

CITY OF NEBRASKA CITY, NEBRASKA
MINUTES OF CITY COUNCIL REGULAR MEETING
November 2, 2015

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the William F. Davis Room at City Hall, 1409 Central Avenue, on November 2, 2015. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Bequette called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Bryan Bequette then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Vic Johns and Mayor Bequette. Absent: Jeff Crunk. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, Fire Chief Alan Viox and Public Properties Director/Zoning Director Dan Gittinger.

Council Discussed procedures for consent items.

Mayor Bequette moved to approve the minutes of the October 19, 2015, City Council Regular Meeting, seconded by Commissioner Johns. Upon roll call the following voted YES: Johns and Mayor Bequette. Voting NO: None. Abstain: Stark. Motion adopted.

Commissioner Johns moved to pay all claims as presented, seconded by Mayor Bequette. Upon roll call the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion passed.

CLAIMS LIST						
November 2, 2015						
A-1 Locksmith	Rep	199.99		Martin Marietta	Sup	1424.24
Action Technology	Contr	400.00		Matheson	Sup	119.68
Adkins Signs	Sup	40.00		Maybee, D.	Rfnd	50.00
All Roads Barricades	Rep	1028.50		Mead Lumber	Sup	22.38
American Recycling	Garbage	184.50		Mercer's Do-It-Best	Sup	190.20
Arbor Bank	Equip	23808.39		Michael Todd and Co.	Sup	3203.78
Arbor Mart, Inc	Fuel	2247.37		Midwest Farmers Coop	Sup	0.09
AVAC	Contr	427.69		Midwest Machine	Rep	42.40
Arenillas, L.	Rfnd	25.00		Midwest Service	Rep	6887.22
Arrow Int.	Sup	577.01		Mullenax Auto	Sup	147.89
Barker, R.	Rfnd	100.00		Napa	Rep	188.00
Baumert, T.	Rfnd	100.00		National Enviromental	Sup	360.00
BCBS EMS	Rfnd	924.94		Nationwide	Inv	12,475.46
Bennet, G.	Rfnd	200.00		NCAEDC	LB840	200000.00
Beeson, L.	Rfnd	100.00		NC Clerk - Treasurer	Misc.	34.99
Bill Walters & Son	Rep	654.57		NC Museum Assoc.	Contr	2406.25
Boatright, K.	Dance	1350.00		NC Swim Team	Misc.	500.00
Bohl P & H	Rep	353.98		NCTC	Contr	7083.33
Bound Tree	Sup	488.60		NE Dept of Revenue	Sls Tax	597.95
Bridgestone Golf	Mdse	72.00		NE Environmental	Rep	1113.38
Brown's Shoe	Unif	110.50		NPZA	Dues	70.00
Cemetery Preserv.	Sup	105.58		O'Reilly Auto Parts	Rep	113.58
Community Mem.	Med	909.00		Omaha Tractor, Inc.	Rep	34.84
Concrete Industries	Sup	770.75		Orschlen	Sup	591.67
Coventry Healthcare	Rfnd	522.08		Otoe County Clerk	Contr	3160.75
Crown Awards	Sup	198.76		Payroll	Payroll	174,358.30
Don Johnson Homes	Rfnd	200.00		Police Officers' Assoc.	Dues	225.00
Douglas Tire Co.	Rep	369.05		Randle, C.	Rfnd	200.00
Eakes	Sup	236.64		River View Pest Cntrl	Pst Cntrl	302.00
Eggers Brothers, Inc.	Sup	138.92		SEND D	Misc.	2426.97
Fareway Stores, Inc.	Conc	3.38		Smith, T.	Dance	205.00
Fastenal Company	Sup	23.59		Spiral	Tele	1548.89
Gatehouse Media	Adv	127.56		St. Mary's Hosp	Med	198.00

