

CITY OF NEBRASKA CITY, NEBRASKA  
 MINUTES OF CITY COUNCIL REGULAR MEETING  
 March 7, 2016

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 March 7, 2016. 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, Jeff Crunk, Vic Johns, Gloria Glover and Mayor Bequette. Absent: None. The following City Officials were present: City Administrator Grayson Path, City Clerk-Treasurer Mark Marcotte, City Attorney David Partsch, Police Chief David Lacy, Recreation Director Scooter Edmisten, Library Director Rasmus Thøgersen and Public Properties Director/Zoning Director Dan Güttinger.

Mayor Bequette moved to approve the following consent items:  
 Minutes of the February 15, 2016, City Council Regular Meeting.  
 Accepting the report of new claims against the City and approving disposition of claims set for the period of February 13, 2016 to March 4, 2016.  
 SDL to Tyson Hermann – Bings Sports Bar fir Fund Raiser Event at NC Softball Complex on April 29,2016 from 2pm to midnight and April 30, 2016 from 8am to midnight.  
 Request from NC Youth Wrestling to allow parking on both sides of Steinhart Park Road on March 13, 2016 for Annual Wrestling Tournament.  
 BPW recommended Electric Work Order# 198 in the estimated amount of \$10,467.45 for providing power to the existing building and new addition of the Church of Christ at 1102 S 11<sup>th</sup> Street.  
 State of Nebraska Department of Economic Development Community Development Block Grant Program 2<sup>nd</sup> amendment to Contract No. 13-CIS-103 and authorize Mayor to sign.  
 Release of Lien for properties located at 1502 5<sup>th</sup> Corso, 1205 S 15<sup>th</sup> St. and 1422 12<sup>th</sup> Corso.  
 Sludge Application Permit for Gordon Andersen and the City of Omaha.  
 Motion seconded by Commissioner Johns. Upon roll call the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Abstain: None. Motion carried.

CLAIMS LIST					
March 7, 2016					
Adkins Signs	Sup	177.50	Miller Monroe Farr	Ins	53.33
Alamar Uniforms	Unif	295.95	Miller Seed	Sup	298.70
American Recycling	Contr	4780.30	Mullenax Auto Supp	Rep	81.37
Applied Concepts	Equip	995.00	NAPA AUTO PARTS	Rep	294.20
Arbor Mart, Inc	Fuel	1686.93	Naples Bay Golf	Mdse	102.00
AVAC	Contr	347.76	Nationwide	Inv	24758.91
Arrow Int.	Sup	240.03	National Arbor Day	Dues	15.00
Arrow Man.	Rep	11.50	NC Area Econ Devel	Contr	1575.00
Asphalt & Concrete	Sup	147.62	NC Museum Assoc	LB840	16000.00
Bar-B-Q Cooking	Misc	1276.00	NC Museum Assoc	Contr	2406.25
Benefiel Truck Rep	Rep	653.58	NC News Press	Adv	533.46
Richard D. Bennett	Sup	685.82	NCTC	LB840	5000.00
Berry	Adv	22.80	NCTC	Contr	7083.33
Bill Walters & Son	Rep	57.36	NE Dept of Roads	Contr	42427.59
BKD	Audit	2000.00	NE Law Enforcement	Traing	80.00
Bob's Welding Shop	Rep	467.00	NE PGA	Dues	55.00
Bohl Plumbing and	Misc	257.07	NE Planning & Zoning	Dues/Training	220.00
Bound Tree Medical	Sup	1672.77	NE Public Health Env	Contr	105.00
Bridgestone Golf,	Mdse	64.40	NE Salt & Grain	Sup	1603.50
Brown's Shoe Fit C	Unif	50.00	North Star Constru	Contr	6980.00
BSN Sports	Sup	472.00	O'Reilly Auto Part	Rep	219.23
Callaway Golf	Mdse	2827.64	Orschlen	Misc	44.35
Casey's	Fuel	105.26	Otoe County Clerk	Contr	1302.00
Cede and Company	Int	1260.00	Otoe County Treas	Taxes	2603.90
Chemsearch	Sup	189.38	Paap, T.	Rfnd	25.00

