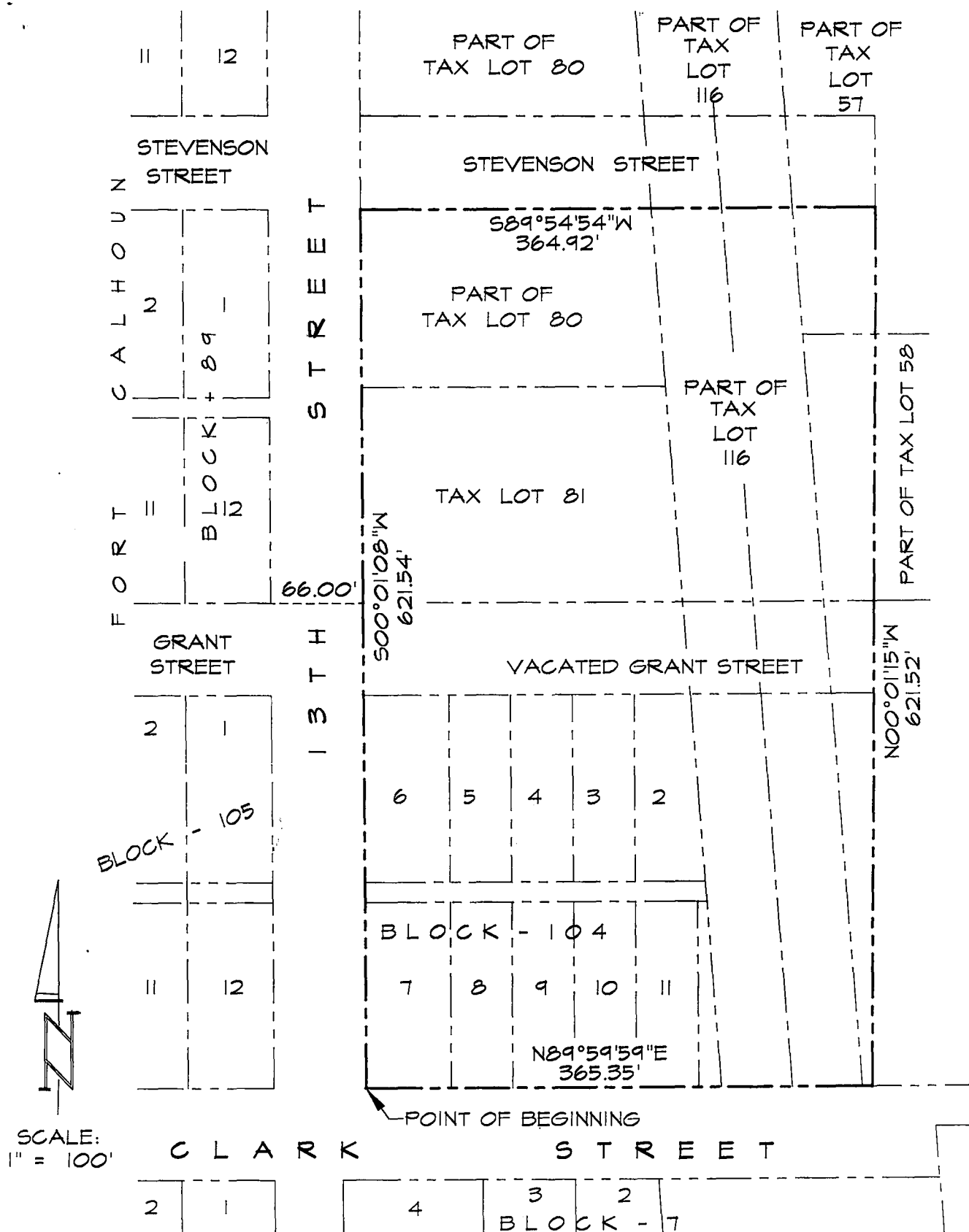
PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF September, 1997.

Barry L. Halford  
Mayor

Attest:

Leslie Orling  
Municipal Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 3251  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 5<sup>th</sup> DAY OF September A.D. 1997  
AT 12:26 O'CLOCK up M. AND RECORDED IN BOOK  
271 AT PAGE 40-42  
COUNTY CLERK Charlattie L. Petersen  
DEPUTY Karen Madsen



## LEGAL DESCRIPTION

ALL OF TAX LOT 81, TOGETHER WITH PART OF TAX LOTS 80, 116, 57 AND 58 LYING WITHIN THE NE 1/4 OF SECTION 11, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, TOGETHER WITH ALL OF BLOCK 104, ORIGINAL TOWNSITE OF FORT CALHOUN, AS SURVEYED, PLATTED AND RECORDED IN SAID WASHINGTON COUNTY, TOGETHER WITH VACATED GRANT STREET ADJOINING SAID BLOCK 104 ON THE NORTH, TOGETHER WITH THE 14 FOOT ALLEY LYING WITHIN SAID BLOCK 104, ALL MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SW CORNER OF SAID BLOCK 104;

THENCE N 89° 59' 59" E (ASSUMED BEARING) 365.35 FEET ON THE SOUTH LINE OF SAID BLOCK 104 AND ITS EASTERLY EXTENSION TO A POINT 33.00 FEET EAST OF THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET;

THENCE N 00° 01' 15" W 621.52 FEET ON A LINE 33.00 FEET EAST OF AND PARALLEL WITH THE NORTH EXTENSION OF THE CENTERLINE OF 12TH STREET TO THE SOUTH LINE OF STEVENSON STREET;

THENCE N 89° 54' 54" W 364.92 FEET ON THE SOUTH LINE OF STEVENSON STREET TO THE WEST LINE OF SAID TAX LOT 80 AND THE EAST LINE OF 13TH STREET;

THENCE S 00° 01' 08" W 621.54 FEET ON THE WEST LINE OF SAID TAX LOTS 80 AND 81 AND ON THE WEST LINE OF SAID BLOCK 104 AND ON THE EAST LINE OF 13TH STREET TO THE POINT OF BEGINNING.

CONTAINING 5.21 ACRES MORE OR LESS.



ORDINANCE NO. 483

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 1997, through September 30, 1998. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Fort Calhoun, Nebraska. A copy of the budget document shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Washington County, Nebraska, for use by the levying authority.

Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Passed and adopted this 15<sup>th</sup> day of September, 1997.

Larry L. Halford, Mayor

*Larry L. Halford*

ATTEST:

Rosalie Freburg  
Clerk

97 NOV -4 AM 9:14

ORDINANCE NO. 484CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
CLAIR NEBR

AN ORDINANCE EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTION 17-405.01 OF THE REVISED STATUTES OF NEBRASKA BY ANNEXING THERETO A CERTAIN ADDITION KNOWN AS HALFORD'S CHERRY HILLS SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN THE OFFICE OF THE COUNTY CLERK OF WASHINGTON COUNTY, NEBRASKA.

WHEREAS it has been found by the Mayor and City Council of the City of Fort Calhoun, Nebraska to be in the mutual and best advantage of this City, its inhabitants, and the inhabitants and owners of property located within the entirety of the subdivision or addition known as Halford's Cherry Hills Subdivision, Washington County, Nebraska, as the same has been surveyed, platted and recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska, to annex said subdivision to the City of Fort Calhoun, Nebraska for all purposes whatsoever; and to extend and increase the corporate limits of this City to include the same, together with all included, or adjacent, contiguous or intervening streets and highways, and

WHEREAS it has been further found by the said Governing Body of this City that the territory and subdivision so annexed to this City as an addition, ( which shall be taken to include Clay Street which intervenes between Lots 1 through 23 inclusive of said Subdivision on its North side and Lots 24 through 30 on its South side), are one and all contiguous and adjacent to the corporate city limits of Fort Calhoun; and that the same are urban and suburban in character and not agricultural, and that a unity of interest exists in the maintenance of municipal government, and

WHEREAS by virtue of these findings and of Section 17-405.01 of the Revised Statutes of Nebraska the said Governing Body of this City has and possesses full authority, power and jurisdiction to annex the above-described territory and subdivision to this City, *Now Therefore,*

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

Section 1. The corporate limits of the City of Fort Calhoun, Washington County, Nebraska are hereby extended and increased so as to include and embrace within its corporate limits, the territory and subdivision known as Halford's Cherry Hills Subdivision Washington County Nebraska, as surveyed and platted, and as filed of record and recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska.

Section 2. The map or plat of the addition or subdivision known as Halford's Cherry

Hills Subdivision, as attached to this Ordinance and as filed of record in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska is hereby adopted as the official map and plat of the territory hereby annexed, which map and plat show the legal boundaries thereof together with all avenues, streets, alleys and lanes within that subdivision, and the locations thereof, and such avenues and other ways are hereby dedicated to public use for the purposes designated upon the plat or map.

Section 3 This ordinance shall be recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska, and upon being filed, the fee of all streets, highways, roads, avenues and lanes shown in and on the map or plat shall vest in the City of Fort Calhoun, Nebraska.

Section 4. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 5 All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

Section 6 This ordinance shall be in full force and take effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 20<sup>th</sup> DAY OF October, 1997..

Larry R. Heford  
Mayor

Attest:

Russell Schubert  
Municipal Clerk

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 4169  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 4<sup>th</sup> DAY OF November A.D. 19 97  
AT 9:14 O'CLOCK A M. AND RECORDED IN BOOK  
273 AT PAGE 513-515  
COUNTY CLERK Charlotte A. Petersen  
DEPUTY Karen Madsen

# SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT A GROUND SURVEY HAS BEEN MADE OF THE SUBDIVISION HEREIN DESCRIBED AND THAT A BOUND HAS BEEN POSTED WITH THE CITY OF PORT CALHOUN, NEBRASKA, IN ORDER TO EXHIBIT THAT PERMANENT MONUMENTS WILL BE PLACED AT ALL CORNERS OF ALL LOTS, STREETS, ANGLES, POINTS AND IDEAS OF ALL CURVES, SAID SUBDIVISION TO BE KNOWN AS HALFORD'S CHERRY HILLS LOTS 1 THROUGH 30, INCLUSIVE, BEING A REPLACEMENT OF TAX LOT 117 AND PART OF TAX LOT 118 IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SECTION 11 AND ASSUMING THE NORTH-SOUTH QUARTER LINE TO BEAR SOUTH 89°53'55" WEST THENCE SOUTH 89°53'55" WEST A DISTANCE OF 114.83 FEET TO THE SOUTHEAST CORNER OF TAX LOT 62, BEING THE POINT OF BEGINNING, THENCE SOUTH 89°53'55" EAST, A DISTANCE OF 400.48 FEET TO THE SOUTHWEST CORNER OF TAX LOT 64, THENCE SOUTH 89°53'55" WEST, A DISTANCE OF 394.33 FEET TO THE SOUTHWEST CORNER OF TAX LOT 64, THENCE SOUTH 89°53'55" EAST, A DISTANCE OF 304.33 FEET TO THE PORT CALHOUN CITY LIMITS AS DESCRIBED IN ORDINANCE NO. 284, DATE DECEMBER 1, 1978, RECORDED BOOK 104, PAGES 917-928, THENCE SOUTH 89°53'55" WEST ALONG THE CITY LIMITS, A DISTANCE OF 318.83 FEET TO AN EXISTING POLE, THENCE NORTH 89°53'55" EAST ALONG THE POLE LINE, A DISTANCE OF 182.19 FEET, THENCE SOUTH 89°53'55" WEST, A DISTANCE OF 108.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF CLARK STREET, THENCE NORTH 89°53'55" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 304.33 FEET TO A POINT ON THE NORTH-SOUTH QUARTER LINE, THENCE SOUTH 89°53'55" WEST A DISTANCE OF 304.33 FEET TO THE NORTHEAST CORNER OF A TRACT SURVEYED BY WELLS & BORN ON MAY 26, 1978, THENCE NORTH 89°53'55" WEST, A DISTANCE OF 304.33 FEET TO THE SOUTHWEST CORNER OF SAID SURVEYED TRACT, THENCE NORTH 89°53'55" EAST, A DISTANCE OF 304.33 FEET TO THE SOUTHWEST CORNER OF TAX LOT 62, THENCE SOUTH 89°53'55" WEST, A DISTANCE OF 304.33 FEET TO THE SOUTHWEST CORNER OF TAX LOT 62, THENCE SOUTH 89°53'55" EAST, A DISTANCE OF 304.33 FEET TO THE POINT OF BEGINNING.

