

A meeting of the Mayor and Council of the City of Gothenburg, Nebraska, was held at the City Council Chamber in said City on the 27th day of June, 1995, at five o'clock p.m. Present were: Mayor: Richard L. Blase; Council Members: Larry Franzen,  
Ken Christensen, Gary Norseen .

Absent: Joyce Hudson .

Notice of the meeting was given in advance thereof by posting said Notice in three public places, a designated method for giving notice, as shown by the Affidavit of Posting 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.

"RESOLUTION OF NECESSITY" *1995-12*

"BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA, as follows:

Section 1. That the Mayor and Council deem and hereby declare it advisable and necessary to pass this Resolution and to construct improvements to the existing sewage collection system of the City, which improvements shall consist of an eight (8) inch diameter sanitary sewer main to be constructed within the following described areas within the City of Gothenburg, Nebraska, together with such other necessary appurtenances thereto as may be required, and the Mayor and Council further find that said improvements will constitute a general public improvement in said City which may be

properly financed by the issuance of general obligation bonds of the City.

Section 2. That the improvements described in Section 1 shall be constructed in accordance with the plans and specifications prepared by the engineer for the City. Reference is hereby made to said plans and specifications, which plans, specifications and estimate of cost for the project have heretofore been filed with the City Clerk and are hereby approved and adopted. The size, location and terminal points for said sanitary sewer main shall be as follows:

An eight (8) inch diameter sanitary sewer main to be constructed. Said sewer mains shall be constructed of cement concrete pipe, vitrified clay pipe, or such other material deemed suitable by the engineer for the City. In advertising for bids for such work, such notice to bidders shall state the kind of materials to be bid upon, including types specified in this resolution.


Section 3. That for the purposes of the construction of the proposed improvements there is hereby created in the City a sewer district to be known and designated as Sanitary Sewer District No. 28 the outer boundaries of which shall include the following described property, to-wit:

A Tract of land in the Southeast Quarter (SE1/4), Section Fifteen (15), Township Eleven (11) North, Range Twenty-Five (25) West, of the Sixth Principal Meridian, Dawson County, Nebraska. More particularly described as follows:  
Commencing at the South Quarter Corner of said Section, thence N 00°17'57" E (bearing assumed and all other bearings are relative thereto) a distance of 150.00 feet along the West Line of said SE1/4 to the Point of Beginning;  
Thence N 90°00'00" E a distance of 1922.00 feet along a line 150.0 North of and parallel to the South Line of said SE1/4;  
Thence N 00°17'57" E a distance of 840.0 feet along a line parallel to the West Line of said SE1/4;

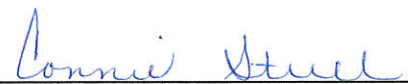
Thence N 90°00'00" W a distance of 1563.59 feet along a line 990 feet North of and parallel to the South Line of said SE1/4 to the Southerly Right-of-Way Line of the Cozad Canal;  
Thence S 49°55'49" W a distance of 470.41 feet along said Southerly Right-of-Way Line to the West Line of said SE 1/4;  
Thence S 00°17'57" W a distance of 537.19 feet along said West Line to the Point of Beginning.

Section 4. That to pay the cost of the sewer improvements herein provided for, the Mayor and Council will, after said improvements have been completed and accepted by the City, cause to be issued the negotiable bonds of the City to be called 'Sewer Bonds'. Such bonds shall be issued only in an amount sufficient to pay the costs of the project after taking into account all other funds which may become available to the City.

Section 5. That the engineer's estimate of cost for such improvements is \$22,950.00.

  
Richard L. Blase, Mayor

ATTEST:

  
\_\_\_\_\_  
Connie Stull, City Clerk

Council Member Christensen moved that the foregoing resolution be proposed and that notice thereof be published as required by law. Council Member Norseen seconded the motion. After consideration the roll was called thereon and the following Council Members voted in favor of the passage of said motion: Franzen, Christensen, Norseen.

