

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 20th DAY OF January A.D. 2006  
AT 2:59 O'CLOCK P M AND RECORDED IN BOOK  
80 AT PAGE 239-243  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Karim Middleton

Recorded   
General   
Numerical   
Photostat   
Frosted

FILED

06 JAN 20 PM 2:59

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

ORDINANCE NO. 551

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, (ORINANCE NO. 459, JANUARY 15, 1996), BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURE DISTRICT TO SINGLE-FAMILY RESIDENTIAL DISTRICT, DESIGNATED PARK AREA; LOTS 5 - 8, BLOCK 2; LOTS 1 - 6, BLOCK 3; LOTS 11, 13 - 22, BLOCK 4; LOTS 1 - 13, BLOCK 5, SOUTHERN HEIGHTS SUBDIVISION, AND FROM AGRICULTURE DISTRICT TO URBAN CORRIDORE DISTRICT, OUTLOT "A", SOUTHERN HEIGHTS SUBDIVISION, AND FROM SINGLE FAMILY RESIDENTIAL DISTRICT TO MULTI-FAMILY RESIDENTIAL DISTRICT LOTS 1 - 5, BLOCK 1, SOUTHERN HEIGHTS SUBDIVISION, LYING IN THE NW 1/4 OF THE NE 1/4 OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, NEBRASKA: 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 it's inhabitants, residents and owners of property, within its zoning and subdivision jurisdiction, to amend the official Zoning District Map of Fort Calhoun in such fashion as to rezone the area specifically depicted and legally described upon the attached map, plat or survey which is identified as Exhibit "A" and by this reference made 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 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 Multiple-Family Residential use classification to Single-Family 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 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 "B", by reference made part of the ordinance, from Agriculture use to Single-Family Residential use; changing the zoning classification of the area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "C", by reference made a part of the ordinance, from Agriculture use to Urban Corridor use; changing the zoning classification of the area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "D", by reference made a part of the ordinance, from Single-Family Residential use to Multi-Family Residential use.

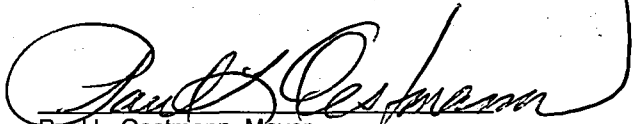
Section 2. If any provision of this ordinance shall be held invalid, its invalidity shall not effect any other provision of the ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared severable.

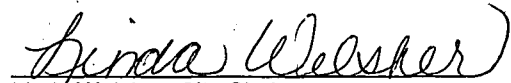
Section 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 purpose 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.

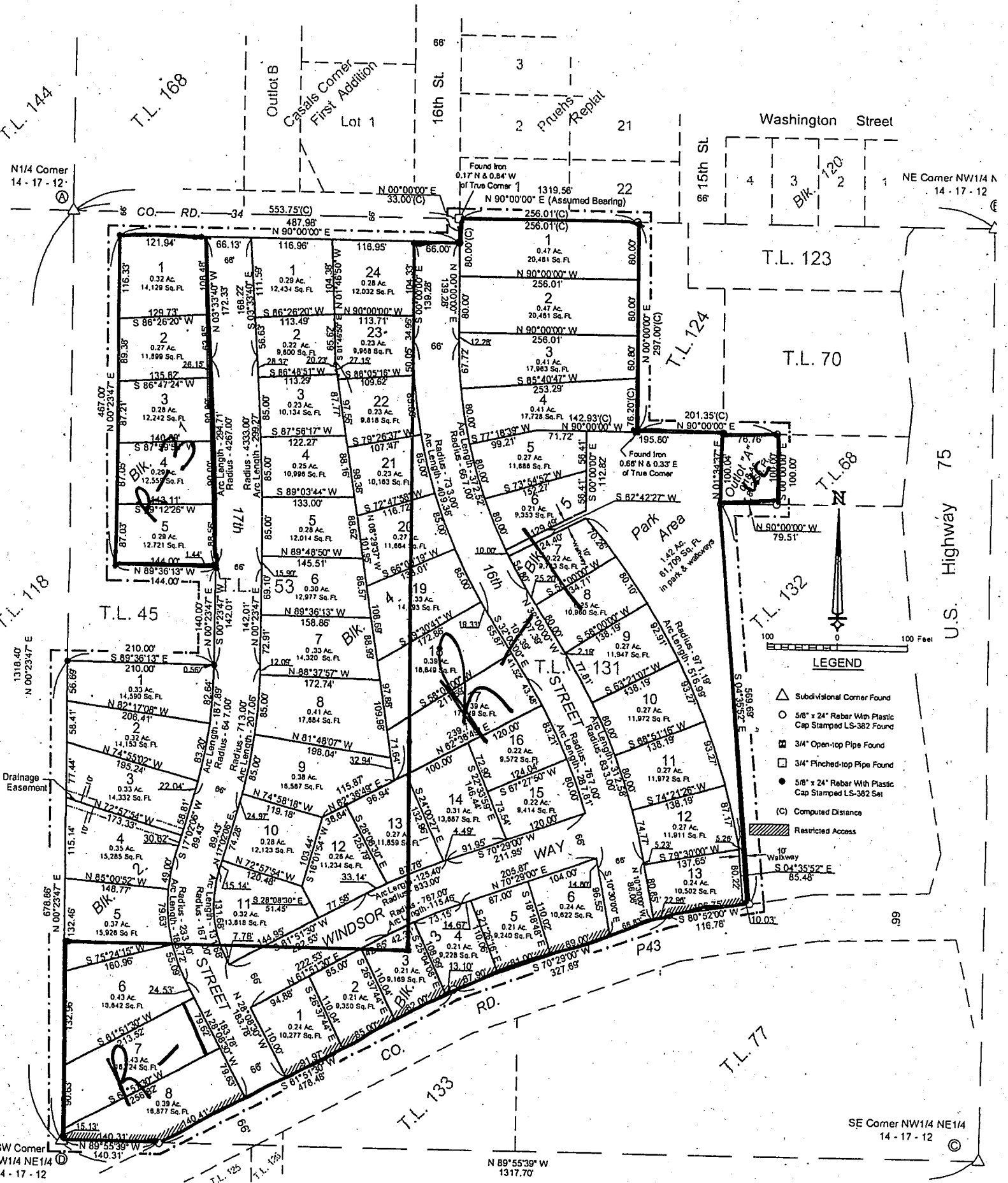
PASSED AND APPROVED THIS 16TH DAY OF JANUARY, 2006.

  
Paul L. Oestmann, Mayor

ATTEST:  
  
Linda Welsher, City Clerk

Final Plat  
—SOUTHERN HEIGHTS—

A Subdivision of all of Tax Lot 53 and Tax Lot 131  
and all lying in the NW1/4 of the NE1/4 of  
Section 14, T- 17 - N, R - 12 - E of the 6th P.M.,  
Washington County, Nebraska.



LEGEND

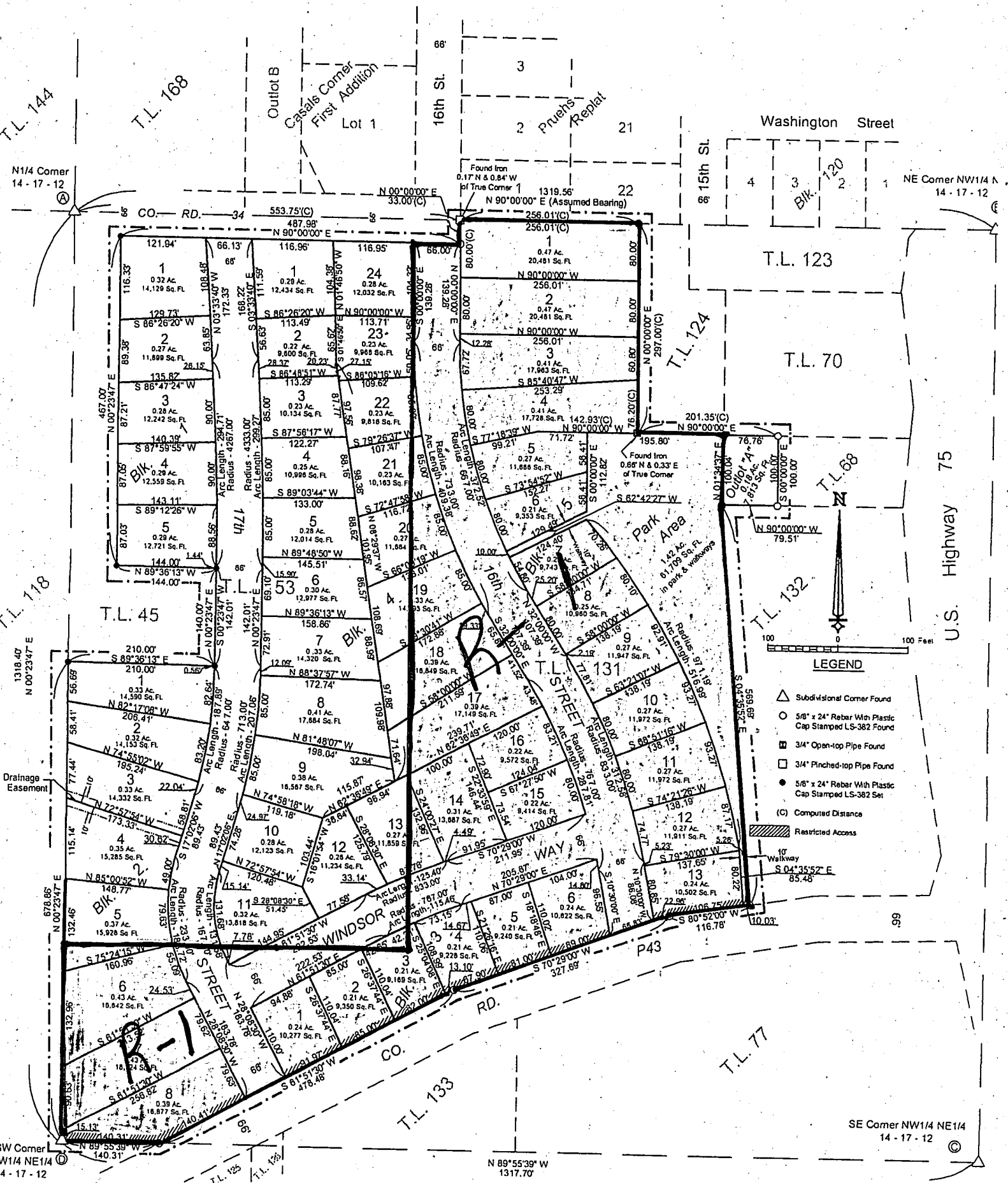
- △ Subdivisional Corner Found
- 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Found
- 3/4" Open-top Pipe Found
- ▣ 3/4" Finched-top Pipe Found
- 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Set
- (C) Computed Distance
- ▨ Restricted Access

SE Corner NW1/4 NE1/4  
14 - 17 - 12

Exhibit "A"

Final Plat  
SOUTHERN HEIGHTS

A Subdivision of all of Tax Lot 53 and Tax Lot 131  
and all lying in the NW1/4 of the NE1/4 of  
Section 14, T- 17 - N, R - 12 - E of the 6th P.M.,  
Washington County, Nebraska.



**LEGEND**

- △ Subdivisional Corner Found
- 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Found
- 3/4" Open-top Pipe Found
- ▣ 3/4" Finched-top Pipe Found
- 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Set
- (C) Computed Distance
- ▨ Restricted Access

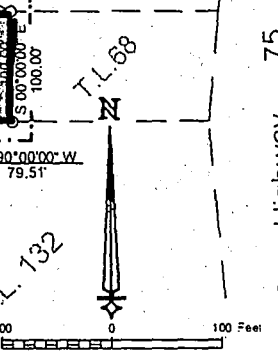
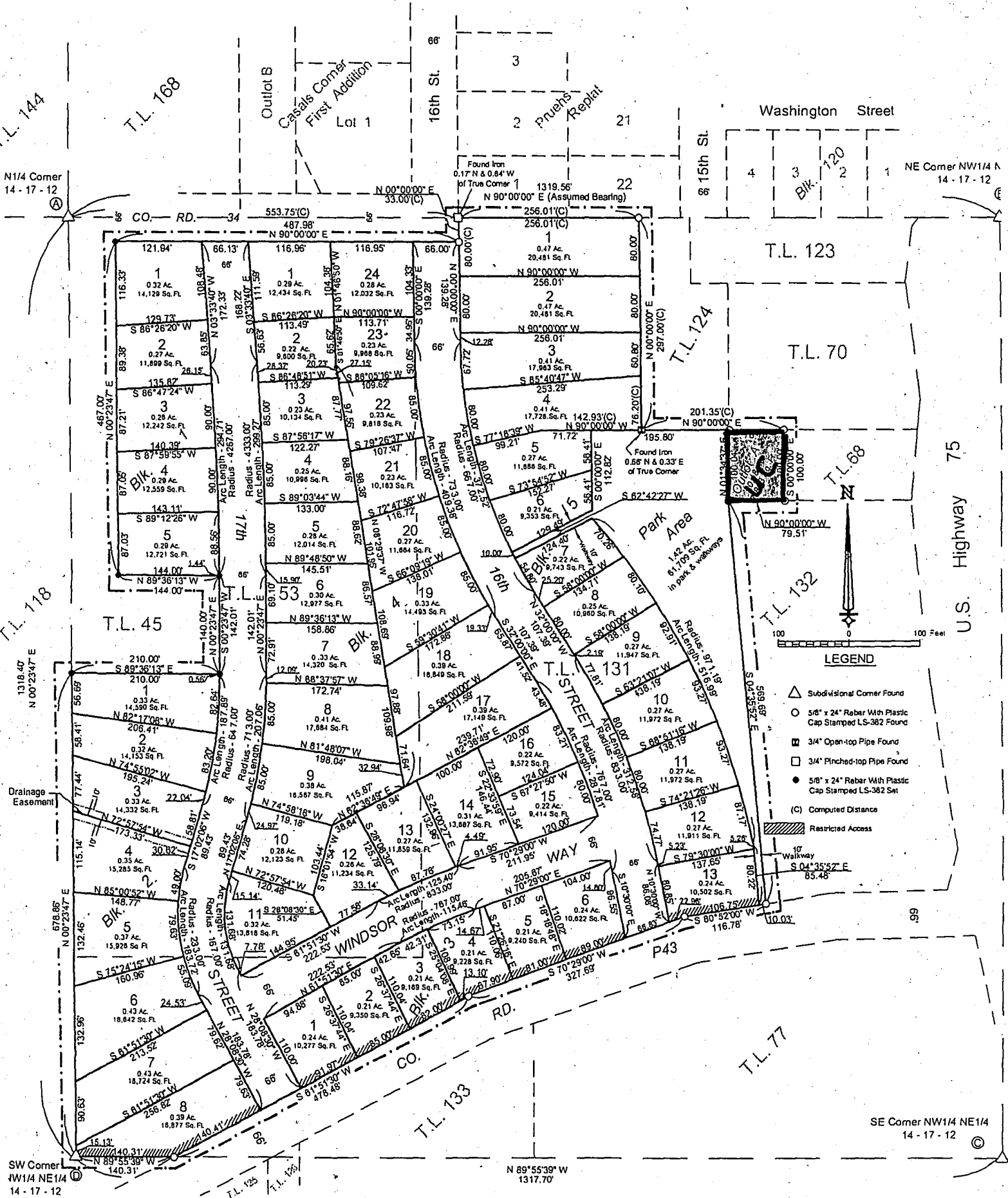
SE Corner NW1/4 NE1/4  
14 - 17 - 12

SW Corner  
NW1/4 NE1/4  
14 - 17 - 12

Exhibit "B"

Final Plat  
—SOUTHERN HEIGHTS—

A Subdivision of all of Tax Lot 53 and Tax Lot 131  
and all lying in the NW1/4 of the NE1/4 of  
Section 14, T- 17 - N, R - 12 - E of the 6th P.M.,  
Washington County, Nebraska.



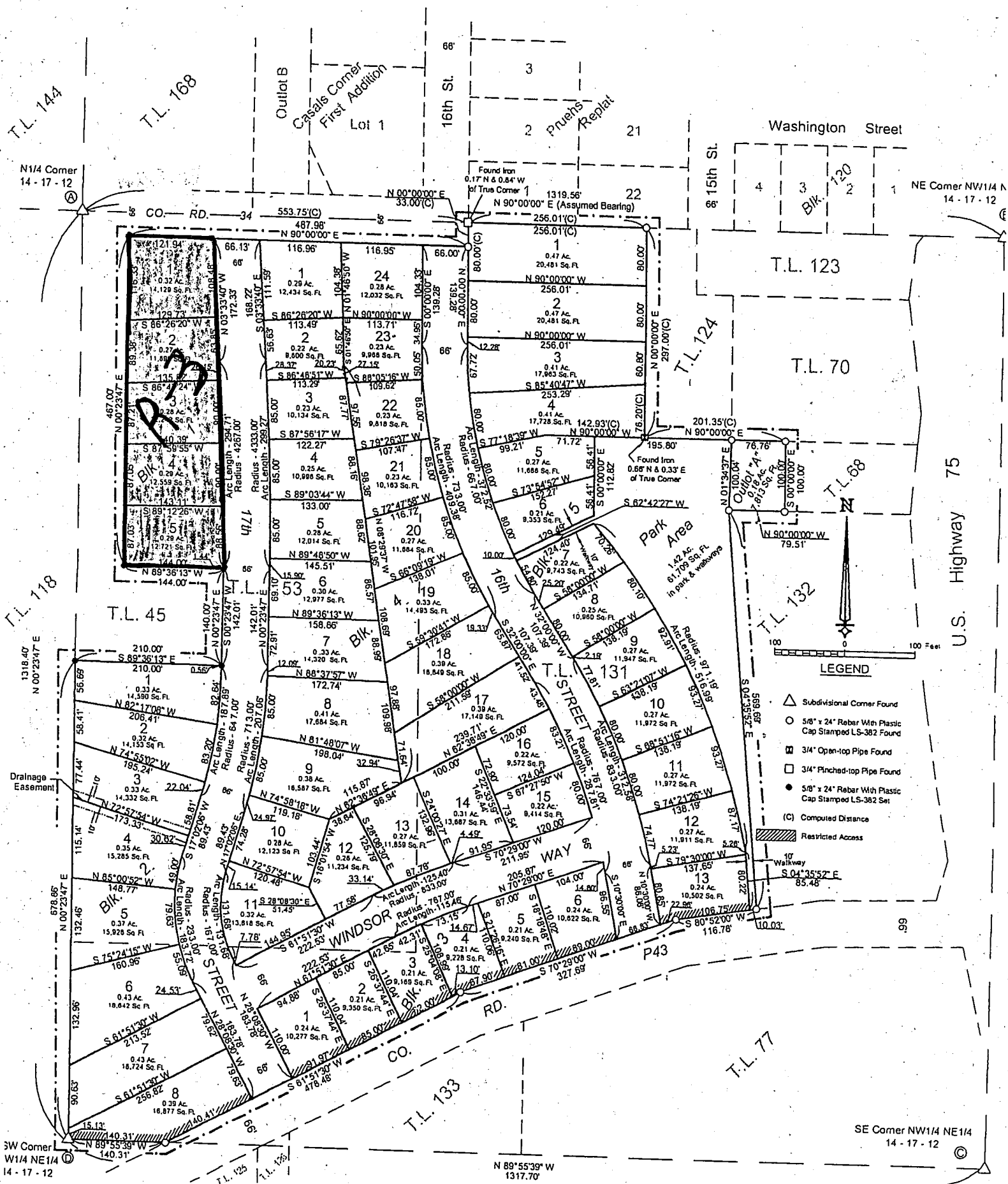
- LEGEND**
- △ Subdivisional Corner Found
  - 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Found
  - 3/4" Open-top Pipe Found
  - 3/4" Finched-top Pipe Found
  - 5/8" x 24" Rebar With Plastic Cap Stamped LS-382 Set
  - (C) Computed Distance
  - ▨ Restricted Access

Exhibit "C"



Final Plat  
— SOUTHERN HEIGHTS —

A Subdivision of all of Tax Lot 53 and Tax Lot 131  
and all lying in the NW1/4 of the NE1/4 of  
Section 14, T- 17 - N, R - 12 - E of the 6th P.M.,  
Washington County, Nebraska.



## ORDINANCE NO. 552

AN ORDINANCE TO AMEND SECTION 6-210 OF CHAPTER VI, ARTICLE II OF THE FORT CALHOUN, NEBRASKA REVISED MUNICIPAL CODE (ORDINANCE NO. 529, PASSED AND APPROVED NOVEMBER 18, 2002), TO PROVIDE A CURRENT SCHEDULE OF CAPITAL FACILITIES CHARGES FOR CONNECTIONS TO THE CITY WATER SYSTEM, TO REPEAL ORIGINAL SECTION 6-210 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE AN EFFECTIVE DATE FOR THE OPERATION HEREOF.

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

*Section 1.* Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of the City of Fort Calhoun, Nebraska is hereby amended to read as follows:

### SECTION 6-210: CAPITAL FACILITIES CHARGE

For the purpose of partial recovery of costs of construction, any and all connections made to the city water system, and regardless of whether the same is made within or without the corporate limits of the City, shall require full payment of capital facilities charges by the applicant for service, in accordance with the following schedule:

Meter Size	Type	Flow Rating	Capital Facilities Charges - \$62.65 per gpm
5/8"	Disc	10 gpm	Note 1
3/4"	Disc	15	\$1,000
1"	Disc	25	\$1,666
1.5"	Disc	50	\$3,332
2"	Disc	80	\$5,331
2"	Turbo	160	\$10,662
3"	Compound	160	\$10,662
3"	Turbo	350	\$23,324
4"	Compound	250	\$16,660
4"	Turbo	1000	\$66,640
6"	Compound	500	\$33,320
6"	Turbo	2000	\$133,280
8"	Turbo	3500	\$233,240
10"	Turbo	5500	\$366,520

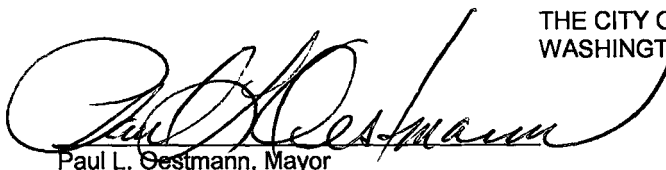
Note 1: M.U.D. will no longer have a CFC price for a 5/8" meter. When installing a 5/8" meter within the City's jurisdiction the CFC will be that of a 3/4" meter. When upgrading from a 5/8" meter to 3/4" or any larger size meter, the applicant will pay the difference between the 5/8" CFC actually paid at an earlier date and the current CFC for the larger meter.

The above and foregoing schedule of Capital Facilities Charges shall be effective from and after June 1, 2005.

*Section 2.* Original Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of this City and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

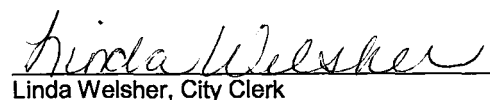
**PASSED AND APPROVED this 16<sup>th</sup> day of JANUARY, 2006.**



Paul L. Gestmann, Mayor

THE CITY OF FORT CALHOUN,  
WASHINGTON COUNTY, NEBRASKA

ATTEST:



Linda Welsher, City Clerk

CITY OF FORT CALHOUN, NEBRASKA

**ORDINANCE NO. 553**

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, DESIGNATING A MAIN THOROUGHFARE IN THE CITY OF FORT CALHOUN, CREATING A STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF FORT CALHOUN TO BE KNOWN AS STREET IMPROVEMENT DISTRICT NO. 2006-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS IN A PORTION OF THE MAIN THOROUGHFARE AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF GRADING AND CONSTRUCTION OF CURBING AND GUTTERING, PAVING, SUBSURFACE STRUCTURES, 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, determine and order that the following is hereby designated as a main thoroughfare in and for the City of Fort Calhoun, Nebraska: Court Street from Fourteenth Street, also known as U.S. Highway 75, west to its intersection with Sixteenth Street, continuing on Sixteenth Street south to the intersection of Sixteenth Street with east/west County Road 34, and continuing as County Road 34, western to the City's western Corporate Limits, and that all actions necessary for the creation of a street improvement district under Section 17-512 of the Nebraska Revised Statutes have been taken.

Section 2. The Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, further find and determine that it is in the best interests of the City that the street commonly known and referred to as County Road 34, from Sixteenth Street west to a point being the west line of extended of Lot 1, Block 1, Southern Heights, a Subdivision to the City of Fort Calhoun, including areas formed by the crossing of streets, avenues and alleys, including the intersection of County Road 34 and Sixteenth Street and the intersection of County Road 34 and Seventeenth 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 3. 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. 2006-1, the outer boundaries of which shall contain the following property:

Lot 1 and Outlot "B", Casals Corner, First Addition to the City of Fort Calhoun, Washington County, Nebraska.

Range Tax Lot 168 (Unplatted) located in the SW ¼, SE ¼, Section 11, Township 17 North, 12 East of the 6<sup>th</sup> P.M., Washington County, Nebraska.

North, Tax Lot 43, (Water Tower Parcel) Located in the NW ¼, NE ¼, Section 14, Township 17

Range 12 East of the 6<sup>th</sup> P.M., Washington County, Nebraska.

Lots 1, 24, Block 4 and Lot 1, Block 1, Southern Heights, A Subdivision to the City of Fort Calhoun, Washington County, Nebraska.

Within Street Improvement District No. 2006-1, County Road 34, from Sixteenth Street west to a point being the west line of extended of Lot 1, Block 1, Southern Heights, a Subdivision to the City of Fort Calhoun, including areas formed by the crossing of streets, avenues and alleys, including the intersection of County Road 34 and Sixteenth Street and the intersection of County Road 34 and Seventeenth Street in the City of Fort Calhoun shall be and is hereby ordered improved by improvements consisting of grading and construction of curbing and gutter, paving, subsurface structures, storm drainage, and such other appurtenant improvements as may be incidental thereto.

Section 4. 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 Special Engineers of the City 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 5. Notice of the designation of the streets described in Section 1 herein as a main thoroughfare and of the creation of Street Improvement District No. 2006-1, shall be published in the Pilot Tribune Newspaper, a legal newspaper of general circulation within the City of Fort Calhoun, for two successive weeks following publication of this Ordinance.


Section 6. 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 7. This Ordinance shall be published and take effect as provided by law.

PASSED AND APPROVED this 27th day of March 2006.

  
Mayor

ATTEST:

  
City Clerk

[SEAL]

Published: March 31, 2006

NOTICE OF DESIGNATION OF MAIN THOROUGHFARE, NOTICE OF CREATION  
OF STREET IMPROVEMENT DISTRICT AND NOTICE OF HEARING

NOTICE IS HEREBY GIVEN, that the Mayor and City Council of the City of Fort Calhoun, Nebraska, have by Ordinance No. 553 designated the following streets as a main thoroughfare in and for the City of Fort Calhoun, Nebraska: Court Street from Fourteenth Street, also known as U.S. Highway 75, west to its intersection with Sixteenth Street, continuing on Sixteenth Street South to the intersection of Sixteenth Street with east/west County Road 34, and County Road 34 to the City's western Corporate Limits.

Notice is further given that in said Ordinance, pursuant to Section 17-512, R.R.S., Nebr. 1997, the City has created a street improvement district for the construction of improvements consisting of grading and construction of curbing and gutter, paving, subsurface structures, storm drainage and such other appurtenant improvements as may be incidental thereto for a portion of said main thoroughfare as follows: County Road 34 from Sixteenth Street west to a point being the west line of extended of Lot 1, Block 1, Southern Heights, a Subdivision to the City of Fort Calhoun, including areas formed by the crossing of streets, avenues and alleys, including the intersection of County Road 34 and Sixteenth Street and the intersection of County Road 34 and Seventeenth Street in the City of Fort Calhoun; and ordered construction of the said improvements, all as set out in Ordinance No. 553 and in accordance with plans, specifications and estimate of cost as prepared by the City's consulting engineers for the project, PE/LS, Inc., and approved by the Mayor and City Council.

The property contained in Street Improvement District No. 2006-1 is described as follows:

Lot 1 and Outlot "B", Casals Corner, First Addition to the City of Fort Calhoun, Washington County, Nebraska.

Range Tax Lot 168 (Unplatted) located in the SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , Section 11, Township 17 North, 12 East of the 6<sup>th</sup> P.M., Washington County, Nebraska.

North, Tax Lot 43, (Water Tower Parcel) Located in the NW  $\frac{1}{4}$ , NE  $\frac{1}{4}$ , Section 14, Township 17 Range 12 East of the 6<sup>th</sup> P.M., Washington County, Nebraska.

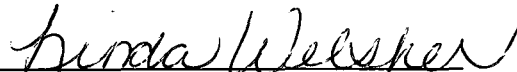
Lots 1, 24, Block 4 and Lot 1, Block 1, Southern Heights, A Subdivision to the City of Fort Calhoun, Washington County, Nebraska.

The Mayor and City Council will meet at the City Hall in Fort Calhoun, Nebraska, the regular meeting place, on the 17<sup>th</sup> day of April 2006, at 7:35 p.m. to conduct a hearing to determine if the required facts and conditions exist for the designation of the main thoroughfare, for the creation of Street Improvement District No. 2006-1 and for the construction of the proposed improvements.

Dated this 27<sup>th</sup> day of March 2006.

  
\_\_\_\_\_  
Mayor

Attest:

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

**Publish: April 7, 2006**

**April 14, 2006**

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS 2006 01356  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 31st DAY OF March A.D. 2006  
AT 1:40 O'CLOCK P.M. AND RECORDED IN BOOK  
484 AT PAGE 733-736  
CITY CLERK Charlotta L. Petersen  
CITY Karen Madsen

733

FILED

06 MAR 31 PM 1:40

**ORDINANCE NO. 554**

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

AN ORDINANCE approving the acquisition of a parcel of land consisting of approximately 31,532 square feet, located near 12<sup>th</sup> & Washington Streets, within the corporate limits of the City of Fort Calhoun, Washington County, Nebraska; which shall be used for vehicular movement, parking, recreational, and other public purposes; to authorize the acceptance of the donation of said property and the special warranty deed for such real property from the Donors, John M. and Jolene McGowan, and to provide for the effective date hereof.

WHEREAS, the citizens and residents of this community, John M. McGowan, also known as "Mitch" McGowan, and Jolene McGowan, husband and wife (or by such other appellations as may more accurately be reflected in the deed of acquisition of said real estate by the said McGowan's); said property being approximately 31,532 square feet in size and located near the City's athletic complex at 12<sup>th</sup> & Washington, have offered to donate said land to the City, and have prepared a proposed special warranty deed, attached hereto as Exhibit "A"; and,

WHEREAS, the donation of said property is conditional upon the use of the donated property by the City for vehicular traffic, parking and other public purposes, and

WHEREAS, the Parks Department of this City has recommended acceptance of this donation and the acquisition of the described real property for such public purposes, and has further found that it is in the best interest of the citizens of this community to accept said donation and acquire said real property, and

WHEREAS, the Mayor has likewise recommended acceptance of this donation and the acquisition of the subject property for the public purposes stated herein, NOW, THEREFORE:

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

Section 1. That the acquisition of the real estate described herein from John M. McGowan and Jolene McGowan, husband and wife (Donors), as recommended by the Planning Commission and the Mayor of this City, is hereby approved, and the City Clerk/Treasurer of the City of Fort Calhoun, Nebraska, is authorized and directed to file the Special Warranty Deed attached hereto as Exhibit "A", and incorporated herein by reference, with the County Clerk/Register of Deeds of Washington County, Nebraska:

**LEGAL DESCRIPTION:**

Lot 2 except the East 33.12 feet and except the North 20.00 feet of that said part of Lot 2; Lots 3 and 4 except the North 20.00 feet, and the North

Recorded       /        
General       /        
Numerical       /        
Photostat       /        
Printed       /



60.00 feet of Lots 5, 6 and 7 except the East 33.12 feet of the North 60.00 feet of said Lot 7; all in Block 106, City of Fort Calhoun, Washington County, Nebraska. Said tract of land contains an area of 31,532 square feet, more or less.

