

ORDINANCE NO. 939

AN ORDINANCE OF THE CITY OF GOTHENBURG, NEBRASKA CREATING PAVING DISTRICT NOS. 2016-1 AND 2016-2; DEFINING THE BOUNDARIES AND THE LIMITS THEREOF; PROVIDING FOR PAVING, GRADING, CURBING AND GUTTERING, OR SUCH OTHER WORK AS IS NECESSARY AND INCIDENTAL THERETO; APPROVING PLANS, SPECIFICATIONS AND ESTIMATES OF COST AND SECURING OF BIDS; PROVIDING FOR THE PAYMENT OF SUCH WORK AND OTHER EXPENSES INCIDENTAL THERETO; PROVIDING FOR ASSESSMENT OF THE COST OF SUCH IMPROVEMENTS AGAINST THE PROPERTY IN SUCH DISTRICTS ESPECIALLY BENEFITED THEREBY IN PROPORTION TO SUCH BENEFITS; PROVIDING FOR THE ISSUANCE OF PAVING WARRANTS, BOND ANTICIPATION NOTES AND PAVING BONDS AND FOR THE LEVY OF SPECIAL ASSESSMENTS AND GENERAL TAXES TO PAY FOR SUCH IMPROVEMENTS; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT

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

Section 1. The City Council (the “**Council**”) of the City of Gothenburg, Nebraska (the “**City**”) hereby find and determine as follows:

(a) Pursuant to Sections 18-2001 to 18-2004, inclusive, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”), the City is authorized to grade, curb, gutter and pave (1) any portion of a street otherwise paved so as to make one continuous paved street; provided that the portion to be so improved shall not exceed two blocks, including intersections, or thirteen hundred and twenty-five feet, whichever is the lesser and (2) any unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street.

(b) The following streets of the City are paved:

(1) 19th Street and 20th Street where such streets intersect Avenue “K”

(2) 21st Street and 22nd Street where such streets intersect Avenue “L”

Section 2. (a) Paving District No. 2016-1 (“**Paving District 2016-1**”) of the City is hereby created pursuant to the Act for the purpose of grading, curbing, guttering and paving an unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street.

(b) Paving District 2016-1 shall include and encompass the designated portions of the following streets in the City and the limits, boundaries and improvements are defined and established as follows:

PAVING DISTRICT 2016-1

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

Avenue "K", from 19th Street to 20th Street

THE PROPERTY TO BE INCLUDED IN PAVING DISTRICT 2016-1, WHICH PROPERTY IS SUBJECT TO ASSESSMENT, CONSISTS OF THE AREA DESCRIBED AS FOLLOWS:

A tract of land being Lots 3 through 6, Block 1 of Rubenthaler Addition, an addition to the City of Gothenburg, Lots 1 through 5, Block 3 of Hyde Park Addition, an addition to the City of Gothenburg, and part of the Southeast Quarter of the Northeast Quarter (SE 1/4 NE 1/4) of Section Ten (10), all in Township Eleven (11) North, Range Twenty Five (25) West of the 6th Principal Meridian, City of Gothenburg, Dawson County, Nebraska and more particularly described as follows:

BEGINNING at the intersection of the East line of Avenue J with the South line of 20th Street; thence Easterly on said South line of 20th Street a distance of 629.6 feet to the Northeast corner of Lot 3, Block 1 of Rubenthaler Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Southerly on the East line of said Lot 3 and the East line of Lot 6, Block 1 of said Rubenthaler Addition a distance of 348.6 feet to the Southeast corner of said Lot 6, Block 1; thence Westerly on the North line of 19th Street a distance of 399.6 feet to the Southwest corner of Lot 5, Block 3 of Hyde Park Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Northerly on the West line of said Lot 5, Block 3 a distance of 160.0 feet to the Northwest corner of said Lot 5, Block 3; thence Westerly on the North line of Lots 6 through 8, Block 3 of said Hyde Park Addition a distance of 230.0 feet to said East line of Avenue J; thence Northerly on said East line of Avenue J a distance of 188.4 feet to the Point of Beginning.

Section 3. (a) Paving District No. 2016-2 ("**Paving District 2016-2**") and together with Paving District 2016-1, the "**Districts**") of the City is hereby created pursuant to the Act for the purpose of grading, curbing, guttering and paving an unpaved street or alley which intersects a paved street for a distance of not to exceed one block on either side of such paved street.