Consolidated Manag	Training	175.50	Payroll	Payroll	254728.99
Double Eagle	Bev	241.90	Path, G.	Mileage	65.67
Eakes Office Solut	Sup	475.90	Plager, L.	Rfnd	25.00
EMS Billing Servic	Contr	4038.94	Productivity Plus-Titan	Rep	1963.61
Fareway Stores, In	Conc	97.27	River City Transp	Sup	385.00
Fastenal Company	Sup	23.85	Royaltees Golf	Mdse	113.22
FELD Fire	Rep	955.88	Schneider Electric	Rep	255.85
Fireguard	Rep	1976.71	Schumacher, G.	Mileage	815.01
Gatehouse Media NE	Adv	17.57	Southeast Nebr. De	Contr	5486.96
Giittinger, D.	Mileage	26.56	Spiral	Tele	1153.09
Holman, J.	Mileage	163.85	Stutheit Implement	Sup	110.90
Hopkins Automotive	Sup	10.00	The Toolkit Group	Training	301.00
Jochim, L.	Rfnd	200.00	Tielke's Sandwiches	Conc	83.28
Johnny's Cycle	Rep	113.95	Tom's Radio	Contr	900.00
Jones Automotive,	Rep	8.00	Top Quality Glove	Sup	54.50
K & Z Distributing	Bev	199.20	Traffic Safety	Equip	1334.00
Lacy, D.	Meal	10.03	UHC-HRA	Ins	3188.05
Landis Engine Comp	Rep	422.76	Unifirs	Contr	106.32
Lincoln Marriot	Confrence	238.00	Van Wall Turf & Irr	Rep	203.19
Linke, K.	Rfnd	25.00	Vasa Construction	Rfnd	200.00
Matheson Tri-Gas	Sup	800.53	Verizon	Tele	250.71
Mead Lumber	Sup	67.06	Viox, A.	Fuel	10.00
Mercer's	Rep	149.38	Westlake	Sup	89.31
Midwest Farmers Co	Sup	86.94	Windstream,Inc.	Tele	163.20
Midwest Turf and I	Rep	858.26			

Mayor Bequette brought forward the appointment of Mr. Randy Dunster for the position of City Clerk-Treasurer. Mr. Dunster is a graduate of Brigham Young University, has experience in banking bookkeeping and years of customer service and training. Upon roll call, the following voted YES: Glover, Johns, Stark and Mayor Bequette. Voting NO: Crunk. Motion carried.

Mayor Bequette proclaimed the Month of March, 2016 as Problem Gambling Awareness Month.

Mayor Bequette proclaimed March 18, 2016 as Natural Gas Utility Workers Day.

Moved by Commissioner Stark and seconded by Commissioner Crunk to approve scoreboard replacement for Steinhart Park middle diamond by the Nebraska City Ball Field Improvement Association. Upon roll call, the following voted YES: Glover, Johns, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Mayor Bequette and seconded by Commissioner Stark to renew and allow Chief Lacy to enter into a contract with Action Technology Services for the 2015–2016 contractual calendar. Upon roll call, the following voted YES: Crunk, Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Resolution 2694-16; Change to City Personnel Policy Manual. Moved by Commissioner Johns and seconded by Stark to approve Resolution 2694-16; Change to City Personnel Policy Manual. After further discussion, Commissioner Crunk withdrew his second. Commissioner Stark moved to approve Resolution 2694-16; Change to City Personnel Policy Manual amended as: Striking section 2.1(a)4 and Section 3. Upon roll call, the following voted YES: Glover, Crunk, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said amended resolution is as follows:

#### RESOLUTION NO. 2694-16

WHEREAS, the Mayor and Commissioners of the City of Nebraska City, Nebraska, have previously adopted and revised a Personnel Manual for the employees of the City of Nebraska City, and,

WHEREAS, the Personnel Manual is periodically updated as needed to reflect the current policies of the City affecting its employees, and

WHEREAS, the City administration and Department Heads are recommending changes to certain provisions of the Manual to make the Manual consistent with the City's current

practice on drug testing of new hires and also to allow lifeguards to be no less than fifteen (15) years of age.

NOW THEREFORE, Be It Resolved by the Mayor and Commissioners of the City of Nebraska City:

Section 1. That Section 2.1 of the Personnel Manual of the City of Nebraska City, Nebraska last revised May 4, 2015, is hereby amended to read as follows:

**“SECTION 2: EMPLOYMENT POLICIES**

**2.1 PROCEDURES**

(a) Applicants for employment must:

- (1) be citizens of the United States or have filed for citizenship and be able to produce documents to establish identity and employment eligibility as required by the United States Citizenship and Immigration Services Form I-9;
- (2) be at least sixteen (16) years of age, unless applying to be a lifeguard, in which case Applicants must be at least fifteen (15) years of age;
- (3) be physically fit for the performance of the duties of the position for which application is made;
- (4) be of good moral character.”

