

CITY COUNCIL PROCEEDINGS
May 8, 2024

The City Council of the City of David City, Nebraska, met in open public session at 7:00 p.m. in the meeting room of the City Office at 490 "E" Street, David City, Nebraska. The Public had been advised of the meeting by posting in four public places (City Office, US Post Office, Butler County Courthouse and Hruska Public Library). The Mayor and members of the City Council acknowledged advance notice of the meeting by signing the Agenda which is a part of these minutes. The advance notice to the Public, Mayor, and Council members conveyed the availability of the agenda, which was kept continuously current in the office of the City Clerk and was available for public inspection on the City's website. No new items were added to the agenda during the twenty-four hours immediately prior to the opening of the Council meeting.

Present for the meeting were: Council President Bruce Meysenburg, Council members Kevin Woita, Pat Meysenburg, Jim Angell, Keith Marvin, Tom Kobus, City Attorney David Levy, City Administrator Intern Raiko Martinez and Interim City Administrator/City Clerk Tami Comte. Mayor Jessica Miller was absent.

Also present for the meeting were: Deputy Clerk Lori Matchett, Police Chief Marla Schnell, Marlene Hein, Roger Knobloch with Garver and Andy Forney with D.A. Davidson.

The meeting opened with the Pledge of Allegiance.

Presiding Officer Bruce Meysenburg informed the public of the "Open Meetings Act" posted on the west wall of the meeting room and asked those present to please silence their cell phones. Presiding Officer Bruce Meysenburg read the speaking guidelines for the City Council meeting. He also reminded the public that if they speak tonight in front of the Council, they must state their name and address for the record.

Council member Keith Marvin made a motion to approve the minutes of the April 24, 2024 City Council meeting as presented. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Tom Kobus made a motion to approve the claim to Marvin Planning Consultants. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Abstain (With Conflict), Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Abstain (With Conflict): 1

Council member Tom Kobus made a motion to approve the claim to D-Sign shop. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Abstain (With Conflict), Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 5, Nay: 0, Abstain (With Conflict): 1

Council member Jim Angell made a motion to approve the claims. Council Member Pat Meysenburg seconded the motion. The motion carried.

City Council Proceedings

May 8, 2024

Page #2

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Tom Kobus made a motion to approve the committee and officer reports. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Tom Kobus made a motion to approve Certificate of Payment #14 in the amount of \$620,219.10 to Velocity Constructors Inc. for the 2022 Water Treatment Plant Upgrades. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

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Contractor's Application for Payment

Owner: <u>City of David City</u>	Owner's Project No.: _____																								
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>202024.00</u>																								
Contractor: <u>Velocity Constructors Inc.</u>	Contractor's Project No.: _____																								
Project: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>																									
Contract: <u>2022 Water Treatment Plant Upgrades, SRF Project No. D311686</u>																									
Application No.: <u>14</u>	Application Date: <u>5/8/2024</u>																								
Application Period: From <u>4/1/2024</u> to <u>5/1/2024</u>																									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">1. Original Contract Price</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 10,562,772.00</td> </tr> <tr> <td>2. Net change by Change Orders</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 139,302.51</td> </tr> <tr> <td>3. Current Contract Price (Line 1 + Line 2)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 10,702,074.51</td> </tr> <tr> <td>4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 4,539,221.90</td> </tr> <tr> <td>5. Retainage</td> <td></td> </tr> <tr> <td style="padding-left: 20px;">a. <u>5%</u> X <u>\$ 2,878,790.01</u> Work Completed =</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 143,939.50</td> </tr> <tr> <td style="padding-left: 20px;">b. <u>5%</u> X <u>\$ 1,660,431.89</u> Stored Materials =</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 83,021.59</td> </tr> <tr> <td style="padding-left: 20px;">c. Total Retainage (Line 5.a + Line 5.b)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 226,961.09</td> </tr> <tr> <td>6. Amount eligible to date (Line 4 - Line 5.c)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 4,312,260.81</td> </tr> <tr> <td>7. Less previous payments (Line 6 from prior application)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 3,692,041.71</td> </tr> <tr> <td>8. Amount due this application</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 620,219.10</td> </tr> <tr> <td>9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)</td> <td style="text-align: right; border-bottom: 1px solid black;">\$ 6,389,813.70</td> </tr> </table>	1. Original Contract Price	\$ 10,562,772.00	2. Net change by Change Orders	\$ 139,302.51	3. Current Contract Price (Line 1 + Line 2)	\$ 10,702,074.51	4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 4,539,221.90	5. Retainage		a. <u>5%</u> X <u>\$ 2,878,790.01</u> Work Completed =	\$ 143,939.50	b. <u>5%</u> X <u>\$ 1,660,431.89</u> Stored Materials =	\$ 83,021.59	c. Total Retainage (Line 5.a + Line 5.b)	\$ 226,961.09	6. Amount eligible to date (Line 4 - Line 5.c)	\$ 4,312,260.81	7. Less previous payments (Line 6 from prior application)	\$ 3,692,041.71	8. Amount due this application	\$ 620,219.10	9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 6,389,813.70	
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Contractor's Certification																									
<p>The undersigned Contractor certifies, to the best of its knowledge, the following:</p> <p>(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;</p> <p>(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and</p> <p>(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p>																									
Contractor: <u>James Sulzbach - Project Manager Velocity Constructors</u>																									
Signature: <u><i>James Sulzbach</i></u>	Date: <u>4/1/2024</u>																								
Recommended by Engineer	Approved by Owner																								
By: _____	By: _____																								
Title: _____	Title: _____																								
Date: _____	Date: _____																								

Progress Estimate - Lump Sum Work

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	14	Application Period:	From	04/01/24	to	05/01/24	Application Date:	05/08/24
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A Item No.	B Description	C Scheduled Value (\$)	D + E Work Completed		F Currently Stored (not in D or E) (\$)	G Work Completed and Materials Stored to Date (D + E + F) (\$)	H % of Scheduled Value (G / C) (%)	I Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
BASE BID GROUP C - Reverse Osmosis¹								
B-1.25	CCRO and CIP Tank Skids (Equipment Only)	2,126,760.00	2,000.00	-	18,227.00	20,227.00	1%	2,106,533.00
B-1.26	CCRO and CIP Tank Skids (Installation)	7,208.00	-	-	-	-	0%	7,208.00
B-1.27	Existing Maintenance Facility Demolition	27,093.00	27,093.00	-	-	27,093.00	100%	-
B-1.28	RO Room Expansion, Block Construction	245,926.00	226,000.00	4,000.00	13,900.00	243,900.00	99%	2,026.00
B-1.29	New Existing Maintenance Facility Floor Pavement	3,174.00	3,000.00	-	-	3,000.00	95%	174.00
B-1.30	New Existing Maintenance Facility Roof	28,709.00	21,000.00	-	-	21,000.00	73%	7,709.00
B-1.31	Overhead Doors	22,781.00	2,000.00	-	17,000.00	19,000.00	83%	3,781.00
B-1.32	Access Doors	8,791.00	2,000.00	-	-	2,000.00	23%	6,791.00
B-1.33	Single Girder Bridge Crane & Hoist (Equipment Only)	20,361.00	1,000.00	-	-	1,000.00	5%	19,361.00
B-1.34	Single Girder Bridge Crane & Hoist (Installation)	12,387.00	1,000.00	1,000.00	-	2,000.00	16%	10,387.00
B-1.35	Below Grade CCRO Skid Piping, Complete	57,740.00	57,740.00	-	-	57,740.00	100%	-
B-1.36	Above Grade CCRO & CIP Skid Piping, Complete	129,743.00	2,000.00	-	46,755.52	48,755.52	38%	80,987.48
B-1.37	Electrical	10,080.00	3,000.00	-	2,000.00	5,000.00	50%	5,080.00
BASE BID GROUP D - Intermediate Clearwell¹								
B-1.38	Intermediate Clearwell Structural Concrete	170,506.00	147,000.00	-	20,000.00	167,000.00	98%	3,506.00
B-1.39	Clearwell Hatches	15,613.00	2,000.00	-	-	2,000.00	13%	13,613.00
B-1.40	Vertical Turbine Pumps	113,608.00	2,000.00	10,000.00	85,940.88	97,940.88	86%	15,667.12
B-1.41	Degassifier (Equipment Only)	112,153.00	112,153.00	-	-	112,153.00	100%	-
B-1.42	Degassifier (Installation)	6,407.00	-	-	-	-	0%	6,407.00
B-1.43	Pump Building, Block Construction	116,781.00	2,000.00	95,000.00	5,000.00	102,000.00	87%	14,781.00
B-1.44	Stairs and Miscellaneous Metals	4,603.00	2,000.00	-	2,000.00	4,000.00	87%	603.00
B-1.45	Clearwell Ladders	4,749.00	-	-	3,000.00	3,000.00	63%	1,749.00
B-1.46	Fluid Applied Exterior Membrane	103,757.00	103,757.00	-	-	103,757.00	100%	-
B-1.47	Intermediate Clearwell Piping, Fittings, Valves, Meters, Complete	77,335.00	9,000.00	-	67,159.61	76,159.61	98%	1,175.39
B-1.48	Weir Plate and Weir Window	4,398.00	1,000.00	-	2,000.00	3,000.00	68%	1,398.00
B-1.49	Electrical	50,400.00	3,000.00	-	10,000.00	13,000.00	26%	37,400.00

Progress Estimate - Lump Sum Work Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.: 14 Application Period: From 04/01/24 to 05/01/24 Application Date: 05/08/24

A	B	C	D	E	F	G	H	I
Item No.	Description	Scheduled Value (\$)	Work Completed		Currently Stored (not in D or E) (\$)	Work Completed and Materials Stored to Date (D + E + F) (\$)	% of Scheduled Value (G / C) (%)	Balance to Finish (C - G) (\$)
			(D + E) From Previous Application (\$)	This Period (\$)				
BASE BID GROUP E - Chemical Feed System Improvements¹								
B-1.50	Chemical Feed System Improvements	149,305.00	2,000.00	5,000.00	113,869.00	120,869.00	81%	28,436.00
B-1.51	Gas Chlorine System Improvements	62,365.00	2,000.00	-	-	2,000.00	3%	60,365.00
B-1.52	Electrical	15,120.00	2,000.00	-	3,000.00	5,000.00	33%	10,120.00
BASE BID GROUP F - Backwash Improvements¹								
B-1.53	Backwash Waste Pump and Piping Improvements, Complete	161,971.00	3,000.00	-	54,553.19	57,553.19	36%	104,417.81
B-1.54	Proposed Manhole Improvements	1,551.00	1,200.00	-	-	1,200.00	77%	351.00
B-1.55	Backwash Pit Access Hatch	3,727.00	-	-	-	-	0%	3,727.00
B-1.56	Backwash Supply Pump and Piping Improvements, Complete	103,300.00	2,000.00	-	69,409.93	71,409.93	69%	31,890.07
B-1.57	Electrical/Generator	252,000.00	3,000.00	20,000.00	122,859.90	145,859.90	58%	106,140.10
Bid Alternate #1								
BA1-1	Gravity Filter Effluent Valve Replacement ¹	220,730.00	112,000.00	50,000.00	50,000.00	212,000.00	96%	8,730.00
Bid Alternate #2								
BA2-1	Demolish Existing Upflow Clarifier Unit, Complete ¹	113,190.00	-	-	23,000.00	23,000.00	20%	90,190.00
Original Contract Totals		\$ 10,343,448.00	\$ 2,300,487.50	\$ 439,000.00	\$ 1,660,431.89	\$ 4,399,919.39	29.8	\$ 5,943,528.61
Change Orders								
CO-1	12" Underslab Pipe	54,560.00	54,560.00	-	-	54,560.00	100%	-
CO-2	Misc	84,742.51	84,742.51	-	-	84,742.51	100%	-
Change Order Totals		\$ 139,302.51	\$ 139,302.51	\$ -	\$ -	\$ 139,302.51	100%	\$ -
Original Contract and Change Orders								
Project Totals		\$ 10,482,750.51	\$ 2,439,790.01	\$ 439,000.00	\$ 1,660,431.89	\$ 4,539,221.90	43%	\$ 5,943,528.61

¹ Sales Tax for Materials & Equipment Included

Progress Estimate - Unit Price Work

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.: 14 Application Period: From 04/01/24 to 05/01/24 Application Date: 05/08/24

A	B	C	D	E	F	G	H	I	J	K	L
Bid Item No.	Description	Contract Information				Work Completed		Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + I) (\$)	% of Value of Item (J / F) (%)	Balance to Finish (F - J) (\$)
		Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C X E) (\$)	Estimated Quantity Incorporated in the Work	Value of Work Completed to Date (E X G) (\$)				
Original Contract											
Base Bid¹											
B-2	Install Aggregate Surfacing	358.00	TONS	42.50	15,215.00		-		-	0%	15,215.00
B-3	Final Clearwell Roof Slab Rehabilitation	100.00	SF	140.30	14,030.00		-		-	0%	14,030.00
Bid Alternate #3											
BA3-1	Install 6" Concrete Pavement ¹	1,324.00	SY	143.56	190,079.00		-		-	0%	190,079.00
Original Contract Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00
Original Contract and Change Orders											
Project Totals					\$ 219,324.00		\$ -	\$ -	\$ -	0%	\$ 219,324.00

¹ Sales Tax for Materials & Equipment Included

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRP Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRP Project No. D311686		

Application No.:	14	Application Period: From	04/01/24	to	05/01/24	Application Date:	05/08/24
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A Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	B Supplier Invoice No.	C Submittal No. (with Specification Section No.)	D Description of Materials or Equipment Stored	E Storage Location	F Application No. When Materials Placed in Storage	G, H, I Materials Stored			J, K, L Incorporated in Work			M Materials Remaining in Storage (I - L) (\$)
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G + H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)	Total Amount Incorporated in the Work (J + K) (\$)	
B-1.19	S894991		Yard Pipe	On Site	3	36,399.00	-	36,399.00	36,399.00	-	36,399.00	-
B-1.19	S898108		Yard Pipe	On Site	4	3,033.85	-	3,033.85				3,033.85
B-1.19	S835976		Yard Pipe	On Site	4	4,484.62	-	4,484.62				4,484.62
B-1.19	835125		Yard Pipe	On Site	4	6,039.99	-	6,039.99				6,039.99
B-1.19	896907		Yard Pipe	On Site	4	23,979.17	-	23,979.17				23,979.17
B-1.19	S897709		Yard Pipe	On Site	4	29,725.95	-	29,725.95				29,725.95
B-1.29 & 38			Rebar	On Site	4	33,900.00	-	33,900.00	33,900.00	-	33,900.00	-
B-1.19	T241554		Yard Pipe	On Site	5	370.34	-	370.34				370.34
B-1.19	T203897		Yard Pipe	On Site	5	520.82	-	520.82				520.82
B-1.19	T063762		Yard Pipe	On Site	5	1,012.90	-	1,012.90				1,012.90
B-1.24,37,49,52,57	Pay App 2		Electrical Fixtures	On Site	5	30,708.14	-	30,708.14				30,708.14
B1.56	0902556-IN		Electric Pumps	On Site	6	26,934.00	-	26,934.00				26,934.00
B1.47	34604		Mellen Valves PRV	On Site	7	27,865.08	-	27,865.08				27,865.08
B1.43	26123		Misc Metals Decking	On Site	7	5,000.00	-	5,000.00				5,000.00
B-1.57	13 Invoices		Electrical	On Site	7	112,151.76	-	112,151.76				112,151.76
B-1.22	92500		WesTech	Submittals	7	22,224.99	-	22,224.99				22,224.99
B1.31	228627		Overhead Doors	On Site	8	17,000.00	-	17,000.00				17,000.00
B-1.19	8 Invoices		Yard Pipe	On Site	9	15,646.65	-	15,646.65				15,646.65
B-1.47	Mellen		Air Vac	On Site	9	3,442.69	-	3,442.69				3,442.69
B-1.53	1 Invoice		Inside Pipe	On Site	9	23,997.39	-	23,997.39				23,997.39
B-1.17	T897108		Lang Fence	On Site	9	21,500.00	-	21,500.00				21,500.00
B-1.40			Vertical Turbine Pumps	On Site	10	85,940.88	-	85,940.88	85,940.88		85,940.88	-
B-1.05	HOA		Electrical HOA	Pictures	10	143,249.80	-	143,249.80				143,249.80
B-1.22	Mellen		Gate Valves	On Site	10	20,930.00	-	20,930.00				20,930.00
B-1.47	C&M		Clearwell Pipe	On Site	10	6,053.55	-	6,053.55	6,053.55		6,053.55	-
B-1.22	Vesco		Blower	On Site	11	50,000.00	-	50,000.00				50,000.00
B-1.25	Gurney		Split Case Pump	On Site	11	18,227.00	-	18,227.00				18,227.00
B1.47	8 Invoices		Piping	On Site	11	29,798.29	-	29,798.29				29,798.29
B-1.50	Gurney		Chem Feed	On Site	12	113,869.00	-	113,869.00				113,869.00
B-1.22	WesTech		Troughs	On Site	12	103,664.94	-	103,664.94	50,000.00		50,000.00	53,664.94
B-1.56	Mellen		Valves	On Site	12	7,651.85	-	7,651.85				7,651.85
B-1.56	3 Invoice		Inside Piping	Onsite	12	34,824.08	-	34,824.08				34,824.08
B-1.22	94231		Filter Rehab - WesTech	Onsite	13	187,247.48	-	187,247.48				187,247.48
B-1.22	35522		Mellen - Valves	Onsite	13	90,506.40	-	90,506.40				90,506.40
B-1.19	35489		Mellen - Valves	Onsite	13	24,828.20	-	24,828.20				24,828.20
B-1.19	35608		Mellen - Valves	Onsite	13	44,019.10	-	44,019.10				44,019.10
B-1.36	10 Inv		Core and Main - Piping	Onsite	13	39,821.77	-	39,821.77				39,821.77
B-1.11	Pay App 1		Skylight	Onsite	14		24,882.00	24,882.00				24,882.00
B1.18,44,45,48,BA2-1	Pay App		Misc Metals Decking	Onsite	14		45,000.00	45,000.00				45,000.00
BA1-1	35785		Valves	Onsite	14		50,000.00	50,000.00				50,000.00
B-1.19	CI 438085		RCP	Onsite	14		2,671.00	2,671.00				2,671.00
B-1.36	US50028		Piping	Onsite	14		6,933.75	6,933.75				6,933.75
B-1.05	11766		Enclosures	Onsite	14		13,819.66	13,819.66				13,819.66
B-1.53	2212-15350		Valves	Onsite	14		30,555.80	30,555.80				30,555.80
B-1.08	Pay App		Misc Metals Decking	Onsite	14		40,000.00	40,000.00				40,000.00