(b) Paving District 2016-2 shall include and encompass the designated portions of the following streets in the City and the limits, boundaries and improvements are defined and established as follows:

PAVING DISTRICT 2016-2

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

Avenue "L", from 21st Street to 22nd Street

THE PROPERTY TO BE INCLUDED IN PAVING DISTRICT 2016-1, WHICH PROPERTY IS SUBJECT TO ASSESSMENT, CONSISTS OF THE AREA DESCRIBED AS FOLLOWS:

A tract of land being Lots 7 through 10, Block 1, Lots 1, 2, 5 and 6, Block 2 of Sitorius Addition, an addition to the City of Gothenburg, Dawson County, Nebraska and more particularly described as follows:

BEGINNING at the Northwest corner of Lot 7, Block 1 of Sitorius Addition, an addition to the City of Gothenburg, Dawson County, Nebraska; thence Easterly on the South line of 22nd Street a distance of 495.7 feet to the Northeast corner of Lot 2, Block 2 of said Sitorius Addition; thence Southerly on the East line of said Lot 2 and the East line of Lot 5, Block 2 of said Sitorius Addition a distance of 299.8 feet to the Southeast corner of said Lot 5; thence Westerly on the North line of 21st Street a distance of 496.5 feet to the Southwest corner of Lot 10, Block 1 of said Sitorius Addition; thence Northerly on the West lines of said Lots 10 and Lot 7 of Block 1 a distance of 299.4 feet to the Point of Beginning.

Section 8. The City's special engineer, Miller & Associates Consulting Engineers, P.C., in Kearney, Nebraska, has made detailed plans and specifications and estimates of costs for the improvements in the Districts described herein, and filed the same with the Clerk of the City, reference to which is hereby made and which are hereby approved. Bids for construction of such work shall be provided by advertisement. On 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 9. The work and improvements in the Districts 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 10. For the purpose of paying for the paving, grading, curbing and guttering or such other necessary improvements incidental thereto, the Council may issue paving warrants or bond anticipation notes of the City in the form and manner provided by law.

Section 11. To effect the final payment and retirement of such warrants and bond anticipation notes, and to pay for the cost of paving, grading, curbing and guttering, sidewalks, drainage and storm sewer, or other necessary improvements incidental thereto, the Mayor and Council shall issue bonds in the form and manner provided by law.

Section 12. This Ordinance shall be published in pamphlet form, and in the form and manner provided by law, and shall take effect and be in full force from and after its passage, approval and publication as provided by law.

PASSED AND ADOPTED: December ²⁰~~8~~, 2016

CITY OF GOTHENBURG, NEBRASKA

ATTEST:

By: Joe E. Hudson
Mayor

By: Connie L. Halverson
Clerk

Publish 12/28/16
1 Proof

STATE OF NEBRASKA)
)
COUNTY OF DAWSON) ss.
)
CITY OF GOTHENBURG)

PROOF OF PUBLICATION

Brandi Klopping, being first duly sworn under oath says that she is the Clerk of the City of Gothenburg, Nebraska (the "City") and that the attached and foregoing copy of Ordinance No. 939, providing for the creation of Paving District Nos. 2016-1 and 2016-2 of the City, is a true and correct copy of said Ordinance as passed by the Mayor and City Council at the meeting of December ~~8~~²⁰, 2016, and that said Ordinance was published in pamphlet form on the 21 day of December, 2016.

Brandi Klopping
Clerk
City of Gothenburg, Nebraska

Filed in my office:

Brandi Klopping
Clerk
City of Gothenburg, Nebraska

(SEAL)

STATE OF NEBRASKA)
)
COUNTY OF DAWSON) ss.
)
CITY OF GOTHENBURG)

CERTIFICATE OF FILING

I, Brandi Klopping, the duly qualified and acting Clerk of the City of Gothenburg, Nebraska (the "City") do hereby certify that I caused a copy of Ordinance No. 939, creating Paving District Nos. 2016-1 and 2016-2 of the City, to be filed in the Office of the Register of Deeds of Dawson County, Nebraska on the ____ day of _____, 20__.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of my office this ____ day of _____, 20__.

Clerk
City of Gothenburg, Nebraska

(SEAL)

Gothenburg, Nebraska
December 6, 2016

A regular meeting of the City Council (the "Council") of the City of Gothenburg, Nebraska (the "City") was held on Tuesday, December 6, 2016, at 7:00 p.m., at Council Chambers 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 in Exhibit A attached hereto and 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. Advance notice of the meeting was also given to the Mayor and each Member of the Council, 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, Brandi Klopping, recorded the proceedings. The meeting was called to order and on roll call, the Mayor and the following Council Members were present: Verlin Janssen, Jay Richeson, Randy Waskowiak, Jeff Kennedy; 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 certain paving districts in the City. Council Member Randy Waskowiak introduced an Ordinance (the "Ordinance") titled as follows:

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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 Verlin Janssen. On roll call vote, the following Council Members voted in favor of the motion to suspend the statutory rule: Jeff Kennedy, Jay Richeson, Verlin Janssen,
Randy Waskowiak; 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 Jeff Kennedy moved that the Ordinance be passed, which motion was seconded by Council Member Jay Richeson. On roll call vote, the following Council Members voted in favor of the passage of the Ordinance: Verlin Janssen, Randy Waskowiak, Jay Richeson, Jeff Kennedy; 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)

* * * * *

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

Brandi Kuepping
Clerk
City of Gothenburg, Nebraska

EXHIBIT A

**AFFIDAVIT OF PUBLICATION
OF NOTICE OF MEETING**

GOTHENBURG Times

Proof of Publication

State of Nebraska }
Dawson County } ss.