2/19/90  
DATE

*James E. Ehrhart*  
JAMES E. EHRLHART, L.S. NO. 643



## DEED

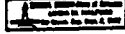
KNOW ALL MEN BY THESE PRESENTS THAT I, DARRELL L. HALFORD, BEING SOLE OWNER OF THE PROPERTY DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SURVEYED AND ADDITION TO BE HEREINAFTER KNOWN AS "HALFORD'S CHERRY HILLS" LOTS 1 THROUGH 30, AND I HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF, I HEREBY SET MY HAND THIS 12 DAY OF March 1990.  
*Darrell L. Halford*  
DARRELL L. HALFORD

## ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA  
COUNTY OF WASHINGTON  
ON THIS 12 DAY OF March, 1990, BEFORE ME A NOTARY PUBLIC, DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, APPEARED DARRELL L. HALFORD, WHO IS PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE DEDICATION ON THIS PLAT, AND HE DID ACKNOWLEDGE THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED.

MY COMMISSION EXPIRES September 24, 1991  
*Supriya S. Gaudin*  
NOTARY PUBLIC

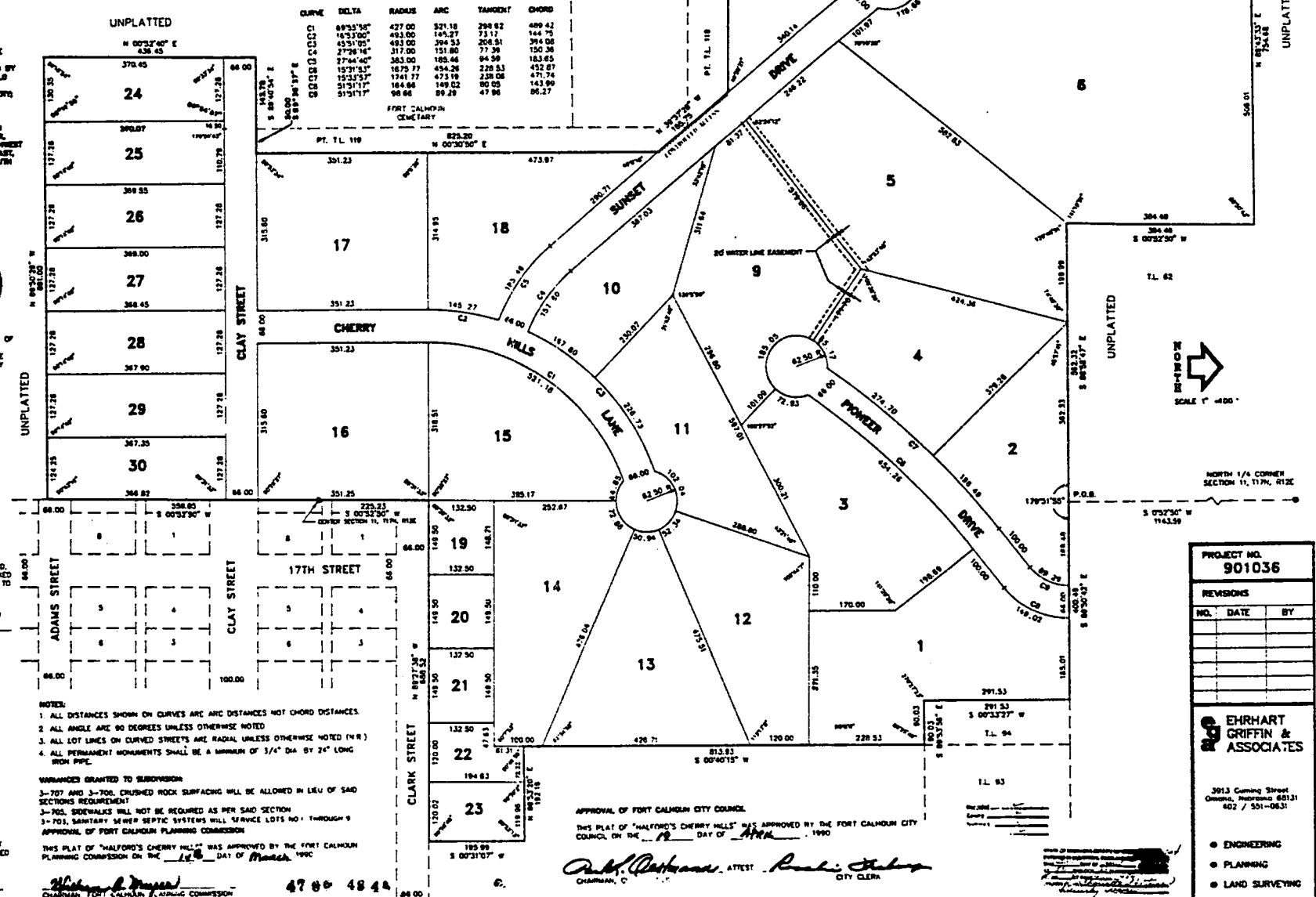


APPROVAL OF WASHINGTON COUNTY SURVEYOR  
I HEREBY APPROVE THIS PLAT OF "HALFORD'S CHERRY HILLS" THIS 14 DAY OF March, 1990.  
*Wayne A. Hall*  
WASHINGTON COUNTY SURVEYOR

COUNTY TREASURER'S CERTIFICATE  
THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES DUE OR DELINQUENT AGAINST THE PROPERTY AS DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT AS SHOWN BY THE RECORDS OF THIS OFFICE.  
2-22-90  
DATE  
*James E. Ehrhart*  
WASHINGTON COUNTY TREASURER

# HALFORD'S CHERRY HILLS LOTS 1 THROUGH 30 INCLUSIVE

A PLATING OF TAX LOT 117 AND A PART OF TAX LOT 118 IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, NEBRASKA.



PROJECT NO.  
**901036**

REVISIONS

NO.	DATE	BY

**EHRHART  
GRIFFIN &  
ASSOCIATES**

3013 Cuming Street  
Omaha, Nebraska 68131  
402 / 551-0631

- ENGINEERING
- PLANNING
- LAND SURVEYING

APPROVAL OF PORT CALHOUN CITY COUNCIL  
THIS PLAT OF "HALFORD'S CHERRY HILLS" WAS APPROVED BY THE PORT CALHOUN CITY COUNCIL ON THE 12 DAY OF March, 1990.  
*Paul A. Chaffman* ATTEST *Paul A. Chaffman*  
CHAIRMAN, C. CITY CLERK

THIS PLAT OF "HALFORD'S CHERRY HILLS" WAS APPROVED BY THE PORT CALHOUN PLANNING COMMISSION ON THE 14 DAY OF March, 1990.  
*William A. Dwyer*  
CHAIRMAN, PORT CALHOUN PLANNING COMMISSION

47 80 48 44

515

515

ORDINANCE NO. 485

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 1997, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 1997-2, 1997-4, AND 1997-5, IN STREET IMPROVEMENT PROJECT NOS. 1997-2 AND 1997-3, AND IN WATER EXTENSION DISTRICT NO. 1997-1; PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AND, ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES.

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

Section 1. The Mayor and City Council hereby find and determine that by Ordinances of the City heretofore adopted, Street Improvement District Nos. 1997-2, 1997-4 and 1997-5, Street Improvement Project Nos. 1997-2 and 1997-3, and Water Extension District No. 1997-1 have heretofore been created; that the engineers of the City have prepared estimates for the cost of construction of the improvements in the aforesaid Districts and bids have been received for the projects and the Engineer's estimate that the City's costs, including costs of issuance and underwriting and a portion of interest to accrue on said notes during construction will be not less than \$300,000; that the construction of the aforesaid improvements is expected to be completed by June 30, 1998; that it is necessary for the City to have funds available to meet its payment obligations under the terms of contracts for the cost of the improvements to be constructed relative to the aforesaid Districts and to meet the initial portion of its obligations to provide interim financing therefor, it is necessary and advisable that the City now issue its notes in the principal amount of \$300,000 pending permanent financing pursuant to Sections 17-516, 17-520, 19-2405, 18-2001 through 18-2003 and 18-1801 and 18-1802, R.R.S. Neb. 1943, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb. 1943 to issue notes for the purpose of providing interim financing for the construction of said improvements, including a portion of the interest to accrue on such notes and the costs of issuance thereof, all as set out above; that all

conditions, acts and things required by law to exist or to be done precedent to the issuance of Bond Anticipation Notes, Series 1997, in the amount of \$300,000, to pay a portion of the costs of the aforesaid improvements, the costs of issuance of said notes and a portion of the interest to accrue on said notes, do exist and have been done as required by law.

Section 2. For the purpose of providing interim financing for the costs set out in Section 1 pending the issuance of permanent General Obligation Various Purpose Bonds by the City of Fort Calhoun, there shall be and there are hereby ordered issued bond anticipation notes of the City of Fort Calhoun, Nebraska, to be known as "Bond Anticipation Notes, Series 1997" of the aggregate principal amount of Three Hundred Thousand Dollars (\$300,000) (herein referred to as the "Notes" or the "notes"), consisting of fully registered notes numbered from 1 upwards in the order of issuance, in the denomination of \$5,000 each, or integral multiples thereof, said notes shall be dated on their date of delivery and each of said notes shall bear interest at the rate of 4.25% per annum payable on June 1, 1998 and semiannually thereafter on the first day of December and June in each year, with the principal of said notes to become due and payable as follows:

<u>Principal</u>	<u>Maturity</u>
<u>Amount</u>	June 1, 1999
\$300,000	

provided, however, the City reserves the right to redeem any or all of said notes prior to maturity anytime on or after June 1, 1998 upon not less than thirty days written notice, at par and accrued interest to the date fixed for redemption. Such notice of call for redemption shall be sufficient if it has been sent to a registered holder of said note or notes by first class mail addressed to the registered address of said registered holder. If less than all of the notes are called and redeemed, such notes shall be called in increments of \$5,000 or integral multiples thereof. If less than all of the principal amount of any outstanding note is called for redemption, in such case upon the surrender of such note called for payment, there shall be issued to the registered owner of said note, without charge therefor, a registered

note or notes for the unpaid principal balance in any of the authorized denominations authorized by this ordinance.

The principal of said notes and any interest due on said notes upon maturity or earlier call for redemption shall be payable at the office of the Treasurer of the City of Fort Calhoun, as Paying Agent and Registrar, upon presentation and surrender of the note or notes when due or when called for payment prior to maturity. The payment of interest on said notes, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owners by mailing payment to the address of such registered owner or owners thereof as such address shall appear on the note register maintained by said Paying Agent and Registrar. The record date for each interest payment date (the "Record Date") shall be the fifteenth of the month immediately preceding the month in which such interest payment date occurs. Payments of interest shall be mailed to the registered owner of each note as of the Record Date for each interest payment date.