Stored Materials Summary

Contractor's Application for Payment

Owner:	City of David City	Owner's Project No.:	
Engineer:	JEO Consulting Group, Inc.	Engineer's Project No.:	202024.00
Contractor:	Velocity Constructors Inc.	Contractor's Project No.:	
Project:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		
Contract:	2022 Water Treatment Plant Upgrades, SRF Project No. D311686		

Application No.:	14	Application Period: From	04/01/24	to	05/01/24	Application Date:	05/08/24					
A	B	C	D	E	F	G	H	I	J	K	L	M
Item No. (Lump Sum Tab) or Bid Item No. (Unit Price Tab)	Supplier Invoice No.	Submittal No. (with Specification Section No.)	Description of Materials or Equipment Stored	Storage Location	Application No. When Materials Placed in Storage	Materials Stored		Incorporated in Work			Materials Remaining in Storage (I - L) (\$)	
						Previous Amount Stored (\$)	Amount Stored this Period (\$)	Amount Stored to Date (G + H) (\$)	Amount Previously Incorporated in the Work (\$)	Amount Incorporated in the Work this Period (\$)		Total Amount Incorporated in the Work (J + K) (\$)
												-
												-
												-
Totals						\$ 1,446,569.68	\$ 213,862.21	\$ 1,660,431.89	\$ 70,299.00	\$ 141,994.43	\$ 70,299.00	\$ 1,304,158.25

Council member Tom Kobus made a motion to approve Pay Estimate #2 in the amount of \$365,853.09 to BRB Contractors, Inc. for the Wastewater Treatment Plant Improvement Project. Council Member Kevin Woita seconded the motion. The motion carried. Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



VEENSTRA & KIMM INC.

3000 Westown Parkway
West Des Moines, Iowa 50266

515.225.8000 // 800.241.8000
www.v-k.net

May 1, 2024

Tami Comte
City Clerk
City of David City
1220 E Street
David City, NE 68632

CITY OF DAVID CITY, NEBRASKA
WASTEWATER TREATMENT PLANT IMPROVEMENT
PARTIAL PAYMENT ESTIMATE NO. 2

Enclosed is a copy of Partial Payment Estimate No. 2 for the contract between the City of David City and BRB Contractors, Inc. for the Wastewater Treatment Plant Improvement project. Partial Payment Estimate No. 2 covers work during the month of April 2024.

Partial Payment Estimate No. 2 is in the amount of \$365,853.09. Veenstra & Kimm, Inc. has reviewed Partial Payment Estimate No. 2 and would recommend its approval and payment.

The payment estimate covers approximately 40% of the excavating and back fill related to the new SBR structures. The payment estimate includes some of the general site work related payment items. The final element of the payment estimate is materials stored. Similar to the SBR equipment, BRB Contractors had to make a payment to move forward with the reinforcing steel required for various elements of the project. Partial Payment Estimate No. 2 provides payment as materials stored for the cost incurred by BRB Contractors to order the reinforcing steel for the project.

If you have any questions or comments concerning the project, please contact the writer at 515-225-8000, or at bveenstra@v-k.net.

VEENSTRA & KIMM, INC.


H. R. Veenstra Jr.

HRVJr:ha
6478

Contractor's Application for Payment No.		2
	Application Period: Through 4/28/2024	Application Date: 4/26/2024
To (Owner): David City, NE	From (Contractor): BRB Contractors, Inc.	Via (General Contractor):
Project: David City WWTP Facility Improvements	Contract:	
Owner's Contract No.:	Contractor's Project No.: NE3DAY	Engineer's Project No.: 6475

**Application For Payment
 Change Order Summary**

Approved Change Orders	1. ORIGINAL CONTRACT PRICE.....
Number	Additions
Deductions	\$ 16,882,000.00
	2. Net change by Change Orders.....
	\$
	3. Current Contract Price (Line 1 ± 2a-2b).....
	\$ 16,882,000.00
	4. TOTAL COMPLETED AND STORED TO DATE
	(Column F on Progress Estimate).....
	\$ 15,570,958.02
	5. RETAINAGE:
	a. 5% X \$1,081,496.00 Work Completed.....
	\$ 54,074.80
	b. 5% X \$489,462.02 Stored Material.....
	\$ 24,473.10
	c. Total Retainage (Line 5a + Line 5b).....
	\$ 78,547.90
	6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c).....
	\$ 15,492,410.12
	7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....
	\$ 1,126,557.03
	8. AMOUNT DUE THIS APPLICATION.....
	\$ 365,853.09
	9. BALANCE TO FINISH, PLUS RETAINAGE
	(Column G on Progress Estimate + Line 5 above).....
	\$ 15,389,589.88
TOTALS	
NET CHANGE BY	
CHANGE ORDERS	

Contractor's Certification	
<p>The undersigned Contractor certifies that to the best of its knowledge: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.</p>	
By:  Josh Klug Project Manager BRB Contractors, Inc.	Date: 4/30/2024

Payment of: \$ 365,853.09
 (Line 8 or other - attach explanation of the other amount)

is recommended by:  April 30, 2024
 (Engineer) (Date)

Payment of: \$ 365,853.09
 (Line 8 or other - attach explanation of the other amount)

is approved by: _____
 (Owner) (Date)

Approved by: _____
 Funding Agency (if applicable) (Date)

Application Period: Through 4/28/2024				Application Date: 4/26/2024					
A	B	C	D	E	F	G	H	I	J
Cost Code	Description	Original Contract Amount	Approved Change Order Amount	Current Contract Amount (C+D)	From Previous Application	Completed This Period	Materials Stored (Not In F or G)	Total Completed and Stored to Date (F+G+H)	% Cmpl
GENERAL SITEWORK									
	Mobilize	\$ 750,000.00		\$ 750,000.00	\$750,000.00			\$750,000.00	100.0%
	Bonds and Insurance	\$ 180,000.00		\$ 180,000.00	\$174,496.00			\$174,496.00	96.9%
	SWPP Items	\$ 25,000.00		\$ 25,000.00		\$15,000.00		\$15,000.00	60.0%
	Site Clearing	\$ 30,000.00		\$ 30,000.00					
	12" & 18" Forcemain Piping	\$ 300,000.00		\$ 300,000.00					
	Other Piping	\$ 1,095,000.00		\$ 1,095,000.00			\$5,555.12	\$5,555.12	0.5%
	Precast Manholes	\$ 65,000.00		\$ 65,000.00					
	Instrumentation & Control	\$ 50,000.00		\$ 50,000.00					
	Electrical/Generator Work	\$ 125,000.00		\$ 125,000.00		\$2,000.00		\$2,000.00	1.6%
									#DIV/0!
HEADWORKS BUILDING									
	Excavation & Backfill	\$ 150,000.00		\$ 150,000.00					
	Concrete Base Structure	\$ 500,000.00		\$ 500,000.00					
	Concrete Walls Structure	\$ 1,207,000.00		\$ 1,207,000.00					
	Concrete Floor/Deck Structure	\$ 350,000.00		\$ 350,000.00					
	Misc. Metals Furnish/Install	\$ 50,000.00		\$ 50,000.00			\$6,675.00	\$6,675.00	13.4%
	Masonry Above Structure	\$ 225,000.00		\$ 225,000.00					
	Doors & Windows Furnish/Install	\$ 65,000.00		\$ 65,000.00					
	Roof Trusses Furnish/Install	\$ 45,000.00		\$ 45,000.00					
	Standing Seam Roof & Specialties	\$ 100,000.00		\$ 100,000.00					
	Slide Gates Furnish/Install	\$ 100,000.00		\$ 100,000.00					
	Bar Screen Furnish/Install	\$ 200,000.00		\$ 200,000.00					
	Grit Equipment Furnish/Install	\$ 1,300,000.00		\$ 1,300,000.00					
	Parshall Flume	\$ 10,000.00		\$ 10,000.00					
	Indoor Sampler	\$ 20,000.00		\$ 20,000.00					
	Painting Structure	\$ 40,000.00		\$ 40,000.00					
	Instrumentation & Control Work	\$ 950,000.00		\$ 950,000.00					
	Mechanical Work	\$ 270,000.00		\$ 270,000.00					
	Electrical Work	\$ 700,000.00		\$ 700,000.00					
									#DIV/0!
AGP FLUME NO. 20									
	Excavation & Backfill	\$ 15,000.00		\$ 15,000.00					
	Concrete Base	\$ 20,000.00		\$ 20,000.00					
	Concrete Walls	\$ 42,000.00		\$ 42,000.00					
	Misc. Metals Furnish/Install	\$ 10,000.00		\$ 10,000.00					
	Equipment Flume Furnish/Instal	\$ 15,000.00		\$ 15,000.00					
									#DIV/0!
INFLUENT PUMP STATION									
	Excavation & Backfill	\$ 160,000.00		\$ 160,000.00					
	Concrete Base	\$ 50,000.00		\$ 50,000.00					
	Concrete Walls	\$ 327,000.00		\$ 327,000.00					
	Concrete Roof	\$ 100,000.00		\$ 100,000.00					
	Misc. Metals Furnish/Install	\$ 50,000.00		\$ 50,000.00					
	Furnish & Install Pumps	\$ 525,000.00		\$ 525,000.00					
	Furnish & Install Jib Crane & Foundation	\$ 50,000.00		\$ 50,000.00					
	Painting Work	\$ 35,000.00		\$ 35,000.00					
	Electrical Work	\$ 50,000.00		\$ 50,000.00					
									#DIV/0!
NEW SBR STRUCTURE									
	Excavation & Backfill	\$ 350,000.00		\$ 350,000.00		\$140,000.00		\$140,000.00	40.0%
	Installation/Remove Sheet Pile Wall	\$ 300,000.00		\$ 300,000.00					
	SBR Concrete Base Sections	\$ 520,000.00		\$ 520,000.00			\$80,000.00	\$80,000.00	15.4%

SBR Concrete Wall Sections	\$ 1,261,000.00	\$ 1,261,000.00			\$135,878.40	\$135,878.40	10.8%
SBR Basin Equipment Aeration	\$ 1,000,000.00	\$ 1,000,000.00			\$100,000.00	\$100,000.00	10.0%
SBR Basin Equipment Pumps	\$ 50,000.00	\$ 50,000.00			\$5,000.00	\$5,000.00	10.0%
Mec. Metals Furnish/Install	\$ 40,000.00	\$ 40,000.00					
Painting Work	\$ 15,000.00	\$ 15,000.00					
Electrical Work	\$ 50,000.00	\$ 50,000.00					
							#DIV/0!
BLOWER BUILDING MODIFICATIONS							#DIV/0!
Concrete Floor/Wall Demolition	\$ 15,000.00	\$ 15,000.00					
Excavation & Backfill	\$ 15,000.00	\$ 15,000.00					
New Concrete Floor and Blower Cases	\$ 35,000.00	\$ 35,000.00					
New Masonry Wall/Mec. Infill	\$ 7,500.00	\$ 7,500.00					
Furnish & Install Doors	\$ 7,500.00	\$ 7,500.00					
Furnish & Install New/Existing SBR Blowers	\$ 400,000.00	\$ 400,000.00			\$40,000.00	\$40,000.00	10.0%
Painting Work	\$ 20,000.00	\$ 20,000.00					
Instrumentation & Control Work	\$ 150,000.00	\$ 150,000.00			\$11,353.50	\$11,353.50	7.6%
Electrical Work	\$ 100,000.00	\$ 100,000.00					
							#DIV/0!
EXISTING SBR BASIN MODIFICATIONS							#DIV/0!
Remove Existing Equipment & Piping	\$ 50,000.00	\$ 50,000.00					
Existing SBR Basin Equipment Aeration	\$ 1,000,000.00	\$ 1,000,000.00			\$100,000.00	\$100,000.00	10.0%
Existing SBR Basin Equipment Pumps	\$ 50,000.00	\$ 50,000.00			\$5,000.00	\$5,000.00	10.0%
Mec. Metals Furnish/Install	\$ 40,000.00	\$ 40,000.00					
Construct New SBR Splitter Box	\$ 174,000.00	\$ 174,000.00					
Painting Work	\$ 20,000.00	\$ 20,000.00					
Electrical Work	\$ 50,000.00	\$ 50,000.00					
							#DIV/0!
STORAGE BUILDING							#DIV/0!
Excavation & Backfill	\$ 35,000.00	\$ 35,000.00					
Building Drainage Piping & Oil Separator	\$ 40,000.00	\$ 40,000.00					
Concrete Foundations	\$ 40,000.00	\$ 40,000.00					
Concrete Floor	\$ 55,000.00	\$ 55,000.00					
New Building Walls and Roof	\$ 270,000.00	\$ 270,000.00					
Doors & Windows	\$ 40,000.00	\$ 40,000.00					
Painting Work	\$ 30,000.00	\$ 30,000.00					
Electrical Work	\$ 75,000.00	\$ 75,000.00					
							#DIV/0!
DEMO EXISTING HEADWORKS BUILDING							#DIV/0!
Demolition of Existing Building Complete	\$ 30,000.00	\$ 30,000.00					
							#DIV/0!
CLOSEOUT							#DIV/0!
Silo Grading	\$ 25,000.00	\$ 25,000.00					
SBR/Storage Building Sidewalks	\$ 25,000.00	\$ 25,000.00					
Concrete Paving	\$ 20,000.00	\$ 20,000.00					
Seeding & Mulch	\$ 15,000.00	\$ 15,000.00					
Crushed Rock Surfacing Roads	\$ 80,000.00	\$ 80,000.00					
Fence & Gate System	\$ 30,000.00	\$ 30,000.00					
Totals	\$16,882,000.00	\$16,882,000.00	\$924,496.00	\$157,000.00	\$489,462.02	\$1,570,958.02	#DIV/0!