Section 2. Donors covenant with the City as follows:

- a. That they are lawfully seized of such real estate and that it is free from encumbrance except restrictive easements of record;
- b. That they have legal power and lawful authority to convey the same;
- c. That they will warrant and will defend title to said real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Donors.

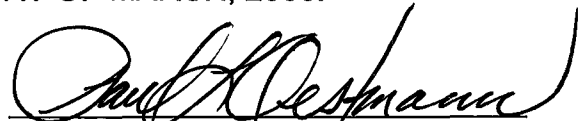
Section 3. That said land shall be, and hereby is, dedicated for the uses contemplated by the parties and for other permissible public purposes.

Section 4. If any provision of this Ordinance or its application to any person or circumstances shall be held invalid, the remainder of this Ordinance, or the application of the provisions to other persons or circumstances, shall not be affected. Moreover, this Ordinance is declared to be administrative in character.

Section 5. Any and 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 required by law.

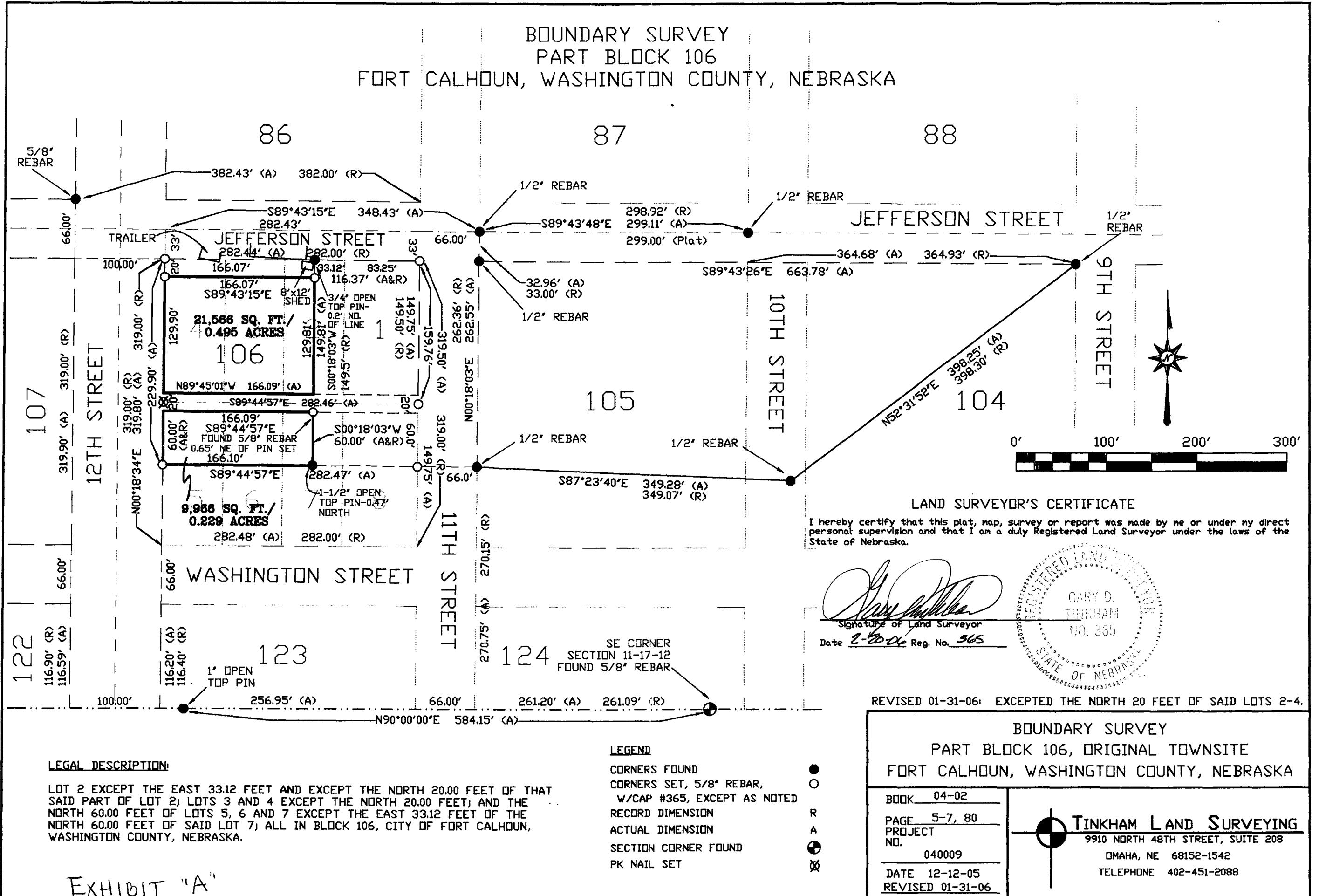
PASSED AND APPROVED THIS 27<sup>th</sup> DAY OF MARCH, 2006.

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk/Treasurer

BOUNDARY SURVEY  
PART BLOCK 106  
FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA



**LEGAL DESCRIPTION:**

LOT 2 EXCEPT THE EAST 33.12 FEET AND EXCEPT THE NORTH 20.00 FEET OF THAT SAID PART OF LOT 2; LOTS 3 AND 4 EXCEPT THE NORTH 20.00 FEET; AND THE NORTH 60.00 FEET OF LOTS 5, 6 AND 7 EXCEPT THE EAST 33.12 FEET OF THE NORTH 60.00 FEET OF SAID LOT 7; ALL IN BLOCK 106, CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA.

**LEGEND**

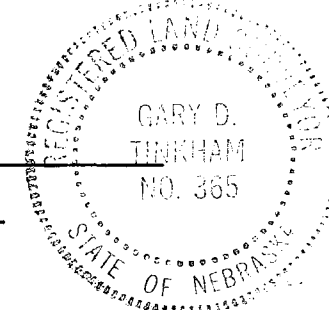
- CORNERS FOUND ●
- CORNERS SET, 5/8" REBAR, ○
- W/CAP #365, EXCEPT AS NOTED
- RECORD DIMENSION R
- ACTUAL DIMENSION A
- SECTION CORNER FOUND ⊙
- PK NAIL SET ⊗

**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

*Gary D. Tinkham*  
Signature of Land Surveyor

Date 2-20-06 Reg. No. 365



REVISED 01-31-06; EXCEPTED THE NORTH 20 FEET OF SAID LOTS 2-4.

BOUNDARY SURVEY  
PART BLOCK 106, ORIGINAL TOWNSITE  
FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA

BOOK 04-02

PAGE 5-7, 80  
PROJECT NO. 040009

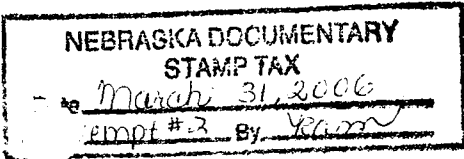
DATE 12-12-05  
REVISED 01-31-06



**TINKHAM LAND SURVEYING**  
9910 NORTH 48TH STREET, SUITE 208  
OMAHA, NE 68152-1542  
TELEPHONE 402-451-2088

EXHIBIT "A"

05 MAR 31 PM 1:40



### SPECIAL WARRANTY DEED

WASHINGTON COUNTY, NEBRASKA  
REGISTERED DEED

THIS INDENTURE, made and executed this 27<sup>th</sup> day of March, 2006, by and between John M. McGowan, sometimes referred to as "Mitch" McGowan, and Jolene McGowan, husband and wife, of Fort Calhoun, Washington County, Nebraska, on their own behalf and on behalf of their heirs, executors, devisees, legatees, assigns and successors in interest (hereafter "Donors") and the City of Fort Calhoun, Washington County, Nebraska, a City of the Second Class, as defined by the laws of the State of Nebraska (hereafter "City"), do hereby agree as follows, THAT WHEREAS:

1. The Donors are the legal owners of the undeveloped real estate described as follows:

Lot 2 except the East 33.12 feet and except the North 20.00 feet of that said part of Lot 2; Lots 3 and 4 except the North 20.00 feet; and the North 60.00 feet of Lots 5, 6 and 7 except the East 33.12 feet of the North 60.00 feet of said Lot 7; all in Block 106, City of Fort Calhoun, Washington County, Nebraska,

And are willing to cede, gift and dedicate the said real property to the City, without monetary consideration or payment of any kind, excepting for its enforcement of the following conditions:

- a. To use the above-described real estate for the purposes of vehicular movement, parking, access, recreational and other public purposes.
- b. The City agrees that it will not permit any broken concrete waste, dead trees or other debris to be dumped or maintained upon the said donated real property.
- c. That the "camping area" adjacent and in proximity to the said donated property shall be named by the Donors; subject, however, to usual and customary rules of propriety and the express acceptance of said name by the Donee City.
- d. That these provisions be incorporated in substance in an Ordinance requiring its passage and approval by the Governing Body of said City; that the said Donors hereby acknowledge that they have reviewed said Ordinance and that it bears their approval as to form and content.

NOW, THEREFORE:

In consideration of mutual promises and obligations, each to the others running, the parties agree as follows:

- 1. That said Donors shall, and by these premises do hereby for themselves and their heirs, executors, administrators, personal representatives and other successors and assigns of interest, do hereby convey and assign to the City of Fort Calhoun, Nebraska, the above-described real estate (as defined in Neb. Rev. Stat. 76-201), and
- 2. Donors hereby accept and approve the Ordinance of said City approving and accepting said donation.
- 3. Donors covenant with the City as follows:

**COPY**  
orig. in  
property  
file

- a. That they are lawfully seized of such real estate and that it is free from encumbrance except restrictive easements of record;
- b. That they have legal power and lawful authority to convey the same;
- c. That they will warrant and will defend title to said real estate against the lawful claims of all persons claiming the same or any part thereof through, by or under Donors.

EXECUTED this 27<sup>th</sup> day of March, 2006.

*John M. McGowan*  
John M. McGowan

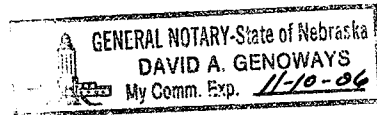
*Jolene McGowan*  
Jolene McGowan

"Donors"

STATE OF NEBRASKA       )  
  ) ss.  
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me on this 27<sup>th</sup> day of March, 2006, by John M. McGowan and Jolene McGowan, husband and wife.

*David A. Genoways*  
Notary Public



STATE OF NEBRASKA       )  
  ) ss. 200601357  
COUNTY OF WASHINGTON)

Filed for record and entered in Numerical Index on this 31<sup>st</sup> day of March, 2006, at 1.40 o'clock p. m., and recorded in Deed Record 484, page 737-738

By: *Charlata & Peterson*  
*Karen Madson*  
County or Deputy County Clerk  
Register of Deeds or Deputy Register of Deeds



Recorded	<input checked="" type="checkbox"/>
General	<input checked="" type="checkbox"/>
Numerical	<input checked="" type="checkbox"/>
Photostat	<input checked="" type="checkbox"/>
Printed	<input checked="" type="checkbox"/>

# Real Estate Transfer Statement

• Read instructions on reverse side

**THE DEED WILL NOT BE RECORDED UNLESS THIS STATEMENT IS SIGNED AND LINES 1-25 ARE ACCURATELY COMPLETED**

1 County Name <u>Washington</u>		2 County Number <u>89</u>		3 Date of Sale Mo. <u>3</u> Day <u>27</u> Yr. <u>06</u>		4 Date of Deed Mo. <u>3</u> Day <u>27</u> Yr. <u>06</u>	
5 Grantor's Name, Address, and Telephone (Please Print) Grantor's Name (Seller) <u>John + Jolene McFowan</u> Street or Other Mailing Address <u>PO Box 415</u> City <u>Fort Calhoun</u> State <u>NE</u> Zip Code <u>68023</u> Telephone Number <u>( )</u>				6 Grantee's Name, Address, and Telephone (Please Print) Grantee's Name (Buyer) <u>CITY OF FORT CALHOUN</u> Street or Other Mailing Address <u>110 SOUTH 14th St.</u> City <u>Fort Calhoun</u> State <u>NE</u> Zip Code <u>68023</u> Telephone Number <u>(402) 468-5303</u>			

**7 PROPERTY CLASSIFICATION NUMBER. Check one box in categories A and B. Check C also if property is mobile home.**

(A) Status	(B) Property Type			(C)	
(1) <input type="checkbox"/> Improved (2) <input checked="" type="checkbox"/> Unimproved (3) <input type="checkbox"/> IOLL	(1) <input type="checkbox"/> Single Family (2) <input type="checkbox"/> Multi-Family (3) <input type="checkbox"/> Commercial	(4) <input type="checkbox"/> Industrial (5) <input type="checkbox"/> Agricultural	(6) <input type="checkbox"/> Recreational (7) <input type="checkbox"/> Mineral Interests-Nonproducing	(8) <input type="checkbox"/> Mineral Interests-Producing (9) <input type="checkbox"/> State Assessed (10) <input type="checkbox"/> Exempt	(1) <input type="checkbox"/> Mobile Home

**8 Type of Deed**

<input checked="" type="checkbox"/> Warranty	<input type="checkbox"/> Sheriff	<input type="checkbox"/> Executor	<input type="checkbox"/> Mineral	<input type="checkbox"/> Cemetery
<input type="checkbox"/> Quit Claim	<input type="checkbox"/> Conservator	<input type="checkbox"/> Partition	<input type="checkbox"/> Trust	<input type="checkbox"/> Other

**10 Type of Transfer**

Sale  Auction  Gift  Exchange  Foreclosure  Satisfaction of Contract  Life Estate  Other (explain) \_\_\_\_\_

**11 Ownership Transferred In Full (If No, explain division)**  YES  NO

**12 Was real estate purchased for same use? (If No, state intended use)**  YES  NO recreational

**13 Was sale between relatives? (If Yes, check appropriate box)**

YES  NO

Spouse  Parents and Child  Family Corporation or Partnership  
 Grandparents and Grandchild  Brothers and Sisters  Aunt or Uncle to Niece or Nephew  Other \_\_\_\_\_

**14** If the real estate was transferred for nominal consideration, what is the current market value? unknown

**15 Was mortgage assumed? If Yes, state amount and interest rate.**  YES  NO \$ \_\_\_\_\_ %

**16 Does this conveyance divide a current parcel of land?**  YES  NO

**17**  YES  NO

**18** Address of Property near 12th + Washington Streets

**19** Name and Address of Person to Whom Tax Statement Should be Sent CITY OF FORT CALHOUN

**20 Legal Description**

Lot 2 except the East 33.12 feet and except the North 20.00 feet of that said part of Lot 2; Lots 3 and 4 except the North 20.00 feet; and the North 60.00 feet of Lots 5, 6 and 7 except the East 33.12 feet of the North 60.00 feet of said Lot 7; all in Block 106, City of Fort Calhoun, Washington County, Nebraska,

**21** If agricultural, list total number of acres \_\_\_\_\_

<b>22</b> Total purchase price, including any liabilities assumed	\$	0.00
<b>23</b> Was nonreal property included in purchase? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If Yes, enter amount and attach itemized list)	\$	
<b>24</b> Adjusted purchase price paid for real estate (line 22 minus line 23)	\$	0.00

Under penalties of law, I declare that I have examined this statement and that it is, to the best of my knowledge and belief, true and correct, and that I am duly authorized to sign this statement.

**25** **sign here**

ANSONA WELSHER Print or Type Name of Grantee or Authorized Representative 468-5303 Telephone Number

Aurora Welsher Signature of Grantee or Authorized Representative City Clerk/Treas Title 3-31-06 Date

REGISTER OF DEEDS' USE ONLY			FOR NDR USE ONLY	
ate Deed Recorded Mo. <u>3</u> Day <u>1</u> Yr. <u>06</u>	<b>27</b> Value of Stamp or Exempt Number \$ _____	<b>28</b> Deed Book <u>114</u>	<b>29</b> Deed Page <u>777</u>	<b>30</b>

## ORDINANCE NO. 555

AN ORDINANCE TO ADOPT A SAFETY AND LOSS PREVENTION PROGRAM WITHIN THE CITY OF FORT CALHOUN, NEBRASKA; TO DECLARE THAT SUCH PROGRAM IS REGULATORY IN NATURE; TO ESTABLISH AND CONFIRM THE CREATION OF A SAFETY COMMITTEE CONSISTING OF A CHAIRMAN AND TWO MEMBERS; TO DECLARE AND CONFIRM THAT SAID CHAIRMAN AND MEMBERS SHALL BE APPOINTIVE OFFICERS OF THIS CITY; TO PROVIDE FOR DEFINITIONS, SEVERABILITY, THE REPEAL OF ORDINANCES OR PORTIONS THEREOF WHICH ARE IN CONFLICT HERewith, AND TO PROVIDE FOR AN EFFECTIVE DATE.

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

Section 1. That the attached Safety and Loss Prevention Program consisting of nine typewritten or printed pages, identified and referred to herein as Exhibit "A," shall be and hereby is adopted as the official Safety and Loss Prevention Program of this City.

Section 2. That notwithstanding its adoption by this Ordinance, the provisions thereof shall be considered as a compilation or Code of regulatory and administrative rules and regulations, and not as a legislative enactment. That all amendments, deletions, additions or other changes to Exhibit "A" shall likewise be required to be made by Ordinance; and that the practical usage of the attached Exhibit "A" and further amendments, additions, deletions or other changes shall be considered as a regulatory and administrative Code for all common purposes.

Section 3. That there is hereby confirmed as having been created a Safety and Loss Prevention Committee consisting of a Chairman and two additional members; all of whom shall be regular employees of this City. The Chairman and Committee shall be responsible for the day-to-day enforcement of the management policies and safety programs outlined in the attached Exhibit "A." That the Chairman and all members of said Committee shall be considered as appointive officers of this City. Their appointments shall be by the Mayor, with the advice and consent of the City Council. They shall serve at the pleasure of the City Council; as prescribed in Section 1-203 of the Municipal Code of this City.

Section 4. If any provision of this Ordinance or its application to any person or circumstances shall be held invalid, the remainder of this Ordinance, or the application of its provisions to other persons or circumstances, shall not be affected.


Section 5. Any or all Ordinances or portions thereof, which are in conflict herewith, are hereby repealed.

Section 6. This Ordinance will become effective upon passage by the Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, and upon its publication as provided by law.

DATED this 27<sup>th</sup> day of March, 2006.

NEBRASKA

CITY OF FORT CALHOUN,

  
\_\_\_\_\_  
Paul L. Oestmann, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, City Clerk/Treasurer



***CITY OF FORT CALHOUN, NEBRASKA***  
***SAFETY AND LOSS PREVENTION PROGRAM***

**TABLE OF CONTENTS**

1. POLICY STATEMENT
2. OBJECTIVES – SAFETY PROGRAM
3. ACCIDENT INVESTIGATION AND REPORTS
4. SAFETY COMMITTEE
5. SAFETY TRAINING

**Exhibit "A"**

# **1. MANAGEMENT POLICY**

## **A. Policy Statement**

The City of Fort Calhoun recognizes that the safety of its employees, guests and the general public is of the utmost importance. The Safety Program is designed to aid employees in adhering to safe standards in our work place.

The ultimate City objective is to prevent accidents and injuries to all concerned.

While it is the responsibility of the City Council to maintain an effective level of compliance to safety standards, it is also the responsibility of all City of Fort Calhoun employees to perform their jobs and conduct themselves in accordance with such standards. Working together, we can assure safe and healthy conditions for all employees, guests and the general public.

The Mayor and City Council of the City of Fort Calhoun are committed to the health and safety of all employees, guests and the general public. To this end, we will respond immediately to unsafe conditions or practices.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul L. Oestmann", written over a horizontal line.

Paul L. Oestmann  
Mayor

## **2. OBJECTIVE OF SAFETY PROGRAM**

### **A. Make a healthier, safer environment for our employees and the general public by:**

1. Implementing a full written safety program complying with OSHA, Nebraska Law and any other applicable standards.
2. Establishing a safety committee involving the employees and the City Council with the objective of setting safety rules and safe working procedures.
3. Conducting a hazard or communication program for improved safety.
4. Promptly reporting and investigating all accidents, injuries or incidents that could lead to injuries or damage.
5. Educating all personnel and posting all necessary data to comply with state, federal and local laws.
6. Conducting a safety program for all employees on an ongoing basis.
7. Establishing emergency procedures and training for:
  - Emergency medical
  - Fire, egress
  - Natural disasters, conducting drills on a regular basis with local authorities as required.

### **3. ACCIDENT INVESTIGATION AND REPORTS**

#### **A. Procedure**

When an accident and/or injury occurs at work, the Safety Coordinator is responsible for:

- taking emergency action to have first aid administered
- obtain professional medical attention as soon as possible
- protect other employees and equipment

The Safety Coordinator must then begin to investigate the circumstances of the accident. The following procedures will be followed when investigating an accident:

1. Go to the scene of the accident at once, if feasible.
2. Talking with the injured employee, when possible. Talk to witnesses. Stress getting the facts, not placing blame or responsibility. Ask open-ended questions.
3. Listen for clues in the conversations around you. Unsolicited comments often have merit.
4. Encourage people to give their ideas for preventing a similar accident.
5. Study possible causes – unsafe conditions, unsafe practices.
6. Confer with interested persons for possible solutions.
7. Write your accident report giving a complete, accurate account of the accident – who, what, why, where, when and how.
8. Follow up to make sure conditions and/or practices responsible for the accident/injury have been corrected. If the conditions and/or practices can not be covered immediately, report this to the City Council.

In order for the accident report to be effective, it should contain as a minimum, a detailed answer to the following questions:

- *What is the date and time of the accident and/or injury?*
- *What office is reporting the accident and/or injury?*
- *Who was involved in the accident? Describe the accident: (building caught fire, auto collision; employee fell off ladder, etc.)*
- *What caused the accident?*
- *What has been done or what do you recommend be done to reduce the opportunity for recurring accidents and/or injuries? (If you do not know what to do, write "I do not know – need help!" help is available.)*
- *Witnesses to the accident?*
- *Get names, addresses and telephone numbers.*

**Note:** The information you gather during the accident investigation will also be used in documenting the claim for the insurance company. This information is important and can decide how much is paid by the insurance company. Each safety coordinator must maintain an adequate supply of the report forms, which may be copied from the following page.

**City of Fort Calhoun**  
**Accident-Incident-Injury Form**

Person Taking Report: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location of Accident/Incident: \_\_\_\_\_

Schematic:

\_\_\_\_\_  
Involved Persons Name: \_\_\_\_\_

Involved Equipment: \_\_\_\_\_

Describe the Accident/Incident: \_\_\_\_\_

Cause of Accident/Incident: \_\_\_\_\_

	Name	Address	Phone	DL#
Witnesses:	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____

#### **4. SAFETY COMMITTEE**

A Safety Committee has been formed to provide guidance and direction to the ongoing safety effort. The committee shall meet at least quarterly or at the call of the Safety Coordinator who shall be responsible for the agenda.

The membership of the Safety Committee shall be composed of representatives of both City Council members and general work force.

The Safety Committee shall meet to accomplish the following functions:

- A. Review the loss control experience and trends with the recommendations made and implemented accordingly.
- B. Review accident investigation reports and insure adequate corrective measures have been initiated.
- C. Review Safety Coordinator's safety inspection reports to insure unsafe conditions noted are being corrected on a priority schedule.
- D. Conduct an unannounced safety survey as selected by the Mayor.
- E. Discuss and review safety educational/training requirements to insure employees receive adequate task and safety information.
- F. Review records of the Safety Coordinator conducted education/training meetings.
- G. Evaluate the safety program elements on a periodic basis to insure they are being observed and are still valid.
- H. Make necessary recommendations to the City Council.
- I. Report by posting or personal conveyance the findings of the Safety Committee. Respond to the general work force ideas and recommendations, relate enforcement and recommend actions against continual violations.



## **5. SAFETY TRAINING**

An efficient and effective safety loss prevention program is based on working conditions being free of hazards and proper safe job performance. One positive action supervisors should take for accident prevention is to provide safety training to their people. The fruits of these efforts are readily visible and impact greatly on the safety and loss prevention program. It is essential that safety training be conducted efficiently in order to provide for accident prevention.

Every person who conducts safety training needs a number of qualities:

- Knowledge of subject
- Desire to instruct
- Friendly and cooperative
- Leadership qualities
- Professional attitude
- Exemplary behavior

Although training will not solve all problems, it will prove useful in the prevention of accidents.

When developing a training program the following should be considered:

### **Training Needs:**

- **New employees**
- **When new equipment or processes are introduced**
- **When procedures have been revised**
- **When information must be made available**
- **When employee performance needs improvement**
- **When loss analysis reveals trends contributing injuries**

### Program Objectives:

Training programs must be based on clearly defined objectives, which state the purpose of the training selection of training materials and a method to determine the effectiveness of the training.

**ORDINANCE NO. 556**

AN ORDINANCE TO FORMALLY ADOPT THAT CERTAIN PERSONNEL MANUAL COMPILED AND PREPARED BY THE METROPOLITAN AREA PLANNING AGENCY AND INFORMALLY ADOPTED BY THE CITY OF FORT CALHOUN, NEBRASKA ON OCTOBER 19, 1987; TO RATIFY AND CONFIRM ALL TRANSACTIONS AND OTHER USAGES CONCERNING THE SAME RETROACTIVE TO SAID EARLIER DATE; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That the Mayor and City Council of the City of Fort Calhoun, Nebraska, have found and determined that through inadvertent omission, that certain Personnel Manual prepared and supplied by the Metropolitan Area Planning Agency, informally adopted and in common usage since October 18, 1987, was not properly nor lawfully adopted by Ordinance as the official act of this City; that said publication should have been and hereby is officially and formally adopted by this Ordinance, retroactive to October 19, 1987, as the official act of this City; and that all interpretations made and actions taken since said earlier date are hereby confirmed and ratified as the official actions of this City.

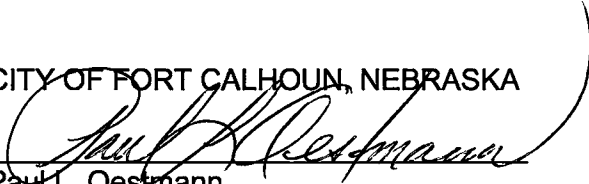
Section 2. If any provision of this Ordinance or its application to any person or circumstances shall be held to be invalid, the remainder of this Ordinance or the application of the provisions to other persons or circumstances shall not be affected.

Section 3. Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.

Section 4. This Ordinance shall become effective upon passage by the Mayor and City Council of the City of Fort Calhoun, Nebraska, and upon its publication as provided by law.

DATED this 17<sup>th</sup> day of April, 2006.

CITY OF FORT CALHOUN, NEBRASKA

  
Paul L. Oestmann  
Mayor

ATTEST:

  
Linda Welsher, City Clerk/Treasurer

ORDINANCE NO. 557

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2006, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-1, IN SANITARY SEWER DISTRICT NO. 2006-1, IN STORM WATER SEWER DISTRICT NO. 2006-A, AND FOR CERTAIN 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 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 No. 2006-1 was heretofore created, and by Resolutions of Necessity, Sanitary Sewer District No. 2006-1 and Storm Water Sewer District No. 2006-A, have heretofore been created; that certain water system improvements are necessary for the expansion, enlargement and improvement of the City's existing water system under the provisions of Section 17-534 Reissue Revised Statutes as Amended 1997; that the City has no outstanding water bonds issued under the provisions of Section 17-534 Reissue Revised Statutes as Amended 1997; that the assessed value of the City as of the last annual assessment is \$49,569,296; that the Schemmer Associates, the engineers for the City have prepared estimates for the cost of construction of the improvements in the aforesaid Districts and water system improvements; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City's engineer's estimate showing that the City's costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on said notes during construction, will be not less than \$375,000 ; that the

construction of the aforesaid improvements is expected to be completed by December 31, 2006; 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 water system improvements and to meet the initial portion of its obligation to provide interim financing therefor, it is necessary and advisable that the City now issue its notes in the principal amount of \$375,000 pending permanent financing pursuant to Sections 17-516, 17-520, 17-534, 17-925, Sections 18-1801 and 18-1802, R.R.S. Neb. 1997, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb. 1997 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 2006, in the amount of \$375,000, 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 2006" of the aggregate principal amount of Three Hundred Seventy-five Thousand Dollars (\$375,000) (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 as of May 15, 2006 and each of said notes shall bear interest at the rate of 3.80% per annum payable semiannually on the fifteenth day of May and November in each year,

commencing November 15, 2006, with the principal of said notes to become due and payable as follows:

<u>Principal</u> <u>Amount</u> \$375,000	<u>Maturity</u> November 15, 2008
--	--------------------------------------

provided, however, the City reserves the right to redeem any or all of said notes prior to maturity anytime on or after November 15, 2006 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 City Treasurer, Fort Calhoun, Nebraska, 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 day immediately preceding the interest payment date. 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 2006

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
3.80%	November 15, 2008	May 15, 2006	

Registered Owner: Cede & Co.

Principal Amount: Three Hundred Seventy-five Thousand Dollars (\$375,000)

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 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 semiannually on May 15 and November 15 of each year, commencing November 15, 2006. 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 November 15, 2006 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 Seventy-five Thousand Dollars (\$375,000) 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 constructing improvements in Street Improvement District No. 2006-1, Sanitary Sewer District No. 2006-1 and Storm Water Sewer District No. 2006-A, and certain water system improvements for 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. Neb. 1997, 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.

(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.

CITY OF FORT CALHOUN, NEBRASKA )

Paul A. Westman  
Mayor

ATTEST:

Linda Weesker  
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.

CITY TREASURER  
FORT CALHOUN, NEBRASKA  
acting as Paying Agent and Registrar

Linda Weesker

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 D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of 98.80% 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 2006, 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 2006 Notes. The City hereby designates the Series 2006 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, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$5,000,000 in calendar year 2006. 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 15<sup>th</sup> day of May 2006.

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

  
\_\_\_\_\_  
Mayor

[SEAL]

There being no further business to come before the City Council, the meeting was by action of the Council and the declaration of the Mayor, adjourned.

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 May 15, 2006; 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]

NOTICE OF PUBLICATION


OF ORDINANCE NO. 557

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, held at 7:30 o'clock p.m. on May 15, 2006, there was passed and adopted Ordinance No. 557 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2006, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$375,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-1, IN SANITARY SEWER DISTRICT NO. 2006-1, IN STORM WATER SEWER DISTRICT NO. 2006-A, AND FOR CERTAIN 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.

Said Ordinance was published in pamphlet form on May 17, 2006. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of Fort Calhoun, Nebraska.