Section 3. The City Treasurer, Fort Calhoun, Nebraska, is hereby designated as Paying Agent and Registrar for the Bond Anticipation Notes herein ordered issued and is hereby authorized to make payments of interest and principal from funds available for such purposes as provided herein as the same fall due. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note 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 (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new note or notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the notes by this

ordinance, one note may be transferred for several such notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such notes may be transferred for one or several such notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a note, the surrendered note shall be canceled and destroyed. All notes issued upon transfer of the notes so surrendered shall be valid obligations of the City evidencing the same obligations as the notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any note during any period from any Record Date until its immediately following interest payment date or to transfer any note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Said Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and Clerk and shall have the City's seal imprinted or impressed on each Note. Said Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City and the Paying Agent and Registrar shall not be required to transfer any Note during the period from any Record Date to the next following interest payment date transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. Said notes shall be substantially in the following form:



UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

BOND ANTICIPATION NOTE  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
Series 1997

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of</u> <u>Original Issue</u>	<u>CUSIP</u>
4.25%	June 1, 1999	November 20, 1997	

Registered Owner: Cede & Co.

Principal Amount: Three Hundred Thousand Dollars (\$300,000)

KNOW ALL MEN BY THESE PRESENTS: That the City of Fort 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 shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable June 1, 1998 and semiannually thereafter on December 1 and June 1 of each year. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of the City Treasurer, as Paying Agent and Registrar, in Fort Calhoun, Nebraska,, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar.

This note is redeemable at the option of the City prior to maturity anytime on or after June 1, 1998 at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of Three Hundred Thousand Dollars (\$300,000) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of Fort Calhoun for the purpose of providing interim financing to pay a portion of the cost of improvements in Street Improvement District Nos. 1997-2, 1997-4, 1997-5, in Street Improvement Project Nos. 1997-2 and 1997-3, and in Water Extension District No. 1997-1, including the cost of issuance of said notes and a portion of the interest to accrue on said notes, pending the issuance of permanent general obligation bonds. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed, signed and published by the Mayor and City Council of said City in strict compliance with Section 10-137, R.R.S. Neb. 1943, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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 note did exist, did happen and were done and performed in regular and due form and time as provided by law.

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

CITY OF FORT CALHOUN, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

TREASURER OF THE CITY OF  
FORT CALHOUN, NEBRASKA  
acting as Paying Agent and Registrar  
  
\_\_\_\_\_

(Form of Assignment)

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

Dated: \_\_\_\_\_  
  
\_\_\_\_\_

\_\_\_\_\_  
Registered Owner(s)

Witness: \_\_\_\_\_

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

Section 6. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. The Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Note from a Bond Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Notes,
- (ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or
- (iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes. The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Bond Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Notes may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Notes may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 2 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates shall be insufficient to meet the requirements of the Paying Agent and Registrar for issuance of replacement Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile

signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as the initial purchaser thereof, upon receipt of 99% of the principal amount of the Notes plus accrued interest thereon to date of payment for the Notes. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance.

Section 7. The City covenants and agrees that it will take all steps required to complete the improvements described in Section 1 hereof in a manner to allow it to issue and sell its Various Purpose Bonds or other bonds. The City further covenants and agrees to issue and sell its Various Purpose Bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the bond anticipation notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources.

Section 8. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1 hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.

Section 9. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes which shall be delivered to the purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 10. The City hereby covenants to the purchasers and holders of Bond Anticipation Notes, Series 1997, that it will make no use of the proceeds of said Notes issue, including money held in any sinking fund attributable to said Notes which would cause said Notes to be arbitrage bonds within the meaning of the Internal Revenue Code of 1986, as amended, and further covenants and agrees to take all actions necessary under current federal law to maintain the tax-exempt status (as to taxpayers generally) of interest payable on the Series 1997 Notes. The City hereby designates the Series 1997 Notes as its qualified tax-exempt obligations under Section 265(b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of tax-exempt bonds or other obligations (other than private activity bonds) in the aggregate principal amount of more than \$10,000,000 in calendar year 1997. The City agrees to take all further actions, if any, necessary to qualify the Notes herein authorized for such treatment if available.

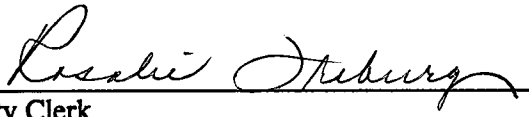
Section 11. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

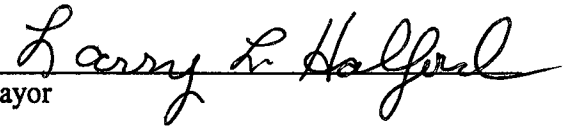
Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 13. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the Bond Anticipation Notes and the information therein contained, and the Mayor and City Administrator (or either of them) are authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 14. This Ordinance shall be published in pamphlet form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet form.

PASSED AND APPROVED this 20th day of October, 1997.

  
City Clerk

  
Mayor

[SEAL]



Motion for adjournment was duly made, seconded and on roll call vote was declared 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 the proceedings had and done by the Mayor and Council on October 20, 1997; 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 meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

[SEAL]

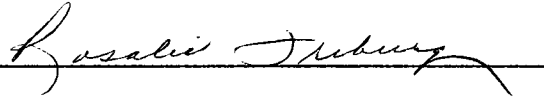
  
City Clerk

CERTIFICATE

The undersigned Clerk for the City of Fort Calhoun, Nebraska hereby certifies that attached to this Certificate is a true and correct copy of Ordinance No. 485 which was passed by the Mayor and City Council on October 20, 1997, as published in pamphlet form. Said Ordinance was published in pamphlet form on October 27, 1997.

DATED this 31<sup>st</sup> day of October, 1997.

Clerk



----- [SEAL]

FILED

97 NOV 21 AM 8:53

## ORDINANCE NO 486

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
CLERK NEBB

AN ORDINANCE VACATING THE ALLEY IN BLOCK ONE HUNDRED FOUR (104) CALHOUN COMPANY ADDITION, 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 One Hundred Four, Calhoun Company Addition in the City of Fort Calhoun, Nebraska, be, and the same hereby is, vacated and the real property comprising said alley shall and hereby does revert to owners of real property adjacent thereto.

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 17<sup>th</sup> day of November, 1997.

Larry R. Halford  
Larry L. Halford, Mayor

ATTEST;

Rosalie Freburg  
Rosalie Freburg, City Clerk

SEAL

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 4413  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 21<sup>st</sup> DAY OF November A.D. 1997  
AT 8:53 O'CLOCK A M. AND RECORDED IN BOOK  
274 AT PAGE 396  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Karen Madsen

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 599  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 13<sup>TH</sup> DAY OF February A.D. 19 98  
AT 1:14 O'CLOCK P.M. AND RECORDED IN BOOK  
277 AT PAGE 660-661  
COUNTY CLERK Charlotte Peterson  
DEPUTY Karen Madison

ORDINANCE NO. 487

98 FEB 13 PM 1:14

FILED

AN ORDINANCE TO AUTOMATICALLY EXTEND ALL EXISTING AND FUTURE ZONING ORDINANCES, PROPERTY USE REGULATION ORDINANCES, BUILDING ORDINANCES, ELECTRICAL ORDINANCES AND PLUMBING ORDINANCES TO AN AREA WITHIN ONE MILE OF THE CORPORATE LIMITS OF FORT CALHOUN, NEBRASKA, AS THEY NOW EXIST OR MAY IN THE FUTURE EXIST; TO RATIFY AND CONFIRM THEIR APPLICATION TO THE ANNEXATION OF HALFORD'S CHERRY HILLS ADDITION; TO PROVIDE FOR SEVERABILITY; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE FULLY EFFECTIVE.

WHEREAS, on October 20, 1997 the Mayor and Council of this City passed and approved Ordinance No. 484, whereby the corporate limits of Fort Calhoun, Nebraska were extended and increased by annexation to include that certain addition known as HALFORD'S CHERRY HILLS SUBDIVISION, as surveyed, platted and recorded in the office of the County Clerk/Register of Deeds of Washington County, Nebraska, and

WHEREAS, it is and was the intention of said governing body that from and following passage of Ordinance No. 484, and pursuant to Sec. 17-1001 of the Revised Statutes of Nebraska, any and all then existing or future zoning ordinances, property use regulation ordinances, building ordinances, electrical ordinances and plumbing ordinances, be made to automatically apply to an area within one mile of the corporate limits of this City, as redefined by said annexation, with the same force and effect as if such area were within its corporate limits, and

WHEREAS, by this Ordinance the said governing body of this City seeks to memorialize its original and present intentions and to ratify and confirm its action of October 20, 1997 in the adoption of Ordinance No. 484,

Now Therefore

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

Section 1. That all zoning ordinances, property use regulation ordinances, building ordinances, electrical ordinances and plumbing ordinances of this City, as they existed on October 20, 1997, and as they may subsequently have been amended or repealed since that date, together with any and all other ordinances of similar type and import which may have been passed and approved since October 20, 1997 and to this date, and all ordinances of similar type and import which may be passed and approved in the future, shall automatically apply to the area within one mile of the present corporate limits of this

City, as such corporate limits were redefined by the annexation of Halford's Cherry Hills Subdivision, and as may be further changed in the future by additional annexations.

Section 2. Without limiting the generality of application of Section 1 hereof, the following portions of the Fort Calhoun Municipal Code (Ordinance No. 404, passed and approved on October 17, 1988, and as from time to time amended), shall also be made to specifically apply to the one-mile extraterritorial jurisdiction of this City, as it now exists or may in the future exist.

Section 4-103	Health Regulations
Section 7-201	Fire Prevention Code
Sections 9-101 through 9-606, inclusive.	Building Regulations
Section 9-701	Uniform Codes: (adopted by reference)
Section 11-101	Zoning Regulations

Section 3. If any provision of this ordinance shall be held to be invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS 19<sup>th</sup> DAY OF JANUARY, 1998.

Larry R. Halford  
Mayor

Attest:

Rosalee Stebbins  
Municipal Clerk

ORDINANCE NO. 488

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF REFUNDING BONDS, SERIES 1998, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000) TO REFUND AND RETIRE \$310,000 VARIOUS PURPOSE BONDS, SERIES 1993, DATED MARCH 1, 1993; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAX TO PAY THE SAME; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of Fort Calhoun, Nebraska (the "City") hereby find and determine that there have been heretofore issued and are now outstanding and unpaid valid interest bearing bonds of the City of Fort Calhoun, Nebraska, consisting of Various Purpose Bonds, Series 1993, dated March 1, 1993 (the "Outstanding Bonds") of the total remaining principal amount of \$310,000 which mature and bear interest as follows:

<u>Amount</u>	<u>Interest Rate</u>	<u>Due September 1 of Year</u>
\$20,000	5.00%	1998
20,000	5.15	1999
20,000	5.30	2000
20,000	5.40	2001
25,000	5.50	2002
25,000	5.60	2003
25,000	5.70	2004
25,000	5.80	2005
30,000	5.90	2006
30,000	6.00	2007
35,000	6.10	2008
35,000	6.20	2009

which Series 1993 Bonds have been called in accordance with their call provisions on March 3, 1998 (the "Redemption Date"); that the Outstanding Bonds are valid, interest bearing obligations of the City of Fort Calhoun, Nebraska; that since the Outstanding Bonds were issued, the rates of interest available in the market have so declined that by issuing its refunding bonds to provide together with available cash of the City for the payment and redemption of the Outstanding Bonds all as set out above, a substantial savings in the amount of yearly running interest will be made to the City; that for the purpose of providing for the

payment and redemption of the Outstanding Bonds as above set out, and to pay costs of issuance of said bonds, it is in the best interest of the City to issue general obligation Refunding Bonds of the City in the principal amount of \$320,000; that the City has no bond sinking funds on hand for the retirement of said Bonds not required for the timely payment of principal and interest on other bonds or the accrued interest due on the Redemption Date; and, that all conditions, acts, and things required to exist or to be done precedent to the issuance of general obligation Refunding Bonds of the City of Fort Calhoun, Nebraska, in the principal amount of \$320,000 pursuant to Section 10-142, R.R.S. Neb. 1943, as amended, do exist and have been done as required by law.