Golfnow, Inc.	Dues	700.00	Tielke's Sandwiches	Conc	17.01
Grimm's Gardens	Maint	158.59	Tree City Tees	Unif	33.00
J. Park, LLC	Dance	1100.00	Tri-State Pump & Ex	Rep	304.00
JAMICO	Rfnd	25.00	Unifirst Corporation	Contr	158.87
Jensen, E.	Dance	240.00	UHC	Ins	968.62
JEO Consulting	Contr	6354.25	Universal Steering	Rep	871.29
Landis Engine Co.	Sup	569.55	Verizon Wireless	Tele	248.88
Loech Designs	Rfnd	200.00	Westlake	Sup	42.88
Lourdes Central	Adv	50.00			

Mayor Bequette brought forward the reappointment of Jeanna Stavas to the LB840 Citizens Advisory Review Committee. Upon roll call the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the reappointment of Vaughn Hammond to the LB840 Citizens Advisory Review Committee. Upon roll call the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette brought forward the appointment of Gloria Glover as the Finance Commissioner effective at the end of this meeting at which time the Oath would be administered. Upon roll call the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Mayor Bequette opened the Public Hearing concerning the sufficiency of the written objections filed to the creation of Street Improvement District No. 2015-1 of the City and as to the existence of the required facts and conditions relative to the creation of the District. No one present spoke in favor. No one spoke in opposition. Mayor Bequette moved to close the public hearing, seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion passed.

Commissioner Stark and Public Properties Director/Zoning Director Dan Giittinger, gave an update regarding the aquatic center.

Mayor Bequette introduced Resolution 2684-15 A Resolution of the City of Nebraska City, Nebraska, equalizing, levying and assessing the costs of improvements in and to Street Improvement District No. 2013-01 of the city and related matters. Moved by Mayor Bequette and seconded by Johns to approve Resolution 2684-15 for passage after reading. Upon roll call, the following voted YES: Johns and Mayor Bequette. Voting NO: Stark. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION 2684-15

A RESOLUTION OF THE CITY OF NEBRASKA CITY, NEBRASKA,
EQUALIZING, LEVYING AND ASSESSING THE COSTS OF
IMPROVMENTS IN AND TO STREET IMPROVEMENT DISTRICT
NO. 2013-01 OF THE CITY AND RELATED MATTERS

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

WHEREAS, the City created Street Improvement District No. 2013-01 for the
paving of a section of South 15th Street in Nebraska City, Nebraska; and,

WHEREAS, a public hearing was held by the City Council on October 19, 2015,
with proper legal notice thereof published as required by law, and testimony of interested
persons was received at the hearing by all persons desiring to be heard in reference to the
valuation of properties to be assessed and the special benefits or damages thereto; and,

WHEREAS, in consultation with engineers in charge of the construction and
improvements, the City performed an Adjusted Assessment Calculation assessing
adjacent property owners for costs of a 10-foot wide strip of concrete pavement totaling
\$55,488.89 due to this street being a collector street for traffic to and from the industrial
area to the west, commercial to the east and new residential construction to the south; and

WHEREAS, the City may file Special Assessments against properties in the
Street Improvement District in proportion to the special benefits thereto, and the City
finds and determines that the costs of improvements constructed in the District are as
follows:

Street Improvement District #	Total Costs of Project	Costs for Sewer, Water, Intersections, Engineering, etc.	Total Cost of Paving	Special Benefits to Properties
2013-01	\$315,312.55	\$152,804.41	\$162,508.14	\$55,488.89

Basis of Assessment: \$61.11 per adjacent footage

NOW THEREFORE BE IT RESOLVED, that the City Clerk-Treasurer of Nebraska City is hereby authorized to file Special Assessments for Improvements with Otoe County in the amount(s) and against the properties as specified below:

