

**CITY OF BROKEN BOW**  
**CITY COUNCIL AGENDA**  
**April 26<sup>th</sup>, 2016 @ 12:00 NOON**  
**City Hall Council Chambers**  
**314 South 10<sup>th</sup> Avenue, Broken Bow, NE**

**Call to Order**

**A. Roll Call**

**B. Pledge of Allegiance**

**C. Open Meeting Law:** A current copy of the Open Meetings Act is posted on the North wall in the rear of the Council Chambers and is available for review by all citizens in attendance.

**D. Consent Agenda:** The Mayor & Council will review and may or may not approve the consent agenda items for April 26<sup>th</sup>, 2016, which will include the following:

- a. Approval of Minutes of April 12<sup>th</sup>, 2016 Council Meeting [Hyperlink](#)
- b. Approval of Bills as Posted [Hyperlink](#)
- c. Approval of Fireworks Application for Broken Bow Volunteer Fire Department [Hyperlink](#)

**E. Other Communications:**

- a. **Arbor Day Proclamation** – [Hyperlink](#)

**F. New Business:**

- a. **Resolution 2016-20 – Swimming Pool Bonds** – May or may not vote to approve calling of the swimming pool bonds. [Hyperlink](#)
- b. **Public Hearing on Swimming Pool Refunding Bond** – May or may not vote to open a public hearing on the Swimming Pool Refunding Bond. [Hyperlink](#)
- c. **Waive the Three Readings** – May or may not vote to waive the three readings of Ordinance 1144 – Swimming Pool Refunding Bond.
- d. **Ordinance 1144 – Swimming Pool Refunding Bond** – May or may not vote to approve refunding of the swimming pool bonds. [Hyperlink](#)
- e. **Public Hearing on Downtown Street Improvement Anticipation Note Bonds** – May or may not vote to open a public hearing on the Downtown Street Improvement Anticipation Note Bonds. [Hyperlink](#)
- f. **Waive the Three Readings** – May or may not vote to waive the three readings of Ordinance 1145 – Downtown Street Improvement Anticipation Note Bonds.
- g. **Ordinance 1145 – Downtown Street Improvement Anticipation Note Bonds** – May or may not vote to approve financing of the downtown street improvement with anticipation note bonds. [Hyperlink](#)

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- h. **Public Hearing on Amending Ordinance 2013-1138** – May or may not vote to open a public hearing on the Mandatory Monthly Trash Removal Assessments. [Hyperlink](#)
- i. **Waive the Three Readings** – May or may not vote to waive the three readings of Amended Ordinance 2013-1138 – Mandatory Monthly Trash Removal Assessments.
- j. **Amend Ordinance 2013-1138 – Mandatory Monthly Trash Removal Assessments** – May or may not vote to amend the amount for small business trash removal from \$26.75 to \$26.25. [Hyperlink](#)
- k. **Resolution 2016-21 – 2015 Downtown Improvements** – May or may not vote to approve payment number 14 to JEO Consulting Group, Inc. in the amount of \$25,087.50 for work completed through April 8, 2016 on the 2015 Downtown Improvements. [Hyperlink](#)
- l. **Playground Equipment Bid** – May or may not vote to approve advertising for bids for new playground equipment in the square.
- m. **Temporary Closure of North C Street** – May or may not vote to approve the temporary closure of the east half of North C Street between 6<sup>th</sup> and 7<sup>th</sup> Avenue for the BRAN event on June 6<sup>th</sup>, 2016. [Hyperlink](#)

**G. Comments by Mayor and Council Members Concerning City Departments.**

**H. Public Comment Period:** The Mayor and Council will hear comments about any items not on the agenda. Every person speaking during the meeting shall come to the podium and state his or her name and postal address. All citizen remarks or questions shall be directed to the Mayor, who will determine by whom the response shall be made. In order to assure appropriate communication, persons are asked to limit any comments to five minutes.

**I. Closed Session** – May or may not vote to enter closed session to discuss a potential litigation.

**J. Adjournment**

*The Council reserves the right to enter into closed session pursuant to law.*

**Upcoming Events**

- ❖ **May 2<sup>nd</sup>** – Park Board Meeting at 5:10 pm@ Municipal Building
- ❖ **May 4<sup>th</sup>** - Planning Commission Meeting at 12:00 pm@ Municipal Building

*The next City Council Meeting will be on May 10<sup>th</sup>, 2016 @ 12:00 pm.*

**Broken Bow City Council  
Meeting Minutes  
April 12<sup>th</sup>, 2016**

The Broken Bow City Council met in regular session on Tuesday, April 12<sup>th</sup>, 2016. Notice of the meeting was given in advance thereof as required by law. Availability of the agenda and related materials was communicated in the advanced notice to the Mayor and all members of the Council, as well as, shared with various media outlets. All proceedings hereafter shown were taken while the meeting was open to the attendance of the public.

Mayor Burt called the meeting to order at 12:01 P.M., with the following Councilmembers present; Schall, Neth, Adams, and Sonnichsen. Absent: None. Following the pledge of allegiance, Mayor Burt announced the availability of the open meetings law.

Moved by Schall, seconded by Neth, to approve the consent agenda for April 12<sup>th</sup>, 2016.

Said motion includes approval of Minutes of the March 29<sup>th</sup>, 2016 Council Meeting, Bills to Date, and March Treasurer's Report. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Motion carried.

Aflac \$912.43, \$124.32; Barco \$1,162.40; Bellevue Police – Judy Van Houten \$200.00; Bound Tree Medical \$533.97; Broken Bow Airport Authority \$1,083.33; Broken Bow Chamber of Commerce \$720.00; Broken Bow Municipal Utilities \$4,507.20; Central I.T., LLC \$642.00; Central Ne Economic Dev District \$25.00; Central Nebraska Bobcat \$478.45; Century Link \$624.64; Chemsearch \$529.50; Circle V Stitching Post \$68.00; CitiBusiness Card \$499.00; City Flex Benefit Plan \$182.29; City of Broken Bow Pension Fund \$2,059.50, \$6,494.88; Creative Signs \$32.50; Culligan Water Conditioning \$9.00; Custer County Treasurer \$11,192.15; Custer Public Power \$74.05; EFTPS Online Payment \$1,956.38, \$6,700.62, \$8,364.90; Electrical Engineering & Equipment \$74.24; Evans Feed Co. \$31.57; Family Heritage \$87.75; Fyr-Tek \$14,914.00; Garrett Tires & Treads \$26.40; Gateway Motors Inc. \$345.24; Great Plains Communications \$49.95; Grocery Kart \$49.71; Island Supply Welding Co. \$34.28; Kathleen A. Laughlin Chapter 13 Trustee \$70.00; Kirkpatrick Cleaning Solutions \$28.65; Law Enforcement Coordination Unit \$130.00; Master Cleaners \$27.27; Mead Lumber – Broken Bow \$338.77; NMC Exchange LLC \$165.39; Nebraska Child Support Payment Center \$460.00; Obrien's True Value \$14.99; Omaha State Bank \$319.25; Penguin Management \$1,668.00; Plains Equipment Group \$19.80, \$299.33; Prachts Ace Hardware \$1,129.01; Pristine Cleaning \$650.00; Regional Care \$2,783.07; S & L Sanitary Service \$49.30; Schmicks Market \$8.03; Shopko Store \$3.59; State Income Tax WH NE Online Payment \$2,393.35; Titan Machinery \$192.78; Trotter Service \$1,804.60; US Bank Equipment Finance \$303.97; Verizon Wireless \$182.26; WatchGuard Video Dept 0150 \$359.00; Wenquist, Inc. \$136.24; Bi-Weekly Payroll \$47,284.74; Total Bills = \$125,611.04.

Moved by Schall, seconded by Sonnichsen, to open a public hearing at 12:02 p.m. for rezoning of the Woodcrest Subdivision. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Kyle Petersen from Sennett, Duncan, Jenkins, and Wickham Law Firm presented the application to rezone the Woodcrest Subdivision from A1 to R1. By changing the zoning to R1 it would allow for one and two family dwellings, but not apartments. Moved by Schall, seconded by Sonnichsen, to close the public hearing at 12:07 p.m. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none.

Moved by Schall, seconded by Sonnichsen, to approve rezoning the Woodcrest Subdivision from A1 to R1. Roll call vote: Voting aye: Schall, Neth, and Sonnichsen. Nays: none. Abstain: Adams. Motion carried.

Moved by Sonnichsen, seconded by Adams, to approve Resolution 2016-18. Said resolution approves payment #7 to JEO Consulting, Inc. in the amount of \$3,725.00 for work completed on the

Comprehensive Plan through March 18, 2016. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Motion carried.

Moved by Schall, seconded by Adams, to approve Resolution 2016-19. Said resolution approves payment #6 to Myers Construction, Inc. in the amount of \$432,615.49 for work completed on the 2014 Downtown Improvements through March 31, 2016. Roll call voting: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Motion carried.

Moved by Adams, seconded by Neth, to approve the use of the Melham Complex for the Run/Walk/Bike sponsored by the Broken Bow Chamber on Saturday, July 9<sup>th</sup>, 2016. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Motion carried.