Section 2. To provide for the issuance of bonds as described in Section 1 hereof, there shall be and there are hereby ordered issued Refunding Bonds, Series 1998, of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Twenty Thousand Dollars (\$320,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on September 1 of each year as indicated below:

<u>Maturing September 1</u>	<u>Amount</u>	<u>Interest Rate</u>
1998	\$20,000	
1999	20,000	
2000	20,000	
2001	25,000	
2002	25,000	
2003	25,000	
2004	25,000	
2005	30,000	
2006	30,000	
2007	30,000	
2008	35,000	
2009	35,000	

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be March 1, 1998. Interest on the Bonds, at the respective rates for each maturity, shall be payable on September 1, 1998, and semi-annually thereafter on March 1 and September 1 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 fifteenth day of the month immediately preceding the month in which the 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. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 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 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds 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 such 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. The Fremont National Bank and Trust Company, Fremont, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the



form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its principal corporate trust office. 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 principal corporate trust 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 such owner's 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' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. 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 4. 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 5. Bonds maturing on or after September 1, 20\_\_ shall be subject to redemption, in whole or in part, prior to maturity at any time on or after September 1, 20\_\_, 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 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption 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, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the principal corporate trust office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. 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 6. 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 in the city where the principal corporate trust office of the Paying Agent and Registrar is located 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 7. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

REFUNDING BOND  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 1998

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate

Maturity Date

Date of Original Issue

CUSIP

%

September 1,

March 1, 1998

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fort 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 assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable September 1, 1998 and semiannually thereafter on March 1 and September 1 of each year (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 and interest on this bond due at maturity or upon redemption prior to maturity is payable upon presentation and surrender of this bond at the principal corporate trust office of The Fremont National Bank and Trust Company, the Paying Agent and Registrar, in Fremont, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed on such Interest Payment Date 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 fifteenth day of the month immediately preceding 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, both 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 Three Hundred Twenty Thousand Dollars (\$320,000), of even date and like tenor herewith, except as to date of maturity and rate of interest and denomination, which were issued by the City to pay the costs of refunding the City's outstanding Various Purpose Bonds, Series 1993, in the outstanding principal amount of \$310,000, in pursuance of Section 10-142, R.R.S. Neb. 1943, as amended, and other applicable statutes and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City.

Any or all of the bonds of said issue maturing on or after September 1, 20\_\_, are subject to redemption at the option of the City, in whole or in part, at any time on or after September 1, 20\_\_, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of

redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefor, a registered bond or registered bonds for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the principal corporate trust office of the Paying Agent and Registrar in Fremont, Nebraska, 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 and for all 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 in the city where the principal corporate trust office of the Paying Agent and Registrar is located 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.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitation imposed by law. Certain special assessments levied upon real estate specially benefitted by the improvements refinanced by the bonds being refunded are valid liens upon such real estate and, when collected, shall be set aside and constitute a sinking fund

for the payment of the principal and interest on the bonds; the City agrees that it will collect said special assessments and that, in addition thereto, 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 make up any deficiency between the amount collected on said special assessments and the amount required to fully pay the principal of and interest on this bond as the same become due.

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

CITY OF FORT CALHOUN, NEBRASKA

ATTEST:

\_\_\_\_\_  
(facsimile)  
Mayor

\_\_\_\_\_  
(facsimile)  
City Clerk

[SEAL]

#### CERTIFICATE OF AUTHENTICATION

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

THE FREMONT NATIONAL BANK AND  
TRUST COMPANY  
Fremont, Nebraska  
Paying Agent and Registrar

By \_\_\_\_\_  
Authorized Signature

(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(s) of this assignment must correspond with the name(s) as written on the face  
of the within bond in every particular, without alteration, enlargement or any change whatsoever.

Section 8. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of Section 5 of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates 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 certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of said City. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or



officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as the initial purchaser thereof, upon receipt of 98.20% Of the principal amount of the Bonds plus accrued interest thereon to date of payment of 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 the restrictions of this Ordinance.

Section 9. All accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on September 1, 1998. The proceeds of the Bonds shall be applied upon receipt to the redemption of the Outstanding Bonds as described in Section 1 hereof.

Section 10. Special assessments levied upon real estate specially benefitted by the construction of improvements refinanced by the Outstanding Bonds as described in Section 1 of this ordinance and the interest on such special assessments shall constitute a sinking fund for the payment of the principal of and interest on the Bonds. The City agrees that it will collect such special assessments and in case the monies collected therefrom are not sufficient to fully and promptly pay the principal and interest of the Bonds as and when such principal and interest become due, the Mayor and 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 when and as such principal and interest become due.

Section 11. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Sections 103 and 148 and related sections

and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" under Section 265 (b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of bonds or other obligations aggregating in principal amount more than \$10,000,000 during calendar 1998. The City agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized as such "qualified tax-exempt obligations," as and to the extent permitted by law.

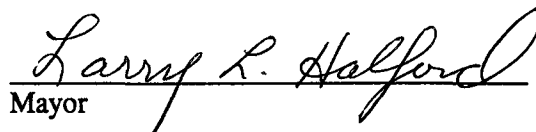
Section 12. The City's obligations under this ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City 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 and/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 and given notice thereof or made irrevocable provisions for the giving of such notice. 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 13. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the Refunding Bonds and the information therein contained, and the Mayor and City Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

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 19th day of January, 1998.

  
Mayor


ATTEST:

  
City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared 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 the proceedings had and done by the Mayor and Council on January 19, 1998; 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 meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

  
City Clerk

[SEAL]

THE CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 489

AN ORDINANCE AUTHORIZING A LEASE-PURCHASE AGREEMENT BETWEEN THE CITY OF FORT CALHOUN, NEBRASKA, AND TRI-STATE SPRAY EQUIPMENT, INC., DENVER, COLORADO, RELATING TO ACQUISITION OF REAL ESTATE AND IMPROVEMENTS THEREON CONSISTING OF A BUILDING TO BE USED AS A CITY MAINTENANCE BUILDING AND RELATED FACILITIES, TO PROVIDE FOR RETENTION OF TITLE BY THE LESSOR AND SCHEDULING OF PAYMENTS ON THE BASIS OF A LEASE-PURCHASE; APPROVING THE TERMS OF AN AGREEMENT ENTITLED LEASE-PURCHASE AGREEMENT; AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS; AGREEING TO LEVY TAXES AND OBSERVE BUDGET LIMITATIONS; AND PROVIDING FOR THE PUBLICATION OF SUCH ORDINANCE.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Nebraska, hereby find and determine that the City has previously determined to provide for the acquisition of real estate and improvements thereon to be used as a City Maintenance Building and related facilities (the "Project"), has negotiated a mutually agreeable acquisition price with Tri-State Spray Equipment, Inc., Denver, Colorado (the "Owner") for the acquisition of the Project; that in negotiating such agreement it was the intention of the Mayor and City Council to pay for the costs of the Project over a period of five (5) years through a lease-purchase agreement as provided for under Section 19-2421, R.R.S. Neb. 1943.

Section 2. That the City shall enter into the Lease-Purchase Agreement, to be dated as of its date of delivery, with the Owner, wherein the Owner agrees to accept an initial payment upon closing of \$50,000 and to permit payment of \$140,000 over a period of five (5) years with interest at the rate of six percent (6%) per annum as lease-purchase rentals, and that the Lease-Purchase Agreement in the form presented to this meeting is approved.

Section 3. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and deliver on behalf of the City said Lease-Purchase Agreement, including necessary counterparts, in substantially the form and content as presented to this meeting, but with such changes or modifications therein as to them seem necessary, desirable or appropriate for and on behalf of the City, and the Mayor and City Clerk are further authorized and directed to execute and deliver any other documents or certificates and do all other things necessary or appropriate to carry out said Lease-Purchase Agreement.

Section 4. That the Treasurer of the City is hereby appointed as registrar for said Lease-Purchase Agreement and shall keep books and records for such registration at the offices of the City in accordance with the terms of said Agreement.

Section 5. That the Mayor and City Council hereby state that it is the intention of the City that the amount of basic rent due under said Lease-Purchase Agreement attributable to interest on the \$140,000 portion of the acquisition cost which is to be paid over the term of said agreement shall be excludable from the gross income of the registered owner thereof under the Federal Income Tax by virtue of Section 103(a) of the Internal Revenue Code of 1986, as amended, and sections related thereto, and the Mayor and City Clerk are hereby authorized to take all actions necessary and appropriate to carry out said intention. The City hereby designates said Lease-Purchase Agreement as one of its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of said Code and covenants and warrants that it does not anticipate issuing tax-exempt obligations in calendar 1998 in an amount in excess of \$10,000,000.

Section 6. The City hereby agrees that the Mayor and City Council shall cause to be levied and collected annually a levy of taxes on all the taxable property in the City sufficient, after taking into consideration the City's other obligations and claims, to enable the City to pay all basic and additional rent under said Lease-Purchase Agreement as the same become due. The City further covenants and agrees that it will during the term of such agreement observe all taxation, budget and spending limitations imposed by

law in such manner that a sufficient portion of its tax levy or other monies shall be lawfully available to pay all rentals due under said agreement. The City shall have the right to provide for payments due under said agreement from sources other than tax levy monies, including utility system revenues relating to the project being acquired and financed.

Section 7. That this ordinance shall be published in the Pilot Tribune, a legal newspaper of general circulation in the City and shall be in force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 23<sup>rd</sup> day of Jan, 1998.

Harry R. Halford  
Mayor

Rosalia Hubert  
City Clerk

ORDINANCE NO. 490

AN ORDINANCE TO ADOPT THE BUDGET STATEMENT TO BE TERMED THE ANNUAL APPROPRIATION BILL; TO APPROPRIATE SUMS FOR NECESSARY EXPENSES AND LIABILITIES; TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That after complying with all procedures required by law, the budget presented and set forth in the budget statement is hereby approved as the Annual Appropriation Bill for the fiscal year beginning October 1, 1998, through September 30, 1999. All sums of money contained in the budget statement are hereby appropriated for the necessary expenses and liabilities of the City of Fort Calhoun, Nebraska. A copy of the budget shall be forwarded as provided by law to the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska, and to the County Clerk of Washington County, Nebraska, for use by the levying authority.

Section 2. this ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

Passed and adopted this 16<sup>th</sup> day of September, 1998.



Paul Oestmann, Council President

ATTEST:



Rosalie Freburg  
Clerk/Treasurer



ORDINANCE NO. 491

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA PROVIDING FOR AND APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE AND AMENDING THE FRANCHISE AS PROVIDED FOR IN THIS ORDINANCE.

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

**Section 1:** The City has granted a cable television franchise (the "Franchise") pursuant to Ordinance No. 363 dated August 15, 1983 which is currently held by Cable USA, Inc. ("USA"). Pursuant to the Franchise, USA has the authority to operate a cable television system within the boundaries of the City. USA has requested that the City consent to the transfer and assignment of the Franchise by USA to USA Cable East, L.L.C. ("USA East"), and the City is willing to consent to this transfer and assignment.