OWNER	ADDRESS	LEGAL	FOOTAGE	ASSESSMENT
Terry & Jerrilyn Leech	1422 13 th Corso	Lots 14 & 15, Block E, Edgewood Addition	133.0	\$8,127.78
Lonnie & Lori Neeman	1423 12 th Corso	W1/2 of Lot 11, Lots 12 & 13, Block E, Edgewood Addition	133.0	\$8,127.78
James Barton	1422 13 th Corso	Lots 14-16, Block D, Edgewood Addition	133.0	\$8,127.78
Thomas & Betty Ramage	1205 S. 15 th St.	Lots 11-13, Block D, Edgewood Addition	13.0	\$794.44
James Barton, Life Estate (Former Massey Property)	1508 13 th Corso	Part of Lot 3, NE1/2, S17, T8N, R14E	496.0	NONE – per real estate transfer agreement with City

All in Nebraska City, Otoe County, Nebraska.

The assessment upon each lot and parcel of land is not in excess of benefits thereto specially accruing from the construction of such improvements, and the special assessments have been apportioned among several lots and parcels of land subject to assessments in proportion to the special benefits accruing to said real estate respectively from such improvements.

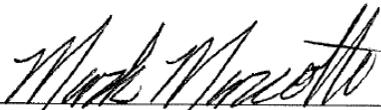
Such special assessments shall be a lien upon the real estate on which they are levied from the date of passage of this Resolution and shall be certified by the City Clerk-Treasurer and collected with any unpaid portion of assessments being certified to the County Clerk of Otoe County for entry upon the proper tax list. Such assessments shall be payable to the City Clerk-Treasurer.

These special assessments shall be due in fifty (50) days after the passage of this Resolution and may be paid within that time without interest, but if not paid, to bear interest thereafter at the rate of five-and-one-half percent (5.5%) per annum until delinquent; such assessments shall become delinquent in equal annual installments over a ten (10) year period. Delinquent installments shall be interest at the rate provided by state

law (14%) until paid and shall be collected in the usual manner for the collection of taxes. A certified copy of said assessment schedule, attached hereto, shall be filed by the Clerk-Treasurer at City Hall and with the County Clerk of Otoe County, Nebraska, as provided by law.

Passed and approved this 2nd day of November, 2015.


Bryan W. Bequette, Mayor

Attest: 
Mark Marcotte, City Clerk-Treasurer



Mayor Bequette introduced Resolution 2685-15 A Resolution of nuisance for property located at 300 S 13th Street. Alan Vogt spoke in opposition. Moved by Mayor Bequette and seconded by Johns to approve Resolution 2685-15 for passage after reading. Upon roll call, the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION 2685-15

BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA;

WHEREAS, the City entered a Plan of Action with property owner Alan Vogt on December 1, 2014, requiring certain repairs to his property at 300 S. 13th Street, Nebraska City, which plan is attached hereto and incorporated herein as Ex. A;

WHEREAS, those repairs were to be made pursuant to various time schedules, including a 30 Day Plan, 60 Day Plan, 90 Day Plan and 180 Day Plan;

WHEREAS, the Plan of Action provided that if the property owner failed to complete any of the plan objectives, the structure(s) may be considered by the City Council for demolition with the cost thereof being assessed to the owner and the property;

WHEREAS, the owner has not fixed all nuisances and issues of noncompliance with the International Residence Code and International Property Maintenance Code, and the property violates the City minimum standard housing ordinance;

NOW THEREFORE BE IT RESOLVED, that the residence located at 300 S. 13th Street, Nebraska City, Nebraska, is hereby declared to be in an unsafe condition and a nuisance. A copy of this determination shall be served upon the owner and upon any occupants of such residence. The residence must have all of the improvements made as listed in Ex. A to remedy the condition or be demolished within thirty (30) days from receipt hereof or the City shall have the right to make such improvements or demolish such structure and levy all costs as a special assessment against the land and have a lien on the real estate. Owner/Occupant may appeal to the Board of Appeals in writing to City Hall, 1409 Central Avenue, Nebraska City, Nebraska, within ten (10) days of service.

