

Sewer 825
Gothenburg, Nebraska
January 22, 2008

A regular meeting of the Mayor and Council of the City of Gothenburg, Nebraska (the "City") was held on Tuesday, January 22, 2008, at 7:00 p.m., in Council Chambers, 409 9th Street in the City, the same being open to the public and preceded by advance publicized notice duly given in strict compliance with the provisions of the Open Meetings Act, Chapter 84, Article 14, Reissue Revised Statutes of Nebraska, as amended, as set forth on **Exhibit A** attached hereto stating (a) the date, time and place of the meeting; (b) that an agenda for the meeting, kept continuously current, was available for public inspection in the offices of the Clerk; and (c) that the meeting would be open to the attendance of the public. The Mayor and each member of the Council was also given advance notice of the meeting as acknowledged on **Exhibit B** attached hereto. Additionally, reasonable efforts were made to provide advance notice of the date, time, and place of the meeting to all news media requesting the same.

The Mayor, Joyce Hudson, presided and the Clerk, Connie Dalrymple, recorded the proceedings. On roll call, the Mayor and the following Council Members were present: Jeff Kennedy; Jim Aden, Roger Dudley, Jeff Whiting the following Council Members were absent: none. A quorum being present and the meeting duly convened, the following proceedings were had and done while the meeting was open to the attendance of the public. The Mayor publicly announced the location of a current copy of the Open Meetings Act posted in the meeting room for access by the public.

(Omitted Proceedings)

The Mayor stated that the next item on the agenda was the consideration of an ordinance creating a sewer extension district. Council Member Aden introduced an ordinance (the "Ordinance") titled as follows:

ORDINANCE NO. 825

AN ORDINANCE CREATING SEWER EXTENSION DISTRICT NO. 2008-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR THE CONSTRUCTION OF SEWER MAINS AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY ESPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS

and moved that the statutory rule requiring that ordinances be read by title on three different days be suspended so that the Ordinance might be introduced, read by title and then moved for final passage on the same day, without the same being read in full, which motion was seconded by Council Member Dudley. On roll call vote, the following Council Members voted in favor of the motion to suspend the statutory rule: Kennedy, Dudley, Aden,
Whiting; the following Council Members voted against the motion to suspend the statutory rule: none; the following Council Members were absent or did not vote: none. The motion to suspend the statutory rule having been agreed upon by at least three-fourths of all of the Council Members present and acting, the Mayor declared the motion passed and the statutory rule suspended.

Following the reading of the title of the Ordinance, Council Member Whiting moved that the Ordinance be passed, which motion was seconded by Council Member Dudley. On roll call vote, the following Council Members voted in favor of the passage of the Ordinance: Kennedy, Aden, Dudley, Whiting
; the following Council Members voted against the passage of the Ordinance: none; the following Council Members were absent or did not vote: none. The passage of the Ordinance having been agreed upon by a majority of all Members elected to the

Council, the Mayor declared the Ordinance passed and, in the presence of the Council, signed and approved the Ordinance. The Clerk attested to the passage of the Ordinance by signing the same and affixing the seal of the City to the Ordinance. A true and complete copy of the Ordinance is attached hereto as **Exhibit C**.

* * * * *

(Omitted Proceedings)

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There being no further business to come before the meeting, on motion duly made, seconded and carried by unanimous vote, the meeting was adjourned.

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CITY OF GOTHENBURG, NEBRASKA

By: Donnie L. Halimphle
Clerk

EXHIBIT A

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF MEETING**

(Please Attach Before Returning)

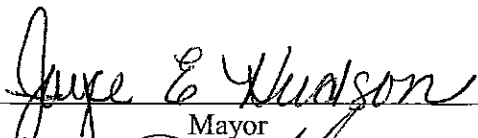
EXHIBIT B

**ACKNOWLEDGMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**

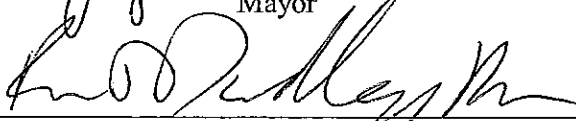
**ACKNOWLEDGMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**

We, the undersigned, constituting the Mayor and each Member of the Council of the City of Gothenburg, Nebraska, hereby acknowledge receipt of advance notice of the regular meeting of the Mayor and Council and the agenda for the same held Tuesday, January 22, 2008, at 7:00 p.m., in the Council Chambers, 409 9th Street in the City of Gothenburg, Nebraska.

DATED: January 22, 2008.



Mayor




Council President



Council Member



Council Member



Council Member

EXHIBIT C

ORDINANCE NO. 825

ORDINANCE NO. 825

AN ORDINANCE CREATING SEWER EXTENSION DISTRICT NO. 2008-1; DEFINING THE BOUNDARIES AND LIMITS THEREOF; PROVIDING FOR THE CONSTRUCTION OF SEWER MAINS AND OTHER NECESSARY AND INCIDENTAL WORK; PROVIDING FOR THE PAYMENT OF SUCH IMPROVEMENTS AND OTHER INCIDENTAL EXPENSES BY THE ISSUANCE OF WARRANTS, BOND ANTICIPATION NOTES AND BONDS; PROVIDING FOR ASSESSMENT OF THE COSTS OF SUCH IMPROVEMENTS AGAINST THE PROPERTY ESPECIALLY BENEFITED THEREBY AND THE LEVY OF GENERAL TAXES; PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE; AND RELATED MATTERS

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

Section 1. The Mayor and Council hereby deem it necessary and advisable to extend municipal sewer service to territory beyond the existing sewer system and, for such purpose, Sewer Extension District No. 2008-1 (the "District") of the City of Gothenburg, Nebraska (the "City") is hereby created pursuant to Sections 19-2402 to 19-2407, inclusive, Reissue Revised Statutes of Nebraska, as amended.