**Section 2:** Pursuant to the Franchise, consent and approval is granted for the transfer and assignment of the Franchise by USA to USA East. The Mayor or any other person designated by the City Council is authorized to execute the attached Consent to Assignment.

**Section 3:** A copy of the Assignment and Assumption by which the Franchise was transferred and assigned by USA to USA East is attached to this Ordinance. All terms and provisions of the Franchise shall continue in full force and effect.

**Section 4:** In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of this Ordinance shall govern and control.

**Section 5:** This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

Passed and approved on <sup>Sept.</sup> ~~July~~ 21, 1998.

City of Fort Calhoun

By: *Harry R. Halford*  
Mayor

Attest:

*Rosanne Stebbins*  
Clerk

## CONSENT TO ASSIGNMENT

The City of Fort Calhoun, Nebraska ("the Franchisor") consents to the Assignment and Assumption (the "Assignment") between Cable USA, Inc. ("USA") and USA Cable East, L.L.C. ("USA East"), a copy of which is attached, and which provides for the transfer and assignment by USA to USA East of the following (the "Franchise Documents"):

Cable television franchise granted pursuant to Ordinance No. 363, dated August 15, 1983; and

A Lease dated March 22, 1985, covering an 8 foot by 10 foot room in the City Hall Building, 110 South 14th Street, and an exterior area of 30 feet by 40 feet located in the Southwest Corner of the City Hall lot.

The Franchisor confirms that the Franchise Documents are valid and binding and in full force and effect; that USA is the present holder of the Franchise Documents.

Dated: <sup>Sept.</sup>~~July~~ 21, 1998.

City of Fort Calhoun

By Larry L. Halford  
Title: Mayor

Attest:

Rosalie Stebbins  
Clerk

ORDINANCE NO. 492

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA PROVIDING FOR AND APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE AND AMENDING THE FRANCHISE AS PROVIDED FOR IN THIS ORDINANCE.

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

**Section 1:** The City has granted a cable television franchise (the "Franchise") pursuant to Ordinance No. 363 dated August 15, 1983 which is currently held by USA Cable East, L.L.C. ("USA East"). Pursuant to the Franchise, USA East has the authority to operate a cable television system within the boundaries of the City. USA East has requested that the City consent to the proposed transfer and assignment of the Franchise by USA East to TelePartners, L.L.C. ("TelePartners"), and the City is willing to consent to this transfer and assignment.

**Section 2:** Pursuant to the Franchise, consent and approval is granted for the transfer and assignment of the Franchise by USA East to TelePartners. The Mayor or any other person designated by the City Council is authorized to execute the attached Consent to Assignment.

**Section 3:** All terms and provisions of the Franchise shall continue in full force and effect. As set forth in the Consent to Assignment, the City consents to the grant by TelePartners of a security interest in the Franchise Ordinance to its lenders to secure indebtedness or other obligations incurred by TelePartners with respect to the cable television system to be operated by TelePartners pursuant to the Franchise.

**Section 4:** The transfer of the Franchise shall be effective upon the closing of the sale by USA East to TelePartners of the cable television facilities serving the City. TelePartners shall notify the City of the transfer of the Franchise within 30 days of this closing, and provide a copy of the Assignment and Assumption by which the Franchise was transferred and assigned by USA East to TelePartners.

**Section 5:** In the event any of the terms and provisions of any other ordinance or regulation of the City are inconsistent with the terms and provisions of this Ordinance, the terms and provisions of this Ordinance shall govern and control.

**Section 6:** This Ordinance shall take effect and be in force following its passage, approval, and publication as required by law.

Passed and approved on <sup>Sept.</sup>~~July~~ 21, 1998.

City of Fort Calhoun

By: Harry R. Halford  
Mayor

Attest:

Rosalee Steubing  
Clerk

FILED

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 985096  
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
 THIS 22nd DAY OF October A.D. 19 98  
 AT 9:39 O'CLOCK A M AND RECORDED IN BOOK  
290 AT PAGE 784-787  
 BY CLERK Charlotte L. Petersen  
Karen Madsen

Recorded ✓  
 General ✓  
 Numerical ✓  
 Photostat ✓  
 Proofed ✓

98 OCT 22 AM 9:39

CHARLOTTE L. PETERSEN  
 WASHINGTON COUNTY CLERK  
 215 N. 1ST

## ORDINANCE NO. 493

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF FORT CALHOUN, NEBRASKA, ADOPTED BY REFERENCE WITHIN THE ZONING CHAPTER OF THE LAND DEVELOPMENT ORDINANCE OF FORT CALHOUN, (ORDINANCE NO. 459, JANUARY 15, 1996), BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURAL TO GENERAL INDUSTRIAL, OF AN AREA AND TRACT OF LAND WHICH LIES GENERALLY SOUTH OF TAX LOT 92, THE SAME BEING OUTSIDE OF THE PRESENT CORPORATE LIMITS OF THIS CITY, BUT WITHIN ITS EXTRATERRITORIAL ZONING JURISDICTION: ALL AS MORE SPECIFICALLY DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED MAP, PLAT OR SURVEY: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE AND EFFECT.

WHEREAS, the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska, has found and determined it to be in the best interest of the City and of its inhabitants, residents, and owners of property, and those within the contiguous and adjacent area presently outside of the present corporate limits of this City, but within its extraterritorial zoning and subdivision jurisdiction, to amend the official Zoning District Map fo Fort Calhoun in such fashion as to rezone the area specifically depicted and legally described upon the attached map, plat or survey which is indentified ad Exhibit "A" and by this reference made a part of this Ordinance, and

WHEREAS, the Governing Body has further found and determined that no person, firm, corporation, or other entity has appeared in opposition to the proposed rezoning at public hearings of the Fort Calhoun Planning Commission which has recommended passage of this rezoning Ordinance, or at the public hearing held before this Body, and

WHEREAS, the Governing Body has, accordingly, found and determined that all preliminary actions have been taken favorable to the rezoning of the described area, and that this Governing Body has full power, authority and jurisdiction to pass this Ordinance rezoning the described property and area from its present Agricultural use classification to General Industrial; Now Therefore,

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

Section 1. That the official Zoning District Map of the City of Fort Calhoun, Washington County, Nebraska, which was adopted by reference in the Zoning Chapter of the Land Development Ordinance of this City, (Ordinance No. 459, passed and approved on January 15, 1996), be and the same is hereby amended by changing the zoning classification of that area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "A", and by Prior reference made a part of this ordinance, from Agricultural use to General Industrial.

Section 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

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

Section 4. That the Mayor and Municipal Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purposes and intent of this ordinance.

Section 5. 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 19<sup>th</sup> DAY OF October 1998.

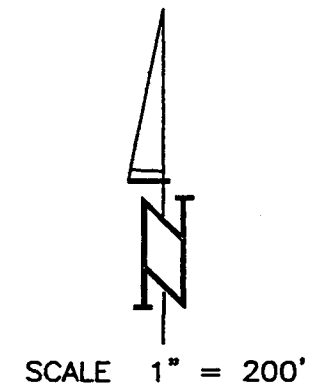
Larry L. Halford  
Mayor

Attest:

Kassie Treburg  
city Clerk

LEGEND

- corners found
- corners set (3/4" otp)
- △ computed location of corner not actually set in the field
- R recorded distance
- M measured distance
- C computed distance
- otp open top pipe



LEGAL DESCRIPTION

THAT PART OF TAX LOT 122 IN THE NE 1/4 OF SECTION 14, T17N, R12E OF THE 6TH P.M., WASHINGTON COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID TAX LOT 122;

THENCE N86°53'30"E (ASSUMED BEARING) 799.04 FEET ON THE NORTHERLY LINE OF SAID TAX LOT 122 TO THE NE CORNER THEREOF;

THENCE SOUTHEASTERLY ON THE WESTERLY RIGHT-OF-WAY OF THE CHICAGO, ST. PAUL AND OMAHA RAILROAD AND ON THE EASTERLY LINE OF SAID TAX LOT 122 ON A NON-TANGENT 2913.30 FOOT RADIUS CURVE TO THE LEFT, CHORD BEARING S23°07'28"E, CHORD DISTANCE 5.53 FEET, AN ARC DISTANCE OF 5.53 FEET;

THENCE S23°10'44"E 137.61 FEET ON THE WESTERLY RIGHT-OF-WAY OF THE CHICAGO, ST. PAUL AND OMAHA RAILROAD AND ON THE EASTERLY LINE OF SAID TAX LOT 122;

THENCE S03°06'30"E 410.55 FEET;

THENCE S86°53'30"W 764.26 FEET ON A LINE 545.00 FEET SOUTHERLY OF AND PARALLEL WITH THE NORTHERLY LINE OF SAID TAX LOT 122 TO THE WESTERLY LINE THEREOF AND THE EASTERLY RIGHT-OF-WAY OF HIGHWAY 75;

THENCE NORTHWESTERLY ON THE WESTERLY LINE OF SAID TAX LOT 122 AND ON THE EASTERLY LINE OF HIGHWAY 75 ON A NON-TANGENT 4523.68 FOOT RADIUS CURVE TO THE RIGHT, CHORD BEARING N11°51'38"W, CHORD DISTANCE 551.42 FEET, AN ARC DISTANCE OF 551.76 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.08 ACRES MORE OR LESS

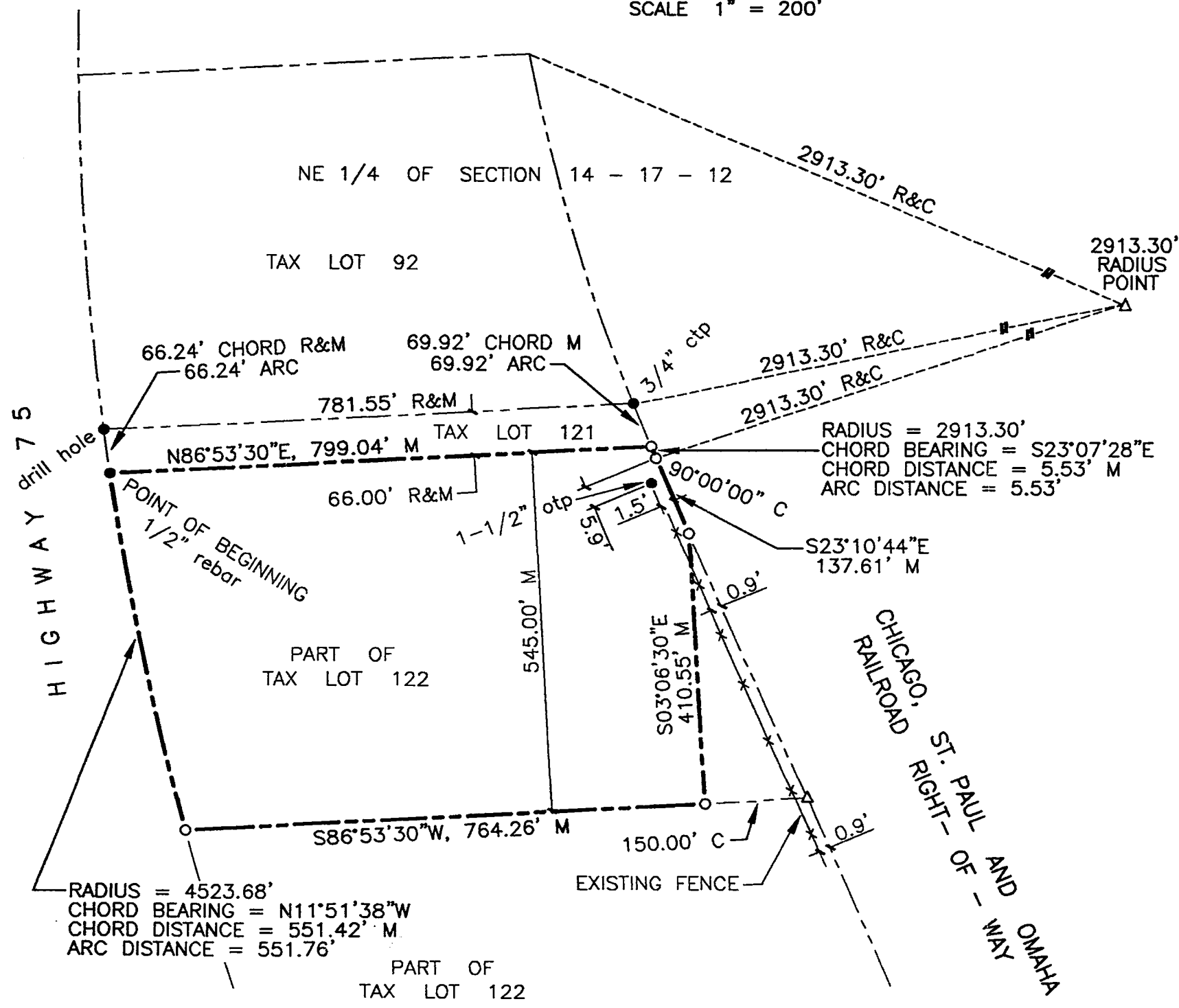
LAND SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.



