

MINUTES OF A WAVERLY CITY COUNCIL MEETING HELD ON JUNE 24, 2025

CALL TO ORDER

Mayor Abbey Pascoe called the meeting to order at 6:00 p.m. and led those in attendance in reciting the Pledge of Allegiance. Pascoe acknowledged the Open Meetings Act Poster located on the south wall of the Council Chambers. Mayor Abbey Pascoe and Council Members David Jespersen, Dave Nielson, Aaron Delahoyde, and Allison Stark were in attendance. Other City Officials present were City Administrator Stephanie Fisher, Attorney Tim Moll, and City Clerk Megan Frye. Others present were Interim Fire Chief Jared Rains, Lancaster County Health Director Kerry Kernan and Lancaster County Environmental Public Health Division Manager Brock Hanisch. Notice of the Meeting and Agenda were given to the Mayor and all Members of the City Council prior to the Meeting. Notice of the Meeting was posted at Russ's Market Express, the US Post Office, the City Office, and the City website (citywaverly.com).

ADOPTION OF AGENDA

Council Member Jespersen moved to adopt the Agenda as presented. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Jespersen, Nielson, Delahoyde, and Stark. The following Council Members voted "NAY": None. Motion Carried. 4-0.

APPROVAL OF CONSENT AGENDA

Minutes of the June 10, 2025 City Council Meeting

Council Member Jespersen moved to approve the Consent Agenda. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Nielson, Delahoyde, Stark, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 4-0.

PROCLAMATIONS AND PRESENTATIONS

None.

PUBLIC HEARINGS

Public Hearing: Community Development Block Grant (CDBG)

Public Hearing Opened at 6:02 p.m.

City Administer Fisher provided information for the Owner-Occupied Housing Rehabilitation grant program the city received in 2021 to close out the project. Fisher stated the goal was to receive 18 applications, and a total of 13 applications were received: 7 projects completed, 1 project still in the close-out phase, and 3 did not meet criteria. Two applications submitted right at end of the deadline and weren't able to get approved on time, but they were able to transition over to the Lancaster County Owner-Occupied Housing Rehab program and will be receiving funds through the county. In total, \$173,262 was spent on rehabilitation projects in Waverly out of the \$450,000 we were awarded, which is a 38.5% utilization of grant funds. The unused funds will go back to the state. Overall, it was a good project. Mayor Pascoe stated the city can apply again in the future and 13 applicants is a good turnout for first time with a program. Fisher encouraged anyone interested to go to Lancaster County and apply for the funds available. Mayor Pascoe asked if anyone would like to comment. No comments heard.

Public Hearing closed at 6:04 p.m.

SHERIFF'S REPORT

Deputy Brownell reported there were 90 calls for service for the month of May 2025. Brownell reported on the importance of following the fireworks ordinances, fireworks safety, and cleaning up after lighting them off.

PUBLIC COMMENTS

None.

APPROVAL OF MINUTES

Minutes of the June 10, 2025 City Council Meeting

Consent Agenda.

CONSIDERATION OF CLAIMS AND FINANCIAL REPORTS

Claims for Payment

| Claims for Payment: June 11th - 24th, 2025 | | |
|--|--|---------------|
| Group A | | |
| Vendor | Description | Amount |
| ADP Fees | Payroll Fees | \$ 377.38 |
| ADP Payroll | Payroll | \$ 76,498.64 |
| ADP Payroll | Payroll | \$ 1,458.52 |
| Aqua-Chem, Inc. | Pool chemicals | \$ 1,960.70 |
| Aspen Builders, Inc. | Refund-Permit 240126, 240139, 240042 | \$ 2,413.26 |
| Blue Cross Blue Shield NE | Health Insurance | \$ 9,293.32 |
| Black Diamond Enterprises | Screened topsoil | \$ 630.00 |
| Black Hills Energy | Natural gas | \$ 156.74 |
| Braden Romans | Umpire payout | \$ 130.00 |
| Brainard's Heating & Air | Office air conditioner w/coil | \$ 5,440.00 |
| Braxton Halsey | Umpire payout | \$ 130.00 |
| Caleb Jueneman | Umpire payout | \$ 260.00 |
| Carquest Auto Parts | Services | \$ 61.47 |
| Commonwealth Electric Company | Troubleshoot generator | \$ 387.00 |
| Connor Nielsen | Umpire payout | \$ 130.00 |
| Diamond Vogel Paint Center | Supplies | \$ 165.00 |
| Dmitry Rybak | Refund-Permit 240050 | \$ 900.00 |
| Echo Group Inc. | Supplies | \$ 215.19 |
| Consolidated Elect. Distributor | SQD Drive | \$ 316.30 |
| Frontier | Propane, turfsaver-N 142nd repairs | \$ 1,053.81 |
| Great Plains Nursery | Street trees | \$ 9,554.00 |
| Harrison Drake | Umpire payout | \$ 130.00 |
| Hometown Leasing | FD Copier | \$ 71.48 |
| Hunter Claycomb | Umpire payout | \$ 310.00 |
| JEO Consulting Group, Inc. | Oak Lane & Danvers Water Main, Prelim/Final Plat Smetter-Hoy, Small Subdivision Review | \$ 32,096.25 |
| Jesse Wall | Umpire payout | \$ 130.00 |
| John Deere Financial | Repair Services | \$ 365.89 |
| John Hancock USA | Retirement | \$ 3,079.59 |
| K2 Construction | Danvers St. & Oak Ln. Water Main | \$ 249,608.70 |
| Keith Ernst | Umpire payout | \$ 520.00 |
| Kevin LaPage | Repair Services - Pool | \$ 1,702.50 |
| Kriha Fluid Power-Lincoln Adm | Supplies | \$ 97.25 |
| Lincoln Electric System | Electricity | \$ 16,118.61 |
| Maddox Hasenkamp | Umpire payout | \$ 130.00 |
| Matheson Tri-Gas, Inc. | Oxygen | \$ 634.88 |