The following voted against the same: none

Council Member Christensen then introduced the following resolution and moved its adoption:

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

1. The Mayor and Council of the City of Gothenburg, Nebraska, will meet at the City Council Chambers in said City at 7:00 p.m. on the 18th day of July, 1995, for the purposes of considering objections to the passage of a Resolution on Necessity proposed for passage at a meeting of the Mayor and Council of the City of Gothenburg held on the 27th day of June, 1995, and the making of the proposed improvements, at which meeting said Resolution of Necessity may be amended and passed or passed as proposed.

2. The City Clerk be and hereby is instructed to cause notice of the pendency of said Resolution will be considered for passage and objections heard thereto to be published in two consecutive weekly publications of The Gothenburg Times, a legal newspaper of general circulation published in said City, which publication shall contain the entire working of the foregoing resolution and the last publication shall not be less than five days nor more than two weeks prior tot he time set for such consideration. At said meeting the Council will hear objections to the passage of said resolution and to the making of the proposed improvements, after which the resolution may be passed as proposed or amended and passed as amended.

Council Member Norseen seconded the motion for the adoption of the foregoing resolution. The Mayor stated the motion for the motion and instructed the Clerk to call the roll. Upon roll call, the following voted AYE: Franzen, Christensen,

Norseen.

7-5-95

The following voted NAY: none

The Mayor then declared the motion carried and the resolution duly passed and adopted and thereupon instructed the Clerk to cause the notice to be published as provided therein.

I, the undersigned, City Clerk for the City of Gothenburg, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings were contained in the agenda for the meeting, kept continually current and 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 the said minutes of the Mayor and Council of the City of Gothenburg from which the foregoing proceedings have been extracted were 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 of the time and place of said meeting and the subjects to be discussed at said meeting.

Connie Stull, City Clerk

A meeting of the Mayor and Council of the City of Gothenburg, Nebraska, was held at the City Council Chambers in said City on the 27th day of June, 1995, at five o'clock p.m. Present were: Mayor: Richard L. Blase; Council Members: \_\_\_\_\_

Larry Franzen, Ken Christensen, Gary Norseen.  
Absent: Joyce Hudson.

Notice of the meeting was given in advance thereof by posting said Notice in three public places, a designated method for giving notice, as shown by the Affidavit of Posting 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 Franzen introduced Ordinance No. 629 entitled:

ORDINANCE NO. 629

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, CREATING WATER SERVICE DISTRICT NO. 3; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR CONSTRUCTION OF A WATER MAIN AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF DISTRICT 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.

and moved that the statutory rule requiring reading on three different days be suspended. Council Member Norseen seconded the motion to suspend the rules and upon roll call, vote

on the motion the following Council Members voted YEA: \_\_\_\_\_  
Christensen, Norseen, Franzen. \_\_\_\_\_.

This 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 Christensen moved for final passage of the ordinance, which motion was seconded by Council Member Norseen. The Mayor then stated the questions was "Shall Ordinance No. 629 be passed and adopted?" Upon roll call vote, the following Council Members voted YEA: Franzen, Norseen, Christensen

\_\_\_\_\_.  
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 as provided therein. A true, correct and complete copy of said ordinance is as follows:

ORDINANCE NO. 629

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA, CREATING WATER SERVICE DISTRICT NO. 3; DEFINING THE SAME AND THE LIMITS THEREOF; PROVIDING FOR CONSTRUCTION OF A WATER MAIN AND SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF DISTRICT 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.

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

Section 1. Water Service District No. 3 of the City of  
Gothenburg, Nebraska is hereby created.