Application Period:					Application Date:				
Through 4/28/2024					4/26/2024				
A	B	C	D		E		F		G
Invoice No.	Shop Drawing Transmittal	Materials Description	Stored Previously		Stored this Month		Incorporated in Work		Materials Remaining in Storage (\$) (D + E - F)
			Date (Month/Year)	Amount (\$)	Amount (\$)	Subtotal	Date (Month/Year)	Amount (\$)	
105795-1		Aqua Aerobics Down Payment	4/26/2024	\$ 261,353.50		\$ -			\$261,353.50
50026177578		Rebar			\$ 19,091.30	\$ 19,091.30			\$19,091.30
50026159555		Rebar			\$ 28,359.32	\$ 28,359.32			\$28,359.32
50026147392		Rebar			\$ 26,753.09	\$ 26,753.09			\$26,753.09
50026147072		Rebar			\$ 29,743.20	\$ 29,743.20			\$29,743.20
50026147071		Rebar			\$ 29,743.20	\$ 29,743.20			\$29,743.20
50026114832		Rebar			\$ 29,743.20	\$ 29,743.20			\$29,743.20
50026127187		Rebar			\$ 22,299.72	\$ 22,299.72			\$22,299.72
50026303876		Rebar			\$ 30,145.37	\$ 30,145.37			\$30,145.37
0755219-1		Polywrap			\$ 1,964.40	\$ 1,964.40			\$1,964.40
755226		Polywrap			\$ 420.00	\$ 420.00			\$420.00
755219		Polywrap			\$ 3,170.72	\$ 3,170.72			\$3,170.72
27693		HME Shop Drawings			\$ 6,675.00	\$ 6,675.00			\$6,675.00
					\$ -	\$ -			
Totals				\$261,353.50	\$228,108.52	\$228,108.52			\$489,462.02

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BRANCH ADDRESS
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 (402) 331-0333
 8820 J STREET
 OMAHA NE 68117

INVOICE

INVOICE NUMBER
50026147392
INVOICE DATE
04/05/2024
CUSTOMER PO NUMBER
DAVID CITY WASTEWATER FACILITY

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SOLD TO: 33496000
 3285 1 AB 0.547 E0332 10655 D12969938664 S2 P10234232 0003-0003



BRB CONTRACTORS INC
 PO BOX 750940
 TOPEKA KS 66675-0940

DAVID CITY WASTEWATER FACILITY
 3461 M RD
 DAVID CITY NE 68632

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAXED BY				
03/29/2024	58475191	DOUG BRONSON	MARUSHAK, BRAD	SINGELMANN, TORI				
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.				
670	10004855327	NET 30 DAYS	2. OUR TRUCK	DAVID CITY				
LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
0	HDRDESC	DELIVERY TAG#: 28920659 SHIPPING NOTES: CC E3CO, E3CQ 23NE580	1	0	0	1	0.00	
1	E3CO	SBR BASE SLAB LIST 4-FABRICATED REBAR	1	16,177.73 EA	0	1	16,177.73	1,213.33
2	E3CQ	SBR BASE SLAB LIST 6-FABRICATED REBAR	1	10,575.36 EA	0	1	10,575.36	793.15
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For questions regarding this invoice please call 1-866-857-0295.							TOTAL GROSS	26,753.09
NO REFUNDS OR EXCHANGES ON NON STOCK MERCHANDISE Visit https://www.whitecap.com/terms/terms-conditions-of-sale-terms to view complete terms and conditions.							TOTAL TAX	2,006.48
							TOTAL SHIPPING AND HANDLING	0.00
RECEIVED BY: DOUG BRONSON							TOTAL INVOICE	28,759.57
SIGNATURE COPY ON FILE								

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 Orlando, FL 32802-4944

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 8820 J STREET
 OMAHA NE 68117

INVOICE

INVOICE NUMBER
50026147072
INVOICE DATE
04/05/2024
CUSTOMER PO NUMBER
DAVID CITY WWTP

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SOLD TO: 33496000
 3265 1 AB D.547 ED332 10554 D12868937846 S2 P10234232 0002:0003



BRB CONTRACTORS INC
 PO BOX 750940
 TOPEKA KS 66675-0940

DAVID CITY WASTEWATER FACILITY
 3461 M RD
 DAVID CITY NE 68632

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAKEN BY
03/26/2024	58390640	DOUG BRONSON	MARUSHAK, BRAD	SCOTT, STEWART
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.
670	10004855327	NET 30 DAYS	DIRECT SHIP	DAVID CITY

LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
0	HDRDESC	SHIPPING NOTES: 23-NE-560 DIRECT LOAD #9 X 40' FOR SBR SLAB BASE	1	0	0	1	0.00	
1	4359BAR60	#9 GR60 1-1/8" REBAR SOLD/LB 360 PCS X 40'	48960	0.6075 LBS	0	48960	29,743.20	2,230

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TOTAL GROSS	29,743.2
TOTAL TAX	2,230.7
TOTAL SHIPPING AND HANDLING	0.0
TOTAL INVOICE	31,973.9

WHITE CAP.

White Cap, L.P.
 PO Box 4944
 Orlando, FL 32802-4944



BRANCH ADDRESS
 670 - WC OMAHA NE (STS)
 (402) 331-0333
 6820 J STREET
 OMAHA NE 68117

INVOICE

INVOICE NUMBER
50026127188
INVOICE DATE
04/04/2024
CUSTOMER PO NUMBER
DAVID CITY WASTEWATER FACILITY

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SOLD TO: 33496000
 809 1 AB 0.547 E0155X 10289 012685335740 S2 P10232096 0001:0001

BRB CONTRACTORS INC
 PO BOX 750940
 TOPEKA KS 66675-0940

DAVID CITY WASTEWATER FACILITY
 3461 M RD
 DAVID CITY NE 68632

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAKEN BY				
03/28/2024	58445915	DOUG BRONSON	MARUSHAK, BRAD	SINGELMANN, TORI				
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.				
670	10004855327	NET 30 DAYS	2. OUR TRUCK	DAVID CITY				
LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
0	HDRDESC	DELIVERY TAG#: 28902433 SHIPPING NOTES: CC E3CL, E3CN, E3CR 23NE560	1	0	0	1	0.00	
1	E3CL	SBR BASE SLAB LIST 1-FABRICATED REBAR	1	6,684.93 EA	0	1	6,684.93	501.37
2	E3CN	SBR BASE SLAB LIST 3-FABRICATED REBAR	1	5,040.43 EA	0	1	5,040.43	378.03
3	E3CR	SBR BASE SLAB LIST 7-FABRICATED REBAR	1	10,575.36 EA	0	1	10,575.36	793.15
<p>The White Cap Family of Brands includes All-Tex Waterproofing Solutions, Harmac, Kenseal, Marvel Building & Masonry Supply, MASONPRO, Williams Equipment & Supply, Valley Supply Co, and Diamond Tool. Learn more at About.WhiteCap.com</p> <p>Pay your invoices online by visiting: https://whitecap.billtrust.com</p> <p>Sales Tax Exemption Questions or Certificates: TaxExemptCredit@whitecap.com</p> <p>THESE ITEMS ARE CONTROLLED BY THE U.S. GOVERNMENT AND AUTHORIZED FOR EXPORT ONLY TO THE COUNTRY OF ULTIMATE DESTINATION FOR USE BY THE ULTIMATE CONSIGNEE OR END-USER(S) HEREIN IDENTIFIED. THEY MAY NOT BE RESOLD, TRANSFERRED OR OTHERWISE DISPOSED OF TO ANY OTHER COUNTRY OR ANY PERSON OTHER THAN THE AUTHORIZED ULTIMATE CONSIGNEE OR END-USER(S), EITHER IN THEIR ORIGINAL FORM OR AFTER BEING INCORPORATED INTO OTHER ITEMS, WITHOUT FIRST OBTAINING APPROVAL FROM THE U.S. GOVERNMENT OR AS OTHERWISE AUTHORIZED BY U.S. LAW AND REGULATIONS.</p>								
<p>For questions regarding this invoice please call 1-866-857-0295.</p> <p>NO REFUNDS OR EXCHANGES ON NON STOCK MERCHANDISE Visit https://www.whitecap.com/terms/terms-conditions-of-sale-terms-to-view-complete-terms-and-conditions</p>							TOTAL GROSS	22,300.72
							TOTAL TAX	1,672.55
							TOTAL SHIPPING AND HANDLING	0.00
RECEIVED BY: DOUG							TOTAL INVOICE	23,973.27
SIGNATURE COPY ON FILE								

WHITE CAP.

White Cap, L.P.
 PO Box 4944
 Orlando, FL 32802-4944

BRANCH ADDRESS
 670 - WC OMAHA NE (STS)
 (402) 331-0333
 6620 J STREET
 OMAHA NE 68117

INVOICE

INVOICE NUMBER
50026303876
INVOICE DATE
04/18/2024
CUSTOMER PO NUMBER
DAVID CITY WASTEWATER FACILITY

TO VIEW AND PAY ONLINE GO TO:
<http://whitecap.billtrust.com>
ENROLLMENT TOKEN:
 WMF LMD LRL

TERRITORY:
SHIP TO: 10004855327

MAKE CHECKS PAYABLE TO:
 White Cap, L.P.
 P.O. Box 4852
 ORLANDO, FL 32802-4852



SOLD TO: 33496000
 2685 1 AB 0.547 E0186 I0313 012723143184 S2 P10249844 0002.0002



BRB CONTRACTORS INC
 PO BOX 750940
 TOPEKA KS 66675-0940

DAVID CITY WASTEWATER FACILITY
 3461 M RD
 DAVID CITY NE 68632

ORDER DATE	ORDER NO.	ORDERED BY	ACCOUNT MANAGER	TAKEN BY				
04/12/2024	58715946	DOUG BRONSON	MARUSHAK, BRAD	SINGELMANN, TORI				
BRANCH	ACCT JOB NO.	TERMS	SHIP VIA / ROUTING	CUSTOMER JOB NO.				
670	10004855327	NET 30 DAYS	2. OUR TRUCK	DAVID CITY				
LINE	PART NUMBER	DESCRIPTION	QTY ORD	UNIT PRICE	QTY BKO	QTY SHP	EXTENDED PRICE	TAX AMT
0	HDRDESC DELIVERY TAG#: 29075542 SHIPPING NOTES: CC E3FE 23NE580	1	0	0	1	0.00	
1	E3FE	SBR WALL LIST 1-FABRICATED REBAR	1	30,145.37 EA	0	1	30,145.37	2,260.91
The White Cap Family of Brands includes All-Tex Waterproofing Solutions, Harmac, Kenseal, Marvel Building & Masonry Supply, MASONPRO, Williams Equipment & Supply, Valley Supply Co, and Diamond Tool. Learn more at About.WhiteCap.com Pay your invoices online by visiting: https://whitecap.billtrust.com Sales Tax Exemption Questions or Certificates: TaxExemptCredit@whitecap.com THESE ITEMS ARE CONTROLLED BY THE U.S. GOVERNMENT AND AUTHORIZED FOR EXPORT ONLY TO THE COUNTRY OF ULTIMATE DESTINATION FOR USE BY THE ULTIMATE CONSIGNEE OR END-USER(S) HEREIN IDENTIFIED. THEY MAY NOT BE RESOLD, TRANSFERRED OR OTHERWISE DISPOSED OF TO ANY OTHER COUNTRY OR ANY PERSON OTHER THAN THE AUTHORIZED ULTIMATE CONSIGNEE OR END-USER(S), EITHER IN THEIR ORIGINAL FORM OR AFTER BEING INCORPORATED INTO OTHER ITEMS, WITHOUT FIRST OBTAINING APPROVAL FROM THE U.S. GOVERNMENT OR AS OTHERWISE AUTHORIZED BY U.S. LAW AND REGULATIONS.								
For questions regarding this invoice please call 1-866-857-0295. NO REFUNDS OR EXCHANGES ON NON STOCK MERCHANDISE Visit https://www.whitecap.com/terms/terms-conditions-of-sale-terms-to-view-complete-terms-and-conditions .							TOTAL GROSS	30,145.37
							TOTAL TAX	2,260.91
							TOTAL SHIPPING AND HANDLING	0.00
RECEIVED BY: DOUG							TOTAL INVOICE	32,406.28
SIGNATURE COPY ON FILE								

FERGUSON
WATERWORKS
 1820 N. WILLOW AVE
 BROKEN ARROW, OK 74012-9169

Please contact with Questions: 918-459-9536

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0755219-1	\$2,111.75	36419	1 of 1

PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:

FEL-WW BROKEN ARROW #1895
 P.O. BOX 847411
 DALLAS, TX 75284-7411

MASTER ACCOUNT NUMBER: 183396

SHIP TO:

BRB CONTRACTORS INC
 3805 NW 25TH ST
 DAVID CITY WWTP IMPROVEME
 (PLANT DIVISION)
 TOPEKA, KS 66618

BRB CONTRACTORS INC
 3461 M RD
 DAVID CITY WWTP IMPROVEMENTS
 DAVID CITY, NE 68632


SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH ID
2923	2923	NE138	R002 - 041724	BH	DAVID CITY WWTP IMPROVEME	04/25/24	53878

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
5		5 AAT70008	Thank you for your business!! 37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 44	163.700	EA	818.50
2		2 AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 87	163.700	EA	327.40
2		2 AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 102	163.700	EA	327.40
1		1 AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 116	163.700	EA	163.70
2		2 AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 135	163.700	EA	327.40
INVOICE SUB-TOTAL						1964.40
TAX David City						147.35

LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH "NP" IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.

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Log in to **Ferguson.com** and request access to Online Bill Pay.



TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$2,111.75
----------------------	------------------	-----------	------------

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

FERGUSON®
WATERWORKS
 1820 N. WILLOW AVE
 BROKEN ARROW, OK 74012-9169

Please contact with Questions: 918-459-9536

BRB CONTRACTORS INC
 3805 NW 25TH ST
 DAVID CITY WWTP IMPROVEME
 (PLANT DIVISION)
 TOPEKA, KS 66618

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0755226	\$451.50	36419	1 of 1


PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:

FEL-WW BROKEN ARROW #1895
 P.O.BOX 847411
 DALLAS, TX 75284-7411

MASTER ACCOUNT NUMBER: 183396

SHIP TO:

BRB CONTRACTORS INC
 3461 M RD
 DAVID CITY WWTP IMPROVEMENTS
 DAVID CITY, NE 68632

SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH ID
2923	2923	NE138	R002 - 041724	BH	DAVID CITY WWTP IMPROVEME	04/19/24	53850
ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT	
24	24	PSPWT210	Thank you for your business!!! 2X100 10 MIL PIPE WRAP TAPE Sequence #: 45	5.000	EA	120.00	
24	24	PSPWT210	2X100 10 MIL PIPE WRAP TAPE Sequence #: 59	5.000	EA	120.00	
6	6	PSPWT210	2X100 10 MIL PIPE WRAP TAPE Sequence #: 88	5.000	EA	30.00	
6	6	PSPWT210	2X100 10 MIL PIPE WRAP TAPE Sequence #: 103	5.000	EA	30.00	
24	24	PSPWT210	2X100 10 MIL PIPE WRAP TAPE Sequence #: 136	5.000	EA	120.00	
INVOICE SUB-TOTAL						420.00	
TAX						David City	31.50
LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH "NP" IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.							
Looking for a more convenient way to pay your bill? Log in to Ferguson.com and request access to Online Bill Pay.							

TERMS:	NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$451.50
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All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.

FERGUSON
WATERWORKS
 1820 N. WILLOW AVE
 BROKEN ARROW, OK 74012-9169

INVOICE NUMBER	TOTAL DUE	CUSTOMER	PAGE
0755219	\$3,408.52	36419	1 of 1

PLEASE REFER TO INVOICE NUMBER WHEN
 MAKING PAYMENT AND REMIT TO:

FEL-WW BROKEN ARROW #1895
 P.O.BOX 847411
 DALLAS, TX 75284-7411

Please contact with Questions: 918-459-9536

MASTER ACCOUNT NUMBER: 183396

SHIP TO:

BRB CONTRACTORS INC
 3805 NW 25TH ST
 DAVID CITY WWTP IMPROVEME
 (PLANT DIVISION)
 TOPEKA, KS 66618

BRB CONTRACTORS INC
 3461 M RD
 DAVID CITY WWTP IMPROVEMENTS
 DAVID CITY, NE 68632


SHIP WHSE.	SELL WHSE.	TAX CODE	CUSTOMER ORDER NUMBER	SALESMAN	JOB NAME	INVOICE DATE	BATCH ID
2923	2923	NE138	R002 - 041724	BH	DAVID CITY WWTP IMPROVEME	04/22/24	53843

ORDERED	SHIPPED	ITEM NUMBER	DESCRIPTION	UNIT PRICE	UM	AMOUNT
1	1	AAT70008	Thank you for your business!!! 37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 22	163.700	EA	163.70
11	6	AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 44	163.700	EA	982.20
10	10	A7022722220	27X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 58	119.350	RL	1193.50
2	0	AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 67		EA	0.00
1	1	A70002220	20X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 95	88.410	RL	88.41
2	0	AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 102		EA	0.00
1	0	AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 116		EA	0.00
1	1	A70002220	20X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 124	88.410	RL	88.41
2	0	AAT70008	37X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 135		EA	0.00
2	2	A7022722220	27X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 149	119.350	RL	238.70
2	2	A70002220	20X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 156	88.410	RL	176.82
1	1	A70010	54X220 8 MIL BLK POLYWRAP 22 PERF Sequence #: 229	238.980	RL	238.98
INVOICE SUB-TOTAL						3170.72
				TAX	David City	237.80

LEAD LAW WARNING: IT IS ILLEGAL TO INSTALL PRODUCTS THAT ARE NOT "LEAD FREE" IN ACCORDANCE WITH US FEDERAL OR OTHER APPLICABLE LAW IN POTABLE WATER SYSTEMS ANTICIPATED FOR HUMAN CONSUMPTION. PRODUCTS WITH "NP" IN THE DESCRIPTION ARE NOT LEAD FREE AND CAN ONLY BE INSTALLED IN NON-POTABLE APPLICATIONS. BUYER IS SOLELY RESPONSIBLE FOR PRODUCT SELECTION.