| | | |
|--------------------------------|--|----------------------|
| Menards-Lincoln North | Supplies | \$ 414.01 |
| Menards-Lincoln South | Supplies | \$ 140.01 |
| Midwest Turf & Irrigation | Mower repairs | \$ 335.71 |
| Nadia Koval | Cleaning Service | \$ 439.23 |
| NE Public Health Environ Lab | Lab fees | \$ 301.00 |
| Nicole Poole | Refund-baseball jersey/hat | \$ 30.00 |
| Olsson | Waverly Ridge Construction | \$ 30,669.65 |
| One Billing Solutions | May 2025 Billing-EMS | \$ 2,074.10 |
| Paul Davis Restoration, Inc. | Laundering bunker gear | \$ 100.00 |
| Production Creek Specialty Adv | Employee clothing | \$ 178.00 |
| Reid Nagel | Umpire payout | \$ 130.00 |
| Rembolt Ludtke LLP | CRA Matters | \$ 984.00 |
| Rembolt Ludtke LLP | Legal Fees | \$ 3,000.00 |
| S & L Trenching LLC | Water line repair | \$ 2,750.00 |
| Scott Claycomb | Umpire payout | \$ 195.00 |
| SENDL Lincoln Office | Membership & Housing Dues | \$ 3,409.00 |
| Tell Hanes | Personal BVM reimbursement | \$ 69.99 |
| Terracon Consultants, Inc. | Canongate Rd. & fire station geotechnical work | \$ 13,990.00 |
| The Fort | Clothing Allowance | \$ 67.99 |
| Truck Center Companies | Transmission fluid | \$ 376.30 |
| U.S. Postmaster | Stamps/Postage | \$ 305.81 |
| Union Bank & Trust Co. | HSA Accounts | \$ 3,250.00 |
| Unlimited Sports Solutions Inc | Replace Wayne batting cage net | \$ 3,925.00 |
| USA Blue Book | Supplies | \$ 8,958.05 |
| Val Limited | Concession pizza | \$ 1,211.00 |
| Verizon Wireless | Phone Service | \$ 415.15 |
| Vessco, Inc. | Pump head | \$ 353.85 |
| Sam's Club | Supplies | \$ 119.59 |
| Russ's Market | Food for meeting - F.D. debit card purchase | \$ 23.96 |
| Storage Ninjas - Waverly | Storage for Engine 34 | \$ 139.00 |
| | Claims Group A Total | \$ 494,881.88 |

Council Member Jespersen moved to approve the Claims Group A in the amount of \$494,881.88. Council Member Nielson seconded the motion.

The following Council Members voted "YEA": Delahoyde, Stark, Jespersen, and Nielson. The following Council Members voted "NAY": None. Motion Carried. 4-0.

KENO & SALES TAX REPORTS

Keno & Sales Tax Reports provided for information.

INTRODUCTION OF RESOLUTIONS

Consideration of Resolution 25-11 adopting and revising the employee handbook.

Council Member Jespersen moved to approve Resolution 25-11 adopting and revising the employee handbook. Council Member Nielson seconded the motion.

City Administrator Fisher stated we do not have room to put another employee in this building, so this amendment gives flexibility to work from home or additional hours outside of a full-time job. This is a new position the city has not hired for. Mayor Pascoe added but this has been in the budget for 2 years

and Building/Zoning Administrator Palm needs help with the workload. Fisher stated this position will be approximately 20 hours per week, no benefits.

The following Council Members voted “YEA”: Stark, Jespersen, Nielson, and Delahoyde. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

INTRODUCTION OF ORDINANCES

Consideration of Ordinance 25-05, an ordinance authorizing the purchase of an ambulance and related equipment for the City and authorizing a loan from a bank to the City in the principal amount of not to exceed One Hundred Eighty Thousand (\$180,000).

Council Member Jespersen moved to introduce and approve the First Reading of Ordinance 25-05, an ordinance authorizing the purchase of an ambulance and related equipment for the City and authorizing a loan from a bank to the City in the principal amount of not to exceed One Hundred Eighty Thousand (\$180,000). Council Member Nielson seconded the motion.