Mayor Burt opened the bids at 12:15 p.m. for a 2016 Asphalt Sealant Melter/Crack Filling Machine. There was only one bid from Mid States Equipment & Supply. The bid was for \$49,750.00. This piece of equipment has six hours of use so the price is less than a new one, which would be approximately \$55,000.00. This is a twenty year investment and Monte Clark has budgeted for it. Monte Clark, Street Superintendent, recommended that the Council accept the bid.

Moved by Neth, seconded by Schall, to accept the bid from Mid States Equipment & Supply in the amount of \$49,750.00 for a 2016 Asphalt Sealant Melter/Crack Filling Machine. Roll call vote: Voting aye: Schall, Neth, Adams, and Sonnichsen. Nays: none. Motion carried.

Mayor Burt opened the floor for comments from the Mayor and Councilmembers concerning City Departments. There were not any comments.

Mayor Burt opened the public comment section of the meeting for those in attendance. There were not any comments.

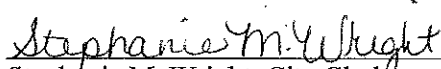
Moved by Schall, seconded by Neth, to enter into closed session at 12:23 p.m. for the purpose of discussing a potential land acquisition. The City representatives that shall remain present during the closed session including the Mayor and City Council, are City Attorney Jason White, City Administrator Brent Clark, City Clerk Stephanie Wright, Economic Director Deb McCaslin, and Judy Petersen. The Mayor stated the motion. Roll call vote: Voting aye: Schall, Adams, Neth, and Sonnichsen. Nays: none. Motion carried.

City Attorney Jason White arrived at 12:29 p.m.


Moved by Sonnichsen, seconded by Neth, to exit out of closed session at 1:06 p.m. from the purpose of discussing a potential land acquisition. Roll call vote: Voting aye: Schall, Adams, Neth, and Sonnichsen. Nays: none. Motion carried.

Moved by Schall, seconded by Sonnichsen, to adjourn the City Council Meeting at 1:07 p.m. Roll call vote: Voting aye: Schall, Adams, Neth, and Sonnichsen. Nays: none. Motion carried.

ATTEST:

  
Stephanie M. Wright, City Clerk



  
Cecil Burt, Mayor



## Accounts Payable Detail Listing

City of Broken Bow

<u>Vend#</u>	<u>Vendor Name</u>	<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>Aflac</b>										
22530		4/20/2016	4/20/2016		912.43					Ck# 764 Printed
			01-1501.00			PRE TAX AFLAC			912.43	0.00
22531		4/20/2016	4/20/2016		124.32					Ck# 764 Printed
			01-1501.00			AFLAC POST TAX			124.32	0.00
22545		4/20/2016	4/20/2016		287.82					Ck# 764 Printed
			01-1501.00			BBHA Aflac			287.91	0.00
			01-1501.00			Rounding			0.00	0.09
									287.91	0.09
<b>Arrow Seed</b>										
22567		4/26/2016	4/26/2016		71.94					Posted
			09-3410.01			gloves for park employees			71.94	0.00
<b>BSN Sports</b>										
22568		4/26/2016	4/26/2016		618.78					Posted
			09-3339.00			ballfield plates and bases			618.78	0.00
<b>Bennett Premium Lighting</b>										
22574		4/26/2016	4/26/2016		375.80					Posted
			07-3311.00			bulbs			375.80	0.00
<b>Biblionix</b>										
22572		4/26/2016	4/26/2016		1,700.00					Posted
			07-3310.10			annual fee -automation system			1,700.00	0.00
<b>Bon Tool Co.</b>										
22558		4/26/2016	4/26/2016		1,327.00					Posted
			08-3425.00			concrete stamping tool			1,327.00	0.00
<b>Cardmember Services</b>										
22527		4/13/2016	4/13/2016		933.58					Ck# 756 Printed
			01-3205.00			NIFA Conference Registration-Brent			150.00	0.00
			01-3205.00			NIFA Conference Hotel-Brent			245.72	0.00
			01-3206.00			IIMC Membership-Steph			50.00	0.00
			01-3216.10			Microsoft Email Renewal			240.00	0.00
			10-3410.00			Wristbands for pool			224.25	0.00
			09-3310.00			repairs			23.61	0.00
									933.58	0.00
<b>Carquest of Broken Bow</b>										
22580		4/26/2016	4/26/2016		75.03					Posted
			05-3310.00			antifreeze			23.98	0.00
			05-3223.01			drying towels			8.99	0.00
			08-3310.00			glue, bit, radio			42.06	0.00
									75.03	0.00
<b>Cecil Burt Inc.</b>										
22570		4/26/2016	4/26/2016		39.82					Posted
			09-3311.00			rebuild screen from complex			39.82	0.00
<b>Central Ne Economic Dev District</b>										
22525		4/13/2016	4/13/2016		25.00					Ck# 757 Printed
			01-3205.00			Registration Fees Cecil Burt			25.00	0.00
<b>Century Link</b>										
22529		4/15/2016	4/15/2016		85.49					Ck# 759 Printed
			01-3221.00			General -Basic & Long Distance Radio			85.49	0.00
<b>City Flex Benefit Plan</b>										
22532		4/20/2016	4/20/2016		182.29					Ck# 765 Printed
			01-1501.00			SELECT FLEX-UNREIMBURSED M/D/V			182.29	0.00
22543		4/20/2016	4/20/2016		150.00					Ck# 765 Printed
			01-1501.00			BBHA Flex Benefit			150.00	0.00
<b>City of Broken Bow Pension Fund</b>										
22533		4/20/2016	4/20/2016		2,058.72					Ck# 766 Printed
			01-1513.00			PENSION/401K LOAN PAYMENT			2,058.72	0.00
22534		4/20/2016	4/20/2016		6,494.88					Ck# 766 Printed
			01-1502.00			PENSION/401K			6,494.88	0.00
22544		4/20/2016	4/20/2016		1,222.16					Ck# 766 Printed
			01-1502.00			Liability - BBHA			1,222.16	0.00

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			<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
	<b>Custer County Chief (continued)</b>									
22552		4/26/2016	4/26/2016		203.10					Posted
			01-3209.00			publication			203.10	0.00
22553		4/26/2016	4/26/2016		64.00					Posted
			07-3340.00			2 year subscription			64.00	0.00
	<b>Dan Anderson</b>									
22566		4/26/2016	4/26/2016		262.05					Posted
			09-3410.01			wind rain coats			222.05	0.00
			10-3206.00			wind rain coats			40.00	0.00
									262.05	0.00
	<b>Danko Emergency Equipment Co</b>									
22562		4/26/2016	4/26/2016		41.87					Posted
			06-3410.00			cleaning supplies for bunker gear			41.87	0.00
	<b>Dave Dunkel</b>									
22557		4/26/2016	4/26/2016		14.08					Posted
			08-3205.00			meal			14.08	0.00
	<b>Dollar General-Regions 410526</b>									
22547		4/26/2016	4/26/2016		33.45					Posted
			02-3223.01			cleaning supplies			33.45	0.00
	<b>EFTPS Online Payment</b>									
22539		4/20/2016	4/20/2016		1,888.64					Ck# 761 Printed
			01-1500.00			MEDICARE			1,888.64	0.00
22540		4/20/2016	4/20/2016		6,220.27					Ck# 761 Printed
			01-1500.00			FEDERAL MARRIED			3,835.62	0.00
			01-1500.00			FEDERAL SINGLE			2,384.65	0.00
									6,220.27	0.00
22541		4/20/2016	4/20/2016		8,075.16					Ck# 761 Printed
			01-1500.00			SOCIAL SECURITY			8,075.16	0.00
	<b>Family Heritage</b>									
22535		4/20/2016	4/20/2016		87.75					Ck# 767 Printed
			01-1501.00			FAMILY HERITAGE			87.75	0.00
	<b>Fyr-Tek</b>									
22555		4/26/2016	4/26/2016		510.75					Posted
			06-3310.00			yearly service of pumps for 3 trucks			510.75	0.00
	<b>Hometown Leasing</b>									
22548		4/26/2016	4/26/2016		200.17					Posted
			04-3216.00			Copier Lease			111.26	0.00
			07-3410.00			Copier Lease			88.91	0.00
									200.17	0.00
	<b>Ingram Library Services</b>									
22577		4/26/2016	4/26/2016		2,333.66					Posted
			07-3340.00			materials			2,333.66	0.00
	<b>Insurance Aid Services</b>									
22550		4/26/2016	4/26/2016		1,125.21					Posted
			05-3336.00			Insurance Aid Fees			1,125.21	0.00
	<b>Island Supply Welding Co.</b>									
22563		4/26/2016	4/26/2016		33.26					Posted
			05-3338.00			oxygen			33.26	0.00
	<b>Jeff Roach</b>									
22556		4/26/2016	4/26/2016		15.34					Posted
			08-3205.00			meal			15.34	0.00
	<b>K. Joan Birnie</b>									
22576		4/26/2016	4/26/2016		136.11					Posted
			07-3313.00			reimbursement for spring meeting and book			20.00	0.00
			07-3340.00			reimbursement for spring meeting and book			116.11	0.00
									136.11	0.00
	<b>Laurie French</b>									
22564		4/26/2016	4/26/2016		641.99					Posted
			10-3410.00			reimbursement for water rescu manikin			641.99	0.00

