



**CITY OF BROKEN BOW  
CITY COUNCIL AGENDA  
January 28, 2021 @ 6:00 PM  
Municipal Auditorium  
314 South 10<sup>th</sup> Avenue, Broken Bow, NE**

**Meeting Procedure**

*The Public may address specific agenda items at the pleasure of the Mayor. Please come to the podium, state your name and address, and limit your remarks to five minutes or less. Out of respect to City employees, we request that any complaints or criticisms of employees not be aired in a public meeting. Concerns about employees should be brought to the attention of the City Administrator or Mayor. An individual in violation will be declared out of order.*

**A. Call to Order**

- B. Open Meetings Act:** In accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available and is posted for review by all citizens.

**C. Roll Call**

**D. Pledge of Allegiance**

- E. Submittal of Requests for Future Items:** Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

- F. Consent Agenda:** Consideration of approving the consent agenda items for January 28, 2021, which will include the following:
- a. Approval of Minutes of January 12, 2021 Meeting
  - b. Approval of Bills as Posted

**G. Discussion:**

- a. **EZ IT Solutions:** City of Broken Bow Cyber Assessment
- b. **Police Chief:** Safe Policy Practices

**H. Other Communications:**

- a. **Life Saving Awards – Broken Bow Ambulance Service:** Andy Holland, Brandi Hurlburt, Lawrence Stump, Ahren Finney, David Baltz, Kacey Woodliff-Finney, Shane Fiorelli.  
**Off Broadway Staff:** Suzanne Glendy, Bev Johnson, Laura Hendricks, Jamie Christen.  
**Valley County Home Health:** Krista Osmond.

**I. Unfinished Business:**

- a. **Public Hearing, on Ordinance 1238, No Parking Spaces** - Consideration of opening a public hearing on Ordinance 1238, Designating (3) three “No Parking” spaces located on the south side of South F Street. The first (3) three parking stalls east of South 8<sup>th</sup> Avenue.

**\*\*Please click on the letter next to the agenda item to see the information associated with that item.**

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- b. Ordinance 1238, No Parking Spaces** – Consideration of approving Ordinance 1238, Designating (3) three “No Parking” spaces located on the south side of South F Street. The (1st) first (3) three parking stalls east of South 8th Avenue.

**J. New Business:**

- a. Resolution 2021-1, Resolution calling Various Purpose Bonds, Series 2010** - Consideration of approving the call for Various Purpose Bonds.
- b. Resolution 2021-2, Resolution calling Various Purpose Bonds, Series 2012** - Consideration of approving the call for Various Purpose Bonds.
- c. Public Hearing on Ordinance 1239, Ordinance issuing GO Various Purpose Refunding Bonds, Series 2021 in an amount not to exceed \$415,000** - Consideration of opening a public hearing on Ordinance 1239, Ordinance issuing GO Various Purpose Refunding Bonds, Series 2021 in an amount not to exceed \$415,000.
- d. Waive Three Readings of Ordinance 1239, Ordinance issuing GO Various Purpose Refunding Bonds, Series 2021 in an amount not to exceed \$415,000** - Consideration of waiving three readings of Ordinance 1239.
- e. Ordinance 1239, Ordinance Issuing GO Various Purpose Refunding Bonds, Series 2021 in an amount not to exceed \$415,000** - Consideration of approving Ordinance 1239, Issuing Refunding Bonds, Series 2021, not to exceed \$415,000.
- f. Resolution 2021-3, Resolution call GO Refunding Bonds, Series 2016** – Consideration of approving the call GO Refunding Bonds, Series 2016.
- g. Public Hearing on Ordinance 1240, Ordinance issuing GO Refunding Bonds, Series 2021 in an amount not to exceed \$1,880,000** - Consideration of opening a Public Hearing on Ordinance 1240, Issuing GO Refunding Bonds, Series 2021 in an amount not to exceed \$1,880,000.
- h. Waive Three Readings of Ordinance 1240, Issuing GO Refunding Bonds, Series 2021 in an amount not to exceed \$1,880,000** - Consideration of waiving the Three Readings of Ordinance 1240.
- i. Ordinance 1240, Issuing GO Refunding Bonds, Series 2021** - Consideration of approving Ordinance 1240, Issuing GO Refunding Bonds, Series 2021 in an amount not to exceed \$1,880,000.

**K. Adjournment**

***The next City Council Meeting will be on Tuesday, February 9, 2020 @ 6:00 pm.***



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**Upcoming Events**

- ❖ **February 8** – Board of Public Works Meeting at 12:30 pm @ Municipal Building
- ❖ **February 9** – City Council Meeting at 6:00 pm @ Municipal Building
- ❖ **February 15** – City Offices Closed – Presidents Day
- ❖ **February 22** – Board of Public Works Meeting at 12:30 pm @ Municipal Building
- ❖ **February 23** – City Council Meeting at 6:00 pm @ Municipal Building

*The Council will review the above matters and take such action as they deem appropriate. The Council may enter into closed session to discuss any matter on this agenda when it is determined by the Council that it is clearly necessary for protection of the public interest or the prevention of needless injury to the reputation of any individual and if such individual has not requested a public meeting, or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.*

**Broken Bow City Council  
Meeting Minutes  
January 12, 2021**

The Broken Bow City Council met in regular session on Tuesday, January 12, 2021 in the Broken Bow Municipal Auditorium. Notice of the meeting was given in advance thereof as required by publication in the Custer County Chief on January 7, 2021. 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 Rod Sonnichsen called the meeting to order at 6:00 p.m., with the following Councilmembers present: Jacob Holcomb (via teleconference), David Schmidt, Chris Myers, Larry Miller. Absent: None. Mayor Sonnichsen announced the availability of the open meetings law, followed by reciting of the Pledge of Allegiance.

Mayor Sonnichsen read the format for submitting requests for future agenda items.

Moved by Miller, seconded by Schmidt, to approve the consent agenda for January 12, 2021. Said motion includes approval of the Minutes of the December 22, 2020 Council Meeting and Bills to Date. Roll call vote: Voting aye: Myers, Schmidt, Holcomb, and Miller. Nays: None. Motion carried.

