

A meeting of the Mayor and Council of the City of Gothenburg, Nebraska, was held at the Council Chambers in said City on the 4th day of May, 2004, at 7:00 o'clock P.m. Present were: Mayor: Larry Franzen; Council Members: Jeff Kennedy, Joyce Hudson, Roger Dudley. Absent: Gary Norseen. Notice of the meeting was given in advance thereof by publication in The Gothenburg Times, a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Council Member Kennedy introduced Ordinance No. 789 entitled:

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, ORDERING STREET IMPROVEMENT FOR COUNTRYSIDE LANE; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING OF STREETS AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR THE ISSUANCE OF IMPROVEMENT WARRANTS OR BOND ANTICIPATION NOTES AND DISTRICT BONDS; PROVIDING FOR REPEALING OF ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Hudson seconded the motion to suspend the rules and upon roll call, vote on the motion the following Council members voted YEA: Dudley, Hudson, Kennedy. The following voted NAY: none. The motion to suspend the rules was adopted by three-fourths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said Ordinance was then read by title and thereafter Council member Dudley moved for final passage of the ordinance, which motion was seconded by Council Member Hudson. The Mayor then stated the question was "Shall Ordinance No. 789 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Kennedy, Hudson, Dudley. The following voted NAY: none.

_____ . The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor in the presence of the Council signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 789

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, ORDERING STREET IMPROVEMENT OF COUNTRYSIDE LANE ; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING OF STREETS AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERTO; PROVIDING FOR PLANS, SPECIFICATIONS, ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR THE ASSESSMENT OF THE COST OF SAID IMPROVEMENT WARRANTS OR BOND ANTICIPATION NOTES AND DISTRICT BONDS; PROVIDING FOR REPEALING OF ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

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

Section 1. Street Improvement of Countryside Lane in the City of Gothenburg, Nebraska is hereby graded, paved, curbed and guttered, pursuant to Neb Rev Stat. Section 18-2001 through 18-2004, inclusive.

Section 2. Said Street Improvement shall include and encompass the designated portions of the following streets in the City of Gothenburg, Nebraska, and the limits, boundaries and improvements are defined and established as follows:

THE STREET TO BE IMPROVED BY PAVING, GRADING, CURBING AND GUTTERING OF STREETS AND INCIDENTAL WORK CONNECTED THEREWITH IS:

Countryside Lane from its intersection with Avenue L on the West to Avenue M on the East in Gothenburg, Dawson County, Nebraska.

Section 3. The City's special engineer is directed to make detailed plans and specifications for said improvements and an estimate of the cost thereof, which is subject to approval by the City Council. Upon approval of such plans and specifications, the

Mayor and City Clerk are authorized to enter into a contract on behalf of the City for such work upon compliance with an in accordance with advertising, bidding and contracting procedures prescribed in Nebraska Revised Statutes Section 17-568.01. The City Council shall have and hereby reserves the right to reject any and all bids received.

Section 4. The work and improvements shall be made at public cost, but special assessments on any properties determined by the City Council to be especially benefitted thereby, proportionate to benefits, shall be levied to reimburse the City to extent provided by law.

Section 5. For the purpose of paying for the paving, grading, widening, curbing and guttering streets, and other necessary improvements incidental thereto, the Mayor and City Council of the City may issue street improvement warrants or bond anticipation notes of the City of Gothenburg, Nebraska in the form and manner provided by law.

Section 6. To effect the final payment and retirement of said warrants or notes, and to pay for the cost of paving, grading, widening, curbing and guttering or other necessary improvements incidental thereto, the Mayor and City Council shall issue bonds in the form and manner provided by law.

Section 7. This ordinance shall be published one time in The Gothenburg Times, a legal newspaper published and of general circulation in the City of Gothenburg, Nebraska, and shall take effect and be in full force from and after its passage, approval and publication as provided by law.

Section 8. All provisions of any prior ordinance of the City in conflict herewith are hereby repealed.

PASSED AND APPROVED this 4th day of May, 2004.

Harry Franzen
Mayor

ATTEST:

Connie L. Halymple
City Clerk