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

[SEAL]

Publish One Time: May 26, 2006

**ORDINANCE NO. 558**

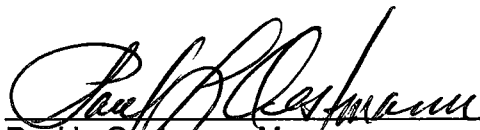
AN ORDINANCE TO ADOPT A REVISED COMPREHENSIVE DEVELOPMENT PLAN FOR THE CITY OF FORT CALHOUN, NEBRASKA, AS REQUIRED BY ARTICLE 9, CHAPTER 19 OF THE REVISED STATUTES OF NEBRASKA AS AMENDED; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE 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 revised comprehensive development plan prepared and submitted by its consultant, The Schemmer Associates, of Omaha, Nebraska, and dated February 10, 2006, was submitted to the Fort Calhoun Planning Commission; and that a public hearing concerning the adoption of this plan was held on the 1<sup>st</sup> day of May, 2006, pursuant to published and posted 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 Fort Calhoun Land Use Plan" by ordinance; and the Mayor and City Council of this city do further hereby find and determine that on the 15<sup>th</sup> day of May, 2006, 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:

1. That the comprehensive development plan prepared and submitted by The Schemmer Associates, dated February 12, 2006, and referred to as "The Fort Calhoun Land Use Plan" should be, and the same hereby is adopted as the official Comprehensive Development Plan of this City.
2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
3. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by law.

**PASSED AND APPROVED THIS 15TH DAY OF MAY, 2006.**

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, CMC, City Clerk

ORDINANCE NO. 559

CONSENT TO CHANGE OF OWNERSHIP  
OF  
CABLE TELEVISION FRANCHISE HOLDER

An Ordinance providing consent for and approving a change in ownership of the holder of cable television franchise authority in the City of Fort Calhoun.

WHEREAS, the City of Fort Calhoun, Nebraska granted to HunTel CableVision Inc. a franchise to operate a cable television system pursuant to Ordinance No. 513 dated November 20, 2000 ("Franchise").

WHEREAS, HunTel Cablevision Inc., has requested that the City consent to and approve a change in its ownership from HunTel Systems, Inc., a Nebraska corporation, to Noble Holdings, Inc., a North Carolina corporation. HunTel Cablevision Inc. will remain the holder of the Franchise

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY OF THE CITY THAT:

Subject to the Franchise holder continuing to comply with all other the terms and conditions of the Franchise, the City of Fort Calhoun hereby consents to the change in control of the Franchise by the transfer of ownership of HunTel CableVision Inc. to Noble Holdings Inc., a North Carolina corporation.

Passed and approved this 15 day of May, 2006.

City of Fort Calhoun

By:



Attested to by:



**LAWRENCE R. BRODKEY**  
*Attorney at Law*

*P.O. Box 63  
Boys Town, NE 68010-0063*

*Phone: 402-334-7451  
Fax: 402-334-1214  
[lrbrodkey@msn.com](mailto:lrbrodkey@msn.com)*

May 15, 2006

Joseph R. Vandenack  
Corporate Legal Counsel  
HunTel Systems (a HunTel Company)  
P O Box 400  
Blair, NE 68008-0400

Re: Fort Calhoun Cable Television Franchise


Dear Mr. Vandenack:

Thank you for forwarding a Certificate of Existence from the Secretary of State of North Carolina relating to Noble Holdings, Inc.

I will require nothing further at this time; however, please bear in mind that the City will hold your employer to the representations and guarantees contained in yours of April 12, 2006, specifically, the representation that HunTel Cable Vision (as original franchisee) will remain intact and continue to own, operate and be liable for the Fort Calhoun cable television system.

With this confirmed understanding that you and the management of the original franchisee, and its holding company, "HunTel Company," will timely advise the City if there are any further changes contemplated.

Sincerely yours,

  
Lawrence R. Brodkey  
City Attorney, Fort Calhoun, Nebraska

Cc: Linda Welsher, CMC  
City Clerk, Fort Calhoun, Nebraska

1605 Washington Street  
P.O. Box 400  
Blair, Nebraska 68008-0400

Main 402.533.1000  
Fax 402.533.1111

www.HunTelWorld.com

April 12, 2006

Lawrence R. Brodkey, Esquire  
P.O. Box 63  
Boys Town, NE 68010-0063

Re: Fort Calhoun Cable Television Franchise

Dear Mr. Brodkey:

This is to follow-up on our telephone conversation earlier this week and to provide you additional information regarding transactions involving HunTel CableVision Inc., the holder of the cable television franchise for the City of Fort Calhoun, Nebraska.

HunTel CableVision Inc. is being sold by HunTel Systems Inc. to Noble Holdings, Inc., a North Carolina corporation. The transaction is a sale of stock and HunTel CableVision will remain intact and continue to own, operate and be liable for the Ft. Calhoun cable television system. The same managers and staff will continue to run all of the day to day operations and be based out of Blair using the same contact numbers and addresses.


You asked whether Noble Holdings, Inc. is qualified to do business in Nebraska. At this point it is not. While I do not represent Noble, I do not believe the investment in HunTel CableVision, among other Nebraska corporations, will require Noble to qualify here unless there is further activity. We have ordered a Certificate of Existence for Noble from North Carolina, and will provide it to you as soon as it is received.

Also, per your request, a copy of the plant map for Ft. Calhoun will be delivered to the City office.

If there are any additional questions, please let me know.

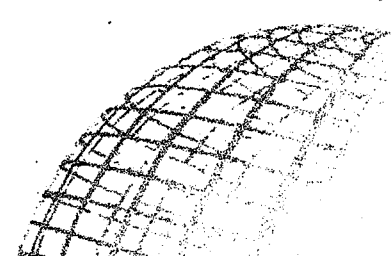
Yours truly,

HUNTEL SYSTEMS, INC.

By: 

Joseph R. Vandenack  
Corporate Legal Counsel

JRV/cab.cor.00026kk





# NORTH CAROLINA

## Department of The Secretary of State

### CERTIFICATE OF EXISTENCE

I, ELAINE F. MARSHALL, Secretary of State of the State of North Carolina, do hereby certify that

#### **NOBLE HOLDINGS, INC.**

is a corporation duly incorporated under the laws of the State of North Carolina, having been incorporated on the 29th day of December, 2005, with its period of duration being Perpetual.

I FURTHER certify that, as of the date set forth hereunder, the said corporation's articles of incorporation are not suspended for failure to comply with the Revenue Act of the State of North Carolina; that the said corporation is not administratively dissolved for failure to comply with the provisions of the North Carolina Business Corporation Act; that its most recent annual report required by N.C.G.S. 55-16-22 has been delivered to the Secretary of State; and that the said corporation has not filed articles of dissolution as of the date of this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 12th day of April, 2006

*Elaine F. Marshall*

Secretary of State





April 12, 2006

Lawrence R. Brodkey, Esquire  
P.O. Box 63  
Boys Town, NE 68010-0063

Re: Fort Calhoun Cable Television Franchise

Dear Mr. Brodkey:

This is to follow-up on our telephone conversation earlier this week and to provide you additional information regarding transactions involving HunTel CableVision Inc., the holder of the cable television franchise for the City of Fort Calhoun, Nebraska.

HunTel CableVision Inc. is being sold by HunTel Systems Inc. to Noble Holdings, Inc., a North Carolina corporation. The transaction is a sale of stock and HunTel CableVision will remain intact and continue to own, operate and be liable for the Ft. Calhoun cable television system. The same managers and staff will continue to run all of the day to day operations and be based out of Blair using the same contact numbers and addresses.

You asked whether Noble Holdings, Inc. is qualified to do business in Nebraska. At this point it is not. While I do not represent Noble, I do not believe the investment in HunTel CableVision, among other Nebraska corporations, will require Noble to qualify here unless there is further activity. We have ordered a Certificate of Existence for Noble from North Carolina, and will provide it to you as soon as it is received.

Also, per your request, a copy of the plant map for Ft. Calhoun will be delivered to the City office.

If there are any additional questions, please let me know.

Yours truly,

HUNTEL SYSTEMS, INC.

By: 

Joseph R. Vandenack  
Corporate Legal Counsel

JRV/cab.cor.00026kk

ORDINANCE NO. 560

AN ORDINANCE to amend Chapter II, Article I of the Municipal Code of the City of Fort Calhoun, Nebraska, by adding new sections and subsections thereto, by prohibiting certain persons subject to the Nebraska Sex Offender Registration Act from residing in certain areas within the City or its extra-territorial jurisdiction; to provide that any residence occupied by any offender in violation of this Ordinance shall be an unlawful non-conforming residence; to provide exceptions; to provide penalties for violations of this Ordinance, hereinafter referred to as the "Sexual Predator Residency Ordinance"; for severability, and to provide for the effective date hereof.

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

Section 1. That a new section, numbered 2-128.01, shall be and herewith is added to the Fort Calhoun Municipal Code, and shall read as follows:

Section 2-128.01. Findings and Intent:

A. The Nebraska Legislature, pursuant to Neb. Rev. Stat. §29-4002, has found that certain sex offenders present a high risk to commit repeat offenses.

B. Repeat sex offenders who use physical violence and prey on children are sexual perpetrators who present an extreme threat to public safety. Certain sex offenders are extremely likely to use physical violence or to repeat their offenses. These offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sex offender victimization to society at large, while incalculable, extremely exorbitant.

C. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas in proximity to where children regularly congregate in concentrated numbers where certain sex offenders cannot reside.

Section 2. That a new section numbered 2-128.02 shall be and herewith is added to the Fort Calhoun Municipal Code and shall read as follows:

Section 2-128.02. Definitions:

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section and subsection, except where the context clearly indicates a different meaning:

A. *Sex offender* shall be anyone defined in the Sex Offender Registration Act (Sections 29-4001 to 29-4013, inclusive, Neb. Rev. Stats.) or any amendments thereto, as of the effective date of this Ordinance, or any person convicted under the laws of another state if, at the time of the conviction under the laws of such other state, the offense for

which the person was convicted would have required registration under the Nebraska Sex Offender Registration Act, if the conviction occurred in Nebraska.

B. *Residence* means a place where the person regularly sleeps, where the person has established his home, where he is habitually present, and to which when he departs he intends to return. A residence may include more than one location and may be mobile or transitory. Residency may be shown by, among other evidence, receipt of mail at the premises or identification of the premises as a residence on a driver's license, vehicle registration, or other document.

C. *Nonconforming Residence*. Any residence in which a sex offender is residing on the effective date of this Ordinance in violation of the terms, conditions and limitations set forth herein, shall be deemed to be an unlawful nonconforming residence, created by such change of use; and shall be subject to abatement, penalties, and other remedies provided by this Ordinance and by the Zoning and Subdivision Chapters of the Land Development Ordinance for the City of Fort Calhoun (Ordinance No. 459, effective January 15, 1996), or as may be hereafter amended.

D. *Child Care Facility* shall mean a place, licensed under the Nebraska Child Care Licensing Act, Sections 71-1908 to 71-1923 or the Juvenile Emergency Shelter Care Act, Section 13-317, as currently existing or hereafter amended; and shall include places both inside and outside of the corporate limits of this City.

Section 3. That a new section and subsection numbered 2-128.03 is hereby added to the Fort Calhoun Municipal Code, and shall read as follows:

Section 2-128.03. Sex Offenders Residence Prohibitions, Penalties and Exceptions.

A. *Prohibited Location of Residence*. It is unlawful for any person who is subject to the Nebraska Sex Offender Registration Act classified as Risk Level 3, and convicted of any offense subject to the Nebraska Sex Offender Registration Act in which the offender was an adult (at time of conviction) and the victim was a minor or child, or a Sex Offender Registration Act or similar requirement of any other state, to reside within 500 feet of the real property comprised of a public or nonpublic elementary or secondary school or child care facility, as defined herein.

B. *Measurement of Distance*. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence (whether conforming or nonconforming) to the nearest outer boundary line of a public or nonpublic elementary or secondary school, or child care facility.

C. *Penalties*. A person who violates this section shall be punished as provided generally in this Code.

D. *Exceptions.* A person residing within 500 feet of any real property comprised of a public or nonpublic elementary or secondary school, or child care facility, does not commit a violation of this section if any of the following apply:

- (1) The person's residence results from a requirement to serve a sentence at a jail, prison, juvenile facility, or other correctional institution or facility.
- (2) The person is a minor or ward under a guardianship.
- (3) The person established such residence prior to the effective date of this Ordinance.
- (4) The person's place of residence becomes a violation of this Ordinance solely because of annexation into the city.
- (5) The public or nonpublic elementary or secondary school or child care facility within 500 feet of the person's permanent residence was opened after the person established residence, and after the person became subject to the Nebraska Sex Offender Registration Act or similar registration act of another state.

Section 4. That a new section and subsection, numbered 2-128.04 be added to the Fort Calhoun Municipal Code, and shall read as follows:

Section 2-128.04. Public Assistance.

The Nebraska State Patrol and all other law enforcement officials shall be charged with the enforcement within the jurisdiction of this City of the Nebraska Sex Offender Registration Act. Any person subject to said Act shall, upon making request to the City, be provided with a copy of this Ordinance and any current amendments.

Section 5. That a new section and subsection, numbered 2-128.05 shall be added to the Fort Calhoun Municipal Code, and shall read as follows:

Section 2-128.05. Severability.

If any provision of this Ordinance or its application to any person or circumstances shall be held invalid, the remainder of this Ordinance, or the application of the provisions to other persons or circumstances, shall not be affected.

Section 6. Repealer and Effective Date.

Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.


This Ordinance becomes effective upon passage by the Mayor and City Council of the City of Fort Calhoun, Nebraska, and upon its publication as provided by law.

DATED this 19<sup>th</sup> day of June, 2006.

CITY OF FORT CALHOUN, NEBRASKA

  
Mayor

ATTEST:

  
City Clerk

200603269

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 31ST DAY OF July A.D. 2006  
3:02 O'CLOCK P M AND RECORDED IN BOOK  
493 AT PAGE 55-58  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Karen Madson

Recorded   
General   
Numerical   
Photostat   
Proton

FILED

06 JUL 31 PM 3:02

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.

ORDINANCE NO. 561

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, (ORINANCE NO. 459, JANUARY 15, 1996), BY CHANGING THE ZONING CLASSIFICATION FROM AGRICULTURE DISTRICT TO GENERAL COMMERCIAL DISTRICT, OUTLOT "A" AND LOTS 1 - 4 WELCHERT/KNIGHT COMMERCIAL PARK ADDITION, AND FROM AGRICULTURE DISTRICT TO URBAN CORRIDORE DISTRICT, LOTS 5 - 7 AND DESIGNATED 13<sup>TH</sup> STREET WELCHERT/KNIGHT COMMERCIAL PARK ADDITION, IN SECTION 11, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, WASHINGTON COUNTY, NEBRASKA: 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 it's inhabitants, residents and owners of property, within its zoning and subdivision jurisdiction, to amend the official Zoning District Map of Fort Calhoun in such fashion as to rezone the area specifically depicted and legally described upon the attached map, plat or survey which is identified as Exhibit "A" and by this reference made 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 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 Urban Corridor and General Commercial classifications; 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 the same is hereby amended by changing the zoning classification of that areas depicted and legally described upon the map, plat or survey attached hereto as Exhibit "B", by reference made part of the ordinance, from Agriculture use to General Commercial use; changing the zoning classification of the area depicted and legally described upon the map, plat or survey attached hereto as Exhibit "C", by reference made a part of the ordinance, from Agriculture use to Urban Corridor use.

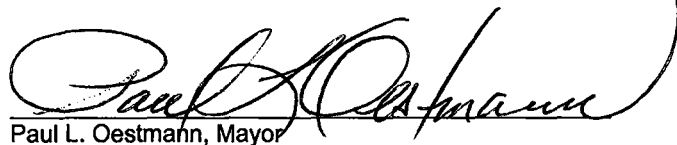
Section 2. If any provision of this ordinance shall be held invalid, its invalidity shall not effect any other provision of the ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared severable.

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 purpose 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 JUNE, 2006.

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

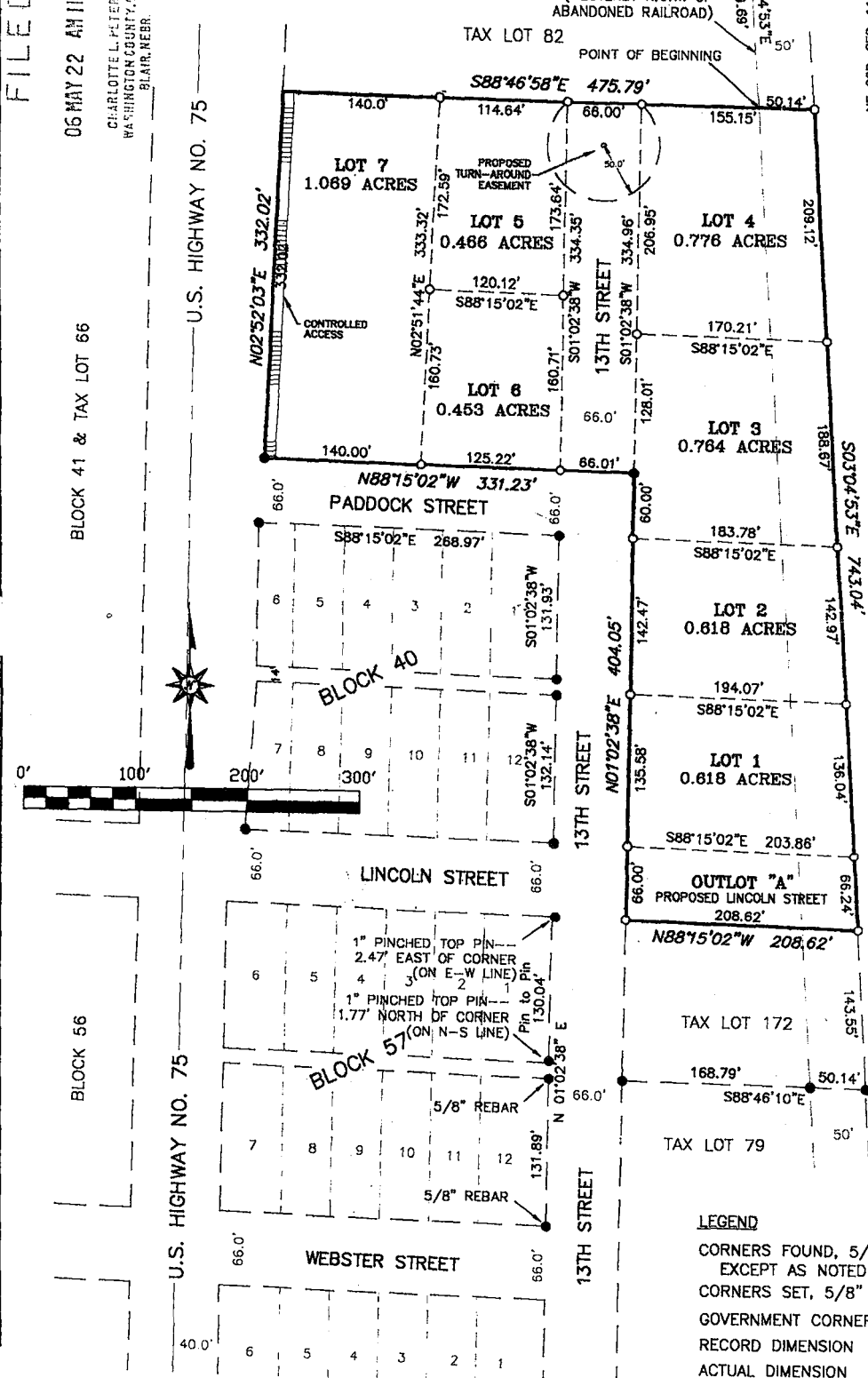
200602184  
 STATE OF NEBRASKA COUNTY OF WASHINGTON  
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
 THIS 22nd DAY OF May A.D. 2006  
 AT 11:20 O'CLOCK A.M. AND RECORDED IN BOOK  
 Plat Book 2 AT PAGE 1256-1261  
 COUNTY CLERK Charlotte Peterson  
 DEPUTY Karim Madani

FILED

06 MAY 22 AM 11:20

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.

FINAL PLAT  
**WELCHERT-KNIGHT COMMERCIAL PARK ADDITION**  
 CITY OF FORT CALHOUN  
 WASHINGTON COUNTY, NEBRASKA



FINAL PLAT  
 WELCHERT-KNIGHT ADDITION COMMERCIAL PARK ADD.  
 CITY OF FORT CALHOUN  
 WASHINGTON COUNTY, NEBRASKA

TINKHAM LAND SURVEYING  
 9810 NORTH 48TH STREET, SUITE 208  
 OMAHA, NE 68152-1542  
 TELEPHONE 402-451-2088

BOOK 05-03  
 PAGE 1-5  
 PROJECT  
 NO. 0500008  
 DATE 01-13-06  
 REVISED 02-17-06

SHEET 1 OF 3

REVISED 02-17-06:  
 REVISED THIS PAGE ONLY  
 (SHEET 1) TO CORRECT  
 THE TAX LOT NUMBER TO  
 THE SOUTH TO READ TAX  
 LOT 79.

OWNERS / DEVELOPERS

ROYCE WELCHERT  
 FRANK WELCHERT  
 TED & SUNSHINE WELCHERT  
 PAUL & TAMMY WELCHERT  
 KENNETH & JEANNE KNIGHT

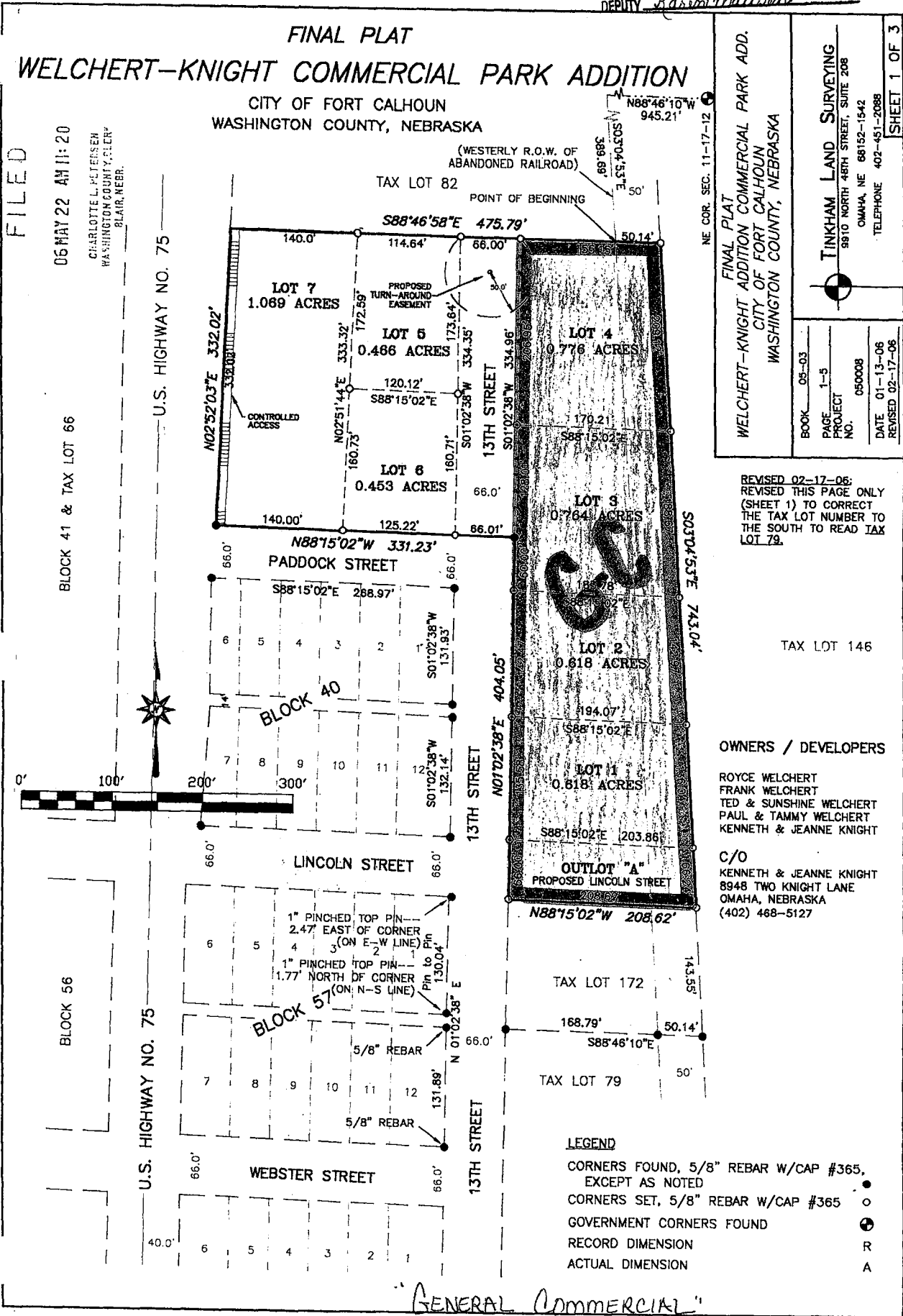
C/O  
 KENNETH & JEANNE KNIGHT  
 8948 TWO KNIGHT LANE  
 OMAHA, NEBRASKA  
 (402) 468-5127

LEGEND

- CORNERS FOUND, 5/8" REBAR W/CAP #365, EXCEPT AS NOTED ●
- CORNERS SET, 5/8" REBAR W/CAP #365 ○
- GOVERNMENT CORNERS FOUND ⊙
- RECORD DIMENSION R
- ACTUAL DIMENSION A

Exhibit "A"

200603184  
 STATE OF NEBRASKA COUNTY OF WASHINGTON  
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
 THIS 22nd DAY OF May A.D. 2006  
 AT 11:20 O'CLOCK A.M. AND RECORDED IN BOOK  
 Plat Book 2 AT PAGE 1256-1261  
 COUNTY CLERK Charlotte Peterson  
 DEPUTY Kasim Madani



**FINAL PLAT**  
 WELCHERT-KNIGHT ADDITION COMMERCIAL PARK ADD.  
 CITY OF FORT CALHOUN  
 WASHINGTON COUNTY, NEBRASKA

BOOK 08-03  
 PAGE 1-5  
 PROJECT NO. 050008  
 DATE 01-13-06  
 REVISED 02-17-06

TINKHAM LAND SURVEYING  
 8810 NORTH 48TH STREET, SUITE 208  
 OMAHA, NE 68152-1542  
 TELEPHONE 402-451-2088

SHEET 1 OF 3

REVISED 02-17-06;  
 REVISED THIS PAGE ONLY  
 (SHEET 1) TO CORRECT  
 THE TAX LOT NUMBER TO  
 THE SOUTH TO READ TAX  
 LOT 79.

**OWNERS / DEVELOPERS**

ROYCE WELCHERT  
 FRANK WELCHERT  
 TED & SUNSHINE WELCHERT  
 PAUL & TAMMY WELCHERT  
 KENNETH & JEANNE KNIGHT

C/O  
 KENNETH & JEANNE KNIGHT  
 8948 TWO KNIGHT LANE  
 OMAHA, NEBRASKA  
 (402) 468-5127

**LEGEND**

CORNERS FOUND, 5/8" REBAR W/CAP #365, EXCEPT AS NOTED ●

CORNERS SET, 5/8" REBAR W/CAP #365 ○

GOVERNMENT CORNERS FOUND ⊙

RECORD DIMENSION R

ACTUAL DIMENSION A

"GENERAL COMMERCIAL"

Exhibit "B"

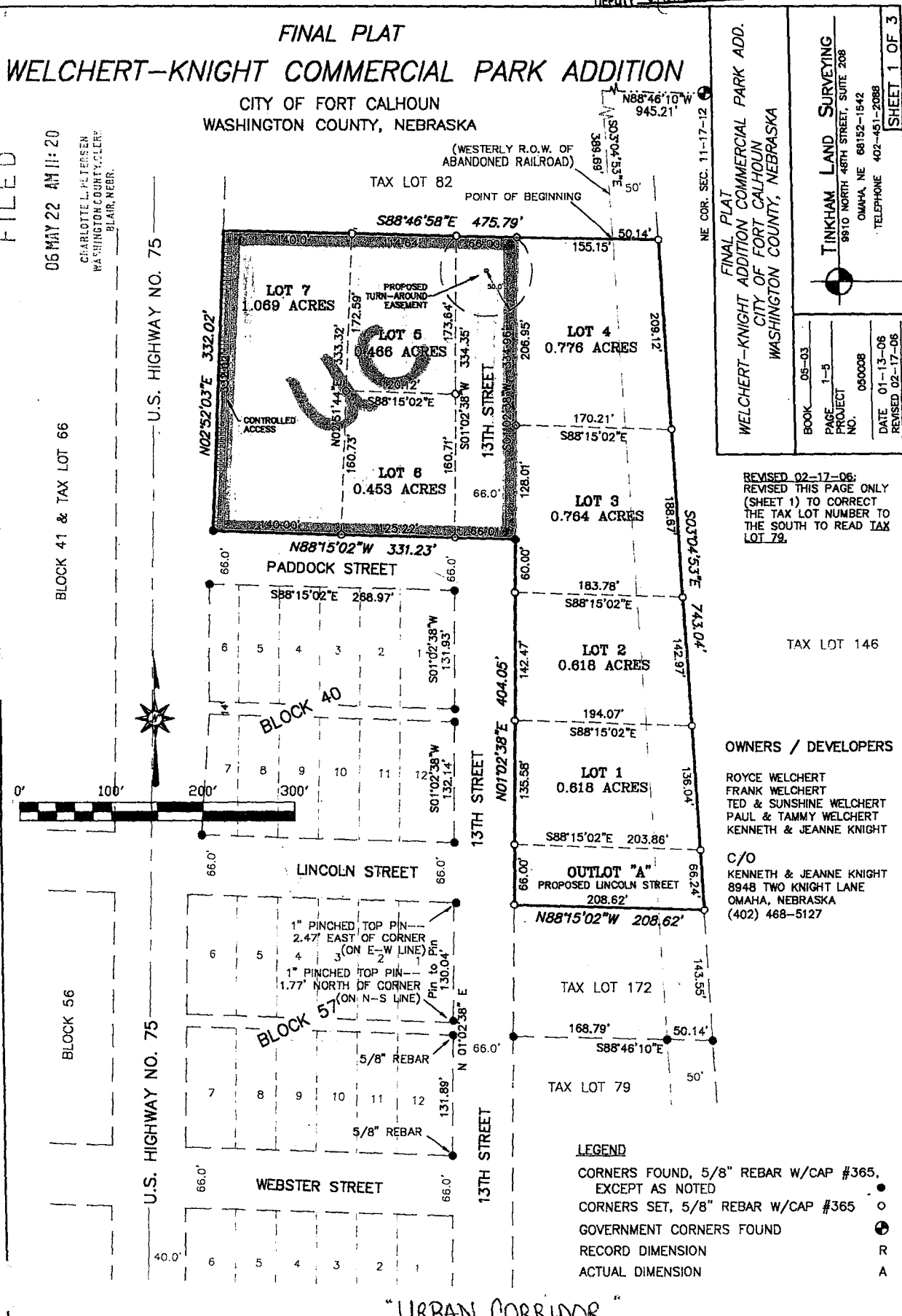


STATE OF NEBRASKA COUNTY OF WASHINGTON  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 22nd DAY OF May A.D. 2006  
AT 11:30 O'CLOCK A.M. AND RECORDED IN BOOK  
Plat Book 3 AT PAGE 1856-1261  
COUNTY CLERK *Charlatti & Petersen*  
DEPUTY *Kasim Madson*

FILED

06 MAY 22 AM 11:20

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.