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	<u>Account#</u>			<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
	<b>Lindsay Booker (continued)</b>									
22565	4/26/2016	4/26/2016			40.00					Posted
	10-3206.00					Pool operator license exam reimbursement			40.00	0.00
	<b>Matheson Tri-Gas Inc</b>									
22560	4/26/2016	4/26/2016			38.52					Posted
	08-3310.00					argon and oxygen			38.52	0.00
	<b>Mead Lumber - Broken Bow</b>									
22583	4/26/2016	4/26/2016			728.22					Posted
	05-3223.01					trash bags			28.98	0.00
	08-3350.00					power nailer, bolt cutter, tape measure, ste			599.25	0.00
	12-4200.00					animal shelter			99.99	0.00
									728.22	0.00
	<b>Michael Burnett</b>									
22585	4/26/2016	4/26/2016			110.00					Posted
	08-3104.00					CDL Physical			110.00	0.00
	<b>Mid American Research Chemical</b>									
22569	4/26/2016	4/26/2016			372.50					Posted
	09-3311.00					bathroom supplies			372.50	0.00
	<b>Mid State Engineering &amp; Testing</b>									
22586	4/26/2016	4/26/2016			1,154.50					Posted
	12-4200.03					5th Avenue Testing			1,154.50	0.00
	<b>NANCEE COUFAL</b>									
22584	4/26/2016	4/26/2016			282.00					Posted
	01-3223.00					6 rolls of stamps			282.00	0.00
	<b>1 Nebraska Child Support Payment Center</b>									
22538	4/20/2016	4/20/2016			460.00					Ck# 762 Printed
	01-1503.00					CHILD SUPPORT			460.00	0.00
	<b>Nebraska Dept of Revenue</b>									
22528	4/15/2016	4/15/2016			2,410.00					Ck# 760 Printed
	01-2400.10					Keno Taxes			2,410.00	0.00
	<b>Nebraska Environmental Products</b>									
22526	4/13/2016	4/13/2016			200.00					Ck# 758 Printed
	08-3205.00					Training Evan, Jeff, Michael, and Dave			200.00	0.00
	<b>Nebraska Library Association</b>									
22575	4/26/2016	4/26/2016			30.00					Posted
	07-3313.00					NLA spring meeting fee-Kim			30.00	0.00
	<b>OSA/Computers Plus</b>									
22581	4/26/2016	4/26/2016			154.23					Posted
	08-3223.00					office supplies			77.90	0.00
	04-3223.00					office supplies			19.85	0.00
	07-3223.00					office supplies			56.48	0.00
									154.23	0.00
	<b>Obrien's True Value</b>									
22582	4/26/2016	4/26/2016			332.09					Posted
	12-4200.00					animal shelter supplies			332.09	0.00
	<b>Omaha State Bank</b>									
22537	4/20/2016	4/20/2016			319.25					Ck# 768 Printed
	01-1501.00					HSA			319.25	0.00
	<b>Penguin Random House</b>									
22579	4/26/2016	4/26/2016			180.00					Posted
	07-3340.00					audiobooks			180.00	0.00
	<b>Presto X Company</b>									
22573	4/26/2016	4/26/2016			46.10					Posted
	07-3311.00					monthly service			46.10	0.00
	<b>Pristine Cleaning, LLC</b>									
22587	4/26/2016	4/26/2016			550.00					Posted
	02-3419.01					Cleaning Service			300.00	0.00
	07-3419.01					Cleaning Service			250.00	0.00
									550.00	0.00

## Accounts Payable Detail Listing

City of Broken Bow

**Vend# Vendor Name**

<u>Pay#</u>	<u>Post Date</u>	<u>Due Date</u>	<u>Amount</u>	<u>Invoice</u>	<u>Date</u>	<u>PO#</u>	<u>Date</u>	<u>Status</u>
	<u>Account#</u>	<u>Work Order</u>		<u>Description</u>			<u>Debit</u>	<u>Credit</u>
<b>Productivity Plus Account (continued)</b>								
22554	4/26/2016	4/26/2016	123.36					Posted
	09-3310.00			Hoses and Parts			123.36	0.00
<b>Regional Care</b>								
22536	4/20/2016	4/20/2016	2,783.07					Posted
	01-1501.00			HEALTH INSURANCE			2,783.07	0.00
<b>Schaper and White Law Firm</b>								
22549	4/26/2016	4/26/2016	2,208.50					Posted
	01-3214.00			legal fees			2,208.50	0.00
<b>Schmader Electric</b>								
22561	4/26/2016	4/26/2016	611.00					Posted
	06-3415.10			repairs to siren at fire station			611.00	0.00
<b>State Income Tax WH NE Online Payment</b>								
22542	4/20/2016	4/20/2016	2,227.98					Ck# 763 Printed
	01-1500.00			STATE MARRIED			1,453.94	0.00
	01-1500.00			STATE SINGLE			774.04	0.00
							2,227.98	0.00
<b>Stephanie Wright</b>								
22546	4/26/2016	4/26/2016	181.74					Posted
	02-3310.00			Memorial Display Reimbursement			181.74	0.00
<b>Taylor Heating &amp; Air Conditioning</b>								
22571	4/26/2016	4/26/2016	394.00					Posted
	06-3311.00			seasonal check of a/c			197.00	0.00
	04-3311.00			seasonal check of a/c			197.00	0.00
							394.00	0.00
<b>This Old House</b>								
22578	4/26/2016	4/26/2016	25.00					Posted
	07-3340.00			subscription			25.00	0.00
<b>Trotter's Whoa &amp; Go</b>								
22551	4/26/2016	4/26/2016	557.65					Posted
	03-3225.00			Fuel 163.522 Gallons			303.53	0.00
	04-3225.00			Fuel			209.38	0.00
	08-3225.00			Fuel			44.74	0.00
							557.65	0.00
<b>Van Diest Supply Co</b>								
22559	4/26/2016	4/26/2016	5,360.95					Posted
	08-3344.00			biomist			3,577.75	0.00
	08-3344.00			rodeo			233.00	0.00
	08-3344.00			vessel			129.00	0.00
	08-3344.00			altosid briquets			1,421.20	0.00
							5,360.95	0.00
			60,452.58	63 Non-voided payables listed.				