Section 2. Said Water Service District No. 3 shall include  
and encompass the designated portions of the following in the City  
of Gothenburg, Nebraska, and the limits, boundaries and  
improvements are defined and established as follows:

WATER SERVICE DISTRICT NO. 3

THE WATER MAIN TO BE CONSTRUCTED AND INCIDENTAL WORK CONNECTED  
THEREWITH IS:

Extension of the water main from the existing water main  
adjacent to the county road on the West line of the Southeast  
Quarter (SE $\frac{1}{4}$ ), Section 15, Township 11 North, Range 25 West of  
the 6th P.M., Dawson County, Nebraska, beginning at a point  
between 150 feet and 537 feet North of the South line of said  
section and extending not more than 1922 feet East of the West  
line of said section.

THE ABUTTING PROPERTY TO BE INCLUDED IN THE DISTRICT IS  
LOCATED WITHIN THE FOLLOWING BOUNDARIES:

A Tract of land in the Southeast Quarter (SE $\frac{1}{4}$ ), Section  
Fifteen (15), Township Eleven (11) North, Range Twenty-Five  
(25) West, of the Sixth Principal Meridian, Dawson County,  
Nebraska. More particularly described as follows:  
Commencing at the South Quarter Corner of said Section, thence  
N 00°17'57" E (bearing assumed and all other bearings are  
relative thereto) a distance of 150.00 feet along the West  
Line of said SE $\frac{1}{4}$  to the Point of Beginning;  
Thence N 90°00'00" E a distance of 1922.00 feet along a line  
150.0 North of and parallel to the South Line of said SE $\frac{1}{4}$ ;  
Thence N 00°17'57" E a distance of 840.0 feet along a line  
parallel to the West Line of said SE $\frac{1}{4}$ ;  
Thence N 90°00'00" W a distance of 1563.59 feet along a line  
990 feet North of and parallel to the South Line of said SE $\frac{1}{4}$   
to the Southerly Right-of-Way Line of the Cozad Canal;  
Thence S 49°55'49" W a distance of 470.41 feet along said  
Southerly Right-of-Way Line to the West Line of said SE  $\frac{1}{4}$ ;  
Thence S 00°17'57" W a distance of 537.19 feet along said West  
Line to the Point of Beginning.



Section 3. The City's special engineer has made detailed plans and specifications for said improvements and an estimate of the cost thereof, which have been approved by the City Council. The Mayor and City Clerk are authorized to enter into a contract on behalf of the city for such work upon compliance with and in accordance with advertising, bidding and contracting procedures prescribed in Nebraska Revised Statutes Section 17-568.01 1991. 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 the extent provided by law.

Section 5. The District created hereby is separate and distinct, and if the District is objected to by owners of record title representing more than 50% of the front footage of the property directly abutting on the water main to be constructed, the work will not be constructed in the District.

Section 6. For the purpose of paying for the construction of the water main and other necessary improvements incidental thereto, the Mayor and City Council of the City may issue district improvement warrants or bond anticipation notes of Water Service District No. 3 of the City of Gothenburg, Nebraska in the form and manner provided by law.

Section 7. To effect the final payment and retirement of said warrants or bond anticipation notes, and to pay for the cost of

constructing the water main and other necessary improvements incidental thereto, the Mayor and City Council shall issue bonds in the form and manner provided by law.

Section 8. 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 9. After the passage, approval and publication of this ordinance as in Section 8 provided, there shall be published, as provided by law, in The Gothenburg Times, a legal newspaper published and of general circulation in the City of Gothenburg, Nebraska, a notice with respect to the Districts created by the terms of this ordinance, which notice shall provided, among other thins, that if owners of record title representing more than 50% of the front footage of the property directly abutting on the water main in said District shall file with the City Clerk within twenty (20) days after the first publication of said notice, writing objections to the creation of said District, the improvements in such District shall not be made as provided in this ordinance.

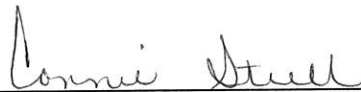
Section 10. All provisions of any prior ordinances of the City of conflict herewith are hereby repealed.

PASSED AND APPROVED this 27<sup>th</sup> day of June, 1995.

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Richard L. Blase, Mayor

ATTEST:

  
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Connie Stull, City Clerk

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