City Administrator Fisher read the ordinance by title:

ORDINANCE NO. 25-05 AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AMBULANCE AND RELATED EQUIPMENT FOR THE CITY AND AUTHORIZING A LOAN FROM A BANK TO THE CITY, EVIDENCED BY A PROMISSORY NOTE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE HUNDRED EIGHTY THOUSAND (\$180,000) TO FINANCE THE PURCHASE OF THE AMBULANCE AND RELATED EQUIPMENT; PRESCRIBING THE TERMS AND FORM OF SUCH LOAN AND PROMISSORY NOTE; PROVIDING FOR PAYMENT OF THE INTEREST ON AND PRINCIPAL OF SUCH LOAN AND PROMISSORY NOTE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

Interim Fire Chief Jared Rains shared the need for a second ambulance due to the large number of calls—525 for 2024, many of which were EMS calls and the importance of having a second ambulance as backup to cover the city during a second EMS call. Rains stated this process happened fast due to getting the ambulance off the demo line at a good price, otherwise it isn’t available until 2028. Rains advised we received support from both the City and the Suburban Fire District, who passed their half of the financing at their meeting last night.

City Administrator Fisher stated the revenue from medical calls goes into Fund 18 and is shared equally between the Suburban Fire District and the City; the call revenue as of May 31 was \$86,500; last year was \$110,000. Fisher stated I propose we borrow the money from Horizon Bank over 7 years and not completely deplete the account by buying with cash. Fisher shared the additional equipment and add-ons and advised they will be paid with cash from the equipment fund, total of roughly \$173,000 cash out of the equipment fund, leaving funds available. This is Ford F-450 white ambulance and is gas, not diesel. Rains advised the layout between the two ambulances are comparable, so we are hopeful the learning curve will be minimal. Council Member Jespersen asked if a certification is needed to drive the ambulance, and Rains shared the internal process. Mayor Pascoe stated this demo was available as first come first served, so we had to move on this. Rains stated there are very few fire departments in Lancaster County that don’t have second ambulance, and we are the busiest. Discussion of storage of vehicles.

Council Member Jespersen moved to suspend the rules and waive the requirement for three readings and move to Third and Final Reading of Ordinance 25-05. Council Member Nielson seconded the motion. The following Council Members voted “YEA”: Jespersen, Nielson, Delahoyde, and Stark. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

Vote to pass on Third and Final Reading Ordinance 25-05, an ordinance authorizing the purchase of an ambulance and related equipment for the City and authorizing a loan from a bank to the City in the principal amount of not to exceed One Hundred Eighty Thousand (\$180,000), the following Council Members voted "YEA": Nielson, Delahoyde, Stark, and Jespersen. The following Council Members voted "NAY": None. Motion Carried. 4-0.

ORDINANCE NO. 25-05

AN ORDINANCE AUTHORIZING THE PURCHASE OF AN AMBULANCE AND RELATED EQUIPMENT FOR THE CITY AND AUTHORIZING A LOAN FROM A BANK TO THE CITY, EVIDENCED BY A PROMISSORY NOTE, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE HUNDRED EIGHTY THOUSAND (\$180,000) TO FINANCE THE PURCHASE OF THE AMBULANCE AND RELATED EQUIPMENT; PRESCRIBING THE TERMS AND FORM OF SUCH LOAN AND PROMISSORY NOTE; PROVIDING FOR PAYMENT OF THE INTEREST ON AND PRINCIPAL OF SUCH LOAN AND PROMISSORY NOTE; PROVIDING FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM

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

Section 1. The Mayor and Council (the "Council") of the City of Waverly, Nebraska (the "City") hereby find and determine as follows:

(a) That pursuant to Section 17-147, R.R.S. Nebraska, the City is authorized to establish a fire department and procure fire and rescue equipment;

(b) That it is necessary for the City, in cooperation with the Waverly Suburban Fire District, to purchase an ambulance and related equipment (the "Equipment") in support of the general fire and rescue protection plan of the City, with the District paying one-half of said costs and the City paying one-half of said costs;

(c) That the estimated cost of the ambulance identified for purchase is \$327,653 and the estimated cost of the equipment and graphics for the ambulance is \$173,650.65, resulting in a total estimated cost of \$501,303.65;

(d) That it is necessary for the City to borrow money in the total principal amount of not to exceed \$180,000 to pay a portion of the cost of the Equipment;

(e) The City and Horizon Bank (the "Bank") have proposed to finance the Equipment purchase through a loan (the "Loan") to the City by the Bank, evidenced by a promissory note (the "Note"), pursuant to authority granted to the City in Section 18-201, R.R.S. Nebraska (the "Act").

(f) The City further finds and determines, pursuant to the requirements of the Act, that financing the Equipment purchase through traditional bond financing would be impractical and cannot be completed within the time constraints facing the City to acquire the Equipment and financing the purchase through a direct borrowing with the Bank will generate taxpayer savings over traditional bond financing.

(g) The amount of the Note is less than twenty percent (20%) of the municipal budget of the City.

(h) All conditions, acts and things required by law to exist or to be done precedent to the Loan, evidenced by the Note, in the principal amount of not to exceed \$180,000 pursuant to the Act, for the purpose of financing a portion of the cost of the Equipment and related expenses, do exist and have been done in due form and time as required by law.

Section 2. For the purposes described in Section 1, the Mayor, City Clerk, and other necessary officers or personnel of the City are authorized to take such actions and sign such purchase agreements, contracts, and other documents as are reasonably necessary to purchase the Equipment in cooperation with the Waverly Suburban Fire District. The City is authorized to expend up to \$180,000 for its share of the ambulance, which will be financed with the Note described hereinafter, and up to \$100,000 for related equipment, which will be paid for with the City's share of cash on hand in the Fire Equipment Fund.