Section 2. That the first sentence of Section 5.2(a) of the Personnel Manual of the City of Nebraska City, Nebraska last revised May 4, 2015, is hereby amended to read as follows:

- (a) The City of Nebraska City has established a defined contribution, money purchase thrift, pension plan for the exclusive benefit of its regular full-time employees who are at least twenty-one (21) years of age. ...

Section 3. That such revised Manual, shall be published in pamphlet form with the original to be maintained in the office of the City Clerk-Treasurer, and copies to be made available to all employees of the City.

Passed and Approved this 7<sup>th</sup> day of March, 2016.

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Bryan Bequette, Mayor

Attest:

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Mark Marcotte, City Clerk-Treasurer

Mayor Bequette introduced Ordinance #2976-16 entitled: AN ORDINANCE AMENDING SECTION 24-156 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Stark seconded the motion to suspend the rules and upon roll call, the following voted YES: Glover, Johns, Crunk, Stark 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 Stark. The Mayor then stated the question: "Shall Ordinance #2976-16 be passed and adopted?" Upon roll call, the following voted YES: Crunk, Johns, Glover, Stark 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:

ORDINANCE NO. 2976-16

AN ORDINANCE AMENDING SECTION 24-156 OF THE CODE OF THE CITY OF NEBRASKA CITY, NEBRASKA; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEBRASKA CITY, OTOE COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. AMENDMENT:**

That Section 24-156 of the Code of the City of Nebraska City, Nebraska, is hereby amended to read as follows:

**Sec. 24-156. - Definitions**

**For purposes of this article:**

- (1) *Child care facility* means a facility licensed pursuant to the Child Care Licensing Act;**
- (2) *School* means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;**
- (3) *Reside* means to sleep, live, or dwell at a place, which may include more than one (1) location, and may be mobile or transitory;**
- (4) *Residence* means a place where an individual sleeps, lives, or dwells, which may include more than one (1) location, and may be mobile or transitory;**
- (5) *Sex offender* means an individual who has been convicted of a crime listed in Neb. Rev. Stat. Section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and**
- (6) *Sexual predator* means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. Section 29-4001.01, and who has victimized a person eighteen (18) years of age or younger.**

**SECTION 2. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 3. PUBLICATION AND EFFECTIVE DATE:**

This ordinance is adopted and approved for publishing in pamphlet form, and shall be in

full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Nebraska City Municipal Code and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this 7<sup>th</sup> day of March, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk-Treasurer

Moved by Commissioner Stark and seconded by Commissioner Crunk to approve three year agreement with Continuum EAP program and authorize the Mayor to sign. Upon roll call, the following voted YES: Johns, Glover, Crunk, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Moved by Commissioner Stark and seconded by Commissioner Johns to approve the bid from ME Collins for construction of South 11<sup>th</sup> Street Project in the total of \$1,799,806.80. Jeff Sockel, representing Alfred Benesch and Co., presented their recommendation of ME Collins for the project. Upon roll call, the following voted YES: Glover, Crunk, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried.

Mayor Bequette introduced Ordinance #2977-16 entitled: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2016, IN THE PRINCIPAL AMOUNT OF TWO MILLION TWENTY THOUSAND DOLLARS (\$2,020,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTION PAVING IMPROVEMENTS IN 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. Stark seconded the motion to suspend the rules and upon roll call, the following voted YES: Crunk, Johns, Glover, Stark 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 Stark. The Mayor then stated the question: "Shall Ordinance #2977-16 be passed and adopted?" Upon roll call, the following voted YES: Johns, Glover, Crunk, Stark 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:

ORDINANCE NO. 2977-16

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2016, IN THE PRINCIPAL AMOUNT OF TWO MILLION TWENTY THOUSAND DOLLARS (\$2,020,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS IN 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 Commissioners of the City of Nebraska City, Nebraska, hereby find and determine:

a) that the City has by Ordinance created Street Improvement District No. 2016-1 (the "Street Improvement District" or "the District") and has authorized the construction of certain street improvements with said District (the "District Improvements"); that the District Ordinance remains in full force and effect and has not been modified, repealed or amended; that the District Improvements have not heretofore been constructed; and that all actions, notice, hearings and other required facts and conditions for the creation of said District and the construction of the District Improvements therein have occurred and have been determined as required by law;

b) that it is and remains necessary and appropriate to construct, and the City is constructing the District Improvements within the Street Improvement District;

c) that the City is authorized to issue warrants to pay the costs of said District Improvements pursuant to Sections 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 District Improvements (including engineering costs) it is advisable for the City to issue notes in the total principal amount of \$2,020,000 to be designated street improvement bond anticipation notes, in lieu of issuing warrants, pursuant to Section 10-137, R.R.S. of Nebraska, 2012; and