JUNE 4, 1998  
DATE

DAVID H. NEEF,  
NEBRASKA RLS 475



SCALE: AS SHOWN	SURVEYOR'S CERTIFICATE	DARLAND CORPORATION
DATE: JUNE 4, 1998		
DRAWN BY: RJR	THOMPSON, DREESSEN & DORNER, INC. 2 CONSULTING ENGINEERS & LAND SURVEYORS 10836 OLD MILL RD. OMAHA, NE 68154 (402) 330 - 8860	973-112
CHECKED BY: DHN		
REVISIONS:		

ORDINANCE NO. 494

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

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

Section 1. THAT Section 1 of Ordinance No. 249 of the City of Fort Calhoun be and hereby is amended to provide as follows: Before any person, firm or corporation may display, sell or offer for sale any of the fire works described in this Ordinance, it or they shall first pay to the City Clerk a license fee in the amount of One Thousand (\$1000.00) Dollars for each retail outlet and the City Clerk shall issue a permit, and this permit shall be displayed at the retail outlet. Such permit shall be obtained from the City Clerk before June 15th of each year. No license shall be issued to any person, firm or corporation not a resident of the City of Fort Calhoun. Before said permit is granted, said applicant must present to the City Clerk a certificate or policy of insurance stating that said applicant carries liability insurance in the following amounts: \$100,000.00 for bodily injury for each person, \$300,000.00 for each occurrence, and \$100,000.00 property damage coverage for any liability incurred through the operation of said fire works sales and providing additional coverage for the City of Fort Calhoun and its duly elected and appointed officers because of the operation of said fire works outlet.

Section 2. THAT Section 1 of Ordinance No. 249 and all other Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. THAT this Ordinance shall take effect and be in force from and after its passage, approval and publication in accordance with the law.

PASSED AND APPROVED this 19<sup>th</sup> day of October, 1998.

Larry L. Halford  
Mayor

Attest:

Rosalie Orndorff  
City Clerk



ORD NO 495

AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA BY ADDING A PROVISION TO PROHIBIT ENGINE BRAKING OF MOTOR VEHICLES WITHIN THE CITY; DIRECTING THE POSTING OF WARNING SIGNS, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith AND 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. Chapter 5, Article 2 of the Municipal Code of the City of Fort Calhoun, Nebraska be amended to add Section 5-246 which shall provide as follows:

"Sec. 5-246 ENGINE BRAKING PROHIBITED, The practice of engine braking, commonly known as "Jake Braking" is prohibited within the corporate limits of the City of Fort Calhoun, Nebraska. It shall be unlawful for any person to fail to comply with the provisions herein, and every person failing to comply with or violating the provisions of this Section be deemed to be guilty of a Class III Misdemeanor, as defined by the statutes of the State of Nebraska, and upon conviction thereof, shall be sentenced accordingly".

SECTION 2. Signs shall be posted at each roadway entrance to the City of Fort Calhoun, Nebraska and at such other spots in the City necessary to give reasonable notice that such engine braking is prohibited.


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

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

PASSED AND APPROVED this 21<sup>st</sup> day of December , 1998

  
Larry L. Halford, Mayor

ATTEST:

  
Rosalie Freburg, City Clerk

CITY OF FORT CALHOUN, NEBRASKA

ORDINANCE NO. 496

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 1999-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF CURBING AND GUTTERING, PAVING, STORM DRAINAGE AND SUCH OTHER APPURTENANT IMPROVEMENTS AS MAY BE INCIDENTAL THERETO.

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

Section 1. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, hereby find and determine that it is in the best interests of the City that 16<sup>th</sup> Street, beginning at the north line of Lot 11, Pruehs Replat, thence southerly to the south line of Lot 1 of Pruehs Replat, including all intersections and areas formed by the crossing of streets, avenues and alleys, in the City of Fort Calhoun, Nebraska, be improved as hereinafter described; and that it is in the best interests of the City of Fort Calhoun to create a street improvement district for the construction of the said improvements.

Section 2. There is hereby created within the City of Fort Calhoun, Nebraska, a street improvement district to be known and designated as Street Improvement District No. 1999-1, the outer boundaries of which shall contain the following property:

Beginning at the southwest corner of the southeast quarter of Section 11, Township 17 North, Range 12 east of the 6<sup>th</sup> P.M., Washington County, Nebraska, also being the southwest corner of Tax Lot 151; thence easterly along the south line of the southeast quarter, also being the south lines of Tax Lot 151, Sixteenth Street and Lot 1 Pruehs Replat to the City of Fort Calhoun, to the southeast corner of Lot 1, Pruehs Replat; thence northerly along easterly lines of Lots 1 through 11, Pruehs Replat to the northeast corner of Lot 11, Pruehs Replat, thence westerly along the northerly line of Lot 11, Pruehs Replat to the northwest corner of Lot 11 Pruehs Replat; thence westerly along the westerly extension of the northerly line of Lot 11, Pruehs Replat, through Sixteenth Street and Tax Lot 151 to the westerly line of the southeast quarter of Section 11, also being the westerly line of Tax Lot 151; thence southerly along the westerly line of the southeast quarter also being the westerly line of Tax Lot 151 to the point of beginning.

the south line of Lot 1 Pruehs Replat, approximately 900 feet. Said improvements to include grading, paving, driveway improvements and all related appurtenances.

Section 3. All of said improvements shall be constructed to the established grades as fixed by ordinances of the City of Fort Calhoun, and shall be constructed in accordance with plans and specifications to be prepared by the City's Engineers and approved by the Mayor and City Council. Said improvements shall be made at public cost, but special assessments shall be levied to reimburse the City for the cost of the improvements as provided by law.

Section 4. Notice of the creation of said Street Improvement District No. 1999-1 shall be published in the Pilot Tribune, a legal newspaper of general circulation within the City of Fort Calhoun, for three weeks after the publication of this Ordinance.

Section 5. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

Section 6. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 16<sup>th</sup> day of March, 1999.

Larry R. Halford  
Mayor

ATTEST:

Rosalee Tribuna  
City Clerk

(SEAL)

Publish: March 22, 1999

ORDINANCE NO. 497

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 1999, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000) TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NOS. 1997-2, 1997-4 AND 1997-5 (INCLUDING THE INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); IN STREET IMPROVEMENT PROJECT NOS. 1997-2 AND 1997-3; AND IN WATER EXTENSION DISTRICT NO. 1997-1; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES TO PAY THE SAME; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. The Mayor and Council of the City of Fort Calhoun, Nebraska (the "City") hereby find and determine that pursuant to ordinances heretofore duly adopted by the Mayor and City Council, Street Improvement District Nos. 1997-2, 1997-4 and 1997-5, were created in the City and certain street improvements therein have been constructed, the improvements in Street Improvement District Nos. 1997-2, 1997-4 and 1997-5 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$103,460.17; that additional expenses properly chargeable as part of the cost of improvements in said Districts have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in an amount of \$44,118; the total cost of said improvements is not less than \$147,578.17, of which \$26,504.08 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and streets adjacent to real estate owned by the City and \$121,014.09 is the District's cost; special assessments will be levied according to law on the real estate in the Districts specially benefited by said improvements and will be valid liens as the lots and tracts of land upon which they are assessed; that pending the collection of said special assessments and after applying other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said Street Improvement Districts not less than \$147,578.17; that of such costs not less than \$26,564.08 is hereby determined to be for intersection costs and

\$121,014.09 for costs of improvements opposite abutting property; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Intersection Paving Bonds in the principal amount of \$26,564.08 and its District Improvement Bonds in the principal amount of \$121,014.09, pursuant to Section 17-516 and 17-520 R.R.S. Neb. 1997 have been done as provided by law.

Section 2. The Mayor and Council of the City of Fort Calhoun, Nebraska hereby find and determine that pursuant to resolutions heretofore duly adopted by the Mayor and City Council, Street Improvement Project Nos. 1997-2 and 1997-3, were created in the City and certain street improvements therein have been constructed, the improvements in Street Improvement Project Nos. 1997-2 and 1997-3 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$28,794.46; that additional expenses properly chargeable as part of the cost of improvements in said Projects have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$12,441.10; the total cost of said improvements is not less than \$41,235.56, of which \$6,185.33 is the cost of improving intersections, areas formed by the crossing of streets, avenues and alleys and streets adjacent to real estate owned by the City and \$35,050.23 is the Project's cost; special assessments will be levied according to law on the real estate in the Projects specially benefited by said improvements and will be valid liens as the lots and tracts of land upon which they are assessed; that pending the levy and collection of said special assessments and after applying other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said Street Improvement Projects not less than \$41,235.56; that of such costs not less than \$6,185.33 is hereby determined to be for intersection costs and \$35,050.23 for costs of improvements opposite abutting property; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Paving Bonds in the principal amount of \$41,235.56, pursuant to Section 17-516 and 17-520 R.R.S. Neb. 1997 have been done as provided by law.

Section 3. The Mayor and Council of the City of Fort Calhoun, Nebraska hereby find and determine that pursuant to ordinance heretofore duly adopted by the Mayor and City Council, Water Extension District No. 1997-1 was created in the City and certain improvements therein have been constructed, the improvements in Water Extension District No. 1997-1 have been completed and accepted, and are hereby accepted by the City; the cost of all of said improvements as heretofore reported by the City Engineer and determined by the Mayor and City Council are not less than \$98,936.26; that additional expenses properly chargeable as part of the cost of improvements in said District have been incurred or must be expended for interest, legal, fiscal expenses, discount on the sale of bonds, costs of issuance and miscellaneous costs, including a portion of the interest to accrue on the bonds being issued to pay the costs of said improvements in the amount of \$35,119.50; the total cost of said improvements is not less than \$134,055.76; that special assessments will be levied and collected; that pending the levy of said special assessments and after applying such other funds of the City as are available for such purpose, there still remains due and payable on the costs of the improvements of said District not less than \$131,186.27; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Water Service Extension Bonds of said District in the principal amount of \$131,186.27, pursuant to Section 19-2405, R.R.S. Neb. 1997, have been done as provided by law.