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Log in to **Ferguson.com** and request access to Online Bill Pay.



TERMS: NET 10TH PROX	ORIGINAL INVOICE	TOTAL DUE	\$3,408.52
----------------------	------------------	-----------	------------

All past due amounts are subject to a service charge of 1.5% per month, or the maximum allowed by law, if lower. If Buyer fails to pay within terms, then in addition to other remedies, Buyer agrees to pay Seller all costs of collection, including reasonable attorney fees. Complete terms and conditions are available upon request or at <https://www.ferguson.com/content/website-info/terms-of-sale>, incorporated by reference. Seller may convert checks to ACH.



2828 NW Button Road
 Topeka, KS 66618

Bill to: BRB Contractors, Inc.
 P.O. Box 750940
 Topeka, KS 66675-0940 US

Ship to: DAVID CITY WWTP

PO Number:19856

Cust #	Job #	Invoice #	Invoice Date	Due Date	Disc Date	Terms	
91	24.036	27693	04/16/24	05/16/24		Net 30 days	
Mth/Trans	Line	Description					Amount
04/24 274	001	DETAILING					6,675.00

Notes:

Total Sales Tax	6,675.00
Less Retainage	
Total Due	6,675.00

PLEASE PAY FROM THIS INVOICE.
 NO STATEMENT WILL BE SENT.

785-235-1524 • 785-235-3167 fax • 2828 NW Button Road • Topeka, KS 66618 • HMEInc.net

Council member Keith Marvin made a motion to approve Pay Estimate #1 in the amount of \$114,781.37 to IES Commercial, Inc. for the '2023 AGP Substation' project. Council Member Tom Kobus seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat

Meysenburg: Yea, Kevin Woita: Yea

Yea: 6, Nay: 0

Contractor's Application for Payment

Owner: <u>City of David City</u>	Owner's Project No.: _____
Engineer: <u>JEO Consulting Group, Inc.</u>	Engineer's Project No.: <u>220993.00</u>
Contractor: <u>IES Commercial, Inc.</u>	Contractor's Project No.: <u>555042002</u>
Project: <u>2023 AGP Substation</u>	
Contract: <u>2023 AGP Substation</u>	
Application No.: <u>1</u>	Application Date: <u>4/23/2024</u>
Application Period: From <u>4/1/2024</u> to <u>4/23/2024</u>	
1. Original Contract Price	\$ 2,416,450.00
2. Net change by Change Orders	\$ 265,681.34
3. Current Contract Price (Line 1 + Line 2)	\$ 2,682,131.34
4. Total Work completed and materials stored to date (Sum of Column G Lump Sum Total and Column J Unit Price Total)	\$ 120,822.50
5. Retainage	
a. <u>5%</u> X \$ <u>120,822.50</u> Work Completed =	\$ 6,041.13
b. <u>5%</u> X \$ <u>-</u> Stored Materials =	\$ -
c. Total Retainage (Line 5.a + Line 5.b)	\$ 6,041.13
6. Amount eligible to date (Line 4 - Line 5.c)	\$ 114,781.37
7. Less previous payments (Line 6 from prior application)	\$ -
8. Amount due this application	\$ 114,781.37
9. Balance to finish, including retainage (Line 3 - Line 4 + Line 5.c)	\$ 2,567,349.97
Contractor's Certification	
The undersigned Contractor certifies, to the best of its knowledge, the following:	
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;	
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and	
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.	
Contractor: <u>IES Commercial, Inc.</u>	
Signature: <u>[Signature]</u>	Date: <u>4-23-24</u>
Recommended by Engineer	
By: <u>[Signature]</u>	Approved by Owner
Title: <u>Electrical Senior Project Manager</u>	By: _____
Date: <u>May 2, 2024</u>	Title: _____
Approved by Funding Agency	Date: _____
By: _____	By: _____
Title: _____	Title: _____
Date: _____	Date: _____

Progress Estimate - Unit Price Work												
Contractor's Application for Payment												
Owner: City of David City												
Engineer: JEO Consulting Group, Inc.												
Contractor: JES Commercial, Inc.												
Project: 2023 ADP Substation												
Contract: 2023 ADP Substation												
Application No.: 1												
Application Period: From 06/01/24 to 04/30/24												
Application Date: 04/30/24												
Item No.	Description	Item Quantity	Units	Unit Price (\$)	Value of Bid Item (C x E)	Estimated Quantity Incorporated in the Work	Work Completed Value of Work Completed to Date (G x G)	Materials Currently Stored (not in G) (\$)	Work Completed and Materials Stored to Date (H + J) (\$)	% of Value of Items (I / J)	Balance to Finish (F - J) (\$)	
Original Contract Group A												
1	Substation Installation, Complete and Operational	1.00	LS	\$2,415,450.00	2,415,450.00	0.00	120,822.50		120,822.50	5%	2,294,627.50	
				Original Contract Totals	\$ 2,436,450.00		\$ 120,822.50		\$ 221,822.50	5%	\$ 2,214,627.50	
Change Orders												
Change Order #1				45,850.00	409,551.00					0%	409,551.00	
Change Order #2				(119,668.66)	(119,668.66)					0%	(119,668.66)	
				Change Order Totals	\$ 265,882.34					0%	\$ 265,882.34	
				Original Contract and Change Orders			\$ 120,822.50		\$ 120,822.50	5%	\$ 2,501,409.84	
				Project Totals	\$ 2,692,331.34							

Roger Knobeloch with Garver introduced himself and gave a presentation regarding the Airport Layout Plan.



City of David City

Airport Layout Plan Update

at the David City Municipal Airport



AIRPORT LAYOUT PLAN UPDATE AT THE DAVID CITY MUNICIPAL AIRPORT

Agenda

1. What is an ALP?
2. ALP Process
3. Inventory/Forecast
4. Facility Requirements
5. Preferred Alternative Review
6. Capital Improvement Program
7. Next Steps



AN APPROVED ALP IS REQUIRED TO RECEIVE FAA FUNDING



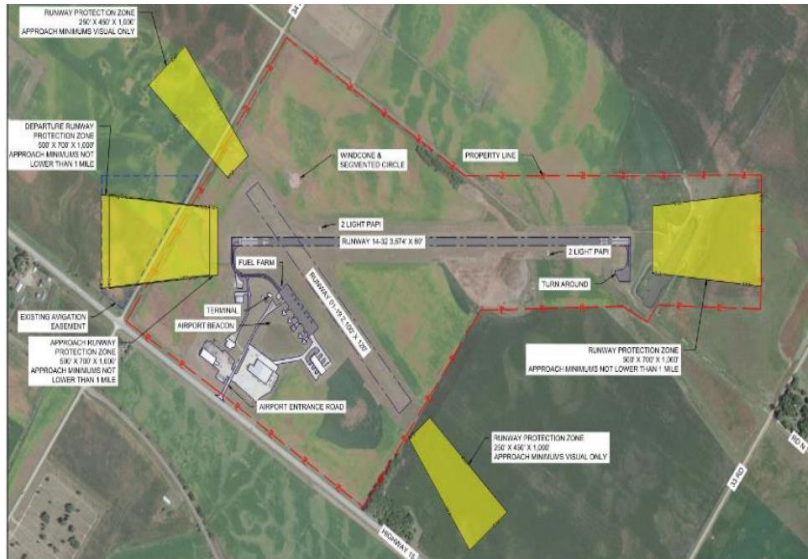
The ALP Process

GATHER DATA	ANALYZE	PLAN
Project Initiation PAC Meeting	Facility Requirements	Capital Improvement Program
Inventory Aeronautical Survey		Final Draft Report & Airport Layout Plan (ALP) City Council
Forecast of Aviation Demand PAC Meeting	Alternatives PAC Meeting Public Comment	





Inventory - Existing Airside Infrastructure



Inventory - Existing Landside Infrastructure





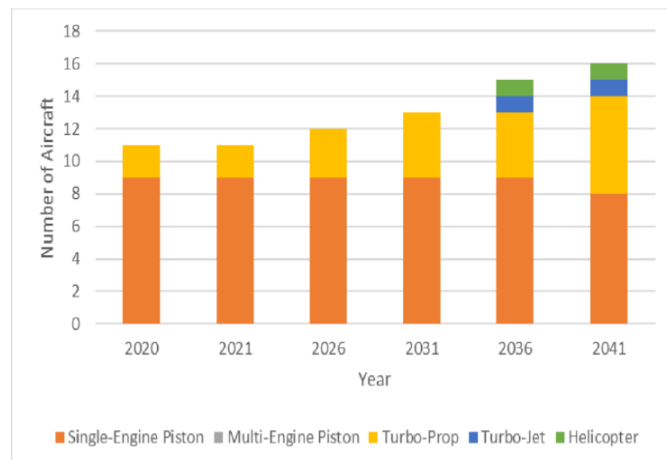
Inventory – Environmental

- Wetland Delineation
- Wildlife Hazard Assessment
- Preparation for Runway Extension



Forecast – Based Aircraft

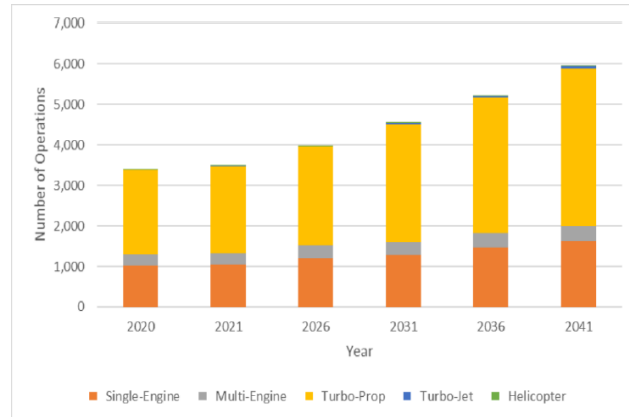
- Based on socioeconomic data and historic activity reports
- Included discussions with airport tenants & local business
- Included integration of state, regional, and national forecast projections





Forecast – Airport Operations

- Based on socioeconomic data and historic activity reports
- Included discussions with airport tenants & local business
- Included integration of state, regional, and national forecast projections



Facility Requirements – Key Airside Needs

- Increase Runway Length, Width & Strength
- Realign, Widen and Strengthen Taxiway
- Airfield Lighting – Replace with RW/TW Construction
- Acquire RW 1/19 South OFA & relocate fence
- Acquire RW Protection Zones
- Construct Parallel Taxiway





Facility Requirements – Runway Improvements

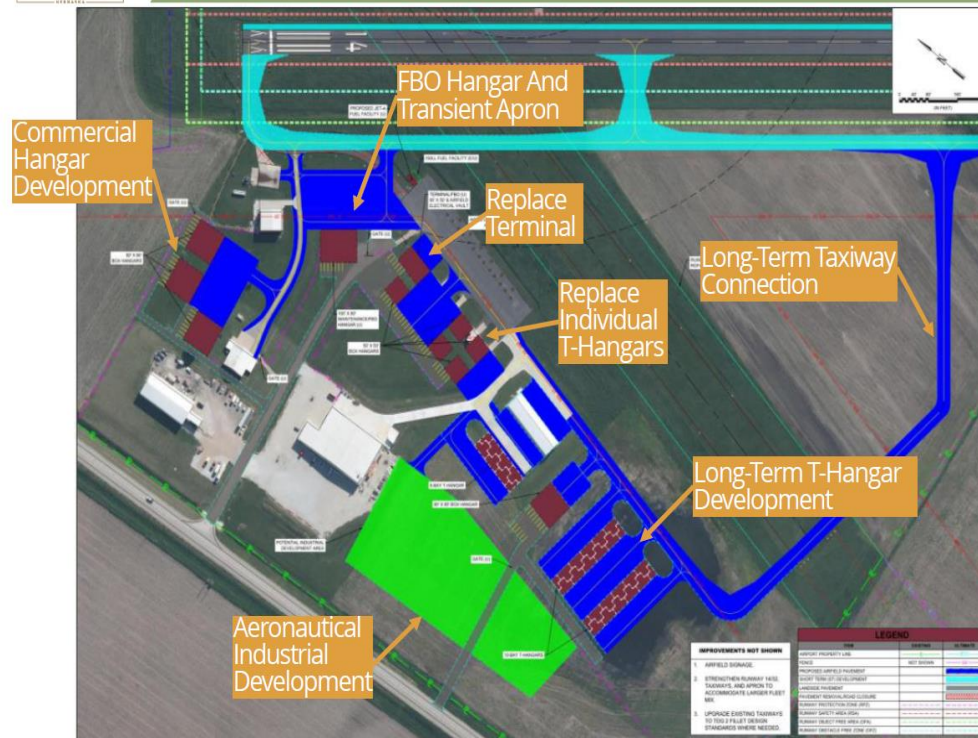
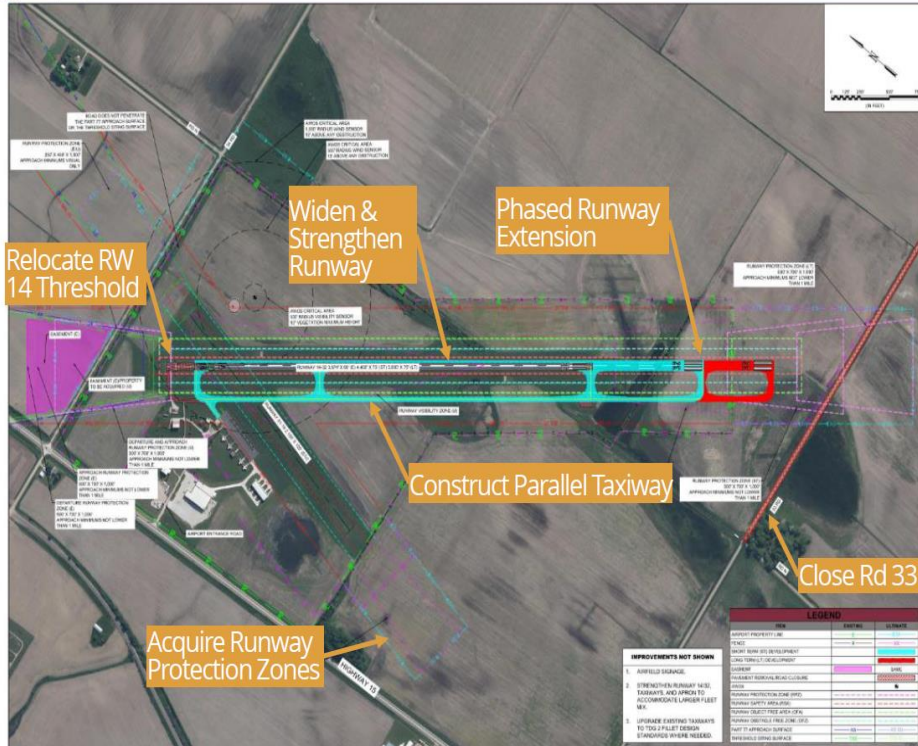
- Existing Design – B-I (3,675' x 60' x 12,500 lb.)
 - Small Single Engine Piston Aircraft (Piper/Cessna)
- Existing Requirement – B-II (4,400' x 75' x 12,500 lb.)
 - Small Turbo-Prop (AT-602)
- Forecast Requirement – B-II (5,000' x 75' x 16,000 lb.)
 - Turbo-Prop (AT-802/King Air 200)
 - Small Business Jet (Cessna Citation)



Facility Requirements – Key Landside Needs

- New Box Hangars & T-Hangars
- New Terminal Facility
- Paved Entrance Road & Increased Parking
- Jet-A Facility / Truck
- Perimeter Fence







Capital Improvement Plan Overview

- Planning Level Cost Estimates
- Costs Not Adjusted for Inflation
- Not a Commitment of Funds
- Three CIP Periods
 - Short-Term – 0 to 5 Years
 - Mid-Term – 6 to 10 Years
 - Long-Term – 11+ Years



Capital Improvement Plan – Key Projects

Short-Term Priorities (0-5 Years)

- RW 14 & 32 (U) RPZ Acquisition
- Runway Extension, Widening & Strengthening (4,400' x 75')
- Mitigate Airspace Obstructions

Mid-Term Priorities (6-10 Years)

- Full Length Parallel Taxiway
- Transient Apron
- Perimeter Fence

Hangar and apron developments spaced throughout the short, mid, and long terms.