## Report Setup

AP - Accounts Payable Listing : Vendor Name

## Filter Options

Starting: 4/13/2016

Ending: 4/26/2016

Banks: All

Payable Status: Posted, Printed, ACH, Recorded, Voided

All Vendors Selected

4/20/2016 Payroll \$45,873.12

# Check Approval List - GL Account

4/22/2016 8:07:44 AM

City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
<b>General</b>				
Aflac	BBHA Aflac		Health/Life/Acc Insuranc	(\$0.09)
Aflac	PRE TAX AFLAC		Health/Life/Acc Insuranc	\$912.43
Aflac	BBHA Aflac		Health/Life/Acc Insuranc	\$287.91
Aflac	AFLAC POST TAX		Health/Life/Acc Insuranc	\$124.32
Cardmember Services			Travel & Meeting Expen:	\$150.00
Cardmember Services			Travel & Meeting Expen:	\$245.72
Cardmember Services			Association Dues	\$50.00
Cardmember Services			Software Fees	\$240.00
Central Ne Economic Dev District	Registration Fees Cecil Burt		Travel & Meeting Expen:	\$25.00
Century Link			Telephone/Internet	\$85.49
City Flex Benefit Plan	SELECT FLEX-UNREIMBURSED M/D/V		Health/Life/Acc Insuranc	\$182.29
City Flex Benefit Plan	BBHA Flex Benefit		Health/Life/Acc Insuranc	\$150.00
City of Broken Bow Pension Fund	BBHA Pension		Pension	\$1,222.16
City of Broken Bow Pension Fund	PENSION/401K		Pension	\$6,494.88
City of Broken Bow Pension Fund	PENSION/401K LOAN PAYMENT		Loan Payment	\$2,058.72
Custer County Chief	publication		Printing & Publication	\$203.10
EFTPS Online Payment	MEDICARE		Payroll Taxes	\$1,888.64
EFTPS Online Payment	FEDERAL		Payroll Taxes	\$2,384.65
EFTPS Online Payment	FEDERAL		Payroll Taxes	\$3,835.62
EFTPS Online Payment	FICA		Payroll Taxes	\$8,075.16
Family Heritage	FAMILY HERITAGE		Health/Life/Acc Insuranc	\$87.75
NANCEE COUFAL	reimburse for 6 rolls of stamps		Supplies & Postage	\$282.00
Nebraska Child Support Payment Center	CHILD SUPPORT		Child Support	\$460.00
Nebraska Dept of Revenue	Keno Taxes		KENO Proceeds	\$2,410.00
Omaha State Bank	HSA		Health/Life/Acc Insuranc	\$319.25
Regional Care	HEALTH INS		Health/Life/Acc Insuranc	\$2,783.07
Schaper, and White Law Firm	legal fees		Legal Fees	\$2,208.50
State Income Tax WH NE Online Paymei	STATE		Payroll Taxes	\$1,453.94
State Income Tax WH NE Online Paymei	STATE		Payroll Taxes	\$774.04
			Total General	\$39,394.55
<b>Municipal Building</b>				
Dollar General-Regions 410526	cleaning supplies		Building Cleaning Suppli	\$33.45
Pristine Cleaning, LLC	Cleaning Service		Contracted Services	\$300.00
Stephanie Wright	Memorial Display Reimbursement		Maint/Repair Equipment	\$181.74
			Total Municipal Building	\$515.19
<b>Handi Bus</b>				
Trotter's Whoa & Go	fuel		Gas and Oil	\$303.53
			Total Handi Bus	\$303.53
<b>Police</b>				
Hometown Leasing	Copier Lease		Copier Maint/Expense	\$111.26
OSA/Computers Plus	office supplies		Supplies & Postage	\$19.85
Taylor Heating & Air Conditioning	seasonal check of a/c		Maintenance & Repair B	\$197.00
Trotter's Whoa & Go	fuel		Gas and Oil	\$209.38
			Total Police	\$537.49
<b>Rescue Unit</b>				
Carquest of Broken Bow			Building Cleaning Suppli	\$8.99
Carquest of Broken Bow			Maint/Repair Equipment	\$23.98
Insurance Aid Services	Insurance Aid Fees		Insurance Aid Fees	\$1,125.21
Island Supply Welding Co.	oxygen		Ambulance Supplies	\$33.26
Mead Lumber - Broken Bow			Building Cleaning Suppli	\$28.98
			Total Rescue Unit	\$1,220.42
<b>Fire</b>				
Danko Emergency Equipment Co	cleaning supplies for bunker gear		Equipment Purchases	\$41.87
Fyr-Tek	yearly service of pumps for 3 trucks		Maint/Repair Equipment	\$510.75
Schmader Electric	repairs to siren at fire station		Sirens and Batteries	\$611.00
Taylor Heating & Air Conditioning	seasonal check of a/c		Maintenance & Repair B	\$197.00
			Total Fire	\$1,360.62
<b>Library</b>				

# Check Approval List - GL Account

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City of Broken Bow

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<u>Vendor Name</u>	<u>Invoice</u>	<u>Invoice Description</u>	<u>Account Description</u>	<u>Amount</u>
<b>Library</b>				
Bennett Premium Lighting		bulbs	Maintenance & Repair B	\$375.80
Biblionix		annual fee -automation system	Tech Support/Subscripti	\$1,700.00
Custer County Chief		2 year subscription	Book Purchases	\$64.00
Hometown Leasing		Copier Lease	Equipment Purchases	\$88.91
Ingram Library Services		materials	Book Purchases	\$2,333.66
K. Joan Birnie		reimbursement for spring meeting and books	Training	\$20.00
K. Joan Birnie		reimbursement for spring meeting and books	Book Purchases	\$116.11
Nebraska Library Association		NLA spring meeting fee-Kim	Training	\$30.00
OSA/Computers Plus		office supplies	Supplies & Postage	\$56.48
Penguin Random House		audiobooks	Book Purchases	\$180.00
Presto X Company		monthly service	Maintenance & Repair B	\$46.10
Pristine Cleaning, LLC		Cleaning Service	Contracted Services	\$250.00
This Old House		subscription	Book Purchases	\$25.00
			Total Library	\$5,286.06
<b>Street</b>				
Bon Tool Co.		concrete stamping tool	Street Construction	\$1,327.00
Carquest of Broken Bow			Maint/Repair Equipment	\$42.06
Dave Dunkel		meal	Travel & Meeting Expen:	\$14.08
Jeff Roach		meal	Travel & Meeting Expen:	\$15.34
Matheson Tri-Gas Inc		argon and oxygen	Maint/Repair Equipment	\$38.52
Mead Lumber - Broken Bow			Shop Tools	\$599.25
Michael Burnett		CDL Physical	Health Insurance	\$110.00
Nebraska Environmental Products		Training Evan, Jeff, Michael, and Dave	Travel & Meeting Expen:	\$200.00
OSA/Computers Plus		office supplies	Supplies & Postage	\$77.90
Trotter's Whoa & Go		fuel	Gas and Oil	\$44.74
Van Diest Supply Co		chemicals	Chemicals	\$1,421.20
Van Diest Supply Co		chemicals	Chemicals	\$129.00
Van Diest Supply Co		chemicals	Chemicals	\$3,577.75
Van Diest Supply Co		chemicals	Chemicals	\$233.00
			Total Street	\$7,829.84
<b>Park</b>				
Arrow Seed		gloves for park employees	Safety Equipment	\$71.94
BSN Sports		ballfield plates and bases	Maintenance/Repair Gro	\$618.78
Cardmember Services			Maint/Repair Equipment	\$23.61
Cecil Burt Inc.		rebuild screen from complex	Maintenance & Repair B	\$39.82
Dan Anderson		wind rain coats and pool operator license	Safety Equipment	\$222.05
Mid American Research Chemical		bathroom supplies	Maintenance & Repair B	\$372.50
Productivity Plus Account		Hoses and Parts	Maint/Repair Equipment	\$123.36
			Total Park	\$1,472.06
<b>Swimming Pool</b>				
Cardmember Services			Equipment Purchases	\$224.25
Dan Anderson		wind rain coats and pool operator license	Association Dues	\$40.00
Laurie French		reimbursement for water rescu manikin	Equipment Purchases	\$641.99
Lindsay Booker		Pool operator license exam reimbursement	Association Dues	\$40.00
			Total Swimming Pool	\$946.24
<b>ST Infra/Capital</b>				
Mead Lumber - Broken Bow			Sales Tax Infra Projects	\$99.99
Mid State Engineering & Testing		5th Avenue Testing	5th Street Improvement	\$1,154.50
Obrien's True Value		animal shelter supplies	Sales Tax Infra Projects	\$332.09
			Total ST Infra/Capital	\$1,586.58
				\$60,452.58

Report Selection: Check Approval List - GL Account  
 Date Range Selection: GL Posting Date  
 Starting Date: 4/13/2016  
 Ending Date: 4/26/2016

4/20/2016 Payroll \$45,873.12



**City of Broken Bow, Nebraska**  
**Application to Sell Fireworks**

Name of Applicant/Organization BBUFP

Permanent Address of Applicant or Organization \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Daytime/Evening Phone \_\_\_\_\_

Contact Person DOUG STANB

Address of Contact Person \_\_\_\_\_  
\_\_\_\_\_

Phone Numbers for Contact Person 308 870 2556

Street Address or Legal Description of Premises for Firework Stand:

SOUTH SIDE SQUARE  
\_\_\_\_\_  
\_\_\_\_\_

Description of Proposed Firework Stand (ie: tent, building, trailer, etc.)

\_\_\_\_\_  
\_\_\_\_\_

How will the fireworks be secured during hours stand is not open for business?

Big Dog  
\_\_\_\_\_

Where will the fireworks inventory be stored?

\_\_\_\_\_

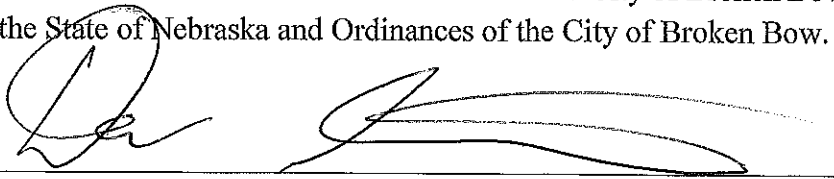
When will your inventory arrive? June 20th

Please attach the following to the application:

1. Map or sketch showing the location of the fireworks stand in relation to the boundaries of the premises and any other building on the premises.
2. Letter of permission from the owner of the property on which proposed fireworks stand will be located.
3. Copy of the Certificate of Insurance
4. Copy of State of Nebraska License for Sale of Fireworks
5. Copy of Certificate of Flame Resistance for tent stands

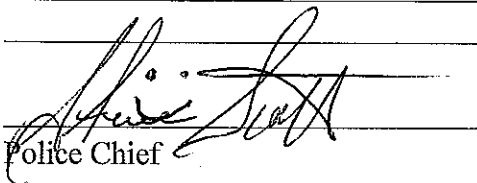
The undersigned hereby agrees to conduct the sale of fireworks within the City of Broken Bow strictly in accordance with all laws of the State of Nebraska and Ordinances of the City of Broken Bow.