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

Section 2. Notes to be designated Street Improvement Bond Anticipation Notes, Series 2016, in the aggregate principal amount of \$2,020,000 (the "Notes"), which shall be in denominations of \$5,000 each or any integral multiple thereof as determined by the City Clerk-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 seventy hundredths per centum (0.70%) per annum and become due on March 15, 2017. The Notes shall bear interest from the date of delivery until maturity or earlier redemption, with such interest payable September 15, 2016, and at maturity. 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% of the principal amount thereof, 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-Treasurer, 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-Treasurer, 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 Clerk-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

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(or send it by registered mail to the transferee owner at such owner's risk and expense). The City Clerk-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 2016, shall be in substantially the following form:

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CITY OF NEBRASKA CITY, NEBRASKA  
STREET IMPROVEMENT  
BOND ANTICIPATION NOTE  
SERIES 2016

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Delivery</u>	<u>CUSIP No.</u>
0.70%	March 15, 2017	April 12, 2016	

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 commencing September 15, 2016, and at maturity. The interest hereon shall be paid on each interest payment date by the Clerk-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 last 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 \$2,020,000 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 Commissioners of the City have caused this note to be executed on behalf of the City by being signed by the Mayor and Clerk-Treasurer 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-Treasurer  
(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 Commissioners of the City of Nebraska City as described in said notes.

\_\_\_\_\_  
(Do not sign)  
Clerk-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 for the costs of the District Improvements as set out in Section 1 hereof.

Section 8. The Board of Commissioners hereby approves (and declares final) on behalf of the City the preliminary Official Statement prepared with respect to the notes and hereby authorizes the Mayor and Clerk-Treasurer 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 9. 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 notes, 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 notes);

- (4) unscheduled draws on credit enhancements reflecting financial difficulties (no credit enhancement has been established with respect to the notes);
- (5) substitution of credit or liquidity providers, or their failure to perform (there is no credit or liquidity provider for the notes);
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability (not applicable to the notes), Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the notes, or other material events affecting the tax status of the notes;
- (7) modifications to rights of the holders of the notes, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the notes, 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.

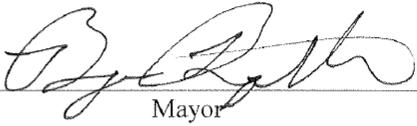
The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be provided for filing in such format and accompanied by such identifying information as shall be prescribed by the MSRB. The City reserves the right to modify from time to time the 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 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. 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 2016 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 notes herein authorized (as well as other outstanding bonds) the City has previously adopted "Post-Issuance Compliance Policy and Procedures".

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

PASSED AND APPROVED this 7th day of March, 2016.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk-Treasurer

(S E A L)



Mayor Bequette introduced Resolution 2695-16; Final Design Services Agreement, Supplement No. 2 – BK1266. Moved by Mayor Bequette and seconded by Stark to approve Resolution 2695-16; Final Design Services Agreement, Supplement No. 2 – BK1266. Upon roll call, the following voted YES: Crunk, Johns, Glover, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

**RESOLUTION**  
**FINAL DESIGN SERVICES AGREEMENT**  
**SUPPLEMENTAL AGREEMENT NO. 2 – BK1266**

CITY OF NEBRASKA CITY

Resolution No. 2696-16

**Whereas:** City of Nebraska City and Alfred Benesch & Company, have previously executed a Preliminary Engineering Services Agreement (EK1266) for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**Whereas:** City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of this Federal-aid project; and

**Whereas:** City of Nebraska City and Alfred Benesch & Company wish to enter into a final design engineering services supplemental agreement setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Nebraska City, Nebraska that:

Bryan Bequette, Mayor of City of Nebraska City is hereby authorized to sign the attached Final Design Engineering Services Supplemental Agreement No. 2 between the City of Nebraska City and Alfred Benesch & Company.

NDOR Project Number: URB-6217(4)

NDOR Control Number: 13150

NDOR Project Description: 4<sup>th</sup> Corso Viaduct

Adopted this 7th day of March, 2016 at City Hall in Nebraska City, Nebraska.