The Mayor and Council further find and determine that all conditions, acts, and things required by law to exist or to be done precedent to the Loan, evidenced by the Note, pursuant to the Act, do exist and have been done as required by law. The Note shall consist of one fully registered Note without coupons. The Note shall be in the original principal amount of not more than \$180,000 and shall bear interest at the rate of not more than Seven Percent (7.0%) per annum with interest payable on a semi-annual or annual basis as agreed to by the City and the Bank. If not sooner paid, the entire balance of principal and accrued interest shall be due and payable upon maturity of the Note, which maturity shall be not later than seven years after the date of issuance. The Note may be prepaid in whole or in part at any time without penalty. The Mayor and/or the City Clerk is hereby authorized to establish the final terms of the Note within the parameters set forth above.

Section 3. Interest on the Note is payable as set forth above (each of such dates an "Interest Payment Date") from the date of original issue or the most recent interest payment date, whichever is later, until maturity or earlier payment by check or draft mailed or otherwise delivered by the Registrar on such interest payment date to the registered owner of the Note at such registered owner's address as it appears on the Note Register maintained by the Registrar or its successor at the close of business on the fifteenth day preceding such interest payment date (the "Record Date") subject to the provisions of the following paragraph. The principal on the Note and the interest due at maturity or upon payment prior to maturity is payable in lawful money of the United States of America to the registered owners thereof upon presentation and surrender of such Note to the Registrar. If the date for payment of the principal of or interest on the Note shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Waverly, 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 4. The Note shall be executed on behalf of the City by the manual or facsimile signatures of the Mayor and Clerk. In case any officer whose signature or a facsimile of whose signature shall appear on the Note and shall cease to be such officer before the delivery of the Note, such signature or facsimile shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery. Notwithstanding such execution, the Note shall not be valid or obligatory for any purpose or entitled to any security or benefit under this Ordinance unless and until a certificate of authentication on the Note has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Note need not be signed by the same representative. The executed certificate or authentication on the Note shall be conclusive evidence that it has been authenticated and delivered under this Ordinance. In connection with the Note, the City is authorized to pledge its interest in the Equipment and/or its interest in cash on deposit with the Bank or other assets as collateral for the City's obligation under the Note.

Section 5. The Note shall be in substantially the following form:

UNITED STATES OF AMERICA
STATE OF NEBRASKA
CITY OF WAVERLY, NEBRASKA
PROMISSORY NOTE, SERIES 2025

Interest Rate

Maturity Date

Date of Issue

REGISTERED OWNER: HORIZON BANK

PRINCIPAL AMOUNT:

The CITY OF WAVERLY, 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 stated above and interest thereon, at the interest rate per annum specified above, in lawful money of the United States of America. Interest accrued to date shall be payable in equal annual installments of principal and interest sufficient to fully amortize the Note at maturity and with the entire balance of principal and accrued interest due and payable at maturity.

The principal amount and the interest due at maturity or upon payment prior to maturity is payable to the Registered Owner hereof in lawful money of the United States of America without deduction for services as paying agent at the office of the Note Registrar and Paying Agent, the City Treasurer of the City of Waverly, Nebraska, (the “Registrar”), upon presentation and surrender of this note. Interest on this note due prior to maturity or earlier payment shall be paid by check or draft mailed by the Registrar on the date such interest is due and payable to the Registered Owner at such Registered Owner’s address as it appears on the registration books of the Registrar as of the close of business on the fifteenth day preceding the date on which interest on this note is payable (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 note (or of one or more predecessor notes hereto) on such special Record Date for payment of such defaulted interest as shall be fixed by the Registrar whenever money for such purpose become available. This note is payable from the general funds of the City to the extent not paid from other sources, including revenues generated from operation of the fire department. For the prompt payment of this note, both principal and interest at the time the same becomes due, the full faith, credit, and resources of the City are hereby pledged.

This note may be prepaid without penalty, in whole or in part, at any time in such principal amounts as the City, in its sole and absolute discretion, shall determine.

This note is issued in the total principal amount of \$ _____ and has been issued by the City for the purpose of purchasing an ambulance and related equipment for the City and paying the costs of issuance of this note. This note is issued under the authority of and in compliance with the laws of the State of Nebraska governing the City, and pursuant to Ordinance No. ____ of the City (the “Ordinance”) duly enacted and by proceedings duly had by the Mayor and Council.

This note is transferable by the Registered Owner hereof as provided by the Ordinance and subject to the restrictions on transfer specified in the Ordinance and only upon delivery of an Investor Letter, as described in the Ordinance. The City and the Registrar may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof, premium, if any, and interest due hereon and for all other purposes.

If the date for payment of the principal of or interest on note shall be a Saturday, Sunday, legal holiday or a day on which banking institutions in the City of Waverly, 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.

The City has in the Ordinance designated such note as a “qualified tax-exempt obligation” pursuant to Section 265(b)(3)(B)(i) of the Internal Revenue Code of 1986, as amended.

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 required by law, and that the indebtedness of the City, including this note, does not exceed any statutory limitation imposed by law. The City agrees that this note shall be secured by and be payable from any and all general fund resources of the City, including but not limited to any and all authorized levies of taxes, and shall not, to the fullest extent permitted by law, be limited as to payment to the City’s general fund resources for any specific fiscal year, pursuant to Section 18-201, R.R.S. Nebraska. The City reserves the right to provide for payment of principal and interest on the Note from the further issuance of notes, bonds, or other methods of financing.