Capital Improvement Plan – Key Projects

Long-Term Priorities (11+ Years)

- Runway Extension (5,000')
- Parallel Taxiway Extension (5,000')
- Box Hangars & T-Hangars



Next Steps

- Waiting on Final FAA Approval
- City Action
 - Sign Final ALP
 - Mitigate Airspace Obstructions
- Garver Action
 - Provide Hard Copy of Approved ALP





Questions?



AIRPORT LAYOUT PLAN UPDATE AT THE DAVID CITY MUNICIPAL AIRPORT

Program Costs - Runway

	Project Name	Total Cost	Federal Grants	Local Funding
Runway 14/32 Extension	Environmental assessment	\$150,000	\$135,000	\$15,000
	Property acquisition at RW 32 RPZ (U)	\$110,000	\$99,000	\$11,000
	Property acquisition for RW 14 RPZ (U)	\$55,000	\$49,500	\$5,500
	Decommission 33 Road	\$25,000	\$22,500	\$2,500
	Design - Runway 14/32 Extension, Widening & Strengthening (4,400' x 75' x 16,000 lb.)	\$500,000	\$450,000	\$50,000
	Construction - Runway 14/32 Extension (4,400' x 75')	\$1,920,000	\$1,728,000	\$192,000
	Construction - Strengthen Runway 14/32 (16,000 lb.)	\$3,672,000	\$3,304,800	\$367,200
	Total:	\$6,432,000	\$5,788,800	\$643,200



Council member Keith Marvin made a motion to approve the Airport Layout Plan pending Federal Aviation Administration concurrence. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Kevin Woita made a motion to approve the bid from General Excavating in the amount of \$2,147,680 for the AGP Trunk Sewer construction. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Kevin Woita introduced Ordinance No. 1469 adding Occupancy Permits to the Municipal Code. Presiding Officer Bruce Meysenburg read Ordinance No. 1469 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1469 on third and final reading adding Occupancy Permits to the Municipal Code. Council Member Jim Angell seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1469

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO AMEND THE DAVID CITY MUNICIPAL CODE TO CLARIFY REQUIREMENTS FOR THE CITY TO ISSUE OCCUPANCY PERMITS; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") has adopted the International Building Code ("**IBC**") by reference in Section 9-401 of the David City Municipal Code ("**Code**"); and

WHEREAS, Section 111.1 of the IBC requires that the City building official inspect all occupied building and structures, all proposed occupancies of buildings and structures, and all changes in building and structure occupancies for compliance with the IBC and the Code prior to occupancy or proposed change in occupancy and for the Inspector to issue a Certificate of Occupancy ("**Occupancy Permits**") upon a finding of compliance; and

WHEREAS, Section 9-506 of the Code authorizes the Inspector to conduct inspections and investigations on buildings and structures within the City upon the terms provided therein; and

WHEREAS, Section 19-922 of the Nebraska Revised Statutes provides that “[a]ny standard code adopted and approved by a city . . . of the second class . . . [including] building permit requirements or occupancy permit requirements imposed by any such code . . . shall apply to all of the city . . . and within the extraterritorial zoning jurisdiction of such city . . .”; and

WHEREAS, section 17-1001(1) of the Nebraska Revised Statutes provides that the City’s extraterritorial zoning jurisdiction extends one (1) mile from its corporate limits; and

WHEREAS, the City finds it in the best interest of the City and its residents that there be a clear ordinance regarding the Inspector’s authority in the City and its extraterritorial zoning jurisdiction to issue Occupancy Permits and to require that all building or structure owners seeking an Occupancy Permit comply with the IBC and Code.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

(1) The title of “Article 2 – Zoning Permits” shall be repealed in its entirety and replaced with: “Article 2 – Zoning and Occupancy Permits.”

(2) All references in the David City Municipal Code to the “Building Inspector” position are hereby repealed and replaced with the position of “Building Official.” This includes but is not limited to sections 1-518, 3-502, 3-505, 3-509, 9-505, 9-506, and 9-507 of the David City Municipal Code.

(3) Immediately following Section 9-203 of the David City Municipal Code there shall be, as a new section, the following:

SECTION 9-204: BUILDING OFFICIAL; OCCUPANCY PERMITS

The David City Building Official or his designee shall inspect all buildings and structures prior to their being used or occupied, or prior to their change in occupancy, for compliance with applicable law, including but not limited to the David City Municipal Code and the International Building Code. This provision shall apply to all buildings and structures within the corporate limits and extraterritorial zoning jurisdiction of the City of David City, Nebraska. The David City Building Official shall inspect all such buildings and structures as provided in Section 9-506 of the David City Municipal Code. Upon a finding of compliance therewith, the Building Official shall issue an Occupancy Permit to the owner(s) of buildings or structures, which shall be placed in a conspicuous location on the property. The David City Building Official is authorized to issue temporary Occupancy Permits and to revoke Occupancy Permits for a finding of non-compliance with applicable law after the owners’ failure to cure upon 30 days’ notice of non-compliance or sooner if the Building Official judges the matter to be a threat to life safety or property.

(4) This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

(5) This ordinance shall supersede any and all previous ordinances and resolutions in conflict therewith and any such conflicting ordinances and resolutions exist they are hereby repealed to the extent of the conflict therewith.

PASSED AND APPROVED this 8th day of May, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

Council member Kevin Woita introduced Ordinance No. 1470 adding City Water Connection to the Municipal Code Book. Presiding Officer Bruce Meysenburg read Ordinance No. 1470 by title.

City Attorney David Levy stated that after rereading the Ordinance he asked that the last sentence in Section 1a be removed from the Ordinance.

Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1470 on third and final reading adding Water Connection to the Municipal Code Book without the last sentence in 1A. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1470

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA TO AMEND THE DAVID CITY MUNICIPAL CODE TO REQUIRE ALL BUILDINGS AND STRUCTURES TO CONNECT TO THE DAVID CITY WATER SYSTEM; AND TO AUTHORIZE PUBLICATION IN PAMPHLET FORM.

WHEREAS, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") owns, maintains, and operates a city-wide municipal water main system

(“**City Water**”) that the City manages through the City Water Department and Water Supervisor, pursuant to section 7-201(A) of the David City Municipal Code (“**Code**”); and

WHEREAS, Section 7-203(A) of the Code provides that the City shall “furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid” and “[a]ll persons whose property is within 300 feet of a [water] main shall be required, upon notice by the mayor and City Council, to hook up with the” City Water; and

WHEREAS, Section 7-203(B) of the Code provides that the City “may,” with the Mayor and City Council’s permission, furnish water to all persons within its corporate limits whose premises do not fall within the area described in Section 7-203(A), above; and

WHEREAS, Section 7-204 of the Code provides that the City shall only furnish water to premises outside of the City’s corporate limits with the Mayor and City Council’s permission; and

WHEREAS, section 17-1001(1) of the Nebraska Revised Statutes provides that the City’s extraterritorial zoning jurisdiction extends one (1) mile from its corporate limits; and

WHEREAS, Sections 17-123 and 17-537 of the Nebraska Revised Statutes provide that the City has the authority to enact and enforce regulations to supply the City with water and to use, construct, manage, or extend its water works or water supply; and

WHEREAS, the City finds it in the best interest of the City and its residents to provide for a uniform water connection throughout the City and its extraterritorial zoning jurisdiction and to establish an ordinance requiring the same.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, BUTLER COUNTY, NEBRASKA, AS FOLLOWS:

(1) Sections 7-203(A), (B), and (C) of the David City Municipal Code are hereby repealed in their entirety and replaced with the following ordinance, as Section 7-203(A) and Section 7-203(B), respectively:

A. All buildings and structures that utilize water within the corporate limits and extraterritorial zoning jurisdiction of the city of David City, Nebraska, shall connect to the City water supply and the City is hereby required to furnish adequate water supply to all such buildings and structures. Buildings and structures existing as of the enacting of this ordinance and in compliance with prior law shall be exempt from this requirement until replaced or renovated such that the renovation costs at least 50 percent of the pre-renovation value.

B. The David City Council may waive the mandatory water connection ordinance provided in Section 7-203(A), on a case-by-case basis, above by resolution.

(2) Section 7-203(D) of the David City Municipal Code is hereby re-designated as Section “7-203(C).”

(3) This ordinance shall be published in pamphlet form and shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

(4) This ordinance shall supersede any and all previous ordinances and resolutions in conflict therewith and any such conflicting ordinances and resolutions exist they are hereby repealed to the extent of the conflict therewith.

PASSED AND APPROVED this 8th day of May, 2024.

Mayor Jessica J. Miller

ATTEST:

City Clerk Tami L. Comte

Council member Kevin Woita introduced Ordinance No. 1471 selling the former Parmer Property to Deborah Vavricek. Presiding Officer Bruce Meysenburg read Ordinance No. 1471 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1471 selling the former Parmer Property to Deborah Vavricek. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1471

AN ORDINANCE TO CONFIRM THE SALE OF PROPERTY LEGALLY DESCRIBED AS LOT 5, BLOCK 2, LITTY'S 2ND ADDITION TO DAVID CITY, BUTLER COUNTY, NEBRASKA TO DEBORAK K. VAVRICEK, FOR THE PURCHASE PRICE OF TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY DOLLARS AND NO CENTS (\$23,450.00) PLUS CLOSING COSTS; TO REPEAL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE THEREOF.

BE IT ORDERED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA.

SECTION 1: The appropriate Resolution #14-2024 was passed by the City Council directing sale for the following described real estate, to-wit:

Lot 5, Block 2, Litty's 2nd Addition to David city, Butler County, Nebraska,
hereinafter referenced as "Premises".

SECTION 2: The appropriate publication of notice of the proposed sale has been completed.

SECTION 3: The appropriate passage of the thirty-day (30) right-of-remonstrance period has passed.

SECTION 4: The City Council did accept the bid of DEBORAK K., for the purchase price of TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY DOLLARS AND NO CENTS (\$23,450.00) PLUS CLOSING COSTS, at the City Council Meeting held March 13, 2024.

SECTION 5: Sale of the Premises is hereby confirmed, by the Mayor and City Council, to DEBORAK K. VAVRICEK, for the purchase price of TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY DOLLARS AND NO CENTS (\$23,450.00) PLUS CLOSING COSTS.

SECTION 6: The terms of the sale are contained in a Purchase Agreement attached hereto, marked Exhibit "A", and incorporated herein by reference as if fully set forth.

SECTION 7: That any other Ordinances or parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict within provisions are hereby repealed.

SECTION 8: This Ordinance stated takes effect and be in full force and effect from and after its passage, approval, and publication as required by law and City Ordinance.

PASSED AND APPROVED this 8th day of May, 2024.

Mayor: JESSICA MILLER

ATTEST:

City Clerk: TAMI L. COMTE

(SEAL)

Council member Jim Angell made a motion to table Ordinance No. 1472 approving the NDEE Sewer Revenue Bond 2024. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Designs for the billboards at the 3-mile and 6-mile corners were discussed. It was decided to ask the artists for some redesigns and then the Council will decide.

Ryan Bauman with Southeast Nebraska Economic Development District was present via Zoom. Ryan Bauman introduced himself and stated that they have two projects ready to begin for the 2022 David City Owner-Occupied Rehab Project. They took bids and are ready to award the projects to the contractor if the City will approve.

Council member Keith Marvin made a motion to approve Southeast Nebraska Development District Recommendation for the 2022 David City Owner-Occupied Rehab Project #002 to MIT Contracting in the amount of \$20,365.00 and Project #004 to MIT Contracting in the amount of \$40,000.00. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Andy Forney with DA Davidson introduced himself and explained that in order to provide financing for the AGP Trunk Sewer project that the City needs to create a Sewer Extension District and that is what Ordinance No. 1473 will provide.

Council member Kevin Woita introduced Ordinance No. 1473 to authorize the Creation of a Sewer Extension District and related matters. Presiding Officer Bruce Meysenburg read Ordinance No. 1473 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Kevin Woita seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1473 on 3rd and Final reading to authorize the creation of a sewer extension district and related matters. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

CITY OF DAVID CITY, NEBRASKA

ORDINANCE NO. 1473

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, CREATING A SANITARY SEWER EXTENSION DISTRICT WITHIN THE CITY TO BE KNOWN AS SANITARY SEWER EXTENSION DISTRICT NO. 2024-1; DEFINING THE BOUNDARIES OF SAID DISTRICT AND PROPERTY CONTAINED THEREIN; DESIGNATING THE SIZE, LOCATION AND TERMINAL POINTS OF THE SANITARY SEWER LINES FOR SAID DISTRICT; AND REFERRING TO PLANS AND SPECIFICATIONS AND ESTIMATE OF THE ENGINEER IN CONNECTION THEREWITH ON FILE WITH THE CITY CLERK.

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

Section 1. The Mayor and Council of the City of David City, Nebraska (the "City"), hereby find and determine that it is necessary and advisable to extend the municipal sanitary sewer system beyond the City's existing systems by the construction of the sanitary sewer system improvements as described below pursuant to the authority granted by Section 19-2402, R.R.S. Neb. 2012, as amended; that none of the properties located within the District hereby created are presently served by the City's existing sanitary sewer systems; and that all property within said District is either within the corporate limits of the City or within the extraterritorial zoning jurisdiction of the City.

Section 2. There is hereby created Sanitary Sewer Extension District No. 2024-1, the outer boundaries of which shall encompass the real estate, together with the streets upon which said properties directly abut, described on "Exhibit A".

Section 3. The size, location and terminal points of the proposed improvements for said District are described as follows:

The proposed improvements connect to the existing sewer system at the new headworks building located at the wastewater treatment plant. The downstream termination point is the wastewater treatment plant located approximately 1,100 feet west of Road M and approximately 2,650 feet south of 35 Road. The north terminus point is the north side of 36 Road approximately 1,825 feet west of Road M.

The proposed improvements to be constructed consist of approximately 2,124 feet of sewer pipe 18 inches in diameter and 7,285 feet of sewer pipe 15 inches in diameter and related appurtenances as indicated on the plans and specifications referred to in Section 4 of this Ordinance.

Section 4. A more detailed description of the proposed improvements is shown on the plans and specifications on file at the office of the City Clerk, 490 E St., David City, Nebraska. Said plans and specifications are hereby incorporated by reference as if set forth herein. Reference should be made to said plans and specifications for the specific sizing of pipes and mains as shown above.

Section 5. The engineers' estimates of total construction cost for the proposed improvements as heretofore filed with the City Clerk is \$2,335,480. The improvements shall be

City Council Proceedings

May 8, 2024

Page #42

made at public cost, but special assessments may be levied to reimburse the City for the cost of the improvements as provided by law

Section 6. This ordinance shall be in force and effect from and after its passage, approval and publication as provided by law.

Section 7. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause, or provision shall not affect any of the other provisions of this Ordinance.

PASSED AND APPROVED this 8th day of May, 2024.

Mayor

ATTEST:

City Clerk

(Seal)

"Exhibit A"

The project involves the construction of approximately 8,409 feet of sanitary sewer. The sanitary sewer starts at the south line of the northeast quarter of Section 25, Township 15, Range 2 East approximately west 1,100 feet of the east line Section 15. The sewer continues north in the northeast quadrant of Section 25 crossing the north line of Section 25 approximately 1,632 feet west of the east line of the section. The project continues north through the east half of Section 24, Township 15, Range 2 East to the north line of Section 24 (36 Road) crossing the north line of the section 1,825 feet west of the northeast corner of Section 24. The sewer continues north approximately 30 feet in the southeast quarter of Section 13, Township 15, Range 2 E.

Andy Forney with DA Davidson stated that the next Ordinance is to authorize the issuance of bond anticipation notes for sewer extension district related improvements.