The City Council of City of Nebraska City, Nebraska:

<u>Mayor Bryan Bequette</u>	<u>Commissioner Vic Johns</u>
<u>Commissioner Jim Stark</u>	<u>Commissioner Gloria Glover</u>
<u>Commissioner Jeff Crunk</u>	

Board/Council Member Mayor Bequette  
Moved the adoption of said resolution  
Member Jim Stark Seconded the Motion  
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent  
Resolution adopted, signed and billed as adopted

Attest:

  
\_\_\_\_\_  
Signature City Clerk – Mark Marcotte



Mayor Bequette introduced Resolution 2696-16; Supplemental Project Program Agreement No. 2 – BM 1118. Moved by Mayor Bequette and seconded by Johns to approve Resolution 2696-16; Supplemental Project Program Agreement No. 2 – BM 1118. Upon roll call, the following voted YES: Stark, Crunk, Glover, Johns and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION

SUPPLEMENTAL PROJECT PROGRAM AGREEMENT NO. 2 – BM1118

City of Nebraska City

Resolution No. 2696-16

**Whereas:** City of Nebraska City and Nebraska Department of Roads (NDOR) have previously executed Project Program Agreement BM1118 for a transportation project for which the Local Public Agency (LPA) would like to obtain Federal funds;

**Whereas:** City of Nebraska City understands that it must continue to strictly follow all Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project; and

**Whereas:** City of Nebraska City and NDOR wish to enter into Supplemental Project Program Agreement No. 2 setting out modifications and/or additional duties and/or funding responsibilities for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Nebraska City, Nebraska that:

Bryan Bequette, Mayor of the City of Nebraska City, Nebraska is hereby authorized to sign the attached Project Program Supplemental Agreement No. 2 between the City of Nebraska City and the NDOR.

City of Nebraska City is committed to providing local funds for the project as required by the Project Program Agreement and any Supplemental Project Program Agreements.

NDOR Project Number: ENH-66(34)

NDOR Control Number: 13055

Project Location: Nebraska City Steinhart Park Trail – Phase 2

Adopted this 7th day of March, 2016 at Nebraska City Nebraska.  
(Month) (Year)

The City Council of the City of Nebraska City, Nebraska

<u>Mayor Bryan Bequette</u>	<u>Commissioner Vic Johns</u>
<u>Commissioner Jim Stark</u>	<u>Commissioner Gloria Glover</u>
<u>Commissioner Jeff Crunk</u>	

Board/Council Member Mayor Bequette  
Moved the adoption of said resolution  
Member Johns Seconded the Motion  
Roll Call: 5 Yes 0 No 0 Abstained 0 Absent  
Resolution adopted, signed and billed as adopted

Attest:

  
Signature of City Clerk



Mayor Bequette introduced Resolution 2697-16; Signing of a Professional Construction Services Agreement. Moved by Commissioner Stark and seconded by Johns to approve Resolution 2697-16; Signing of a Professional Construction Services Agreement. Upon roll call, the following voted YES: Glover, Crunk, Johns, Stark and Mayor Bequette. Voting NO: None. Motion carried. A true and correct copy of said resolution is as follows:

RESOLUTION

SIGNING OF A PROFESSIONAL CONSTRUCTION SERVICES AGREEMENT

City of Nebraska City

Resolution No. 2697-16

**Whereas:** City of Nebraska City is developing a transportation project for which it intends to obtain Federal funds;

**Whereas:** City of Nebraska City as a sub-recipient of Federal-Aid funding is charged with the responsibility of expending said funds in accordance with Federal, State and local laws, rules, regulations, policies and guidelines applicable to the funding of the Federal-aid project;

**Whereas:** City of Nebraska City and The Schemmer Associates, Inc. wish to enter into a Professional Construction Engineering Services Agreement to provide construction engineering services for the Federal-aid project.

**Be It Resolved:** by the City Council of the City of Nebraska City, Nebraska that:

Bryan Bequette, Mayor of the City of Nebraska City, is hereby authorized to sign the attached construction engineering services agreement between the City of Nebraska City, Nebraska and The Schemmer Associates, Inc.

NDOR Project Number: ENH-66(34)

NDOR Control Number: 13055

NDOR Project Description: Nebraska City Steinhart Trail, Phase II

Adopted this 7th day of March, 2016 at Nebraska City, Nebraska.  
(Month)

The City Council of the City of Nebraska City, Nebraska

<u>Mayor Bryan Bequette</u>	<u>Commissioner Vic Johns</u>
<u>Commissioner Jim Stark</u>	<u>Commissioner Gloria Glover</u>
<u>Commissioner Jeff Crunk</u>	

Board/Council Member Jim Stark  
 Moved the adoption of said resolution  
 Member Vic Johns Seconded the Motion  
 Roll Call: 5 Yes 0 No 0 Abstained 0 Absent  
 Resolution adopted, signed and billed as adopted

Attest:

  
 \_\_\_\_\_  
 Signature City Clerk



Meeting Adjourned at 7:16 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.

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Mark E. Marcotte, City Clerk-Treasurer