Passed and approved this 2nd day of November, 2015.

Bryan W. Bequette, Mayor

Attest: _____
Mark Marcotte, Clerk - Treasurer

Mayor Bequette introduced Ordinance #2969-15 entitled: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2015, IN THE AMOUNT OF THREE MILLION ONE HUNDRED SIXTY THOUSAND DOLLARS (3,160,000) FOR THE PAYMENT OF COSTS IN CONNECTION WITH THE CONSTRUCTION OF STREET IMPROVEMENTS IN A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF NEBRASKA CITY, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM and moved that the statutory rule requiring reading on three different days be suspended. Johns seconded the motion to suspend the rules and upon roll call, the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. The Motion to suspend was adopted by three-fifths of the council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Bequette moved for final passage of the ordinance, which motion was seconded by Johns. The Mayor then stated the question: "Shall Ordinance #2969-15 be passed and adopted?" Upon roll call, the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: 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 his signature thereto. A true and correct copy of said ordinance is as follows:

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2015, IN THE AMOUNT OF THREE MILLION ONE HUNDRED SIXTY THOUSAND DOLLARS (\$3,160,000) FOR THE PAYMENT OF COSTS IN CONNECTION WITH THE CONSTRUCTION OF STREET IMPROVEMENTS IN A CERTAIN STREET IMPROVEMENT DISTRICT WITHIN THE CITY OF NEBRASKA CITY, NEBRASKA; PROVIDING FOR A PAYING AGENT AND REGISTRAR OF THE NOTES; AGREEING TO ISSUE BONDS OR OTHER OBLIGATIONS TO PAY THE NOTES AND ACCRUED INTEREST AT MATURITY AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF NEBRASKA CITY, NEBRASKA:

Section 1. The Mayor and Board of the City of Nebraska City, Nebraska, hereby find and determine:

a) that the City has by ordinance previously authorized certain street improvements in the City designated Street Improvement District No. 2015-1 and has authorized the construction of certain street improvements pursuant to said district; that all actions, hearings and other required facts and conditions for the authorization of said district and the construction of improvements therein have occurred and have been determined as required by law;

b) that it is necessary and appropriate to construct, and the City is constructing, those street improvements designated in Section 1(a) above;

c) that the City is authorized to issue warrants to pay the costs of said improvements pursuant to Sections 16-623 and 16-626, R.R.S. Neb. 2012, as amended, and pursuant to Section 18-2003, R.R.S. Neb. 2012, as amended;

d) that in order to provide temporary financing to pay the cost of said improvements (including engineering costs) it is advisable for the City to issue notes in the total principal amount of \$3,160,000 to be designated Street Improvement Bond Anticipation Notes, Series 2015, in lieu of issuing warrants, pursuant to Section 10-137, Reissue Revised Statutes of Nebraska, 2012; and

e) that all acts and conditions exist or have occurred for the issuance of said bond anticipation notes, in lieu of issuing warrants.

Section 2. Notes to be designated Street Improvement Bond Anticipation Notes, Series 2015, in the amount of \$3,160,000, which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Treasurer prior to delivery, are hereby authorized to be

issued. The Notes shall be dated as of their date of delivery and shall bear interest at the rate of one and ten hundredths per centum (1.10%) per annum and become due on December 1, 2018. The Notes shall bear interest from the date of delivery until maturity or earlier redemption, with such interest payable semiannually on June 1 and December 1 starting June 1, 2016. Said notes are optional for prepayment at par plus accrued interest on December 1, 2016 or at any time thereafter. The City may select the Notes to be redeemed for such optional redemption in its sole discretion. Any Notes to be redeemed in part shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar designated in Section 4 hereof in exchange for a new Note evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the City 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 Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of said Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such note to be redeemed. If any Note or an interest payment thereon is not paid at maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. Said Notes shall be delivered to Ameritas Investment Corp, upon receipt of payment for said Notes, at the purchase price of 99.10%, plus accrued interest to the date of delivery. Said Notes are sold to the purchaser subject to the opinion of independent bond counsel that said Notes are lawfully issued; that said Notes constitute a valid obligation of the City; and that under existing laws and regulations, the interest on said Notes is exempt from both Nebraska state and federal income taxes.