# FINAL PLAT WELCHERT-KNIGHT COMMERCIAL PARK ADDITION

CITY OF FORT CALHOUN  
WASHINGTON COUNTY, NEBRASKA

NE COR. SEC. 11-17-12  
FINAL PLAT  
WELCHERT-KNIGHT ADDITION COMMERCIAL PARK ADD.  
CITY OF FORT CALHOUN  
WASHINGTON COUNTY, NEBRASKA  
TINKHAM LAND SURVEYING  
8910 NORTH 48TH STREET, SUITE 208  
OMAHA, NE 68152-1542  
TELEPHONE 402-451-2088  
BOOK 08-03  
PAGE 1-5  
PROJECT  
NO. 080008  
DATE 01-13-06  
REVISED 02-17-06  
SHEET 1 OF 3

REVISED 02-17-06:  
REVISED THIS PAGE ONLY  
(SHEET 1) TO CORRECT  
THE TAX LOT NUMBER TO  
THE SOUTH TO READ TAX  
LOT 79.

TAX LOT 146

### OWNERS / DEVELOPERS

ROYCE WELCHERT  
FRANK WELCHERT  
TED & SUNSHINE WELCHERT  
PAUL & TAMMY WELCHERT  
KENNETH & JEANNE KNIGHT

C/O  
KENNETH & JEANNE KNIGHT  
8948 TWO KNIGHT LANE  
OMAHA, NEBRASKA  
(402) 468-5127

### LEGEND

- CORNERS FOUND, 5/8" REBAR W/CAP #365, EXCEPT AS NOTED ●
- CORNERS SET, 5/8" REBAR W/CAP #365 ○
- GOVERNMENT CORNERS FOUND ⊕
- RECORD DIMENSION R
- ACTUAL DIMENSION A

"URBAN CORRIDOR"

Exhibit "C"

**ORDINANCE NO. 562**

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. 2006-2; DEFINING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY CONTAINED THEREIN; AND, PROVIDING FOR THE CONSTRUCTION OF IMPROVEMENTS THEREIN CONSISTING OF REMOVAL OF EXISTING STREET, GRADING AND CONSTRUCTION OF CURB AND GUTTER, PAVING AND STORM SEWER IMPROVEMENTS TOGETHER WITH SUCH OTHER APPURTENANCES 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 13<sup>th</sup> Street from Stevenson Street north to the extended north line of Lot 5 of the Welchert-Knight Commercial Park Addition to the City of Fort Calhoun; Paddock Street from Thirteenth Street to Fourteenth Street; and, Lincoln Street from Thirteenth Street to Fourteenth Street, including areas formed by the crossing of streets avenues and alleys therein, 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. 2006-2, the outer boundaries of which shall contain the following property:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 OF FORT CALHOUN CO'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 10 AND 3, BLOCK 72 AND LOT 10 OF BLOCK 57 TO THE CENTERLINE OF THE ALLEY OF BLOCK 57; THENCE WEST ALONG THE CENTERLINE OF THE ALLEY OF BLOCK 57 TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6, BLOCK 57, OF FORT CALHOUN CO'S ADDITION; THENCE NORTH ALONG SAID EXTENDED LINE AND THE WEST LINE OF LOT 6, BLOCK 57 AND LOTS 7 AND 6 OF BLOCK 40 FORT CALHOUN CO'S ADDITION TO THE NORTHWEST CORNER OF LOT 6, BLOCK 40; THENCE EASTERLY TO THE INTERSECTION WITH EXTENDED WEST LINE OF LOT 7 WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE CITY OF FORT CALHOUN, THENCE NORTH ALONG THE WEST LINE OF LOT 7 OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE NORTHWEST CORNER OF LOT 7; THENCE EAST ALONG THE EXTENDED NORTH LINE OF LOT 7, 5 AND 4 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF LOTS 4, 3, 2, 1 AND OUT LOT 'A' OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION AND THE EASTERLY LINE OF TAX LOT 172 AND 79 EXTENDED TO THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET TO THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 FORT CALHOUN CO'S ADDITION THE POINT OF BEGINNING.

Within Street Improvement District No. 2006-2, 13<sup>th</sup> Street from Stevenson Street north to the extended north line of Lot 5 of the Welchert-Knight Commercial Park Addition to the City of

Fort Calhoun; Paddock Street from Thirteenth Street to Fourteenth Street; and Lincoln Street from Thirteenth Street to Fourteenth Street; including areas formed by the crossing of streets avenues and alleys therein, shall be and are hereby ordered improved by construction of improvements therein consisting of grading and miscellaneous pavement removal and construction of curb and gutter and 28 foot back to back of curb of 7" Portland cement pavement or 8" asphaltic concrete pavement, with storm sewer system improvements consisting of 15" to 42" reinforced concrete pipe, curb inlets, manholes and outlet structures, and all related appurtenances thereto.

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. 2006-2 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 19<sup>th</sup> day of June 2006.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

[SEAL]

Publish June 23, 2006

CITY OF FORT CALHOUN, NEBRASKA  
NOTICE OF CREATION OF STREET IMPROVEMENT  
DISTRICT NO. 2006-2

Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska, held June 19, 2006, at 7:30p.m. there was passed, approved and adopted Ordinance No. 562 creating and establishing Street Improvement District No. 2006-2.

The outer boundaries of said Street Improvement District No. 2006-2 shall contain the following property:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 OF FORT CALHOUN CO'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 10 AND 3, BLOCK 72 AND LOT 10 OF BLOCK 57 TO THE CENTERLINE OF THE ALLEY OF BLOCK 57; THENCE WEST ALONG THE CENTERLINE OF THE ALLEY OF BLOCK 57 TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6, BLOCK 57, OF FORT CALHOUN CO'S ADDITION; THENCE NORTH ALONG SAID EXTENDED LINE AND THE WEST LINE OF LOT 6, BLOCK 57 AND LOTS 7 AND 6 OF BLOCK 40 FORT CALHOUN CO'S ADDITION TO THE NORTHWEST CORNER OF LOT 6, BLOCK 40; THENCE EASTERLY TO THE INTERSECTION WITH EXTENDED WEST LINE OF LOT 7 WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE CITY OF FORT CALHOUN, THENCE NORTH ALONG THE WEST LINE OF LOT 7 OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE NORTHWEST CORNER OF LOT 7; THENCE EAST ALONG THE EXTENDED NORTH LINE OF LOT 7, 5 AND 4 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF LOTS 4, 3, 2, 1 AND OUT LOT 'A' OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION AND THE EASTERLY LINE OF TAX LOT 172 AND 79 EXTENDED TO THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET TO THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 FORT CALHOUN CO'S ADDITION THE POINT OF BEGINNING.

Within Street Improvement District No. 2006-2, 13<sup>th</sup> Street from Stevenson Street north to the extended north line of Lot 5 of the Welchert-Knight Commercial Park Addition to the City of Fort Calhoun; Paddock Street from Thirteenth Street to Fourteenth Street; and Lincoln Street from Thirteenth Street to Fourteenth Street; including areas formed by the crossing of streets avenues and alleys therein, shall be and are hereby ordered improved by construction of improvements therein consisting of grading and miscellaneous pavement removal and construction of curb and gutter and 28 foot back to back of curb of 7" Portland cement pavement or 8" asphaltic concrete pavement, with storm sewer system improvements consisting of 15" to 42" reinforced concrete pipe, curb inlets, manholes and outlet structures, and all related appurtenances thereto.

Said improvements are to be made in accordance with plans and specifications 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.

If the owners of record title representing more than fifty percent (50%) of the front footage of the property directly abutting or adjoining the street to be improved within said Street

Improvement District No. 2006-2 shall file with the City Clerk written objections to the creation of said District and the construction of the improvements therein, within twenty (20) days after the first publication of this notice, said work shall not be done in said District and the Ordinance creating the District shall be repealed. If sufficient objections are not filed against said District No. 2006-2 in the time and manner aforesaid, the Mayor and City Council shall forthwith proceed to construct said improvements in the District and shall contract therefor. A hearing will be held on Thursday, July 20, 2006 at 7:00 p.m. at the City Hall relative to any written objections filed against the said proposed Street Improvement District.

CITY OF FORT CALHOUN, NEBRASKA

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

[SEAL]

Publish three times: Enterprise,

June 30, 2006

July 7, 2006

July 14, 2006

## ORDINANCE NO. 563

AN ORDINANCE CREATING WATER EXTENSION DISTRICT NO. 2006-2 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 and related improvements, there is hereby created Water Extension District No. 2006-2 of the City of Fort Calhoun, pursuant to authority granted in Section 19-2402, R.R.S. Neb. 1997.

Section 2. The outer boundaries of Water Extension District No. 2006-2 shall consist of a tract of land located Washington County, Nebraska, being described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 OF FORT CALHOUN CO'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 10 AND 3, BLOCK 72 AND LOT 10 OF BLOCK 57 TO THE CENTERLINE OF THE ALLEY OF BLOCK 57; THENCE WEST ALONG THE CENTERLINE OF THE ALLEY OF BLOCK 57 TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6, BLOCK 57, OF FORT CALHOUN CO'S ADDITION; THENCE NORTH ALONG SAID EXTENDED LINE AND THE WEST LINE OF LOT 6, BLOCK 57 AND LOTS 7 AND 6 OF BLOCK 40 FORT CALHOUN CO'S ADDITION TO THE NORTHWEST CORNER OF LOT 6, BLOCK 40; THENCE EASTERLY TO THE INTERSECTION WITH EXTENDED WEST LINE OF LOT 7 WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE CITY OF FORT CALHOUN, THENCE NORTH ALONG THE WEST LINE OF LOT 7 OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE NORTHWEST CORNER OF LOT 7; THENCE EAST ALONG THE EXTENDED NORTH LINE OF LOT 7, 5 AND 4 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF LOTS 4, 3, 2, 1 AND OUT LOT 'A' OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION AND THE EASTERLY LINE OF TAX LOT 172 AND 79 EXTENDED TO THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET TO THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 FORT CALHOUN CO'S ADDITION THE POINT OF BEGINNING.

The size, location and terminal points of the water mains, water lines and other appurtenances in said District shall consist of the following:

An 8" PVC or ductile iron pipe water main in Lincoln Street from its intersection with Fourteenth Street easterly in the Lincoln Street right-of-way to the intersection of Lincoln Street and Thirteenth Street; in the Paddock Street right-of-way from Fourteenth Street to Thirteenth Street; and in Thirteenth Street right-of-way from Stevenson Street northerly to the north line of Lot 5 of the Welchert-Knight Commercial Park Addition. Said improvements to include hydrant branches, gate valves and all related appurtenances.

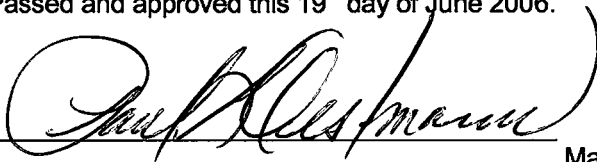
Section 3. Reference is hereby made to the plans and specifications for said water extensions, which have been prepared by The Schemmer Associates, special engineers for the City, and which, together with said engineers' estimate of the total cost for the proposed water extensions, have heretofore been filed with the City Clerk.

Section 4. The engineers' estimate of total cost for the proposed water extension improvements in said District No. 2006-2 is \$123,000.

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 19<sup>th</sup> day of June 2006.

ATTEST:



Mayor

City Clerk



[SEAL]

Publish June 23 2006

## ORDINANCE NO. 564

AN ORDINANCE CREATING SANITARY SEWER EXTENSION DISTRICT NO. 2006-2 OF THE CITY OF FORT CALHOUN, NEBRASKA; ESTABLISHING THE OUTER BOUNDARIES OF THE DISTRICT; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF SANITARY SEWER MAINS AND SANITARY SEWER 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 sanitary sewer system beyond the existing system by the construction of sanitary sewer mains and sanitary sewer lines and appurtenant improvements and that for the purpose of constructing said sanitary sewer mains and related improvements, there is hereby created Sanitary Sewer Extension District No. 2006-2 of the City of Fort Calhoun, pursuant to authority granted in Section 19-2402, R.R.S. Neb. 1997.

Section 2. The outer boundaries of Sanitary Sewer Extension District No. 2006-2 shall consist of a tract of land located in Washington County, Nebraska, being described as follows:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 OF FORT CALHOUN CO'S ADDITION TO THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, THENCE NORTH ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 10 AND 3, BLOCK 72 AND LOT 10 OF BLOCK 57 TO THE CENTERLINE OF THE ALLEY OF BLOCK 57; THENCE WEST ALONG THE CENTERLINE OF THE ALLEY OF BLOCK 57 TO THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 6, BLOCK 57, OF FORT CALHOUN CO'S ADDITION; THENCE NORTH ALONG SAID EXTENDED LINE AND THE WEST LINE OF LOT 6, BLOCK 57 AND LOTS 7 AND 6 OF BLOCK 40 FORT CALHOUN CO'S ADDITION TO THE NORTHWEST CORNER OF LOT 6, BLOCK 40; THENCE EASTERLY TO THE INTERSECTION WITH EXTENDED WEST LINE OF LOT 7 WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE CITY OF FORT CALHOUN, THENCE NORTH ALONG THE WEST LINE OF LOT 7 OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION TO THE NORTHWEST CORNER OF LOT 7; THENCE EAST ALONG THE EXTENDED NORTH LINE OF LOT 7, 5 AND 4 TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF LOTS 4, 3, 2, 1 AND OUT LOT 'A' OF WELCHERT-KNIGHT COMMERCIAL PARK ADDITION AND THE EASTERLY LINE OF TAX LOT 172 AND 79 EXTENDED TO THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET; THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STEVESON STREET TO THE SOUTHWEST CORNER OF LOT 10, BLOCK 72 FORT CALHOUN CO'S ADDITION THE POINT OF BEGINNING.

The size, location, terminal points and construction materials of the sanitary sewer mains, sanitary sewer lines and other appurtenances in said District shall consist of the following:



An 8" p.v.c. sanitary sewer beginning at Stevenson Street and Thirteenth Street intersection, thence north in the Thirteenth Street right-of-way to the extended north line of Lot 5 of the Welchert-Knight Commercial Park Addition; in Lincoln Street right-of-way from Thirteenth Street west to the extended west line of Lot 6, Block 57, Fort Calhoun Co.'s Addition; and, in Paddock Street right-of-way from 13<sup>th</sup> Street west to the extended east line of Lot 7 of the Welchert-Knight Commercial Park Addition. Said improvement to include manholes, connection to existing system, service stubouts, lift station, forcemain and all related appurtenances.

Section 3. Reference is hereby made to the plans and specifications for said sanitary sewer extensions, which have been prepared by The Schemmer Associates, special engineers for the City, and which, together with said engineers' estimate of the total cost for the proposed sanitary sewer extensions, have heretofore been filed with the City Clerk.

Section 4. The engineers' estimate of total cost for the proposed sanitary sewer extension improvements in said District No. 2006-2 is \$197,800.

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 sanitary sewer 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 19<sup>th</sup> day of June 2006.

  
Mayor

ATTEST:

  
City Clerk

[SEAL]

Publish, Enterprise, June 23, 2006

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS 200603596  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 18th DAY OF August A.D. 2006  
AT 4:14 O'CLOCK P M AND RECORDED IN BOOK  
494 AT PAGE 362-364  
COUNTY CLERK Charlotte L. Petersen  
DUTY Jason Madson

362

FILED

06 AUG 18 PM 4:14

ORDINANCE NO. 565

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
ST. LOUIS, MO

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA PURSUANT TO THE PROVISIONS OF SECTIONS 17-405.01 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXATION THERETO CERTAIN TRACTS OF ADJACENT AND CONTIGUOUS LAND, LYING IN PART WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY BUT NOT WITHIN ITS PRESENT CORPORATE LIMITS; AND INCLUDING WITHOUT LIMITATION THAT CERTAIN PLATTED AND APPROVED SUBDIVISION KNOWN AS THE 'WELCHERT-KNIGHT COMMERCIAL PARK ADDITIION," ALL TERRITORY INCORPORATED HEREBY LYING GENERALLY TO THE EAST OF U.S. HIGHWAY 75 WITHIN WASHINGTON COUNTY, NEBRASKA; AND MORE SPECIFICALLY DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED CERTIFIED 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 of the City of Fort Calhoun, Washington County, Nebraska have found it to be in the best interest of this City, and particularly of the inhabitants, residents and owners of property located within the adjacent and contiguous areas, tracts of land and territory lying within the extraterritorial zoning and subdivision jurisdiction of the City of Fort Calhoun, to annex unto said City for all purposes all said territory and tracts of land, (including, without limitation, that platted and approved subdivision known as the "Welchert-Knight Commercial Park Addition)" and to extend and increase the corporate limits of this City to include the same; said territory annexed hereby being located generally to the East of U.S. Highway 75 within Washington County, Nebraska; all as more specifically and accurately depicted and legally described upon the attached final plat or survey identified as Exhibit "A" as prepared and certified to accuracy by Tinkham Land Surveying, 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 all areas, platted or unplatted, tracts of land and territory to be annexed are contiguous and adjacent to the corporate city limits of Fort Calhoun; and that the same are substantially urban and suburban, and not rural nor agricultural in character, and that a unity of interest exists in the maintenance of municipal government, and

WHEREAS, by virtue of these findings and of Sections 17-405.01 et.seq.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 territory, named and approved subdivision, 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 to include by this annexation and embrace within its corporate

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

limits, all that additional territory and tracts of land, including without limitation the platted and approved subdivision known as the "Welchert-Knight Commercial Park Addition," all as more specifically depicted and legally described upon the map, plat or survey attached hereto, marked as Exhibit "A", certified as to accuracy by Tinkham Land Surveying of Omaha, Nebraska, and by this reference made a part of this Ordinance.

Section 2. The map, plat or survey above referred to as Exhibit "A" and its 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, and are hereby dedicated or re-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, 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 17th DAY OF JULY 2006.



Paul L. Oestmann, Mayor

Attest:



Linda Welsher, City Clerk

# FINAL PLAT WELCHERT-KNIGHT COMMERCIAL PARK ADDITION

CITY OF FORT CALHOUN  
WASHINGTON COUNTY, NEBRASKA

FILED

06 MAY 22 AM 11:20

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY CLERK  
BLAIR, NEBR.

BLOCK 41 & TAX LOT 66

U.S. HIGHWAY NO. 75

U.S. HIGHWAY NO. 75

BLOCK 56

BLOCK 40

BLOCK 57

WEBSTER STREET

LINCOLN STREET

Paddock STREET

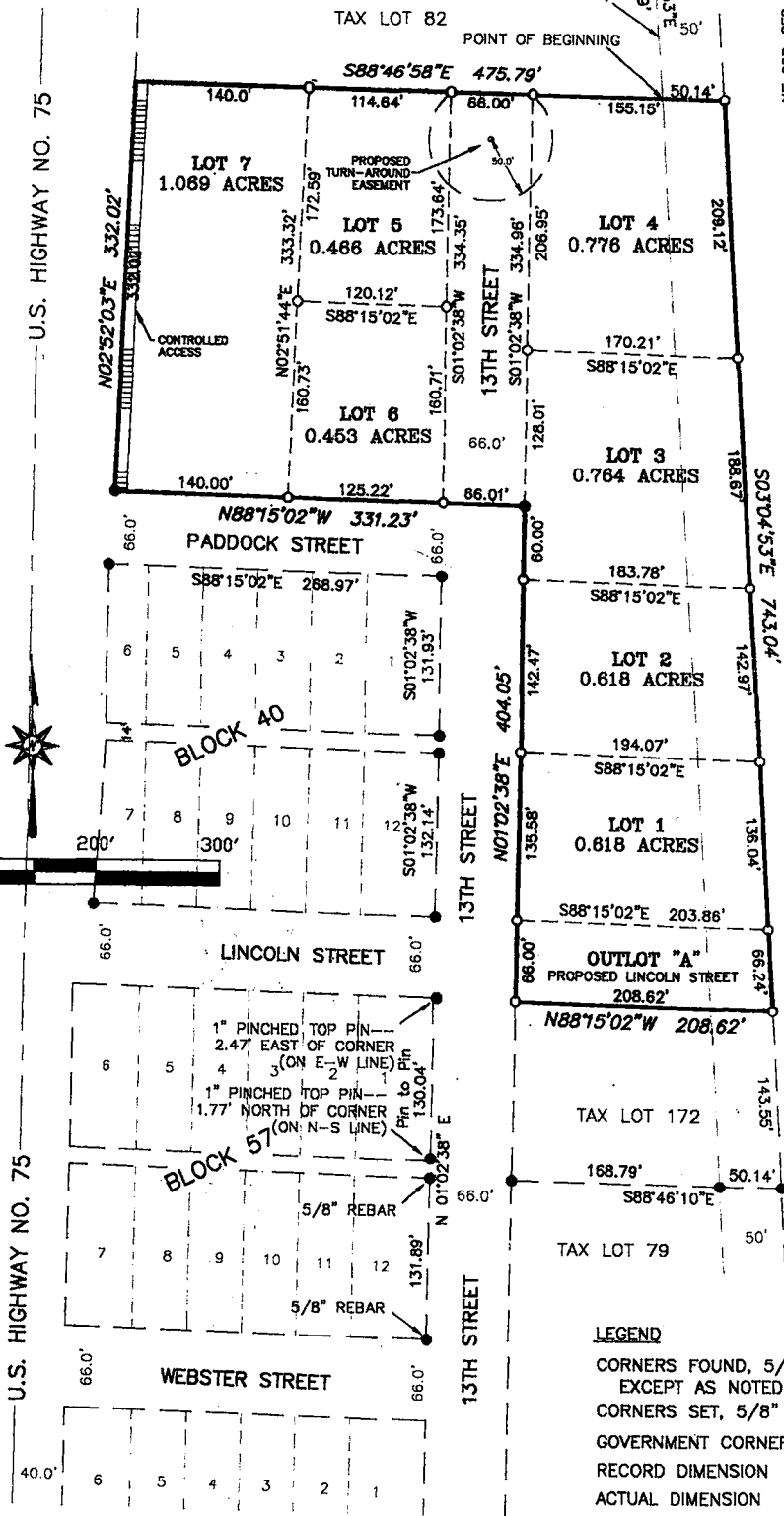
13TH STREET

13TH STREET

13TH STREET

13TH STREET

(WESTERLY R.O.W. OF  
ABANDONED RAILROAD)



NE COR. SEC. 11-17-12

FINAL PLAT  
WELCHERT-KNIGHT ADDITION COMMERCIAL PARK ADD.  
CITY OF FORT CALHOUN  
WASHINGTON COUNTY, NEBRASKA

TINKHAM LAND SURVEYING  
8910 NORTH 48TH STREET, SUITE 208  
OMAHA, NE 68152-1542  
TELEPHONE 402-451-2088

BOOK 08-03  
PAGE 1-5  
PROJECT COMMERCIAL  
NO. 050008  
DATE 01-13-06  
REVISED 02-17-06

SHEET 1 OF 3

REVISED 02-17-06;  
REVISED THIS PAGE ONLY  
(SHEET 1) TO CORRECT  
THE TAX LOT NUMBER TO  
THE SOUTH TO READ TAX  
LOT 78.

TAX LOT 146

### OWNERS / DEVELOPERS

ROYCE WELCHERT  
FRANK WELCHERT  
TED & SUNSHINE WELCHERT  
PAUL & TAMMY WELCHERT  
KENNETH & JEANNE KNIGHT

C/O  
KENNETH & JEANNE KNIGHT  
8948 TWO KNIGHT LANE  
OMAHA, NEBRASKA  
(402) 468-5127

### LEGEND

- CORNERS FOUND, 5/8" REBAR W/CAP #365, EXCEPT AS NOTED
- CORNERS SET, 5/8" REBAR W/CAP #365
- GOVERNMENT CORNERS FOUND
- RECORD DIMENSION R
- ACTUAL DIMENSION A

Exhibit "A"  
364

**ORDINANCE NO. 566**

AN ORDINANCE AMENDING SECTION 3-118 OF ARTICLE I OF CHAPTER III OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA, BY CHANGING THE SPEED LIMIT ON CERTAIN STREETS WITHIN THE CITY; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL BE IN FORCE.

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

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

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

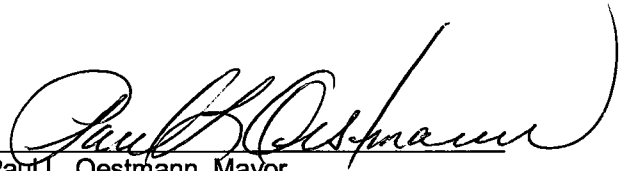
Section 1. That Section 3-118 Speed Zones, in Article I, Traffic Regulations of Chapter III, Motor Vehicles and Bicycles, of the Revised Municipal Code of the City of Fort Calhoun, Nebraska, Nov. 16, 2002, shall be and the same hereby is amended to read as follows:

No person shall operate a motor vehicle within the city limits at a speed greater than is reasonable and proper, having regard for the traffic, use and condition of the streets or at such speeds as to endanger the life, limb or property of any person, and under no circumstances in excess of twenty-five (25) miles per hour, except on 14<sup>th</sup> Street. On 14<sup>th</sup> Street, the speed limit from the southernmost city limits to Madison Street shall be thirty-five (35) miles per hour; and on 14<sup>th</sup> Street from Madison Street north to Clay Street shall be twenty-five (25) miles per hour; and from Clay Street to the northernmost city limits shall be thirty-five (35) miles per hour. Every driver of a vehicle on the streets of the City of Fort Calhoun shall at all times have such vehicle under complete control. Such Speed limits shall be indicated by appropriate posted signs.

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

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

PASSED AND APPROVED this 21<sup>st</sup> day of August, 2006

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welscher, City Clerk

[SEAL]

**ORDINANCE NO. 567**

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, 2006, through September 30, 2007. All sums of money contained in the budget statement are hereby appropriated for necessary expenses and liabilities of the City of Fort Calhoun, Nebraska. A copy of the budget shall be forwarded 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 18<sup>th</sup> day of September, 2006.**

CITY OF FORT CALHOUN

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk/Treasurer

ORDINANCE NO. 568

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2006B, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF SIX HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$695,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-2, IN SANITARY SEWER EXTENSION DISTRICT NO. 2006-2, AND IN WATER EXTENSION DISTRICT NO. 2006-2, 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 No. 2006-2, Sanitary Sewer Extension District No. 2006-2, and Water Extension District No. 2006-2 were heretofore created; that the Schemmer Associates, the engineers for the City have prepared estimates for the cost of construction of the improvements in the aforesaid Districts; that bids have been opened and tabulated; that the City has entered into contracts for construction of the improvements; and, that there has been placed on file the City's engineer's estimate showing that the City's costs, including costs of engineering and costs of issuance and underwriting and a portion of interest to accrue on said notes during construction, will be not less than \$695,000 ; that the construction of the aforesaid improvements is expected to be completed by September 30, 2007; 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 water system improvements and to meet the initial portion of its obligation to provide interim financing therefor, it is necessary and advisable that the City now issue its notes in the principal amount of \$695,000

pending permanent financing pursuant to Sections 17-516, 17-520, 19-2405 and, Sections 18-1801 and 18-1802, R.R.S. Neb. 1997, and other applicable Sections; that the City has authority under Section 10-137, R.R.S. Neb. 1997 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 2006B, in the amount of \$695,000, 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 2006B" of the aggregate principal amount of Six Hundred Ninety-five Thousand Dollars (\$695,000) (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 as of September 15, 2006 and each of said notes shall bear interest at the rate of \_\_\_\_\_% per annum payable semiannually on the fifteenth day of May and November in each year, commencing May 15, 2007, with the principal of said notes to become due and payable as follows:

<u>Principal</u>	
<u>Amount</u>	<u>Maturity</u>
\$695,000	November 15, 2008

provided, however, the City reserves the right to redeem any or all of said notes prior to maturity anytime on or after May 15, 2007 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 City Treasurer, Fort Calhoun, Nebraska, 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 day immediately preceding the interest payment date. 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 2006B

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of</u> <u>Original Issue</u>	<u>CUSIP</u>
%	November 15, 2008	September 15, 2006	

Registered Owner: Cede & Co.

Principal Amount: SIX HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$695,000)

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 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 semiannually on May 15 and November 15 of each year, commencing May 15, 2007. 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 May 15, 2007 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 Six Hundred Ninety-five Thousand Dollars (\$695,000) 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 constructing improvements in Street Improvement District No. 2006-2, Sanitary Sewer Extension District No. 2006-2 and Water Extension District No. 2006-2, to pay the cost of issuance of said notes and to pay 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. 1997, 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 )

Paul J. Deshaun  
Mayor

ATTEST:

Linda Welsher  
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.

CITY TREASURER  
FORT CALHOUN, NEBRASKA  
acting as Paying Agent and Registrar

Linda Welsher

(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: Hinda Weesker

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 D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of 99.15% 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 2006B, 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 2006B Notes. The City hereby designates the Series 2006B 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, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$5,000,000 in calendar year 2006. 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 18<sup>th</sup> day of September 2006.

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

  
\_\_\_\_\_  
Mayor

[SEAL]

There being no further business to come before the City Council, the meeting was by action of the Council and the declaration of the Mayor, adjourned.

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 September 18, 2006; 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; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials 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]

NOTICE OF PUBLICATION

OF ORDINANCE NO. 568

IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, held at 7:30 o'clock p.m. on September 18, 2006, there was passed and adopted Ordinance No. \_\_\_\_\_ entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2006B, OF THE CITY OF FORT CALHOUN, NEBRASKA, OF THE PRINCIPAL AMOUNT OF SIX HUNDRED NINETY-FIVE THOUSAND DOLLARS (\$695,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-2, IN SANITARY SEWER DISTRICT NO. 2006-2, IN STORM WATER SEWER DISTRICT NO. 2006-2, AND FOR CERTAIN 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.

Said Ordinance was published in pamphlet form on 9/26, 2006. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of Fort Calhoun, Nebraska.

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

[SEAL]

Publish One Time: 9/26, 2006

**ORDINANCE NO. 570**

AN ORDINANCE AMENDING CHAPTER ONE, ARTICLE ONE, SECTION 110 OF THE REVISED MUNICIPAL CODE (NOVEMBER 2002) 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 CHAPTER ONE, ARTICLE ONE, SECTION 110 OF THE REVISED MUNICIPAL CODE (NOVEMBER 2002) OF SAID CITY BE AMENDED TO READ AS FOLLOWS:

Section 3. The salary of the Mayor of the City shall be \$150.00 per monthly meeting for a total of \$1,800.00 payable annually.


Section 4. The salary of each member of the City Council shall be \$100.00 per monthly meeting for a total of \$1,200.00 payable annually.

Section 5. The increased compensation payable to the Mayor and City Council members, referred to in Article 1, Section 110 of Chapter 1, Civil Administration, shall be deferred until the next citywide general election is conducted, and shall then commence and become effective at the beginning of the full term of the Mayor or any member of the City Council who shall be elected thereat.