This note shall not be valid or become obligatory for any purpose until it shall have been authenticated by the execution by the Registrar of the Certificate of Authentication endorsed hereon.

IN WITNESS WHEREOF, the Mayor and Council have caused this note to be executed on behalf of the City by the manual or facsimile signatures of its Mayor and Clerk and have caused the City Seal to be impressed or imprinted hereon, all as of the Date of Issue set forth above.

CITY OF WAVERLY, NEBRASKA

ATTEST:

By: _____ (Do Not Sign)
Mayor

By: _____ (Do Not Sign)
Clerk

[S E A L]

CERTIFICATE OF AUTHENTICATION

This note is the note authorized by an ordinance passed and approved by the Mayor and Council of the City of Waverly as described in said note.

(Do not sign)
CITY TREASURER, CITY OF WAVERLY,
NEBRASKA, Registrar and Paying Agent

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns, and transfers unto

Print or Type Name, Address and Social Security Number

or other Taxpayer Identification Number of Transferee

the within note and all rights thereunder, and hereby irrevocably constitutes and appoints _____ agent to transfer the within note on the books kept by the Paying Agent for the registration thereof, with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the face of the within note in every particular.

Signature Guaranteed By:

(Name of Eligible Guarantor Institution as defined by SEC Rule 17 Ad-15 (17 CFR 240.17 Ad-15))

By: _____
Title: _____

Section 6. Upon execution, registration and authentication of the Note, they shall be delivered to the City Treasurer, who is authorized to deliver them to the purchaser thereof specified in the Designation upon receipt of (a) the full purchase price of the Note less any costs of issuance of the Note to be withheld at closing and (b) delivery to the City of an investor letter in the form of **Exhibit A** hereto.

Section 7. The City Treasurer of the City of Waverly, Nebraska, is hereby appointed as Registrar and Paying Agent (the "Registrar") for the Note. The Registrar shall keep the books for the registration and transfer of Note at its office in Waverly, Nebraska. The names and registered addresses of the registered owner or owners of the Note shall at all times be recorded in such books. The transfer of the Note may be registered upon the books kept for the registration and registration of transfer of Note only (i) upon presentation and surrender thereof to the Registrar together with an assignment duly executed by the registered owner or such registered owner's attorney or legal representative in such form as shall be satisfactory to the Registrar, (ii) the City shall consent to such transfer in its discretion and (iii) the assignee is a bank or a qualified institutional buyer as defined in Rule 144A promulgated by the Securities and Exchange Commission and the registered owner has obtained from such proposed transferee and provided to the Registrar, prior to such transfer and assignment, an investor letter in substantially the form of **Exhibit A** hereto. Upon any such registration of transfer, the City shall execute, and the Registrar shall authenticate and deliver in exchange for such Note, a new Note of any denomination or denominations authorized by this Ordinance of the same series and maturity and in the same aggregate principal amount and bearing interest at the same rate. Note may be exchanged at the principal office of the Registrar for a like aggregate principal amount of Note and the City shall execute and the Registrar shall authenticate and deliver Note which the owner making the exchange is entitled to receive, numbered consecutively beginning after the last number then outstanding and of the same maturity and bearing interest at the same rate as the Note surrendered for exchange. The Registrar may impose a charge sufficient to defray all costs and expenses incident to registrations of transfer and exchanges. In each case the Registrar shall require the payment by the owner requesting exchange or transfer of any tax or other governmental charge required to be paid with respect to such exchange or transfer.

The Registrar shall not be required to transfer the Note for a period of 15 days next preceding any interest or principal payment date. The Registrar shall also be responsible for making the payments of principal

and interest as the same fall due upon the Note from funds provided by the City for such purpose. Payments of interest due upon the Note prior to maturity shall be made by the Registrar by mailing a check in the amount due for such interest on each interest payment date to the registered owner of each Note as of the close of business on the fifteenth day immediately preceding the interest payment date, addressed to such owner's registered address as shown on the books of registration as required to be maintained under this Ordinance. Payments of principal due at maturity, together with any accrued interest then due, shall be made by the Registrar upon presentation and surrender of the Note at the office of the Registrar. The City and the Registrar may treat the registered owner of the Note as the absolute owner of the Note for purposes of making payment thereon and for all other purposes. All payments on account of interest or principal made to the registered owner of the Note shall be valid and effectual and shall be a discharge of the City and the Registrar in respect of the liability upon the Note or claims for interest to the extent of the sum or sums so paid.

Section 8. The City hereby agrees that the Loan, evidenced by the Note, shall be secured by and be payable from any and all general fund resources of the City, including but not limited to any and all authorized levies of taxes, and shall not, to the fullest extent permitted by law, be limited as to payment to the City's general fund resources for any specific fiscal year. The City reserves the right to provide for payment of principal and interest on the Note from the further issuance of notes, bonds, or other methods of financing, including specifically general obligation various purpose bonds.

Section 9. The Clerk shall make and certify one or more complete transcripts of the proceedings had and done by the City precedent to the issuance of said Note, one of which transcripts shall be delivered to the purchaser of the Note. After being executed by the Mayor and Clerk, said Note shall be delivered to purchaser.