Black Hills Energy, utilities-gas, \$1,379.36; Bound Tree Medical, supplies, \$334.03; Broken Bow Airport Authority, monthly payment, \$1,083.33; Broken Bow Chamber of Commerce, ambulance incentive, \$1,080.00; Broken Bow Municipal Utilities, utilities, \$8,957.01; Card Services, supplies, \$1,118.78; Carquest of Broken Bow, supplies, \$53.50; Consolidated Management Co., NLETC meals, \$60.43; Custer County Chief, publications, \$852.52; Custer County Economic Development, CEDC membership, \$2,500.00; Custer County Treasurer, Communications Interlocal Payment, \$12,120.58; Custer Public Power, CD Cell power, \$102.37; EMC Insurance, insurance claim, \$1,827.89; Family Heritage, \$51.00; Fyr-Tek, chrome cap & chain, \$81.60; GTA Insurance Group, life insurance, \$1,071.84; Gateway Motors Inc., heater repair, \$238.56; Heiman Fire Equipment, EMS gloves, \$348.18; Hometown Leasing, copier lease, \$159.18; Insurance Aid Services, fees, \$2,374.57; Island Supply Company, Oxygen, \$42.68; JEO, Memorial Drive project, \$6,240.00; James Zlomke, Steve M. CDL test, \$100.00; John Deere Financial, mower lease, \$218.68; Justice Data Solutions, annual fee, \$1,825.00; Kellie Crowell, training, \$2,055.00; Kirkpatrick Cleaning Solutions, supplies, \$54.52; Lex Truck & Auto, power steering parts, \$105.00; Mid-States Organized Crime Info. Center, membership fee, \$100.00; Power Solutions, air dryer, \$217.00; Prachts Ace Hardware, parts, \$55.47; Pristine Cleaning, LLC, cleaning service, \$325.00; Quill Corporation, cleaning supplies, \$376.45; R & S Radiator, fix air compressor, \$87.50; S & L Sanitary Service, trash around the square, \$49.30; Steve Mogensen, CDL reimbursement, \$14.86; Sara J. Hulinsky, cleaning service, \$1,192.00; Schaper and White Law Firm, legal fees, \$1,385.41; Trotter Tire Service, tires for City Admin Truck, \$691.00; Unitech, ice melt, \$170.00; V-Bar Sales & Service, supplies, \$37.04; Verizon Wireless, police internet for I-pads, \$280.07; Wade Kleeb, safety boots, \$198.24; Woods & Aitken LLP, legal fees, \$60.00; Total Bills = \$51,674.95.

Moved by Schmidt, seconded by Myers to open a public hearing at 6:04 pm regarding Ordinance 1238, No Parking Spaces. Roll Call vote: Voting aye: Holcomb, Miller, Myers, and Schmidt. Nays: None. Motion carried. Mayor Sonnichsen asked the Council and The Public if they had any questions or comments about the request to designate (3) three "No Parking" spaces located on the south side of South F Street. The (1<sup>st</sup>) first (3) three parking stalls east of

South 8<sup>th</sup> Avenue. No comments or questions were asked. Moved by Schmidt, seconded by Miller, to close a public hearing regarding Ordinance 1238, No Parking Spaces at 6:05 pm. Roll Call vote: Voting aye: Holcomb, Miller, Myers, and Schmidt. Nays: None. Motion carried.

Moved by Miller, seconded by Schmidt to not waive the 2 readings of Ordinance 1238. Roll Call vote: Voting aye Miller, Holcomb, Schmidt, and Myers. Nays: None. Motion carried.

Moved by Schmidt, seconded by Holcomb, to approve appointing Jessica S. Owen as the Deputy Clerk-Treasurer. Roll Call vote: Voting aye: Schmidt, Myers, Miller, and Holcomb. Nays: None. Motion carried.

Moved by Myers, seconded by Miller, to approve Deputy Clerk-Treasurer Jessica S. Owen as an authorized signer for all City Bank Accounts held at Bruning Bank and Nebraska State Bank. Roll Call vote: Voting aye: Holcomb, Miller, Schmidt, and Myers. Nays: None. Motion carried.

Moved by Myers, seconded by Schmidt, to adjourn the City Council Meeting at 6:07 p.m. Roll call vote: Voting aye: Schmidt, Myers, Miller, and Holcomb. Nays: None. Motion carried.

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Rod Sonnichsen, Mayor

ATTEST:

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Kandi K. Peters, City Clerk

## Accounts Payable Summary 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>
	<b>Awards &amp; More</b>									
30478		1/26/2021	1/26/2021		33.50					Posted
	<b>Black Hills Energy</b>									
30510		1/26/2021	1/26/2021		1,613.49					Posted
	<b>Blue360 Media</b>									
30488		1/26/2021	1/26/2021		83.75					Posted
	<b>Bob's Truck Repair</b>									
30459		1/26/2021	1/26/2021		70.79					Posted
	<b>Bound Tree Medical</b>									
30500		1/26/2021	1/26/2021		639.99					Posted
	<b>Broken Bow Chamber of Commerce</b>									
30509		1/26/2021	1/26/2021		5,000.00					Posted
	<b>Capital One</b>									
30506		1/26/2021	1/26/2021		282.44					Posted
	<b>Card Services</b>									
30438		1/26/2021	1/26/2021		44.31					Posted
	<b>Carquest of Broken Bow</b>									
30470		1/26/2021	1/26/2021		23.98					Posted
30471		1/26/2021	1/26/2021		40.90					Posted
					64.88	Total Carquest of Broken Bow				
	<b>Central I.T., LLC</b>									
30455		1/26/2021	1/26/2021		44.00					Posted
	<b>Century Link</b>									
30437		1/26/2021	1/26/2021		705.12					Posted
	<b>Consolidated Management Co.</b>									
30495		1/26/2021	1/26/2021		16.62					Posted
	<b>Culligan Water Conditioning</b>									
30480		1/26/2021	1/26/2021		19.60					Posted
	<b>Custer County Hiway Dept.</b>									
30458		1/26/2021	1/26/2021		136.77					Posted
	<b>Custer Transfer Station</b>									
30492		1/26/2021	1/26/2021		113.06					Posted
	<b>Danko Emergency Equipment Co</b>									
30503		1/26/2021	1/26/2021		57.17					Posted
	<b>Eakes Office Products</b>									
30482		1/26/2021	1/26/2021		6.58					Posted
30483		1/26/2021	1/26/2021		774.27					Posted
					780.85	Total Eakes Office Products				
	<b>Frontier Family Pharmacy</b>									
30505		1/26/2021	1/26/2021		13.16					Posted
	<b>Fyr-Tek</b>									
30501		1/26/2021	1/26/2021		628.91					Posted
	<b>Game &amp; Fish</b>									
30490		1/26/2021	1/26/2021		5.00					Posted
	<b>Garrett Tires &amp; Treads</b>									
30497		1/26/2021	1/26/2021		28.15					Posted
	<b>Gateway Motors Inc</b>									
30494		1/26/2021	1/26/2021		89.79					Posted
	<b>Great Plains Communications</b>									
30439		1/26/2021	1/26/2021		70.95					Posted
	<b>Heiman Fire Equipment</b>									
30499		1/26/2021	1/26/2021		134.48					Posted
	<b>Ingram Library Services</b>									
30475		1/26/2021	1/26/2021		1,010.38					Posted
	<b>JEO</b>									
30508		1/26/2021	1/26/2021		5,465.00					Posted

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<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>
	<b>Jeffres Sand and Gravel (continued)</b>									
7498		1/26/2021	1/26/2021		1,105.26					Posted
	<b>KCNI/KBBN</b>									
30474		1/26/2021	1/26/2021		49.00					Posted
	<b>Kirkpatrick Cleaning Solutions</b>									
30453		1/26/2021	1/26/2021		27.28					Posted
	<b>Kully Pipe &amp; Steel</b>									
30468		1/26/2021	1/26/2021		486.33					Posted
	<b>Mother Earth News</b>									
30473		1/26/2021	1/26/2021		17.00					Posted
	<b>Myers Construction Co</b>									
30451		1/26/2021	1/26/2021		3,997.50					Posted
	<b>OBrien's Hardware</b>									
30463		1/26/2021	1/26/2021		2.49					Posted
	<b>Omaha World Herald</b>									
30472		1/26/2021	1/26/2021		18.31					Posted
	<b>Platte Valley Communications</b>									
30466		1/26/2021	1/26/2021		702.27					Posted
30487		1/26/2021	1/26/2021		456.30					Posted
					1,158.57	Total Platte Valley Communications				
	<b>Power Solutions</b>									
30464		1/26/2021	1/26/2021		217.00					Posted
	<b>Prachts Ace Hardware</b>									
30452		1/26/2021	1/26/2021		40.57					Posted
30465		1/26/2021	1/26/2021		31.97					Posted
30467		1/26/2021	1/26/2021		10.58					Posted
					83.12	Total Prachts Ace Hardware				
	<b>Presto X Company</b>									
30481		1/26/2021	1/26/2021		162.28					Posted
	<b>Pristine Cleaning, LLC</b>									
30486		1/26/2021	1/26/2021		325.00					Posted
	<b>Productivity Plus Account</b>									
30489		1/26/2021	1/26/2021		265.48					Posted
	<b>Quill Corporation</b>									
30496		1/26/2021	1/26/2021		49.58					Posted
	<b>Sara J. Hulinsky</b>									
30479		1/26/2021	1/26/2021		1,192.00					Posted
	<b>Sargent Pipe Co</b>									
30469		1/26/2021	1/26/2021		624.60					Posted
	<b>Science News</b>									
30491		1/26/2021	1/26/2021		50.00					Posted
	<b>Steve Scott</b>									
30493		1/26/2021	1/26/2021		63.88					Posted
	<b>Stryker Medical</b>									
30504		1/26/2021	1/26/2021		887.56					Posted
	<b>The Garden Center</b>									
30460		1/26/2021	1/26/2021		254.99					Posted
	<b>Titan Machinery-North Platte</b>									
30484		1/26/2021	1/26/2021		56.00					Posted
30485		1/26/2021	1/26/2021		219.21					Posted
					275.21	Total Titan Machinery-North Platte				
	<b>Trotter Service</b>									
30462		1/26/2021	1/26/2021		1,263.02					Posted
	<b>Trotter's Whoa &amp; Go</b>									
30502		1/26/2021	1/26/2021		50.21					Posted

**Accounts Payable Summary 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>
<b>Verizon Wireless (continued)</b>								
436	1/26/2021	1/26/2021	282.82					Posted
<b>Village Uniform</b>								
30477	1/26/2021	1/26/2021	177.57					Posted
<b>Wenquist Inc.</b>								
30456	1/26/2021	1/26/2021	20.58					Posted
30457	1/26/2021	1/26/2021	38.95					Posted
			59.53	Total Wenquist Inc.				
<b>Woods &amp; Aitken LLP</b>								
30507	1/26/2021	1/26/2021	60.00					Posted
			30,357.75	61 Non-voided payables listed.				