Signature of Applicant



Police Chief Comments:

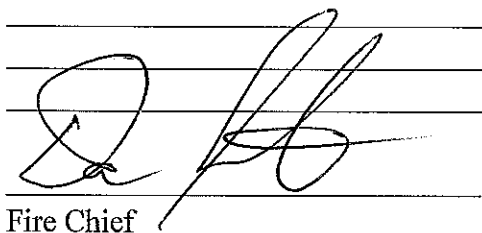
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Police Chief

4/14/16  
Date

Fire Chief Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Fire Chief

4-1-14  
Date

Return to Agenda

Returned to City Clerk on April 1, 2016

Brought before the Broken Bow City Council on \_\_\_\_\_, 20\_\_\_\_

Fee Paid: Date waived \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_

City Council: ☐ Approve ☐ Deny Date \_\_\_\_\_



# BROKEN BOW

N E B R A S K A

Rooted. But Not Standing Still.

## MAYORAL PROCLAMATION

**WHEREAS**, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

**WHEREAS**, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

**WHEREAS**, Arbor Day is now observed throughout the nation and the world; and

**WHEREAS**, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

**WHEREAS**, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

**WHEREAS**, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

**WHEREAS**, trees are a source of joy and spiritual renewal; and

**WHEREAS**, Broken Bow has been recognized as a “Tree City USA” by the National Arbor Day Foundation and desires to continue its tree-planting ways.

**NOW, THEREFORE**, I, Cecil Burt, Mayor of the City of Broken Bow, do hereby proclaim April, 30, 2016, as

### “ARBOR DAY”

in the City of Broken Bow, and I urge all citizens to support efforts to care for our trees and woodlands and to support our city’s community forestry program; and

**FURTHER**, I urge all citizens to plant trees to gladden the hearts and promote the well-being of present and future generations.

Dated this 26<sup>th</sup> day of April, 2016.

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[Return to Agenda](#)

**DRAFT COPY ONLY**

**RESOLUTION NO. 2016-20**

BE IT RESOLVED AND ENACTED BY THE MAYOR AND COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA, as follows:

Section 1. That the following bonds, in accordance with their option provisions, are hereby called for payment on June 1, 2016, after which date interest on the bonds will cease:

Swimming Pool Bonds, dated March 24, 2011, in the principal amount of \$2,595,000, numbered as they are shown on the books and records of the Paying Agent and Registrar, maturing in the principal amount and bearing CUSIP numbers as follows:

<u>Principal Amount</u>	<u>Maturity Date</u>	<u>CUSIP No.</u>
\$145,000	June 15, 2017	112128 GS6
150,000	June 15, 2018	112128 GT4
150,000	June 15, 2019	112128 GU1
160,000	June 15, 2020	112128 GV9
165,000	June 15, 2021	112128 GW7
170,000	June 15, 2022	112128 GX5
175,000	June 15, 2023	112128 GY3
185,000	June 15, 2024	112128 GZ0
190,000	June 15, 2025	112128 HA4
200,000	June 15, 2026	112128 HB2
905,000	June 15, 2030	112128 HC0

Section 2. These bonds are to be paid at the office of the City Treasurer in Broken Bow, Nebraska, as Paying Agent and Registrar.

Section 3. A true copy of this Resolution shall be filed by the City Clerk with the Paying Agent at least thirty (30) days prior to call date and the Paying Agent is hereby irrevocably instructed to take appropriate action to mail notice to the registered owner at least thirty (30) days prior to the call date.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk  
(SEAL)

**DRAFT COPY ONLY**

**ORDINANCE NO. 1144**

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2016, OF THE CITY OF BROKEN BOW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF TWO MILLION SIX HUNDRED THIRTY-FIVE THOUSAND DOLLARS (\$2,635,000) ISSUED TO REFINANCE CERTAIN OUTSTANDING BONDS OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS TO THE EXTENT NOT PAID FROM OTHER SOURCES; PROVIDING FOR THE SALE OF THE BONDS AND AUTHORIZING THE CITY TO ENTER INTO A BOND PURCHASE AGREEMENT; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

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

Section 1. The Mayor and Council of Council Members (the "Council") of the City of Broken Bow, Nebraska (the "City"), hereby find and determine:

(a) that the City has heretofore issued interest-bearing bonds, which remain unpaid and constitute a legal liability against the City as follows (the "Outstanding Bonds"):

Swimming Pool Bonds, dated March 24, 2011, in the outstanding principal amount of \$2,595,000;

(b) that by taking up and paying off such Outstanding Bonds by an issue of General Obligation Refunding Bonds of the City, a substantial savings in the amount of yearly running interest will be made to the City;

(c) that by issuing its refunding bonds in the amount of \$2,635,000 together with a deposit of other available funds of the City, the Outstanding Bonds can be taken up and paid off on June 1, 2016, and have been called for redemption on said date; and

(d) that all conditions, acts and things required by law to exist or to be done precedent to the issuance of general obligation refunding bonds in the amount of \$2,635,000 pursuant to Section 10-142, R.R.S. Neb. 2012, as amended, do exist and have been done in due form and time as required by law.

Section 2. For purposes as set out in Section 1 hereof, there shall be and there are hereby ordered issued General Obligation Refunding Bonds, Series 2016, to bear date of original issue of June 1, 2016, and to be in fully registered form (the "Bonds"). The Bonds shall bear interest at the rates per annum and mature on June 15 of each year in the principal amounts as follows:

Principal

Maturing on June 15

Interest Rate



**DRAFT COPY ONLY**

<u>Amount</u>	<u>of Year</u>	<u>Per Annum</u>
\$175,000	2017	
160,000	2018	
150,000	2019	
160,000	2020	
165,000	2021	
170,000	2022	
175,000	2023	
185,000	2024	
190,000	2025	
200,000	2026	
210,000	2027	
220,000	2028	
230,000	2029	
245,000	2030	

The Bonds shall be issued in the denomination of \$5,000 or any integral multiple thereof and shall be numbered from 1 upwards in the order of their issuance. No Bond shall be issued originally or upon transfer or partial redemption having more than one principal maturity. The initial bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchasers thereof. Interest on the Bonds shall be computed on the basis of a three hundred sixty day year consisting of twelve thirty-day months. Interest on the Bonds shall be payable semiannually on December 15 and June 15 of each year, starting December 15, 2016 (each such date, an "Interest Payment Date"). The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the close of business on the last day of the calendar month immediately preceding the calendar month in which the Interest Payment Date occurs (the "Record Date"), subject to the provisions of Section 3 hereof. Payment of interest due on the bonds prior to maturity or redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check in the amount due for such interest on each Interest Payment Date to the registered owner of each bond, as of the applicable Record Date, to such owner's registered address as shown on the books of registration, as required to be maintained in Section 3 hereof. Payment of principal due at maturity or at any date fixed for redemption, together with any accrued interest then due, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the bonds to said Paying Agent and Registrar. In the event that bonds of this issue are held in the nominee name of a national clearinghouse or depository, payment of principal or interest shall be made by wire transfer of funds in accordance with any applicable regulations governing "Depository Eligible Securities". The City and said Paying Agent and Registrar May treat the registered owner of any Bond as the absolute owner of such Bond for the purpose of making payments thereon and for all other purposes and neither the City nor the Paying Agent and Registrar shall be affected by any notice or knowledge to the contrary whether such bond or any installment of interest due thereon shall be overdue or not. All payments on account of interest or principal made to the registered owner of any bond shall be valid and effectual and shall be a discharge of the City and said Paying Agent and Registrar, in respect of the liability upon the bonds or claims for interest to the extent of the sum or sums so paid. If any Bond is not paid upon presentation of the bond at



## **DRAFT COPY ONLY**

maturity or any interest installment is not paid when due, the delinquent Bond or delinquent 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.

Section 3. The City Treasurer is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor and Council reserve the right, in their discretion, to appoint a bank with trust powers or trust company to serve as Paying Agent and Registrar under the terms of this Ordinance as may be determined from time to time. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at the office of the Paying Agent and Registrar in Broken Bow, Nebraska or the principal corporate trust office of any duly-appointed successor, as applicable. The names and registered addresses of the registered owner or owners of the Bonds shall at all times be recorded in such books. Any Bond may be transferred pursuant to its provisions at the office of the Paying Agent and Registrar upon surrender of such Bond for cancellation, 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 such transfer upon said registration books and deliver to the transferee registered owner or owners (or send by registered mail to the transferee owner or owners at such owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Bond or Bonds of the same interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Bonds by this ordinance, one Bond may be transferred for several such Bonds of the same interest rate and maturity and for a like aggregate principal amount, and several such Bonds may be transferred for one or several such Bonds, respectively, of the same interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond or Bonds shall be cancelled and destroyed. All Bonds issued upon transfer of the Bonds so surrendered shall be valid obligations of the City evidencing the same obligations as the Bonds surrendered and shall be entitled to all benefits and protection of this ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and the Paying Agent and Registrar shall not be required to transfer Bonds during any period from any Record Date until its immediately following interest payment. In the event that payments of interest due on the Bonds on an interest payment date are not timely made, such interest shall cease to be payable to the registered owners as of the Record Date for such interest payment date and shall be payable to the registered owners of the Bonds as of a special date of record for payment of such defaulted interest as shall be designated by the Paying Agent and Registrar whenever monies for the purpose of paying such defaulted interest become available.