Section 10. The City hereby covenants and agrees that it will make no use of the proceeds of the Note which would cause the Note to be an arbitrage bond within the meaning of Sections 103(b)(2) and 148 of the Internal Revenue Code of 1986, as amended (the "Code") and further covenants to comply with said Sections 103(b)(2) and 148 and all applicable regulations thereunder throughout the term of said issue, including all requirements with respect to payment and reporting of rebates, if applicable. The City hereby covenants to take all action necessary to preserve the tax-exempt status of the interest on the Note for federal income tax purposes under the Code with respect to taxpayers generally. The City further agrees that it will not take any actions which would cause the Note to constitute "private activity bonds" within the meaning of Section 141 of the Code. The City hereby designates the Note 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 bonds or other obligations aggregating in principal amount more than \$10,000,000 during the calendar year in which the Note is issued (taking into consideration the exception for current refunding issues). The Mayor is hereby authorized to make, or cause to be made, any and all certifications deemed necessary in connection with the designation of the Note as "qualified tax-exempt obligations".

Section 11. Without in any way limiting the power, authority or discretion elsewhere herein granted or delegated, the Council hereby (a) authorizes and directs the Mayor, Clerk, the City Attorney and all other officers, officials, employees and agents of the City to carry out or cause to be carried out, and to perform such obligations of the City and such other actions as they, or any of them, in consultation with bond counsel, the initial purchaser of the Note and its counsel, shall consider necessary, advisable, desirable or appropriate in connection with this Ordinance and issuance, sale and delivery of the Note, including without limitation and whenever appropriate the execution and delivery thereof and of all other related documents, instruments, certifications and opinions, and (b) delegates, authorizes and directs the Mayor the right, power and authority to exercise his own independent judgment and absolute discretion in (i) determining and finalizing all other terms and provisions to be carried by the Note not specifically set forth in this Ordinance, and (ii) the taking of all actions and the making of all arrangements necessary, proper, appropriate, advisable or desirable in order to effectuate the issuance, sale and delivery of the Note. The execution and delivery by the Mayor or by any such other officers, officials, employees or agents of the City of any such documents, instruments,

certifications and opinions, or the doing by them of any act in connection with any of the matters which are the subject of this Ordinance, shall constitute conclusive evidence of both the City's and their approval of the terms, provisions and contents thereof and all changes, modifications, amendments, revisions and alterations made therein and shall conclusively establish their absolute, unconditional and irrevocable authority with respect thereto from the City and the authorization, approval and ratification by the City of the documents, instruments, certifications and opinions so executed and the actions so taken.

Section 12. All ordinances, resolutions or orders, or parts thereof in conflict with the provisions of this Ordinance are to be extent of such conflict hereby repealed.

Section 13. This Ordinance shall be in force and take effect from and after its passage and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 24th day of June, 2025.

EXHIBIT A
FORM OF INVESTOR LETTER

_____, 2025

City of Waverly, Nebraska
Waverly, Nebraska

Rembolt Ludtke LLP
Lincoln, Nebraska

Re: Promissory Note, Series 2025, dated _____, 2025

Ladies and Gentlemen:

The undersigned, Horizon Bank, as purchaser (the "Purchaser") of the above-referenced note (the "Note") issued by the City of Waverly, Nebraska, (the "City") pursuant to and on the terms set forth in Ordinance No. 25-05 of the City passed by the City Council on June ___, 2025 (the "Ordinance"), hereby represents and warrants to you that:

1. Capitalized terms used herein and not otherwise defined are used with the meanings given such terms in the Ordinance.
2. The Purchaser has duly authorized, by all necessary action, the purchase of the Note and the right to receive the payments of principal of and interest on the Note pursuant to the terms and provisions of the Ordinance (the "Payments").
3. The Purchaser is a qualified institutional buyer as defined in Rule 144A under the Securities Act of 1933, as amended (the "Securities Act"), because the Purchaser is a financial institution. The Purchaser has sufficient knowledge and experience in financial and business matters, including purchase and ownership of municipal and other tax-exempt obligations, to be able to evaluate the risks and merits of the investment represented by the Note, the Payments, and the Ordinance. The Purchaser is able to bear the economic risks of that investment, including a complete loss of such investment.

4. The Purchaser understands that the obligations of the City to make the Payments under the Ordinance and the Note are payable from the sources described in the Ordinance.

5. The Purchaser acknowledges that it has either been supplied with or has been given access to information, including financial statements and other financial information, which it has asked for and the Purchaser has had the opportunity to ask questions and receive answers from appropriate officers of the City concerning the City, the Note, the Ordinance and the security therefor, so that the Purchaser has been able to evaluate the risks and merits of purchasing the Note and make its decision to purchase the Note on the terms set forth in the Ordinance.

6. The Purchaser made its own inquiry and analysis with respect to the Ordinance, the Note, the Payments, and the security therefor, and other factors affecting the security and payment of such payments set forth in the Ordinance. The Purchaser is aware that the business of the City involves certain economic variables and risks that could adversely affect the security for the payments to be made by the City to the Purchaser under the terms of the Ordinance and the Note.