**Report Setup**

AP - Accounts Payable Listing : Vendor Name

**Filter Options**

Starting: 1/13/2021

Ending: 1/26/2021

Banks: All

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

1773 Vendors Selected

# 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>General</b>				
Awards & More		RECOGNITION PLAQUE	City Promotions	33.50
Broken Bow Chamber of Commerce		agreement for city promotions	City Promotions	5,000.00
Card Services		CREDIT CARD LATE CHARGES/INTERES	Supplies & Postage	22.16
Century Link		PHONES	Telephone/Internet	85.49
Century Link		PHONES	Telephone/Internet	181.86
Custer Transfer Station		631 S 9TH DEMO	Building Demo	113.06
Eakes Office Products		OFFICE SUPPLIES	Copier Maint/Expense	144.25
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	540.42
Woods & Aitken LLP		LEGAL FEES	Legal Fees	60.00
			Total General	\$6,180.74
<b>Municipal Building</b>				
Black Hills Energy		UTILITIES-GAS	Utilities	1,126.07
Presto X Company		monthly service-pest control	Maintenance & Repair B	111.28
Pristine Cleaning, LLC		CLEANING SERVICE	Contracted Services	325.00
Village Uniform		RUG CLEANING	Building Cleaning Suppli	177.57
			Total Municipal Building	\$1,739.92
<b>Handi Bus</b>				
Card Services		CREDIT CARD LATE CHARGES/INTERES	Supplies & Postage	22.15
Century Link		PHONES	Telephone/Internet	73.90
Verizon Wireless		telephone	Telephone/Internet	62.17
			Total Handi Bus	\$158.22
<b>Police</b>				
Black Hills Energy		UTILITIES-GAS	Utilities	487.42
Blue360 Media		NE Crime & Traffic Law Manual	Printing & Publication	83.75
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Telephone/Internet	9.95
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Supplies & Postage	7.22
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Maintenance & Repair B	42.99
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Uniforms	18.18
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Uniforms	46.04
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Uniforms	68.06
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Uniforms	165.84
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Uniforms	(125.83)
Capital One		APPAREL, WEBSITE FEE, SUPPLIES	Dog Care	49.99
Century Link		PHONES	Telephone/Internet	216.06
Consolidated Management Co.		MEALS 403(CA) TRAINING	Travel & Meeting Expen:	16.62
Garrett Tires & Treads		TIRE REPAIR 405	Maint/Repair Equipment	28.15
Gateway Motors Inc		OIL & OIL CHANGE 2014 IMP(404)	Gas and Oil	89.79
Platte Valley Communications		ANNUAL FEE FOR VIRUS PROTECTION &	Equipment Purchases	78.30
Platte Valley Communications		ANNUAL FEE FOR VIRUS PROTECTION &	Computers	378.00
Quill Corporation		SUPPLIES	Supplies & Postage	49.58
Steve Scott		SUPPLIES & MEALS	Travel & Meeting Expen:	20.01
Steve Scott		SUPPLIES & MEALS	Supplies & Postage	43.87
			Total Police	\$1,773.99
<b>Rescue Unit</b>				
Bound Tree Medical		DOPPLER OB PROBE	Equipment Purchases	639.99
Danko Emergency Equipment Co		JOB SHIRT	Uniforms	57.17
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	14.93
Frontier Family Pharmacy		BABY ASPIRIN	Ambulance Supplies	13.16
Heiman Fire Equipment		EXTRACTION GLOVES	Equipment Purchases	134.48
Stryker Medical		YEARLY SERVICE PAYMENT	Equipment Purchases	887.56
Verizon Wireless		telephone	Telephone/Internet	160.04
			Total Rescue Unit	\$1,907.33
<b>Fire</b>				
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	14.93
Fyr-Tek		ANNUAL COMPRESSOR SERVICE/MAINT	Maint/Repair Equipment	628.91
Trotter Service		FUEL/TIRE REPAIR	Gas and Oil	95.39
Trotter's Whoa & Go		fuel	Gas and Oil	50.21
Verizon Wireless		telephone	Telephone/Internet	60.61
			Total Fire	\$850.05
<b>Library</b>				

# Check Approval List - GL Account

1/22/2021 10:40:16 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>Library</b>				
Central I.T., LLC		SERVICE CALL	Maint/Repair Equipment	44.00
Organ Water Conditioning		SALT-WATER SOFTNER	Maintenance & Repair B	19.60
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	6.58
Game & Fish		1 YR MAGAZINE SUBSCRIPTION	Book Purchases	5.00
Ingram Library Services		materials	Book Purchases	1,010.38
KCNI/KBBN		CHRISTMAS NEWS SPONSOR	Library Promotions	49.00
Kirkpatrick Cleaning Solutions		paper towels	Supplies & Postage	27.28
Mother Earth News		MAGAZINE SUBSCRIPTION	Book Purchases	17.00
Omaha World Herald		NEWSPAPER SUBSCRIPTION	Book Purchases	18.31
Prachts Ace Hardware		ICE MELT	Supplies & Postage	40.57
Presto X Company		monthly service-pest control	Maintenance & Repair B	51.00
Sara J. Hulinsky		cleaning service	Contracted Services	1,192.00
Science News		1 YEAR SUBSCRIPTION	Book Purchases	50.00
			Total Library	\$2,530.72
<b>Street</b>				
Bob's Truck Repair		TRUCK REPAIR	Maint/Repair Equipment	70.79
Carquest of Broken Bow		REPAIRS	Maint/Repair Equipment	40.90
Custer County Hiway Dept.		BLADES	Maint/Repair Equipment	136.77
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	29.87
Great Plains Communications		INTERNET	Telephone/Internet	35.48
Jeffres Sand and Gravel		GRAVEL	Gravel	1,105.26
Kully Pipe & Steel		REPAIRS	Maint/Repair Equipment	486.33
Myers Construction Co		SNOW REMOVAL	Snow Removal	3,997.50
OBrien's Hardware		PIPE FITTING	Maint/Repair Equipment	2.49
Power Solutions		AIR DRIER	Maint/Repair Equipment	217.00
Prachts Ace Hardware		PAINT	Maint/Repair Equipment	10.58
Sargent Pipe Co		SNOW BLOWER SKIDS	Maint/Repair Equipment	624.60
Titan Machinery-North Platte		REPAIRS	Maint/Repair Equipment	219.21
Trotter Service		FUEL/TIRE REPAIR	Gas and Oil	891.84
Trotter Service		FUEL/TIRE REPAIR	Maint/Repair Equipment	150.00
Wenquist Inc.		REPAIRS	Maint/Repair Equipment	38.95
			Total Street	\$8,057.57
<b>Park</b>				
Carquest of Broken Bow		ZIP TIES	Maintenance & Repair B	23.98
Eakes Office Products		OFFICE SUPPLIES	Supplies & Postage	29.87
Great Plains Communications		INTERNET	Telephone/Internet	35.47
Platte Valley Communications		RADIO REPAIR	Maint/Repair Equipment	702.27
Prachts Ace Hardware		PIPE FITTINGS	Maint/Repair Equipment	31.97
Productivity Plus Account		BLADES FOR TOOL CAT	Maint/Repair Equipment	265.48
The Garden Center		CHRISTMAS LIGHTS	Maintenance/Repair Gro	112.99
The Garden Center		CHRISTMAS LIGHTS	Trees & Shrubs	142.00
Titan Machinery-North Platte		BOLTS/LOCK NUTS	Maint/Repair Equipment	56.00
Trotter Service		FUEL/TIRE REPAIR	Gas and Oil	125.79
Wenquist Inc.		SUPPLIES	Maint/Repair Equipment	20.58
			Total Park	\$1,546.40
<b>Swimming Pool</b>				
Century Link		PHONES	Telephone/Internet	147.81
			Total Swimming Pool	\$147.81
<b>ST Infra/Capital</b>				
JEO		Memorial Drive Project	Sales Tax Infra Projects	5,465.00
			Total ST Infra/Capital	\$5,465.00
				\$30,357.75