Section 3. Said Notes shall be dated the date of their delivery, be executed on behalf of the City by being signed by the Mayor and the City Clerk, both of which signatures may be facsimile signatures, and shall have the City seal impressed on each Note. After being executed by the Mayor and City Clerk, said Notes shall be delivered to the Paying Agent and Registrar who shall register each note in the name of its initial registered owner as designated by the initial purchaser. Each Note shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Notes shall be issued initially as "book-entry only" notes using the services of The Depository Trust Company (the "Depository"), with one typewritten Note per maturity being issued to the Depository. In such connection said officers of the City are authorized to execute and deliver a letter of representations and inducement (the "Letter of Representations") in the form required by the Depository, for and on behalf of the City (including any blanket letter previously executed), which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon 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 “Note Participant”) or to any person who is an actual purchaser of a Note from a Note 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 Note Participant with respect to any ownership interest in the Notes;

(ii) the delivery to any Note 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 Note 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 to 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 ultimate 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 Note 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; or

(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 and the terms of the Paying Agent and Registrar's Agreement (if any).

(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 or upon termination by the City of book-entry-only form, the City shall immediately provide a supply of note certificates for issuance upon 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 note certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of note certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting officers. 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 Notes shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 4. All Notes authorized by this ordinance shall be fully registered notes pursuant to Section 10-135 R.R.S. Neb. 2012. The Treasurer of the City is hereby designated as Paying Agent

and Registrar for the Notes. Said Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes at its office in Nebraska City, Nebraska. The names and registered addresses of the initial registered owner or owners of the Notes shall be recorded in such books prior to the issuance thereof. Any Note may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of the Note for notation of transfer, accompanied by a written instrument of transfer, in form satisfactory to such 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 will register the transfer upon the registration books and make notation thereof on the Note and deliver the same to the transferee registered owner (or send it by registered mail to the transferee owner at such owner's risk and expense). The City Treasurer is hereby authorized and directed to transfer, from any monies of the City available for the purpose, funds required to pay interest and principal on the Notes when and as the same become due, to the Paying Agent and Registrar on or before each interest and principal payment date. Payment of interest, except for payment of interest at maturity or upon redemption, shall be mailed to the registered owners of the Notes as of the record date for each interest payment date. The record date shall be the close of business on the fifteenth day of the month immediately preceding the month in which each interest payment date occurs. The principal, together with accrued interest then due, shall be payable at maturity or on redemption prior to maturity upon presentation and surrender of each Note at the office of the Paying Agent and Registrar in Nebraska City, Nebraska. The City and the Paying Agent and Registrar shall not be required to transfer Notes during any period from any record date until its immediately following interest payment date or to transfer any Notes called for redemption for a period of thirty days next preceding any date fixed for redemption prior to maturity.

Section 5. The fully registered Street Improvement Bond Anticipation Notes, Series 2015, shall be in substantially the following form:

CITY OF NEBRASKA CITY, NEBRASKA
STREET IMPROVEMENT
BOND ANTICIPATION NOTE
SERIES 2015

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Delivery</u>	<u>CUSIP No.</u>
1.10%	December 1, 2018	December 3, 2015	