Council member Keith Marvin introduced Ordinance No. 1474 to authorize the issuance of Bond Anticipation Notes for Sewer Extension District related improvements. Presiding Officer Bruce Meysenburg read Ordinance No. 1474 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried. Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1474 on 3rd and Final reading to authorize the issuance of bond anticipation notes for sewer extension district related improvements. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1474

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2024, OF THE CITY OF DAVID CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF CONSTRUCTING SEWER IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2024-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS AND PAYING

COSTS OF ISSUANCE; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

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

Section 1. The Mayor and City Council hereby find and determine that the City of David City, Nebraska (the "City") has by ordinance created Sanitary Sewer Extension District No. 2024-1; that the City is authorized to construct improvements in said district (the "Project"); that for the purposes of paying the costs of the Project the City is authorized to issue temporary financing pursuant to Section 19-2405, R.R.S. Neb. 2012, as amended; that the City has contracted or is about to contract for the Project; that the estimated cost for work and other related costs in said district requiring financing as described above is not less than \$2,500,000.

Section 2. The Mayor and Council further find and determine that it is therefore necessary and advisable that the City issue its notes pending permanent financing pursuant to Sections 18-1801 and 18-1802, R.R.S. Neb. 2012, as amended; that pursuant to Section 10-137, R.R.S. Neb. 2012, the City is authorized to issue notes for the purpose of providing temporary financing for the costs of the Project and to pay the cost of issuing the notes herein authorized; that all conditions, acts and things required by law to exist or to be done precedent to the issuance of bond anticipation notes in the aggregate amount of not to exceed \$2,500,000 to pay such total estimated costs in said district does exist and have been done as required by law.

Section 3. For the purpose of providing interim financing for the purposes as set out in Section 1 pending the issuance of permanent general obligation various purpose bonds by the City, there shall be and there are hereby ordered issued bond anticipation notes of the City of David City, Nebraska, to be known as Bond Anticipation Notes, Series 2024 (the "Notes"), in the aggregate principal amount of not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000), with said notes to become due no later than December 15, 2029, provided, that the

Notes shall mature on such dates and in such amounts and bear interest at such rates per annum as shall be determined in a written designation (the "Designation") signed by the Mayor or the City Treasurer (each, an "Authorized Officer") on behalf of the City, which Designation may also determine or modify the principal amount or maturity date of the Notes, mandatory redemption provisions (if any) and pricing terms as set forth in Section 9 hereof, all within the following limitations:

- (a) the aggregate principal amount of the Notes shall not exceed \$2,500,000; and
- (b) the true interest cost on the Notes shall not exceed 5.50%;

The Authorized Officers are hereby authorized to make such determinations on behalf of the City and to evidence the same by execution and delivery of the Designation and such determinations shall constitute the action of the Mayor and Council without further action of the Mayor and Council. The Notes are hereby authorized to be sold pursuant to private placement or public offering.

The Notes shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Notes shall be the date of delivery thereof. Interest on the Notes shall be payable semiannually on June 15 and December 15 of each year commencing December 15, 2024 (or such other date or dates as provided in the Designation, each of said dates an "Interest Payment Date"), and the Notes shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. 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 immediately preceding such Interest Payment Date (the "Record Date"), subject to the provisions of Section 5 hereof. The Notes shall be numbered from 1 upwards in the order of their issuance. The initial numbering and principal amounts for each of the Notes shall be designated by the City Treasurer as directed by the initial purchaser thereof. Payments of interest due on the Notes prior to maturity or early redemption shall be made by the Paying Agent and Registrar,

as designated pursuant to Section 4 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Note, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 4 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid interest accrued thereon, shall be made by said Paying Agent and Registrar to the registered owners upon presentation and surrender of the Notes to said Paying Agent and Registrar. The City and said Paying Agent and Registrar may treat the registered owner of any Note as the absolute owner of such Note 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 Note 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 Note in accordance with the terms of this ordinance 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 Notes or claims for interest to the extent of the sum or sums so paid.

Section 4. Unless otherwise provided in the Designation, BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Notes. The City reserves the right in the discretion of the Mayor and Council to appoint a bank or trust company as successor to the City Treasurer in the capacity of Paying Agent and Registrar under the terms of an agreement to be approved at the time of any such designation. The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Notes. The names and registered addresses of the registered owner or owners of the Notes shall at all times be recorded in such books. Any Note may be transferred pursuant to its provisions by said Paying Agent and Registrar by surrender of such Note for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said Paying Agent and Registrar, duly executed by the registered owner in person or by his duly authorized agent, and thereupon the Paying Agent and

Registrar on behalf of the City will deliver (or send by registered mail to the transferee owner or owners thereof at such transferee owner's or owners' risk and expense), registered in the name of such transferee owner or owners, a new Note or Notes of the same series, interest rate, aggregate principal amount and maturity. To the extent of the denominations authorized for the Notes by this ordinance, one Note may be transferred for several such Notes of the same series, interest rate and maturity, and for a like aggregate principal amount, and several such Notes may be transferred for one or several such Notes, respectively of the same series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Note, the surrendered Note shall be canceled and destroyed. All Notes issued upon transfer of the Notes so surrendered shall be valid obligations of the City evidencing the same obligations as the Notes surrendered and shall be entitled to all the benefits and protection of this ordinance to the same extent as the Notes upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Note during any period from any Record Date until its immediately following interest payment date or to transfer any Note called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 5. In the event that payments of interest due on the Notes 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 Notes 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 6. If the date for payment of the principal of or interest on the Notes shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of David City, Nebraska, 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 7. Unless otherwise provided in the Designation, the Notes of this issue shall be subject to redemption, in whole or in part, prior to maturity at the option of the City at any time on or after June 10, 2026, at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Notes to be redeemed in its sole discretion, but Notes shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Notes redeemed in part only shall be surrendered to the Paying Agent and Registrar in exchange for new Notes evidencing the unredeemed principal thereof. Notice of redemption of any Note called for redemption shall be given at the direction of the City 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 Note at such owner's registered address. Such notice shall designate the Note or Notes to be redeemed by number, the date of original issue and the date fixed for redemption and shall state that such Note or Notes are to be presented for prepayment at the office of the Paying Agent and Registrar. In case of any Note partially redeemed, such notice shall specify the portion of the principal amount of such Note to be redeemed. No defect in the mailing of notice for any Note shall affect the sufficiency of the proceedings of the City designating the Notes called for redemption or the effectiveness of such call for Notes for which notice by mail has been properly given and the City shall have the right to further direct notice of redemption for any such Note for which defective notice has been given

Section 8. Said notes shall be substantially in the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER

BOND ANTICIPATION NOTE
OF THE CITY OF DAVID CITY, NEBRASKA
SERIES 2024

No. R-1

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
%	_____, 2028	_____, 2024	

Registered Owner: Cede & Co.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of David City, in the County of Butler, in the State of Nebraska (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the registered owner shown above and as shown on the registration books of the City on the maturity date shown above, the principal amount shown above in lawful money of the United States of America with interest thereon from the date of original issue shown above to maturity or earlier redemption, at the rate per annum shown above, payable semiannually on _____ and _____ of each year, commencing _____. The principal of this note and any interest due upon maturity or earlier call for redemption is payable at the office of the BOKF, National Association, in Lincoln, Nebraska, as Paying Agent and Registrar, upon presentation and surrender of the note when due or when called for payment prior to maturity. The payment of interest hereon, falling due prior to maturity or call for redemption, shall be made by the Paying Agent and Registrar to the registered owner by mailing payment to the address of such registered owner hereof as such address shall appear on the note register maintained by said Paying Agent and Registrar, as of the close of business on the fifteenth day prior to each Interest Payment Date, to such owner's address as shown on such books and records (the "Record Date"). 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.

This note is redeemable at the option of the City prior to maturity anytime on or after _____, at par and accrued interest to date fixed for redemption. Notice of call of any note for redemption prior to maturity shall be sufficient if given in writing and mailed by first class mail, postage prepaid, to the registered owner at the address shown on the note register not less than thirty days prior to the date fixed for redemption.

This note is one of an issue of notes numbered from 1 upwards in order of issuance, of the total principal amount of _____ Dollars (\$ _____) in the denomination of \$5,000 or integral multiples thereof, of even date and like tenor herewith, issued by the City of David City for the purpose of providing interim financing for the costs of constructing sewer improvements in Sanitary Sewer Extension District No. 2024-1, pending the issuance of permanent general obligation various purpose bonds and paying costs of issuance. The issuance of this note and the other notes of this issue has been lawfully authorized by ordinance duly passed,

signed and published by the Mayor and City Council of said City in strict compliance with Sections 19-2405, and 10-137, Reissue Revised Statutes of Nebraska, 2012, and all other applicable laws.

The City agrees that the principal and interest of this note shall be payable from the proceeds of the issuance and sale of its general obligation bonds, the issuance and sale of its bond anticipation notes, or from other monies of the City lawfully available for such purposes.

The City reserves the right to issue additional Bond Anticipation Notes for the purpose of paying the balance of the costs of the projects financed in part by this issue of notes or of other improvement projects of the City, for the purpose of refunding the notes of this issue at or prior to maturity and for the purpose of paying for additional improvements for the City. The ordinance under which these notes are issued constitutes an irrevocable contract between the City and the holders of all of said notes and said contract cannot be changed or altered without the written consent of the holders of seventy-five percent (75%) in principal amount of the notes of this series then outstanding.

AS PROVIDED IN THE ORDINANCE REFERRED TO HEREIN, UNTIL THE TERMINATION OF THE SYSTEM OF BOOK-ENTRY-ONLY TRANSFERS THROUGH THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK (TOGETHER WITH ANY SUCCESSOR SECURITIES DEPOSITORY APPOINTED PURSUANT TO THE ORDINANCE, "DTC"), AND NOTWITHSTANDING ANY OTHER PROVISIONS OF THE ORDINANCE TO THE CONTRARY, A PORTION OF THE PRINCIPAL AMOUNT OF THIS NOTE MAY BE PAID OR REDEEMED WITHOUT SURRENDER HEREOF TO THE REGISTRAR. DTC OR A NOMINEE, TRANSFEREE OR ASSIGNEE OF DTC OF THIS NOTE MAY NOT RELY UPON THE PRINCIPAL AMOUNT INDICATED HEREON AS THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID. THE PRINCIPAL AMOUNT HEREOF OUTSTANDING AND UNPAID SHALL FOR ALL PURPOSES BE THE AMOUNT DETERMINED IN THE MANNER PROVIDED IN THE ORDINANCE.

UNLESS THIS NOTE IS PRESENTED BY AN AUTHORIZED OFFICER OF DTC (A) TO THE REGISTRAR FOR REGISTRATION OF TRANSFER OR EXCHANGE OR (B) TO THE REGISTRAR FOR PAYMENT OF PRINCIPAL, AND ANY NOTE ISSUED IN REPLACEMENT HEREOF OR SUBSTITUTION HEREFOR IS REGISTERED IN THE NAME OF DTC AND ANY PAYMENT IS MADE TO DTC OR ITS NOMINEE, ANY TRANSFER, PLEDGE OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL BECAUSE ONLY THE REGISTERED OWNER HEREOF, DTC OR ITS NOMINEE, HAS AN INTEREST HEREIN.

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 note did exist, did happen and were done and performed in regular and due form and time as provided by law.

IN WITNESS WHEREOF the Mayor and Council of the City of David City, Nebraska, have caused this note to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF DAVID CITY, NEBRASKA

Mayor

ATTEST:

City Clerk

(SEAL)

CERTIFICATE OF AUTHENTICATION

This note is one of the notes of the issue designated therein and issued under the provisions of the ordinance authorizing said issue.

BOKF, NATIONAL ASSOCIATION
LINCOLN, NEBRASKA
Paying Agent and Registrar

(Form of Assignment)

For value received _____
hereby sells, assigns and transfers unto
_____ the within mentioned note and hereby
irrevocably constitutes and appoints
_____, attorney, to transfer
the same on the books of registration in the office of the within-in mentioned Paying Agent and
Registrar with full power of substitution in the premises.

Dated: _____

Registered Owner(s)

Witness: _____

Note: The signature of this assignment must correspond with the name as written on the face of
the within-mentioned note in every particular, without alteration, enlargement or any change
whatsoever.

Section 9. Each of the Notes shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and shall have imprinted thereon the City's seal. Unless as otherwise provided in the Designation, the Notes shall be issued initially as "book-entry-only" notes using the services of The Depository Trust Company (DTC), with one typewritten note certificate per maturity being issued to DTC. In such connection, said officers are authorized to execute and deliver a Letter of Representations in the form required by DTC, for and on behalf of the City, which shall thereafter govern matters with respect to registration, transfer, payment and redemption of the Notes. Upon the issuance of the Notes as "book-entry-only" notes, the following provisions shall apply:

(a) The City and the Paying Agent and Registrar shall have no responsibility or obligation to any broker-dealer, bank or other financial institution for which the Depository holds Notes as securities depository (each, a "Note Participant") or to any person who is an actual purchaser of a Note from a Note Participant while the Notes are in book-entry form (each, a "Beneficial Owner") with respect to the following:

- (i) the accuracy of the records of the Depository, any nominees of the Depository or any Note Participant with respect to any ownership interest in the Notes,
- (ii) the delivery to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any notice with respect to the Notes, including any notice of redemption, or
- (iii) the payment to any Note Participant, any Beneficial Owner or any other person, other than the Depository, of any amount with respect to the Notes.

The Paying Agent and Registrar shall make payments with respect to the Notes only to or upon the order of the Depository or its nominee, and all such payments shall be valid and effective fully to satisfy and discharge the obligations with respect to such Notes to the extent of the sum or sums so paid. No person other than the Depository shall receive an authenticated Note.

(b) Upon receipt by the Paying Agent and Registrar of written notice from the Depository to the effect that the Depository is unable or unwilling to discharge its responsibilities, the Paying Agent and Registrar shall issue, transfer and exchange Notes requested by the Depository in appropriate amounts. Whenever the Depository requests the Paying Agent and Registrar to do so, the Paying Agent and Registrar will cooperate with the Depository in taking appropriate action after reasonable notice (i) to arrange, with the prior written consent of the City, for a

substitute depository willing and able upon reasonable and customary terms to maintain custody of the Notes or (ii) to make available Notes registered in whatever name or names the Beneficial Owners transferring or exchanging such Notes shall designate.

(c) If the City determines that it is desirable that certificates representing the Notes be delivered to the Note Participants and/or Beneficial Owners of the Notes and so notifies the Paying Agent and Registrar in writing, the Paying Agent and Registrar shall so notify the Depository, whereupon the Depository will notify the Note Participants of the availability through the Depository of note certificates representing the Notes. In such event, the Paying Agent and Registrar shall issue, transfer and exchange note certificates representing the Notes as requested by the Depository in appropriate amounts and in authorized denominations.

(d) Notwithstanding any other provision of this Ordinance to the contrary, so long as any Note is registered in the name of the Depository or any nominee thereof, all payments with respect to such Note and all notices with respect to such Note shall be made and given, respectively, to the Depository as provided in the Letter of Representations.

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

(i) any successor securities depository or its nominee; or

(ii) any person, upon (A) the resignation of the Depository from its functions as depository or (B) termination of the use of the Depository pursuant to this Section.

(f) In the event of any partial redemption of a Note unless and until such partially redeemed Note has been replaced in accordance with the provisions of Section 3 of this ordinance, the books and records of the Paying Agent and Registrar shall govern and establish the principal amount of such Note as is then outstanding and all of the Notes issued to the Depository or its nominee shall contain a legend to such effect.

If for any reason the Depository resigns and is not replaced, the City shall immediately provide a supply of printed note certificates for issuance upon the transfers from the Depository and 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 Notes upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of such City. In case any officer whose signature or facsimile thereof shall appear on any Note shall cease to be such officer before the

delivery of such Note (including any note certificates delivered to the Paying Agent and Registrar for issuance upon transfer or partial redemption), such signature or such facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer or officers had remained in office until the delivery of such Note. The Notes shall not be valid and binding on the City until authenticated by the Paying Agent and Registrar. The City Treasurer shall cause the Notes to be delivered to the Paying Agent and Registrar for registration and authentication. Upon execution, registration and authentication of the Notes, they shall be delivered to the City Treasurer, who is authorized to deliver them to the initial purchaser thereof upon receipt of not less than 98.00% of the principal amount of the Notes plus accrued interest thereon to date of payment for the Notes all as shall be stated in the Designation. Said initial purchaser shall have the right to direct the registration of the Notes and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. Any of the Authorized Officers of the City are hereby authorized to approve, execute, and deliver a Note Purchase Agreement for and on behalf of the City. Such purchaser and its agents, representatives and counsel (including 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 Notes, including, without limitation, authorizing the release of the Notes at closing.