Report Selection: Check Approval List - GL Account

Date Range Selection: GL Posting Date

Starting Date: 1/13/2021

Ending Date: 1/26/2021

# ***LIFE SAVING AWARDS***

## ***Broken Bow Ambulance Services:***

***Andy Holland***

***Brandi Hurlburt***

***Lawrence Stump***

***Ahren Finney***

***David Baltz***

***Kacey Woodliff-Finney***

***Shane Fiorelli***

## ***Off Broadway Staff:***

***Suzanne Glendy***

***Bev Johnson***

***Laura Hendricks***

***Jamie Christen***

## ***Valley County Home Health:***

***Krista Osmond***

**CITY OF BROKEN BOW  
ORDINANCE NO. 1238**

**AN ORDINANCE PROVIDING FOR THE PLACING OF A DESIGNATED “NO PARKING” SPACE, IN THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, PROVIDING FOR PUBLICATION AND EFFECTIVE DATE AND REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.**

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

Section 1. That there is hereby designated (3) three “No Parking” spaces located on the south side of South F Street. The (1<sup>st</sup>) first (3) three parking stalls east of South 8<sup>th</sup> Avenue.

Section 2. This ordinance shall be in full force and take effect from and after its passage and publication.

Passed and approved this 26<sup>th</sup> day of January, 2021.

\_\_\_\_\_  
Rod Sonnichsen, Mayor

ATTEST:

\_\_\_\_\_  
Kandi K. Peters, City Clerk



728 SF St, Broken  
Bow, NE 68822

728 SF St

Building

[More info](#)

[Add to project](#)

Camera: 805 m -41°24'03"N 99°30'20"W 754 ft



N E B R A S K A

Rooted. But Not Standing Still.

## REQUEST FOR FUTURE AGENDA ITEM

If you have a specific topic that you would like the City Council to discuss at a future meeting, please list your name, address, telephone number, and the specific topic. The item will be reviewed and possibly scheduled for a future meeting, or forwarded to City staff for appropriate action.

Name: CUSTER COUNTY CONSTRUCTION

Address: 2268 MEMORIAL DRIVE

Telephone #: 870-0010

Date of Request: 11-23-20

Description of Topic: ABANDONMENT OF PARKING  
SPACES ON SOUTH F STREET TO  
ALLOW FOR DRIVEWAY

Please return to the City Clerk

RESOLUTION NO. 2021-1

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

Section 1. That the following bonds issued by the City of Broken Bow, Nebraska are hereby called for redemption at par plus accrued interest to the extent and on such date as set forth in the Designation of Call Date (as defined below):

Various Purpose Bonds, Series 2010, dated October 1, 2010, in the outstanding principal amount of \$285,000, 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>
\$55,000	October 1, 2021	112128 GG2
55,000	October 1, 2022	112128 GH0
55,000	October 1, 2023	112128 GJ6
60,000	October 1, 2024	112128 GK3
60,000	October 1, 2025	112128 GL1

Section 2. Said bonds are payable at the office of the Treasurer of the City of Broken Bow, Nebraska, as Paying Agent and Registrar, in Broken Bow, Nebraska.

Section 3. The Mayor or the City Clerk of the City (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this resolution to determine the call date for said bonds on behalf of the City and to designate which maturities of said bonds will be called, and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the City without further action of the Mayor and Council. The Call Date shall be set for any time on or after February 1, 2021, provided, however, that on and after December 31, 2021, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Treasurer of the City of Broken Bow, in Broken Bow, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bond and in accordance with the Designation of Call Date.

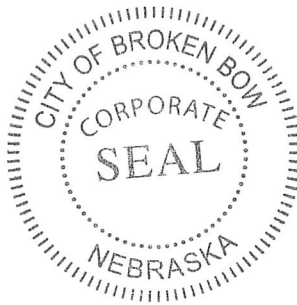
PASSED AND APPROVED this 28<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

(S E A L)



RESOLUTION NO. 2021-2

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

Section 1. That the following bonds issued by the City of Broken Bow, Nebraska are hereby called for redemption at par plus accrued interest to the extent and on such date as set forth in the Designation of Call Date (as defined below):

Various Purpose Bonds, Series 2012, dated October 16, 2012, in the outstanding principal amount of \$105,000, 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>
\$15,000	June 15, 2021	112128 GG2
15,000	June 15, 2022	112128 GH0
15,000	June 15, 2023	112128 GJ6
15,000	June 15, 2024	112128 GK3
15,000	June 15, 2025	112128 GL1
15,000	June 15, 2026	112128 GL1
15,000	June 15, 2027	112128 GL1

Section 2. Said bonds are payable at the office of the Treasurer of the City of Broken Bow, Nebraska, as Paying Agent and Registrar, in Broken Bow, Nebraska.