7. The Purchaser understands that the Note (including the right to receive the Payments under the terms of the Ordinance) (a) are not being registered or otherwise qualified for sale under the securities laws and regulations of any state, (b) will not be listed on any securities exchange, (c) do not and will not carry a credit rating from any credit rating service and (d) will be delivered in a form which may not be readily marketable.

8. The Purchaser understands that the Note (including the right to the Payments under the terms of the Ordinance) has not been registered under the Securities Act in reliance upon certain exemptions from registration. The Purchaser represents to you that it is purchasing the Note for investment for its own account and not with a view toward resale or the distribution thereof, in that it does not now intend to resell or otherwise dispose of the Note or any part of its interest in the Note. The Purchaser agrees not to sell, transfer or otherwise dispose of the Note or all or any part of its interest in the Note or the Ordinance unless the transferee executes a letter of representation in substantially the form of this letter and such sale, transfer or other disposition is in compliance with applicable securities laws and the provisions of the Ordinance.

9. The Purchaser agrees to indemnify and hold harmless the City with respect to any claim asserted against the City that is based upon the Purchaser's sale, transfer or other disposition of the Note or all or any part of the Purchaser's interests in the Note or the Ordinance in violation of the provisions hereof or of the Ordinance, other than any claim that is based upon the gross negligence or willful misconduct of the City.

10. The Purchaser has executed and delivered this letter in connection with issuance of the Note as an inducement to the City to cause the issuance of the Note and the execution and delivery thereof to the Purchaser.

Only the addressees hereof may rely upon this letter.

HORIZON BANK, Waverly, Nebraska

By: _____ (Do not sign) _____
Its: _____

I, the undersigned, City Clerk for the City of Waverly, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on June ____, 2025; 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 such agenda items were sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting; and that a current copy of the Nebraska Open Meetings Act was available and accessible to members of the public, posted during such meeting in the room in which such meeting was held.

City Clerk

INTRODUCTION TO BUSINESS AND COMMUNICATIONS

Introduction of Lancaster County Health Director and discussion of the Lancaster County Environmental Public Health Division.

Introduction by Kerry Kernan, Lancaster County Health Director. Kernan shared the many data-driven programs Lancaster County Health Department has to offer including public health clinic services and preventative measures, which includes immunizations, STI clinic, refugee health screenings, and dental services to help the uninsured and underinsured. Kernan shared Lancaster County also spearheads the Family Connects International Home Visitation for newborn care from a public health registered nurse and the Healthy Families of America home visitation programs, child abuse/neglect prevention, as well as facilitates federally driven Women, Infants, and Children (WIC) emphasizing nutrition and breastfeeding support, both which are 100% family driven.

Lancaster County Environmental Public Health Division Manager Brock Hanisch stated there are approximately 180 staff members with about 50 in the public health division of Environmental Health, which covers air quality, disease prevention, waste management, hazardous materials, and water quality & education. Hanisch provided information on the air quality and fires mobile phone alerts with information received from monitors in Lincoln and Davey, and the Air Pollution Advisory Board. Hanisch advised the public health division also deals with noise, asbestos, healthy homes, and disease prevention, which includes food safety and food inspections through the county as well as a MOU with the state; monitored by the food advisory committee followed by board of health and city council. They also inspect approximately 130 childcare centers in the county plus body art establishments. Hanisch advised waste management facilitates four Haz-2-Go events each year as well as the home location on N 48th & Superior Street. Lancaster County received a \$1.3 million grant a few years ago from Nebraska Environment Trust that is in process to build on a reuse facility to lessen waste and promote life of goods as free program for the public. Hanisch advised there is an emergency response team with 2 people on call 24/7 that works with LSO, mutual aid, all Lancaster County volunteer fire departments, and NSP, often responding to calls to take the burden off first responders and making sure the environment is clean. Hanisch advised nuisance complaints is another area handled by four staff members and there is an interlocal with Waverly and 10 other jurisdictions within the county.

Kernan shared health promotion and outreach through public safety events such as car seat checks, fire safety, tobacco and drug use and prevention, and chronic disease and obesity prevention. The Community Health Improvement Plan of 2024 outlines the Public Health Informatics and Planning, which includes communicable disease reports, community health assessments, data/reports and vital statistics,

epidemiology, and public health emergency preparedness. Lancaster County tested children and public inspections as part of the Lead Safe Lincoln program for Lead Prevention. Through community surveys, the public placed the top three priorities as access to care, depression, and suicide prevention, which will be the focus moving forward from 2025 to 2027. Kernan invited the public to find materials on the website and take advantage of any and all programs available.

Mayor Pascoe thanked Kernan and Hanisch for the thorough overview of the large amount of information and advised the entire community has access to this information on YouTube.

Consideration of approval of granting a noise variance request for the annual BBQ Contest at the Waverly Community Foundation to be held on August 1 & August 2, 2025.

Council Member Jespersen moved to approve granting a noise variance request for the annual BBQ Contest at the Waverly Community Foundation granting a noise variance request for the annual BBQ Contest at the Waverly Community Foundation. Council Member Nielson seconded the motion.

Council Members discussed the events, which include a Friday night musical guest Jimmy Greve and food truck, and Saturday BBQ contest, beer garden, and raffle, with musical guest Dillon Gage for a street dance. Proceeds benefit football and volleyball teams here at Waverly School District 145.