Registered Owner: _____

Principal Amount: _____

The City of Nebraska City, Nebraska, hereby promises to pay to the registered owner specified above the sum specified above on the maturity date specified above, together with interest thereon from the date of delivery hereof until maturity (or earlier redemption) at the rate per annum specified above, payable semiannually on June 1 and December 1 starting June 1, 2016. The interest hereon shall be paid on each interest payment date by the Treasurer of the City of Nebraska City, Nebraska, as Paying Agent and Registrar, by wire transfer, check or draft mailed to the registered owner hereof designated as of the close of business on the fifteenth day of the month immediately preceding the month in which the interest payment date occurs, at such owner's registered address as it appears on the books of registration of the City as maintained by said Paying Agent and Registrar. The principal of this Note and the interest due at maturity or upon call for redemption prior to maturity are payable on presentation and surrender to said Paying Agent and Registrar at its office in Nebraska City, Nebraska. If this Note or any interest installment hereon is not paid upon maturity or due date, the Note or interest installment shall bear interest thereafter until paid at a rate equal to the rate assessed against delinquent taxes under Section 45-104.01 R.R.S. Nebraska, 2010, as now existing or as the same may be amended from time to time by the Nebraska Legislature. This Note and interest accruing hereon shall be payable from funds received by the City from the issuance and sale of its Various Purpose Bonds or other bonds and is optional for payment on December 1, 2016 or at any time thereafter at par plus accrued interest. This Note is one of an issue of \$3,160,000 in total principal amount issued pursuant to Ordinance No. _____. All of the provisions and agreements of said Ordinance are by reference made a part of this instrument and all such agreements accrue to the registered owner of this Note. This Note shall not be a debt of the City of Nebraska City within the meaning of any constitutional, statutory or charter limitation upon the creation of general obligation indebtedness of said City and said City shall not be liable for the payment of the principal thereof out of any money of the municipality other than from proceeds of the issuance of Various Purpose Bonds or other bonds, as aforesaid, or other funds of the City available to pay interest on said Note or a portion of the cost of the project so as to reduce the required financing.

This note 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 note, and thereupon a new note or notes 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 notes, subject to the limitations therein prescribed. The City, its Paying Agent and Registrar and any other person may treat the person in whose name this note is registered as the absolute owner hereof for the purpose of receiving payment hereof and for all purposes and shall not be affected by any notice to the contrary, whether this note be overdue or not.

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 PAYING AGENT AND 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 PAYING AGENT AND REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE PAYING AGENT AND 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.

This note shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IN WITNESS WHEREOF, the Mayor and Board of the City have caused this note to be executed on behalf of the City by being signed by the Mayor and Clerk of the City, both of which signatures may be facsimile signatures, and by causing the official seal of the City to be affixed hereto all as of the date of delivery shown above.

CITY OF NEBRASKA CITY, NEBRASKA

By _____ (Do not sign)
Mayor

ATTEST:

(Do not sign)
City Clerk
(S E A L)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes authorized by an ordinance passed and approved by the Mayor and Board of the City of Nebraska City as described in said notes.

(Do not sign)
Treasurer, City of Nebraska City, as Paying
Agent and Registrar

(FORM OF ASSIGNMENT)

For value received _____ hereby sells, assigns and transfers unto
_____ the within note 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

SIGNATURE GUARANTEED

By _____

Authorized Officer

Note: The signature(s) of this assignment MUST CORRESPOND with the name as written on the face of the within note in every particular without alteration, enlargement or any change whatsoever, and must be guaranteed by a commercial bank or a trust company or by a firm having membership on the New York, Midwest or other stock exchange.

Section 6. 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 to provide for the permanent financing of such improvements. The City further 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 Notes, both principal and interest, at or prior to maturity, to the extent not paid from other sources. Additional Street Improvement Bond Anticipation Notes can be authorized if deemed necessary by the Board by appropriate ordinance.

Section 7. The proceeds of the Notes will be used to pay the cost of construction of improvements as set out in Section 1.