Section 3. The Mayor or the City Clerk of the City (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this resolution to determine the call date for said bonds on behalf of the City and to designate which maturities of said bonds will be called, and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the City without further action of the Mayor and Council. The Call Date shall be set for any time on or after February 1, 2021, provided, however, that on and after December 31, 2021, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Treasurer of the City of Broken Bow, in Broken Bow, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bond and in accordance with the Designation of Call Date.

PASSED AND APPROVED this 28<sup>th</sup> day of January, 2021.



\_\_\_\_\_  
Mayor

ATTEST:



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

(S E A L)



ORDINANCE NO. 1239

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BONDS, SERIES 2021, OF THE CITY OF BROKEN BOW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR HUNDRED FIFTEEN THOUSAND DOLLARS (\$415,000) TO REFUND 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; 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 City Council (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 under Sections 17-516, 17-520, 18-1801 and 18-1802, R.R.S. Nebraska 2012, which bonds remain unpaid and constitute a legal liability of the City as follows:

Various Purpose Bonds, Series 2010, dated October 1, 2010, maturing from October 1, 2021 through October 1, 2025, in the outstanding principal amount of \$285,000 (the “Outstanding 2010 Bonds”);

(b) That the City has heretofore issued interest-bearing bonds under Sections 17-516, 17-520, 18-1801 and 18-1802, R.R.S. Nebraska 2012, which bonds remain unpaid and constitute a legal liability of the City as follows:

Various Purpose Bonds, Series 2012, dated October 16, 2012, maturing from June 15, 2021 through June 15, 2027, in the outstanding principal amount of \$105,000 (the “Outstanding 2012 Bonds”);

(c) The Outstanding 2010 Bonds and the Outstanding 2012 Bonds are referred to hereinafter collectively as the “Outstanding Bonds”.

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

(e) That by issuing its refunding bonds in the amount of not to exceed \$415,000, in pursuance of Section 10-142, R.R.S. Nebraska 2012, the Outstanding Bonds can be called for redemption and paid off on a date designated as set forth herein; and

(f) That pursuant to authority granted by Sections 18-1801 and 18-1802, Reissue Revised Statutes of Nebraska, 2012, the City may combine proposed bond issues into a single bond issue to be designated "Various Purpose Bonds", and that all conditions, acts and things required by law to exist or to be done precedent to the issuance of General Obligation Various Purpose Refunding Bonds, Series 2021, of the City of Broken Bow, Nebraska, in the principal amount of not to exceed \$415,000 have been done in due form and time as required by law.

Section 2. For purposes as set out in Section 1 hereof, bonds to be designated General Obligation Various Purpose Refunding Bonds, Series 2021 (the "Bonds"), in the principal amount of not to exceed \$415,000, 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 Bonds shall be dated as of their date of delivery and shall mature on the dates, be issued in the principal amount and shall bear interest at the rates per annum all as determined in the Bond Purchase Agreement (the "Agreement") signed by the Mayor or City Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and agreed to by Piper Sandler & Co., which Agreement may also set the pricing terms and the terms pursuant to which the Bonds may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$415,000;
- (b) the true interest cost (TIC) of the Bonds shall not exceed 2.25%;
- (c) the underwriter's discount shall not exceed 2.00%; and
- (e) the longest maturity of the Bonds shall mature no later than October 1, 2026.

The Authorized Officers are authorized to establish the final terms for the Bonds and arrange for issuance of the Bonds without further action by the Council, provided, however, that the authority of the Authorized Officers to act without further action by the Council shall lapse if not exercised on or before December 31, 2021. 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 the dates designated by the Authorized Officers in the Agreement (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 fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (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 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. BOK Financial, N.A., of Lincoln, Nebraska is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor may, in his or her discretion, designate the City Treasurer or some 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 Authorized Officers, or either of them, is authorized to sign an agreement with said Paying Agent and Registrar for the provisions of such services. 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 Lincoln, Nebraska, or the 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 more than five (5) years after their date of issue shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of delivery of such Bonds at a redemption price equal to 100% of the par amount thereof plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed from such optional redemption in its sole discretion, but Bonds shall be redeemed 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 evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less than thirty days prior to the date fixed for redemption, first 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. 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. Nebraska 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:

(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 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:

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

GENERAL OBLIGATION VARIOUS PURPOSE REFUNDING BOND  
SERIES 2021

No. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u> %	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
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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 first day of April and October in each year, starting \_\_\_\_\_, 2021. 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 may 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 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 fifteenth day (whether or not a business day) immediately preceding the interest payment date, 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 the Paying Agent and Registrar at the office of the Paying Agent and Registrar in Lincoln, 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 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 \_\_\_\_\_, in whole or in part, on the fifth anniversary of the dated date hereof, 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 \$\_\_\_\_\_, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by the City for the purpose of paying the City's outstanding Various Purpose Bonds, Series 2010, dated October 1, 2010, in the outstanding principal amount of \$285,000; and paying the City's outstanding Various Purpose Bonds, Series 2012, dated October 16, 2012, in the outstanding amount of \$105,000. The City has taken all preliminary steps required for the issuance of \$\_\_\_\_\_ in General Obligation Various Purpose Refunding Bonds. The issuance of said bonds has been authorized by an ordinance duly enacted by a vote of not less than three-fourths of all members of the City Council and published as provided by law, all in strict compliance with Sections 10-142, 17-516, 17-520, 18-1801, and 18-1802, R.R.S. Nebraska, 2012.

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 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, to the extent not paid from other sources.

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.

BOK Financial, N.A., as Paying Agent  
and Registrar

By: \_\_\_\_\_ (Do not sign)  
Authorized Officer

### (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 Paying Agent and Registrar, 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.

Section 9. The Bonds are hereby sold to Piper Sandler & Co. (the "Initial Purchaser") upon the terms set forth in the Agreement approved by the Authorized Officers 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 proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof. The City may also pay costs of issuance from the proceeds of the Bonds.