Original Sections numbered Section 110, Article 1 of Chapter 1 of the Revised Municipal Code of the City of Fort Calhoun (November 2002) 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 16<sup>th</sup> day of October, 2006.

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

**ORDINANCE NO. 571**

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AMENDING THE CITY'S ORDINANCES TO PROVIDE FOR FILLING OF VACANCIES IN THE CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** That the City's ordinances are hereby amended to read as follows:

(1)(a) Except as otherwise provided in subsection (2) or (3) of this section, vacancies in elected offices shall be filled by the City Council for the balance of the expired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing, presented to the City Council at a regular or special meeting, and shall appear as a part of the minutes of such meeting. The City Council shall at once give public notice of the vacancy by causing it to be published in a newspaper of general circulation within the City or by posting in three public places in the City the office vacated and the length of the unexpired term.

(b) The mayor shall call a special meeting of the City Council or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the mayor shall submit the name of the qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The City Council shall vote upon such nominee, and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the mayor shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the mayor shall continue at such meeting to submit the names of qualified registered voters in nomination and the City Council shall continue to vote upon such nominations at such meeting until the vacancy is filled. All council members present shall cast a ballot for or against the nominee. Any member of the City Council who has been appointed to fill a vacancy on the Council shall have the same rights, including voting, as if such person were elected.

(2) The City Council may, in lieu of filling a vacancy in the elected office as provided in subsection (1) of this section or subsection (3) of Neb. Rev. Stat. §32-568, call a special city election to fill such vacancy.

(3) If vacancies exist in the offices of a majority of the members of the City Council, the Secretary of State shall conduct a special election to fill such vacancies.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3.** This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

CITY OF FORT CALHOUN, NEBRASKA

  
Mayor

ATTEST:

  
City Clerk



## ORDINANCE NO. 572

**AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AMENDING THE CITY'S ORDINANCES TO CONFORM SUCH ORDINANCES TO THE OPEN MEETING LAWS OF THE STATE OF NEBRASKA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**SECTION 1.** That the City's ordinances are hereby amended to read as follows:

### PUBLIC MEETINGS

1. All public meetings as defined by law shall be held in a public building located within the City, which shall be open to attendance, by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public, convened meetings shall be transmitted to all members of the Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting and either (A) an enumeration of the agenda subjects known at the time of the notice or (B) a statement that such agenda, kept continually current, shall be available for public inspection at the office of the City clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered less than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of the City Council scheduled outside the corporate limits of the City. The City shall have the right to modify the agenda to include items of an emergency nature only at the public meeting when convened. The minutes of the City clerk shall include a record of the manner by which the advance publicized notice was given, the time and the specific place of each meeting and the names of each member of the Council present or absent at each convened meeting.

2. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the City clerk shall show how each member voted or that the member was absent and did not vote.

3. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor.

4. This section does not apply to chance meetings nor to attendance at or travel to conventions or workshops of the City Council at which there is no meeting of the Council then intentionally convened, if there is no vote or other action taken regarding any matter over which the Council has supervision, control, and jurisdiction or advisory power.

5. The City Council shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

MEETINGS; CLOSED SESSIONS

1. The Council may hold a closed session by affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

2. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Council.

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the Mayor shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Council shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

4. Any member of the Council shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold the closed session. Such challenge shall be overruled only by a majority of the members of the Council. Such challenge and its disposition shall be recorded in the minutes.

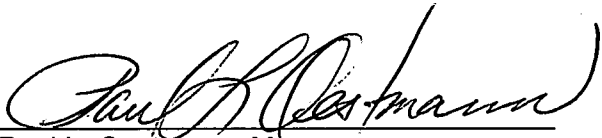
Source: Neb. Rev. Stat. §84-1410

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

**SECTION 3.** This ordinance shall go into force and effect from and after its passage, approval and publication as required by law.

Dated this 20<sup>th</sup> day of NOVEMBER 2006.

CITY OF FORT CALHOUN, NEBRASKA

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

ORDINANCE NO. 573

FILED

06 DEC 20 AM 8:56

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY, CLERK  
CLAIRBORNE

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE REVISED COMPREHENSIVE ZONING AND SUBDIVISION REGULATIONS FOR THE CITY OF FORT CALHOUN, NEBRASKA; REPEALING ORDINANCE NO. 459, ADOPTED JANUARY 15, 1996, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

WHEREAS, 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 revised comprehensive zoning and subdivision regulations for this City; that such a regulations, popularly referred to as "The Fort Calhoun Plan, A Comprehensive Land Use Plan, in two (2) separate Chapters; namely a "Zoning Chapter" and a "Subdivision Chapter"; were all prepared and submitted by its consultant, The Schemmer Associates, of Council Bluff, Iowa, and dated November 16, 2006, were submitted to the Fort Calhoun Planning Commission, and

WHEREAS, the Mayor and City Council has further found and determined by the governing body of this City that on December 4, 2006 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 revised Zoning and Subdivision Regulations or Code, related thereto in code book form; and to recommend their adoption by reference in ordinance form, by the City Council of Fort Calhoun, Nebraska, and

WHEREAS, 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 revised comprehensive Zoning and Subdivision Regulations, 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:

SECTION 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 revised code of Zoning and Subdivision Regulations whose short title will be "The Land Use Development Ordinance of the City of Fort Calhoun, Nebraska - 2006; in two (2) 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 two (2) copies of said Zoning and Subdivision Regulations in code form, marked or stamped "Official Copy as Adopted by Ordinance No. 459" and to which shall be attached a published copy of this ordinance, filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2. 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 Nebraska Statutes.

SECTION 3. 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.

SECTION 4. 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 a separate offense. Whoever aids, abets, procures, encourages, requests, advises or incites another to commit any act that is an offense under this ordinance or under any other ordinance of the City may be prosecuted and punished as though he were the principal offender.

SECTION 5. 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.


SECTION 6. 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.

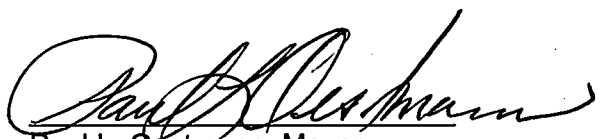
SECTION 7. SAVING PROVISION. This ordinance and regulations contain within the Zoning and Subdivision Regulations incorporated herein by reference, shall not be construed as abating any action now pending under or by virtue of, prior existing Zoning or Subdivision Regulations, or discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of 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 City 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 City 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.

SECTION 8. PRIOR ORDINANCES REPEALED. Ordinance No. 459, adopted January 15, 1996, 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 Use Plan Ordinance of the City of Fort Calhoun - 2006", are hereby repealed.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in force and take effect from and after its passage, approval and publication as provided by Law.

PSAAED AND APPROVED THIS 18<sup>th</sup> DAY OF DECEMBER 2006

ATTEST  
  
Linda Welscher  
Linda Welscher, City Clerk

  
Paul L. Oestmann, Mayor

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

200605352  
STATE OF NEBRASKA COUNTY OF WASHINGTON)SS  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 20th DAY OF December, A.D. 2006  
AT 8:56 O'CLOCK A.M AND RECORDED IN BOOK  
501 AT PAGE 690-691  
COUNTY CLERK Charlotte L. Petersen  
DEPUTY Barem Madson

ORDINANCE NO. 574

06 DEC 19 PM 3:24

AN ORDINANCE TO VACATE THE ALLEY IN BLOCK 85 WITHIN THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, WASHINGTON COUNTY, NEBRASKA AS DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHE 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 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 the alley in Block 85, as more specifically depicted and legally described upon the attached map, plat or survey, identified as "Exhibit "A", and by reference made a part of this Ordinance, and

WHEREAS, the Mayor and City Council has further found and determined that no person, firm or corporation, other than D & K Enterprises, LLC, would be effected by the vacation of said alley, and that no damages have resulted or could result by reason of said vacation, and

WHEREAS, the Mayor and City Council has further found and determined that all preliminary actions have been taken favorable to the vacation of said alley, and that the City, acting through its Governing Body under Section 17-558 and 17-559 of the Revised Statues of Nebraska, as amended, has full power and jurisdiction to pass this ordinance vacating said alley, NOW THEREFORE,

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

SECTION 1. That the alley in Block Eighty-five (85) 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 the owners of real property adjacent thereto.

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

SECTION 3. That the Mayor and City Clerk are hereby authorized and directed to take such further actions as may be necessary, convenient or desirable to accomplish the purposes 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 18<sup>TH</sup> DAY OF DECEMBER 2006

Recorded	<input checked="" type="checkbox"/>
General	<input type="checkbox"/>
Numerical	<input checked="" type="checkbox"/>
Photostat	<input checked="" type="checkbox"/>
Proded	<input checked="" type="checkbox"/>



ATTEST:

*Linda Welsher*  
Linda Welsher, City Clerk

*Paul L. Oestmann*  
Paul L. Oestmann, Mayor

200605345  
STATE OF NEBRASKA COUNTY OF WASHINGTON)SS  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 19<sup>th</sup> DAY OF December A.D. 2006  
AT 3:24 O'CLOCK P M AND RECORDED IN BOOK  
501 AT PAGE 681-683  
COUNTY CLERK *Charlotte L. Petersen*  
DEPUTY *Jarem Madson*

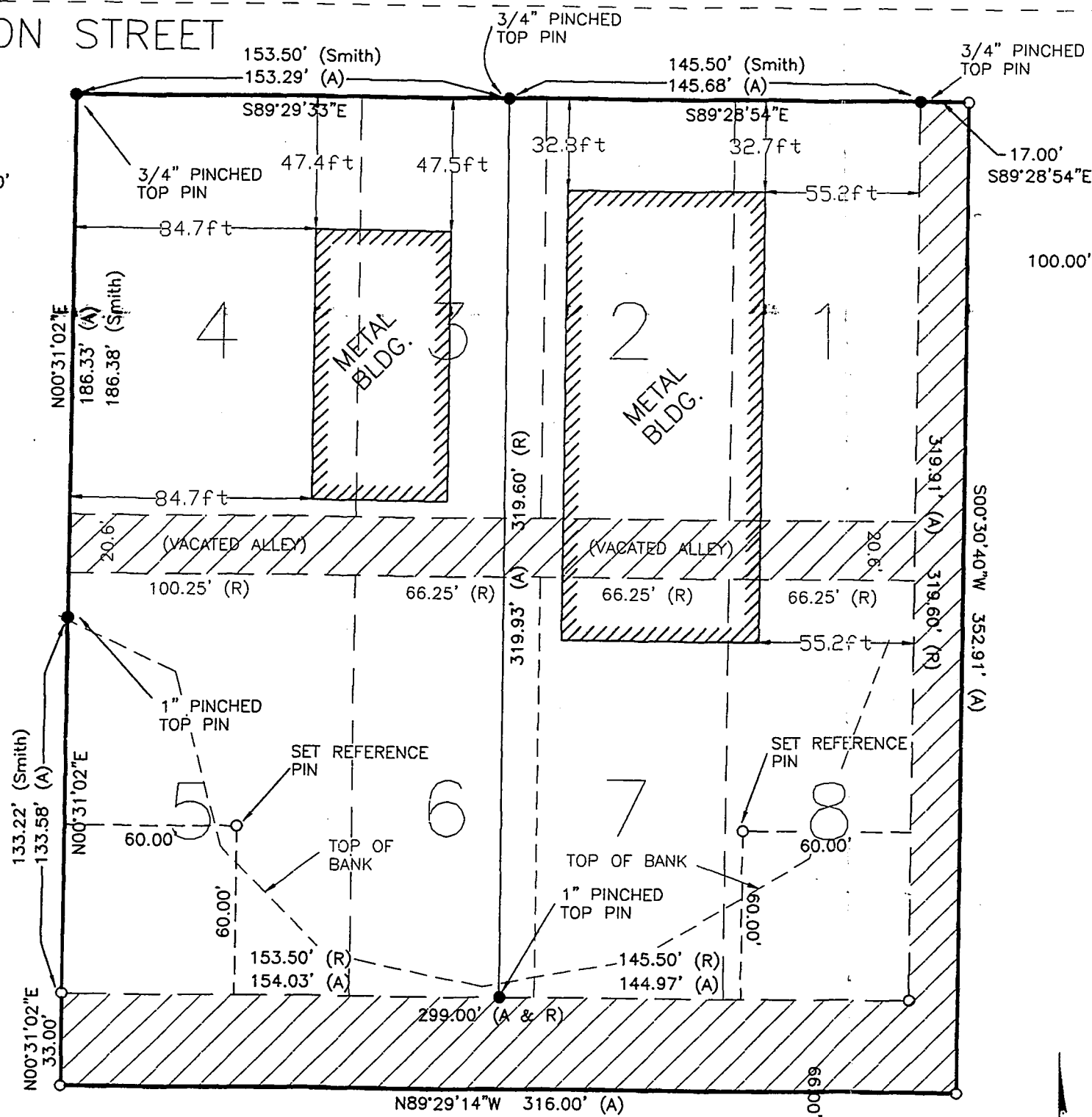
# BOUNDARY SURVEY

LOTS 1, 2, 3, 4, 5, 6, 7, 8 IN BLOCK 85  
AND VACATED EAST-WEST ALLEY IN BLOCK 85  
ORIGINAL TOWNSITE OF FORT CALHOUN  
WASHINGTON COUNTY, NEBRASKA

MADISON STREET

THIRTEENTH STREET

JEFFERSON STREET



### LEGEND

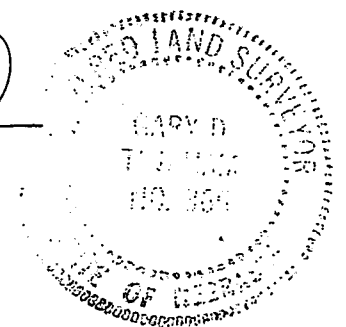
- CORNERS FOUND ●
- CORNERS SET, 5/8" REBAR ○
- Stewart Smith survey, 10/27/69 Smith
- RECORD DIMENSION R
- ACTUAL DIMENSION A


### LAND SURVEYOR'S CERTIFICATE

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

*Handwritten Signature*  
Signature of Land Surveyor

Date 11-07-03 Reg. No. 305



BOUNDARY SURVEY BLOCK 85 ORIGINAL TOWNSITE OF FORT CALHOUN WASHINGTON COUNTY, NEBRASKA	
BOOK 02-13	 <b>TINKHAM LAND SURVEYING</b> 9910 NORTH 48TH STREET, SUITE 208 OMAHA, NE 68152-1542 TELEPHONE 402-451-2088
PAGE 8-10	
PROJECT NO. 030001	
DATE 01-10-03	

## ORDINANCE NO. 575

AN ORDINANCE TO AMEND SECTION 6-210 OF CHAPTER VI, ARTICLE II OF THE FORT CALHOUN, NEBRASKA REVISED MUNICIPAL CODE (ORDINANCE NO. 529, PASSED AND APPROVED NOVEMBER 18, 2002), TO PROVIDE A CURRENT SCHEDULE OF CAPITAL FACILITIES CHARGES FOR CONNECTIONS TO THE CITY WATER SYSTEM, TO REPEAL ORIGINAL SECTION 6-210 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE AN EFFECTIVE DATE FOR THE OPERATION HEREOF.

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

*Section 1.* Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of the City of Fort Calhoun, Nebraska is hereby amended to read as follows:

### SECTION 6-210: CAPITAL FACILITIES CHARGE

For the purpose of partial recovery of costs of construction, any and all connections made to the city water system, and regardless of whether the same is made within or without the corporate limits of the City, shall require full payment of capital facilities charges by the applicant for service, in accordance with the following schedule:

Meter		Flow Rating	Capital
Size	Type		Facilities Charges - \$71.21 per gpm
5/8"	Disc	10 gpm	Note 1
3/4"	Disc	15	\$1,068
1"	Disc	25	\$1,780
1.5"	Disc	50	\$3,561
2"	Disc	80	\$5,697
2"	Turbo	160	\$11,394
3"	Compound	160	\$11,394
3"	Turbo	350	\$24,924
4"	Compound	250	\$17,803
4"	Turbo	1000	\$71,210
6"	Compound	500	\$35,605
6"	Turbo	2000	\$142,420
8"	Turbo	3500	\$249,235
10"	Turbo	5500	\$391,655

Note 1: M.U.D. will no longer have a CFC price for a 5/8" meter. When installing a 5/8" meter within the City's jurisdiction the CFC will be that of a 3/4" meter. When upgrading from a 5/8" meter to 3/4" or any larger size meter, the applicant will pay the difference between the 5/8" CFC actually paid at an earlier date and the current CFC for the larger meter.


The above and foregoing schedule of Capital Facilities Charges shall be effective from and after January 1, 2007.

*Section 2.* Original Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of this City and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

**PASSED AND APPROVED this 15<sup>th</sup> day of JANUARY 2007.**

THE CITY OF FORT CALHOUN,  
WASHINGTON COUNTY, NEBRASKA

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

PAPIO-MISSOURI RIVER



NATURAL  
RESOURCES  
DISTRICT

8901 S. 154TH ST.  
OMAHA, NE 68138-3621  
(402) 444-6222  
FAX (402) 895-6543  
[www.papionrd.org](http://www.papionrd.org)

December 18, 2006

Linda Welsher  
Fort Calhoun City Clerk  
110 South 14<sup>th</sup> Street  
Fort Calhoun NE 68023

RE: MUD Capital Facilities Charges

Dear Linda:

The Metropolitan Utilities District has advised me that they will be increasing their capital facilities charges effective January 1, 2007. Attached is the schedule of those charges that you should apply to your water hookup fees.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Sklenar". The signature is fluid and cursive.

Dick Sklenar  
Project Manager

Attachment

102706 DS:pb file 300





## CAPITAL FACILITES CHARGES

EFFECTIVE JANUARY 1, 2007

METER		FLOW RATING		CAPITAL FACILITES CHARGES		
SIZE	TYPE	CAPACITY		CURRENT/ PREVIOUS	REVISED Effective Jan 1, 2007	
				\$ 66.64	\$ 71.21	per gpm
5/8"	Disc	10	gpm	Note 1	Note 1	
3/4"	Disc	15	gpm	\$ 1,000	\$ 1,068	
1"	Disc	25	gpm	\$ 1,666	\$ 1,780	
1.5"	Disc	50	gpm	\$ 3,332	\$ 3,561	
2"	Disc	80	gpm	\$ 5,331	\$ 5,697	
2"	Turbo	160	gpm	\$ 10,662	\$ 11,394	
3"	Compound	160	gpm	\$ 10,662	\$ 11,394	
3"	Turbo	350	gpm	\$ 23,324	\$ 24,924	
4"	Compound	250	gpm	\$ 16,660	\$ 17,803	
4"	Turbo	1000	gpm	\$ 66,640	\$ 71,210	
6"	Compound	500	gpm	\$ 33,320	\$ 35,605	
6"	Turbo	2000	gpm	\$ 133,280	\$ 142,420	
8"	Turbo	3500	gpm	\$ 233,240	\$ 249,235	
10"	Turbo	5500	gpm	\$ 366,520	\$ 391,655	

Note 1: There is no longer a CFC price for a 5/8" meter. When upgrading from a 5/8" meter to 3/4" or any larger size meter, the applicant will pay the difference between the 5/8" CFC **actually** paid at an earlier date and the **current** CFC for the larger meter.

ORDINANCE NO. 576

AN ORDINANCE AMENDING ARTICLE 3 "USE TYPES", SECTION 307 "COMMERCIAL USE TYPES" AND ARTICLE 4 "ZONING DISTRICT REGULATIONS", TABLE 4-2 "PERMITTED USES BY ZONING DISTRICT" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO ALLOW FOR TAXIDERMY SERVICES; REPEALING ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Article 3 "Use Types" Section 307 "Commercial Use Types", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

307 Commercial Use Types

gg. Taxidermy Services

An operation conducted solely within an enclosed building to include on-site preparation, stuffing, and mounting of heads and skins of animals. Exterior storage or processing of carcasses or parts of animals shall be prohibited.

Section 2. Article 4 "Zoning District Regulations" Table 4-2 "Permitted Uses by Zoning District", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

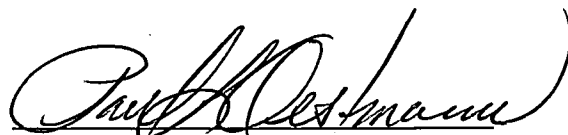
Commercial Uses

Taxidermy Services – Permitted by right in the AG, TA, TC, GC, and UC districts.

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.

Section 4. 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.

Passed and approved this 21 day of May, 2007.

  
Mayor

(SEAL)

Attest:

  
City Clerk

**ORDINANCE NO. 577**

AN ORDINANCE TO AMEND AND UPDATE THE OFFICIAL ZONING MAP OF FORT CALHOUN, TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

**WHEREAS**, the Fort Calhoun Planning Commission on May 7, 2007 held a public hearing and made a recommendation concerning the proposed amendments to the Official Zoning Map; and

**WHEREAS**, after public hearing on May 21, 2007 the City Council found and determined the Official Zoning Map should be and hereby is approved.

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

**SECTION 1.** That the Official Zoning Map of the City of Fort Calhoun, Nebraska is hereby amended so that it is updated to show recently rezoned areas. The amended map, dated May 17, 2007, is attached to this Ordinance and made a part thereof.

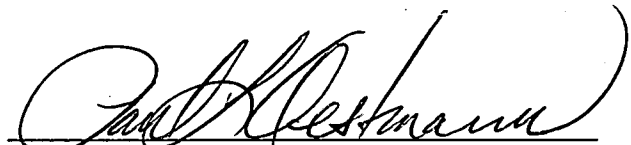
**SECTION 2.** The official copy of this ordinance and map shall be on record in the Fort Calhoun City Hall for public inspection during normal business hours.

**SECTION 3.** All ordinances in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.


**SECTION 4.** That the Official Zoning Map of the City of Fort Calhoun, Nebraska as provided by Section 406 of the Fort Calhoun Zoning Ordinance be, and the same is hereby ordered to be changed amended and completed in accordance with this ordinance.

**SECTION 5.** This ordinance shall become effective upon its adoption by the City Council of the City of Fort Calhoun, Nebraska.

**PASSED AND APPROVED** this the 21st day of May, 2007.

  
Paul L. Oestmann, MAYOR  
CITY OF FORT CALHOUN, NEBRASKA

**ATTEST:**

  
LINDA WELSHER  
CITY CLERK

**APPROVED:**

  
CITY ATTORNEY

## ORDINANCE NO. 578

AN ORDINANCE TO AMEND SUBSECTION (E) OF ORDINANCE NO. 543 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA BY REVISION OF THE SEWER USE FEE OR RENTAL CHARGE APPLICABLE TO ALL USERS OF THE CITY SEWER SYSTEM; TO REPEAL ORIGINAL SECTION 2 OF ORDINANCE NO. 543 AND ALL OTHER CONFLICTING PROVISIONS OF SAID ORDINANCE OR OTHER ORDINANCES OR PARTS THEREOF; 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, WASHINGTON COUNTY, NEBRASKA, AS FOLLOWS:

### SECTION 1

That Subsection (5) of Ordinance No. 452 (Addressed in Section 2 of Ordinance No. 543) Of the special Ordinances of the City of Fort Calhoun, Washington County, Nebraska (Sometimes referred to therein as its Revised and Compiled Ordinance) is hereby amended to read as follows:

- (E) SEWER USE FEE OR RENTAL CHARGE FOR USERS OF THE CITY SEWER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA.
- All City Water Customers shall be charged and required to pay with their Water bills a flat-rate rental charge or sewer use fee as follows:
- (1) A base fee for service of \$7.00 per unit.
  - (2) A sewer rate of \$2.21 per 1,000 gallons of water used from the present thru August, 2007.
  - (3) A rate of \$2.54 per 1,000 gallons of water used for the October, 2007 billing date for September, 2007 usage thru February, 2008 usage.
  - (4) A rate of \$2.85 per 1,000 gallons of water used commencing with the April, 2008 billing for the March, 2008 usage and continuing at that rate until amended by the City of Fort Calhoun, Nebraska.

SECTION 2

Original Section 1 (E) of Special Ordinance No. 452 (As added by Special Ordinance No. 543) of the City of Fort Calhoun, Nebraska and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

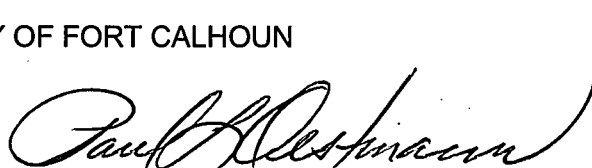
SECTION 3

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 16<sup>th</sup> day of July, 2007.

CITY OF FORT CALHOUN

By:



Mayor

ATTEST:



City Clerk

ORDINANCE NO. 579

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2007, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000) TO PROVIDE FUNDS TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-1 (INCLUDING INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); IN SANITARY SEWER DISTRICT NO. 2006-1; IN STORM WATER SEWER DISTRICT NO. 2006-A; AND, TO PAY THE COST OF CERTAIN WATER SYSTEM IMPROVEMENTS, ENLARGEMENTS AND EXPANSIONS OF THE EXISTING WATER 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 FORT CALHOUN, NEBRASKA:

Section 1. The Mayor and City Council of the City of Fort Calhoun, Nebraska (the "City") hereby find and determine that pursuant to an ordinance heretofore duly adopted by the Mayor and City Council, Street Improvement District No. 2006-1 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 Engineer and the Mayor and City Council is not less than \$89,793.30, that additional expenses properly chargeable as part of the cost of improvements in said District in the amount of \$26,318.85 have been incurred or will 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; the total cost of said improvements is not less than \$116,112.15; that after applying special assessments collected and 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 District not less than \$97,192.69; that of such costs not less than \$19,438.54 is hereby determined to be for intersection costs and

\$77,754.15 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 \$19,438.54, pursuant to Section 17-520, R.R.S. Neb. 1997, and its district improvement bonds for said Districts in the principal amount of \$77,754.15, pursuant to Section 17-516, R.R.S. Neb. 1997.

Section 2. The Mayor and Council further find and determine that pursuant to resolution heretofore duly adopted by the Mayor and City Council, Sanitary Sewer District No. 2006-1 was created in the City and certain improvements therein have been constructed, the improvements in Sanitary Sewer District No. 2006-1 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 \$95,525.35; 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 \$27,104.82; the total cost of said improvements is not less than \$122,630.17; that 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 \$121,688.40; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Sewer Bonds of said District in the principal amount of \$121,688.40, pursuant to Section 17-925, R.R.S. Neb. 1997, have been done as provided by law.

Section 3. The Mayor and Council further find and determine that pursuant to resolution heretofore duly adopted by the Mayor and City Council, Storm Water Sewer District

No. 2006-A was created in the City and certain storm water system improvements therein have been constructed, the improvements in Storm Water Sewer District No. 2006-A 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 \$69,175.00; 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 \$19,627.81; the total cost of said improvements is not less than \$88,802.81; that 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 \$88,121.07; and that all conditions, acts and things required to be done precedent to the issuance by the City of its Sewer Bonds of said District in the principal amount of \$88,121.07, pursuant to Section 17-925, R.R.S. Neb. 1997, have been done as provided by law.

Section 4. The Mayor and Council further find and determine that the existing system of waterworks of the City, which is owned and operated by said City, presently includes water wells, water transmission mains, water storage facilities and a network of connecting mains and other appurtenances, and it is necessary to expand, improve and extend the water works system and to construct improvements to be owned and operated by the City by construction of certain water system improvements; 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 \$120,000; that the City presently has no outstanding water bonds issued under the provisions of Section 17-534, R.R.S. Neb. 1997, and that the valuation of all taxable property within the City,



according to the last preceding assessment is \$52,275,227, 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 Council are therefore authorized upon a vote of not less than three-fourths of all the members elected to the Council to order the issuance of water bonds in the amount of \$117,997.83 without a vote of the electors pursuant to the provisions of Section 17-534, R.R.S. Neb. 1997; that all conditions, acts and things required to be done pursuant to said Section 17-534, R.R.S. Neb. 1997, do exist and have been done as provided by law; and that there shall be and hereby are ordered issued general obligation water bonds in the principal amount of \$117,997.83.

Section 5. To provide for the issuance of bonds as described in Section 1, 2, 3, and 4 hereof, the City has authority under Sections 18-1801 and 18-1802 Reissue Revised Statutes, Neb. 1997, to issue its Various Purpose Bonds, and there shall be and there are hereby ordered issued General Obligation Various Purpose Bonds, Series 2007, of the City of Fort Calhoun, Nebraska, in the principal amount of Four Hundred Twenty-Five Thousand Dollars (\$425,000) (the "Bonds"), with said Bonds bearing interest at the rates per annum and to become due on July 15 of each year as indicated below:

<u>Principal Amount</u>	<u>Maturing July 15</u>	<u>Interest Rate</u>	<u>Price</u>
\$90,000	2012	4.00%	100
100,000	2014	4.10	100
70,000	2016	4.20	100
165,000	2019	4.40	100

provided, however, the Bonds shall also be subject to a mandatory sinking fund redemption and shall be and hereby are required to be redeemed at par plus accrued interest prior to maturity, with such mandatory sinking fund redemptions set as follows:

\$90,000 Principal Maturing July 15, 2012

\$30,000 To Be Called July 15, 2010

\$30,000 To Be Called July 15, 2011

\$30,000 Final Maturity July 15, 2012

\$100,000 Principal Maturing July 15, 2014

\$35,000 To Be Called July 15, 2013

\$65,000 Final Maturity July 15, 2014

\$70,000 Principal Maturing July 15, 2016

\$35,000 To Be Called July 15, 2015

\$35,000 Final Maturity July 15, 2016

\$165,000 Principal Maturing July 15, 2019

\$40,000 To Be Called July 15, 2017

\$40,000 To Be Called July 15, 2018

\$85,000 Final Maturity July 15, 2019

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 August 15, 2007. Interest on the Bonds, at the respective rates for each maturity, shall be payable beginning on January 15, 2008, and semi-annually thereafter on July 15 and January 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 fifteenth day immediately preceding the Interest Payment Date (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 that Section hereof next immediately following, 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 the Section hereof next immediately following. 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 City Treasurer, Fort Calhoun, Nebraska, is hereby designated to serve as Paying Agent and Registrar for the Bonds. The City reserves the right to designate a bank with trust powers or trust company to act as Paying Agent and Registrar by giving notice of such designation to each registered owner of the Bonds. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the City offices in Fort Calhoun, Nebraska. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the Office of said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by such owner's duly authorized agent, and thereupon the Paying Agent and Registrar, on behalf of the City, will deliver

at the 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 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. In addition to the mandatory redemptions provided for in Section 5 of this ordinance, Bonds maturing on or after July 15, 2013 shall be subject to redemption, in whole or in

part, prior to maturity at any time on or after August 15, 2012, 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 in the case of optional redemptions and without further direction in the case of mandatory sinking fund redemptions, 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 of Fort Calhoun, 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 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

GENERAL OBLIGATION VARIOUS PURPOSE BONDS  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 2007

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

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	July 15,	August 15, 2007	

Registered Owner: Cede & Co.  
13-2555119

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 beginning January 15, 2008 and semiannually thereafter on July 15 and January 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 office of the City Treasurer at the City's offices in Fort Calhoun, 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 immediately preceding the Interest Payment Date, 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 Twenty-Five Thousand Dollars (\$425,000), 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 provide funds to pay the costs of street improvements constructed in Street Improvement District No. 2006-1; to pay the cost of improvements in Sanitary Sewer District No. 2006-1; to pay

the cost of improvements in Storm Water Sewer District No. 2006-A; and, and to pay the costs of construction of certain water system improvements, additions and appurtenances to the existing system of water works; in pursuance of Sections 17-516, 17-520, 17-534, 17-925, 18-1801 and 18-1802, R.R.S. Neb. 1997, 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 of this issue are also subject to a mandatory redemption prior to maturity from sinking fund payments at par plus accrued interest with such redemptions set as follows:

\$90,000 Principal Maturing July 15, 2012

\$30,000 To Be Called July 15, 2010

\$30,000 To Be Called July 15, 2011

\$30,000 Final Maturity July 15, 2012

\$70,000 Principal Maturing July 15, 2016

\$35,000 To Be Called July 15, 2015

\$35,000 Final Maturity July 15, 2016

\$100,000 Principal Maturing July 15, 2014

\$35,000 To Be Called July 15, 2013

\$65,000 Final Maturity July 15, 2014

\$165,000 Principal Maturing July 15, 2019

\$40,000 To Be Called July 15, 2017

\$40,000 To Be Called July 15, 2018

\$85,000 Final Maturity July 15, 2019

In addition, the bonds of this issue maturing on or after July 15, 2013, are subject to redemption at the option of the City, in whole or in part, at any time on or after August 15, 2012, 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 office of the Paying Agent and Registrar upon surrender and cancellation of this bond, and thereupon a new bond or bonds of the same aggregate principal amount, interest rate and maturity will be issued to the transferee as provided in the ordinance authorizing said issue of bonds, subject to the limitations therein prescribed. The City, the Paying Agent and Registrar and any other person may treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment due hereunder 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 or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Fort Calhoun, 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 the improvements financed herein or refinanced hereby, 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 of 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 annually 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.