Section 4. The Mayor and Council 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 Fort Calhoun, Nebraska, in the principal amount of Three Hundred Twenty Thousand Dollars (\$320,000) pursuant to Sections 18-1801 and 18-1802, R.R.S. Neb. 1997, to pay the cost of the improvements described in Sections 1, 2 and 3 hereof do exist and have been done as required by law.

Section 5. To provide for the issuance of bonds as described in Sections 1, 2 and 3 hereof, there shall be and there are hereby ordered issued Various Purpose Bonds, Series 1999, of the City of Fort Calhoun, Nebraska, in the principal amount of Three Hundred Twenty Thousand Dollars (\$320,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due in each year as indicated below:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>Interest Rate</u>
\$100,000	November 15, 2005	4.20%
110,000	November 15, 2010	4.60
50,000	November 15, 2012	4.90
60,000	May 15, 2014	5.00

Provided, however, the bonds shall be subject to a mandatory sinking fund payment prior to maturity; such sinking fund payments being as follows:

\$100,000 Principal Maturing November 15, 2005

\$15,000 Callable November 15, 2000  
\$15,000 Callable November 15, 2001  
\$15,000 Callable November 15, 2002  
\$15,000 Callable November 15, 2003  
\$20,000 Callable November 15, 2004  
\$20,000 Final Maturity November 15, 2005

\$110,000 Principal Maturing November 15, 2010

\$20,000 Callable November 15, 2006  
\$20,000 Callable November 15, 2007  
\$20,000 Callable November 15, 2008  
\$25,000 Callable November 15, 2009  
\$25,000 Final Maturity November 15, 2010

\$50,000 Principal Maturing November 15, 2012

\$25,000 Callable November 15, 2011  
\$25,000 Final Maturity November 15, 2012

\$60,000 Principal Maturing November 15, 2014

\$30,000 Callable November 15, 2013  
\$30,000 Final Maturity May 15, 2014

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be May 15, 1999. Interest on the Bonds, at the respective rates for each maturity, shall be payable on November 15, 1999, and semi-annually thereafter on May 15 and November 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 the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 9 hereof. The bonds shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for

each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 9 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 8 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid accrued interest thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Bonds 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 such 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 6. Nebraska Trust Company, Fremont, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. Said Paying Agent and Registrar shall serve in such capacities under the terms of an agreement entitled "Paying Agent and Registrar's Agreement" between the City and said Paying Agent and Registrar, the form of which is hereby approved. The Mayor and City Clerk are hereby authorized to execute said agreement in substantially the form presented at the meeting at which this ordinance was adopted, but with such changes as they shall deem appropriate or necessary. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City's offices. 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 such owner's 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' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations 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 7. 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 8. Bonds maturing on or after November 15, 2004 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after May 15, 2004, 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 or integral multiples

thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption 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, series and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed. 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 9. 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 in the city where the principal corporate trust office of the paying agent and registrar is located 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 10. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

VARIOUS PURPOSE BOND  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 1999

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate

Maturity Date

Date of Original Issue

CUSIP

%

May 15, 1999

Registered Owner:

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Fort 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 assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent Interest Payment Date, whichever is later, at the rate per annum specified above, payable November 15, 1999 and semiannually thereafter on May 15 and November 15 of each year (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 and interest on this bond due at maturity or upon redemption prior to maturity are payable upon presentation and surrender of this bond at the principal corporate trust office of Nebraska Trust Company, in Fremont, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed on such Interest Payment Date 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 immediately preceding 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, both 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 Three Hundred Twenty Thousand Dollars (\$320,000), of even date and like tenor herewith, except as to date of maturity and rate of interest and denomination, which were issued by the City to pay the costs of certain improvements constructed in Street Improvement District Nos. 1997-2, 1997-4 and 1997-5, (including the intersections and the areas formed by the crossing of streets, avenues and alleys), in Street Improvement Project Nos. 1997-2 and 1997-3 and in Water Extension District No. 1997-1; in pursuance of Sections 17-516, 17-520, 18-1801 and 18-1802, 18-2001 through 18-2003, and 19-2405 and other applicable statutes and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and Council of said City.

The bonds shall be subject to a mandatory sinking fund payment prior to maturity; such sinking fund payments being as follows:

\$100,000 Principal Maturing November 15, 2005

\$15,000 Callable November 15, 2000  
\$15,000 Callable November 15, 2001  
\$15,000 Callable November 15, 2002  
\$15,000 Callable November 15, 2003  
\$20,000 Callable November 15, 2004  
\$20,000 Final Maturity November 15, 2005

\$110,000 Principal Maturing November 15, 2010

\$20,000 Callable November 15, 2006  
\$20,000 Callable November 15, 2007  
\$20,000 Callable November 15, 2008  
\$25,000 Callable November 15, 2009  
\$25,000 Final Maturity November 15, 2010

\$50,000 Principal Maturing November 15, 2012

\$25,000 Callable November 15, 2011  
\$25,000 Final Maturity November 15, 2012

\$60,000 Principal Maturing November 15, 2014

\$30,000 Callable November 15, 2013  
\$30,000 Final Maturity May 15, 2014

In addition, any or all of the bonds of said issue maturing on or after November 15, 2004, are subject to redemption at the option of the City, in whole or in part, at any time on or after May 15, 2004, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the ordinance authorizing said issue of bonds. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefor, a registered bond or registered bonds for the unpaid principal balance of like series, maturity and interest rate in any of the authorized denominations provided for in the ordinance authorizing the issuance hereof.

This bond is transferable by the registered owner or such owner's attorney duly authorized in writing at the principal corporate trust office of the Paying Agent and Registrar in Fremont, Nebraska, 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 and for all 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 in the City of Fremont, Nebraska 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.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY

TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS BOND MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS BOND MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY BOND ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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

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

CITY OF FORT CALHOUN, NEBRASKA

ATTEST:

(facsimile)  
Mayor

(facsimile)  
City Clerk

[SEAL]

CERTIFICATE OF AUTHENTICATION

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

NEBRASKA TRUST COMPANY  
Paying Agent and Registrar

By \_\_\_\_\_

(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(s) of this assignment must correspond with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever.

Section 11. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the City's seal. The Bonds shall be issued initially as "book-entry-only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten bond per maturity being issued to the Depository. In such connection said officers are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon the issuance of the Bonds as "book-entry-only" bonds, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each, a "Beneficial Owner") with respect to the following:

(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds,

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds. The Paying Agent and Registrar shall make payments with respect to the Bonds only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, except as provided in (e) below.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Bonds requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a substitute depository willing and able upon reasonable and customary terms to maintain custody of the Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the Bond Participants and/or Beneficial Owners of the Bonds and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this ordinance to the contrary, so long as any Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Bond unless and until such partially redeemed Bond has been replaced in accordance with the provisions of Section 10 of this Ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Bond as is then outstanding and all of the Bonds issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and subsequent transfers or in the event of partial redemption. In the event that such supply of certificates 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 certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of said City. In case any officer whose signature or facsimile thereof shall appear on any Bond shall cease to be such officer before the delivery of such Bond (including any bond certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Bond. The Bonds shall not be valid and binding on the City until



authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Bonds to be registered in the office of the Auditor of Public Accounts of the State of Nebraska. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Bonds, they shall be delivered to the City Treasurer, who is authorized to deliver them to Kirkpatrick, Pettis, Smith, Polian Inc., as the initial purchaser thereof, upon receipt of 98.25% of the principal amount of the Bonds plus accrued interest thereon to date of payment of 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 the restrictions of this Ordinance.

Section 12. All accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on November 15, 1999. The proceeds of the Bonds shall be applied upon receipt to the payment of warrant or note indebtedness and other costs related to the improvements described in Sections 1, 2 and 3 hereof. The City hereby agrees that the registered owners of the Bonds shall be subrogated to the rights of the registered owners of any warrant or note indebtedness so paid from the proceeds of the Bonds upon such payment.

Section 13. Special assessments levied or to be levied upon real estate specially benefited by the construction of improvements as described in Sections 1, 2 and 3 of this ordinance and the interest on such special assessments shall constitute a sinking fund for the payment of the principal of and interest on the Bonds. The City agrees that it will collect such special assessments and in case the monies collected therefrom are not sufficient to fully and promptly pay the principal and interest of the Bonds as and when such principal and interest become due, the Mayor and 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 when and as such principal and interest become due.

Section 14. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said issue, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage

bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. The City hereby designates the Bonds as its "qualified tax-exempt obligations" under Section 265 (b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of bonds or other obligations aggregating in principal amount more than \$10,000,000 during calendar 1999. The City agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized as such "qualified tax-exempt obligations," as and to the extent permitted by law.

Section 15. 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 canceled 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 a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/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 and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with 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 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.

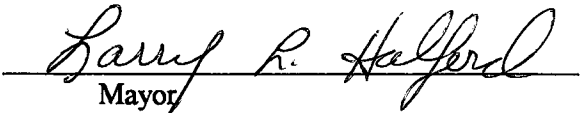
Section 16. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the Various Purpose Bonds and the information therein contained, and the Mayor and City Finance Officer or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 17. The Mayor and City Council hereby approve the Preliminary Official Statement with respect to the Various Purpose Bonds and the information therein contained, and the Mayor and City Clerk or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City, and said final Official Statement shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 18. This Ordinance shall take effect upon its publication in pamphlet form as provided by law.

PASSED AND APPROVED this 19<sup>th</sup> day of April, 1999.

ATTEST:

  
Mayor

  
City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared 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 the proceedings had and done by the Mayor and Council on April 19, 1999; 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 meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

  
\_\_\_\_\_  
City Clerk

[SEAL]

ORDINANCE NO. 498

AN ORDINANCE RELATING TO PRIOR ANNEXATION BY THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA OF AN ADDITION KNOWN AS HALFORD'S CHERRY HILLS SUBDIVISION, AND INCLUDING CERTAIN ADJACENT, INTERVENING AND CONTIGUOUS STREETS AND HIGHWAYS; TO CONFIRM THE PRIOR AUTOMATIC ANNEXATION OF SAID TERRITORY TO THE CITY ON APRIL 19, 1990, BY VIRTUE OF ORDINANCE NO. 415, APPROVING THE PLAT AND SUBDIVISION AGREEMENT REFERABLE THERETO; TO FURTHER RECONFIRM, RESTATE AND RATIFY THE PASSAGE AND APPROVAL OF ORDINANCE NO. 484 ON OCTOBER 20, 1997: SAID ORDINANCE BEING INTENDED TO MORE FORMALLY ANNEX SAID TERRITORY TO THE CITY PURSUANT TO THE PROVISIONS OF SECTION 17-405.01 OF THE REVISED STATUTES OF NEBRASKA, AND TO ESTABLISH THE EFFECTIVE DATE OF ANNEXATION

Whereas, it has been found and determined by the Mayor and City Council (Governing Body) of the City of Fort Calhoun, Washington County, Nebraska that on April 19, 1990, Ordinance No.415 was passed and approved, approving the Subdivision Plat and Agreement between the City and the developers of "Halford's Cherry Hills," a subdivision, as surveyed, platted and recorded in Washington County, Nebraska; said addition lying adjacent and contiguous to the then-existing corporate city limits of Fort Calhoun; and that by virtue of such ordinance approval, by law and without any further action being required, the city limits of Fort Calhoun became automatically extended to include the new subdivision as of that date, and