Section 10. The City covenants and agrees to take all steps necessary for the completion of the Project described in Section 1 hereof in a manner to allow it to issue and sell its various purpose bonds or other bonds. The City further covenants and agrees to issue and sell its various purpose bonds or other bonds in a sufficient amount and at such times as will enable it to take up and pay off the Notes herein ordered issued, both principal and interest, at or prior to maturity, or from other sources.

Section 11. The City hereby reserves the right to issue additional bond anticipation notes for the purpose of paying the balance of the cost of the projects of the City set out in Section 1

hereof, for the purpose of refunding the Notes herein ordered issued at or prior to maturity and for the purpose of paying for additional improvements for the City.

Section 12. The City Clerk shall make and certify a complete transcript of the proceedings had and done by said City precedent to the issuance of said Notes, a copy of which shall be delivered to the initial purchaser of the Notes. After being executed by the Mayor and Clerk said Notes shall be delivered to the City Treasurer who shall be responsible therefor under her official bond. The City Treasurer is authorized and directed to deliver said Notes to the purchaser upon receipt of payment of the purchase price in accordance with the contract of the City with said purchaser.

Section 13. The City hereby covenants to the purchasers and holders of the Notes hereby authorized that it will make no use of the proceeds of said Note issue, including monies held in any sinking fund for the Notes, which would cause the Notes to be arbitrage bonds within the meaning of Sections 103(b) and 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and further covenants to comply with said Sections 103(b) and 148 and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Code to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Notes, including reporting and payment of rebate amounts under Section 148 of the Code if and to the extent required. Unless otherwise provided in the Designation, the City hereby designates the Notes as its "qualified tax-exempt obligations" pursuant to Section 265(b)(3)(B)(i)(III) of the Code and covenants and warrants that it does not reasonably expect to issue tax-exempt bonds or other tax-exempt interest-bearing obligations aggregating in principal amount more than \$10,000,000 during calendar 2024 (taking into consideration the exception for current refunding issues).

Section 14. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

Section 15. Each of the Authorized Officers is hereby authorized to approve, on behalf of the City, an official statement (which may include preliminary and final) relating to the Notes. Such official statement shall be delivered in accordance with applicable securities laws.

Section 16. In order to promote compliance with certain federal tax and securities laws relating to the Notes herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Tax-Exempt Financing Compliance Procedure") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Tax-Exempt Financing Compliance Procedure and any similar policy or procedures previously adopted and approved, the Tax-Exempt Financing Compliance Procedure shall control.

Section 17. In accordance with the requirements of Rule 15c2-12, as amended (the "Rule"), promulgated by the Securities and Exchange Commission, the City, being the only "obligated person" with respect to the Notes, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the "MSRB") in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2024, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Notes, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

(b) when and if available, audited financial statements for the City;

(c) in a timely manner not in excess of ten (10) business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Notes:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Notes, or other material events affecting the tax status of the Notes;
- (7) modifications to rights of the holders of the Notes, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution, or sale of property securing repayment of the Notes, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar events of the City (this event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the City in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City);
- (13) the consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (14) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (15) Incurrence of a financial obligation, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, 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, any of which reflect financial difficulties.

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

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 Notes (including Beneficial Owners) and that such covenants may be enforced by any registered owner or Beneficial Owner, provided that any such right to enforcement shall be limited to specific enforcement of such undertaking and any failure shall not constitute an event of default under the Ordinance. The continuing disclosure obligations of the City, as described above, shall cease when none of the Notes remain outstanding.

Section 18. This Ordinance shall be published in pamphlet form as provided by law. This Ordinance shall take effect immediately upon its publication in pamphlet form.

PASSED AND APPROVED this 8th day of May, 2024

City Clerk

Mayor

[SEAL]

There being no further business to come before the City Council, the meeting was by action of the Council and the declaration of the Mayor, adjourned.

I, the undersigned City Clerk for the City of David City , Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on May 8, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; kept continually current, was available for public inspection at the office of that such subjects were contained in said agenda for at least 24 hours prior to said meeting; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held; that at least one copy of all ordinances or other reproducible materials discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk

[SEAL]

NOTICE OF PUBLICATION
OF ORDINANCE NO. 1474
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 o'clock p.m. on May 8, 2024, there was passed and adopted Ordinance No. 1474 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BOND ANTICIPATION NOTES, SERIES 2024, OF THE CITY OF DAVID CITY, NEBRASKA, OF THE PRINCIPAL AMOUNT OF NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) FOR THE PURPOSE OF PROVIDING INTERIM FINANCING FOR THE COSTS OF CONSTRUCTING SEWER IMPROVEMENTS IN SANITARY SEWER EXTENSION DISTRICT NO. 2024-1, PENDING THE ISSUANCE OF PERMANENT GENERAL OBLIGATION BONDS AND PAYING COSTS OF ISSUANCE; PRESCRIBING THE FORM OF SAID NOTES; AGREEING TO ISSUE GENERAL OBLIGATION BONDS TO PAY THE NOTES AT MATURITY OR TO PAY THE NOTES FROM OTHER AVAILABLE FUNDS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES AND TO DESIGNATE THE FINAL TERMS, RATES AND MATURITY SCHEDULE FOR SAID NOTES WITHIN STATED PARAMETERS; AUTHORIZING OFFICERS OF THE CITY TO MAKE ARRANGEMENTS FOR THE SALE OF THE NOTES; AND PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of David City, Nebraska.

Tami L. Comte
City Clerk

[SEAL]

Publish One Time: May 16, 2024

Exhibit "A"

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

ISSUER NAME: The City of David City, in the State of Nebraska
COMPLIANCE OFFICER (BY TITLE): City Treasurer

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

- (a) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the "Authorizing Proceedings"),

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

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any

special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

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

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

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

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

Andy Forney with DA Davidson stated that Ordinance No. 1475 will authorize the issuance of Municipal Improvement Bonds to serve as a bridge loan for the SRF loan.

Council member Kevin Woita introduced Ordinance No. 1475 to authorize the issuance of Municipal Improvement Bonds as a bridge loan for the SRF loan. Presiding Officer Bruce Meysenburg read Ordinance No. 1475 by title. Council member Keith Marvin made a motion to suspend the statutory rule requiring that an Ordinance be read on three separate days. Council Member Pat Meysenburg seconded the motion. The motion carried.

Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

Council member Keith Marvin made a motion to pass and adopt Ordinance No. 1475 on 3rd & Final reading to authorize the issuance of Municipal Improvement Bonds as a bridge loan for the SRF loan. Council Member Pat Meysenburg seconded the motion. The motion carried. Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0

ORDINANCE NO. 1475

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT BONDS, SERIES 2024, OF THE CITY OF DAVID CITY, IN THE AGGREGATED STATED PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS AND ADDITIONS TO THE SANITARY SEWER SYSTEM OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE APPLICATION OF CERTAIN SALES TAX REVENUES AND FOR THE LEVY AND COLLECTION OF PROPERTY TAXES (WITHIN CERTAIN LIMITATIONS) TO PAY THE SAME; AUTHORIZING THE OFFICERS OF THE CITY TO DESIGNATE FINAL TERMS FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

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

Section 1. Findings and Determinations. The Mayor and City Council of the City of David City, Nebraska (the "City") hereby find and determine the following matters:

(a) that the City owns and operates the sanitary sewer system (taken together with all additions and improvements thereto hereafter acquired or constructed, the "Sanitary Sewer System");

(b) that it is necessary and advisable for the City to construct improvements and additions to the Sanitary Sewer System (the "Project");

(c) that at elections previously held within the City (collectively, the "Elections"), the qualified electors of the City voted to implement and/or continue a sales and use tax in the amount of two (2) percent (the "Sales Tax"); that according to the report of the County Clerk of Butler County upon proper canvassing of the results, a majority of the qualified electors of the City approved the Sales Tax at each of the applicable Elections; that notice of the Elections was published as required by law;

(d) that the City currently has no bonds outstanding which are a lien upon and secured by a pledge of the Sales Tax;

(e) that in the discretion of the Mayor and City Council, the Project is part of the City's general operations; that is necessary and advisable for the City to issue bonds which are a lien upon and secured by a pledge of the Sales Tax to pay for the costs of the Project;

(f) that all conditions, acts and things required by law to exist and to be done according to law, specifically the provisions of Section 77-27,142, R.R.S. Neb. 2012, as amended, do exist and have been done as required for the issuance of the City's Municipal Improvement Bonds, Series 2024, in the aggregate principal amount of up to \$4,500,000 do exist and have happened.

Section 2. Authorization of Bonds; Designation of Terms; Limitations. For the purposes described in Section 1 hereof, there shall be and there are hereby ordered issued Municipal Improvement Bonds, Series 2024, of the City of David City, Nebraska, to be issued in the aggregate stated principal amount of not to exceed Four Million Five Hundred Thousand Dollars (\$4,500,000) (the "Bonds"); provided, that the Bonds shall be issued in such amounts, shall mature on such dates and in such amounts, be subject to redemption, shall bear interest at the rate or rates per annum and shall be issued and sold on such terms as shall be determined in a written designation for the Bonds (the "Designation") signed by the Mayor or City Clerk (each, an "Authorized Officer") on behalf of the City and which may be agreed to by D.A. Davidson & Co. (the "Underwriter"), all within the following limitations:

(a) the aggregate principal amount of the Bonds shall not exceed \$4,500,000, provided;

(b) the aggregate amount of original issue premium and original issue discount (if any) may result in an aggregate net original issue discount (if any) not in excess of two percent (2.00%) of the stated principal amount of the Bonds;

(c) the longest maturity of the Bonds may not be later than December 15, 2029;

(d) the true interest cost of the Bonds may not exceed 5.50%; and

(e) two or more of the principal maturities may be combined and issued as "term bonds" and the Authorized Officer may determine the mandatory sinking fund payments and mandatory redemption amounts. Any Bonds issued as "term bonds" shall be redeemed at a redemption price equal to 100% of the principal amount thereof plus accrued interest thereon to the date of redemption and may be selected for redemption by any random method of selection determined appropriate by the Registrar (as hereinafter designated) or by the Depository (as hereinafter designated).

The Authorized Officers (or any one of them) are hereby authorized to make such determinations for the Bonds on behalf of the Mayor and Council and to evidence the same by execution and delivery of a Designation (which may be, or be a part of, a bond purchase agreement as described in Section 9 below) and such determinations, when made and agreed to by the Underwriter, shall constitute the action of the Mayor and Council without further action of the Mayor and Council. The Bonds are hereby authorized to be sold pursuant to private placement or public offering.

The Bonds shall be issued in fully registered form in the denomination of \$5,000 or any integral multiple thereof. The date of original issue for the Bonds shall be the date of delivery thereof. Interest on the Bonds, at the respective rates for each maturity, shall be payable on December 15, 2024, and semi-annually thereafter on June 15 and December 15 of each year (or such other interest payment date or dates as may be set out in the applicable Designation, each an "Interest Payment Date"), and the Bonds shall bear such interest from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later. The interest due on each Interest Payment Date shall be payable to the registered owners of record as of the fifteenth day immediately preceding the Interest Payment Date (or such other record date as may be set out in the applicable Designation, the "Record Date"), subject to the provisions of Section 4 hereof. The bonds 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 bond numbering and principal amounts for each of the Bonds issued shall be as directed by the initial purchaser thereof. Payments of interest due on the Bonds prior to maturity or earlier redemption shall be made by the Paying Agent and Registrar, as designated pursuant to Section 3 hereof, by mailing a check or draft in the amount due for such interest on each Interest Payment Date to the registered owner of each Bond, as of the Record Date for such Interest Payment Date, to such owner's registered address as shown on the books of registration as required to be maintained in Section 3 hereof. Payments of principal due at maturity or at any date fixed for redemption prior to maturity, together with any unpaid accrued interest thereon, 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. 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 in accordance with the terms of this Ordinance 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.

Section 3. Paying Agent and Registrar; Books of Registration. Unless otherwise provided in the Designation, BOKF, National Association, in Lincoln, Nebraska, is hereby designated as Paying Agent and Registrar for the Bonds. The City reserves the right in the discretion of the Mayor and Council to appoint a bank or trust company as successor to the City Treasurer in the capacity of Paying Agent and Registrar under the terms of an agreement to be approved at the time of any such designation. The officers of the City are authorized to approve and enter into any agreements with any successor Paying Agent and Registrar, as applicable, in connection therewith (said initial Paying Agent and Registrar, and any successor Paying Agent and Registrar appointed pursuant to this Section 3, is hereby referred to as the "Paying Agent and Registrar"). The Paying Agent and Registrar shall keep and maintain for the City books for the registration and transfer of the Bonds at its principal office. 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 said Paying Agent and Registrar by surrender of such Bond for cancellation, accompanied by a written instrument of transfer, in form satisfactory to said 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, on behalf of the City, will deliver at its office (or send by registered mail to the transferee owner or owners

thereof at such transferee owner's or owners' risk and expense), registered in the name of the transferee owner or owners, a new Bond or Bonds of the same series, 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 series, 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 series, interest rate and maturity and for a like aggregate principal amount. In every case of transfer of a Bond, the surrendered Bond shall be canceled and destroyed. All Bonds issued upon transfer of the bonds so surrendered shall be valid obligations of the City evidencing the same obligation as the Bonds surrendered and shall be entitled to all the benefits and protection of this Ordinance to the same extent as the Bonds upon transfer of which they were delivered. The City and said Paying Agent and Registrar shall not be required to transfer any Bond during any period from any Record Date until its immediately following Interest Payment Date or to transfer any Bond called for redemption for a period of 30 days next preceding the date fixed for redemption.

Section 4. Delinquent Payments; Special Record Date. 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 5. Redemption of Bonds. The Bonds shall be subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after June 10, 2026 (or such other early redemption date as may be set out in the Designation) at par plus accrued interest on the principal amount redeemed to the date fixed for redemption. The City may select the Bonds to be redeemed for optional redemption in its sole discretion. Bonds shall be redeemed only in amounts of \$5,000 or integral multiples thereof. Bonds redeemed in part only shall be surrendered to said Paying Agent and Registrar in exchange for a new Bond or Bonds evidencing the unredeemed principal thereof. Notice of redemption of any Bond called for redemption shall be given at the direction of the City for optional redemption by said Paying Agent and Registrar by mail not less than 30 days prior to the date fixed for redemption, first class, postage prepaid, sent to the registered owner of such Bond at said owner's registered address. Such notice shall designate the Bond or Bonds to be redeemed by maturity or otherwise, the date of original issue and the date fixed for redemption and shall state that such Bond or Bonds are to be presented for prepayment at the office of said 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 City 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 City shall have the right to further direct notice of redemption for any such Bond for which defective notice has been given. In the event term maturities and mandatory redemption amounts are determined in the Designation, the provisions of this Section 5 shall apply generally to mandatory redemptions.

Section 6. Non-Business Days. 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 and Registrar 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 7. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
COUNTY OF BUTLER

MUNICIPAL IMPROVEMENT BOND
OF THE CITY OF DAVID CITY, NEBRASKA
SERIES 2024

No. R__ - __

	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
Interest Rate			
%			

Registered Owner: Cede & Co.

Principal Amount:

KNOW ALL PERSONS BY THESE PRESENTS: That the City of David City, in the County of Butler, 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, or registered assigns, the principal amount specified above in lawful money of the United States of America on the date of maturity specified above with interest thereon to maturity (or earlier redemption) from the date of original issue or the most recent Interest Payment Date to which interest has been paid or provided for, whichever is later, at the rate per annum specified above, payable _____, _____ and semiannually thereafter on _____ and _____ of each year (each an "Interest Payment Date"). Said interest shall be computed on the basis of a 360-day year consisting of twelve 30-day months. The principal hereof, together with unpaid accrued interest due at maturity or upon earlier redemption, is payable upon presentation and surrender of this bond at the office of BOKF, National Association, Lincoln, Nebraska (or any successor), as the Paying Agent and Registrar, in Lincoln, Nebraska. Interest on this bond due prior to maturity or earlier redemption will be paid on each Interest Payment Date by a check or draft mailed on such Interest Payment Date by the Paying Agent and Registrar to the registered owner of this bond, as shown on the books of record maintained by the Paying Agent and Registrar, at the close of business on the fifteenth day immediately preceding the Interest Payment Date (the "Record Date"), to such owner's address as shown on such books and records. 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.

This bond is one of an issue of fully registered bonds of the total principal amount of _____ Dollars (\$ _____), of even date and like tenor herewith, except as to date of maturity and rate of interest and denomination, which were issued by the City to pay the cost of construction of improvements and additions to the sanitary sewer system of the City, in pursuance of Section 77-27,142, R.R.S. Neb., as amended, and other applicable statutes and has been duly authorized by ordinance legally passed, approved and published and by proceedings duly had by the Mayor and City Council of said City (the "Ordinance").