Treasurer of the City of Fort Calhoun, 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 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 understanding and representations (the "Letter of Representations") in the form required by the Depository (including any blanket letter previously executed and delivered by the City), 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 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 bond 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 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 D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of 98.50% 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. Such purchaser and its agents and representatives and its bond counsel are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository

at closing. The City Clerk shall make and certify a transcript of the proceedings of the Mayor and Council with respect to the Bonds which shall be delivered to said purchaser.

Section 12. All accrued interest received from the sale of the Bonds shall be applied to pay interest falling due on January 15, 2008. Of the net proceeds of the Bonds, \$750 shall be applied to the payment of issuance expenses and the balance of bond proceeds shall be applied for the payment of warrant or note indebtedness and other costs related to the improvements described in Sections 1, 2, 3 and 4 hereof.

Section 13. Special assessments levied upon real estate specially benefited by the construction of improvements financed or refinanced by the Bonds as described in Section 1, 2, 3, and 4 of this ordinance 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 the event that the monies collected therefrom are not sufficient to fully and promptly pay the principal of and interest on the Bonds as and when such principal and interest become due (including any mandatory redemptions), 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 on and principal of the Bonds when and as such principal and interest become due (including any mandatory redemptions required under the terms of Section 5 of this ordinance).

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, (the "Code") 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" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during calendar year 2007 (taking into consideration the exception for current refunding issues).

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 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 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

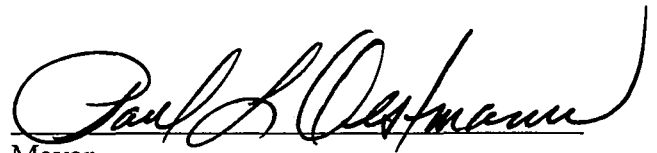


so deposited with the Paying Agent and Registrar or such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of the Paying Agent and Registrar or such bank or trust company 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 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 Administrator or either of them is authorized to approve and deliver a final Official Statement for and on behalf of the City.

Section 17. 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 20<sup>th</sup> day of August 2007.

  
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 August 20, 2007; 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 a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; 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]

NOTICE OF PUBLICATION  
OF ORDINANCE NO. 579  
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, held at 7:00 p.m. on August 20, 2007 there was passed and adopted Ordinance No. 579 entitled:

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, AUTHORIZING THE ISSUANCE OF VARIOUS PURPOSE BONDS, SERIES 2007, OF THE CITY OF FORT CALHOUN, IN THE PRINCIPAL AMOUNT OF FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000) TO PROVIDE FUNDS TO PAY THE COST OF IMPROVEMENTS IN STREET IMPROVEMENT DISTRICT NO. 2006-1 (INCLUDING INTERSECTIONS AND THE AREAS FORMED BY THE CROSSING OF STREETS, AVENUES AND ALLEYS); IN SANITARY SEWER DISTRICT NO. 2006-1; IN STORM WATER SEWER DISTRICT NO. 2006-A; AND, TO PAY THE COST OF CERTAIN WATER SYSTEM IMPROVEMENTS, ENLARGEMENTS AND EXPANSIONS OF THE EXISTING WATER 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.

Said Ordinance has been published in pamphlet form and copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, at the City Hall in the City of Fort Calhoun, Nebraska.

  
Clerk

[SEAL]

Publish One Time Aug 28, 2007

CERTIFICATE

I, the undersigned, the Clerk for the City of Fort Calhoun, Nebraska hereby certify that attached to this Certificate is a true and correct copy of Ordinance No. 597 which was passed by the Mayor and City Council on August 20, 2007, as published in pamphlet form. Said Ordinance was published in pamphlet form on Aug 28, 2007.

DATED this 20<sup>th</sup> day of August 2007.

Linda Welsher  
City Clerk

[SEAL]

Council Member Nelson introduced the following Ordinance entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE BOND ANTICIPATION NOTES, SERIES 2007, OF THE CITY OF FORT CALHOUN, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY THE CITY PENDING THE ISSUANCE OF PERMANENT SANITARY SEWER REVENUE BONDS OR GENERAL OBLIGATION SANITARY SEWER BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SANITARY SEWER SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID SANITARY SEWER SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Said Ordinance was designated as Ordinance No. 580 the title thereof was approved.

Council Member Nelson moved that the statutory rule requiring an ordinance to be fully and distinctly read on three different days be suspended. Council Member Genoway seconded the motion to suspend the rules and upon roll call vote, the following Council Members voted YEA: Smith, Genoway, Shields, Nelson. The following voted NAY: Ø. The motion to suspend the rules was adopted by three-fourths of the members elected to the Council and the statutory rule was declared suspended for consideration of said Ordinance.

Thereupon said Ordinance No. 560 was then read by title and Council Member Shields moved for its final passage, which motion was seconded by Council Member Smith. The Mayor, stated the question "Shall Ordinance No. 560 be passed and adopted?" Upon roll call, the following voted YEA: Genoway, Shields, Nelson, Smith. The following voted NAY: Ø. The passage and adoption of said Ordinance having been concurred in by a majority of all the members of the Council, the Mayor declared the Ordinance adopted and the Mayor signed and approved the Ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

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

ORDINANCE NO. 580

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE BOND ANTICIPATION NOTES, SERIES 2007, OF THE CITY OF FORT CALHOUN, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY THE CITY PENDING THE ISSUANCE OF PERMANENT SANITARY SEWER REVENUE BONDS OR GENERAL OBLIGATION SANITARY SEWER BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SANITARY SEWER SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID SANITARY SEWER SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND THE 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 as follows:

(a) the City owns and operates a sewage disposal plant and sanitary sewer system (the "Sewer System"); that said Sewer System represents a revenue producing undertaking of the City (said system and any and all additions thereto or improvements thereof hereafter made are herein collectively referred to as the "Sanitary Sewer System"); that it is necessary and advisable for the City to provide funds for certain sanitary sewer system improvements, specifically including additions and improvements to the Sanitary Sewer System consisting of sewer mains, outfall sewers, pumping stations and transmission lines to be constructed within and without the City for the purpose of discharge of and delivery of wastewater to the City of Blair, Nebraska (the "City of Blair" or "Blair") for treatment of such wastewater under contract with the City of Blair, and such other improvements, renovations and additions to such Sanitary Sewer System facilities and all other necessary related appurtenant improvements, for which the estimated cost (including costs related to financing) is not less than \$3,500,000; that there is presently outstanding no bonded indebtedness of the City for which the revenues of the Sanitary Sewer System have been pledged and hypothecated;

(b) that the City has applied for and has received preliminary approval of a loan from the United States Department of Agriculture, Rural Development Program ("USDA Loan") for long-term permanent financing of the improvements for which the City will call an election on the questions of the issuance of general obligation bonds, or in the alternative to such USDA Loan, the City covenants and agrees that it will issue its revenue bonds or its general obligation bonds (if such bonds may be lawfully authorized) in such amounts and at such times as will enable the City to pay the Notes herein authorized, or to pay the Notes from such other funds as may be available therefore;

(c) that all conditions, acts and things required to exist or to be done precedent to the issuance of Sanitary Sewer Revenue Bond Anticipation Notes, Series 2007, in the principal amount of \$250,000 (the "Notes") do exist and have been done as required by law and there shall be and there are hereby ordered issued Sanitary Sewer Revenue Bond Anticipation Notes, Series 2007, of the City of Fort Calhoun, Nebraska, as provided herein.

Section 2. For the purpose of providing interim financing for a portion of the costs set out in Section 1 hereof pending the issuance of permanent sanitary sewer revenue bonds or general obligation 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 "Sanitary Sewer Revenue Bond Anticipation Notes, Series 2007" of the aggregate principal amount of Two Hundred Fifty Thousand Dollars (\$250,000) (herein referred to as 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 bear date of original issue of August 15, 2007 and each of said Notes shall bear interest at the rate of 3.90% per annum payable semiannually on February 15 and August 15, commencing February 15, 2008 (each an interest payment date) until maturity or earlier call for redemption to the holder or holders of record on the fifteenth day immediately preceding the date on which such payment is due, as follows:

<u>Principal</u> <u>Amount</u>	<u>Interest</u> <u>Rate</u>	<u>Maturity</u>
\$250,000	3.90%	August 15, 2010

provided, however, the City reserves the right to redeem any or all of said Notes prior to maturity anytime on or after February 15, 2009 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, Fort Calhoun, Nebraska, as Paying Agent and Registrar designated in Section 3 hereof, upon presentation and surrender of the Note or Notes when due or when called for payment prior to maturity.

Section 3. The City Treasurer is hereby designated as the Paying Agent and Registrar for the Notes. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes at the City's administrative offices in Fort Calhoun, Nebraska. 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 at the office of the 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 such owner's duly authorized agent and thereupon the Paying Agent and Registrar on behalf of the City will register such transfer and will deliver at such 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 such transferee owner or owners, a new Note or Notes of the same 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 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 interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note or Notes 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.

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 called for redemption for a period of 30 days next preceding the date fixed for redemption. If the date for payment of the principal or interest on the Notes shall be a Saturday, Sunday, legal holiday or a day on which the banking institutions in the City of Fort Calhoun, 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.

Section 5. Said Notes shall be substantially in the following form:

UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF WASHINGTON

SANITARY SEWER REVENUE BOND ANTICIPATION NOTE  
OF THE CITY OF FORT CALHOUN, NEBRASKA  
SERIES 2007

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	August 15, 2010	August 15, 2007	

Registered Owner: Cede & Co.  
13-2555119

Principal Amount: TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000)

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 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 at the rate per annum shown above from the date of original issue shown above payable semiannually on February 15 and August 15 of each year, commencing February 15, 2008, until maturity or earlier call for redemption to the holder or holders of record on the fifteenth day immediately preceding the date on which such payment is due. Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal of this note and any interest due upon maturity or earlier call for redemption are payable at the office of the Treasurer of the City of Fort Calhoun, 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.

This note is redeemable at the option of the City prior to maturity anytime on or after February 15, 2009 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 Two Hundred Fifty Thousand Dollars (\$250,000) 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 Sanitary Sewer improvements in and for the City's Sanitary Sewer 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 Sanitary Sewer Revenue 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 Sections 18-1803 through 18-1805, R.R.S. Neb. 1997, 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 sanitary sewer revenue bonds or its general obligation sewer bonds (if such bonds may be lawfully authorized), payable from the revenues of the Sanitary Sewer of the City, the

issuance and sale of further bond anticipation notes of the City or from any other monies of the City lawfully available for such purposes. The notes of this issue shall not be a debt of the municipality within the meaning of any constitutional or statutory limitation upon the creation of general obligation indebtedness of the municipality and the municipality shall not be liable for the payment thereof out of any money of the municipality other than from the proceeds of the issuance of the City's Sanitary Sewer Revenue bonds or notes, or from revenues of the City's Sanitary Sewer System.

The City reserves the right to issue additional Sanitary Sewer revenue bond anticipation notes for the purpose of paying a portion 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's Sanitary Sewer System. Any such notes may be authorized with lien and pledge upon the revenues of the Sanitary Sewer System equal to that provided for the notes of this issue. 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

Paul H. Westmann  
Mayor

ATTEST:

Linda Weesker  
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.

THE TREASURER OF THE CITY OF  
FORT CALHOUN, NEBRASKA  
Acting as Paying Agent and Registrar

By Linda Weesker  
Authorized Officer

(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 (which may be in the form of a blanket letter, including any blanket letter previously executed and delivered), 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, 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 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 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 D.A. Davidson & Co., as the initial purchaser thereof, upon receipt of 99.00% 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. Such purchaser and its agents, representatives and counsel (including its bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Notes, including, without limitation, authorizing the release of the Notes by the Depository at closing.

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 revenue bonds payable from the revenues of the Sanitary Sewer System or other bonds. The City further covenants and agrees to issue and sell the revenue bonds payable from the revenues of its Sanitary Sewer System or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the Notes herein ordered issued, both principal and interest, at or prior to maturity, to the extent not paid from other sources. The City hereby agrees that it will impose rates and charges for the service from and use of its Sanitary Sewer System sufficient to enable the City to issue and sell permanent Sanitary Sewer revenue bonds to pay the Notes herein authorized at or prior to maturity. The City hereby pledges the revenues of the Sanitary Sewer System for the payment of the Notes, both principal and interest as the same fall due and the holders of the Notes herein authorized shall have a lien upon the revenues of the City's Sanitary



Sewer System. The principal and interest on the Notes may be paid, to the extent not paid from other sources, from revenues of the Sanitary Sewer System.

Section 8. The City hereby reserves the right to issue additional 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's Sanitary Sewer System and the City shall have the right to pledge the revenues of the Sanitary Sewer System on an equal and ratable basis with the pledge and lien provided for in this Ordinance for the Notes.

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 the Notes that it will make no use of the proceeds of said 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 Notes. The City hereby designates the 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 tax-exempt interest bearing obligations, not including private activity bonds (other than qualified 501(c)(3) bonds), in the aggregate principal amount of more than \$10,000,000 in calendar year 2007. 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.

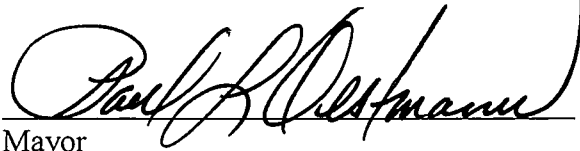
Section 12. All ordinances, resolutions or orders, or parts thereof, in conflict with the provisions of this Ordinance are to the extent of said conflict hereby repealed.

Section 13. The Mayor and City Council hereby approve the Preliminary Offering Circular with respect to the Bond Anticipation Notes and the information therein contained, and the Mayor and City Clerk (or either of them) are authorized to approve and deliver a final Offering Circular for and on behalf of the City, and said final Offering Circular shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission. The officers of the City or any one or more of them are hereby authorized to take any and all actions deemed by them necessary in connection with the issuance of the Notes.

Section 14. This Ordinance shall be published in pamphlet form as provided by law and shall take effect upon its publication in pamphlet form as provided by law.

PASSED AND APPROVED this 20<sup>th</sup> day of August, 2007.

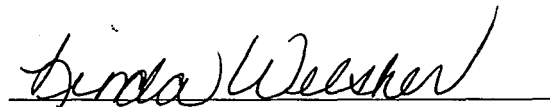
  
\_\_\_\_\_  
City Clerk

  
\_\_\_\_\_  
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 August 20, 2007; 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 a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; 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]

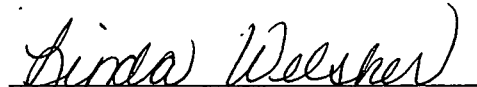
**NOTICE OF PUBLICATION  
ORDINANCE NO. 560  
IN PAMPHLET FORM**

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of Fort Calhoun, Nebraska, held at 7:30 p.m. on August 20, 2007, there was passed and adopted Ordinance No. 560 entitled:

ORDINANCE NO. 580

AN ORDINANCE AUTHORIZING THE ISSUANCE OF SANITARY SEWER REVENUE BOND ANTICIPATION NOTES, SERIES 2007, OF THE CITY OF FORT CALHOUN, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR A PORTION OF THE COSTS OF CONSTRUCTING IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OWNED AND OPERATED BY THE CITY PENDING THE ISSUANCE OF PERMANENT SANITARY SEWER REVENUE BONDS OR GENERAL OBLIGATION SANITARY SEWER BONDS; AGREEING TO ISSUE SUCH BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; PRESCRIBING THE FORM OF SAID NOTES; PLEDGING AND HYPOTHECATING THE REVENUE AND EARNINGS OF THE SANITARY SEWER SYSTEM OF SAID CITY FOR THE PAYMENT OF SAID NOTES AND INTEREST THEREON; PROVIDING FOR THE COLLECTION, SEGREGATION AND APPLICATION OF THE REVENUE OF SAID SANITARY SEWER SYSTEM; ENTERING INTO A CONTRACT ON BEHALF OF THE CITY WITH THE HOLDERS OF SAID NOTES; AND PROVIDING FOR PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on Aug 28, 2007. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of Fort Calhoun, Nebraska.

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

[SEAL]

**CERTIFICATE AS TO PUBLICATION IN PAMPHLET FORM**

The undersigned City Clerk for the City of Fort Calhoun, Nebraska, hereby certifies that Ordinance No. 580 was passed and approved by the Mayor and Council of the City of Fort Calhoun, Nebraska, at their meeting held on August 20, 2007, was published in pamphlet form on August 28, 2007 and that a true and correct copy of such Ordinance as so passed and published is attached hereto.

Dated this 20<sup>th</sup> day of August 2007.

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

(SEAL)

## ORDINANCE NO. 581

AN ORDINANCE TO AMEND AND UPDATE THE SUBDIVISION REGULATIONS OF THE COMPREHENSIVE DEVELOPMENT PLAN OF THE CITY OF FORT CALHOUN, NEBRASKA; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

**WHEREAS**, the Fort Calhoun Planning Commission on August 6, 2007 held a public hearing and made a recommendation concerning the proposed amendment to Article Five of the Subdivision Chapter of the Comprehensive Development Plan; and

**WHEREAS**, after public hearing on August 20, 2007 the City Council found and determined the Amendment to Article Five of the Subdivision Chapter of the Comprehensive Development Plan, should be and hereby is approved.

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

**SECTION 1.** That Article Five: Circulation System Design, 503 - Street Hierarchy and Design of the Subdivision Regulations of the Comprehensive Development Plan of the City of Fort Calhoun, Nebraska is hereby amended to include:

- h. Private Access Way, an approved private right-of-way easement or an out lot that provides primary access, on a cumulative basis, to three (3) or less single-family dwelling units and/or single-family residential lots. This private access way does not function as a local street because of its alignment, design or location; it only affords ingress and egress to the dwelling units and is completely internal to a development, with no through connection to other public streets.
  - 1. An approved private access way shall be designed and certified by a licensed Nebraska registered professional engineer pursuant to this chapter and shall otherwise meet the design requirements of a lane or court except as noted.
  - 2. The design requirements shall include proper drainage and be a minimum twenty-four (24) foot wide paved surface, plus shoulder.
  - 3. The maximum length shall be 600 feet, to the center of the turnaround, with the provision of an adequate turn around at the terminus of the private access way, either a hammerhead or cul-de-sac design.
  - 4. It shall be provided, by written and recorded documentation with the plat, that either the abutting property owners, with access to this private access way, or the Home Owners Association (HOA), or the SID, shall be responsible for the proper ongoing maintenance and shall assume all liability for this private access way.

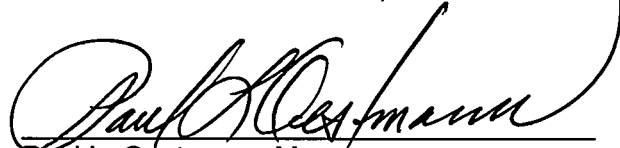
**SECTION 2.** The official copy of this ordinance shall be on record in the Fort Calhoun City Hall for public inspection during normal business hours.

**SECTION 3.** All ordinances in conflict with the provision of this Ordinance are hereby repealed to the extent of such conflict.


**SECTION 5.** This ordinance shall become effective upon its adoption by the City Council of the City of Fort Calhoun, Nebraska.

**PASSED AND APPROVED** this the 20<sup>th</sup> day of August 2007.

CITY OF FORT CALHOUN, NEBRASKA

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

## ORDINANCE NO. 582

AN ORDINANCE TO ADOPT THE AMENDED BUDGET STATEMENT TO BE TERMED THE AMENDED 2006-2007 APPROPRIATION BILL; TO AMEND SUMS FOR NECESSARY EXPENSES AND LIABILITIES IN FISCAL YEAR 2006-2007; 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 amended budget presented and set forth in the amended budget statement is hereby approved as the Amended Annual Appropriation Bill for the fiscal year beginning October 1, 2006, through September 30, 2007. All sums of money changed and contained in the amended budget statement are hereby appropriated for necessary expenses and liabilities of the City of Fort Calhoun, Nebraska caused by the early calling of 2006 Bond Anticipation Notes and the issuance of Series 2007 Various Purpose Bonds in September 2007. A copy of the amended budget shall be forwarded 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 17<sup>th</sup> day of September 2007.**

CITY OF FORT CALHOUN

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk/Treasurer



**ORDINANCE NO. 583**

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.

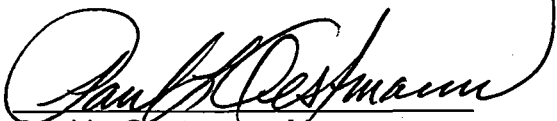
BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA

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, 2007, through September 30, 2008. All sums of money contained in the budget statement are hereby appropriated for necessary expenses and liabilities of the City of Fort Calhoun, Nebraska. A copy of the budget shall be forwarded 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.

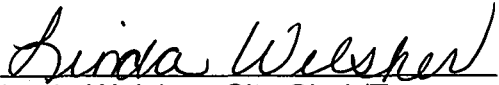
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

**Passed and adopted this 17<sup>th</sup> day of September 2007**

CITY OF FORT CALHOUN

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk/Treasurer

## ORDINANCE NO. 584

AN ORDINANCE TO AMEND SUBSECTION (D) OF SECTION 1 OF ORDINANCE NO. 543 OF THE REVISED AND COMPILED ORDINANCES OF THE CITY OF FORT CALHOUN, NEBRASKA BY REVISION OF THE WATER RATE SCHEDULE APPLICABLE TO ALL USERS OF THE CITY WATER SYSTEM; TO REPEAL ORIGINAL SECTION 1 OF ORDINANCE NO. 543 AND ALL OTHER CONFLICTING PROVISIONS OF SAID ORDINANCE OR OTHER ORDINANCES OR PARTS THEREOF; 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, WASHINGTON COUNTY, NEBRASKA, AS FOLLOWS:

### SECTION 1

That Subsection (D) of Section 1 of Ordinance No. 452 (Addressed in Section 1 of Ordinance No. 543) of the special Ordinance of the City of Fort Calhoun, Washington County, Nebraska (Sometimes referred to therein as its Revised and Compiled Ordinances) is hereby amended to read as follows:

(D) WATER RATE SCHEDULE FOR USERS OF THE CITY WATER SYSTEM OF THE CITY OF FORT CALHOUN, NEBRASKA.

All City water supplied to customers through meter measurements or a hydrant meter connection shall be charged at the water rates set forth upon the attached Exhibit "A" dated and signed by the Mayor of Fort Calhoun and countersigned and attested by its City Clerk. With respect to applications for the bulk sale and use of water, or for a special purpose not described herein, the City Council may make and establish reasonable temporary rates.

### SECTION 2

Original Section 1(D) of Special Ordinance No. 452 (As added by Special Ordinance No. 543) of the City of Fort Calhoun, Nebraska and all other Ordinances of parts of Ordinances in conflict herewith are hereby repealed.

### SECTION 3

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 17<sup>th</sup> day of September 2007.

CITY OF FORT CALHOUN, NEBRASKA

By: 

MAYOR: PAUL L. OESTMANN

ATTEST:

  
CITY CLERK: LINDA WELSHER, CMC

EXHIBIT "A"

CITY OF FORT CALHOUN, NEBRASKA  
WATER RATE INCREASE SCHEDULE

RESIDENTIAL WATER RATES - PER 1,000 GALLONS:

	<u>Effective Thru</u> <u>September 30, 2007</u>	<u>Effective from</u> <u>October 1, 2007 thru</u> <u>March 31, 2008</u>	<u>Effective April 1, 2008</u>
First 10,000 Gallons	\$3.20	\$3.35	\$3.50
Next 10,000 Gallons	\$2.59	\$2.70	\$2.82
Next 30,000 Gallons	\$2.15	\$2.24	\$2.34
Over 50,000 Gallons	\$1.65	\$1.73	\$1.80

RURAL WATER RATES - PER 1,000 GALLONS:

	<u>Effective Thru</u> <u>September 30, 2007</u>	<u>Effective from</u> <u>October 1, 2007 thru</u> <u>March 31, 2008</u>	<u>Effective April 1, 2008</u>
First 10,000 Gallons	\$4.80	\$5.03	\$5.25
Next 10,000 Gallons	\$3.89	\$4.05	\$4.23
Next 30,000 Gallons	\$3.23	\$3.36	\$3.51
Over 50,000 Gallons	\$2.48	\$2.60	\$2.70

**NOTE:**

1. Base fee for Residential Service is \$8.00
2. Base fee for Rural Service is \$12.00
3. All rates are per 1,000 gallons
4. The first increase does away with the first 3,000 gallons at no charge (previously known as minimum charge).
5. Bulk Water Rates same as above, with minimum of \$50.00, pre-paid.

Dated: September 17, 2007

CITY OF FORT CALHOUN, NEBRASKA

By: 

MAYOR: PAUL L. OESTMANN

ATTEST:

  
CITY CLERK: LINDA WELSHER, CMC

**ORDINANCE NO. 587**

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, GOVERNING THE SALE OF PERSONAL PROPERTY; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. In order to sell personal property owned by the City, the City Council shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the City for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than five thousand dollars, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such city at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being (a) sold in compliance with the requirements of federal or state grants or programs or (b) conveyed to another public agency, the notice procedure set forth above may be dispensed with.

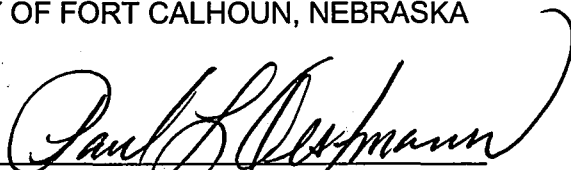
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Dated this 15<sup>th</sup> day of October 2007.

CITY OF FORT CALHOUN, NEBRASKA

By

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

**ORDINANCE NO. 588**

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA, PROVIDING FOR A BLANKET BOND FOR ALL CITY OFFICIAL BONDS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. That from and after the effective date herein and pursuant to Neb. Rev. Stat. § 11-104 (2), all surety and other bonds required by city ordinances or by Nebraska law for city officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The City may pay the premium for the bond or the insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the City Council requiring such bond or undertaking and on such terms and conditions as may be required.

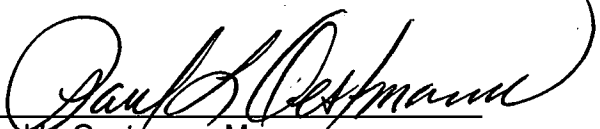
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

Dated this 15<sup>th</sup> day of October 2007.

CITY OF FORT CALHOUN, NEBRASKA

By

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, City Clerk

**ORDINANCE NO. 589**

AN ORDINANCE OF THE CITY OF FORT CALHOUN, NEBRASKA TO AMEND SECTION 7-122(2)(A) OF THE CITY CODE OF FORT CALHOUN, NEBRASKA; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING WHEN THE ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

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

SECTION 1: That Section 7-122(2) (A) under OPEN BURNING BAN: Waive be amended to read as follows:

2. Exceptions to subsection 1 hereof shall be limited to the following:


- (A) Fires set solely for outdoor cooking of food for human consumption and fire pits, portable fireplaces and such related contained burning apparatus for outdoor enjoyment of the same on other than commercial premises where no nuisance or hazard is created.

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


SECTION 3: This Ordinance shall be in full force and effect from and after the passage, approval, and publication of the same as required by law.

Dated this 19<sup>th</sup> day of November 2007

CITY OF FORT CALHOUN, NEBRASKA

By:   
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, CMC  
City Clerk

**ORDINANCE NO. 590**

AN ORDINANCE TO ADOPT A REVISIONS TO THE 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 revisions to the comprehensive development plan prepared and submitted by its consultant, The Schemmer Associates, of Omaha, Nebraska, and dated December 3, 2007, was submitted to the Fort Calhoun Planning Commission; and that a public hearing concerning the adoption of the revisions to the plan was held on the 3<sup>rd</sup> day of December, 2007, pursuant to published and posted notice; and that the Fort Calhoun Planning Commission has favorably recommended to this governing body that it adopt the said revisions to the plan, POPULARLY REFERRED TO AS "The Fort Calhoun Land Use Plan" by ordinance; and the Mayor and City Council of this city do further hereby find and determine that on the 17<sup>th</sup> day of December, 2007, 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 revisions to the comprehensive development plan be adopted; NOW, THEREFORE:

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

SECTION 1. That the revisions to the comprehensive development plan prepared and submitted by The Schemmer Associates, dated December 3, 2007, and referred to as "The Fort Calhoun Land Use Plan Revisions" should be, and the same hereby is adopted as revisions to the official Comprehensive Development Plan of this City, as was adopted on the 15<sup>th</sup> day of May 2006.