The following Council Members voted “YEA”: Delahoyde, Stark, Jespersen, and Nielson. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

Consideration of approval of granting a noise variance request for a block party on 13460 Montrose Ct. to be held on Thursday, July 3, 2025.

Council Member Jespersen moved to approve granting a noise variance request for a block party on 13460 Montrose Ct. to be held on Thursday, July 3, 2025. Council Member Nielson seconded the motion. The following Council Members voted “YEA”: Stark, Jespersen, Nielson, and Delahoyde. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

COMMITTEE REPORTS

Human Services (Park & Recreation): Council Member Stark

Council Member Stark reported the 8u tournament finished up last week, Blast Ball and T-Ball are finishing up this week with blast ball last night being yesterday and tee ball is tomorrow. The 10u tournament finished last week and the 12u tournament is currently happening in Springfield this week. The new bike rack will be installed at Wayne Park, whenever the rain stops, and the ground dries out. The water heater at the Aquatic Center was fixed last Friday and we passed our follow up pool inspection today. The Waverly Community Foundation is hosting a fun run with proceeds benefiting the dog park, signup online.

Mayor Pascoe stated hopefully we will have a sign up soon where the dog park is going. Pascoe stated there is an awesome drone video of the Aquatic Center posted. Council Member Delahoyde noted the recent parking in the grass next to the pool parking lot and suggested measures to stop this. City Administrator Fisher stated this was in the budget presentation for the pool. Fisher reported the pizza sales are going well.

Public Works (Utilities & Street): Council Member Delahoyde

Council Member Delahoyde reported they hauled biosolids from the drying pad to the bunker storage at the wastewater plant. Had water shutdowns on Oak Lane and Folkestone for water main tie-ins for K2 Construction. The water main is all installed on Oak Lane and Folkestone Street and filled with water, awaiting testing results and approval from the state. Painted arrows and some Railroad crossing markers. Sewer jetted on the north side, along with a call on Folkestone Street. Placed dirt, grass seed, on N 142nd

between Highway 6 and Heywood Street in sunk spots from a water main replacement project. Waverly Ridge has at least 95% of the streets poured. The remaining items include crack sealing all joints, pouring the approaches to N 148th Street on Jamestown and Kenilworth Street. Final inspection will occur in the next few weeks, then building homes will likely start thereafter. Electrical lines are being installed now; natural gas has not started yet.

Public Health (Fire & Safety): Council Member Jespersen

No report.

Fiscal & Economic Development: Council Member Nielson

No report.

City Administrator Fisher

City Administrator Fisher reported fireworks sales start tomorrow; fireworks are allowed to be discharged between 8am-11pm and midnight on July 4th. Please follow the municipal code, practice fireworks safety, and clean up your trash afterwards. The Fourth of July events poster has been publicized. The Chamber sponsors parade and is just the same as previous years; there is no preregistration requirement—just show up and join the parade. The fire department will help us line up all the entries. Darleen Marolf celebrated her 101st birthday and will be the grand marshal in the parade. The fireworks show at night is sponsored by the chamber as well. Events include church luncheons at the Community Foundation, Methodist church and Peace Lutheran church. There's a bike race for kids here outside the city office in the morning following the kiddie parade at the nursing home. Kiwanis hosts a pancake feed in the morning. There is a money dive at the Aquatic Center sponsored by Horizon Bank. A home run derby event will be held after the parade at Wayne Park field one. There are a lot of events—show up and have a good time.

Mayor Pascoe stated there will not be a street dance this year and shared the reasoning behind no street dance. The city was never in charge of a street dance. It was held at Trackside by the Community Foundation, who did it for many years. Volunteers get really tired when there are the same 10-20 people who do it every single year and do it for about 18-20 hours a day for that time, and they also want to also enjoy the holiday. So that is why that stopped around the Trackside area. So last year someone else put it on but with contract/agreement with the fireworks stand and Anderson-Hoxie at the Foundation parking lot, it was not a great location. It was horrible for public safety, so the location was the reason why and nobody brought us another option to approve.

EXECUTIVE SESSION

Council Member Nielson moved to go into Executive Session to protect the public interest and receive confidential legal advice. Council Member Jespersen seconded the motion.

The following Council Members voted “YEA”: Jespersen, Nielson, Delahoyde, and Stark. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

Mayor Pascoe declared Closed Session at 7:04 p.m. Those present in Executive Session were Mayor Pascoe, Council Members Jespersen, Nielson, and Delahoyde, City Administrator Fisher, Attorney Moll, and City Clerk Frye. No action was taken during Executive Session.

Mayor Pascoe declared Open Session at 8:28 p.m.

Council Member Nielson moved to leave Executive Session at 8:28 p.m. Council Member Stark seconded the motion.

The following Council Members voted “YEA”: Nielson, Delahoyde, Stark, and Jespersen. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

ADJOURNMENT

Council Member Nielson moved to adjourn the meeting at 8:28 p.m. Council Member Jespersen seconded the motion.

The following Council Members voted “YEA”: Delahoyde, Stark, Jespersen, and Nielson. The following Council Members voted “NAY”: None. Motion Carried. 4-0.

Abbey L. Pascoe
Mayor

Megan K. Frye
City Clerk/Human Resources Assistant