The bonds of this issue are subject to redemption at the option of the City, in whole or in part, prior to maturity at any time on or after June 10, 2026, at par plus interest accrued on the principal amount redeemed to the date fixed for redemption. Notice of redemption shall be given by mail to the registered owner of any bond to be redeemed in the manner specified in the Ordinance. Individual bonds may be redeemed in part but only in \$5,000 amounts or integral multiples thereof. If less than all of the principal sum hereof is to be redeemed, in such case upon the surrender hereof, there shall be issued to the registered owner hereof, without charge therefor, a registered bond or registered bonds for the unpaid principal balance, maturity and interest rate in any of the authorized denominations provided for in the Ordinance.

This bond is transferable by the registered owner or such owner's attorney duly authorizing 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, subject to the limitations therein prescribed. The City, the 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 due hereunder and for all purposes and shall not be affected by any notice to the contrary, whether this bond be overdue or not.

If the date for payment of the principal or interest on this bond shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the city where the office of the Paying Agent and Registrar 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 date shall have the same force and effect as if made on the nominal date of payment.

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 do exist, have happened 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 limitation imposed by law. The City hereby pledges receipts from the sales and use tax approved by the electors of the City for the payment of the principal and interest on this bond and the other bonds of this issue and all other bonds issued pursuant to Section 77-27, 142 R.R.S. Neb. (such bonds, the "Municipal Improvement Bonds"), equally and ratably, and, in addition, the City 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, subject to the applicable limitations provided for in Section 77-3442, R.R.S. Neb., as amended, sufficient in rate and amount to fully pay the principal and interest of this bond and the other bonds of this issue, and all other Municipal Improvement Bonds, equally and ratably, as the same become due.

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

IN WITNESS WHEREOF, the Mayor and City Council of the City of David City, Nebraska, have caused this bond to be executed on behalf of the City with the manual or facsimile signatures of the Mayor and the City Clerk and by causing the official seal of the City to be impressed or imprinted hereon, all as of the date of original issue specified above.

CITY OF DAVID CITY, NEBRASKA

ATTEST:

Sample – do not sign

Mayor

Sample – do not sign

City Clerk

[SEAL]

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds authorized by ordinance passed and approved by the Mayor and City Council of the City of David City, Nebraska as described in said bond.

BOKF, National Association, Lincoln, Nebraska,
as Paying Agent and Registrar

Sample – do not sign

(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

Witness: _____

Note: The signature(s) of this assignment must correspond with the name(s) as written on the face of the within bond in every particular, without alteration, enlargement or any change whatsoever.

Section 8. Execution of Bonds; Book-Entry System. Each of the Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and shall have impressed or imprinted thereon the City's seal. Unless otherwise provided in the Designation, 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 are authorized to execute and deliver a letter of representations (the "Letter of Representations") in the form required by the Depository (including 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 the 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 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 Bond Participants and/or 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 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, the City shall immediately provide a supply of printed bond certificates for issuance upon the transfers from the Depository and 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 Bonds upon transfer or partial redemption, the City agrees to order printed an additional supply of certificates and to direct their execution by manual or facsimile signature of its then duly qualified and acting Mayor and City Clerk of said City. 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.

Section 9. Authentication, Delivery and Sale of Bonds; Bond Purchase Agreement. 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. Upon execution, registration and authentication of the Bonds, such bonds shall be delivered to the City Treasurer, who is authorized to deliver them to Underwriter, as initial purchaser thereof, upon receipt of the purchase price to be determined in the Designation plus accrued interest thereon to date of payment of the Bonds. The Underwriter shall have the right to direct the registration of the Bonds and the denominations thereof within each maturity, subject to the restrictions of this Ordinance. The Bonds shall be sold to the Underwriter pursuant to the terms of a bond purchase agreement in form and substance acceptable to an Authorized Officer (subject to the terms set out in Section 2 above), and either of such officers is hereby individually authorized to approve, execute and deliver such agreement for and on behalf of the City.

Section 10. Application of Proceeds. Accrued interest, if any, received from the sale of the Bonds shall be applied to pay interest first falling due on the bonds. Expenses of issuance of the Bonds may be paid from the proceeds of the Bonds. The remaining proceeds of the Bonds, together with other available City funds as required for such purpose (if any), shall be applied to pay costs of the Projects.

Section 11. Pledge of Sales Tax; Property Tax. The City hereby pledges receipts from the Sales Tax, as approved by the electors of the City, equally and ratably for the payment of the principal and interest on the Bonds as the same fall due and, in addition, further 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, subject to the applicable limitations provided for in Section 77-3442, R.R.S. Neb., as amended, sufficient in rate and amount to fully pay the principal and interest of the Bonds as the same become due, as and to the extent not paid from receipts the Sales Tax as provided in this Ordinance.

Section 12. Debt Service Fund; Sub-Accounts. There is hereby established in the books and accounts of the City the "Municipal Improvement Bonds Debt Service Fund" (the "Debt Service Fund"). The Debt Service Fund, and such sub-account, shall be held separate and apart from all other funds and accounts of the City by the City Treasurer. Monies set aside and held in the sub-account within the Debt Service Fund shall be held exclusively for the payment of the Bonds for which they are established. The City hereby agrees that so long as the Bonds remain outstanding, the City shall set aside monies each month from the Sales Tax for the Debt Service Fund in accordance with the following:

A. *Debt Service Fund.* From receipts from the Sales Tax, there shall be deposited to the sub-account for the Bonds in the Debt Service Fund on or before the fifteenth (15th) day of each month the following amounts for the periods indicated:

(1) Commencing with the fifteenth (15th) day of the calendar month following the month in which the date of delivery of the Bonds takes place (the "Initial Deposit Date"), and continuing on the corresponding day of each month thereafter, an amount which, when combined with additional equal monthly amounts to be deposited to the applicable sub-account pursuant to this subparagraph prior to the next falling Interest Payment Date, will be sufficient to provide funds to pay the installment of interest due with respect to the Bonds; and

(2) Commencing with the Initial Deposit Date and continuing on the corresponding day of each month thereafter, an amount which, when combined with additional equal monthly amounts to be deposited to the applicable sub-account pursuant to this subparagraph prior to the next principal maturity date for such Bonds (or mandatory sinking fund redemption date, if applicable), will be sufficient to provide funds to pay such maturing principal amount (or make such mandatory sinking fund redemption payment, if applicable) for such Bonds on such date.

All deposits to the Debt Service Fund and the sub-accounts therein shall be made in such amounts and at such times so that there will be sufficient sums in such fund to meet the payments required to be made by the Paying Agent and Registrar with respect to the Bonds on each interest and principal payment date.

Monies on deposit in the Debt Service Fund may to the extent practicable and reasonable be invested in lawful investments for the City maturing at such times and in such amounts as shall be required to provide monies to make the payments to be made from said Fund. All monies and income from investments made from monies deposited to the Debt Service Fund shall, when realized and collected, be credited to the fund (and sub-account, as applicable) from which such investments were made, unless there shall then be credited thereto the respective full amounts then required by Subsection A of this Section 12, in which event such interest and income shall be treated as other excess sales tax receipts. All investments held for the credit of any such fund may be sold when required to make the payments to be made from such fund. Any monies credited to any such fund which are not invested shall be deposited and secured in the manner provided by law for deposits of public funds.

Section 13. Tax Covenants: Bank Qualified Bonds. The City hereby covenants with the purchasers and holders of the Bonds herein authorized that it will make no use of the proceeds of said Bonds, including monies held in any sinking fund for the payment of principal and interest on said Bonds, which would cause said Bonds to be arbitrage bonds within the meaning of Sections 103 and 148 and other related sections of the Internal Revenue Code of 1986, as amended, and further covenants to comply with said Sections 103 and 148 and related sections and all applicable regulations thereunder throughout the term of said issue. The City hereby covenants and agrees to take all actions necessary under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status (as to taxpayers generally) of interest payable on the Bonds. Unless otherwise provided in the Designation, the City hereby designates the Bonds as its “qualified tax-exempt obligations” under Section 265 (b)(3)(B)(i)(III) of the Internal Revenue Code of 1986, as amended, and covenants and warrants that it does not reasonably anticipate issuance of tax-exempt bonds or other tax-exempt interest bearing obligations aggregating in principal amount more than \$10,000,000 during the calendar year that the Bonds are issued. The City agrees to take all further actions, if any, necessary to qualify the Bonds herein authorized as such “qualified tax-exempt obligations,” as and to the extent permitted by law.

Section 14. Continuing Disclosure Undertaking. In accordance with the requirements of Rule 15c2-12, as amended (the “Rule”), promulgated by the Securities and Exchange Commission, the City, being the only “obligated person” with respect to the Bonds, agrees to provide the following continuing disclosure information to the Municipal Securities Rulemaking Board (the “MSRB”) in an electronic format as prescribed by the MSRB:

(a) not later than nine (9) months after the end of each fiscal year of the City (the "Delivery Date"), commencing with the fiscal year ending September 30, 2024, financial information or operating data for the City generally consistent with the information set forth in Appendix B, Part 1 (CITY OF DAVID CITY—FINANCIAL INFORMATION) to the Official Statement used in the sale of the Bonds, under the titles (i) "Direct Debt", (ii) "Overlapping Debt", and (iii) "Taxable Valuation History" (collectively, the "Annual Financial Information");

(b) when and if available, audited financial statements for the City;

(c) in a timely manner not in excess of ten (10) 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, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation, 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, any of which reflect financial difficulties.

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

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, as described above, shall cease when none of the Bonds remain outstanding.

Section 15. Discharge of Bonds. The City's obligations under this Ordinance with respect to any or all of the Bonds herein authorized shall be fully discharged and satisfied as to any

or all of such Bonds and any such Bond shall no longer be deemed to be outstanding hereunder if such Bond has been purchased by the City and canceled or when the payment of the principal of and interest thereon to the respective date of maturity or redemption (a) shall have been made in accordance with the terms thereof or (b) shall have been provided for by depositing with a national or state bank having trust powers or trust company, in trust, solely for such payment (i) sufficient money to make such payment and/or (ii) direct general obligations of or obligations the principal and interest of which are unconditionally guaranteed by the United States of America (herein referred to as "U.S. Government Obligations") in such amount and bearing interest and maturing or redeemable at stated fixed prices at the option of the holder as to principal, at such time or times, as will insure the availability of sufficient money to make such payment; provided, however, that with respect to any Bond to be paid prior to maturity, the City shall have duly called such Bond for redemption and given notice thereof or made irrevocable provisions for the giving of such notice. Any money so deposited with such bank or trust company may be invested or reinvested in U.S. Government Obligations at the direction of the City, and all interest and income from U.S. Government Obligations in the hands of such bank or trust company in excess of the amount required to pay principal of and interest on the Bonds for which such monies or U.S. Government Obligations were deposited shall be paid over to the City as and when collected.

Section 16. General Authority; Approval of Preliminary Official Statement. The Authorized Officers are further authorized to take such action and execute such documents and instruments as may be necessary or appropriate to carry out the foregoing. Without limitation of the generality of the foregoing, the Authorized Officers each are hereby authorized to do all things and execute all documents as may by them (or any one of them) be deemed necessary and proper to complete the issuance and sale of the Bonds contemplated by this Ordinance and the application of the proceeds of the Bonds in accordance with the terms of this Ordinance, including, without limitation, to review and approve a bond purchase agreement and a preliminary official statement related to the Bonds and approval of a final official statement on behalf of the City, and said final official statement, as applicable, shall be delivered in accordance with the requirements of Reg. Sec. 240.15c2-12 of the Securities and Exchange Commission.

Section 17. Post-Issuance Compliance. In order to promote compliance with certain federal tax and securities laws relating to the Bonds herein authorized (as well as other outstanding bonds) the policy and procedures attached hereto as Exhibit "A" (the "Post-Issuance Compliance Policy and Procedures") are hereby adopted and approved in all respects. To the extent that there is any inconsistency between the attached Post-Issuance Compliance Policy and Procedures and any similar policy or procedures previously adopted and approved, the Post-Issuance Compliance Policy and Procedures shall control.

Section 18. Effectiveness. This Ordinance shall take effect upon its publication in pamphlet form as provided by law.

PASSED AND APPROVED this 8th day of May, 2024.

ATTEST:

Mayor

City Clerk

[SEAL]

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

Exhibit “A”

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

ISSUER NAME: The City of David City, in the State of Nebraska
COMPLIANCE OFFICER (BY TITLE): City Treasurer

POLICY

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

PROCEDURES

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

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

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

Scope of Review.

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

- (e) the resolution(s) and/or ordinance(s), as applicable, adopted by the governing body of the Issuer authorizing the issuance of its outstanding bonds, together with any documents setting the final rates and terms of such bonds (the “Authorizing Proceedings”),

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

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

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

Use of Bond Financed Property. Expectations and covenants contained in the Bond Documents regarding private use shall be reviewed by the Compliance Officer to ensure compliance. Bond-financed properties shall be clearly identified (by mapping or other reasonable means). Prior to execution, the Compliance Officer (and bond counsel, if deemed appropriate by the Compliance Officer) shall review (a) all proposed leases, contracts related to operation or management of bond-financed property, sponsored research agreements, take-or-pay contracts or other agreements or arrangements or proposed uses which have the potential to give any entity any

special legal entitlement to the bond-financed property, (b) all proposed agreements which would result in disposal of any bond-financed property, and (c) all proposed uses of bond-financed property which were not anticipated at the time the bonds were issued. Such actions could be prohibited by the Authorizing Proceedings, the Tax Documents or Federal tax law.

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

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

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

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

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

Motion for adjournment was duly made, seconded and on roll call vote was declared adopted by the Mayor.

I, the undersigned City Clerk for the City of David City, Nebraska, hereby certify that the foregoing is a true and correct copy of the proceedings had and done by the Mayor and Council on _____, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during the meeting or meetings reflected in the transcript described below in the room in which such meeting or meetings were held and that all in attendance at such meeting or meetings were informed at the beginning of the meeting that such copy of the Nebraska Open Meetings Act was available for review and were informed of the location of such copy in the room in which such meeting was being held; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

City Clerk

[SEAL]

**NOTICE OF PUBLICATION
OF ORDINANCE NO. 1475
IN PAMPHLET FORM**

Public Notice is hereby given that at a meeting of the Mayor and City Council of the City of David City, Nebraska, held at 7 p.m. on, May 8, 2024, there was passed and adopted Ordinance No. 1475 entitled:

AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA, AUTHORIZING THE ISSUANCE OF MUNICIPAL IMPROVEMENT BONDS, SERIES 2024, OF THE CITY OF DAVID CITY, IN THE AGGREGATED STATED PRINCIPAL AMOUNT OF NOT TO EXCEED FOUR MILLION FIVE HUNDRED THOUSAND DOLLARS (\$4,500,000) TO PROVIDE FUNDS TO CONSTRUCT IMPROVEMENTS AND ADDITIONS TO THE SANITARY SEWER SYSTEM OF THE CITY; PRESCRIBING THE FORM OF SAID BONDS; PROVIDING FOR THE APPLICATION OF CERTAIN SALES TAX REVENUES AND FOR THE LEVY AND COLLECTION OF PROPERTY TAXES (WITHIN CERTAIN LIMITATIONS) TO PAY THE SAME; AUTHORIZING THE OFFICERS OF THE CITY TO DESIGNATE FINAL TERMS FOR SAID BONDS WITHIN STATED PARAMETERS; AUTHORIZING THE SALE OF THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

Said Ordinance was published in pamphlet form on May 8, 2024. Copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the City Clerk, in the City of David City, Nebraska.

City Clerk

**NOTE—Publish the above in the Newspaper One Time.
Please provide a Publisher's Affidavit/Proof of Publication following the publication.**

Council member Keith Marvin made a motion to adjourn. Council Member Bruce Meysenburg seconded the motion. The motion carried and Presiding Officer Bruce Meysenburg declared the meeting adjourned at 8:07 p.m.
Jim Angell: Yea, Tom Kobus: Yea, Keith Marvin: Yea, Bruce Meysenburg: Yea, Pat Meysenburg: Yea, Kevin Woita: Yea
Yea: 6, Nay: 0



CERTIFICATION OF MINUTES
May 8, 2024

I, Tami Comte, duly qualified and acting City Clerk for the City of David City, Nebraska, do hereby certify with regard to all proceedings of May 8, 2024; that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that the minutes of the meeting of the City Council of the City of David City, Nebraska, were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided with advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

Tami Comte, City Clerk