Section 4. Bonds maturing on or after June 15, 2021 shall be subject to redemption, in whole or in part, prior to maturity at any time on or after June 1, 2021, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for such optional redemption in its sole discretion. Bonds shall be redeemed only in the amount of \$5,000 or integral multiples thereof. Notice of redemption of any Bond called for redemption shall be given, at the direction of the Mayor and Council in the case of optional redemptions and without further direction in the case of mandatory redemptions, by the Paying Agent and Registrar by mail not less than thirty (30) days prior to the date fixed for redemption, first



## DRAFT COPY ONLY

class postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by number and maturity, the date of original issue, the date fixed for redemption and state that such Bond or Bonds are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Bond partially redeemed, such notice shall specify the portion of the principal amount of such Bond to be redeemed.

No defect in the mailing of notice for any Bond shall affect the sufficiency of the proceedings of the Mayor and Council designating the Bonds called for redemption or the effectiveness of such call for Bonds for which notice by mail has been properly given and the Mayor and Council shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given.

Section 5. If the date for payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City where the office of the Paying Agent is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not a Saturday, Sunday, legal holiday or a day on which such banking institutions are authorized to close, and payment on such day shall have the same force and effect as if made on the nominal date of payment.

Section 6. The Bonds shall 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 Bond, which may be a facsimile seal. The City Clerk shall make and certify a transcript of proceedings had and done precedent to the issuance of said Bonds which shall be delivered to the purchaser of said Bonds. After being executed by the Mayor and City Clerk, said Bonds shall be delivered to the Treasurer of the City who shall be responsible therefor under his/her official Bond. Such Treasurer shall maintain a record of information with respect to said Bonds in accordance with the requirements of Section 10-140, R.R.S. Neb. 2012, as amended, and shall cause the same to be filed with the office of the Auditor of Public Accounts of the State of Nebraska. The Paying Agent and Registrar shall register each Bond in the name of its initial registered owner as designated by the initial purchaser. Each Bond shall be authenticated on behalf of the City by the Paying Agent and Registrar. The Bonds shall be issued initially as "book-entry only" bonds using the services of The Depository Trust Company (the "Depository"), with one typewritten Bond 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 (which may include any "blanket" letter previously executed and delivered), for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Bonds. Upon issuance of the Bonds as "book-entry-only" bonds, 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 Bonds as securities depository (each, a "Bond Participant") or to any person who is an actual purchaser of a Bond from a Bond Participant while the Bonds are in book-entry form (each a "Beneficial Owner") with respect to the following:

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(i) the accuracy of the records of the Depository, any nominees of the Depository or any Bond Participant with respect to any ownership interest in the Bonds;

(ii) the delivery to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Bonds, including any notice of redemption, or

(iii) the payment to any Bond Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Bonds.

The Paying Agent and Registrar shall make payments with respect to the Bonds 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 Bonds to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Bond, 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 Bonds 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 Bonds or (ii) to make available Bonds registered in whatever name or names the Beneficial Owners transferring or exchanging such Bonds shall designate.

(c) If the City determines that it is desirable that certificates representing the Bonds be delivered to the ultimate Beneficial Owners of the Bonds 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 Bond Participants of the availability through the Depository of bond certificates representing the Bonds. In such event, the Paying Agent and Registrar shall issue, transfer and exchange bond certificates representing the Bonds 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 Bond is registered in the name of the Depository or any nominee thereof, all payments with respect to such Bond and all notices with respect to such Bond



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shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

(e) Registered ownership of the Bonds may be transferred on the books of registration maintained by the Paying Agent and Registrar, and the Bonds may be delivered in physical form to the following:

(i) any successor securities depository or its nominee;

(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 Bond unless and until such partially redeemed Bond 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 Bond as is then outstanding and all of the Bonds 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 bond 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 bond certificates upon transfer or partial redemption, the City agrees to order printed an additional supply of bond 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 Bond shall cease to be such officer before the delivery of such Bond (including any bond 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 Bond. The Bonds shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The Bonds shall be delivered to the Paying Agent and Registrar for registration and authentication.

Section 7. The Bonds shall be in substantially the following form:



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UNITED STATES OF AMERICA  
STATE OF NEBRASKA  
COUNTY OF CUSTER  
CITY OF BROKEN BOW

GENERAL OBLIGATION REFUNDING BOND,  
SERIES 2016

Bond No. \_\_\_\_\_

\$ \_\_\_\_\_

Interest Rate  
%

Maturity Date  
June 15, \_\_\_\_

Date of Original Issue  
June 1, 2016

CUSIP No.

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

KNOW ALL PERSONS BY THESE PRESENTS: That the City of Broken Bow, in the County of Custer, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner specified above the principal amount specified above in lawful money of the United States of America on the maturity date specified above, with interest thereon from date of original issue specified above or most recent interest payment date to which interest has been paid or provided for, whichever is later, to maturity (or earlier redemption) at the rate per annum specified above. Interest shall be payable semiannually on the fifteenth day of December and June in each year, starting December 15, 2016. Interest shall be computed on the basis of a three hundred sixty day year consisting of twelve thirty-day months. If this bond is not paid upon presentation at maturity or any interest installment hereon is not paid when due, the bond 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 December be amended from time to time by the Nebraska Legislature. The interest hereon due prior to maturity shall be paid on each interest payment date by the City Treasurer, as Paying Agent and Registrar for the City by wire transfer (but only in accordance with the limited terms of the authorizing ordinance), check or draft mailed to the registered owner hereof, as shown on the records of the Paying Agent and Registrar as of the close of business on the last day of the calendar 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. The principal of this bond and the interest due at maturity are payable on presentation and surrender to said Paying Agent and Registrar at the office of the Paying Agent and Registrar in Broken Bow, Nebraska or the principal corporate trust office of any duly-appointed successor, as applicable. Any interest not so timely paid shall cease to be payable to the person entitled thereto as of the record date such interest was payable, and shall be payable to the person who is the registered owner of this bond (or of one or more predecessor bonds hereto) on such special record date for payment of such defaulted interest as shall be fixed by the Paying Agent and Registrar whenever monies for such purpose become



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available. For the prompt payment of this bond, principal and interest as the same become due, the full faith, credit and resources of said City are hereby irrevocably pledged.

The City, however, reserves the right and option of paying bonds of this issue maturing on or after June 15, 2021, in whole or in part, on June 1, 2021, or at any time thereafter, at the principal amount thereof plus accrued interest to the date fixed for redemption. Notice of any such redemption shall be given by mail, sent to the registered owner of any bond to be redeemed at said registered owner's address in the manner provided in the ordinance authorizing said bonds. Individual bonds may be redeemed in part but only in the amount of \$5,000 or integral multiples thereof. Any bond redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for a new bond or bonds evidencing the unredeemed principal thereof.

This bond is one of an issue of fully registered bonds of the total principal amount of \$2,635,000, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by the City for the purpose of refunding the City's outstanding Swimming Pool Bonds, dated March 24, 2011, in the outstanding principal amount of \$2,595,000 in full compliance with Section 10-142, Reissue Revised Statutes of Nebraska, 2012. This bond and the others of this issue have been duly authorized by an Ordinance duly passed and approved by the Mayor and Council of the City.

This bond 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 bond, and thereupon a new bond or bonds 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 bonds, 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 bond 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 bond 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 BOND 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 BOND 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 BOND 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

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PRINCIPAL, AND ANY BOND 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 bond shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar.

IT IS HEREBY CERTIFIED AND WARRANTED that all conditions, acts and things required by law to exist or to be done precedent to and in the issuance of this bond did exist, did happen and were done and performed in regular and due form and time as required by law, and that the indebtedness of said City, including this bond, does not exceed any limitations imposed by law. The City covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in said City, in addition to all other taxes, sufficient in rate and amount to pay the interest on this bond when and as the same becomes due and to create a sinking fund to pay the principal of this bond when the same becomes due.

IN WITNESS WHEREOF, the Mayor and Council of the City of Broken Bow, Nebraska, have caused this bond 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 which may be a facsimile seal, all as of the date of original issue shown above.

CITY OF BROKEN BOW, NEBRASKA

By \_\_\_\_\_ (Sample - Do Not Sign)  
Mayor

ATTEST:

\_\_\_\_\_  
(Sample- Do Not Sign)  
City Clerk

(S E A L)

**CERTIFICATE OF AUTHENTICATION**

This bond is one of the bonds authorized by an ordinance passed and approved by the Mayor and Council of the City of Broken Bow as described in said bonds.

\_\_\_\_\_  
(Sample – Do Not Sign)  
City Treasurer of Broken Bow, Nebraska,  
as Paying Agent and Registrar



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**(FORM OF ASSIGNMENT)**

For value received \_\_\_\_\_ hereby sells, assigns and transfers unto \_\_\_\_\_ the within bond 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 bond 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, Chicago or other stock exchange.

Section 8. The City Clerk shall make and certify a transcript of proceedings of the City precedent to the issuance of said Bonds which shall be delivered to the purchaser of the Bonds. After the Bonds have been executed, they shall be delivered to the City Treasurer who shall register the same in the names of the initial registered owners thereof as directed by the Initial Purchaser designated in Section 9 hereof and shall be responsible therefor under her official bond.