Section 8. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Bonds, agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

- (a) not later than nine months after the end of each fiscal year of the City (the "Delivery Date"), financial information or operating data for the City generally consistent with the information set forth in the Introductory Section and the statistical Section of the City's Comprehensive Annual Financial Report ("Annual Financial Information");
- (b) when and if available, audited financial statements for the City; audited financial information shall be prepared on the basis of generally accepted accounting principles; and
- (c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:
 - (1) principal and interest payment delinquencies;
 - (2) non-payment related defaults, if material;
 - (3) unscheduled draws on debt service reserves reflecting financial difficulties (no debt service reserve has been established with respect to the Bonds);
 - (4) unscheduled draws on credit enhancements reflecting financial difficulties (no credit enhancement has been established with respect to the Bonds);
 - (5) substitution of credit or liquidity providers, or their failure to perform (there is no credit or liquidity provider for the Bonds);

- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability (not applicable to the Bonds), Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of the holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above.

- (d) in a timely manner, notice of any failure on the part of the City to provide Annual Financial Information not later than the Delivery Date.

The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be provided for filing in such format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the specific types of information provided or the format of the presentation of such information or the accounting methods in accordance with which such information is presented, to the extent necessary or appropriate in the judgment of the City, consistent with the Rule. The City agrees that such covenants are for the benefit of the registered owners of the Bonds (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Bonds remain outstanding.

Section 9. The Board hereby approves on behalf of the City the preliminary Official Statement prepared with respect to the Notes and hereby authorizes the Mayor and Clerk or either of them to approve, execute and deliver on behalf of the City a final Official Statement relating to and describing the Notes. The officers of the City are further authorized to take any and all actions deemed necessary by them in connection with the carrying out and performance of the terms of this Ordinance.

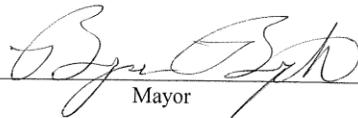
Section 10. The City of Nebraska City, Nebraska, hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said Note issue, including monies held in any sinking fund for the payment of said Notes, which would cause said Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103 and 148 and all applicable regulations thereunder throughout the term of said Note issue, including payment and reporting of rebate amounts as and to the extent required by law and applicable regulations. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax-exempt status of interest payable on the Notes with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the Notes 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 anticipate issuing tax-exempt obligations in calendar 2015 in an amount in excess of \$10,000,000.

Section 11. In order to promote compliance with certain federal tax and securities laws relating to the bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 12. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 2nd day of November, 2015.

ATTEST:


Mayor


City Clerk

(SEAL)



Moved by Commissioner Stark and seconded by Johns to approve request from Ted Beilman authorizing the Mayor to sign a letter of support for the application to list the Nebraska City Veterans Memorial Building on the Nebraska Historical Resources Inventory and the National Register of Historical Places. Upon roll call, the following voted YES: Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Johns to approve BPW recommended Lease Agreement with Unite Private Network for installation of a telecommunications hut on the site of Nebraska City Utilities Power Plant #2 North of Syracuse and authorize Mayor to sign. Upon roll call, the following voted YES: Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2686-15 A Resolution amending Step Pay Schedule to increase Recreation Director compensation. Moved by Mayor Bequette and seconded by Johns to table Resolution 2686-15 until next council meeting so Commissioner Crunk can be present. Upon roll call, the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Stark to table request from NDEQ that Kennedy/Jenks Consultants perform a Tier-2 groundwater investigation at the former Wichita Coca-Cola site in Nebraska City be postponed until we can get an agreement between them on the

timeframe and more detail and City Attorney so direct. Upon roll call, the following voted YES: Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Johns to table consideration of approving Nebraska Community Energy Alliance Interlocal Cooperation Agreement. Upon roll call, the following voted YES: Stark, Johns and Mayor Bequette. Voting NO: None. Motion carried.

Police Chief, David Lacy, spoke on behalf of the Police Department about No Shave November bringing awareness to cancer victims who frequently lose their hair and raising money for the American Cancer Society.

With Veterans Day approaching, Mayor Bequette thanked all Veterans for their Service.

Meeting Adjourned at 7:15 P.M.

AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing 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 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.

Mark E. Marcotte, City Clerk-Treasurer