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, to the extent not paid from other sources.

Section 11. 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. 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 2021 in an amount in excess of \$10,000,000, taking into consideration the exception for current refunding bonds.

Section 12. 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 City has adopted a policy and procedures which are in full force and effect and applicable to the Bonds.

Section 13. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 28<sup>th</sup> day of January, 2021.

ATTEST:

Kandi K Petus  
City Clerk

[Signature]  
Mayor



RESOLUTION NO. 2021-3

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

Section 1. That the following bonds issued by the City of Broken Bow, Nebraska are hereby called for redemption at par plus accrued interest to the extent and on such date as set forth in the Designation of Call Date (as defined below):

General Obligation Refunding Bonds, Series 2016, dated June 1, 2016, in the outstanding principal amount of \$1,825,000, 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>
\$170,000	June 15, 2022	112128 JR5
175,000	June 15, 2023	112128 JS3
185,000	June 15, 2024	112128 JT1
190,000	June 15, 2025	112128 JU8
200,000	June 15, 2026	112128 JV6
210,000	June 15, 2027	112128 JW4
220,000	June 15, 2028	112128 JX2
230,000	June 15, 2029	112128 JY0
245,000	June 15, 2030	112128 JZ7

The General Obligation Refunding Bonds, Series 2016, maturing on June 15, 2021, are not called for redemption and will be paid at maturity.

Section 2. Said bonds are payable at the office of the Treasurer of the City of Broken Bow, Nebraska, as Paying Agent and Registrar, in Broken Bow, Nebraska.

Section 3. The Mayor or the City Clerk of the City (each, an “Authorized Officer”) are hereby authorized at any time on or after the date of this resolution to determine the call date for said bonds on behalf of the City and to designate which maturities of said bonds will be called, and such determination, when made in writing (the “Designation of Call Date”), shall constitute the action of the City without further action of the Mayor and Council. The Call Date shall be set for any time on or after June 1, 2021, provided, however, that on and after December 31, 2021, the Authorized Officers shall have no authority to make any such determination hereunder without further action of the Mayor and Council of the City and this resolution shall be of no further force and effect.

Section 4. A copy of this resolution shall be filed with the Treasurer of the City of Broken Bow, in Broken Bow, Nebraska, as Paying Agent and Registrar and said Paying Agent and Registrar is hereby instructed to give notice of redemption in the manner provided for in the ordinance authorizing said bond and in accordance with the Designation of Call Date.

PASSED AND APPROVED this 28<sup>th</sup> day of January, 2021.



\_\_\_\_\_  
Mayor

ATTEST:

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

(S E A L)



ORDINANCE NO. 1240

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2021, OF THE CITY OF BROKEN BOW, NEBRASKA, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION EIGHT HUNDRED EIGHTY THOUSAND DOLLARS (\$1,880,000) TO REFUND 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; 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 City Council (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 under Sections 10-142 and 17-950, R.R.S. Nebraska 2012, which bonds remain unpaid and constitute a legal liability of the City as follows:

General Obligation Refunding Bonds, Series 2016, dated June 1, 2016, maturing from June 15, 2022 through June 15, 2030, in the outstanding principal amount of \$1,825,000 (the “Outstanding Bonds”);

(c) That by taking up and paying off the 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;

(d) That by issuing its refunding bonds in the amount of not to exceed \$1,880,000, in pursuance of Sections 10-142 and 17-950, R.R.S. Nebraska 2012, the Outstanding Bonds can be called for redemption and paid off on a date designated as set forth herein; and

(e) That all conditions, acts and things required by law to exist or to be done precedent to the issuance of General Obligation Refunding Bonds, Series 2021, of the City of Broken Bow, Nebraska, in the principal amount of not to exceed \$1,880,000 have been done in due form and time as required by law.

Section 2. For purposes as set out in Section 1 hereof, bonds to be designated General Obligation Refunding Bonds, Series 2021 (the “Bonds”), in the principal amount of not to exceed \$1,880,000, 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 Bonds shall be dated as of their date of delivery and shall mature on the dates, be issued in the principal

amount and shall bear interest at the rates per annum all as determined in the Bond Purchase Agreement (the "Agreement") signed by the Mayor or City Clerk (each an "Authorized Officer", and together, the "Authorized Officers") on behalf of the City and agreed to by Piper Sandler & Co., which Agreement may also set the pricing terms and the terms pursuant to which the Bonds may be redeemed prior to maturity, all within the following limitations:

- (a) the aggregate principal amount of the Bonds shall not exceed \$1,880,000;
- (b) the true interest cost (TIC) of the Bonds shall not exceed 2.25%;
- (c) the underwriter's discount shall not exceed 1.50%; and
- (e) the longest maturity of the Bonds shall mature no later than June 15, 2030.

The Authorized Officers are authorized to establish the final terms for the Bonds and arrange for issuance of the Bonds without further action by the Council, provided, however, that the authority of the Authorized Officers to act without further action by the Council shall lapse if not exercised on or before December 31, 2021. 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 the dates designated by the Authorized Officers in the Agreement (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 fifteenth day (whether or not a business day) immediately preceding the Interest Payment Date (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 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. BOK Financial, N.A., of Lincoln, Nebraska is hereby designated as Paying Agent and Registrar for the Bonds, provided that the Mayor may, in his or her discretion, designate the City Treasurer or some 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 Authorized Officers, or either of them, is authorized to sign an agreement with said Paying Agent and Registrar for the provisions of such services. 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 Lincoln, Nebraska, or the 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 more than five (5) years after their date of issue shall be subject to redemption, in whole or in part, prior to maturity at any time on or after the fifth anniversary of the date of delivery of such Bonds at a redemption price equal to 100% of the par amount thereof plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed from such optional redemption in its sole discretion, but Bonds shall be redeemed 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 evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the Mayor and Council by the Paying Agent and Registrar by mail not less

than thirty days prior to the date fixed for redemption, first 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. 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. Nebraska 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:

(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 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:

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

GENERAL OBLIGATION REFUNDING BOND  
SERIES 2021

No. \_\_\_\_\_ \$ \_\_\_\_\_

<u>Interest Rate</u> %	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP No.</u>
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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 June and December in each year, starting \_\_\_\_\_, 2021. 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 may 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 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 fifteenth day (whether or not a business day) immediately preceding the interest payment date, 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 the Paying Agent and Registrar at the office of the Paying Agent and Registrar in Lincoln, 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 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 \_\_\_\_\_, in whole or in part, on the fifth anniversary of the dated date hereof, 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 \$ \_\_\_\_\_, of like tenor herewith except as to denomination, date of maturity and rate of interest issued by the City for the purpose of paying a portion of the City's outstanding General Obligation Refunding Bonds, Series 2016, dated June 1, 2016, in the outstanding principal amount of \$1,825,000, issued to refund bonds issued to pay the costs of swimming pool improvements in and for the City. The City has taken all preliminary steps required for the issuance of \$ \_\_\_\_\_ in General Obligation Refunding Bonds. The issuance of said bonds has been authorized by an ordinance duly enacted by a vote of not less than three-fourths of all members of the City Council and published as provided by law, all in strict compliance with Sections 10-142 and 17-950 R.R.S. Nebraska, 2012.

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 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, to the extent not paid from other sources.

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.

BOK Financial, N.A., as Paying Agent  
and Registrar

By: \_\_\_\_\_ (Do not sign)  
Authorized Officer

(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 Paying Agent and Registrar, 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.

Section 9. The Bonds are hereby sold to Piper Sandler & Co. (the "Initial Purchaser") upon the terms set forth in the Agreement approved by the Authorized Officers 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 proceeds of the Bonds shall be applied upon receipt for the purposes described in Section 1 hereof. The City may also pay costs of issuance from the proceeds of the Bonds.

Section 10. To the extent the Bonds are issued to refund the Outstanding Bonds before the earliest possible redemption date of the Outstanding Bonds, the net principal proceeds of the Bonds, after application of any underwriter's discount and/or costs of issuance associated therewith, together

with other available funds of the City as may be necessary for such purposes, shall be applied immediately to fund a special escrow account with the Escrow Agent (defined below) to provide for the payment and satisfaction of all the principal of and interest on the applicable Outstanding Bonds as called for redemption on the date designated in the Designation of Call Date and referred to herein as the "Redemption Date." The Mayor shall designate a bank or trust company to serve as the escrow agent (the "Escrow Agent") for such Bonds, to have custody and safekeeping of the funds and investments which are to be set aside for the payment of the Outstanding Bonds. For purposes governing such escrow accounts and the holding and application of such funds and investments, the City shall enter into a contract or contracts entitled "Escrow Agreement" with the Escrow Agent. The officers of the City (or any one of them acting alone) are authorized to execute an Escrow Agreement for each applicable series on behalf of the City and take all other actions necessary or appropriate to establish such Escrow Agreements. Said officers of the City are further authorized to approve the investments provided for in said Escrow Agreements, and to make any necessary subscriptions for United States Treasury Securities, State and Local Government Securities, or to contract for the purchase of securities in the open market (such securities, the "Defeasance Securities"). Proceeds to be held under each particular Escrow Agreement shall be invested in the Defeasance Securities or held as cash as provided in said Escrow Agreement. Any investment of proceeds of a series of Bonds held under a particular Escrow Agreement shall mature not later than the applicable Redemption Date for the Outstanding Bonds to be refunded thereby. Proceeds of Bonds and investment earnings thereon shall be applied under the terms of the applicable Escrow Agreement to the payment of the principal of and interest on the Outstanding Bonds as the same become due on and prior to the Redemption Date, and as called for redemption on the Redemption Date. The City agrees that on the date of original issue of each applicable series of Bonds it shall deposit or otherwise have on hand with the Escrow Agent, from other available sources, funds sufficient after taking into consideration available proceeds of such series of Bonds and investment earnings to provide funds for all payments due on the corresponding Outstanding Bonds on or before the Redemption Date, and as called for redemption on the Redemption Date. The City will provide all other funds necessary for the calling and redemption of the applicable series of Outstanding Bonds on the applicable Redemption Date, and the Mayor and City Clerk are further authorized to take any and all actions necessary or appropriate in connection therewith. The holders of the Bonds shall be subrogated on a pro rata basis to the rights of the holders of the Outstanding Bonds from and after the redemption and payment of the Outstanding Bonds.

Section 11. 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, to the extent not paid from other sources.

Section 12. The City Council hereby authorizes the Mayor and City Clerk, or either of them, to approve and declare 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 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 13. 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 Board (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;
  - (7) modifications to rights of the holders of the Bonds, if material;
  - (8) bond calls, if material, and tender offers;
  - (9) defeasances;
  - (10) release, substitution, or sale of property securing repayment of the Bonds, if material;
  - (11) rating changes;
  - (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority

having supervision or jurisdiction over substantially all of the assets or business of the City);

- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional Trustee or the change of name of a Trustee, if material.
- (15) incurrence of a financial obligation of the obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the obligated person, any of which affect security holders, if material; and
- (16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the obligated person, any of which reflect financial difficulties.

For purposes subparagraph (15) above, a “financial obligation” means a (a) debt obligation; (b) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (c) guarantee of a debt obligation or any such derivative instrument; provided that “financial obligation” shall not include municipal securities as to which a final official statement (as defined in the Rule) has been provided to the MSRB consistent with the Rule.

The City has not undertaken to provide notice of the occurrence of any other event, except the events listed above. 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 foregoing information, data and notices can be obtained from the City Clerk.

Section 14. 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. 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 2021 in an amount in excess of \$10,000,000, taking into consideration the exception for current refunding bonds.

Section 15. 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. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 16. This Ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 28<sup>th</sup> day of January, 2021.



Mayor

ATTEST:

  
City Clerk

(S E A L)