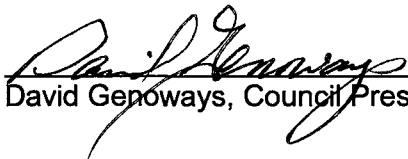
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 17TH DAY OF DECEMBER, 2007.**

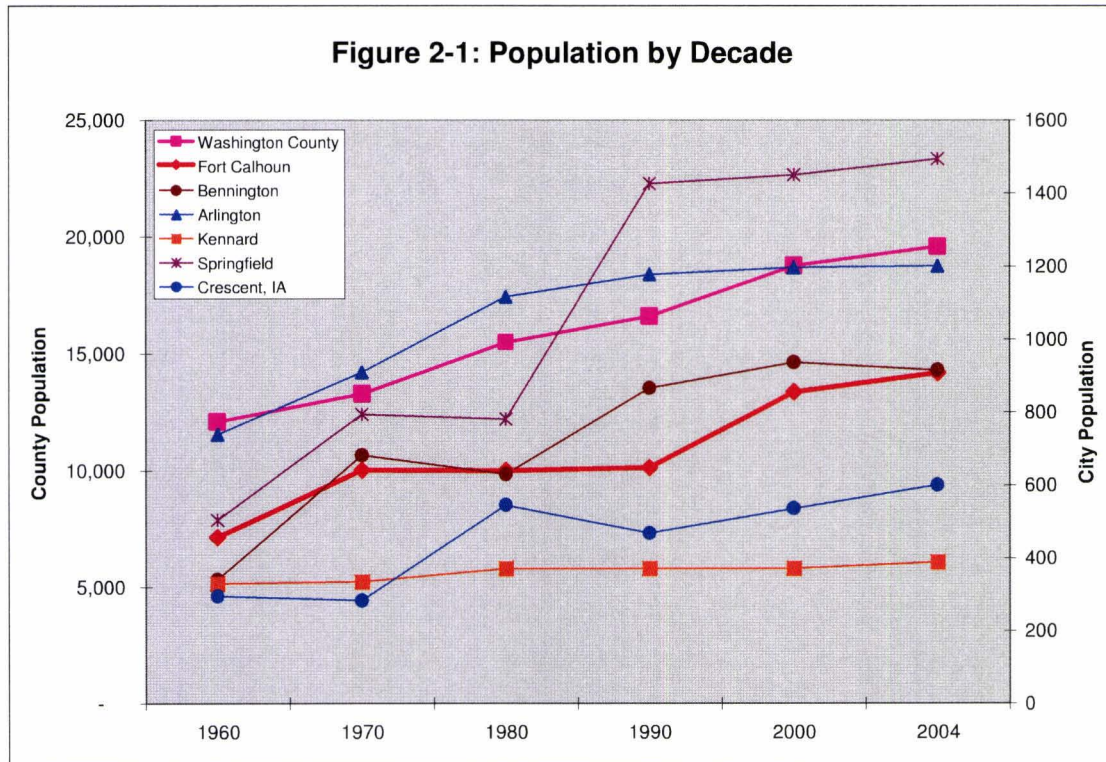
CITY OF FORT CALHOUN NEBRASKA

(SEAL)

  
\_\_\_\_\_  
David Genoways, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, CMC, City Clerk



Source: U.S. Bureau of Census

### Projections

Projecting the future size and makeup of Fort Calhoun’s population helps predict the future demographic character of the town. This is important for the City’s planning and policy decisions regarding future investments and growth.

In 2004, the Greater Omaha Chamber of Commerce worked with SRC, LLC on computation of 5-year population projections for Omaha and its outlying counties and communities. This 5-year projection, as shown from the Washington County and Fort Calhoun figures in **Table 2-2**, depicts a continuing growth trend through 2009 to a population of 1,020. This projected population growth closely mirrors that of the growth from the 2000 census to the 2004 estimate of approximately 18.75 persons per year, as the annual increase from the 2004 estimate to the 2009 projection is roughly 17.8 persons per year.

**Table 2-2: 5-Year Projection**

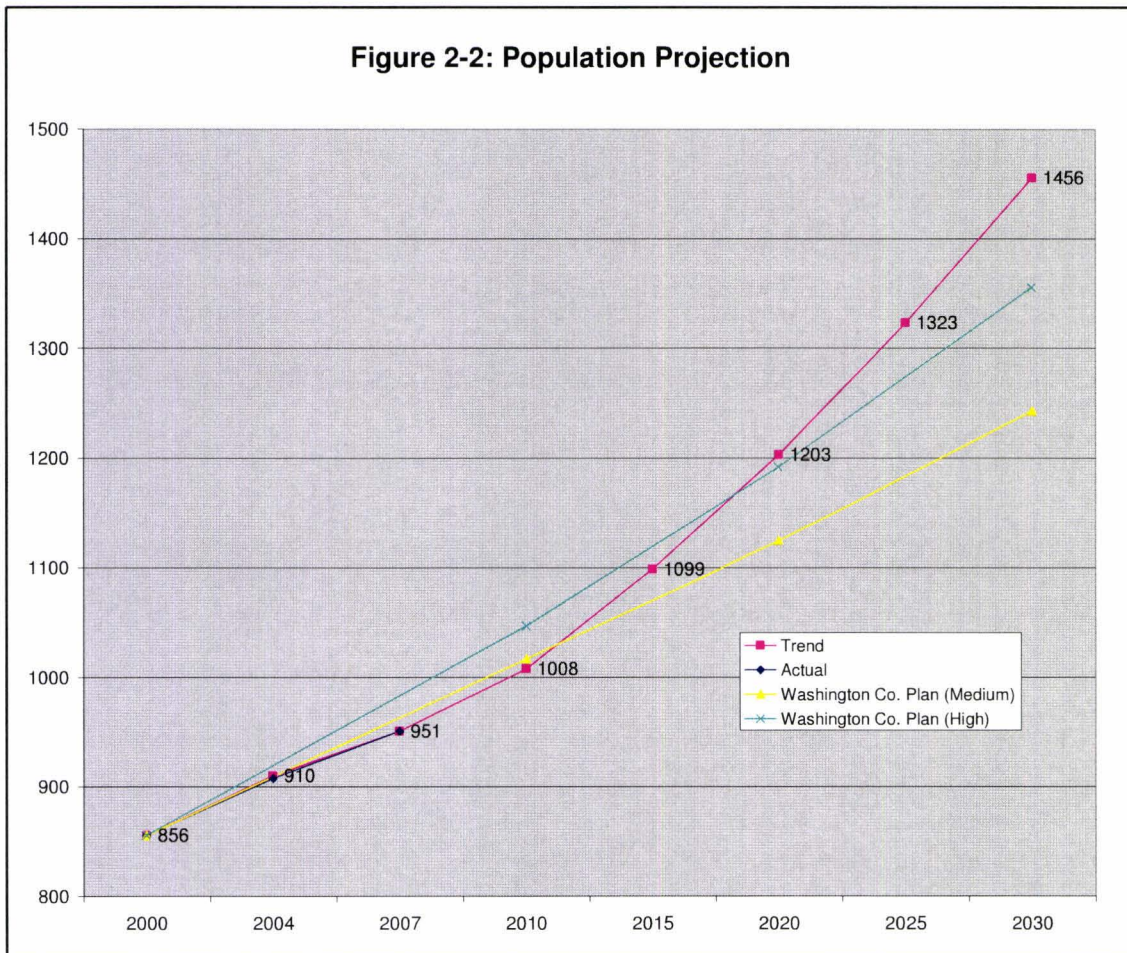
	1990	2000	2004	2009	Change 2000-2004	Change 2004-2009
Washington County	16,607	18,780	19,987	21,461	1,207	1,474
Fort Calhoun	648	856	931	1,020	75	89

Source: SRC, LLC, 2004



By comparing an outside source's population projection to other population projection methods, additional support for the validity of the projections can be produced. **Figure 2-2** below projects Fort Calhoun's population through a typical linear trend line analysis. This style of analysis projected the City's population in the year 2010 to be 1008 persons, somewhat smaller than the projection provided by the Greater Omaha Chamber of Commerce for 2009. This is due mainly to the recent major downturn in the housing market and a moratorium on new development in Fort Calhoun (excluding Southern Heights Subdivision) until the construction of the Fort Calhoun Wastewater Conveyance Line project is completed.

Also included in **Figure 2-2** are the Medium Series and the High Series population projections for Fort Calhoun as provided by the 2005 Washington County Comprehensive Plan.



Source: The Schemmer Associates, 2007; Washington County Comprehensive Plan, 2005

The City's population projection continues through the year 2030. Through this analysis, it is conceived that Fort Calhoun will experience a population growth of **600** persons from 2000 to 2030, a **70.1%** growth from 2000.



An increase in population of 70.1% over 30 years can have either positive or negative affects on a community. Fort Calhoun is already witnessing some "growing pains" that a city of this size can have when adjusting to growth. The City will need to look into various proactive steps to mitigate these growing pains whenever possible.

## Age

The age characteristics of a city play a significant role in the development of a comprehensive plan. Larger populations of youth and young families show an increased need for concentration on the education and recreational development aspects of the city, while increasing numbers amongst the older population depict a possible need for more assisted living facilities or services for that age group. **Table 2-2** breaks down the age groups on a 5-year incremental basis.

**Table 2-3: Population By Age**

Age Group	Percent of		Percent of	
	1990	Total	2000	Total
Under 5 Years	44	6.8%	60	7.0%
5 to 9 Years	51	7.9%	68	7.9%
10 to 14 Years	60	9.3%	73	8.5%
15 to 19 Years	56	8.6%	62	7.2%
20 to 24 Years	26	4.0%	41	4.8%
25 to 29 Years	44	6.8%	54	6.3%
30 to 34 Years	51	7.9%	47	5.5%
35 to 39 Years	55	8.5%	71	8.3%
40 to 44 Years	50	7.7%	62	7.2%
45 to 49 Years	33	5.1%	63	7.4%
50 to 54 Years	31	4.8%	63	7.4%
55 to 59 Years	35	5.4%	34	4.0%
60 to 64 Years	30	4.6%	34	4.0%
65 to 69 Years	27	4.2%	23	2.7%
70 to 74 Years	13	2.0%	30	3.5%
75 to 79 Years	23	3.5%	34	4.0%
80 to 84 Years	11	1.7%	20	2.3%
85 Years and Over	8	1.2%	17	2.0%
<b>TOTALS</b>	<b>648</b>		<b>856</b>	

Source: U. S. Bureau of Census

## Sidewalks

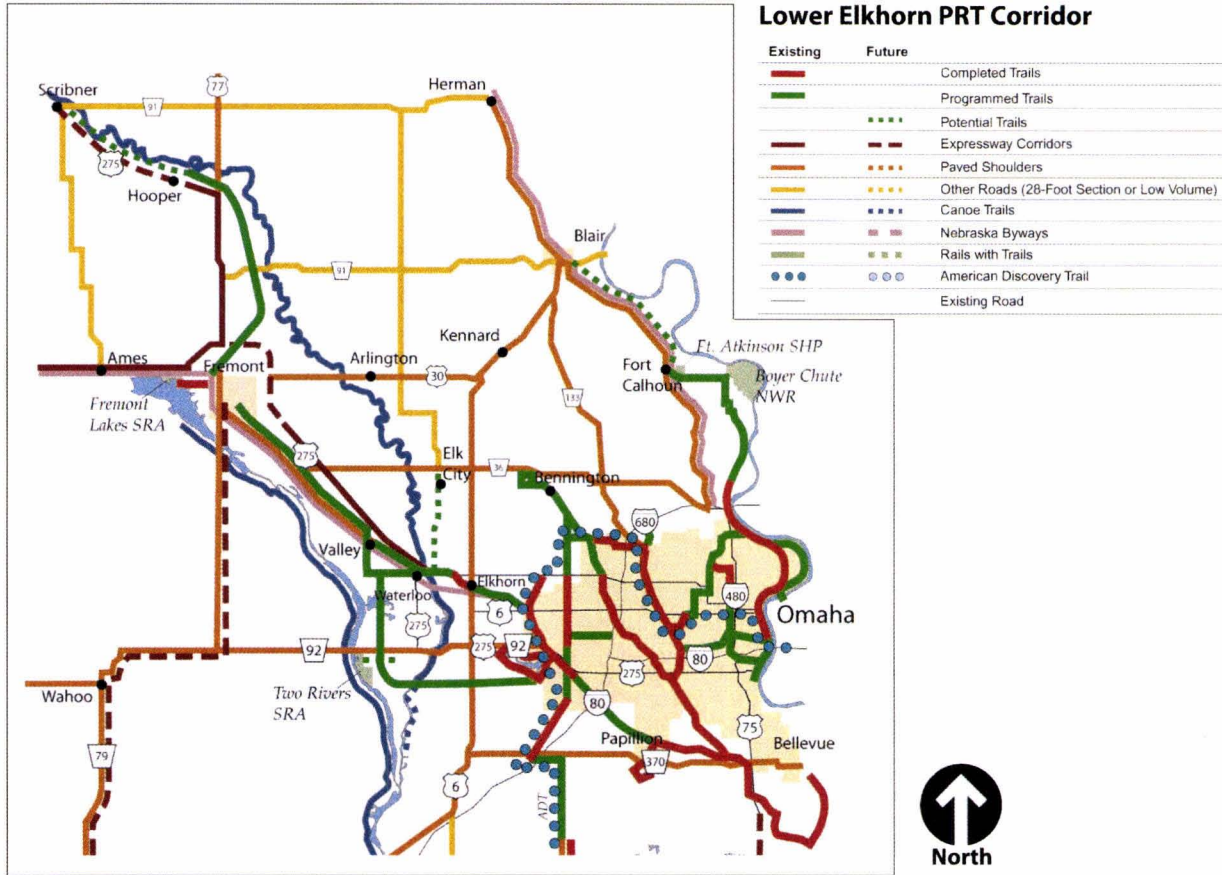
Fort Calhoun maintains a sidewalk system that is somewhat disjointed. Over the years, improper development has left many sections of the City's sidewalk system incomplete. There are some decently continuous sections along Monroe Street, 15<sup>th</sup> Street, and Highway 75. However, the City should look into undertaking a sidewalk improvement program that would consist of a mixture of grant and local financing through assessments.

## Trails

Fort Calhoun has made recent strides to develop a trail system for its citizens. The newly constructed Fort Calhoun Trail. Connects a trailhead at US Highway 75 and Washington Street, through the ballparks, to Washington County Road 34 on the east side of the community. This was the first major step towards developing a complete trail system for Fort Calhoun.

## Regional Trail System

The Fort Calhoun Trail connects directly with the regional Papio Trail System and the Nebraska State Trails System providing users ample opportunity to explore trail systems outside of Fort Calhoun, while providing outside users with a good trailhead and access to local services. Currently, US Highway 75 has paved shoulders from Interstate 680, north through Fort Calhoun and Blair, to the Village of Herman. The newly completed Fort Calhoun Trail also connects to a trail that uses Washington County Road 34 out to the Boyer Chute National Wildlife Refuge. This trail separates from the roadway and continues south from the refuge and turns into the Omaha Riverfront Trail, allowing users access to downtown Omaha and Council Bluffs via the Missouri River Pedestrian Bridge.



Source: A Network of Discovery: A Comprehensive Trails Plan for the State of Nebraska., Nebraska Game and Parks Commission, 1994

## Sidewalks

The main priority for improvement should be along the main "arterial" sidewalk routes. These routes are the most heavily used by bicycle and pedestrian traffic. Sidewalks along US Highway 75 (North 14<sup>th</sup> Street), East Adams Street from the highway to the elementary school should be of highest priority to for safety and access to schools. Other priorities should include a sidewalk route from the newly developed Southern Heights subdivision, to Monroe Street, continuing to the pedestrian crossing light at 14<sup>th</sup> Street. Also, sidewalk improvements from the elementary school to the southern residential sections would also improve access to the south and southeastern sections of the community.

The City should eventually undertake a sidewalk improvement study to review, prioritize and figure out the costs of improving the sidewalks throughout the community. Fort Calhoun should also continue to look into undertaking a sidewalk improvement program that would consist of a mixture of grant and local financing through assessments.

## Trails

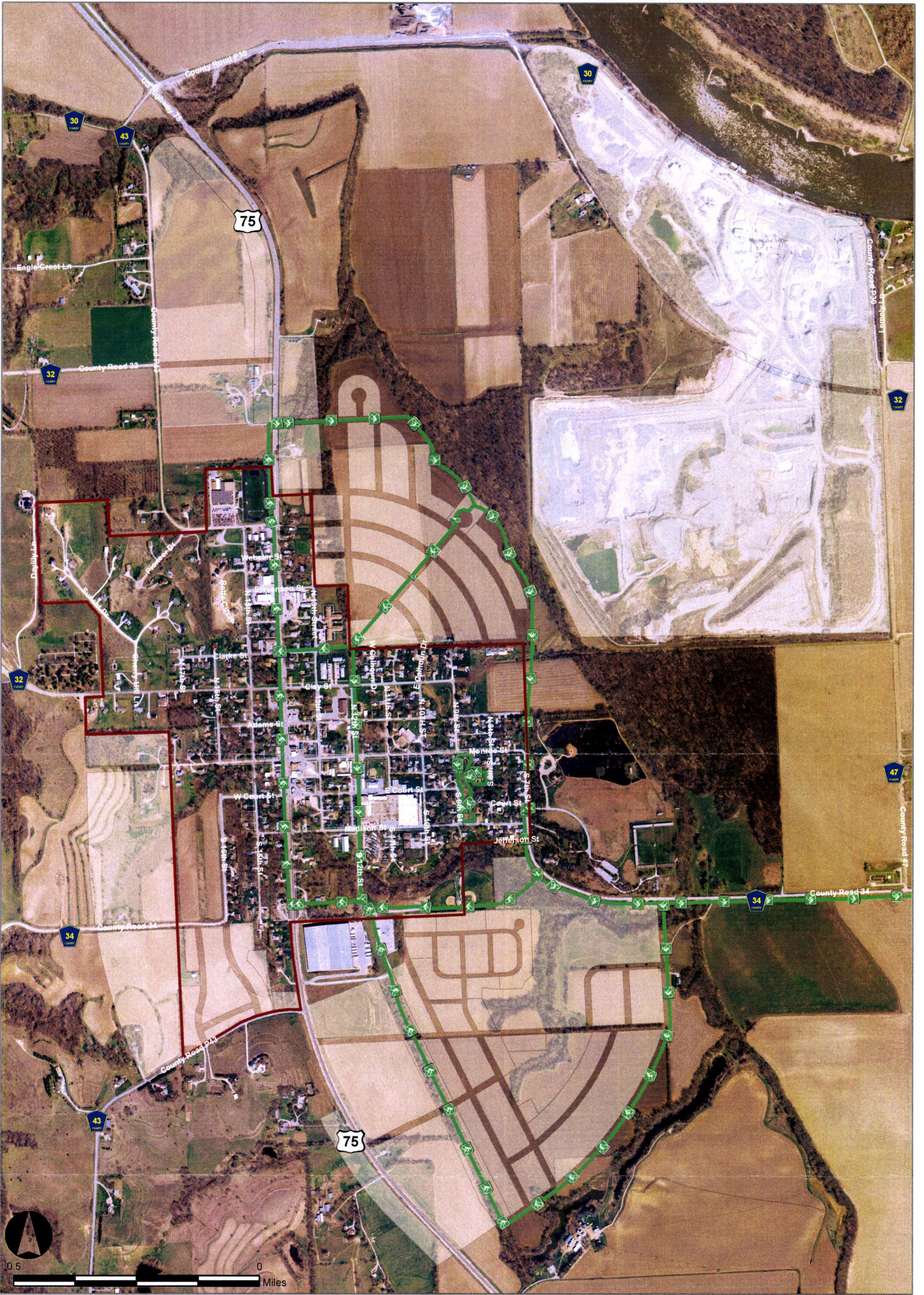
Fort Calhoun should continue its existing trail northward from the Washington Street/Highway 75 trailhead, along Highway 75 through downtown Fort Calhoun. This would allow its users to visit the businesses and the museum of the city's downtown. Other proposed sections of the trail system within the existing city limits include a north-south route along the old railroad right-of-way, what is now 12<sup>th</sup> Street. This would connect to the Highway 75 section via Clarke Street, creating a loop.

Other possible extensions of the Fort Calhoun Trail include a leg commencing at the existing trail, continuing south along the old railroad right-of-way through the Southeastern Development Area. This route would then skirt the southeastern edge of the area to County Road 34. At County Road 34 the trail would connect to an existing trail route that would take trail users out to Boyer Chute National Wildlife Refuge. This route currently uses the actual roadway to connect to the off roadway segment leading south from Boyer Chute. Development of an off road trail along County Road 34 should be considered to improve the safety of the trail's users.

Trail users would also be able to follow the trail the opposite way and connecting with the exiting trail, or heading north along 7<sup>th</sup> Street and into the Northeastern Development Area. The Northeastern Development Area would then be bisected by a trail connection to North 12<sup>th</sup> Street. The trail route from 7<sup>th</sup> Street would also encircle the Northeast Development Area, connecting with the trail again along Highway 75. Map 6 within the appendix illustrates the proposed trail system.

Pioneer Park should also be considered for a short, inclusive trail that encircles the area. This trail would eventually be connected to the other trails through a connection at 7<sup>th</sup> Street to the west, or the existing trail that travels through the ballparks to the south.





**Trail System**

**Map 6**

**Legend**

- City Limits 2000
- ↻ Future Trails

**Fort Calhoun Comprehensive Plan  
Trail System Map**

12/3/2007



TSA Project: 05242.001



**ORDINANCE NO. 591**

AN ORDINANCE AMENDING ARTICLE 7 "SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS", SECTION 705(f)(4) "EXCEPTION FOR FRONT YARDS OF DOUBLE FRONTAGE LOTS" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE AND CLARIFY LANGUAGE.

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

Section 1. Article 7 "Supplemental Site Development Regulations", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

Section 705(f)(4) Exception for Front Yards of Double Frontage Lots will be removed for better clarification of the ordinance. Section 705(f)(5) will be renamed Section 705(f)(4) as a result:

4. Materials: Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only.

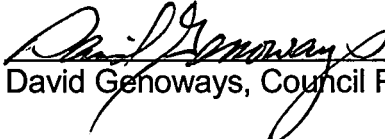
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

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.


Passed and approved this 17<sup>th</sup> day of December 2007.

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
\_\_\_\_\_  
David Genoways, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, CMC, City Clerk

**ORDINANCE NO. 592**

AN ORDINANCE AMENDING ARTICLE 9 "OFF-STREET PARKING", SECTIONS 906(c) "LANDSCAPE AND SCREENING REQUIREMENTS"; AND; 906(f) "OFF STREET PARKING" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE AND CLARIFY LANGUAGE.

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

Section 1. Article 9 "Off-Street Parking", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

Article 906: Off-Street Parking Design Standards

f. Lighting

1. Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district.
2. Lighting standards shall not exceed twenty-two feet (22') in height and shall be equipped with top and side shields when necessary to prevent glare onto adjacent properties.
3. The average maintained lighting levels for multi-family units shall not exceed 10 foot-candles at buildings/parking lots/other areas within a residential district. The maximum to average ratio shall not exceed 2.5 to 1.

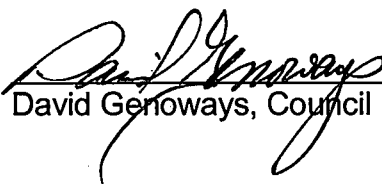
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

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.

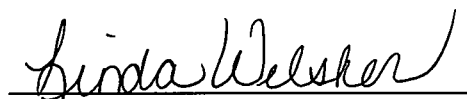
Passed and approved this 17<sup>th</sup> day of December 2007.

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
David Genoways, Council President

ATTEST:

  
Linda Welsher, CMC, City Clerk



## ORDINANCE NO. 593

AN ORDINANCE AMENDING ARTICLE 12 "ADMINISTRATION AND PROCEDURES", SECTIONS 1202 "SITE PLAN REVIEW PROCEDURE"; 1203 SPECIAL USE PERMIT PROCEDURE, 1204 "AMENDMENT PROCEDURE", AND; 1209 "POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO CHANGE THE DEADLINE FOR SUBMISSION TO 14 DAYS PRIOR TO THE REGULARLY SCHEDULED PLANNING COMMISSION MEETING.

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

Section 1. Article 12 "Administration and Procedures", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to allow the following:

### Article 1202 Site Plan Review Procedure

#### d. Application Requirements

An application for a Site Plan Review may be filed by the owner(s) of a property or the owners' authorized agent with the Planning Commission. The application must be filed, and all plans must be submitted, at least fourteen (14) days prior to the scheduled meeting of the Planning Commission at which the application is to be heard.

### Article 1203 Special Use Permit Procedure

#### c. Application Requirements

An application for a Special Use Permit may be filed with the Planning Commission by the owner(s) of a property or the owners' authorized agent. The application must be filed, and all plans must be submitted, at least fourteen (14) days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. The application shall include the following information:

### Article 1204 Amendment Procedure

#### c. Rezoning Application Requirements

An application for a Rezoning may be filed by the owner(s) of a property or the owners' authorized agent with the Planning Commission. The application must be filed, and all plans must be submitted, at least fourteen (14) days prior to the scheduled meeting of the Planning Commission at which the application is to be heard. The application shall include the following information:

### Article 1209 Powers and Duties of the Board of Adjustment

#### b. Procedure for Appeals

2. The Board shall provide a minimum of ten days notice of a public hearing on any question before it. Notice of the hearing shall be posted in a conspicuous place on or near the property on which the application has been made; by publication in a newspaper of general circulation in the City of Fort Calhoun; and by written notice to the appealing parties of interest.

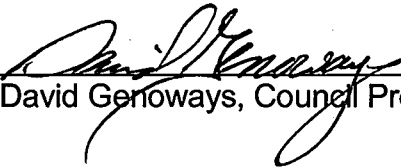
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

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.


Passed and approved this 17<sup>th</sup> day of December 2007.

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
\_\_\_\_\_  
David Genoways, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, CMC, City Clerk

**ORDINANCE NO. 594**

AN ORDINANCE AMENDING THE "TABLE OF CONTENTS", OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO IMPROVE AND CLARIFY FORMAT.

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

Section 1. "Table of Contents", of the Fort Calhoun, Nebraska, Zoning Regulations is amended to clarify language and include additional references. See Attachment 1 for the proposed Table of Contents.

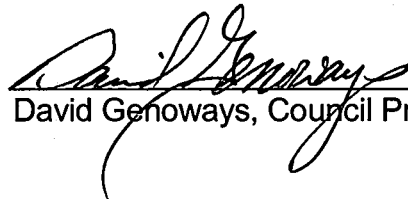
Section 2. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

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.

Passed and approved this 17<sup>th</sup> day of December 2007.

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
\_\_\_\_\_  
David Genoways, Council President

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, CMC, City Clerk

# CITY OF FORT CALHOUN LAND DEVELOPMENT ORDINANCE

## ZONING REGULATIONS

THE SCHEMMER ASSOCIATES INC  
NOVEMBER 16, 2006

# Table of Contents

<b>Article One: General Provisions .....</b>	<b>1-1</b>
<b>Article Two: Definitions.....</b>	<b>2-1</b>
<b>Article Three: Use Types .....</b>	<b>3-1</b>
303 – Agricultural Use Types.....	3-1
304 – Residential Use Types.....	3-2
305 – Civic Use Types .....	3-4
306 – Office Use Types.....	3-8
307 – Commercial Use Types .....	3-8
308 – Parking Use Types.....	3-14
309 – Industrial Use Types.....	3-14
310 – Transportation Use Types .....	3-16
311 – Miscellaneous Use Types .....	3-16
<b>Article Four: Zoning District Regulations .....</b>	<b>4-1</b>
403 – Application of Districts .....	4-1
404 – Hierarchy .....	4-2
405 – Development Regulations .....	4-2
406 – Zoning Map.....	4-2
a. Adoption of Zoning Map.....	4-2
b. Changes to the Zoning Map .....	4-2
407 – Interpretation of District Boundaries .....	4-2
408 – Vacation of Streets and Alleys .....	4-2
Table 4-1: Purposes of Zoning Districts .....	4-3
Table 4-2: Permitted Uses by Zoning Districts .....	4-5
Table 4-3: Site Development Regulations .....	4-11
<b>Article Five: Special and Overlay Districts .....</b>	<b>5-1</b>
510 – FP/FW Floodplain/Floodway District .....	5-2
520 – HD Historic District.....	5-13
530 – P Public Use Overlay District.....	5-15
540 – A Agricultural Business Overlay District.....	5-18
<b>Article Six: Supplemental Use Regulations.....</b>	<b>6-1</b>
602 – Agricultural Uses .....	6-1
a. Horticulture and Crop Production: Retail Sales .....	6-1
b. Type I Animal Production in the AG District.....	6-1
c. Type II Animal Production .....	6-2
d. Type III Animal Production.....	6-2
603 – Residential Uses .....	6-3
a. Zero-Lot Line Single-Family Detached Residential .....	6-3
b. Single-Family Attached.....	6-3
c. Townhouse Residential.....	6-4

d. Two-Family Residential .....	6-4
e. Multi-Family and Group Residential in TC District .....	6-4
f. Mobile Home Parks in the MH District .....	6-4
g. Mobile Home Subdivisions in the MH District .....	6-6
<b>604 – Civic Uses .....</b>	<b>6-7</b>
a. Clubs .....	6-7
b. Day Care .....	6-7
c. Group Care Facilities .....	6-7
d. Primary and Secondary Educational and Religious Assembly Facilities .....	6-7
<b>605 – Commercial Uses .....</b>	<b>6-7</b>
a. Auto Repair, Equipment Repair, and Body Repair .....	6-7
b. Auto Washing Facilities .....	6-7
c. Automobile Rental and Sales .....	6-7
d. Bed and Breakfasts .....	6-8
e. Campgrounds .....	6-8
f. Convenience Storage .....	6-8
g. Restaurants .....	6-8
<b>606 – Industrial Uses .....</b>	<b>6-8</b>
a. Resource Extraction .....	6-8
b. Salvage Services .....	6-8
<b>607 – Performance Standards for Industrial Uses .....</b>	<b>6-9</b>
a. Industrial Uses in the GI District .....	6-9
b. Industrial Uses in the HI District .....	6-10
<b>608 – Permitted Sound Levels Adjacent to Residential Zoning Districts .....</b>	<b>6-11</b>
Table 6-1: Maximum Permitted Sound Levels .....	6-11
<b>609 – Miscellaneous Uses .....</b>	<b>6-11</b>
a. Landfills .....	6-11
<b>610 – Infrastructure Improvements .....</b>	<b>6-12</b>
a. Irrigation Wells .....	6-12
b. Water Retention, Detention, or Reuse Basins .....	6-12
c. Windbreaks .....	6-12
d. Wastewater Treatment Facilities .....	6-12
<b>611 – CN Conservation and Open Space Districts .....</b>	<b>6-12</b>
a. Special Permits for Land Disturbing Activities .....	6-12
b. Woodland Clearance .....	6-12
<b>612 – Accessory Uses .....</b>	<b>6-13</b>
a. Home-Based Businesses/Home Occupations .....	6-13
b. Permitted Accessory Uses: Residential Use Types .....	6-14
c. Permitted Accessory Uses: Civic Use Types .....	6-14
d. Permitted Accessory Uses: Other Use Types .....	6-14
e. Permitted Accessory Uses: Agricultural Use Types .....	6-14
<b>613 – Outdoor Storage .....</b>	<b>6-14</b>
<b>614 – Temporary Uses .....</b>	<b>6-15</b>
a. Purpose .....	6-15
b. Temporary Use Types .....	6-15
c. Required Conditions of All Temporary Uses .....	6-16
d. Permit Application and Issuance .....	6-16
<b>615 – Inoperable or Unlicensed Motor Vehicle Storage .....</b>	<b>6-16</b>
<b>616 – Inoperable Unsewered Areas .....</b>	<b>6-17</b>