Section 9. The Bonds are hereby sold to Ameritas Investment Corp. (the "Initial Purchaser") at \_\_\_\_\_% of the principal amount thereof, and the City Treasurer is authorized to deliver the Bonds to the Initial Purchaser upon receipt of said amount plus accrued interest to date of payment. The Bonds are sold to the Initial Purchaser subject to the opinion of Rembolt Ludtke LLP, as Initial Purchaser's bond counsel that the Bonds are lawfully issued; that the Bonds constitute a valid obligation of the City; and that under existing laws and regulations the interest on the Bonds is exempt from both Nebraska state and federal income taxes. Such purchaser and its agents, representatives and counsel (including Initial Purchaser's bond counsel) are hereby authorized to take such actions on behalf of the City as are necessary to effectuate the closing of the issuance and sale of the Bonds, including, without limitation, authorizing the release of the Bonds by the Depository (as defined herein) at closing. The Council Members and officers of the City (or any one of them) are hereby authorized to enter into a Bond Purchase Agreement substantially in the form presented herewith for the sale of the Bonds to the Initial Purchaser. The net proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof.

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Section 10. The City covenants and agrees that it will cause to be levied and collected annually a tax by valuation on all the taxable property in the City, in addition to all other taxes, sufficient in rate and amount to pay interest on the Bonds as and when the same becomes due and to create a sinking fund to pay the principal of the Bonds when the same becomes due.

Section 11. The City Council hereby approves (and declares final) on behalf of the City the preliminary Official Statement prepared with respect to the bonds 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 bonds. 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 12. In accordance with the requirements of Rule 15c2-12 of the Securities Exchange Act of 1934 (the "Rule") promulgated by the Securities and Exchange Commission, the City being the only "obligated persons" other than the City with respect to the bonds, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including the Bonds), agrees that it will provide the following continuing disclosure information to the Municipal Securities Rulemaking Council (the "MSRB") in an electronic format as prescribed by the MSRB:

- (a) at least annually not later than nine (9) months after the end of the City's fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available, including the City's audited financial statements and information of the type included in the audit;
- (b) 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;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;
  - (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, 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;



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- (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 Council Member or the change of name of a Council Member, if material.

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

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The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic 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 with regards to the bonds, as described above, shall cease when none of the bonds remain outstanding. The name, address and telephone number of the person from whom the foregoing information, data and notices can be obtained is the City Clerk.

Section 13. The City of Broken Bow, Nebraska, hereby covenants to the purchasers and holders of the Bonds hereby authorized that it will make no use of the proceeds of the Bonds, including monies held in any sinking fund for the payment of the Bonds, which would cause the Bonds 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 Sections 103 and 148 of the Code and all applicable regulations thereunder throughout the term of the Bonds. 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 Bonds with respect to taxpayers generally but not including insurance companies or corporations subject to the additional minimum tax. The City hereby designates the Bonds 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.

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Section 14. 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 15. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

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

(S E A L)



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**ORDINANCE NO. 1145**

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF STREET IMPROVEMENT BOND ANTICIPATION NOTES, SERIES 2016, IN THE PRINCIPAL AMOUNT OF FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) FOR THE PURPOSE OF PAYING THE COSTS OF CONSTRUCTING PAVING IMPROVEMENTS IN THE CITY OF BROKEN BOW, 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 COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. The Mayor and Council of the City of Broken Bow, Nebraska, hereby find and determine:

a) that the City has by ordinance previously authorized certain street improvements in the City designated Street Improvement Districts Nos. 2014-1 and 2014-2 and has authorized the construction of certain street improvements pursuant to said projects; that all actions, hearings and other required facts and conditions for the authorization of said projects 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 said Districts;

c) that the City is authorized to issue warrants to pay the costs of said improvements pursuant to Sections 17-516 and 17-520, 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 it is advisable for the City to issue notes in the total principal amount of \$4,500,000 to be designated Street Improvement Bond Anticipation Notes, Series 2016, 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 2016, in the amount of \$4,500,000, 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 \_\_\_\_\_ per centum (\_\_\_\_\_% ) per annum and become due on June



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15, 2017. The Notes shall bear interest from the date of delivery until maturity or earlier redemption, with such interest payable on December 15, 2016 and at maturity. Said notes are optional for prepayment at par plus accrued interest on December 15, 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% 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, 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:



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(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



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### **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 Broken Bow, 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

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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 last 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 Broken Bow, 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:



**DRAFT COPY ONLY**

**CITY OF BROKEN BOW, NEBRASKA  
STREET IMPROVEMENT  
BOND ANTICIPATION NOTE  
SERIES 2016**

Interest Rate  
%

Maturity Date  
June 15, 2017

Date of Delivery  
June \_\_, 2016

CUSIP No.

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_

The City of Broken Bow, 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 on December 15, 2016 and at maturity. The interest hereon shall be paid on each interest payment date by the Treasurer of the City of Broken Bow, 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 Broken Bow, 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 15, 2016 or at any time thereafter at par plus accrued interest. This Note is one of an issue of \$4,500,000 in total principal amount issued pursuant to Ordinance No. \_933\_. 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 Broken Bow 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



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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.

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IN WITNESS WHEREOF, the Mayor and Council 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 BROKEN BOW, 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 Council of the City of Broken Bow as described in said notes.

\_\_\_\_\_  
(Do not sign)  
Treasurer, City of Broken Bow, 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.



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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 Council by appropriate ordinance.

Section 7. The proceeds of the Notes will be used to pay for the costs of the projects as set out in Section 1 hereof.

Section 8. The City Council 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 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 119. In accordance with the requirements of Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission, the City being the only "obligated persons" other than the City with respect to the Notes, and being an "obligated person" with respect to no more than \$10,000,000 in aggregate amount of outstanding municipal securities (including 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) at least annually not later than nine months after the end of the City's fiscal year, financial information or operating data for the City which is customarily prepared by the City and is publicly available;
- (b) 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 Notes:
  - (1) principal and interest payment delinquencies;
  - (2) non-payment related defaults, if material;
  - (3) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (4) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (5) substitution of credit or liquidity providers, or their failure to perform;



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- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, 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.

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The City agrees that all documents provided to the MSRB under the terms of this continuing disclosure undertaking shall be in such electronic 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 Notes (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 Notes remain outstanding. The name, address and telephone number of the person from whom the foregoing information, data and notices can be obtained is the City Clerk.

Section 10. The City of Broken Bow, 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 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.

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

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

\_\_\_\_\_  
Mayor

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

(S E A L)



**DRAFT COPY ONLY**

I, the undersigned, City Clerk for the City of Broken Bow, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on \_\_\_\_\_; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; 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; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

---

City Clerk

(SEAL)

## DRAFT COPY ONLY

### Policy and Procedures Federal Tax Law and Disclosure Requirements for Tax-exempt Bonds and/or Tax Advantaged Bonds

**ISSUER NAME:** City of Broken Bow, Nebraska

**COMPLIANCE OFFICER (BY TITLE):** City Clerk

#### POLICY

It is the policy of the Issuer identified above (the "Issuer") to comply with all Federal tax requirements and securities law continuing disclosure obligations for its obligations issued as tax-exempt bonds (or as tax credit, direct pay subsidy or other tax-advantaged bonds, as applicable) to ensure, as applicable (a) that interest on its tax-exempt bonds remains exempt from Federal income tax, (b) that the direct payments or tax credits associated with its bonds issued as "tax-advantaged bonds" are received in a timely manner and (c) compliance with any continuing disclosure obligations of the Issuer with respect to its outstanding bonds.

#### PROCEDURES

Compliance Officer. Review of compliance with Federal tax requirements and securities law continuing disclosure obligations as generally outlined below shall be conducted by the Compliance Officer identified above (the "Compliance Officer"). To the extent more than one person has been delegated specific responsibilities, the Compliance Officer shall be responsible for ensuring coordination of all compliance review efforts.

Training. The Compliance Officer shall evaluate and review educational resources regarding post-issuance compliance with Federal tax and securities laws, including periodic review of resources published for issuers of tax-exempt obligations by the Internal Revenue Service (either on its website at <http://www.irs.gov/taxexemptbond>, or elsewhere) and the Municipal Securities Rulemaking Board (either on its Electronic Municipal Market Access website ["EMMA"] at <http://www.emma.msrb.org>, or elsewhere).

Compliance Review. A compliance review shall be conducted at least annually by or at the direction of the Compliance Officer. The review shall occur at the time the Issuer's annual audit takes place, unless the Compliance Officer otherwise specifically determines a different time period or frequency of review would be more appropriate.