Section 2. The limits, boundaries and improvements in the District are defined and established as follows:

SEWER EXTENSION DISTRICT NO. 2008-1

THE IMPROVEMENTS TO BE CONSTRUCTED ARE:

An eight inch (8") PVC sanitary sewer main beginning at the existing manhole located in the intersection of Avenue "L" and Jefferson Street; thence Westerly in Jefferson Street a distance of 646 linear feet to the point of termination.

THE PROPERTY TO BE INCLUDED IN THE DISTRICT CONSISTS OF THE AREA DESCRIBED AS FOLLOWS:

A tract of land located in part of the North Half of the Northeast Quarter (N ½, NE ¼) of Section Fifteen (15), Township Eleven (11) North, Range Twenty-five (25) West, of the 6th P.M., City of Gothenburg, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Northwest corner Goshen Subdivision to the City of Gothenburg, Dawson County, Nebraska; thence S 59°13'30" E (an assumed bearing with all other bearings shown hereon relative thereto) along the Northerly line of said Subdivision a distance of 720.00 feet to the Northeast corner of said Subdivision and the Westerly line of Avenue 'L'; thence N 30°04'00" E along said Westerly line of said Avenue 'L' a distance of 550.00 feet; thence S 59°56'00" E perpendicular to said Westerly line a distance of 40.00 feet to the centerline of said Avenue; thence S 30°04'00" W along said centerline a distance of 1055.00 feet to the Southerly line of said Subdivision extended Easterly and the Northerly line of Washington Street; thence N 59°13'30' W along said Southerly line a distance of 400 feet to the Southwest corner of Lot 18 in said Subdivision; thence N 30°04'00" E along the Westerly line of said Lot a distance of 150

feet; thence N 59°13'30" W along the centerline of an alley as platted in said Subdivision a distance of 440.00 feet to the Westerly line of Avenue 'J' as platted in said City; thence N 30°04'00" E along said Westerly line a distance of 355.00 feet to the Northerly line of said Subdivision extended Westerly; thence S 59°13'30" E along said Northerly line extended a distance of 80.00 feet to the point of beginning.

THE FOLLOWING PARCELS OF LAND, OR PORTIONS THEREOF, ARE INCLUDED IN THE DISTRICT AND ARE SUBJECT TO ASSESSMENT:

- Lots 1-8, 13-17, and 18, Goshen Subdivision of the City of Gothenburg, Dawson County, Nebraska
- A tract of land located in part of the North Half of the Northeast Quarter (N ½, NE ¼) of Section Fifteen (15), Township Eleven (11) North, Range Twenty-five (25) West, of the 6th P.M., City of Gothenburg, Dawson County, Nebraska, more particularly described as follows:

Beginning at the Northeast corner of Lot 18, Goshen Subdivision to the City of Gothenburg, Dawson County, Nebraska; thence S 30°04'00" W (an assumed bearing with all other bearings shown hereon relative thereto) along the Easterly line of said Lot 18 a distance of 300.00 feet to the Southeast corner of said Lot 18; thence S 59°13'30" E along the Southerly line of said Lot 18 extended Easterly and the Northerly line of Washington Street as platted in said City a distance of 215.00 feet to the Westerly line of Avenue 'L'; thence N 30°04'00" E along said Westerly line a distance of 300.00 feet to the Southerly line of Jefferson Street as platted in said City; thence N 59°13'30" W along said Southerly line a distance of 215.00 feet to the place of beginning

The District and the improvements to be constructed therein are all within the corporate limits of the City or one mile beyond the same.

Section 3. The City's special engineer, Miller & Associates, Consulting Engineers P.C., Kearney, Nebraska, has prepared detailed plans and specifications for the improvements to be constructed in the District and an estimate of costs for the same in the amount of \$40,000, all of which have been filed with the Clerk and are hereby approved.

Section 4. The Clerk is hereby authorized to advertise for bids for the construction of the improvements to be made in the District in accordance with all applicable provisions of law. Upon acceptance of any bid therefor, the Mayor and Clerk are authorized to enter into a contract on behalf of the City for such work, and such contract shall be executed by the Mayor and attested by the Clerk. The Council shall have and hereby reserves the right to reject any and all bids received.

Section 5. The improvements to be constructed in the District shall be made at public cost, but special assessments on the properties especially benefited thereby shall be levied to reimburse the City to the extent provided by law.

Section 6. For the purpose of paying the costs of the improvements to be made in the District, the Mayor and Council may issue warrants or bond anticipation notes of the City in the form and manner provided by law. To effect the final payment and retirement of such warrants and bond anticipation notes, or to pay for any of the improvements authorized herein, the Mayor and Council shall issue bonds

in the manner and form provided by law and shall assess the costs of such improvements to the property in the District in proportion to the benefits derived from such improvements.

Section 7. If any section or other part of this Ordinance is for any reason held invalid, the invalidity thereof shall not affect the validity of any other provision of this Ordinance.

Section 8. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to be extent of such conflict hereby repealed.

Section 9. This Ordinance shall be published in the manner and form provided by law and shall take effect and be in full force from and after its due passage, approval and publication as provided by law.

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CITY OF GOTHENBURG, NEBRASKA

ATTEST:

By: Annie S. Walby
Clerk

By: James E. Hudson
Mayor

[SEAL]