Whereas, it is further found by the Governing Body of this City that, notwithstanding the foregoing automatic annexation, but in the interest of fundamental fairness to the residents and owners of property within "Halford's Cherry Hills," and to all other interested members of the public, an opportunity for all to be heard should be accorded; whereupon it was determined to more formally annex said subdivision through the legislative process set forth in Section 17-405.01 of the Nebraska Revised Statutes; and that in pursuance of this intent a lawfully convened meeting was held before its Planning Commission on May 15, 1997, which resulted in its recommendation to the Governing Body favorable to annexation, and

Whereas, it is further found that on October 20, 1997, during a regular and lawfully convened meeting of the Mayor and City Council, the recommendation of the Planning Commission favorable to said annexation was received and approved; then followed the introduction of annexation Ordinance No. 484, and a motion, unanimously passed,

to waive the required three separate daily readings of Ordinance No. 484, which thereupon proceeded to final passage by unanimous vote, and mayoral approval; and

Whereas, the Governing Body now finds and has determined that its procedure in attempting to waive the three separate daily readings of the proposed Ordinance and its movement to final passage, was flawed and defective under the then amended and effective provisions of Section 17-614 of the Revised Statutes of Nebraska; but that notwithstanding such mistake and inadvertence the original intent of the Mayor and City Council on October 20, 1997, and of this Governing Body, was and remains to formally annex to, and to incorporate within the city limits of Fort Calhoun, that addition known as "Halford's Cherry Hills" Addition or Subdivision, as surveyed, platted and recorded, Washington County, Nebraska. and

Whereas, it is further determined that this City, at all times material hereto, has had and still retains the jurisdiction, right and power to complete the formal annexation process of "Halford's Cherry Hills" Subdivision or Addition; and to ratify and confirm all of its prior actions and intent; and for these purposes corrective actions beginning at the point where the defect occurred have now been undertaken and accomplished; that the required three separate daily readings of Ordinance No. 484 and of this Ordinance have been completed, and that both Ordinances have been unanimously passed.

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

Section 1. That all actions and proceedings with respect to Ordinance No. 484, to the point of the attempted waiver of the required three separate daily readings of the ordinance, and its movement to final passage and approval, are hereby reaffirmed, confirmed and ratified; that the corporate limits of the City of Fort Calhoun, Washington County, Nebraska are hereby reaffirmed and declared to extend to, and to include and embrace within its corporate limits, all the territory and subdivision known as Halford's Cherry Hills Addition, (sometimes "Subdivision") , as surveyed, platted and recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska and to include all included, adjacent, contiguous or intervening streets and highways; and that the effective date of such annexation is hereby declared to be October 20 1997.

Section 2. The map or plat of the addition or subdivision known as Halford's Cherry Hills Subdivision, as attached to this ordinance, and as previously filed and recorded in the office of the County Clerk, ex officio Register of Deeds of Washington County, Nebraska, is also hereby confirmed, ratified, restated and adopted as the official plat and map of the of the territory hereby annexed; and that the legal boundaries thereof,

together with all streets, avenues, alleys, ways, lanes and other dedicated areas within that subdivision, and the locations thereof, are hereby accepted for the public uses and purposes designated upon the said plat or map.

Section 3. If any provision of this ordinance or of Ordinance No. 484 shall be held or declared to be invalid by any Court of competent jurisdiction, their invalidity shall not affect any other provision of either ordinance which can be given effect without the invalid provision, and for this purpose the provisions of the described ordinances are hereby declared to be severable.

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED AND APPROVED THIS 28 DAY OF June, 1999.

Barry L. Halpern  
Mayor

ATTEST:

Linda W. Ascher  
Municipal Clerk

ORDINANCE NO. 499

AN ORDINANCE to amend original Section 9-701 of the Fort Calhoun Municipal Code (Ordinance No. 404, October 17, 1988), and as amended by Ordinance No. 446, July 19, 1993, by expanding the definition of the term "Uniform Codes" to further include and adopt by reference certain official publications of the City of Omaha, Nebraska; to harmonize provisions of this Ordinance with all other provisions of the Fort Calhoun Municipal Code, as amended, and all building and safety regulations adopted by reference; and with the Zoning and Subdivision Chapters of the Land Development Ordinance of the City of Fort Calhoun, as amended; to repeal the original Section and of all other Ordinances or parts of Ordinances in conflict herewith; to provide for severability and a saving provision; and to provide when this Ordinance shall be fully effective.

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

Section 1: That Section 9-701 of the Fort Calhoun Municipal Code (Ordinance No. 404, October 17, 1988), be amended to read as follows:

That the Uniform Building Code (UBC, 1991 Edition), the Uniform Plumbing Code (UPC, 1991 Edition), the Uniform Mechanical Code (UMC, 1991 Edition) and the National Electrical Code (1993 Edition), in their present form and as they may hereafter be amended, are hereby designated as Uniform Codes, and are incorporated by reference when the same are applicable to the Municipality,

The following official Codes of the City of Omaha, Nebraska, titled substantially as indicated below, in their present form and as they may hereafter be amended, are also hereby adopted by this Municipality, and incorporated herein by this reference, as Uniform Codes.

"Standard Specifications for Public Works Construction - 1989 Edition"

"Omaha Metropolitan Area Storm Water Design Manual ,  
March 1980 Edition"

"City of Omaha Public Works Department, Design Division  
Standard Plates for Public Works Construction - April 1999 Edition"

"City of Omaha Soil Erosion and Sediment Control Manual,  
January 1993 Edition"



One (1) copy of each of such Uniform Codes shall be filed in the office of the Municipal Clerk and shall be available for public inspection at any reasonable time.

Section 2. Original section 9-701 of the Fort Calhoun Municipal Code, as amended; and all other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3 The provisions and sections of this Ordinance are hereby declared to be independent of each other, separate and severable; and should any court of competent jurisdiction find that any provision or section hereof is in conflict with or in violation of law; then the remaining provisions and sections shall remain and be fully enforceable.

Section 4 Neither this Ordinance nor any codes or regulations adopted hereunder by reference shall be construed as abating any action now pending under or by virtue of any prior Ordinance, codes or regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the Municipality under any sections or provisions existing at the time of adoption of this Ordinance, or as vacating or annulling any rights obtained by any person, by lawful action of the Municipality except as shall be specifically provided for herein. Further, and more specifically, repeals of prior Ordinances shall not affect or prevent the prosecution and punishment of any person for the violation of any Ordinance repealed hereby, for any offense committed prior to the repeal.

Section 5. This Ordinance shall be in full force and effect following its passage, approval and publication as by law provided.

PASSED AND APPROVED THIS 21 DAY OF June, 1999.

CITY OF FORT CALHOUN, NEBRASKA

Harry L. Halpern  
Mayor

ATTEST:

Linda Weisker  
Municipal Clerk

ORDINANCE NO. 500

AN ORDINANCE TO AMEND SECTIONS 9-601, 9-602 AND 9-603 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA; RELATING TO THE REGULATION OF SWIMMING POOLS; TO DEFINE TERMS, TO REQUIRE LICENSING AND INSPECTION OF SWIMMING POOLS, TO REQUIRE THEIR ENCLOSURE, TO APPOINT THE CITY PLANNING COMMISSION TO ADMINISTER AND ENFORCE THE REQUIREMENTS OF THIS AMENDING ORDINANCE, AND ALL UNAMENDED ORIGINAL CODE SECTIONS PERTAINING TO THE LIGHTING AND PERIODIC DISINFECTION OF SWIMMING POOLS: TO REPEAL ORIGINAL SECTIONS 9-601, 9-602 AND 9-603, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BECOME FULLY EFFECTIVE.

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

Section 1

That Sections 9-601, 9-602 and 9-603 of the Municipal Code of the City of Fort Calhoun, Nebraska; that being General Codification Ordinance No. 404, effective October 27, 1988, should be, and the same are hereby amended to read as follows:

Sec.9-601 SWIMMING POOLS; PURPOSE; PERMIT REQUIRED.

(1) The purpose of this regulatory ordinance is to provide uniform standards of construction, installation, maintenance, operation and use of swimming pools within the City of Fort Calhoun and its extraterritorial jurisdiction; to maintain a neat, pleasant appearing environment in order to assure compatibility of outdoor swimming pools with surrounding land and property usage; and generally to promote and maintain the health, safety, environment and general welfare of persons and their property in the vicinity of swimming pools, and of the public generally.

(2) No swimming pool shall hereafter be constructed, installed, maintained, operated or used unless and until plans, specifications, and any additional information relative to such pool, as may be requested by the Planning Commission of Fort Calhoun, shall have been submitted, and after review found to comply with all zoning, building, health, sanitary and safety requirements, and a permit for the construction, installation, maintenance, operation and use is issued by the Municipal Clerk upon payment of reasonable fees established by Resolution of the Governing Body.

Sec. 9-602 SWIMMING POOLS: DEFINITIONS. For the purpose of this Article certain terms and words are herewith defined.

1. Swimming Pool. Any above ground or below ground body of water in an artificial or semi-artificial receptacle or other container, having the capability of being filled to a depth of over two (2) feet at any point, and having a surface area exceeding one-hundred (100) square feet, used or intended to be used for swimming or bathing. The term includes all structures, equipment and fixtures, such as filters and pumps, which are appurtenant to and intended for the operation, maintenance and use of a swimming pool.
2. Private Swimming Pool. A swimming pool maintained for use solely by the owner or lessee and his or her family, licensees, guests, permittees and invitees without payment of any fee, charge or other cost, and which is located as an accessory structure or appliance upon the same property as his or her residence. A "private swimming pool", sometimes referred to herein as a "family pool," shall be taken to include all receptacles or containers which were designed or intended to be permanently installed upon the premises, as well as those which may have been designed or intended for occasional, temporary or seasonal use, and which have the capability of being readily removable and transportable.
3. Non-Commercial Swimming Pool. A swimming pool maintained by a private club or group, not operated for profit, limited to a specific number of members or residents of a block, subdivision, neighborhood or community, for the exclusive use of those members or residents and their guests
4. Commercial Swimming Pool. A swimming pool operated for profit.

Sec. 9-603 SWIMMING POOLS: ENCLOSURE OF OUTDOOR POOLS.

1. Walls of any outdoor swimming pool shall be located at least four (4') feet from any lot line.
2. Every outdoor private, residential or family pool shall be completely surrounded by a fence or wall not less than six (6') feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four (4") inches in any dimension, except for doors and gates. If a picket fence is erected or maintained, the horizontal dimension shall not

exceed four (4") inches. A dwelling or accessory building may be used as part of such enclosure.

3. All gates, doors and openings through such enclosures shall be equipped with self-closing and self-latching devices for keeping the gates or doors securely closed at all times. This requirement shall be applicable to all new outdoor swimming pools hereafter constructed, installed, maintained, operated or used, and shall apply to all existing pools which have the capability of being filled to a depth of over two (2) feet at any one point, and have a surface area exceeding one-hundred (100) square feet. No person in possession of real property within the City or its extraterritorial jurisdiction, either as owner, purchaser, lessee, tenant or licensee, upon which is situated an outdoor swimming pool which has the capability of being filled to a depth exceeding two (2') feet, and shall have a surface area exceeding one-hundred (100) square feet, shall fail to provide and maintain such fences, walls and self-closing and latching devices as provided in this Ordinance.

## Section 2

All ordinances or parts of ordinances in conflict herewith, including, but not limited to Sections 9-601, 9-602 and 9-603, are hereby repealed.

## Section 3

This Ordinance and amendments to Sections 9-601, 9-602 and 9-603 of the Fort Calhoun Municipal Code, shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 20 DAY OF September, 1999.

Harry R. Halford  
Mayor

ATTEST:

Linda Wheeler  
Municipal Clerk