Ellen Mortensen, being duly sworn on oath deposes and says that she is the General Manager of **The Gothenburg Times**, a weekly newspaper, which is published at Gothenburg, in the County of Dawson, and State of Nebraska and that said Gothenburg Times has a bona fide circulation of over three hundred copies weekly, and said newspaper has been published for more than fifty-two successive weeks prior to the publication of the notice annexed hereto, and each of said issues has been published in an office maintained at said place of publication.

That the annexed notice has been published in one issue of said newspaper, the publication thereof having been made on the 30th day of

November, 2016

Ellen Mortensen

Subscribed and sworn to before me this

30th day of November 2016

Joanne K. Atkinson

Publication Fee \$ 38.78

CITY COUNCIL MEETING

Dec. 6, 2016

7 p.m.

NOTICE IS HEREBY GIVEN, the Mayor and City Council of Gothenburg, Dawson County, Nebraska, will meet on Tuesday, Dec. 6, 2016, at 7 p.m. in the Council Chambers at City Hall, 409 Ninth St., which meeting will be open to the public and the press. An agenda of said meeting, kept continually current, is available for public inspection during regular business hours at the office of the City Clerk. Except for items of an emergency nature, the agenda will not be enlarged later than 24-hours before the scheduled commencement of the meeting.

All Gothenburg City meetings are conducted in accordance with the Open Meetings Act, a copy of which is available for public inspection on the north wall of the Council chambers.

The agenda at this time includes:

1. Roll Call
2. Approval of consent agenda:
 - a) City Council minutes-Nov. 15 and Nov. 22.
 3. Approval of City and Public Works Division claims and Nov. 16 and Nov. 30 payrolls.
 4. Discussions:
 - a) Third/final reading Ordinance 934—zoning change from C-2 to AG at 1103 West Seventh St.
 - b) Third/final reading Ordinance 935 regarding utility rate increase.
 5. Community comments.
Certification of votes cast.
New procedure for Special Designated Liquor Licenses.
 6. Adjournment.
 7. Administer Oath of Office— Council members Randy Waskowiak, Jeff Kennedy.
 8. Convene newly elected Council.
 - a) Roll call.
 - b) Election of council president.

9. Discussions:
 - a) Proposed ordinance to change zoning in area of 1408 27th Street from R-1 to AG.
 - b) Tree Board—Proposed Tree Plan for Lake Helen area.
 - c) Lilliana Venegas claim regarding injury on a curb/sidewalk at 1900 Avenue G.
 - d) Proposed ordinance creating Street Improvement District No. 2016-1 and related matters.
 - e) Proposed ordinance creating Paving District No. 2016-1 and related matters.
 - f) Proposed ordinance creating Paving District No. 2016-2 and related matters.

The Council will review the above matters and take such action as they deem appropriate.

If auxiliary aids of reasonable accommodations are needed for attendance at a meeting, interpreter service, Braille, large print or recorded materials, please call the Office of the City Clerk 308-537-3677 or Voice/TDD 1-800-223-3131 (Special Needs Center for Customers with Disabilities). Advance notice of seven days is needed when requesting an interpreter.

CONNIE L. DALRYMPLE
City Clerk (79) ZNEZ

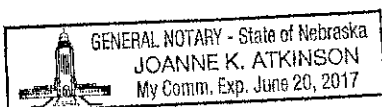



EXHIBIT B

**ACKNOWLEDGEMENT OF RECEIPT OF
ADVANCE NOTICE OF MEETING**


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

We, the undersigned, constituting the Mayor and all of the Members 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 ~~Monday~~^{Tuesday}, December 20, 2016, at 7:00 p.m., at Council Chambers in the City of Gothenburg, Nebraska.

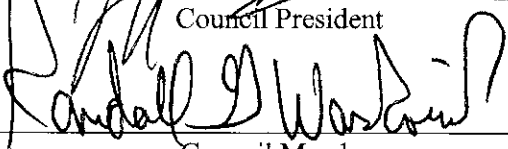
DATED: December 20, 2016.



Mayor



Council President



Council Member



Council Member



Council Member

EXHIBIT C

ORDINANCE NO. 939