**Article Seven: Supplemental Site Development Regulations .....** 7-1

<b>702 – Setback Adjustments .....</b>	<b>7-1</b>
<b>703 – Height Exceptions .....</b>	<b>7-3</b>
a. Vertical Projections .....	7-3
b. Amateur Radio Towers and FCC Pronouncements .....	7-3
c. Broadcast Towers .....	7-4
d. Civic Buildings .....	7-4

e. Wind Energy Conservation Systems (WECS).....	7-4
f. Special Permit Uses .....	7-4
g. Federal Aviation Administration Rules.....	7-4
<b>704 – Creative Subdivisions .....</b>	<b>7-5</b>
<b>705 – Fence Regulations.....</b>	<b>7-6</b>
a. Location Restriction .....	7-6
b. Required Openings.....	7-6
c. Site Obstruction .....	7-6
d. Facing .....	7-6
e. Effect on Adjacent Properties .....	7-6
f. Residential Fences .....	7-6
g. Other Fences.....	7-7
h. Existing Fences .....	7-7
<b>706 – Appeals.....</b>	<b>7-7</b>

**Article Eight: Reserved for Future Use ..... 8-1**

**Article Nine: Off-Street Parking ..... 9-1**

<b>903 – Schedule of Off-Street Parking Requirements .....</b>	<b>9-1</b>
<b>904 – Parking Facility Location .....</b>	<b>9-2</b>
Table 9-1: Minimum Off-Street Parking Requirements .....	9-3
<b>905 – Parking for People with Disabilities.....</b>	<b>9-4</b>
Table 9-2: Accessible Parking Requirements.....	9-4
<b>906 – Design Standards .....</b>	<b>9-5</b>
a. Dimensions.....	9-5
b. Pavement and Drainage .....	9-5
c. Landscape and Screening Requirements.....	9-5
d. Entrances and Exits.....	9-5
e. Safety Features .....	9-6
f. Lighting .....	9-6
g. Maintenance .....	9-6
h. Adjustment.....	9-6
<b>907 – Loading.....</b>	<b>9-7</b>
Table 9-3: Off-Street Loading Requirements.....	9-8
<b>908 – Parking for Personal and Recreational Vehicles .....</b>	<b>9-8</b>

**Article Ten: Sign Regulations .....10-1**

1002 – Definition of Terms .....	10-1
1003 – General Sign and Street Graphics Regulations.....	10-3
1004 – Basic Design Elements for On-premise Signs.....	10-6
1005 – Other Design Elements.....	10-7
1006 – Specific Regulations for Zoning Districts .....	10-7
1007 – Method of Measurement for Regulators .....	10-8
1008 – Permitted Sign Types by Zoning Districts.....	10-8
1009 – Auxiliary Design Elements .....	10-8
1010 – Maximum Permitted Sign Area .....	10-8
1011 – Permitted Signs by Numbers, Dimensions, and Location .....	10-8
1012 – General Permit Procedures .....	10-8
1013 – Nonconforming Signs .....	10-9
1014 – Discontinuance of Nonconforming Signs.....	10-9
Table 10-1: Permitted Signs by Type and Zoning Districts.....	10-10
Table 10-2: Permitted Signs by Design Element.....	10-11
Table 10-3: Permitted Signs by Maximum Permitted Area and District.....	10-12

Table 10-4: Permitted Signs by Numbers, Dimensions and Location .....	10-13
---	-------

**Article Eleven: Nonconforming Development .....11-1**

1103 – Nonconforming Lots.....	11-1
1104 – Nonconforming Structures.....	11-1
1105 – Nonconforming Uses .....	11-2

**Article Twelve: Administration and Procedures.....12-1**

<b>1202 – Site Plan Review Procedure .....</b>	<b>12-1</b>
<b>1203 – Special Use Permit Procedure.....</b>	<b>12-3</b>
Table 12-1: Criteria for Site Plan and Special Permit Review .....	12-5
<b>1204 – Amendment Procedure .....</b>	<b>12-7</b>
a. Purpose .....	12-7
b. Initiation of Amendments.....	12-7
c. Rezoning Application Requirements.....	12-7
d. Amendment Process .....	12-7
e. Required Notice and Publication .....	12-8
<b>1205 – Extension of the Extra-territorial Jurisdiction .....</b>	<b>12-8</b>
<b>1206 – Building Permits and Certificates of Zoning Compliance .....</b>	<b>12-8</b>
a. Administration and Enforcement .....	12-8
b. Building Permits Required .....	12-8
c. Application for Building Permit.....	12-9
d. Certificates of Zoning Compliance.....	12-9
e. Expiration of Building Permit.....	12-9
f. Demolition of Permits Required.....	12-9
g. Construction and Use to be Provided.....	12-9
<b>1207 – Schedule of Fees, Charges and Expenses.....</b>	<b>12-10</b>
<b>1208 – Board of Adjustment .....</b>	<b>12-10</b>
a. Establishment .....	12-10
b. Procedure of Appeals .....	12-10
<b>1209 – Powers and Duties of the Board of Adjustment .....</b>	<b>12-11</b>
a. Administrative Review .....	12-11
b. Interpretation of Zoning Map.....	12-11
c. Variances to Relieve Hardships Relating to Property .....	12-11
d. Powers of Board on Appeals .....	12-11
<b>1210 – Appeals From the Board of Adjustment.....</b>	<b>12-12</b>
<b>1211 – Duties on Matters of Appeal .....</b>	<b>12-12</b>
<b>1212 – Severability Clause.....</b>	<b>12-12</b>
<b>1213 – Complaints Regarding Violations .....</b>	<b>12-12</b>
<b>1214 – Penalties for Violation.....</b>	<b>12-13</b>



ORDINANCE NO. 595

AN ORDINANCE AMENDING ARTICLE 3 "PROCEDURES AND ADMINISTRATION", SECTION 302 "ADMINISTRATIVE SUBDIVISIONS" OF THE FORT CALHOUN, NEBRASKA SUBDIVISION REGULATIONS TO CHANGE THE DEADLINE FOR SUBMISSION TO 14 DAYS PRIOR TO THE REGULARLY SCHEDULED PLANNING COMMISSION MEETING AND TO REMOVE "REGISTERED PROFESSIONAL ENGINEER" FROM LANGUAGE.

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

Section 1. Article 3 "Procedures and Administration", of the Fort Calhoun, Nebraska, Subdivision Regulations is amended to allow the following:

Section 302(b)(1) Application Approval Procedure

1. The applicant submits an application on a form established by the Planning Commission and including the supporting documents required for Administrative Subdivisions in Table 3- 1. These documents shall include a Replat of all lots and parcels that are affected by the action, prepared by a Licensed Surveyor. If the parcel(s) have structures on them, an as built survey must also be submitted. The application must be filed, and all plans be submitted, at least fourteen (14) days prior to the regularly scheduled meeting of the Planning Commission.


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.

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.


Passed and approved this 21 day of January 2008.

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, CMC, City Clerk

## ORDINANCE NO. 596

AN ORDINANCE AMENDING ARTICLE 5 "CIRCULATION SYSTEM DESIGN", SECTION 503 "STREET HIERARCHY AND DESIGN" OF THE FORT CALHOUN, NEBRASKA ZONING REGULATIONS TO INCLUDE ALLEYS IN THE STREET HIERARCHY TABLE AND TO PLACE MINIMUM DESIGN STANDARDS ON ALLEYS.

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

Section 1. Article 5 "Circulation System Design", of the Fort Calhoun, Nebraska, Subdivision Regulations is amended to allow the following:

Article 503 Street Hierarchy and Design

g. Street Design Standards

1. Pavement

(a) All streets shall be paved to current standards utilized in the City of Fort Calhoun except:

(1) Local streets in rural subdivisions. Rural subdivisions may utilize 6-inch P.C.C.P. non-reinforced paving.

(2) Courts or lanes, may utilize six-inch concrete, provided that such courts or lanes remain in private or private cooperative ownership.

(3) Alleys, may utilize 6-inch P.C.C.P. non-reinforced paving.

(b) Street pavement thickness shall relate to the role of the street in the hierarchy, sub-grade conditions, and pavement type.

Section 2. Article 5 "Circulation System Design", of the Fort Calhoun, Nebraska, Subdivision Regulations is amended to change the following tables (see-attached pages):

Table 5-1: Street Hierarchy

Table 5-2: Cartway Width, Grade, and Intersection Standards


Table 5-3: Curb, Sidewalk, and Right-of-Way Requirements

Table 5-4: Required Curve Radii

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.

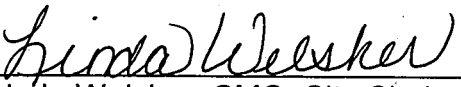
Section 4. That any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Passed and approved this 21 day of January, 2008.

  
Paul L. Oestmann, Mayor

(SEAL)

Attest:

  
Linda Welsher, CMC, City Clerk

**TABLE 5-1: Street Hierarchy**

<i>Residential Street Type</i>	<i>Function</i>	<i>Guideline Maximum ADT</i>
Alley	An alley is a special type of street which provides a secondary means of access to lots.	25
Lane, Court, or Cul-de-sac	Street providing private or controlled access to no more than twelve housing units.	120-150
Local	Provides frontage to lots and carries traffic with origin or destination on street itself. Carries least traffic at lowest speed. East-west orientation provides best solar access. Local residential streets usually do not interconnect with adjoining neighborhoods or subdivisions.	250-1,000
Collector	Collects and distributes traffic between local streets and major streets in the community. Carries larger volume of traffic. Residential collectors interconnect and provide through access between residential neighborhoods. Collector streets should preserve one through traffic lane in each direction, without encroachment by parking. Collectors may be included in the City's Surface Transportation Program system for federal aid.	1,000-2,500
Other Arterials	Provides community wide access between residential neighborhoods and to other activity centers in Fort Calhoun, including downtown and major commercial facilities. Direct access may be provided to other arterial streets. Parking should generally be prohibited on other arterials. Other arterials should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	2,500-7,500
Major Arterials	Inter-regional road in the street hierarchy. Conveys traffic between activity centers, often at high speeds and with limited access. Should be excluded from residential areas. These streets are part of the Surface Transportation Program system for federal aid.	7,500+

**TABLE 5-2: Cartway Width, Grade, and Intersection Standards**

<i>Residential Street Type</i>	<i>Moving Lanes</i>	<i>Parking Restrictions</i>	<i>Maximum Grade</i>	<i>Cartway Width</i>	<i>Minimum Curb Radii</i>
Alley	One 12-foot	No parking	8% (5%)*	12 feet	25 feet (Note 1)
Lane or Court	Two 12-foot	No restriction	8% (5%)*	24 feet	25 feet (Note 1)
Cul-de-sac	Two 13-foot	No restriction	8% (5%)*	26 feet	25 feet (Note 1)
Urban Local	Two 13-foot	No restriction	8% (5%)*	26 feet	25 feet (Note 1)
Rural Local	Two 12-foot	No restriction	8%	24 feet	25 feet (Note 1)
<b>Collector</b>					
No parking	Two 12-foot	No parking	All Types:	28 feet	All Types:
One-side parking	Two 12-foot	One side only	8% (5%)	34 feet	35 feet
Two-side parking	Two 12-foot	No restriction		42 feet	Note 1
Arterials	Note 2	Note 2	6%	Note 2	Note 2

\* Denotes Maximum Street Grade Within 50 Feet of an Intersection

Note 1: Intersections shall be rounded at the curb line, with the street having the highest radius requirement as shown in Table 5-2 determining the minimum standard for all curb lines.

Note 2: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

**TABLE 5-3: Curb, Sidewalk, And Right-Of-Way Requirements**

<i>Street Type</i>	<i>Cartway Width</i>	<i>Curb/Shoulder</i>	<i>Sidewalk</i>	<i>Sidewalk Setback</i>	<i>Total ROW</i>
Alley	12 feet	Not Required	Not Required	NA	18 feet
Lane or Court	24 feet	Not Required	Required	NA	50 feet
Cul-de-sac	26 feet	Required	Required	6 feet	50 feet at approach 100 feet diameter
<b>Local</b>					
Rural	24 feet	6 feet Shoulder	Not Required	NA	60 feet
Urban	26 feet	Curb	Both sides	6 feet	60 feet
<b>Collector</b>					
Rural	22 feet	8 feet Shoulder	Not Required	NA	80 feet
Urban					
No parking	28 feet	Curb	Both Sides	8 feet	80 feet *
One-side parking	34 feet	Curb	Both Sides	8 feet	80 feet*
Two-side parking	42 feet	Curb	Both Sides	8 feet	80 feet*
<b>Arterials</b>					
Urban and Rural	Note 1	Note 1	Note 1	8 feet	100 feet minimum

\* Right-of-way widths for these classes of street may be modified within the Creative Subdivisions.

Note 1: Arterial street width, grade, and curb radii are determined by state standards and the designation of individual street or roadway segments.

**TABLE 5-4: Required Curve Radii**

<i>Street Type</i>	<i>Minimum radius of horizontal curves</i>	<i>Minimum sight distance on vertical curves</i>
Alley	70 feet	NA
Lane or Court	70 feet	NA
Local	135 feet	200 feet
Collector	250 feet	300 feet
Arterials	*	350 feet

\* Refer to AASHTO Standards for Minimum radius of horizontal curves.

## ORDINANCE NO. 597

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF FORT CALHOUN, NEBRASKA, PURSUANT TO THE PROVISIONS OF SECTIONS 17-405.01 ET. SEQ. OF THE REVISED STATUTES OF NEBRASKA, AS AMENDED, BY ANNEXATION THERETO A CERTAIN TRACT OF ADJACENT AND CONTIGUOUS LAND LYING WITHIN THE EXTRATERRITORIAL ZONING AND SUBDIVISION JURISDICTION OF THIS CITY, PRESENTLY ZONED FOR GENERAL INDUSTRIAL USE AND LEGALLY DESCRIBED AS TAX LOTS 92, 119, 121 AND THE WEST ONE-HALF OF THE ABANDONED ST. PAUL AND OMAHA RAILROAD ABUTTING TAX LOT 92 IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6<sup>TH</sup> P.M., WASHINGTON COUNTY, NEBRASKA; ALL AS MORE SPECIFICALLY AND ACCURATELY DEPICTED AND LEGALLY DESCRIBED UPON THE ATTACHED SURVEY, IDENTIFIED AS EXHIBIT "A" AS PREPARED AND CERTIFIED AS TO ACCURACY BY THE SCHEMMER ASSOCIATES, WHICH BY THIS REFERENCE IS 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, that 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 tract of land and territory to be annexed is contiguous and adjacent to the corporate city limits of Fort Calhoun; and that the same are substantially urban and suburban, and not rural nor agricultural in character, and that a unity of interest exists in the maintenance of municipal government, and

WHEREAS, by virtue of these findings and Sections 17-405.1 et. seq. 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 territory 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 to include by this annexation and embrace within its corporate limits, all that additional territory, including without limitation the platted Tax Lots 92, 119 and 121 in Section 14, Township 17 North, Range 12 East of the 6<sup>th</sup> P.M.; all as more specifically depicted and legally described upon the map, plat or survey attached hereto, marked as Exhibit "A", certified as to accuracy by the Surveyors of The Schemmer Associates, Omaha, Nebraska, and by this reference made a part of this Ordinance.

Section 2. The map, plat or survey above referred to as Exhibit "A" and its inscribed legal description, as attached to this Ordinance and as filed of record in the office of the 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, and are hereby dedicated or re-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 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, 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.

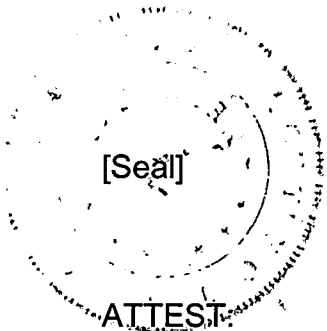
Section 5. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this ordinance are hereby declared to be severable.

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 17<sup>TH</sup> Day of March 2008

CITY OF FORT CALHOUN < NEBRASKA



Recorded \_\_\_\_\_ ✓  
General \_\_\_\_\_ ✓  
Numerical \_\_\_\_\_ ✓  
Photostat \_\_\_\_\_ ✓  
Proofed \_\_\_\_\_ ✓  
Scanned \_\_\_\_\_ ✓

*Paul L. Oestmann*  
Paul L. Oestmann, Mayor

*Linda Welsher*  
Linda Welsher, CMC, City Clerk

200801166  
WASHINGTON COUNTY, STATE OF NEBRASKA  
RECORDED March 27, 2008 AT 9:53 A.M.  
BOOK 523 PAGE(S) 717-720  
*Karen A. Madsen*  
REGISTER OF DEEDS

FILED  
2008 MAR 27 AM 9:53  
KAREN A. MADSEN  
WASHINGTON COUNTY  
REGISTER OF DEEDS  
BLAIR, NE



**LEGAL DESCRIPTION**

TAXLOTS 92, 119, 121 AND THE WEST ONE-HALF OF THE ABANDONED ST. PAUL AND OMAHA RAILROAD ABUTTING TAXLOT 92, LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6th P.M., WASHINGTON COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST ONE-QUARTER, THENCE SOUTH 90°00'00" WEST (ASSUMED BEARING) FOR 257.10 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO THE POINT OF BEGINNING. THENCE SOUTH 01°08'50" EAST FOR 698.05 FEET; THENCE SOUTH 87°01'46" WEST FOR 1041.21 FEET; THENCE THE FOLLOWING TWO (2) COURSES ALONG THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY #75: (1) NORTHWESTERLY ALONG A 4,523.68 FOOT RADIUS CURVE TO THE RIGHT FOR 675.49 FEET WITH A LONG CHORD BEARING NORTH 04°07'02" WEST FOR 674.86 FEET (2) NORTH 00°10'00" EAST FOR 78.70 FEET; THENCE SOUTH 90°00'00" EAST FOR 1073.06 FEET ALONG THE NORTH LINE OF SAID NORTHEAST ONE-QUARTER TO THE POINT OF BEGINNING. ABOVE DESCRIBED PARCEL CONTAINS 17.77 ACRES, MORE OR LESS.

**SURVEYOR'S CERTIFICATION**

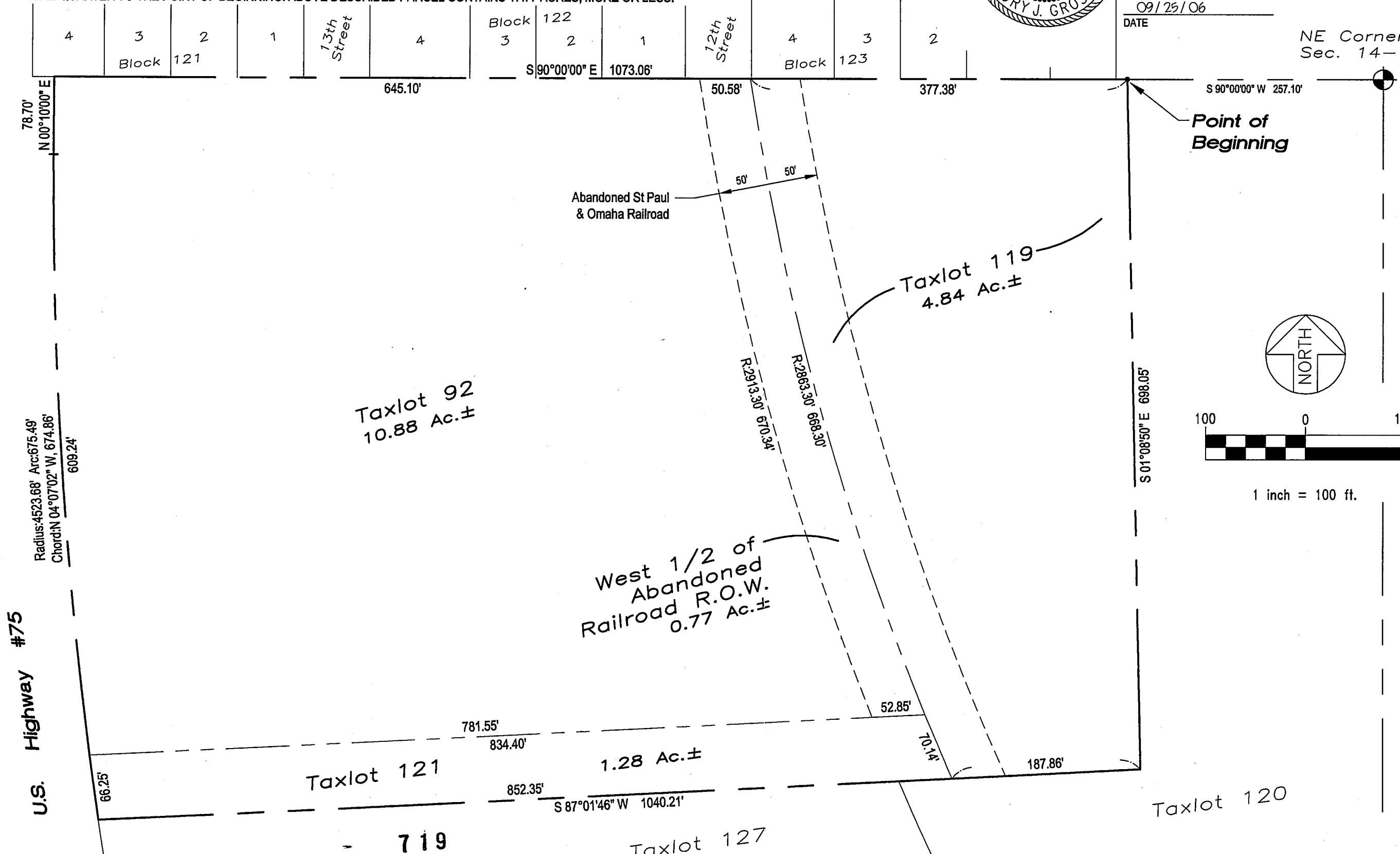
I HEREBY CERTIFY THAT THIS PLAT, MAP, SURVEY OR REPORT WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.



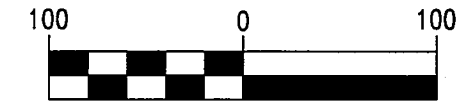
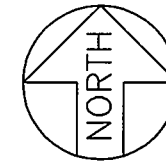
*Cory J. Gross*  
CORY J. GROSS, RLS #619

DATE 09/25/06

NE Corner  
Sec. 14-17-12



Point of Beginning



1 inch = 100 ft.

REVISION OF LEGAL DESCRIPTION ERROR	
DATE	BY

DESIGNED	BY

THE DRAWING IS BEING MADE BY THE ASSOCIATES AND I, AS A LICENSED LAND SURVEYOR, ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION AND DATA PROVIDED AND FOR THE CORRECTNESS OF THE LEGAL DESCRIPTION OF THE PROPERTY. DATE 09/25/06

TAXLOTS 92, 119 & 121  
NE 1/4, SEC. 14 - T17N - R12E  
WASHINGTON COUNTY, NEBRASKA

ANNEXATION PLAT

JOB NO.  
05242.001

SHEET  
1 OF 1

**ORDINANCE NO. 598**

AN ORDINANCE AMENDING ARTICLE X - BOARD OF PARK COMMISSIONERS SECTION 1-1001; MEMBERS; TERM; COMPENSATION; 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: Article X - BOARD OF PARK COMMISSIONERS Section 1-1001: MEMBERS; TERM; COMPENSATION of the City Code of Fort Calhoun, Nebraska is amended to read as follows:

**SECTION 1-1001: MEMBERS; TERM; COMPENSATION**

The City Council shall appoint the Board of Park Commissioners. The Board shall consist of five (5) members, who can be residents of the City or such persons who own real estate within the City limits of the City but do not necessarily reside within the city limits. The members shall be appointed by the Mayor and City Council and shall serve a term of three years. The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties.

SECTION 2: That any other Ordinance or return 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 and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 21 day of January 2008

CITY OF FORT CALHOUN, NEBRASKA

(SEAL)

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, CMC, City Clerk

## **ORDINANCE NO. 599**

AN ORDINANCE AMENDING ARTICLE II – STREETS, SECTION 5-201 OF THE MUNICIPAL CODE OF THE CITY OF FORT CALHOUN, NEBRASKA, TO INCLUDE THE REQUIREMENT OF DISPLAYING ASSIGNED ADDRESS NUMBERS; APARTMENT OR UNIT NUMBERS, ON ALL BUILDINGS SERVED BY A SEPARATE OR INDIVIDUAL DOORS; 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 THE CITY COUNCIL OF THE CITY OF FORT CALHOUN, NEBRASKA:

SECTION 1. Article II Streets Section 5-201 of the Municipal Code of the City of Fort Calhoun, Nebraska is hereby amended in its entirety as follows:

### **SECTION 5-201: NAMES AND NUMBERS**

The City Council may at any time, by ordinance, rename any street or provide a name for a new street. It shall be the duty of the City Council or its designated official, upon the creation of lot(s); upon the erection of any new building or buildings, to assign the proper numbers to said lot(s), building or buildings, and give notice to the owner, agent, lessee or occupant, of the same.

### **SECTION 5-201.01: MARKING PREMISES**

It is hereby made the duty of the owner, agent, lessee or occupant of any principal building in the City to place or cause to be installed and maintained on all buildings and premises which are used for residential, commercial or industrial purposes a proper number in a conspicuous place as near as possible to the main entrance thereto so that it is plainly visible from the street extending in front of said building. In the case of a building or premises that contains occupancy by multiple parties and is served by separate or individual exterior doors, the apartment or unit number(s) or range of numbers must also be installed and maintained on the building along with the assigned address number so that both are plainly visible from the street extending in front of said building and placed in a conspicuous place near as possible to the appropriate entrance thereto. The figures of each number shall be not less than three (3") inches in height. Each figure shall be plain, legible and of a contrasting color with its background upon which they appear and shall be maintained in such condition at all times.

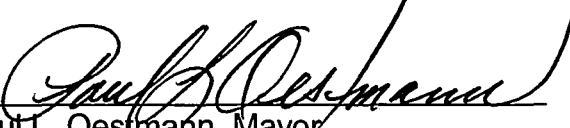
SECTION 2. That any other Ordinance or return passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is hereby repealed.

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

PASSED AND APPROVED this 21 day of January 2008

CITY OF FORT CALHOUN, NEBRASKA.

(SEAL)

  
\_\_\_\_\_  
Paul L. Oestmann, Mayor

ATTEST:

  
\_\_\_\_\_  
Linda Welsher, CMC, City Clerk

## ORDINANCE NO. 600

AN ORDINANCE TO AMEND SECTION 6-210 OF CHAPTER VI, ARTICLE II OF THE FORT CALHOUN, NEBRASKA REVISED MUNICIPAL CODE (ORDINANCE NO. 529, PASSED AND APPROVED NOVEMBER 18, 2002), TO PROVIDE A CURRENT SCHEDULE OF CAPITAL FACILITIES CHARGES FOR CONNECTIONS TO THE CITY WATER SYSTEM, TO REPEAL ORIGINAL SECTION 6-210 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND TO PROVIDE AN EFFECTIVE DATE FOR THE OPERATION HEREOF.

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

*Section 1.* Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of the City of Fort Calhoun, Nebraska is hereby amended to read as follows:

### SECTION 6-210: CAPITAL FACILITIES CHARGE

For the purpose of partial recovery of costs of construction, any and all connections made to the city water system, and regardless of whether the same is made within or without the corporate limits of the City, shall require full payment of capital facilities charges by the applicant for service, in accordance with the following schedule:

Meter		Flow Rating	Capital
Size	Type		Facilities Charges - \$74.06 per gpm
5/8"	Disc	10 gpm	Note 1
3/4"	Disc	15	\$1,111
1"	Disc	25	\$1,852
1.5"	Disc	50	\$3,703
2"	Disc	80	\$5,925
2"	Turbo	160	\$11,850
3"	Compound	160	\$11,850
3"	Turbo	350	\$25,921
4"	Compound	250	\$18,515
4"	Turbo	1000	\$74,060
6"	Compound	500	\$37,030
6"	Turbo	2000	\$148,120
8"	Turbo	3500	\$259,210
10"	Turbo	5500	\$407,330

Note 1: M.U.D. will no longer have a CFC price for a 5/8" meter. When upgrading from a 5/8" meter to 3/4" or any larger size meter, the applicant will pay the difference between the 5/8" CFC actually paid at an earlier date and the current CFC for the larger meter.

The above and foregoing schedule of Capital Facilities Charges shall be effective from and after January 1, 2008.

*Section 2.* Original Section 6-210 of Chapter VI, Article II of the Revised Municipal Code of this City and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

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

**PASSED AND APPROVED this 21<sup>st</sup> day of JANUARY 2008.**

(SEAL)

THE CITY OF FORT CALHOUN,  
WASHINGTON COUNTY, NEBRASKA

  
Paul L. Oestmann, Mayor

ATTEST:

  
Linda Welsher, CMC, City Clerk

PAPIO-MISSOURI RIVER



NATURAL  
RESOURCES  
DISTRICT

8901 S. 154th Street  
Omaha, NE 68138-3621  
402-444-6222  
[www.papionrd.org](http://www.papionrd.org)

December 11, 2007

Linda Welsher  
City of Ft. Calhoun  
110 S. 14<sup>th</sup> Street  
Ft. Calhoun NE 68023

RE: Revised Capital Facilities Charges

Dear Linda:

This is to notify you that M.U.D.'s capital facilities charges have been revised and will become effective January 1, 2008.

Attached is the schedule indicating the charge based on the meter size.

Sincerely,

Dick Sklenar  
Project Manager

74707 DS:pb file 300

---

Papio-Missouri River Natural Resources District Board of Directors

Fred Conley John Conley Richard Connealy Tim Fowler David Klug Rick Kolowski  
Dorothy Lanphier Richard Patterson John Schwope Richard Tesar Jim Thompson  
John Winkler, General Manager



## CAPITAL FACILITES CHARGES

EFFECTIVE JANUARY 1, 2008

METER		FLOW RATING	CAPITAL FACILITES CHARGES	
SIZE	TYPE	CAPACITY	CURRENT/ PREVIOUS	REVISED Effective Jan 1, 2008
			\$ 71.21	\$ 74.06 per gpm
5/8"	Disc	10 gpm	Note 1	Note 1
3/4"	Disc	15 gpm	\$ 1,068	\$ 1,111
1"	Disc	25 gpm	\$ 1,780	\$ 1,852
1.5"	Disc	50 gpm	\$ 3,561	\$ 3,703
2"	Disc	80 gpm	\$ 5,697	\$ 5,925
2"	Turbo	160 gpm	\$ 11,394	\$ 11,850
3"	Compound	160 gpm	\$ 11,394	\$ 11,850
3"	Turbo	350 gpm	\$ 24,924	\$ 25,921
4"	Compound	250 gpm	\$ 17,803	\$ 18,515
4"	Turbo	1000 gpm	\$ 71,210	\$ 74,060
6"	Compound	500 gpm	\$ 35,605	\$ 37,030
6"	Turbo	2000 gpm	\$ 142,420	\$ 148,120
8"	Turbo	3500 gpm	\$ 249,235	\$ 259,210
10"	Turbo	5500 gpm	\$ 391,655	\$ 407,330
<p>Note 1: There is no longer a CFC price for a 5/8" meter. When upgrading from a 5/8" meter to 3/4" or any larger size meter, the applicant will pay the difference between the 5/8" CFC <b>actually</b> paid at an earlier date and the <b>current</b> CFC for the larger meter.</p>				