#### Scope of Review.

*Document Review.* At the compliance review, the following documents (the "Bond Documents") shall be reviewed for general compliance with covenants and agreements and applicable regulations with respect to each outstanding bond issue:

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),
- (b) the tax documentation associated with each bond issue, which may include some or all of the following (the "Tax Documents"):
  - (i) covenants, certifications and expectations regarding Federal tax requirements which are described in the Authorizing Proceedings;
  - (ii) Form 8038 series filed with the Internal Revenue Service;
  - (iii) tax certificates, tax compliance agreements, tax regulatory agreement or similar documents;
  - (iv) covenants, agreements, instructions or memoranda with respect to rebate or private use;
  - (v) any reports from rebate analysts received as a result of prior compliance review or evaluation efforts; and
  - (vi) any and all other agreements, certificates and documents contained in the transcript associated with the Authorizing Proceedings relating to federal tax matters.
- (c) the Issuer's continuing disclosure obligations, if any, contained in the Authorizing Proceedings or in a separate agreement (the "Continuing Disclosure Obligations"), and
- (d) any communications or other materials received by the Issuer or its counsel, from bond counsel, the underwriter or placement agent or its counsel, the IRS, or any other material correspondence relating to the tax-exempt status of the Issuer's bonds or relating to the Issuer's Continuing Disclosure Obligations.



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*Use and Timely Expenditure of Bond Proceeds.* Expenditure of bond proceeds shall be reviewed by the Compliance Officer to ensure (a) such proceeds are spent for the purpose stated in the Authorizing Proceedings and as described in the Tax Documents and (b) that the proceeds, together with investment earnings on such proceeds, are spent within the timeframes described in the Tax Documents, and (c) that any mandatory redemptions from excess bond proceeds are timely made if required under the Authorizing Proceedings and Tax Documents.

*Arbitrage Yield Restrictions and Rebate Matters.* The Tax Documents shall be reviewed by the Compliance Officer to ensure compliance with any applicable yield restriction requirements under Section 148(a) of the Internal Revenue Code (the "Code") and timely calculation and payment of any rebate and the filing of any associated returns pursuant to Section 148(f) of the Code. A qualified rebate analyst shall be engaged as appropriate or as may be required under the Tax Documents.

*Use of Bond Financed Property.* Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

*Continuing Disclosure.* Compliance with the Continuing Disclosure Obligations with respect to each bond issue shall be evaluated (a) to ensure timely compliance with any annual disclosure requirement, and (b) to ensure that any material events have been properly disclosed as required by the Continuing Disclosure Obligation.

*Record Keeping.* If not otherwise specified in the Bond Documents, all records related to each bond issue shall be kept for the life of the indebtedness associated with such bond issue (including all tax-exempt refundings) plus six (6) years.

*Incorporation of Tax Documents.* The requirements, agreements and procedures set forth in the Tax Documents, now or hereafter in existence, are hereby incorporated into these procedures by this reference and are adopted as procedures of the Issuer with respect to the series of bonds to which such Tax Documents relate.

*Consultation Regarding Questions or Concerns.* Any questions or concerns which arise as a result of any review by the Compliance Officer shall be raised by the Compliance Officer with the Issuer's counsel or with bond counsel to determine whether non-compliance exists and what measures should be taken with respect to any non-compliance.

*VCAP and Remedial Actions.* The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the Internal Revenue Service which allows issuers under certain circumstances to voluntarily enter into a closing agreement in the event of certain non-compliance with Federal tax requirements and (b) the remedial actions available to issuers of certain bonds under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the bonds were issued.



ORDINANCE NO. 2013-1138 - Amended

AN ORDINANCE PROVIDING FOR THE CITY TO MAKE MANDATORY MONTHLY ASSESSMENTS ON UTILITY BILLS OF RESIDENTIAL PROPERTIES AND BUSINESS PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY; PROVIDING FOR THE PAYMENT OF SAID MONTHLY ASSESSMENTS TO BROKEN BOW MUNICIPAL UTILITIES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR PENALTY AND AN EFFECTIVE DATE.

SECTION 1. The City of Broken Bow commencing the 1<sup>st</sup> day of December, will assess and collect a minimum monthly charge of **\$19.25** per residential household or low volume commercial business or operation per month. Small businesses and/or operations shall be **\$26.25** per month if they receive once a week pickup service with up to three containers. Medium businesses and/or operations with more than once a week pickup or more than three containers shall pay **\$36.25** per month. The large commercial businesses or operations will be those who receive more than once a week pickup service or have more than three containers of approximately 30 gallons each, or a dumpster shall pay **\$60.25** per month. Super large businesses and/or operations shall be charged by weight and number of trips as determined by hauler and the City. Apartment complexes with one utility meter shall be treated as a commercial business or operation.

(A) Seventy-five cents of the foregoing dollar amounts is an assessment by the City of Broken Bow for billing and collection of said utility bills.

SECTION 2. The City will make mandatory monthly assessments on utility bills of residential properties and business properties within the corporate limits of the City.

SECTION 3. The Mayor with the consent of the City Council shall appoint a Board of Adjustment consisting of the hauler, one Council members, the Utility Superintendent, or agent designated by the City, and one citizen at large to hear all complaints and claims presented by the citizens of the City pertaining to the fees charged for the collection of garbage, rubbish, trash and waste within the residential and commercial districts within said municipality.

SECTION 4. Violation of said ordinance shall be punishable up to \$500.00 per offense.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Dated this 26<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Mayor, Cecil Burt

ATTEST:

\_\_\_\_\_  
City Clerk, Stephanie M. Wright

**RESOLUTION 2016-21**

**RESOLUTION AUTHORIZING PAYMENT #14 TO  
JEO CONSULTING GROUP, INC.**

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

WHEREAS, JEO Consulting Group, Inc. has submitted Pay Request No. 14 for work performed for 25% completed work of Construction Services, 59% Additional Lighting Design for 10<sup>th</sup> Avenue, D Street and Downtown Park, 50% Additional Lighting Design for 10<sup>th</sup> Avenue, C Street to BNSF, and RPR Services completed through April 8, 2016; and

WHEREAS, JEO Consulting Group, Inc. is entitled to a payment of \$25,087.50 for the Broken Bow 2015 Downtown Improvements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and City Council of Broken Bow, Nebraska: to authorize the City to sign all necessary documentation for payment and pay JEO Consulting Group, Inc. \$25,087.50.

PASSED AND APPROVED this 26<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Cecil Burt, Mayor

ATTEST:

\_\_\_\_\_  
Stephanie M. Wright, City Clerk

(S E A L)



## Invoice

April 14, 2016

Project No: R141001.00

Invoice No: 88728

Invoice Amount: 25,087.50

City of Broken Bow  
PO Box 504  
314 So. 10th Avenue  
Broken Bow, NE 68822

Project Manager Steven Parr

Project R141001.00 Broken Bow 2015 Downtown Improvements

**Professional Services through April 8, 2016**

	Contract Amount	Percent Complete	Billed-to-Date	Previous Billing	Current Billing
<b>Lump Sum Phase(s)</b>					
Design	\$173,705.00	100 %	\$173,705.00	\$173,705.00	0.00
Amendment No. 1 Design	\$28,095.00	100 %	\$28,095.00	\$28,095.00	0.00
Bidding and Negotiations	\$12,000.00	100 %	\$12,000.00	\$12,000.00	0.00
Construction Services	\$167,000.00	25 %	\$41,198.25	\$28,758.75	\$12,439.50
Post Construction	\$10,000.00	0 %	0.00	0.00	0.00
Additional Lighting Design for 10th Avenue, D Street and Downtown Park	\$7,950.00	59 %	\$4,705.00	\$4,145.00	\$560.00
Additional Lighting Design for 10th Avenue, C Street to BNSF	\$2,970.00	50 %	\$1,495.50	0.00	\$1,495.50
<b>Hourly Phase(s)</b>					
Additional Services - USACOE Flood Control Permitting			\$10,502.00	\$10,502.00	0.00
RPR Services			\$20,425.00	\$9,832.50	\$10,592.50
<b>Total</b>	<b>\$401,720.00</b>		<b>\$292,125.75</b>	<b>\$267,038.25</b>	<b>\$25,087.50</b>
<b>Total Amount Due Upon Receipt</b>					<b>\$25,087.50</b>

cc-Eric Dixon, JEO





Date: 4-13-16

**PUBLIC AGENDA REQUEST FORM**

No action will be taken relative to items on this agenda other than referral for information.

**Date to speak:** April 26th, 2016

**Name:** Donnis Hueftle-Bullock

**Address:** 444 S 8th Ave.  
Broken Bow, NE 68822 ZIP

**Phone Number:** 308-872-5691

**E-mail address:** donnis@brokenbow-ne.com

**Brief description of topic to be discussed:**

Temporary closure of the east half of North C Street between  
6th and 7th avenues (1/2 block across from the parking lot)  
for the BRAN event on June 6th, 2016 to allow placement  
of picnic tables for food court for the BRAN riders to use.

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Donnis Hueftle-Bullock", written over a horizontal line.

Please return to: Stephanie Wright, City Clerk  
City of Broken Bow  
PO Box 504 – 314 South 10<sup>th</sup> Avenue  
Broken Bow, NE 68822

Ph: (308) 872-5831  
Fax (308) 872-6885  
E-mail address: clerk@cityofbrokenbow.org